



# Data Notes

*Women, Business and the Law* highlights legal gender differences worldwide. Specifically, the report examines laws and regulations that affect women's ability to be entrepreneurs and employees. Legislation can affect women's economic potential directly and indirectly. Thus, the indicators covered in the report capture both laws that directly differentiate between men and women and laws that indirectly have a greater impact on women's ability to earn an income, start a business or get a job. The *Women, Business and the Law* project worked with contributors in each of the economies covered to determine the sources of gender differentiation in the law. Data from the surveys were checked for accuracy by referencing primary legal sources to revise or expand the information collected. The data was collected over a two-year period that ended in April 2015.

With regard to women's rights, different economies reflect different cultural norms and values in their legislation. Though there has been progress toward gender parity, restrictions that limit women's prospects as entrepreneurs and employees remain. This report provides objective, easily comparable data to inform dialogue and research about women's economic rights and opportunities.

Covering 173 economies, *Women, Business and the Law* provides comparable data on the following seven areas:

- **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 ability to own, manage, control and inherit it.
- **Getting a job** assesses restrictions on women's ability to work, such as prohibitions on working at night or in certain occupations. This indicator also covers laws on work-related maternity, paternity and parental benefits, retirement age, equal remuneration for work of equal value and nondiscrimination in hiring.
- **Providing incentives to work** examines personal income tax credits and deductions available to women relative to men and the provision of childcare and education services.

- **Building credit** identifies the minimum loan thresholds of private credit bureaus and public credit registries and tracks bureaus and registries that collect information from microfinance institutions, utilities and retailers.
- **Going to court** considers the ease and affordability of accessing justice by examining small claims courts, women's ability to testify in court and the incidence of women judges on constitutional courts.
- **Protecting women from violence** examines the existence of legislation on domestic violence, sexual harassment, marital rape, age of marriage and protection orders.

Since the publication of *Women, Business and the Law 2014* there have been methodological changes in the seven indicators, both in the number of questions covered and in the way the previously existing questions were analyzed. The principal methodological changes are summarized at the end of this chapter and new questions are footnoted throughout the text.

## Economy coverage and characteristics

The economies covered in this report are listed in table 4.1.

This report is global in scope. It builds on the experience of the *Doing Business* project in developing objective indicators of impediments to entrepreneurship and employment by applying specific analysis to conditions for women. *Doing Business* analyzes regulations in 189 economies that apply to a business throughout its life cycle, including start-up and operations, trading across borders, paying taxes and resolving insolvency. As in the *Doing Business* project, *Women, Business and the Law* uses formal laws as a starting point for analysis.

The report's indicators were constructed using responses from expert country practitioners in family, labor and criminal law: including lawyers, judges, academics and members of civil society organizations working on gender issues. The data were collected through several rounds of interaction with these respondents, including standardized questionnaires, conference calls, written correspondence and visits by the team.

Besides filling out written questionnaires, *Women, Business and the Law* respondents provide references to the relevant

