

# WOMEN, BUSINESS AND THE LAW 2021



WORLD BANK GROUP



# WOMEN, BUSINESS AND THE LAW 2021



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*Women, Business and the Law 2021* is the seventh 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 move through their careers: Mobility, Workplace, Pay, Marriage, Parenthood, Entrepreneurship, Assets, and Pension.

Amidst a global pandemic that threatens progress toward gender equality, *Women, Business and the Law 2021* identifies barriers to women's economic participation and encourages reform of discriminatory laws. This year, the study also includes important findings on government responses to the COVID-19 crisis and pilot research related to childcare and women's access to justice.

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

Data in *Women, Business and the Law 2021* are current as of October 1, 2020.

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# FOREWORD

The unprecedented challenges of the COVID-19 pandemic have exposed and deepened global inequality. For many women around the world, this could mean not only economic insecurity, but also threats to their health and safety. In times like these, a legal environment that encourages women's economic inclusion can make them less vulnerable in the face of a crisis.

Yet in difficult moments many women start at a disadvantage. *Women, Business and the Law 2021* identifies the laws and regulations that restrict women's economic opportunity in 190 economies. From the basics of movement in the community to the challenges of working, parenting, and retiring, the data offer objective, measurable benchmarks for global progress toward gender equality. They also emphasize the policy actions that could be taken to improve economic opportunity for women.

This year's study is the seventh in the series, and again the results are promising. Despite the adversities of the last year, many economies made gender equality a priority. Every region improved its average score, with economies in the Middle East and North Africa seeing the greatest increase. Globally, several of the changes eliminated job restrictions or aimed to reduce the gender wage gap. Other improvements were good-practice legislation related to marriage and parenthood or to removing constraints to women's entrepreneurship.

Still, many laws continue to inhibit women's ability to enter the workforce or start a business. On average, women have just three-quarters of the rights of men. New measures may also be necessary to safeguard their economic opportunities during this time of crisis. *Women, Business and the Law 2021* presents evidence of the ways in which governments have responded to women's unique needs throughout the pandemic. Many have implemented innovative solutions, ensuring that women maintain access to childcare, justice systems, and protection from domestic violence, even during widespread shutdowns. The study also introduces two pilot projects on childcare and women's access to justice, both of which are foundational to women's success in the labor force.

Gender equality is a fundamental human right. More important, it can boost economic growth and improve development outcomes. There has never been a more important time to ensure women's economic empowerment. As economies adapt to difficult circumstances, the World Bank Group will continue striving to improve conditions for their most vulnerable populations. By recognizing barriers to success and highlighting solutions, *Women, Business and the Law 2021* is an important tool in that effort.

A handwritten signature in black ink, appearing to read 'Mari Elka Pangestu', enclosed within a simple, hand-drawn circular outline.

**Mari Elka Pangestu**

*Managing Director, Development Policy and Partnerships  
The World Bank*





# ABBREVIATIONS

ATM	automated teller machine
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women (United Nations)
EU	European Union
GDP	gross domestic product
IFC	International Finance Corporation
OECD	Organisation for Economic Co-operation and Development
SAR	special administrative region
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
WBL	<i>Women, Business and the Law</i>

All dollar amounts are US dollars unless otherwise indicated.





## CHAPTER 1

# Findings

- Better performance in the areas measured by the *Women, Business and the Law* index is associated with a more narrow gender gap in development outcomes, higher female labor force participation, lower vulnerable employment, and greater representation of women in national parliaments.
- On average, women have just three-quarters of the legal rights afforded to men.
- Ten economies—Belgium, Canada, Denmark, France, Iceland, Ireland, Latvia, Luxembourg, Portugal, and Sweden—score 100 on the *Women, Business and the Law* index.
- Since 2019, 27 economies from all regions have enacted reforms increasing gender equality.
- Most reforms introduced or amended laws affecting pay and parenthood. There were no reforms addressing gender differences in property and inheritance as measured by the Assets indicator.
- The Middle East and North Africa and Organisation for Economic Co-operation and Development (OECD) high-income economies improved their laws the most in 2019/20.
- Over the last 50 years, three regions—OECD high income, Latin America and the Caribbean, and Sub-Saharan Africa—have seen a record gain in their average scores of more than 30 points.

Although much progress has been made over the past 50 years, global gender equality had not yet been achieved when crisis struck in 2020. COVID-19 has directly and disproportionately jeopardized women's social and economic capabilities. Because they make up the majority of health, social service, and unpaid care workers, women are uniquely susceptible to the effects of the pandemic. In addition, women continue to earn less than men for the same work, as well as face a higher risk of violence in their homes.

It may be impossible to fully prepare for such a situation, but governments take an important step toward safeguarding their economies when the legal environment encourages and incentivizes women's work. The importance of legal equality is not limited to disaster preparedness or mitigating the effects of a pandemic. When women are given the same opportunities as men, they enter and remain in the labor force, strengthening economies and enabling development. Gender equality in the law is also associated with better development outcomes, such as lower rates of vulnerable employment and extreme poverty among female workers.<sup>1</sup>

### BOX 1.1 WHAT'S NEW IN THIS EDITION?

This edition of *Women, Business and the Law* updates the data for 190 economies to October 1, 2020. It considers reforms of laws and regulations that occurred over the last year and presents analysis of new and recurring trends.

Chapter 1 reviews the relevant literature, presents associations with outcomes to make the case for equality of opportunity, and describes data insights by region and indicator.

Chapter 2 summarizes data collected on how governments and societies have addressed challenges faced by women during the COVID-19 pandemic. This information does not affect the *Women, Business and the Law* index, but instead details measures and services implemented worldwide in response to COVID-19.

Chapter 3 highlights two topics that *Women, Business and the Law* would like to further explore for possible addition to the index in future editions. It first examines access to affordable and quality childcare, which is fundamental to ensuring women's ability to enter and remain in the labor force. The chapter also presents background research on the importance of implementing laws through justice sector institutions. Each area has proved critical in efforts to close persistent gender gaps in women's economic inclusion. *Women, Business and the Law* aims to develop research and collect data that will highlight good practices in these two areas.

Yet despite progress, discriminatory laws across the world continue to threaten not only women's fundamental human rights, but also their economic security. Barriers to employment and entrepreneurship at every stage of life limit equality of opportunity, failing to adequately support working women. Women face these challenges in even the most developed economies. Worldwide they have, on average, just three-quarters of the rights of men. Governments must take urgent action to close this gap or risk worsening the effects of the pandemic.

By presenting a data set and an index highlighting opportunities for reform, *Women, Business and the Law 2021* is an important tool in the pursuit of women's economic empowerment. The seventh in a series, this study examines progress toward gender equality by measuring the laws and regulations that restrict women's economic inclusion in 190 economies. It also presents compelling findings on gender-sensitive government responses to COVID-19, as well as pilot research on both childcare and enhancing women's access to justice (box 1.1).

*Women, Business and the Law* provides policy makers with actionable benchmarks on women's economic opportunity and further evidence of the relationship between legal gender equality and economic outcomes. In particular, this edition finds that in economies where women face less discrimination under the law, greater progress has been made in closing the gender gap in such outcomes. Authorities in several economies have taken note of this finding: despite a global pandemic, 27 economies in all regions and income groups enacted reforms across indicators and increased good practice legislation in 45 instances.<sup>2</sup>

## Measuring laws and regulations that affect women's economic empowerment

Since its inception in 2009, *Women, Business and the Law* has collected data on the laws and regulations that restrict women's economic opportunities. In 2020, the project

began examining these data by means of an index structured around a woman's working life. This perspective aligns different areas of the law with the decisions women make as they begin, progress through, and end their careers.

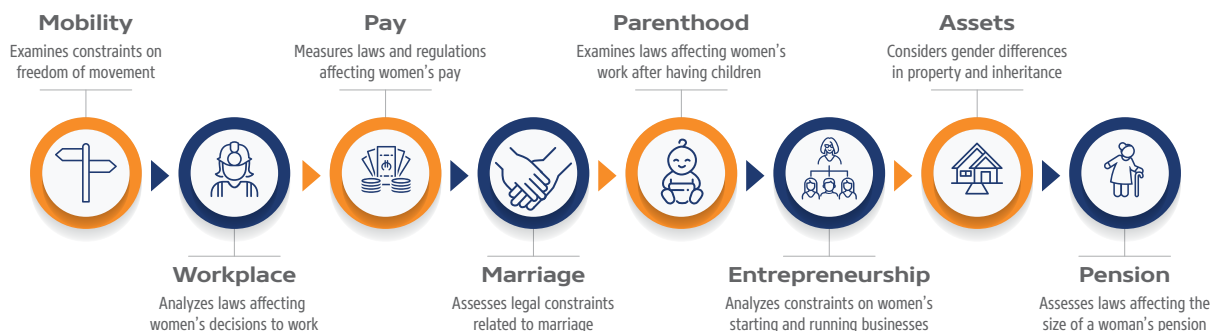
The eight *Women, Business and the Law* indicators coincide with the various milestones a typical woman might experience or achieve in her lifetime (figure 1.1). The indicators were chosen based on statistically significant associations with outcomes related to women's economic empowerment, such as women's labor force participation rates. They measure explicit gender-based differences in the law, as well as the presence of certain nondiscrimination and other good practice legislation that incentivizes women's employment and entrepreneurship.

The Pay indicator, for example, measures legislation on remuneration and job restrictions—factors likely to influence a woman's decision to enter the workforce and her choice of career. Each indicator looks at a specific set of regulations and the ways in which they affect women's economic participation as entrepreneurs and employees. Policy makers interested in improving equality of economic opportunity can look at their economy's scores on each indicator as a starting point for legal reform.

The *Women, Business and the Law* index relies on a series of assumptions to ensure comparability across economies. For example, the woman in question is assumed to reside in the main business city of her economy and to be employed in the formal sector. To remain actionable, the data set is also constructed using only laws and regulations in force. Unless they are codified, religious and customary laws are not considered. Finally, although it is critical to ensuring women's economic inclusion, implementation of laws is also not currently measured. Instead, *Women, Business and the Law* identifies legal differences between men and women as one step toward a better understanding of where women's economic rights may be restricted in practice. Future *Women, Business and the Law* research will consider how to include de facto indicators to complement the set of de jure indicators developed and presented in this report. (For the complete methodology of *Women, Business and the Law* indicators, see the data notes in appendix A.)

In this study, 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 table 1.1 for an example using Ecuador). The final *Women,*

**FIGURE 1.1 | LAWS AFFECT WOMEN THROUGHOUT THEIR WORKING LIVES**



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

TABLE 1.1				
EXAMPLE OF HOW THE <i>WOMEN, BUSINESS AND THE LAW</i> INDEX IS CONSTRUCTED, ECUADOR				
Indicator	Question	Answer	Indicator score	WBL economy score
 Mobility	1. Can a woman choose where to live in the same way as a man?	Yes = 1	100	89.4
	2. Can a woman travel outside her home in the same way as a man?	Yes = 1		
	3. Can a woman apply for a passport in the same way as a man?	Yes = 1		
	4. Can a woman travel outside the country in the same way as a man?	Yes = 1		
 Workplace	1. Can a woman get a job in the same way as a man?	Yes = 1	100	
	2. Does the law prohibit discrimination in employment based on gender?	Yes = 1		
	3. Is there legislation on sexual harassment in employment?	Yes = 1		
	4. Are there criminal penalties or civil remedies for sexual harassment in employment?	Yes = 1		
 Pay	1. Does the law mandate equal remuneration for work of equal value?	Yes = 1	100	
	2. Can a woman work at night in the same way as a man?	Yes = 1		
	3. Can a woman work in a job deemed dangerous in the same way as a man?	Yes = 1		
	4. Can a woman work in an industrial job in the same way as a man?	Yes = 1		
 Marriage	1. Is there no legal provision that requires a married woman to obey her husband?	Yes = 1	100	
	2. Can a woman be head of household in the same way as a man?	Yes = 1		
	3. Is there legislation specifically addressing domestic violence?	Yes = 1		
	4. Can a woman obtain a judgment of divorce in the same way as a man?	Yes = 1		
	5. Does a woman have the same rights to remarry as a man?	Yes = 1		
 Parenthood	1. Is paid leave of at least 14 weeks available to mothers?	No = 0	40	
	2. Does the government administer 100% of maternity leave benefits?	No = 0		
	3. Is paid leave available to fathers?	Yes = 1		
	4. Is there paid parental leave?	No = 0		
	5. Is dismissal of pregnant workers prohibited?	Yes = 1		
 Entrepreneurship	1. Does the law prohibit discrimination in access to credit based on gender?	No = 0	75	
	2. Can a woman sign a contract in the same way as a man?	Yes = 1		
	3. Can a woman register a business in the same way as a man?	Yes = 1		
	4. Can a woman open a bank account in the same way as a man?	Yes = 1		
 Assets	1. Do men and women have equal ownership rights to immovable property?	Yes = 1	100	
	2. Do sons and daughters have equal rights to inherit assets from their parents?	Yes = 1		
	3. Do male and female surviving spouses have equal rights to inherit assets?	Yes = 1		
	4. Does the law grant spouses equal administrative authority over assets during marriage?	Yes = 1		
	5. Does the law provide for the valuation of nonmonetary contributions?	Yes = 1		
 Pension	1. Is the age at which men and women can retire with full pension benefits the same?	Yes = 1	100	
	2. Is the age at which men and women can retire with partial pension benefits the same?	Yes = 1		
	3. Is the mandatory retirement age for men and women the same?	Yes = 1		
	4. Are periods of absence due to childcare accounted for in pension benefits?	Yes = 1		

Source: Women, Business and the Law team.



*Business and the Law* index score presents the share of good laws in each economy weighted by the indicators. Thus, the index serves as an easily replicable way to gauge the regulatory environment for women as entrepreneurs and employees.

By measuring progress toward gender equality over time, *Women, Business and the Law* offers policy makers a benchmarking tool that exposes potential challenges, identifies good practices, and presents lessons learned. The narrow focus of the indicators provides a basis for equality of opportunity in the areas measured that can be complemented with additional data to fit the needs of a particular economy. By informing research and policy discussions about the state of women's economic opportunities, *Women, Business and the Law* emphasizes the work still to be done to ensure equal economic opportunities for all.

## Does equality under the law matter for closing gender gaps?

A significant body of research links legal reforms aimed at achieving gender equality to women's economic outcomes. Women's economic empowerment benefits the wider economy by reducing income inequality and increasing diversity and economic resilience.<sup>3</sup> Furthermore, gender gaps in entrepreneurship and employment are associated with lower levels of income and productivity.<sup>4</sup> Economies at higher levels of economic development have, in general, greater levels of gender equality. In fact, in the relationship between economic development and legal gender equality, the causality likely runs in both directions.<sup>5</sup>

As is common in emerging fields of analysis, however, not all studies have found positive effects. For example, extended periods of family leave for female employees after childbirth have been associated with a drop in female employment and earnings in the short run.<sup>6</sup> In India, a legislative reform that granted unmarried daughters equal inheritance rights has been associated with a range of positive outcomes, including greater investment in girls' education, delayed age of marriage, increased financial inclusion, and more investment in sanitation.<sup>7</sup> Nonetheless, other studies have uncovered some unintended consequences of this reform. These include parents circumventing the law so that daughters will not receive an inheritance, higher female infant mortality and feticide, and a higher suicide rate driven by a rise in marital conflicts.<sup>8</sup> Unintended consequences can arise in contexts where multiple constraints exist and perpetuate gender inequality, thereby pointing to the need for a more holistic approach to addressing such a deep-rooted issue.<sup>9</sup>

Another concern that often emerges is that where gendered social norms are deeply entrenched or where legal reform goes against customary law, changes to the law will not improve women's circumstances. Indeed, reforms of discriminatory laws have not always been well implemented, leaving women to suffer the consequences.<sup>10</sup> Moreover, even when legal reforms are implemented, cultural and economic factors may pose challenges to women exerting their rights.<sup>11</sup>

Ideally, laws reflect the values of a society, but both laws and social norms need to change over time to adapt to their circumstances and contexts. That said, the relationship between laws and culture is complex. In some cases, laws precede social norms, and in others social behavior changes first, while laws are slower to adapt. Studies have shown that when laws conflict strongly with social norms, they do not

achieve their intended effect and are more difficult to enforce.<sup>12</sup> Some argue that the importance of informal rules has often been underestimated. The same is true of the monitoring and transactions costs associated with the codification of formal laws.<sup>13</sup>

Thus it is not necessarily true that just one or the other matters. Changing formal and customary laws may be a mutually reinforcing process.<sup>14</sup> Research suggests that legal reform can have a magnetic effect, drawing norms in the same positive direction.<sup>15</sup> Analyses of specific legislative changes that granted women more economic rights, such as India's 2005 Hindu Succession Amendment Act and Rwanda's 1999 Succession Law, have found evidence that legal reform is important.

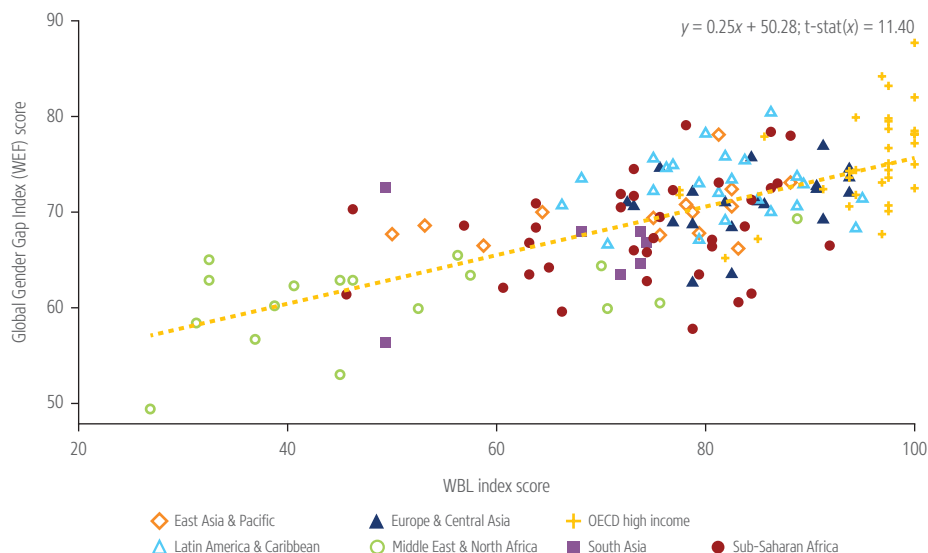
Indeed, growing research shows that reforms in the areas captured by the *Women, Business and the Law* index are associated with a range of better outcomes for women, including more entrepreneurship, better access to finance, a more abundant female labor supply, and a reduction in the gender wage gap.<sup>16</sup> Removing barriers that restrict the ability of women to move freely, sign contracts, and work outside the home has also been correlated with a larger female labor supply.<sup>17</sup> Fewer legal barriers are associated with access to better jobs for women, such as those requiring higher skill levels, offering higher wages, or presenting an opportunity to manage others.<sup>18</sup> It is also well documented that granting women the right to control assets, most notably land, may result in more bargaining power for them within their households. The implications of this include greater agency in household and marital matters<sup>19</sup> and investment in better agricultural practices.<sup>20</sup> Research has found that women's ability to own and manage land is positively associated with their access to finance.<sup>21</sup> More broadly, land rights may play an important role in establishing more equal gender relations within households and boosting women's status in society.<sup>22</sup>

New research based on the *Women, Business and the Law* data provides further evidence of a positive relationship between women's economic rights and their economic inclusion and opportunities.<sup>23</sup> This analysis looks at the relationship between legal gender discrimination and a range of metrics of women's economic inclusion and empowerment. The general pattern of results reveals that where women face fewer legal barriers, they are more empowered.

Whereas the *Women, Business and the Law* index tracks progress toward closing gender-based gaps in legislation, the World Economic Forum's Global Gender Gap Index tracks progress made by economies in closing gaps between women and men in opportunities and outcomes.<sup>24</sup> It measures gender-based gaps in economic participation and opportunity, health outcomes, educational attainment, and political empowerment. The aggregate index score captures the percentage of gender gaps in opportunities and outcomes closed to date. According to the most recent results, that percentage is 68.6% globally.<sup>25</sup>

*Women, Business and the Law* data reveal that greater progress has been made in closing gender gaps in legislation, suggesting that, on average, legal reforms may precede improvements in women's opportunities and outcomes. However, the range of economy scores shows greater variation between achievement of legal gender parity: the lowest *Women, Business and the Law* index score is 26.3 and the highest, 100. The Global Gender Gap Index 2020 ranges between 49.4 and 87.7. Correlating the two measures shows that where women face less discrimination under the law, greater progress has been made in closing gender gaps in opportunities and outcomes (figure 1.2).

**FIGURE 1.2 | A COMPARISON OF TWO INDEXES BY REGION: LEGAL GENDER EQUALITY (WBL INDEX) VERSUS EQUALITY IN OPPORTUNITIES AND OUTCOMES (WEF INDEX)**



Sources: *Women, Business and the Law* (WBL) database; Global Gender Gap Index (WEF 2019).

Note: The figure presents the correlation between the WBL index score and the Global Gender Gap Index of the World Economic Forum (WEF) based on data for 2019. The Global Gender Gap Index score represents the progress made in closing gender-based gaps in opportunities and outcomes. Each point represents a single economy. A fitted regression line is also included. Although the graph presents a simple correlation, the relationship remains positive and statistically significant after controlling for income, measured as the gross domestic product (GDP) per capita provided in the World Bank's World Development Indicators (WDI) database (<https://databank.worldbank.org/source/world-development-indicators>), and economy-level and time fixed effects. This statistical relationship should not be interpreted as causal. The regression of the Global Gender Gap Index on the WBL index includes 151 economies for the period 2006–19, as determined by data availability. OECD = Organisation for Economic Co-operation and Development; WEF = World Economic Forum.

Analysis also shows that greater equality under the law is associated with more women participating in the labor force (figure 1.3). In the relationship between the *Women, Business and the Law* index and specific metrics of women's economic inclusion and empowerment, one of the most fundamental outcomes is the female labor force participation rate.

A deeper dive into the relationship between the *Women, Business and the Law* index and women's economic inclusion shows that legal equality is associated not only with more female employment in the aggregate, but also with fewer female workers in vulnerable employment.<sup>26</sup> Vulnerable employment refers to those workers who either are self-employed without any employees or are unpaid family workers. This is a noteworthy association: vulnerable employees are those who are least likely to have access to social protection and safety nets or to be able to save, leaving them exposed to economic shocks and at the greatest risk of poverty. On average, women are more likely than men to be engaged in vulnerable employment, and women's relative risk of vulnerable employment is higher in low- and lower-middle-income economies. The relationship between legal equality and women in vulnerable employment varies notably by region and warrants further study.

