



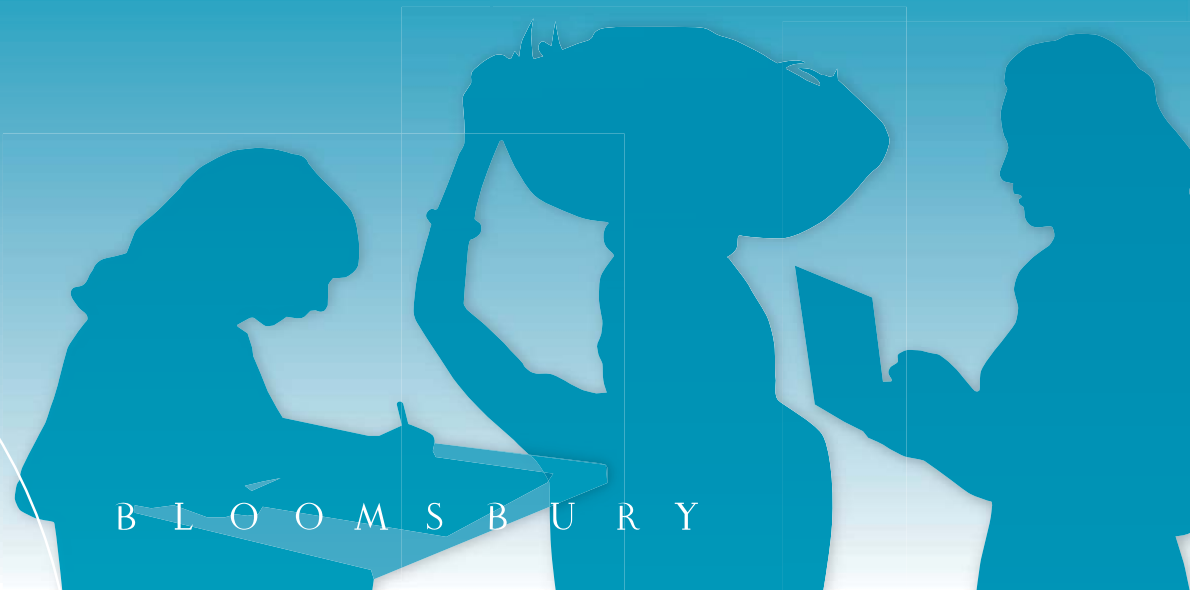
**Women,  
Business  
and the Law**



# Women, Business and the Law 2014

Removing Restrictions to Enhance Gender Equality

## Key Findings



B L O O M S B U R Y

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# Key Findings

In the past 50 years women's legal status has improved all over the world. But many laws still make it difficult for women to fully participate in economic life—whether by getting jobs or starting businesses. Discriminatory rules bar women from certain jobs, restrict access to capital for women-owned firms and limit women's capacity to make legal decisions. Gender differences in laws affect both developing and developed economies, and women in all regions.

## Highlights from *Women, Business and the Law 2014*

- Almost 90% of the 143 economies covered by *Women, Business and the Law 2014* have at least one legal difference restricting women's economic opportunities.
- Twenty-eight economies have 10 or more legal differences for men and women in the areas covered by *Women, Business and the Law*. Among these, 25 are in the Middle East and North Africa and Sub-Saharan Africa.
- The *50 Years of Women's Legal Rights* database has made it possible to take two *Women, Business and the Law* indicators (Accessing institutions and Using property) backward in time for 100 economies for 50 years. The results are striking: more than half of the restrictions in these two indicators in place in 1960 had been removed by 2010.
- Over the past 50 years, economies in Sub-Saharan Africa and Latin America and the Caribbean have reformed the most in Accessing Institutions and Using property.
- Over the past two years the most reforms have occurred in Côte d'Ivoire, Mali, the Philippines and the Slovak Republic for the six indicators measured by *Women, Business and the Law*.
- But many restrictions remain. In 15 economies husbands can object to their wives working and prevent them from accepting jobs.
- In 79 economies laws restrict the types of jobs that women can do. The most extensive restrictions on women's employment are in Eastern Europe and Central Asia. And some benefits, when taken to a certain threshold, can undermine women's labor force participation. For example, in economies where the cumulative duration of paid maternity and parental leave available for mothers exceeds two years female labor force participation is lower.
- Policies encouraging women to join and remain in the labor force are associated with less income inequality.

- Women are more likely to have accounts at formal financial institutions in economies with a default full community of property or partial community of property marital regime than in economies with a default separation of property marital regime.
- New data explore legal quotas on the share of women on corporate boards, in parliaments and local governments, and serving as judges on constitutional courts. The data find that 6 economies have quotas for women on boards of publicly listed companies and 12 have legal quotas for women in parliaments. Among the 123 economies covered by *Women, Business and the Law* that have constitutional courts or court-like bodies, women are represented on all but 19.
- Of the economies measured, 76 have established explicit legislation addressing domestic violence but only 32 have specific provisions on sexual harassment in schools. Even less prevalent is legislation on sexual harassment in public spaces—only 8 of the 100 economies examined have enacted such laws.

## How common are gender differences in laws?

*Women, Business and the Law* measures restrictions on women's employment and entrepreneurship as well as incentives for women's employment in 143 economies. The dataset captures 21 legal differences for unmarried women and 26 for married women that affect women's economic opportunities, for a total of 47 differences across five indicators (box 2.1).

Of the 143 economies covered by *Women, Business and the Law*, 128 have at least one difference between women and men according to this simple measure (figure 2.1). The 28 economies with 10 or more legal differences are in the Middle East and North Africa (14 economies), Sub-Saharan Africa (11), East Asia and the Pacific (2) and South Asia (1).

The 15 economies with no legal differences between women and men in the areas measured are Armenia, Canada, the

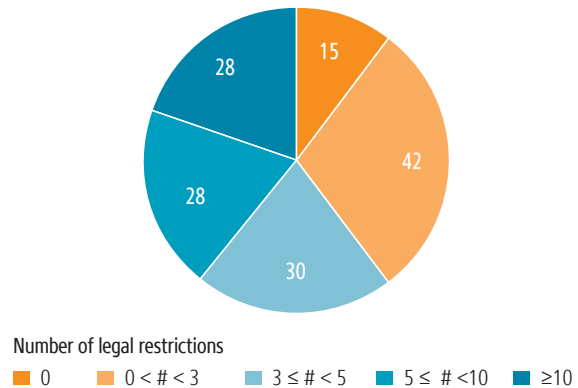
Dominican Republic, Estonia, Hungary, Kosovo, Mexico, Namibia, the Netherlands, New Zealand, Peru, Puerto Rico (U.S.), the Slovak Republic, South Africa and Spain.

## Some methodological considerations

The measure of legal gender differences is constructed by adding the restrictions on married and unmarried women together. Five restrictions that only apply to married women are counted once, while 21 restrictions that apply to married or unmarried women are counted twice, for a total of 47 restrictions. For example, only married women can be legally required to obey their husbands, while both married and unmarried women may be legally prohibited from working in certain jobs. The measure of legal gender differences can sum to a whole number or a decimal for any economy because the question on job restrictions has eight sub-questions that examine specific restrictions on women's work. Thus each sub-question is equal to one-eighth.

