

HOW ACCESS TO JUSTICE CAN HELP REDUCE POVERTY

Proceedings

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Global Indicators and Analysis
World Bank Group

*Women, business
and the law*

*Removing barriers to
economic inclusion*

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Note: The findings, interpretations, and conclusions expressed in this presentation are entirely those of the author. They do not necessarily represent the views of the World Bank Group or its Executive Directors and should not be attributed to them.

I. Introduction

1. Human Development and Gender Equity



Gender Equity

- Socio-cultural variable of human development
- Means that being born a woman does not determine the person's development opportunities



No country has achieved full gender equity

- But there are differences among countries
- Inequities can be in different fronts: basic human rights, resource control, etc.



The Report

- Measures the legal status of women in 141 countries in areas that affect their economic opportunities
- Assumes that legal empowerment can lead to improvements in other areas

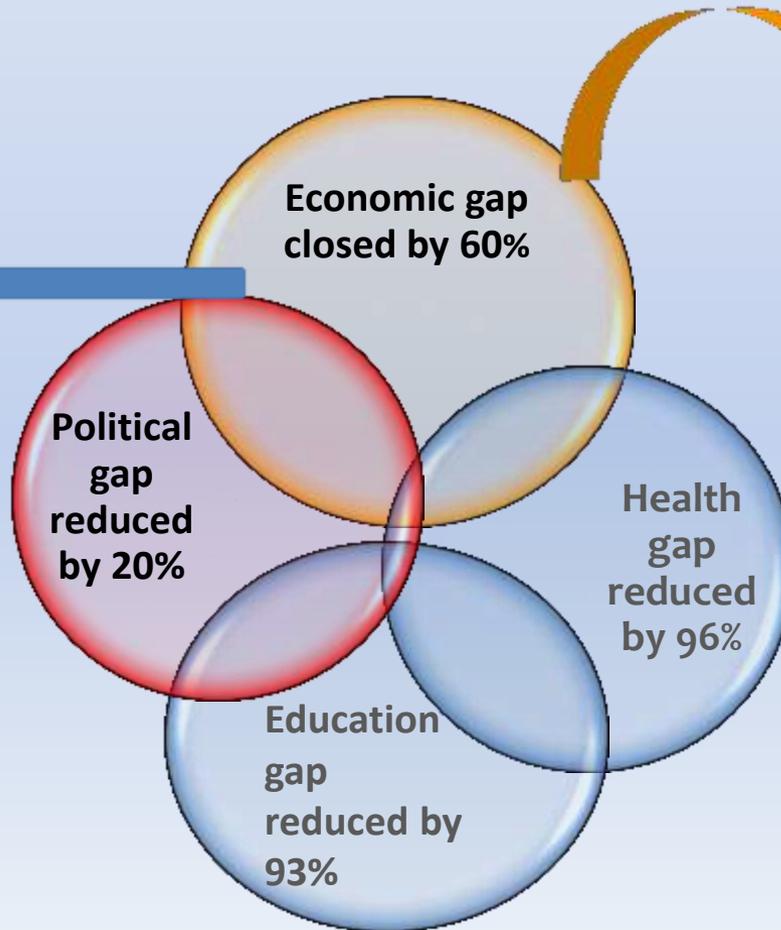
I. Introduction

2. Gender Discrimination & its Impact in the Economy

Society is not using its full potential



→ impacts national competitiveness negatively



Analyzes why the economic gap persists by analyzing the barriers to gender parity in the law.

