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Empowering Women Legal Rights and Economic Opportunities in Africa

By Mary Hallward-Driemeier and Tazeen Hasan

Overview

The World Bank
Washington, DC



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Foreword

Expanding opportunities for women is of intrinsic value. It is also instrumental in fostering development. Realizing the potential of all people is needed to ensure growth, productivity, and a vibrant society. *Empowering Women: Legal Rights and Economic Opportunities* in Africa brings new data and analysis to recommend how best to move this agenda forward.

Strengthening the incentives and abilities to pursue opportunities expands women's economic empowerment. Property rights are central in this process; they ensure that people can reap the benefits of their efforts. Policy makers shape property rights through laws and regulations, and the legal system supports their enforcement. Yet no prior study has looked systematically across Sub-Saharan Africa to examine the impacts on women's economic empowerment.

Assessments of laws and regulations governing the business environment rarely examine whether there are different impacts for women and men. In part this is because they are looking at issues of how to register property or enforce contracts, presuming that everyone can own property or enter a contract. A major contribution of this book is to demonstrate that in many Sub-Saharan countries this is not true for women and men equally. Areas of family law, inheritance law, and land law are not generally included in studies of business regulations. But it is precisely these areas of law that define legal capacity and the ability to own and control assets—and where explicit gender gaps are most likely.

To document the gender gaps in formal economic rights, the book draws on the *Women's Legal and Economic Empowerment Database for Africa* (Women – LEED – Africa). Covering all 47 countries in Sub-Saharan Africa, this new database provides detailed indicators and links to statutes, constitutions, and international conventions on issues of legal capacity, marital property, land ownership, and labor law. The book's recommendations for policy makers focus not only on specific substantive changes to the law, but also on ensuring rights are enforced and on making the system of justice more accessible. The recommendations also target women, showing how a few key decisions—such as registering a marriage, choosing a marital property regime, titling assets and businesses, and writing wills—can have dramatic impacts on their rights to property.

The book also illustrates the benefits of bringing law and economics together. For lawyers it provides evidence on how laws and legal reforms can improve economic outcomes. Links to specific statutes and case law facilitate comparisons of de jure gender gaps in rights. And beyond the laws, the de facto functioning of the legal system can hamper woman access to justice. For economists it demonstrates that a broader set of laws beyond business regulations have direct gender impacts. The rich set of programs and approaches to expand access to the legal system discussed here invite further research into their effectiveness on expanding women's access to credit, investment and entrepreneurship.

This book provides compelling evidence that the areas of law examined here need to be addressed—in terms of substance, enforcement, awareness, and access—if economic opportunities for women in Sub-Saharan Africa are to continue to expand.

Ngozi Okonjo-Iweala

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Insightful comments and suggestions were provided by participants of the workshops in Addis Ababa, Cape Town, Dakar, Nairobi, and Washington DC, with participants from Cameroon, the Democratic Republic of Congo, Ethiopia, Gambia, Ghana, Kenya, Malawi, Mali, Nigeria, Rwanda, Senegal, South Africa, Sudan, Tanzania, and Uganda. Particular thanks are given to Mekonnen Firew Ayano, Reena Badiani, Elena Bardasi, Lisa Bhansali, Christina Biebesheimer, Rea Abada Chiongson, Aline Coudouel, Susan Deller Ross, Asli Demirguc-Kunt, Deval Desai, Shanta Devarajan, Markus Goldstein, Louise Fox, Anne Goldstein, Sarah Iqbal, Sandra Joireman, Maureen Lewis, Waleed Malik, Andrew Mason, Nicholas Menzies, Ferenc Molnar, Ana Maria Munoz Boudet, Pierella Paci, Rita Ramalho, Ana Revenga, Bob Rijkers, Caroline Sage, Carolina Sanchez-Paramo, Sudhir Shetty, Sevi Simavi and Vijay Tata for their comments and suggestions. The text benefitted from the editorial services of Bruce Ross-Larson.

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There is a companion volume *Enterprising Women: Expanding Opportunities in Africa* that further develops a four part agenda in expanding women's economic empowerment. In addition to addressing the legal rights discussed here, it calls for closing gender gaps in education and training, access to finance and voice.