Of all the questions covered by *Women, Business and the Law*, only 47 are included in this measure. Twenty-two questions are included because they contain explicit gender-based differences. Three questions pertain to constitutional rights: the absence of a nondiscrimination clause in the constitution with gender as a protected category, the validity of customary law even if it is contrary to constitutional nondiscrimination and equality, and the validity of personal law even if it

**FIGURE 2.1** NUMBERS OF GENDER LEGAL DIFFERENCES VARY BY ECONOMY



Source: *Women, Business and the Law* database.

is contrary to constitutional nondiscrimination and equality. These questions were selected because of the importance of specific constitutional protections on nondiscrimination for gender equality and assume that customary and personal laws might include gender-based legal differences. One question pertains to the absence of legal recognition for nonmonetary contributions to marital property. This question was selected based on the assumption that women are more

### BOX 2.1 LEGAL DIFFERENCES FOR MARRIED AND UNMARRIED WOMEN

*Women, Business and the Law* examines differences by comparing men and women of the same marital status on the following 21 areas:

1. Applying for a passport
2. Traveling outside the home
3. Traveling outside the country
4. Getting a job or pursuing a trade or profession without permission
5. Signing a contract
6. Registering a business
7. Being "head of household" or "head of family"
8. Conferring citizenship on their children
9. Opening a bank account
10. Choosing where to live
11. Obtaining a national identity card
12. Having ownership rights over property
13. Having inheritance rights over property
14. Working the same night hours
15. Doing the same jobs
16. Enjoying the same statutory retirement age
17. Enjoying the same tax deductions or credits
18. Having their testimony carry the same evidentiary weight in court
19. Absence of a gender or sex nondiscrimination clause in the constitution
20. Validity of customary law if it violates the constitution
21. Validity of personal law if it violates the constitution

In addition, the dataset captures five other areas applicable only to married women:

22. Being legally required to obey their husbands
23. Being able to convey citizenship to their non-national husband
24. Administering marital property
25. Having legal recognition for nonmonetary contributions to marital property
26. Having inheritance rights to the property of their deceased husbands

likely to perform activities that benefit the household but are not paid for, such as childcare.

The questions which are not part of this measure can be divided into three sets. First, questions that are not gender differentiated but may disproportionately affect women because of the types of businesses they are concentrated in—such as businesses that are smaller, more likely to be home-based and more likely to operate in the informal sector. Second, questions describing legal frameworks, such as marital property regimes, that are gender neutral. Third, questions from the pilot indicator on Protecting women from violence that are presented separately. The questions are not weighted by their importance to women or by the number of women affected. For example, prohibitions on women working in mines can affect women more intensely where mining is a major industry, but may matter less in economies where it is not—while requirements for married women to get their husbands' permission to travel outside the home affect all married women.

## How common are legal incentives encouraging women to work?

Governments also institute policies that encourage women to work and make it easier for them to do so. Such policies can range from nondiscrimination in hiring to maternity and paternity leave regimes to quotas encouraging women's participation in economic life. *Women, Business and the Law* examines 12 such legal provisions (box 2.2).

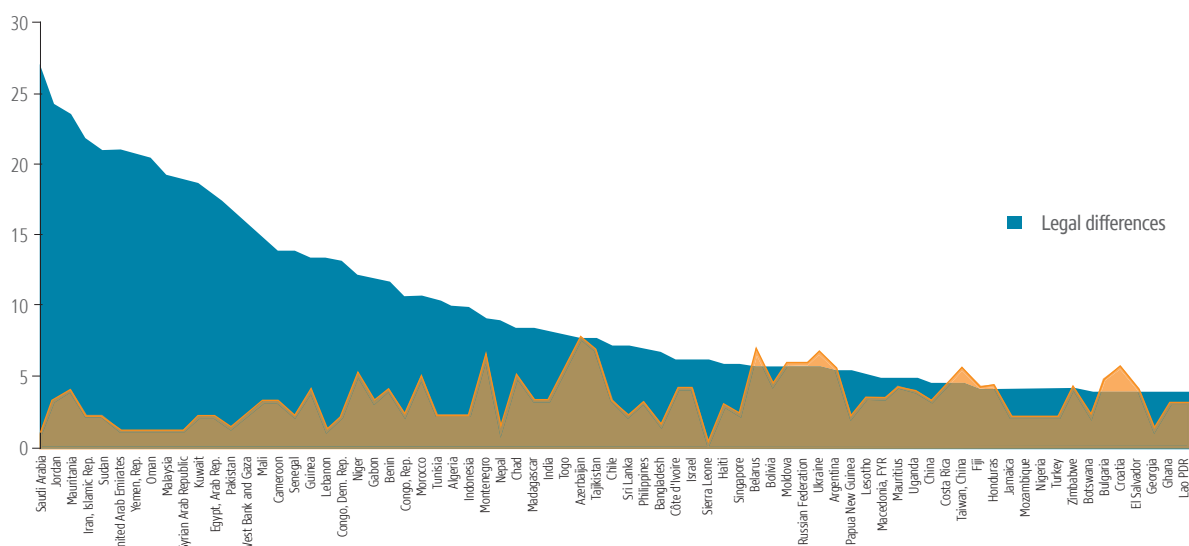
### BOX 2.2

### POLICIES THAT AFFECT WOMEN'S ECONOMIC OPPORTUNITIES

1. Length of paid maternity leave
2. Length of paid paternity leave
3. Ratio of the length of paid paternity to paid maternity leave
4. Laws penalizing or preventing employers from firing pregnant women
5. Laws requiring employers to give the same or an equivalent position to female employees when they return from maternity leave
6. Laws requiring employers to provide break times for nursing mothers
7. Tax deductions applicable to women
8. Legal quotas for women on corporate boards
9. Legal quotas for women in parliaments
10. Legal quotas for women in local governments
11. Laws mandating equal remuneration for women and men for work of equal value
12. Laws mandating nondiscrimination in hiring practices

Of these, 10 directly relate to promoting women's employment—including quotas, benefits associated with maternity and paternity leave and women-specific tax deductions. The other 2 involve equalizing the treatment of women and men in the workplace through equal remuneration for work of equal value and nondiscrimination in hiring practices.

**FIGURE 2.2** LEGAL DIFFERENCES AND INCENTIVES FOR WOMEN TO WORK DIFFER WIDELY



Source: *Women, Business and the Law* database.

These incentives represent an initial cataloguing of government policies that can encourage women's economic participation. But they are not an exhaustive list of government policies promoting women's economic opportunities.

When incentives for women to work are mapped against legal differences in women's economic opportunities as measured by *Women, Business and the Law*, economies with the most legal differences tend to provide fewer incentives (figure 2.2).

Hungary, the Slovak Republic and Spain have no legal differences and six or more incentives. Oman, Saudi Arabia, the United Arab Emirates and the Republic of Yemen have more than 20 differences and fewer than two incentives.

## How have restrictions on women's legal rights changed over time?

Gender-based restrictions on women's legal capacity and property rights have fallen in recent decades. The *50 Years of Women's Legal Rights* database has made it possible to take two *Women, Business and the Law* indicators (Accessing institutions and Using property) backward in time for 100 economies for 50 years. The results are striking: more than half the restrictions in these two indicators in place in 1960 had been removed by 2010 (figure 2.3).

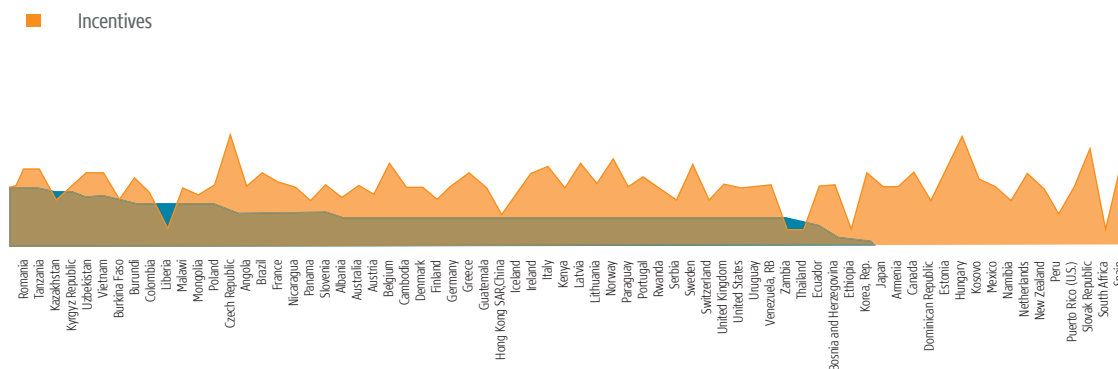
Sub-Saharan Africa had the most restrictions in 1960—and by 2010 had implemented the most reforms. For example,

in 1960 South African women in customary unions were deemed legal minors, with their husbands as guardians. The 1998 Recognition of Customary Marriages Act reformed this by ensuring that women in customary unions had full status and capacity, including the ability to acquire and dispose of assets, enter into contracts and litigate.

