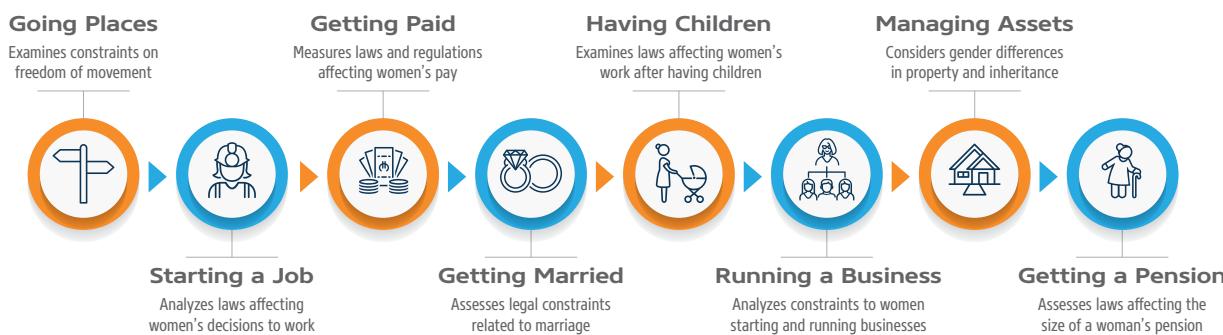


# DATA NOTES

Since its inception in 2009, *Women, Business and the Law* has collected unique data on the laws and regulations that constrain women's entrepreneurship and employment. Identifying and analyzing legal gender differentiation, five editions of the dataset and report have been published in close collaboration with local experts in each of the 187 economies covered (box 1; table 1). While celebrating the progress that has been made, the dataset emphasizes the work that still needs to be done to ensure that women have equality of opportunity in getting jobs and starting businesses.

For *Women, Business and the Law 2019: A Decade of Reform*, the structure of the data has been reformulated to reflect the life cycle of a working woman. This framework helps align different areas of law with the economic decisions women make at various stages of their working lives. The following eight indicators are covered:



## BOX1 ECONOMY CHARACTERISTICS

### Gross national income per capita

*Women, Business and the Law 2019* reports 2017 incomes per capita as published in the World Bank's *World Development Indicators 2018*. When referencing income per capita, the 2017 gross national income (GNI) Atlas method in current U.S. dollars is used. GNI data based on the Atlas method were not available for Eritrea; Puerto Rico; San Marino; South Sudan; Syrian Arab Republic; and Taiwan, China.

### Region and income group

*Women, Business and the Law* uses the World Bank regional and income group classifications, available at [datahelpdesk.worldbank.org/knowledgebase/articles/906519](http://datahelpdesk.worldbank.org/knowledgebase/articles/906519). Although the World Bank does not assign regional classifications to high-income economies, the regional averages presented in the figures and tables in *Women, Business and the Law* include economies from all income groups (low, lower middle, upper middle and high income). OECD high-income economies are assigned the "regional" classification of OECD high income.

### Female population and labor force

*Women, Business and the Law 2019* reports 2017 female population data as published in the World Bank's *World Development Indicators 2018*. This source was also used to obtain data on female labor force as a percentage of the total labor force aged 15 and older.

