

## Reforms by Indicator

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The following sections provide an overview of the main reforms in each of the eight indicators. For the purposes of counting, only one reform was counted where economies made changes in multiple data points within one indicator. For example, in Getting Paid, Colombia removed restrictions on women working in mining and on women working in jobs deemed hazardous, arduous or morally inappropriate. This is counted as one reform for Colombia in Getting Paid.

### Going Places

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Going Places measures constraints on freedom of movement, including whether women can independently decide where to go, travel and live. Over the past decade, Going Places saw the second lowest number of reforms across all eight indicators with only nine.

Afghanistan eliminated a requirement for married women to be accompanied by or have written permission from their husbands to get a passport. Côte d'Ivoire no longer requires all married women to provide a marriage certificate when applying for a passport, a burdensome step in an economy where many marriages are not formalized. Iraq's new passport law repealed the requirement that women under 40 be accompanied by a guardian when applying for a passport. Finally, following a decision by the constitutional court, Kuwait amended its passport law so that a husband's consent is no longer needed for a married woman to have a separate passport.

The Democratic Republic of Congo, Côte d'Ivoire, Honduras, Nicaragua, Rwanda and Togo all reformed their family laws to allow women to choose where to live in the same way as men. Previously husbands had selected the family's residence and their wives had to live there. Several of these reforms resulted from the Millennium Challenge Corporation's Gender in the Economy Indicator, which measures governments' commitments to promote gender equality in low- and lower-middle income economies using *Women, Business and the Law* data.

### Starting a Job

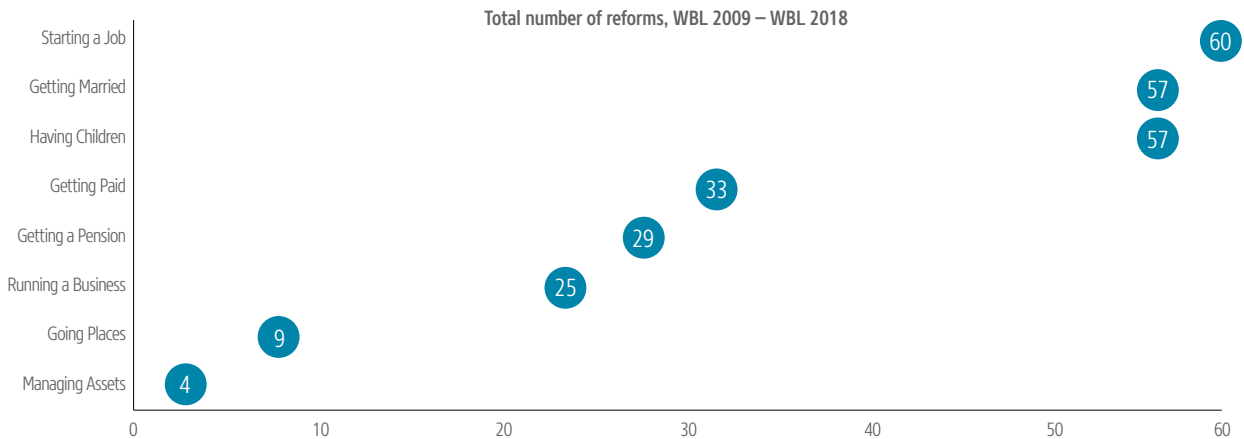
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Starting a Job analyzes laws affecting women's decisions to enter the labor market. It saw the most reforms over the last ten years (figure 12). Four economies—Bolivia, the Democratic Republic of Congo, Côte d'Ivoire and Togo—reformed to allow women to get a job or pursue a trade or profession without permission.

Thirty-five economies across every region introduced sexual harassment laws protecting women at work (figure 13). Of these, five—Argentina, Bangladesh, Georgia, Malaysia and Moldova—introduced sexual harassment laws, but did not provide for either criminal penalties or civil remedies for the violation of these laws. In Georgia, for example, the 2010 Gender Equality Act defines sexual harassment and establishes that it is not allowed, but there is no criminal penalty for sexual harassment nor can a victim sue for a civil remedy.

Additionally, nine economies introduced laws mandating nondiscrimination in employment based on gender.

**FIGURE 12 THE MOST REFORMS OCCURRED IN STARTING A JOB**



Source: Women, Business and the Law database.

**FIGURE 13 THIRTY-FIVE ECONOMIES BANNED SEXUAL HARASSMENT AT WORK**



Source: Women, Business and the Law database.