Most economies examined in Latin America and the Caribbean had removed the gender legal differences measured since 1960. Between 1960 and 2010 significant reforms occurred in Argentina, Bolivia, Brazil, Colombia, Peru and Paraguay. Until 1988 in Brazil the husband was the head of household, giving him sole legal ability to represent the family, choose the family domicile and administer marital assets as well as his wife's separate assets. Since then women have had equal recognition in these areas.

Economies in East Asia and the Pacific covered by *Women, Business and the Law* also made significant reforms in the areas examined. These include Indonesia's 1974 Law on Marriage, which replaced the 1874 Dutch Civil Code and granted married women greater rights, including the ability to open individual bank accounts.

In Eastern Europe and Central Asia the communist influence on legal systems resulted in few gender differences in women's property rights and legal capacity as measured by the Using property and Accessing institutions indicators. The differences that did exist in 1960 had been removed by 2010. The OECD high-income economies covered had also removed the measured differences by 2010.



The Middle East and North Africa and South Asia have changed the least since 1960 in the areas covered. Though some constraints have been removed in both regions, many restrictions remain. One example of reform in the Middle East and North Africa is the changes that occurred in Morocco in 1996, when the Commercial Code was amended to allow married women to engage in commercial activities without the permission of their husbands. In 2004 the passage of a new Family Code also equalized the right of both spouses to make household decisions.

Yet additional legal barriers have been introduced. In 1994 the Republic of Yemen removed the constitutional provision on nondiscrimination. Moreover, after the reunification of Yemen in 1990, gains in women’s rights made in the Arab Republic of Yemen (in the south) were reversed. The Islamic Republic of Iran also saw reversals in legal protections. The 1975 Family Protection Law equalized the right to work for both spouses, but in 1979 the law was reversed—once again allowing husbands to keep their wives from working. After 1979, laws were also put in place limiting women’s economic opportunities. For example, women judges were no longer allowed to impose sentences, limiting their ability to work in the judiciary. In addition, women faced restrictions on their mobility that had not been in place before.

A more recent reversal in legal rights occurred in the Arab Republic of Egypt, where the removal of constitutional non-discrimination based on gender has led to a discussion on the relationship between legal rights and gender equality.

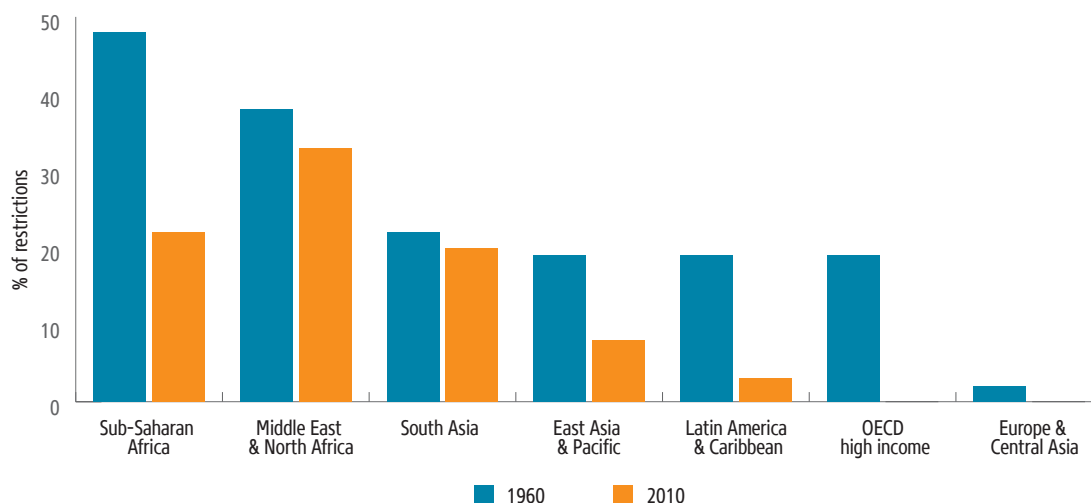
Reformers in South Asia include Nepal, which in 2002 reformed its General Code to allow, among other things, unmarried daughters under 35 to inherit property. But the reform did not cover married daughters regardless of their age.

Over time some of the measured legal restrictions have become nearly obsolete. Since 1960, 18 of the economies examined have lifted requirements that married women must have their husbands’ permission to initiate judicial proceedings: Angola (1996), Argentina (1968), Austria (1975), Benin (2002), Bolivia (1975), Brazil (1962), the Dominican Republic (1978), Indonesia (1963), Lesotho (2006), Mozambique (2004), Namibia (1996), Paraguay (1987), Portugal (1966), Rwanda (1988), South Africa (1998), Spain (1981), Switzerland (1984) and Zimbabwe (1982).<sup>1</sup>

Yet these restrictions still exist in the Democratic Republic of the Congo. According to articles 450 and 451 of the Family Code, married women require spousal permission to sue in civil matters unless the suit is against their husbands. And under Liberia’s Code of Civil Procedure a married woman who brings action in court must have her husband joined as a party to the suit. Only if the action is against her husband or she is suing in connection with a business she operates can she file independently.

Legal restrictions remain on the books in other areas. An example is the requirement that husbands give their wives permission to work. *Women, Business and the Law 2014* found that 15 economies still have this restriction. Yet many

**FIGURE 2.3 EVOLUTION OF RESTRICTIONS OVER TIME IN 100 ECONOMIES**



Source: *50 Years of Women’s Legal Rights* database; Hallward-Driemeier, Hasan and Rusu forthcoming.  
 Note: Where data are unavailable for 1960, the first known value is used.



economies have removed it. Since 1960 at least two dozen economies have curtailed husbands' legal power to restrict their wives from working, including France (1965), Indonesia (1974), Morocco (1996), Peru (1984), South Africa (1998) and Turkey (2001).<sup>2</sup> And in the past two years Côte d'Ivoire, Mali and Togo have reformed such laws.

## Where are relationships between women and the law changing?

Over a two-year period ending in April 2013, *Women, Business and the Law* recorded 59 legal changes in 44 economies on its six established indicators (table 2.1). Of these changes, 48 increased gender parity, 11 were neutral to gender parity and none reduced gender parity.

### Who reformed the most?

Côte d'Ivoire, Mali, the Philippines and the Slovak Republic each increased gender parity in two *Women, Business and the Law* indicators. Côte d'Ivoire reformed in the Accessing institutions and Providing incentives to work indicators. Previously in Côte d'Ivoire only husbands could decide on the family residence and could legally stop their wives from working if they deemed that the work was not in the interests of the family. Husbands were also the legal heads of household. A 2013 reform allows both spouses to choose the family residence and stop the other from working if they deem it against family interests. Moreover, both husbands and wives can legally be the head of household. These reforms in the Accessing institutions indicator also had tax

implications that were captured by the Providing incentives to work indicator. Married women who previously could not claim tax deductions for their children or husbands because they were barred from being legal heads of household can now claim the same deductions as married men, reducing their overall tax burden and increasing their incentives to join the workforce.

Mali abolished differences that allowed husbands to prevent their wives from working, which were captured by the Accessing institutions indicator, and introduced equal inheritance rights for spouses, triggering the Using property indicator.

The Philippines lifted restrictions on night work for women, as captured in the Getting a job indicator, and has a new credit bureau with no minimum loan amount that also collects information from microfinance institutions, as reflected in the Building credit indicator.

The Slovak Republic increased the percentage of wages paid during maternity leave from 55% to 65%, affecting the Getting a job indicator. It also raised the maximum amount of a small claim, allowing additional claims to be processed by small claims courts and triggering changes in the Going to court indicator.

