



CHAPTER 3

New Areas of Research

- *Women, Business and the Law 2021* presents studies of two new areas: childcare and access to justice.
- Because women are often primary caregivers, unpaid care work is one of the main barriers to their employment and job retention. The first section of this chapter examines the need to reduce this barrier through the provision of childcare.
- Laws are effective only if redress procedures and institutions are in place to implement them. Several ways of measuring women's access to justice are explored in the second section of this chapter.
- Future editions of *Women, Business and the Law* will seek to publish the results of these efforts as they apply to women's economic opportunities and outcomes.

Mapping out measures that address challenges faced by women during the COVID-19 pandemic has only amplified two areas that *Women, Business and the Law* would like to research further: childcare and women's access to justice. Women will not receive equal opportunities at work if their childcare needs are not met. Meeting such needs requires a more equitable sharing of responsibilities with men, as well as more support from both government and the private sector in the provision of care for young children. As for access to justice, although *Women, Business and the Law* has underscored that laws are an important first step toward ensuring gender equality, without justice to enable their implementation they will not have their intended effect.

Each topic is fundamental to the effort to close persistent gender gaps in women's economic inclusion. Because of their relevance and importance, *Women, Business and the Law* will produce research and analysis that highlight the barriers women continue to face in these two areas. This effort will not necessarily result in the inclusion of new indicators in the *Women, Business and the Law* index. Although objective indicators can and should be used to better inform policy makers, there are limitations to creating them. Understanding local context, including political, legal, economic, and cultural climates, for example, is essential for producing indicators. In addition, sufficient human and financial resources must be dedicated to identifying and overcoming any methodological challenges. Finally, extensive country coverage, comparability across economies, and feasibility of annual data collection are vital for success. The addition of new indicators will thus depend on the results of the pilot effort and ability to address these limitations.

With these considerations in mind, the following sections present background research and preliminary suggestions for further research and analysis in the areas of childcare and access to justice. *Women, Business and the Law* will use this presentation

as a starting point from which to delve further into identifying potential avenues of measurement of these topics, with the hope that the findings will prove useful for both public and private sector actors.

Accessing childcare for women's economic opportunity

The worldwide COVID-19 crisis highlighted the importance of access to high-quality, affordable childcare and exposed the financial vulnerability of the childcare sector. Many childcare providers feared they would not be able to reopen without public support.¹ Because of the closure of childcare centers at the outset of the pandemic, parents faced hardship in dealing with additional care work. Women are primarily responsible for unpaid care at home, and they have also been affected more than men in terms of paid work. Policy makers and firms should better align childcare policies with the needs of working parents and, in particular, working mothers.

Why does childcare matter for women's economic empowerment?

Research has documented the positive impact that the availability, affordability, and quality of childcare can have on women's participation in the labor market, their hours of work, and their wages.² A link has also been drawn between the availability and affordability of childcare and economic growth as related to fertility rates and the female labor supply.³

Government childcare policies are wide-ranging, and, globally, childcare options are diverse. Each economy must consider potential hurdles in the design of childcare provision, depending on its specific context. Hurdles could include persuading working parents who are not involved in the early development of their children that childcare is a necessity or providing guarantees that childcare offered outside the home is higher in quality than other options.

Literature on the impact of government funding on public and private childcare facilities, the effects of subsidies and tax credits given to families and employers, and informal childcare is helpful to understanding the relationship between childcare policies and women's labor market outcomes.⁴ Although not exhaustive, the literature summarized in table 3.1 is a useful synthesis of the childcare options available to working parents and a snapshot of the advantages and limitations of each.

The literature reveals the costs and benefits of investments in childcare for women's economic opportunities and participation in the labor market. Yet, government support for and intervention in regulating childcare go beyond their effects on female workers, and can be driven by externalities and market imperfections, including broader societal spillovers, information asymmetries, and costs. For example, expanding childcare services could be a source of job growth. It has been estimated that 43–53 million practitioners would be required to meet the gap in childcare access worldwide, with low- and lower-middle economies accounting for nearly 80% of the gap.⁵

Quality of care, another central concern, affects society at large in several ways. The low wages of childcare workers, for example, affect the quality and stability of the childcare workforce. More public spending on quality childcare will therefore improve the cognitive, social, and emotional skills of young children, who, in turn, will succeed