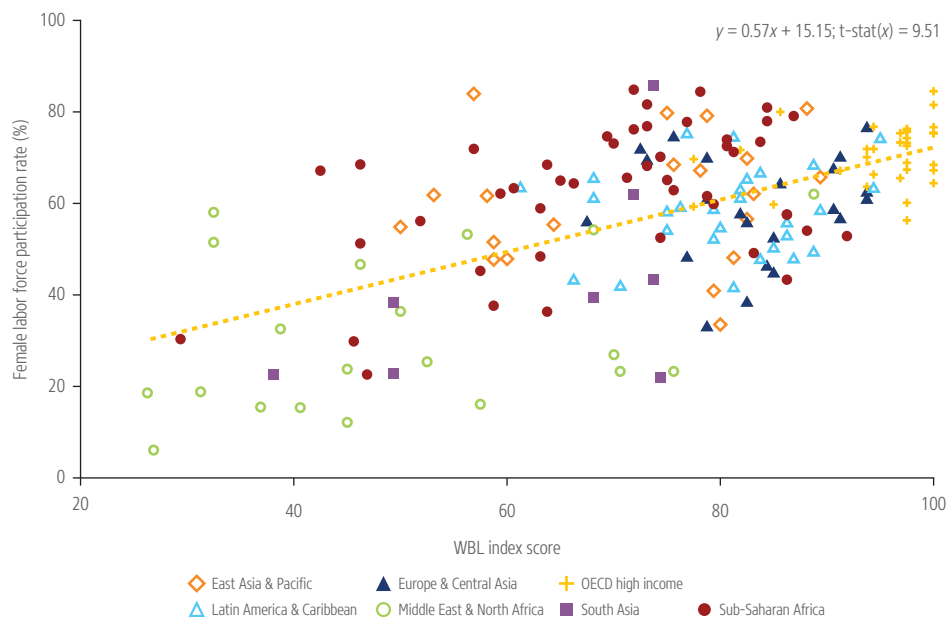
Women's political representation may also have important outcomes for women's rights. Research has revealed that economies with greater female representation in the

national legislature are more likely to pass laws on sexual harassment, rape, divorce, and domestic violence.<sup>27</sup> According to data from the Inter-Parliamentary Union (IPU), on average 25% of seats in national lawmaking bodies are held by women. In only four economies are at least half of legislative seats held by women: Rwanda (61%), Cuba (53%), Bolivia (53%), and the United Arab Emirates (50%).<sup>28</sup>

As women’s economic rights increase, so, too, does their representation in national lawmaking bodies (figure 1.4). However, even in the economies that receive the highest scores in the *Women, Business and the Law* index, the average proportion of legislative seats held by women is only about one-third. The relationship between legal equality and women’s legislative representation could go in either direction—as noted earlier, previous research has shown that having more female legislators is associated with an improved legal environment for women.

In contexts in which multiple constraints perpetuate gender inequality, the need for a more holistic approach to addressing deep-rooted issues will, of course, be necessary. More evidence is needed of the role and limitations of the law in affecting women’s economic outcomes. However, the results presented here highlight some of the ways in which greater legal equality is correlated with greater empowerment for women. More research is under way to uncover the pathways through which legal reforms can help women reach their full potential, as well as to better understand how more progress can be made in removing legal barriers.

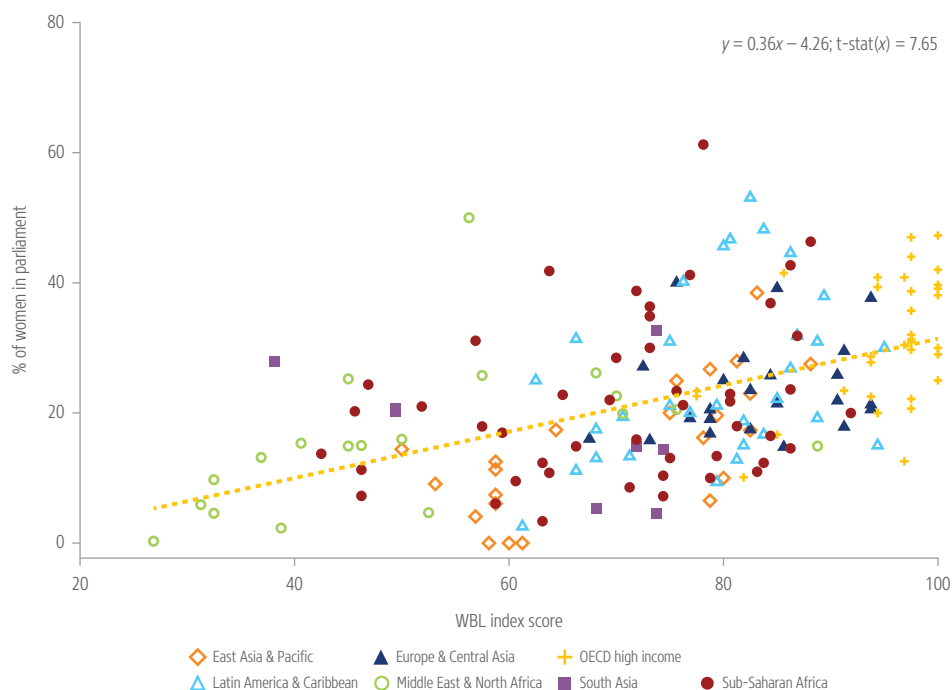
**FIGURE 1.3 | LEGAL GENDER EQUALITY AND FEMALE LABOR FORCE PARTICIPATION**



Sources: *Women, Business and the Law* (WBL) database; World Development Indicators (WDI) database, World Bank, <https://databank.worldbank.org/source/world-development-indicators>; International Labour Organization (ILO), <https://ilostat.ilo.org/>.

Note: The figure presents the correlation between the WBL index score and the female labor force participation rate for women aged 15–64 in 2019, according to modeled estimates from the International Labour Organization (ILO). Each point represents a single economy. A fitted regression line is also included. Although the graph presents a simple correlation, the relationship remains positive and statistically significant after controlling for income, measured as gross domestic product (GDP) per capita provided in the World Bank’s World Development Indicators (WDI) database (<https://databank.worldbank.org/source/world-development-indicators>), and economy-level and time fixed effects. This statistical relationship should not be interpreted as causal. The regression of the female labor force participation rate on the WBL index includes 176 economies for the period 1991–2019, as determined by data availability. OECD = Organisation for Economic Co-operation and Development.

**FIGURE 1.4 | LEGAL GENDER EQUALITY AND THE PROPORTION OF SEATS IN PARLIAMENT HELD BY WOMEN**



Sources: *Women, Business and the Law* (WBL) database; Inter-Parliamentary Union (IPU).

Note: The figure presents the correlation between the WBL index score and the percentage of parliamentary seats held by women based on data for 2019. Each point represents a single economy. A fitted regression line is also included. The relationship between the WBL index and the proportion of seats held by women in parliament remains positive and statistically significant after controlling for income, measured as gross domestic product (GDP) per capita provided in the World Bank's World Development Indicators (WDI) database (<https://databank.worldbank.org/source/world-development-indicators>), and economy-level and time fixed effects. This statistical relationship should not be interpreted as causal. The regression of the proportion of seats held by women in parliament on the WBL index includes 183 economies for the period 1997–2019, as determined by data availability. OECD = Organisation for Economic Co-operation and Development.

## Data insights

*Women, Business and the Law 2021* updates the index presented in its previous edition by capturing reforms that occurred between September 2, 2019, and October 1, 2020. In 2020, the average global score is 76.1 out of 100 (above the average 75.5 in 2019), indicating that the world has achieved about three-quarters of good practice legislation as measured by the indicators. Up from eight in 2019, ten economies—Belgium, Canada, Denmark, France, Iceland, Ireland, Latvia, Luxembourg, Portugal, and Sweden—score 100, meaning that women are on an equal legal standing with men across all areas measured (table 1.2). (For the complete *Women, Business and the Law* data set, please see the economy data in appendix B.)

Of the 39 economies with scores higher than 90, 28 are OECD high-income economies, and seven are in Europe and Central Asia. The remaining four are in Latin America and the Caribbean, East Asia and the Pacific, and Sub-Saharan Africa. No economy in the Middle East and North Africa or South Asia scores 90 or higher.

When economies are classified by income level, high-income ones score the highest, with an average score of 85.9 out of 100. Upper-middle-income economies

TABLE 1.2   WOMEN, BUSINESS AND THE LAW 2021 INDEX									
Economy	Score	Economy	Score	Economy	Score	Economy	Score	Economy	Score
Belgium	100.0	Romania	90.6	Singapore	82.5	Belarus	75.6	Nigeria	63.1
Canada	100.0	Ecuador	89.4	Turkey	82.5	China	75.6	Dominica	62.5
Denmark	100.0	Hong Kong SAR, China	89.4	United Arab Emirates ✓	82.5	Morocco	75.6	Mali	60.6
France	100.0	Bolivia	88.8	Colombia	81.9	Cambodia	75.0	Cameroon	60.0
Iceland	100.0	El Salvador	88.8	Japan	81.9	Ghana	75.0	Papua New Guinea	60.0
Ireland ✓	100.0	Malta	88.8	Vietnam ✓	81.9	Honduras	75.0	Niger	59.4
Latvia	100.0	Mexico	88.8	Bahamas, The	81.3	Trinidad and Tobago	75.0	Myanmar	58.8
Luxembourg	100.0	Uruguay	88.8	Tanzania	81.3	Gambia, The	74.4	Palau	58.8
Portugal ✓	100.0	Lao PDR	88.1	Zambia	81.3	India	74.4	Tonga	58.8
Sweden	100.0	Montenegro ✓	88.1	Grenada	80.6	Madagascar ✓	74.4	Vanuatu	58.1
Estonia	97.5	South Africa	88.1	Israel	80.6	Maldives	73.8	Algeria	57.5
Finland	97.5	Guyana	86.9	Kenya	80.6	Suriname ✓	73.8	Gabon	57.5
Germany	97.5	Zimbabwe	86.9	Nepal	80.6	Angola	73.1	Solomon Islands	56.9
Greece	97.5	Cabo Verde	86.3	Rwanda ✓	80.6	Burundi	73.1	Bahrain ✓	55.6
Italy	97.5	Dominican Republic	86.3	Chile ✓	80.0	Russian Federation	73.1	Pakistan ✓	55.6
Netherlands	97.5	Namibia	86.3	Samoa	80.0	Uganda	73.1	Brunei Darussalam	53.1
New Zealand ✓	97.5	Nicaragua	86.3	San Marino	80.0	Bhutan	71.9	Lebanon	52.5
Spain	97.5	São Tomé and Príncipe	86.3	Saudi Arabia ✓	80.0	St. Kitts and Nevis	71.3	Equatorial Guinea	51.9
United Kingdom	97.5	Georgia	85.6	Belize	79.4	Guatemala	70.6	Libya	50.0
Australia	96.9	Switzerland	85.6	Burkina Faso	79.4	Uzbekistan ✓	70.6	Malaysia	50.0
Austria ✓	96.9	Bosnia and Herzegovina	85.0	Panama	79.4	South Sudan	70.0	Bangladesh	49.4
Hungary	96.9	Brazil ✓	85.0	Ukraine	79.4	Eritrea	69.4	Congo, Rep.	49.4
Norway	96.9	Korea, Rep.	85.0	Azerbaijan	78.8	Kazakhstan	69.4	Mauritania	48.1
Slovenia ✓	96.9	North Macedonia	85.0	Congo, Dem. Rep.	78.8	Sierra Leone ✓	69.4	Jordan ✓	46.9
Peru	95.0	Slovak Republic ✗	85.0	Kiribati	78.8	Djibouti	68.1	Somalia	46.9
Paraguay	94.4	Venezuela, RB	85.0	Philippines	78.8	Jamaica	68.1	Eswatini	46.3
Croatia	93.8	Moldova	84.4	Tajikistan	78.8	Marshall Islands ✓	68.1	Egypt, Arab Rep.	45.0
Czech Republic	93.8	Togo	84.4	Lesotho	78.1	St. Vincent and the Grenadines	68.1	Iraq	45.0
Lithuania	93.8	Liberia	83.8	Thailand	78.1	Tunisia	67.5	Guinea-Bissau	42.5
Poland	93.8	Puerto Rico (US) ✓	83.8	Benin ✓	77.5	Senegal ✓	66.9	Afghanistan	38.1
Serbia	93.8	St. Lucia	83.8	Malawi	77.5	Antigua and Barbuda	66.3	Syrian Arab Republic	36.9
Kosovo	91.9	Costa Rica ✓	83.1	Barbados	76.9	Chad	66.3	Oman	35.6
Mauritius	91.9	Côte d'Ivoire	83.1	Central African Republic	76.9	Sri Lanka	65.6	Iran, Islamic Rep.	31.3
Albania	91.3	Timor-Leste	83.1	Ethiopia ✓	76.9	Comoros	65.0	Qatar	29.4
Cyprus	91.3	Armenia	82.5	Kyrgyz Republic	76.9	Indonesia	64.4	Sudan	29.4
Taiwan, China	91.3	Fiji ✓	82.5	Argentina	76.3	Botswana	63.8	Kuwait ✓	28.8
United States	91.3	Mongolia	82.5	Guinea	76.3	Haiti	63.8	Yemen, Rep.	26.9
Bulgaria	90.6	Mozambique	82.5	Seychelles	76.3	Micronesia, Fed. Sts.	63.8	West Bank and Gaza	26.3

Source: Women, Business and the Law database.

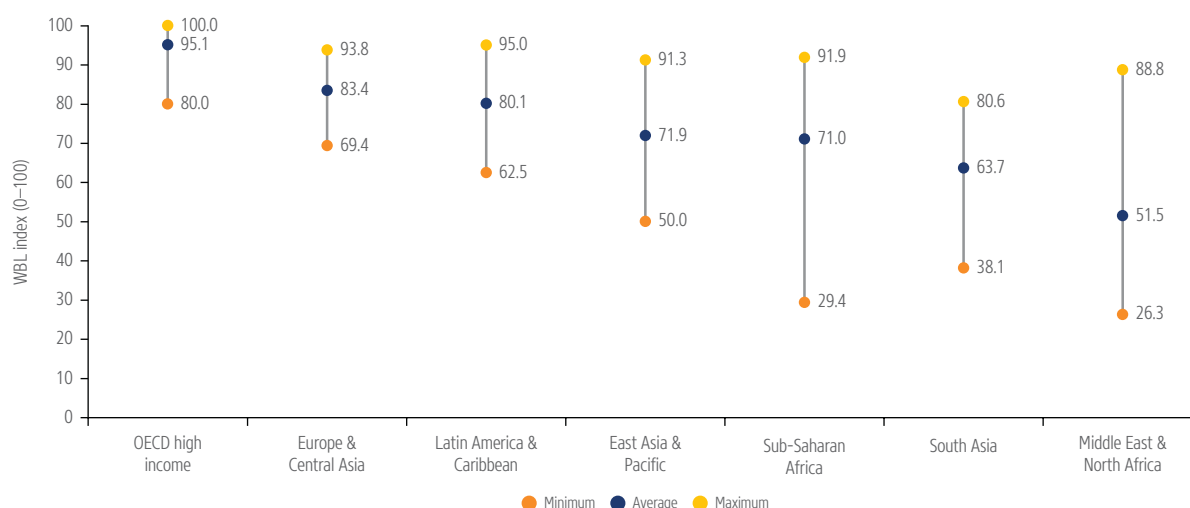
Note: Economies with a green check mark (✓) saw an improvement in score due to reforms in one or more areas. The economy with a red X (✗) implemented at least one change reducing its score.

are 10.6 points behind, with an average score of 75.3. Lower-middle- and low-income economies have average scores of 70.8 and 66.1, respectively. These scores demonstrate that the average low-income economy has about two-thirds of good practice legislation identified by the indicators. The gap in the average score between high-income economies and the rest of the world is 14.3 points.

By region, OECD high-income economies score the highest, followed by Europe and Central Asia, Latin America and the Caribbean, and East Asia and the Pacific (figure 1.5). Economies in Sub-Saharan Africa have an average regional score of 71, while economies in South Asia score 63.7. Economies in the Middle East and North Africa have the lowest average score, 51.5. The performance of economies within each region varies. Middle East and North Africa and Sub-Saharan Africa economies have the largest variation in scores—more than 60 points difference between the best- and worst-scoring economies.

More than half of the economies in Sub-Saharan Africa score higher than the regional average score of 71 (figure 1.6). Mauritius has a score of 91.9, the highest in the Sub-Saharan Africa region. As of 2020, Mauritius scores 100 in six of the eight *Women, Business and the Law* indicators: Mobility, Workplace, Pay, Marriage, Entrepreneurship, and Assets. The remaining gaps to close are in the Parenthood and Pension indicators. Under Parenthood, Mauritius is still lacking paid parental leave, and maternity leave benefits are not 100% administered by the government. Under Pension, Mauritius has not accounted for periods of absence due to childcare in pension benefits. Every region has examples of economies whose governments are implementing good practice laws and those that still have room to improve. These examples can inspire other governments in the region looking to reform.

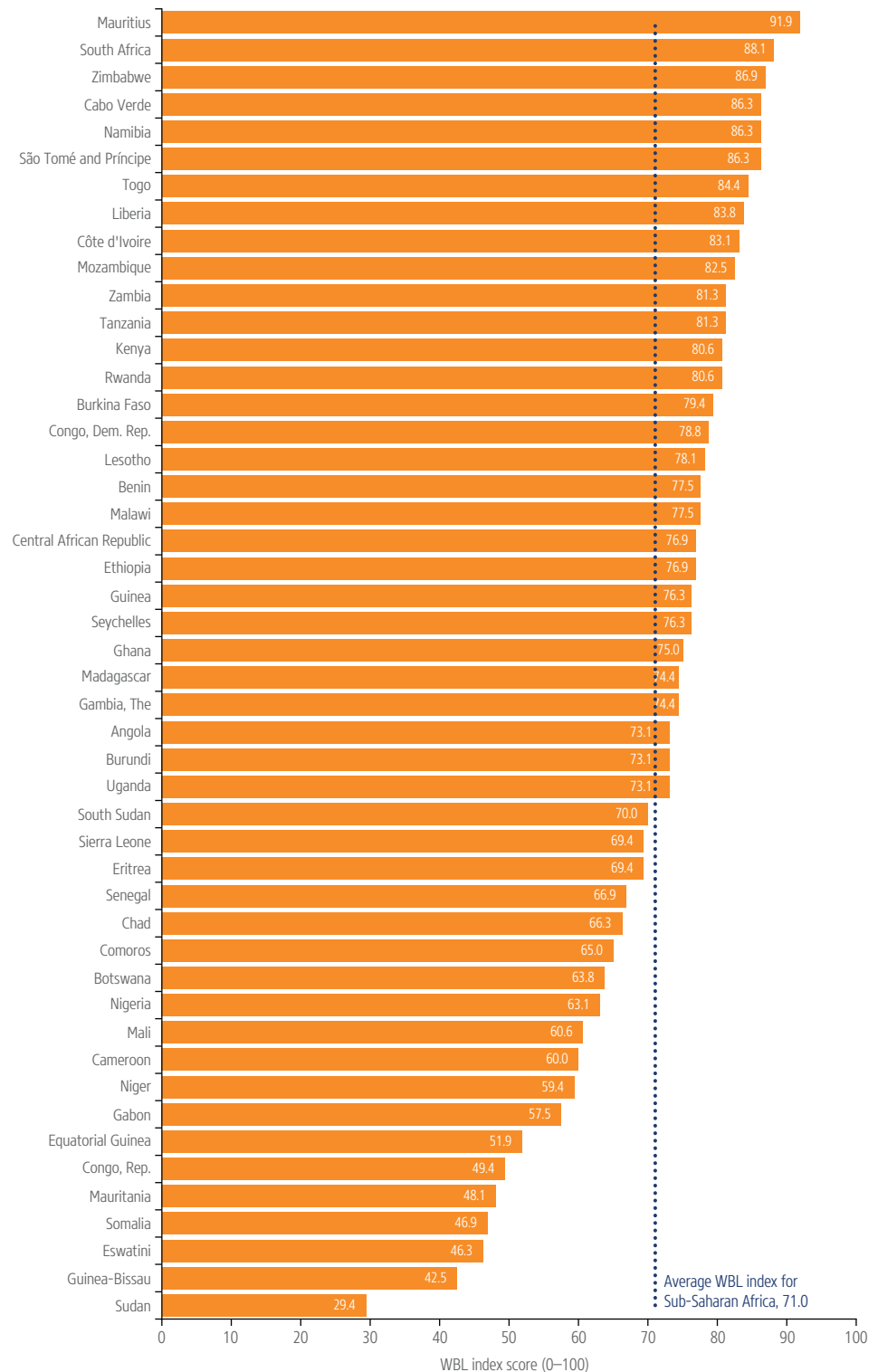
**FIGURE 1.5 | AMONG REGIONS, OECD HIGH-INCOME ECONOMIES SCORE THE HIGHEST ON THE WBL INDEX**



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

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

**FIGURE 1.6 | ECONOMIES IN SUB-SAHARAN AFRICA HAVE LARGE VARIATION IN WBL INDEX SCORES**



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



## Where do economies stand on each indicator?

The Mobility, Workplace, Marriage, Entrepreneurship, and Assets indicators have an average global score above 75, meaning economies have implemented many of the good practices measured by these indicators (figure 1.7). By contrast, average scores are lower for the Pay, Parenthood, and Pension indicators. Regional performance on each of these also varies, with OECD high-income economies performing above average on all indicators. All other regions have more diverse performances and room to improve, especially economies in South Asia and the Middle East and North Africa.

Parenthood, with an average score of 54.8, remains the indicator with the most room to improve. It measures whether paid maternity leave of at least 14 weeks is available to mothers, whether maternity benefits are 100% administered by the government, whether any paid leave is available to fathers, whether there is paid parental leave, and whether dismissal of pregnant women is prohibited.

Although more than half of the economies measured mandate paid leave specifically for fathers, the global median duration of that leave is just seven calendar days in the economies that have it. Fathers in East Asia and the Pacific, Europe and Central Asia, and OECD high-income economies receive the longest paid leave. Only 44 economies have paid parental leave. In 2019, the European Union (EU) passed a new directive aimed at increasing the amount of leave available to both parents and at redistributing childcare responsibilities between men and women. EU states now have three years to adopt legislation complying with the directive. Because of this advance, *Women, Business and the Law* expects more reforms in this area among the top-scoring economies.