### Changes by indicator

For the Accessing institutions indicator, in addition to the changes made in Côte d'Ivoire and Mali, Togo enacted a new Family Code giving both spouses the right to choose

**TABLE 2.1** IN RECENT YEARS MANY ECONOMIES MADE CHANGES INCREASING OR NEUTRAL TO GENDER PARITY

<i>Women, Business and the Law</i> indicator	Changes increasing gender parity	Changes neutral to gender parity	Changes reducing gender parity
Accessing institutions	Botswana; Côte d'Ivoire; Jamaica; Mali; Syrian Arab Republic; Togo; Zimbabwe		
Using property	Mali		
Getting a job	Belgium; Bolivia; Chile; China; Colombia; Ethiopia; Hungary; Italy; Lithuania; Malawi; Mexico; Montenegro; Norway; Philippines; Poland; Slovak Republic; Slovenia; Ukraine; Venezuela, RB; Vietnam	Belgium; Finland; Hungary; Italy; Latvia; Lithuania; Malaysia; Netherlands; Poland; United Kingdom	
Building credit	Algeria; Angola; Cambodia; Egypt, Arab Rep.; Ethiopia; Ghana; Kenya; Lao PDR; Macedonia, FYR; Mauritius; Philippines; Tajikistan; Vietnam		
Providing incentives to work	Côte d'Ivoire; Israel		
Going to court	Latvia; Netherlands; Slovak Republic; Uganda; United Kingdom	Malaysia	

Source: *Women, Business and the Law* database.



the family domicile. The new code also allows each spouse to object to the profession of the other. Under the previous code only husbands could do so.

Botswana and the Syrian Arab Republic enacted new constitutions including nondiscrimination clauses with gender as a protected category. Jamaica enacted a constitutional amendment adding a gender equality clause and a non-discrimination clause with gender as a protected category. Zimbabwe also enacted a new constitution under which customary law is no longer exempt from constitutional protections on nondiscrimination.

For the Getting a job indicator, 20 economies made changes toward gender parity. In addition to the changes in the Philippines and the Slovak Republic, Belgium extended the length of parental leave and Chile introduced it. China, Colombia, República Bolivariana de Venezuela and Vietnam increased the number of days for maternity leave, and Bolivia and Mexico introduced paid paternity leave. Mexico also adopted legislation prohibiting the dismissal of women for being pregnant, and Montenegro adopted legislation requiring employers to give women their jobs back after returning from maternity leave. It also adopted 365 days of paid parental leave, 45 of which are reserved for the mother (while decreasing the length of maternity leave). Norway extended the length of paid parental leave and increased the quota of parental leave reserved for fathers.

Hungary's new Labor Code removed women-specific restrictions in employment, instead providing employment protections for all workers. The previous code prohibited employing women and young people for work that could have detrimental effects on their physical condition or development. The new Labor Code provides protection against harmful jobs for both women and men regardless of their age. Slovenia removed night work restrictions on women. Italy and Ukraine raised and equalized retirement and pensionable ages for women and men. Lithuania and Poland are gradually increasing and equalizing retirement ages, and Slovenia is doing the same for retirement and pensionable ages. Ethiopia and Malawi introduced retirement and pensionable ages for women and men.

For the Going to court indicator, four economies reformed in addition to the Slovak Republic. Latvia and Uganda introduced small claims procedures, and the Netherlands and the United Kingdom raised the maximum for small claims.

For the Building credit indicator, 12 economies recorded positive reforms in addition to the Philippines. Algeria eliminated the minimum loan amount for inclusion in the credit registry, which now includes information from microfinance institutions. In Angola, Mauritius and Vietnam public credit

registries now also include information from microfinance institutions, as do private credit bureaus in Egypt, Kenya, Ghana and the former Yugoslav Republic of Macedonia. Cambodia and Tajikistan have new credit bureaus with no minimum loan amounts that also collect information from microfinance institutions. The Lao People's Democratic Republic has a new credit registry that includes information from microfinance institutions. In Ethiopia loans of any amount are now included in the credit reporting system.

For the Providing incentives to work indicator, reforms occurred in Côte d'Ivoire (discussed above) and Israel, whose Cabinet approved free education to all children 3 and older. Previously free education was provided only for children above the age of 5.

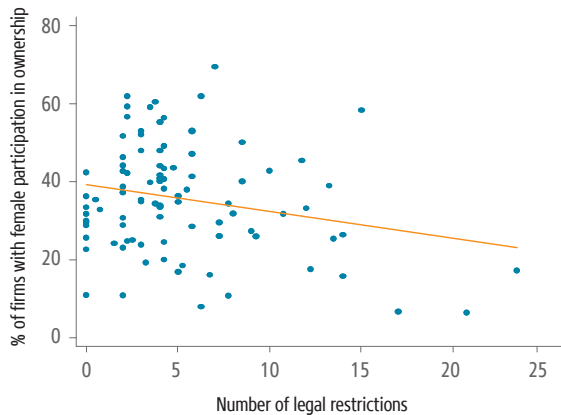
Finally, 11 economies made changes that were neutral to gender parity but still affect the *Women, Business and the Law* indicators. Italy introduced a day of paternity leave on an experimental basis for 2013–15, and Latvia temporarily reduced the percentage of wages paid during maternity and paternity leave. Lithuania gave parents more options in terms of the length of parental leave they could choose and the percentage of wages received. In Hungary paternity leave used to be paid by the government but is now paid by employers. Belgium and Finland increased pensionable ages, Malaysia increased its retirement age and made procedural changes to its small claims courts and the Netherlands is gradually increasing retirement and pensionable ages. These four economies have maintained existing gender parity. Poland raised the pensionable age for women from 60 to 62 but maintained unequal pensionable ages for men and women. Meanwhile, the United Kingdom adopted the Employment Equality (Repeal of Retirement Age Provisions) Regulations, phasing out pensionable ages for women and men.

## Why do relationships between women and the law matter?

Regulatory restrictions on women's economic participation are associated with real economic outcomes. *Women, Business and the Law* and World Bank Enterprise Surveys data show that lower legal gender parity is associated with fewer women participating in the ownership of firms (figure 2.4).

Using the Gini coefficient of inequality as a proxy, *Women, Business and the Law* data show that policies encouraging women to join and remain in the labor force are associated with less income inequality (figure 2.5). Ensuring that women are encouraged to work helps promote shared prosperity around the world.

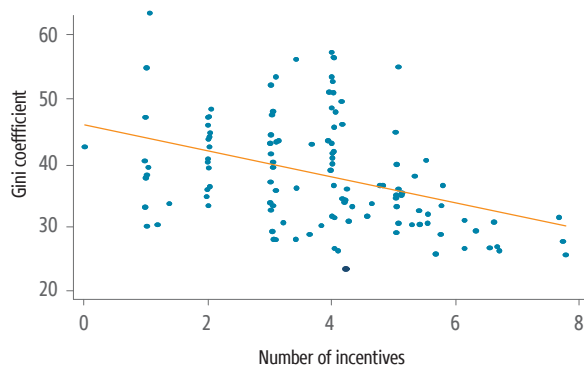
**FIGURE 2.4 GENDER-BASED LEGAL RESTRICTIONS ARE ASSOCIATED WITH LOWER FEMALE PARTICIPATION IN OWNERSHIP OF FIRMS**



Source: *Women, Business and the Law* database; World Bank *World Development Indicators* database; World Bank Enterprise Surveys, <http://www.enterprisesurveys.org/>.

Note: The figure is based on 94 economies for which data are available. The negative relationship between legal restrictions and the percentage of firms with female participation in ownership is statistically significant at the 5% level even after controlling for 2011 income per capita. The regression analysis of this relationship includes 70 economies for which data are available. These statistical relationships cannot be interpreted as causal.

**FIGURE 2.5 ECONOMIES THAT PROVIDE MORE INCENTIVES FOR WOMEN TO WORK HAVE GREATER INCOME EQUALITY**



Source: *Women, Business and the Law* database; World Bank *World Development Indicators* database; All the Ginis dataset, updated October 2012, <http://econ.worldbank.org/projects/inequality>; Milanovic 2005.

Note: The figure is based on 120 economies for which data are available. A Gini coefficient of 0 indicates perfect equality and a Gini coefficient of 100 indicates maximum inequality. The negative relationship between incentives and the Gini coefficient is statistically significant at the 5% level even after controlling for 2011 income per capita, welfare (income or consumption/expenditure, gross or net) and the recipient unit (household or individual) to which the reported Gini refers. The regression analysis of this relationship includes 74 economies for which data are available. These statistical relationships cannot be interpreted as causal.

Legal gender equality matters for women's economic opportunities. It matters for women's access to finance and entrepreneurial activities. And it matters for increasing equality of opportunity in economies. Whether by easing restrictions on women's employment and business activities or by adopting policies increasing women's ability to take up economic activities, gender equality is smart economics.

