

50 YEARS OF WOMEN'S RIGHTS

The decades of the 2000s and 2010s saw notable progress on women's rights in Western and Central Africa (see Figure 2). Some of this success might be attributed to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), which entered into force in 2005 and guarantees comprehensive rights to women. The African Women's Decade (AWD) on Grassroots Approach to Gender Equality and Women's Empowerment 2010-2020 could also have led to more recent reforms in the region. These campaigns may have worked by spurring the adoption of gender policies across the continent, and by mandating reporting requirements showing the extent of progress on these goals. Overall, Western and Central Africa economies have implemented 154 positive reforms and one negative reform (Mauritania) in the areas measured by *Women, Business and the Law* since 1970.

A majority of these reforms affected scores in the Workplace, Parenthood, and Pension indicators (see Figure 3). Since 1970, all economies in the region except Mauritania have passed reforms that enable women's decisions to enter and remain in the labor force. Twenty economies prohibited discrimination in employment based on gender, while 16 passed legislation on sexual harassment in employment. Significant improvements were also made under the Parenthood indicator, primarily because economies prohibited the dismissal of pregnant workers and introduced provisions on paternity leave. Since 1970, 11 economies equalized the ages at which men and women can retire with full pension benefits, and eight explicitly accounted for periods of absence due to child care in pension benefits. These measures drove a 32.9-point increase in the average score on the Pension indicator.

Despite the progress that has been made, considerable variability remains for scores in several areas of the law, and each of these still has room to improve. While the Pension indicator receives the highest average score, Parenthood and Pay receive the lowest scores today. Clear opportunities exist for economies in the region to learn from the best practices and approaches already implemented by the top performers. Under the Pension indicator, for example, seven economies do not account for periods of absence due to childcare in pension benefits. These economies can look to their neighbors to improve their scores in this area. Opportunities for reform by indicator are explored on the following pages.

FIGURE 2: WBL INDEX SCORE BY REGION

	1970	2020
Western & Central Africa	40	68
OECD High Income	56	95
Europe & Central Asia	57	83
Latin America & Caribbean	49	80
East Asia & Pacific	48	72
Sub-Saharan Africa	38	71
South Asia	44	63
Middle East & North Africa	31	52
Global	45	75

FIGURE 3: CHANGES IN AVERAGE INDICATOR SCORES

	1970	2020
Mobility	71.6	79.5
Workplace	5.7	75
Pay	30.7	50
Marriage	42.7	61.8
Parenthood	20.9	50
Entrepreneurship	45.5	67
Assets	42.7	68.2
Pension	58	90.9

TOP IMPROVERS IN WESTERN AND CENTRAL AFRICA

Three of the world's top 25 most-improved economies since 1970 are in the Western and Central Africa region:

TOGO

10 REFORMS PASSED

Togo is among the top 10 improvers globally, enacting a new Labor Code in the mid-2000s that granted women rights under the Workplace, Pay, and Parenthood indicators.

BENIN

12 REFORMS PASSED

Benin passed a new Family and Personal Code in 2004, which established equal property and inheritance rights for men and women, allowed women to be head of household, and gave them the ability to open a bank account in the same way as men. This led to a significant increase in the country's score.

CABO VERDE

13 REFORMS PASSED

Cabo Verde's amendment to the Civil Code in 1981 allowed women to freely choose where to live, get a job, sign a contract, register a business, open a bank account, and be head of household, resulting in a substantial score increase for the country over the last 50 years.

MOBILITY

All the economies in Western and Central Africa allow women to travel outside the country and outside the home in the same way as men. In five economies – Cameroon, the Republic of Congo, Gabon, Mali, and Nigeria – women cannot apply for a passport in the same way as men, but are required to provide additional documentation or obtain permission from a husband or male guardian. Most economies in the region (13) prevent women from choosing where to live in the same way as men (see Figure 4). The most recent reform in this area occurred in 2019 in Benin, when a Circular by the Minister of the Interior and Public Security established that the requirement for women to show their marriage certificate when applying for a passport would no longer be enforced.

WORKPLACE

The introduction of workplace protections can affect women’s decision to enter and remain in the labor force. In seven economies—Cameroon, Chad, Equatorial Guinea, Gabon, Guinea-Bissau, Mauritania, and Niger—women cannot get a job without their husbands’ permission. Only three economies—the Republic of Congo, Nigeria, and Sierra Leone—still do not prohibit discrimination based on gender in employment. By adopting these protections, economies can enhance women’s income and job security. In addition, protections and remedies for cases of sexual harassment in employment are crucial for women’s employment and safety. Sexual harassment is a common form of violence against women, and it involves the abuse of a position of power or a significant power disparity. In Western and Central Africa, 16 economies have legislation on sexual harassment in employment and establish criminal penalties or civil remedies (see Figure 5). Economies where such laws are absent include the Republic of Congo, Equatorial Guinea, The Gambia, Guinea-Bissau, Mali, and Mauritania. Recent reforms in this area were enacted in 2019 by Senegal, which prohibited gender discrimination in employment, and in the same year by Sierra Leone through the adoption of legislation and criminal penalties for cases of sexual harassment in employment.