TABLE 1

ECONOMIES COVERED BY WOMEN, BUSINESS AND THE LAW

Region	Total number of economies	Economies covered
East Asia & Pacific	25	Brunei Darussalam; Cambodia; China; Fiji; Hong Kong SAR, China; Indonesia; Kiribati; Lao PDR; Malaysia; Marshall Islands; Micronesia, Fed. Sts.; Mongolia; Myanmar; Palau; Papua New Guinea; Philippines; Samoa; Singapore; Solomon Islands; Taiwan, China; Thailand; Timor-Leste; Tonga; Vanuatu; Vietnam
Europe & Central Asia	25	Albania; Armenia; Azerbaijan; Belarus; Bosnia and Herzegovina; Bulgaria; Croatia; Cyprus; Georgia; Kazakhstan; Kosovo; Kyrgyz Republic; Latvia; Lithuania; Moldova; Montenegro; North Macedonia; Romania; Russian Federation; San Marino; Serbia; Tajikistan; Turkey; Ukraine; Uzbekistan
Latin America & Caribbean	31	Antigua and Barbuda; Argentina; Bahamas, The; Barbados; Belize; Bolivia; Brazil; Colombia; Costa Rica; Dominica; Dominican Republic; Ecuador; El Salvador; Grenada; Guatemala; Guyana; Haiti; Honduras; Jamaica; Mexico; Nicaragua; Panama; Paraguay; Peru; Puerto Rico; St. Kitts and Nevis; St. Lucia; St. Vincent and the Grenadines; Suriname; Trinidad and Tobago; Uruguay
Middle East & North Africa	19	Algeria; Bahrain; Djibouti; Egypt, Arab Rep.; Iran, Islamic Rep.; Iraq; Jordan; Kuwait; Lebanon; Libya; Malta; Morocco; Oman; Qatar; Saudi Arabia; Syrian Arab Republic; Tunisia; United Arab Emirates; West Bank and Gaza
OECD high income	32	Australia; Austria; Belgium; Canada; Chile; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Iceland; Ireland; Israel; Italy; Japan; Korea, Rep.; Luxembourg; Netherlands; New Zealand; Norway; Poland; Portugal; Slovak Republic; Slovenia; Spain; Sweden; Switzerland; United Kingdom; United States
South Asia	8	Afghanistan; Bangladesh; Bhutan; India; Maldives; Nepal; Pakistan; Sri Lanka
Sub-Saharan Africa	47	Angola; Benin; Botswana; Burkina Faso; Burundi; Cabo Verde; Cameroon; Central African Republic; Chad; Comoros; Congo, Dem. Rep.; Congo, Rep.; Côte d'Ivoire; Equatorial Guinea; Eritrea; Eswatini; Ethiopia; Gabon; Gambia, The; Ghana; Guinea; Guinea-Bissau; Kenya; Lesotho; Liberia; Madagascar; Malawi; Mali; Mauritania; Mauritius; Mozambique; Namibia; Niger; Nigeria; Rwanda; São Tomé and Príncipe; Senegal; Seychelles; Sierra Leone; South Africa; Sudan; Tanzania; Togo; Uganda; Zambia; Zimbabwe

By representing women's interactions with the law as they begin, progress through and end their careers, these indicators are an easily replicable measure of the legal environment for women as entrepreneurs and employees.

## Data Characteristics and Coverage

*Women, Business and the Law* is based on domestic laws and regulations. The project attempts to identify areas in which formal legal gender differentiation exists and determine the impact of these differences on women.

To ensure their relevance to women's human and economic rights, each indicator is supported by the international legal framework set out in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (table 2). Questions on sexual harassment under the Starting a Job indicator, divorce and domestic violence questions under the Getting Married indicator and childcare credits under the Getting a Pension indicator are also supplemented by the UN Declaration on the Elimination of Violence against Women (DEVAW) and by the Committee on the Elimination of Discrimination against Women General Recommendations (CEDAW GR). Finally, questions on maternity leave for the Having Children indicator use the International Labor Organization (ILO) Maternity Protection Convention N. 183 of 2000 as a benchmark.

**TABLE 2 WOMEN, BUSINESS AND THE LAW INDICATORS AND CORRESPONDING HUMAN RIGHTS**

Going Places		
1.	Can a woman choose where to live in the same way as a man?	CEDAW, Art. 15(4)
2.	Can a woman travel outside her home in the same way as a man?	CEDAW, Art. 15(4)
3.	Can a woman apply for a passport in the same way as a man?	CEDAW, Art. 15(1-2)
4.	Can a woman travel outside the country in the same way as a man?	CEDAW, Art. 15(4)
Starting a Job		
1.	Can a woman legally get a job or pursue a trade or profession in the same way as a man?	CEDAW, Art. 11
2.	Does the law mandate nondiscrimination in employment based on gender?	CEDAW, Art. 11
3.	Is there legislation on sexual harassment in employment?	DEVAW, Art. 2(b) and Art. 4(c-d)
4.	Are there criminal penalties or civil remedies for sexual harassment in employment?	CEDAW GR 19, Par. 24(t); CEDAW GR 35, Par. 29(a)
Getting Paid		
1.	Does the law mandate equal remuneration for work of equal value?	CEDAW, Art. 11(1)(b)(c)
2.	Can women work the same night hours as men?	CEDAW, Art. 11(1)(b-c)
3.	Can women work in jobs deemed hazardous, arduous or morally inappropriate in the same way as men?	CEDAW, Art. 11(1)(b-c)
4.	Are women able to work in the same industries as men?	CEDAW, Art. 11(1)(b-c)
Getting Married		
1.	Is a married woman not legally required to obey her husband?	CEDAW, Art. 16(1)
2.	Can a woman legally be "head of household" or "head of family" in the same way as a man?	CEDAW, Art. 16(1)
3.	Is there legislation specifically addressing domestic violence?	DEVAW, Art. 2(a) and Art. 4(c)
4.	Can a woman obtain a judgement of divorce in the same way as a man?	CEDAW, Art. 15(1-2) and Art. 16(1)(c); CEDAW GR 29, Par. 40-42
5.	Do women have the same rights to remarry as men?	CEDAW, Art. 16(1)(a-b)
Having Children		
1.	Is there paid leave of at least 14 weeks available to women?	ILO Maternity Protection Convention N. 183, Art. 4(1)
2.	Does the government pay 100% of maternity leave benefits, or parental leave benefits (where maternity leave is not available)?	ILO Maternity Protection Convention N. 183, Art. 6(8)
3.	Is there paid paternity leave?	CEDAW, Art. 11(1)(e), Art. 13(a) and Art. 16(1)(d)
4.	Is there paid parental leave?	CEDAW, Art. 11(1)(e), Art. 13(a) and Art. 16(1)(d)
5.	Is dismissal of pregnant workers prohibited?	CEDAW, Art. 11(2)(a-b); ILO Maternity Protection Convention N.183, Arts. 8-9
Running a Business		
1.	Does the law prohibit discrimination by creditors on the basis of sex or gender in access to credit?	CEDAW, Art. 13(b) and Art. 14(2) (g)
2.	Can a woman legally sign a contract in the same way as a man?	CEDAW, Art. 15(2)
3.	Can a woman legally register a business in the same way as a man?	CEDAW, Art. 15(1-2)
4.	Can a woman legally open a bank account in the same way as a man?	CEDAW, Art. 13(b)
Managing Assets		
1.	Do men and women have equal ownership rights to immovable property?	CEDAW, Art. 15(2) and Art. 16(1) (h)
2.	Do sons and daughters have equal rights to inherit assets from their parents?	CEDAW, Art. 15(1-2)
3.	Do female and male surviving spouses have equal rights to inherit assets?	CEDAW, Art. 16(1)(h)
4.	Does the law grant spouses equal administrative authority over assets during marriage?	CEDAW, Art. 16(1)(h)
5.	Does the law provide for valuation of nonmonetary contributions?	CEDAW, Art. 16(1)(c) and (h)
Getting a Pension		
1.	Are the ages at which men and women can retire with full pension benefits equal?	CEDAW, Art. 11(1)(e)
2.	Are the ages at which men and women can retire with partial pension benefits equal?	CEDAW, Art. 11(1)(e)
3.	Is the mandatory retirement age for men and women equal?	CEDAW, Art. 11(1)(e)
4.	Does the law establish explicit pension credits for periods of childcare?	CEDAW, GR 27, Par. 42-43