TABLE 3.1 CHILD CARE POLICIES AND CORRESPONDING ECONOMIC OUTCOMES: A LITERATURE SUMMARY

Government funding of public and private childcare facilities	<ul style="list-style-type: none"> • High-quality, affordable childcare, partially or fully funded by the government, has been positively associated with female employment in analyses of policies in Argentina (Berlinski, Galiani, and McEwan 2011); Germany (Geyer, Haan, and Wrohlich 2015; Haan and Wrohlich 2011); Spain (Nollenberger and Rodríguez-Planas 2015); and the United States (Herbst 2017). • Evidence from Vietnam has found that the use of childcare increases the probability of women having wage-earning jobs by 41% and formal jobs by 26% (Dang, Hiraga, and Nguyen 2019). • Access to formal public childcare in Indonesia has been found to increase the likelihood of women with age-eligible children participating in the labor force by 13.3% (Halim, Johnson, and Perova 2017). • Several authors have found a positive relationship between the universal low-fee, high-quality preschool provided in Quebec, Canada, and the female labor supply—see, for example, Baker, Gruber, and Milligan (2008); Haeck, Lefebvre, and Merrigan (2015); Lefebvre and Merrigan (2008); and Lefebvre, Merrigan, and Verstraete (2009). • Access to subsidized childcare can also have a significant positive impact on women’s employment rates and work hours, as evidence from Latin America and the Caribbean shows (Diaz and Rodríguez-Chamussy 2013; Thévenon 2013). • Research from Havnes and Mogstad (2011) finds that universal childcare may not be effective if it merely replaces already available informal childcare arrangements. • New research has shown that in Austria heavily subsidized childcare was not associated with a reduction in gender gaps in the labor market (Kleven et al. 2020).
Subsidies and tax credits given to families and employers	<ul style="list-style-type: none"> • In France, providing low-income families with childcare subsidies was found to boost the female labor supply (Givord and Marbot 2015). • In Nairobi, Kenya, offering low-income women subsidies increased their probability of employment and allowed single mothers to shift to standard working hours (Clark et al. 2019). • In the Netherlands, a 50% reduction in childcare fees for all parents and a simultaneous increase in tax credits for low-income working parents increased the female labor supply and hours worked (Bettendorf, Jongen, and Muller 2015). • However, policies can also have unintended consequences. For example, in Chile a policy mandating employers to provide childcare without government support significantly reduced the starting salary of female workers (Prada, Rucci, and Urzúa 2015).
Informal childcare	<ul style="list-style-type: none"> • Research by Quisumbing, Hallman, and Ruel (2007) compares the situation in Guatemala City, Guatemala, where the formal sector is predominant, with that of Accra, Ghana, where female employment is largely informal. They find that access to formal childcare increases women’s employment only in locations where most women work in the formal sector. • Other studies have shown that, for single mothers, a combination of formal and informal care is associated with a larger female labor supply (Baxter et al. 2007; Brady and Perales 2016). • Research by Halim, Johnson, and Perova (2017) shows that in Indonesia women who have access to informal childcare arrangements, notably those living with older family members who can help take care of children, tend to have higher labor force participation. In urban areas, these women return to work nearly two years sooner after giving birth than new mothers without access to informal childcare.

as they move through school and enter the workforce as adults. Because they will get better jobs and earn more, it is argued, tax revenues will also increase. Likewise, children who attend quality childcare will be less likely to engage in criminal activity or use social services as adults, thereby reducing government spending. Childcare provision could also present parents with opportunities for further education. Therefore, returns on investment in early childcare pay back public investment in the long term.

The same returns apply to employers, who suffer losses in productivity when parents miss work to fill gaps in childcare or to tend to a sick child. Those losses come with a price tag. For example, in laying out the business case for employer-supported childcare in Fiji, the International Finance Corporation (IFC) found that staff time lost from childcare responsibilities was costing the private sector on average as much as \$254,000 a year, or \$460 per employee.⁶ In addition, parents who drop out of the labor market to provide at-home care for their young children lose wages and see reductions in retirement benefits. Low-income families are especially vulnerable to fluctuations in the childcare market because of limitations on what they can afford.

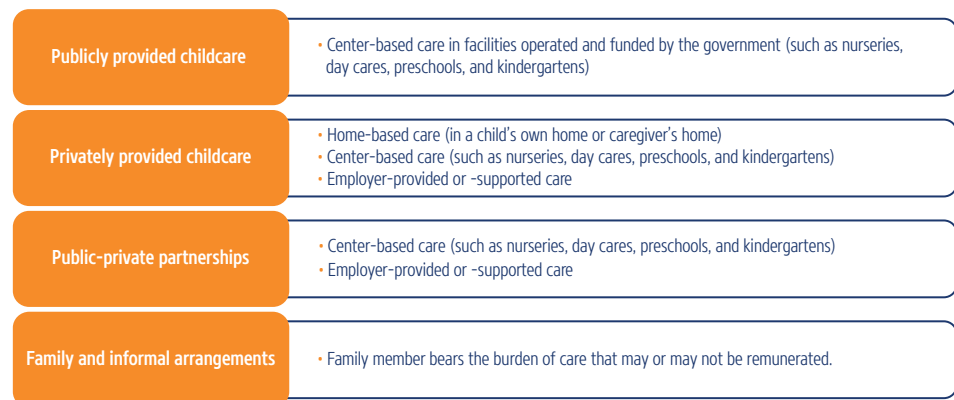
Beyond these considerations, gaps in information limit parents' ability to make childcare decisions. Parents often lack sufficient details about childcare characteristics, including the attributes of high-quality childcare services, the location and availability of care, the relative costs of care, and the range of care alternatives. These information asymmetries around childcare provision suggest the state should confront and revisit norms of family privacy and embrace a greater public role in the childcare market.

In response to these realities, as well as major social and economic changes, improved access to childcare has moved higher on the policy agenda of the governments of many economies. Although there are no internationally established standards to serve as a guide to regulatory measures for the provision of childcare, international conventions and unions recognize working parents' need for outside childcare support and call for childcare facilities to be available. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) calls for the establishment and development of a network of childcare facilities to enable parents to combine family obligations with work responsibilities. Similarly, the International Labour Organization's Convention on Workers with Family Responsibilities No. 156 calls for measures to develop or promote childcare services compatible with national conditions and possibilities that will enable effective equality of opportunity for working men and women.

Although governments are not compelled to provide services, both conventions recognize their key role in promoting and encouraging the development of childcare services. In 2019 the European Union (EU) passed a new directive aimed at helping member states achieve a better work-life balance and more equally distributed care responsibilities by encouraging the use of EU funds to ensure a sufficient supply of high-quality, affordable childcare services and care facilities.

To meet the needs of working mothers and families, governments must therefore support a range of childcare options. Childcare can be funded and operated by the public or the private sector. Public childcare, directly funded and operated by the government, can be provided at center-based facilities, including nurseries, day cares, preschools, and kindergartens. Private childcare is funded and operated by for-profit or not-for-profit business entities. It includes home- and center-based care (figure 3.1).