PAY

Laws and regulations affecting the gender wage gap and occupational segregation can facilitate women’s ability to secure and sustain employment. A guarantee of equal remuneration for work of equal value, as established by the International Labor Organization (ILO) Equal Remuneration Convention No. 100 of 1951, can ensure that women are not discriminated against when receiving wages and benefits. It also provides for a broader framework than equal pay for equal work, as it allows for a comparison between not only the same or similar jobs, but also between different jobs of equal value. Over half of the economies (13) in Western and Central Africa do not mandate this workplace protection. Gender-based job restrictions also persist. While Guinea-Bissau is the only economy that restricts women from working at night, 16 additional economies prohibit women from working in certain occupations. For example, Sierra Leone bans women from working in the mining sector, and Guinea regulates the kind of hammers that women are permitted to use on the job. Countries with such restrictions include Benin, Burkina Faso, Cameroon, Central African Republic, Chad, the Republic of Congo, Côte d’Ivoire, Gabon, Ghana, Guinea, Guinea-Bissau, Mali, Mauritania, Nigeria, Senegal, and Sierra Leone (see Figure 6). Recent reformers in the area of Pay include Niger, which in 2017 removed restrictions on women’s employment in mining, construction, and manufacturing, and Mali, which in 2017 enacted legislation mandating equal remuneration for work of equal value.

FIGURE 4: CHOOSING WHERE TO LIVE

In most economies in Western and Central Africa (shown in green), married women have to move into the marital home chosen by the husband by law.

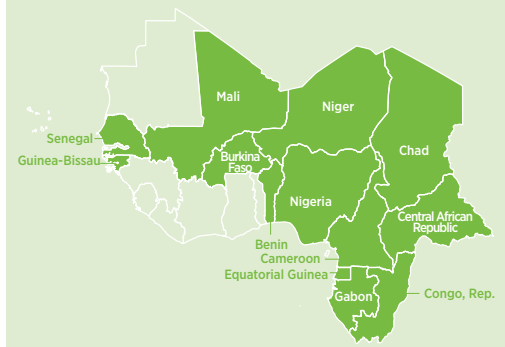


FIGURE 5: SELECTED LEGISLATION AND REMEDIES FOR SEXUAL HARASSMENT IN EMPLOYMENT

	Sexual Harassment in Employment	Criminal Penalties	Civil Remedies
Benin	✓	✓	
Cabo Verde	✓	✓	✓
Ghana	✓		✓
Nigeria	✓	✓	
Togo	✓	✓	✓

FIGURE 6: NUMBER OF ECONOMIES WITH JOB RESTRICTIONS BY INDUSTRY



MARRIAGE

Unequal rights in marriage and divorce can have negative effects on women's intra-household bargaining power and jeopardize their financial security. Further, legal restrictions can limit married women's mobility and decision making. In four economies—Equatorial Guinea, Gabon, Mali, and Mauritania—women are still required by law to obey their husbands. In 10 economies, women legally cannot be the head of household. Fifteen economies require women to undergo a waiting period before remarriage, which is not required for men. Three economies, moreover, prohibit women from obtaining a divorce in the same way as men (see Figure 7).

Gender equality in this sphere also includes protections from domestic violence. Ten economies in Western and Central Africa do not have legislation addressing domestic violence: Cameroon, the Republic of Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Mali, Mauritania, Niger, and Togo. Recent reforms in this area include Guinea, which in 2019 adopted a new Civil Code allowing women to be head of household and obtain a divorce in the same way as men, and Burkina Faso, which in 2018 enacted a new Penal Code that established for the first time protections for women from domestic violence.

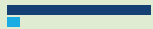







FIGURE 7: ECONOMIES WHERE WOMEN CANNOT OBTAIN A DIVORCE IN THE SAME WAY AS MEN

- **EQUATORIAL GUINEA**
Only separation is allowed, not divorce.
- **MAURITANIA**
Only the husband can initiate a divorce proceeding.
- **NIGER**
Only the husband can apply for a declaration of repudiation of his spouse.