The second-lowest performance is on the Pay indicator, with an average score of 67.5. Should a woman successfully enter and remain in the labor force, it is imperative that she not face job restrictions or receive lower pay than a man holding

**FIGURE 1.7 | ECONOMIES HAVE THE LOWEST SCORES ON THE PARENTHOOD INDICATOR**



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

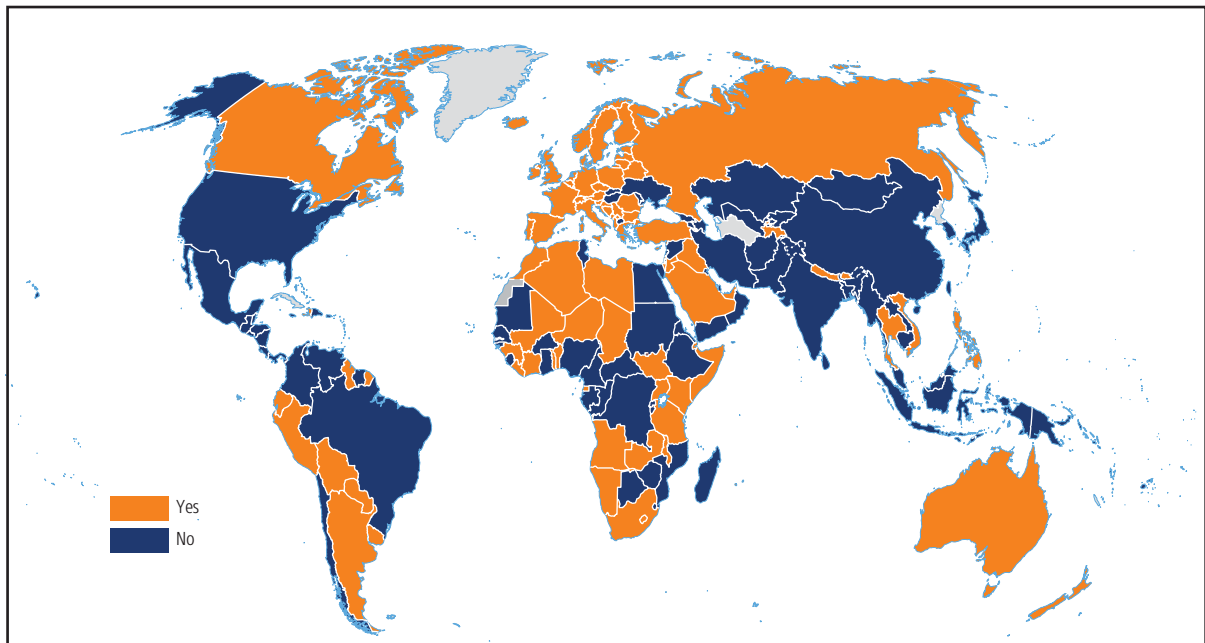
Note: OECD = Organisation for Economic Co-operation and Development.

the same position. Under the Pay indicator, the data reveal that more than half of the good practice legislation achieved is related to laws that affect women's pay. Yet 88 economies still restrict the jobs women can hold.

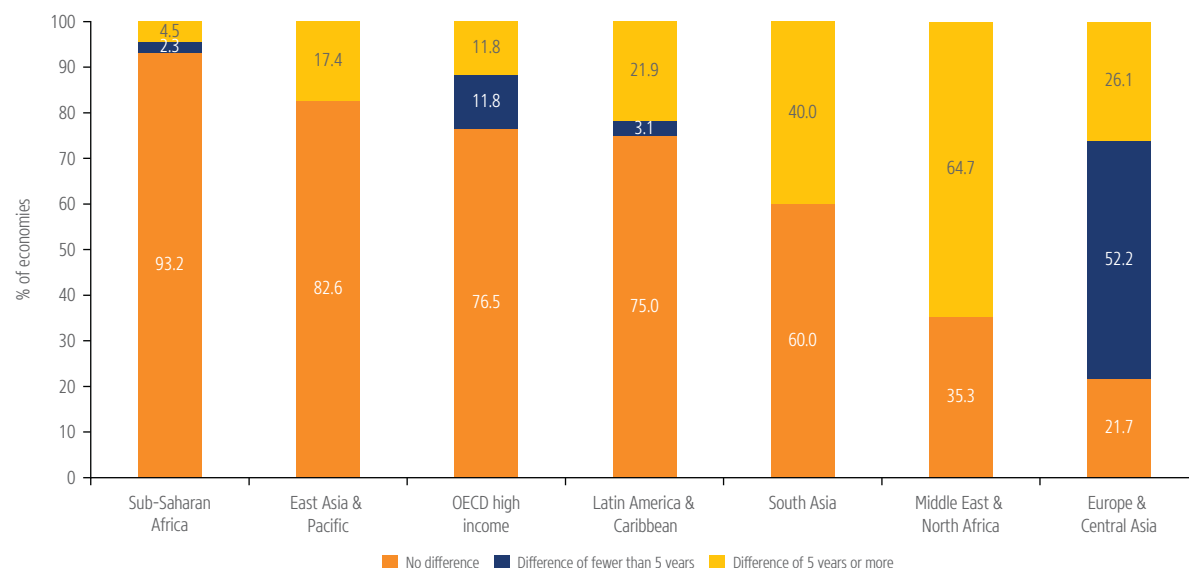
Removing laws that prohibit women from working in certain jobs is not the only legislative approach to tackling the gender pay gap: legally mandating employers to provide men and women who perform work of equal value with the same remuneration is also critical. Today, fewer than half of economies worldwide (90) have mandated equal remuneration for work of equal value. Most of them are OECD high-income economies, with the fewest mandating equal remuneration for work of equal value in East Asia and the Pacific, South Asia, and Middle East and North Africa (map 1.1).

Leaving the workforce to take care of family members is one reason women are left with smaller pensions at the end of their working life. Another reason is laws that mandate different retirement ages for men and women. Retirement ages remain unequal in close to one-third of the economies covered, with a difference of five or more years between women and men in more than half of the economies in the Middle East and North Africa, including Algeria, Djibouti, the Islamic Republic of Iran, Libya, Oman, and the Republic of Yemen (figure 1.8). Despite a significant effort by governments to gradually equalize retirement ages between men and women across Europe and Central Asia, a difference of five years remains across 26% of economies in the region, including Belarus, Georgia, the Kyrgyz Republic, the Russian Federation, Tajikistan, and Uzbekistan. By contrast, of the 44 economies covered with mandatory pension systems in Sub-Saharan Africa, women's statutory retirement age is five years earlier than men's only in Cabo Verde and Mozambique.

**MAP 1.1 | NINETY ECONOMIES MANDATE EQUAL REMUNERATION FOR WORK OF EQUAL VALUE**



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**FIGURE 1.8 | DIFFERENCES IN THE RETIREMENT AGE OF MEN AND WOMEN STILL EXIST IN ALL REGIONS**

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

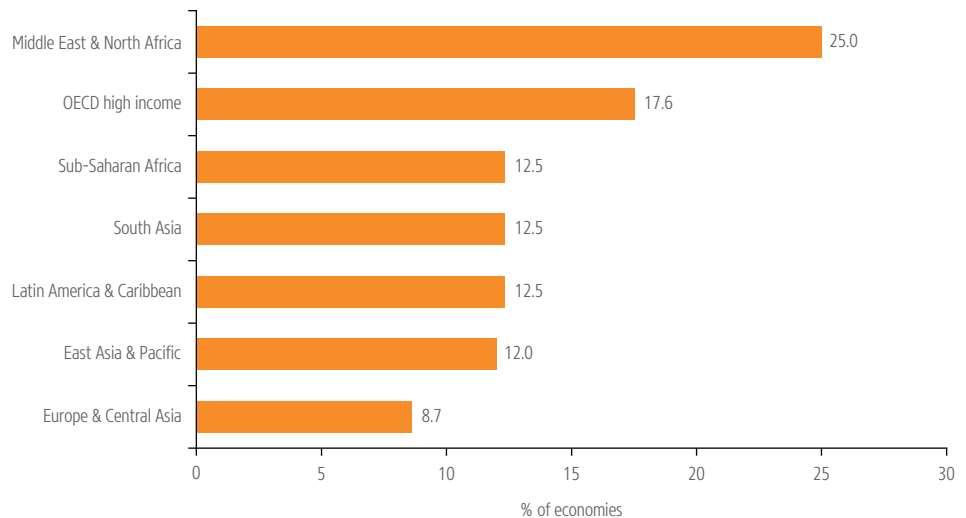
Note: The gap in retirement age is calculated as the deduction of a woman's retirement age from a man's retirement age. The total number of economies in the sample is 178: East Asia and Pacific, 23; Europe and Central Asia, 23; Latin America and Caribbean, 32; Middle East and North Africa, 17; OECD high income, 34; South Asia, 5; Sub-Saharan Africa, 44. Twelve economies have no mandated pension systems. OECD = Organisation for Economic Co-operation and Development.

The urgent need for reform is even more glaring today because the COVID-19 pandemic has widened the long-existing gender pay gap. Women are more likely than men to take leave from work or resign their positions to care for children in the event of illness or the closure of schools or daycare centers. Even if they manage to hold on to their positions, women are still at higher risk of having to submit to greater earnings penalties as a result of the pandemic.<sup>29</sup> Reforming laws to achieve greater gender equality should remain a priority as governments enact measures to recover from the shocks imposed by this crisis.

## Under what indicators did economies reform in 2019/20?

A surprising number of reforms were recorded even as the pandemic raged throughout much of the period measured. Since 2019, 27 economies have implemented reforms aimed at equality of opportunity across seven of the eight indicators measured, leading to 45 positive data changes. Of these changes, 17 resulted from legal changes enacted by economies in the Middle East and North Africa region. Although it has the lowest scores, the region has advanced the most as a result of its reform efforts, with 25% of the region's economies implementing at least one reform (figure 1.9). Despite having the highest scores, OECD high-income economies continued to reform, with nearly 20% of economies changing at least one law toward gender equality. Progress in the rest of the world was slower during 2020, with other regions recording fewer reforms than in previous years.

**FIGURE 1.9 | THE MIDDLE EAST AND NORTH AFRICA AND OECD HIGH-INCOME REGIONS REFORMED THE MOST IN 2019/20**



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

Note: Figure shows percentage of economies in each region that implemented at least one reform in 2019/20. OECD = Organisation for Economic Co-operation and Development.

### ***Most reforms were implemented in laws affecting women's pay***

The Pay indicator recorded the most improvement in scores, with changes to 11 data points indicating reductions in wage inequality as a result of reforms by eight economies (table 1.3). Bahrain, Montenegro, Saudi Arabia, and Vietnam eliminated restrictions on women's employment in jobs previously deemed dangerous for women. Montenegro and Saudi Arabia also eliminated all restrictions on women's employment in industrial jobs such as mining, construction, manufacturing, and the water sector, setting men and women on equal terms in choice of employment opportunities. Costa Rica and Saudi Arabia lifted bans on women's night work.

The Marshall Islands, New Zealand, and the United Arab Emirates reformed their laws to introduce legislation mandating equal remuneration for men and women who perform work of equal value. The Equal Pay Amendment Act in New Zealand addresses historic inequalities in pay for women and provides a mechanism for equal pay for jobs of equal value, including for different jobs of the same value. The act enables workers or unions to raise a pay equity claim directly with their employer and makes court action a last resort.

### ***Reforms related to parental leave and marriage remain high on economies' agendas***

Laws affecting women's work after having children, as measured by the Parenthood indicator, remained high on the reform agenda. Five economies made reforms in this area, leading to improvements in eight data points. Ethiopia increased paid maternity

TABLE 1.3 ECONOMIES ACROSS ALL REGIONS UNDERTOOK REFORMS TOWARD GENDER EQUALITY IN 2019/20			
Indicator	No. of data points reformed	Economies	Example of reform
Mobility	6	Benin, Fiji, Jordan, United Arab Emirates	Fiji allowed a woman to apply for a passport in the same way as a man.
Workplace	5	Marshall Islands, Senegal, Sierra Leone, United Arab Emirates	Sierra Leone adopted legislation on sexual harassment in employment.
Pay	11	Bahrain, Costa Rica, Marshall Islands, Montenegro, New Zealand, Saudi Arabia, United Arab Emirates, Vietnam	Costa Rica lifted a ban on women's night work.
Marriage	7	Chile, Kuwait, Madagascar, Portugal, Puerto Rico (US), Rwanda, United Arab Emirates	The United Arab Emirates no longer requires a married woman to obey her husband.
Parenthood	8	Austria, Ethiopia, Ireland, Suriname, United Arab Emirates	Ireland introduced two weeks of paid parental leave as an individual entitlement for each parent.
Entrepreneurship	5	Bahrain, Jordan, Marshall Islands, Pakistan, Uzbekistan	Pakistan allowed women to register a business in the same way as men.
Pension	3	Bahrain, Brazil, Slovenia	Slovenia equalized the age at which men and women can retire with full pension benefits.

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

Note: The Assets indicator is not included in this table because no reforms were recorded in the period measured.

leave from 90 to 120 days and guaranteed the right to three days of paid paternity leave for the first time. Suriname, which previously was one of only six economies worldwide without any form of paid leave related to the birth of a child, introduced 16 weeks of paid maternity leave and eight days of paid paternity leave. Austria also introduced paid paternity leave, while Ireland and the United Arab Emirates introduced paid parental leave as an individual entitlement, giving each employee an equal right to paid leave for the birth of a child. The United Arab Emirates is now the first and only economy in the Middle East and North Africa to have paid parental leave.

Paternity leave is one of the most prevalent reforms under the Parenthood indicator because of growing recognition that gender equality in the home is needed to achieve gender equality in the workplace.<sup>30</sup> However, research finds that fathers tend to take paternity leave only when it is highly compensated and specifically allocated to them.<sup>31</sup> For that reason, some economies recently changed their leave policies to promote fathers' uptake of leave. Estonia, which began the process of gradually reconfiguring its leave policies in 2017, abandoned its two-week paternity leave benefits policy and instead introduced one month of paid parental leave for fathers (the "daddy month"). In Iceland, mothers and fathers are now individually entitled to one more month of paid leave each, while the amount of shared parental leave has been reduced by a month. Meanwhile, Spain began gradually increasing paternity leave in 2019 to equalize it with maternity leave by 2021 at 16 weeks each.

With seven positive changes, the third most frequent area of reform is related to laws measured by the Marriage indicator, particularly in the area of domestic violence legislation. Recent studies have emphasized the staggering economic costs of domestic violence.<sup>32</sup> Kuwait and Madagascar introduced specific and comprehensive legislation on domestic violence for the first time. Kuwait's new law not only prohibits any form

of physical, psychological, sexual, or financial domestic abuse, but also provides for protection orders and services for survivors of violence. Specifically, the law calls for shelters, a hotline, counseling services, and legal assistance for survivors of domestic violence. Madagascar's new law establishes criminal penalties for different forms of gender-based violence, such as physical, psychological, emotional, or economic abuse in the private and public spheres, as well as a process to obtain protection orders. Furthermore, the new law stipulates that the state must support survivors through health care, psychological and legal aid services, and allocation of necessary resources.

Also under the Marriage indicator, Chile, Portugal, Puerto Rico (US), and Rwanda abolished the specified time that a woman had to wait before remarrying after finalization of a divorce. New civil codes in Chile and Puerto Rico introduced gender-neutral language allowing both spouses to remarry as soon as a divorce is finalized. Portugal's previous civil code provided for internuptial periods for both men and women. However, the woman's waiting time was 300 days, whereas the man's was 180 days. Rwanda equalized a provision in the family law that required widows—but not widowers—to wait 300 days before remarrying after the death of their spouse. The new law revokes the internuptial period for both men and women. The previous restriction on a woman's ability to remarry was intended to avoid a potential conflict of paternity between her previous husband and future husband.

### ***Economies also reformed under the Mobility, Workplace, and Entrepreneurship indicators***

Four economies improved on six data points under the Mobility indicator. It tracks the differences between the rules that govern the rights of men and women to obtain a passport and travel abroad, choose where to live, and leave their home at will. Mobility affects every step in a working woman's life cycle. Limitations in this area reduce opportunities for women to build networks with other entrepreneurs and exchange vital information on market opportunities, ultimately preventing them from developing their full potential as successful entrepreneurs.<sup>33</sup> Increasing women's mobility, including the opportunity to freely commute to and from a workplace outside of the home, can give women access to better employment opportunities.

Benin, Fiji, and Jordan removed procedural requirements that made it more burdensome for women than men to apply for a passport. In Benin, a 2019 circular issued by the Ministry of the Interior and Public Security instructed all concerned departments that in the interest of establishing equal treatment between men and women, married women were no longer required to provide a copy of their marriage certificate when applying for an ordinary passport. The United Arab Emirates abolished provisions imposing legal consequences when a woman abstained from traveling with her husband or left the marital home without a lawful excuse. It also removed stipulations that a woman must live with her husband in the home chosen by him.

The Workplace indicator examines legal protections in the workplace such as the right to nondiscrimination and freedom from sexual harassment. The United Arab Emirates removed restrictions on a woman's right to get a job. Both the Marshall Islands and Senegal enacted new legislation directly prohibiting gender-based discrimination in employment. And Sierra Leone adopted legislation on sexual harassment in employment.

The new law introduces comprehensive definitions and penalties for sexual harassment offenses in the area of employment and other settings, whereas the previous law contained no specific references to employment. Addressing sexual harassment in the workplace is key to achieving fundamental labor market goals, including closing the gender pay gap.<sup>34</sup>

Under the Entrepreneurship indicator, five economies have enacted reforms since 2019. Pakistan allowed women to register a business in the same way as men. Through their central bank's regulatory powers, Bahrain and Jordan introduced the right to nondiscrimination based on gender in access to finance. To comply with Bahrain's Central Bank directive, banks and financial institutions must ensure that all regulated financial services are provided without discrimination based on sex. Because Central Bank directives are not always publicly accessible or widely disseminated, after adoption of the directive the United Arab Emirates, where a similar provision was introduced in 2019, launched a dissemination campaign to raise awareness among citizens. The authorities also issued a message announcing adoption of the provision, in English and Arabic, on all ATM screens in the country.

The Marshall Islands and Uzbekistan introduced rights to nondiscrimination in access to finance through broader legislation that also guaranteed gender equality. The Marshall Islands' Gender Equality Act of 2019 provides that women are entitled to access loans, grants, mortgages, credit, or any other financial service on an equal basis with men. Similarly, Uzbekistan's Law on the Guarantees of Equal Rights and Opportunities for Men and Women of 2019 prescribes nondiscrimination in the provision of movable and immovable property, land, financial assets, and loans. Despite these reforms, 108 economies still lack legal provisions that expressly prohibit gender-based discrimination in access to finance. For women who become entrepreneurs, access to finance is likely necessary. Meanwhile, women worldwide still earn, own, and learn less than their husbands and brothers.<sup>35</sup>

### ***Fewer economies undertook reforms related to Pension and Assets***

Only three economies announced changes increasing gender equality as measured by the Pension indicator: Bahrain, Brazil, and Slovenia. Differences in women's working lives relative to those of men can result in unequal economic outcomes in retirement. To address this issue, Slovenia equalized the age (65 years) at which men and women can retire and receive full benefits, following a gradual-increase schedule introduced by the Pension and Disability Act in 2013. Bahrain also made strides under this indicator by accounting for periods of childcare in pension benefits for the first time. Brazil eliminated retirement with partial pension benefits for both men and women. At the same time, the Slovak Republic implemented a change that widened the legal gender gap. A new law established different ages for men and women to retire with full and partial pension benefits and made the mandatory retirement age for men and women unequal.

Finally, no reforms have been recorded under the Assets indicator since 2019. Strong property rights can allow women to leverage assets for economic gain, increasing their financial security and providing them with the collateral needed to start a business. Governments in the 75 economies in which men and women still do not have equal rights to manage and inherit property should consider adopting good practice legislation in this area.

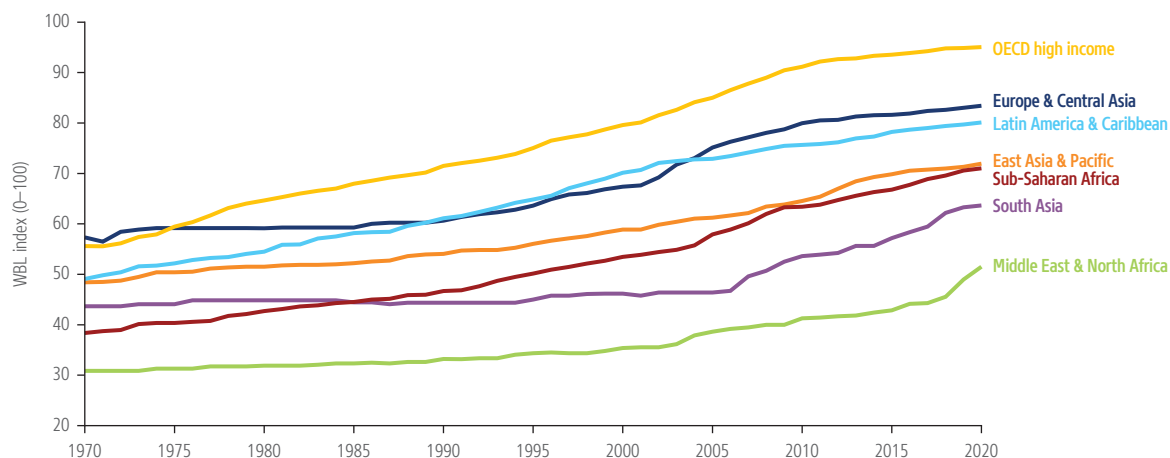
## Fifty years of legal change

Regional patterns have remained similar over the last 50 years, with the OECD high-income, Europe and Central Asia, and Latin America and the Caribbean economies leading the way toward legal gender equality. In addition, the OECD high-income, Latin America and the Caribbean, and Sub-Saharan Africa regions have each recorded a gain in their average score of more than 30 points since 1970—the largest of all regions (figure 1.10). Over the last 10 years, the pace of reform has picked up in the Middle East and North Africa and South Asia, with a gain in the average score of more than 10 points in each region. The East Asia and the Pacific and Sub-Saharan Africa regions have each gained more than seven points.

The distribution of economies and their scores on the *Women, Business and the Law* index has changed significantly over time (figure 1.11). Whereas 1970 saw 12 economies scoring 25 or below on the index, by 1995 there were only five economies in this category. By 2008, there were none. At the same time, in 1970 no economies scored above 75, and the highest score, 71.3, was achieved by only Denmark and Sweden.

In 1975 the United Nations launched a Decade for Women, and in 1979 the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), known as the international bill of rights for women, was adopted by the United Nations General Assembly. This decade of action led to many reforms increasing gender equality, with economies in better standing being among the first to ratify the convention. By 1986 nine economies were in the highest quartile, and only seven were in the lowest. By 1995 the number of top-scoring economies had grown to 21. Belgium and Luxembourg were the first economies to reach a score of 100 in 2011. They were soon followed by Denmark in 2012, Sweden in 2013, Latvia in 2014, France in 2015, Iceland in 2016, Canada in 2019, and Ireland and Portugal in 2020.