Source: Women, Business and the Law team.

The dataset can support research and policy discussions around the ways in which the legal environment influences women's economic activity. To further inform such discussions, *Women, Business and the Law 2019* provides scores for each economy covered. Thirty-five data points are scored across eight indicators of 4 or 5 binary questions, with each indicator representing a different phase of a woman's career. Indicator-level scores are obtained by calculating the unweighted average of 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.

*Women, Business and the Law* data collection cycles span the period from June 2007 to June 2017. For this ten-year timeseries, information provided by local experts was checked for accuracy through a rigorous review process. The team filled in data gaps by reviewing all reforms captured by the biennial cycle and organizing them annually to create a ten-year panel. New data was added through additional legal research. Each answer was cross-verified with primary legal sources, resulting in revision or expansion of the information collected. The data in this report are current as of June 1, 2017.

The following section focuses on the 35 scored binary questions, which are grouped by indicator. Answers to the questions are based on codified law only; how the law is implemented is not considered. Customary law is also not taken into account unless it has been codified.

Each question is followed by information on how the answers were standardized and made comparable across economies, as well as on how the questions are scored. Along with the set of standard assumptions used while collecting data, additional assumptions by indicator are also listed.

## Assumptions

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It is assumed that the woman or man

- Resides in the economy's main business city and will remain there for his or her lifetime.
- Is a new labor market entrant who starts working on June 1, 2017 at age 25.
- 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.
- Where the question assumes the woman or man is married, the woman is in a monogamous first marriage registered with the appropriate authorities. Both husband and wife are of the same religion. De facto marriages and customary unions are not measured.
- Where the answer differs according to the legal system that applies to the woman (e.g., 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.

## Going Places

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1. Can a woman choose where to live in the same way as a man?
  - The answer is "Yes" if there are no restrictions on a woman choosing where to live.

- The answer is “No” if there are explicit restrictions on a woman choosing where to live or if the husband chooses the family residence or marital home or has more weight in determining where the family will live.
  - Scoring: Yes = 1; No = 0.
2. Can a woman travel outside her home in the same way as a man?
- The answer is “Yes” if there are no restrictions on a woman traveling alone domestically.
  - The answer is “No” if
    - permission, additional documentation or the presence of her husband or a guardian is required for a woman to travel domestically; or
    - a woman must justify her reasons to her husband, father or guardian for leaving the home; or
    - leaving the home without a valid reason is considered disobedience with consequences, for example, loss of her right to financial maintenance.
  - Scoring: Yes = 1; No = 0.
3. Can a woman apply for a passport in the same way as a man?
- The answer is “Yes” if upon reaching the legal age of majority, all civil legal acts can be completed and there are no differences in the way a woman or man obtains a passport.
  - The answer is “No” if
    - an adult woman needs the permission or signature of her husband, father, other male relative or guardian to apply for a passport; or
    - the passport application of an adult woman requires details regarding her husband, father, any other male relative or guardian, while the same is not required for men; or
    - documentation is required from a woman that is not required from a man, e.g., a marriage certificate.
  - Scoring: Yes = 1; No = 0.
4. Can a woman travel outside the country in the same way as a man?
- The answer is “Yes” if there are no restrictions on a woman traveling alone internationally.
  - The answer is “No” if permission, additional documentation or the presence of her husband or a guardian is required for a woman to leave the country; however, this permission must be different from what is required to get a passport, which is covered in a separate question.
  - The answer is also “No” if the law requires a married woman to accompany her husband out of the country if he so wishes.
  - Scoring: Yes = 1; No = 0.