Overview

Chapter 1 Law, Gender, and the Business Environment

Can you reap the rewards of your investments of time and resources? Are you restricted in your legal ability to make decisions that affect your economic activities? These are central questions for people in business everywhere. To answer them one has to address property rights and the ability of entrepreneurs to make economic decisions in their own name. This book looks at the property rights and legal capacity of women, how and why they differ from those of men, and how these differences affect women's economic and entrepreneurial opportunities in Sub-Saharan Africa. It looks at the formal property and legal rights of women and men, examining constitutions, international agreements, statutes, and case law. And it presents evidence of the practical challenges to exercising these rights and makes recommendations to strengthen women's economic rights—on the books and in practice.

Business regulations stipulate the procedures for registering property or businesses, enforcing contracts, or safeguarding investor or creditor rights, and so would seem the natural starting point for a legal analysis. Such regulations rarely have gender-differentiated provisions. But apparently gender-blind regulations all presuppose that the parties can enter into contracts, move freely, can access forums of economic exchange, and can own property or control assets in their own name. This is not always true for men and women equally.

A principal finding of this study is that other areas of the law, rarely addressed in analysis of the business environment, play a determining role in framing people's economic rights. These areas include family laws governing marriage, divorce, and inheritance, as well as laws governing land rights and labor markets. These laws, rather than business regulations, determine whether women and men equally can make economic decisions in their own name, or whether they face restrictions in their ability to enter into contracts or to own, administer, transfer, or inherit assets and property. It is precisely in these areas that gender differences, including outright discrimination, are most apparent.

Strengthening women’s economic and legal rights has not only intrinsic value but also instrumental value, as seen in the effects of reforms on women’s economic opportunities in investment, agricultural productivity, and labor force participation (see Box 1). Other factors also influence women’s opportunities—skills development; access to infrastructure, finance, technology, and markets; and governance and competition. Still, the formal rules reflect what should happen if the legal system is functioning well, and so the incentives and protections the rules provide need to be examined.

BOX 1

Research shows the impact of property rights on economic opportunities

An extensive literature shows the importance of property rights for growth, investment, and government effectiveness. Aggregate cross-country data show a positive association between the quality of institutions or property rights and growth, though the exact causal mechanism can be hard to establish.

Much recent literature focuses on microeconomic analyses, generally within a single country that has changed legal rights, or that grants different rights to different groups. This box highlights examples of such changes to property rights or family law.

Strong land rights can promote investment

Empirical work suggests that a greater share of resources controlled by women promotes agricultural productivity (Saito, Mekonnen, and Spurling 1994; Udry and others 1995; Quisumbing 1996; Besley and Ghatak 2009) and helps reduce poverty (World Bank 2001). Insecure property rights to land have multiple ramifications for agriculture and how rural economic activity is organized. For one, the risk that land will be expropriated deters investment. Insecure property rights also reduce borrowers’ ability to pledge land as collateral, and thus tightens credit constraints. Ill-defined property rights to land can inhibit land transactions—rentals or sales—losing the potential gains from trade (Aryeetey and Udry 2010).

Udry and Goldstein (2008) examine the effect of contested land rights on investment and productivity in agriculture in Akwapim, Ghana. They show that individuals who hold powerful positions in a local political hierarchy have more secure tenure rights, and therefore invest more in land fertility, leading to much higher output. The intensity of investments on different plots cultivated by a given individual corresponds to that individual’s security of tenure over those specific plots.

Besley (1995), also in Ghana, shows that individuals vary their investment across plots depending on the security of their rights—and that property rights need to be understood as embedded in a broader social context.

(continued on next page)

BOX 1 (Continued)

Many countries have formal titling programs. Some evaluations have shown an associated increase in agricultural productivity and a (weak) increase in access to credit (for example, Pande and Udry 2005). The weak increase in access to credit has been attributed to two factors. First, creditors often have only weak rights to foreclose on land (Field and Torero 2008). Second, collateral is not the only constraint to accessing finance: a profitable idea and the ability to work in a reasonably hospitable investment climate are also needed (Besley and Ghatak 2009).

One of the challenges for women is that titling has too often been done under a single name, the male head of household.

... and increase labor supply

Field (2007) evaluates the impact of titling program in the slums of Peru. She finds little impact of a title on decisions to invest in the home or plot of land, but does find an impact on labor supply, particularly for women. The title freed members of the household from having to remain on the plot to ensure a claim over it.

Changes in inheritance laws alter the incentive of families to invest in their daughters

Deininger, Goyal, and Nagarajan (2010) analyze the effect of changes to the Hindu Succession Act in some southern states, which gave equal rights to females in inheriting property. The new law raised the likelihood of women inheriting land (but did not fully eliminate the gender difference), increased the age at marriage for girls, raised their educational attainment, and increased household investments in daughters. Roy (2008) found that the law increased women's autonomy.