## Getting Paid

Getting Paid measures laws affecting occupational segregation and the gender wage gap. In this indicator, 13 economies—Albania, Belgium, Bolivia, the Comoros, Equatorial Guinea, Liberia, Libya, Mauritius, Montenegro, Serbia, South Africa, Vietnam and Zambia—introduced laws mandating equal remuneration for work of equal value.

Twenty-two economies reformed to remove restrictions on women’s work, reducing the likelihood that women are kept out of working in certain sectors of the economy. Of these, Bulgaria; Croatia; Kiribati; the Philippines; Poland; and Taiwan, China removed all job restrictions on women.

Additionally, Bahrain, Brunei Darussalam, Guinea, Jamaica, Libya, Moldova, Samoa and Tajikistan removed restrictions on women working at night.

Five economies removed restrictions on women working in specific industries. Colombia and the Czech Republic removed restrictions on women working in mining. The Democratic Republic of Congo removed restrictions on women working in construction, manufacturing and mining. Mongolia removed restrictions on women working in construction, energy, manufacturing, mining, transportation and water. Finally, Slovenia removed restrictions on women working in construction. Several of these reforms were motivated by the improved use of technology in these industries.

Bosnia and Herzegovina, Colombia, Guinea, Hungary, Samoa and Vietnam also removed restrictions on women working in jobs deemed hazardous, arduous or morally inappropriate.

However, Vietnam also introduced job restrictions on women working in agriculture, construction, energy, transportation and water. These changes away from gender equality, however, were balanced by other positive changes towards gender equality, resulting in a net increase in Vietnam's score in the index.

## Getting Married

Getting Married assesses legal constraints related to marriage. The most reforms in Getting Married occurred through the introduction of domestic violence laws. Forty-seven economies across all regions introduced such laws (table 3). A heightened focus on gender-based violence after the Beijing Platform for Action has driven this increase, including in the past decade.

Meanwhile, Bolivia, Ecuador, Malta and Nicaragua all granted women the same rights to remarry as men. Malta and Timor-Leste also granted women the same right to divorce as men.

The Democratic Republic of Congo removed a legal requirement that wives obey their husbands. And Côte d'Ivoire, Honduras, Nicaragua, Rwanda and Togo allowed women to be heads of household.

**TABLE 3 FORTY-SEVEN ECONOMIES INTRODUCED LAWS ON DOMESTIC VIOLENCE**

Region	Economies that introduced domestic violence legislation
East Asia & Pacific	Fiji; Kiribati; Marshall Islands; Palau; Papua New Guinea; Samoa; Timor-Leste; Tonga; Vanuatu
Europe & Central Asia	Azerbaijan; Belarus; Hungary; Kazakhstan; Latvia; Lithuania; Montenegro; North Macedonia; Tajikistan; Ukraine
Latin America & Caribbean	Suriname
Middle East & North Africa	Algeria; Bahrain; Lebanon; Saudi Arabia
OECD high income	Belgium; Denmark; France; Iceland; Netherlands
South Asia	Bangladesh; Bhutan; Maldives; Nepal; Pakistan
Sub-Saharan Africa	Angola; Benin; Burundi; Cabo Verde; Comoros; Gambia, The; Guinea-Bissau; Kenya; Mozambique; Rwanda; São Tomé and Príncipe; Uganda; Zambia

Source: Women, Business and the Law database.

**TABLE 4** THIRTY-THREE ECONOMIES ACROSS ALL REGIONS INTRODUCED PATERNITY LEAVE

Region	Economies that introduced paid paternity leave
East Asia & Pacific	Hong Kong SAR, China; Lao PDR; Myanmar; Samoa; Singapore; Timor-Leste; Vietnam
Europe & Central Asia	Albania; Bulgaria; Kosovo; Moldova; North Macedonia; Turkey
Latin America & Caribbean	Bolivia; El Salvador; Mexico; Nicaragua; Panama; Peru
Middle East & North Africa	Iran, Islamic Rep.
OECD high income	Australia; Ireland; Italy; Korea, Rep.; Luxembourg; Netherlands; Poland
South Asia	Bhutan; Maldives
Sub-Saharan Africa	Equatorial Guinea; Gambia, The; Mauritius; Seychelles

Source: Women, Business and the Law database.

## Having Children

Having Children examines laws affecting women's work after pregnancy. There were 57 reforms over the ten-year period in this indicator.

Sixteen economies increased paid maternity leave to meet the 14-week threshold established by the International Labor Organization. Additionally, 33 economies from across all regions introduced paid paternity leave (table 4).

