



# WOMEN, BUSINESS AND THE LAW 2022







# WOMEN, BUSINESS AND THE LAW 2022



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## CONTENTS

ix	<b>Foreword</b>
x	<b>Abbreviations</b>
1	<b>Executive Summary</b>
9	<b>Chapter 1. Findings</b>
41	<b>Annex 1A. Women, Business and the Law Index Indicator Scores</b>
47	<b>Annex 1B. Summaries of Reforms</b>
51	<b>Chapter 2. Toward Available, Affordable, and Quality Childcare Services</b>
69	<b>Chapter 3. Measuring the Legal Environment in Practice</b>
95	<b>Appendix A. Data Notes</b>
111	<b>Appendix B. Economy Data</b>
117	<b>Appendix C. Acknowledgments</b>

*Women, Business and the Law 2022* is the eighth in a series of annual studies measuring the laws and regulations that affect women's economic opportunity in 190 economies. The project presents eight indicators structured around women's interactions with the law as they progress through their lives and careers: Mobility, Workplace, Pay, Marriage, Parenthood, Entrepreneurship, Assets, and Pension.

Amid ongoing development challenges that disproportionately affect women, *Women, Business and the Law 2022* identifies barriers to women's economic participation and encourages the reform of discriminatory laws. This year, the study also includes preliminary findings and analysis of pilot data collected on the provision of childcare and the implementation of the law.

The indicators build evidence of the critical relationship between legal gender equality and women's employment and entrepreneurship. By examining the economic decisions that women make throughout their working lives as well as progress made toward gender equality over the last 50 years, *Women, Business and the Law* makes an important contribution to research and policy discussions about the state of women's economic empowerment.

Data in *Women, Business and the Law 2022* are current as of October 1, 2021.

## Boxes

- 11 **1.1: About *Women, Business and the Law***
- 28 **1.2: Most policy responses to the pandemic childcare crisis have expired**
- 34 **1.3: Engagement with civil society organizations**
- 35 **1.4: How can laws protect the rights of women with disabilities?**
- 64 **2.1: Recent trends in childcare reform**
- 71 **3.1: “Implementation” in the context of *Women, Business and the Law***
- 74 **3.2: Women’s representation in judicial institutions**
- 81 **3.3: Providing critical services to survivors of violence**
- 99 **A.1: Assumptions used to ensure comparability**

## Figures

- 2 **ES.1: The eight *Women, Business and the Law* indicators**
- 5 **ES.2: The three pillars of childcare services**
- 6 **ES.3: Regulation of structural quality for public and private providers of childcare, by region**
- 7 **ES.4: The structure-process-outcome framework, as applied to *Women, Business and the Law***
- 11 **B1.1.1: The eight *Women, Business and the Law* indicators**
- 12 **1.1: Association between strong legal frameworks and higher share of female entrepreneurs**
- 13 **1.2: Correlation between legal equality and the proportion of firms with women owners that begin operating in the informal sector**
- 16 **1.3: *Women, Business and the Law* score, by income level**
- 17 **1.4: Dispersion of *Women, Business and the Law* scores, by region**
- 18 **1.5: Average *Women, Business and the Law* scores, by indicator**
- 19 **1.6: Improvement in *Women, Business and the Law* score, by region**

- 21 **1.7: Improvement in *Women, Business and the Law* score, by indicator**
- 25 **1.8: Number of economies with laws protecting women from violence, by type**
- 31 **1.9: Number of economies that prohibit discrimination in access to financial services through different types of legislation**
- 34 **B1.3.1: In-country engagement with civil society organizations in Sub-Saharan Africa, 2016–21**
- 36 **B1.4.1: Preliminary findings on the legal framework related to women with disabilities**
- 52 **2.1: The international legal framework on childcare provision**
- 54 **2.2: The three pillars of childcare services**
- 55 **2.3: Key constraints in the childcare market**
- 59 **2.4: Laws regulating public, private, and employer-provided childcare services, by region**
- 60 **2.5: Financial support for consumers or providers of childcare services, by region**
- 62 **2.6: Regulation of structural quality for public and private providers of childcare, by region**
- 63 **2.7: Reporting or inspection requirements for public and private providers of childcare services, by region**
- 70 **3.1: The structure-process-outcome framework, as applied to *Women, Business and the Law***
- 79 **3.2: Gap between the passage of laws and their supportive frameworks across regions**
- 79 **3.3: Gap between the passage of laws and their supportive frameworks across indicators**
- 84 **3.4: Examples of other cross-country expert opinion and perception surveys**
- 87 **3.5: Disparity between legal index and expert opinion scores in all regions but the Middle East and North Africa**
- 89 **3.6: Disparity between legal index and expert opinion scores in all indicators**

- 90 **3.7: Correlation between legal index and supportive framework and expert opinion scores, by region**
- 95 **A.1: The eight *Women, Business and the Law* indicators**
- 97 **A.2: Sample scoring on the *Women, Business and the Law* index: Ecuador**

## Maps

- 3 **ES.1: *Women, Business and the Law 2022* index**
- 16 **1.1: *Women, Business and the Law 2022* index**
- 41 **1A.1: *Women, Business and the Law* index overall scores**
- 42 **1A.2: *Women, Business and the Law* index Mobility indicator scores**
- 42 **1A.3: *Women, Business and the Law* index Workplace indicator scores**
- 43 **1A.4: *Women, Business and the Law* index Pay indicator scores**
- 43 **1A.5: *Women, Business and the Law* index Marriage indicator scores**
- 44 **1A.6: *Women, Business and the Law* index Parenthood indicator scores**
- 44 **1A.7: *Women, Business and the Law* index Entrepreneurship indicator scores**
- 45 **1A.8: *Women, Business and the Law* index Assets indicator scores**
- 45 **1A.9: *Women, Business and the Law* index Pension indicator scores**

## Tables

- 4 **ES.1: Reforms improving gender equality in 2020–21, by indicator**
- 8 **ES.2: Select expert opinions of gaps in implementation of legislation**
- 14 **1.1: *Women, Business and the Law 2022* index**
- 18 **1.2: Number of economies in each score group, by indicator**

- 20 **1.3: Reforms to improve gender equality in 2020–21, by indicator**
- 21 **1.4: Number of economies that do not have laws guaranteeing women’s freedom of movement**
- 22 **1.5: Number of economies that do not have laws protecting women in the workplace**
- 24 **1.6: Number of economies that do not have laws addressing the pay gap**
- 26 **1.7: Number of economies with legal constraints related to marriage and divorce**
- 27 **1.8: Number of economies that do not have laws incentivizing women’s work after having children**
- 27 **1.9: Regional average number of leave days, 1970–2021**
- 30 **1.10: Number of economies that have not removed barriers to women’s entrepreneurship**
- 32 **1.11: Number of economies that do not have laws granting women equal rights to property and inheritance**
- 33 **1.12: Number of economies that do not have laws ensuring women’s economic security in old age**
- 56 **2.1: *Women, Business and the Law* childcare pilot economies**
- 57 **2.2: Data snapshot, Romania and Kenya**
- 61 **2.3: Examples of financial and nonfinancial support for childcare services for the poor**
- 62 **2.4: Preferential tax treatment for the provision and uptake of childcare services**
- 65 **2.5: Methodological limitations, by pillar**
- 72 **3.1: Factors that define the efficient and effective implementation of laws**
- 76 **3.2: *Women, Business and the Law* implementation pilot economies**
- 77 **3.3: Supportive framework questions, by indicator**

80	<b>3.4: Examples of supportive frameworks under the workplace indicator</b>
82	<b>3.5: Examples of simplified procedures in small claims courts</b>
85	<b>3.6: <i>Women, Business and the Law</i> index and corresponding expert opinion statements</b>
88	<b>3.7: Select expert opinions of gaps in implementation of legislation</b>
96	<b>A.1: <i>Women, Business and the Law</i> indicators</b>
98	<b>A.2: Methodological strengths and limitations of the <i>Women, Business and the Law</i> index</b>
111	<b>B.1: Economy-level indicator data</b>

## FOREWORD



As the world enters the third year of the pandemic, continued threats to health, safety, and livelihoods have exacerbated preexisting inequalities and injustices. Despite their key role in development, women are often the most adversely affected by crises. As a group, they are uniquely vulnerable to the effects of economic downturns—the available evidence suggests that the downturn caused by COVID-19 is no exception.

By revealing how discriminatory laws prevent women from fully and equally contributing to their economies, *Women, Business and the Law* makes the case for concrete reforms toward gender equality. Legal reforms to encourage and incentivize women’s work not only empower women but also strengthen communities and economies.

This year, the project presents the eighth report in the series, covering 190 economies. Since October 2020, 23 economies have introduced reforms strengthening women’s legal status, setting a powerful example for their peers. The regions furthest behind, the Middle East and North Africa and Sub-Saharan Africa, have been catching up and instituted the most positive changes. Globally, many of the new laws provide more benefits to working parents and have improved gender equality in the workplace.

Yet much remains to be done. On average, women still have just three-quarters of the economic rights of men in the areas measured by *Women, Business and the Law*, and nearly 2.4 billion women of working age live in countries where they do not enjoy the same economic rights as men.

Obstacles also remain in access to childcare and implementation of the law, two areas where *Women, Business and the Law* is expanding its measurement agenda. This year’s edition presents preliminary findings and analysis of pilot data in these areas, which are critical to narrowing the gender gap in labor force participation.

Gender equality is essential to end extreme poverty and boost shared prosperity. *Women, Business and the Law 2022* continues to build evidence of the significant relationship between women’s rights and economic well-being. This agenda must remain a priority to effect lasting change.

A handwritten signature in black ink that reads "Carmen M. Reinhart".

Carmen M. Reinhart  
Chief Economist and Senior Vice President  
Development Economics  
The World Bank Group





## ABBREVIATIONS



CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
COVID-19	coronavirus disease 2019
DEVAW	Declaration on the Elimination of Violence against Women
EU	European Union
ILO	International Labour Organization
ISCED	International Standard Classification of Education
LACGIL	Gender Innovation Laboratory for Latin America and the Caribbean
LLC	limited liability company
OECD	Organisation for Economic Co-operation and Development
OHADA	Organization for the Harmonization of Business Law in Africa
SAR	special administrative region
UN	United Nations
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNICEF	United Nations Children's Fund
WBL	<i>Women, Business and the Law</i>

All dollar amounts are US dollars unless otherwise indicated.





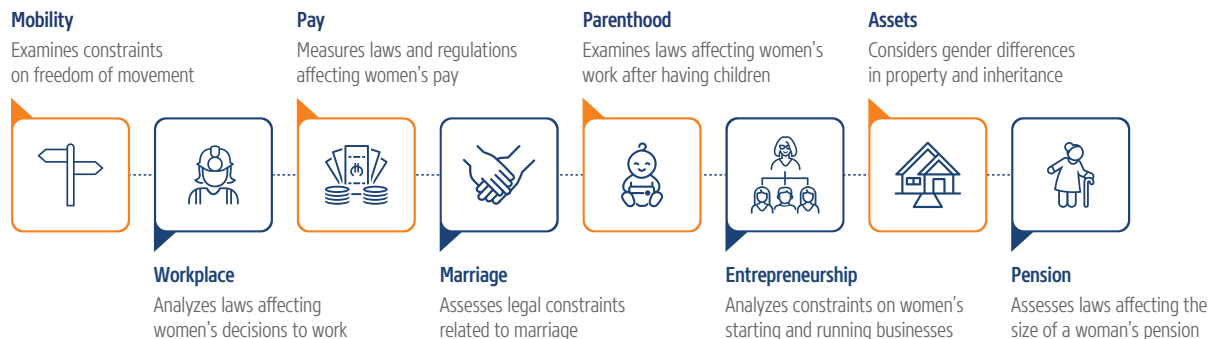
# Executive Summary

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## Findings

**When societies become more equal, economies become more resilient.** Besides being the right thing to do, gender equality makes economic sense. The World Bank estimates that, globally, differences between men's and women's total expected lifetime earnings is \$172.3 trillion, equivalent to twice the world gross domestic product (GDP) (Wodon et al. 2020). As such, adopting laws that strengthen women's rights and opportunities is an essential first step toward a more resilient and inclusive world. *Women, Business and the Law 2022* measures global progress toward gender equality in 190 economies by identifying the laws and regulations that restrict and incentivize women's economic participation. Whether a 25-year-old starting her first job, a mother balancing work with caring for her children, or a woman on the verge of retirement, the eight indicators show the ways in which laws affect women throughout their working lives (figure ES.1).

The *Women, Business and the Law* index measures explicit discrimination in the law, legal rights, and the provision of certain benefits, areas in which reforms can bolster women's labor force participation. Governments can use this framework to identify barriers to women's success, remove them, and boost economic inclusion. Amid development challenges that disproportionately affect women, including the ongoing COVID-19 pandemic, a legal environment that supports their work is more important than ever. Yet all over the world, discriminatory laws are exacerbating the effects of an already difficult period.

FIGURE ES.1 | THE EIGHT *WOMEN, BUSINESS, AND THE LAW* INDICATORS

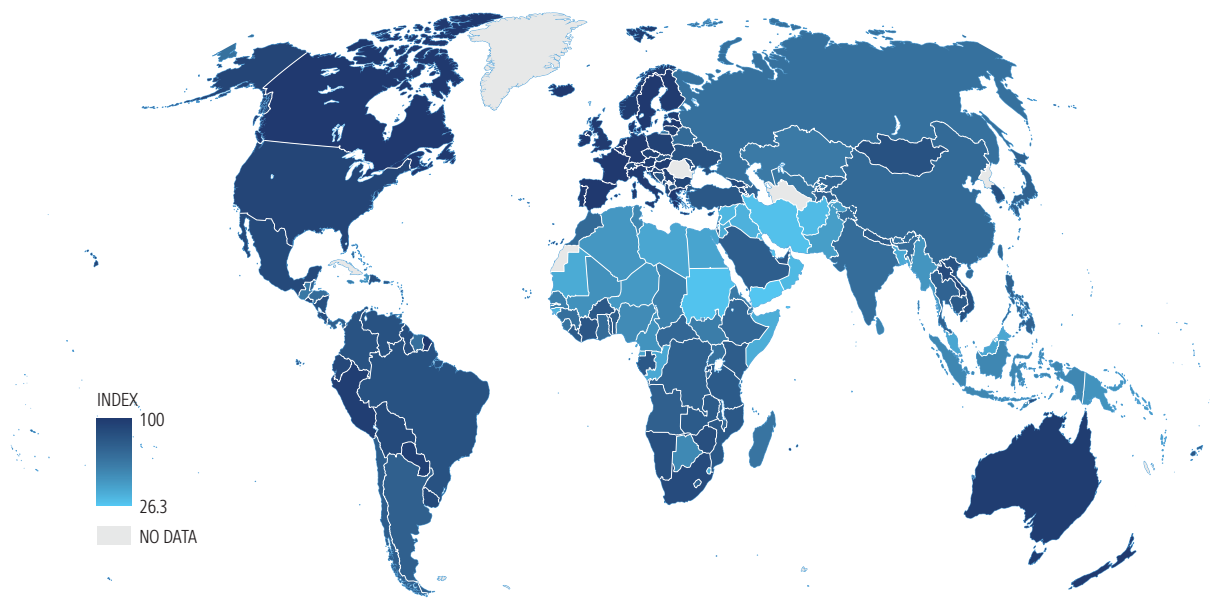
Source: *Women, Business and the Law* team.

**Billions of women still do not have the same legal rights as men.** The global average *Women, Business and the Law* score is 76.5 out of 100, indicating that a typical woman has just three-quarters of the rights of men in the areas measured (map ES.1). While the average score is half a point higher than in 2020, nearly 2.4 billion women of working age worldwide still are not afforded equal economic opportunities. Just 12 economies score 100, indicating that women are on equal legal standing with men across all areas. The most persistent gaps remain in the areas of Pay and Parenthood, demonstrating that many economies have yet to remove restrictions or introduce the good-practice legal rights and benefits identified. Among regions, the Organisation for Economic Co-operation and Development (OECD) high-income region, Europe and Central Asia, and Latin America and the Caribbean have the highest average scores. The Middle East and North Africa has the lowest average score of 53.0. Nevertheless, in every region there are governments implementing good-practice laws and those that still have room to improve.

**Reform is critical for women's empowerment.** Women continue to face major challenges that threaten to widen gender gaps and entrench existing inequalities. They earn less than men for the same work and face a greater risk of violence in their homes. Coupled with the pandemic's ongoing nature, the global community is at risk of reversing the progress that has been made to bring women into the workforce. Women's economic rights should be strengthened so that they can have equal access to public support programs and digital technologies, such as mobile phones, computers, and the internet, which can help them to start new businesses, discover new markets, and find better jobs.

Fortunately, over the past year, 23 governments sought to address this inequality, introducing legal reforms to ensure women's empowerment and protect not only their people but also their economies. Of the 39 laws that changed because of these reforms, 10 were enacted in the Middle East and North Africa. Despite its low scores, the region advanced the most as a result of these efforts, with 25 percent of economies implementing at least one reform. Economies in Europe and Central Asia also passed reforms, despite having scores above the global average, with 17 percent changing

## MAP ES.1 | WOMEN, BUSINESS AND THE LAW 2022 INDEX











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

IBRD 46392 | FEBRUARY 2022

at least one law to improve gender equality. Additionally, many reforms occurred in Western and Central Africa. Gabon stands out, undertaking comprehensive reforms to its civil code and enacting a law to eliminate violence against women, which affected 9 of the 15 data points for which the country previously recorded a “no” answer across five indicators: Mobility, Workplace, Marriage, Entrepreneurship, and Assets. The Parenthood indicator, with positive changes in eight data points in eight economies, recorded the highest number of reforms, followed by Workplace and Pay (table ES.1).

**Strong laws lead to stronger economies.** *Women, Business and the Law 2022* builds on the evidence that reform toward gender equality is critical for women’s employment and entrepreneurship (World Bank 2020, 2021). Women earn only two-thirds of men’s expected lifetime income; therefore, reducing the inequalities in economic opportunity that could close this gap may lead to enormous benefits for the world (Wodon et al. 2020). Discriminatory practices not only hold women back, but also impede firms’ productivity, as they are associated with lower levels of sales and labor productivity (Hyland, Islam, and Muzi 2020). In fact, the good-practice laws captured by the index are strongly associated with women’s increased economic empowerment. Additionally, evidence is emerging that a more equal legal environment is associated with a higher share of female entrepreneurs.<sup>1</sup> The presence of domestic violence legislation is also associated with a women-to-men mortality ratio that is 2.3 percent lower than the mean value (Amin, Islam, and Lopez-Claros 2021).

However, while reforms in the areas covered by *Women, Business and the Law* are associated with a range of positive outcomes for women, they are not a silver

TABLE ES.1 REFORMS IMPROVING GENDER EQUALITY IN 2020–21, BY INDICATOR	
Indicator	Examples of reforms adopted
 <b>Mobility</b>	In <i>Cyprus</i> and <i>Oman</i> , passport application procedures are now equal for men and women. <i>Gabon</i> gave women the same rights as men to choose where to live.
 <b>Workplace</b>	<i>Angola</i> and <i>Lebanon</i> both enacted laws protecting women from sexual harassment in employment, including criminal penalties for such conduct. <i>Gabon</i> enacted legislation allowing women to get jobs without permission from their husbands. <i>Kuwait</i> prohibited gender discrimination in employment and adopted legislation on sexual harassment in employment.
 <b>Pay</b>	<i>Bahrain</i> and <i>Burundi</i> mandated equal remuneration for work of equal value. In <i>Benin</i> and <i>Vietnam</i> , women can now work in industrial jobs in the same way as men. <i>Pakistan</i> lifted restrictions on women's ability to work at night.
 <b>Marriage</b>	<i>Egypt</i> , <i>Arab Rep.</i> , enacted legislation protecting women from domestic violence. <i>Gabon</i> no longer requires a married woman to obey her husband and allows women to be head of household in the same way as men. <i>Gabon</i> also enacted legislation protecting women from domestic violence.
 <b>Parenthood</b>	<i>Armenia</i> , <i>Switzerland</i> , and <i>Ukraine</i> introduced paid paternity leave. <i>Colombia</i> , <i>Georgia</i> , <i>Greece</i> , and <i>Spain</i> introduced paid parental leave. <i>Hong Kong SAR</i> , <i>China</i> , increased the duration of paid maternity leave to at least 14 weeks.
 <b>Entrepreneurship</b>	<i>Egypt</i> , <i>Arab Rep.</i> , <i>Gabon</i> , and <i>Sierra Leone</i> prohibited gender-based discrimination in financial services, making it easier for women to access credit. <i>Gabon</i> also gave women the same rights to open a bank account as men.
 <b>Assets</b>	<i>Gabon</i> granted spouses equal rights to immovable property and equal administrative authority over assets during marriage.
 <b>Pension</b>	<i>Argentina</i> explicitly accounted for periods of absence due to childcare in pension benefits. <i>Cambodia</i> and <i>Ukraine</i> equalized the ages at which men and women can retire with full pension benefits.

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

bullet for women's inclusion. Legal reform will improve women's lives only if laws are implemented properly and if the wider ecosphere is supportive of them. Laws will not achieve their intended effects if they are in strong conflict with prevailing social norms. However, changing norms and laws can be mutually reinforcing, with legal reforms often acting as a magnet to draw social norms in the same direction over time.

**New areas of research.** *Women, Business and the Law* continues to pursue its substantial research agenda by exploring new topics that are fundamental to the effort to close persistent gender gaps in women's economic inclusion. This edition presents preliminary findings and analysis of pilot data collected on the provision of childcare and the implementation of the law. *Women, Business and the Law* welcomes feedback on these areas of study and expects to refine these measures for further research.

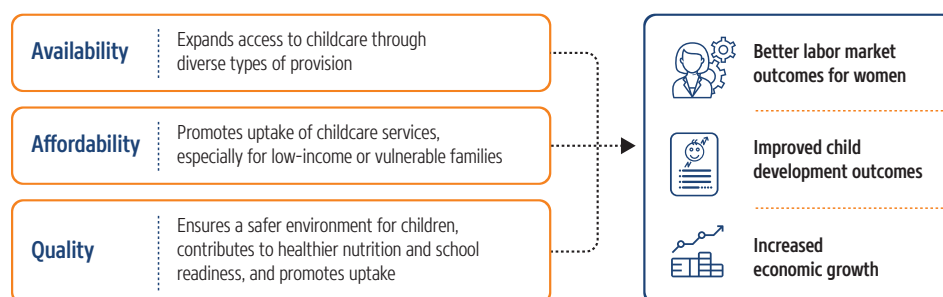
## Toward available, affordable, and quality childcare services

**Childcare matters for women’s economic participation.** Women bear a disproportionate burden of unpaid care at home, and this unequal distribution of responsibilities compromises their capacity to access and retain jobs (OECD 2019; UN Women 2015). The COVID-19 crisis has only heightened the importance of aligning childcare policies more closely with the needs of working parents and, in particular, working mothers. To fill gaps in the knowledge around the overall design and effectiveness of childcare policies and inform their successful implementation, *Women, Business and the Law 2022* presents a new conceptual framework for measuring the legal environment affecting the provision of childcare services. This pilot exercise examines laws and regulations in 95 economies with regard to three pillars: availability, affordability, and quality.

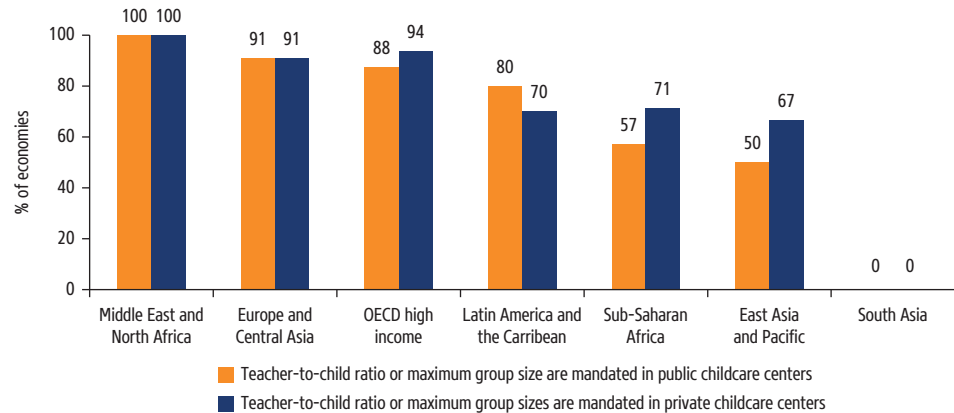
The enactment of policies to make childcare available, affordable, and of decent quality is a priority due to its potential to achieve better outcomes for women, children, and the economy as a whole (figure ES.2). In support of this goal, this project maps and explores current legal and regulatory measures that have been adopted to ensure or strengthen the availability, affordability, and quality of childcare without endorsing a specific approach to policy design. It is mindful that legal frameworks differ in their institutional arrangements, delivery schemes, and general application.

**Insights from pilot data.** The availability and regulation of different types of childcare services vary widely across regions. The public provision of childcare is regulated in nearly all economies in the OECD high-income region and Europe and Central Asia. Conversely, many economies in the Middle East and North Africa and South Asia regulate childcare services provided by the private sector or by employers only. Of the 55 economies where the public sector provides childcare, about 80 percent do not mandate free provision; parents must pay a fee that may be conditioned on a set of criteria—for example, income or number of children. Many economies, however, provide financial support to parents that may be conditioned on household income or parental employment status. With regard to quality, mandated parameters such as teacher-to-child ratios, maximum group size, licensing, inspections, and reporting vary across economies, with no clear pattern among regions (figure ES.3).

**FIGURE ES.2 | THE THREE PILLARS OF CHILDCARE SERVICES**



Source: *Women, Business and Law* team.

**FIGURE ES.3 | REGULATION OF STRUCTURAL QUALITY FOR PUBLIC AND PRIVATE PROVIDERS OF CHILDCARE, BY REGION**

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

Note: OECD = Organisation for Economic Co-operation and Development.

**Next steps.** Targeting access to affordable and quality childcare services can have far-reaching positive impacts, not only for women as active participants in the labor market, but also for child development and economic growth. Although no international legal standards have been established for regulations on childcare, governments may support a wide range of options to meet the needs of working mothers and families. *Women, Business and the Law* will continue exploring such legal frameworks to inform the design of childcare policy and present good practices to governments and policy makers. The team aims to expand the pilot exercise to 190 economies and present scored indicators for inclusion in the legal index in subsequent years.

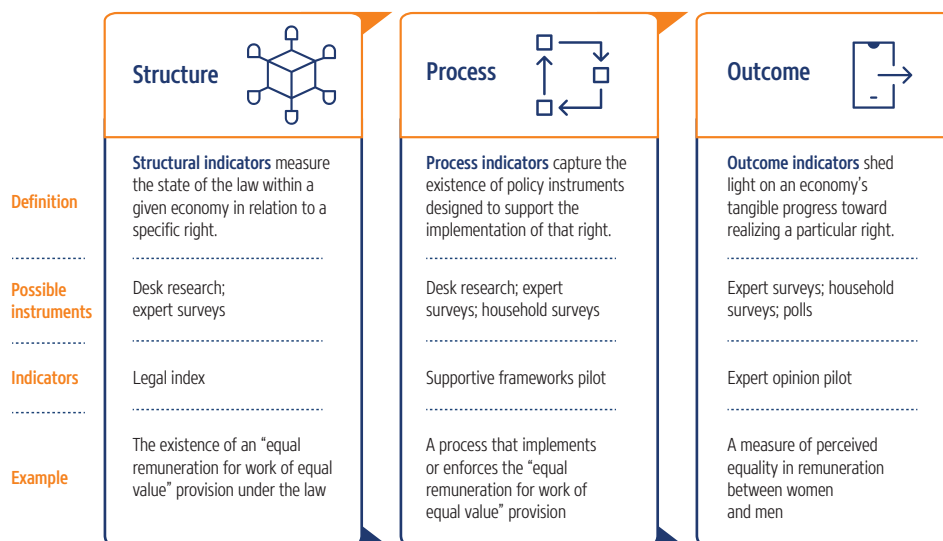
## Measuring the legal environment in practice

**Implementation and enforcement are critical barriers to gender equality.** Gaps between laws on the books and actual practice restrict the full realization of women's rights and opportunities all over the world. To present a fuller picture of the legal environment for women, *Women, Business and the Law 2022* introduces a new conceptual framework for measuring the implementation gap (figure ES.4). The pilot exercise was conducted in 25 economies, examining both the supportive frameworks that create an enabling environment for working women and the expert opinions of progress made toward gender equality of individuals on the ground.

**Supportive frameworks for primary legislation.** The measures of implementation examined include the enforcement of rights through equal access to justice, safety regulations, online access, and clear guidelines. On average, the pilot economies have



**FIGURE ES.4 | THE STRUCTURE-PROCESS-OUTCOME FRAMEWORK, AS APPLIED TO WOMEN, BUSINESS AND THE LAW**



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

only half of the supportive frameworks measured, indicating a substantial gap between the passage of laws and their implementation, and all have room to strengthen the legal environment for women employees and entrepreneurs in practice. Even in areas with strong foundational legislation, implementation and enforcement of laws are lacking.

**Expert opinions of laws in practice.** Expert opinions were also collected to gain a broader understanding of gender equality on the ground and provide comparisons with the legal index. The Middle East and North Africa is the only region where expert opinions indicated more gender equality in practice than the legal index implies. The legal index exceeded expert opinions in all other regions and across all indicators, with Workplace showing the largest disparity between laws and expert opinions of gender equality. Several respondents identified specific gaps in implementation of the law, even among economies scoring above average on the legal index (table ES.2).

**Moving forward.** While only preliminary, the results confirm that laws alone are not enough to improve gender equality, indicating that these gaps should be explored further. This set of measures provides a starting point for continued focus on this work and eventual inclusion in the index. By improving these measures in subsequent years, *Women, Business and the Law* hopes to deliver a fully developed framework that will allow more women to enforce their rights, boosting economic inclusion and labor force participation worldwide.

TABLE ES.2 SELECT EXPERT OPINIONS OF GAPS IN IMPLEMENTATION OF LEGISLATION		
Country	Indicator	Examples from legal experts
Brazil	Entrepreneurship	"While there are laws and public policies trying to boost women's businesses, in general, we see more unregistered women entrepreneurs than men."
Canada	Pay	"Studies show that women are still not remunerated equally with men, despite work of equal value. There are no restrictions on women working in any field, although systemic barriers continue to exist and women are underrepresented in many fields."
Ethiopia	Workplace	"Gender discrimination and sexual harassment still exist widely in most government offices."
Lebanon	Mobility	"Women's mobility is affected by various factors, especially social rules and customs depending on social and religious affiliation ... there are many disparities between Lebanese women depending on their social and religious context."
India	Marriage	"We are still highly patriarchal, and disobeying the husband is not possible in most households. Domestic violence is very high, and most matters go unreported."
South Africa	Assets	"There is the issue of men still very much being regarded as the head of the household and women's unpaid contributions not being valued."  "The laws in South Africa do not permit discrimination with regard to property and succession. However, this occurs in practice."

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

## Note

1. See the World Bank Entrepreneurship Database (We-Data), <https://www.worldbank.org/en/programs/entrepreneurship/gender>.

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## CHAPTER 1



# Findings

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More than two years since the start of the pandemic, much of the world is still reeling from its ongoing effects. While COVID-19 continues to disrupt lives and livelihoods, compounding crises are intersecting and the consequences are drastic. Climate change, forced displacement, and violent conflict are increasingly urgent development challenges for the global population. Evidence from current and past crises shows that women are affected disproportionately (Akrofi, Mahama, and Nevo 2021).

During the pandemic, women dropped out of paid employment at higher rates than men, took on responsibilities for increased care of children and the ill, and faced greater risks of violence (Bundervoet, Davalos, and Garcia 2021; Center on Gender Equity and Health 2020; Cucagna and Romero 2021; De Paz Nieves, Gaddis, and Muller 2021; Kugler et al. 2021). Indeed, virus containment measures affected women's labor market outcomes more adversely than those of men. This effect is due, in part, to women's overrepresentation in high-contact sectors, such as hospitality (Alon et al. 2020; Kugler et al. 2021). Moreover, the increased burden of care resulting from the closure of schools and childcare centers during the pandemic fell more heavily on the shoulders of working mothers (Collins et al. 2020; Del Boca et al. 2020). Even in economies where a disproportionate share of women did not drop out of the labor market, women were often under additional stress trying to manage increased care responsibilities while remaining at their jobs (Goldin 2021). Women—both employees and entrepreneurs—were also affected more adversely than men with regard to business closure, reduced demand for products or services, and financial distress (Hyland et al. 2021; Torres et al. 2021). At the same time, women-led businesses were more likely to increase their use of digital platforms (Torres et al. 2021).

While men accounted for a higher proportion of disease-related deaths, women's health and well-being were immensely affected in other ways. For example, women's access to maternal health care and reproductive services suffered,<sup>1</sup> and

gender-based violence rose sharply (see, for example, Mittal and Singh 2020). In particular, stay-at-home policies introduced to curb the spread of the virus increased the risk of intimate partner violence (Agüero 2021; Bourgault, Peterman, and O'Donnell 2021).

Crises like COVID-19 expose long-standing and widespread inequalities in the distribution of rights and opportunities between women and men. Legal inequalities, for example, could potentially exacerbate the gendered effects of the crisis. If discrimination under the law keeps women out of formal sector employment or forces women entrepreneurs to operate in the informal sector, women may find it more difficult to access emergency support to buffer the impacts of the pandemic.<sup>2</sup> Women's economic rights need to be safeguarded by law. Equal access to public support programs and digital technologies, such as mobile phones, computers, and the internet, can also help them start new businesses, discover new markets, and find better jobs. It is critical that solutions to the crisis do not reverse any progress that has already been made toward women's full economic empowerment.

Differences in expected lifetime earnings between men and women amount to an estimated \$172.3 trillion, equivalent to two times the world's annual gross domestic product (Wodon et al. 2020). Policies that improve women's economic opportunities are therefore critical. Whether facing a catastrophe or not, governments can address this inequality by acting to ensure women's empowerment. Reducing women's time spent on unpaid work and care responsibilities, increasing their access to assets, and addressing market and institutional constraints, including the legal barriers that hinder labor force participation and entrepreneurship, will protect not only their people but also their economies. Indeed, as previous *Women, Business and the Law* analysis has shown, safeguarding and incentivizing women's inclusion bolsters economic growth, narrowing the gender gap in development outcomes and labor force participation (World Bank 2020, 2021).

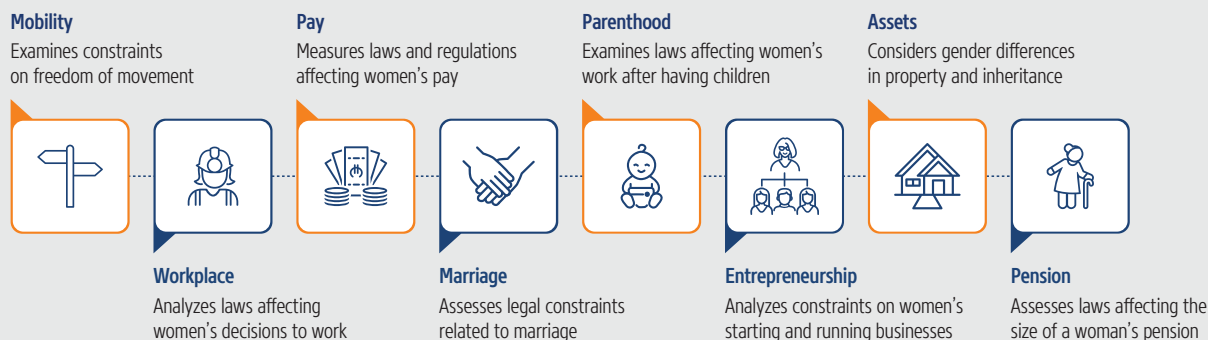
Despite these efforts, discriminatory laws in all regions continue to exacerbate the effects of an already difficult period and to weaken policy responses to the pandemic. Worldwide, 2.4 billion women of working age (15–64 years) from 178 economies across all regions still do not have the same legal rights as men. *Women, Business and the Law 2022* identifies where and in what areas this is the case, providing an important resource for achieving women's full and equal participation. The eighth in a series, this study presents a data set and index highlighting opportunities for reform in 190 economies. It also offers a new measurement of laws regulating the provision of childcare services and presents a pilot exercise examining how *Women, Business and the Law* indicators operate in practice.

For more than a decade, *Women, Business and the Law* has provided a framework that governments can use to identify barriers to women's success, remove them, and boost labor force participation. Since 2020, an index structured around a woman's working life has guided the analysis, highlighting the progress made each year (box 1.1). While it is too early to determine the effect of the pandemic on government efforts to reduce legal inequalities between men and women, the *Women, Business and the Law* data suggest that, even in these turbulent times, governments can and have enacted reforms leading to greater equality.

### BOX 1.1 ABOUT WOMEN, BUSINESS AND THE LAW

*Women, Business and the Law* identifies where and which laws and regulations restrict women's economic inclusion, providing an important resource for achieving their full and equal participation. To facilitate analysis and highlight opportunities for reform, the project presents an index that aligns different areas of the law with the decisions that women make as they begin, progress through, and end their careers (figure B1.1.1).

**FIGURE B1.1.1 | THE EIGHT WOMEN, BUSINESS AND THE LAW INDICATORS**



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

The eight *Women, Business and the Law* indicators coincide with the milestones that many women experience throughout their adult lives. Questions included in the indicators were chosen based on evidence from the economic literature as well as statistically significant associations with outcomes related to women's economic empowerment, such as employment and business ownership. In addition, the international legal framework on women's human rights, as set out in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and International Labour Organization conventions, serves as the underlying justification for each question. The indicators measure explicit discrimination in the law as well as the legal protection of rights and the provision of benefits, areas in which reforms can bolster women's economic participation.