**TABLE 4.1 ECONOMIES COVERED BY *WOMEN, BUSINESS AND THE LAW 2016***

Region	Number of economies	Economies by region
East Asia & Pacific	18	Brunei Darussalam; Cambodia; China; Fiji; Hong Kong SAR, China; Indonesia; Lao PDR; Malaysia; Mongolia; Myanmar; Papua New Guinea; Philippines; Singapore; Taiwan, China; Thailand; Timor-Leste; Tonga; Vietnam
Europe & Central Asia	23	Albania; Armenia; Azerbaijan; Belarus; Bosnia and Herzegovina; Bulgaria; Croatia; Georgia; Kazakhstan; Kosovo; Kyrgyz Republic; Latvia; Lithuania; Macedonia, FYR; Moldova; Montenegro; Romania; Russian Federation; Serbia; Tajikistan; Turkey; Ukraine; Uzbekistan
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
Latin America & Caribbean	32	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 (U.S.); St. Kitts and Nevis; St. Lucia; St. Vincent and the Grenadines; Suriname; Trinidad and Tobago; Uruguay; Venezuela, RB
Middle East & North Africa	19	Algeria; Bahrain; Djibouti; Egypt, Arab Rep.; Iran, Islamic Rep.; Iraq; Jordan; Kuwait; Lebanon; Malta; Morocco; Oman; Qatar; Saudi Arabia; Syrian Arab Republic; Tunisia; United Arab Emirates; West Bank and Gaza; Yemen, Rep.
South Asia	8	Afghanistan; Bangladesh; Bhutan; India; Maldives; Nepal; Pakistan; Sri Lanka
Sub-Saharan Africa	41	Angola; Benin; Botswana; Burkina Faso; Burundi; Cameroon; Chad; Congo, Dem. Rep.; Congo, Rep.; Côte d'Ivoire; Equatorial Guinea; Ethiopia; Gabon; Ghana; Guinea; Kenya; Lesotho; Liberia; Madagascar; Malawi; Mali; Mauritania; Mauritius; Mozambique; Namibia; Niger; Nigeria; Rwanda; São Tomé and Príncipe; Seychelles; Sierra Leone; Senegal; South Africa; South Sudan; Sudan; Swaziland; Tanzania; Togo; Uganda; Zambia; Zimbabwe

laws and regulations. The *Women, Business and the Law* team collects the texts of relevant laws and regulations and checks questionnaire responses for accuracy. Questionnaire responses are verified against codified sources of national law, including constitutions, marriage and family codes, labor laws, passport procedures, citizenship rules, inheritance statutes, tax regulations, land laws, gender equality laws, civil procedure rules, electoral laws, social security codes, criminal laws and laws on violence against women. *Doing Business 2016* surveys were also used to develop some of the questions in the building credit indicator.

*Women, Business and the Law* requires each legal data point to have a citable legal source, and to ensure transparency of the data the source is provided for every data point on the project website ([wbl.worldbank.org](http://wbl.worldbank.org)). The website also provides more detailed data on each economy, with links to the legal sources used.

The report team welcomes feedback on the methodology and construction of the indicators with the hope of improving both its coverage and scope. Feedback on all aspects of the report can be offered through the project website.

The *Women, Business and the Law* methodology has several useful characteristics:

- It is transparent and uses factual information derived directly from laws and regulations.
- Because the assumptions used when collecting the data are standardized, comparisons are valid across economies.
- The data identify both potential obstacles to women in business and legislative sources that can be changed as a result of the new information.

While *Women, Business and the Law* focuses on written laws, there is often a large gap between law on the books and actual practice. Thus, women do not always have access to the equality they are legally entitled to. What this project attempts to do, however, is to identify areas where there is still formal legal differentiation and clarify how these legal differences affect women.

The following 142 questions were asked about the seven main topics for 173 economies, producing a total of 24,566 data points. Each question is followed by information on how the answers were standardized and made comparable across all economies. Any assumptions are also listed.

## ECONOMY CHARACTERISTICS

### Gross national income per capita

*Women, Business and the Law 2016* reports 2014 income per capita as published in the World Bank's World Development Indicators 2015. For cost indicators expressed as a percentage of income per capita, 2014 gross national income (GNI) Atlas method in current U.S. dollars is used as a denominator. GNI data based on the Atlas method were not available for Austria; Bahrain; Barbados; Belize; Brunei Darussalam; Czech Republic; Djibouti; Finland; the Islamic Republic of Iran; Jamaica; Kuwait; Luxembourg; Malta; New Zealand; Oman; Papua New Guinea; Puerto Rico (U.S.); Saudi Arabia; Slovak Republic; Slovenia; Spain; Suriname; Switzerland; the Syrian Arab Republic; Taiwan, China; Trinidad and Tobago; Tunisia; West Bank and Gaza; and the Republic of Yemen. In these cases GDP or GNP per capita data and growth rates from other sources, such as the International Monetary Fund's World Economic Outlook database and the Economist Intelligence Unit were used.

