

WOMEN, BUSINESS AND THE LAW 2016

GETTING TO EQUAL



EUROPE AND CENTRAL ASIA

The Europe and Central Asia region (ECA) is home to 6 of the 18 economies worldwide that do not contain gender discrimination in their laws. However, the region as a whole has significant room for improvement: 79% of ECA countries have at least one law that hinders women's ability to work or to set up and operate a business.

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GLOBAL FINDINGS

- ▶ Legal gender differences are widespread: 155 of the 173 economies (90%) covered have at least one law impeding women's economic opportunities.
- ▶ The total number of legal gender differences across 173 economies is 943.
- ▶ In 100 economies, women face gender-based job restrictions.
- ▶ 46 of the economies covered do not have domestic violence laws.
- ▶ Over the past two years, 65 economies carried out 94 reforms increasing women's economic opportunities.

SPOTLIGHT ON ECA

- ▶ 23 of the 29 economies in ECA covered (79%) have at least one law impeding women's economic opportunities.
- ▶ The total number of legal gender differences across the 29 ECA economies is 88.
- ▶ ECA has some of the world's most extensive job restrictions on women, with 66% of economies in the region placing at least one restriction on women's employment.
- ▶ Four ECA economies still lack domestic violence laws.
- ▶ Over the past two years, 13 ECA economies carried out 23 reforms increasing women's economic opportunities.

HOW TO USE THIS DOCUMENT

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

WOMEN, BUSINESS AND THE LAW

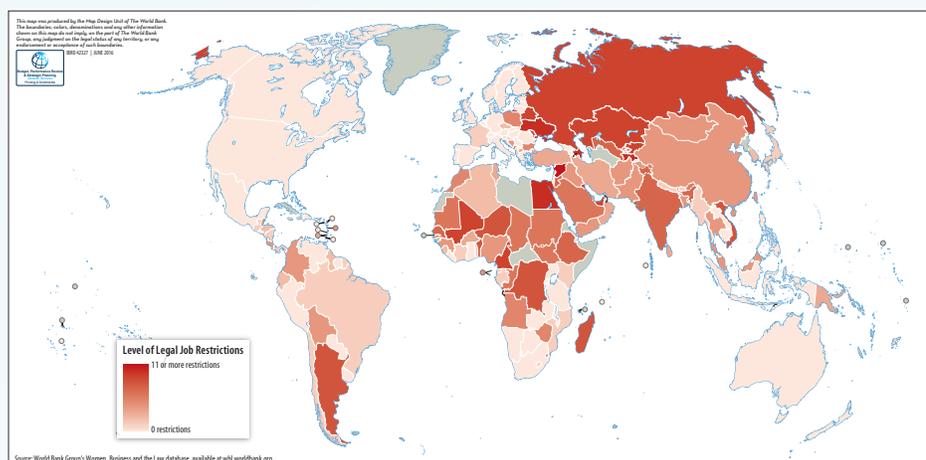
measures how laws, regulations and institutions differentiate between women and men in ways that affect women's ability to work or to set up and operate a business. It analyzes legal differences on the basis of gender in 173 economies, covering seven areas: accessing institutions, using property, getting a job, providing incentives to work, building credit, going to court and protecting women from violence.

RESTRICTIONS ON WOMEN'S EMPLOYMENT

In the Russian Federation, women are legally prohibited from working in 456 jobs. Women are also barred from working in 400 professions in the Kyrgyz Republic, 299 occupations in Kazakhstan, 182 jobs in Belarus and 30 categories of jobs in Azerbaijan. Such laws hinder women's economic opportunities, reduce women's labor force participation, contribute to the gender wage gap and stunt economic growth.

The economies in ECA place extensive legal restrictions on the forms and circumstances of women's employment. 19 out of 29 economies in ECA (66%) limit the areas of jobs that non-pregnant and non-nursing women can do. The only two other regions with a greater percentage of economies that restrict women's jobs are the Middle East and North Africa and South Asia.

LEGAL JOB RESTRICTIONS FOR WOMEN WORLDWIDE



Restricting the working hours, sectors and occupations for women limits the range of jobs that women can choose from and may be employed in. Occupational segregation along gender lines is a result of this, often causing the accumulation of women in low-paying sectors and activities. A number of the jobs prohibited to women are in highly paid industries, such as mining and manufacturing. The 2016 *Women, Business and the Law* report shows the effect of job restrictions on women's earning potential: the wage gap is likely to be smaller in economies where there are no job restrictions on women's work compared to economies with more restrictions.