The *Women, Business and the Law* index relies on binary indicators and a series of case study assumptions. For example, the woman in question is assumed to reside in the main business city of her economy, to belong to the most populous group, and to be employed in the formal sector. This approach ensures comparability across economies and focuses on the formal sector, where laws are most relevant. However, it may not capture restrictions in rural areas or in states or provinces of federal economies if they are not applicable to the main business city. Some of the many forms of discrimination that minority populations may face also may not be captured. Additionally, the data may not reflect the reality of many women employed in the informal sector. Finally, to remain actionable, the data set is constructed using only laws and regulations in force. It does not measure the gap between laws on the books and actual practice.

In total, 35 questions are scored across the eight indicators. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score (see the data notes in appendix A for details). The final score presents the share of good-practice provisions in each economy. Thus, the index serves as an easily replicable way to gauge the enabling environment for women as entrepreneurs and employees.

*Women, Business and the Law* acknowledges that the interplay of other factors, such as access to quality education, low infrastructural and institutional capacity, and social and cultural norms may prevent women from entering the workforce. Within this overall picture, the project recognizes the limitations of its assumptions and its focus on statutory law. Even though such assumptions may come at the expense of specificity, they also ensure that the data are reliable and comparable.

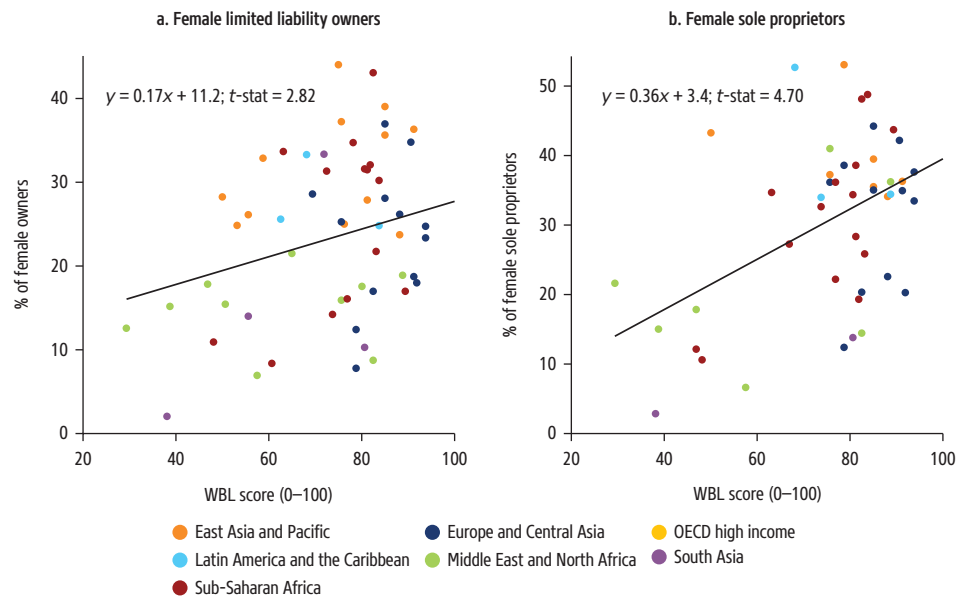
To construct the index, *Women, Business and the Law* uses the feedback of more than 2,000 respondents with expertise in family, labor, and criminal law, including lawyers, judges, academics, and members of civil society organizations working locally on gender issues. The *Women, Business and the Law* team collects the texts of relevant laws and regulations and verifies responses to the questionnaire for accuracy. Responses are validated against codified sources of national law, including constitutions, codes, laws, statutes, rules, regulations, and procedures in areas such as labor, social security, civil procedure, violence against women, marriage and family, inheritance, nationality, and land. All of the data used to construct the index and their sources are available on the *Women, Business and the Law* website (<https://wbl.worldbank.org>).

## Legal equality and women’s economic empowerment

Mounting evidence indicates that the laws captured by the *Women, Business and the Law* index are associated with greater economic empowerment for women. Aside from its fundamental desirability, greater legal equality is associated with a larger supply of female labor, a smaller gender wage gap, higher levels of female entrepreneurship, and a greater number of women in managerial positions.<sup>3</sup> New data from the World Bank’s We-Data project also reveal that the greater the equality between men and women in the law (as expressed by the *Women, Business and the Law* index), the higher the share of female entrepreneurs (figure 1.1).<sup>4</sup> Equality is also associated with economy-wide gains in productivity and welfare (Chiplunkar and Goldberg 2021). Women earn only two-thirds of men’s expected lifetime income; therefore, reducing the inequalities in economic opportunity that could close this gap could lead to enormous benefits for the world (Wodon et al. 2020).

Analyzing *Women, Business and the Law* data in conjunction with data from the World Bank’s Enterprise Surveys, Hyland and Islam (2021) show that a more discriminatory legal environment is associated with a greater probability that businesses led by women will commence operations in the informal sector. In economies where the aggregate *Women, Business and the Law* index score is higher, businesses with women owners are less likely to have begun operating in the informal sector. This negative correlation is displayed in figure 1.2.

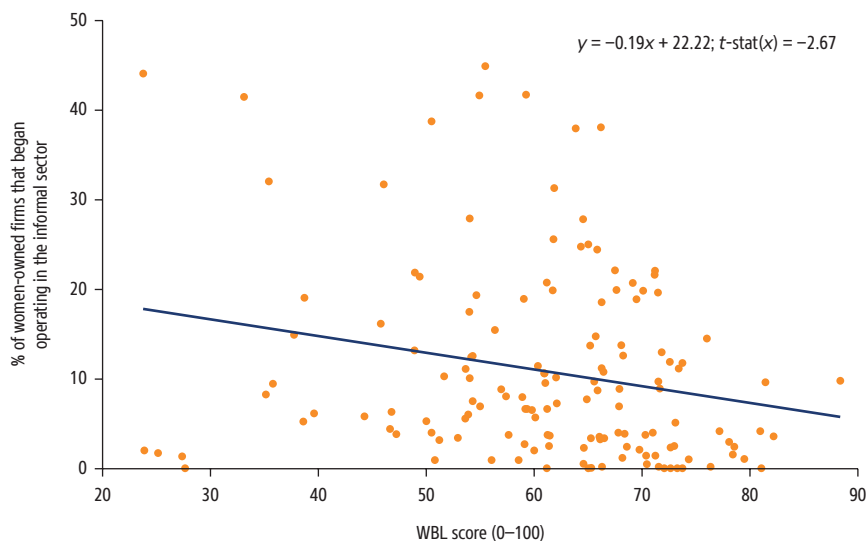
**FIGURE 1.1 | ASSOCIATION BETWEEN STRONG LEGAL FRAMEWORKS AND HIGHER SHARE OF FEMALE ENTREPRENEURS**



Sources: *Women, Business and the Law* (WBL) database and the World Bank Entrepreneurship Database (We-Data), <https://www.worldbank.org/en/programs/entrepreneurship/gender>.

Note: The Entrepreneurship database collects data on female entrepreneurial activity. Limited liability company (LLC) owners are individuals who own at least one share of a newly registered LLC. Sole proprietors are individuals who own and manage a business entity, are indistinguishable from the business, and are personally liable. The figure depicts two correlations: between the share of female LLC owners and WBL score (panel a) and between the share of female sole proprietors and WBL score (panel b). Fitted regression lines are also included. The relationships remain positive and statistically significant after controlling for income per capita. This statistical relationship should not be interpreted as causal. OECD = Organisation for Economic Co-operation and Development.

**FIGURE 1.2 | CORRELATION BETWEEN LEGAL EQUALITY AND THE PROPORTION OF FIRMS WITH WOMEN OWNERS THAT BEGIN OPERATING IN THE INFORMAL SECTOR**



Sources: *Women, Business and the Law* (WBL) database; World Bank Enterprise Surveys.

Note: The figure presents the correlation between the *Women, Business and the Law* score and the proportion of firms with women owners that began operating in the informal sector, as a proportion of all firms with female owners. The index is measured in the firm's year of birth. Each point represents a single economy. A fitted regression line is also included. Although the figure presents a simple correlation, the relationship remains negative and statistically significant after controlling for firm size and exporting status when it began operating as well as macro-level variables, including real gross domestic product per capita provided in the World Bank's World Development Indicators database (<https://databank.worldbank.org/source/world-development-indicators>) as well as time fixed effects. This statistical relationship should not be interpreted as causal. The regression is based on firm-level observations from firms in 146 economies, surveyed between 2006 and 2020.

Moreover, firms that apply legal provisions restricting women's rights—such as provisions limiting the work-related tasks that a woman employee can perform—hire fewer women and are less likely to have a woman among the firm's top managers. These discriminatory practices are associated with lower levels of sales and labor productivity (Hyland, Islam, and Muzi 2020). As a result, reforms in the area of family law are associated most strongly with lower informality, in line with studies showing a positive association between legislation mandating equal access to credit, equalizing business registration, improving women's mobility, and expanding women's business ownership and access to finance (Demirgüç-Kunt, Klapper, and Singer 2013; Islam, Muzi, and Amin 2019).

Yet new laws are not a silver bullet for women's inclusion. Legal reform will improve the situation of women only if these laws are implemented properly and if the wider ecosystem is supportive of them. Laws do not achieve their intended effect if they are in strong conflict with prevailing social norms, and social norms change slowly (Acemoglu and Jackson 2016; Gedzi 2012; Holden and Chaudhary 2013). Moreover, in some contexts, equalizing rights between women and men can have negative consequences for women on the ground.<sup>5</sup> Nevertheless, changing norms and laws can be mutually reinforcing (Williamson and Kerekes 2011). Indeed, legal reforms can exert a “magnet effect,” drawing social norms in the same direction as legal reform over time (Aldashev et al. 2012).

Building on evidence of this relationship, *Women, Business and the Law* emphasizes the policy actions that can be taken to improve economic opportunity for women. Despite the persistence of the COVID-19 pandemic, over the past year 23 economies across the globe recognized these benefits and introduced legal reforms increasing women’s economic empowerment.

## Data update

This edition of *Women, Business and the Law* captures reforms that occurred in the period from October 2, 2020, to October 1, 2021. The average global score for 2021 is 76.5 out of 100—more than half a point higher than in 2020. Up from 10 in 2020, 12 economies—Belgium, Canada, Denmark, France, Greece, Iceland, Ireland, Latvia, Luxembourg, Portugal, Spain, and Sweden—score 100, meaning that women are on an equal legal standing with men across all of the areas measured (table 1.1). *Women, Business and the Law* data and scores are based purely on objective measures of the law. Each data point must be backed up by a publicly documented legal basis.<sup>6</sup> For the complete *Women, Business and the Law* data set, see the economy data in appendix B.

Of the 39 economies with scores higher than 90, 28 economies are in the Organisation for Economic Co-operation and Development (OECD) high-income region, 7 are in

TABLE 1.1		WOMEN, BUSINESS AND THE LAW 2022 INDEX					
Economy	Score	Economy	Score	Economy	Score	Economy	Score
Belgium	100.0	New Zealand	97.5	Albania	91.3	Moldova	87.5
Canada	100.0	United Kingdom	97.5	Taiwan, China	91.3	Guyana	86.9
Denmark	100.0	Australia	96.9	United States	91.3	Zimbabwe	86.9
France	100.0	Austria	96.9	Bulgaria	90.6	Cabo Verde	86.3
Greece ✓	100.0	Hungary	96.9	Romania	90.6	Costa Rica	86.3
Iceland	100.0	Norway	96.9	Ecuador	89.4	Dominican Republic	86.3
Ireland	100.0	Slovenia	96.9	Mauritius	89.4	Namibia	86.3
Latvia	100.0	Peru	95.0	Bolivia	88.8	Nicaragua	86.3
Luxembourg	100.0	Cyprus ✓	94.4	El Salvador	88.8	Timor-Leste	86.3
Portugal	100.0	Paraguay	94.4	Malta	88.8	Bosnia and Herzegovina	85.0
Spain ✓	100.0	Croatia	93.8	Mexico	88.8	Brazil	85.0
Sweden	100.0	Czech Republic	93.8	Uruguay	88.8	Korea, Rep.	85.0
Estonia	97.5	Lithuania	93.8	Georgia ✓	88.1	Mongolia	85.0
Finland	97.5	Poland	93.8	Lao PDR	88.1	Montenegro	85.0
Germany	97.5	Serbia	93.8	South Africa	88.1	North Macedonia	85.0
Italy	97.5	Hong Kong SAR, China ✓	91.9	Switzerland ✓	88.1	Slovak Republic	85.0
Netherlands	97.5	Kosovo	91.9	Armenia ✓	87.5	Ukraine ✓	85.0

(Table continues next page)

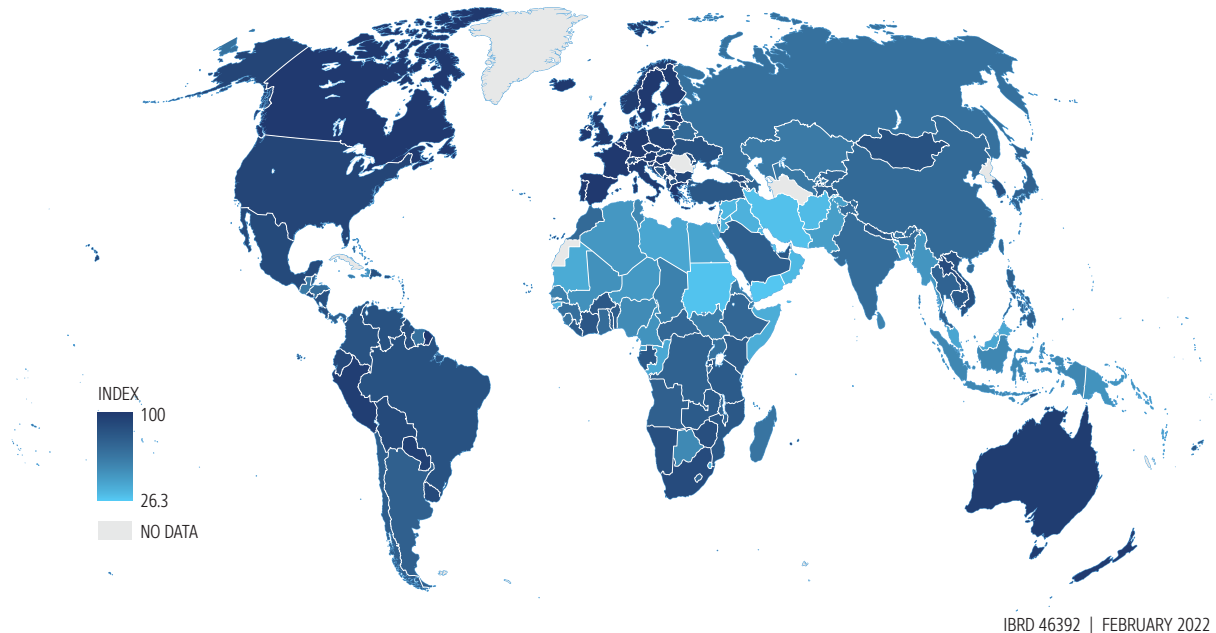


TABLE 1.1		WOMEN, BUSINESS AND THE LAW 2022 INDEX (continued)					
Economy	Score	Economy	Score	Economy	Score	Economy	Score
Venezuela, RB	85.0	Argentina ✓	79.4	Bhutan	71.9	Tonga	58.8
Vietnam ✓	85.0	Belize	79.4	Madagascar	71.9	Algeria	57.5
Colombia ✓	84.4	Panama	79.4	St. Kitts and Nevis	71.3	Niger	56.9
Puerto Rico (US)	83.8	Azerbaijan	78.8	Guatemala	70.6	Solomon Islands	56.9
Rwanda	83.8	Congo, Dem. Rep.	78.8	Uzbekistan	70.6	Palau	56.3
St. Lucia	83.8	Japan	78.8	Eritrea	69.4	Pakistan ✓✗	55.6
Côte d'Ivoire	83.1	Philippines	78.8	Gambia, The	69.4	Vanuatu	55.6
São Tomé and Príncipe	83.1	Tajikistan	78.8	Kazakhstan	69.4	Brunei Darussalam	53.1
Burkina Faso	82.5	Lesotho	78.1	Djibouti	68.1	Equatorial Guinea	51.9
Fiji	82.5	Thailand	78.1	Jamaica	68.1	Egypt, Arab Rep. ✓	50.6
Gabon ✓	82.5	Malawi	77.5	St. Vincent and the Grenadines	68.1	Libya	50.0
Mozambique	82.5	Central African Republic	76.9	South Sudan	67.5	Malaysia	50.0
Singapore	82.5	Ethiopia	76.9	Senegal	66.9	Bangladesh	49.4
Turkey	82.5	Kyrgyz Republic	76.9	Antigua and Barbuda	66.3	Congo, Rep.	49.4
United Arab Emirates	82.5	Burundi ✓	76.3	Chad	66.3	Mauritania	48.1
Togo ✗	81.9	Kiribati	76.3	Marshall Islands	65.6	Jordan	46.9
Bahamas, The	81.3	Seychelles	76.3	Sri Lanka	65.6	Somalia	46.9
Cambodia ✓	81.3	Belarus	75.6	Bahrain ✓	65.0	Eswatini	46.3
Liberia	81.3	China	75.6	Comoros	65.0	Iraq	45.0
Tanzania	81.3	Morocco	75.6	Indonesia	64.4	Guinea-Bissau	42.5
Zambia	81.3	Ghana	75.0	Tunisia	64.4	Syrian Arab Republic	40.0
Benin ✓	80.6	Honduras	75.0	Botswana	63.8	Oman ✓	38.8
Grenada	80.6	Samoa	75.0	Nigeria	63.1	Afghanistan	38.1
Israel	80.6	Trinidad and Tobago	75.0	Dominica	62.5	Kuwait ✓	35.0
Kenya	80.6	India	74.4	Haiti	61.3	Iran, Islamic Rep.	31.3
Nepal	80.6	Guinea	73.8	Micronesia, Fed. Sts.	61.3	Qatar	29.4
Barbados	80.0	Maldives	73.8	Mali	60.6	Sudan	29.4
Chile	80.0	Suriname	73.8	Cameroon	60.0	Yemen, Rep.	26.9
San Marino	80.0	Russian Federation	73.1	Papua New Guinea	60.0	West Bank and Gaza	26.3
Saudi Arabia	80.0	Uganda	73.1	Lebanon ✓	58.8		
Angola ✓	79.4	Sierra Leone ✓	72.5	Myanmar	58.8		

Source: Women, Business and the Law database.

Note: Economies with a green check (✓) saw an improvement in score due to reforms in one or more areas. Economies with a red X (✗) implemented at least one change reducing score.

MAP 1.1 | WOMEN, BUSINESS AND THE LAW 2022 INDEX

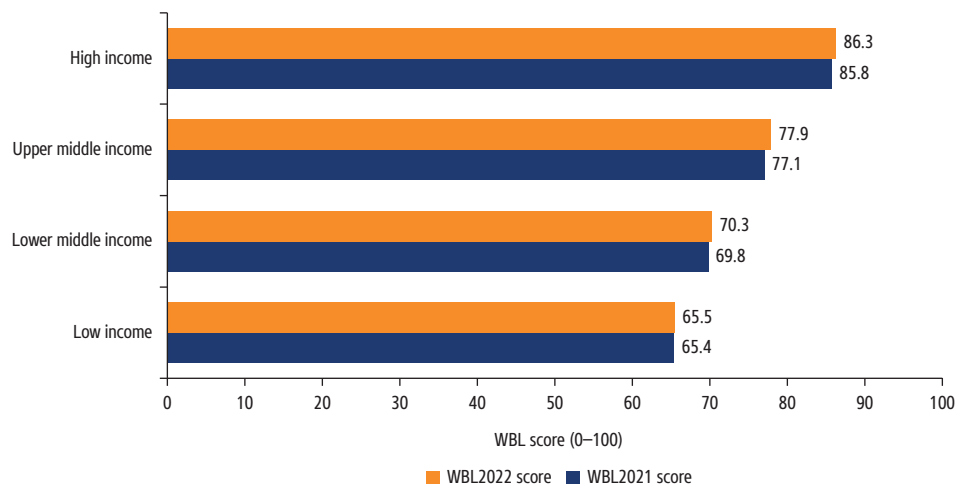


Source: Women, Business and the Law database.

Europe and Central Asia, 2 are in East Asia and the Pacific, and 2 are in Latin America and the Caribbean. No economy in the Middle East and North Africa, South Asia, or Sub-Saharan Africa scores 90 or higher (map 1.1).

Economies at all income levels made progress toward legal gender equality in the past year; however, progress varied (figure 1.3). Upper-middle-income economies improved

FIGURE 1.3 | WOMEN, BUSINESS AND THE LAW SCORE, BY INCOME LEVEL



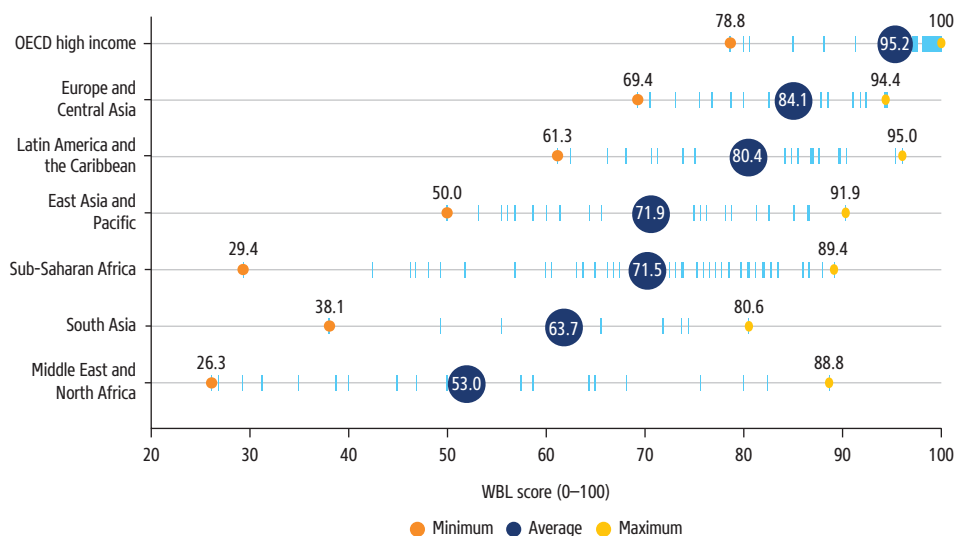
Source: Women, Business and the Law (WBL) database.

their average score the most, with six countries enacting 15 legal changes. Seven lower-middle income economies also instituted reforms, raising the average score for the group from 69.8 to 70.3. High-income economies made some progress as well, raising their score by 0.5 point due to reforms in eight countries. Low-income economies made few improvements in the past year, with the average score increasing only 0.1 point, from 65.4 to 65.5, meaning that the average low-income economy has about two-thirds of the good-practice legislation identified by the indicators. The gap in average score between high-income and low-income economies is 20.8 points, corresponding to about 45 laws that treat women differently than men.

The highest- and lowest-scoring regions remain the same as last year, with economies in the OECD high-income region, Europe and Central Asia, and Latin America and the Caribbean scoring above the global average (figure 1.4). The Middle East and North Africa and South Asia have the lowest regional averages. However, scores diverge significantly within regions, particularly in the Middle East and North Africa and in Sub-Saharan Africa, with the difference between the highest and lowest scores ranging between 62.5 and 60.0 points, respectively. The smallest difference—21.2 points—between the highest and lowest scores is in the OECD high-income region, which also has the narrowest dispersion of scores across economies.

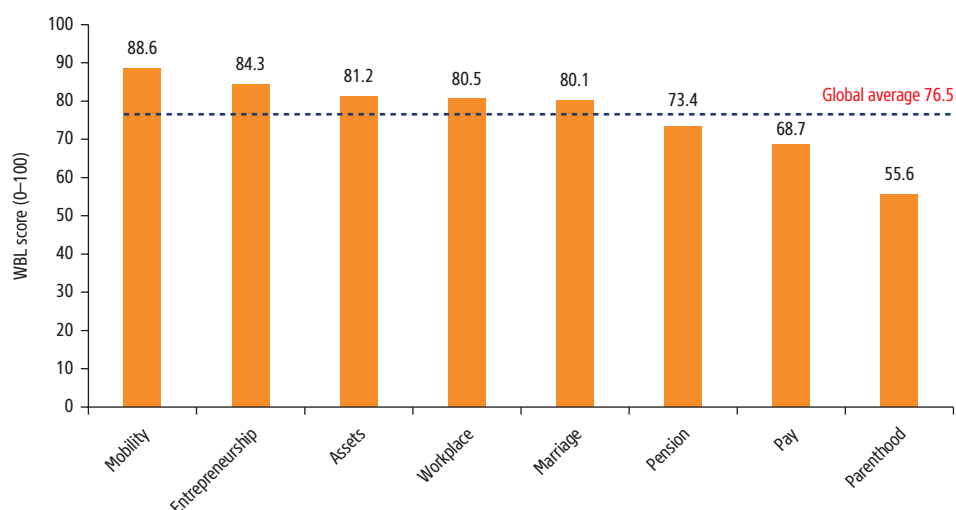
The Mobility, Workplace, Marriage, Entrepreneurship, and Assets indicators have an average global score above 80, meaning that most economies have removed restrictions or introduced the relevant legal rights and protections measured by these indicators (annex 1A). Average scores are lower for the Pay, Parenthood, and Pension indicators (figure 1.5). Parenthood, with an average score of 55.6, has the most room to improve, followed by the Pay indicator.

**FIGURE 1.4 | DISPERSION OF *WOMEN, BUSINESS AND THE LAW* SCORES, BY REGION**



Source: *Women, Business and the Law* (WBL) database.

Note: Each vertical line shows the score of one economy per region.

**FIGURE 1.5 | AVERAGE WOMEN, BUSINESS AND THE LAW SCORES, BY INDICATOR**

Source: Women, Business and the Law (WBL) database.

Average scores obscure the great variation in the distribution of scores across the *Women, Business and the Law* indicators (table 1.2). For example, the Parenthood and Pay indicators, which have the lowest scores on average, also have the largest dispersion between scores, with almost an even distribution of economies in each of the possible groups of scores. Nineteen economies score 0 on Parenthood, meaning that they do not have any of the good practices measured by this indicator (leave for mothers of at least 14 weeks, which is fully administered by the government, leave for fathers, parental leave, and prohibition of dismissal of pregnant women). Only 31 out of 190 economies score 100.

Indicator	NUMBER OF ECONOMIES IN EACH SCORE GROUP, BY INDICATOR								
	WBL score (0–100)								
	0	20	25	40	50	60	75	80	100
Mobility	2		6		13		35		134
Workplace	4		21		24		21		120
Pay	9		23		42		49		67
Marriage	5	12		12		20		40	101
Parenthood	19	28		33		37		42	31
Entrepreneurship	2		1		7		94		86
Assets	4	2		31		19		20	114
Pension	1		24		30		66		69

Source: Women, Business and the Law (WBL) database.

Note: Shading means that the score is not possible for that indicator, given the number of questions posed.

## Where are laws changing?

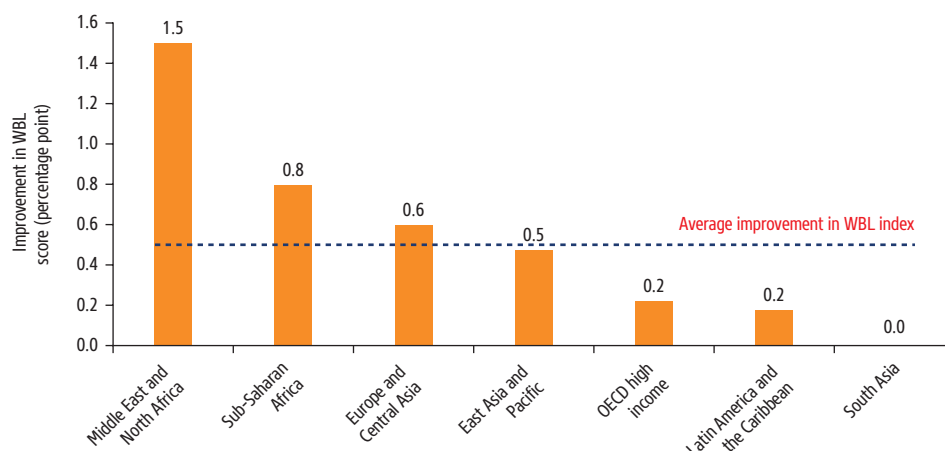
Since October 2020, 23 economies implemented reforms improving 39 laws to achieve greater equality of opportunity across the eight indicators measured (annex 1B). At the same time, two economies implemented changes that reduced equality in the law: Togo enacted a new labor code that no longer broadly prohibits the dismissal of pregnant workers, while Pakistan failed to convert into law a decree that would permanently equalize men's and women's ability to register a business.

Legal changes enacted in the Middle East and North Africa resulted in 10 positive data changes, more than any other region. Despite its low scores, the region advanced the most because of its reform efforts, with 25 percent of economies implementing at least one reform. Economies in Europe and Central Asia also implemented reforms, despite having scores above the global average, with 17 percent changing at least one law to improve legal equality for women. Progress in the rest of the world was slower.

Six out of the seven regions improved their scores and reduced the gaps in legal rights and opportunities for women, at least on the books (figure 1.6). The Middle East and North Africa had the largest improvement (1.5 points), followed by Sub-Saharan Africa (0.8 point), Europe and Central Asia (0.6 point), and East Asia and the Pacific (0.5 point). South Asia's average score remains unchanged from the previous year.

Fewer economies in Sub-Saharan Africa instituted reforms, but those that were implemented had a large impact. Many reforms occurred in Western and Central Africa, where reform is needed the most. Among them, Gabon stands out, with comprehensive reforms to its civil code and the enactment of a law on the elimination

**FIGURE 1.6 | IMPROVEMENT IN WOMEN, BUSINESS AND THE LAW SCORE, BY REGION**



Source: Women, Business and the Law (WBL) database.

of violence against women. These changes affected 9 of the 15 data points for which Gabon previously recorded a “no” answer across five indicators: Mobility, Workplace, Marriage, Entrepreneurship, and Assets. A government taskforce, Gabon Equality, was instrumental in reforming the discriminatory provisions of the civil code, as was the work of civil society organizations, including the Foundation Sylvia Bongo Ondimba. As a result of this comprehensive set of reforms, Gabon’s score on the *Women, Business and the Law* index rose from 57.5 in 2020 to 82.5 in 2021.

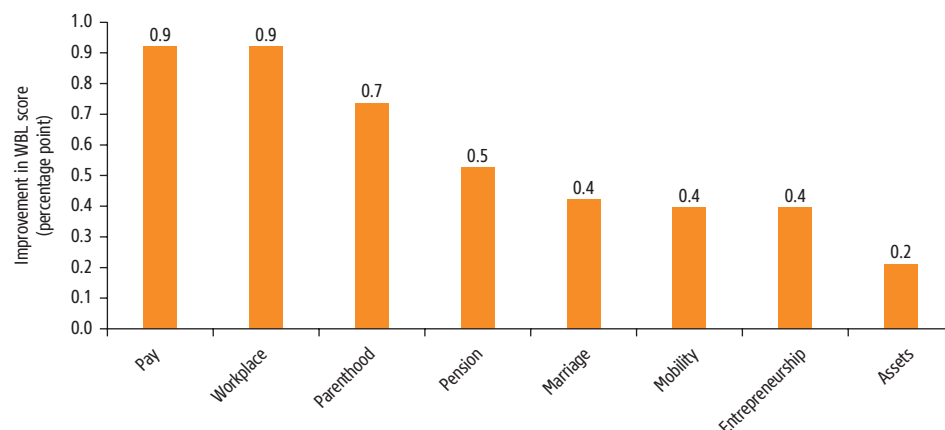
The Parenthood indicator recorded the highest number of reforms, with positive changes in eight data points in eight economies (table 1.3). Most reforms focused on paid paternity or shared parental leave. Progress in the Parenthood indicator is followed by the Workplace and Pay indicators, with each recording reforms affecting seven data points. These reforms focused on protecting against sexual harassment in employment and prohibiting gender discrimination. Fewer reforms occurred in the Marriage, Entrepreneurship, Assets, and Pension indicators.

Although the Pay and Parenthood indicators remain the lowest scoring in 2021, with average scores of 68.7 and 55.6, respectively, they inched closer to gender parity, rising 0.9 and 0.7 percentage point, respectively (figure 1.7). The Workplace indicator increased 0.9 percentage point from the 2020 level. Despite recording fewer reforms, the Workplace indicator improved more than the Parenthood indicator due to a negative change in the Parenthood indicator in Togo.

TABLE 1.3 REFORMS TO IMPROVE GENDER EQUALITY IN 2020–21, BY INDICATOR		
Indicator	Number of data points reformed	Examples of reforms adopted
Mobility	3	In <i>Cyprus</i> and <i>Oman</i> , passport application procedures are now equal for men and women. <i>Gabon</i> gave women the same rights as men to choose where to live.
Workplace	7	<i>Angola</i> and <i>Lebanon</i> both enacted laws protecting women from sexual harassment in employment, including criminal penalties for such conduct. <i>Gabon</i> enacted legislation allowing women to get jobs without permission from their husbands. <i>Kuwait</i> prohibited gender discrimination in employment and adopted legislation on sexual harassment in employment.
Pay	7	<i>Bahrain</i> and <i>Burundi</i> mandated equal remuneration for work of equal value. In <i>Benin</i> and <i>Vietnam</i> , women can now work in industrial jobs in the same way as men. <i>Pakistan</i> lifted restrictions on women’s ability to work at night.
Marriage	4	<i>Egypt</i> , <i>Arab Rep.</i> , enacted legislation protecting women from domestic violence. <i>Gabon</i> no longer requires a married woman to obey her husband and allows women to be head of household in the same way as men. <i>Gabon</i> also enacted legislation protecting women from domestic violence.
Parenthood	8	<i>Armenia</i> , <i>Switzerland</i> , and <i>Ukraine</i> introduced paid paternity leave. <i>Colombia</i> , <i>Georgia</i> , <i>Greece</i> , and <i>Spain</i> introduced paid parental leave. <i>Hong Kong SAR</i> , <i>China</i> , increased the duration of paid maternity leave to at least 14 weeks.
Entrepreneurship	4	<i>Egypt</i> , <i>Arab Rep.</i> , <i>Gabon</i> , and <i>Sierra Leone</i> prohibited gender-based discrimination in financial services, making it easier for women to access credit. <i>Gabon</i> also gave women the same rights to open a bank account as men.
Assets	2	<i>Gabon</i> granted spouses equal rights to immovable property and equal administrative authority over assets during marriage.
Pension	4	<i>Argentina</i> explicitly accounted for periods of absence due to childcare in pension benefits. <i>Cambodia</i> and <i>Ukraine</i> equalized the ages at which men and women can retire with full pension benefits.

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

**FIGURE 1.7 | IMPROVEMENT IN WOMEN, BUSINESS AND THE LAW SCORE, BY INDICATOR**



Source: Women, Business and the Law (WBL) database.

## Mobility

The Mobility indicator examines constraints on women’s agency and freedom of movement, including the rules governing the legal rights of men and women to obtain a passport, choose where to live, leave home at will, and travel outside the home. Recent research confirms that lack of mobility and social isolation have potentially large impacts on women’s opportunities. Conversely, enabling women to have social networks outside the home can improve their access to health and family planning services (Anukriti et al. 2020, 2021).

Often, social norms that restrict women’s freedom of movement are not only reflected in, but also influenced by, legal norms. In 56 economies, the law treats men and women differently when it comes to freedom of movement (table 1.4). For example, in eight economies, a woman cannot travel outside the country in the same way as a man, and in 14 economies, a woman cannot leave her home at will. In 34 economies, a woman cannot choose where to live in the same way as a man. Gabon reformed in this area by amending the civil code, which previously obliged a married woman to live in a

**TABLE 1.4 | NUMBER OF ECONOMIES THAT DO NOT HAVE LAWS GUARANTEEING WOMEN’S FREEDOM OF MOVEMENT**

Question	Number of economies with a “no” response	Number of economies with at least one “no” response
1. Can a woman choose where to live in the same way as a man?	34	56
2. Can a woman travel outside her home in the same way as a man?	14	
3. Can a woman apply for a passport in the same way as a man?	31	
4. Can a woman travel outside the country in the same way as a man?	8	

Source: Women, Business and the Law database.

family residence chosen by her husband. The law now allows both spouses to choose the marital home and establish separate domiciles.

Constraints on women's mobility also persist in laws and regulations making access to formal identification more difficult. In 31 economies, a married woman cannot obtain a passport in the same way as a married man. However, reforms are happening. In 2020, Cyprus reformed its civil registry law that previously imposed additional requirements on married women and widows when applying for a passport. The revised law contains gender-neutral language and requires any person applying to have the spouse's name entered on a passport to provide a certificate of marriage or civil cohabitation. In Oman, passport application procedures now are equal for men and women. A 2010 reform of the passport law removed a legal provision requiring a married woman to obtain her husband's written consent when applying for a passport. However, passport application documents still required a woman to be accompanied by her husband or guardian when applying. This language was removed from the application document in 2021, making the process equal for men and women.

### **Workplace**

The Workplace indicator analyzes laws affecting women's decision to enter the labor market, including their legal capacity and ability to work as well as protections against discrimination and sexual harassment.