### Region and income group

*Women, Business and the Law* uses the World Bank regional and income group classifications, available at <http://data.worldbank.org/about/country-and-lending-groups>. Regional averages presented in figures and tables in the *Women, Business and the Law* report include economies from all income groups (low, lower middle, upper middle and high income), though high income OECD economies are assigned the "regional" classification OECD high income.

### Female population and labor force participation rate

*Women, Business and the Law 2016* reports midyear 2014 female population data as published in the World Bank's World Development Indicators 2015. That publication was also used to obtain data on the female labor force participation rate, as percentage of the female population age 15–64.

## Accessing institutions

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### Assumptions

#### It is assumed that the woman

- Resides in the main business city of the economy being examined.
- Has reached the legal age of majority and is capable of making decisions as an adult; if there is no legal age of majority, the woman is assumed to be 30 years old.
- Is sane, competent, in good health and has no criminal record.
- Is a lawful citizen of the economy examined.
- Where the question assumes the woman or man is married, the marriage is monogamous and registered with the authorities.
- Where the question assumes the woman or man is unmarried, she or he has never been married.
- Where the answer differs according to the legal system applicable to the woman in question (as may be the case in economies where there is legal plurality), the answer used will be the one that applies to the majority of the population.

Answers to the questions are based on codified law and not how that law is applied in practice. Therefore, customary law is not taken into account unless it has been codified. Questions on the status of customary law within the legal system refer to its existence and position within the hierarchy of legislation but do not assess its content. Reciprocal restrictions that govern the conduct of both spouses are not covered; this indicator measures only restrictions that govern the conduct of the wife, but not the husband.

### Constitutional rights

This subtopic analyzes constitutional provisions that are relevant for gender equality. In economies that do not have a unified written constitution but do have basic laws or similar documents that have been recognized as having the same legal force as a constitution, for example a supreme court decision, or economies that have enacted a charter of fundamental rights, these documents are used as the basis for the questions. For economies without a written constitution, these questions do not apply.

The seven questions for this subtopic are:

1. Does the constitution contain a clause on nondiscrimination?
  - For the answer to be “Yes,” the constitution must use either the word discrimination or the word nondiscrimination.
  - The answer is also “Yes” even when there is a “claw-back” provision granting exceptions to the nondiscrimination clause for certain areas of the law, such as inheritance, family and customary law.
  - The answer is “No” if
    - there is no nondiscrimination provision, or
    - the nondiscrimination language is present in the preamble but not in an article of the constitution, or
    - there is a provision that merely stipulates that the sexes are equal, or the sexes have equal rights and obligations—this is considered to be an equality clause, or
    - there is merely a provision stipulating that people are equal before the law, but no provision is dedicated to nondiscrimination, or
    - there is merely language negating privileges based on categories, such as “There shall be no privileges based on birth, sex, class or religion,” or
    - the constitution refers to an international treaty that addresses discrimination but does not have its own nondiscrimination provision, or
    - the constitution does not ban discrimination but empowers the legislative branch to enact laws fostering nondiscrimination.
2. If there is a nondiscrimination clause in the constitution, does it mention gender?
  - The answer is “Yes” if
    - the constitution explicitly states that gender or sex is a protected category for nondiscrimination, or
    - the nondiscrimination clause does not explicitly mention gender or sex but specifies that male and female citizens are equal without discrimination.
  - The answer is also “Yes” if there is a clawback provision granting exceptions to the nondiscrimination clause for certain areas of the law, such as inheritance, family and customary law.
  - The answer is “N/A” if there is no nondiscrimination provision.