## Where do things stand on women and the law globally?

Around the world, economies tend to cluster their legislative choices by region, partly because economies are likely to have similar legal histories and share some sociocultural norms and values.

OECD high-income economies and those in Eastern Europe and Central Asia do not impose many legal restrictions on women as measured by the Accessing institutions and Using property indicators. But economies in Eastern Europe and Central Asia have pervasive restrictions on women's employment, as measured by the Getting a job indicator.

In Latin America and the Caribbean and East Asia and the Pacific explicit legal gender differences are less common in the areas measured by the Accessing institutions and Using property indicators. But they still exist in some economies including Ecuador, Honduras, Indonesia, Malaysia and the Philippines.

Explicit legal gender differences are more common in the Middle East and North Africa, South Asia and Sub-Saharan Africa, both in Accessing institutions and Using property. All 14 economies covered in the Middle East and North Africa have at least one legal differentiation in both Accessing institutions and Using property, as do all five economies covered in South Asia. Of the 36 economies covered in Sub-Saharan Africa only 6—Angola, Burkina Faso, Ethiopia, Namibia, South Africa and Zimbabwe—have no legal differentiations in these areas. Moreover, benefits such as paternity leave, designed to share child-raising responsibilities and free women's time to work outside the home, are rare in these three regions. In fact, none of the economies covered in South Asia offers any paternity leave.

The following sections examine new data and regional trends in the *Women, Business and the Law* indicators.

## Accessing institutions

Lack of autonomy to interact with government institutions or conduct official transactions restricts women's ability to conduct basic transactions.

### A husband's legal veto power

To determine whether women and men have the same capacity to operate in and access the business environment, *Women, Business and the Law* examines 11 actions that women might have to take to earn an income.<sup>3</sup> Some are directly related to women's abilities to function in the business environment, such as being able to take a job or pursue a profession. Others, such as the ability to travel outside the home or country, are indirectly related. But each can affect a woman's ability to function without hindrance in the business environment. Each action is examined separately for married and unmarried women. The data show that most restrictions apply only to married women (table 2.2).

In 29 economies husbands are the legally designated heads of households. That means that husbands control key decisions such as choosing the family residence or obtaining official documents. In 19 of the economies where husbands

are the legal heads of households, they also choose the family residence.

In 15 of the 143 economies covered by *Women, Business and the Law*, husbands can prevent their wives from working. In Guinea a husband may object to his wife's employment if his objection is based on the interests of the family. A wife can go to court and have her husband's objection overturned, but must prove to the court that his objection is unjustified.

Vestiges of history remain codified in certain economies simply because legislation such as the Code Napoléon was adopted wholesale and not regularly reviewed or updated. The notion of head of household, for example, was removed from France's Civil Code in 1970 but persists in many civil codes throughout West Africa.

Other restrictions are holdovers from history as well. Niger's Family Code still only allows women to open bank accounts to deposit funds that their husbands gave them if banks first

**TABLE 2.2** IN MANY ECONOMIES MARRIED WOMEN DO NOT TAKE SOME ACTIONS THE SAME WAY AS MARRIED MEN

Action	Economies where married women do not perform the action the same way as married men
Be head of household	Benin; Burundi; Cameroon; Chad; Chile; Congo, Dem. Rep.; Congo, Rep.; Gabon; Guinea; Honduras; Indonesia; Iran, Islamic Rep.; Jordan; Madagascar; Mali; Mauritania; Morocco; Nicaragua; Niger; Oman; Philippines; Rwanda; Saudi Arabia; Senegal; Sudan; Togo; Tunisia; United Arab Emirates; Yemen, Rep. (29)
Choose where to live	Benin; Burkina Faso; Cameroon; Chad; Congo, Dem. Rep.; Congo, Rep.; Gabon; Guinea; Haiti; Iran, Islamic Rep.; Jordan; Kuwait; Malaysia; Mali; Nicaragua; Niger; Oman; Rwanda; Saudi Arabia; Senegal; Sudan; Syrian Arab Republic; United Arab Emirates; West Bank and Gaza; Yemen, Rep. (25)
Apply for a passport	Benin; Botswana; Cameroon; Congo, Rep.; Egypt, Arab Rep.; Fiji; Gabon; Haiti; Iran, Islamic Rep.; Jordan; Kuwait; Malawi; Oman; Pakistan; Saudi Arabia; Sudan; Uganda; United Arab Emirates; Yemen, Rep. (19)
Confer citizenship on her children	Guinea; Iran, Islamic Rep.; Jordan; Kuwait; Lebanon; Madagascar; Malaysia; Mali; Mauritania; Nepal; Oman; Saudi Arabia; Sudan; Syrian Arab Republic; United Arab Emirates; West Bank and Gaza (16)
Get a job without permission	Bolivia; Cameroon; Chad; Congo, Dem. Rep.; Gabon; Guinea; Iran, Islamic Rep.; Jordan; Kuwait; Mauritania; Niger; Sudan; Syrian Arab Republic; United Arab Emirates; West Bank and Gaza (15)
Obtain a national identity card	Benin; Cameroon; Egypt, Arab Rep.; Mauritius; Oman; Pakistan; Saudi Arabia; Senegal; Togo (9)
Travel outside the home	Iran, Islamic Rep.; Jordan; Kuwait; Malaysia; Oman; Sudan; Syrian Arab Republic; West Bank and Gaza; Yemen, Rep. (9)
Travel outside the country	Oman; Saudi Arabia; Sudan; Syrian Arab Republic (4)
Open a bank account	Congo, Dem. Rep.; Niger (2)
Register a business	Congo, Dem. Rep.; Pakistan (2)
Sign a contract	Congo, Dem. Rep. (1)

Source: *Women, Business and the Law* database.

notify the husbands. But women can open bank accounts in their own names if they have their own jobs, in which case their husbands do not have to be notified. Such legal provisions used to be common throughout Europe. Complicated provisions such as these can create confusion among financial institutions, which might simply require all married women to get permission from their husbands before opening bank accounts even when not legally bound to do so.

### Women in leadership positions

*Women, Business and the Law 2014* expands the data coverage on Accessing institutions to better examine women's ability to access the institutions of public and economic life. The data now cover legal quotas on the share of women on corporate boards and in parliaments and local governments.<sup>4</sup>

The principle of equity is at the core of arguments in favor of gender quotas. Quotas can enable a more equitable representation of women in leadership positions, improving their descriptive representation—which may translate into more equitable representation of women's interests in decision making. This aims to improve women's substantive representation.

Six economies have established quotas for women on boards of publicly listed companies. These quotas vary. Rwanda's constitution sets a minimum of 30% for women and men on boards of publicly listed companies. In 2010 Iceland set a 40% quota for women's representation on corporate boards, and in 2011 Belgium and Italy established 33% quotas. France's Law 2011-103, enacted in January 2011, established a 20% quota, to be progressively raised to 40%.

Norway led the way on this issue in 2002, when its secretary of state for trade and industry proposed voluntary quotas for increasing women's representation on corporate boards. The goal was to reach average representation of 40% by 2005, up from 6%. By the deadline the average had only increased to 25%, so parliament amended the Public Companies Act—making quotas mandatory and establishing a new deadline of 2008. The quotas were to be enforced first by fines, then deregistration from the Oslo Stock Exchange and, finally, dissolution. By 2008 more than 80% of listed firms had complied.

Critics of the Norwegian experience have stressed the limits of corporate board quotas. In addition to the argument that governments should not determine the composition of corporate boards, critics pointed out the lack of diversity among female board members after a small number of senior women accumulated a large share of the new board appointments. The relatively few qualified women available to serve on boards when quotas were introduced in Norway led to the emergence of private initiatives to train women to serve on

boards. Thus the initial lack of diversity among female board members might be a transitional issue.

Of the 143 economies measured by *Women, Business and the Law*, 12 have legal quotas for women in parliaments. The proportion of women in parliaments is 6 percentage points higher in these economies than in economies without legal quotas.<sup>5</sup> Though this represents a small number of economies, the result suggests that quotas may be an effective policy tool for increasing female representation in parliaments.