Changes in family law can strengthen women's economic empowerment

As family law determines issues of legal capacity or who controls assets in the family, changes in legislation can affect economic opportunities. Part of the effect may come from shifts in intrahousehold bargaining power, as illustrated by Stevenson and Wolfers (2006) and Gray (1998), who looked at the changes in divorce laws in the United States. Box 3.1 cites progress in Ethiopia.

Ethiopia changed its family law in 2000, raising the minimum age of marriage for women, removing the ability of the husband to deny permission for the wife to work outside the home and requiring both spouses' consent in the administration of marital property. This reform, initially rolled out in selected regions and cities, now applies across the country. Using two nationally representative household surveys, one in 2000 just prior to the reform and one five years later, Hallward-Driemeier and Gajigo (2010) find a substantial shift in women's economic activities. In particular, women's relative participation in occupations that require work outside the home, full-time work, and higher skills rose more where the reform had been enacted (controlling for time and location effects).

Source: Hallward-Driemeier 2011.

Chapter 2 Women’s Legal Rights: The De Jure Situation

A new database was created for this study, the *Women’s Legal and Economic Empowerment Database for Africa* (Women – LEED – Africa). It documents which countries legally allow differential treatment between women and men, and along which dimensions. The database covers all 47 Sub-Saharan countries and the five important sources of law:

- *International treaties and conventions on women’s rights.* They provide legal protections that are binding on their signatories. Their direct application domestically can vary by monist or dualist state system (they are directly applicable in the former, but need to be incorporated into domestic laws in the latter).
- *Constitutions.* They are the highest source of law in a country and lay out the guiding principles for legal rights. The focus is on provisions for nondiscrimination on the basis of sex and, as appropriate, for explicitly promoting gender equality.
- *Statutes.* Family and civil codes, marital property laws, land laws, and labor laws—rather than generic business regulations—determine who has legal capacity, who can own property, and what the restrictions are on equal labor opportunities.
- *Customary law.* Many African countries’ constitutions or statutes (or both) recognize customary law as a separate—often equal—source. Some countries recognize only certain areas of customary law. The interest is in its applicability to legal capacity, property, and inheritance.
- *Religious law.* Many regional countries recognize religious law as a separate—often equal—source. Some recognize it as the primary source of law, others as the applicable source of law for members of a particular religion or for certain issues (or both). Again, the interest is in its applicability to issues of legal capacity, property, and inheritance.

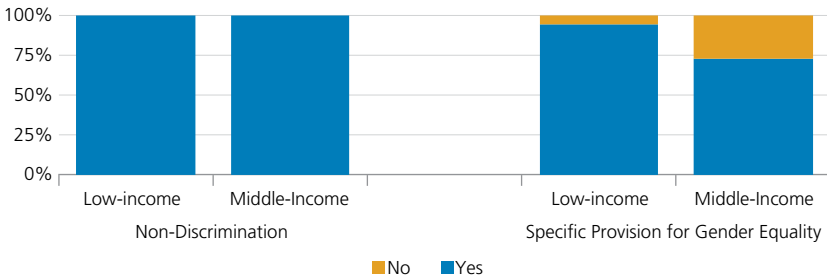
The has seven “score sheets” on international agreements and conventions; constitutional nondiscrimination and gender-equality provisions; recognition of customary and religious law; legal capacity; property rights, notably in marriage and inheritance; land laws; and labor laws.

Constitutional recognition of nondiscrimination

The principle of nondiscrimination is recognized in all Sub-Saharan countries, either in constitutions or in the international conventions to which they are signatories (figures 1 and 2).

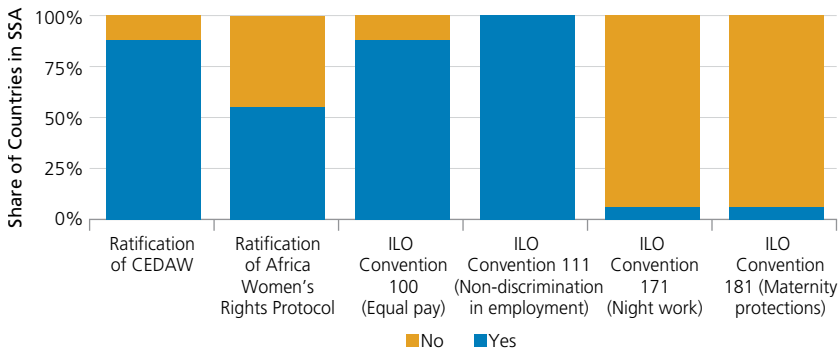
The constitutional recognition of customary law is pervasive—it applies in all common law countries and in almost half the civil law countries. Where

FIGURE 1: CONSTITUTIONAL RECOGNITION OF NON-DISCRIMINATION AND GENDER EQUALITY



Source: Hallward-Driemeier and others n.d.

