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). 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.

Going to court

Assumptions

It is assumed that the woman

- Resides in the economy's main business city.
- Has reached the legal age of majority and is capable of making decisions as an adult.
- Is sane, competent, in good health and has no criminal record.
- Where the answer differs according to the legal system that applies to the woman—as may be the case in economies where legal plurality exists—the answer used will be the one that applies to the majority of the population.

The answers are based on codified law and not whether it is applied in practice. Therefore, customary law is not taken into account unless it has been codified.

This topic assesses both indirect and direct differentiation in the law with relation to women's access to the judicial system. For the first subtopic on equality of access, three questions examine the existence of courts to adjudicate matters of customary or personal law and assess the value of a woman's testimony in court relative to a man's.

Equality of access

33. Does the law recognize customary courts?

- The answer is "Yes" if the constitution or another law establishes or recognizes the authority of a judicial body (e.g., a court or tribunal) that is competent to exclusively hear cases and apply customary law, codified or not.
- The answer is "No" if the constitution or another law establishes or recognizes the authority of a judicial body that applies customary law, codified or not, in addition to laws other than customary law.

34. Does the law recognize personal law courts?

- The answer is "Yes" if the constitution or another law establishes or recognizes the authority of a judicial body (e.g., court or tribunal) that is competent to exclusively hear cases and apply personal law, codified or not.
- The answer is "No" if the constitution or another law establishes or recognizes the authority of a judicial body that is competent to hear cases and apply personal law, codified or not, in addition to laws other than personal law.

35. Does a woman's testimony carry the same evidentiary weight in court as a man's?

- This question covers all types of court cases.
- The answer is "No" if the law explicitly differentiates between the evidentiary value of a woman's testimony and that of a man.
- The answer is "Yes" if the law does not differentiate between the evidentiary value of a woman's testimony and that of a man.

Judicial representation

For this subtopic, three questions look at women's representation on constitutional courts and other court-like institutions that are mandated to review legislative and executive acts and interpret the constitution.

36. How many justices are on the constitutional court?

- For the purposes of this question, constitutional courts and court-like institutions mandated with the determination of constitutionality of laws and regulations are examined.
- When a specific number of justices is set by law, the data reflect that number of justices.
- When the number of justices set by law is a minimum, a maximum or a range, the data reflect the actual number of justices.
- When a separate chamber of the highest court carries out constitutional review, the question reflects the composition of that chamber.

37. Of those, how many are women?

- This question reflects how many members of constitutional courts or court-like institutions mandated with the determination of constitutionality of laws and regulations are women.

38. Is the Chief Justice a woman?

- This question reflects if the Chief Justice of the constitutional court or the court-like body mandated with the determination of constitutionality of laws and regulations is a woman.

Efficiency of procedure

For this subtopic, questions examine the existence of small claims courts and the threshold for claims that they can adjudicate.

39. Is there a small claims court or a fast-track procedure for small claims?

- Small claims courts hear only civil cases between private litigants involving relatively small amounts of money; though the names of such courts vary by jurisdiction, common features generally include relaxed rules of civil procedure, the appearance of adversaries without legal representation, the use of plain language and relaxed evidentiary rules. Fast-track and simplified procedural rules for small claims operate similarly but the cases are tried in courts of more general jurisdiction.
- The answer is "Yes" if
  - there is either a small claims court or a fast-track procedure for civil claims of small value, and there is a maximum value of cases that may be heard in a small claims court or fast-track procedure, or
  - the small claims court or fast-track procedure has jurisdiction to hear at least general civil cases.
- The answer is "No" if
  - there is a small claims court or fast-track procedure but it is competent only to hear commercial claims, not all civil claims, or
  - only a few types of civil disputes are within the jurisdiction of the small-claims court (e.g., rent disputes only).

40. If yes, what is the maximum amount for a small claim?

- This indicates the highest amount for claims that can be heard in a small claims court; when different amounts apply to civil and commercial cases, the amount that applies to civil cases is used.
- The answer is "N/A" if the economy in question has no small claims courts or fast-track procedures for civil claims of small value.
- The answer is presented as a percentage of income per capita.