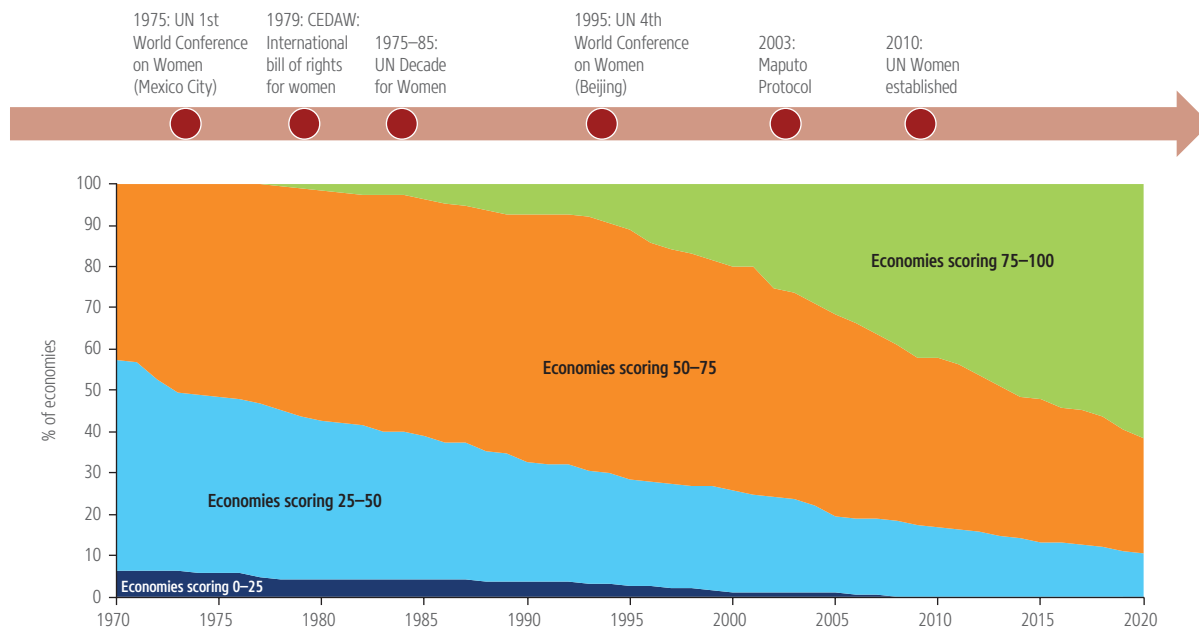
**FIGURE 1.10 | ECONOMIES ACROSS ALL REGIONS MADE PROGRESS TOWARD GENDER EQUALITY OVER THE LAST 50 YEARS, BUT AT DIFFERENT RATES**



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

Note: Figure shows change in the average WBL index score across seven regions between 1970 and 2020. OECD = Organisation for Economic Co-operation and Development.



**FIGURE 1.11 | ECONOMIES ARE REFORMING LAWS IN THE RIGHT DIRECTION**

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

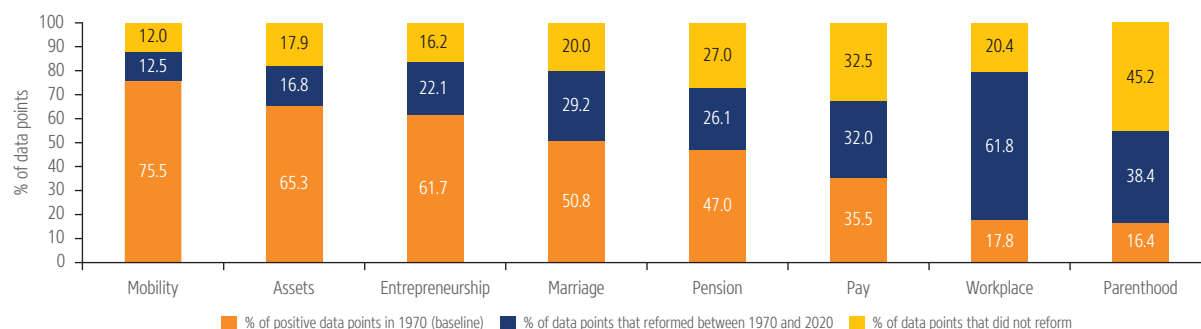
Note: Figure shows percentages of economies in four scoring categories of the WBL index. The Maputo Protocol is the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women, adopted by the African Union in 1975. CEDAW = Convention on the Elimination of All Forms of Discrimination against Women (United Nations); UN = United Nations.

By 2010, when the United Nations established UN Women to define and promote global standards for achieving gender equality and the empowerment of women, the number of economies scoring above 75 surpassed those of the other categories. However, based on the 35 questions measured by *Women, Business and the Law*, laws in only 10 economies treat men and women equally today.

Although all economies have improved over the 50-year period, the pace of reform has been slow. In 20 economies in 2020, women continued to have half or fewer of the legal rights of men. These economies are mostly in the Middle East and North Africa, South Asia, and Sub-Saharan Africa regions, where, according to the data, reform momentum is growing. If the pace of change stays the same, however, at least another 30 years will be needed to achieve legal gender parity globally. Based on annual year-to-year increases in the average *Women, Business and the Law* index by region, predictions call for OECD high-income economies to be the first region to reach an average score of 100 by 2025, followed by Latin America and the Caribbean in 2043 and Europe and Central Asia in 2044.

The pace of reform has varied between indicators as well (figure 1.12). Even though the Workplace and Parenthood indicators were at their lowest in 1970, with 17.8% (135 of 760) and 16.4% (156 of 950) of positive data points, respectively, these indicators have demonstrated the strongest performance of all indicators covered by *Women, Business and the Law* over the last 50 years. Between 1970 and 2020, 61.8% (470 of 760)

**FIGURE 1.12 | SINCE 1970, SCORES ON THE WORKPLACE AND PARENTHOOD INDICATORS HAVE SHOWN THE GREATEST IMPROVEMENT**



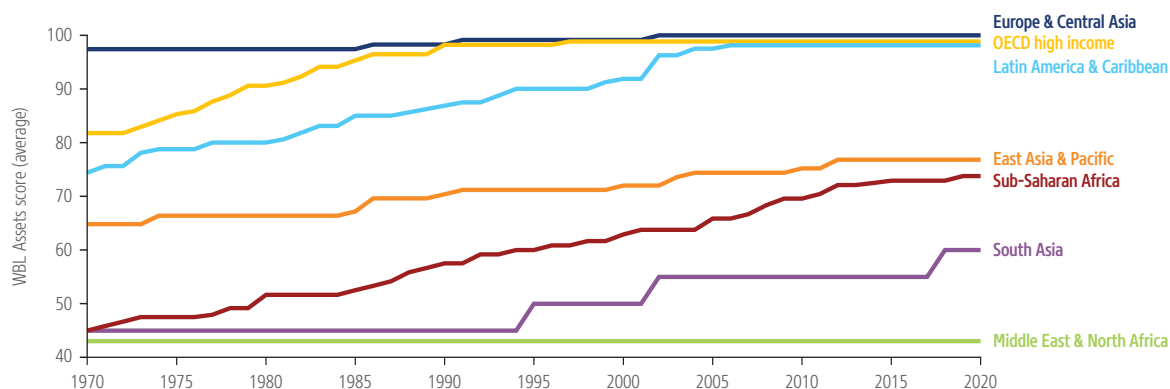
Source: *Women, Business and the Law* database.

Note: Scores across the eight indicators are calculated as the simple average of individual data points. Mobility, Entrepreneurship, Pension, Pay, and Workplace reflect the simple average of four individual data points, while Assets, Marriage, and Parenthood reflect a simple average of five individual data points. The maximum possible number of positive data points for 190 economies for Mobility, Workplace, Pay, Entrepreneurship, and Pension is 760; for Marriage, Parenthood, and Assets, 950.

of data points were reformed under the Workplace indicator and 38.4% (365 of 950) under the Parenthood indicator. Despite this progress, however, Parenthood remains the indicator with the lowest scores. Nearly half of the data points under Parenthood (429 of 950) need reform, the largest gap of all indicators.

Because of the historically slow pace of progress, the regional distribution of scores under the Assets indicator has not changed significantly over time (figure 1.13). The Europe and Central Asia, OECD high-income, and Latin America and the Caribbean economies have the highest scores, with almost all economies implementing good practices related to women's property ownership and inheritance. Sub-Saharan Africa has reformed steadily over the last five decades, and today more than 50% of economies score 80 or above, meaning they have most of the good legislation measured.

Other regions, such as the Middle East and North Africa and South Asia, have seen little reform in this area. Besides the fact that relatively fewer laws under the Assets indicator are subject to reform, the slow pace of change may stem from the difficulty in reforming laws governing property ownership and inheritance, especially when engrained social norms dictate inheritance rules. Even when new legislation is passed, implementation is often hindered by social norms and women's lack of awareness of their rights. These social perceptions play an important role in influencing whether women can claim their rights to land and property. Recent research confirms that, although there is substantial variation, in almost all economies men are more likely than women to own property. This research also finds that legal frameworks related to women's rights to inheritance, immovable property, and marital regimes, as measured by *Women, Business and the Law*, are a reliable predictor of women's actual property shares. Economies with higher scores on the Assets indicator generally have higher levels of women's property ownership.<sup>36</sup>

**FIGURE 1.13 | ECONOMIES HAVE ENACTED FEW REFORMS AFFECTING THE ASSETS INDICATOR SINCE 1970**

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

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

## What's next?

*Women, Business and the Law* is committed to informing policy discussions on how to improve women's economic opportunities and outcomes in all contexts. Policy makers, international organizations, civil society organizations, gender equality advocates, investors, and researchers can use its findings in many ways. For example, the data can help identify good practices and compare how favorable the regulatory environments of economies are for women business owners and workers. Data can also assist with assessing the economic impacts of laws and regulations on women's prospects as employees and entrepreneurs, thereby bolstering traditional human rights arguments with economic research. The findings can be used to inform legislative change, make evidence-based decisions on policy reform and private investment, and support research on institutions and regulation (box 1.2).

Future editions of *Women, Business and the Law* will strive to maintain these functionalities, both by refining current methodology to better reflect the legal environment for women worldwide and pursuing new research that complements the index or provides opportunities to expand it.

Considering this, *Women, Business and the Law* is proposing a small number of methodological changes to improve the quality and accuracy of the data presented in subsequent studies. One change is to measure laws based on their date of enforcement, rather than enactment, for all questions. Other methodology refinements will affect the Marriage, Parenthood, and Entrepreneurship indicators. These proposed changes are detailed in the data notes in appendix A.

*Women, Business and the Law* will also pursue a substantial research agenda. Although this study details new areas of focus, including childcare and women's access to justice, other topics such as girls' education, elder care, women with disabilities, and legal identity are being considered. Such research may result in additions to the index, but

### BOX 1.2 HOW HAVE *WOMEN, BUSINESS AND THE LAW* DATA AND FINDINGS BEEN USED TO PROMOTE POLICY REFORM?

*Women, Business and the Law* data can provide important evidence to support the design of policy interventions that promote women's economic empowerment. Increasingly, World Bank Group operations are using *Women, Business and the Law* data and evidence to inform project design and target discriminatory legal frameworks. The World Bank recently supported the government of Madagascar with an ambitious agenda to improve human capital. One of the three main pillars of the development policy operation aimed to strengthen legal frameworks for the protection of women and girls. *Women, Business and the Law* data also helped to identify important legislative gaps, such as lack of legal protection against domestic violence. In Azerbaijan and Vietnam, the World Bank supported the reform of labor legislation to remove job restrictions for women as identified by *Women, Business and the Law* data. And government demand is increasing for advisory services related to *Women, Business and the Law* indicators, with new World Bank and International Finance Corporation operations supporting legal reforms to improve women's access to employment in Chad and Sierra Leone.

Disseminating findings through in-country events and methodology workshops is also instrumental to raising awareness about the importance of legal reform to address gender disparities. The *Women, Business and the Law* team has organized workshops with civil society organizations (CSOs) in 17 Sub-Saharan African economies since 2016. The workshops brought together CSOs, 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. 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.

*Women, Business and the Law* data are also used by other institutions to influence policy change. For example, together with UN Women and the Organisation for Economic Co-operation and Development, *Women, Business and the Law* contributes its data and expertise to inform Sustainable Development Goal 5.1.1 (<https://unstats.un.org/sdgs/metadata/>), "Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex." The Millennium Challenge Corporation (<https://www.mcc.gov/who-we-select/indicator/gender-in-the-economy-indicator>) uses *Women, Business and the Law* data in its Gender in the Economy Indicator, which is used to assess economies' commitments to promoting gender equality. And several other institutions use *Women, Business and the Law* data to construct their own indicators, such as the Georgetown Institute for Women, Peace and Security's index (<https://giwps.georgetown.edu/the-index/>), the International Trade Center's SheTrades Outlook (<https://www.shetrades.com/en/projects/shetrades-outlook>), the Equal Measures 2030's SDG Gender Index (<https://data.em2030.org/2019-sdg-gender-index/indicators-and-data-sources/>), the Global Governance Forum's Gender Equality and Governance Index (GEGI) (<https://globalgovernanceforum.org/global-issues/gender-equality/>), and others. Arizona State University's Global SDG 5 Notification Tool (<https://globalfutures.asu.edu/sdg5-training/>) also provides users with insight into country-level progress on legal gender equality and aims to inform parliamentarians about

(continued on next page)

### BOX 1.2 HOW HAVE *WOMEN, BUSINESS AND THE LAW* DATA AND FINDINGS BEEN USED TO PROMOTE POLICY REFORM? (*CONTINUED*)

the status of their laws ahead of the UN Human Rights Council Universal Periodic Review for their country.

These are just a few examples of how *Women, Business and the Law* data have been used by different stakeholders working toward the same goal—removing discriminatory laws that hinder women’s economic inclusion and promoting nondiscrimination and other good practice legislation that incentivize women’s economic participation.

also could lead to the production of case studies or policy briefs that measure outcomes or present a picture of the implementation of legislation in selected economies.

Refining and building on this work will develop new insight into how women’s employment and entrepreneurship are affected by discrimination and, in turn, how discrimination affects economic outcomes such as women’s participation in the labor market. By staying both relevant and valuable to the field of gender equality, the data can serve as an important tool in the pursuit of more resilient and equitable economies.

## Notes

1. Hyland, Djankov, and Goldberg 2021.
2. Forty-five data points changed from “No” to “Yes” as a result of reform efforts. Three data points changed from “Yes” to “No” because of negative changes in the law.
3. IMF 2018.
4. Cuberes and Teignier 2016.
5. Doepke, Tertilt, and Voena 2012.
6. Lalive and Zweimüller 2009; Schönberg and Ludsteck 2014.
7. Deininger, Goyal, and Nagarajan 2010, 2013; Deininger, Jin, and Nagarajan 2009; Deininger et al. 2019.
8. Anderson and Genicot 2015; Bhalotra, Brulé, and Roy 2020; Rosenblum 2015; Roy 2015.
9. Roy 2015.
10. For example, there is evidence from Ghana that reforms to inheritance laws led to few positive changes in terms of women’s inheritance (Gedzi 2012). Two studies of legal reform in Pakistan found that a positive legal change has not allowed women to claim their entitled inheritances because of factors such as lack of education, patriarchal behaviors, and forced marriages (Ahmad, Batool, and Dziegielewski 2016; Holden and Chaudhary 2013).
11. A thorough overview of the literature on the effects of reforming gendered land ownership laws in Kenya, Rwanda, and Uganda is presented by Djurfeldt (2020).
12. Acemoglu and Jackson 2016.
13. Williamson and Kerekes 2011. The authors’ analysis pertains specifically to the importance of formal and informal institutions as they relate to property rights.
14. Williamson and Kerekes 2011.
15. Aldashev et al. 2012.

16. Hyland, Djankov, and Goldberg 2020; Islam, Muzi, and Amin 2019.
17. Amin and Islam 2015; Htun, Jensenius, and Nelson-Nuñez 2019; Zabalza and Tzannatos 1985. Although many studies are based on correlations, Field et al. (2016) provide experimental evidence that depositing wages in a woman's own bank account (as opposed to that of the male head of household) increases her labor supply, thereby illustrating that financial autonomy can exert a causal impact on female labor force participation rates.
18. Islam, Muzi, and Amin 2019; Zabalza and Tzannatos 1985.
19. Agarwal 2003; Daley, Dore-Weeks, and Umuhoza 2010.
20. Ali, Deininger, and Goldstein 2014.
21. Persha, Greif, and Huntington 2017; Santos et al. 2014.
22. Agarwal 1994.
23. Hyland, Djankov, and Goldberg 2021.
24. Although several data sets provide insight into gender equality and women's economic opportunities across economies, the World Economic Forum's Global Gender Gap Index was chosen for correlation with the *Women, Business and the Law* index because of the range of topics it covers, as well as its expansive coverage across economies and over time.
25. WEF 2019.
26. The relationship between the *Women, Business and the Law* index and the proportion of female employees in vulnerable employment was confirmed using panel data regressions on data for 179 economies covering the period 1991–2019. The relationship is statistically significant after controlling for income (measured as GDP per capita) and economy-level and time fixed effects.
27. Asiedu et al. 2018.
28. IPU Parline—Global Data on National Parliaments, 2021, Geneva, <https://data.ipu.org/women-ranking?month=10&year=2020>.
29. Miller 2020.
30. Haas and Hwang 2019a, 2019b; Unterhofer and Wrohlich 2017.
31. Brandth and Kvande 2019; Marynissen et al. 2019; Patnaik 2014.
32. Aizer 2018; Raghavendra et al. 2019; Senior, Fazal, and Tsiachristas 2020.
33. Jabeen et al. 2020.
34. Deloitte 2019; Lancaster and van der Meulen Rodgers 2020; McLaughlin, Uggen, and Blackstone 2017.
35. Hendriks 2019.
36. Gaddis, Lahoti, and Swaminathan 2020.

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## ANNEX

# Summaries of Reforms

In the period from September 2, 2019, to October 1, 2020, *Women, Business and the Law* recorded reforms resulting in 36 changes to indicator scores that improved gender equality in employment and entrepreneurial activity in 27 economies. Over the same period, one economy implemented a change widening the legal gender gap.

✓ Reform increasing gender parity	✗ Change decreasing gender parity
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### Austria

#### ✓ Parenthood

Austria introduced 30 days of paid paternity leave.

### Bahrain

#### ✓ Pay

Bahrain made job opportunities more equal for men and women by eliminating discriminatory restrictions on women's employment in arduous jobs.

#### ✓ Entrepreneurship

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

#### ✓ Pension

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

### Benin

#### ✓ Mobility

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

### Brazil

#### ✓ Pension

Brazil eliminated the possibility of retiring with partial pension benefits. Previously, the ages at which men and women could retire with partial pension benefits were unequal.

### Chile

#### ✓ Marriage

Chile gave women the same rights to remarry as men.

## Costa Rica

### ✓ Pay

Costa Rica lifted a ban on women's night work.

## Ethiopia

### ✓ Parenthood

Ethiopia increased paid maternity leave from 90 to 120 days and introduced three days of paid paternity leave.

## Fiji

### ✓ Mobility

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

## Ireland

### ✓ Parenthood

Ireland introduced two weeks of paid parental leave as an individual entitlement for each parent.

## Jordan

### ✓ Mobility

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

### ✓ Entrepreneurship

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

## Kuwait

### ✓ Marriage

Kuwait enacted legislation protecting women from domestic violence.

## Madagascar

### ✓ Marriage

Madagascar enacted legislation protecting women from domestic violence.

## Marshall Islands

### ✓ Workplace

The Marshall Islands prohibited gender-based discrimination in employment.

✓ **Pay**

The Marshall Islands mandated equal remuneration for work of equal value.

✓ **Entrepreneurship**

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

## Montenegro

✓ **Pay**

Montenegro made job opportunities more equal for men and women by eliminating discriminatory restrictions on women's employment in industrial jobs such as those in the mining, construction, manufacturing, and water sectors. It also removed restrictions on women's employment in jobs deemed dangerous.

## New Zealand

✓ **Pay**

New Zealand mandated equal remuneration for work of equal value.

## Pakistan

✓ **Entrepreneurship**

Pakistan allowed women to register a business in the same way as men.

## Portugal

✓ **Marriage**

Portugal gave women the same rights to remarry as men.

## Puerto Rico (US)

✓ **Marriage**

Puerto Rico gave women the same rights to remarry as men.

## Rwanda

✓ **Marriage**

Rwanda gave women the same rights to remarry as men.

## Saudi Arabia

✓ **Pay**

Saudi Arabia eliminated all restrictions on women's employment.

## Senegal

### ✓ Workplace

Senegal prohibited gender-based discrimination in employment.

## Sierra Leone

### ✓ Workplace

Sierra Leone adopted legislation on sexual harassment in employment.

## Slovak Republic

### ✗ Pension

The Slovak Republic established different ages for men and women to retire with full and partial pension benefits. The mandatory retirement age for men and women is now unequal.

## Slovenia

### ✓ Pension

Slovenia equalized the age (65 years) at which men and women can retire with full pension benefits.

## Suriname

### ✓ Parenthood

Suriname introduced 16 weeks of paid maternity leave and eight days of paid paternity leave.

## United Arab Emirates

### ✓ Mobility

The United Arab Emirates allowed women to choose where to live and to travel abroad in the same way as men. The United Arab Emirates also allowed a married woman to leave the home without her husband's permission.

### ✓ Workplace

The United Arab Emirates allowed a woman to get a job without permission from her husband.

### ✓ Pay

The United Arab Emirates mandated equal remuneration for work of equal value.

### ✓ Marriage

The United Arab Emirates no longer requires a married woman to obey her husband.

### ✓ **Parenthood**

The United Arab Emirates introduced five days of paid parental leave as an individual entitlement for each parent. Fathers now have paid leave to care for their newborn children.

## **Uzbekistan**

### ✓ **Entrepreneurship**

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

## **Vietnam**

### ✓ **Pay**

Vietnam made job opportunities more equal for men and women by eliminating discriminatory restrictions on women's employment in jobs deemed dangerous.





## CHAPTER 2

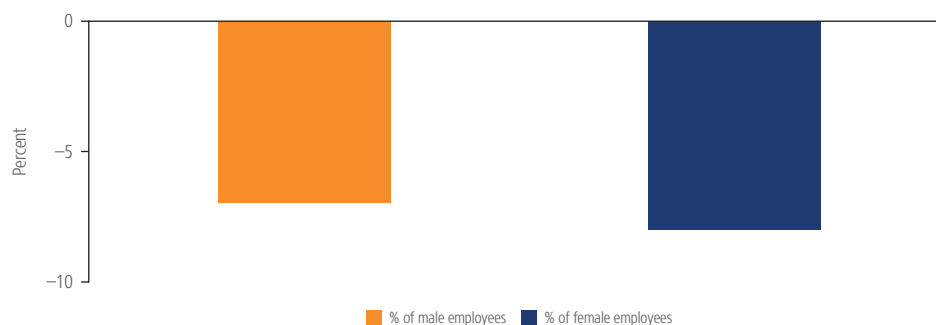
# Women and COVID-19

- COVID-19 has largely affected sectors in which the share of female employment is high.
- Since onset of the pandemic, close to 40 economies have introduced leave or benefit policies to help employed parents reconcile their jobs with their newly expanded childcare obligations.
- For women navigating family law issues, justice systems have implemented novel methods of serving their constituents while maintaining safety as a priority, including remote hearings where digital infrastructure allows. At least 72 economies have introduced measures to declare family cases urgent or essential during lockdown, and 88 economies have allowed remote court access.
- The pandemic has had disproportionate impacts on women's health and safety. Many governments have acted to mitigate such effects, including by introducing services dedicated to protecting women from violence.