FIGURE 3.1 | TYPES OF CHILDCARE



Source: *Women, Business and the Law* team.

In addition, employers may provide or support childcare for their employees under certain conditions. The recent growth in private sector engagement in the provision of childcare may also be characterized by more sophisticated arrangements, including public-private partnerships (PPPs). Such partnerships give both government and the private sector an opportunity to leverage resources to bring market-based solutions to providing childcare.⁷

When it comes to the delivery of childcare services, economies use different institutional arrangements. The Nordic economies have the most affordable large-scale childcare, running publicly funded and operated systems. The public expenditure on childcare is 1.6% of the gross domestic product (GDP) of Sweden and 1.3% of the GDP of Norway.⁸ The Republic of Korea also recently devised an extensive affordable childcare system by adopting a mixed model that allows it to diversify funding sources and provide working families with the opportunity to choose.⁹ Despite the mixed system, the government invests 1% of GDP on childcare and early learning and has some of the highest enrollment rates for children of the Organisation for Economic Co-operation and Development (OECD) economies. In contrast, the United States relies on privately provided childcare, spending only 0.3% of GDP—the third lowest expenditure among OECD economies after Ireland and Turkey.¹⁰ Low levels of government expenditure on childcare in these three economies are also accompanied by some of the lowest enrollment rates among OECD economies.¹¹

Overall, policy or regulatory frameworks on the provision of childcare services must reflect a coherent mandate, adequate finance and capacity, focus on child development, and strong coordination mechanisms to bring in all stakeholders. Many economies do not have a stand-alone childcare policy. Instead, they have a multitude of policies involving different ministries, including social welfare, labor, education, and youth and sports. Because they have their own objectives, plans, and programs related to childcare, regulation of childcare may become decentralized and uncoordinated.

Coordination with other social policies, including maternity and parental leave in which parents are paid to stay home as caregivers, may also affect the regulation and provision of childcare services. Maternity and parental leave policies can help new parents reconcile the competing claims of work and family life.¹² The availability of high-quality affordable childcare is a complementary policy that gives parents a flexible solution, especially when economic pressure to participate in the labor force increases.

Childcare services for children ages three to five years have steadily increased over the last 20 years, largely because of rising access to preschool across economies. However, a gap for children under three years remains.¹³ This gap may stem from the fact that governments tend to more often regulate childcare for older children than for younger children. Absent or insufficient regulatory frameworks for children under three years may reflect the limited childcare available for this age group or expectations that mothers and families are responsible for early childhood care. Lack of regulation can also be a disincentive for potential providers (such as those differentiating themselves based on quality), whereas parents may find it more difficult to entrust the care of their children to providers if they are not regulated.

Policies intended to make childcare affordable and of good quality vary by economy. Governments may opt for legally requiring employers to provide or support childcare for their employees. The parameters of this care could include minimum structural quality

and safety standards such as licensing and accreditation, operating hours, inspection for compliance with laws, and reporting mechanisms to the government. However, the literature on child development suggests that the “process” elements of quality (such as caregiver-to-child and child-to-child interactions) are more important for improving children’s development outcomes.¹⁴ A range of incentives could also be granted to parents, employers, and private childcare providers to reduce the cost of private childcare and make it more affordable for families.

Toward available, affordable, and quality childcare

In 2018, *Women, Business and the Law* collected pilot data on employer-supported childcare and private stand-alone childcare centers within the collaborative framework of the IFC’s Tackling Childcare project. Drawing on 10 case studies, the project fills the gap on how companies can identify the type of childcare support that best suits the needs of their employees.¹⁵ Building on this research, future editions of *Women, Business and the Law* will contribute more analysis based on research and new data related to three main pillars of childcare—availability, affordability, and quality. In the process, the team will also leverage and complement other sources of data, including from OECD and the United Nations Children’s Fund (UNICEF; box 3.1). Potential inclusion of such data in the index to facilitate and promote reform will also be explored.

BOX 3.1 EXISTING DATA ON CHILDCARE

The existing data on childcare are primarily published by the Organisation for Economic Co-operation and Development (OECD) and the United Nations Children’s Fund (UNICEF). In view of the strong demand for cross-national indicators on the situations of families and children, the OECD Family Database was developed to provide the indicators on family outcomes and policies across OECD economies, its enhanced engagement partners, and European Union member states. The database brings together information from various national and international databases within both OECD and external organizations. The area of public policies for families and children covers seven indicators related to formal care and the typology of childcare systems: legal entitlement to childcare, public spending on childcare, net enrollment in childcare, informal childcare arrangements, childcare support, typology of childcare services, and quality of childcare. *Legal entitlement* refers to a right to a spot in a childcare facility that guarantees availability of childcare. Each indicator typically presents the data on a particular issue as well as the relevant definitions and methodology, comparability and data issues, information on sources, and, when appropriate, raw data or descriptive information across economies. Despite global coverage, the available UNICEF data on childcare are limited to net attendance rates in the framework of early childhood education programs, specifically enrollment of children ages three to five in preprimary school.

Sources: OECD Family Database, Organisation for Economic Co-operation and Development, Paris, <http://www.oecd.org/els/family/database.htm>; UNICEF, Pre-primary Education Statistics, <https://data.unicef.org/topic/education/pre-primary-education/>.

Support for childcare has well-documented, widespread benefits for economic development and women’s labor force participation. By collecting and evaluating data on childcare provision, the team will contribute to the World Bank Group’s growing effort to shape an informed, evidence-based policy dialogue around the overall design and effectiveness of childcare policies.