## ***Starting a Job***

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1. Can a woman legally get a job or pursue a trade or profession in the same way as a man?
- The answer is “Yes” if
    - no permission is needed for a woman to get a job or practice a trade or profession; or
    - there is no restriction in family or civil law on a woman’s ability to work.
  - The answer is “No” if

- a husband can prevent his wife from getting or keeping a job or pursuing a trade or profession; or
  - permission or additional documentation is required for women to work but not for men; or
  - it is considered a form of disobedience with legal ramifications for a wife to engage in employment contrary to her husband's wishes or the interests of the family.
- Scoring: Yes = 1; No = 0.
2. Does the law mandate nondiscrimination in employment based on gender?
- This question is designed to determine whether the law generally prevents or penalizes gender-based discrimination in employment.
  - Laws that mandate equal treatment or equality between women and men in employment are also counted for this question.
  - Where the law mandates nondiscrimination in multiple aspects of employment (such as in job advertisements, hiring and dismissal) on the basis of gender, the answer is "Yes."
  - Scoring: Yes = 1; No = 0.
3. Is there legislation on sexual harassment in employment?
- This question covers provisions on sexual harassment in the workplace or in employment, regardless of whether sanctions apply.
  - The answer is "Yes" if
    - there is a law or provision that specifically protects against sexual harassment in employment, including unwelcome sexual advances, requests for sexual favors, verbal or physical conduct or gestures of a sexual nature, annoyance if understood to include harassment with sexual content, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another in connection with employment, including provisions on inducing indecent or lewd behavior coupled with financial or official dependence or authority, abuse of position or authority, or language that can be clearly interpreted to mean such dependence or abuse; or
    - sexual harassment is considered a form of discrimination in employment and the law protects against discrimination.
  - The answer is "No" if
    - there is no legislation specifically addressing sexual harassment in employment; or
    - the behavior or gesture of a sexual nature includes the use of force or violence or the threat of force or violence, which is understood to constitute a crime, e.g., sexual assault or abuse; or
    - the conduct covered by legislation is not directed at a specific individual; or
    - the law only allows an employee to terminate employment based on sexual harassment but provides for no other protection or form of redress; however, a provision allowing the employer to terminate an employee's contract for committing sexual harassment will be considered; or
    - the law or provision covers only public or only private sector employees, but not both; or
    - the law or provision protects only a specific category of women or those in a specific area or sector of employment, e.g., protection from sexual harassment in political functions, or applicable only to government or state-owned enterprises; or
    - the law accounts only for sexual acts; or

- the law or provision states only that the employer has a duty to prevent sexual harassment, but no provisions exist to prohibit or provide sanctions or other forms of redress for sexual harassment; or
  - the law addresses harassment in general but makes no reference to acts of a sexual nature or contact.
- Scoring: Yes = 1; No = 0.
4. Are there criminal penalties or civil remedies for sexual harassment in employment?
- The answer is “Yes” if
    - the law establishes criminal sanctions, such as fines and imprisonment, for sexual harassment in employment; or
    - the law provides for civil remedies or compensation for victims of sexual harassment in employment or the workplace, even after dismissal of the victims, such as recovery of monetary damages for loss of employment opportunities and wages, expenses and compensation for emotional damages; or
    - the provision on sexual harassment in employment or the workplace in the criminal code provides for reparation of damages for offenses covered by the code.
  - The answer is “No” if
    - the law establishes no criminal sanctions for sexual harassment in employment; or
    - the law on sexual harassment in employment refers to penalties for more serious offenses in the criminal code, such as for sexual assault; or
    - the law only prohibits sexual harassment in employment and sets forth only that the employer should apply discretionary sanctions; or
    - the law does not provide for civil remedies or compensation for victims of sexual harassment in employment or the workplace.
  - Scoring: Yes = 1; No = 0.