- The answer is “No” if
    - there is no nondiscrimination provision, or
    - there is a nondiscrimination provision that does not specify gender or sex as protected categories, or
    - the nondiscrimination language that includes sex is present in the preamble but not in an article of the constitution, or
    - there is merely a provision stipulating that the sexes are equal or the sexes have equal rights and obligations—this is considered to be an equality clause, or
    - there is merely a stipulation that the sexes are equal before the law but there is no provision dedicated to nondiscrimination, or
    - there is merely language negating privileges based on sex, or
    - there is merely a provision entitling both sexes to fundamental rights without use of the word discrimination, although a phrase such as “without regard to sex” or “whatever his sex” is used.
- 3.** Does the constitution contain a clause on equality?
- The answer is “Yes” if there is an equal protection or a general equality provision in the constitution, and the provision applies generally to “all citizens” and does not specify women as a protected category.
  - The answer is “No” if there is no equal protection or general equality provision in the constitution.
- 4a.** Is customary law recognized as a valid source of law under the constitution?
- The answer is “Yes” if
    - the constitution explicitly recognizes customary law or customary law courts, or
    - the constitution refers to methods by which customary law will be aligned with constitutional principles, or by which customary law is to be determined, or the constitution refers to requirements that customary chiefs be consulted before enactment of legislation, or
    - the constitution allows laws that applied before the constitution comes into force to continue to have the force of law, if the country had a robust system of customary law in place at the time.
  - The answer is “No” if
    - there is no explicit constitutional recognition of customary sources or systems of law, or
    - the constitution recognizes customary law to be applied only in certain limited territorial areas.
- 4b.** If customary law is recognized as a valid source of law under the constitution, is it invalid if it violates constitutional provisions on nondiscrimination or equality?
- The answer is “Yes” if
    - the constitution provides that customary law is considered invalid if it violates other provisions of constitutional law, or
    - the constitution makes reference to methods by which customary law will be aligned with constitutional principles on nondiscrimination or equality, or
    - the constitution establishes that customary laws or rights are guaranteed equally to men and women.
  - The answer is “No” if customary law takes precedence over constitutional nondiscrimination or equality provisions or the constitution is silent with regard to a hierarchy of laws or provisions.
  - The answer is “N/A” if there are no constitutional provisions on nondiscrimination or equality, or the constitution does not explicitly state that customary law is considered a valid source of law.
- 5a.** Is personal law recognized as a valid source of law under the constitution?
- The answer is “Yes” if
    - the constitution explicitly recognizes personal or religious law, or
    - the constitution makes reference to methods by which personal law will be aligned with constitutional principles or by which personal law is to be determined, or provides for a religious council or other body to advise on the passage of personal laws, or recognizes religious systems of law or religious sources of law, or
    - the constitution allows laws that applied before the constitution came into force to remain valid, if the country had a robust system of personal law in place at the time.
  - The answer is “No” if there is no explicit constitutional recognition of religious sources or systems of law.

**5b.** If personal law is recognized as a valid source of law under the constitution, is it invalid if it violates constitutional provisions on nondiscrimination or equality?

- The answer is “Yes” if the constitution provides that personal or religious law is considered invalid if it violates other provisions of constitutional law.
- The answer is “No” if
  - personal or religious law takes precedence over constitutional provisions on nondiscrimination or equality, or
  - religious law is declared to be the basis of all legislation, and the constitution either contains a supremacy clause or is silent with regard to a hierarchy of laws or provisions.
- The answer is “N/A” if there are no constitutional provisions on nondiscrimination or equality, or if personal or religious laws are not considered valid sources of law under the constitution.

### Quotas

This subtopic focuses on the existence of quotas for corporate boards, parliaments and local governments. The five questions capture mandatory quotas concerning the number of seats reserved for women or the proportion of women on candidate lists that parties submit for elections. In hybrid quota systems where both candidate list and reserved seat mechanisms are used to determine the women’s quota, the more dominant system that ultimately establishes the quota is counted. In cases of cumulative quota systems where the final quota is determined by adding together a reserved seat and a candidate list system, both are counted.

