WOMEN, BUSINESS AND THE LAW 2020

Why mobility matters for working women

Claudia L. Corminales | June 10, 2020
I. Why does mobility matter for working women?
II. What does the indicator measure?
III. What are the main mobility findings in WBL 2020?
IV. Where are mobility reforms happening?
LAWs AFFECT WOMEN THROUGHOUT THEIR WORKING LIVES

Mobility, Workplace, Pay, Marriage, Parenthood, Entrepreneurship, Assets, Pension
MOBILITY ASSUMPTIONS

The woman in question:

• Resides in the economy’s main business city.
• Has reached the legal age of majority and is capable of making decisions as an adult, is in good health and has no criminal record.
• Is a lawful citizen of the economy being examined.
• Is in a monogamous first marriage registered with the appropriate authorities (de facto marriages and customary unions are not measured).
• Is of the same religion as her husband.
• Is in a marriage under the rules of the default marital property regime, or the most common regime for that jurisdiction, which will not change during the course of the marriage.
Why does mobility matter for working women?

Legal rights perspective

Economics perspective

When women can move freely, work outside the home and manage assets, they are more likely to join the labor force and engage in entrepreneurial activity.
MOBILITY MEASURES

1. Passport
2. Travel outside the home
3. Travel outside the country
4. Choose where to live
Can a woman apply for a passport in the same way as a man?

- There are no differences in passport application procedures.
- A woman needs the permission or signature of her husband, father or other relative.
- A woman is required to provide details about her husband, father or any other relative or guardian.
- Additional documents are required, such as a marriage certificate, while the same is not required for a man.
- Passports are mandatory for men but not for women.
- A married woman is added to the passport of her husband.
Can a woman travel outside her home in the same way as a man?

- There are no restrictions on a woman traveling alone domestically.
- If permission, additional documentation or the presence of her husband or a guardian is required for a woman to travel domestically.
- A woman must justify her reasons for leaving the home.
- Leaving the home without a valid reason is considered disobedience with legal consequences.
Can a woman travel outside the country in the same way as a man?

- There are no restrictions on a woman traveling alone internationally.
- If permission, additional documentation or the presence of her husband or a guardian is required for a woman to leave the country.
- If the law requires a married woman to accompany her husband out of the country if he so wishes.
Can a woman choose where to live in the same way as a man?

- There are no restrictions on a woman choosing where to live.
- The law states that the spouses choose the marital home in mutual agreement, or similar.
- There are explicit restrictions on a woman choosing where to live:
  - if the husband chooses the family residence.
  - if the husband has more weight in determining where the family will live.
Examples

“The choice of the marital home belongs to the husband; the woman is required to live there with him and he is obliged to receive her.” (Senegal, Family Code, Art. 153)

“A wife cannot leave the marital home without her husband’s permission, and the husband cannot prevent the wife from leaving the home in matters agreed upon by societal norms or by jurisprudence, so long as these matters are not dishonorable and as long as they do not interfere with her duties towards him. These matters include leaving the house for matters that concern managing her assets or performing her job. It is also permissible by religious jurisprudence for the wife to leave the house to serve her elderly parents, should they have no one to provide for them except her.” (Yemen, Personal Status Law No. 20 of 1992, Art. 40)
What are the main mobility findings?

<table>
<thead>
<tr>
<th>Region</th>
<th>Average Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Middle East &amp; North Africa</td>
<td>53</td>
</tr>
<tr>
<td>Sub-Saharan Africa</td>
<td>82</td>
</tr>
<tr>
<td>East Asia &amp; Pacific</td>
<td>89</td>
</tr>
<tr>
<td>South Asia</td>
<td>91</td>
</tr>
<tr>
<td>Latin America &amp; Caribbean</td>
<td>92</td>
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<tr>
<td>Europe &amp; Central Asia</td>
<td>99</td>
</tr>
<tr>
<td>High income: OECD</td>
<td>100</td>
</tr>
</tbody>
</table>
What are the main mobility findings?

- **36 economies**: A woman cannot apply for a passport.
- **16 economies**: A woman cannot travel outside her home.
- **9 economies**: A woman cannot travel outside the country.
- **36 economies**: A woman cannot choose where to live.
Economies where reforms granted women greater freedom of movement

Saudi Arabia removed restrictions for women on obtaining a passport and traveling abroad. New legal amendments also equalized a woman’s right to choose where to live and leave the marital home.

The United Arab Emirates allowed a married woman to apply for a passport without the written consent of her husband.
Grenada made international travel easier for women by allowing them to apply for a passport in the same way as men, with no need for additional documentation.

Uganda made international travel easier for women by allowing them to apply for a passport in the same way as men, with no need to provide additional information.
50 Years of Women’s Rights
THANK YOU!

Women, Business and the Law

Women, Business and the Law (WBL) measures gender inequality in the law. The dataset identifies barriers to women’s economic participation and encourages the reform of discriminatory laws. Read more