By early 2020, it had become clear that COVID-19 was not just a public health emergency; it would also have lasting social and economic impacts. Reports suggested that it would affect men and women differently, noting that data collection and analysis could provide valuable insights into the gender dimensions of disease outbreak and response. In particular, strong legal frameworks and justice systems would be critical for maintaining stability, safeguarding citizens' rights, and providing emergency relief during times of crisis. Information about an economy's preparedness in the event of a pandemic and any actions taken after its outbreak could aid in creating effective and equitable policies and interventions in the future.

Indeed, it appears women will bear the brunt of the pandemic's effects on the global economy. Evidence has already begun to emerge on its impacts on their economic opportunity. Although recessions are often associated with a disproportionate impact on male employment, COVID-19 has largely affected sectors in which the share of female employment is high.<sup>1</sup> Data from the World Bank's Enterprise Analysis Unit reveal a larger drop in the proportion of female full-time employees relative to male full-time employees (figure 2.1).<sup>2</sup> Collection efforts are still ongoing, but the data reveal that more women than men have been forced to take leave from or quit their jobs due to illness, childcare

**FIGURE 2.1 | COVID-19 HAS LED TO A LARGER DROP IN FEMALE EMPLOYMENT, SELECTED ECONOMIES**



Source: Enterprise Surveys (database), "COVID-19: Impact on Firms," World Bank, Washington, DC, <https://www.enterprisesurveys.org/en/covid-19>.

Note: The figure shows the average change in male and female permanent full-time employees between December 2019 and the end of the month prior to which the survey was conducted. Survey weights, which were rescaled to ensure that each economy is given equal weight, were applied to calculate the averages. The graph presents simple weighted averages and does not account for factors such as the length of time since onset of the pandemic. The following economies are represented: Albania, Belarus, Bulgaria, Chad, Croatia, Cyprus, Czech Republic, El Salvador, Georgia, Greece, Guatemala, Guinea, Honduras, Hungary, Italy, Jordan, Malta, Moldova, Mongolia, Morocco, Nicaragua, Niger, North Macedonia, Poland, Romania, the Russian Federation, Slovenia, Togo, Zambia, and Zimbabwe.

interruptions, or mobility restrictions. They also suggest that the proportion of male and female employees who have been laid off or furloughed is similar.

Figure 2.1 is a mere snapshot of the gendered impacts of the pandemic; continued data collection and evaluation are needed to provide a more complete assessment. To assist in such efforts, *Women, Business and the Law* added research questions related to COVID-19 to its questionnaires (figure 2.2). Questions were not necessarily based on *Women, Business and the Law* indicators; rather, they were chosen in conjunction with the theme of each questionnaire and were based on the ability of local experts in each respondent pool to provide current information. The data, collected between April and October 2020, were verified with secondary sources. The new questions were designed to gather information about measures, both legal and programmatic, provisional and permanent, that governments implemented to address the unprecedented challenges faced by women employees and entrepreneurs during the pandemic.

Three distinct themes emerged during collection and analysis of these data. First, employed parents, and particularly mothers, were facing unprecedented levels of unpaid care work that were incompatible with the demands of most jobs in the labor market. Second, stay-at-home orders and other restrictions may also have been preventing women from safely and effectively accessing justice. And, third, the crisis was disproportionately threatening women's health and safety, making the allocation of resources and services to mitigate any impact vital. Considering measures implemented across themes, the data show that economies with greater gender equality were more likely to address these challenges. The average *Women, Business and the Law* index score for economies that adopted at least one of the



**FIGURE 2.2 | SELECT MEASURES INTRODUCED DURING THE COVID-19 PANDEMIC**

Childcare	Court systems	Health and safety
<ul style="list-style-type: none"> <li>• Leave and compensation to care for a child</li> <li>• Childcare for essential workers</li> <li>• Childcare assistance</li> </ul>	<ul style="list-style-type: none"> <li>• Access to family courts</li> <li>• Electronic or remote hearings, filing of claims, and protection orders</li> <li>• Automatic extension of protection orders</li> </ul>	<ul style="list-style-type: none"> <li>• Nondiscrimination in health insurance premiums</li> <li>• Services to address violence against women</li> </ul>

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

measures tracked is 82.0, compared with 64.5 for economies in which no evidence was found of action taken.

The following sections explore *Women, Business and the Law's* preliminary findings in each area. The data are intended to provide examples of measures that governments may consider implementing should their specific contexts require them during this time. The evidence presented here encourages further research on the impacts of COVID-19 on gender equality, and should be considered together with other data on the subject as they become available.

## Responding to the childcare crisis

As the COVID-19 pandemic unfolded, droves of women were being forced out of the labor force.<sup>3</sup> This outcome was in part because women are often concentrated in occupations most vulnerable to an economic downturn, such as hospitality and services, and so are subject to greater job losses than men.<sup>4</sup> Women may also find their childcare responsibilities increased at the expense of paid work if they are the secondary wage earner in the family.

In large part, however, it was widespread gender inequality in the home and lack of childcare that continued to affect women's work.<sup>5</sup> With almost every economy temporarily or indefinitely shutting down schools and childcare centers, mothers were bearing the brunt of increased childcare, often having to choose between their jobs and their families.<sup>6</sup> For frontline workers who cannot work from home—the majority of whom worldwide are women<sup>7</sup>—school closures and childcare shutdowns were particularly challenging. Even when both parents were fortunate enough to be able to work from home, men were still not performing the same amount of childcare and unpaid work as women.<sup>8</sup> Furthermore, many employers were discriminating against mothers and failed to or could not accommodate their childcare needs.<sup>9</sup>

Although exacerbated, this unequal distribution of care work within households and lack of childcare support for working parents are nothing new. In the prepandemic world, women were spending 4.5 hours a day on unpaid work, whereas men were spending less than half of that time.<sup>10</sup> Although men were doing more care work than before lockdowns began, COVID-19 simply exposed, more than ever, the childcare crisis across the world that is escalating gender inequality.

*Women, Business and the Law* has explored how policy makers addressed this crisis during the pandemic through social protection measures and changes to labor and employment law. Specifically, it has investigated three categories of new childcare measures: (1) childcare leave policies, (2) childcare measures for essential workers, and (3) other forms of childcare assistance available to parents during the pandemic.

Before the onset of COVID-19, less than a quarter of all economies legally guaranteed employed parents any time off for childcare. These policies are almost exclusively found in Europe and Central Asia and among the high-income member economies of the Organisation for Economic Co-operation and Development (OECD). Although the exact details and even the titles of these leave policies differ considerably from one economy to another, they all provide parents of young and school-age children with time off for childcare purposes.<sup>11</sup>

With the widespread closure of schools and care facilities, however, close to 40 economies from all regions, except East Asia and the Pacific and South Asia, ushered in leave or benefit policies to help employed parents reconcile their jobs with newly expanded childcare obligations. More than three-fourths of these economies are classified as high-income. Approximately three-fifths introduced temporary policies during school closures, while the remaining economies changed existing ones.

The COVID-19 childcare leave and benefit policies examined here vary widely. For eligibility, the right to leave as well as to any compensation is almost always tied to formal employment. For example, in Switzerland parents applying for childcare benefits must be covered by the Swiss social security insurance program and must be employed or engaged in self-employment. Parents working in the informal sector are not eligible. In lower-income economies where women are largely working informally, governments considering childcare leave or benefit policies should ensure they have access to any programs implemented in response to the pandemic.<sup>12</sup>

In some economies such as Cyprus and Romania an employee must be unable to work from home to receive childcare leave. In others, such as France, anyone affected by lack of regular childcare is eligible. Some governments also limit eligibility based on the age of the child. In Chile and Poland, only parents of children under the age of eight are eligible, whereas in Bulgaria and Portugal parents with children up to age 12 can take childcare leave. In a few economies, including Algeria, only mothers are entitled to childcare leave.

The duration of COVID-era childcare leave and benefit policies can also fluctuate. In economies such as Argentina and North Macedonia, the duration of childcare leave or of the payment of benefits is based on the duration of the state of emergency or school closure. Meanwhile, other economies have established a maximum duration ranging from about three days (Greece) to three months (the United States). In at least one economy, Fiji, leave was shortened to maintain the stability of jobs and businesses. The Employment Relations (Amendment) Act 2020 reduced both paternity and family care leave from five to two business days.

When it comes to wage compensation for income lost because of childcare obligations, benefits are typically based on a percentage of the parent's income. In Italy, between March and July 2020 parents were jointly entitled to 30 days of leave paid at 50% of the parent's salary. In France, workers with children affected by school closures

were entitled to up to 70% of wage compensation until they reopened. Leave can also be unpaid, such as in Canada, or in rare cases, be fully paid, such as in the Seychelles.

In most economies providing such compensation, cash benefits are funded by the government. In Malta, parents unable to work from home but who had to take care of their children under 16 years of age were eligible for a cash benefit during school closures. Portugal offered an allowance to parents who had children under the age of 12 and who had to miss work because of the closure of schools and day cares. In Japan, the government offered to partially compensate employers for the special paid leave they gave employees unable to work because of the closure of their child's care or education facility. In other economies such as West Bank and Gaza employers must pay for all or part of childcare leave.

Many governments also took specific measures to provide childcare for essential workers on the frontline of the COVID-19 pandemic. Some 20 economies introduced such measures once the pandemic spread. New Zealand funded home-based childcare for children of essential workers unable to find alternative care arrangements during the lockdown. Similarly, Singapore required preschools to stay open for parents who provide essential services, with priority given to health care workers unable to work from home and low-income essential workers.

Other forms of childcare assistance have also proved critical. Although leave and benefits are essential, many parents left without childcare during COVID-19-induced lockdowns were not eligible or simply could not afford to take leave without full pay or stopping work. To address these challenges, some economies introduced innovative childcare assistance measures, such as free childcare or compensation specifically designated for childcare (table 2.1). Such measures are heavily concentrated among OECD high-income economies.

Supporting the childcare industry itself was also key to ensuring it did not collapse during and after the pandemic. Some governments provided support to childcare providers, including allocation of funds and tax relief. In the United Kingdom, eligible

<b>TABLE 2.1   EXAMPLES OF CHILDCARE MEASURES INTRODUCED DURING THE COVID-19 PANDEMIC</b>		
<b>Economy</b>	<b>Type of measure</b>	<b>Description</b>
<b>Argentina</b>	Paid childcare leave	Parents were entitled to paid leave for purposes of childcare while schools were closed.
<b>Australia</b>	Free childcare	Childcare was free for all workers between April 6 and July 12, 2020.
<b>China</b>	Childcare support for essential workers	The government provided childcare support, such as home-based teaching, if the parents or other guardians were unable to fully perform their care duties because of needs stemming from pandemic prevention and antipandemic work.
<b>Estonia</b>	Exemption from paying kindergarten fees	In Tallinn, kindergartens remained open, and the city government suspended payment of fees until the end of April 2020.
<b>Italy</b>	Babysitting vouchers	Employees and self-employed persons received support to pay for babysitters via a childcare voucher of up to €1,200 for families with children under age 12.
<b>United Kingdom</b>	Tax credits	Parents who had to reduce their working hours were still eligible to offset childcare costs through tax credits.

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

childcare centers will not have to pay any business rates, a type of property tax, from 2020 to 2021. Similarly, in Hong Kong SAR, China, qualified childcare centers are eligible for a Child Care Centre Special Grant administered by the Social Welfare Department to help manage financial difficulties arising from suspension of their services due to COVID-19.

Overall, *Women, Business and the Law* found that pandemic-related childcare measures were few and far between. They were also likely insufficient to tackle the motherhood penalty and solve the childcare crisis. Even before the pandemic, fathers' uptake of paid parental leave compared with mothers' was abysmally low in the majority of the 44 economies guaranteeing it.<sup>13</sup> In Japan, only 7.5% of eligible fathers took paid parental leave in 2019, despite having one of the most generous policies in the world.<sup>14</sup> And in the United Kingdom, it is estimated that only 2–8% of eligible couples made use of shared parental leave benefits in 2016.<sup>15</sup>

Long-term strategies to build robust childcare infrastructure, encourage fathers to share equally in unpaid care work, and reconcile the demands of both childcare and the workplace are critical to achieving gender equality. To promote fathers' uptake of leave and help redistribute unpaid care work in the home, some governments are designing parental leave policies that are highly compensated, include specific nontransferable allocations for fathers, or provide sharing bonuses.<sup>16</sup> Other interventions, such as strengthening nondiscrimination laws, are also needed to ensure that a basic legal framework enabling women's economic inclusion is in place. The private sector can also play a role by allowing flexible work arrangements to support parents.<sup>17</sup> Finally, investments in the childcare industry, which also benefit children's cognitive development,<sup>18</sup> are critical to boost gender equality and improve women's labor force participation.

## Accessing the court system

Globally, women initiate the majority of family law cases, including formalizing marriage or divorce, seeking custody of children, and requesting protection from violence. Access to court is therefore an important component of women's security, voice, and agency. Family courts worldwide have taken several approaches to enabling women to access the justice system during the pandemic. Even and especially during a state of emergency, it is important to declare certain cases as "urgent" or "essential" ones that must be addressed. Procedures that offer women a safe alternative to in-person hearings must also be introduced or expanded.

Although the pandemic has altered the functioning of many economies' judicial systems, governments responded to these challenges by enabling women to access justice in several innovative ways. At least 72 economies introduced measures to declare family cases urgent or essential during lockdown. Slovenia's judiciary enacted a decree in March 2020 calling on courts to hold hearings only for a limited number of urgent cases, including those related to the upbringing and care of children and maintenance obligations. In South Africa, which has one of the highest rates of gender-based violence in Sub-Saharan Africa,<sup>19</sup> the chief justice authorized all heads of court and magistrates in the superior and lower courts to enable access for urgent matters such as bail applications, maintenance, domestic violence, and children-related cases.<sup>20</sup>

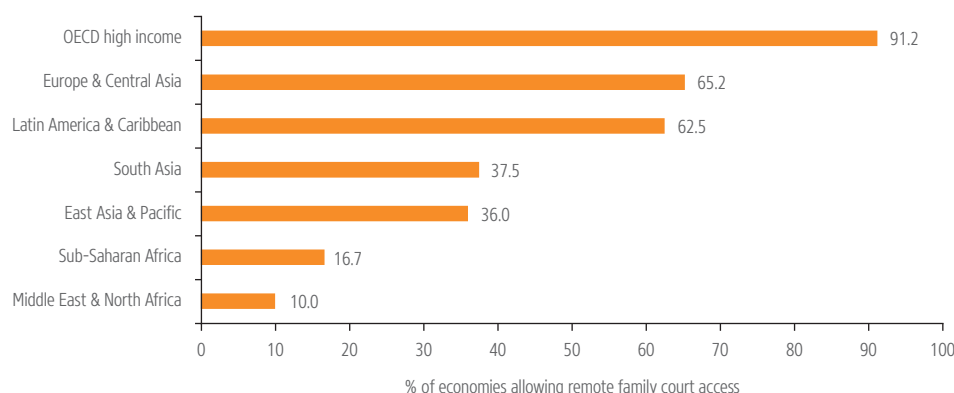
Together with Ethiopia, South Africa also treated domestic violence cases as urgent, with courts continuing to hear cases.

Procedurally, 88 economies across all regions allowed remote court proceedings for family law matters. Such measures were most common in the OECD high-income region, followed by Europe and Central Asia and Latin America and the Caribbean (figure 2.3). The form and extent of these measures vary, encompassing fully digital court databases and electronic filing procedures, as well as virtual hearings conducted via videoconference, phone, or a social media platform. Sometimes, small adjustments to existing procedures can go a long way toward easing women’s access to justice. Norway dedicated a phone line to urgent requests for mediation in divorce proceedings while family welfare offices were closed. In addition, 12 economies—Argentina, Brazil, France, Greece, India, Ireland, Kenya, Portugal, Puerto Rico (US), Trinidad and Tobago, the United States, and Uruguay—automatically extended protection orders as a direct response to the health crisis.

At times, it became essential to create new online portals to meet demands. As part of their COVID-19 emergency plan, Puerto Rico’s judicial branch launched an online platform for the submission of protection order applications so the applicant would not have to go in person to the court or police headquarters. The Barbados judiciary introduced virtual courts and began conducting hearings by videoconference for urgent cases, which included violence against women and girls.<sup>21</sup> China also launched online platforms to facilitate the application process for protection orders. In the Middle East and North Africa, Lebanon was the only country to introduce hearings to obtain protection orders via video call. The attorney general of the Court of Cassation also issued a circular that included an updated procedure for public prosecution of domestic violence cases.<sup>22</sup>

Although some economies were already equipped to conduct remote proceedings, others enacted new laws to respond to the crisis. At least 79 economies introduced

**FIGURE 2.3 | ECONOMIES ACROSS ALL REGIONS ALLOWED REMOTE ACCESS TO FAMILY COURTS DURING THE COVID-19 PANDEMIC**



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

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

laws or policies on remote access to courts because of COVID-19 and after lockdowns were launched worldwide (table 2.2). In Mauritania, the public prosecution office created a digital platform via WhatsApp where citizens could file complaints and submit pictures and documents related to cases. In India, the Delhi High Court allowed family courts to record evidence via videoconferencing during the pandemic. Finally, Ghana accelerated its program on electronic filing and remote case access for judges. However, it is not yet fully functional countrywide because of a lack of internet access and network issues.

Marginalized groups, including women and the poor, have faced higher barriers in accessing the technology and infrastructure they need to receive services during the pandemic. In developed economies, nearly 87% of people have access to the internet, whereas in developing economies only 47% benefit from such access.<sup>23</sup> Worldwide, 58.3% of men and 48.4% of women have internet access—a gender gap that is especially prevalent in low-income economies.<sup>24</sup>

Flexible approaches can be helpful when addressing multiple gaps such as these. New technologies and mobile services have proved essential to guaranteeing access to justice for women during the COVID-19 crisis. For example, because the internet infrastructure in Guinea-Bissau is not strong enough to support videoconferencing, court procedures related to child custody and alimony can be carried out by phone.

However, a lack of available resources and insufficient infrastructure may make implementation difficult. In 68 economies, the justice system has not responded to the crisis, meaning that remote access to family courts is not possible and family cases were not declared urgent. And in 18 economies where physical access to courts was

<b>TABLE 2.2</b>		
<b>EXAMPLES OF FAMILY COURT SYSTEM RESPONSES TO THE COVID-19 PANDEMIC</b>		
<b>Economy</b>	<b>Type of measure</b>	<b>Description</b>
<b>Canada</b>	Greater use of electronic filing and remote hearings for family law cases	Although both the Ontario Court of Justice and Superior Court allowed electronic filings and hearings by phone and videoconferences before onset of the COVID-19 pandemic, including when filing for divorce, family lawyers noticed an uptake in the use of these means during the crisis.
<b>India</b>	Issuance of ruling on use of technology for child custody arrangements	In April 2020, the Supreme Court of India prescribed guidelines for the functioning of the courts through videoconferencing in matters related to family law (among others), and high courts throughout the country followed suit. The high court in Mumbai also directed a woman to arrange for videoconferencing between her two children and their father during the lockdown, having held that the lockdown should not prevent a father from seeing and talking to his children.
<b>Japan</b>	Declaration of urgency for family matters	Although courts limited their activities to help prevent the spread of COVID-19, in April 2020 the Tokyo Family Court announced that urgent family cases, including urgent child custody cases, would be processed as usual.
<b>Nigeria</b>	Launch of remote hearings and electronic document submission for divorce and child custody proceedings	In May 2020, the Lagos judiciary in Nigeria approved hearings via electronic platforms such as Skype or Zoom for urgent cases related to divorce proceedings and child custody cases. Documents could be submitted via both email and WhatsApp.
<b>United Kingdom</b>	Issuance of protocols on remote hearings of family law matters	In March 2020, the family law division of the courts published detailed protocols on how to conduct hearings remotely via teleconference, Skype, email, and other means of electronic communication.

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

completely restricted, seven did not provide any remote proceedings. Such measures should be introduced and not remain temporary; they should be implemented beyond the pandemic. Policy makers also need to address gaps in digital literacy and access to information technology for marginalized groups. Remote access to family courts will help to alleviate an undue burden on women who are juggling work, mobility constraints, childcare, and other family responsibilities for years to come.

## Protecting women's health and safety

As new findings continue to emerge about the effects of the coronavirus, its secondary impacts on the health and safety of women and girls become clearer. Easier access to health care and equalization of health insurance premiums paid by women and men have become especially important as women try, with increasing difficulty, to access vital services in a pandemic.

To combat these disparities, governments and insurance companies could adopt gender-sensitive responses to meet the needs of women during the COVID-19 pandemic, including by taking into account barriers to women's digital and financial inclusion, acknowledging their increased caretaking responsibilities, and providing resources to help them cope with the multifaceted challenges of the crisis.<sup>25</sup> For example, insurers often incorporate information on several factors when determining premium rates: health status, age, gender, geographic location, occupation, and family size, among others.<sup>26</sup> Such factors can be used to justify higher premium rates, especially for women.

Although these rates need not be motivated by a pandemic, a prohibition of discrimination in this area could protect women when such situations arise. In the United States, data reveal that women paid more than men for the same health insurance coverage until 2014 when the Affordable Care Act (ACA) was enacted and enforced a prohibition on gender rating in the calculation of health insurance premiums at the federal level.<sup>27</sup> After its enactment, the percentage of women ages 19–64 who reported delaying or skipping necessary care because of health insurance costs fell to an all-time low (38%) versus nearly half of women (48%) in 2010.<sup>28</sup> Such a law could be a helpful tool in preventing gender-based discrimination when accessing health insurance.

Forty-four out of the 190 economies measured by *Women, Business and the Law* legally prohibit discrimination based on gender when calculating health insurance premiums. The Civil Code of the Czech Republic states that an insurer may not use pregnancy or maternity “as an aspect in determining the amount of the insurance premium or in calculating the insurance benefit.” Cabo Verde's Decree-Law No. 35 of 2010 stipulates that “in the signing, execution and termination of the insurance contract, discriminatory practices based on ancestry, sex, race, language, territory of origin, religion, political or ideological beliefs, education, economic situation, social condition or sexual orientation, as well as for people with disabilities or aggravated health risk, are prohibited.” Iceland uses its gender equality law to eliminate discrimination “when deciding the amount of benefits due to insurance contract or under other related financial service.” Such protections against discrimination can ensure that women remain both healthy and financially resilient during this time.