FIGURE 2: INTERNATIONAL CONVENTIONS AND NON-DISCRIMINATION

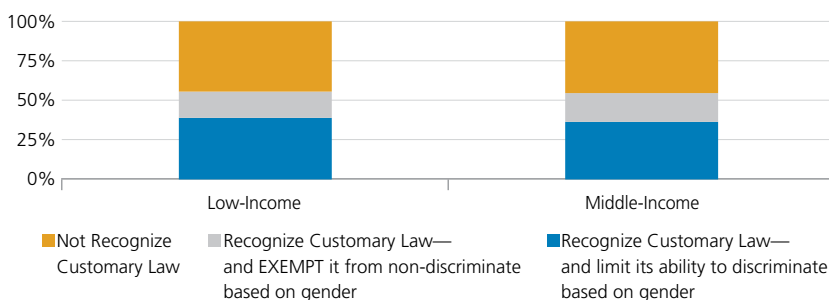


Source: Hallward-Driemeier and others n.d.

customary law is not recognized in constitutions, this recognition is implicitly provided in statutes, particularly those for marriage or inheritance. What varies across countries is the extent to which constraints are placed on customary law in upholding the principle of nondiscrimination (figure 3).

Legal capacity

Restrictions on women’s legal capacity do not differ much by income, but they are found largely in civil law countries (the two common law countries for which it is applicable are Sudan and Swaziland), where various laws stipulating the man as “head of household” apply (figure 4). While one indicator measures the countries that have a “head of household” provision, its implications can mislead—for two similar but opposite reasons. First, some countries without such

FIGURE 3: CONSTITUTIONAL RECOGNITION OF CUSTOMARY LAW

Source: Hallward-Driemeier and others n.d.

a provision still have statutes that provide for the same powers of husbands over their wives. Second, some countries deem the man head of household more as a social distinction, and have explicit provisions that husbands do not have power over the economic decisions of their wives. In short, a “head of household” provision is not an infallible indicator of who makes the economic decisions.

Husbands have power over their wives’ economic activities in three main ways. The right of the husband to choose the matrimonial home is the most common, followed by his ability to deny his wife permission to pursue a job or profession. The need to get his signature to open a bank account is less common, at least in laws governing marriage (though many countries allow banks to require this as part of their business practice).

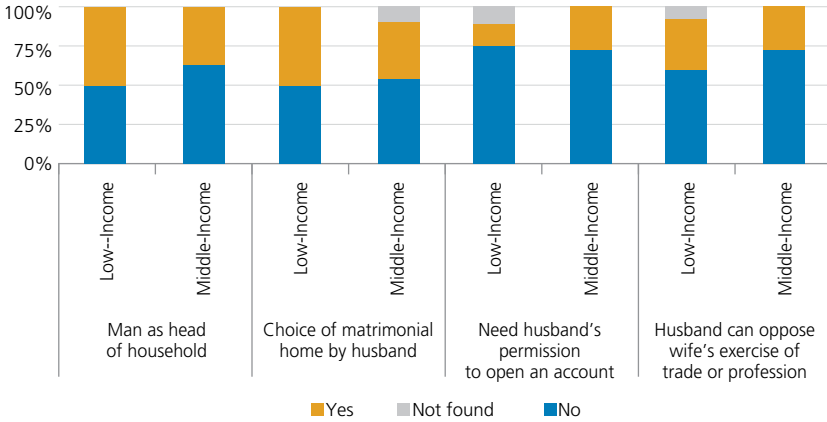
Property regime for marriage

The type of property regime in marriage determines the ability of both spouses to own property during marriage and after its dissolution through death or divorce. These property rights in turn determine spouses’ access to and control of assets and other productive resources that can be used as collateral for loans or for other business purposes. Statutory, customary, and religious marriages are subject to various property regimes. The most common are community of property (including universal community of property), separate ownership of property, dowry, and customary law. The default marital regime that applies is regulated by the relevant family statute or code, which in turn depends on the type of marriage contract that the parties enter.