Economy	Examples of jobs women cannot legally do
Azerbaijan	Foundry worker; casting welder; smelter of metal and alloys; dryer of rods, molded shapes and materials; gas welder, blacksmith, grinder, galvanist and polisher; painter and metal plater.
Kyrgyz Republic	Grinders; do bunkering; pack tobacco in bales; extract and process peat; engine attendant; work on long distance passenger transport with the number of seats exceeding 14 and drive trucks of 5 tons or more in weight.
Moldova	Machinists; coppersmith; cleaner of metals; locksmith repairer; carpenter; stone carver; conductor of freight trains; perform electro-gas work; process hides and leather; tamper tobacco dust.
Tajikistan	Masters and workers at metallurgical enterprises engaged in the works on the crushing, grinding, milling and burdening of ferrous, non-ferrous and rare metals; extraction and processing of fish; maintain radio and communications equipment to high-rise buildings.
Ukraine	Forging and thermal work; work with lead; be engaged with molten metal; pipe and alumina production; electro mechanic; operator of the excavator and loading machine; extraction and processing of peat; manufacture of abrasives; cable production; work with fluorine, hydrogen fluoride and fluoride.

CHALLENGING JOB RESTRICTIONS IN RUSSIA

In 2009, Anna Klevets was rejected from a job as an assistant subway train driver on the grounds that Resolution No. 162 of 25 February 2000 prohibits women from doing so. She filed a case arguing that the law is discriminatory, which reached the Russian Supreme Court. The Court disagreed and upheld the law, noting that it protects women from jobs that are "harmful for their health." Similarly, Svetlana

Medvedeva was denied a job at the helm of a boat because women are prohibited from that occupation under Resolution No. 162 of 25 February 2000. She also challenged the law in national courts and had her case rejected, so she brought it to the UN Committee on the Elimination of Discrimination against Women. The Committee found the law to be discriminatory in February 2016, but it remains on the books to this day.

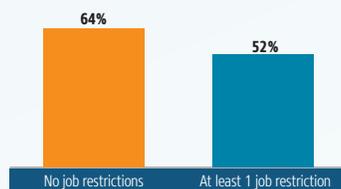
VIOLENCE AGAINST WOMEN

Not only does the exposure to violence have devastating impacts on women's physical and psychological health, but it can also negatively influence women's participation in the workforce

REDUCING GENDER-BASED LEGAL RESTRICTIONS ALLOWS WOMEN TO CHOOSE THE OPPORTUNITIES WHICH ARE BEST FOR THEM, THEIR FAMILIES AND THEIR COMMUNITIES

The wage gap is likely to be smaller where there are no job restrictions on women's work

Estimated earned income, female to male ratio



Source: *Women, Business and the Law* and World Development Indicators databases; World Economic Forum *Global Gender Gap Report 2014* (Table E3, p.66)

Note: The difference in the estimated earned income, female to male ratio (2014), in economies with no restrictions on women's work and economies with at least 1 restriction is statistically significant at the 1% level after controlling for 2014 GNI per capita. The regression analysis is based on 121 economies for which data are available. The regression results remain significant at the 5% level even after controlling for the proportion of seats held by women in national parliaments (2014) and the ratio of female to male enrollment in secondary education (2012). This statistical relationship should not be interpreted as causal.

The most common form of violence that women experience is by the hands of intimate partners. Research suggests that victims of domestic violence display higher levels of distraction at work compared to non-victims and miss more work hours due to psychological stress. Increased absenteeism may negatively affect women's work performance and undermine career advancement opportunities. The negative effects of violence can also be observed economy-wide, for example through higher expenditures on service provision and lost income for women and their families. The latest *Women, Business and the Law* report highlights that women's life expectancy is likely to be lower where there is no legal protection from domestic violence. Legal protection from domestic violence exists in the majority of economies examined by *Women, Business and the Law* (127 out of 173). Four countries in ECA have not yet adopted a law on domestic violence: Armenia, Estonia, Russia and Uzbekistan.