The role of the justice sector in legal implementation

For more than 10 years, *Women, Business and the Law* has taken as its starting point that the law can help women reach their full potential. It is the framework by which governments can identify barriers to women's success and, by removing them, boost their labor force participation. In fact, over time *Women, Business and the Law* has consistently found that reforms increasing women's equality of opportunity contribute to higher female labor force participation, more successful economies, and better development outcomes. These findings have galvanized action toward legal reform, resulting in over 400 positive changes in the areas measured since 2009.

For women to thrive in the world of work, however, the laws that guarantee their equality of opportunity must be meaningfully implemented and enforced.¹⁶ This requires not only enacting the rules and regulations that put laws into effect, but also ensuring that all relevant parties comply with them. Successful application of the law requires a comprehensive effort from all branches of government, including the judiciary. By strengthening the rule of law and narrowing inequality, access to justice can be a fundamental component of sustainable economic growth. If inclusive, it allows all people to use the legal system to advocate for their interests and ensure enforcement of the law.¹⁷ The success of statutory laws hinges on the ability of justice institutions to both fulfill their mandate and address any violations. Governments must therefore ensure that women's access to justice is comprehensive. While legal gender equality is the first step toward generating tangible outcomes, including greater economic participation for women, reforms must also be fully implemented through strong justice sector institutions.

Why does access to justice matter for women's economic empowerment?

Discrimination in the law is only one of many sources of gender imbalance. Equal opportunities for women depend on a complex interplay of social, cultural, and economic factors. Although laws may be equal, prevailing discriminatory social norms, deeply rooted stereotypes, unconscious bias, and even ignorance or reluctance by institutions responsible for enforcing rights can be a major stumbling block to the implementation of legislation. This restricts women's opportunities in practice. For example, even in economies mandating nondiscrimination based on gender in employment, employers frequently discriminate in favor of men—who more often are unencumbered with childbearing responsibilities—and against women—who are perceived as secondary breadwinners.¹⁸

The enforcement of rights and women's ability to seek redress is therefore critical to translating formal laws into real outcomes (table 3.2).¹⁹ Although France and Senegal, for example, have very similar legal systems, access to justice in each is very different, leading to different economic landscapes. Social attitudes may result not only in hesitant implementation, but also in hesitant or even discriminatory enforcement. And if women are not able to claim and enforce their rights, equal laws on the books, while a first step, will have only a limited impact on their economic activity. Thus, proper implementation requires an accessible and effective justice system to ensure that infringements of rights are penalized. A well-functioning judiciary is essential to economic development and sustained growth.

TABLE 3.2 ACCESS TO JUSTICE AND CORRESPONDING ECONOMIC OUTCOMES: A LITERATURE SUMMARY

Women's economic empowerment	<ul style="list-style-type: none"> • Unequal access to justice is related to financial burdens, increased stress, strain on family relationships, inability to work, lost income, and political instability. Investing in women's access to justice would have returns in terms of national income, competitiveness at the macroeconomic level, and economic growth (High-level Group on Justice for Women 2019).
Economic growth	<ul style="list-style-type: none"> • A well-functioning judiciary—one that is accessible, efficient, and predictable and resolves cases within a reasonable time frame—is needed to achieve sustainable economic progress (World Bank 2017). • In Latin America, the strength of judicial systems has been linked to economic performance (Sherwood, Shepherd, and De Souza 1994). • Dam (2006) has associated judicial independence and the strength and efficiency of judiciaries with economic growth. • Deseau, Levai, and Schmiegelow (2019) find that disputes resolved at a relatively low cost, without dysfunctional delay and discrimination, increase five-year GDP per capita growth rates.
Private sector growth	<ul style="list-style-type: none"> • A stronger judiciary is associated with more rapid growth of small firms (Islam 2003). • In India, state-level court efficiency is highly predictive of growth in the formal manufacturing sector (Amirapu 2017; Chemin 2009). • In Italy, improvements in judicial efficiency have reduced credit constraints and increased lending (Jappelli, Pagano, and Bianco 2005). However, inefficiencies in the judicial system have directly contributed to lower investments and a difficult business environment (Esposito, Lanau, and Pompe 2014).

The dysfunction and underperformance of court systems negatively affect women, in particular. Factors limiting access to justice such as affordability, cumbersome procedures, and lack of awareness of rights may have impacts on both men and women. However, lower literacy rates, lower incomes, lower mobility, and less extended digital and social networks all disproportionately affect women's access to justice. Other barriers, such as biases in state institutions, social stigma, psychological trauma in bringing claims, and lack of gender-sensitive procedures, are more directly gender-specific.²⁰ These challenges are even harder for women who are subject to multiple disadvantages. As a result, the justice gap for women is still rampant, particularly in economies where the circumstances for women are worse overall.²¹

Beyond these concerns, unequal access to justice is expensive for both governments and citizens. At the societal level, these costs include higher public spending on unemployment benefits, social assistance, and health services. In Canada, it is estimated that unmet legal needs represent major annual costs to the state, amounting to a combined total of approximately Can\$800 million. This figure includes an annual Can\$248 million in social assistance payments, Can\$450 million in employment insurance payments, and Can\$101 million in health care costs.²² Recent studies in the United States also find that funding of legal services there could return as much as 11 times the amount invested by reducing public expenditure and generating income.²³ For example, a mother who is able to effectively secure spousal and child support will not require public benefits. Similarly, a woman who suffers domestic abuse and procures a restraining order will lose fewer days of work and gain more income. Such savings can drive millions of dollars into a local economy and empower women to provide for themselves and their families.