Inheritance regime

Inheritance remains one of the main ways for women to acquire and control property (figure 5) and one of the main areas where women encounter property

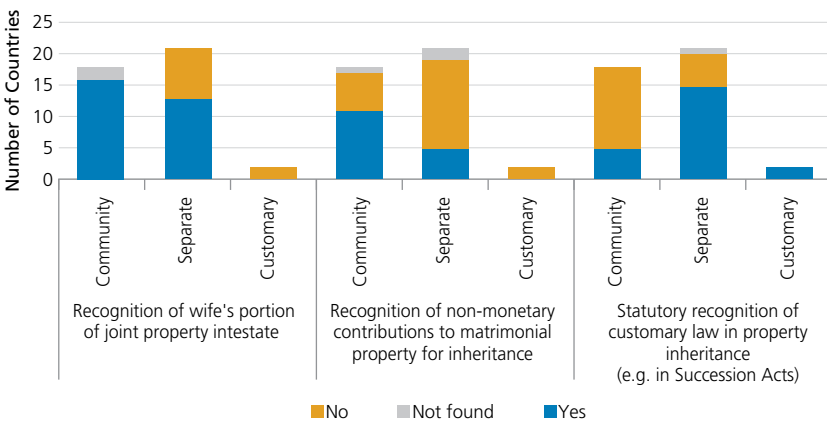
FIGURE 4: THE RIGHT TO CHOOSE THE MATRIMONIAL HOME IS THE MAIN WAY HUSBANDS CONTROL THEIR WIFE'S ASSETS



Source: Hallward-Driemeier and others n.d.

disputes. The legal framework for succession laws in Sub-Saharan Africa falls under constitutions as well as family, customary, and religious laws. Judicial precedence also plays a large role. All these factors affect whether women, married

FIGURE 5: INHERITANCE IS ONE OF THE MAIN WAYS WOMEN CAN ACQUIRE AND CONTROL PROPERTY



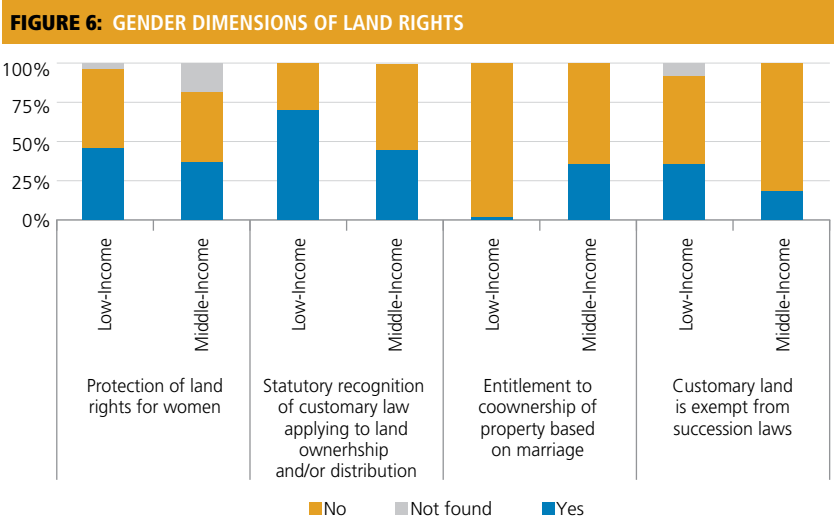
Source: Hallward-Driemeier and others n.d.

and unmarried, can own and control property and thus their ability to use such assets in their business.

Land

Land is central to getting finance, especially in Africa’s collateral-based banking systems, and is a key resource for enterprise development. Land issues are also where many of the problems associated with multiple legal systems—with customary law and practices for land ownership and access rights, and deep-rooted gender biases—come to the fore. Some land laws explicitly give rights to men, some are gender-neutral, and others recognize the rights of women to own land (figure 6).

Intestate succession laws in several countries, as in Ghana and Zambia, exclude customary or lineage land from property that can be inherited by the widow on the death of her husband. Instead, the land follows customary rules of inheritance, usually to a male heir. Customary land comprises 72 percent of all land in Malawi, 80 percent in Mozambique, 60 percent in Swaziland, and 81 percent in Zambia,¹ so this rule is a major impediment to women’s land rights.



Source: Hallward-Driemeier and others n.d.

