

## Removing Barriers to Economic Inclusion

The World Bank's *Women, Business and the Law 2012* report focuses on gender differentiations in legal treatment in areas affecting women's participation in the economy. Covering 141 economies, the report establishes six indicators of gender differences in formal laws and institutions. The report uses the term economy as not all data relate to countries; this snapshot follows that convention. Data for the 2012 report were collected over one year ending in July 2011.

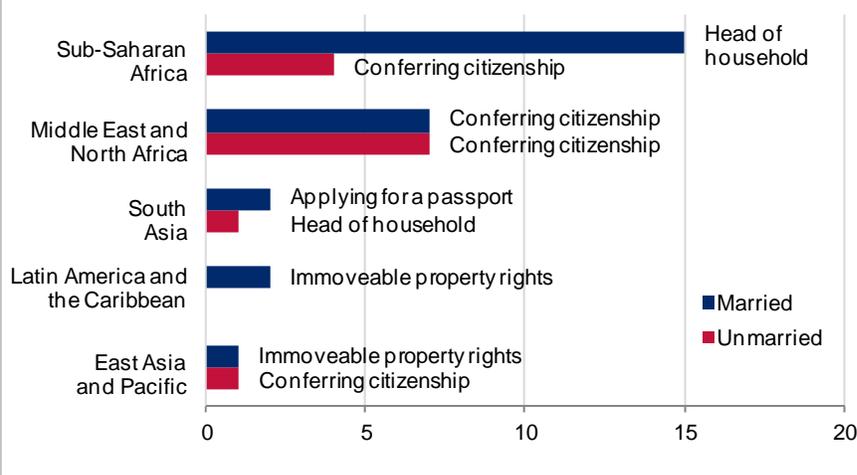
### Accessing Institutions and Using Property: The Importance of Marital Status

Of the 141 economies covered in this report, 48 impose restrictions on a woman's capacity to act in or access the business environment. Countries imposing restrictions are mainly concentrated in the middle and low income categories and will be the focus of this snapshot. The Middle East and North Africa (MENA), South Asia, and Sub-Saharan Africa are the regions where explicit legal gender differentiations are the most common.

All of the economies covered in MENA have at least one legal differentiation both in accessing institutions and in using property. In South Asia, only Sri Lanka does not have any legal differentiation in both topics. Out of 35 economies in Sub-Saharan Africa, only ten (Angola, Burkina Faso, Ethiopia, Kenya, Liberia, Mauritius, Namibia, South Africa, Zambia, and Zimbabwe) have no legal differentiations in these areas.

One of the most interesting findings of this report is that a greater number of restrictions apply to married than to unmarried women. Figure 1 shows that for unmarried women, the most common restriction across regions is their ability to confer citizenship on their children. By contrast, married women face a diversity of constraints, relating to their property rights, citizenship, and freedom of movement. In Sub-Saharan Africa, a total of 15 countries restrict married women's status as head of household while unmarried face no such constraint.

**Figure 1. Accessing Institutions and Using Property**  
**The Most Common Restrictions for Married and Unmarried Women**



All the economies in Eastern Europe and Central Asia covered in this report grant the same rights to men and women with respect to property ownership and inheritance while in Latin America and the Caribbean (LAC), all economies, with the exception of Chile and Ecuador, grant equal rights to inheritance and property ownership.



In Chile, the husband administers the marital property, except for the earnings and assets which the wife can demonstrate were generated from her own job. In Asia and the Pacific, only the Philippines restrict the property rights of married women. In Sub-Saharan Africa, four economies, namely Cameroon, the DRC, the Republic of Congo, and Côte d'Ivoire, restrict the property rights of married women.

Looking at inheritance rights, twenty four countries from the low and middle income group differentiate between men and women. This includes all economies covered in the Middle East and North Africa, seven in Sub-Saharan Africa (Burundi, Guinea, Mali, Mauritania, Senegal, Sudan, and Tanzania), three in South Asia (Bangladesh, Nepal, and Pakistan) and two in East Asia and the Pacific (Indonesia and Malaysia).

## Getting a Job

In all the economies covered in *Women, Business and the Law* there are labor regulations that differentiate between men and women. While some of these differentiations such as parental leave policies and nondiscrimination in hiring practices and laws against sexual harassment may facilitate women's workforce participation, others such as restrictions on the number of hours or the types of industries that women may work in may prevent or discourage women from entering the labor force. Overall, 38 middle and low income economies restrict the working hours of women and 58 economies limit the industries in which women may work relative to men. These types of legal differentiations in labor laws are distributed across all income levels and all regions of the world.

With respect to legal rights in the work place, equal pay for equal work laws are the most common provisions, with 91 low and middle income economies having legislation in place. A total of 78 of these economies have laws on non-discrimination in hiring while only 41 economies have laws protecting employees from sexual harassment at work.

