



## WHEN SOCIETIES GET TO EQUAL, ECONOMIES BECOME MORE RESILIENT

The link between legal gender equality and women's economic empowerment has long been established. Legal reform opens new opportunities for women to participate in the workforce and support their families. Greater equality under the law has been linked to higher female labor force participation and a smaller wage gap between men and women.<sup>1</sup> Gender equality in the law is also associated with better development outcomes, such as women's health and education.<sup>2</sup>

Parallel to the World Bank's operational efforts to close gender gaps in South Asia, all countries in the region have made important commitments to do so by enacting reforms to increase legal equality. However, the pace of reform is uneven and much remains to be done to achieve equality of opportunity. Not one of the eight South Asian countries obtains a full score on the *Women, Business and the Law* (WBL) index that measures legal gender equality, meaning that there is room for legal reform across the entire region.

WBL examines progress toward gender equality over time by measuring the laws and regulations that restrict women's economic inclusion in 190 economies. The project presents eight indicators structured around women's interactions with the law as they move through their lives and careers: Mobility, Workplace, Pay, Marriage, Parenthood, Entrepreneurship, Assets, and Pension. It identifies barriers to women's economic participation and highlights opportunities for reform. The newest study, *Women, Business and the Law 2022*, was launched in March 2022.<sup>3</sup> The study finds that better performance in the areas measured by the WBL index is associated with a narrower gender gap in development outcomes, higher female labor force participation, lower vulnerable employment, and greater representation of women in national parliaments. The average global score of the 190 economies measured by WBL in 2021 is 76.5 out of 100, indicating that on average, women have just three-quarters of the legal rights afforded to men.<sup>4</sup>

Equality under the law is only the starting point for enabling women to achieve their full potential. Effective implementation and enforcement of the law is equally crucial for women to thrive in society. Mapping the codified legal framework, however, makes it possible to pinpoint some of the underlying causes for why women across the world are excluded from fully participating in the economy. Many laws embody gender discriminatory norms that prevail in a given society.<sup>5</sup> Therefore, reforming the law is a necessary first step to create equal opportunities for women.

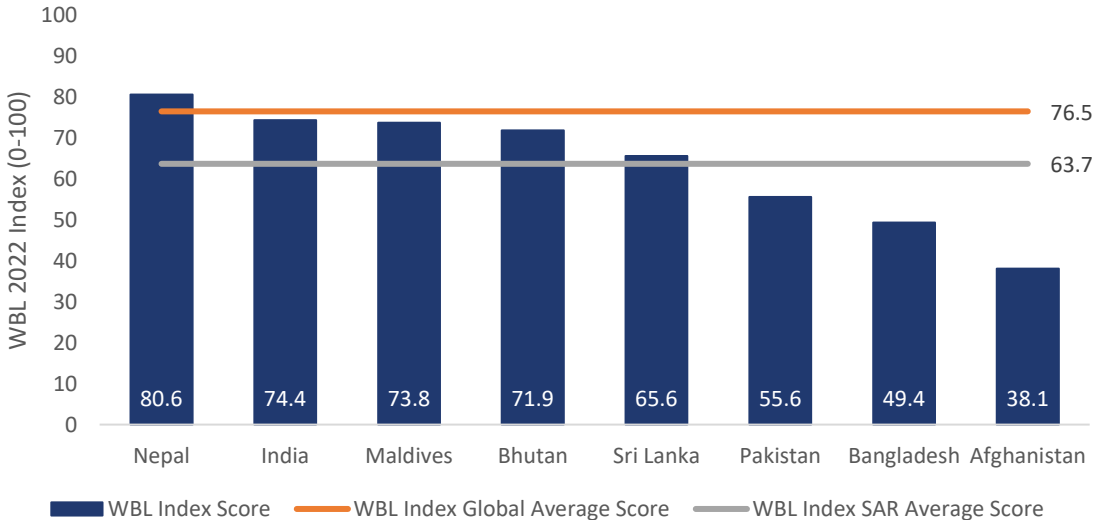
Legal reform should be accompanied by the relevant financial and human resources to support its implementation. This includes raising awareness among women and their partners about new rights and how to claim them; setting up the required institutional mechanisms to enforce the law; and training public and private sector stakeholders in charge of applying and implementing the new law.

This brief identifies important progress and remaining gaps in the currently applicable legal frameworks across the South Asia region (SAR), showcasing historical trends and opportunities for reform to better support women’s economic participation.

## WOMEN, BUSINESS AND THE LAW DATA FOR SOUTH ASIA

Across the eight economies in SAR,<sup>6</sup> the average WBL 2022 index score is 63.7 out of 100, which is lower than the WBL 2022 global average of 76.5 (figure 1). This indicates that women in South Asia, on average, have even fewer than the three-quarters of legal rights that are afforded to women on a global level.