Source: World Economic Forum
The Global Gender Gap Report, 2012

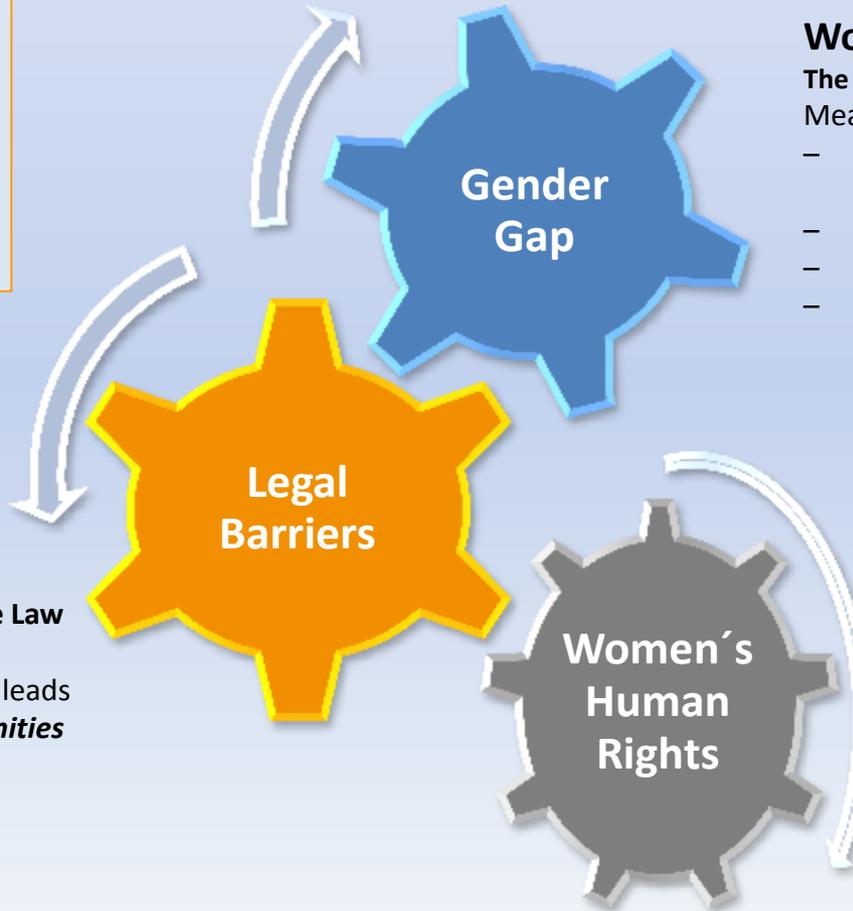
measuring gender parity in 141 economies



II. The Women, Business and the Law Report

1. The Report and Other Gender Initiatives

WBL studies one more piece of the puzzle of why gender parity does not exist yet



World Economic Forum

The Global Gender Gap Report

Measures the gender gap in

- Economic opportunity and participation
- Political empowerment
- Health and survival
- Education

World Bank Group

Women, Business and the Law

- Focuses on how *gender differentiation* in the law leads to *less economic opportunities for women*

United Nations

Convention on Elimination of All Forms of Discrimination Against Women (1979)

- Covers women's basic human rights in all areas

II. The Women, Business and the Law Report

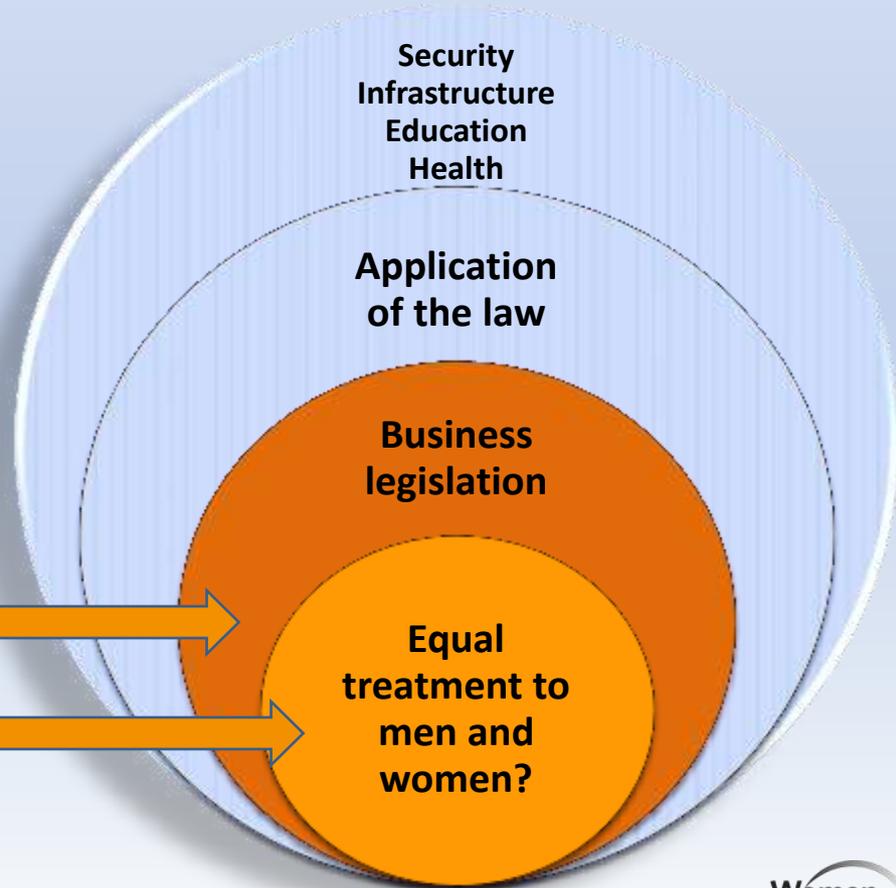
2. The Report's Approach

Issues that affect women's economic opportunities and entrepreneurship



• **Doing Business** premise: for all people around the world, the opportunity of having a business or a job is the surest way out of poverty