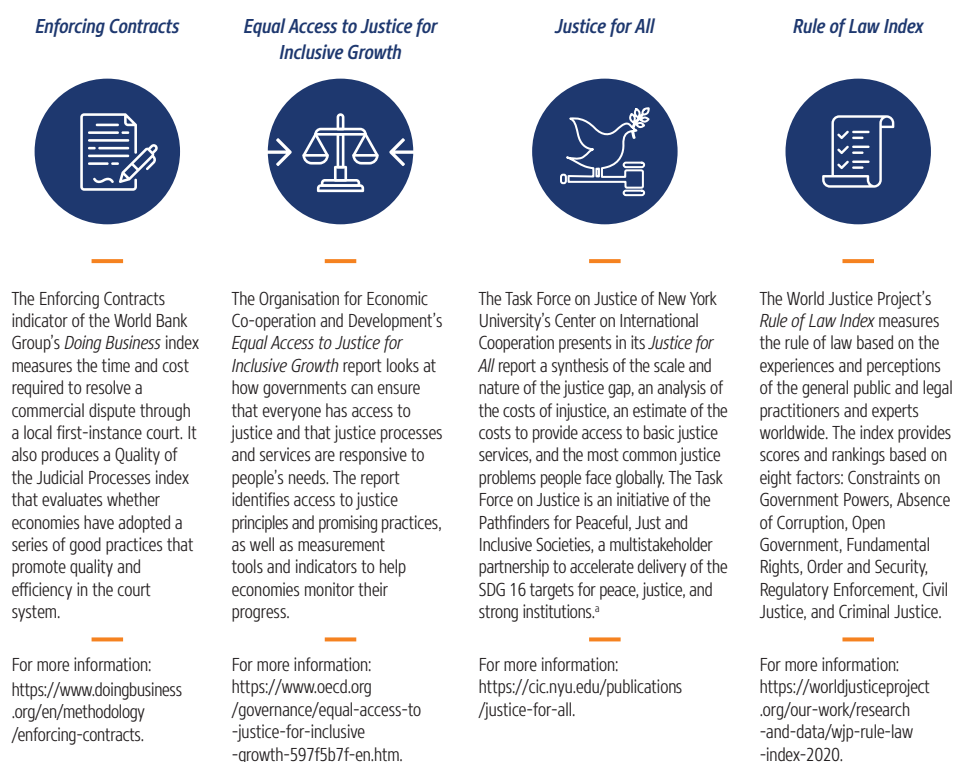
International standards set forth by general recommendations on women's access to justice highlight the importance of access for women's economic empowerment. Economic sustainability cannot be achieved without respect for the rule of law and protection of rights, both of which require an effective judiciary that resolves cases in a reasonable time and is inclusive and accessible to the public.²⁴ The literature notes the difficulty in monitoring and assessing the implementation and enforcement of rights.

It also calls for more public data on the issues women face when accessing justice, especially in the world of work, in order to explore the relationship between de jure and de facto equality of opportunity.²⁵ A measure of the implementation and enforcement of laws affecting women's economic inclusion is therefore needed to fully understand the legal and judicial constraints to gender equality in business and employment.

While useful, other data sets have not yet met the need for this information. At the global level, the Enforcing Contracts indicator of the World Bank's *Doing Business* project²⁶ captures important aspects of the performance of the judicial system when it comes to commercial cases. However, this work does not focus on gender. Instead, the only gender dimension captured by the indicator, under its Quality of the Judicial Processes Index, is a measure of whether a woman's testimony carries as much weight as a man's in commercial cases.

Additional research, such as OECD's *Equal Access to Justice for Inclusive Growth* report,²⁷ the Center on International Cooperation's *Justice for All* report,²⁸ and the World Justice Project's *Rule of Law Index*,²⁹ measures effective access to justice across a set of economies (figure 3.2). The World Economic Forum's Global Gender Gap Index,³⁰ OECD's Social Institutions and Gender Index,³¹ and the United Nations Development

FIGURE 3.2 | OTHER GLOBAL JUSTICE DATA



Sources: World Bank Group, OECD Development Center, Center on International Cooperation, and World Justice Project.

a. Goal 16 of the Sustainable Developmental Goals (SDGs) states, "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels."

Programme's Gender Inequality Index³² track gender inequalities across several practice and outcome areas. Global Integrity's Africa Integrity Indicators track both de jure and de facto corruption and governance in 54 African economies, including a social development section that consists of 24 indicators on gender, rights, welfare, rural sector, business environment, health, education, and civil registration.³³ Despite this impressive undertaking, however, the scope of Global Integrity's project is not global, and scores do not represent an evaluation of women's access to justice. Thus, the *Women, Business and the Law* data collection and analysis will aim to bridge these approaches by studying access to justice through a gender lens.

Toward equal access to justice and implementation

The role of the justice sector in ensuring gender equality and implementation of the law is multifaceted. A variety of factors could provide valuable insight into its functioning, including the presence of institutions, certain processes and procedures, and statistics and outcomes. With this research, *Women, Business and the Law* hopes to focus specifically on the ways in which women's access to justice can be ensured both through implementation of the good practice legislation covered by the project's indicators and through the passage of specific laws and regulations.

This work will endeavor to fill the knowledge gap by collecting and analyzing data on the processes and procedures relevant to women's access to justice, as well as the good practice legislation that can ensure it. This effort may include using one of the *Women, Business and the Law* questions as a starting point to assess whether the law represented by the question itself is effectively implemented through the justice sector. For example, of the 190 economies measured, 159 prohibit discrimination in employment based on gender. This question allows broad study of similar provisions across economies and regions and could be used to consider the time and cost of a case brought by a female victim of discrimination. Such an approach could also be used to study implementation of other questions in the index.

Through this exercise, potential barriers to implementation of de jure indicators could also be identified for future study. Examples that complement current *Women, Business and the Law* data include the ease and cost of access to justice, effectiveness of complaints procedures, and importance of awareness-raising campaigns among public officials, employers, and employees.