Some economies have also acted to reduce the impact of the pandemic on women's access to family planning and reproductive health services. In June 2020, the World Health Organization (WHO) recommended prioritizing access to sexual and reproductive health services, which can be severely disrupted during virus outbreaks, disempowering women and girls and exposing them to health risks.<sup>29</sup> Economies have been acting promptly on these recommendations. Guidelines released by the Indian Ministry of Health recommend the continuation of routine reproductive health services, including walk-ins for family planning services.<sup>30</sup> In the United States, the Centers for Disease Control and Prevention (CDC) recommended that health care providers offer quality family planning services while minimizing in-person contact between patients and providers, including through digital health services.<sup>31</sup>

For women facing threats to their safety, governments have also allocated resources and services to mitigate the impact of violence. Forced coexistence, job loss, and escalating stress and anxiety about the future can lead to greater tension in the household, turning many partners into abusers or exacerbating existing abuse. Indeed, the pandemic has contributed to a rise in both the severity and frequency of gender-based violence.<sup>32</sup> Ensuring the provision or continuity of services, including access to health care, psychological assistance, legal aid, shelters, dedicated police resources, livelihood support, and hotlines, as established by international legal standards,<sup>33</sup> has therefore been of paramount importance for survivors of gender-based violence throughout the pandemic. Without such support, the stretched capacity of response services could contribute to larger losses for women and a heightened perception of impunity among perpetrators.<sup>34</sup>

Preliminary research finds that since early 2020 economies around the world have introduced about 125 new measures to facilitate women's access to services protecting them from gender-based violence (table 2.3). These measures, which take different forms, may include emergency services provided by justice or women's affairs ministries, emergency decrees or protocols issued by governments, or approval of additional budget for the establishment of new services or enhancement of existing ones, among other things. Such services either complement and support existing programs or introduce new ones.

Of the services measured, hotlines were the most frequent, accounting for about one-fourth of all services introduced. Emerging data indicate a spike in calls to domestic violence hotlines in many economies after outbreak of the pandemic.<sup>35</sup> For example, after acknowledging a fivefold increase in the rate of violence against women over the same period last year, the Tunisian Ministry of Women, Family, Children and Seniors launched a toll-free phone line to enable women to report exposure to domestic violence during the period of isolation. This 24/7 hotline service provided psychological, social, and legal counseling services. Similarly, to protect women at risk of gender-based violence, Jamaica's Ministry of Health and Wellness established a hotline staffed by volunteers to help people seeking information and guidance. As part of their orientation, the hotline operators received training in gender-based violence awareness and prevention.<sup>36</sup>

For some families, heightened health anxieties coupled with economic pressures have exacerbated already combustible domestic relationships, which has increased victims' mental stress. To combat this situation, the Arab Republic of Egypt launched the "Our Mental Health Is a Priority" initiative in May 2020. With the help of psychologists and professional institutions, this initiative has supported the mental health of



**TABLE 2.3**      **EXAMPLES OF SERVICES PROVIDED TO SURVIVORS OF GENDER-BASED VIOLENCE DURING THE COVID-19 PANDEMIC**

Economy	Type of measure	Description
Argentina, Bolivia, China, Portugal	Hotlines	<ul style="list-style-type: none"> <li>In Argentina, Bolivia, and Portugal, national hotlines, WhatsApp, and SMS numbers allowed women to report cases of violence and request assistance.</li> <li>In China, the eight-hour domestic violence hotline is now a 24-hour operation.</li> </ul>
Indonesia, New Zealand, Paraguay, Ukraine	Psychological assistance	<ul style="list-style-type: none"> <li>Indonesia launched psychiatric health services (Sejiwa) through which the Ministry of Women Empowerment and Child Protection (MoWECP) provided assistance to women and child survivors of domestic violence who were affected by COVID-19.</li> <li>New Zealand offered counseling services through nongovernmental organizations (NGOs) that receive recognition and funding from the government.</li> <li>In Paraguay, the government adopted a protocol that includes the provision of emergency numbers for survivors of violence to obtain psychological support.</li> <li>In Ukraine, six mobile teams provided psychosocial assistance through Skype, Viber, phone, and online support groups.</li> </ul>
France, Montenegro	Shelters	<ul style="list-style-type: none"> <li>In France, as shelters exceeded capacity, alternative accommodations were found in hotels for domestic violence survivors.</li> <li>In Montenegro, the Women's Safe House rented private apartments to accommodate victims of violence and enable them to comply with social distancing requirements.</li> </ul>
Marshall Islands, Spain	Legal aid	<ul style="list-style-type: none"> <li>The Marshall Islands offered free legal aid to female survivors of violence through NGOs that receive recognition and funding from the government.</li> <li>In Spain, gender-based violence survivors could contact 016, a toll-free service providing legal advice around the clock.</li> </ul>
India, Lithuania	Dedicated police resources	<ul style="list-style-type: none"> <li>In India, police in the state of Odisha called women who had earlier reported domestic violence to inquire about their condition during the lockdown.</li> <li>Lithuanian police joined with the Lithuanian Women's Rights Association to provide through the police information line contact details on the specialized assistance centers in victims' places of residence. The association also maintains connections with previous victims of domestic violence living in remote rural areas, giving them information on protective measures.</li> </ul>
Malta	Livelihood support	<ul style="list-style-type: none"> <li>In Malta, domestic violence victims could apply to the Private Rent Housing Benefit Scheme. Applicants received the full benefit if they were also in a zero-income scenario.</li> </ul>
Peru	Health care	<ul style="list-style-type: none"> <li>Peru enacted Legislative Decree No. 1470, which stated that health establishments should guarantee urgent and emergency health care and personal safety for all women and other family members who were victims of violence, especially rape.</li> </ul>

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

Egyptian women and has raised the public's awareness of mental health during this challenging time.<sup>37</sup>

In view of the adoption of social distancing measures and the lower budgets of civil society and women's organizations (the main operators of shelters), it is not surprising that only 17 economies introduced dedicated shelters during the pandemic. Canada's federal government approved a financial aid package to support people experiencing homelessness and women facing gender-based violence. Funds were allotted specifically to women's shelters to address their immediate needs and support indigenous women and children escaping violence.<sup>38</sup> Similarly, the Danish government opened 55 new

emergency shelters in five cities that guaranteed abused women and children safety and provisions for their basic needs.<sup>39</sup>

Although in most economies police and legal aid actors focused on enforcing quarantine and social distancing measures, those in some economies continued to provide support for women in abusive relationships. After witnessing a spike in domestic violence cases, the Singapore Police Force referred survivors to social services such as legal assistance or shelters, even when no explicit request was made.<sup>40</sup> In India, the National Legal Services Authority began providing online legal assistance services through a panel of women lawyers in each district who aid survivors of domestic violence and child abuse.<sup>41</sup>

For many women suffering from physical abuse, fear of contracting the coronavirus was a deterrent from seeking medical care, a situation exacerbated by the burden of financial insecurity and the risk of job loss. Access to dedicated health care and livelihood services therefore became fundamental. In Uzbekistan, women entering the Center for Rehabilitation and Adaptation of Victims of Violence received food, medicine, and hygiene products.<sup>42</sup> However, as health care systems became overburdened and prioritized COVID-19 cases, specific medical support for survivors of violence became the least offered. Just four economies were providing such health care-related services during the crisis.

Finally, a range of exceptional services were also introduced. In Thailand, Twitter launched a new search prompt with the hashtag #ThereIsHelp to redirect users experiencing gender-based violence to local hotlines.<sup>43</sup> In the United Kingdom, the home secretary announced a new national communications campaign with the hashtag #YouAreNotAlone to reach out to those at risk of abuse.<sup>44</sup> Spain also implemented an effective measure, the AlertCops app, which provides violence survivors with timely assistance. The app sends an alert to the police with the victim's GPS location.<sup>45</sup> In Italy, the State Police app YouPol was updated to receive domestic violence complaints, not only from survivors themselves but also from neighbors or other family members, including anonymously. Montenegro, Pakistan, and the Philippines also created online platforms or apps to assist women seeking help. In Argentina, Belgium, Cabo Verde, Chile, France, Italy, Spain, and the United Kingdom, pharmacies provided antiviolence measures and advice to survivors. They also activated emergency police protocols through the use of code words such as "masque-19" and "mascherina 1522" (box 2.1).

Diverse responses to domestic violence such as these are fundamental, but prevention measures, which are equally essential, are largely absent. Governments still have room to enact measures and policies aimed at addressing the roots of this epidemic of violence. National plans targeting education, supporting healthy relationship skills, questioning gender roles and social and cultural norms, and creating protective environments are some of the long-term measures that could mitigate the emergence of domestic violence under any circumstances.

## Setting the agenda

The continuing effects of COVID-19 on gender equality will surely contribute to the research agenda in this field going forward. One area of further exploration is economies' expanded use of digital technology to implement government-to-person

### BOX 2.1 USING CODE WORDS TO ESCAPE VIOLENCE AT HOME

The Mask-19 initiative originated in Spain's Canary Islands to respond to the higher number of cases of violence against women expected during the lockdown announced on March 14, 2020. The director of the Canary Institute of Equality (ICI), Kika Fumero, had noted spikes in abuse in earlier periods of confinement, when women were forced to spend more time with their partners during floods or holidays, and came up with a unique way of seeking help.

In a pandemic, there is no privacy for most victims of domestic violence, and so making confidential phone calls to a helpline is almost impossible. Because the many pharmacies were among the few places that remained open during the lockdown, Fumero realized they would be an accessible and effective tool for ensuring rapid intervention in violent situations.

On March 16, 2020, the government of the Canary Islands launched the Mascarilla-19 (Mask-19) campaign, in cooperation with the association of pharmacies of Las Palmas and Santa Cruz de Tenerife. A woman experiencing violence at home could go to the nearest pharmacy and request "mascarilla-19." Hearing this request, pharmacy staff knew they must discreetly call the police. Pharmacists were not meant to replace shelter staff or support workers, but they were able to quickly activate a care protocol for women subjected to violence at home.

Within a week, the initiative reached 200,000 contacts in the ICI network alone, and the code word "mascarilla-19" went viral on social media throughout Spain. The ICI immediately received requests from other administrations in Madrid, Valencia, and Andalusia to use the same campaign material, which was then made available on the ICI website. Following the example of the Canary Islands, the Mask-19 initiative was quickly adopted not only across Spain, but also by Argentina, Belgium, France, Germany, Italy, and Norway.

*Sources:* BBC; European Youth Ideas; Gobierno de Canarias; United Nations.

(G2P) payments to limit the risks of in-person interactions and rapidly disburse funds.<sup>46</sup> Evidence indicates that direct government cash transfers to low-income women increase their control over financial decisions, enhance their empowerment and prospects for economic recovery, and improve their resilience in the long run.<sup>47</sup> The use of mobile money platforms to deliver COVID-19 relief can therefore empower women financially.<sup>48</sup>

Sustained and wide-ranging data collection on these and other topics will be needed to effectively measure the impacts of the pandemic on women's economic empowerment. Areas of additional analysis could include the impact of COVID-19 on women's mobility and access to property, women's decision-making in disease prevention and response, and girls' education during and after the pandemic. Efforts are already under way with the assistance of organizations such as the United Nations Development Programme and UN Women (box 2.2). At the World Bank, the Gender Innovation Lab has published evidence on mechanisms that can help protect the lives and livelihoods of women and girls—at the household level, in firms and farms, and during adolescence—in the context of the COVID-19 pandemic. Projects responding to COVID-19 will also consider the pandemic's differing impacts on men and women. To aid in this effort, the World Bank's Gender Group has issued guidance for health response projects during the pandemic.

Confronting the gendered effects of COVID-19 will require a concerted effort from a variety of actors, including governments, international organizations, and civil society. *Women, Business and the Law* recognizes the nuances in the extent of the pandemic and the ideal provision of services by different sources in different economy contexts.

## BOX 2.2 UNDP–UN WOMEN GLOBAL COVID-19 GENDER RESPONSE TRACKER

Across the globe, the economic and social fallout of COVID-19 is reinforcing gender inequalities. To understand how governments are addressing these challenges, the United Nations Development Programme (UNDP) and UN Women created the Global COVID-19 Gender Response Tracker, which by September 2020 had collected and analyzed over 2,500 government measures across 206 economies and territories. Sources of the tracker's data include databases on COVID-19 responses, such as the World Bank's Real-Time Review of Country Measures of the Social Protection and Jobs Responses to COVID-19; a global survey of UN Women and UNDP regional and country offices on violence against women; self-reporting by member states in their submissions for the UN secretary general's report on violence against women; and desk research.

### Gender analysis

Measures in the sample were classified into four policy categories: social protection, labor markets, fiscal and economic policies, and violence against women and girls. Of the 2,500 measures, a subset of 992 measures across 164 economies and territories were identified as gender-sensitive in that these measures seek to directly address the specific risks and challenges that women and girls face from the pandemic. These measures include those dealing with violence against women, which are categorized as gender-sensitive by default; social protection and labor market measures that target women's economic security or address unpaid care; and fiscal and economic measures that support female-dominated sectors of the economy.

### Findings on gender-sensitive measures

The first iteration of the tracker data was launched in September 2020. They will be updated on a quarterly basis and will expand into new policy areas in 2021. Findings from the data include the following:

- Over 70% of all gender-sensitive measures (704 in 135 economies) address violence against women and girls, including by strengthening helplines and other reporting mechanisms, shelters, and police and judicial responses.
- By contrast, the global social protection and labor market responses have been largely gender-blind, with only 10% of these measures targeting women's economic security (177 in 85 economies) and 8% providing support for unpaid care (111 in 60 economies).
- Among the most important economic security measures are cash transfers, food assistance, or in-kind benefits that give women priority as the main recipients, as well as support for female entrepreneurs and female informal workers.
- To support unpaid care, 36 economies have expanded family leave provisions, while others have launched "cash-for-care" programs that compensate parents for school and childcare closures. Only 12 economies kept their childcare services open during lockdowns to support essential workers with children.
- Similarly, few actions have been taken to cushion the COVID-19 shocks to businesses and sectors with large shares of women; only one in 10 fiscal and economic measures channel resources to female-dominated sectors of the economy.

By pointing to gaps and challenges, the tracker is an important advocacy and accountability tool when in the hands of gender equality advocates. It also provides an array of positive examples from which policy makers can draw inspiration. The tool is being used in global, regional, and national policy dialogues geared toward driving forward a gender-equitable crisis response and recovery.

*Source:* This box was drafted by Silke Staab, Esuna Dugarova, and Constanza Tabbush. See <https://data.undp.org/gendert tracker/> for tracker and methodological note.

As the world continues to feel the effects of COVID-19, more data will become available on both its impacts on gender equality and best practices to counter any negative consequences.

For women everywhere, the secondary effects of the pandemic on their livelihoods, economic security, and safety require immediate and sustained attention. Targeted measures that recognize the unique difficulties women are facing during this time, but also foster a legal environment that supports their equality of economic opportunity, can help close the gap in existing and exacerbated inequalities. This will ensure that women, and as a result their communities and economies, are both prepared for and resilient in meeting unexpected challenges.

## Notes

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2. Enterprise Surveys (database), "COVID-19: Impact on Firms," World Bank, Washington, DC, <https://www.enterprisesurveys.org/en/covid-19>.
3. Masterson 2020; McKinsey & Company 2020.
4. Alon et al. 2020.
5. Fuchs-Schündeln, Kuhn, and Tertilt 2020.
6. Collins et al. 2020.
7. ILOSTAT (International Labour Statistics). 2020. "COVID-19 and Labour Statistics." Geneva. <https://ilostat ilo.org/topics/covid-19/>.
8. Del Boca et al. 2020; Farre et al. 2020.
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12. De Paz et al. 2020.
13. Koslowski et al. 2020.
14. Japan, Ministry of Health, Labour, and Welfare 2020.
15. O'Brien, Atkinson, and Koslowski 2019.
16. Brandth and Kvande 2018; Marynissen et al. 2019; Patnaik 2014.
17. IFC 2020a.
18. Datta Gupta 2018.
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22. Abdelbaki 2020.
23. ITU 2020.
24. UNDESA 2020.
25. IFC 2020b.
26. American Academy of Actuaries 2010.
27. NWLC 2012; Pear 2012.
28. Gunja et al. 2017.
29. WHO 2020b.
30. Vora, Saiyed, and Natesan 2020.

31. CDC 2020.
32. De Paz et al. 2020.
33. COE 2018; UN Women 2015.
34. De Paz et al. 2020.
35. UN Women 2020.
36. WHO 2020a.
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38. Canada, Government of 2020.
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## CHAPTER 3

# New Areas of Research

- *Women, Business and the Law 2021* presents studies of two new areas: childcare and access to justice.
- Because women are often primary caregivers, unpaid care work is one of the main barriers to their employment and job retention. The first section of this chapter examines the need to reduce this barrier through the provision of childcare.
- Laws are effective only if redress procedures and institutions are in place to implement them. Several ways of measuring women's access to justice are explored in the second section of this chapter.
- Future editions of *Women, Business and the Law* will seek to publish the results of these efforts as they apply to women's economic opportunities and outcomes.

Mapping out measures that address challenges faced by women during the COVID-19 pandemic has only amplified two areas that *Women, Business and the Law* would like to research further: childcare and women's access to justice. Women will not receive equal opportunities at work if their childcare needs are not met. Meeting such needs requires a more equitable sharing of responsibilities with men, as well as more support from both government and the private sector in the provision of care for young children. As for access to justice, although *Women, Business and the Law* has underscored that laws are an important first step toward ensuring gender equality, without justice to enable their implementation they will not have their intended effect.

Each topic is fundamental to the effort to close persistent gender gaps in women's economic inclusion. Because of their relevance and importance, *Women, Business and the Law* will produce research and analysis that highlight the barriers women continue to face in these two areas. This effort will not necessarily result in the inclusion of new indicators in the *Women, Business and the Law* index. Although objective indicators can and should be used to better inform policy makers, there are limitations to creating them. Understanding local context, including political, legal, economic, and cultural climates, for example, is essential for producing indicators. In addition, sufficient human and financial resources must be dedicated to identifying and overcoming any methodological challenges. Finally, extensive country coverage, comparability across economies, and feasibility of annual data collection are vital for success. The addition of new indicators will thus depend on the results of the pilot effort and ability to address these limitations.

With these considerations in mind, the following sections present background research and preliminary suggestions for further research and analysis in the areas of childcare and access to justice. *Women, Business and the Law* will use this presentation

as a starting point from which to delve further into identifying potential avenues of measurement of these topics, with the hope that the findings will prove useful for both public and private sector actors.

## **Accessing childcare for women's economic opportunity**

The worldwide COVID-19 crisis highlighted the importance of access to high-quality, affordable childcare and exposed the financial vulnerability of the childcare sector. Many childcare providers feared they would not be able to reopen without public support.<sup>1</sup> Because of the closure of childcare centers at the outset of the pandemic, parents faced hardship in dealing with additional care work. Women are primarily responsible for unpaid care at home, and they have also been affected more than men in terms of paid work. Policy makers and firms should better align childcare policies with the needs of working parents and, in particular, working mothers.

### ***Why does childcare matter for women's economic empowerment?***

Research has documented the positive impact that the availability, affordability, and quality of childcare can have on women's participation in the labor market, their hours of work, and their wages.<sup>2</sup> A link has also been drawn between the availability and affordability of childcare and economic growth as related to fertility rates and the female labor supply.<sup>3</sup>

Government childcare policies are wide-ranging, and, globally, childcare options are diverse. Each economy must consider potential hurdles in the design of childcare provision, depending on its specific context. Hurdles could include persuading working parents who are not involved in the early development of their children that childcare is a necessity or providing guarantees that childcare offered outside the home is higher in quality than other options.

Literature on the impact of government funding on public and private childcare facilities, the effects of subsidies and tax credits given to families and employers, and informal childcare is helpful to understanding the relationship between childcare policies and women's labor market outcomes.<sup>4</sup> Although not exhaustive, the literature summarized in table 3.1 is a useful synthesis of the childcare options available to working parents and a snapshot of the advantages and limitations of each.

The literature reveals the costs and benefits of investments in childcare for women's economic opportunities and participation in the labor market. Yet, government support for and intervention in regulating childcare go beyond their effects on female workers, and can be driven by externalities and market imperfections, including broader societal spillovers, information asymmetries, and costs. For example, expanding childcare services could be a source of job growth. It has been estimated that 43–53 million practitioners would be required to meet the gap in childcare access worldwide, with low- and lower-middle economies accounting for nearly 80% of the gap.<sup>5</sup>

Quality of care, another central concern, affects society at large in several ways. The low wages of childcare workers, for example, affect the quality and stability of the childcare workforce. More public spending on quality childcare will therefore improve the cognitive, social, and emotional skills of young children, who, in turn, will succeed

**TABLE 3.1** CHILD CARE POLICIES AND CORRESPONDING ECONOMIC OUTCOMES: A LITERATURE SUMMARY

<b>Government funding of public and private childcare facilities</b>	<ul style="list-style-type: none"> <li>• High-quality, affordable childcare, partially or fully funded by the government, has been positively associated with female employment in analyses of policies in Argentina (Berlinski, Galiani, and McEwan 2011); Germany (Geyer, Haan, and Wrohlich 2015; Haan and Wrohlich 2011); Spain (Nollenberger and Rodríguez-Planas 2015); and the United States (Herbst 2017).</li> <li>• Evidence from Vietnam has found that the use of childcare increases the probability of women having wage-earning jobs by 41% and formal jobs by 26% (Dang, Hiraga, and Nguyen 2019).</li> <li>• Access to formal public childcare in Indonesia has been found to increase the likelihood of women with age-eligible children participating in the labor force by 13.3% (Halim, Johnson, and Perova 2017).</li> <li>• Several authors have found a positive relationship between the universal low-fee, high-quality preschool provided in Quebec, Canada, and the female labor supply—see, for example, Baker, Gruber, and Milligan (2008); Haeck, Lefebvre, and Merrigan (2015); Lefebvre and Merrigan (2008); and Lefebvre, Merrigan, and Verstraete (2009).</li> <li>• Access to subsidized childcare can also have a significant positive impact on women’s employment rates and work hours, as evidence from Latin America and the Caribbean shows (Diaz and Rodríguez-Chamussy 2013; Thévenon 2013).</li> <li>• Research from Havnes and Mogstad (2011) finds that universal childcare may not be effective if it merely replaces already available informal childcare arrangements.</li> <li>• New research has shown that in Austria heavily subsidized childcare was not associated with a reduction in gender gaps in the labor market (Kleven et al. 2020).</li> </ul>
<b>Subsidies and tax credits given to families and employers</b>	<ul style="list-style-type: none"> <li>• In France, providing low-income families with childcare subsidies was found to boost the female labor supply (Givord and Marbot 2015).</li> <li>• In Nairobi, Kenya, offering low-income women subsidies increased their probability of employment and allowed single mothers to shift to standard working hours (Clark et al. 2019).</li> <li>• In the Netherlands, a 50% reduction in childcare fees for all parents and a simultaneous increase in tax credits for low-income working parents increased the female labor supply and hours worked (Bettendorf, Jongen, and Muller 2015).</li> <li>• However, policies can also have unintended consequences. For example, in Chile a policy mandating employers to provide childcare without government support significantly reduced the starting salary of female workers (Prada, Rucci, and Urzúa 2015).</li> </ul>
<b>Informal childcare</b>	<ul style="list-style-type: none"> <li>• Research by Quisumbing, Hallman, and Ruel (2007) compares the situation in Guatemala City, Guatemala, where the formal sector is predominant, with that of Accra, Ghana, where female employment is largely informal. They find that access to formal childcare increases women’s employment only in locations where most women work in the formal sector.</li> <li>• Other studies have shown that, for single mothers, a combination of formal and informal care is associated with a larger female labor supply (Baxter et al. 2007; Brady and Perales 2016).</li> <li>• Research by Halim, Johnson, and Perova (2017) shows that in Indonesia women who have access to informal childcare arrangements, notably those living with older family members who can help take care of children, tend to have higher labor force participation. In urban areas, these women return to work nearly two years sooner after giving birth than new mothers without access to informal childcare.</li> </ul>

as they move through school and enter the workforce as adults. Because they will get better jobs and earn more, it is argued, tax revenues will also increase. Likewise, children who attend quality childcare will be less likely to engage in criminal activity or use social services as adults, thereby reducing government spending. Childcare provision could also present parents with opportunities for further education. Therefore, returns on investment in early childcare pay back public investment in the long term.