Even in those economies where legislation on domestic violence exists, the laws may not provide adequate protections and enforcement mechanisms may be lacking (see table). Comprehensive laws on domestic violence address various forms of violence, such as economic and emotional violence. Additionally, domestic violence laws should cover not only spouses, but also unmarried intimate partners and former spouses. ECA economies with such comprehensive domestic violence laws include Albania, Bosnia and Herzegovina, Croatia, Hungary, Macedonia, Montenegro, Romania and Slovenia. These may serve as models to guide legislative drafting in other economies.

Gaps in domestic violence laws

Gaps	Economies	Number of economies
No clear criminal penalties for domestic violence	Armenia, Azerbaijan, Bulgaria, Belarus, Czech Republic, Kazakhstan, Kyrgyz Republic, Kosovo, Lithuania, Latvia, Moldova, Poland, Russian Federation, Tajikistan, Ukraine & Uzbekistan	16
No specialized court or procedure	Armenia, Estonia, Russian Federation, Serbia, Slovak Republic, Tajikistan & Uzbekistan	7
Domestic violence law does not cover economic violence	Belarus, Czech Republic, Kyrgyz Republic, Poland & Serbia	5
No domestic violence law	Armenia, Estonia, Russian Federation & Uzbekistan	4
Domestic violence law does not protect former spouses	Belarus, Kyrgyz Republic, Tajikistan and Ukraine	4
Protection orders do not provide for removal of perpetrator from home	Azerbaijan, Kazakhstan, Tajikistan & Ukraine	4
Protection orders do not prohibit contact & maintaining of distance	Azerbaijan, Georgia, Slovak Republic & Tajikistan	4
Protections orders are not available	Armenia, Russian Federation & Uzbekistan	3
Domestic violence law does not protect unmarried intimate partners	Belarus, Tajikistan & Ukraine	3

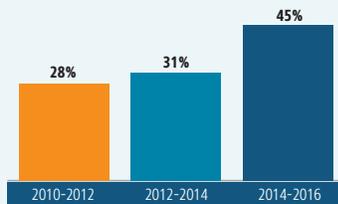
Domestic violence laws are critically needed in Armenia, Estonia, Russia and Uzbekistan, while legislation on sexual harassment is lacking in Belarus, Hungary, Kazakhstan, Russia, Tajikistan and Uzbekistan

LEGAL REFORM IMPROVES WOMEN'S ECONOMIC OPPORTUNITIES

- 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.
- Increasing gender equality under the law enables economically active and politically empowered women.

The pace of legal reform in ECA has been increasing

Percentage of economies that reformed in at least one indicator in Europe & Central Asia



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OVER THE PAST TWO YEARS, ECA HAS EMERGED AS A GLOBAL LEADER IN REFORMING LAWS TO ACHIEVE GREATER GENDER EQUALITY



ALBANIA added criminal sanctions for sexual harassment to its penal code.



BELARUS reduced the number of professions in which female work is prohibited from 252 to 182. It also adopted a law on domestic violence that criminalizes physical, sexual and psychological violence and establishes specialized procedures for cases of domestic violence, including provisions for protection orders.



GEORGIA amended its criminal code to explicitly penalize marital rape. The code also provides for removal of a perpetrator of domestic violence from the home and calls for criminal sanctions for the forced marriage of a minor.



HUNGARY criminalized economic violence as a form of domestic violence.



LATVIA adopted legislation on domestic violence for the first time. It comprehensively defines all forms of domestic violence and protects spouses, former spouses, partners in nonmarital intimate relationships and family members. It introduced a special procedure to hear domestic violence cases.



The **FORMER YUGOSLAV REPUBLIC OF MACEDONIA** passed a law on domestic violence which for the first time includes economic violence and a special procedure for domestic violence cases.

This analysis includes 29 economies, including 23 economies according to Women, Business and the Law regional classification of Eastern Europe and Central Asia: Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Georgia, Kazakhstan, Kosovo, Kyrgyz Republic, Latvia, Lithuania, Former Yugoslav Republic of Macedonia, Moldova, Montenegro, Romania, Russian Federation, Serbia, Tajikistan, Turkey, Ukraine, Uzbekistan; and 6 economies classified as OECD high income: Czech Republic, Estonia, Hungary, Poland, Slovak Republic and Slovenia. No data is available for Turkmenistan.