¹ Land Tenure Systems and Sustainable development in Southern Africa, 2003, ECA/SA/EGM.Land/2003/2

Labor

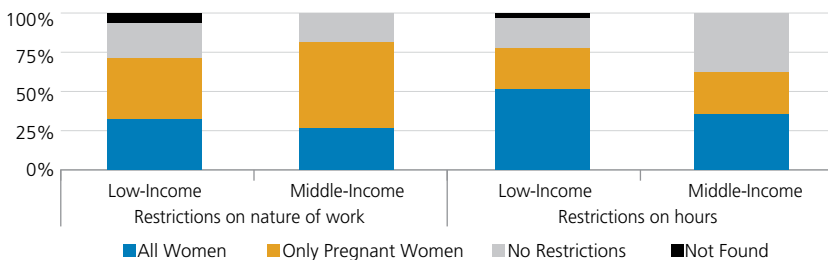
Legal safeguards for women's labor rights in Sub-Saharan Africa are in the ILO Conventions that states sign and in the constitutions and labor laws of countries. Because men's and women's economic activities outside agriculture are mainly as self-employed entrepreneurs, employers, or wage earners, their options are affected by laws, regulations, and practices governing labor and employment. Thus while labor laws directly affect employees, they can also affect entrepreneurship by raising or lowering the availability and attractiveness of wage employment. Constitutions in 30 countries in the region go beyond a general clause on nondiscrimination to provide equal rights to work or equal pay (or both). Effectively implementing the principle of nondiscrimination is critical in enforcing labor rights for women to ensure equal pay for equal work.

Restrictions on women's labor hours, or on the nature of the work they may undertake, still apply in many countries. Women's ability to participate fully in the labor force, unlike men's, is affected in many countries by laws and regulations that restrict the kind of work they may undertake, or that limit the hours they can work. Some restrictions apply to all women; some only to pregnant women, ostensibly aimed to protect them.

Fifteen countries restrict the nature of the work any woman may engage in, and 20 more apply such restrictions only to pregnant women (figure 7). Twenty-three countries apply restrictions to all women on the hours they may work, and a further 12 apply them only to pregnant women. These restrictions, combined with other limitations resulting from head-of-household provisions, are a severe obstacle to women becoming wage earners. They may be one of the factors contributing to the fact that, if agriculture is excluded, women are predominantly self-employed in informal and small enterprises.

Overall, four key messages emerge from an examination of women's legal status in the database:

FIGURE 7: LABOR RESTRICTIONS ON HOURS AND NATURE OF WORK



Source: Hallward-Driemeier and others n.d.

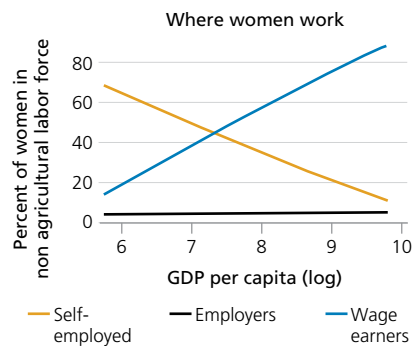
- All countries in the region recognize the principle of nondiscrimination in the constitution. All but two have also signed international conventions against discriminating women. But legal exceptions are widespread in the constitutions themselves, and in statutes governing marital property, inheritance, land, and labor.
- Many of the discriminatory provisions apply not to women as women, but to women as married women. In many countries marriage changes the legal status and rights of women, conferring legal capacities and responsibilities on husbands and removing them from wives.
- The treatment of women's economic rights is not closely related to a country's income. Raising national income by itself is thus unlikely to improve women's legal and economic rights—more interventionist reforms will probably be needed.
- Gender gaps in economic rights is associated with women's ability to grow their business and to shift from self-employment to being an employer. The share of employers who are female is higher where women's economic rights are stronger (see box 2).

BOX 2

Cross-country patterns highlight role of economic rights in expanding opportunities

The companion volume *Enterprising Women: Expanding Opportunities in Africa* (Hallward-Driemeier 2011) explores in more detail the ways that these gaps in economic rights affect the opportunities facing women entrepreneurs. One of the distinctions in entrepreneurship is between those who are self-employed and those who are employers. Opportunities can exist within both categories, but far more self-employed individuals are entrepreneurs by necessity. Increasing the share of employers among entrepreneurs is one important way to expand opportunities.