Meanwhile Australia, Chile, France, Montenegro, New Zealand, Poland, Portugal, Singapore and the United Kingdom all introduced paid parental leave, which is leave available to either parent to take care of a child. Finally, Georgia, Mauritius, Mexico and Samoa prohibited the dismissal of pregnant workers.

## Running a Business

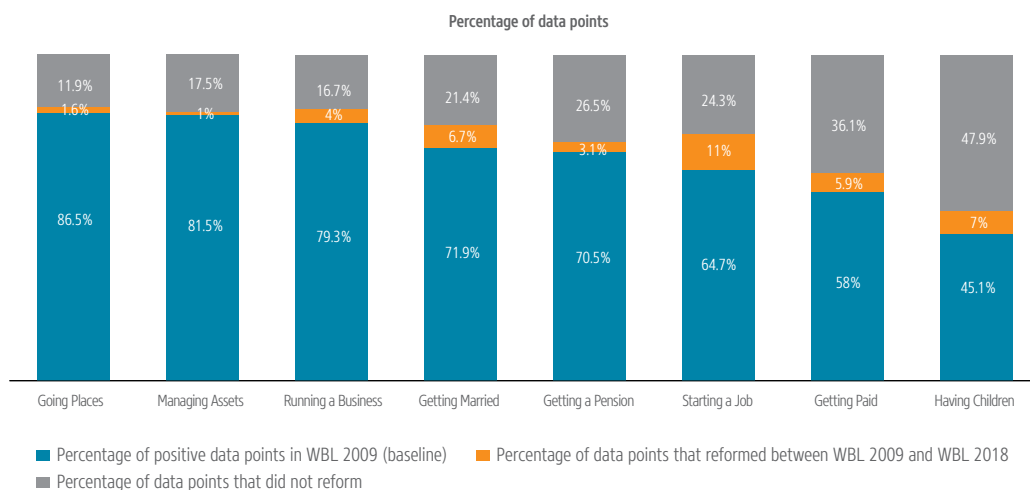
Running a Business analyzes constraints to women starting and running businesses. In Running a Business, the Democratic Republic of Congo reformed to allow women to register businesses, open bank accounts and sign contracts in the same way as men.

The Democratic Republic of Congo also prohibited gender discrimination in access to credit, as did 23 other economies from across every region but the Middle East and North Africa.

Reforms prohibiting gender discrimination in access to credit are implemented through a variety of legislation ranging from nondiscrimination and gender equality laws to credit and consumer protection acts. Maldives, for example, passed the Gender Equality Act in 2016 requiring financial institutions to ensure men and women have equal access to financial services and facilities.

**FIGURE 14**

**MANAGING ASSETS HAD THE SLOWEST PACE OF REFORM**



Source: Women, Business and the Law database.

Note: The maximum possible number of positive answers in Getting Married, Having Children and Managing Assets is 935, while in Going Places, Starting a Job, Getting Paid, Running a Business and Getting a Pension it is 748.

### Managing Assets

Managing Assets examines gender differences in property and inheritance law. It had four reforms, the fewest of all eight indicators. Ecuador granted women equal ownership rights to property. Mali reformed its inheritance law to provide sons and daughters and male and female surviving spouses equal inheritance rights. Timor-Leste granted women equal ownership rights to property and ensured that husbands were not the sole administrators of property. Finally, Togo granted women equal ownership rights to property and sons and daughters equal inheritance rights.

Looking at the data points in each indicator where reforms occurred, and where they did not, shows the starting point, the pace of reform and the remaining gap. For example, in Managing Assets roughly 17% of the data points still need to reform, and approximately 1% of data points reformed over the 10-year period. This shows that the pace of reform in this indicator is very slow, and there is still some way to go (figure 14).

### Getting a Pension

Getting a Pension assesses laws affecting the size of a woman’s pension. Over the past ten years, 22 economies equalized or are gradually equalizing the ages at which men and women can retire with full pension benefits. Additionally, eight economies equalized or are gradually equalizing the ages at which men and women can retire with partial pension benefits: Albania, Bosnia and Herzegovina, Estonia, Ethiopia, Greece, Madagascar, Slovenia and Ukraine. São Tomé and Príncipe also made the mandatory retirement age for men and women equal. Many pension reforms benefitting gender equality result from a push for greater fiscal sustainability.

Finally, Bolivia, Jordan, Malawi and North Macedonia introduced pension credits for periods of employment interruption due to childcare.

## How Reforms Happen

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There are certain triggers for reforms benefitting gender equality. Advocacy by women's groups coupled with public interest litigation is one such trigger as is support from bilateral and international organizations. These catalysts are very similar to reforms in other areas such as the business environment, where reforms are often driven by internal constituencies or encouraged by international organizations.