• **The Report** analyzes whether the law is used to discriminate against women when they try to get a job or have a business.



measuring gender parity in 141 economies

II. The Women, Business and the Law Report

3. Areas Studied



1. Accessing institutions

- Equal capacity to interact with public and private sector?
- Needs husband's permission?



2. Using Property

- Equal rights to property?
- Joint administration of assets?



3. Getting a Job

- Can women work in the same sectors?
- Equal pay for equal job?



4. Incentives to work

- Same tax treatment for men and women?
- Are day care costs deductible?



5. Building Credit

- Minimum thresholds for credit bureaus?
- Is information collected from microfinance institutions?



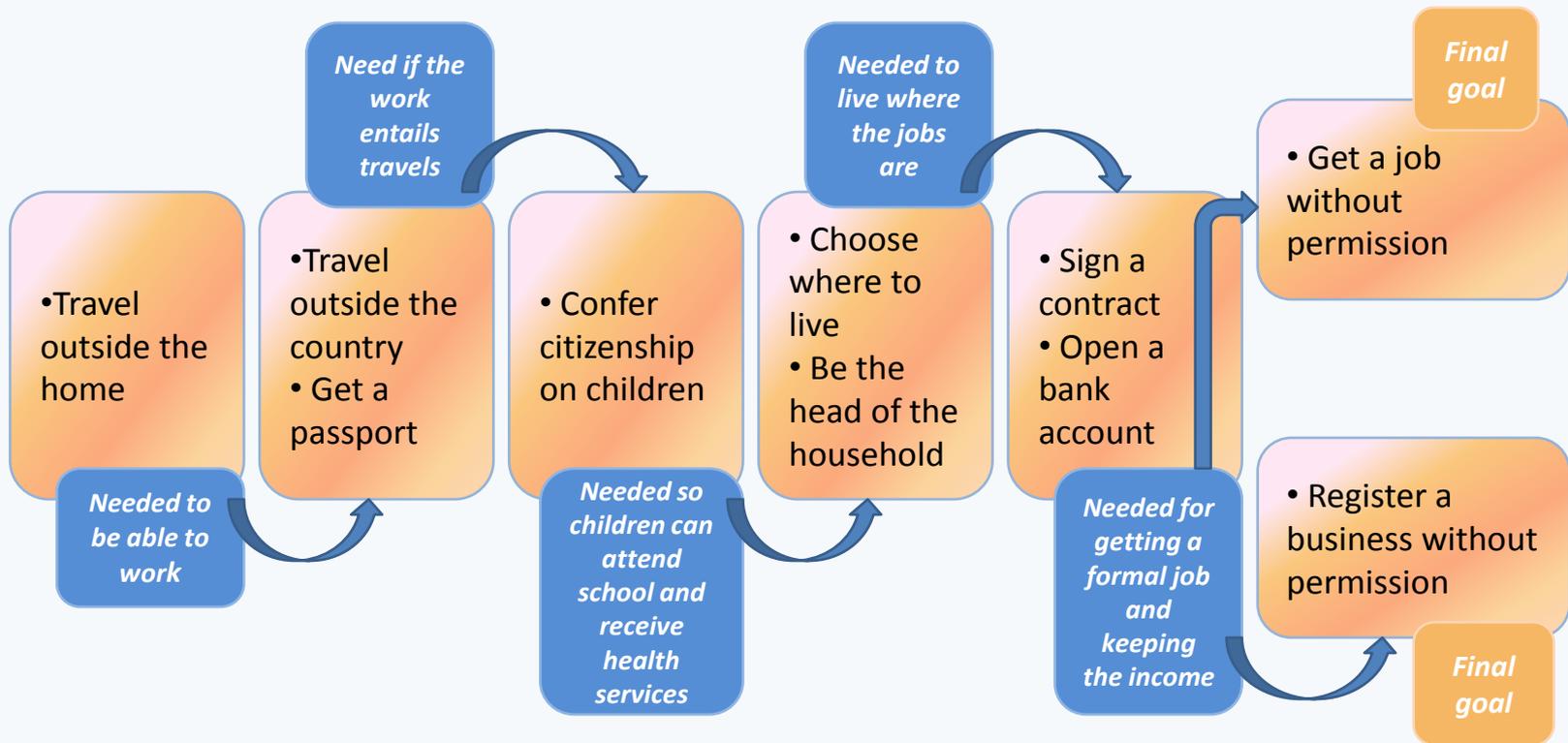
6. Going to Court

- Summary proceedings for lesser debts?
- Women's testimony has the same weight?

Legal differentiation explains women's reduced participation in the work force and as entrepreneurs

II. The Women, Business and the Law Report

4. Accessing Institutions: Woman's quest to get a job or start a business



• How specific legal obstacles may get in the way of a woman's quest to get a job or start a business

II. The Women, Business and the Law Report

4. Examples of Questions Asked

a) Can an unmarried woman...



...apply for a passport...

...leave the country...

...sign a contract...

... register a business...

... be considered head of household...

...confer her nationality to her kids...

... open a bank account...

b) Can a married woman...



a) ...in the same way as an unmarried man?

b) ...in the same way as a married man?

II. The Women, Business and the Law Report

Each question links back to the legal source



Congo, Dem. Rep. 2011

Population	67,827,495
Region	Sub-Saharan Africa
Income Group	Low Income
Female Population	33,302,747
% of Women in the Workforce	58%

