Why Assets Matter for Working Women

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LAWS AFFECT WOMEN THROUGHOUT THEIR WORKING LIVES

- Mobility
- Workplace
- Pay
- Marriage
- Parenthood
- Entrepreneurship
- Assets
- Pension
40% OF ECONOMIES LIMIT WOMEN’S PROPERTY RIGHTS

This map depicts scores for the Assets indicator for Women, Business and the Law 2020. A score of less than 100 depicts at least one legal constraint on women’s property rights. Disclaimer: Country borders or names do not necessarily reflect the World Bank Group’s official position.
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 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.
- For the question on inheritance rights of surviving spouses, it is assumed that the deceased spouse is not survived by any children.
**ASSETS**

Average Regional Score for Assets Indicator

- Europe and Central Asia: 100
- High Income OECD: 98.8
- Latin America and Caribbean: 94.1
- East Asia and Pacific: 76.8
- Sub-Saharan Africa: 73.3
- South Asia: 55
- Middle East and North Africa: 43

Overall Score: 81.8
WHERE DO WOMEN AND MEN HAVE EQUAL OWNERSHIP RIGHTS OVER IMMOVABLE PROPERTY?
In 19 economies, men and women do not have equal ownership rights.

Husbands are granted administrative control over marital property.

Legal capacity is unequal.

Husband has the marital power.

Unmarried women cannot administer assets in the same way as unmarried men.

Do women and men have equal ownership rights over immovable property?
DO WOMEN AND MEN HAVE EQUAL OWNERSHIP RIGHTS OVER IMMOVABLE PROPERTY?

HAITI

Spouses jointly administer marital property, but in case of disagreement the husband's word prevails.

Décret du 8 octobre 1982 Fixant un Nouveau Statut à la Femme Mariée de Haïti, Art.8

MAURITANIA

The wife has the right to use her private property, and the husband shall not monitor her actions unless she donates more than a third of her property.

Personal Status Law No. 052-2001 of Mauritania, Art. 58

PHILIPPINES

[.. In case of disagreement, the husband's decision shall prevail, subject to recourse to the court by the wife for proper remedy...]

Family Code of Philippines, Art. 96

TONGA

[..every male Tongan ..shall be entitled to receive subject to the provisions of this Act a grant of land [...] as a tax allotment]

Land Act of Tonga, Art.7
DO WOMEN AND MEN HAVE EQUAL OWNERSHIP RIGHTS OVER IMMOVABLE PROPERTY?

**Yes**
- There is no specific legal restriction related to property applied to women or men based on gender.
- Aspects related to property during marriage fall under a mix of custom, law and judicial precedent and no sources, including CEDAW reports, reveal the existence of inequality.

**No**
- Legal restrictions on property ownership are applied to women or men based on gender.
- There are gender differences in the legal treatment of spousal property (e.g., if husbands are granted administrative control over marital property).
WHERE DO SONS AND DAUGHTERS HAVE EQUAL RIGHTS TO INHERIT ASSETS FROM THEIR PARENTS?

- **Yes**: 43
- **No**: 147

**Regional Counts**
- **EAP**: 6
- **ECA**: 19
- **MENA**: 13
- **SA**: 5
- **SSA**: 6

**Abbreviations**
- **EAP**: East Asia & Pacific
- **ECA**: Europe & Central Asia
- **OECD**: High income
- **LAC**: Latin America & Caribbean
- **MENA**: Middle East & North Africa
- **SA**: South Asia
- **SSA**: Sub-Saharan Africa
DO SONS AND DAUGHTERS HAVE EQUAL RIGHTS TO INHERIT ASSETS FROM THEIR PARENTS?

**BANGLADESH**

“...in all questions regarding intestate succession, special property of females, including personal property inherited or obtained under contract or gift or any other provision of Personal Law, marriage, dissolution of marriage... the rule of decision in cases where the parties are Muslims shall be the Muslim Personal Law (Shariat).”

*Muslim Personal Law (Shariat) Application Act of 1937*

**MALTA**

“...children or other descendants succeed to their father and mother or other ascendants without distinction of sex, and whether they are born or conceived in marriage or otherwise and whether they are of the same or of different marriages”.

*Civil Code, Art. 811*
DO SONS AND DAUGHTERS HAVE EQUAL RIGHTS TO INHERIT ASSETS FROM THEIR PARENTS?

**Yes**

- Law recognizes children as heirs to property without any restrictions based on gender
- Aspects related to inheritance fall under a mix of custom, law, and judicial precedent and all sources do not reveal the existence of inequality.

**No**

- There are gender-based differences in the recognition of children as heirs to property
- Aspects related to inheritance fall under custom and sources confirm that the customary system is influenced by unequal personal law (e.g. the country applies Shariah)
WHERE DO FEMALE AND MALE SURVIVING SPOUSES HAVE EQUAL INHERITANCE RIGHTS OVER IMMOVABLE PROPERTY?

- No: 146
- Yes: 44

EAP: East Asia & Pacific  |  ECA: Europe & Central Asia  |  OECD: High income  |  LAC: Latin America & Caribbean
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where an intestate has left one surviving spouse and a child or children, the surviving spouse shall be entitled to - (a) the personal and household effects of the deceased absolutely And (b) a life interest in the whole residue of the net intestate estate. However, if the surviving spouse is a widow, that interest shall be determined upon her re-marriage to any person.