In 120 economies, women are free to choose where they work, and the law protects them from discrimination and sexual harassment in the workplace, including appropriate criminal penalties or civil remedies (table 1.5). In the remaining 70 economies, there is room to improve in one of the four areas measured by the Workplace indicator. In 18 economies, a husband can legally prevent his wife from working. In 2021, Gabon amended a discriminatory provision in the family code that allowed a husband to ask a court to prohibit his wife from working if it was in the interest of the family. Now, both spouses may exercise a profession of their choice.

Of the 30 economies that do not legally prohibit gender discrimination in employment, 9 are located in East Asia and Pacific, 7 in Latin America and the Caribbean, 6 in the Middle East and North Africa, and 8 in Sub-Saharan Africa and South Asia. In contrast, all of the economies in the OECD high-income region and in Europe and Central Asia have laws prohibiting discrimination in employment.

**TABLE 1.5** NUMBER OF ECONOMIES THAT DO NOT HAVE LAWS PROTECTING WOMEN IN THE WORKPLACE

Question	Number of economies with a "no" response	Number of economies with at least one "no" response
1. Can a woman get a job in the same way as a man?	18	
2. Does the law prohibit discrimination in employment based on gender?	30	
3. Is there legislation on sexual harassment in employment?	46	70
4. Are there criminal penalties or civil remedies for sexual harassment in employment?	54	

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



Kuwait addressed discrimination in employment by prohibiting employers from discriminating on the basis of sex, age, pregnancy, or social status in all aspects of work. The ministerial decree was issued after a collaborative and participatory process that included the secretary general of the Supreme Council of Planning and Development, the Committee of Women and Work Affairs, the Higher Consultative Committee for Labour Affairs, and other official bodies. In the past, Kuwait's constitution had a broad clause prohibiting differentiation between people due to gender. The enactment of the new decree represents a step further in the protection of women in the workplace.

Sexual harassment in the workplace is still pervasive. While there is a lack of global and regional data on the prevalence of sexual harassment, country studies show that workplace sexual harassment imposes an economic cost that is shared by individuals, employers, governments, and society (Hejase 2021). Addressing sexual harassment in the workplace benefits both workers and businesses.

Globally, 46 economies still do not have legislation on sexual harassment in employment. Of the 144 economies that do, 8 do not have civil remedies or criminal penalties available for such cases. Over the last year, Angola, Kuwait, and Lebanon enacted specific legislation on sexual harassment in employment for the first time. In Kuwait, the Ministry of Commerce and Industry issued an administrative decision on September 28, 2021, prohibiting all forms and means of sexual harassment in the workplace, including cyber sexual harassment. However, this law does not explicitly prescribe either criminal penalties or civil remedies for acts of sexual harassment. Of the 144 economies that have enacted legislation on sexual harassment in the workplace, only 97 have established criminal penalties for such acts. Civil remedies, such as compensation for victims of sexual harassment, are available in 107 economies.

Angola and Lebanon recently established criminal penalties for workplace sexual harassment. Angola adopted a new penal code on November 11, 2020, making sexual harassment in the workplace punishable by imprisonment for up to three years. Lebanon's law criminalizing sexual harassment and providing rehabilitation for victims came into force in January 2021. Under this law, sexual harassment in employment is a criminal offense punishable by imprisonment for six months to four years and a fine.

## **Pay**

The Pay indicator examines whether laws are in place to ensure equal remuneration between men and women for work of equal value as well as to allow women to work in the same way as men at night, in industrial jobs, and in jobs deemed dangerous. Laws in 123 economies could be improved in one of these aspects to reduce the gender pay gap (table 1.6).

Only half (95) of all economies mandate equal remuneration for men and women who perform work of equal value. A study of the economic effect of equal pay in the United States finds that if women's remuneration were brought to the same level as men's, the poverty rate for all working women in the country would be reduced by almost half (Milli et al. 2017). Countries that have an opportunity gap between men and women are less likely to thrive or to solve challenges peacefully (UN and World Bank 2018).

TABLE 1.6 NUMBER OF ECONOMIES THAT DO NOT HAVE LAWS ADDRESSING THE PAY GAP		
Pay	Number of economies with a "no" response	Number of economies with at least one "no" response
1. Does the law mandate equal remuneration for work of equal value?	95	
2. Can a woman work at night in the same way as a man?	21	123
3. Can a woman work in a job deemed dangerous in the same way as a man?	53	
4. Can a woman work in an industrial job in the same way as a man?	69	

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

Eighty-six economies impose at least one legal restriction on women's employment, and nine impose all three, shutting them out of many high-paying jobs. Women cannot work the same night hours as men in 21 economies. They cannot work in industrial jobs in the same way as men in 69 economies or in jobs deemed dangerous in 53 economies.

Five countries introduced reforms in the Pay indicator: Bahrain, Benin, Burundi, Pakistan, and Vietnam. Bahrain and Burundi mandated equal remuneration for work of equal value. Bahrain and Vietnam eliminated all legal restrictions on women's employment, while Benin struck down restrictions on women's ability to work in industrial jobs, and Pakistan removed restrictions on women's ability to work at night.

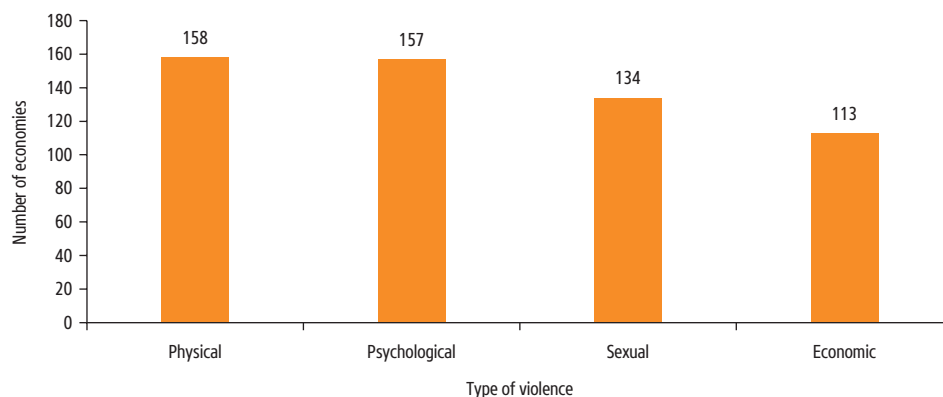
Bahrain made the greatest improvement in the Pay indicator, raising its score in this area from 0 to 100 in the past two years. In 2021, Bahrain repealed provisions in the labor law that restricted women from working at night and in certain industries and introduced amendments mandating equal remuneration for work of equal value. One catalyst for this reform was the effort of the Bahraini Supreme Council for Women, an advisory council formed in 2001. The council adopted a second National Plan for the Advancement of Bahraini Women for 2013–2022, which aims to support women's entrepreneurship, career opportunities, and financial independence, among other goals.

Vietnam also took significant steps by eliminating restrictions on women's employment while maintaining measures to ensure the occupational health and safety of both men and women. Whereas women who are not pregnant or nursing were previously banned from performing more than 70 specific jobs, ranging from drilling oil wells to repairing high-voltage power lines, they can now work in all the same jobs as men. Notably, the law requires that employers ensure occupational safety and health and inform both men and women of the risks that performing certain jobs pose to their reproductive health.

## **Marriage**

Legal constraints related to marriage and divorce persist throughout the world, weakening women's agency and decision-making powers within the family and threatening their safety. One in three women—or approximately 736 million—is subjected to physical or sexual violence by an intimate partner or sexual violence by a nonpartner. According to the United Nations Population Fund, domestic violence cases have risen 20 percent globally since the beginning of the pandemic, with 243 million women and girls between 15 and 49 years of age reported to have been a victim of

**FIGURE 1.8 | NUMBER OF ECONOMIES WITH LAWS PROTECTING WOMEN FROM VIOLENCE, BY TYPE**



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

intimate partner violence in 2020 (UN Women 2020). These findings are notable given the magnitude of excess female mortality and the documented rise in domestic violence since the onset of the COVID-19 pandemic (Agüero 2021).

In 17 economies, a married woman is required by law to obey her husband, and in 28 economies, the husband is legally designated as head of household. Additionally, 30 out of 190 economies captured by *Women, Business and the Law* do not currently have legislation addressing domestic violence. In the remaining economies, many do not have provisions prohibiting economic and financial abuse (figure 1.8). Economic and financial abuse rarely happens in isolation from other forms of violence; it can be extremely harmful because it threatens a woman’s economic security and potential for self-sufficiency, forcing her dependence on the perpetrator. The abuse can take many forms, including limiting someone’s access to savings and assets, damaging property, refraining from making rent or mortgage payments, or sabotaging employment.

Equal divorce rights are also important for women’s health and financial security. Research has consistently shown that unequal or limited access to divorce is associated with the incidence of intimate-partner violence against women (García-Ramos 2021). In 89 economies around the world, legal reforms are needed to strengthen women’s agency and decision-making within marriage (table 1.7).

Since October 2020, no country has instituted reforms to address women’s rights to divorce and remarry. As such, 46 economies throughout the world still restrict a woman’s right to obtain a divorce, and 68 economies do not give women equal rights to remarry. Remarriage rights are restricted when waiting periods varying from 90 to 365 days before contracting a new marriage are imposed on women but not on men. Two economies still do not permit legal divorce (Eswatini, the Philippines).

Gabon instituted reforms in three areas of the Marriage indicator. Gabon’s reform of the civil code removed a provision designating the husband as head of family with the right to make decisions concerning the household’s family life and finances. According to the revised civil code, “The family is managed jointly by the spouses in the interest

TABLE 1.7 NUMBER OF ECONOMIES WITH LEGAL CONSTRAINTS RELATED TO MARRIAGE AND DIVORCE		
Question	Number of economies with a "no" response	Number of economies with at least one "no" response
1. Is there no legal provision that requires a married woman to obey her husband?	17	
2. Can a woman be head of household in the same way as a man?	28	
3. Is there legislation specifically addressing domestic violence?	30	89
4. Can a woman obtain a judgment of divorce in the same way as a man?	46	
5. Does a woman have the same rights to remarry as a man?	68	

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

of the household and the children.” The provision requiring a husband to protect his wife and a wife to obey him was also amended: a married woman is no longer legally required to obey her husband in Gabon.

Following a period of advocacy work guided by the government’s objective of addressing gender-based violence—and domestic violence in particular—Gabon enacted its first national law on the elimination of violence against women in September 2021. This new law targets physical, sexual, psychological, and economic forms of abuse. It provides criminal penalties for violent crimes committed against women and enumerates harsher punishment for domestic violence. The law also requires protection orders for victims of violence to be delivered within two days after receipt of a complaint. A protection order prohibits an abusive partner from committing further acts of family violence and is intended to deter repeat incidents of physical and psychological abuse. Although most countries allow victims of domestic violence to obtain a protection order, only 30 economies allow survivors to obtain one immediately or within 24 hours. In 25 economies, it takes between two and seven days, in 19 economies it takes more than seven days, and in all other economies (116), no clear time frame is specified.

The Arab Republic of Egypt also enacted legislation on domestic violence for the first time. Egypt’s National Strategy for Empowering Egyptian Women 2030 drives the country’s policies on women’s empowerment and equality. In 2021, this strategy resulted in the prime minister issuing Decree No. 827/2021 to establish a one-stop shop for protecting women victims of violence. Such legislation will surely save lives: a recent analysis of 159 economies finds that domestic violence laws are associated with a women-to-men mortality ratio that is 2.3 percent lower than the mean value (Amin, Islam, and Lopez-Claros 2021).

### ***Parenthood***

The Parenthood indicator examines laws affecting women’s work during and after pregnancy (table 1.8), including paid leave and laws prohibiting firms from dismissing workers because they are pregnant.

A study of 159 countries finds that female labor force participation is positively correlated with the length of maternity leave, if under 30 weeks (Del Rey, Kyriacou, and Silva 2021). Paid leave—whether maternity, paternity, or parental leave—encourages fathers to contribute more equitably to household responsibilities from the start of

**TABLE 1.8** NUMBER OF ECONOMIES THAT DO NOT HAVE LAWS INCENTIVIZING WOMEN'S WORK AFTER HAVING CHILDREN

Question	Number of economies with a "no" response	Number of economies with at least one "no" response
1. Is paid leave of at least 14 weeks available to mothers?	72	159
2. Does the government administer 100% of maternity leave benefits?	92	
3. Is paid leave available to fathers?	76	
4. Is there paid parental leave?	140	
5. Is dismissal of pregnant workers prohibited?	42	

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

parenthood and is a key policy change that could result in greater use of women's talent (Yavorsky, Qian, and Sargent 2021). However, while the number of leave days granted to mothers increased substantially between 1970 and 2021 in all regions, the granting of paternity leave increased only minimally. This lag is particularly notable in the Middle East and North Africa and in Sub-Saharan Africa, where the average leave granted to fathers was 2.0 days and 2.7 days, respectively, in 2021 (table 1.9).<sup>2</sup>

The COVID-19 pandemic has exacerbated gender inequalities in caregiving at the expense of women's employment, making the sharing of responsibilities for childcare especially important (box 1.2). Only five economies in the world do not have any form of paid maternity leave, all located in the East Asia and Pacific region (Marshall Islands, the Federated States of Micronesia, Palau, Papua New Guinea, and Tonga). However, most economies (118) guarantee 14 weeks of paid maternity leave for the birth of a child, the minimum standard recommended by International Labour Organization Convention No. 183 and the threshold used by *Women, Business and the Law*. The total duration of paid leave available to mothers—including maternity leave, shared parental leave, and specific entitlement to parental leave for mothers—ranges from two weeks to about three years, with a median duration of 98 days in the economies that have it. Hong Kong SAR, China—which previously provided 10 weeks of paid maternity leave—is the only economy to reform by introducing a 14-week minimum duration of paid leave for mothers since October 2021.

**TABLE 1.9** REGIONAL AVERAGE NUMBER OF LEAVE DAYS, 1970–2021

Region	Leave days for mothers			Leave days for fathers		
	1970	2021	Increase	1970	2021	Increase
East Asia and Pacific	25.5	126.4	100.9	0.0	11.2	11.2
Europe and Central Asia	88.8	506.0	417.2	0.0	11.5	11.5
OECD high income	102.5	327.5	225.0	0.2	83.7	83.5
Latin America and the Caribbean	53.2	96.2	43.0	0.0	4.0	3.9
Middle East and North Africa	38.8	81.2	42.3	0.3	2.0	1.7
South Asia	36.8	99.3	62.5	0.0	5.6	5.6
Sub-Saharan Africa	48.9	90.7	41.8	0.3	2.7	2.4
<b>Global average</b>	<b>59.7</b>	<b>190.6</b>	<b>130.9</b>	<b>0.1</b>	<b>19.7</b>	<b>19.5</b>

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

Note: OECD = Organisation for Economic Co-operation and Development.

### BOX 1.2 MOST POLICY RESPONSES TO THE PANDEMIC CHILDCARE CRISIS HAVE EXPIRED

Over the course of the pandemic, many women suffered decreased working hours, a decline in income, and, in some cases, permanent job loss (Dang and Nguyen 2021). Indeed, more than two years since its onset, women's employment rates continue to recover more slowly than men's. While men's employment dropped 3.9 percent globally in 2020, women's employment dropped by 5.0 percent, with almost 90 percent of these women remaining out of the labor force (ILO 2021). Many women bear the brunt of increased childcare, often having to choose between their jobs and their families (Alon et al. 2021).

Last year, *Women, Business and the Law* found that responses to the childcare crisis were few and far between. Fewer than 40 economies introduced leave or benefit policies to support working parents shouldering greater childcare duties. Some 10 economies provided other forms of childcare assistance, such as free childcare or compensation designated specifically for childcare. More than 20 economies provided childcare measures for essential workers. Despite ongoing need, most of these measures have since expired. However, some remained active in 2021: in Canada, for example, maternity and parental cash benefits were extended through November 20, and financial support was provided to parents working fewer hours due to childcare. In the United Kingdom until October 1, parents could claim childcare costs through tax credits if their working hours fell below the required number of hours due to COVID-19, with additional extensions for parents whose hours had not returned to pre-pandemic levels.

The pandemic also affected parental leave policies. For example, just months before COVID-19 became a global pandemic, Ireland introduced two weeks of paid parental leave for each parent. To recognize the challenges facing working parents during the crisis, the government later announced that new parents would get three extra weeks of parental leave each, amounting to five weeks total per parent, effective April 1, 2021. In contrast, Fiji temporarily lowered paid paternity leave from five days to two days in 2020 and then to one day in 2021, citing job instability during the pandemic.

Overall, measures that address the childcare crisis, and in particular long-term strategies, are rare. Economies must build robust childcare infrastructure, as well as design family-friendly leave and workplace policies, both to incentivize women's return to the workplace and to strengthen economic recovery.

Slightly less than half (92) of the economies covered administer cash benefits for paid maternity leave exclusively through the government. A study of OECD economies finds that having the government administer maternity benefits through a compulsory social insurance scheme or public fund makes it less likely that employers will discriminate against women of childbearing age (Thévenon and Solaz 2013). Indeed, the cost of hiring women of childbearing age is higher for employers in economies in which laws mandate that they fund maternity benefits. This could lead to disparities in both hiring and salaries to compensate for administering women's leave.

In 2021, 114 economies guaranteed paid leave for fathers for the birth of a child. The total duration of paid leave available to fathers—including paid paternity leave and any parental leave specifically for fathers—ranges from one day to about one year, with a median duration of one week. As little as two weeks of paid paternity leave can increase a mother's probability of reemployment shortly after childbirth (Farré and Gonzalez 2017). Armenia, Switzerland, and Ukraine introduced paid paternity leave in 2020/21.

Of the 50 economies worldwide with paid parental leave, none is in South Asia or Sub-Saharan Africa. While maternity and paternity leave refers to leave made available specifically to mothers and to fathers, respectively, parental leave is available to either parent. In many economies, however, a certain share of parental leave is reserved for the specific use of the mother or the father. In the past year, Colombia, Georgia, Greece, and Spain introduced paid parental leave. Colombia became the first economy in Latin America and the Caribbean to introduce paid parental leave. In August 2019, several parliamentarians drafted legislation that aimed to reduce the incentives for employers to discriminate against women of reproductive age. After consultations with government representatives and civil society groups, political parties joined forces, and the initiative was passed into law in July 2021. In addition to paid parental leave, the new legislation included antidiscrimination measures such as prohibiting employers from requiring a pregnancy test as a condition of employment or asking employees about their plans to have children. Paternity leave was also expanded from eight days to two weeks. Just three economies—Iceland, Spain, and the United States—provide equal amounts of paid leave for mothers and fathers.<sup>8</sup> Spain completed its progressive increase of paid paternity leave, seeking to equalize maternity and paternity leave. Now, mothers and fathers are each guaranteed 16 weeks of paid leave for the birth a child.

However, the relationship between family leave policies and women’s labor market outcomes is not clear-cut. Indeed, while a certain amount of leave granted to mothers upon the birth of a child is associated with positive labor market outcomes, excessively long durations of leave may have a negative effect on an individual’s career progression and wages (Akgunduz and Plantenga 2013; Del Boca, Pasqua, and Pronzato 2009; Ruhm 1998). A comprehensive review of family leave policies in high-income countries finds no clear consensus on the impact of parental leave on women’s labor market outcomes (Olivetti and Petrongolo 2017). Any positive impacts on wages and employment are limited to low-skill workers, with potentially negative effects for high-skill workers. Likewise, there is no clear evidence of an association between paternity leave and long-term changes in employment and wages (Cools, Fiva, and Kirkebøen 2015; Ekberg, Eriksson, and Friebe 2013). It is important to consider parental leave policies with other policies affecting women’s ability to enter and remain in the workforce, such as the provision of quality childcare (the subject of chapter 2).

Finally, 42 economies do not prohibit the dismissal of pregnant workers. Discrimination against pregnant workers may indirectly harm mothers’ mental and physical health and lead to premature birth (Hackney et al. 2021). Unfortunately, this number is one more than last year. Togo’s new labor code no longer explicitly prohibits the dismissal of pregnant workers, leading to a decrease in its score. No reforms took place in the Middle East and North Africa or South Asia, the regions with the lowest average scores for the Parenthood indicator.

## ***Entrepreneurship***

The Entrepreneurship indicator examines barriers to women’s ability to start and run a business. Despite the relatively high score that economies achieve on the Entrepreneurship indicator, women worldwide still face significant practical and regulatory barriers to becoming successful entrepreneurs. Access to finance is a major hurdle, leaving women with an estimated \$1.7 trillion of unmet demand for

credit (IFC 2017). Collateral constraints and social norms are major reasons for this gender credit gap. For example, due to gender bias by lenders, women-led enterprises in Vietnam have a 34 percent higher likelihood that their loans will be denied than men-led firms (Le and Stefańczyk 2018). However, increasing women’s control over finances by combining access to bank accounts with skills training can shift conservative social norms and increase women’s work (Field et al. 2021).

The Entrepreneurship indicator measures restrictions on women’s legal capacity as well as laws prescribing equal access to credit. Many economies (104) still lack a legal provision that expressly prohibits gender-based discrimination in access to credit (table 1.10). Women can sign a contract in the same way as men in all but 2 of the 190 economies measured. Seven economies legally restrict women from registering a business in the same way as men. And in six economies, women cannot open a bank account in the same way as men.

Gabon reformed two data points measured under this indicator. A reform of the civil code equalized access to bank accounts for women by abolishing the legal provision that a husband be notified when his wife opens a bank account. In addition, a reform of the penal code made access to finance easier for women by prohibiting sex discrimination in access to banking services. Egypt also made credit more accessible for women by prohibiting gender-based discrimination in financial services. On April 22, 2021, the Central Bank of Egypt issued a circular on “enhancing gender equality in all financial transactions, including loans and credit facilities.” It was enacted shortly after the president of Egypt directed the government to support programs on women’s access to loans and financial literacy. This effort to prohibit gender discrimination in access to credit through central bank regulation continues a regional trend captured by the *Women, Business and the Law* reports for 2020 (Saudi Arabia, United Arab Emirates) and 2021 (Bahrain, Jordan). Similarly, Sierra Leone’s central bank issued a directive in August 2021 mandating that financial services be provided without discrimination based on sex.

However, the majority of economies prohibit discrimination in access to financial services through specific nondiscrimination or gender equality laws (figure 1.9). A statutory law usually takes longer to enact than a subsidiary legal instrument like a financial sector regulation, as it has to go through the full parliamentary legislative process. This period enables a wider variety of stakeholders to provide input, increasing transparency and safeguards for women’s interests. Whatever the regulatory approach, the nondiscrimination provision should be included in a binding legal document that is widely publicized to financial service providers and consumers alike. It should provide effective remedies for and monitoring of violations of the nondiscrimination principle.

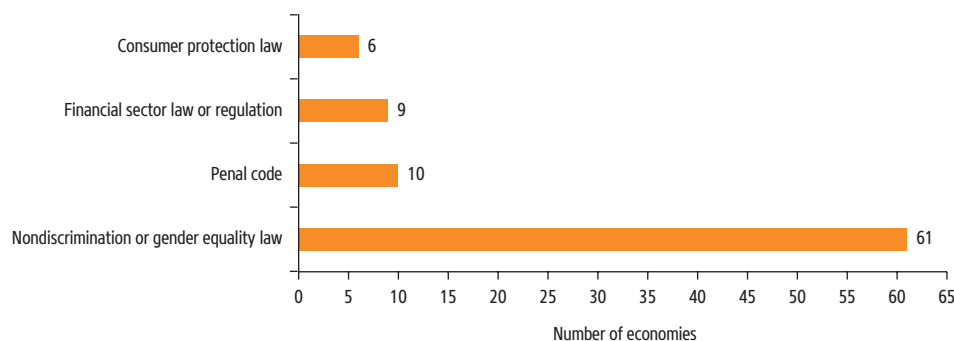
**TABLE 1.10** NUMBER OF ECONOMIES THAT HAVE NOT REMOVED BARRIERS TO WOMEN’S ENTREPRENEURSHIP

Question	Number of economies with a “no” response	Number of economies with at least one “no” response
1. Does the law prohibit discrimination in access to credit based on gender?	104	
2. Can a woman sign a contract in the same way as a man?	2	104
3. Can a woman register a business in the same way as a man?	7	
4. Can a woman open a bank account in the same way as a man?	6	

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



**FIGURE 1.9 | NUMBER OF ECONOMIES THAT PROHIBIT DISCRIMINATION IN ACCESS TO FINANCIAL SERVICES THROUGH DIFFERENT TYPES OF LEGISLATION**



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

In contrast to these positive changes, Pakistan restricted a woman's ability to register a business. Despite an amendment in August 2020, the Companies Act still restricts a woman's ability to register a business, leaving discriminatory provisions in Articles 31 and 37 intact that require a married woman to provide details about her husband when signing the company memorandum and articles of association. A presidential ordinance of May 2019 had repealed these discriminatory articles; however, the ordinance expired after 120 days, having failed to be ratified by Pakistan's senate and national assembly.

## Assets

The Assets indicator examines gender differences in property and inheritance law. Giving women the ability to control assets can enhance their bargaining power within the household, boost their agency, and possibly alter household investment patterns (Agarwal 2003; Ali, Deininger, and Goldstein 2014; Daley, Dore-Weeks, and Umuhoza 2010; Santos et al. 2014). It may also improve access to finance (Persha, Greif, and Huntington 2017).

Evidence from 41 low- and middle-income economies finds significant gaps in property ownership between men and women, which are particularly pronounced in rural areas and areas with high poverty rates (Gaddis, Lahoti, and Swaminathan 2020). Gender gaps in property ownership may be due to discriminatory norms and, most important, a discriminatory legislative framework—encompassing laws on inheritance, property ownership, and marital regimes. Property ownership is associated with higher levels of well-being for women, and the positive impacts of reforming discriminatory property laws may be even greater for daughters of the women directly affected, suggesting that the positive effects of reform are long lasting (Deininger, Goyal, and Nagarajan 2013).

Of the 190 economies studied, 76 (40 percent) limit women's property rights (table 1.11). The pace of reform under this indicator has been particularly slow.

**TABLE 1.11** NUMBER OF ECONOMIES THAT DO NOT HAVE LAWS GRANTING WOMEN EQUAL RIGHTS TO PROPERTY AND INHERITANCE

Question	Number of economies with "no" response	Number of economies with at least one "no" response
1. Do men and women have equal ownership rights to immovable property?	19	
2. Do sons and daughters have equal rights to inherit assets from their parents?	42	
3. Do male and female surviving spouses have equal rights to inherit assets?	43	76
4. Does the law grant spouses equal administrative authority over assets during marriage?	18	
5. Does the law provide for the valuation of nonmonetary contributions?	57	

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

In 19 economies, women do not have equal ownership rights to immovable property. Studies have shown that granting women equal rights to property is crucial to improving their economic empowerment. Such rights include access to assets upon dissolution of marriage and, in particular, recognition of nonmonetary contributions to the household, such as unpaid care for children, which is performed disproportionately by women. There is much room for improvement in this area, as 57 economies do not recognize such nonmonetary contributions. Arguments supporting the equal distribution of property can be based on analysis of comparative good practices, such as common law principles, and an economic reexamination of the monetary value of women's contributions to the household (Efe and Eberechi 2020). In nine economies, the husband has the right to control assets that are owned jointly by both spouses.

Since 2011, when Mali equalized rights for both sons and daughters and male and female surviving spouses, no reforms have been recorded in the area of inheritance. This means that, worldwide, 43 economies still do not grant equal inheritance rights to male and female surviving spouses and 42 economies prevent daughters from inheriting in the same way as sons.

Gabon is the only economy to have reformed such laws since 2019. With the reform of the civil code, Gabon gave women equal administrative authority over assets during marriage and equal ownership rights over immovable property. The revised civil code also abolished discriminatory provisions that previously made the husband the sole administrator of marital property.

### **Pension**

The Pension indicator assesses laws affecting women's economic security after retirement. Eleven economies have yet to implement an old-age pension system for private sector workers, placing both women and men at greater risk of poverty in old age. Differences in women's working lives relative to those of men can result in unequal economic outcomes in retirement (Joubert and Todd 2020). Laws that set lower retirement ages for women than for men exacerbate these unequal outcomes by reducing the amount of time that women contribute to their pensions and save for old age. In 121 economies, there is room to improve laws to achieve gender equality with regard to women's pensions (table 1.12).

TABLE 1.12 NUMBER OF ECONOMIES THAT DO NOT HAVE LAWS ENSURING WOMEN'S ECONOMIC SECURITY IN OLD AGE		
Question	Number of economies with a "no" response	Number of economies with at least one "no" response
1. Is the age at which men and women can retire with full pension benefits the same?	65	121
2. Is the age at which men and women can retire with partial pension benefits the same?	37	
3. Is the mandatory retirement age for men and women the same?	15	
4. Are periods of absence due to childcare accounted for in pension benefits?	85	

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

Sixty-five economies set different ages for men and women to retire with full pension benefits, with women being able to retire about 10 months (as in Lithuania) to 10 years (as in China) earlier than men. While an earlier retirement age affects women's pension benefits and shortens their professional careers, it may also deter employers from investing in skills development and slow economic growth (Böheim 2019). However, the average gap in retirement ages for men and women is narrowing over time, as schemes to increase and equalize retirement ages gradually approach completion.

Thirty-seven economies establish different ages for women and men to retire with partial pension benefits. In these economies, women can retire with partial pension benefits between four months and five years earlier than men. Of the 66 economies that establish mandatory retirement ages, 15 economies across all regions except South Asia set different retirement ages for men and women.

More than half of all economies covered count periods of absence from work due to childcare when determining pension benefits. Of the economies that do not account for these periods, 54 percent are located in East Asia and Pacific and in Sub-Saharan Africa. Australia and the United States are the only two high-income countries from the OECD region that do not take these periods into account.

Three economies—Argentina, Cambodia, and Ukraine—introduced reforms in the Pension indicator in the past year. Recognizing that women face greater difficulties in entering the formal labor market, Argentina introduced a decree calling for pension benefits to count periods of childcare for mothers and pregnant women. Cambodia introduced an old-age pension system that sets equal ages at which women and men can retire with full pension benefits. Ukraine completed a scheme introduced in 2011 to raise the retirement age for women gradually from 55 to 60 (the retirement age for men) by 2021.

## What's next?

*Women, Business and the Law* remains committed to advancing the discussion of how legal equality contributes to women's economic empowerment and growth. Policy makers, international organizations, civil society organizations, gender equality advocates, investors, and researchers can use its findings in many ways. The data can help to identify both good practices and gaps in the regulatory environment that influence women's prospects as employees and entrepreneurs. The findings can be used to inform legislative changes, make decisions on policy reform and private investment,

and support civil society in advocating for reform (box 1.3). Data can also be used by the private sector; in many economies, firms have pioneered the effective policies that later become law, including and especially in the areas of nondiscrimination at work, sexual harassment, and paid leave. *Women, Business and the Law* will complement its global study and data set with regional and country-specific analysis (regional profiles, global indicators policy briefs) to inform local policies and highlight the work that remains.

*Women, Business and the Law* continues to pursue its substantial research agenda. Building on the evidence presented in last year's edition, this year's report analyzes

### BOX 1.3 ENGAGEMENT WITH CIVIL SOCIETY ORGANIZATIONS

Disseminating findings is instrumental to raising awareness about the importance of legal reform to address gender disparities and build capacity to promote women's rights through gender-equal reforms and policies. Since 2016, the *Women, Business and the Law* team has organized in-country workshops with civil society organizations in 17 Sub-Saharan African economies (figure B1.3.1). The workshops bring together civil society organizations, policy makers, and development actors to discuss barriers to women's economic opportunities and how to use data and evidence to amplify core messages about the economic consequences of gender equality reforms.

**FIGURE B1.3.1 | IN-COUNTRY ENGAGEMENT WITH CIVIL SOCIETY ORGANIZATIONS IN SUB-SAHARAN AFRICA, 2016–21**



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

In late 2019, the team also organized a South-South Knowledge Exchange workshop in Brasilia, Brazil, to discuss best practices regarding legislation, public policies, and initiatives for women's empowerment and to address gender-based violence. The workshop brought together representatives from Brazil and five African members of the Community of Portuguese Speaking Countries, namely Angola, Cabo Verde, Guinea-Bissau, Mozambique, and São Tomé and Príncipe.

In early 2020, the World Bank organized a peer-to-peer learning event in Libreville, Gabon, to discuss the impact of discriminatory laws and practices on women's empowerment and good-practice laws that enhance women's economic opportunities. The event brought together ministers of women's affairs, senior leaders, and policy makers from 14 West and Central African economies, including the first ladies of Burkina Faso, the Democratic Republic of Congo, and Gabon.

Understanding the process behind the enactment of legislative reforms is useful for countries interested in adopting the laws most relevant to closing the gender gap. To this end, the *Women, Business and the Law* team has initiated a series of case studies to learn about the motivations for legal reforms that countries have undertaken over the last 50 years. The first countries selected for this research are the Democratic Republic of Congo, Ethiopia, India, Kenya, São Tomé and Príncipe, South Africa, and Togo. As part of this work, the team has interviewed in-country actors to understand the political economy of how successful reforms have been carried out and to provide an example for countries wanting to undertake similar reforms.

preliminary data on childcare and on implementation of the law in chapters 2 and 3, respectively. Research at the pilot stage shows that the availability and regulation of different types of childcare services vary widely across regions. Economies also vary widely on the parameters for quality of childcare provision, with no clear regional pattern. Therefore, evidence of what determines parental uptake of services is inconclusive at this stage. This research will continue, with plans to refine and expand the pilot exercise in subsequent editions, especially as new research continues to inform the measurements.

The implementation pilot explores ways to measure *Women, Business and the Law* indicators in practice. First, supportive frameworks related to each of the eight indicators were examined, including the sequencing of legislation, women's access to justice and other government programs, and the efficiency of legal operations. A second approach measured the opinions of experts on the ground regarding progress toward gender equality. The findings show clear gaps in the implementation of laws in all indicators, with Pay and Pension standing out as areas in need of improvement across both measurements. While the data provide valuable insight into how the law functions, the research techniques will continue to be adjusted to present a more accurate picture of implementation in subsequent editions.

Finally, new research areas are developing. As part of the World Bank Group's 10 Commitments on Disability-Inclusive Development, *Women, Business and the Law* is producing data and analysis on legal protections for women with disabilities to understand how laws can protect women from intersectional discrimination (box 1.4). Other potential research questions relate to the link between legal gender equality and informality, use of fiscal policy and budget systems to close gender gaps, access to digital technology, and longer-term challenges associated with climate change. *Women, Business and the Law* is committed to producing data and evidence that can inform policies to advance women's economic opportunities around the world.

#### **BOX 1.4 HOW CAN LAWS PROTECT THE RIGHTS OF WOMEN WITH DISABILITIES?**

Since 2019, *Women, Business and the Law* has collected and analyzed data to understand how laws can protect women with disabilities from intersectional discrimination. Employment rates of women with disabilities are lower than those of both men with disabilities and men and women with no disabilities (WHO and World Bank 2011). Young women with disabilities endure up to 10 times more gender-based violence than those with no disability (UNFPA 2018).

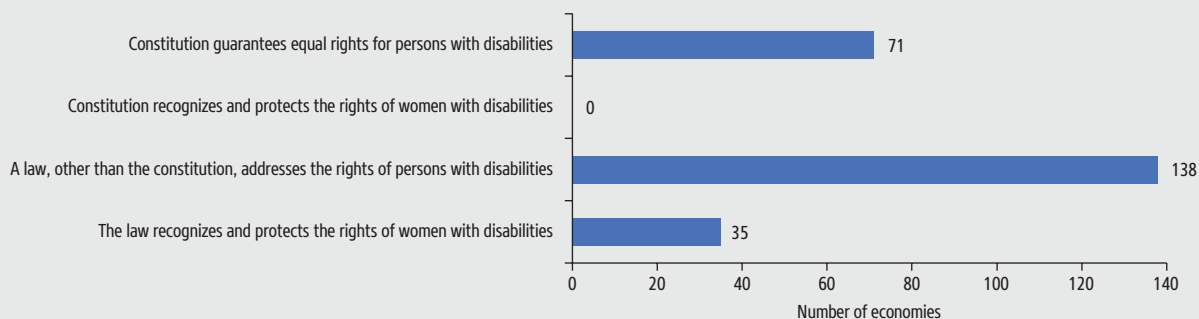
The research is based on internationally agreed standards as established by the 2006 United Nations Convention on the Rights of Persons with Disabilities and, in particular, Article 6, which recognizes that legal and policy measures need to be taken so that women with disabilities can enjoy their fundamental rights and freedoms fully and equally. Mapping the regulatory framework can help to identify good practices and guide economies in the enactment of much-needed laws and policies on the socioeconomic inclusion of women with disabilities.

Legislative approaches to promote the rights of women with disabilities differ widely. Initial analysis of constitutions and statutory laws in 176 economies revealed that, while 71 economies guarantee equal rights for persons with disabilities in the constitution, none of the constitutions analyzed mentions women with disabilities. With regard to statutory laws, the preliminary research found that, while 138 economies have a law that addresses the rights of persons with disabilities, only one-fourth of the economies analyzed (35) explicitly recognize and protect the rights of women with disabilities (figure B1.4.1). Many disability rights laws use gender-neutral language and fail to account sufficiently for the needs of women with disabilities, who face additional and multiple discrimination.