FIND DATA FOR AN ECONOMY OR TOPIC

Select an Economy

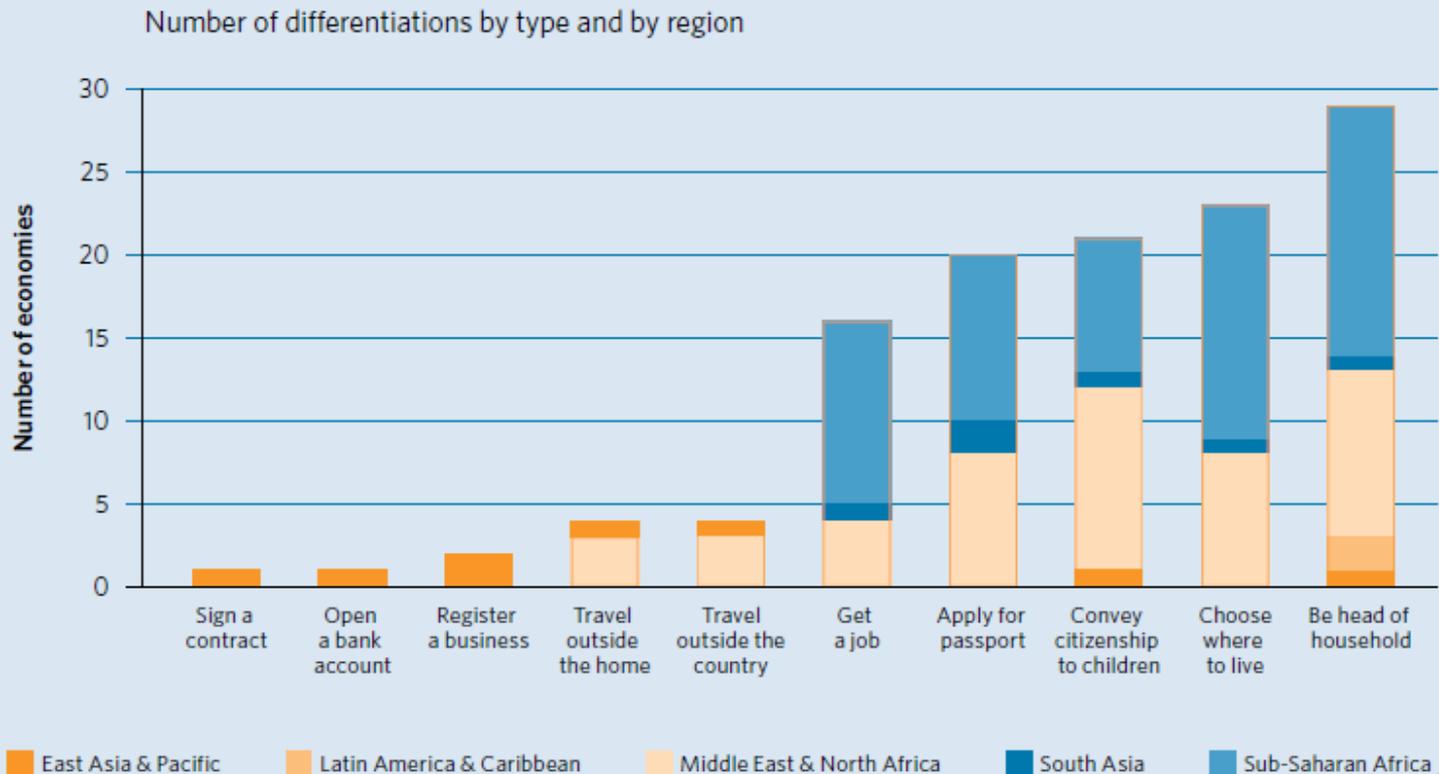
Select a Topic

↕ - Indicates more information is available

EXPORT TO EXCEL

Accessing Institutions	Using Property	Getting a Job	Providing Incentives to Work	Building Credit	Going to Court
QUESTION					
ANSWER					
SOURCE					
Passports & Citizenship					
Can an unmarried woman apply for a passport in the same way as a man?					
Yes					
Passport application forms					
Can a married woman apply for a passport in the same way as a man?					
Yes					
Passport application forms					
Can an unmarried woman confer citizenship on her children in the same way as a man?					
Yes					
Loi 04/24 Relative à la Nationalité Congolaise, Art. 7					
Can a married woman confer citizenship on her children in the same way as a man?					
Yes					
Loi 04/24 Relative à la Nationalité Congolaise, Art. 7					
Can a woman convey citizenship to her non-national spouse in the same way as a man?					
Yes					
Loi 04/24 Relative à la Nationalité Congolaise, Art. 19					
Travel & Movement					
Can an unmarried woman travel outside the country in the same way as a man?					
Yes					
No restrictions could be located					
Can a married woman travel outside the country in the same way as a man?					
Yes					
No restrictions could be located					