Other measures that promote women's access to justice could also be considered. Institutions of justice, such as customary and personal law courts, dedicated and specialized family courts, and human rights institutions could be examined because of their particular relevance to women. Topics such as small claims court access, the provision of legal aid, and women's representation in the judiciary may also prove pertinent to this discussion.

Any published findings will review the available evidence on this subject, including the data sets described here, for correlation with or further explanation of *Women, Business and the Law* results. Together, the data presented will investigate whether laws, as measured by the *Women, Business and the Law* index, are actionable on the ground for female employees and entrepreneurs. Above all, the intent of this work is to ease the process of identifying good practices that ensure accessible, timely, and affordable remedies for women seeking justice. Such quantitative data could help

provide a complete picture of the life cycle of legislation and encourage economies to move rapidly toward more efficient and comprehensive access to justice for women everywhere.

What's next?

Most of the current *Women, Business and the Law* indicators measure the differences between men and women under the law. However, selecting a clear benchmark that tackles the trade-offs when considering these areas may depart from this trend. Although the empirical evidence demonstrates the disproportionate effects of the availability of childcare services and access to justice on women's participation in the labor market, these issues are not necessarily a matter of legal gender gaps.

Given their broad scope, the potential results of this research could take several different forms. Any questionnaire will undergo substantial peer review and consultation with academics and practitioners before its dissemination to local experts. To ensure that data are comparable across economies, a set of standardized assumptions will be determined. A questionnaire would also be piloted in several economies in a diverse sample of regions. Results may be published as case studies or policy briefs complementing the *Women, Business and the Law* index. If coverage can be expanded to 190 economies and remain comparable and feasible for annual data collection, the addition of indicators to the index will be considered. Complementary economic research will also aim to establish links between legislative principles and improving women's position as active participants in the workforce and the broader economy.

Growing evidence directly links each of these areas to women's economic opportunities. Although in its early stages, this research aims to highlight the role that childcare and access to justice play in ensuring that the equality promised by law is actionable. In expanding its scope to include these issues, *Women, Business and the Law* hopes to continue providing a rich body of data that can be used to generate policies and provide a road map for further research.

Notes

1. NAEYC 2020.
2. Indeed, research from Olivetti and Petrongolo (2017) presents an overview of the evidence from high-income economies on the impacts of family policies on female labor market outcomes and finds that childcare is more strongly associated with better labor market outcomes for women than family leave policies.
3. Day 2016; Yakita 2018.
4. In this discussion, *informal care* refers to unpaid care provided mainly by relatives and family friends.
5. Devercelli and Beaton-Day, forthcoming.
6. IFC 2019.
7. IFC 2017.
8. OECD Family Database, Organisation for Economic Co-operation and Development, Paris, http://www.oecd.org/els/soc/PF3_1_Public_spending_on_childcare_and_early_education.xlsx. Latest data on total public expenditure on early childhood education and care for Norway and Sweden are for 2015.
9. OECD 2020.

10. OECD Family Database, http://www.oecd.org/els/soc/PF3_1_Public_spending_on_childcare_and_early_education.xlsx. Latest data on total public expenditure on early childhood education and care for Ireland are for 2015; the Republic of Korea, 2017; Turkey, 2016; and the United States, 2016.
11. OECD Family Database, Organisation for Economic Co-operation and Development, Paris, http://www.oecd.org/els/soc/PF3_2_Enrolment_childcare_preschool.xlsx. Latest data on enrollment rates in early childcare education and care services for 0- to 2-year-old children in Ireland, the Republic of Korea, and Turkey are available for 2017; in the United States for 2011.
12. Amin, Islam, and Sakhonchik 2016.
13. UNICEF 2019.
14. Devercelli and Beaton-Day, forthcoming.
15. For more information about case studies produced by the International Finance Corporation in 2019 and 2020 within the framework of the Tackling Childcare project, see the IFC website, https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/gender+at+ifc/priorities/employment/tackling_childcare_the_business_case_for_employer_supported_childcare.
16. OECD 2018.
17. UN Women and UNDP, n.d.
18. Kabeer 2009.
19. World Bank 2012.
20. World Bank 2012.
21. The *justice gap* is defined as the disparity in access to justice and satisfaction of legal needs experienced by women and girls (High-level Group on Justice for Women 2019).
22. Farrow et al. 2016.
23. Buckwalter-Poza 2016.
24. Goldstone and Stein 2015; Hoque 2018; Marciano, Melcarne, and Ramello 2019.
25. Hyland, Djankov, and Goldberg 2021; World Bank 2012.
26. *Doing Business* Indicators (database), World Bank, Washington, DC, <https://www.doingbusiness.org/en/data/exploretopics/enforcing-contracts>.
27. OECD 2019a.
28. CIC 2019.
29. World Justice Project Rule of Law Index 2020 (database), World Justice Project, Washington, DC, <https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2020>.
30. World Economic Forum 2020.
31. OECD Social Institutions and Gender Gap (database), Organisation for Economic Co-operation and Development, Paris, <https://www.genderindex.org/>.
32. Gender Inequality Index (GII), United Nations Development Programme, New York, <http://hdr.undp.org/en/content/gender-inequality-index-gii>.
33. Africa Integrity Indicators—Project Summary and Methodology AI18 (2020), Global Integrity, Washington, DC, <https://www.globalintegrity.org/resource/ai18methodology/>.