## **Getting Paid**

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1. Does the law mandate equal remuneration for work of equal value?
  - This question captures whether employers are legally obliged to pay equal remuneration to male and female employees who perform 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.
  - Scoring: Yes = 1; No = 0.
2. Can women work the same night hours as men?
  - This question is designed to determine whether nonpregnant and nonnursing women are prohibited from working at night or cannot work the same night hours as men. Night-hour restrictions on women in specific industries are captured in later questions.

- If various sectors of the economy are regulated separately (i.e., no central labor law), it is assumed that the woman is employed as a cashier in a grocery store or supermarket.
  - The answer is “Yes” if there are no restrictions on women working at night.
  - The answer is also “Yes” if the law conditions women’s ability to work at night on employer compliance with safety measures (such as providing transportation to and from work).
  - The answer is “No” if
    - the law broadly prohibits women from working at night or limits the hours women can work; or
    - the law only allows women to work at night in certain circumstances, such as in cases of force majeure or if the woman works for her family’s business.
  - Where the law indicates that a given ministry or minister may promulgate regulations restricting women’s work at night, this is considered a restriction even if no such regulation has been issued.
  - Scoring: Yes = 1; No = 0.
- 3.** Can women work in jobs deemed hazardous, arduous or morally inappropriate in the same way as men?
- The answer is “Yes” if there are no laws that prohibit women from working in a broad and subjective category of jobs deemed hazardous, arduous or morally or socially inappropriate.
  - The answer is “No” if
    - the employer can determine whether particular jobs are too hazardous for women but not for men. In such cases, the law explicitly uses the term “hazardous” or its synonyms to describe a broad category of jobs that women—but not men—are prohibited from doing. Work of a hazardous nature includes, for example, jobs that could have a harmful effect on or increased risk to women’s lives or health, given women’s psychophysical qualities, or jobs not deemed to have a harmful effect on or increased risk to men’s life or health, given men’s psychophysical qualities; or
    - the employer can determine whether particular jobs are too arduous for women but not for men. In such cases, the law explicitly uses the term “arduous” or its synonyms to describe a broad category of jobs that women—but not men—are prohibited from doing. Work of an arduous nature includes jobs that involve particularly hard manual labor or jobs that are considered to exceed women’s capabilities; or
    - the employer can determine whether particular jobs are morally inappropriate or socially harmful for women but not for men. In such cases, the law explicitly uses the term “morally inappropriate” or its synonyms to describe a broad category of jobs that women—but not men—are prohibited from doing. Work that is morally inappropriate includes, for example, employment that is considered not in accordance with the “moral development” only of women; or
    - the law indicates that a given minister or ministry may promulgate regulations restricting women’s work in hazardous, arduous or morally or socially inappropriate jobs, even if no such regulation has been issued.
  - Scoring: Yes = 1; No = 0.
- 4.** Are women able to work in the same industries as men?
- The answer is “Yes” if there are no restrictions on women working in the mining, construction, manufacturing, energy, water, agriculture and transportation sectors.
  - The answer is “No” if there are full or partial restrictions on women working in the mining, construction, manufacturing, energy, water, agriculture or transportation sectors.
  - Scoring: Yes = 1; No = 0.

## **Getting Married**

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1. Is a married woman not legally required to obey her husband?
  - The answer is “Yes” if there is no provision that a married woman must obey her husband.
  - The answer is “No” if
    - there is an explicit provision stating that a married woman must obey her husband; or
    - disobedience toward her husband has legal ramifications for the wife, such as loss of maintenance.
  - Scoring: Yes = 1; No = 0.
2. Can a woman legally be “head of household” or “head of family” in the same way as a man?
  - This question does not assess gender inequalities in the tax code.
  - The answer is “Yes” if
    - the definition of head of household is codified and there are no explicit restrictions on a woman becoming “head of household” or “head of family;” or
    - the definition of head of household is not codified.
  - The answer is “No” if
    - there is an explicit restriction on a woman becoming “head of household” or “head of family,” e.g., a provision stating that only men or husbands can be so designated or that men “lead” or “represent the family;” or
    - a male is designated as the default family member who receives the family book or equivalent document that is necessary for access to services.
  - Scoring: Yes = 1; No = 0.
3. Is there legislation specifically addressing domestic violence?
  - The answer is “Yes” if
    - there is legislation addressing domestic violence, i.e., violence between spouses, within the family or members of the same household or in interpersonal relationships, including intimate partner violence that includes criminal sanctions for at least two types of violence or provides for protection orders for domestic violence; or
    - legislation addresses “harassment” that clearly affects physical and/or mental health, such that damage is implied, as within the scope of domestic violence.
  - The answer is “No” if
    - there is no legislation addressing domestic violence or the law only refers to or prohibits domestic violence but does not provide for sanctions or protection orders; or
    - the law enables women to obtain a protection order only if the husband has been convicted of the offense or she has ceased to reside in the common home; or
    - the law protects only a specific category of women (e.g., pregnant), a specific member of the family (e.g., children), but not all family members, or defines the offense in connection with specific motives (e.g., violence against a person while performing a professional or civil duty); or
    - there is only a provision that increases penalties for general crimes covered in the criminal code if committed between spouses or within the family.
  - Scoring: Yes = 1; No = 0.