Can an unmarried woman travel outside her home in the same way as a man?					
Yes					
No restrictions could be located					
Can a married woman travel outside her home in the same way as a man?					
Yes					
No restrictions could be located					
Jobs and Businesses					
Can an unmarried woman get a job or pursue a trade or profession in the same way as a man?					
Yes					
No restrictions could be located					
Can a married woman get a job or pursue a trade or profession in the same way as a man?					
No					
Code de la Famille, Art. 448					
Can an unmarried woman register a business in the same way as a man?					
Yes					
No restrictions could be located					
Can a married woman register a business in the same way as a man?					
No					
Code de la Famille, Art. 450					

Where do married women face more or fewer differentiations?



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

II. The Women, Business and the Law Report

5. Conclusions

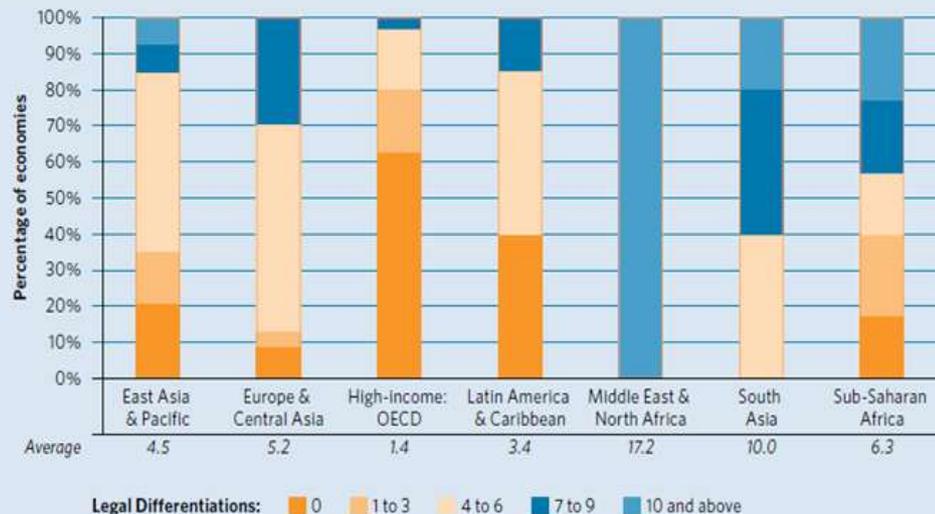
1. Gender inequality is still persistent across the world, although the degree varies by region and income level

Married women

Are the ones which experience most differentiation

Increase in income

Reduces differentiation, but does not fully eliminate it



Note: The averages are the average number of legal differentiations per region.

