

# WOMEN, BUSINESS AND THE LAW 2016

## GETTING TO EQUAL



### EAST ASIA AND THE PACIFIC

East Asia and the Pacific (EAP) economies account for nearly two-fifths of global economic growth. As entrepreneurs and employees, women are crucial to sustainable development and poverty reduction in the region. Despite great strides toward gender equality, legal barriers to women's economic inclusion remain.

# 100%

OF ECONOMIES

IN THE REGION HAVE AT LEAST ONE LAW THAT HINDERS WOMEN'S ENTREPRENEURSHIP AND EMPLOYMENT

### GLOBAL FINDINGS

- ▶ Legal gender differences are widespread: 172 of 189 economies (91%) have at least one law impeding women's economic opportunities.
- ▶ 107 economies restrict women from pursuing the same economic activities as men; some directly prohibit women from holding particular jobs.
- ▶ In 55 economies, microfinance institutions provide information to public credit registries or private credit bureaus, enabling women to build credit history.
- ▶ 49 of 189 economies have yet to enact laws addressing domestic violence.
- ▶ From 2013-2015, 65 economies made 94 reforms increasing gender parity.

### SPOTLIGHT ON EAP

- ▶ All 25 economies in EAP have at least one law impeding women's economic opportunities.
- ▶ In 12 EAP economies, women face legal job restrictions.
- ▶ Microfinance institutions provide information to public credit registries or private credit bureaus in 7 economies: Cambodia, China, Fiji, Indonesia, Mongolia, Philippines and Vietnam.
- ▶ 23 of the 25 EAP economies have domestic violence legislation; however, only 10 have legislation that covers all 4 types of violence.
- ▶ From 2013-2015, 8 EAP economies made 11 reforms increasing gender parity.

### HOW TO USE THIS DOCUMENT

This document aims to improve understanding of how legal and regulatory environments shape women's economic opportunities in East Asia and the Pacific. It also seeks to build awareness of gender differentiated laws and identify areas for reform in the region.

**WOMEN, BUSINESS AND THE LAW** measures how laws, regulations and institutions differentiate between women and men in ways that affect women's ability to work or to set up and operate a business. It analyzes legal differences on the basis of gender in 189 economies, covering seven areas: accessing institutions, using property, getting a job, providing incentives to work, building credit, going to court and protecting women from violence.

Promoting gender equality is a critical part of the World Bank Group's (WBG) agenda to eliminate poverty and boost shared prosperity. The East Asia and Pacific Region of the WBG has adopted a strategic and systematic approach to addressing gender gaps. It is results-focused and led by country-specific targets, reflecting the diversity of economies and type of inequalities between males and females in the region.

# BARRIERS TO WOMEN'S EMPLOYMENT AND ENTREPRENEURSHIP

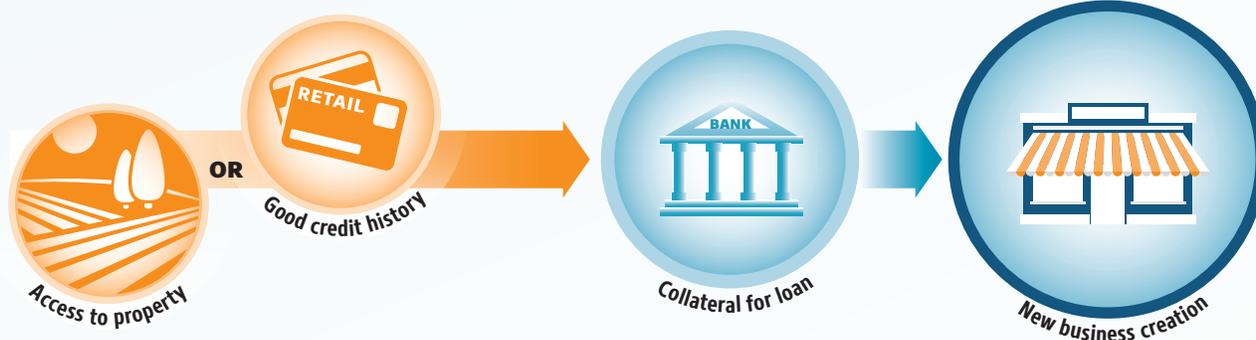
Women in East Asia and the Pacific can make significant contributions to economic growth and poverty reduction by entering the labor force or starting their own businesses. While some laws in the region enable women as employees and entrepreneurs, others make it more difficult.

Differences in how the law treats women and men can affect a woman's ability to get the job of her choice. For example, a woman may face legal restrictions on the types of jobs she can do or a business environment that fails to support her work. This can result in occupational segregation along gender lines, with women concentrated in low-paying sectors and activities.