PARENTHOOD

The regulatory environment also plays a significant role in shaping women's ability to get jobs and remain in the labor force after starting a family. Maternity, paternity, and parental leave schemes can help recognize and redistribute unpaid care work. All economies in Western and Central Africa offer paid maternity leave, but this comes with some limitations (see Figure 8). Six economies (Cabo Verde, Equatorial Guinea, Ghana, Guinea-Bissau, Nigeria, and Sierra Leone) do not provide at least 14 weeks (98 days) of leave, which is the minimum standard set by ILO Maternity Protection Convention No. 183 of 2000. In only 10 economies does the government administer 100 percent of maternity leave benefits. Allocating the cost of hiring women of childbearing age to the government could incentivize the employment of more women. Paid paternity leave is less common: only 15 economies provide it, and the median length of time provided is just three days. Finally, eight countries in the region do not prohibit the dismissal of pregnant workers: Central African Republic, the Republic of Congo, Guinea-Bissau, Mali, Mauritania, Nigeria, Senegal, and Sierra Leone. The most recent reform in this area was recorded in Liberia through the enactment of the Decent Work Act of 2015, which increased the duration of paid maternity leave to 14 weeks.

FIGURE 8: SELECTED LENGTHS OF PAID LEAVE (CALENDAR DAYS)

	Maternity	Paternity	
Gambia, The	180	14	
Congo, Rep.	105	0	
Gabon	98	3	
Togo	98	2	
Senegal	98	1	
Equatorial Guinea	84	3	
Nigeria	84	0	
Cabo Verde	60	2	

ENTREPRENEURSHIP

Policy interventions can also encourage women's entrepreneurship by prohibiting discrimination based on gender in access to finance. Laws that prescribe equal access when conducting financial transactions, entrepreneurial activity, or when receiving financial assistance are key to expanding access to finance for women-owned businesses. All economies, with the exception of Equatorial Guinea, allow women to sign a contract in the same way as a man. Similarly, in all economies except Equatorial Guinea and Guinea-Bissau, women can register a business in the same way as men. Six economies in the region—Cameroon, Chad, Equatorial Guinea, Gabon, Guinea-Bissau, and Niger—do not allow women to open a bank account in the same way as men, but require the husband's permission. Finally, only two economies in Western and Central Africa prohibit discrimination in access to credit based on gender: Cabo Verde and Guinea. The most recent reform in this indicator was recorded in Guinea, which in 2016 enacted a new Penal Code explicitly prohibiting discrimination based on sex or family status in access to credit.



GOOD PRACTICE

CABO VERDE

Penal Code, Art. 161(1)(a)

Discrimination is defined as: "Who, based on the distinction made between people on the basis of origin, sex, family situation, health status, habits and customs, political opinions, civic activity, belonging or not belonging, true or supposed, to an ethnicity, nation, race or religion, membership in an organization: a) Refuses or limits (or restricts) the supply of a good or service."

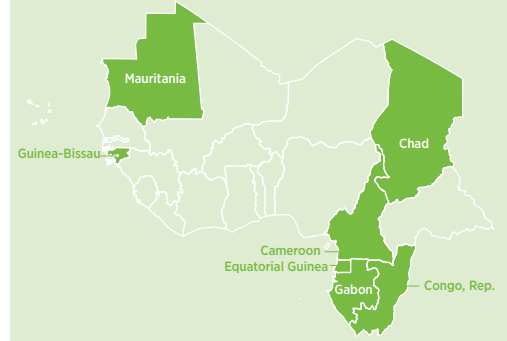
ASSETS

Women in Western and Central Africa can make significant contributions to economic growth and poverty reduction by starting their own businesses, and when they do so access to property or finance can provide them with needed collateral. However, in four economies—The Gambia, Mauritania, Niger, and Senegal—sons and daughters do not inherit equally, and five economies—The Gambia, Guinea, Mauritania, Niger, and Senegal—give unequal inheritance rights to male and female surviving spouses. Reforms in these areas could allow women to leverage assets for economic gain. Further, in eight economies in the region—Cameroon, Chad, the Republic of Congo, Equatorial Guinea, Gabon, Guinea-Bissau, Mauritania, and Niger—men and women have unequal ownership rights to immovable property. In all of these economies, with the exception of Niger, the husband administers marital property (that is, property acquired during the marriage) (see Figure 9). These provisions can have repercussions on women’s capacity to access the labor market, as data show that where husbands control the marital property, women are less likely to have an account at a financial institution. In 2019, Côte d’Ivoire’s new Marriage Act granted spouses equal rights to immovable property and equal administrative authority over assets during marriage.