Source: Women, Business and the Law database.

Example: Spain and Gender Parity

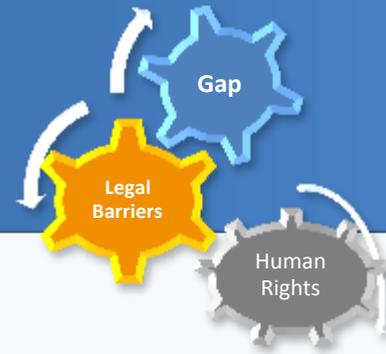
Advances in the Last 40 Years, as Income has Risen

Questions asked by the report	2011	Recent past
Are married women required by law to obey their husbands?	NO	Yes- until 1981 “husbands shall protect their wives and wives shall obey their husbands”
Does a married woman need her husband’s permission to be able to work?	NO	Yes – until 1961
Can a married woman (...) in the same way as a married man?		
....sign a contract...	YES	No – until 1975
...register a business...	YES	No –until 1975
...be head of the household...	YES	No – until 1981
....confer her nationality to her children and husband...	YES	No – until 1975
...chose where to live...	YES	No – until 1975
...administer joint marital property...	YES	No – until1981

Example: Spain and Gender Parity

The Gap that Remains

...even if there are no significant legal differentiations left



World Economic Forum

The Global Gender Gap Report, 2010

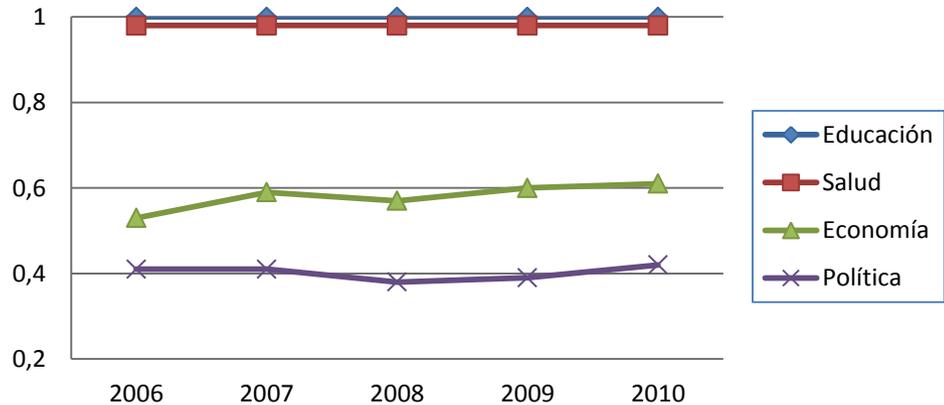
Year	Results of Gender Gap Index
2010	0.755
2009	0.734
2008	0.728
2007	0.744
2006	0.732

Resultados

0.000 = inequality

1.000 = parity

Gender Gap Index Results by Sector for Spain



II. The Women, Business and the Law Report

5. Conclusions

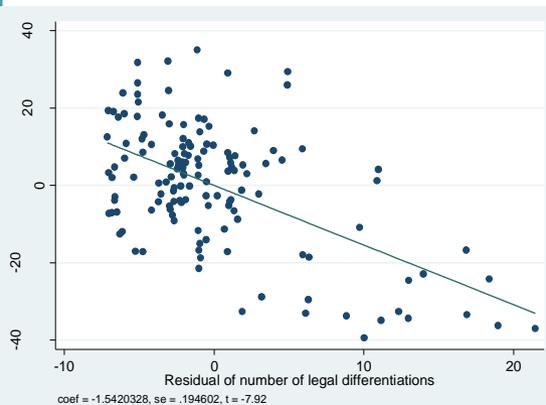
1. Gender inequality is still persistent across the world, although the degree varies by region and income level

Higher levels of legal differentiation have, on average, lower female formal labor force participation or entrepreneurship