The same returns apply to employers, who suffer losses in productivity when parents miss work to fill gaps in childcare or to tend to a sick child. Those losses come with a price tag. For example, in laying out the business case for employer-supported childcare in Fiji, the International Finance Corporation (IFC) found that staff time lost from childcare responsibilities was costing the private sector on average as much as \$254,000 a year, or \$460 per employee.<sup>5</sup> In addition, parents who drop out of the labor market to provide at-home care for their young children lose wages and see reductions in retirement benefits. Low-income families are especially vulnerable to fluctuations in the childcare market because of limitations on what they can afford.

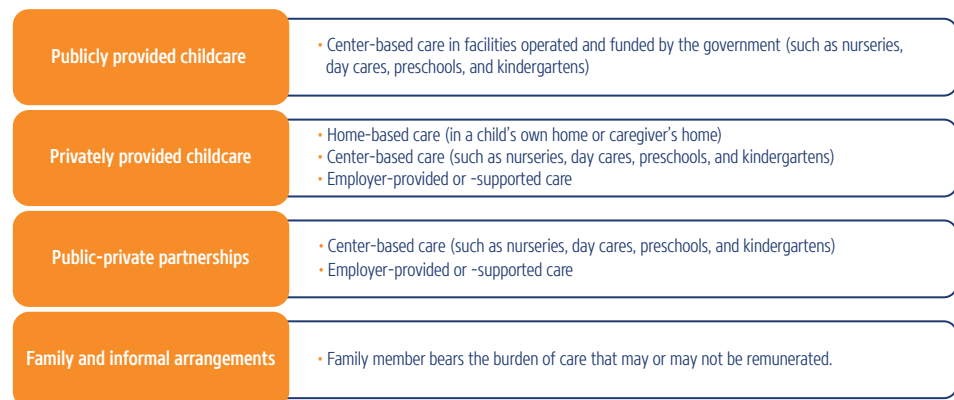
Beyond these considerations, gaps in information limit parents' ability to make childcare decisions. Parents often lack sufficient details about childcare characteristics, including the attributes of high-quality childcare services, the location and availability of care, the relative costs of care, and the range of care alternatives. These information asymmetries around childcare provision suggest the state should confront and revisit norms of family privacy and embrace a greater public role in the childcare market.

In response to these realities, as well as major social and economic changes, improved access to childcare has moved higher on the policy agenda of the governments of many economies. Although there are no internationally established standards to serve as a guide to regulatory measures for the provision of childcare, international conventions and unions recognize working parents' need for outside childcare support and call for childcare facilities to be available. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) calls for the establishment and development of a network of childcare facilities to enable parents to combine family obligations with work responsibilities. Similarly, the International Labour Organization's Convention on Workers with Family Responsibilities No. 156 calls for measures to develop or promote childcare services compatible with national conditions and possibilities that will enable effective equality of opportunity for working men and women.

Although governments are not compelled to provide services, both conventions recognize their key role in promoting and encouraging the development of childcare services. In 2019 the European Union (EU) passed a new directive aimed at helping member states achieve a better work-life balance and more equally distributed care responsibilities by encouraging the use of EU funds to ensure a sufficient supply of high-quality, affordable childcare services and care facilities.

To meet the needs of working mothers and families, governments must therefore support a range of childcare options. Childcare can be funded and operated by the public or the private sector. Public childcare, directly funded and operated by the government, can be provided at center-based facilities, including nurseries, day cares, preschools, and kindergartens. Private childcare is funded and operated by for-profit or not-for-profit business entities. It includes home- and center-based care (figure 3.1).

**FIGURE 3.1 | TYPES OF CHILDCARE**



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

In addition, employers may provide or support childcare for their employees under certain conditions. The recent growth in private sector engagement in the provision of childcare may also be characterized by more sophisticated arrangements, including public-private partnerships (PPPs). Such partnerships give both government and the private sector an opportunity to leverage resources to bring market-based solutions to providing childcare.<sup>7</sup>

When it comes to the delivery of childcare services, economies use different institutional arrangements. The Nordic economies have the most affordable large-scale childcare, running publicly funded and operated systems. The public expenditure on childcare is 1.6% of the gross domestic product (GDP) of Sweden and 1.3% of the GDP of Norway.<sup>8</sup> The Republic of Korea also recently devised an extensive affordable childcare system by adopting a mixed model that allows it to diversify funding sources and provide working families with the opportunity to choose.<sup>9</sup> Despite the mixed system, the government invests 1% of GDP on childcare and early learning and has some of the highest enrollment rates for children of the Organisation for Economic Co-operation and Development (OECD) economies. In contrast, the United States relies on privately provided childcare, spending only 0.3% of GDP—the third lowest expenditure among OECD economies after Ireland and Turkey.<sup>10</sup> Low levels of government expenditure on childcare in these three economies are also accompanied by some of the lowest enrollment rates among OECD economies.<sup>11</sup>

Overall, policy or regulatory frameworks on the provision of childcare services must reflect a coherent mandate, adequate finance and capacity, focus on child development, and strong coordination mechanisms to bring in all stakeholders. Many economies do not have a stand-alone childcare policy. Instead, they have a multitude of policies involving different ministries, including social welfare, labor, education, and youth and sports. Because they have their own objectives, plans, and programs related to childcare, regulation of childcare may become decentralized and uncoordinated.

Coordination with other social policies, including maternity and parental leave in which parents are paid to stay home as caregivers, may also affect the regulation and provision of childcare services. Maternity and parental leave policies can help new parents reconcile the competing claims of work and family life.<sup>12</sup> 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.

Childcare services for children ages three to five years have steadily increased over the last 20 years, largely because of rising access to preschool across economies. However, a gap for children under three years remains.<sup>13</sup> This gap may stem from the fact that governments tend to more often regulate childcare for older children than for younger children. Absent or insufficient regulatory frameworks for children under three years may reflect the limited childcare available for this age group or expectations that mothers and families are responsible for early childhood care. Lack of regulation can also be a disincentive for potential providers (such as those differentiating themselves based on quality), whereas parents may find it more difficult to entrust the care of their children to providers if they are not regulated.

Policies intended to make childcare affordable and of good quality vary by economy. Governments may opt for legally requiring employers to provide or support childcare for their employees. The parameters of this care could include minimum structural quality

and safety standards such as licensing and accreditation, operating hours, inspection for compliance with laws, and reporting mechanisms to the government. However, the literature on child development suggests that the “process” elements of quality (such as caregiver-to-child and child-to-child interactions) are more important for improving children’s development outcomes.<sup>14</sup> A range of incentives could also be granted to parents, employers, and private childcare providers to reduce the cost of private childcare and make it more affordable for families.

### ***Toward available, affordable, and quality childcare***

In 2018, *Women, Business and the Law* collected pilot data on employer-supported childcare and private stand-alone childcare centers within the collaborative framework of the IFC’s Tackling Childcare project. Drawing on 10 case studies, the project fills the gap on how companies can identify the type of childcare support that best suits the needs of their employees.<sup>15</sup> Building on this research, future editions of *Women, Business and the Law* will contribute more analysis based on research and new data related to three main pillars of childcare—availability, affordability, and quality. In the process, the team will also leverage and complement other sources of data, including from OECD and the United Nations Children’s Fund (UNICEF; box 3.1). Potential inclusion of such data in the index to facilitate and promote reform will also be explored.

#### **BOX 3.1 EXISTING DATA ON CHILDCARE**

The existing data on childcare are primarily published by the Organisation for Economic Co-operation and Development (OECD) and the United Nations Children’s Fund (UNICEF). In view of the strong demand for cross-national indicators on the situations of families and children, the OECD Family Database was developed to provide the indicators on family outcomes and policies across OECD economies, its enhanced engagement partners, and European Union member states. The database brings together information from various national and international databases within both OECD and external organizations. The area of public policies for families and children covers seven indicators related to formal care and the typology of childcare systems: legal entitlement to childcare, public spending on childcare, net enrollment in childcare, informal childcare arrangements, childcare support, typology of childcare services, and quality of childcare. *Legal entitlement* refers to a right to a spot in a childcare facility that guarantees availability of childcare. Each indicator typically presents the data on a particular issue as well as the relevant definitions and methodology, comparability and data issues, information on sources, and, when appropriate, raw data or descriptive information across economies. Despite global coverage, the available UNICEF data on childcare are limited to net attendance rates in the framework of early childhood education programs, specifically enrollment of children ages three to five in preprimary school.

*Sources:* OECD Family Database, Organisation for Economic Co-operation and Development, Paris, <http://www.oecd.org/els/family/database.htm>; UNICEF, Pre-primary Education Statistics, <https://data.unicef.org/topic/education/pre-primary-education/>.

Support for childcare has well-documented, widespread benefits for economic development and women’s labor force participation. By collecting and evaluating data on childcare provision, the team will contribute to the World Bank Group’s growing effort to shape an informed, evidence-based policy dialogue around the overall design and effectiveness of childcare policies.

## The role of the justice sector in legal implementation

For more than 10 years, *Women, Business and the Law* has taken as its starting point that the law can help women reach their full potential. It is the framework by which governments can identify barriers to women's success and, by removing them, boost their labor force participation. In fact, over time *Women, Business and the Law* has consistently found that reforms increasing women's equality of opportunity contribute to higher female labor force participation, more successful economies, and better development outcomes. These findings have galvanized action toward legal reform, resulting in over 400 positive changes in the areas measured since 2009.

For women to thrive in the world of work, however, the laws that guarantee their equality of opportunity must be meaningfully implemented and enforced.<sup>16</sup> This requires not only enacting the rules and regulations that put laws into effect, but also ensuring that all relevant parties comply with them. Successful application of the law requires a comprehensive effort from all branches of government, including the judiciary. By strengthening the rule of law and narrowing inequality, access to justice can be a fundamental component of sustainable economic growth. If inclusive, it allows all people to use the legal system to advocate for their interests and ensure enforcement of the law.<sup>17</sup> The success of statutory laws hinges on the ability of justice institutions to both fulfill their mandate and address any violations. Governments must therefore ensure that women's access to justice is comprehensive. While legal gender equality is the first step toward generating tangible outcomes, including greater economic participation for women, reforms must also be fully implemented through strong justice sector institutions.

### ***Why does access to justice matter for women's economic empowerment?***

Discrimination in the law is only one of many sources of gender imbalance. Equal opportunities for women depend on a complex interplay of social, cultural, and economic factors. Although laws may be equal, prevailing discriminatory social norms, deeply rooted stereotypes, unconscious bias, and even ignorance or reluctance by institutions responsible for enforcing rights can be a major stumbling block to the implementation of legislation. This restricts women's opportunities in practice. For example, even in economies mandating nondiscrimination based on gender in employment, employers frequently discriminate in favor of men—who more often are unencumbered with childbearing responsibilities—and against women—who are perceived as secondary breadwinners.<sup>18</sup>

The enforcement of rights and women's ability to seek redress is therefore critical to translating formal laws into real outcomes (table 3.2).<sup>19</sup> Although France and Senegal, for example, have very similar legal systems, access to justice in each is very different, leading to different economic landscapes. Social attitudes may result not only in hesitant implementation, but also in hesitant or even discriminatory enforcement. And if women are not able to claim and enforce their rights, equal laws on the books, while a first step, will have only a limited impact on their economic activity. Thus, proper implementation requires an accessible and effective justice system to ensure that infringements of rights are penalized. A well-functioning judiciary is essential to economic development and sustained growth.



**TABLE 3.2 ACCESS TO JUSTICE AND CORRESPONDING ECONOMIC OUTCOMES: A LITERATURE SUMMARY**

<b>Women's economic empowerment</b>	<ul style="list-style-type: none"> <li>• Unequal access to justice is related to financial burdens, increased stress, strain on family relationships, inability to work, lost income, and political instability. Investing in women's access to justice would have returns in terms of national income, competitiveness at the macroeconomic level, and economic growth (High-level Group on Justice for Women 2019).</li> </ul>
<b>Economic growth</b>	<ul style="list-style-type: none"> <li>• A well-functioning judiciary—one that is accessible, efficient, and predictable and resolves cases within a reasonable time frame—is needed to achieve sustainable economic progress (World Bank 2017).</li> <li>• In Latin America, the strength of judicial systems has been linked to economic performance (Sherwood, Shepherd, and De Souza 1994).</li> <li>• Dam (2006) has associated judicial independence and the strength and efficiency of judiciaries with economic growth.</li> <li>• Deseau, Levai, and Schmiegelow (2019) find that disputes resolved at a relatively low cost, without dysfunctional delay and discrimination, increase five-year GDP per capita growth rates.</li> </ul>
<b>Private sector growth</b>	<ul style="list-style-type: none"> <li>• A stronger judiciary is associated with more rapid growth of small firms (Islam 2003).</li> <li>• In India, state-level court efficiency is highly predictive of growth in the formal manufacturing sector (Amirapu 2017; Chemin 2009).</li> <li>• In Italy, improvements in judicial efficiency have reduced credit constraints and increased lending (Jappelli, Pagano, and Bianco 2005). However, inefficiencies in the judicial system have directly contributed to lower investments and a difficult business environment (Esposito, Lanau, and Pompe 2014).</li> </ul>

The dysfunction and underperformance of court systems negatively affect women, in particular. Factors limiting access to justice such as affordability, cumbersome procedures, and lack of awareness of rights may have impacts on both men and women. However, lower literacy rates, lower incomes, lower mobility, and less extended digital and social networks all disproportionately affect women's access to justice. Other barriers, such as biases in state institutions, social stigma, psychological trauma in bringing claims, and lack of gender-sensitive procedures, are more directly gender-specific.<sup>20</sup> These challenges are even harder for women who are subject to multiple disadvantages. As a result, the justice gap for women is still rampant, particularly in economies where the circumstances for women are worse overall.<sup>21</sup>

Beyond these concerns, unequal access to justice is expensive for both governments and citizens. At the societal level, these costs include higher public spending on unemployment benefits, social assistance, and health services. In Canada, it is estimated that unmet legal needs represent major annual costs to the state, amounting to a combined total of approximately Can\$800 million. This figure includes an annual Can\$248 million in social assistance payments, Can\$450 million in employment insurance payments, and Can\$101 million in health care costs.<sup>22</sup> Recent studies in the United States also find that funding of legal services there could return as much as 11 times the amount invested by reducing public expenditure and generating income.<sup>23</sup> For example, a mother who is able to effectively secure spousal and child support will not require public benefits. Similarly, a woman who suffers domestic abuse and procures a restraining order will lose fewer days of work and gain more income. Such savings can drive millions of dollars into a local economy and empower women to provide for themselves and their families.

International standards set forth by general recommendations on women's access to justice highlight the importance of access for women's economic empowerment. Economic sustainability cannot be achieved without respect for the rule of law and protection of rights, both of which require an effective judiciary that resolves cases in a reasonable time and is inclusive and accessible to the public.<sup>24</sup> The literature notes the difficulty in monitoring and assessing the implementation and enforcement of rights.



It also calls for more public data on the issues women face when accessing justice, especially in the world of work, in order to explore the relationship between de jure and de facto equality of opportunity.<sup>25</sup> A measure of the implementation and enforcement of laws affecting women's economic inclusion is therefore needed to fully understand the legal and judicial constraints to gender equality in business and employment.

While useful, other data sets have not yet met the need for this information. At the global level, the Enforcing Contracts indicator of the World Bank's *Doing Business* project<sup>26</sup> captures important aspects of the performance of the judicial system when it comes to commercial cases. However, this work does not focus on gender. Instead, the only gender dimension captured by the indicator, under its Quality of the Judicial Processes Index, is a measure of whether a woman's testimony carries as much weight as a man's in commercial cases.

Additional research, such as OECD's *Equal Access to Justice for Inclusive Growth* report,<sup>27</sup> the Center on International Cooperation's *Justice for All* report,<sup>28</sup> and the World Justice Project's *Rule of Law Index*,<sup>29</sup> measures effective access to justice across a set of economies (figure 3.2). The World Economic Forum's Global Gender Gap Index,<sup>30</sup> OECD's Social Institutions and Gender Index,<sup>31</sup> and the United Nations Development

FIGURE 3.2 | OTHER GLOBAL JUSTICE DATA



Sources: World Bank Group, OECD Development Center, Center on International Cooperation, and World Justice Project.

a. Goal 16 of the Sustainable Developmental Goals (SDGs) states, "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels."

Programme's Gender Inequality Index<sup>32</sup> track gender inequalities across several practice and outcome areas. Global Integrity's Africa Integrity Indicators track both de jure and de facto corruption and governance in 54 African economies, including a social development section that consists of 24 indicators on gender, rights, welfare, rural sector, business environment, health, education, and civil registration.<sup>33</sup> Despite this impressive undertaking, however, the scope of Global Integrity's project is not global, and scores do not represent an evaluation of women's access to justice. Thus, the *Women, Business and the Law* data collection and analysis will aim to bridge these approaches by studying access to justice through a gender lens.

### ***Toward equal access to justice and implementation***

The role of the justice sector in ensuring gender equality and implementation of the law is multifaceted. A variety of factors could provide valuable insight into its functioning, including the presence of institutions, certain processes and procedures, and statistics and outcomes. With this research, *Women, Business and the Law* hopes to focus specifically on the ways in which women's access to justice can be ensured both through implementation of the good practice legislation covered by the project's indicators and through the passage of specific laws and regulations.

This work will endeavor to fill the knowledge gap by collecting and analyzing data on the processes and procedures relevant to women's access to justice, as well as the good practice legislation that can ensure it. This effort may include using one of the *Women, Business and the Law* questions as a starting point to assess whether the law represented by the question itself is effectively implemented through the justice sector. For example, of the 190 economies measured, 159 prohibit discrimination in employment based on gender. This question allows broad study of similar provisions across economies and regions and could be used to consider the time and cost of a case brought by a female victim of discrimination. Such an approach could also be used to study implementation of other questions in the index.

Through this exercise, potential barriers to implementation of de jure indicators could also be identified for future study. Examples that complement current *Women, Business and the Law* data include the ease and cost of access to justice, effectiveness of complaints procedures, and importance of awareness-raising campaigns among public officials, employers, and employees.

Other measures that promote women's access to justice could also be considered. Institutions of justice, such as customary and personal law courts, dedicated and specialized family courts, and human rights institutions could be examined because of their particular relevance to women. Topics such as small claims court access, the provision of legal aid, and women's representation in the judiciary may also prove pertinent to this discussion.

Any published findings will review the available evidence on this subject, including the data sets described here, for correlation with or further explanation of *Women, Business and the Law* results. Together, the data presented will investigate whether laws, as measured by the *Women, Business and the Law* index, are actionable on the ground for female employees and entrepreneurs. Above all, the intent of this work is to ease the process of identifying good practices that ensure accessible, timely, and affordable remedies for women seeking justice. Such quantitative data could help

provide a complete picture of the life cycle of legislation and encourage economies to move rapidly toward more efficient and comprehensive access to justice for women everywhere.

## What's next?

Most of the current *Women, Business and the Law* indicators measure the differences between men and women under the law. However, selecting a clear benchmark that tackles the trade-offs when considering these areas may depart from this trend. Although the empirical evidence demonstrates the disproportionate effects of the availability of childcare services and access to justice on women's participation in the labor market, these issues are not necessarily a matter of legal gender gaps.

Given their broad scope, the potential results of this research could take several different forms. Any questionnaire will undergo substantial peer review and consultation with academics and practitioners before its dissemination to local experts. To ensure that data are comparable across economies, a set of standardized assumptions will be determined. A questionnaire would also be piloted in several economies in a diverse sample of regions. Results may be published as case studies or policy briefs complementing the *Women, Business and the Law* index. If coverage can be expanded to 190 economies and remain comparable and feasible for annual data collection, the addition of indicators to the index will be considered. Complementary economic research will also aim to establish links between legislative principles and improving women's position as active participants in the workforce and the broader economy.

Growing evidence directly links each of these areas to women's economic opportunities. Although in its early stages, this research aims to highlight the role that childcare and access to justice play in ensuring that the equality promised by law is actionable. In expanding its scope to include these issues, *Women, Business and the Law* hopes to continue providing a rich body of data that can be used to generate policies and provide a road map for further research.

## Notes

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1. NAEYC 2020.
2. Indeed, research from Olivetti and Petrongolo (2017) presents an overview of the evidence from high-income economies on the impacts of family policies on female labor market outcomes and finds that childcare is more strongly associated with better labor market outcomes for women than family leave policies.
3. Day 2016; Yakita 2018.
4. In this discussion, *informal care* refers to unpaid care provided mainly by relatives and family friends.
5. Devercelli and Beaton-Day, forthcoming.
6. IFC 2019.
7. IFC 2017.
8. OECD Family Database, Organisation for Economic Co-operation and Development, Paris, [http://www.oecd.org/els/soc/PF3\\_1\\_Public\\_spending\\_on\\_childcare\\_and\\_early\\_education.xlsx](http://www.oecd.org/els/soc/PF3_1_Public_spending_on_childcare_and_early_education.xlsx). Latest data on total public expenditure on early childhood education and care for Norway and Sweden are for 2015.
9. OECD 2020.