BOX FIGURE 1: WOMEN ARE DISPROPORTIONATELY IN SELF-EMPLOYMENT



Source: Household and Labor Force Surveys, Low and Middle Income Countries.

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BOX 2 (Continued)

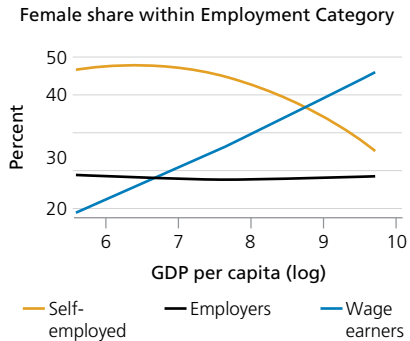
The overall gender pattern between the two types of entrepreneurship is striking. While women represent about 40 percent of the nonagricultural labor force in Sub-Saharan Africa, they account for 50 percent of the self-employed, but only just more than 25 percent of employers. Factors that can help bridge this gap are thus important in helping women entrepreneurs in particular.

In cross-country patterns, the share of self-employed individuals in the nonagricultural labor force is inversely related to income: it is very high in low-income countries, and declines as country income rises. The same does not hold for employers: the share, which is small, changes little as country income rises. Instead, the factor associated with the share of female employers is the extent of gender gaps in economic rights. More women are employers where they have stronger rights to access and control assets, and where they can enter contracts in their own name (box figure 3).

An important policy implication from these results is that simply relying on income will not be sufficient to close gender gaps among female employers. Indeed, as figures 1–7 demonstrate, gaps in economic rights are as prevalent in middle income countries in Sub-Saharan Africa as in low-income countries. More steps to address legal reforms are needed to enable more female entrepreneurs to move from self-employment to the ranks of employers.

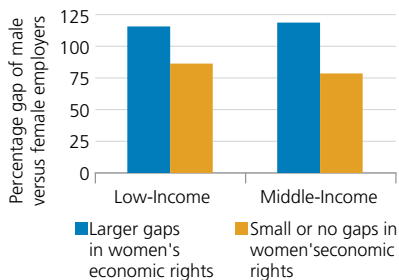
Source: Hallward-Driemeier, 2011.

BOX FIGURE 2: SHARE OF EMPLOYERS WHO ARE FEMALE IS LOW – AND CONSTANT ACROSS INCOME



Source: Household and Labor Force Surveys, Low and Middle Income Countries.

BOX FIGURE 3: THE GAP BETWEEN THE SHARE OF MEN AND SHARE OF WOMEN WHO ARE EMPLOYERS IS 30 PERCENT LOWER WHEN THERE ARE FEWER GENDER GAPS IN ECONOMIC RIGHTS (PERCENT)



Source: Hallward-Driemeier, 2011.

Chapter 3 Women’s Legal Rights: Multiple Systems, Multiple Problems

What is on the books determines de jure rights, but so too does case law. The coexistence of customary, statutory, and religious laws in all Sub-Saharan countries gives rise to two main challenges. First, the very fact of multiple systems of law and sources of jurisprudence provides opportunity for discrimination and bias—and raises questions as to which system prevails in which circumstances. Second, many core areas relevant to business—including property rights—are the subject of conflicting, and sometimes contradictory, provisions in legal systems. Case law illustrates these challenges and their implications for the security of women’s economic rights, particularly where the principle of nondiscrimination does not prevail.

Chapter 4 De Facto Practice: Constraints in Accessing Justice

Gender gaps in de jure economic rights are based in what is on the books and in case law. But de facto constraints in accessing justice can be an important source of gender gaps in economic rights. This is true not only for the judicial system, but also where customary law is officially recognized within the formal legal system. Consequently, the de jure indicators in the database may not always accurately reflect rights in practice, and so it is instructive to examine the gaps between de jure rights and de facto practice.

Practical constraints, including awareness, distance, cost, language, and bias, can shape the ability to exercise statutory economic rights, with important gender differences. When courts are located only in urban centers, conduct business only in European languages, and charge significant fees, many women do not see them as a viable option. Little of the region’s population engages with the formal judicial system, or even has much knowledge of the legal protections it affords. Particularly in areas with lower incomes and education, that are more rural, or with strong customary traditions (often in combination), people rarely see the formal judicial system as relevant for securing their economic rights. Local elders or chiefs, and customary practices, are more likely to determine how disputes are resolved or how property is divided. Unless customary law is recognized within the formal system, this implies working outside the protections afforded in constitutions and statutes.