*(Box continues next page)*

### BOX 1.4 HOW CAN LAWS PROTECT THE RIGHTS OF WOMEN WITH DISABILITIES? (continued)

**FIGURE B1.4.1 | PRELIMINARY FINDINGS ON THE LEGAL FRAMEWORK RELATED TO WOMEN WITH DISABILITIES**



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

However, some economies do address the needs of women with disabilities. For example, Indonesia's law recognizes the importance of protecting women with disabilities from violence by providing information services and requiring shelters to be easily accessible. Kuwait's law affords additional maternity leave benefits to women with disabilities. Moldova requires medical service providers to take "special needs ... into account, including gynecological treatment and counselling on family planning and reproductive health" (Article 42 [12]).

Overall, preliminary findings confirm, "Laws and policies on disability have historically neglected aspects related to women and girls with disabilities. In turn, laws and policies addressing women have traditionally ignored disability" (Committee on the Rights of Persons with Disabilities 2016). A gap in knowledge about global good practices is evident in the existing data. To address this gap, *Women, Business and the Law* collected additional data on the rights of women with disabilities in the areas of employment law, family law, nondiscrimination legislation, and gender-based violence. A publication of the results is planned for the spring of 2022.

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

## Notes

1. Through a meta-analysis, Chmielewska et al. (2021) confirm that maternal and fetal health outcomes have worsened since the onset of the COVID-19 crisis. Tu et al. (2021) document changes in short-term sexual and reproductive health and behaviors, noting the need for further research into the long-term effects.
2. Lakshmi Ratan et al. (2021) discuss the impacts of the COVID-19 pandemic on women working in the informal sector.
3. This research includes Amin and Islam (2015); Htun, Jensenius, and Nelson-Nuñez (2019); Islam, Muzi, and Amin (2019); and Zabalza and Tzannatos (1985). Roy (2019) provides an overview of the evidence linking legal gender equality and women's economic outcomes.
4. See the World Bank Entrepreneurship Database, <https://www.worldbank.org/en/programs/entrepreneurship/inforgraphics>.
5. Research by Bhalotra, Brulé, and Roy (2020) shows that equalizing inheritance rights between sons and daughters in India increased son preference and female feticide.

6. For complete data and legal bases, see <https://wbl.worldbank.org/en/wbl-data>.
7. In 2021, alongside the aggregate index and 35 underlying data points, *Women, Business and the Law* published a detailed breakdown of the number of maternity, paternity, and parental leave days available to parents. These data will inform empirical investigations of the link between these policies and women's labor market outcomes as well as other relevant issues such as fertility and population growth.
8. The data for the United States refer to New York State legislation.

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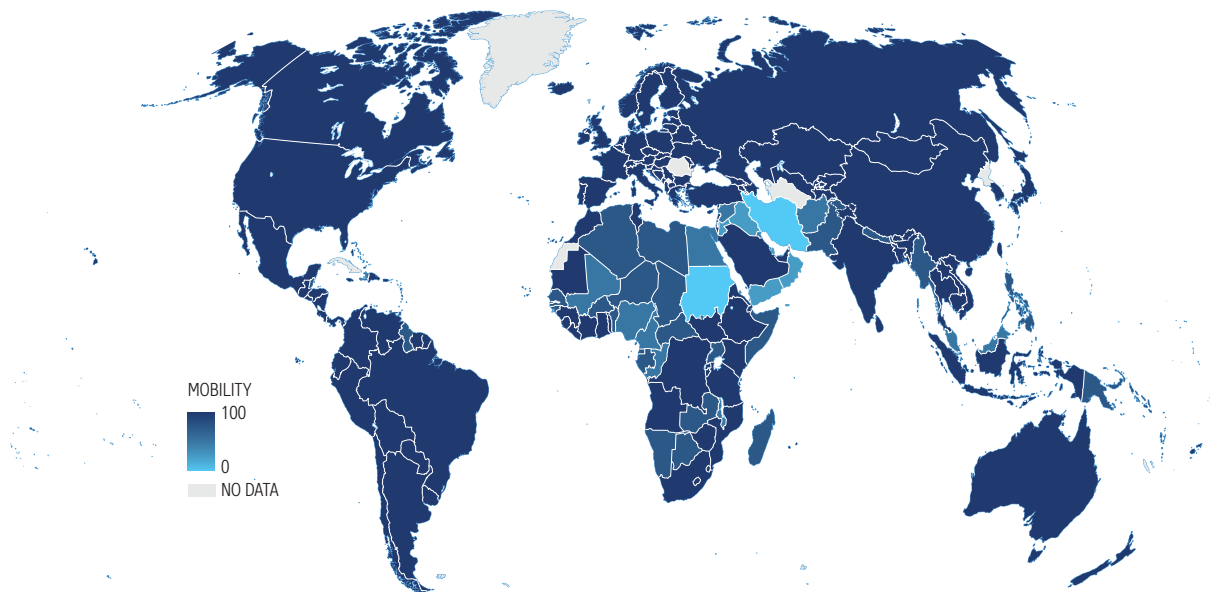
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 **Mobility**

MAP 1A.2 | WOMEN, BUSINESS AND THE LAW INDEX MOBILITY INDICATOR SCORES

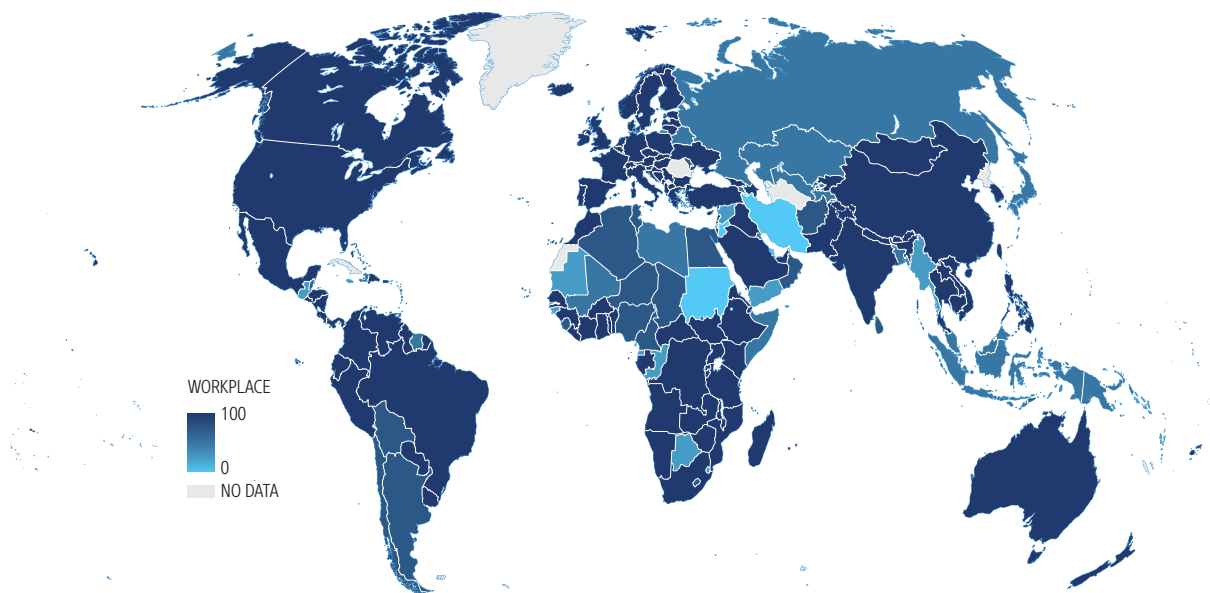


Source: Women, Business and the Law database.

IBRD 46393 | FEBRUARY 2022

 **Workplace**

MAP 1A.3 | WOMEN, BUSINESS AND THE LAW INDEX WORKPLACE INDICATOR SCORES

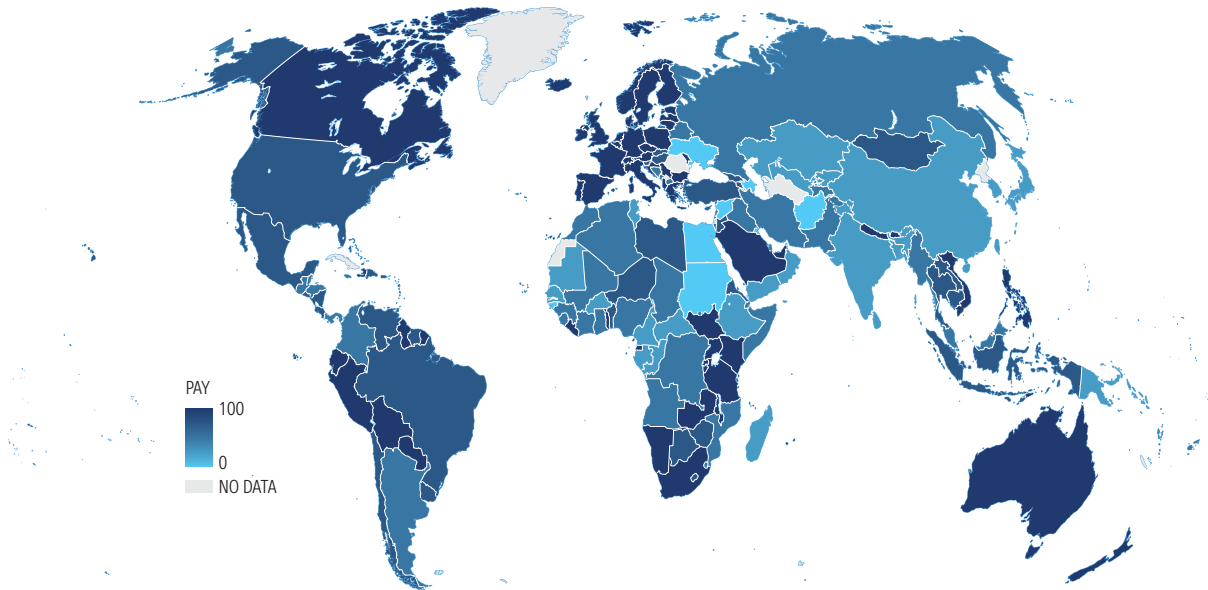


Source: Women, Business and the Law database.

IBRD 46394 | FEBRUARY 2022



MAP 1A.4 | WOMEN, BUSINESS AND THE LAW INDEX PAY INDICATOR SCORES

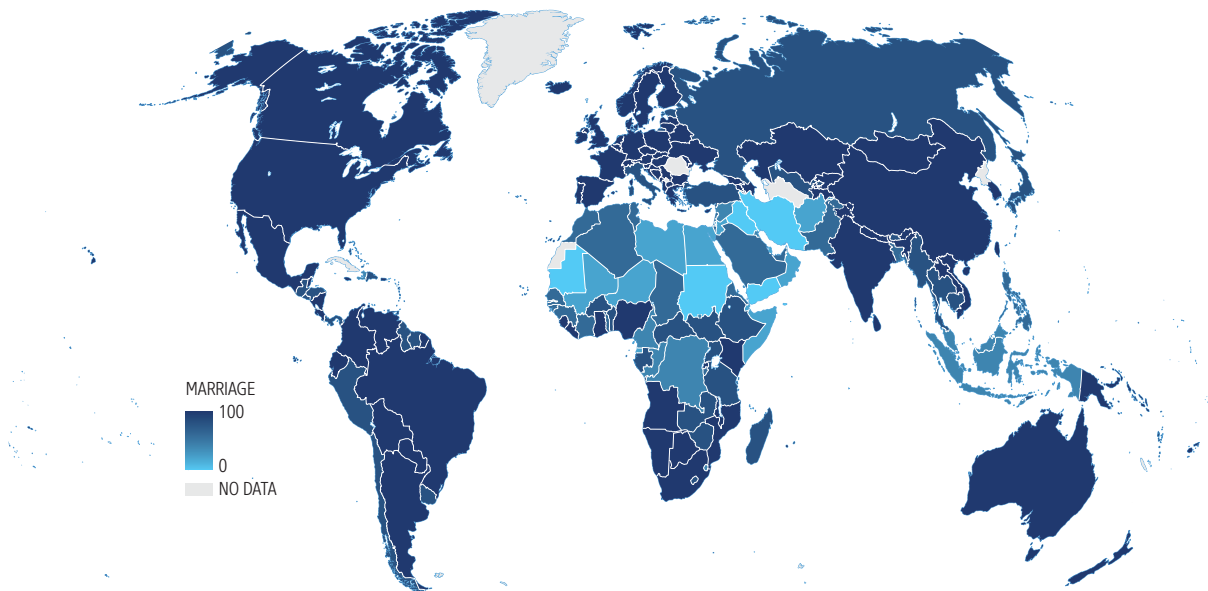


Source: Women, Business and the Law database.

IBRD 46395 | FEBRUARY 2022



MAP 1A.5 | WOMEN, BUSINESS AND THE LAW INDEX MARRIAGE INDICATOR SCORES



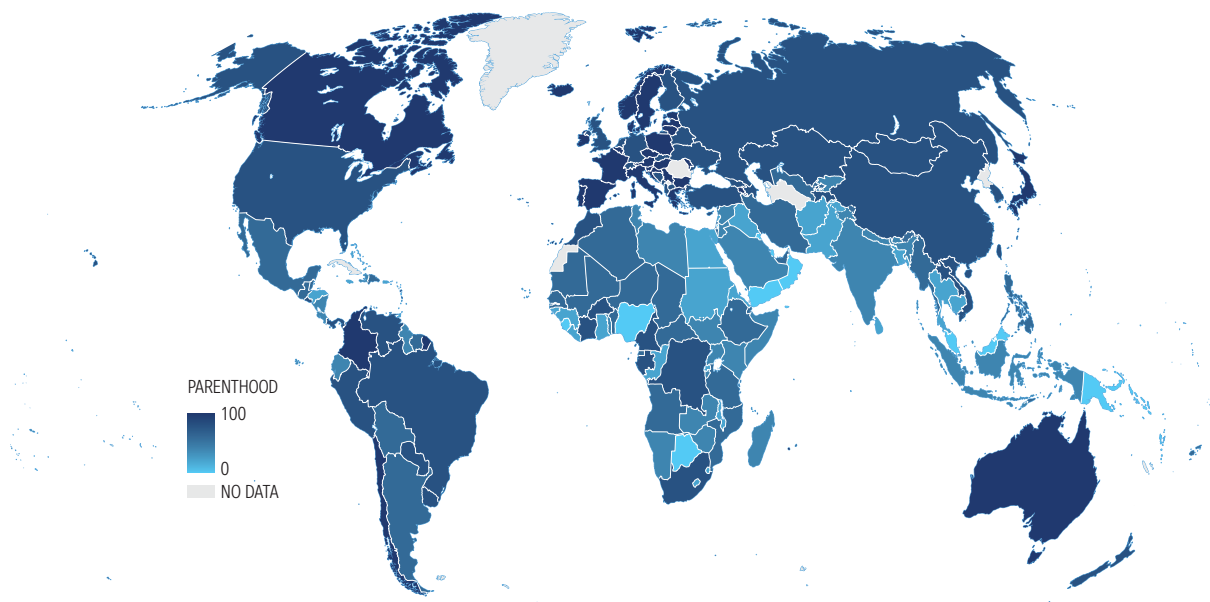
Source: Women, Business and the Law database.

IBRD 46396 | FEBRUARY 2022



## Parenthood

MAP 1A.6 | WOMEN, BUSINESS AND THE LAW INDEX PARENTHOOD INDICATOR SCORES



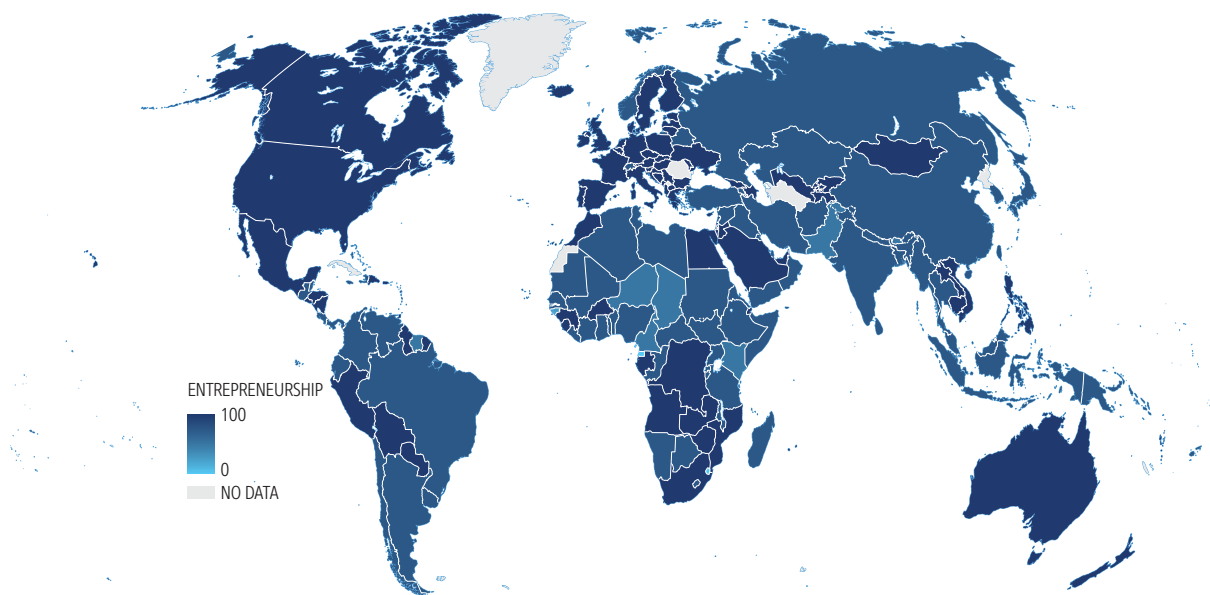
Source: Women, Business and the Law database.

IBRD 46397 | FEBRUARY 2022



## Entrepreneurship

MAP 1A.7 | WOMEN, BUSINESS AND THE LAW INDEX ENTREPRENEURSHIP INDICATOR SCORES

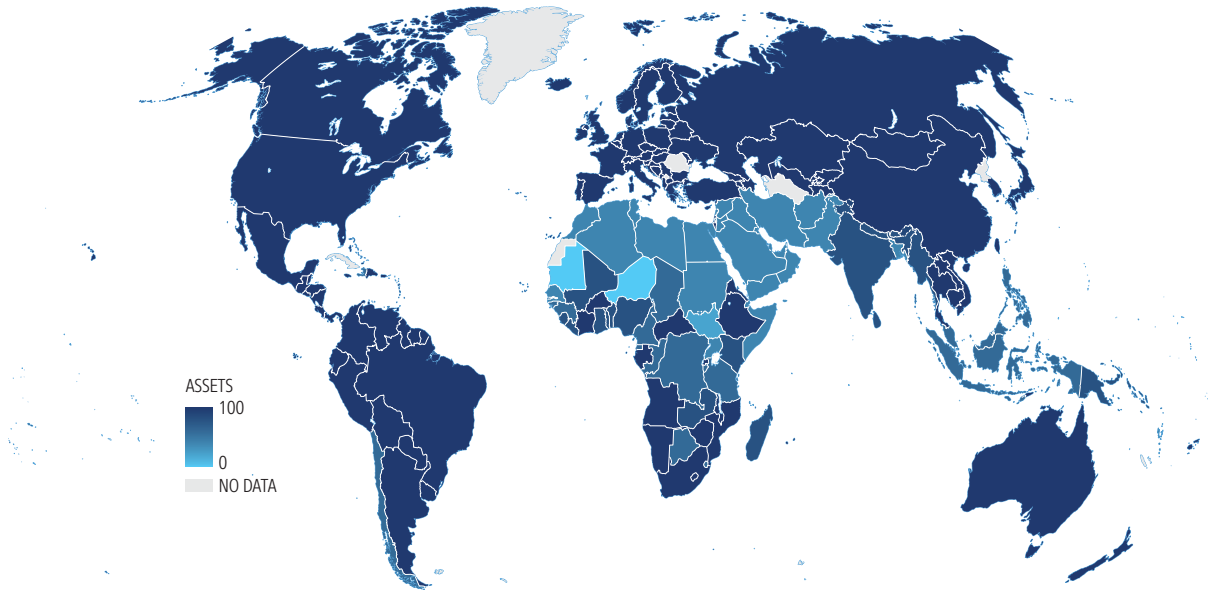


Source: Women, Business and the Law database.

IBRD 46398 | FEBRUARY 2022

 **Assets**

MAP 1A.8 | *WOMEN, BUSINESS AND THE LAW INDEX ASSETS INDICATOR SCORES*

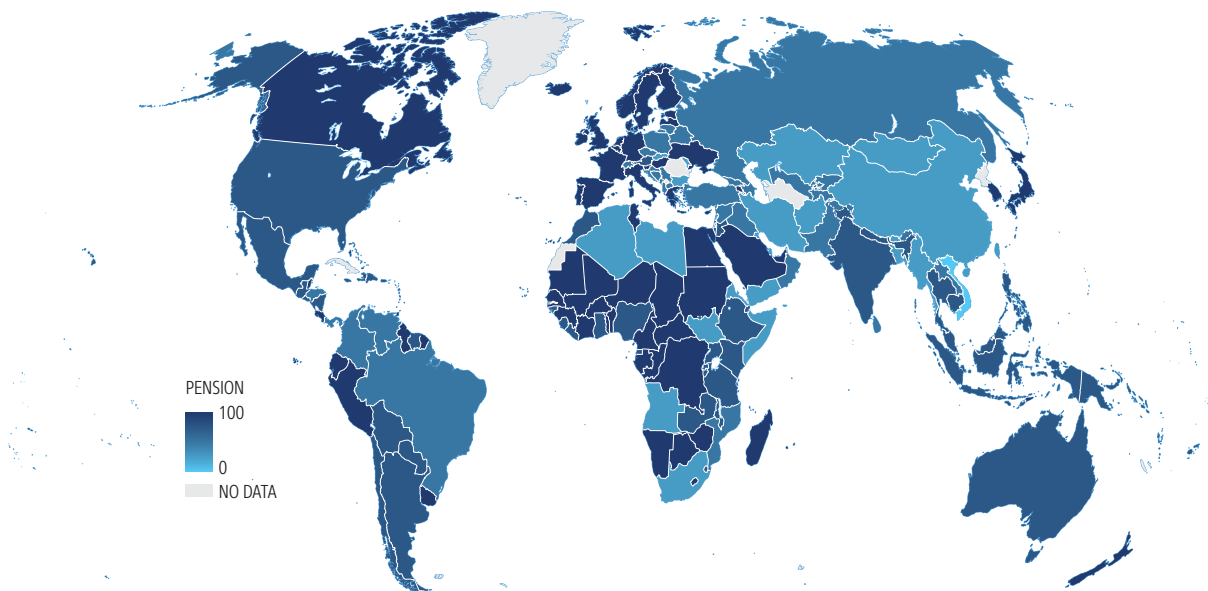


Source: *Women, Business and the Law* database.

IBRD 46399 | FEBRUARY 2022

 **Pension**

MAP 1A.9 | *WOMEN, BUSINESS AND THE LAW INDEX PENSION INDICATOR SCORES*



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

IBRD 46400 | FEBRUARY 2022





## ANNEX 1B

# Summaries of Reforms

In the period from October 2, 2020, to October 1, 2021, *Women, Business and the Law* recorded 39 changes to indicator scores that improved gender quality in employment and entrepreneurial activity in 23 economies. Over the same period, two economies implemented changes widening the legal gender gap.

✓ Reform increasing gender parity	✗ Change decreasing gender parity
-----------------------------------	-----------------------------------

## Angola

### ✓ Workplace

Angola enacted legislation protecting women from sexual harassment in employment, including criminal penalties for such conduct.

## Argentina

### ✓ Pension

Argentina explicitly accounted for periods of absence due to childcare in pension benefits.

## Armenia

### ✓ Parenthood

Armenia introduced paid paternity leave.

## Bahrain

### ✓ Pay

Bahrain mandated equal remuneration for work of equal value. Bahrain also lifted restrictions on women's ability to work at night and repealed provisions giving the relevant authority the power to prohibit or restrict women from working in certain jobs or industries.

## Benin

### ✓ Pay

Benin removed restrictions on women's employment in construction. Women can now work in industrial jobs in the same way as men.

## Burundi

### ✓ Pay

Burundi mandated equal remuneration for work of equal value.

## Cambodia

### ✓ Pension

Cambodia introduced an old-age pension system that sets equal ages at which women and men can retire with full pension benefits. The law does not establish an age at which women and men can retire with partial pension benefits.

## Colombia

### ✓ Parenthood

Colombia introduced paid parental leave.

## Cyprus

### ✓ Mobility

Cyprus enacted legislation allowing women to apply for a passport in the same way as men.

## Egypt, Arab Rep.

### ✓ Marriage

Egypt enacted legislation protecting women from domestic violence.

### ✓ Entrepreneurship

Egypt made access to credit easier for women by prohibiting gender-based discrimination in financial services.

## Gabon

### ✓ Mobility

Gabon gave women the same rights to choose where to live as men.

### ✓ Workplace

Gabon enacted legislation allowing women to get jobs without permission from their husbands.

### ✓ Marriage

Gabon enacted legislation removing the requirement for married women to obey their husbands and allowing women to be head of household in the same way as men. Gabon also enacted legislation protecting women from domestic violence.

### ✓ Entrepreneurship

Gabon gave women the same rights to open a bank account as men and prohibited gender-based discrimination in financial services.

### ✓ Assets

Gabon granted spouses equal rights to immovable property and equal administrative authority over assets during marriage.

## Georgia

### ✓ Parenthood

Georgia introduced paid parental leave.

## Greece

### ✓ Parenthood

Greece introduced two months of paid parental leave as an individual entitlement for each parent.

## Hong Kong SAR, China

### ✓ Parenthood

Hong Kong SAR, China, increased the duration of paid maternity leave to at least 14 weeks.

## Kuwait

### ✓ Workplace

Kuwait prohibited gender discrimination in employment and adopted legislation on sexual harassment in employment.

## Lebanon

### ✓ Workplace

Lebanon enacted legislation protecting women from sexual harassment in employment, including both criminal penalties and civil remedies for such conduct.

## Oman

### ✓ Mobility

Oman allowed women to apply for a passport in the same way as men.

## Pakistan

### ✓ Pay

Pakistan lifted restrictions on women's ability to work at night.

**✗ Entrepreneurship**

Pakistan did not convert into law a decree that would permanently equalize men's and women's ability to register a business.

**Sierra Leone****✓ Entrepreneurship**

Sierra Leone made access to credit easier for women by prohibiting gender-based discrimination in financial services.

**Spain****✓ Parenthood**

Spain introduced paid parental leave for mothers and fathers.

**Switzerland****✓ Parenthood**

Switzerland introduced two weeks of paid paternity leave.

**Togo****✗ Parenthood**

Togo enacted legislation allowing employers to dismiss pregnant workers.

**Ukraine****✓ Parenthood**

Ukraine introduced paid paternity leave.

**✓ Pension**

Ukraine equalized the ages at which women and men can retire with full pension benefits.

**Vietnam****✓ Pay**

Vietnam eliminated all restrictions on women's employment. Women can now work in industrial jobs in the same way as men.

**CHAPTER 2**

# Toward Available, Affordable, and Quality Childcare Services

---

The availability of childcare services matters for women’s economic participation. Women bear a disproportionate burden of unpaid care at home (UN Women 2015), and this unequal distribution of responsibilities compromises their ability to access and retain jobs.<sup>1</sup> Women are more often the secondary earner, work fewer hours, and are paid less than men. These gaps widen further when childcare needs arise (Fabrizio et al. 2020). The worldwide COVID-19 crisis has heightened the importance of aligning childcare policies more closely with the needs of working parents and, in particular, working mothers.

In light of these circumstances and building on information presented last year, *Women, Business and the Law 2022* collected pilot data for 95 economies that measure legal frameworks for the provision of childcare services, focusing on availability, affordability, and quality. This pilot exercise was intended to fill knowledge gaps around the overall design and effectiveness of childcare policies and to inform their successful implementation to increase women’s economic opportunity. Over time, expanding access to childcare can have positive impacts not only for female labor force participation and child development, but also for economic growth, creating a more abundant and diverse workforce and offering substantial business and employment opportunities.

## The importance of analyzing childcare laws

International law has long recognized that working parents need access to outside childcare and called for making childcare facilities more readily available (figure 2.1). Increasingly, empirical research has documented the positive impact that policies

FIGURE 2.1 | THE INTERNATIONAL LEGAL FRAMEWORK ON CHILDCARE PROVISION



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

targeting the availability, affordability, and quality of childcare services can have on women's participation in the labor market, their hours of work, and their wages (Olivetti and Petrongolo 2017). Such policies also have multigenerational benefits, resulting in improved child development and overall economic growth and productivity.

The evidence regarding the positive impact of childcare *availability* on women's employment is compelling and broad, both in lower- and higher-income economies (Calderón 2014; Chevalier and Viitanen 2002; Clark et al. 2019; Dang, Hiraga, and Nguyen 2019; de Barros et al. 2013; Herbs and Barnow 2008; Sanfelice 2018). In Indonesia, access to formal public childcare is found to increase the likelihood that women with age-eligible children will participate in the labor force by 13 percent (Halim, Johnson, and Perova 2019). While the positive effect is seen most often in women's labor force participation, evidence also suggests that having access to childcare allows women to work longer hours, achieve higher productivity and income, and find employment in the formal, rather than informal, sector (Calderón 2014; Dang, Hiraga, and Nguyen 2019; de Barros et al. 2013; Sanfelice 2018). Conversely, a lack of childcare can limit productivity and the type of employment in which women can engage, preventing them from taking more stable and lucrative opportunities in the formal sector (Alfers 2016; Cassirer and Addati 2007; Hein 2005; Heymann 2007). In Guatemala, 40 percent of mothers working informally cited lack of childcare as a key reason for not taking a formal-economy job (Cassirer and Addati 2007). In the absence of childcare, many women also resort to taking their children to work with them. For example, survey data for Pakistan, Peru, and 10 African economies suggest that 40 percent of mothers take young children to work (Hein 2005). Apart from the potential danger to the health of the child, having to provide their own childcare while working restricts the range of jobs that mothers may seek.

Even when formal childcare is available, *affordability* of care is a central concern that influences the extent to which childcare services are used. Empirical evidence from both higher- and lower-income economies finds a positive relationship between affordable childcare, funded partially or fully by the government, and women's labor market outcomes, including participation in the labor force, wages, and working

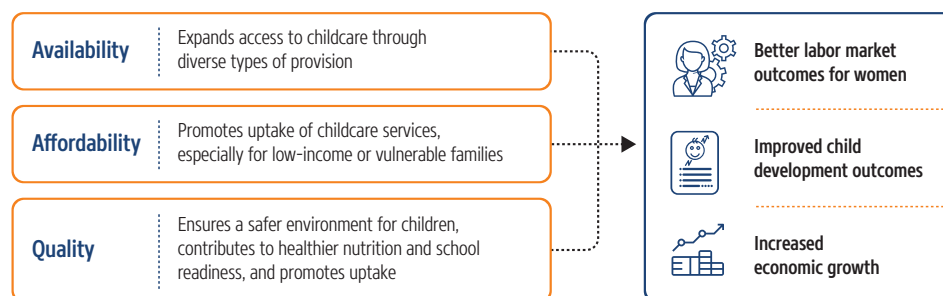
hours (Devercelli and Beaton-Day 2020; Geyer, Haan, and Wrohlich 2015; Haan and Wrohlich 2011). Perception-based household surveys from the European Union (EU) also demonstrate that more than 40 percent of families consider cost to be the main barrier to using formal childcare (Devercelli and Beaton-Day 2020). High costs not only discourage households from using formal childcare facilities but also have a negative effect on mothers' participation in the labor market in Kenya, Liberia, and Mozambique (Bhatkal 2014; Clark et al. 2019; Lokshin, Glinskaya, and Garcia 2000). In low-income economies, affordability is a priority. Better-off households are able to hire childminders at home relatively cheaply, while poor households have few affordable options for childcare, despite great need. As a result, children are left at home with no adult supervision or in the care of child siblings (Samman, Presler-Marshall, and Jones 2016).

Literature also cites *quality* as a factor determining parental decisions to use formal childcare services: good-quality childcare improves children's development outcomes, including school readiness, healthy nutrition, and educational achievements, and leads to more promising employment prospects and higher earnings in the long term (Malmberg, Mwaura, and Sylva 2011; Rao 2010; Richter and Samuels 2018). The impact of quality of childcare services on female labor force participation is less researched, but a positive relationship is evident between the provision of universal low-fee, high-quality preschool in Quebec, Canada, and the female labor supply (Baker, Gruber, and Milligan 2008; Haeck, Lefebvre, and Merrigan 2015).

There is also a lack of data on the role that the legal framework can play in promoting or hindering the provision and uptake of childcare services. Publicly available international databases produce some data on outcomes, but there is not enough evidence on practices to inform policy design. Despite global coverage, the United Nations Children's Fund (UNICEF) Education Statistics data are limited to gross and net enrollment rates in early childhood education programs and government expenditure on preprimary education. Data from the United Nations Educational, Scientific, and Cultural Organization (UNESCO) Institute for Statistics focus on national education systems and enrollment rates for children below primary school-starting age. Data from the Organisation for Economic Co-operation and Development (OECD) Family Database and from Eurostat provide a solid overview of childcare arrangements, outcomes, and policies, but are limited in scope to OECD and EU member states. Only limited data are available on childcare across low- and middle-income countries, particularly for children below age three (Devercelli and Beaton-Day 2020).

The enactment of policies to make childcare available, affordable, and of decent quality is a priority due to their potential to achieve better market outcomes for women, children, and the economy overall. In support of this goal, *Women, Business and the Law* mapped and explored current legal and regulatory measures adopted to ensure or strengthen three pillars of childcare: availability, affordability, and quality (figure 2.2). The project does not endorse a specific design of childcare policy and recognizes that legal frameworks differ in their institutional arrangements, delivery schemes, and general application. However, it aims to fill knowledge gaps and contribute to policy dialogue on some of the features of legal frameworks that may promote or hinder the provision and uptake of childcare services.

FIGURE 2.2 | THE THREE PILLARS OF CHILDCARE SERVICES



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

### ***A conceptual framework for measuring legal barriers to childcare***





The unmet need for childcare is substantial: 40 percent of children below primary school age worldwide need childcare but lack access (Devercelli and Beaton-Day 2020). Lack of access is even more severe for children below the age of three due to higher costs and scarce policies for widespread provision (Devercelli and Beaton-Day 2020). Even when available, the provision of formal childcare does not always guarantee its uptake because supply- and demand-side constraints, including convenience of services, costs, quality, and social and cultural norms, limit the potential benefits (figure 2.3).

Under the availability pillar, *Women, Business and the Law* explored how governments make childcare available through regulatory interventions that support diverse types of provision and convenience. Although no international legal standards have been established to guide regulations on the provision of childcare, governments may support a wide range of childcare options to meet the needs of working mothers and families. Childcare can be funded and operated by the public or the private sector. Public childcare, funded and operated by the government, can be provided at center-based facilities, including nurseries, day care centers, preschools, and kindergartens. Private childcare can be funded and operated by for-profit or not-for-profit entities or supported through public-private partnerships. It includes home- and center-based care. Employer-provided or -supported childcare is another form of private childcare that includes services offered at on-site or off-site centers as well as childcare-related financial support. To explore the convenience of services, *Women, Business and the Law* measured whether laws or regulations mandate minimum operating hours for both public and private centers and whether legal frameworks provide for flexible or on-demand hours.<sup>2</sup> Legal mandates for employers to provide or support childcare were also examined.

Under the affordability pillar, *Women, Business and the Law* measured regulatory interventions that increase affordability through government-provided free services and financial and nonfinancial support for families, private childcare providers, and employers. The regulation of fees was also measured. Governments can use a variety of arrangements to make formal childcare affordable for providers and consumers—for example, by providing financial support in the form of ongoing subsidies, allowances, reimbursements, one-time grants, and tax benefits as well as nonfinancial support,



**FIGURE 2.3 | KEY CONSTRAINTS IN THE CHILDCARE MARKET**

Key constraint	Costs 	Diverse options 	Quality 	Social and cultural norms 
<b>Supply side</b> (provider)	High operational costs and tight margins make providers financially vulnerable.	High property costs, safety concerns, and barriers to entry may limit ability to open centers in convenient locations.	Quality is often poor due to an undertrained and unsupported childcare and early learning workforce, a lack of guidance on quality standards, and a lack of financing.	Inattention among policy makers to women's unpaid caregiving labor discourages the prioritization of support for childcare services.
<b>Demand side</b> (consumer)	High costs are a barrier for many families, especially low-income families.	Inconvenient location of services and operating hours limit uptake.	Two factors limit uptake: (a) lack of parental trust that children will be in a safe environment that provides quality service and (b) lack of parental understanding of what good quality looks like.	Cultural and social norms that discourage having children cared for outside of the family limit uptake.

Sources: Devercelli and Beaton-Day 2020; Muller and Jaen 2020.

including the government's direct provision of free or low-cost childcare, workforce subsidies, or additional hours of childcare. Specifically, childcare subsidies for families are found to boost female labor supply in France (Givord and Marbot 2015), to increase women's probability of employment and working hours in Kenya (Clark et al. 2019), and to affect women's employment rates and work hours in Latin America and the Caribbean (Diaz and Rodriguez-Chamussy 2013). In the Netherlands, a 50 percent reduction in childcare fees for all parents and a simultaneous increase in tax credits for low-income working parents is found to increase the female labor supply and number of hours worked (Bettendorf, Jongen, and Muller 2015).