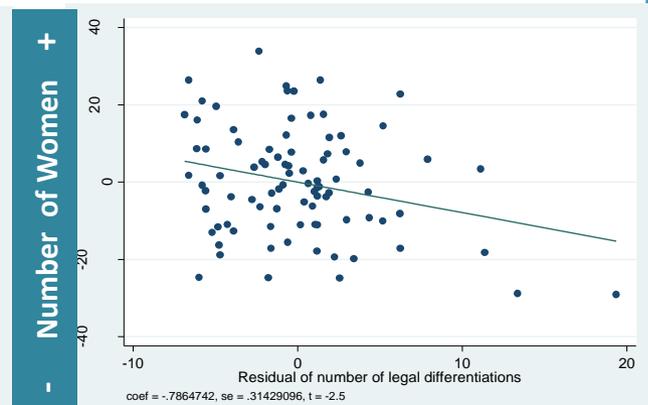
This differentiation also explains the higher levels of poverty observed in the female population

2. With greater legal differentiation fewer women work, own or run businesses

Women in the Work Force



Women Entrepreneurs



Number of Legal Differentiations

II. The Women, Business and the Law Report

5. Conclusions

1. Gender inequality is still persistent across the world, although the degree varies by region and income level

Married women

Are the ones which experience most differentiation

Higher income levels

reduce differentiation but does not fully eliminate it

2. Legal differentiation between men and women explains part of the gender economic gap

Higher levels of legal differentiation have, on average, lower female formal labor force participation or entrepreneurship

This differentiation also explains the higher levels of poverty observed in the female population

3. Economies are working towards parity

25% of the 141 economies have made steps towards parity

Kenya is the economy that has most advanced since 2009

II. The Women, Business and the Law Report

5. Conclusions

BBC EUROPE

4 February 2013: Paris women finally allowed to wear trousers
The French government has overturned a 200-year-old ban on women wearing trousers.

The Minister of Women's Rights, Najat Vallaud-Belkacem, said that the ban was incompatible with modern French values and laws. She said the law, imposed on November 17, 1800, had in effect already been rescinded because of incompatibility.

The move to formally repeal the law followed a parliamentary question asked last year.

According to the law, women needed to have the permission of local police if they wanted to "dress like a man" and wear trousers.

Though it has been ignored for decades, formally it remained on the statute books.

Ms Vallaud-Belkacem said the original law had been intended to prevent women doing certain jobs.

II. The Women, Business and the Law Report Kenya: the most active reformer



1. Accessing institutions

- Confer citizenship to children
- Obtain passport
- Freedom of movement



2. Using Property

- Constitution: Equality of rights before and after marriage
- Equality in inheritance rights for the first time for both married and unmarried women



3. Getting a Job

- Customary law is no longer exempt from constitutional provisions of non-discrimination



4. Incentives to work



5. Building Credit



6. Going to Court

- New fast-track court procedure for small claims
- This can lead to better access to justice

Reforms increasing gender parity

III. Women Business and the Law and Women's Economic and Human Rights

The *Women, Business and the Law* agenda overlaps significantly with human rights work on gender equality, particularly in the area of women's economic and social rights.

Universal Declaration of Human Rights:

Article 1: Equality of Dignity and rights; Article 2: Equal entitlement to rights & freedoms without regard to sex; Article 7: Equality before the law and equal protection without discrimination.

Convention on Elimination of All Forms of Discrimination Against Women (CEDAW):

87 States Parties; 41 States Parties imposed reservations

IV. Women Business and the Law and Women's Economic and Human Rights:

1. Overlap between CEDAW and WBL Indicators

<i>Women, Business and the Law</i> category	Principal corresponding human rights of women (CEDAW)
Accessing institutions	<p>Freedom from discrimination on the basis of sex (Art. 2)</p> <p>Equality before the law and legal capacity identical to that of men (Art. 15)</p> <p>Equality in all areas of economic and social life (Art. 13)</p> <p>Equality in all matters relating to marriage and family relations (Art. 16)</p> <p>Equal rights with respect to nationality (Art. 9)</p>
Using property	<p>Equal rights to administer property (Art 15.1)</p> <p>Equal rights in all matters relating to marriage and family relations (Art 16.1), including same rights for both spouses in respect of ownership, acquisition, management, administration, enjoyment and disposition of property (Art 16.1h)</p>
Getting a job	<p>Freedom from discrimination in the field of employment (Art. 11), including:</p> <p>Right to work (Art. 11.1a)</p> <p>Same employment opportunities (Art. 11.1b)</p> <p>Free choice of profession and employment (Art 11.1c)</p> <p>Equal pay for equal work (Art. 11.1d)</p> <p>Equal social security, retirement, leave, and other paid benefits (Art. 11.1e)</p> <p>Freedom from discrimination on grounds of marriage or maternity (Art. 11.2)</p> <p>Special protection during pregnancy (Art. 11.3)</p>