PENSION

As women in Africa increasingly enter the formal workforce, pension systems that ensure their economic security in old age become more important. All economies in the region have a mandatory pension scheme implemented for private sector workers and all mandatory retirement ages are the same. Cabo Verde is the only economy where the age for retirement with full pension benefits is different for men and women. Six economies in the region, however, do not account for periods of absence due to childcare in pension benefits. Explicit recognition of maternity or parental leave as qualifying periods of employment allow women’s retirement savings to continue growing while they are on care leave. The most recent reform in this area dates to 2014, when Mauritania equalized the mandatory retirement ages for both women and men, and the ages at which women and men can retire with full pension benefits.









FIGURE 9: ECONOMIES WHERE HUSBANDS ADMINISTER MARITAL PROPERTY



Marital power is a doctrine establishing the power of a husband over his wife within the institution of marriage. This doctrine relegates women in a marriage to a status similar to that of a legal minor. Women need their husband’s permission to enter into any legally binding contract (e.g., to open a bank account or start a business), and husbands have control over joint assets. The concept existed in common law under the name “coverture” until 1882, in the French Civil Code until 1938, and in the Portuguese Civil Code until 1977. In contemporary Sub-Saharan Africa, codified marital power typically stems from legislation introduced by colonial powers.



REGIONAL TRENDS BY DATA POINT

INDICATOR	QUESTION	ANSWER (YES/NO)
 Mobility	Can a woman choose where to live in the same way as a man?	62% / 38%
	Can a woman travel outside her home in the same way as a man?	98% / 2%
	Can a woman apply for a passport in the same way as a man?	75% / 25%
	Can a woman travel outside the country in the same way as a man?	98% / 2%
 Workplace	Can a woman get a job in the same way as a man?	79% / 21%
	Does the law prohibit discrimination in employment based on gender?	90% / 10%
	Is there legislation on sexual harassment in employment?	75% / 25%
	Are there criminal penalties or civil remedies for sexual harassment in employment?	73% / 27%
 Pay	Does the law mandate equal remuneration for work of equal value?	46% / 54%
	Can women work the same night hours as men?	94% / 6%
	Can women work in jobs deemed dangerous in the same way as men?	58% / 42%
	Are women able to work in the same industries as men?	52% / 48%
 Marriage	Is there no legal provision that requires a married woman to obey her husband?	90% / 10%
	Can a woman be head of household in the same way as a man?	65% / 35%
	Is there legislation specifically addressing domestic violence?	65% / 35%
	Can a woman obtain a judgment of divorce in the same way as a man?	79% / 21%
	Does a woman have the same rights to remarry as a man?	50% / 50%
 Parenthood	Is paid leave of at least 14 weeks available to mothers?	56% / 44%
	Does the government pay 100% of maternity leave benefits?	38% / 62%
	Is there paid paternity leave?	58% / 42%
	Is there paid parental leave?	0% / 100%
	Is dismissal of pregnant workers prohibited?	79% / 21%
 Entrepreneurship	Does the law prohibit discrimination in access to credit based on gender?	19% / 81%
	Can a woman sign a contract in the same way as a man?	96% / 4%
	Can a woman register a business in the same way as a man?	92% / 8%
	Can a woman open a bank account in the same way as man?	85% / 15%
 Assets	Do men and women have equal ownership rights to immovable property?	79% / 21%
	Do sons and daughters have equal rights to inherit assets from their parents?	75% / 25%
	Do female and male surviving spouses have equal rights to inherit assets?	71% / 29%
	Does the law grant spouses equal administrative authority over assets during marriage?	83% / 17%
	Does the law provide for the valuation of nonmonetary contributions?	60% / 40%
 Pension	Are the ages at which men and women can retire with full pension benefits equal?	85% / 15%
	Are the ages at which men and women can retire with partial pension benefits equal?	92% / 8%
	Are the mandatory retirement ages for men and women equal?	96% / 4%
	Are periods of absence due to child care accounted for in pension benefits?	50% / 50%

Support for the *Women, Business and the Law* regional profiles series is provided by the William and Flora Hewlett Foundation. This document aims to improve understanding of how legal and regulatory environments shape women's economic opportunities in Western and Central Africa. It also seeks to build awareness of gender differentiated laws and identify areas for reform in the region. The analysis includes the following economies in the Western and Central Africa (WCA) region as defined by the World Bank: Benin; Burkina Faso; Cabo Verde; Cameroon; Central African Republic; Chad; Congo, Rep.; Côte d'Ivoire; Equatorial Guinea; Gabon; The Gambia; Ghana; Guinea; Guinea-Bissau; Liberia; Mali; Mauritania; Niger; Nigeria; Senegal; Sierra Leone; and Togo.



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