**6.** What are the quotas for women on corporate boards?

- Proportions are entered in percentage terms, e.g., 40%.
- If the quota is an absolute number and does not depend on the size of the corporate board, the answer is  $> 0$ .
- “No quota” means there is no quota in place.
- Percentages are entered if there are quotas for private sector companies, even if they apply only to certain companies, such as those of a certain size or those listed on a stock market.
- The answer is “N/A” if quotas exist only for public sector or government-owned companies.
- The question does not cover voluntary or recommended quotas.

**7.** What are the quotas for women representatives in parliament?

- Quotas reflect reserved seats and proportions are entered in percentage terms, e.g., 40%.
- “No quota” means there is no quota in place.
- The question does not cover voluntary or recommended quotas.
- If the parliament has two chambers and the law specifies a quota for one but not the other, the answer reflects the quota only for the chamber that has a quota.
- If both parliamentary chambers have quotas, only the quota for the lower chamber, e.g., the national or people’s assembly, is counted.

**8.** What are the quotas for women representatives in local government?

- This question aims to capture seat quotas for the municipal level.
- Where the main business city is both a municipal and a federal entity, it is treated as a municipality.
- Where municipal gender quotas vary, the quota for the municipality that includes the main business city will be reflected.
- Proportions are entered in percentage terms, e.g., 40%.
- “No quota” means there is no quota in place.
- The question does not cover voluntary or recommended quotas.

**9.** What are the quotas for women representatives on candidate lists in national elections?<sup>1</sup>

- If there is a quota for candidate lists, the percentage will be indicated.
- If the quota refers not to a percentage but to where women must be placed on the list (e.g., every third candidate must be a woman), this information is converted to a percentage format (in this example, 33%).
- If the quota is an absolute number, the answer is  $> 0$ .
- If the quota varies depending on the length of the candidate list or the number of seats contested, the highest quota is recorded.
- “No quota” means there is no quota for candidate lists.
- The question does not apply to quotas for internal party elections.

- If the parliament has two chambers, and the law specifies a quota for one but not the other, the answer reflects the quota only for the chamber that has the quota. If both parliamentary chambers have quotas, only the quota for the lower chamber, e.g., the national or people's assembly, is counted.

**10.** What are the quotas for women representatives on candidate lists in local elections?<sup>2</sup>

- This question aims to capture quotas for the municipal level.
- Where the main business city is both a municipal and a federal entity, it is treated as a municipality.
- If there is a quota for candidate lists, the percentage will be indicated.
- If the quota refers not to a percentage but to where women must be placed on the list (e.g., every third candidate must be a woman), this information is converted to a percentage format (in this example, 33%).
- If the quota varies depending on the length of the candidate list or the number of seats contested, the highest quota is recorded.
- If the quota is an absolute number, the answer is > 0.
- "No quota" means there is no quota for candidate lists.
- This question does not apply to quotas for internal party elections.

### *Rights of married and unmarried women*

This subtopic addresses whether a woman can engage in certain legal transactions in the same way as a man. It also addresses whether the marital status of the woman makes a difference. Married and unmarried men and women may not be able to do things in the same way when, for instance, women must have permission or an additional signature in order to complete certain transactions, or when they must provide documentation not required of men, such as a marriage license or a proof of name change. Differences related to property transactions are taken into account only for the using property indicator. Accessing institutions does not count this type of difference.

This subtopic has 22 questions covering 11 transactions that are either legal or relate to women's freedom of movement.

In the data tables, the 22 questions for accessing institutions are condensed into 11 questions with two possible answers each, one for married and one for unmarried women:

**11a.** Can an unmarried woman apply for a passport in the same way as an unmarried man?

- The answer is "Yes" if, upon reaching the legal age of majority, all civil acts can be completed and there are no differences in the way an unmarried woman or man obtains a passport.
- The answer is "No" if
  - an adult unmarried woman needs the permission or signature of a guardian to apply for a passport, or
  - the passport application of an adult unmarried woman requires a reference to her father's name or any other male relative or guardian.