**Number of Countries with Restrictions on Women**

Region	Industry	Hours	Total number of countries
East Asia and Pacific	7	3	11
Europe and Central Asia	13	7	22
Latin America and the Caribbean	6	3	19
Middle East and North Africa	9	8	10
South Asia	3	4	5
Sub-Saharan Africa	20	13	35
<b>Total</b>	<b>58</b>	<b>38</b>	<b>102</b>

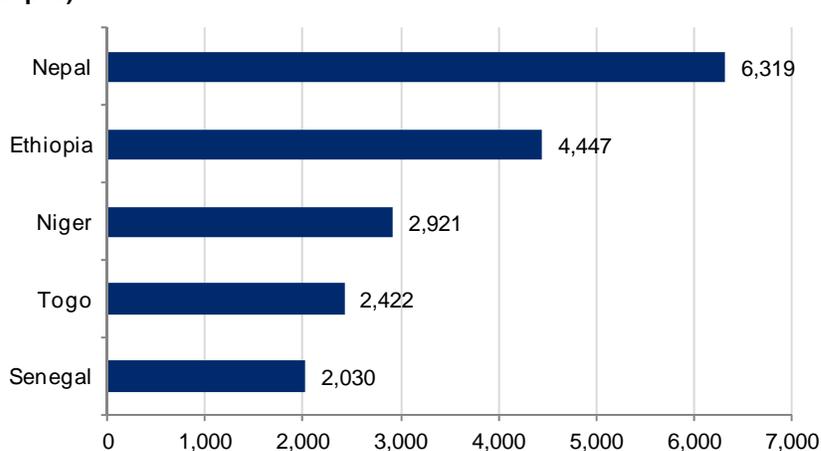
## Building Credit

Women represent the majority of microfinance borrowers and as such women are more likely to benefit when credit bureaus and registries collect and distribute information on microfinance loans. A record of successful loan repayment is critical to enabling women to build a credit history and gain access to larger loans and conventional financing. The minimum value for a loan to be covered in the private credit bureau or registry is set at 100 percent or more of income per capita in fourteen middle and low income economies, ten of which are located in Sub-Saharan Africa with the remainder split between MENA (Jordan and Bangladesh) and South Asia (Nepal and Bangladesh).

Among the middle and low income economies, 49 have at least one credit bureau or registry which obtains credit information from microfinance institutions. In 15 of the 20 economies in LAC, credit bureaus and registries include microfinance borrowers. But only six out of 35 economies do the same in Sub-Saharan Africa.

Women's access to justice can be restricted by limitations on their legal capacity or gender differences in rules. Furthermore, dispute resolution can be expensive and time-consuming for both men and women. Small claims courts help expedite this process at relatively low expense. Although most of the economies covered do not restrict women's access to the court system, in many cases they do not provide small claims courts, which would make dispute resolution for minor claims easier.

**Figure 2. Countries with the five highest minimum loan amounts covered in the private credit bureau or registry (as a percent of income per capita)**



#### Where are Small Claims Courts Available?

Region	Economy
East Asia and Pacific	Fiji, Cambodia, Malaysia, Philippines, Thailand
Europe and Central Asia	Bosnia and Herzegovina, Belarus, Georgia, Kosovo, Montenegro, Macedonia, Romania, Russia, Serbia, Tajikistan, Turkey
Latin America and the Caribbean	Argentina, Brazil, Chile, Colombia, Honduras, Jamaica, Mexico, El Salvador, Venezuela,
Middle East and North Africa	Iran, Lebanon, Morocco, Tunisia, West Bank/Gaza
South Asia	Bangladesh, India, Pakistan
Sub-Saharan Africa	Botswana, Ethiopia, Ghana, Kenya, Mauritius, South Africa, Zambia, Zimbabwe

#### Limitations of Women, Business and the Law

*Women, Business and the Law 2012* outlines four limitations of the indicators:

1. Laws are only one of many factors that impact opportunities for women in business and the workplace. Various economic and cultural factors can influence the impact of laws. For example, if women have few opportunities to get an education or acquire marketable skills, equal rights to certain professions can mean little.
2. The report focuses on laws that govern the formal economy although many women in developing economies work or start businesses in the informal economies.

3. The report does not address customary law, which can exist in parallel with formal, legal regimes. Where such legal systems exist together, customary law often grants women rights different to those they would receive under the formal legal system.
4. The report focuses on written legislation, however there are often large gaps between law on the books and the actual practice; women do not always have access to the equality that may be theirs under formal law.

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#### What are the World Bank's *Women, Business and the Law* Indicators?

Sub-Index	Factors Used
Accessing institutions	Explores women's legal ability to interact with public authorities and the private sector in the same ways as men.
Using property	Analyzes women's ability to access and use property based on their capacity to own, manage, control and inherit it.
Getting a job	Assesses restrictions on women's work such as prohibitions on working at night or in certain industries. This indicator also covers laws on work-related maternity, paternity, and parental benefits.
Providing incentives to work	Examines personal income tax liabilities, taking into account the tax credits and deductions available to women relative to men.
Building credit	Identifies minimum loan thresholds in private credit bureaus and public registries and tracks bureaus and registries that collect information from microfinance institutions.
Going to court	Considers the ease and affordability of justice by examining women's access to small claims courts, which can facilitate access to the legal system for small business owners, making it cheaper and faster for women who own businesses to resolve disputes.

NOTE: The indicators in this report were constructed using responses from country practitioners with expertise in family and labor law, members of civil society organizations working on gender issues, and codified sources of national law, such as constitutions, marriage and family codes, labor codes, passport procedures, citizenship rules, inheritance statutes, tax regulations, civil procedure codes, education acts, and social security codes. Wherever possible, data from country practitioners are verified directly against the actual text of the law.

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#### Additional Information

To access the complete country Women, Business and the Law dataset, please visit the Economic and Social Database (ESDB) at <http://esdb.eads.usaidallnet.gov/>. The ESDB website also offers related datasets from the World Bank and other sources.

To access the full report, visit the World Bank's Women, Business and the Law site at <http://wbl.worldbank.org/>.