4. Can a woman obtain a judgment of divorce in the same way as a man?<sup>1</sup>
- The answer is “Yes” if
    - the process for obtaining a judgment of divorce is equal for women and men; or
    - the process for obtaining a judgment of divorce is equal for women and men, and includes additional protections for women, such as prohibiting a husband from initiating divorce proceedings while his wife is pregnant.
  - The answer is “No” if
    - women can only initiate divorce proceedings under certain circumstances, which are not specified for men; or
    - women must relinquish certain financial rights to obtain a divorce, and men do not have to; or
    - women must see a judge to initiate divorce proceedings, and men do not have to; or
    - women must prove fault, and men do not have to; or
    - only men can initiate divorce proceedings; or
    - divorce is legally prohibited.
  - Scoring: Yes = 1; No = 0.
5. Do women have the same rights to remarry as men?<sup>2</sup>
- The answer is “Yes” if women and men have equal rights to remarry.
  - The answer is “No” if there are provisions limiting women’s rights to remarry; i.e., by requiring a waiting period before remarriage that men are not subject to.
  - Scoring: Yes = 1; No = 0.

## *Having Children*

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### **Assumptions**

- For purposes of determining parental benefits, it is assumed that the mother and father are in a legally recognized marriage.
- For purposes of determining maternity or parental leave, the mother gave birth to her first child without complications on June 1, 2017, and her child is in good health.
- Both parents have been working long enough to accrue any maternity, paternity and parental benefits.
- In general, the answers to the questions in this indicator are based on written law and not collective bargaining agreements; however, the latter are taken into account when two conditions are met:
  - They cover more than 50% of the workforce in the food retail sector.
  - They apply to individuals who were not party to the original collective bargaining agreement.

1. Is there paid leave of at least 14 weeks available to women?
- The answer is “Yes” if the law establishes at least 14 weeks of paid leave that is available to women for the birth of a child, either through maternity or parental leave.

- The answer is “No” if the law does not establish paid leave for expectant and new mothers, or if the length of paid leave is less than 14 weeks.
  - Scoring: Yes = 1; No = 0.
- 2.** Does the government pay 100% of maternity leave benefits, or parental leave benefits (where maternity leave is unavailable)?
- For purposes of this question, “government” refers to social insurance or public funds.
  - Where paid maternity leave does not exist but there is paid parental leave, the question examines whether parental leave benefits are paid by the government.
  - Employer contributions to government funds (such as social security) that pay leave benefits are not considered employer payment of maternity benefits.
  - The answer is “Yes” if 100% of the leave benefits examined are administered by the government.
  - The answer is “No” if the employer is solely liable for paying leave benefits.
  - The answer is also “No” if there is no paid leave available to expectant and new mothers.
  - Scoring: Yes = 1; No = 0.
- 3.** Is there paid paternity leave?
- The answer is “Yes” if the law explicitly mandates the right to some form of paid paternity leave available only to the father. This question does not include leave available to both parents.
  - The answer is “No” if the law does not explicitly mandate the right to some form of paid paternity leave.
  - Scoring: Yes = 1; No = 0.
- 4.** Is there paid parental leave?
- The answer is “Yes” if the law explicitly mandates the right to some form of paid parental leave either shared between mother and father or as an individual entitlement.
  - The answer is “No” if the law does not explicitly mandate the right to some form of paid parental leave either shared between mother and father or as an individual entitlement.
  - Scoring: Yes = 1; No = 0.
- 5.** Is dismissal of pregnant workers prohibited?
- This question is designed to determine whether pregnancy can serve as grounds for dismissal.
  - The answer is “Yes” if the law explicitly prohibits or penalizes the dismissal of pregnant women or if termination of contract based on pregnancy is considered a form of unlawful termination, unfair dismissal or wrongful discharge.
  - The answer is “No” if the law only prohibits the dismissal of pregnant workers during maternity leave or for a limited period of the pregnancy.
  - Scoring: Yes = 1; No = 0.