Decisions by legislative bodies with more women may qualitatively differ from those by institutions with fewer women involved in decision making. A study of 265 village councils in two states in India where a third of the positions of council head had been reserved for women since 1993 found that leaders invest more in infrastructure directly relevant to the needs of their gender.<sup>6</sup>

Women's participation in parliaments might also affect government spending priorities. One cross-country study that analyzed government spending over more than 35 years found that economies with gender quotas spent more money on social services and welfare than economies without them.<sup>7</sup> Moreover, women's participation in parliaments might affect their labor force participation rates. Analysis based on *Women, Business and the Law* data shows that female labor force participation rates are higher in economies with legal quotas for women in parliaments.<sup>8</sup>

Beyond improving equity in representation and policy outcomes, quotas might help allocate women's talents more efficiently. The public and practical demonstration of those talents may, in turn, change gender-biased attitudes and social norms, and reveal role models who foster other women's aspirations. In the Indian state of West Bengal the 1993 quotas for female village councilors changed expectations and beliefs about what women can achieve. In villages administered by female councilors, parents expressed higher aspirations for their daughters' educations and occupations. Adolescent girls also attained higher education levels and spent less time on domestic chores.<sup>9</sup>

### Using property

The importance of land ownership goes beyond capital accumulation. Access to and control over land provides income and reinforces bargaining power and agency. Moreover, the ability to leverage property as collateral is important for both female and male entrepreneurs. But regional and local gender asset gaps persist in property ownership, particularly for major assets.<sup>10</sup>

Unequal inheritance regimes are one cause of gender imbalances in assets. In 98 economies equal inheritance rights were related to a higher likelihood of women having formal bank accounts and credit.<sup>11</sup> Another reason for gender asset gaps may be the structure of marital property regimes. A marital property regime determines the system of property ownership and management between spouses during the course of a marriage and at its dissolution through death or divorce (box 2.3).

Full and partial community of property regimes implicitly recognize the importance of nonmonetary contributions to the household, such as childcare and household labor, by presuming joint ownership of assets. This approach allows the spouse with lower or no income to acquire greater wealth both during marriage and upon its dissolution.

Deferred full or partial community property regimes recognize the importance of nonmonetary contributions at the end of a marriage (either through death or divorce) by equalizing each spouse's share of wealth at that time. This approach protects the spouse with lower or no income at the dissolution of a marriage, but not during its course.

Separation of property regimes leave the spouse with lower or no income at a disadvantage in terms of wealth accumulation both during marriage and at its dissolution.

A study on gender asset and wealth gaps in Ecuador, Ghana and the Indian state of Karnataka used household asset surveys to estimate married women's share of couples'

wealth. It found that in Ecuador married women owned 44% of couples' wealth, in Ghana they owned 19% and in Karnataka they owned 9%. The much larger share of couples' wealth held by married women in Ecuador was explained by the fact that it has a partial community of property regime, where most assets are owned jointly by wives and husbands. Married women's smaller share of couples' wealth in Ghana and Karnataka was largely explained by their separation of property regimes, where assets are not jointly owned.<sup>12</sup>

Marital property regimes can also relate to married women's financial inclusion. Under full and partial community regimes, assets such as bank accounts, savings, stocks and bonds are generally legally presumed to be jointly owned. But women married under a separation of property regime must rely solely on assets they earn themselves, as well as their bargaining power in the household.

*Women, Business and the Law* and the World Bank's Global Financial Inclusion (Global Findex) database show that in economies with a default full community of property regime, there are on average 10 percentage points more female-owned accounts at formal financial institutions than in economies with a default separation of property regime (figure 2.6). One reason is that economies with full community of property regimes may have more joint accounts between wives and husbands. Available data do not make it possible to disaggregate joint accounts from individual ones.

Some separation regimes have enacted legislation protecting spouses earning less or no incomes, recognizing the

### BOX 2.3

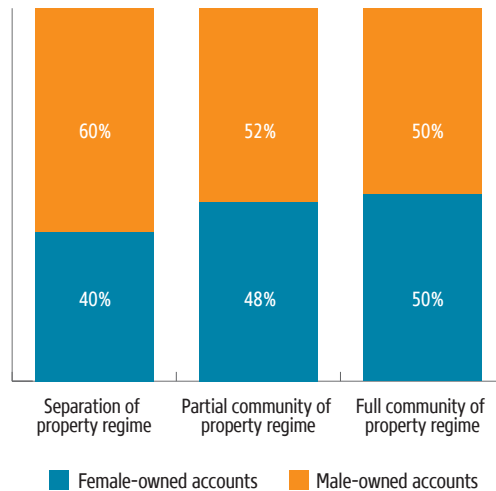
### MARITAL PROPERTY REGIMES

The default marital property regime—the one governing the property relationship of every married couple unless they opt for an alternative—defines how each spouse can use, buy or sell property. Among the economies covered by *Women, Business and the Law* there are four common marital property regimes:

- *Full community of property.* All assets and income brought into a marriage, as well as those acquired during it, apart from inheritances or gifts to one spouse, are considered joint property. If a marriage ends, these assets are divided equally. Joint assets are also divided equally upon the death of either spouse. This regime is the default in 6 economies.
- *Partial community of property.* Assets acquired before marriage are considered the property of the acquirer. Assets and income acquired during marriage, apart from inheritances or gifts to one spouse, are considered joint property. If a marriage ends, each spouse retains ownership of their own assets. Assets acquired during the marriage are divided equally. Such assets are also divided equally upon the death of either spouse. This regime is the default in 65 economies.
- *Deferred full or partial community of property.* The rules of full or partial community of property apply at the time of a marriage's dissolution (either by death or divorce). Prior to this time, the rules of separation of property regimes apply. This regime is the default in 16 economies.
- *Separation of property.* All property acquired by spouses before and during their marriage remains separate property. Each spouse has sole control of their assets. This regime is the default in 46 economies.

Source: *Women, Business and the Law* database.

**FIGURE 2.6** WOMEN ARE LESS LIKELY TO HAVE FORMAL ACCOUNTS IN SEPARATION OF PROPERTY MARITAL REGIMES



Source: *Women, Business and the Law* database; Global Financial Inclusion (Global Findex) 2012 database; World Bank World Development Indicators database.

Note: The figure includes data on 110 economies for which data are available and presents average values.

importance of nonmonetary contributions to the household. Of the 46 economies covered by *Women, Business and the Law* with separation of property regimes, 10 have legislation expressly recognizing nonmonetary contributions: Australia; Hong Kong SAR, China; Ireland; Jamaica; Kenya; Malaysia; Tanzania; the United Kingdom; the United States; and Zambia.

## Getting a job

All the economies covered by *Women, Business and the Law* have labor regulations that differentiate between women and men. Some of these differences may facilitate women's workforce participation—while others may prevent it. Differences in how women and men are treated under labor law can affect women's incentives and abilities to get the jobs of their choice.

One common reason given by policy makers for restricting women's access to certain jobs is the desire to protect them. Historically these measures stemmed from the perceived need to protect women's physical integrity and reproductive capacity. In 1908 the U.S. Supreme Court upheld an Oregon state statute that limited the workday to 10 hours for women employed in any mechanical establishment, factory or laundry. The court held that, notwithstanding the

"freedom of contracts" guaranteed by the U.S. constitution, women's physiques and the performance of maternal functions required workplace protections.<sup>14</sup> After this decision, other states enacted similar protective legislation, such as maximum hour and minimum wage laws, health and safety regulations and prohibition of night work and certain occupations.

With rapid changes in social mores and the incorporation of women into the global workforce, many such restrictions no longer serve their original purpose. Better safety standards and technology also raise the question of whether such protections are still needed for women—particularly women who are not pregnant or nursing—but not men.

## Restrictions on women's work

To better understand gender-specific job restrictions, the Getting a job indicator examines jobs where women are more likely to face employment restrictions. *Women, Business and the Law* records eight areas of work where women face partial or complete employment bans: mining, construction, metalwork, factory work, jobs requiring lifting objects above a certain weight, jobs considered too hazardous for women, jobs considered too arduous for women and jobs considered morally inappropriate for women (box 2.4).