Governments may choose to attach conditions to subsidies or other forms of financial support. In the absence of suitable regulations, public childcare support may not necessarily guarantee better access to affordable childcare. One risk is that providers may "capture" public support for themselves, rather than passing it on to parents through lower costs. Possible scenarios include providers accepting direct subsidies from government but not reducing prices accordingly or raising fees following an increase in rebates of public childcare fees, benefits, or tax relief for parents. One way to prevent capture and target vulnerable populations is to combine public support with fee caps and regulations, such as maximum fees.<sup>3</sup>

Government support for market-based solutions for affordable childcare may be an option for many families; however, depending on the level of government support, these services might not necessarily reach the poorest and most economically vulnerable. Thus, data were also collected on legal or regulatory measures specifically targeting low-income families through subsidies or other inputs, including granting additional hours of childcare and preferential enrollment terms to disadvantaged families.<sup>4</sup>

Under the quality pillar, *Women, Business and the Law* collected data on regulatory interventions that improve the quality of services. In order to make the indicators more actionable, the concept of quality was broken down into three main categories: structural, process, and system quality.

- **Structural quality** includes standards on teacher-to-child ratios, group size, and physical infrastructure. Measures of structural quality include regulatory interventions mandating teacher-to-child ratio and group size.
- **Process quality** refers to program, workforce, and interactions quality. Program quality typically covers the curriculum, materials, duration, and intensity of the program and strategies for community and parental engagement. Workforce quality is a key contributor to process quality and refers to the qualifications, experience, competencies, and conditions of employment for early childhood educators. The quality of interactions reflects the social, emotional, and physical interaction that the child has with materials, peers, and teachers. While aspects of program and interaction quality fall outside the scope of legal or regulatory intervention and are difficult to capture and compare, measures of process quality examined here include mandatory periodic training of educators.
- **System quality** refers to the overall system in which childcare is delivered. Measures of system quality include regulatory interventions mandating licenses or other forms of operating authorizations, inspections, reporting requirements, and sanctions for noncompliance with applicable laws and regulations, in both the public and private sectors.

### ***Collecting data on legal and regulatory frameworks for childcare provision***

For this pilot stage of the project, *Women, Business and the Law* collected data on legal and regulatory frameworks for childcare provision in 95 economies (table 2.1). Economies were selected to represent at least 82 percent of the world's population, with at least one economy from each income group chosen within each World Bank region.

<b>TABLE 2.1</b>		<b><i>WOMEN, BUSINESS AND THE LAW</i> CHILDCARE PILOT ECONOMIES</b>	
<b>Region</b>	<b>Economy</b>		
East Asia and Pacific	China; Fiji; Hong Kong SAR, China; Indonesia; Malaysia; Mongolia; Philippines; Singapore; Thailand; Vietnam (10)		
Europe and Central Asia	Bulgaria; Croatia; Georgia; Kyrgyz Republic; Moldova; Romania; Russian Federation; Serbia; Tajikistan; Turkey; Ukraine; Uzbekistan (12)		
Latin America and the Caribbean	Argentina; Bahamas, The; Barbados; Belize; Bolivia; Brazil; Colombia; Ecuador; Mexico; Nicaragua; Panama; Paraguay; Peru; Puerto Rico (US); Suriname; Trinidad and Tobago (16)		
Middle East and North Africa	Algeria; Bahrain; Djibouti; Egypt, Arab Rep.; Iran, Islamic Rep.; Jordan; Kuwait; Malta; Morocco; Oman; Qatar; Tunisia; United Arab Emirates (13)		
OECD high income	Australia; Belgium; Canada; Chile; Czech Republic; Denmark; France; Korea, Rep.; Lithuania; Norway; Poland; Portugal; Slovenia; Spain; Switzerland; United Kingdom; United States (17)		
South Asia	Bangladesh; Bhutan; India; Nepal; Pakistan; Sri Lanka (6)		
Sub-Saharan Africa	Angola; Botswana; Cabo Verde; Côte d'Ivoire; Ethiopia; Gabon; Ghana; Guinea; Kenya; Malawi; Mauritania; Mauritius; Namibia; Rwanda; Senegal; Sierra Leone; South Africa; Tanzania; Togo; Uganda; Zambia (21)		

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

Note: OECD = Organisation for Economic Co-operation and Development.

Within each region, economies were chosen that have a female labor force participation rate in each of the four quartiles of value distribution. Economies with no available data on the female labor force participation rate or with extremely low and high values in the distribution (at the 1st and 99th percentile) were excluded.

The choice of preliminary questions within each of the three pillars was guided by a thorough review of empirical evidence and a round of consultations with experts.<sup>5</sup> The data were collected by means of desk research. Some questions on availability and affordability of childcare services were also administered to current *Women, Business and the Law* experts in labor law. Where there were difficulties locating or interpreting applicable laws, the team attempted to reach childcare providers and academics in the field via phone or email. For future cycles of data collection, the team plans to build a solid base of contributors and to survey childcare providers who have direct knowledge of legal requirements and acceptable standards.

Childcare regulations were assessed for children younger than preprimary school–starting age and children of preprimary school–starting age up to the start of primary school.<sup>6</sup> However, the main focus of the analysis was on regulations applicable to children of any age after birth but below the formal preprimary school–starting age, as defined by the International Standard Classification of Education (ISCED). This age is typically below three years but varies from country to country.<sup>2</sup> Table 2.2 provides a snapshot of the data collected for two countries at different income levels. Romania (upper middle income) and Kenya (lower middle income) are highlighted because they employ different models of childcare provision. While Romania has both public and private childcare provision, Kenya has only private provision. Selected aspects were collected for both public and private childcare in center-based settings.

<b>TABLE 2.2</b>		<b>DATA SNAPSHOT, ROMANIA AND KENYA</b>	
<b>Indicator</b>		<b>Romania</b>	<b>Kenya</b>
<b>Availability of childcare services</b>			
1.1	What is the preprimary school–starting age (in years)?	3	4
1.2	Does the law regulate public or private provision of childcare services?	Public and private	Private
1.3	Does the law require employers to provide or support childcare services?	No	No
1.4	Does the law mandate minimum hours of operation of public or private childcare centers?	No	Yes (9 hours)
1.5	Does the law provide for flexible or on-demand hours of operation at public or private childcare centers?	Yes	No
<b>Affordability of childcare services</b>			
2.1	Where the government provides childcare services, does the law establish free provision of such services?	No	n.a.
2.2	Does the law establish specific conditions (income, number of children, other criteria) on which cost to parents for public childcare services is determined?	Yes	n.a.
2.3	Does public provision of childcare services cover meals at no additional cost to parents?	No	n.a.
2.4	When fees are required by public or private childcare providers, are they regulated?	Yes	No
2.5	Does the government provide some form of financial support to parents for the use of childcare?	No	No
2.6	Does the government provide support (nonfinancial or financial) for the use of childcare services specifically targeting low-income families?	Yes	No
2.7	Do parents receive tax benefits specifically for using childcare services?	No	No

(Table continues next page)

<b>TABLE 2.2 DATA SNAPSHOT, ROMANIA AND KENYA (continued)</b>		
<b>Indicator</b>	<b>Romania</b>	<b>Kenya</b>
2.8 Does the government provide private childcare centers with some form of financial support?	Yes	No
2.9 Do private childcare centers receive tax benefits?	Yes	No
2.10 Does the government provide some form of financial support to employers for establishing or supporting childcare services for their employees?	No	No
2.11 Do employers receive tax benefits for providing or supporting childcare services?	Yes	No
<b>Quality of childcare services</b>		
3.1 Are public or private childcare centers legally required to obtain licenses or some form of operating authorization?	Yes	Yes
3.2 Does the law mandate a teacher-to-child ratio for public or private childcare centers?	Yes	No
3.3 Does the law mandate a maximum group size in public or private childcare centers?	Yes	No
3.4 Does the law require caregiving staff at public or private childcare centers to undergo periodic training?	Yes	No
3.5 Does the law require inspections for compliance with applicable laws or quality standards by public or private childcare centers?	Yes	No
3.6 Does the government require reporting of information by public or private childcare centers?	Yes	Yes
3.7 Are penalties imposed for noncompliance with applicable laws and regulations by public or private childcare centers?	Yes	Yes

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

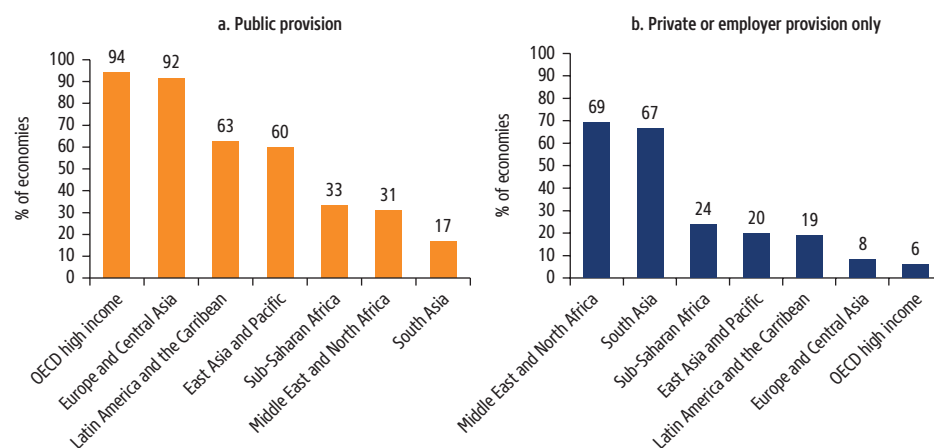
Note: In Kenya childcare services for children below the preprimary school–starting age of four are regulated for private providers only. Therefore, questions that are specific to public providers are coded as n.a. In Romania, where no distinction in the answers is made for public and private providers, rules are equally applicable to both. In accordance with standard *Women, Business and the Law* assumptions, legislation applicable to the main business city in each economy was reviewed. A detailed and expanded list of childcare indicators and data notes is available at <https://wbl.worldbank.org>.

## Insights from pilot data

### **Availability of childcare services across regions**

The availability and regulation of different types of childcare services vary widely across regions. Among the sample of 95 economies, public provision of childcare is nearly universally regulated in the OECD high-income region and Europe and Central Asia (figure 2.4). In contrast, the Middle East and North Africa and South Asia have the smallest share of economies regulating the provision of public childcare services. Nonetheless, in these two regions, provision of childcare services is more regulated for the private sector (Middle East and North Africa) and for employers (South Asia).

In South Asia, historically entrenched patriarchal norms and traditional values contribute to low levels of women’s engagement in the labor force and the feminization of unpaid care (Waidler, Sunny, and Rees 2021). The onus of care is largely informal, especially in the first three years of a child’s life, and remains primarily the responsibility of households. However, employers are increasingly providing childcare services to their workers. This trend may be attributed partly to regional advisory programs, including from the International Finance Corporation (IFC 2019). In four out of six economies examined in the region, employers are mandated to provide on-site childcare. A minimum threshold of female employees (Bangladesh, Pakistan, Sri Lanka) or employees regardless of gender (India) generally triggers enforcement.

**FIGURE 2.4 | LAWS REGULATING PUBLIC, PRIVATE, AND EMPLOYER-PROVIDED CHILDCARE SERVICES, BY REGION**

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

Note: Of 95 economies reviewed, public provision of childcare services is regulated in 55 economies. Provision of childcare services by the private sector or employer *only* is regulated in 25 economies. Panel a is based on indicator 1.2 from table 2.2 for economies where the law regulates the provision of public childcare services. Panel b is based on indicators 1.2 and 1.3 from table 2.2 for economies where the law regulates childcare services provided by the private sector or employers *only*. OECD = Organisation for Economic Co-operation and Development.

Of the 55 economies that regulate both public and private provision of childcare services, just eight economies establish minimum required hours of operation for both public and private childcare centers, ranging from 6 hours in Czech Republic, 7 hours in Brazil and the Republic of Korea, to 10 hours in Mauritius and Spain. The law provides for flexible or on-demand hours of operation in Cabo Verde, where Decree-Law No. 58/2018 establishes that the day care's opening hours must be suitable to the needs of parents or persons exercising parental authority. A similar provision exists in Angola. Across the economies in Europe and Central Asia, including Kyrgyz Republic, Romania, the Russian Federation, Serbia, Slovenia, Ukraine, and Uzbekistan, flexible operational hours of childcare services are available. Such hours generally include short-term stay, full-time stay, extended-day stay, or the round-the-clock stay, making it convenient for parents to choose an option that suits their work schedules. Considering parental needs in access to childcare services is an important aspect of legislative provisions that may also have far-reaching impacts for their potential to advance gender equality.

### **Financial support for affordable childcare**

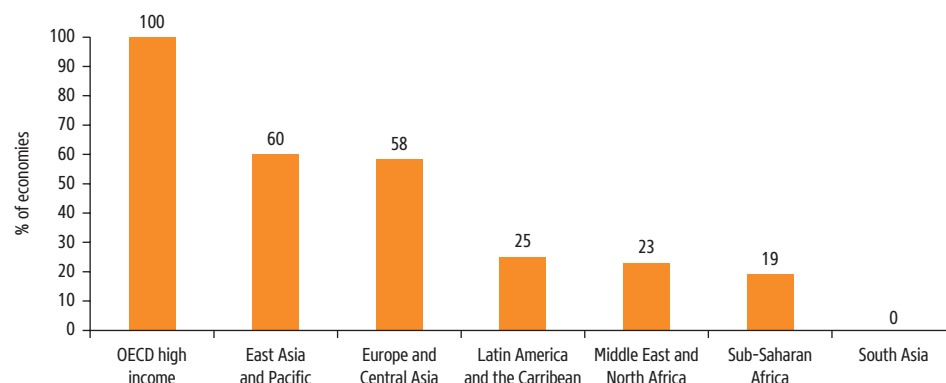
Under the affordability pillar, *Women, Business and the Law* measured whether the law mandates the free provision of public childcare services. Out of 55 economies where public provision of childcare is regulated, about 80 percent do not mandate free provision—at least within the framework of governing laws—and parents must pay a fee that may be conditioned on a set of criteria, including income or number of children in a family. Higher- and upper-middle-income economies providing public childcare at a cost tend to regulate explicitly how the cost is determined.

Granting financial support to parents (who are the consumers) or providers of childcare services is another policy measure that governments adopt to reduce costs and facilitate uptake. For example, among the economies that grant financial support to parents specifically for the use of childcare services, in nearly 90 percent of cases such support is provided under conditions that can include but are not limited to the following: the household's level of income, the work status of parents, the number of hours that a child spends in a facility, the number of children enrolled in a facility from the same family, and the average rate of childcare in a facility as generally set by the government. In Argentina, Czech Republic, and Denmark, such support is unconditional and generally provided as a fixed amount or percentage of the overall cost for childcare.

All pilot economies in the OECD high-income region provide some form of financial support to consumers or providers of childcare services for children below preprimary school-starting age, followed by more than half of the economies in East Asia and Pacific and Europe and Central Asia (figure 2.5). However, among these regions, conditions also apply in more than 85 percent of cases, especially with regard to financial support for parents. For example, in Portugal, a so-called attendance allowance for children in a childcare facility is granted when both parents are engaged in professional activity. In Croatia, the joint income of all members of the household is considered when determining the cost of childcare services. In Singapore, the employment status of parents is taken into account when calculating the amount of subsidy.

In Latin America and the Caribbean, Argentina and Mexico grant financial incentives to parents, with the former also providing financial support for private childcare centers. In the Middle East and North Africa, Malta provides free public childcare for parents under the condition that they work or study and for private childcare centers under the condition that they enter into a public-private partnership to receive a uniform sum of money per child. In Jordan, women may be eligible for a six-month allowance for childcare, depending on their salary range, work, and insurance status. In Sub-Saharan

**FIGURE 2.5 | FINANCIAL SUPPORT FOR CONSUMERS OR PROVIDERS OF CHILDCARE SERVICES, BY REGION**



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

Note: Figure is based on indicators 2.5, 2.8, and 2.10 from table 2.2. In some cases, governments can opt for nonfinancial support. For example, in Mexico, private childcare centers providing services for children from 45 days until 2 years and 11 months of age receive support in the form of meal supplies and basic utilities, such as electricity, water, and gas. However, data on nonfinancial support for consumers or providers of childcare services were not collected at the pilot stage of the project.

Africa, Angola and Cabo Verde provide government subsidies to private childcare centers that submit a request and meet a set of prescribed criteria. For example, in Cabo Verde, private day care centers are eligible to receive operating subsidies if they serve children below three years of age and guarantee that they will waive the monthly fee and publicize the free services provided, in line with obligatory quarterly reporting on the use of the subsidy awarded. In South Asia, households primarily finance childcare, with minimal state involvement, which may explain the absence of regulatory frameworks for the formal services provided by the state or private sector.

The cost of childcare is particularly important for low-income families. Thus, establishing provisions that target low-income families through financial assistance or other nonfinancial inputs is instrumental not only to ease the burden of care for the most economically vulnerable, but also to contribute to poverty eradication overall. Legal or regulatory interventions supporting childcare provision that target low-income families have been identified in a third of the economies covered (table 2.3). However, the effectiveness of these measures may be hindered by poor implementation or de facto challenges that cannot be captured in the data collected. For example, measures that guarantee access and priority enrollment may still be ineffective due to long waiting lists or insufficient funds.

Governments also use preferential tax policies to facilitate the provision of childcare services by private providers and employers as well as its uptake by parents. Such policies may take the form of income tax credits, deductions, or exemptions. Table 2.4 lists the pilot economies that apply preferential tax policies. For example, in Malaysia, the Income Tax Act allows parents to take an annual personal tax deduction for childcare fees paid to registered centers. In Mauritius, the Income Tax Act allows companies to deduct from their gross income twice the amount of capital expenditures on crèches (child day care centers) for the benefit of their employees.

TABLE 2.3		EXAMPLES OF FINANCIAL AND NONFINANCIAL SUPPORT FOR CHILDCARE SERVICES FOR THE POOR
Measure	Examples	
Fee reduction or exemption	In <i>Hong Kong SAR, China</i> , fees are waived for children under the age of three who receive whole-day childcare services if their parents pass a "social needs" test. In <i>Croatia</i> , the costs of participating in early childhood care and education programs are reduced by 80% for families that receive a guaranteed minimum benefit in the social system.	
Grants and subsidies	In <i>Singapore</i> , low-income families with difficult family circumstances can apply for financial assistance if they are unable to afford childcare fees or for a one-time grant to cover the initial start-up costs of enrolling a child in a childcare center. In <i>Mauritius</i> , monthly grants under a crèche (child day care center) voucher scheme are paid to poor families to allow children to get a good start in life.	
Exemption from nutrition fees	In <i>Ukraine</i> , parents or other caregivers are exempted from paying for children's meals if the total income per member does not exceed the subsistence level (guaranteed minimum) established annually by the state budget.	
State guarantee of access and priority enrollment	In both <i>Brazil</i> and the <i>Philippines</i> , the state establishes guaranteed access and priority enrollment in childcare centers for children of low-income families. In <i>Chile</i> , priority nursery spots are given to children of economically vulnerable families.	
Reserved capacity quotas	In <i>Turkey</i> , 3% of the capacity of childcare facilities is reserved for children of poor families for free use.	
Free educational resources	In <i>Argentina</i> , the Ministry of Education, Science, and Technology, in agreement with the Federal Council of Education, provides textbooks and other pedagogical, cultural, and technological resources to families in difficult socioeconomic circumstances.	
Prohibition on refusal of admission	In <i>Zambia</i> , equal access to early childhood education and care for children from birth to the start of primary school is ensured through a mandatory obligation for heads of public or publicly funded institutions not to refuse to admit a child if the child's parent is unable to pay or has not paid the fee determined by the institution.	

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

Note: Examples are based on answers to the question, "Does the government provide support (nonfinancial or financial) for the use of childcare services specifically targeting low-income families?"

TABLE 2.4   PREFERENTIAL TAX TREATMENT FOR THE PROVISION AND UPTAKE OF CHILDCARE SERVICES	
Beneficiary	Economies
Parents	Belgium; Brazil; Canada; Chile; Czech Republic; Denmark; Ecuador; France; Korea, Rep.; Kyrgyz Republic; Malaysia; Malta; Mexico; Norway; Panama; Portugal; Russian Federation; Spain; Switzerland; Thailand; Ukraine; United Kingdom; United States
Childcare centers	Czech Republic; Denmark; Ecuador; Georgia; Iran, Islamic Rep.; Korea, Rep.; Kyrgyz Republic; Malaysia; Peru; Poland; Portugal; Romania; Russian Federation; Serbia; Spain; Thailand; Turkey; Ukraine; Uzbekistan; Vietnam
Employers	Australia; Bangladesh; Belgium; Cabo Verde; Ecuador; France; India; Korea, Rep.; Malaysia; Malta; Mauritius; Mexico; Poland; Portugal; Romania; Trinidad and Tobago; United Kingdom; United States; Vietnam

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

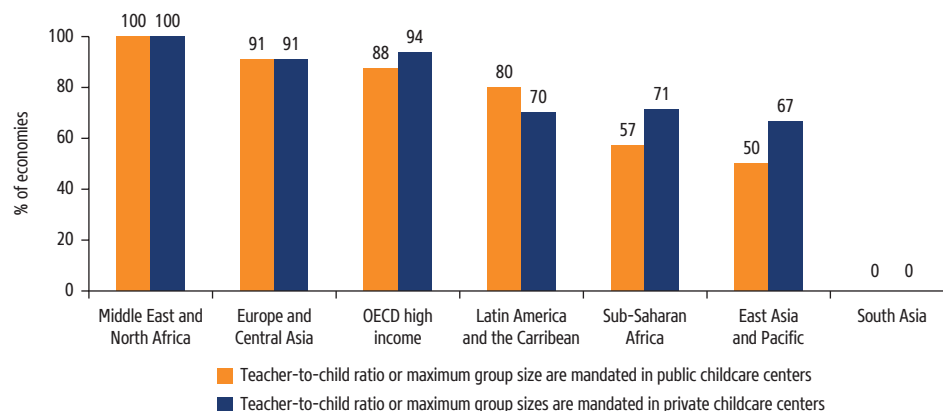
Note: Examples are based on answers to questions related to childcare-related tax benefits for parents, childcare centers, or employers.

### Quality standards across economies

By setting mandatory minimum standards of quality, governments can ensure that providers offer high-quality care. However, burdensome quality requirements may also disincentivize childcare providers from operating. An analysis of regulations on selected aspects of *structural quality* finds that economies that regulate the public and private provision of childcare services tend to regulate the teacher-to-child ratio or maximum group size more often for private childcare centers than for public ones in the OECD high-income region, Sub-Saharan Africa, and East Asia and Pacific (figure 2.6).

On *process quality*, data were collected and analyzed on periodic training requirements for teachers in public and private childcare centers. Empirical evidence links continuous training to better, more effective teaching, high-quality interaction between teachers and children, and improved learning, development, and well-being

FIGURE 2.6 | REGULATION OF STRUCTURAL QUALITY FOR PUBLIC AND PRIVATE PROVIDERS OF CHILDCARE, BY REGION



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

Note: The sample for the figure comprises 55 economies where the law regulates the provision of both public and private childcare services: 6 economies in East Asia and Pacific; 11 economies in Europe and Central Asia; 16 in OECD high income; 10 in Latin America and the Caribbean; 4 in Middle East and North Africa; 1 in South Asia; and 7 in Sub-Saharan Africa. The figure is based on indicators 3.2 and 3.3 from table 2.2. OECD = Organisation for Economic Co-operation and Development.



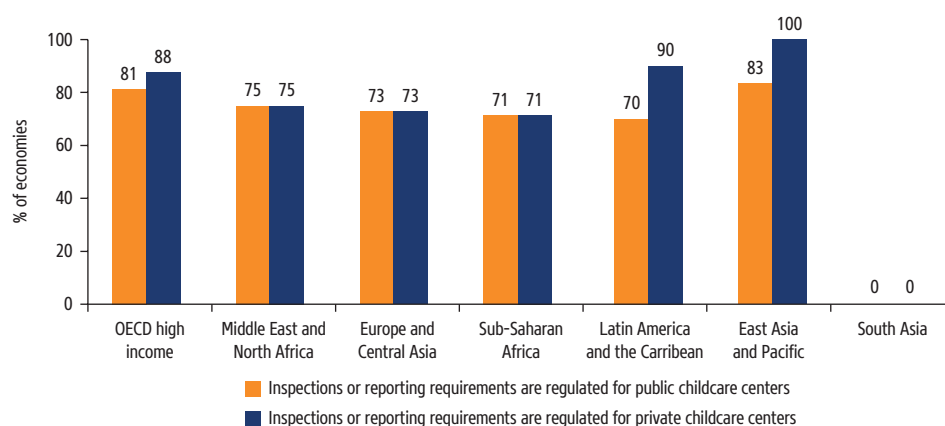
of children (OECD 2019). Continuous training also promotes career development for childcare teachers, who are predominantly women. Where both public and private provision of childcare services is regulated, mandatory requirements on continuous training exist in East Asia and Pacific (China, Vietnam), Europe and Central Asia (Croatia, Georgia, Kyrgyz Republic, Romania, Serbia), the OECD high-income region (Korea, Lithuania, Poland, Portugal, United Kingdom), and Latin America and the Caribbean (Argentina; Paraguay; Puerto Rico [US]).

When it comes to *system quality*, the team explored the extent to which licensing or other formal authorization from the government is required to operate a childcare center.<sup>8</sup> Where the private provision of childcare services is regulated, requirements for obtaining a license or operating authorization from the government are close to universal for private providers. However, more variation is found in requirements for public providers where public provision of childcare services is regulated. Still, in nearly 70 percent of the economies covered, public providers must be licensed, be registered, or have some form of operating authorization.

By requiring mandatory inspections of physical facilities or reporting mechanisms, governments can hold childcare providers accountable for any failure to comply with quality standards. Among economies where both public and private provision of childcare services is regulated, more than 70 percent in the Middle East and North Africa, Europe and Central Asia, and Sub-Saharan Africa set equally applicable requirements on inspection or reporting for both public and private providers (figure 2.7). Yet, these requirements are more widespread for private providers in the OECD high-income region, Latin America and the Caribbean, and East Asia and Pacific.

While not all legal frameworks specify how often inspections and reporting must be conducted, there are notable examples. In Panama, for instance, inspections of public

**FIGURE 2.7 | REPORTING OR INSPECTION REQUIREMENTS FOR PUBLIC AND PRIVATE PROVIDERS OF CHILDCARE SERVICES, BY REGION**



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

Note: The sample for the figure comprises 55 economies where the law regulates both public and private provision of childcare services: 6 economies in East Asia and Pacific; 11 in Europe and Central Asia; 16 in OECD high income; 10 in Latin America and the Caribbean; 4 in Middle East and North Africa; 1 in South Asia; and 7 in Sub-Saharan Africa. The figure is based on indicators 3.5 and 3.6 from table 2.2. OECD = Organisation for Economic Co-operation and Development.

and private childcare facilities take place twice a year, while reporting of information by public and private childcare centers, including information on enrolled children and staff qualifications, takes place quarterly. In Slovenia, monthly reporting by childcare providers is required.

Overall, the mandated quality parameters vary widely across economies, with no clear pattern among regions. Because the regulation of quality standards varies widely across economies, evidence of what constitutes good quality and what aspects of quality might determine parental uptake of services is inconclusive at this stage. More evidence is needed on the role and impact of specific quality requirements for the uptake of childcare services. Nonetheless, economies are increasingly prioritizing investments in childcare to enhance children's capabilities at an early age and are recognizing and redistributing unpaid care work for women (box 2.1).

### BOX 2.1 RECENT TRENDS IN CHILDCARE REFORM

Childcare reform has gained momentum in the past two years. The Child Daycare Centre Act 2021 of Bangladesh, for example, institutionalized the provision of childcare services for children from four months to six years of age. The act introduced diverse types of childcare provision and eased registration of childcare centers. Now governmental, semigovernmental, autonomous, and nongovernmental organizations can, under their own management, establish and operate day care centers with a simple registration process. However, more can be done on the regulatory side to ensure the provision of high-quality childcare services, including setting minimum standards for teacher-to-child ratios, maximum group size, and teaching quality. Inspectors may, at any time, visit a childcare center, but the frequency of visits is not mandated, creating a risk of noncompliance with quality standards.

Vietnam's Law on Education, which entered into force in July 2020, included preschool as the first level of education in the national system and kindergarten from the age of three months up to the start of primary school at the age of six years. The law mandates the adoption of policies investing in early childhood education, prioritizing mountainous areas, islands, areas populated by ethnic minorities, areas with extremely difficult socioeconomic conditions, and industrial zones. The law also mandates the adoption of policies to encourage private organizations and individuals to invest in preschool education.

Policy dialogue is also ongoing in many parts of the world. In February 2021, for instance, Peru introduced a bill (Proyecto de Ley N° 7023/2020-CR) mandating the establishment of day care for children below three years of age at public and private enterprises with at least 20 employees. The World Bank is additionally working with client economies in several regions to formulate and implement policies and laws targeting the availability, affordability, and quality of childcare provision. Recent research conducted by the Gender Innovation Laboratory for Latin America and the Caribbean (LACGIL) to inform policy dialogue with the government in Chile showcased access to childcare as a key economic reactivation strategy after COVID-19 (Bronfman and Buitrago 2021). In Mexico, an advisory services and analytics project led by the World Bank's Poverty and Equity Global Practice focuses on improving the regulatory framework for childcare provision, with a particular focus on the quality and equity of services. Several World Bank supply- and demand-side assessments of the provision of childcare services are also under way in the Mashreq region and will be used to inform the pilot exercise moving forward.

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

## Key limitations and next steps

During the pilot stage of this project, *Women, Business and the Law* collected data on childcare services provided in formal, center-based settings. This approach ensured comparability of the data by using a set of standardized assumptions, focusing on the main business city, and emphasizing the formal sector economy. Focusing on codified law makes indicators actionable because policy makers have the power to change the law. However, the proposed approach also comes with limitations (table 2.5). Further engagement with experts in the field will attempt to address such limitations in future cycles.

For all three pillars, data were collected on laws and regulations surrounding the provision of care for children up to preprimary school-starting age—typically below three years of age but varying by country—and from preprimary school-starting age up to primary school-starting age. However, methodological difficulties were encountered when analyzing data on childcare services for the older age group, largely due to overlapping regulatory frameworks for early childhood care services, which are generally provided at nurseries and day care centers, and early childhood care and education, which is generally provided at preschools and kindergartens (terminology may vary by economy). Therefore, data on laws and regulations for the provision of childcare for the older age group are not presented at this stage.

Pillar	Feature	Limitation
Availability	Absence of good-practice frameworks	Specific policy recommendations are difficult to provide at this stage.
	Assumption of childcare in formal, center-based settings	The exclusion of services provided in the child's own or caregiver's home, within family, foster care, voluntary organizations, private individuals (nannies, au pairs, babysitters), and other informal arrangements, including community-based services and services provided at religious or philanthropic schools, does not reflect the full diversity of childcare options in practice.
	Cultural and social norms	The availability of extended families, including older siblings, to provide informal care may influence childcare decisions and discourage the uptake of formal services.
	Rural vs. urban divide	The focus on regulatory frameworks as applied to the main business city does not capture the full diversity of laws, which may vary by state or province in federal economies.
Affordability	Trade-offs among different support measures	Assessing the effectiveness and trade-offs among cross-country measures of support is challenging, as each economy chooses policy measures depending on its individual economic, social, and fiscal circumstances.
	Risk of "capture" of public support by providers	There is a danger that providers "capture" public support for themselves, rather than passing it on to parents through lower costs—a behavioral practice that goes beyond what is "on the books."
Quality	Definitions of adequate quality	There is no framework establishing the most effective quality parameters for parental uptake of childcare services.
	Costs to private sector providers	Regulations that are too stringent can reduce the use of formal childcare by increasing its price. Finding the fine line between what constitutes high-quality childcare without creating cumbersome regulatory burdens for private sector providers to comply with in a formal setting is challenging.
	Information asymmetries around the attributes of high-quality services	Collecting data on how much information parents possess before putting their child into formal care is best done through perception-based, household-level surveys.

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

Regulations establishing minimum education qualifications and specialization requirements for teachers in public and private childcare centers were also assessed. However, different definitions of degree levels and education systems around the world made it difficult to compare the minimum education levels of teachers and to standardize the indicator. The subject of minimum qualifications therefore requires further analysis and understanding through consultations with experts.

Similar to the legal index, the pilot exercise focused exclusively on the ways in which formal legal frameworks regulate the provision of childcare. While recognizing that childcare services may be provided in practice even in the absence of regulatory frameworks, this project sought to define some of the features of legal and regulatory frameworks that promote or hinder the provision and uptake of childcare services.

*Women, Business and the Law* recognizes that women are often primarily responsible for other forms of unpaid care at home, including care for the elderly or for persons with disabilities, which hinders their full participation in the economy. However, at this stage, the research focused only on laws and regulations targeting childcare responsibilities. Further research on policies and regulations to alleviate women's unpaid care responsibilities would contribute to a fuller picture of the many barriers to women's economic participation.

Finally, the role of other social policies, such as maternity and parental leave, should not be underestimated. Some gaps in the regulation and provision of care for children below preprimary school-starting age may be interpreted in coordination with generous maternity and parental leave policies, as they reduce both the need for parents to use outside formal childcare arrangements and the pressure for governments to provide or support childcare services. However, the availability of high-quality affordable childcare is a complementary policy that gives parents a flexible solution, especially when economic pressure to participate in the labor force increases.

With these considerations in mind, *Women, Business and the Law* will disseminate the preliminary findings on childcare provision and engage in further consultations with experts to facilitate feedback on the initial steps undertaken. Going forward, coverage will be expanded to 190 economies and to laws and regulations measuring the provision of childcare services for children of preprimary school-starting age and above. *Women, Business and the Law* intends to score the childcare indicators and include them as part of the index. To make the data comparable and annual data collection feasible, the scope of questions will be narrowed down based on a set of criteria, including supporting international frameworks, consultations with experts in the field, and empirical evidence. At the same time, the team will build a solid base of cross-sector experts, including experts in early childhood education, public and private childcare service providers, and academics. A data collection questionnaire will be administered to these experts, and survey answers will be validated through desk research. Building on this effort, *Women, Business and the Law* will contribute more analysis in the form of a background paper presenting the data set. Complementary economic research will also aim to establish links between the childcare indicators collected and improvements in women's position as active participants in the workforce and the broader economy.

## Notes

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1. Globally, women provide three times more unpaid care than men, ranging from 1.5 times more in North American countries to 6.7 times more in South Asian countries. See OECD.Stat data for 2019 (<https://stats.oecd.org/index.aspx?queryid=54757>).
2. Halim, Johnson, and Perova (2019) find that an increase in mothers' part-time employment in the informal sector is compatible with the short hours of operation of preschools in Indonesia.
3. Denmark, Finland, France, Norway, Portugal, and Sweden take this approach. In Denmark, for example, fees vary locally, but regulations stipulate that parents can be charged no more than 25 percent of the operating cost of care, with additional discounts for low-income families, single parents, large families, and families with children with disabilities (OECD 2020).
4. For example, Colombia, India, New Zealand, Rwanda, South Africa, and the United States mandate childcare services that specifically target low-income families. In the United Kingdom, low-income families can access 15 hours of childcare for children age two plus an additional 15 hours of childcare for children ages three to four.
5. The experts consulted included lawyers specializing in labor law and researchers specializing in early childhood education.
6. Regulations for children below preprimary school-starting age group are captured broadly, without distinguishing between infants and toddlers. Yet, aspects of quality, such as teacher-to-child ratio and mandated group sizes, can differ depending on the specific age of the child within a group.
7. According to ISCED, preprimary school-starting age is the age at which children typically enter preprimary education, which is the initial stage of organized instruction, designed primarily to introduce very young children to a school-type environment—that is, to provide a bridge between home and school.
8. For purposes of defining formal operating authorization, the following were considered: registration, operating permit, approval, notification, or formal recognition by the government.

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**CHAPTER 3**

# Measuring the Legal Environment in Practice

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In 2015 Kenya enacted the landmark Protection Against Domestic Violence Act, the country's first law to specifically address family violence. While the *Women, Business and the Law* index captured this historic reform, it did not reflect the delay in its implementation and enforcement. Funding was not immediately allocated to the provision of support services for survivors, and comprehensive procedural regulations and reporting mechanisms were left to be defined at a later stage (Heinrich-Böll-Stiftung 2015). In fact, it would be five years before such rules were adopted by the chief justice in 2020.

Examples like this reveal a common gap between laws on the books and actual practice. All over the world, improper implementation or weak enforcement of laws is a critical barrier to the full realization of women's rights and opportunities. However, although *Women, Business and the Law* has analyzed the laws and regulations that affect women's economic inclusion for more than a decade, it has not measured the operation of such laws in practice.