**11b.** Can a married woman apply for a passport in the same way as a married man?

- The answer is "Yes" if upon reaching the legal age of majority, all civil acts can be completed and there are no differences in the way a married woman or man obtains a passport.
- The answer is "No" if
  - an adult married woman needs the permission or signature of her husband in order to apply for a passport, or
  - documentation is required from a married woman that is not required from a married man, e.g., a marriage certificate, or a married woman's application requires reference to her husband's name.

**12a.** Can an unmarried woman obtain a national ID card in the same way as an unmarried man?

- The answer is "Yes" if there are no inequalities in the process for obtaining a national identity card.
- The answer is "No" if
  - an unmarried woman requires additional signatures, such as those of her father or guardian, which are not required from an unmarried man, or
  - an unmarried woman must indicate the name of her father or guardian, but an unmarried man is not required to do so, or
  - identity cards are optional for a woman, but required for a man.
- The answer is "N/A" if there is no national identity card.

- 12b.** Can a married woman obtain a national ID card in the same way as a married man?
- The answer is “Yes” if there are no inequalities in the process for obtaining a national identity card. If married men must provide a marriage certificate or birth certificate as proof of name, whereas married women must provide a marriage certificate, the answer is still “Yes.”
  - The answer is “No” if
    - a married woman must provide a marriage certificate, but a married man need not, or
    - a married woman, but not a married man, must provide additional signatures, such as those of the husband, father or guardian, or
    - a married woman must indicate the name of her spouse, but a married man is not so required, or
    - identity cards are optional for women, but required for men, or
    - the identity card of a married woman displays the name of her spouse, but the identity card of a married man does not.
  - The answer is “N/A” if there is no national identity card.
- 13a.** Can an unmarried woman travel outside the country in the same way as an unmarried man?
- The answer is “Yes” if there are no restrictions on an unmarried woman travelling alone internationally.
  - The answer is “No” if an unmarried woman has to have permission or additional documentation 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.
- 13b.** Can a married woman travel outside the country in the same way as a married man?
- The answer is “Yes” if there are no restrictions on a married woman travelling alone internationally.
  - The answer is “No” if
    - permission or additional documentation is required for a married woman to leave the country; however, this permission must be different from that required to get a passport, which is covered in a separate question, or
    - the law requires a married woman to accompany her husband out of the country if he so wishes.
- 14a.** Can an unmarried woman travel outside her home in the same way as an unmarried man?
- The answer is “Yes” if there are no restrictions on an unmarried woman travelling alone domestically.
  - The answer is “No” if
    - permission, additional documentation or the presence of a guardian is required for her to travel domestically, or
    - an unmarried woman must justify her reasons to her father or guardian for leaving the home.
- 14b.** Can a married woman travel outside her home in the same way as a married man?
- The answer is “Yes” if there are no restrictions on a married woman travelling alone domestically.
  - The answer is “No” if
    - permission, additional documentation or the presence of her husband or a guardian is required for a married woman to travel domestically, or
    - a married woman must justify her reasons to her husband for leaving the home, or
    - leaving the home without a valid reason is considered disobedience with consequences under the law, for example, loss of her right to financial maintenance.
- 15a.** Can an unmarried woman get a job or pursue a trade or profession in the same way as an unmarried man?
- The answer is “Yes” if
    - no permission is needed for an unmarried woman to get a job or practice a trade or profession, or
    - there is no restriction in family or civil law on an unmarried woman’s ability to work.
  - The answer is “No” if permission or additional documentation is required, or if a guardian can prevent an unmarried woman from working.
- 15b.** Can a married woman get a job or pursue a trade or profession in the same way as a married man?
- The answer is “Yes” if
    - no permission is needed for a married woman to get a job or practice a trade or profession, or
    - there is no restriction in family or civil law on a married woman’s ability to work.
  - The answer is “No” if
    - the 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 a married woman to get a job, or
- a married man can go to court to get his wife's employer to fire her from her job or force her to leave her profession, 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.