## **Running a Business**

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1. Does the law prohibit discrimination by creditors based on sex or gender in access to credit?
  - The answer is “Yes” if
    - the law prohibits discrimination based on sex or gender, or provides for equal access for both sexes when conducting financial transactions, such as applying for credit or loans; or
    - the law prohibits discrimination based on sex or gender when conducting entrepreneurial activities or receiving financial assistance; or
    - the law prohibits discrimination based on sex or gender or prescribes equality of the sexes when accessing goods and services, and the definition of services in law, regulation or legal interpretation covers financial services.
  - The answer is “No” if the law does not prohibit such discrimination.
  - Scoring: Yes = 1; No = 0.
2. Can a woman legally sign a contract in the same way as a man?
  - The answer is “Yes” if a woman obtains full legal capacity upon reaching the age of majority and there are no restrictions on her signing legally binding contracts.
  - The answer is “No” if a woman has limited legal capacity to sign a binding contract or needs the signature, consent or permission of her husband to legally bind herself.
  - Scoring: Yes = 1; No = 0.
3. Can a woman legally register a business in the same way as a man?
  - The answer is “Yes” if a woman obtains full legal capacity upon reaching the age of majority and there are no restrictions on her registering a business.
  - The answer is “No” if
    - a woman has limited legal capacity to register a business; this includes situations where she needs her husband’s or a guardian’s permission, signature or consent to register a business; or
    - the registration process at any stage requires additional information or documentation for women not required of men.
  - The answer is also “No” for member states of regional bodies, such as the Organization for the Harmonization of Corporate Law in Africa (OHADA) for which supranational law applies (e.g., OHADA Uniform Act on General Commercial Law) when domestic law contravenes these supranational rules and limits the legal capacity of women.
  - Scoring: Yes = 1; No = 0.
4. Can a woman legally open a bank account in the same way as a man?
  - Only provisions from the body of family law in the economy are systematically reviewed.
  - The answer is “Yes” if
    - there are no restrictions on a woman opening a bank account; or
    - the law explicitly states that a married woman may open a bank account, or that both spouses may open bank accounts in their own names.

- The answer is “No” if
  - specific provisions limit the ability of a woman to open a bank account, such as those stating that a married woman who is separately employed from her husband may open a bank account in her own name (because that implies that a woman without a separate income stream may not); or
  - there are any other required permissions or additional documentation.
- Scoring: Yes = 1; No = 0.

## **Managing Assets**

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### **Assumptions**

- Where the question assumes that the woman or man is married, the marital property regime under which she or he is married is assumed to be the default marital property regime. Under full or partial community property regimes, it is presumed that both spouses have equal rights to administer common assets. Under separation or deferred community property regimes, it is presumed that each spouse retains the administration of assets brought or acquired by them during the marriage.
- In economies where there is no default marital property regime, it is assumed that the couple is married under the most common regime for that jurisdiction.
- It is also assumed that the marital property regime will not change during the course of the marriage.

#### **1. Do men and women have equal ownership rights to immovable property?**

- The answer is “Yes” when
  - there is no specific legal restriction related to property applied to women or men based on gender; or
  - aspects related to property during marriage fall under a mix of custom, law and judicial precedent and no sources, including CEDAW reports, reveal the existence of inequality.
- The answer is “No” when
  - legal restrictions on property ownership are applied to women or men based on gender; or
  - there are gender differences in the legal treatment of spousal property (e.g., if husbands are granted administrative control over marital property).
- Scoring: Yes = 1; No = 0.

#### **2. Do sons and daughters have equal rights to inherit assets from their parents?**

- This question examines whether there are gender-based differences in the rules of intestate succession for transfer of property from parents to children.
- The answer is “Yes” when the law recognizes children as heirs to property without any restrictions based on gender.
- The answer is also “Yes” when aspects related to inheritance fall under a mix of custom, law and judicial precedent and all sources, including CEDAW reports, do not reveal the existence of inequality.

- The answer is “No” when there are gender-based differences in the recognition of children as heirs to property.
  - The answer is also “No” when aspects related to inheritance fall under custom and sources confirm that the customary system is influenced by unequal personal law.
  - Scoring: Yes = 1; No = 0.
3. Do female and male surviving spouses have equal rights to inherit assets?
- For this question, it is assumed that the deceased spouse left no children or any other heirs, other than the surviving spouse.
  - This question examines whether both spouses have equal rank and rights to inherit assets when there is no will.
  - The answer is “Yes” when surviving spouses of either gender have the same legal rights.
  - The answer is also “Yes” when aspects related to inheritance fall under a mix of custom, law and judicial precedent and secondary sources, including CEDAW reports, do not reveal the existence of inequality.
  - The answer is “No” where there are gender-based differences in inheritance.
  - The answer is also “No” when aspects related to inheritance fall under custom and sources confirm that the customary system is influenced by unequal personal law.
  - Scoring: Yes = 1; No = 0.
4. Does the law grant spouses equal administrative authority over assets during marriage?
- Special legal provisions concerning the marital or family home are not measured by this question.
  - The answer is “Yes” when
    - each spouse retains administrative power over assets they brought to marriage or acquired during marriage, and their accrued value, without the need for spousal consent; or
    - each spouse administers her or his separate property, but for major transactions, such as selling or pledging the property as collateral, spousal consent is required; or
    - both spouses have equal rights in the administration and transaction of joint property; they perform all acts of administration together and, if one of the spouses has been delegated administrative rights by the other, spousal consent is implied.
  - The answer is “No” when the husband has administrative rights over all property, including any separate property of the wife.
  - Scoring: Yes = 1; No = 0.
5. Does the law provide for valuation of nonmonetary contributions?
- This question is designed to measure if, at the time a marriage is dissolved, the division of property benefits both spouses. The process of dividing property upon divorce is examined to identify whether caring for minor children, taking care of the family home or any other nonmonetized contribution from the stay-at-home spouse, usually the wife, is taken into consideration. It does not consider regular payment obligations in the form of maintenance or alimony.
  - The answer is “Yes”
    - where an explicit legal recognition of such contributions is found and the law provides for equal or equitable division of the property or the transfer of a lump sum to the stay-at-home spouse based on the nonmonetary contributions; or