Women face multiple constraints in accessing justice in the customary legal system, too. Even though customary law may be physically and culturally more accessible to them, their experience in customary institutions can differ greatly from men’s. Most of the customary courts are adjudicated by men and tend to favor men in their decision making. Women were historically excluded from adjudicating on matters of customary law, so they cannot influence its evolution. Women may be unable to voice their grievances directly, and it is up to the male head of the family whether the grievance is even brought to the attention of elders.

The challenge is thus to balance the best elements of formal customary law and informal traditional systems with expanded access to statutory protections where they offer greater rights to women.

Chapter 5 The Way Forward

The legal frameworks in Sub-Saharan Africa are complicated, and multiple legal systems and de facto practice can enhance—or undermine—a woman’s access to and control over property. Ultimately, a woman’s ability to engage in economic activity is shaped by what property rights she enjoys and what legal capacity she possesses. Discriminatory family, marital-property, and inheritance laws, alongside formal legal restrictions on mobility, employment outside the house, and administration of personal assets, are barriers that the state all too often condones. The customary and social norms from which these laws derive are a still deeper challenge to reform. The study makes recommendations for reform on four levels.

Improving the substance of laws

To unify and strengthen all women’s rights, all sources of law should be subject to the principle of nondiscrimination. If protections are important enough to be included as a guiding constitutional principle, they should apply equally to all. They should cover all sources of law, including customary and religious law, and they should specifically cover, rather than exclude, the important family and financial decisions in everyone’s lives.

Four areas of law stand out as ripe for reform:

- Family law, to strengthen the legal recognition of nonmonetary contributions to marriage in division of property on divorce or death—and to remove, in family codes and other statutes, head-of-household and related provisions that diminish women’s legal capacity and economic autonomy.
- Land law, notably to facilitate and encourage mandatory joint land titling.
- Labor and employment law, primarily to address existing restrictions—on women, including married or pregnant women—that limit the type of work women may engage in or the hours they may work.
- Customary law, to strengthen the effective application of the nondiscrimination principle, especially for marital property and land—and to build on the strengths and accessibility of customary dispute-resolution mechanisms, while offsetting areas of gender bias in application of customary law.

Securing existing benefits

Five principal sets of measures are needed to strengthen the administration of law and access to justice: strengthening enforcement of laws; expanding access to laws and legal decisions; improving transparency and accountability of the

justice system; making the system more friendly to women; and tackling practical constraints to accessing justice, by reducing costs and simplifying procedures and broadening the scope of legal services, through mobile courts, paralegals, expansion of small claims courts, and alternative dispute resolution mechanisms.

Empowering women to exercise their economic rights

Women need to be aware of their legal protections and be empowered to exercise them. Practical steps that women and others can take focus on a few key decisions: encouraging registration of marriages such customary marriages, encouraging the use of antenuptial agreements and the writing of wills, choosing the marital property regime that best safeguards their access to property, registering marital property jointly, and registering their businesses in their own name.

Proceeding with conviction—and respect

In the reform process, reformers must address political economy issues, especially in amending family codes and laws, consider the sociocultural context when drafting new laws that are appropriate to the country's situation, and thoroughly analyze the national legal framework. Beyond changing the laws, education, acceptance, and enforcement are also needed. Experience shows that changes in social norms do not happen instantly, but, without targeted reform, they may take even longer. Building on the strengths of existing systems facilitates the process of reform.

Most assessments of the business climate for women overlook the areas of law that this study examines. Policy makers need to focus more closely on closing these legal—and other—gaps so as to expand the economic opportunities for women in Sub-Saharan Africa.

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Can you reap the rewards of your investments of time and resources? Are you restricted in your legal ability to make decisions that affect your economic activities? These are central questions for people in business everywhere. To answer them one has to address property rights and the ability of entrepreneurs to make economic decisions in their own name. This book looks at the property rights and legal capacity of women, how and why they differ from those of men, and how these differences affect women's economic and entrepreneurial opportunities in Sub-Saharan Africa. It looks at the formal property and legal rights of women and men, examining constitutions, international agreements, statutes, and case law. And it presents evidence of the practical challenges to exercising these rights and makes recommendations to strengthen women's economic rights—on the books and in practice.

A companion volume, *Enterprising Women: Expanding Opportunities for Women in Africa*, which examines in more detail ways to improve women's ability to move into higher return activities. Drawing on the findings of this report, it finds a significant role for improving women's legal and economic rights.