**16a.** Can an unmarried woman sign a contract in the same way as an unmarried man?

- The answer is "Yes" if full legal capacity is obtained upon the age of majority and there are no restrictions on an unmarried woman signing legally binding contracts.
- The answer is "No" if an unmarried woman has limited legal capacity to sign a binding contract.

**16b.** Can a married woman sign a contract in the same way as a married man?

- The answer is "Yes" if full legal capacity is obtained upon the age of majority and there are no restrictions on a married woman signing legally binding contracts.
- The answer is "No" if a married woman has limited legal capacity to enter into contracts or needs the signature, consent or permission of her husband to legally bind herself.
- This question does not concern restrictions on married women signing contracts specifically related to marital property governed by the default marital property regime; these are covered under the using property indicator.

**17a.** Can an unmarried woman register a business in the same way as an unmarried man?

- The answer is "Yes" if a woman obtains full legal capacity upon reaching the age of majority and there are no restrictions on an unmarried woman registering a business.
- The answer is "No" if
  - an unmarried woman has limited legal capacity to register a business; this would include situations in which a woman may not bind herself to a legal document, or
  - the registration process requires additional information or documentation for unmarried women not required of unmarried men.

- The answer is also "No" for member states of regional bodies, such as the *Organisation pour l'Harmonisation en Afrique du Droit des Affaires* (OHADA) for which supranational law applies (e.g., OHADA *Acte Uniforme Révisé sur le Droit Commercial Général*) when domestic law contravenes these supranational rules and limits the legal capacity of women.

**17b.** Can a married woman register a business in the same way as a married man?

- The answer is "Yes" if full legal capacity is obtained upon the age of majority and there are no restrictions on a married woman registering a business.
- The answer is "No" if a married woman
  - has limited legal capacity to register a business, as when she may not legally bind herself to a contract, or
  - needs her husband's permission, signature or consent to register a business, or
  - must provide information or documentation at any stage of the registration process, and the requirement does not apply to a married man.
- The answer is also "No" for member states of regional bodies, such as the *Organisation pour l'Harmonisation en Afrique du Droit des Affaires* (OHADA) for which supranational law applies (e.g., OHADA *Acte Uniforme Révisé sur le Droit Commercial Général*) when domestic law contravenes these supranational rules and limits the legal capacity of women.

**18a.** Can an unmarried woman open a bank account in the same way as an unmarried man?

- The answer is "Yes" if there are no restrictions on an unmarried woman opening a bank account. Only provisions from the body of family law are systematically reviewed; any that exist in other types of law, such as banking regulations, are not included here.
- The answer is "No" if specific provisions limit the ability of an unmarried woman to open a bank account, such as required permissions or additional documentation.