- when the default marital property regime is full community, partial community or deferred full or partial community, 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.
- The answer is “No” where the default marital property regime is separation of property or other, and there is no explicit legal provision providing for equal or equitable division of property based on nonmonetary contributions.
- Scoring: Yes = 1; No = 0.

## **Getting a Pension**

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1. Are the ages at which men and women can retire with full pension benefits equal?
  - For purposes of this question, if transitional provisions gradually increase or decrease the statutory retirement age, the coding will reflect the retirement ages at the time of data collection, even if the law provides for changes over time.
  - The answer is “Yes” if the ages at which men and women can retire with full irrevocable pension benefits are the same.
  - The answer is “No” if
    - there is a difference in the age at which a man and a woman can retire with full irrevocable pension benefits; or
    - there is no national law on pension benefits.
  - Scoring: Yes = 1; No = 0.
2. Are the ages at which men and women can retire with partial pension benefits equal?
  - This question examines the relative ages at which men and women can retire with partial but not with full pension benefits, because he or she did not accumulate enough work experience or contributions, has not reached the age that would qualify him or her for a full pension or continues to work part-time upon reaching the retirement age.
  - For purposes of this question, if transitional provisions gradually increase or decrease the statutory retirement age, the coding will reflect the retirement ages at the time of data collection, even if the law provides for changes over time.
  - The answer is “Yes” if
    - the ages at which men and women can receive partial pension benefits are the same; or
    - the ages at which men and women can retire with partial benefits are not mandated.
  - The answer is “No” if
    - the ages at which a man and a woman can receive partial pension benefits are different; or
    - there is no national law on pension benefits.
  - Scoring: Yes = 1; No = 0.
3. Is the mandatory retirement age for men and women equal?
  - This question examines the relative ages at which men and women must cease employment or can be terminated by their employer. Even if the law allows employers and employees to contract for work beyond that age, retirement is still considered mandatory because the employer can legally oblige the employee to retire.

- The answer is “Yes” if
    - the age at which a man or woman must retire is the same; or
    - there are no mandatory retirement ages.
  - The answer is “No” if the ages at which men or women must retire are different.
  - Scoring: Yes = 1; No = 0.
- 4.** Does the law establish explicit pension credits for periods of childcare?<sup>3</sup>
- For this question, if the availability of a pension credit is conditioned on the number of children, a woman is assumed to have given birth without complications to two healthy children and will work long enough to be entitled to maternity and/or parental benefits, where applicable. The woman also ceases all paid activity for these periods.
  - If the period covered by a pension credit is conditioned on the age of the child, the period until the child reaches age one year is counted.
  - The answer is “Yes” if time spent outside the labor force on child care is
    - considered as an insurance/contribution period during which contributions are paid or credited (notionally paid), or as a qualifying period of actual service/employment; and/or
    - explicitly adjusted for in pension benefit levels by any of the following means:
      - pension entitlements are increased through a specific financial bonus or allowance in retirement;
      - points are granted to compensate for contribution gaps;
      - the duration of the insurance or service period is extended, which in contributory pension scheme(s) typically yields a higher pension outcome;
      - caring periods are accounted for in the rate at which the pension benefit accrues (accrual rate); or
      - caring periods are ignored in the calculation of pensionable earnings used as the basis to calculate the entitlement, so these absences do not reduce the assessment base.
  - The answer is “No” if
    - there are no explicit pension credits provided for periods of childcare in the mandatory contributory pension scheme(s); or
    - there is no mandatory contributory pension scheme(s) for private sector workers.
  - Scoring: Yes = 1; No = 0.

More detailed data on each economy, including links to the legal sources used, are provided on the project website. The team welcomes feedback on the methodology and construction of this set of indicators. We look forward to improving its coverage and scope. Comments can be offered by contacting the *Women, Business and the Law* team at [wbl@worldbank.org](mailto:wbl@worldbank.org).

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## Notes

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- 1 This is a new question.
- 2 This is a new question.
- 3 This is a new question.