Women face legal job restrictions in 13 out of 25 economies in EAP. The most common job restriction is in mining. In 12 economies in the region, labor laws prevent women from working in the mining sector in the same way as men. *Women, Business and the Law 2016* highlights the effect of job restrictions on women's earning potential: legal restrictions on women's work widen the gender wage gap between women and men.

## Where Women Face Job Restrictions in EAP

Job restriction	Economies	Number of economies
Mining	China   Fiji   Japan   Kiribati   Korea, Rep.   Malaysia   Mongolia   Myanmar   Papua New Guinea   Solomon Islands   Thailand   Vietnam	12
Job-related tasks	China   Malaysia   Mongolia   Thailand   Vietnam	5
Night hours	Kiribati   Mongolia   Papua New Guinea   Solomon Islands   Vanuatu	5
Lifting weights above a certain threshold	China   Mongolia   Thailand   Vietnam	4
Construction	Malaysia   Thailand   Vietnam	3
Jobs deemed arduous	China   Papua New Guinea   Vietnam	3
Jobs deemed hazardous	Korea, Rep.   Vietnam	2
Metalworking	Vietnam	1
Factories	Malaysia	1
Occupations	Vietnam	1



The ability to access, manage and control property is also important for a woman's financial security and her family's wellbeing. However, in some economies, women may have limited access to property due to the legal environment. This includes laws giving unequal access to property within marriage, laws that do not provide for the valuation of women's unpaid

work in the household (non-monetary contributions) or unequal inheritance rights.

Because banks often require immovable property as collateral for loans, women may be prevented from accessing finance. As an alternative to asset-based collateral, credit agencies can collect loan repayment information from retailers, utility companies and

microfinance institutions (MFIs). This allows women to build reputation collateral and graduate to larger loans.

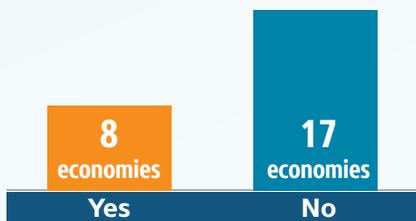
In EAP, retailers provide information in 3 economies (Fiji, Japan and Malaysia), utility companies in 4 economies (Fiji, Korea, Rep., Malaysia and Mongolia), and MFIs in 7 economies (Cambodia, China, Fiji, Indonesia, Mongolia, Philippines and Vietnam).

# PROTECTING WOMEN FROM VIOLENCE

Violence against women can undermine women's economic empowerment by preventing employment and blocking access to financial resources. Though EAP economies have made progress, gaps remain in domestic violence, marital rape and child marriage legislation.

Only when women and girls are fully protected from violence will they be able to enjoy the same autonomy, freedom, and opportunities as men

## Is marital rape explicitly criminalized in EAP?



Aside from its obvious negative psychological and social effects, marital rape undermines a woman's autonomy and well-being. In EAP, marital rape is not explicitly criminalized in 68% of economies.

Women in 11 of these economies can still file complaints for rape. However, in Brunei Darussalam, Lao PDR, Malaysia, Federated States of Micronesia, Myanmar and Singapore, women are barred from filing criminal complaints against their husbands for rape.

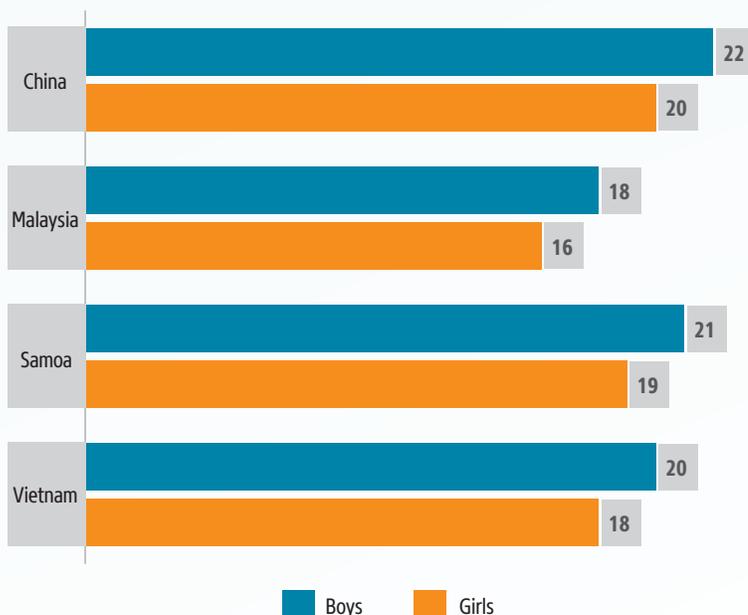
Husbands are exempt from facing criminal penalties for rape (known as the marital rape exemption) in all 6 of these economies.