Though the definition of jobs considered morally inappropriate for women suffers from a lack of specificity, the opposite may be true of other gender-based job restrictions. Economies in Eastern Europe and Central Asia, for example, have detailed and lengthy lists of jobs prohibited for women (table 2.3).

Of the 143 economies covered, 79 restrict women who are not pregnant or nursing from doing all the same jobs as men. Restrictions on working hours, sectors and occupations limit the range of jobs that women can hold and can lead to occupational segregation and women's confinement to low-paying sectors and activities.<sup>15</sup> In fact, many of the jobs prohibited for women are in highly paid industries such as mining and manufacturing.

This has real implications for women's earnings potential. The Russian Federation had a high gender earnings differential during its transition to a market economy largely because of occupational segregation by gender. That segregation was related more to gender-based job restrictions in Soviet-era labor regulations than to gender differences in education or the higher incidence of part-time work among women. Because of their maternity and childcare functions, women were considered a specific labor force barred from "unsuitable" occupations and encouraged to concentrate in healthcare, education, light industry and white collar jobs.<sup>16</sup>



Restrictions on the types of work that women pursue can also hurt firms and an economy's overall competitiveness. The pool of qualified candidates for open positions is artificially halved, reducing the likelihood of getting the most talented people for the jobs. Analyzing the number of restrictions on women's work in the eight areas examined shows that having more restrictions is associated with lower labor force participation by women (figure 2.7).

### Maternity and parental benefits and women's employment

Though restrictions on women's work may lead to fewer women working, other areas of labor legislation—such as

parental leave regimes—can increase women's participation in the workforce. Parental benefits enabling mothers, fathers or both to take paid or unpaid time off to care for a child following birth can foster a more equitable division of childrearing responsibilities in the family. This in turn can give women greater opportunities for career advancement. *Women, Business and the Law* measures the length of paid and unpaid maternity, paternity and parental leave and the rate at which it is paid.

More women participate in the labor force in economies with longer fully paid maternity and parental leave available for new mothers.<sup>17</sup> But too much leave can undermine women's labor force participation. In economies where the cumulative

#### BOX 2.4 JOBS LEGALLY DEEMED MORALLY INAPPROPRIATE FOR WOMEN

Some economies prohibit women from working in jobs legally deemed harmful to their moral character. Though this is an explicit restriction in labor codes, jobs that are "morally harmful" to women are often not defined objectively but left to employers to determine. Working at night can fall into this category if employers feel working at night is morally harmful to women. Bolivia's General Labor Law prohibits women from working in "occupations that harm their morality and good customs" but does not define what that means, leaving it to employers to interpret.

Labor codes can also conflate jobs that are morally inappropriate for women with those that are morally inappropriate for children without explaining what such jobs may entail. An example is Mauritania's Labor Code, which prohibits the employment of children under 18, women and pregnant women for tasks that exceed their strength or might harm their health, physical integrity or moral conduct. Where women and children are treated the same way under labor law, it may make employers more likely to feel that women are incapable of carrying out particular jobs.

Source: FAO 1994.

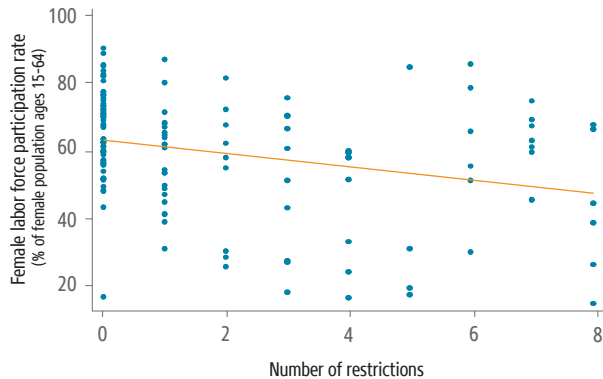
TABLE 2.3 NUMBER AND EXAMPLES OF JOBS PROHIBITED FOR WOMEN IN SOME ECONOMIES IN EASTERN EUROPE AND CENTRAL ASIA

Economies	Number of specific jobs from which women are barred	Examples
Belarus	252	Diver; porter; lumberjack; carpenter; stonecutter; repairer of wagons; transporting timber; tractor-driver; direct firefighting and emergency response; aircraft mechanic (technician) of radio equipment; pouring steel; laying concrete and asphalt; cross-border driver of vehicles with 14 or more passengers or trucks weighing more than 5 tons; processing of fish and seafood involving hand-mixing fish in salting tanks.
Kazakhstan	299	Snowmobile driver; metal welder; machinist for diesel trains, locomotives, and electric multiple unit trains; railway fitter; operating cranes at sea; stoker of ship operating on solid fuel; drilling for oil and gas for developmental and exploration purposes; rubber-mixing equipment operator; blaster in mines; calibrator of pipes on the press; concrete products carver; presser of raw materials and fibers during initial processing of cotton; rescuer in gas emergencies; lumberjack.
Russian Federation	456	Truck driver in agriculture; freight train conductor; deckhand (boatswain, skipper, assistant skipper and sailors of all denominations) on ships of all types of fleets as well as floating docks and cranes for loading grain, cement, coal and other dusty cargo; worker in integrated teams and longshoreman engaged in loading and unloading in ports and harbors; woodworker; installer of antennas at high places; mining rig operator; operator of chemical treatment of wells; lift machinist in oil and gas industry; bulldozer machinist; plumber involving the repair of sewer networks; metal and alloy smelter; driver of loading machine; pipe, furnace and flue cleaner; controller of speed of train wagons.

Source: *Women, Business and the Law* database



**FIGURE 2.7 RESTRICTIONS ON JOBS OPEN TO WOMEN CAN REDUCE THE NUMBER OF WOMEN IN THE WORKFORCE**



Source: *Women, Business and the Law* database; World Bank *World Development Indicators* database.

Note: The negative relationship between the number of restrictions on women's work and the female labor force participation rate is statistically significant at the 5% level even after controlling for 2011 income per capita. This relationship is based on regression analysis involving 103 economies for which data on 2011 income per capita are available. The figure is based on 139 economies for which data are available. These statistical relationships cannot be interpreted as causal.

duration of paid maternity and parental leave available for mothers exceeds two years, female labor force participation is lower.<sup>18</sup>

There are several possible reasons. Because women tend to take most or all of their leave entitlement, long periods of leave might cause their skills to deteriorate or become less relevant, slowing their earnings and career progression. They might also lose touch with their professional network, which can reduce their opportunities for career advancement. Finally, employers may be less willing to hire women who they suspect will take long maternity leaves in the near future.

These findings are consistent with a study of the labor market effect of paid leave in 30 OECD economies. Looking at paid leave duration and female employment rates between 1970 and 2010, the study finds that extending paid leave results, on average, in higher female employment rates as long as the leave is less than two years. Additional weeks of leave have a negative impact on female employment and the gender employment gap.<sup>19</sup>

## Going to court

Women's access to justice can be hindered by limits on their representation in judicial institutions. The United Nations

estimates that globally women account for 27% of all judges.<sup>20</sup> Evidence is emerging that women judges can make a difference in outcomes of cases where gender is a salient issue. For example, an analysis of U.S. federal appellate cases in 1999, 2000 and 2001 found that a judge's gender mattered in cases involving sex discrimination or sexual harassment. Plaintiffs were twice as likely to win when a woman was on the panel deciding such cases. The data showed both that women judges were significantly more likely than their male counterparts to find for the plaintiff in such cases and that having a woman on the panel increased the probability that male judges would support the plaintiff.<sup>21</sup>

Where gender equality is guaranteed in the constitution, constitutional reviews—that is, supervising implementation of the constitution and jettisoning incompatible laws—allow challenges to discriminatory provisions in areas of law such as the civil code, family law and criminal law. In 2004 South Africa's Constitutional Court decided that the rule of primogeniture in customary law, under which the eldest son inherits the family land, was unconstitutional because of its discriminatory impact on African women and children—arguably the most vulnerable groups in society.<sup>22</sup> Over the years most economies have established institutional mechanisms to conduct constitutional reviews. These reviews vary across economies and legal traditions. To examine women's representation in constitutional reviews as judges and chief justices, *Women, Business and the Law* examines courts or court-like bodies mandated to conduct such reviews.