References

- Amin, Mohammad, Asif Islam, and Alena Sakhonchik. 2016. "Does Paternity Leave Matter for Female Employment in Developing Economies? Evidence from Firm Data." Policy Research Working Paper Series 7588. *Applied Economics Letters* 23 (16): 1145–48.
- Amirapu, A. 2017. "Justice Delayed Is Growth Denied: The Effect of Slow Courts on Relationship-specific Industries in India." Discussion Paper No. 1706, University of Kent School of Economics, Kent, UK.
- Baker, Michael, Jonathan Gruber, and Kevin Milligan. 2008. "Universal Child Care, Maternal Labor Supply, and Family Well-Being." *Journal of Political Economy* 116 (4): 709–45.
- Baxter, Jennifer, Matthew Gray, Michael Alexander, Lyndall Strazdins, and Michael Bittman. 2007. "Mothers and Fathers with Young Children: Paid Employment, Caring and Wellbeing." FaHCSIA Social Policy Research Paper No. 30, SSRN, New York.
- Berlinski, Samuel, Sebastian Galiani, and Patrick J. McEwan. 2011. "Preschool and Maternal Labor Market Outcomes: Evidence from a Regression Discontinuity Design." *Economic Development and Cultural Change* 59 (2): 313–44.
- Bettendorf, Leon J. H., Egbert L. W. Jongen, and Paul Muller. 2015. "Childcare Subsidies and Labour Supply—Evidence from a Large Dutch Reform." *Labour Economics* 36: 112–23.
- Brady, Michelle, and Francisco Perales. 2016. "Hours of Paid Work among Single and Partnered Mothers in Australia: The Role of Child Care Packages." *Journal of Family Issues* 37 (3): 321–43.

- Buckwalter-Poza, Rebecca. 2016. "Making Justice Equal." Center for American Progress, Washington, DC.
- Chemin, M. 2009. "Do Judiciaries Matter for Development? Evidence from India." *Journal of Comparative Economics* 37 (2): 230–50.
- CIC (Center on International Cooperation). 2019. *Justice for All: Report of the Task Force on Justice*. New York: CIC, New York University. <https://cic.nyu.edu/publications/justice-for-all>.
- Clark, Shelley, Caroline W. Kabiru, Sonia Laszlo, and Stella Muthuri. 2019. "The Impact of Childcare on Poor Urban Women's Economic Empowerment in Africa." *Demography* 56 (4): 1247–72.
- Dam, Kenneth. 2006. "The Judiciary and Economic Development." *SSRN Electronic Journal*. doi:10.2139/ssrn.892030.
- Dang, Hai-Anh H., Masako Hiraga, and Cuong Viet Nguyen. 2019. "Childcare and Maternal Employment: Evidence from Vietnam." Policy Research Working Paper 8856, World Bank, Washington, DC.
- Day, Creina. 2016. "Fertility and Economic Growth: The Role of Workforce Skill Composition and Child Care Prices." *Oxford Economic Papers* 68 (2): 546–65.
- Deseau, Arnaud, Adam Levai, and Michele Schmiegelow. 2019. "Access to Justice and Economic Development: Evidence from an International Panel Dataset." Discussion paper, Université Catholique de Louvain, Institut de recherches économiques et sociales (IRES), Brussels.
- Devercelli, Amanda, and F. Beaton-Day. Forthcoming. *Better Jobs and Brighter Futures: Investing in Childcare to Build Human Capital*. Washington, DC: World Bank.
- Diaz, Mercedes, and Lourdes Rodriguez-Chamussy. 2013. "Childcare and Women's Labor Participation: Evidence for Latin America and the Caribbean." Inter-American Development Bank, Washington, DC.
- Espósito, Gianluca, Sergi Lanau, and Sebastian Pompe. 2014. "Judicial System Reform in Italy: A Key to Growth." IMF Working Paper 14/32, International Monetary Fund, Washington, DC.
- Farrow, Trevor C. W., Ab Currie, Nicole Aylwin, Les Jacobs, David Northrup, and Lisa Moore. 2016. *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report*. Toronto: Canadian Forum on Civil Justice.
- Geyer, Johannes, Peter Haan, and Katharina Wrohlich. 2015. "The Effects of Family Policy on Maternal Labor Supply: Combining Evidence from a Structural Model and a Quasi-experimental Approach." *Labour Economics* 36: 84–98.
- Givord, Pauline, and Claire Marbot. 2015. "Does the Cost of Child Care Affect Female Labor Market Participation? An Evaluation of a French Reform of Childcare Subsidies." *Labour Economics* 36: 99–111.
- Goldstone, Richard, and Robert A. Stein, eds. 2015. *The Rule of Law in the 21st Century: A Worldwide Perspective*. London: Globe Law and Business.
- Haan, Peter, and Katharina Wrohlich. 2011. "Can Child Care Policy Encourage Employment and Fertility? Evidence from a Structural Model." *Labour Economics* 18: 498–512.
- Haeck, Catherine, Pierre Lefebvre, and Philip Merrigan. 2015. "Canadian Evidence on Ten Years of Universal Preschool Policies: The Good and the Bad." *Labour Economics* 36: 137–57.
- Halim, Daniel, Hillary Johnson, and Elizaveta Perova. 2017. "Preschool Availability and Female Labor Force Participation: Evidence from Indonesia." Policy Research Working Paper 8915, World Bank, Washington, DC.
- Havnes, Tarjei, and Magne Mogstad. 2011. "Money for Nothing? Universal Child Care and Maternal Employment." *Journal of Public Economics* 95 (11): 1455–65.
- Herbst, Chris M. 2017. "Universal Child Care, Maternal Employment, and Children's Long-Run Outcomes: Evidence from the US Lanham Act of 1940." *Journal of Labor Economics* 35 (2): 519–64.
- High-level Group on Justice for Women. 2019. *Justice for Women: High-level Group Report*. New York: UN Women, International Development Law Organization (IDLO), World Bank, and Task Force on Justice.
- Hoque, Ridwanul. 2018. "The Inclusivity Role of the Judiciary in Bangladesh." In *Inclusive Governance in South Asia*, edited by Nizam Ahmed. New York: Palgrave Macmillan.
- Hyland, Marie, Simeon Djankov, and Pinelopi Koujianou Goldberg. 2021. "Do Gendered Laws Matter?" Financial Markets Groups Discussion Paper No. 824, London School of Economics.
- IFC (International Finance Corporation). 2017. "Tackling Childcare: The Business Case for Employer-Supported Childcare." World Bank Group, Washington, DC.
- IFC (International Finance Corporation). 2019. "Tackling Childcare: The Business Case for Employer-Supported Childcare in Fiji." World Bank Group, Washington, DC.
- Islam, Roumeen. 2003. "Do More Transparent Governments Govern Better?" Policy Research Working Paper 3077, World Bank, Washington, DC.
- Jappelli, Tullio, Marco Pagano, and Magda Bianco. 2005. "Courts and Banks: Effects of Judicial Enforcement on Credit Markets." *Journal of Money, Credit and Banking* 37 (2): 223–44.
- Kabeer, Naila. 2009. "Women's Economic Empowerment: Key Issues and Policy Options." SIDA Policy Women's Economic Empowerment Series, Swedish International Development Cooperation Agency (SIDA) and Ministry of Foreign Affairs, Stockholm.