Globally, 49 of the 189 economies covered by *Women, Business and the Law* have yet to enact laws addressing domestic violence. All of the economies in EAP except the Federated States of Micronesia and Myanmar have domestic violence legislation. However, only 10 economies have legislation that covers all 4 types of violence (physical, sexual, emotional and economic). Moreover, Brunei Darussalam, Fiji, Japan, Federated States of Micronesia, Mongolia, Myanmar, Samoa, Singapore, Solomon Islands and Vietnam have no clear penalties for domestic violence.

Child marriage can also undermine women's economic empowerment. Marrying a girl before she is capable of consenting and has not yet achieved the necessary physical, emotional or mental maturity can have negative consequences, including early pregnancy, abuse and curtailment of educational opportunities. Girls who marry before they reach 18 constitute up to 30 percent of girl dropouts in secondary education and tend to have children earlier.

Lower education rates due to child marriage can affect a woman's ability to get a job or enter the workforce, restricting her access to financial assets. Even where the legal age of marriage is 18 or above, nearly 3 out of 4 economies worldwide allow girls to be married earlier with parental or judicial consent, or in case of pregnancy. Exceptions to the legal age of marriage exist in 20 of the 25 economies in EAP, and the age of marriage is lower for girls than boys in China, Malaysia, Samoa and Vietnam.

## Where Girls can Marry at a Younger Age than Boys

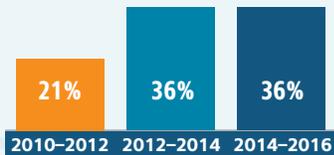


# LEGAL REFORM IMPROVES WOMEN'S ECONOMIC OPPORTUNITIES

Globally, lower legal gender equality is associated with fewer girls attending secondary school relative to boys, fewer women working or running businesses and a wider gender wage gap

## The pace of legal reform in EAP is increasing

Percentage of economies that reformed in at least one indicator in East Asia and the Pacific



## FOR MORE INFORMATION, VISIT:

Website:  
[wbl.worldbank.org](http://wbl.worldbank.org)

Facebook:  
[www.facebook.com/womenbusinesslaw](http://www.facebook.com/womenbusinesslaw)

Contact:  
Sarah Iqbal, Program Manager  
+1 (202) 458-8768  
[siqbal4@worldbank.org](mailto:siqbal4@worldbank.org)

Media Contact:  
Indira Chand  
+1 (202) 458-0434  
+1 (703) 376-7491  
[ichand@worldbank.org](mailto:ichand@worldbank.org)

## SUBSTANTIAL PROGRESS HAS BEEN MADE TOWARDS WOMEN'S ECONOMIC INCLUSION IN EAST ASIA AND THE PACIFIC



**FIJI** adopted a new constitution that no longer recognizes customary law as a source of law and establishes a Supreme Court with jurisdiction to interpret the Constitution.



**KIRIBATI** enacted a domestic violence law for the first time that defines all forms of domestic violence and establishes clear criminal penalties. The law includes protection orders and special proceedings for cases of domestic violence.



**LAO PDR** enacted a new labor code that introduces leave to care for family members and three days of paid paternity leave. It also lowered the minimum loan amount for inclusion in the credit registry to zero.



Credit reports in **MONGOLIA** now include full payment history for mobile phone leasing.



**SINGAPORE** introduced seven days of paid paternity leave and seven days of paid parental leave.



In 2014, **SOLOMON ISLANDS** enacted a 10% gender quota for candidate lists presented to national parliamentary elections.



**TONGA** enacted a new law that covers physical, sexual and economic domestic violence against former and current spouses and family members. The law criminalizes domestic violence and marital rape.



In 2013, **VANUATU** introduced a 29% reserved seat quota for women in municipal council elections.

*This analysis includes 25 economies, with 23 economies classified by Women, Business and the Law as East Asia and Pacific: Brunei Darussalam, Cambodia, China, Fiji, Indonesia, Kiribati, Lao PDR, Malaysia, Marshall Islands, Micronesia, Fed. States, Mongolia, Myanmar, Palau, Papua New Guinea, Philippines, Samoa, Singapore, Solomon Islands, Thailand, Timor-Leste, Tonga, Vanuatu and Vietnam; and 2 economies classified as OECD high income: Japan and Korea, Rep. No data is available for Nauru or Tuvalu.*