**18b.** Can a married woman open a bank account in the same way as a married man?

- The answer is "Yes" if
  - there are no restrictions on a married woman opening a bank account—only provisions from the body of family law are systematically reviewed, 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 legal provisions limit the ability of a married 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 do so, or
  - specific provisions limit the capacity of a married woman and prevent her from opening a bank account in her own name, such as required permissions or additional documentation.
- 19a.** Can an unmarried woman choose where to live in the same way as an unmarried man?
- The answer is “Yes” if there are no restrictions on an unmarried woman choosing where to live.
  - The answer is “No” if there are explicit restrictions on an unmarried woman choosing her place of residence.
- 19b.** Can a married woman choose where to live in the same way as a married man?
- The answer is “Yes” if there are no explicit restrictions on a married woman choosing where her family may live.
  - The answer is “No” if the husband chooses the family residence or marital home or has more weight in determining where the family will live.
- 20a.** Can an unmarried woman confer citizenship on her children in the same way as an unmarried man?
- The answer is “Yes” if
    - both the mother and the father can convey citizenship to the child in the same manner, regardless of where the child is born, or
    - there are additional procedures that must be completed by men but not by women (e.g., proof of paternity).
  - The answer is “No” if
    - only the father can convey citizenship to the child, wherever that child may have been born, or
    - additional procedures are required when citizenship is conveyed by the mother.
  - Where a citizenship law and the constitution conflict on the passage of citizenship, the answer is coded according to whichever came later in time.
- 20b.** Can a married woman confer citizenship on her children in the same way as a married man?
- The answer is “Yes” if
    - both the married mother and father may convey citizenship to their children in the same manner, wherever the children are born, or
    - there are additional procedures that must be completed by men but not by women (e.g., proof of paternity).
  - The answer is “No” if only the married father can convey citizenship to the child, wherever that child may have been born, or if additional requirements exist when citizenship is conveyed by the mother.
  - Where a citizenship law and the constitution conflict on the passage of citizenship, the answer is coded according to whichever came later in time.
- 21a.** Can an unmarried woman be “head of household” or “head of family” in the same way as an unmarried man?
- The answer is “Yes” if the definition of head of household is codified, and there are no explicit restrictions on an unmarried woman becoming “head of household” or “head of family.”
  - The answer is “No” if there is an explicit restriction on an unmarried woman becoming “head of household” or “head of family;” e.g., a provision stating that only men can be designated “head of household” or “head of family” or that men “lead the family.”
  - The answer is “N/A” if the definition of head of household is not codified.
- 21b.** Can a married woman be “head of household” or “head of family” in the same way as a married man?
- The answer is “Yes” if the definition of head of household is codified, and there are no explicit restrictions on a married woman becoming “head of household” or “head of family.”
  - The answer is “No” if
    - there is an explicit restriction on a married woman becoming “head of household” or “head of family,” e.g., a provision stating that only husbands can be so designated or that husbands “lead the family” 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.
  - The answer is “N/A” if the definition of head of household is not codified.

*Division of responsibility within marriage*

The three questions in this subtopic address potential legal inequalities that apply to married women:

- 22.** Can a woman convey citizenship to a non-national spouse in the same way as a man?
- This question compares the ability of an adult married woman to legally convey her citizenship to her non-national husband with the ability of an adult married man to do the same for his non-national wife.
  - The answer is “Yes” if
    - marriage to a national male or female equally confers some preference in naturalization to the non-national spouse, or
    - neither spouse may convey citizenship to the other; citizenship must be obtained through the general naturalization procedures with no preference of any sort given to the spouse of a national.
  - The answer is “No” if
    - a national husband can convey citizenship to his non-national wife, but a national wife may not do so for her non-national husband, or
    - the ability to convey citizenship to a spouse is procedurally differentiated by gender, e.g., a woman married to a national receives automatic citizenship rights upon her marriage, but a man married to a national must wait a specific number of years to become a citizen.
- 23.** Are married women required by law to obey their husbands?
- The answer is “Yes” if
    - there is an explicit provision stating that a married woman must obey her husband, or
    - a provision states that disobedience toward her husband has legal ramifications for the wife, such as loss of maintenance.
  - The answer is “No” if there is no provision that a married woman must obey her husband.
- 24.** Do married couples jointly share legal responsibility for financially maintaining the family’s expenses?
- The answer is “Yes” if
    - there is an explicit provision stating that spouses have joint or shared legal responsibility for financially maintaining their family, even if husbands are primarily responsible, or
    - spouses have equal rights and responsibilities within marriage, or
    - the law is silent on the matter.
  - The answer is “No” if there are provisions stating that husbands are solely responsible for the financial support of the family.