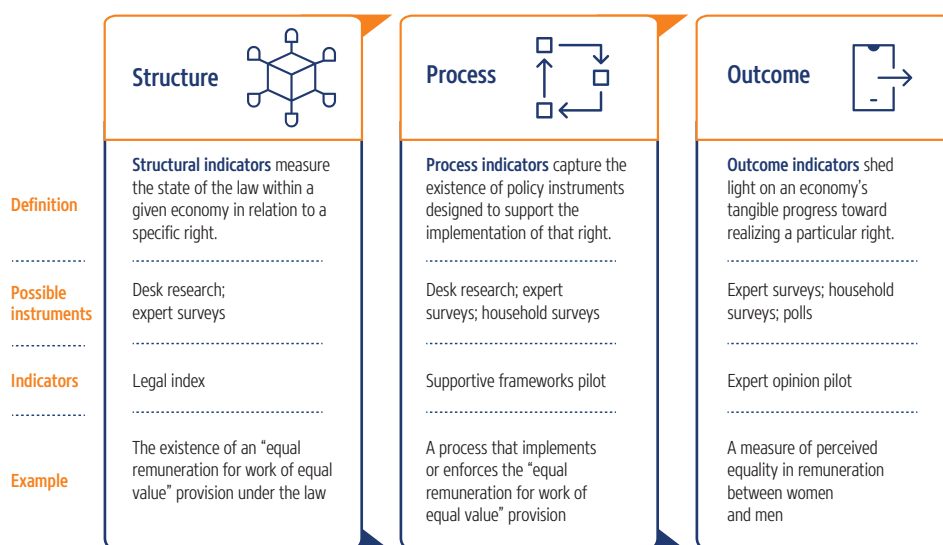
To present a fuller picture of the environment for women in economies around the world, this year *Women, Business and the Law* introduces a new conceptual framework for measuring the implementation gap and undertakes complementary analyses to the legal index. The "structure-process-outcome" method, often used to configure indicators that monitor compliance with human rights, was helpful in the development of this approach (OHCHR 2006). Currently, *Women, Business and the Law* does not make full use of each type of indicator, examining only structural indicators that take written legislation into account. However, classifying indicators along three axes shows

that there is room to build on the legal index by conducting a more sequential analysis of the implementation of laws (figure 3.1). The pilot exercise described in this chapter examines both the supportive frameworks that create an enabling environment for working women and the expert opinions of progress made toward achieving gender equality on the ground. Each approach has strengths and limitations and is meant to be considered together with other data on the subject.

Previous *Women, Business and the Law* analysis has revealed the extent to which laws affect economic outcomes, demonstrating that more equal laws are positively correlated with more equal labor market outcomes, including higher female labor force participation and smaller wage gaps (World Bank 2020). Yet this research does not account for the imperfect implementation of laws, which may shed more light on the causal links between gender equality and women’s economic inclusion. This exercise aims to address a clear set of knowledge gaps, including the lack of cross-country evidence on the role that implementation of laws protecting women’s rights plays in ensuring their economic empowerment. Like the index itself, it serves as a proxy representation, or indirect measure, of the environment in which women move through their lives and careers (box 3.1). It is designed with the core qualities of the *Women, Business and the Law* index in mind, including global coverage, comparability across regions and economies, and feasibility of annual data collection.

The following sections present the background research that informed the pilot exercise as well as preliminary findings and analysis of the data collected. This effort is *Women, Business and the Law*’s first attempt to cover the application of laws, and the team welcomes candid feedback on the methods and measurements used here. It is hoped that these measures will provide a more complete picture of the life cycle of legislation and encourage economies to implement laws more efficiently and comprehensively.

**FIGURE 3.1 | THE STRUCTURE-PROCESS-OUTCOME FRAMEWORK, AS APPLIED TO WOMEN, BUSINESS AND THE LAW**



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



### BOX 3.1 “IMPLEMENTATION” IN THE CONTEXT OF *WOMEN, BUSINESS AND THE LAW*

There is no standard, widely accepted measure of implementation of laws or a “one size fits all” definition of successful implementation. Various factors could be considered as relevant to such a study, including enforcement, compliance, perceptions, and expert opinions. Social norms and culture also play a role in the ability of laws to have their intended effect.

Different approaches to the study of implementation have assessed the legal environment in various contexts. Some, such as the Global Findex database, use nationally representative surveys to draw conclusions on how adults save, borrow, make payments, and manage risk (Demirgüç-Kunt et al. 2018). Others, like the Food and Agriculture Organization’s Gender and Land Rights database, combine legal data with related statistics to measure inequality.<sup>a</sup> Similarly, the OECD Development Centre’s Social Institutions and Gender Index measures discrimination against women in social institutions by taking into account laws, social norms, and practices, with data collected via outside sources that vary by country (OECD 2019). To measure the level of corruption in the public sector, Transparency International aggregates data from various sources to quantify the perceptions of business people and country experts.<sup>b</sup> These are just a few examples of the ways in which the implementation of laws can be measured, with each project presenting data through a different lens.

To measure the implementation of its de jure indicators, *Women, Business and the Law* considered several avenues, including both legal and programmatic supportive frameworks, good practices, and expert opinions. Like similar projects collecting data describing on-the-ground operations, this chapter presents a new conceptual framework whose measures approximate de facto implementation without being in and of itself a perfect representation of how the law functions. Instead, these measures are proxies that can be correlated with de jure indicators and intended outcomes to identify good practices and lessons learned in the context of gender equality. Together with the canon of implementation-based projects, the data can serve as a research, advocacy, and evidence-based tool for policy makers and the development community at-large.

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

a. <https://www.fao.org/gender-landrights-database/en/>.

b. <https://www.transparency.org/en/cpi/2020/index/>.

## Gender equality beyond the law

Several factors could explain the divergence between laws and their application. While laws can mandate the equal treatment of women as employees and entrepreneurs, poor implementation due to weak political and legal institutions, flawed design, or low capacity can limit women’s access to the equality that formal laws establish. Thus, laws must be accompanied by resources and administrative procedures to ensure their effective operation. Even in countries that prohibit discrimination based on gender in employment, for example, employers frequently discriminate in favor of men, who are more often unencumbered with childcare responsibilities, and against women, who are perceived as secondary breadwinners (Kabeer 2009). Equal implementation and enforcement of the law are therefore critical to women’s economic empowerment and to economic growth overall. Indeed, where legal institutions are ineffective, improvements in the law may have limited impact. A study of the transitioning economies of Eastern Europe and the former Soviet Union between 1992 and 1998 finds that reforms in

corporate and bankruptcy laws had little effect on the development of financial institutions. Instead, improvements began only when the legal institutions themselves became more efficient (Pistor, Raiser, and Gelfer 2000).

What defines the efficient and effective application of laws, however, depends on a variety of factors. Several prominent themes emerged during the study of good practices in the area of women’s economic empowerment, particularly in the topics covered by the *Women, Business and the Law* index (table 3.1). The list of themes does not include every factor essential to the successful implementation of laws; rather, it is intended to highlight some of the areas that are most pertinent to guaranteeing women’s economic inclusion and that are broadly comparable across economies.

One theme relates to the *sequencing of legislation*, the critical steps that must be taken after laws are passed to ensure that they are actualized. Implementing regulations, processes, and procedures that put legal provisions into practice could include planning, program adjustments, budget decisions, or reporting requirements by responsible ministries and regulatory bodies. Canada, for example, introduced its government-wide Gender Results Framework to ensure that resources are allocated properly after legislation is passed. The framework provides a whole-of-government tool for measuring progress toward gender equality and understanding where the greatest gaps remain, including several objectives and indicators to guide policy discussions and ministerial decision-making with regard to gender budgeting. Such an approach is recommended because it allows for inputs from relevant stakeholders, provides steps toward implementation, and has political validity. However, no economy in the Organisation for Economic Co-operation and Development (OECD), including Canada, yet qualifies as having “advanced” practices in this area; more elements are needed to round out implementation and deliver on national policy goals. In any case, the gender budgeting process alone is not enough to guarantee full legal implementation. There is mixed evidence on its usefulness, especially in lower-income or reduced-capacity economies. A holistic strategy, dependent on context and involving all of the elements of sequencing, must be undertaken to achieve the desired results (Downes and Nichol 2020).

<b>TABLE 3.1</b>		<b>FACTORS THAT DEFINE THE EFFICIENT AND EFFECTIVE IMPLEMENTATION OF LAWS</b>	
<b>Category</b>	<b>Example of implementation measure</b>		
Sequencing of legislation	Budget allocation; executive branch supervision		
Regulations and procedures	Health and safety measures; operational restrictions, including in documentation or official guidance		
Strong justice sector institutions	Access to justice, including structure of the judicial system, availability of services and processes, accessibility by women, and overall quality		
Institutions separate from judiciary	Agencies or bodies dedicated to specific issues; oversight boards		
Government-sponsored programs	Incentives for complying with laws; national plans and strategies; citizen engagement programs		
Ease and efficiency	Processes and procedures that ensure ease of access; online availability		

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

Other examples show that additional *regulations and procedures* are necessary to ensure women's rights. These legal or administrative instruments are designed to provide concrete directions to put policies in practice. In the area of employment, for instance, legislation should provide men and women with equality of opportunity. To make equal opportunity a reality, however, occupational health and safety regulations that are mindful of gender differences and offer safety precautions to all workers are also needed (Arrigo, Casale, and Fasani 2011; Casale and Fasani 2012; ILO 2013). Similarly, the persistence of wage differentials indicates that equal pay legislation by itself may not be enough to narrow the wage gap (Gow and Middlemiss 2011; Kulow 2013; Polachek 2019). Such laws must therefore be followed by regulations that clarify the meaning of work of equal value and offer opportunities for recourse. For mothers, clear and specific policies and guidelines are important to ensure that all workers can benefit from their rights regarding leave and unfair dismissal (Addati, Cassirer, and Gilchrist 2014). Even when working mothers are legally protected against unlawful dismissal due to pregnancy, aspects such as the time frame for notification of pregnancy or the possibility that employers will claim lack of knowledge of the pregnancy can hinder women's ability to remain in the workforce (US EEOC 2015; Ushakova 2015). Conversely, when such provisions are defined and sequenced properly, primary legislation is better equipped to serve its intended purpose.

Ensuring the rule of law by enforcing rights also contributes to the successful application of legislation affecting equality of opportunity. Primarily, *strong justice sector institutions* are essential to ensuring economic inclusion. Women's ability to seek redress is critical to translating formal laws into real outcomes, including economic development and sustained growth. Governments can facilitate access to justice through various interventions. The presence of specialized justice institutions, for instance, is associated with women's full enjoyment of their economic and social rights and is an important component of their security, voice, and agency (World Bank 2012). Family and domestic violence courts, where the majority of cases are initiated by women, are particularly useful because they are easy to identify by name and location and, if well resourced, are better equipped to meet women's specific needs (UN Women et al. 2018). Court rules and procedures also help women to enforce their rights. For example, reversing the burden of proof once a prima facie case of discrimination is shown and allowing class action lawsuits in cases of discrimination can encourage women to bring their claims forward (CJEU 1989; Selmi 2002). In contrast, legal formalities and the cost of litigation, both direct and incidental, may discourage women from accessing courts (Gloppen and Kanyongolo 2007). Simplified procedures such as those in small claims courts can be ideal for small businesses, many of which are owned by women. Finally, limited representation in judicial institutions hinders women's access to justice (box 3.2).

*Institutions separate from the judiciary* also have a role to play in upholding principles of gender equality. In discrimination cases, for instance, one recognized good practice is to establish an agency or body dedicated specifically to the issue of discrimination based on gender (UN Women et al. 2018). These antidiscrimination commissions are independent from the justice system and responsible for protecting, monitoring, and promoting fundamental rights. Often, they advise governments on policy issues such as occupational segregation, the gender wage gap, and women's labor force participation. Administrative bodies in charge of executing and adjudicating inheritance claims are also important tools for securing women's rights to property. In order to guarantee women's inheritance rights effectively, however, such bodies must have clear guidelines on the

### BOX 3.2 WOMEN'S REPRESENTATION IN JUDICIAL INSTITUTIONS

Women judges play a vital role in the effective implementation of laws and enforcement of rights. Particularly important in enforcing laws that guarantee access to justice, women's representation in the court system can improve the quality of decision-making and of justice itself (O'Connor and Azzarelli 2011).

*Women, Business and the Law* data examining women justices on constitutional courts reveal that 75 percent of the 190 economies covered have at least one female justice. The absence of more women on high courts signals exclusionary legal processes, which may erode public trust in the judiciary and the integrity of decisions (Escobar-Lemmon et al. 2021). In 24 economies across five regions, no women are represented on constitutional courts. While this finding applies only to high courts, it suggests a lack of representation at all levels of the judiciary.

Indeed, just 15 economies have achieved parity in women's representation. For instance, 50 percent of justices on the constitutional court are women in Vanuatu, and 80 percent are women in Suriname. Thirty-three economies are just one woman justice away from either achieving gender equality in representation or having a female majority.

Although women's representation in judicial institutions seems to be rising internationally, very few women justices currently hold the highest positions: just 31 economies worldwide have a woman chief justice. Recent examples include the Honorable Madam Chief Justice Michelle Aran, who was appointed the first female chief justice of Belize in 2020, and Justice Martha Koome, who was appointed chief justice of the supreme court of Kenya in 2021, becoming the first female to head any branch of the Kenyan government.

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

procedures, steps, and requirements for enforcing inheritance claims. For example, in Malawi, although district assemblies are recognized administrative bodies that process inheritance claims, a lack of enforcement mechanisms and unclear bureaucratic guidelines make it difficult for women to exercise their full rights to inheritance (Chiweza 2005).

Similarly, *government-sponsored programs* and initiatives can make foundational legislation actionable. Among the areas of law covered by the *Women, Business and the Law* index, research shows that such strategies are particularly helpful for encouraging the equitable sharing of childcare responsibilities, operationalizing antidiscrimination legislation, and boosting women's landownership. Fathers, for example, tend to take paternity or parental leave only when it is highly compensated and allocated specifically to them (Marynissen et al. 2019). As such, incentives such as "bonus periods," where parents may qualify for extra periods of leave if the father uses a portion of shareable leave, bonus payments, and flexible leave arrangements can encourage fathers' uptake of leave and support the effective implementation of leave policies (Raub et al. 2018).

Like paid leave, to be effective, antidiscrimination legislation requires a clear and public commitment by the government to promote women's access to formal financial services. This commitment can be achieved through the development of a national financial inclusion plan or strategy, coupled with the means and requirements for financial institutions to submit sex-disaggregated data on a regular basis for monitoring purposes (Emara and El Said 2021; Pearce and Ortega 2012). Land allocation plans

and programs also contribute to women's increased ownership of assets and financial security. In Ethiopia, land certificates may increase women's access to microfinance or informal loans, particularly for female-headed households (Persha, Greif, and Huntington 2017). And in West Bengal, India, beneficiaries of a land allocation program that made wives joint titleholders with husbands used agricultural credit more than nonbeneficiaries (Santos et al. 2014).

A final contributor to the uptake of laws is the *ease and efficiency* through which a law's stated benefits can be accessed. This access includes making certain services available online and limiting or removing any procedures that prove burdensome for women employees and entrepreneurs. When discussing the need for stronger civil registration of births, for instance, the World Health Organization argues that electronic registration systems can help to mitigate issues in registration processes by detecting duplicate records of the same event, archiving documentation inexpensively, and reducing administrative burdens on citizens by making procedures easier and faster (WHO 2013). Similarly, digital technology can improve living conditions for women. Although external factors like social norms and affordability can influence access, information and communication technology offers a concrete, tangible opportunity to tackle long-standing gender inequalities in low- and middle-income countries, including access to employment, income, education, and health services (Hilbert 2011).

Beyond the practices listed here, the literature notes the difficulty of monitoring and assessing the implementation and enforcement of rights. It also calls for more public data on the issues facing women in the application of laws, especially in the world of work, in order to explore the relationship between *de jure* and *de facto* equality of opportunity (World Bank 2021). A measure of the practice of laws affecting women's economic inclusion is therefore needed to understand whether the environment in which the laws measured by the *Women, Business and the Law* index function is conducive to women's employment and entrepreneurship.

## **The *Women, Business and the Law* index in practice**

Measuring these and other *de facto* constraints on gender equality in employment and entrepreneurship at the global level could take several forms. Using the research reviewed here as a starting point, one method is to collect documentation of supportive frameworks for primary legislation as presented in the literature and tailored to the *Women, Business and the Law* index. While this approach requires additional legal measurements, it goes beyond the foundations established by the index to determine whether the laws are operational in practice. Another avenue is to seek evidence of such practices from experts on the ground.

Both approaches were explored as part of the pilot exercise. The first component entailed a series of binary questions that measure supportive frameworks in the eight topic areas covered by *Women, Business and the Law*, providing process indicators. Similar to the legal index, what constitutes such practices may differ depending on the legislation being examined and the context, and compromises must be made to reconcile the discrepancy between comprehensive analysis of a given economy and the need for a global measurement. Thus, the practices chosen here are broadly applicable and allow for comparability. They are meant to highlight some of the steps necessary to ensure that economic inclusion can be achieved after primary legislation is passed.

The second component entailed collection of expert opinions on how the laws measured by the index operate—whether they are good practice or discriminatory—providing outcome indicators of the lived experience of persons within a particular legal environment. Together, the data provide a measurement of the uptake of legal rights and discriminatory provisions measured by the current *Women, Business and the Law* index.

Each approach was piloted in 25 economies as a means of gathering baseline data and determining the feasibility of conducting such an exercise at the global level, resulting in two data sets that can be analyzed both separately and together with the legal index (table 3.2). Excluding high-intensity conflict and fragile economies, the pilot was representative of every region and income group. It also included some of the larger economies, such as Brazil, India, and Indonesia, capturing close to 40 percent of the world’s working-age female population in the initial sample. These economies also have varying rates of female labor force participation, a strong base of *Women, Business and the Law* local experts for future questionnaire administration, and a variety of languages spoken. The data were collected via desk research and follow-up with local experts and are current as of October 1, 2021. The standard *Women, Business and the Law* assumptions, including that the woman resides in the economy’s main business city, were applied.

The following sections detail the preliminary findings of the pilot, including trends, areas of improvement, and initial data analysis. Each component has strengths and limitations: while both provide insight into where economic rights may be restricted in practice, equal opportunities for working women depend on a variety of factors and not all nuances can be captured. However, in conjunction with the current *Women, Business and the Law* indicators, this research is a first step toward determining the areas of the law where more work needs to be done and where gaps are evident between what is written in the law and what occurs in practice.

### ***Supportive frameworks for primary legislation***

The supportive framework test of implementation entailed collection and analysis of data to understand what governments are doing to institutionalize, operationalize, and enforce their laws, producing the process indicators of the conceptual framework

<b>TABLE 3.2</b>	<b><i>WOMEN, BUSINESS AND THE LAW</i> IMPLEMENTATION PILOT ECONOMIES</b>
<b>Region</b>	<b>Pilot economies</b>
East Asia and Pacific	Hong Kong SAR, China; Indonesia; Thailand, Vietnam
Europe and Central Asia	Albania; Tajikistan; Turkey; Ukraine
OECD high income	Canada; France; Portugal; United Kingdom
Latin America and the Caribbean	Argentina; Brazil; Panama; Peru
Middle East and North Africa	Egypt, Arab Rep.; Lebanon; Oman; Tunisia
Sub-Saharan Africa	Côte d’Ivoire; Ethiopia; South Africa; Uganda
South Asia	India

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

Note: OECD = Organisation for Economic Co-operation and Development.

described previously. Relevant literature and country examples were consulted to determine the questions that would be included as part of the initial data collection exercise. For example, measures of implementation related to the enforcement of rights could be focused on access to justice, while those related to absence of restrictions could pertain to safety regulations. Finally, executing the provision of benefits may involve online access or clear procedural guidelines.

Binary questions were then selected to measure the *Women, Business and the Law* indicators in practice (table 3.3). Questions were chosen to measure the overall

<b>TABLE 3.3</b>		<b>SUPPORTIVE FRAMEWORK QUESTIONS, BY INDICATOR</b>	
<b>Indicator</b>	<b>Questions</b>		
Mobility	<ol style="list-style-type: none"> <li>1. Has the government issued a standard rental lease that contains no differences in requirements, steps, or procedures for women and men?</li> <li>2. Have the requirements, application process, and period of issuance for an ordinary passport been made available with no gender differences?</li> <li>3. Is there an online option for passport applications?</li> </ol>		
Workplace	<ol style="list-style-type: none"> <li>1. Does the law establish an antidiscrimination commission?</li> <li>2. In cases of discrimination based on gender or sexual harassment in employment, does the law provide any form of protection for complainants, victims, witnesses, or whistle-blowers?</li> <li>3. If a plaintiff makes a prima facie case of sexual harassment, does the burden of proof move to the defendant?</li> <li>4. Can gender discrimination cases be brought as class action lawsuits?</li> </ol>		
Pay	<ol style="list-style-type: none"> <li>1. Has "work of equal value" been defined, for instance, by establishing criteria for work performed by women and men, such as skills, responsibility, effort, or working conditions?</li> <li>2. Have wage transparency laws or measures to address the pay gap been introduced?</li> <li>3. Have gender-sensitive occupational health and safety measures been adopted?</li> <li>4. Have occupational health and safety inspections or investigations been established?</li> </ol>		
Marriage	<ol style="list-style-type: none"> <li>1. Is there a specialized court or procedure for cases of domestic violence?</li> <li>2. Are there dedicated and specialized family courts?</li> <li>3. Does the law mandate legal aid in civil or family matters?</li> <li>4. Does legislation mandate the establishment of support services for women survivors of violence?</li> </ol>		
Parenthood	<ol style="list-style-type: none"> <li>1. Have the requirements, application process, and period of issuance for maternity leave and benefits been made available?</li> <li>2. If maternity benefits are administered by the government, is there an online option to apply to receive such benefits?</li> <li>3. Are there policies in place that promote fathers' uptake of paternity or parental leave?</li> <li>4. Does a worker have to formally notify her employer that she is pregnant to be protected against dismissal?</li> </ol>		
Entrepreneurship	<ol style="list-style-type: none"> <li>1. Is there a small claims court or fast-track procedure for small claims?</li> <li>2. Does a woman's testimony carry the same evidentiary weight in court as a man's?</li> <li>3. Is there a national financial inclusion plan or strategy that promotes women's access to credit?</li> <li>4. Are banks or other financial institutions required to submit anonymized, sex-disaggregated data as part of their reporting obligations?</li> </ol>		
Assets	<ol style="list-style-type: none"> <li>1. Are there dedicated and specialized land courts?</li> <li>2. Are there policies or programs in place that mandate or promote women's landownership?</li> <li>3. Have the requirements, application process, and time line for land registration and allocation been made available with no gender differences?</li> <li>4. Are there administrative bodies responsible for the administration and adjudication of inheritance claims?</li> <li>5. Is there binding legal precedent set by state or federal courts related to the recognition of nonmonetary contributions?</li> <li>6. Have guidelines been issued that define how to calculate nonmonetary contributions?</li> </ol>		
Pension	<ol style="list-style-type: none"> <li>1. Have the requirements, application, and period of issuance for pension benefits been made available with no gender differences?</li> <li>2. Is there an online option for pension benefit applications?</li> <li>3. Does the government collect anonymized, sex-disaggregated data on employees' actual retirement ages?</li> </ol>		

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



implementation of each area of the law measured by the eight indicators; they do not constitute a de facto measure of each of the 35 legal index questions. Of course, every feature of successful legal implementation could not be measured. Nonlegal and informal structures, social norms and attitudes, and the behavior of stakeholders involved in implementation can all influence de facto gender equality but are difficult to calculate. In addition, topics like the financing of programs for implementation were not examined because such information is not always readily available. Budget data are also difficult to make comparable across economies because of differences in programs and procedures with varying financial needs. Although engaging directly with people affected by laws is critical, campaigns to communicate and disseminate legal information to relevant stakeholders were not included. Success in changing discriminatory behaviors and attitudes with sensitization before, during, and after reform is also dependent on context and not feasible for global data collection.

Each indicator contains between three and six supportive framework questions. Data collection required an examination of the presence of courts, administrative bodies, institutions, implementing regulations, and publicly available guidelines or procedures. This broad approach, particularly for the pilot exercise, was intended to improve understanding of how comprehensively the laws measured by *Women, Business and the Law* are applied in practice and to gain lessons for future refinement, including identifying any data that are predictive of relevant outcomes.

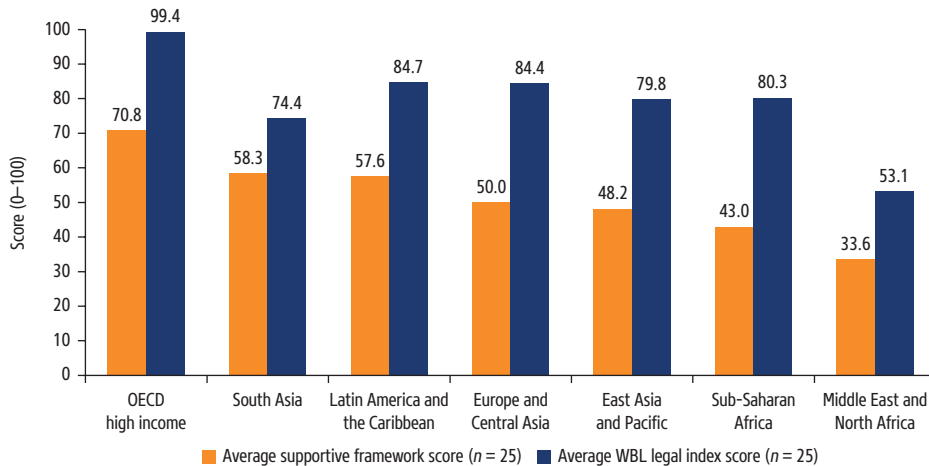
Based on available information or official documentation, each pilot economy was given a binary answer (yes or no) to each supportive framework question. Following the established methodology of the *Women, Business and the Law* index, questions were then aggregated across eight indicators. To facilitate data analysis, an overall score was calculated by taking the average of the indicator scores, with 100 representing the highest possible score. This score indicates each economy's share of the supportive frameworks measured. While not part of the index itself and containing only preliminary results, this method allowed for comparison with the legal index as well as indicator- and region-level analysis. Primary data collection also provided country-specific examples, including practices that can serve as inspiration for future research.

Among the pilot economies included in this exercise, the average score for supportive frameworks is 50.8, meaning that, on average, only half of the identified measures are present in the sample. This is substantially lower than the average legal index score of 80.1 for this set of economies. All of the pilot economies have room to strengthen the legal environment for women employees and entrepreneurs in practice. Even in economies that score 100 on the *Women, Business and the Law* index, some supportive frameworks are often missing. France, for instance, does not have 6 of the 32 practices identified. At the regional level, OECD high-income economies receive the highest scores, followed by South Asia and Latin America and the Caribbean, with Middle East and North Africa economies scoring the lowest (figure 3.2). Although other regions vary in placement, the highest- and lowest-scoring regions reflect the trends seen in the *Women, Business and the Law* legal index.

Among indicators, there is also a gap between the legal index scores and the supportive framework scores across the board. The highest-scoring areas are Marriage, Mobility, and Entrepreneurship, suggesting that more economies have components of implementation in these areas than in the other indicators (figure 3.3). Conversely,



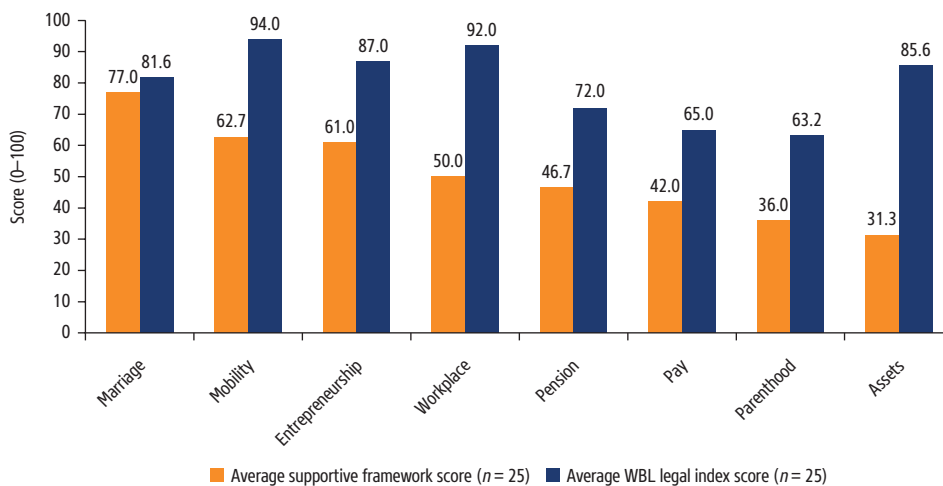
**FIGURE 3.2 | GAP BETWEEN THE PASSAGE OF LAWS AND THEIR SUPPORTIVE FRAMEWORKS ACROSS REGIONS**



Source: Women, Business and the Law (WBL) database.

Note: OECD = Organisation for Economic Co-operation and Development.

**FIGURE 3.3 | GAP BETWEEN THE PASSAGE OF LAWS AND THEIR SUPPORTIVE FRAMEWORKS ACROSS INDICATORS**



Source: Women, Business and the Law (WBL) database.

the lowest-scoring indicators are Assets and Parenthood. This finding does not exactly match the legal index scores for the pilot economies. Rather, the highest-scoring legal indicators are Mobility, Workplace, Entrepreneurship, and Assets, and the lowest-scoring legal indicators are Pay and Parenthood. The implication is that, although some of these areas have strong foundational legal frameworks, implementation and enforcement of laws are lacking.

A deeper dive into each indicator offers additional insight into how the pilot economies have actualized the laws covered by each indicator. Under Mobility, for example, just seven economies have implemented all of the practices identified, including issuing a standard lease with no gender differences, making passport procedures readily available, and allowing passport applications to be completed online. In one economy, the Arab Republic of Egypt, passport procedures are readily available but unequal, requiring women to provide additional documentation that men do not have to provide.

Workplace is among the indicators with large gaps between the legal index and implementation scores, with only half of the supportive frameworks, on average, present in the sample of economies (table 3.4). France is the only economy to have all of the good practices identified under this indicator. Still, a majority of economies have antidiscrimination commissions and protections for whistle-blowers. In Argentina, for instance, the Law of Integral Protection of Women directs state agencies to guarantee protection and privacy for women who have made a complaint of violence, including sexual harassment, as well as to maintain the confidentiality of their actions. Conversely, very few economies allow the burden of proof to move to the defendant after a prima facie case of sexual harassment is made. Turkey is an exception: Article 5 of the labor code states that, once a worker establishes facts that support the presumption that harassment has occurred, the employer must prove that there has been no breach of the principle of equal treatment.

Analysis of the supportive frameworks under the Pay indicator signals that legislation designed to narrow the gender wage gap has not been applied actively. While all economies have established means of occupational health and safety inspections or investigations, very few have adopted regulations on gender-sensitive occupational health and safety, wage transparency, or the meaning of equal remuneration for work of equal value. South Africa and the United Kingdom are two countries that have acted in this area. In South Africa, the Employment Equity Act contains provisions on dealing with noncompliance with equal pay for equal value, even outlining the relevant procedures for investigation and provisions regarding the role of a supervisory body. The United Kingdom's Equality Act 2010 clearly describes the meaning of work of equal value through an innovative illustration of two model workers. In addition, the act

TABLE 3.4		EXAMPLES OF SUPPORTIVE FRAMEWORKS UNDER THE WORKPLACE INDICATOR
Supportive framework	Number of economies	Example
Antidiscrimination commission	19	The National Human Rights Council in <i>Côte d'Ivoire</i> performs advisory functions, conducts consultations and assessment missions, makes proposals, and receives complaints of violations of women's rights.
Protections for complainants, victims, witnesses, or whistle-blowers	16	<i>Thailand</i> prohibits employers from terminating or carrying out any act that may result in an employee being unable to continue working as a result of filing a complaint, submitting a demand, negotiating or instituting a lawsuit, or being witness or producing evidence to competent officials.
Burden of proof shifts to defendant after prima facie case of sexual harassment is made	5	In <i>Albania</i> , after the employee presents facts that prove harassment, the burden of proof moves to the person to whom the complaint is addressed, who then has to prove that his or her actions did not constitute harassment.
Gender discrimination cases can be brought as class action lawsuits	10	<i>Vishaka and Ors v. State of Rajasthan</i> (1997) set a precedent for class action gender discrimination cases in <i>India</i> , with the Supreme Court declaring that women have the fundamental right to freedom from sexual harassment in the workplace and issuing guidelines intended to protect them until legislation was passed.

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

describes the procedures to be followed by the employment tribunal to assess whether work is of equal value.

The Marriage indicator has the highest share of good practices identified. Nearly all of the pilot economies have a specialized court or procedure for domestic violence and dedicated and specialized family courts. A majority also mandate legal aid in civil or family matters. In India, for example, any woman or child who has to file or defend a case is entitled to legal services. Additionally, more than half of the pilot economies mandate the establishment of support services for survivors of violence, a critical component of women’s safety in vulnerable situations (box 3.3). In Brazil, for instance, one study shows that women’s police stations are associated with a reduction in femicide of 17 percent overall and more than 50 percent among women ages 15–24 (Perova and Reynolds 2017). In Indonesia, the Law Regarding Elimination of Violence in Household calls for the provision of support services, including having a special service room at police stations, providing health personnel and social workers, and protecting witnesses, friends, and families of survivors.

Parenthood, in contrast, receives the second-lowest score among all indicators in the areas measured. This indicator also has the lowest average score on the legal index. While 19 economies have made the requirements and application process for maternity benefits available, other initiatives are lacking. Just seven economies, for instance, have an online option for applying to receive such benefits. In Portugal, maternity benefits can be requested online or in person, with a government website including detailed instructions of the documents required, steps, and time line for application. Only three

### BOX 3.3 PROVIDING CRITICAL SERVICES TO SURVIVORS OF VIOLENCE

Providing services for women survivors of violence is crucial to relieving the negative impact that a survivor experiences both before and after violent episodes. Indeed, women who have survived violence make much greater use of support services than women who have not been abused, even years after violence has ended (Bonomi et al. 2009). Expanding its pilot in this area, *Women, Business and the Law* collected data on legislation mandating the provision of health care services, psychological support, legal aid, shelter, specialized trained police officers or stations, phone hotlines, and livelihood support for women survivors of violence in 190 economies. The data show that 102 economies have legislation mandating the establishment of support services for women survivors of violence. This group includes more than half of the economies in the East Asia and Pacific, Europe and Central Asia, Latin America and the Caribbean, and South Asia regions. While 88 percent of economies in South Asia and 83 percent of economies in Europe and Central Asia have enacted such laws, only 17 of the 34 high-income economies in the Organisation for Economic Co-operation and Development have legislation on this topic.

With regard to services provided, 77 economies worldwide have enacted legislation providing shelter for women victims of violence. Legal aid, psychological support, and health care services are also widespread and legally mandated in 72, 70, and 67 economies, respectively. Although efforts to provide different kinds of support are distributed unevenly, six countries that mandate a whole package of services—Argentina, Mongolia, Panama, the Philippines, Portugal, and Spain—provide some hope amid global efforts to protect women survivors of violence and set a good example for legal reforms elsewhere.

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

countries—Canada, France, and Portugal—have policies in place to promote fathers’ uptake of paternity or parental leave. In Canada, when parents apply for and share parental benefits, together they may be eligible for up to 69 weeks of paid leave.

Entrepreneurship has a gap of more than 25 points between the legal index score and the incidence of supportive frameworks. Perhaps reflective of global gaps in women’s financial inclusion, this difference indicates a lower level of implementation in economies where laws have been passed. The pilot economies, however, do perform quite well in some areas. Almost all, for instance, have a small claims court, with many introducing innovative ways of streamlining procedures that could be particularly beneficial to working women (table 3.5). With regard to rules of evidence, Oman is the only economy to allocate a different weight to women’s testimony. Such discrimination can affect the distribution of resources among women and men, particularly in cases where economic rights are at issue.

While the Assets indicator is one of the highest-scoring indicators on the *Women, Business and the Law* index, it receives the lowest score for implementation. Very few economies have any of the practices measured, reflecting difficulties in ensuring women’s access to ownership of assets and land, even in the presence of laws that guarantee equality. Twenty economies, however, have made available the requirements and application process for land registration. Others have instituted programs to boost women’s landownership. In conjunction with development partners, Ethiopia has undertaken one of the largest low-cost land certification programs in Sub-Saharan Africa. Some economies have also encouraged women’s ownership of assets by issuing guidelines for calculating nonmonetary contributions. In Panama, for instance, the law clearly states, “When the difference between the final and initial patrimonies of one and the other spouse yields a positive result, the spouse whose patrimony has experienced the least increase will receive half of the difference between his increase and that of the other spouse.”

The Pension indicator also has a wide gap between the legal index scores and measures of implementation. Although most economies make the requirements and application process for pension benefits available, one country has made the process more burdensome for women. In Albania, where both full and partial retirement ages for men and women are already unequal, women are required to submit additional

TABLE 3.5		EXAMPLES OF SIMPLIFIED PROCEDURES IN SMALL CLAIMS COURTS
Economy	Example	
Argentina	All deadlines are 3 days, and hearings take place within 10 days of when a claim has been appealed.	
Brazil	Procedural acts are open to the public and may be held at night.	
Hong Kong SAR, China	Small claims proceedings may be conducted in the evening hours, on Sundays, or other days off, unless a party objects.	
Indonesia	Decisions must be rendered within 25 business days of the first hearing.	
Thailand	Kwaeng courts have the power to examine or issue any order for which a single judge is competent.	
Uganda	On the day and time of the hearing, parties to a small claim must appear in person with all relevant documents and exhibits and must ensure that any witnesses are present.	

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

documentation to receive their pension benefits, which men do not have to submit. Such documentation includes a marriage certificate and a notarized copy of a university diploma. Differences like these not only make the process of obtaining pension benefits more difficult for one partner, but also exacerbate gender inequality in old age. Just 11 economies allow applicants for pension benefits to complete the process online. In Uganda, for example, applications to receive pension benefits can be submitted via the National Social Security Fund app.

The findings presented here offer a glimpse of the rich body of data that can be collected on these topics. *Women, Business and the Law* hopes to refine and expand on this area of the pilot in the future, with the expectation that doing so can provide a clearer picture of the operation of the laws measured by the index.

### ***Expert opinions of laws in practice***

To represent the outcome component of the implementation framework, expert opinions on the application of the law were also collected. This approach went beyond the measure of supportive frameworks by seeking opinions related to laws captured by the index. The questionnaire sought to draw on the observations of in-country legal experts and gain a broader understanding of gender equality on the ground. It was intended to showcase the perspective of a narrow set of individuals with specialized knowledge rather than to yield a broader sample of representative responses. Overall, the exercise was meant to gauge the effectiveness of the laws measured in achieving their stated goals. To do so, it analyzed not only the implementation of good-practice legislation, such as protections against discrimination and the provision of benefits, but also whether restrictions on women's economic inclusion are upheld in practice.