IV. Women Business and the Law and Women's Economic and Human Rights:

1. Overlap between CEDAW and WBL Indicators

<i>Women, Business and the Law</i> category	Principal corresponding human rights of women (CEDAW)
Providing incentives to work	<p>Freedom from discrimination and equality in economic life (Art. 13)</p> <p>Right to education (Art. 10)</p> <p>Equality in all matters relating to marriage and family relations (Art. 16)</p>
Building credit	<p>Access to bank loans, mortgages and other forms of financial credit on equal basis with men (Art. 13b)</p> <p>Access to agricultural credit and loans for rural women (Art. 14(2)g)</p>
Going to court	<p>Equality in all stages of procedure in courts and tribunals (Art. 15.2)</p> <p>Legal protection of rights of women and effective protection of women against any act of discrimination through competent national tribunals (Art. 2c)</p> <p>Exercise and enjoyment of all human rights and fundamental freedoms on basis of equality with men (Art. 3)</p>

IV. Women Business and the Law and Women's Economic and Human Rights: Some Important Divergences

- *Women, Business and the Law* focuses on the *de jure* regime.
 - Human rights-based approach would also measure outcomes.
(though WBL does account for recognition of customary law)
- *Women, Business and the Law* focuses on women's economic empowerment, examining a narrow set of domestic legal rules and regulations.
 - A human rights-oriented approach would investigate across all areas, recognizing that an impediment any one area may have significant impact on economic achievements.
 - E.g. one important area not currently analyzed is law that prevents and penalizes violence against women

III. WBL and Women's Economic and Human Rights

2. Moving Forward by Expanding the Scope

- *Women, Business and the Law* is building a new indicator on Violence Against Women with the support of UNWOMEN
 - Growing evidence that domestic violence, sexual harassment at work and public spaces have an impact on women's economic opportunities.
 - The purpose of the new indicator will be to provide baseline data on existing laws on violence against women. The focus will be on domestic violence and sexual harassment legislation.

IV. Building Partnerships

The Benefits of Partnership

- Broaden and deepen data collection
- Improve understanding of tangential areas affecting women entrepreneurs and workers
- Multiply dissemination of WBL key findings
- Enhance WBL relevance for policy debates and operationalize WBL indicators

Current and Future Partnerships

- Inter-governmental organizations: UNWOMEN; ILO
- Civil society organizations: Equality Now; Protection Project; Women Thrive Worldwide
- National governmental bodies: Millennium Challenge Corporation
- Academia and Research Centers: George Washington University; American University; International Center for Research on Women
- Currently, WBL data is being disseminated through UN Women's report: *2011-2012*

Progress of the World's Women: In Pursuit of Justice

WBL and the Millennium Challenge Corporation

- Since 2011 the Millennium Challenge Corporation assesses governments' commitment to promoting gender equality with its "Gender in the Economy" indicator.
- This indicator is built on a selection of 20 questions from WBL's Accessing Institution indicator.
- Operationalizing WBL indicators offers promising results:
 - Benin, Lesotho, and Senegal are seeking eligibility to a second MCC compact by improving their performance on the "Gender in the Economy" indicator.
 - Cote D'Ivoire is seeking eligibility to its first MCC compact by improving its performance on the "Gender in the Economy" and other MCC indicators.

For more information: wbl.worldbank.org



WOMEN, BUSINESS AND THE LAW

CREATING ECONOMIC OPPORTUNITY FOR WOMEN



ABOUT US

DATA

METHODOLOGY

GENDER LAW LIBRARY

RESEARCH

MEDIA

Where are laws equal for men and women?

FIND DATA FOR AN ECONOMY OR TOPIC

Select an Economy

Select a Topic

Women, Business and the Law presents indicators based on laws and regulations affecting women's prospects as entrepreneurs and employees, in part drawing on laws contained in the Gender Law Library. Both resources can inform research and policy discussions on how to improve women's economic opportunities and outcomes.

COMING SOON !

Women, Business and the Law 2012 to be launched on September 26, 2011

Recent Reforms

ECONOMY	YEAR	REFORM
▶ Nigeria	2009	Married women can now get passports on their own
▶ Bangladesh	2009	Mothers can now pass on citizenship to their children
▶ Estonia	2009	Introduced a small claims procedure for court cases
▶ Ecuador	2009	Established paternity leave for fathers

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mediando la paridad de género en 141 economías