Succession Act, Arts. 35 (5) and 36 (1)
DO FEMALE AND MALE SURVIVING SPOUSES HAVE EQUAL INHERITANCE RIGHTS OVER IMMOVABLE PROPERTY?

Yes

Surviving spouses of either gender have the same inheritance rights.

Aspects related to property during marriage fall under a mix of custom, law and judicial precedent and no sources reveal the existence of inequality.

No

There are gender-based differences in inheritance.

Aspects related to inheritance fall under custom and sources confirm that the customary system is influenced by unequal personal law (e.g. the country applies Shariah).
IMPORTANCE OF EQUAL INHERITANCE RIGHTS FOR FEMALE EMPOWERMENT

Tunisian women chant slogans as they wave their national flags during a demonstration to mark Tunisia’s Women’s Day and to demand equal inheritance rights between men and women on August 13, 2019, in the capital Tunis. (Photo by FETHI BELAID / AFP) (Photo credit should read FETHI BELAID/AFP/Getty Images) [-]

A demonstration to remind the government about a promised land reform policy in India. More than 2.5 million women are filing land claims to put the pressure on the Indian government to implement land reforms. Many rural women who work in agriculture in the country do not own the land they depend on.
Photo by: Actionaid India / CC BY-NC-ND
MARRITAL PROPERTY REGIMES

- Separation of property
- Partial community of property
- Full community of property
- Deferred community of property
Who has the legal right to administer property within marriage?

- Original owner
- Both must agree
- Separate with spousal consent
- Husband
- Other
WHERE DOES THE LAW GRANT SPOUSES EQUAL ADMINISTRATIVE AUTHORITY OVER ASSETS DURING MARRIAGE

- No
- Yes

180

OECD: 1
EAP: 1
SSA: 8

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DOES THE LAW GRANT SPOUSES EQUAL ADMINISTRATIVE AUTHORITY OVER ASSETS DURING MARRIAGE?

CHILE

“By virtue of the marriage, property society is contracted between the spouses, and the husband assumes the administration of those of the woman, according to the rules that will be set forth in the title of the conjugal society. […]”

Civil Code, Art. 135

LATVIA

“The spouses shall jointly administer and act in regard to the joint property of both spouses, but upon both spouses agreeing it may also be administered by one of them. Any acts regarding such property by one of the spouses shall require the consent of the other spouse […]”

Civil Code, Art. 811
Does the law grant spouses equal administrative authority over assets during marriage?

Yes

- Each spouse retains administrative power over assets they brought to marriage or acquired during marriage.
- Each spouse administers her or his separate property, but for major transactions, spousal consent is required.
- Both spouses have equal rights in the administration and transaction of joint property.

No

- The husband has administrative rights over all property, including any separate property of the wife.
DOES THE LAW GRANT SPOUSES EQUAL ADMINISTRATIVE AUTHORITY OVER ASSETS DURING MARRIAGE?

'Our role is central': more than 1m Chilean women to march in huge protest

Sunday march expected to reignite wave of unrest that began in October over inequality, social injustice and high cost of living

More than a million women in Chile are preparing to join a massive protest this Sunday to mark International Women's Day, in a march expected to reignite the wave of social unrest that began four months ago.
WHERE DOES THE LAW PROVIDE FOR THE VALUATION OF NONMONETARY CONTRIBUTIONS?

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- No
- Yes

57
133

LAC: 2  
SA: 8  
SSA: 19  
MENA: 19  
EAP: 9
“.. It shall be the duty of the court when granting or subsequent to the grant of a judgment of divorce in what manner, to have regard to all the circumstances of the case, including the following matters:

(d) the extent of the contributions made by each party to the welfare of the family, including looking after the home or caring for the family or any aged or infirm relative or dependant of either party;

Women’s Charter (Ch. 353), Sec. 112(2)
DOES THE LAW PROVIDE FOR THE VALUATION OF NONMONETARY CONTRIBUTIONS?

Yes

An explicit legal recognition of such contributions is found, and the law provides for equal or equitable division of the property or the transfer of a lump sum to the stay-at-home spouse.

No

Default marital property regime is separation of property or other, and there is no explicit legal provision providing for equal or equitable division of property based on nonmonetary contributions.

The default marital property regime is full community, partial community or deferred full or partial community.
DOES THE LAW PROVIDE FOR THE VALUATION OF NONMONETARY CONTRIBUTIONS?

‘...Economist M. Waring traveled around the world studying unpaid work—and she calculated that if you hired workers at the market rate to do all the unpaid work women do, unpaid work would be the biggest sector of the global economy...’

Excerpted from “Moment of Lift” by Melinda Gates
Does the law provide for the valuation of nonmonetary contributions?

76 economies have a separation of property regime as default, out of which 28 legally recognize non-monetary contributions.
REFORMS RELATED TO ASSETS ARE THE MOST DIFFICULT TO PASS

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A woman's battle to inherit land in Ivory Coast

A woman in rural Ivory Coast has been called to a meeting under the shaded veranda of the local chief's house to defend her right to inherit her husband's property.

"Barely in her forties, she sits quietly with her head down, the town chief in this small village of Guin, close to the Lebanese border, is doing much of the talking.

"Occasionally she speaks up to give her side of the story which is, to Hertha Masso..."
50 YEARS OF REFORM

![Graph showing trends in various indices over 50 years.](image)
THE LAW IS ONLY ONE PIECE OF THE PUZZLE
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