Campaigning by women's groups in Botswana coupled with public interest litigation, for example, supported a landmark constitutional challenge, the Unity Dow case, which overturned gender discriminatory citizenship laws.<sup>4</sup> In Brazil, advocacy by women's groups on behalf of a domestic violence survivor, Maria Da Penha, inspired legislators to introduce a law on domestic violence in her honor. It is now considered one of the world's most comprehensive laws combating violence against women.<sup>5</sup>

Advocacy has also proved critical in India, including in the Supreme Court case of Vishakha v State of Rajasthan where women's groups filed public interest litigation to enforce the rights of women in the workplace under the Indian constitution. The case led to the development of the Vishaka Guidelines, which defined sexual harassment in the workplace and provided measures to deal with it.<sup>6</sup>

Another trigger can be a push from bilateral organizations such as the Millennium Challenge Corporation. In Lesotho, the United States Millennium Challenge Corporation worked with the government to introduce the Legal Capacity of Married Persons Act, which allowed married women to make their own economic decisions. Previously the legal concept of marital power gave married women the same status as children, preventing them from making economic decisions such as starting a business or getting a loan.<sup>7</sup> Additionally, in the Arab Republic of Egypt, the United States Agency for International Development supported coordination efforts between civil society and the government to amend the Penal Code to designate sexual harassment as a crime.<sup>8</sup>

And the European Bank for Reconstruction and Development, as part of a transport project, supported the reform of legislation preventing women from becoming bus drivers in Kazakhstan in partnership with the government and a public transport operator in Almaty. Previously, women could not get bus driving licenses because a prerequisite was having a heavy goods license with one year of experience driving a heavy goods vehicle. But women were not legally allowed to drive heavy goods vehicles, and therefore could not also drive buses.<sup>9</sup> Coordinated efforts such as these have contributed to narrowing the legal gender gap over the last ten years.

## What's Next?

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Much improvement has occurred over the past decade, especially in Sub-Saharan Africa where the pace of reform is increasing, but persistent gaps remain. However, in the Middle East and North Africa, the pace of reform is occurring so slowly that the legal gender gap is only increasing as other regions reform at a faster pace.

This study develops new insight into how women’s employment and entrepreneurship are affected by legal gender discrimination, and in turn how this affects economic outcomes such as women’s participation in the labor market. The ten-year timeseries shines a light on the size of the legal gender gap, how quickly it is closing and where there are regional patterns of reform.

By laying a roadmap for progress over time and identifying potential areas for reform, this study both celebrates the progress that has been achieved and emphasizes the work that remains. To build on this work, the timeseries developed here will be extended in order to further research on the interaction between inequality of opportunity for women and labor market dynamics.

## Notes

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- 1 The *Women, Business and the Law* data cycles go from June 2007 to June 2017. The data has been published biennially and the reports were each published a few months after the data cutoff date. The first report (*Women, Business and the Law 2010*) covered the period from June 2007 to June 2009. The most recent report was *Women, Business and the Law 2018* and the data covered the period from May 2015 through June 2017. For the purposes of this ten-year retrospective the team filled in the data gaps by reviewing all reforms captured by the biennial cycle and organizing them annually to create a ten-year panel.
- 2 The three new questions are: “Can a woman obtain a judgement of divorce in the same way as a man?”; “Do women have the same rights to remarry as men?”; and “Does the law establish explicit pension credits for periods of childcare?”
- 3 The first seven indicators demonstrate statistically significant associations with one or more of the following outcomes even after controlling for the log of GNI per capita and region fixed effects: the female to male labor force participation rate ratio from the World Bank’s World Development Indicators database, the female to male wage ratio from the World Economic Forum’s Global Gender Gap Report, the percentage of firms with a female top manager from the World Bank’s Enterprise Surveys and the percentage of females (age 15+) who report owning financial accounts from the World Bank’s Global FINDEX database. For the final indicator, Getting a Pension, a statistically significant association was found with the percentage of females (age 15+) who report saving or setting aside any money for old age in the past year from the World Bank’s Global FINDEX database.
- 4 Hasan and Tanzer 2013.
- 5 De Silva de Alwis 2014.
- 6 De Silva de Alwis 2014. In 2013 India passed the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act.
- 7 Landesa 2013.
- 8 “Gender Equality and Women’s Empowerment,” United States Agency for International Development (USAID), November 7, 2017, <https://www.usaid.gov/egypt/gender-equality-and-womens-empowerment>.
- 9 EBRD 2015.

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