After defining these objectives, several steps were taken to design and conduct the expert opinion survey. Primarily, the aim was to draft simple and clear questions to meet the objectives and maximize the response rate (OECD 2012). To begin this process, *Women, Business and the Law* looked to other widely available, cross-country expert opinion and perception-based surveys, including the Africa Integrity Indicators, the Human Rights Measurement Initiative, the United Nations E-Government Survey, the World Justice Project Rule of Law Index, and the World Values Survey. Each survey provided valuable insight into the formulation of the *Women, Business and the Law* expert opinion questionnaire (figure 3.4).

Replies were solicited from current *Women, Business and the Law* contributors. Respondents included lawyers, judges, civil society representatives, and public officials in the 25 economies covered, each with expertise in one or more of the following subject areas: labor and employment, family law, or violence against women. An agree-to-disagree format for answers was used to assess the expert opinions. While answers could be tied closely to the corresponding statement, clear instructions indicated exactly what the survey was hoping to gather. The potential for survey response bias—and specifically acquiescence bias—was mitigated by giving respondents the option to decline to respond and by asking them to justify their responses by explaining the relevant context in their economy. The gender of the respondents was not collected; however, any future iterations of this exercise will aim to collect this information and use it to inform the analysis.

### FIGURE 3.4 | EXAMPLES OF OTHER CROSS-COUNTRY EXPERT OPINION AND PERCEPTION SURVEYS



#### ***Africa Integrity Indicators***

The Africa Integrity Indicators project examines how policies are implemented to support governments, citizens, and civil society by assessing key social, economic, political, and anticorruption mechanisms at the national level across all 54 countries of the African continent. The project seeks to capture data pertaining to legislation that addresses particular issues and whether laws are being enforced in practice. Researchers who answer the questionnaires must provide a fact-based rationale to substantiate the scores chosen for each indicator, including through interviews, verified reports, news articles, and trusted blog posts.

— For more information:  
<https://www.africaintegrityindicators.org/>



#### ***World Justice Project Rule of Law Index***

Covering 128 countries, the Rule of Law Index relies on national surveys of more than 130,000 households and 4,000 legal practitioners and experts to measure how the rule of law is experienced and perceived around the world. It provides 40 questions for respondents to answer based on their perception of how laws are being applied in practice within their country.

— For more information:  
<https://worldjusticeproject.org/our-work/research-and-data/wjpi-rule-law-index-2020>



#### ***United Nations E-Government Survey***

The E-Government Survey analyzes and ranks countries' digital transformation progress. The survey does not use a scale, instead allowing respondents to submit short answers to questions. It provides a snapshot of the relative measurement of e-government development in all United Nations member states. The survey primarily gathers data from other sources, including the Telecommunications Infrastructure Index, the Human Capital Index, and the Online Service Index, to construct its results.

— For more information:  
<https://www.un.org/development/desa/publications/publication/2020-united-nations-e-government-survey>



#### ***World Values Survey***

The World Values Survey seeks to help scientists and policy makers understand changes in the beliefs, values, and motivations of people throughout the world. The survey includes a common questionnaire that is administered to individuals across nearly 100 countries. It uses a combination of different types of questions, each of which employs its own phrasing and scale. Questions are not aligned in structure or format, although response scales are typically numerical.

— For more information:  
<https://www.worldvaluessurvey.org/wvs.jsp>



#### ***Human Rights Measurement Initiative***

The Human Rights Measurement Initiative produces economic and social rights data for around 200 countries. Information is collected via an expert opinion survey administered to human rights researchers and practitioners who are monitoring events in each country. The data are then used to summarize human rights performance and monitor how people are treated.

— For more information:  
<https://humanrightsmasurement.org/>

Sources: Global Integrity, World Justice Project, United Nations, World Values Survey Association, and Human Rights Measurement Initiative.

The final questionnaire included 35 questions that constitute the current *Women, Business and the Law* index, presenting a generalized statement and asking respondents to indicate the extent to which they agree or disagree (table 3.6). For example, for the question, “Can a woman choose where to live in the same way as a man?” the corresponding expert opinion statement was, “Women choose where to live in the same way as men in practice.” Respondents were then prompted to select the level to which they agree with this statement, taking into consideration their familiarity with the laws relating to this question. All answers are scored from 1 (strongly disagree) to 5 (strongly agree). This approach allows the scale to remain consistent across questions, whether they focus on the absence of a restriction, enforcement of a right, or provision of benefits.

<b>TABLE 3.6 WOMEN, BUSINESS AND THE LAW INDEX AND CORRESPONDING EXPERT OPINION STATEMENTS</b>		
<b>Indicator</b>	<b>Question</b>	<b>Expert opinion statement</b>
Mobility	Can a woman choose where to live in the same way as a man?	Women choose where to live in the same way as men in practice.
	Can a woman travel outside her home in the same way as a man?	Women travel outside their homes in the same way as men in practice.
	Can a woman apply for a passport in the same way as a man?	Women apply for passports in the same way as men in practice.
	Can a woman travel outside the country in the same way as a man?	Women travel outside the country in the same way as men in practice.
Workplace	Can a woman get a job in the same way as a man?	Women do not face any additional restrictions compared to men when getting a job in practice.
	Does the law prohibit discrimination in employment based on gender?	The principle of nondiscrimination based on gender in employment is implemented in practice.
	Is there legislation on sexual harassment in employment?	Protection measures are in place to prevent sexual harassment in the workplace in practice.
	Are there criminal penalties or civil remedies for sexual harassment in employment?	a. Civil remedies for sexual harassment in employment are implemented in practice. b. Criminal penalties for sexual harassment in employment are implemented in practice.
Pay	Does the law mandate equal remuneration for work of equal value?	The principle of equal remuneration for work of equal value is implemented in practice.
	Can a woman work at night in the same way as a man?	There are no restrictions on women working at night in practice.
	Can a woman work in a job deemed dangerous in the same way as a man?	There are no restrictions on women working in jobs deemed dangerous in practice.
	Can a woman work in an industrial job in the same way as a man?	There are no restrictions on women working in the following industries in practice: mining, construction, factories, agriculture, energy, water, transportation, other.
Marriage	Is there no legal provision that requires a married woman to obey her husband?	Women are not expected to obey their husbands in practice.
	Can a woman be head of household in the same way as a man?	Women can be heads of their households in the same way as men in practice.
	Is there legislation specifically addressing domestic violence?	The principle of protection from domestic violence is implemented in practice.
	Can a woman obtain a judgment of divorce in the same way as a man?	Women obtain judgments of divorce in the same way as men in practice.
	Does a woman have the same rights to remarry as a man?	Women remarry in the same way as men in practice.
Parenthood	Is paid leave of at least 14 weeks available to mothers?	At least 14 weeks of paid leave to mothers is provided in practice.
	Does the government administer 100% of maternity leave benefits?	The government administers maternity leave benefits in practice.
	Is paid leave available to fathers?	Paid leave to fathers is provided in practice.
	Is there paid parental leave?	Paid parental leave is provided in practice.
	Is dismissal of pregnant workers prohibited?	The principle of prohibiting dismissal of pregnant workers is implemented in practice.
Entrepreneurship	Does the law prohibit discrimination in access to credit based on gender?	The principle of nondiscrimination based on gender in access to credit is implemented in practice.
	Can a woman sign a contract in the same way as a man?	Women sign contracts in the same way as men in practice.
	Can a woman register a business in the same way as a man?	Women register businesses in the same way as men in practice.
	Can a woman open a bank account in the same way as a man?	Women open bank accounts in the same way as men in practice.

(Table continues next page)

<b>TABLE 3.6</b>   <i>WOMEN, BUSINESS AND THE LAW INDEX AND CORRESPONDING EXPERT OPINION STATEMENTS (continued)</i>		
<b>Indicator</b>	<b>Question</b>	<b>Expert opinion statement</b>
Assets	Do men and women have equal ownership rights to immovable property?	Men and women have equal ownership rights to immovable property in practice.
	Do sons and daughters have equal rights to inherit assets from their parents?	The right of sons and daughters to inherit assets equally from their parents is implemented in practice.
	Do male and female surviving spouses have equal rights to inherit assets?	The right of male and female surviving spouses to inherit assets equally is implemented in practice.
	Does the law grant spouses equal administrative authority over assets during marriage?	The principle of equal administrative authority over assets during marriage is implemented in practice.
	Does the law provide for the valuation of nonmonetary contributions?	The principle of valuation of nonmonetary contributions is implemented in practice.
Pension	Is the age at which men and women can retire with full pension benefits the same?	Women retire with full pension benefits at the same age as men in practice.
	Is the age at which men and women can retire with partial pension benefits the same?	Women retire with partial pension benefits at the same age as men in practice.
	Is the mandatory retirement age for men and women the same?	Women retire at the same age as men in practice.
	Are periods of absence due to childcare accounted for in pension benefits?	The principle of accounting for periods of absence due to childcare in pension benefits is implemented in practice.

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

On average, 6.32 responses were received for each of the 25 pilot economies, representing varied opinions. For example, the average response value for Uganda for the data point, “Women are not expected to obey their husbands in practice” is 2 (disagree). However, the individual responses range across the spectrum of answers, with 3 of the 10 respondents choosing 5 (strongly agree) and 7 selecting 1 (strongly disagree) or 2 (disagree). Similarly, in Oman, respondents selected opposite answers for the statement, “Women retire with partial pension benefits at the same age as men in practice,” with 1 respondent selecting 1 (strongly disagree) and 1 selecting 5 (strongly agree). In some cases, expert responses were aligned. For instance, 7 respondents in Vietnam said that they mostly disagree with the statement, “There are no restrictions on women working in jobs deemed dangerous in practice,” with only one responding that he or she neither agrees nor disagrees. While response rates were generally high across economies and data points, the Assets and Pension indicators are an exception. For example, in 14 out of 25 economies, response rates were lower for the data point, “The principle of accounting for periods of absence due to childcare in pension benefits is implemented in practice.” For South Africa, only 1 out of 4 respondents responded to this statement. For India, 6 out of 10 respondents provided an answer. This finding may be due to survey fatigue, as these were the last questions posed, or perhaps even a lack of topical expertise in these more specialized areas.

Addressing both varied and lack of responses in future iterations of the questionnaire will require additional research, empirical evidence, and consultations with experts in the field. One option is to use vignettes to define concepts and focus answers for respondents with different experiences within the same economy. Another option is to pose a narrower set of questions to each group of experts or to focus on economy-specific or regional perceptions of gender equality. To reach a convergence of opinion,



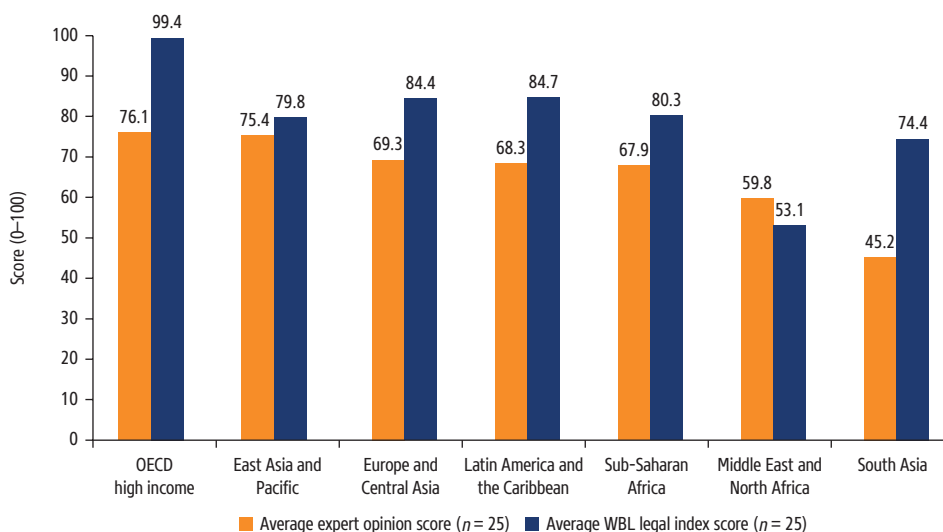
it may also prove useful to conduct multiple rounds of questionnaires when responses are varied.

Still, the data collected through the expert opinion questionnaire provided important comparisons with the legal index. While again not part of the index and representing only preliminary analysis, scoring these data and normalizing scores to 100 yielded helpful insights. Economies in the OECD high-income region have the highest average scores, similar to the legal index (figure 3.5), followed by East Asia and Pacific, Europe and Central Asia, and Sub-Saharan Africa. The Middle East and North Africa and South Asia regions have the lowest average scores.

However, the Middle East and North Africa is the only region where expert opinions indicated more gender equality in practice than the legal index scores imply. Oman and Egypt have the largest positive difference between their expert opinion and legal index scores, with Oman's average expert opinion score more than 30 points higher than the legal index score. Given this result, it is possible that the discriminatory laws captured by the legal index are not implemented widely in practice in these economies. Conversely, Canada, India, Peru, Portugal, and South Africa substantially underperform their legal index scores in practice.

Indeed, several respondents identified specific gaps in implementation of the law, even in economies that score above average on the legal index (table 3.7). In Argentina, for example, respondents highlighted a discrepancy in whether a woman can get a job in the same way as a man. While this data point does not capture any legal barriers, most of the experts who responded to the questionnaire said that they disagree or strongly disagree that in practice a woman can get a job in the same way as

**FIGURE 3.5 | DISPARITY BETWEEN LEGAL INDEX AND EXPERT OPINION SCORES IN ALL REGIONS BUT THE MIDDLE EAST AND NORTH AFRICA**



Source: *Women, Business and the Law* (WBL) database.

Note: OECD = Organisation for Economic Co-operation and Development.

TABLE 3.7 SELECT EXPERT OPINIONS OF GAPS IN IMPLEMENTATION OF LEGISLATION		
Country	Indicator	Select examples from legal experts
Brazil	Entrepreneurship	"While there are laws and public policies trying to boost women's businesses, in general, we see more unregistered women entrepreneurs than men."
Canada	Pay	"Studies show that women are still not remunerated equally with men, despite work of equal value. There are no restrictions on women working in any field, although systemic barriers continue to exist and women are underrepresented in many fields."
Ethiopia	Workplace	"Gender discrimination and sexual harassment still exist widely in most government offices."
Lebanon	Mobility	"Women's mobility is affected by various factors, especially social rules and customs depending on social and religious affiliation ... there are many disparities between Lebanese women depending on their social and religious context."
India	Marriage	"We are still highly patriarchal, and disobeying the husband is not possible in most households. Domestic violence is very high, and most matters go unreported."
South Africa	Assets	"There is the issue of men still very much being regarded as the head of the household and women's unpaid contributions not being valued."  "The laws in South Africa do not permit discrimination with regard to property and succession. However, this occurs in practice."

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

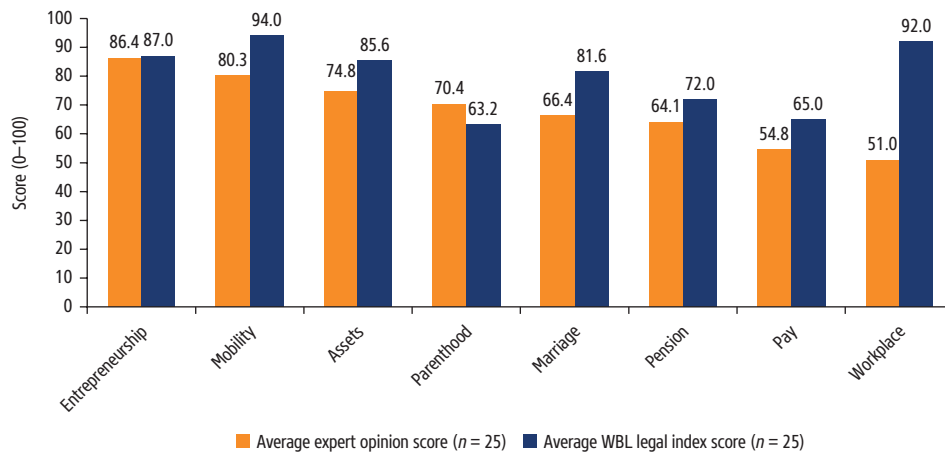
a man. In Portugal—1 of 12 economies to score 100 on the *Women, Business and the Law* index—a majority of experts surveyed said that legislation addressing domestic violence is not implemented effectively, with 1 respondent noting, "Law and practice are distinct. Legal protection is extremely positive, but the practical implementation of legislation is what is really needed."

This sentiment is also evident at the wider indicator level, as all indicators have gaps between laws and expert opinions of their implementation and enforcement in practice. Mobility, Entrepreneurship, and Assets are the areas where respondents were more likely to say that they agree or strongly agree with the statements presented to them. Entrepreneurship is the area where respondents agree the most, suggesting that women do have access in practice to similar entrepreneurship opportunities and freedom of movement as men. For example, nearly 90 percent of respondents said that they agree or strongly agree that in practice women register businesses and open bank accounts in the same way as men.

For Workplace and Pay, the data are more neutral to slightly disagree. Workplace has the lowest average score of all indicators, which is particularly interesting because it also has one of the highest averages in the legal index (92.0) among the pilot economies (figure 3.6). However, only about one-third of all respondents indicated that they agree or strongly agree that women are treated equally as men in this area. Workplace thus may present greater gender disparity in practice.

The expert opinions of laws in practice provide important insights into the ways in which the law may function on the ground in *Women, Business and the Law* economies. This real-world perspective grounds the legal data by examining the de facto opinions of those living it each day. Together with the study of supportive frameworks, these data create a fuller picture of the ways in which gender equality can be furthered, whether legally or societally. It also allows *Women, Business and the Law* to take the first steps toward measuring how the law operates in practice.

**FIGURE 3.6 | DISPARITY BETWEEN LEGAL INDEX AND EXPERT OPINION SCORES IN ALL INDICATORS**



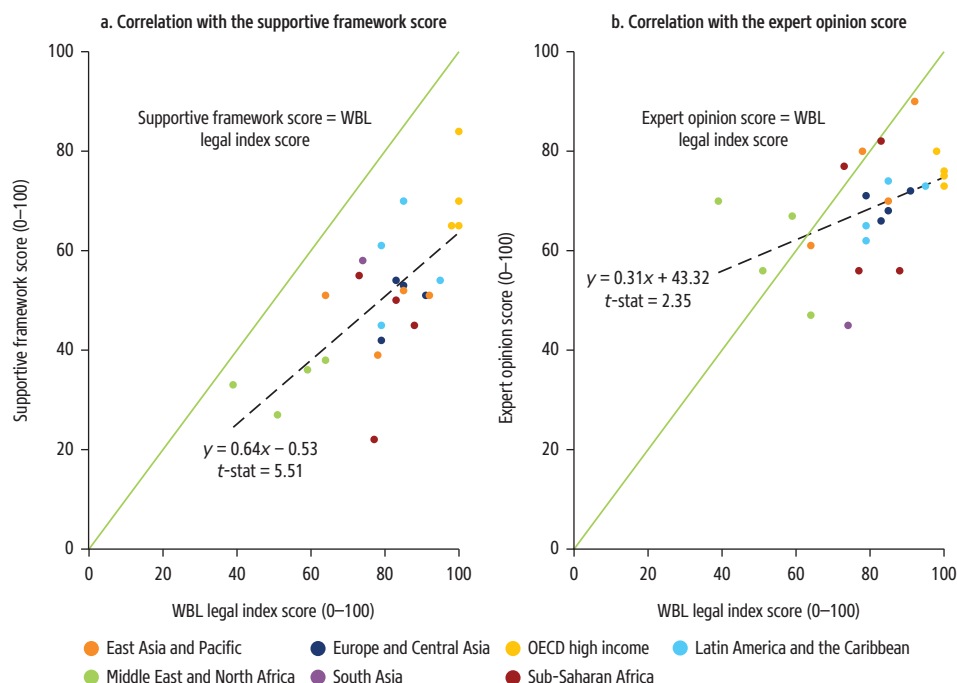
Source: Women, Business and the Law (WBL) database.

## The state of implementation

Taken together, these two measures approximate the process and outcome indicators of the implementation framework, illustrating the extent to which different factors influence the state of gender equality on the ground. This approach to scoring is not final, and caution should be taken not to generalize the results over the 190 economies covered by the *Women, Business and the Law* index. However, for this pilot exercise, the legal index scores show a correlation with the supportive framework scores and have a correlation coefficient of 0.70 (figure 3.7, panel a). Thus, stronger laws on the books tend to be associated with stronger supportive frameworks in the pilot economies. This result aligns with expectations—the supportive framework scores measure factors that are often similar in kind to those covered by the *Women, Business and the Law* legal index. The aspects covered tend to be within the power of governments to enact, establish, or otherwise carry out. However, as shown by the difference between the regression line and the 45-degree line in figure 3.7, panel a, the relationship is not one-for-one. Even though they are within the direct control of governments, differences with the legal index persist because supportive frameworks typically require several additional inputs, such as time, funding to establish and run institutions, institutional capacity to put forward and carry out subsidiary programs, rules, procedures, and more.

At the same time, the legal index scores show a weaker correlation with expert opinion scores, with a correlation coefficient of 0.45 (figure 3.7, panel b). This may be attributed partly to the results in the Middle East and North Africa, where expert opinion scores outperform the legal index. Still, relative to the supportive framework scores, the aspects measured by the expert opinion score are more distant from the aspects measured by the legal index score. This finding may imply that the de facto measure weakens as the analysis moves from structural indicators to process and, finally, to outcome. Qualitative comments collected from the experts reveal a range of other factors at play, including societal, cultural, and religious norms. Nevertheless,

**FIGURE 3.7 | CORRELATION BETWEEN LEGAL INDEX AND SUPPORTIVE FRAMEWORK AND EXPERT OPINION SCORES, BY REGION**



Source: *Women, Business and the Law* (WBL) database.

Note: The figure depicts two correlations: (1) between the supportive framework and legal index scores and (2) between the expert opinion and legal index scores. Each point represents a single economy. A fitted regression line is also included. The relationship remains positive and statistically significant after controlling for income per capita. A 45-degree line (in green) is also included for ease of comparability. OECD = Organisation for Economic Co-operation and Development.

the correlation suggests that any gender equality promised by the law is distinct from equality in practice.

The state of gender equality on the ground is thus different than the laws on the books. The results, while only preliminary, confirm that laws alone are not enough to improve gender equality, indicating that these gaps should be explored further. More work is needed to advance not only the implementation and enforcement of the law, but also the attitudes that shape the operation of laws each day. In particular, Pay and Pension require better implementation across both the supportive framework and expert opinion pilots.

## Addressing challenges and moving forward

While the data presented in this chapter contain interesting results, they constitute only the first attempt by *Women, Business and the Law* to study how laws are executed. Although they provide valuable observations and identify trends, these methods of studying implementation and enforcement of the law must be vetted more vigorously. Neither the questions included in the supportive framework and expert opinion pilots

nor the scoring methodology is final. As such, both the results and challenges of this analysis are presented here for feedback and proposals for refinement.

Crafting a measure of implementation that meets the necessary criteria presents many challenges. As stated above, any approach will need to maintain representative qualities of the *Women, Business and the Law* index, including coverage of 190 economies, comparability through the use of standardized assumptions, and feasibility of annual data collection and analysis using available resources. It will need to balance these requirements with the kind of granular information that can present a real picture of the enabling environment for working women in the economies covered.

In their current form, both approaches have drawbacks. For example, in the study of supportive frameworks, the emphasis is once again on *de jure* rather than *de facto* data. While evidence of supportive frameworks does provide insight into the operation of laws, the approach may not capture exactly how the implementation environment functions. It also may not be viewed as a complete and cross-cutting measure for every economy, as there will always be more areas to consider and more sequencing of the life cycle of legislation to be done. Binary questions, while ideal for comparability, also do not showcase further detail or supportive evidence at the economy level. Finally, the approach in its current form does not match up with the index at the level of individual data points.

The expert opinion questionnaire also has challenges. The questionnaire was administered to current *Women, Business and the Law* legal experts who may not be well versed in the practice of all of the areas covered, making it likely that observations are based more heavily on their own personal experiences than on those of the majority. Sample and survey response bias are also concerns; the results cannot be generalized to the entire population of each economy. Responses are likely influenced by a variety of market and nonmarket forces that are not directly related to laws or their implementation, including preferences, social norms and traditions, and market incentives. Future iterations of this exercise will rely more heavily on research related to controlling bias and subjectivity in questionnaire responses and will seek advice on statistical techniques that can be used to improve the reliability of expert responses. One option to consider is the Delphi method, in which experts receive feedback that represents the group response and are given the opportunity to discuss and revise answers to reach consensus. The sample size, both of experts and of 25 economies, also needs to be expanded to draw more meaningful conclusions.

Despite these challenges, this set of measures provides a starting point for continued focus on this work. Ideas for improving them are already being formulated. For instance, it may make more sense to align the expert opinion survey questions with the supportive framework questions. Doing so will allow the implementation data to function more sequentially with the legal index and within the structure-process-outcome framework. Although global coverage like that of the *Women, Business and the Law* index is rare, these data could be correlated further with other research to ascertain conclusions about the state of gender equality, even if only at the regional or country level. Finally, it would be helpful to add a cross-cutting measure of implementation that can be studied across all indicators. Doing so will require further research to ascertain the elements of a measure that applies to the implementation of all eight topics.

The objectives of this work going forward will be to build on the solutions presented by the current *Women, Business and the Law* indicators and to offer countries concrete

examples of the proper implementation of laws. The overarching goal is to contribute to making gender equality a reality not only by law, but also through its appropriate implementation and enforcement. Continuing to improve these measures in subsequent years, *Women, Business and the Law* hopes to deliver a fully developed framework that will allow more women to enforce their rights, boosting economic inclusion and labor force participation worldwide.

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## APPENDIX A

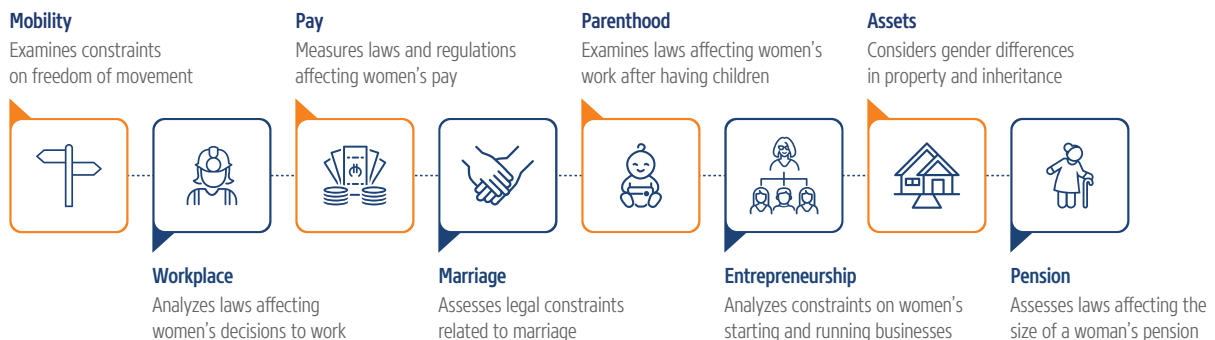
## Data Notes



*Women, Business and the Law* measures laws and regulations affecting women's economic inclusion in 190 economies. Although progress has been made over the last 51 years, the data confirm that more work is needed to ensure that women have equality of opportunity when entering the workforce and starting their own businesses. To highlight these opportunities for change, *Women, Business and the Law 2022* presents an index structured around the stages of a woman's working life (figure A.1).

This framework helps to align areas of the law with the economic decisions that women make as they experience various milestones. The indicators not only represent women's interactions with the law as they begin, progress through, and end their careers, but also are easily replicable measures of the legal environment that women must navigate as entrepreneurs and employees. This edition of *Women, Business and the Law* presents an update of the index, taking into account the laws and regulations reformed between October 2, 2020, and October 1, 2021.

**FIGURE A.1 | THE EIGHT WOMEN, BUSINESS AND THE LAW INDICATORS**



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

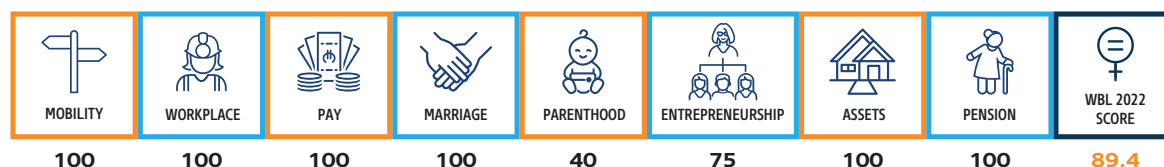
## Methodology

*Women, Business and the Law* is based on an analysis of the domestic laws and regulations that affect women's economic opportunities. The indicators were selected on the basis of their association with measures of women's economic empowerment and through research and consultation with experts. They are also inspired by the international legal frameworks set out in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Committee on the Elimination of Discrimination against Women General Recommendations (CEDAW GR); the United Nations (UN) Declaration on the Elimination of Violence against Women (DEVAW); and the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Maternity Protection Convention, 2000 (No. 183); and the Violence and Harassment Convention, 2019 (No. 190).

TABLE A.1		WOMEN, BUSINESS AND THE LAW INDICATORS	
Indicator	Questions		
Mobility	<ol style="list-style-type: none"> <li>1. Can a woman choose where to live in the same way as a man?</li> <li>2. Can a woman travel outside her home in the same way as a man?</li> <li>3. Can a woman apply for a passport in the same way as a man?</li> <li>4. Can a woman travel outside the country in the same way as a man?</li> </ol>		
Workplace	<ol style="list-style-type: none"> <li>1. Can a woman get a job in the same way as a man?</li> <li>2. Does the law prohibit discrimination in employment based on gender?</li> <li>3. Is there legislation on sexual harassment in employment?</li> <li>4. Are there criminal penalties or civil remedies for sexual harassment in employment?</li> </ol>		
Pay	<ol style="list-style-type: none"> <li>1. Does the law mandate equal remuneration for work of equal value?</li> <li>2. Can a woman work at night in the same way as a man?</li> <li>3. Can a woman work in a job deemed dangerous in the same way as a man?</li> <li>4. Can a woman work in an industrial job in the same way as a man?</li> </ol>		
Marriage	<ol style="list-style-type: none"> <li>1. Is there no legal provision that requires a married woman to obey her husband?</li> <li>2. Can a woman be head of household in the same way as a man?</li> <li>3. Is there legislation specifically addressing domestic violence?</li> <li>4. Can a woman obtain a judgment of divorce in the same way as a man?</li> <li>5. Does a woman have the same rights to remarry as a man?</li> </ol>		
Parenthood	<ol style="list-style-type: none"> <li>1. Is paid leave of at least 14 weeks available to mothers?</li> <li>2. Does the government administer 100% of maternity leave benefits?</li> <li>3. Is paid leave available to fathers?</li> <li>4. Is there paid parental leave?</li> <li>5. Is dismissal of pregnant workers prohibited?</li> </ol>		
Entrepreneurship	<ol style="list-style-type: none"> <li>1. Does the law prohibit discrimination in access to credit based on gender?</li> <li>2. Can a woman sign a contract in the same way as a man?</li> <li>3. Can a woman register a business in the same way as a man?</li> <li>4. Can a woman open a bank account in the same way as a man?</li> </ol>		
Assets	<ol style="list-style-type: none"> <li>1. Do men and women have equal ownership rights to immovable property?</li> <li>2. Do sons and daughters have equal rights to inherit assets from their parents?</li> <li>3. Do male and female surviving spouses have equal rights to inherit assets?</li> <li>4. Does the law grant spouses equal administrative authority over assets during marriage?</li> <li>5. Does the law provide for the valuation of nonmonetary contributions?</li> </ol>		
Pension	<ol style="list-style-type: none"> <li>1. Is the age at which men and women can retire with full pension benefits the same?</li> <li>2. Is the age at which men and women can retire with partial pension benefits the same?</li> <li>3. Is the mandatory retirement age for men and women the same?</li> <li>4. Are periods of absence due to childcare accounted for in pension benefits?</li> </ol>		

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

Note: The index scores 35 data points across eight indicators composed of four or five binary questions, with each indicator representing a different phase of a woman's life. Indicator-level scores are obtained by calculating the unweighted average of responses to the questions within that indicator and scaling the result to 100. For each question, Yes = 1 and No = 0. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score.

**FIGURE A.2 | SAMPLE SCORING ON THE WOMEN, BUSINESS AND THE LAW INDEX: ECUADOR**

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

The data set and analysis can be used to support research and policy discussions on the ways in which the legal environment influences women's economic activity. Thirty-five data points are scored across eight indicators composed of four or five binary questions, with each indicator representing a different phase of a woman's life (table A.1). Indicator-level scores are obtained by calculating the unweighted average of responses to the questions within that indicator and scaling the result to 100. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score.

Examining the data for one economy illustrates how scoring works in the index. Ecuador, for example, receives a score of 100 for Mobility, Workplace, Pay, Marriage, Assets, and Pension, which indicates that no legal constraints are found in the areas measured under these indicators (figure A.2).

Under Parenthood, however, the lack of at least 14 weeks of paid maternity leave, government-administered maternity leave benefits, or paid parental leave results in a score of 40. The score for Entrepreneurship is 75 because the law does not prohibit gender-based discrimination in access to credit.

Based on this information, the overall score for Ecuador is calculated as the unweighted average of all eight indicator scores on a scale of 0–100, with 100 representing the best score overall. Ecuador thus scores 89.4 on the *Women, Business and the Law* index.

## Strengths and limitations of the methodology

To construct the index, *Women, Business and the Law* relies on feedback from more than 2,000 respondents with expertise in family, labor, and criminal law, including lawyers, judges, academics, and members of civil society organizations working locally on gender issues. Besides filling out written questionnaires, respondents provide references to relevant legislation. The *Women, Business and the Law* team then collects the texts of these laws and regulations and verifies questionnaire responses for accuracy. Responses are validated against codified sources of national law, including constitutions, codes, laws, statutes, rules, regulations, and procedures in areas such as labor, social security, civil procedure, violence against women, marriage and family, inheritance, nationality, and land. The data reflect legislation in force as of October 1, 2021.

This unique approach has both strengths and limitations (table A.2). Because the indicators are binary, they may not reflect the nuances or details of some of the policies measured. Indicators are also based on standardized assumptions to ensure comparability across economies. For example, an assumption used for questions on maternity leave is that the woman in question has one child. Although maternity leave benefits often

TABLE A.2		
METHODOLOGICAL STRENGTHS AND LIMITATIONS OF THE <i>WOMEN, BUSINESS AND THE LAW</i> INDEX		
Feature	Strength	Limitation
Use of standardized assumptions	Data are comparable across economies, and methodology is transparent.	The scope of data is smaller; only regulatory reforms in the areas measured can be tracked systematically.
Coverage of largest business city only	Data collection is manageable, and data are comparable.	In federal economies, data may be less representative where laws differ across locations.
Focus on the most populous group	Data are comparable across economies where parallel legal systems prescribe different rights for different groups of women.	Restrictions that apply to minority populations may not be captured.
Emphasis on the formal sector	Attention remains centered on the formal economy, where regulations are most relevant.	The reality faced by women in the informal sector, which may be a significant population in some economies, is not fully reflected.
Measure of codified laws only	Indicators are actionable because the law is what policy makers can change.	Where systematic implementation of legislation is lacking, regulatory changes alone will not achieve the desired results; social and cultural norms are not considered.

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

differ for multiple births, only data for individual births are captured. Another assumption is that the woman in question is located in the largest business city of the economy. In federal economies, laws affecting women can vary by state or province. Even in nonfederal economies, women in rural areas and small towns could face more restrictive local legislation. *Women, Business and the Law* does not capture such restrictions unless they are also found in the main business city. Finally, where personal law prescribes different rights and obligations for different groups of women, the data focus on the most populous group. Thus, the study may not capture restrictions applying only to minority populations.

*Women, Business and the Law* also focuses solely on the ways in which the formal legal and regulatory environment determines whether women can work or open their own businesses. Although many women in developing economies are employed in the informal sector, this project aims to define some of the features of the legal framework that make it more difficult for women to transition from the informal to the formal economy.

Although it ensures comparability of the data, this use of standardized assumptions has limited ability to reflect the full diversity of women's experiences. *Women, Business and the Law* recognizes that the laws it measures do not apply to all women in the same way. Women face intersectional forms of discrimination based not only on gender and sex but also on sexuality, race, gender identity, religion, family status, ethnicity, nationality, disability, and many other grounds. *Women, Business and the Law* therefore encourages readers to interpret the data in conjunction with other available research.

This project recognizes the often-large gaps between laws on the books and actual practice. One reason for these gaps may be poor implementation of legislation stemming from weak enforcement, poor design, or low institutional capacity. Nonetheless, identifying legal differences constitutes one step toward better understanding where women's economic rights may be restricted in practice.

*Women, Business and the Law* acknowledges that equal opportunities for women in business and the workplace depend on an interplay of economic, social, and cultural factors. For example, unless women are able to get an education or build their skills, equalizing laws affecting entrepreneurship and employment could mean little. Other factors, such as infrastructure, also may affect the ability and desire of women to work. In addition, social and cultural norms may prevent women from running a business or working outside the home. Within this overall picture, *Women, Business and the Law* recognizes the limitations of its assumptions and its focus on statutory law. Even though such assumptions may come at the expense of specificity, they also ensure data comparability across economies.