10. OECD Family Database, [http://www.oecd.org/els/soc/PF3\\_1\\_Public\\_spending\\_on\\_childcare\\_and\\_early\\_education.xlsx](http://www.oecd.org/els/soc/PF3_1_Public_spending_on_childcare_and_early_education.xlsx). Latest data on total public expenditure on early childhood education and care for Ireland are for 2015; the Republic of Korea, 2017; Turkey, 2016; and the United States, 2016.
11. OECD Family Database, Organisation for Economic Co-operation and Development, Paris, [http://www.oecd.org/els/soc/PF3\\_2\\_Enrolment\\_childcare\\_preschool.xlsx](http://www.oecd.org/els/soc/PF3_2_Enrolment_childcare_preschool.xlsx). Latest data on enrollment rates in early childcare education and care services for 0- to 2-year-old children in Ireland, the Republic of Korea, and Turkey are available for 2017; in the United States for 2011.
12. Amin, Islam, and Sakhonchik 2016.
13. UNICEF 2019.
14. Devercelli and Beaton-Day, forthcoming.
15. For more information about case studies produced by the International Finance Corporation in 2019 and 2020 within the framework of the Tackling Childcare project, see the IFC website, [https://www.ifc.org/wps/wcm/connect/topics\\_ext\\_content/ifc\\_external\\_corporate\\_site/gender+at+ifc/priorities/employment/tackling\\_childcare\\_the\\_business\\_case\\_for\\_employer\\_supported\\_childcare](https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/gender+at+ifc/priorities/employment/tackling_childcare_the_business_case_for_employer_supported_childcare).
16. OECD 2018.
17. UN Women and UNDP, n.d.
18. Kabeer 2009.
19. World Bank 2012.
20. World Bank 2012.
21. The *justice gap* is defined as the disparity in access to justice and satisfaction of legal needs experienced by women and girls (High-level Group on Justice for Women 2019).
22. Farrow et al. 2016.
23. Buckwalter-Poza 2016.
24. Goldstone and Stein 2015; Hoque 2018; Marciano, Melcarne, and Ramello 2019.
25. Hyland, Djankov, and Goldberg 2021; World Bank 2012.
26. *Doing Business* Indicators (database), World Bank, Washington, DC, <https://www.doingbusiness.org/en/data/exploretopics/enforcing-contracts>.
27. OECD 2019a.
28. CIC 2019.
29. World Justice Project Rule of Law Index 2020 (database), World Justice Project, Washington, DC, <https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2020>.
30. World Economic Forum 2020.
31. OECD Social Institutions and Gender Gap (database), Organisation for Economic Co-operation and Development, Paris, <https://www.genderindex.org/>.
32. Gender Inequality Index (GII), United Nations Development Programme, New York, <http://hdr.undp.org/en/content/gender-inequality-index-gii>.
33. Africa Integrity Indicators—Project Summary and Methodology AI18 (2020), Global Integrity, Washington, DC, <https://www.globalintegrity.org/resource/ai18methodology/>.

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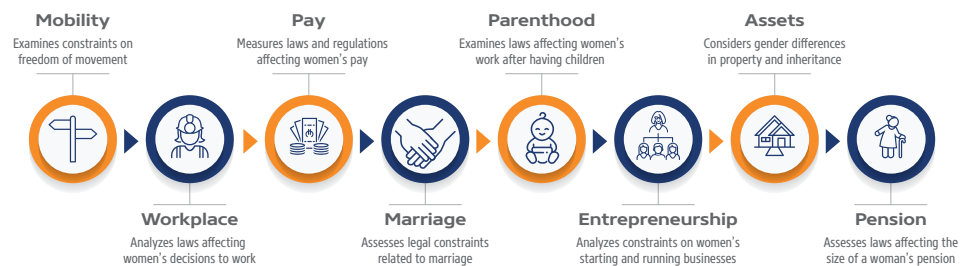
## APPENDIX A

# 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 50 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 business.

To highlight these opportunities for change, *Women, Business and the Law 2021* presents an index structured around the stages of a woman's working life (figure A.1). This framework helps align areas of the law with the economic decisions 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 an easily replicable measure of the legal environment that women face as entrepreneurs and employees. This edition of *Women, Business and the Law* presents an update of the index based on the laws and regulations reformed between September 2, 2019, and October 1, 2020.

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



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

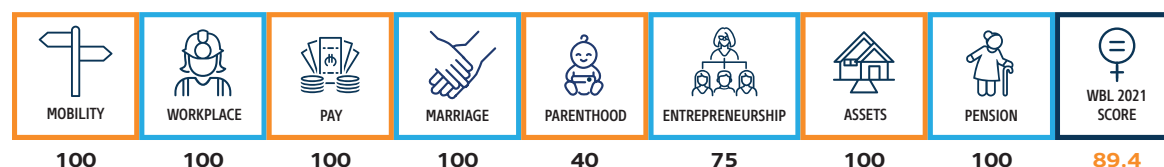
## Methodology

*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 UN Declaration on the Elimination of Violence against Women (DEVAW); and the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100); Maternity Protection Convention, 2000 (No. 183); and Violence and Harassment Convention, 2019 (No. 190).

<b>TABLE A.1   WOMEN, BUSINESS AND THE LAW INDICATORS</b>	
<b>Mobility (0–100)</b>	
1.	Can a woman choose where to live in the same way as a man? (Yes = 1, No = 0)
2.	Can a woman travel outside her home in the same way as a man? (Yes = 1, No = 0)
3.	Can a woman apply for a passport in the same way as a man? (Yes = 1, No = 0)
4.	Can a woman travel outside the country in the same way as a man? (Yes = 1, No = 0)
<b>Workplace (0–100)</b>	
1.	Can a woman get a job in the same way as a man? (Yes = 1, No = 0)
2.	Does the law prohibit discrimination in employment based on gender? (Yes = 1, No = 0)
3.	Is there legislation on sexual harassment in employment? (Yes = 1, No = 0)
4.	Are there criminal penalties or civil remedies for sexual harassment in employment? (Yes = 1, No = 0)
<b>Pay (0–100)</b>	
1.	Does the law mandate equal remuneration for work of equal value? (Yes = 1, No = 0)
2.	Can a woman work at night in the same way as a man? (Yes = 1, No = 0)
3.	Can a woman work in a job deemed dangerous in the same way as a man? (Yes = 1, No = 0)
4.	Can a woman work in an industrial job in the same way as a man? (Yes = 1, No = 0)
<b>Marriage (0–100)</b>	
1.	Is there no legal provision that requires a married woman to obey her husband? (Yes = 1, No = 0)
2.	Can a woman be head of household in the same way as a man? (Yes = 1, No = 0)
3.	Is there legislation specifically addressing domestic violence? (Yes = 1, No = 0)
4.	Can a woman obtain a judgment of divorce in the same way as a man? (Yes = 1, No = 0)
5.	Does a woman have the same rights to remarry as a man? (Yes = 1, No = 0)
<b>Parenthood (0–100)</b>	
1.	Is paid leave of at least 14 weeks available to mothers? (Yes = 1, No = 0)
2.	Does the government administer 100% of maternity leave benefits? (Yes = 1, No = 0)
3.	Is paid leave available to fathers? (Yes = 1, No = 0)
4.	Is there paid parental leave? (Yes = 1, No = 0)
5.	Is dismissal of pregnant workers prohibited? (Yes = 1, No = 0)
<b>Entrepreneurship (0–100)</b>	
1.	Does the law prohibit discrimination in access to credit based on gender? (Yes = 1, No = 0)
2.	Can a woman sign a contract in the same way as a man? (Yes = 1, No = 0)
3.	Can a woman register a business in the same way as a man? (Yes = 1, No = 0)
4.	Can a woman open a bank account in the same way as a man? (Yes = 1, No = 0)
<b>Assets (0–100)</b>	
1.	Do men and women have equal ownership rights to immovable property? (Yes = 1, No = 0)
2.	Do sons and daughters have equal rights to inherit assets from their parents? (Yes = 1, No = 0)
3.	Do male and female surviving spouses have equal rights to inherit assets? (Yes = 1, No = 0)
4.	Does the law grant spouses equal administrative authority over assets during marriage? (Yes = 1, No = 0)
5.	Does the law provide for the valuation of nonmonetary contributions? (Yes = 1, No = 0)
<b>Pension (0–100)</b>	
1.	Is the age at which men and women can retire with full pension benefits the same? (Yes = 1, No = 0)
2.	Is the age at which men and women can retire with partial pension benefits the same? (Yes = 1, No = 0)
3.	Is the mandatory retirement age for men and women the same? (Yes = 1, No = 0)
4.	Are periods of absence due to childcare accounted for in pension benefits? (Yes = 1, No = 0)

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



**FIGURE A.2 | ECUADOR SCORES 89.4 ON THE *WOMEN, BUSINESS AND THE LAW* INDEX**

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. In figure A.2, Ecuador receives a score of 100 for Mobility, Workplace, Pay, Marriage, Assets, and Pension, which indicates that no legal constraints were found in the areas measured under these indicators.

Under Parenthood, however, the lack of paid maternity leave of at least 14 weeks, 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 the feedback of over 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 enacted as of October 1, 2020, unless otherwise indicated.

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

TABLE A.2		
METHODOLOGICAL STRENGTHS AND LIMITATIONS		
Feature	Strength	Limitation
Use of standardized assumptions	Data are comparable across economies, and methodology is transparent.	Scope of data is smaller; only regulatory reforms in the areas measured can be systematically tracked.
Coverage of largest business city only	Data collection is manageable, and data are comparable.	In federal economies, data could be less representative where there are differences in laws across locations.
Focus on the most populous group	Data are comparable across economies where there are parallel legal systems prescribing different rights for different groups of women.	Restrictions that apply to minority populations may not be covered.
Emphasis on the formal sector	Attention remains centered on the formal economy, where regulations are more relevant.	The reality faced by women in the informal sector, which may be a significant population in some economies, is not reflected.
Measure of codified law 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* database.

maternity leave is that the woman in question has one child. Although maternity leave benefits often 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. Such restrictions are not captured by *Women, Business and the Law* 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, which may mean that restrictions applying only to minority populations are missed.

Although it ensures comparability of the data, this use of standardized assumptions is limited in its ability to fully reflect the 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 on gender, sex, sexuality, race, gender identity, religion, family status, ethnicity, nationality, disability, and a myriad of other grounds. *Women, Business and the Law* therefore encourages readers to interpret the data in conjunction with other available research.

*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 business. Although many women in developing economies are employed by the informal sector, a goal of this project is 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.

This project also 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 is 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 when domestic law contravenes supranational rules and limits the legal capacity of women. Some questions take into account the enactment date of laws and regulations and some the

### 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).

(continued on next page)

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

- 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.
- 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.

**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, 2020, and her child is in good health. Answers will therefore correspond to legislation in force as of October 1, 2020, even if the law provides for changes over time.
- both parents have been working long enough to accrue any maternity, paternity, and parental benefits.
- if maternity benefit systems are not mandatory or they were not in force as of October 1, 2020, 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.
- 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 answer will reflect the retirement age as of October 1, 2020, even if the law provides for changes over time.
- if a mandatory contributory pension system applicable to the private sector and a non-contributory universal pension system coexist, the answers will correspond with the rules applicable to the mandatory contributory pension system.
- if pension systems are not mandatory or were not in force as of October 1, 2020, they are not measured.

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

date of enforcement, whereas a few consider the state of implementation. For example, questions that measure the provision of a benefit such as paid leave or old age pension consider only laws that are in force and systems through which benefits are paid that are in place and operational. No changes to the *Women, Business and the Law* methodology were made for this edition.

## 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.<sup>1</sup> This indicator has four components that measure:

- **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 explicit restrictions on a woman choosing where to live, if the husband chooses the family residence, if a woman's domicile automatically follows that of her husband, or if the husband has more legal weight than the woman in determining where the family will live.
- **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 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, whereas the same is not required for 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.



## 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.<sup>2</sup> This indicator has four components that assess:

- **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 but no provisions prohibit it or provide 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 provision in the criminal code provides for reparation or 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 victims. 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 or the workplace. 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.



The Pay indicator measures laws affecting occupational segregation and the gender wage gap. Restrictions on certain jobs have been found to be negatively correlated with female employment.<sup>3</sup> This indicator has four components that assess:

- **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, or if the law limits the principle of equal remuneration for work of equal value to the same place of business or same employer.
- **Whether a woman can work at night in the same way as a man.** A score of 1 is assigned if nonpregnant and non-nursing women can work at night in the same way as men. 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 women, including those with children over the age of one, from working at night or limits the hours women can work at night. A score of 0 is also assigned if the law gives the relevant authority the power to restrict or prohibit women’s night work, 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 nonpregnant and non-nursing women 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 women from working 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 women but not for men, 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 nonpregnant and non-nursing women can work in the mining, construction, manufacturing, energy, water, agriculture, and transportation industries

in the same way as men. A score of 0 is assigned if the law prohibits women from working in these industries. A score of 0 is also assigned if women's employment in the relevant industries is restricted in any way, such as by prohibiting women from working at night in "industrial undertakings," or by giving the relevant authority the power to prohibit or restrict women from working 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.<sup>4</sup> 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.<sup>5</sup> This indicator has five components that measure:

- **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 disobedience of a husband has legal ramifications for his wife, 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 there is a provision designating the husband as head of household or stipulating that the husband 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 access to services. Gender restrictions 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 women and men or provides additional protections for women, 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 women, if only men can initiate divorce proceedings, or if divorce is legally prohibited.
- **Whether a woman has the same rights to remarry as a man.** A score of 1 is assigned if women and men have equal rights to remarry. A score of 0 is assigned if provisions limit a woman's right to remarry, such as requiring a waiting period before remarriage to which a man is not subject. A score of 0 is also assigned if divorce is legally prohibited.





## 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.<sup>6</sup> This indicator has five components that measure:

- 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% 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 or as an individual entitlement that each can take regardless of the other. 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 termination of 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.<sup>7</sup> This indicator has four components that measure:

- 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 or receiving financial assistance. 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 to register a business. This includes 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 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. Improving property and inheritance rights is positively associated with female earnings and employment<sup>8</sup> as well as women's access to housing and land.<sup>9</sup> This indicator has five components that measure:

- **Whether men and women have equal ownership rights to immovable property.** A score of 1 is assigned if there are no restrictions on women's legal capacity and rights to immovable property. A score of 0 is assigned if women'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 of marital property. This includes instances in which legal systems are supported by custom and judicial precedent.
- **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 with no living children.
- **Whether the law grants 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 all property, including any separate property of the wife.
- **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 the property or holds title to it. A score of 0 is assigned if the default marital property regime is not full or partial community or deferred full or partial community, 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.<sup>10</sup> This indicator has four components that measure:

- **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 taken into account 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

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

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.

## Proposed methodological changes

The following changes in methodology have been proposed for future studies:

- **Date of reform.** Some *Women, Business and the Law* questions measure impediments to women's economic opportunity, whereas others analyze the provision of benefits. Because of the differences in these types of questions, those on impediments consider

the enactment date of laws and regulations, whereas questions that measure the provision of a benefit such as paid leave or pension consider only laws that are in force and operational. To better measure implementation of the law, *Women, Business and the Law* proposes in future cycles to begin measuring laws based on their date of enforcement rather than their date of enactment for all questions.

- **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 explicit spousal obedience provisions. This approach does not account for the fact that many legal systems establish unequal power dynamics between husband and wife—for example, a woman who abstains from marital relations with her husband may face legal ramifications. *Women, Business and the Law* therefore proposes including under this question provisions that provide exemptions for marital rape or otherwise negatively affect a woman’s decision-making power within the household.
- **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. In all economies that provide paid parental leave, women use it significantly more than men. Moreover, very long parental leave policies may negatively affect a woman’s career progression and earnings because she has spent too much time out of the labor force. The key to designing leave policies that do not exacerbate gender inequality may be promoting fathers’ uptake of leave. *Women, Business and the Law* thus proposes establishing longer thresholds for both the question on whether there is paid leave available for the father and the question on whether there is paid parental leave. In addition, *Women, Business and the Law* proposes refining the question on paid parental leave in order to encourage more equitable use of leave policies.
- **Entrepreneurship.** Access to credit is a major barrier to women’s entrepreneurship. *Women, Business and the Law* is seeking to refine the methodology for this indicator and potentially add new questions to better measure women’s financial inclusion.

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 it 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).

## Notes

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1. Htun, Jensenius, and Nelson-Núñez 2019.
2. McLaughlin, Uggen, and Blackstone 2017; Zabalza and Tzannatos 1985.
3. Ogloblin 1999, 2005; Zveglic and Rodgers 2003.
4. Goldin and Olivetti 2013; Gonzales et al. 2015.
5. Voena 2015.
6. Berger and Waldfogel 2004.
7. Field et al. 2016; Ladd 1982.
8. Heath and Tan 2018; Peterman 2011.
9. Gaddis, Lahoti, and Swaminathan 2020.
10. Burn et al. 2020; Chłoń-Domińczak 2017.

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## APPENDIX B

# Economy Data

Indicators capture legal differences between men and women in the following areas:










Economy	 MOBILITY	 WORKPLACE	 PAY	 MARRIAGE	 PARENTHOOD	 ENTREPRENEURSHIP	 ASSETS	 PENSION	 WBL 2021 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	50	50	100	60	100	100	25	73.1
Antigua and Barbuda	75	50	75	100	0	75	80	75	66.3
Argentina	100	75	50	100	60	75	100	50	76.3
Armenia	100	50	75	100	60	75	100	100	82.5
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	25	40	40	100	40	75	55.6
Bangladesh	100	50	25	60	20	75	40	25	49.4
Barbados	75	75	50	100	40	75	100	100	76.9
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	50	80	60	75	80	100	77.5
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	75	100	100	79.4
Burundi	100	100	75	60	40	75	60	75	73.1
Cabo Verde	100	100	75	100	40	100	100	75	86.3
Cambodia	100	100	75	80	20	100	100	25	75.0
Cameroon	50	75	25	40	80	50	60	100	60.0
Canada	100	100	100	100	100	100	100	100	100.0
Central African Republic	75	100	25	80	60	75	100	100	76.9

Source: Women, Business and the Law database.










Economy	 MOBILITY	 WORKPLACE	 PAY	 MARRIAGE	 PARENTHOOD	 ENTREPRENEURSHIP	 ASSETS	 PENSION	 WBL 2021 INDEX
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	80	75	100	50	81.9
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	50	100	40	75	100	100	83.1
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	75	100	75	100	80	100	100	100	91.3
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	0	20	75	40	100	45.0
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	50	75	25	20	80	50	60	100	57.5
Gambia, The	100	50	75	100	60	75	60	75	74.4
Georgia	100	100	75	100	60	100	100	50	85.6
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	80	100	100	100	97.5
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	40	100	60	100	76.3
Guinea-Bissau	75	25	0	60	20	25	60	75	42.5
Guyana	75	100	100	80	40	100	100	100	86.9
Haiti	50	50	100	40	40	75	80	75	63.8
Honduras	100	100	50	80	20	100	100	50	75.0

Source: Women, Business and the Law database.












Economy	 MOBILITY	 WORKPLACE	 PAY	 MARRIAGE	 PARENTHOOD	 ENTREPRENEURSHIP	 ASSETS	 PENSION	 WBL 2021 INDEX
Hong Kong SAR, China	100	100	75	100	40	100	100	100	89.4
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	50	80	100	75	100	100	81.9
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	60	75	78.8
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	0	0	40	0	75	40	25	28.8
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	50	50	60	20	75	40	25	52.5
Lesotho	100	75	75	80	20	75	100	100	78.1
Liberia	100	100	100	100	40	75	80	75	83.8
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	100	100	74.4
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	20	75	68.1
Mauritania	100	25	25	0	60	75	0	100	48.1
Mauritius	100	100	100	100	60	100	100	75	91.9
Mexico	100	100	75	100	60	100	100	75	88.8
Micronesia, Fed. Sts.	100	25	75	100	0	75	60	75	63.8

Source: Women, Business and the Law database.

Economy	 MOBILITY	 WORKPLACE	 PAY	 MARRIAGE	 PARENTHOOD	 ENTREPRENEURSHIP	 ASSETS	 PENSION	 WBL 2021 INDEX
Moldova	100	75	75	100	100	100	100	25	84.4
Mongolia	100	100	75	100	60	100	100	25	82.5
Montenegro	100	100	75	100	80	100	100	50	88.1
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	20	100	59.4
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	0	75	25	20	0	75	40	50	35.6
Pakistan	75	100	25	60	20	75	40	50	55.6
Palau	100	25	75	100	0	75	20	75	58.8
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	75	100	20	75	100	75	80.6
Samoa	75	100	75	100	40	75	100	75	80.0
San Marino	100	50	75	80	60	75	100	100	80.0
São Tomé and Príncipe	100	100	75	80	60	75	100	100	86.3
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	75	80	75	69.4
Singapore	100	75	75	100	60	75	100	75	82.5
Slovak Republic	100	100	75	100	80	100	100	25	85.0

Source: Women, Business and the Law database.

Economy	 MOBILITY	 WORKPLACE	 PAY	 MARRIAGE	 PARENTHOOD	 ENTREPRENEURSHIP	 ASSETS	 PENSION	 WBL 2021 INDEX
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	40	25	70.0
Spain	100	100	100	100	80	100	100	100	97.5
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	60	75	100	50	85.6
Syrian Arab Republic	25	25	0	40	40	75	40	50	36.9
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	75	80	60	75	100	100	83.1
Togo	100	100	100	60	60	75	80	100	84.4
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	100	25	60	40	75	40	100	67.5
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	60	100	100	75	79.4
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	60	75	58.1
Venezuela, RB	100	100	75	100	80	75	100	50	85.0
Vietnam	100	100	75	100	80	100	100	0	81.9
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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*Coghlan, Welsh & Guest*

**Precious Chakasikwa**  
*Kantor and Immerman*

**Aulline Chapisa**  
*Friedrich Ebert Stiftung*

**Sylvia Chirawu-Mugomba**

**Nqobile Munzara**

**Phillipa Phillips**  
*Phillips Law Zimbabwe*

**Thabiso Rumbidzai Phiri**  
*Kantor and Immerman*

**Precious Taru**  
*Musasa Project*



## ECO-AUDIT

### *Environmental Benefits Statement*

The World Bank Group is committed to reducing its environmental footprint. In support of this commitment, we leverage electronic publishing options and print-on-demand technology, which is located in regional hubs worldwide. Together, these initiatives enable print runs to be lowered and shipping distances decreased, resulting in reduced paper consumption, chemical use, greenhouse gas emissions, and waste.

We follow the recommended standards for paper use set by the Green Press Initiative. The majority of our books are printed on Forest Stewardship Council (FSC)–certified paper, with nearly all containing 50–100 percent recycled content. The recycled fiber in our book paper is either unbleached or bleached using totally chlorine-free (TCF), processed chlorine-free (PCF), or enhanced elemental chlorine-free (EECF) processes.

More information about the Bank’s environmental philosophy can be found at <http://www.worldbank.org/corporateresponsibility>.





*Women, Business and the Law 2021* is the seventh 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 move through their lives and careers: Mobility, Workplace, Pay, Marriage, Parenthood, Entrepreneurship, Assets, and Pension.

This year's report updates all indicators as of October 1, 2020 and builds evidence of the links between legal gender equality and women's economic inclusion. By examining the economic decisions women make throughout their working lives, as well as the pace of reform over the past 50 years, *Women, Business and the Law 2021* makes an important contribution to research and policy discussions about the state of women's economic empowerment. Prepared during a global pandemic that threatens progress toward gender equality, this edition also includes important findings on government responses to COVID-19 and pilot research related to childcare and women's access to justice.

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