- Kleven, Henrik, Camille Landais, Johanna Posch, Andreas Steinhauer, and Josef Zweimüller. 2020. "Do Family Policies Reduce Gender Inequality? Evidence from 60 Years of Policy Experimentation." NBER Working Paper 28082, National Bureau of Economic Research, Cambridge, MA.
- Lefebvre, Pierre, and Philip Merrigan. 2008. "Child-Care Policy and the Labour Supply of Mothers with Young Children: A Natural Experiment from Canada." *Journal of Labor Economics* 26 (3): 519–47.
- Lefebvre, Pierre, Philip Merrigan, and Matthieu Verstraete. 2009. "Dynamic Labour Supply Effects of Childcare Subsidies: Evidence from a Canadian Natural Experiment on Low-Fee Universal Child Care." *Labour Economics* 16: 490–502.
- Marciano, Alain, Alessandro Melcarne, and Giovanni B. Ramello. 2019. "The Economic Importance of Judicial Institutions, Their Performance and the Proper Way to Measure Them." *Journal of Institutional Economics* 15 (1): 81–98. doi:10.1017/S1744137418000292.
- NAEYC (National Association for the Education of Young Children). 2020. "From the Front Lines: The Ongoing Effect of the Pandemic on Child Care." NAEYC, Washington, DC.
- Nollenberger, Natalia, and Núria Rodríguez-Planas. 2015. "Full-time Universal Childcare in a Context of Low Maternal Employment: Quasi-experimental Evidence from Spain." *Labour Economics* 36: 124–36.
- OECD (Organisation for Economic Co-operation and Development). 2018. *The Impact of Legal Frameworks on Women's Economic Empowerment around the World: Challenges and Good Practices*. Paris: OECD.
- OECD (Organisation for Economic Co-operation and Development). 2019a. *Equal Access to Justice for Inclusive Growth*. Paris: OECD.
- OECD (Organisation for Economic Co-operation and Development). 2019b. *Public Spending on Childcare and Early Education*. Paris: OECD.
- OECD (Organisation for Economic Co-operation and Development). 2020. "Is Childcare Affordable?" Policy Brief on Employment, Labor and Social Affairs, OECD, Paris.
- Olivetti, Claudia, and Barbara Petrongolo. 2017. "The Economic Consequences of Family Policies: Lessons from a Century of Legislation in High-Income Countries." Working Paper 811, Queen Mary University of London, School of Economics and Finance.
- Prada, María F., Graciana Rucci, and Sergio S. Urzúa. 2015. "The Effect of Mandated Child Care on Female Wages in Chile." IDB Publications Working Paper 6880, Inter-American Development Bank, Washington, DC.
- Quisumbing, Agnes, Kelly Hallman, and Marie Ruel. 2007. "Maquiladoras and Market Mamas: Women's Work and Childcare in Guatemala City and Accra." *Journal of Development Studies* 43: 420–55.
- Sherwood, Robert M., Geoffrey Shepherd, and Celso Marcos De Souza. 1994. "Judicial Systems and Economic Performance." *Quarterly Review of Economics and Finance* 34 (suppl. 1): 101–16.
- Thévenon, O. 2013. "Drivers of Female Labour Force Participation in the OECD." OECD Social, Employment and Migration Working Paper No. 145, Organisation for Economic Co-operation and Development, Paris.
- UNICEF (United Nations Children's Fund). 2019. "Childcare and Working Families: New Opportunity or Missing Link." Evidence Brief. UNICEF, New York.
- UN Women (United Nations Entity for Gender Equality and the Empowerment of Women) and UNDP (United Nations Development Programme). n.d. *Improving Women's Access to Justice during and after Conflict: Mapping UN Rule of Law Engagement*. New York: UN Women.
- World Bank. 2012. *World Development Report 2012: Gender Equality and Development*. Washington, DC: World Bank.
- World Bank. 2017. *World Development Report 2017: Governance and the Law*. Washington, DC: World Bank.
- World Economic Forum. 2020. *Global Gender Gap Report 2020*. Cologny, Geneva: World Economic Forum.
- Yakita, Akira. 2018. "Female Labor Supply, Fertility Rebounds, and Economic Development." *Review of Development Economics* 22 (4): 1667–81.