Among the 123 economies covered by *Women, Business and the Law* that have constitutional courts or court-like bodies, women are absent from 19: Cameroon; the Democratic Republic of Congo; Egypt; El Salvador; Hong Kong SAR, China; the Islamic Republic of Iran; Jordan; Kuwait; Lebanon; Mauritania; Moldova; Pakistan; Panama; Peru; Senegal; Thailand; Uruguay; the United Arab Emirates and the Republic of Yemen.

On the other hand, women judges preside over constitutional reviews in 16 economies: Bosnia and Herzegovina, Canada, Costa Rica, Croatia, Gabon, Ghana, Ireland, Jamaica, New Zealand, Niger, Nigeria, the Philippines, Sierra Leone, the Slovak Republic, República Bolivariana de Venezuela and Zambia.

Women account for 10% or less of the members of constitutional courts in nine economies: Belgium, Chile, Hungary, India, Italy, Morocco, Nepal, Turkey and United Kingdom. In 71 economies women make up between 11% and 33% of institutions in charge of constitutional reviews. In 18 economies women represent between 34% and 50% of constitutional judges. And in six economies—Bolivia, the Kyrgyz Republic, Latvia, Sierra Leone, Slovenia and Zambia—women account for more than 50% of members of constitutional courts.

## Building credit

Establishing a good credit history can help entrepreneurs access finance. Lenders rely on credit histories to distinguish diligent clients from those with late payment records or defaulting loans. Borrowers who build and maintain good credit histories are rewarded with enhanced reputation collateral, giving them the ability to qualify for larger loans and lower interest rates.<sup>23</sup>

Several factors can affect women's ability to build credit histories. Where public credit registries and private credit bureaus only record loans above a certain threshold, they might exclude small borrowers like female entrepreneurs. Where credit registries and bureaus do not record loans from microfinance institutions—for whom women make up a large share of borrowers—the good repayment histories of microfinance clients cannot be leveraged. Finally, where information from nonbank institutions such as retailers and utilities is not used to assess borrowers' creditworthiness, it excludes those who lack traditional banking relationships, many of whom are women.

Of the 143 economies covered by *Women, Business and the Law*, only 6 do not have a public credit registry or private credit bureau (the Democratic Republic of Congo, Jamaica, Lesotho, Malawi, Sudan and Tanzania). Among the 136 economies with credit reporting institutions, 16 have minimum loan thresholds higher than 1% of income per capita. In this group thresholds range from 49% of income per capita in Lebanon and 87% in Bangladesh to more than 20 times income per capita in Nepal and Niger.

Among the 104 low-income, lower-middle-income and upper-middle-income economies covered, microfinance institutions share credit information with public registries or private bureaus in 67. For example, in 2002 Nicaragua's microfinance institutions began sharing such information through Sin Riesgos, a credit bureau promoted by the Nicaraguan Association of Microfinance Institutions (ASOMIF). By 2004 the Law on Bank Secrecy allowed commercial banks, which already shared information through the public credit registry, to access potential clients' credit histories from private credit bureaus. Today commercial banks can access Sin Riesgos records of microfinance clients and assess their creditworthiness and eligibility for conventional loans.

Across all income groups, credit bureaus and registries also collect information from retailers in 40 economies and from utilities in 30. In Rwanda two mobile phone companies and an electricity and gas company have shared information with the country's credit bureau since 2011. On the other hand, the five economies in South Asia covered by *Women, Business and the Law* have credit reporting institutions, but none collects information from retailers or utilities. Overall,

in 25 of the economies measured both retailers and utilities provide information to credit reporting institutions.

## Conclusion

Evidence is emerging on the value of reforms improving women's legal parity. In 2000 Ethiopia revised its Family Code, which had been in place since 1960. Among other things, the reform eliminated a husband's right to deny his wife permission to work and required the consent of both spouses in the administration of marital property.

Though the reform has now been implemented throughout Ethiopia, it was first introduced in three regions and two charter cities. Two nationally representative surveys, one before the reform and the other five years later, allowed researchers to estimate the reform's impact. Where the reform was followed, women's labor force participation and work outside the home increased. Women were also more likely to work full-time and in higher-skilled jobs.<sup>24</sup>

Similarly, in 1994 two states in India—Karnataka and Maharashtra—reformed the Hindu Succession Act, giving women and men equal rights to inherit joint family property. This change altered the control of assets in families and increased parental investments in their daughters.<sup>25</sup>

The findings from these studies are consistent with analysis of similar reforms. For example, around the turn of the 20th century most U.S. states reformed legislation affecting married women's ability to own and administer property and conduct legal transactions. And state census data showed that expanding women's economic rights through legal reform led more girls to attend school.<sup>26</sup>

There is growing evidence showing the links between women's legal rights and economic opportunities. *Women, Business and the Law 2014* provides a rich body of data that can generate further research and policy action in this area. This report has shown that although much progress has been made in recent decades in gradually dismantling many of the legal restrictions which have hampered women from more fully contributing to national prosperity, there is a large unfinished agenda of reform. In too many economies across all regions the law is still being used to hold women back, to silence their voices and limit their actions—imposing large tangible costs linked to these constraints on women's freedom. Gender equality is important not only for fairness and equity, but also for economic efficiency and is at the center of creating a more prosperous world.

## Endnotes

- 1 *50 Years of Women's Legal Rights* database.
- 2 *50 Years of Women's Legal Rights* database.
- 3 One action was added for *Women, Business and the Law 2014*: Can a woman get a national identity card in the same way as a man?
- 4 *Women, Business and the Law 2014* covers only mandatory quotas for a certain number of seats reserved for women and not quotas for women on candidate lists.
- 5 The results of the regression analysis of this relationship are statistically significant at the 5% level even when controlling for 2011 income per capita. The analysis includes 103 economies for which data are available and shows that legal quotas are positively correlated with the proportion of seats held by women in parliaments. These statistical relationships cannot be interpreted as causal.
- 6 Chattopadhyay and Duflo 2004.
- 7 Chen 2010.
- 8 The relationship is statistically significant at the 10% level even when controlling for 2011 income per capita. The regression analysis includes 103 economies for which data are available.
- 9 Beaman and others 2012.
- 10 Deere and León 2003a; Quisumbing and Hallman 2005; Deere and Doss 2006.
- 11 Demirgüç-Kunt, Klapper and Singer 2013.
- 12 Deere and others 2012.
- 13 The Global Financial Inclusion (Global Findex) database's variable "Account at a formal financial institution, female (% age 15+)" is not disaggregated by marital status. In the analysis of the relationship between marital property regimes and accounts at a formal financial institution it is assumed that all women are married.
- 14 Muller v. Oregon 208 U.S. 412 (1908).
- 15 World Bank 2011.
- 16 Oglobin 1999.
- 17 The regression analysis shows a positive relationship that is statistically significant at the 5% level even when controlling for 2011 income per capita. The analysis includes 114 economies for which data are available. These statistical relationships cannot be interpreted as causal.
- 18 The results of the regression analysis of this relationship are statistically significant at the 10% level even when controlling for 2010 income per capita. To analyze this relationship, 2010 income per capita was used as a control variable, as opposed to 2011, due to missing 2011 data on 11 economies that drive the results. The analysis includes 103 economies for which data are available. The variable "paid maternity leave and parental leave available for the mother" includes the number of days of leave paid at various rates, as opposed to the number of days of leave paid at 100% of wages used in the previous relationship. These statistical relationships cannot be interpreted as causal.
- 19 Thévenon and Solaz 2013.
- 20 UN Women 2011.
- 21 Peresie 2005.
- 22 South Africa Constitutional Court 2004.
- 23 Miller 2003.
- 24 Hallward-Driemeier and Gajigo 2010.
- 25 Deininger, Goyal and Nagarajan 2010.
- 26 Geddes, Lueck and Tennyson 2012.



Women, Business and the Law 2014 examines laws and regulations affecting women's prospects as entrepreneurs and employees. The report's quantitative indicators are intended to inform policy discussions on how to remove legal restrictions on women and promote research on how to improve women's economic inclusion.

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