## Indicators and questions

This section looks more closely at the 35 scored binary questions, grouped by indicator (box A.1). Answers to the questions are based on codified law only. Customary law is not taken into account unless it has been codified. Where the answer differs according to the legal system (for example, in mixed legal systems where different laws govern different groups of people within an economy), the answer used is the one that applies to the majority of the population. Supranational law, such as that enacted by the Organization for the Harmonization of Business Law in Africa (OHADA), is not considered where domestic law contravenes supranational rules and limits the legal capacity of women. The following section details by indicator how answers are standardized and made comparable across economies.

### BOX A.1 ASSUMPTIONS USED TO ENSURE COMPARABILITY

#### 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 a cashier in the food retail sector in a supermarket or grocery store that has 60 employees;
- is a cisgender, heterosexual woman 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; and
- is not a member of a union unless membership is mandatory; membership is considered mandatory when collective bargaining agreements cover more than 50 percent of the workforce in the food retail sector and when they apply to individuals who were not party to the original collective bargaining agreement.

(Box continues on next page)

**BOX A.1 ASSUMPTIONS USED TO ENSURE COMPARABILITY (continued)**

**For the questions on maternity, paternity, and parental leave, it is assumed that**

- the woman gave birth to her first child without complications on October 1, 2021, and her child is in good health; answers will therefore correspond to legislation in force as of October 1, 2021, even if the law provides for changes over time;
- both parents have been working long enough to accrue any maternity, paternity, and parental benefits; and
- if maternity benefit systems are not mandatory or were not operational as of October 1, 2021, they are not measured.

**For the questions on inheritance rights, it is assumed that**

- the deceased has not left a will, so the rules of intestate succession apply; and
- when determining the inheritance rights of spouses, male and female surviving spouses do not have any living children.

**For the questions on retirement and pensions, it is assumed that**

- the woman gave birth without complications to two healthy children;
- the woman ceased all paid activity during periods of childcare. If the period covered by a pension credit is conditioned on the age of the child, the period until the child reaches age one is counted;
- if transitional provisions gradually change the retirement age, the answers reflect the retirement age as of October 1, 2021, even if the law provides for changes over time;
- if a mandatory contributory pension system applicable to the private sector and a noncontributory universal pension system coexist, the answers correspond to the rules applicable to the mandatory contributory pension system; and
- if pension systems are not mandatory or were not operational as of October 1, 2021, they are not measured.

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



## Mobility

The Mobility indicator measures constraints on a woman's agency and freedom of movement, both of which are likely to influence her decision to enter the labor force and engage in entrepreneurial activity (Htun, Jensenius, and Nelson-Nunez 2019). This indicator has four components that measure the following:

- **Whether a woman can choose where to live in the same way as a man.** A score of 1 is assigned if there are no restrictions on a woman choosing where to live. A score of 0 is assigned if there are legal restrictions on a woman choosing where to live, if the husband chooses the marital home or has more weight in determining where the family will live, or if a woman's domicile automatically follows that of her husband.
- **Whether a woman can travel outside her home in the same way as a man.** A score of 1 is assigned if there are no restrictions on a woman traveling alone domestically. A score of 0 is assigned if permission, additional documentation, or the presence of her husband or guardian is required for a woman to travel alone domestically. A score of 0 is also assigned if a woman must justify her reasons for leaving the home or if leaving the home without a valid reason is considered disobedience with legal consequences, such as loss of right to maintenance.
- **Whether a woman can apply for a passport in the same way as a man.** This question considers actual application forms and procedures available at the relevant agency or on official government websites, regardless of what the law specifies. A score of 1 is assigned if there are no gender differences in passport application procedures. A score of 0 is assigned if an adult woman needs the permission or signature of her husband, father, or other relative or guardian to apply for a passport. A score of 0 is also assigned if passport application procedures or forms require a woman to provide details about her husband, father, or other relative or guardian or additional documents such as a marriage certificate and if the same is not required of a man.
- **Whether a woman can travel outside the country in the same way as a man.** A score of 1 is assigned if there are no restrictions on a woman traveling alone internationally. A score of 0 is assigned if permission, additional documentation, or the presence of her husband or a guardian is required for a woman to leave the country. A score of 0 is also assigned if the law requires a married woman to accompany her husband out of the country if he wishes her to do so.



## Workplace

The Workplace indicator analyzes laws affecting women's decisions to enter the labor market, including women's legal capacity and ability to work, as well as protections in the workplace against discrimination and sexual harassment. Antidiscrimination legislation is positively associated with women's employment and earnings, whereas sexual harassment can negatively influence women's career trajectories (McLaughlin, Uggen, and Blackstone 2017; Zabalza and Tzannatos 1985). This indicator has four components that assess the following:

- **Whether a woman can get a job in the same way as a man.** A score of 1 is assigned if there are no restrictions on a woman's legal capacity and ability to get a job or pursue a trade or profession. A score of 0 is assigned if a husband can prevent his wife from

working or if permission or additional documentation is required for a woman to work but not a man. A score of 0 is also assigned if it is considered a form of disobedience with legal consequences, such as loss of maintenance, for a woman to work contrary to her husband's wishes or the interests of the family.

- **Whether the law prohibits discrimination in employment based on gender.** A score of 1 is assigned if the law prohibits employers from discriminating based on sex or gender or mandates equal treatment of women and men in employment. A score of 0 is assigned if the law does not prohibit such discrimination or only prohibits it in one aspect of employment, such as pay or dismissal.
- **Whether there is legislation on sexual harassment in employment.** A score of 1 is assigned if legal provisions specifically protect against sexual harassment in employment, including unwelcome verbal or physical conduct of a sexual nature. A score of 0 is assigned if there is no such legislation. A score of 0 is also assigned if the law addresses harassment in general but makes no reference to acts of a sexual nature or contact or if it states only that the employer has a duty to prevent sexual harassment and has no provisions prohibiting it or providing sanctions or other forms of redress.
- **Whether there are criminal penalties or civil remedies for sexual harassment in employment.** A score of 1 is assigned if the law establishes criminal sanctions, such as fines or imprisonment, for sexual harassment in employment. A score of 1 is also assigned if the criminal code provides for reparation of damages for offenses covered by the code or if the law provides for civil remedies or compensation for victims of sexual harassment in employment or the workplace, even after dismissal of the victim. A score of 0 is assigned if the law establishes neither criminal sanctions for sexual harassment in employment nor civil remedies or compensation for victims of sexual harassment in employment. A score of 0 is also assigned if the law only prohibits sexual harassment in employment and sets forth that the employer should apply discretionary sanctions.



## Pay

The Pay indicator measures laws affecting occupational segregation and the gender wage gap. Restrictions on certain jobs have been found to be correlated negatively with female employment (Costa, Silva, and Vaz 2009; Ogloblin 1999, 2005; World Bank 2012; Zveglic and Rodgers 2003). This indicator has four components that assess the following:

- **Whether the law mandates equal remuneration for work of equal value.** “Remuneration” refers to the ordinary, basic, or minimum wage or salary and any additional emoluments payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising from the worker's employment. “Work of equal value” refers not only to the same or similar jobs but also to different jobs of the same value. A score of 1 is assigned if employers are legally obliged to pay equal remuneration to male and female employees who perform work of equal value in accordance with these definitions. A score of 0 is assigned if the law limits the principle of equal remuneration to equal work, the same work, similar work, or work of a similar nature. A score of 0 is also assigned if the law limits the broad concept of “remuneration” to only basic wages or salary.



- **Whether a woman can work at night in the same way as a man.** A score of 1 is assigned if a woman who is not pregnant and not nursing can work at night in the same way as a man. A score of 1 is also assigned when restrictions on women’s ability to work at night do not apply to the food retail sector, women’s consent to work at night is required, or an employer needs to comply with safety measures (such as providing transportation). A score of 0 is assigned if the law broadly prohibits a woman, including one with children over the age of one, from working at night or limits the hours that she can work at night. A score of 0 is also assigned if the law gives the relevant authority the power to restrict or prohibit a woman’s ability to work at night, regardless of the content of any decisions issued by that authority.
- **Whether a woman can work in a job deemed dangerous in the same way as a man.** A score of 1 is assigned if no laws prohibit or restrict a woman who is not pregnant and not nursing from working in a broad and subjective category of jobs deemed hazardous, arduous, or morally inappropriate. A score of 0 is assigned if the law prohibits or restricts a woman’s ability to work in jobs deemed hazardous, arduous, or morally inappropriate. A score of 0 is also assigned if the relevant authority can determine whether particular jobs are too hazardous, arduous, or morally inappropriate for a woman but not for a man, regardless of the content of any decisions issued by that authority.
- **Whether a woman can work in an industrial job in the same way as a man.** A score of 1 is assigned if a woman who is not pregnant and not nursing can work in the mining, construction, manufacturing, energy, water, agriculture, and transportation industries in the same way as a man. A score of 0 is assigned if the law prohibits a woman from working in any of these industries. A score of 0 is also assigned if a woman’s employment in the relevant industries is restricted in any way, such as by prohibiting her from working at night in “industrial undertakings” or by giving the relevant authority the power to prohibit or restrict her ability to work in certain jobs or industries, regardless of the content of any decisions issued by that authority.



## Marriage

The Marriage indicator measures legal constraints related to marriage and divorce. Legal discrimination against women, including limits on their ability to be head of household, has been found to be negatively correlated with labor force participation (Goldin and Olivetti 2013; Gonzales et al. 2015). Unequal rights in marriage and divorce can also have negative effects on women’s intrahousehold bargaining power and jeopardize their financial security when a divorce is finalized (Voena 2015). This indicator has five components that measure the following:

- **Whether there is no legal provision that requires a married woman to obey her husband.** A score of 1 is assigned if there is no provision requiring a married woman to obey her husband. A score of 0 is assigned if there is an explicit provision stating that a married woman must obey her husband or if disobeying the husband has legal ramifications for a married woman, such as loss of her right to maintenance.
- **Whether a woman can be head of household in the same way as a man.** A score of 1 is assigned if there are no restrictions on a woman being head of household or head

of family. A score of 0 is assigned if the law designates the husband as head of household or stipulates that he leads the family. A score of 0 is also assigned if a male is designated as the default family member who receives the family book or equivalent document that is needed for accessing services. Gender differences under tax law are not measured by this question.

- **Whether there is legislation specifically addressing domestic violence.** A score of 1 is assigned if there is legislation addressing domestic violence that includes criminal sanctions or provides for protection orders for domestic violence. A score of 0 is assigned if there is no legislation addressing domestic violence, if the domestic violence legislation does not provide for sanctions or protection orders, or if only a specific category of women or family member is protected. A score of 0 is also assigned if there is only a provision that increases penalties for general crimes covered in the criminal code if committed between spouses or within the family.
- **Whether a woman can obtain a judgment of divorce in the same way as a man.** A score of 1 is assigned if the process to obtain a judgment of divorce is equal for a woman and a man or provides additional protections for a woman, such as prohibiting a husband from initiating divorce proceedings while his wife is pregnant. A score of 0 is assigned if there are procedural or evidentiary differences for a woman seeking a judgment of divorce, if only a man can initiate divorce proceedings, or if divorce is not legally allowed.
- **Whether a woman has the same rights to remarry as a man.** A score of 1 is assigned if a woman and a man have equal rights to remarry. A score of 0 is assigned if the law limits a woman's right to remarry, such as by requiring a waiting period before remarriage to which a man is not subject. A score of 0 is also assigned if divorce is not legally allowed.



## Parenthood

The Parenthood indicator examines laws affecting women's work during and after pregnancy. Women are more likely to return to work if the law mandates maternity leave (Berger and Waldfogel 2004). This indicator has five components that measure the following:

- **Whether paid leave of at least 14 weeks is available to mothers.** A score of 1 is assigned if mothers are legally entitled to at least 14 weeks (98 calendar days) of paid leave for the birth of a child through maternity leave, parental leave, or a combination of both. A score of 0 is assigned if the law does not establish paid leave for mothers or if the length of paid leave is less than 14 weeks.
- **Whether the government administers 100 percent of maternity leave benefits.** A score of 1 is assigned if leave benefits are fully administered by a government entity, including compulsory social insurance schemes (such as social security), public funds, government-mandated private insurance, or employer reimbursement of any maternity leave benefits paid directly to an employee. A score of 0 is assigned if any of the cost is shared by the employer. A score of 0 is also assigned if contributions or taxes are mandated only for female employees, if the social insurance scheme that provides

maternity leave benefits is optional, or if no paid leave is available to expectant and new mothers.

- **Whether paid leave is available to fathers.** A score of 1 is assigned if fathers are legally entitled to at least one day of paid paternity leave for the birth of a child or if the law reserves a portion of paid parental leave specifically for fathers—that is, through “use-it-or-lose-it” policies or fathers’ quotas. A score of 1 is also assigned if fathers are individually entitled to paid parental leave. A score of 0 is assigned if the law does not guarantee fathers any paid paternity leave or other specific leave for the birth of a child. A score of 0 is also assigned if allowances for the birth of a child must be deducted from annual or sick leave.
- **Whether there is paid parental leave.** A score of 1 is assigned if parents are legally entitled to some form of full-time paid parental leave, either shared between mother and father (at least two weeks) or as an individual entitlement that each can take regardless of the other (at least one week each). A score of 1 is also assigned if the duration of paid maternity leave and paid paternity leave is the same. A score of 0 is assigned if the law does not mandate any form of paid parental leave.
- **Whether dismissal of pregnant workers is prohibited.** A score of 1 is assigned if the law explicitly prohibits the dismissal of pregnant women, if pregnancy cannot serve as grounds for terminating a contract, or if dismissal of pregnant workers is considered a form of unlawful termination, unfair dismissal, or wrongful discharge. A score of 0 is assigned if there are no provisions prohibiting the dismissal of pregnant workers or if the law only prohibits the dismissal of pregnant workers during maternity leave, for a limited period of the pregnancy, or when pregnancy results in illness or disability.



## Entrepreneurship

The Entrepreneurship indicator measures constraints on women starting and running a business. Having access to a bank account is strongly correlated with women’s labor supply (Field et al. 2016; Ladd 1982). This indicator has four components that measure the following:

- **Whether the law prohibits discrimination in access to credit based on gender.** A score of 1 is assigned if the law prohibits discrimination by creditors based on sex or gender or prescribes equal access for both men and women when conducting financial transactions or entrepreneurial activities. A score of 1 is also assigned if the law prohibits gender discrimination when accessing goods and services (and services are defined to include financial services). A score of 0 is assigned if the law does not prohibit such discrimination or if the law does not provide for effective remedies.
- **Whether a woman can sign a contract in the same way as a man.** A score of 1 is assigned if a woman obtains full legal capacity upon reaching the age of majority and there are no restrictions on her signing legally binding contracts. A score of 0 is assigned if a woman has limited legal capacity to sign a contract or needs the signature, consent, or permission of her husband or guardian to do so.
- **Whether a woman can register a business in the same way as a man.** A score of 1 is assigned if there are no restrictions on a woman registering a business. A score of 0 is assigned if a woman has limited legal capacity, including situations in which she needs her husband’s or guardian’s permission, signature, or consent to register a business.

A score of 0 is also assigned if the registration process at any stage requires a woman to provide additional information or documentation that is not required of a man.

- **Whether a woman can open a bank account in the same way as a man.** A score of 1 is assigned if there are no restrictions on a woman opening a bank account. A score of 0 is assigned if a woman has limited legal capacity or is required to provide any additional permission or documentation that is not required of a man. A score of 0 is also assigned if legal provisions limit the ability of a woman to open a bank account, such as by stating that only a married woman who is separately employed from her husband may open a bank account in her own name.

## Assets

The Assets indicator examines gender differences in property and inheritance law, including instances in which legal systems are supported by customary law and judicial precedent. Improving property and inheritance rights is positively associated with female earnings and employment (Heath and Tan 2018; Peterman 2011) as well as women's access to housing and land (Gaddis, Lahoti, and Swaminathan 2020). This indicator has five components that measure the following:

- **Whether men and women have equal ownership rights to immovable property.** A score of 1 is assigned if there are no restrictions on a woman's legal capacity and rights to immovable property. A score of 0 is assigned if a woman's rights to own or administer property are legally restricted. A score of 0 is also assigned if there are gender differences in the legal treatment of spousal property, such as granting the husband administrative control over marital property, or for cases in which customary law (which often discriminates against women) is prevalent, if there is no statutory law that recognizes equal property rights.
- **Whether sons and daughters have equal rights to inherit assets from their parents.** A score of 1 is assigned if sons and daughters have the same rights to inherit assets from their parents. A score of 0 is assigned if there are gender-based differences in the recognition of children as heirs to property.
- **Whether male and female surviving spouses have equal rights to inherit assets.** A score of 1 is assigned if surviving spouses of either gender with no living children have the same inheritance rights. A score of 0 is assigned if there are gender-based differences in the inheritance rights of surviving spouses.
- **Whether the law grants male and female spouses equal administrative authority over assets during marriage.** A score of 1 is assigned if spouses retain administrative power over the assets each brought to the marriage or acquired during marriage and their accrued value without the need for spousal consent. A score of 1 is also assigned if spouses administer their separate property, but for major transactions, such as selling or pledging the property as collateral, spousal consent is required or if both spouses have equal rights in the administration and transaction of joint property. A score of 0 is assigned if the husband has administrative rights over marital property, including any separate property of the wife, or if the husband's word prevails in case of disagreement. A score of 0 is also assigned in cases in which customary law (which often discriminates against women) is prevalent, if there is no statutory law that recognizes equal property administration.

- **Whether the law provides for the valuation of nonmonetary contributions.** Nonmonetary contributions include caring for minor children, taking care of the family home, or any other nonmonetized contribution from a stay-at-home spouse. A score of 1 is assigned if there is an explicit legal recognition of such contributions 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 based on nonmonetary contributions. A score of 1 is also assigned if the default marital property regime is full community, partial community, or deferred community of property because these regimes implicitly recognize nonmonetary contributions at the time of property division and benefit both spouses regardless of who purchased property or holds title to it. A score of 0 is assigned if the default marital property regime is not a form of community of property and there is no explicit legal provision providing for equal or equitable division of property based on nonmonetary contributions.



## Pension

The Pension indicator assesses laws affecting the size of a woman's pension. Early retirement can widen the potential gender gap in pension levels and increase women's risk of poverty in old age (Burn et al. 2020; Chłoń-Domińczak 2017). This indicator has four components that measure the following:

- **Whether the age at which men and women can retire with full pension benefits is the same.** A score of 1 is assigned if the statutory age at which men and women can retire and receive an irrevocable minimum old-age pension is the same. A score of 0 is assigned if there is a difference in the statutory age or if there is no mandatory pension scheme implemented for private sector workers.
- **Whether the age at which men and women can retire with partial pension benefits is the same.** Partial pension benefits refer to a reduced or proportional minimum old-age pension payable to workers who did not accumulate enough work experience or periods of contribution or have not reached the statutory age to qualify for a minimum old-age pension. A score of 1 is assigned if the age at which men and women can retire and receive partial pension benefits is the same or if the age at which men and women can retire and receive partial benefits is not mandated. A score of 0 is assigned if the age at which men and women can retire and receive partial pension benefits is different or if there is no mandatory pension scheme implemented for private sector workers.
- **Whether the mandatory retirement age for men and women is the same.** A score of 1 is assigned if the legally established age at which men and women must retire is the same or if there is no mandatory retirement age. A score of 0 is assigned if the age at which men and women must retire is different.
- **Whether periods of absence from work due to childcare are accounted for in pension benefits.** A score of 1 is assigned if pension contributions are paid or credited during maternity or parental leave or the leave period is considered a qualifying period of employment used for the purpose of calculating pension benefits. A score of 1 is also assigned if there are mechanisms to compensate for any contribution gaps and to ensure that the leave period does not reduce the assessment base or pension amounts or if there are no mandatory contributory pension schemes, but

there is a noncontributory universal social pension conditioned on noncontributory requirements with no means test attached. A score of 0 is assigned if there are no compensating pension arrangements for periods of childcare or if there is no mandatory contributory pension scheme for private sector workers and no noncontributory universal social pension.

## Reforms and data updates

Each year, *Women, Business and the Law* indicators capture changes in domestic laws and regulations that affect women's economic opportunities. Summaries of such changes are listed in annex 1B, thereby acknowledging the legal reform efforts undertaken by governments during the period reviewed. Any legislative or regulatory change that affects the answer assigned to a given economy on any question under the eight indicators is classified as a reform.

For questions that refer to legal rights, the change must be mandatory, meaning that women can enforce their rights in court or sanctions can be leveled by a regulatory body such as a central bank, employment tribunal, national human rights commission, or other enforcement body, including the police. For questions that refer to benefits, such as maternity, parental, or pension benefits, women must be able to obtain the benefit as of the cutoff date. Policies, guidelines, model rules, principles, and recommendations are excluded, as are ratified international conventions when they have not been incorporated into domestic law. Reforms affecting the *Women, Business and the Law* indicators include, but are not limited to, amendments to or the introduction of a new constitution, labor law, family or personal status law, penal code, or administrative procedure.

Data for all economies are reviewed by local respondents and verified with the corresponding basis by the *Women, Business and the Law* team annually. This review can lead to corrections of data as a result of new information obtained, clarifications of answers, or consistency checks. This year, for example, data for the Assets indicator were adjusted to ensure consistent answers when customary law (which often discriminates against women) is prevalent and there is no statutory law that recognizes equal property rights. To provide a comparable time series for research, the data set is back-calculated to adjust for any revisions in data due to corrections.

Governments can submit queries on the data and provide new information to the *Women, Business and the Law* team. This year, the team received eight submissions from governments. Together with the team's response, the submissions are available on the project website at <https://wbl.worldbank.org>.

## Proposed methodological changes

The following changes in methodology are being considered for future studies:

- **Marriage.** Unequal bargaining power within the household puts married women at a disadvantage compared with married men. The question of whether a woman is or is not legally required to obey her husband currently captures only instances where the letter of the law explicitly refers to obedience. This approach does not account for the fact that the law may be silent with regard to the word "obedience" but may have the effect of requiring a wife to obey her husband. For example, some laws establish

unequal power dynamics between husband and wife by stipulating that a woman who abstains from marital relations with her husband may face legal ramifications. *Women, Business and the Law* will therefore continue researching this issue and its impact on women's decision-making power within the household. This effort may lead to a rephrasing of the question to include whether the law guarantees equal rights and duties between spouses or grants equal decision-making powers to both spouses.

- **Parenthood.** Gender equality in the workplace is not possible without gender equality in the home. Although paternity and parental leave have the potential to redistribute unpaid care work, emerging research shows that the design of leave policies matters more for gender equality than simply their existence (Brandth and Kvande 2018; Frodermann, Wrohlich, and Zucc 2020; Marynissen et al. 2019; Patnaik 2014). *Women, Business and the Law* is continuing to research and consult with experts on establishing a meaningful threshold for both paid leave available to the father and paid parental leave.

More detailed data on each economy included in this report appear on the project website at <https://wbl.worldbank.org>. The team welcomes feedback on the methodology and construction of this set of indicators and looks forward to improving their coverage and scope. Comments can be offered by contacting the *Women, Business and the Law* team at [wbl@worldbank.org](mailto:wbl@worldbank.org).

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## APPENDIX B










## Economy Data












Table B.1 captures legal differences between men and women on eight economy-level indicators that comprise the *Women, Business and the Law* index.

TABLE B.1	ECONOMY-LEVEL INDICATOR DATA								
Economy	MOBILITY	WORKPLACE	PAY	MARRIAGE	PARENTHOOD	ENTREPRENEURSHIP	ASSETS	PENSION	WBL 2022 INDEX
Afghanistan	50	75	0	20	20	75	40	25	38.1
Albania	100	100	100	100	80	100	100	50	91.3
Algeria	75	75	50	60	60	75	40	25	57.5
Angola	100	100	50	100	60	100	100	25	79.4
Antigua and Barbuda	75	50	75	100	0	75	80	75	66.3
Argentina	100	75	50	100	60	75	100	75	79.4
Armenia	100	50	75	100	100	75	100	100	87.5
Australia	100	100	100	100	100	100	100	75	96.9
Austria	100	100	100	100	100	100	100	75	96.9
Azerbaijan	100	100	0	100	80	100	100	50	78.8
Bahamas, The	100	100	75	80	20	75	100	100	81.3
Bahrain	50	75	100	40	40	100	40	75	65.0
Bangladesh	100	50	25	60	20	75	40	25	49.4
Barbados	75	100	50	100	40	75	100	100	80.0
Belarus	100	50	50	100	80	75	100	50	75.6
Belgium	100	100	100	100	100	100	100	100	100.0
Belize	75	75	50	100	60	75	100	100	79.4
Benin	75	100	75	80	60	75	80	100	80.6
Bhutan	100	100	100	80	40	50	80	25	71.9
Bolivia	100	75	100	100	60	100	100	75	88.8
Bosnia and Herzegovina	100	100	50	100	80	100	100	50	85.0
Botswana	75	25	75	100	0	75	60	100	63.8
Brazil	100	100	75	100	80	75	100	50	85.0
Brunei Darussalam	50	25	75	40	0	75	60	100	53.1
Bulgaria	100	100	100	100	100	100	100	25	90.6
Burkina Faso	75	100	25	80	80	100	100	100	82.5
Burundi	100	100	100	60	40	75	60	75	76.3
Cabo Verde	100	100	75	100	40	100	100	75	86.3
Cambodia	100	100	75	80	20	100	100	75	81.3
Cameroon	50	75	25	40	80	50	60	100	60.0










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TABLE B.1		ECONOMY-LEVEL INDICATOR DATA (continued)							
Economy	 MOBILITY	 WORKPLACE	 PAY	 MARRIAGE	 PARENTHOOD	 ENTREPRENEURSHIP	 ASSETS	 PENSION	 WBL 2022 INDEX
Canada	100	100	100	100	100	100	100	100	100.0
Central African Republic	75	100	25	80	60	75	100	100	76.9
Chad	75	75	50	60	60	50	60	100	66.3
Chile	100	75	75	80	100	75	60	75	80.0
China	100	100	25	100	80	75	100	25	75.6
Colombia	100	100	50	100	100	75	100	50	84.4
Comoros	75	75	100	40	40	75	40	75	65.0
Congo, Dem. Rep.	100	100	50	40	80	100	60	100	78.8
Congo, Rep.	50	25	25	40	20	75	60	100	49.4
Costa Rica	100	100	75	100	40	75	100	100	86.3
Côte d'Ivoire	100	100	50	60	80	75	100	100	83.1
Croatia	100	100	100	100	100	100	100	50	93.8
Cyprus	100	100	75	100	80	100	100	100	94.4
Czech Republic	100	100	100	100	100	100	100	50	93.8
Denmark	100	100	100	100	100	100	100	100	100.0
Djibouti	100	100	50	20	60	100	40	75	68.1
Dominica	75	25	50	100	0	75	100	75	62.5
Dominican Republic	100	100	75	80	60	100	100	75	86.3
Ecuador	100	100	100	100	40	75	100	100	89.4
Egypt, Arab Rep.	50	75	0	20	20	100	40	100	50.6
El Salvador	100	100	75	80	80	100	100	75	88.8
Equatorial Guinea	75	25	100	20	60	0	60	75	51.9
Eritrea	100	100	75	60	20	75	100	25	69.4
Estonia	100	100	100	80	100	100	100	100	97.5
Eswatini	100	25	50	40	20	0	60	75	46.3
Ethiopia	100	100	25	80	60	75	100	75	76.9
Fiji	100	100	50	100	60	75	100	75	82.5
Finland	100	100	100	100	80	100	100	100	97.5
France	100	100	100	100	100	100	100	100	100.0
Gabon	75	100	25	80	80	100	100	100	82.5
Gambia, The	100	50	75	60	60	75	60	75	69.4
Georgia	100	100	75	100	80	100	100	50	88.1
Germany	100	100	100	100	80	100	100	100	97.5
Ghana	100	100	50	100	20	75	80	75	75.0
Greece	100	100	100	100	100	100	100	100	100.0
Grenada	100	50	100	100	20	75	100	100	80.6
Guatemala	100	25	50	80	60	75	100	75	70.6
Guinea	100	100	50	60	20	100	60	100	73.8
Guinea-Bissau	75	25	0	60	20	25	60	75	42.5
Guyana	75	100	100	80	40	100	100	100	86.9










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TABLE B.1		ECONOMY-LEVEL INDICATOR DATA (continued)							
Economy	 MOBILITY	 WORKPLACE	 PAY	 MARRIAGE	 PARENTHOOD	 ENTREPRENEURSHIP	 ASSETS	 PENSION	 WBL 2022 INDEX
Haiti	50	50	100	40	40	75	60	75	61.3
Honduras	100	100	50	80	20	100	100	50	75.0
Hong Kong SAR, China	100	100	75	100	60	100	100	100	91.9
Hungary	100	100	75	100	100	100	100	100	96.9
Iceland	100	100	100	100	100	100	100	100	100.0
India	100	100	25	100	40	75	80	75	74.4
Indonesia	100	50	75	40	40	75	60	75	64.4
Iran, Islamic Rep.	0	0	50	0	60	75	40	25	31.3
Iraq	25	100	50	0	20	75	40	50	45.0
Ireland	100	100	100	100	100	100	100	100	100.0
Israel	100	100	50	60	60	100	100	75	80.6
Italy	100	100	100	80	100	100	100	100	97.5
Jamaica	100	25	50	100	20	75	100	75	68.1
Japan	100	50	25	80	100	75	100	100	78.8
Jordan	25	0	75	20	40	100	40	75	46.9
Kazakhstan	100	50	25	100	80	75	100	25	69.4
Kenya	100	100	100	100	40	50	80	75	80.6
Kiribati	100	100	100	100	20	75	40	75	76.3
Korea, Rep.	100	100	25	100	80	75	100	100	85.0
Kosovo	100	100	100	100	60	100	100	75	91.9
Kuwait	50	50	0	40	0	75	40	25	35.0
Kyrgyz Republic	100	100	25	100	40	100	100	50	76.9
Lao PDR	100	100	75	100	80	100	100	50	88.1
Latvia	100	100	100	100	100	100	100	100	100.0
Lebanon	100	100	50	60	20	75	40	25	58.8
Lesotho	100	75	75	80	20	75	100	100	78.1
Liberia	100	100	100	100	20	75	80	75	81.3
Libya	75	50	75	20	40	75	40	25	50.0
Lithuania	100	100	100	100	100	100	100	50	93.8
Luxembourg	100	100	100	100	100	100	100	100	100.0
Madagascar	75	100	25	80	40	75	80	100	71.9
Malawi	50	100	100	100	20	75	100	75	77.5
Malaysia	50	50	50	40	0	75	60	75	50.0
Maldives	100	100	75	60	40	100	40	75	73.8
Mali	50	50	50	20	60	75	80	100	60.6
Malta	100	100	75	100	60	100	100	75	88.8
Marshall Islands	100	50	100	100	0	100	0	75	65.6
Mauritania	100	25	25	0	60	75	0	100	48.1
Mauritius	100	100	100	80	60	100	100	75	89.4
Mexico	100	100	75	100	60	100	100	75	88.8

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TABLE B.1		ECONOMY-LEVEL INDICATOR DATA (continued)							
Economy	 MOBILITY	 WORKPLACE	 PAY	 MARRIAGE	 PARENTHOOD	 ENTREPRENEURSHIP	 ASSETS	 PENSION	 WBL 2022 INDEX
Micronesia, Fed. Sts.	100	25	75	100	0	75	40	75	61.3
Moldova	100	75	100	100	100	100	100	25	87.5
Mongolia	100	100	75	100	80	100	100	25	85.0
Montenegro	100	100	50	100	80	100	100	50	85.0
Morocco	100	100	50	60	80	100	40	75	75.6
Mozambique	100	100	50	100	60	100	100	50	82.5
Myanmar	75	25	50	80	60	75	80	25	58.8
Namibia	75	100	100	100	40	75	100	100	86.3
Nepal	75	100	100	100	40	75	80	75	80.6
Netherlands	100	100	100	100	80	100	100	100	97.5
New Zealand	100	100	100	100	80	100	100	100	97.5
Nicaragua	100	100	75	100	40	100	100	75	86.3
Niger	75	75	75	20	60	50	0	100	56.9
Nigeria	50	75	50	100	0	75	80	75	63.1
North Macedonia	100	100	50	100	80	100	100	50	85.0
Norway	100	100	100	100	100	75	100	100	96.9
Oman	25	75	25	20	0	75	40	50	38.8
Pakistan	75	100	50	60	20	50	40	50	55.6
Palau	100	25	75	100	0	75	0	75	56.3
Panama	100	100	50	80	80	75	100	50	79.4
Papua New Guinea	75	50	25	100	0	75	80	75	60.0
Paraguay	100	100	100	100	80	100	100	75	94.4
Peru	100	100	100	80	80	100	100	100	95.0
Philippines	75	100	100	60	60	100	60	75	78.8
Poland	100	100	100	100	100	100	100	50	93.8
Portugal	100	100	100	100	100	100	100	100	100.0
Puerto Rico (US)	100	100	75	100	20	100	100	75	83.8
Qatar	25	0	50	20	0	75	40	25	29.4
Romania	100	100	100	100	100	100	100	25	90.6
Russian Federation	100	50	50	80	80	75	100	50	73.1
Rwanda	100	100	100	100	20	75	100	75	83.8
Samoa	75	100	75	100	40	75	60	75	75.0
San Marino	100	50	75	80	60	75	100	100	80.0
São Tomé and Príncipe	100	100	75	80	60	75	100	75	83.1
Saudi Arabia	100	100	100	60	40	100	40	100	80.0
Senegal	75	100	25	60	60	75	40	100	66.9
Serbia	100	100	100	100	100	100	100	50	93.8
Seychelles	75	50	75	100	80	75	80	75	76.3
Sierra Leone	100	75	50	100	0	100	80	75	72.5
Singapore	100	75	75	100	60	75	100	75	82.5

(Table continues next page)

TABLE B.1		ECONOMY-LEVEL INDICATOR DATA (continued)							
Economy	 MOBILITY	 WORKPLACE	 PAY	 MARRIAGE	 PARENTHOOD	 ENTREPRENEURSHIP	 ASSETS	 PENSION	 WBL 2022 INDEX
Slovak Republic	100	100	75	100	80	100	100	25	85.0
Slovenia	100	100	75	100	100	100	100	100	96.9
Solomon Islands	75	25	25	100	0	75	80	75	56.9
Somalia	75	50	50	20	40	75	40	25	46.9
South Africa	100	100	100	100	80	100	100	25	88.1
South Sudan	100	100	100	80	40	75	20	25	67.5
Spain	100	100	100	100	100	100	100	100	100.0
Sri Lanka	100	75	25	100	20	75	80	50	65.6
St. Kitts and Nevis	100	25	50	100	40	75	80	100	71.3
St. Lucia	75	100	100	80	40	75	100	100	83.8
St. Vincent and the Grenadines	75	25	50	100	20	75	100	100	68.1
Sudan	0	0	0	0	20	75	40	100	29.4
Suriname	100	50	75	80	60	50	100	75	73.8
Sweden	100	100	100	100	100	100	100	100	100.0
Switzerland	100	100	100	100	80	75	100	50	88.1
Syrian Arab Republic	50	25	0	40	40	75	40	50	40.0
Taiwan, China	100	100	100	100	80	75	100	75	91.3
Tajikistan	100	50	50	100	80	100	100	50	78.8
Tanzania	100	100	100	80	60	75	60	75	81.3
Thailand	100	100	75	80	20	75	100	75	78.1
Timor-Leste	100	75	100	80	60	75	100	100	86.3
Togo	100	100	100	60	40	75	80	100	81.9
Tonga	100	25	75	100	0	75	20	75	58.8
Trinidad and Tobago	75	50	75	80	20	100	100	100	75.0
Tunisia	100	75	25	60	40	75	40	100	64.4
Turkey	100	100	75	80	80	75	100	50	82.5
Uganda	75	100	100	80	40	75	40	75	73.1
Ukraine	100	100	0	100	80	100	100	100	85.0
United Arab Emirates	100	100	100	60	60	100	40	100	82.5
United Kingdom	100	100	100	100	80	100	100	100	97.5
United States	100	100	75	100	80	100	100	75	91.3
Uruguay	100	100	75	80	80	75	100	100	88.8
Uzbekistan	100	50	25	80	60	100	100	50	70.6
Vanuatu	75	25	50	80	0	100	40	75	55.6
Venezuela, RB	100	100	75	100	80	75	100	50	85.0
Vietnam	100	100	100	100	80	100	100	0	85.0
West Bank and Gaza	25	25	0	20	0	75	40	25	26.3
Yemen, Rep.	25	25	25	0	0	75	40	25	26.9
Zambia	75	100	100	80	40	100	80	75	81.3
Zimbabwe	100	100	75	80	40	100	100	100	86.9

Source: Women, Business and the Law database.



## APPENDIX C

## Acknowledgments



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*Women, Business and the Law 2022* is the eighth in a series of annual studies measuring progress toward gender equality in 190 economies by examining the laws and regulations that affect women’s economic opportunity. The project presents eight indicators structured around women’s interactions with the law as they move through their lives and careers: Mobility, Workplace, Pay, Marriage, Parenthood, Entrepreneurship, Assets, and Pension. This year, the study also includes preliminary findings and analysis of pilot data collected on the provision of childcare and the operation of laws in practice.

Examining the economic decisions women make throughout their working lives, as well as progress toward gender equality over the last 50 years, the study is meant to inform research and policy discussions about the state of women’s inclusion. By presenting powerful examples of change and highlighting the gaps still remaining, *Women, Business and the Law 2022* is a vital tool in the work of ensuring economic empowerment for all. The data are current as of October 1, 2021.

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