**FIGURE 1: WOMEN, BUSINESS AND THE LAW 2022 INDEX SCORES ACROSS THE SOUTH ASIA REGION**



Source: Women, Business and the Law (WBL) database.

Scores on the WBL index are obtained by assessing 35 aspects of the law across eight indicators, each representing a different phase of a woman’s career. Indicator-level scores are obtained by calculating the unweighted average of four or five binary questions within that indicator and scaling the result to 100. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score.<sup>7</sup>

This unique approach has both strengths and limitations:

- The indicators are binary and thus may not reflect nuances or details of some of the policies measured.
- Indicators are based on standardized assumptions to ensure comparability across economies. For example, an assumption used is that the woman in question is located in the largest business city

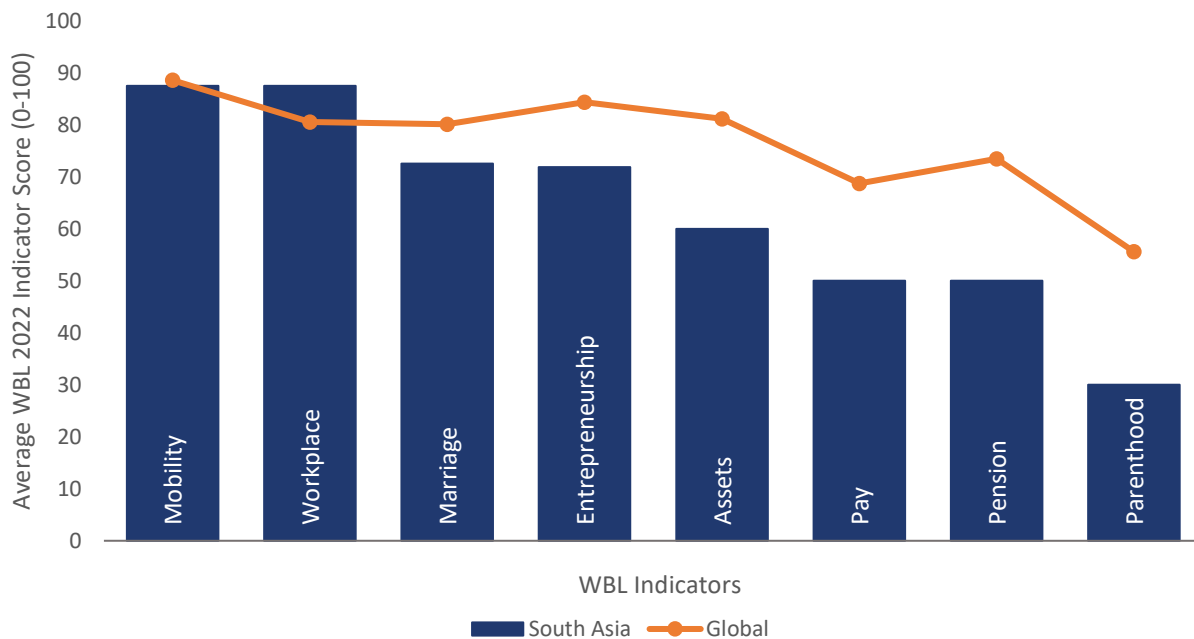
of the economy. In federal economies, such as India, laws affecting women can vary by state or province. Even in nonfederal economies, women in rural areas and small towns could face more restrictive local legislation.

- Customary law is only taken into account when it has been codified.
- Where personal law prescribes different rights and obligations for different groups of women, the data focus on the most populous group, which may mean that restrictions applying only to minority populations are missed.

In South Asia, Nepal obtains the highest score, with 80.6. It is the only SAR economy with a score that is above the WBL global average. It is followed by India (74.4), Maldives (73.8), Bhutan (71.9), and Sri Lanka (65.6), which all obtain higher scores than the South Asia regional average. Pakistan (55.6), Bangladesh (49.4), and Afghanistan (38.1) perform below the South Asia regional average.

The performance of SAR countries varies by indicators (figure 2). Countries in the region perform well in the Mobility (87.5) and Workplace (87.5) indicators, which measure constraints on women’s freedom of movement and their decision to enter and remain in the labor market respectively. The indicators with the most room for improvement across countries in the South Asia region are Entrepreneurship (75.0), which measures constraints on women starting and running a business; Assets (60), which examines gender differences in property and inheritance law; and Pensions (50), which assesses laws affecting the size of a woman’s pension. This presents clear opportunities for countries to learn from the good practices and approaches already implemented by the top performers in the region.

**FIGURE 2: REGIONAL AVERAGES FOR SOUTH ASIA BY WBL INDICATOR**

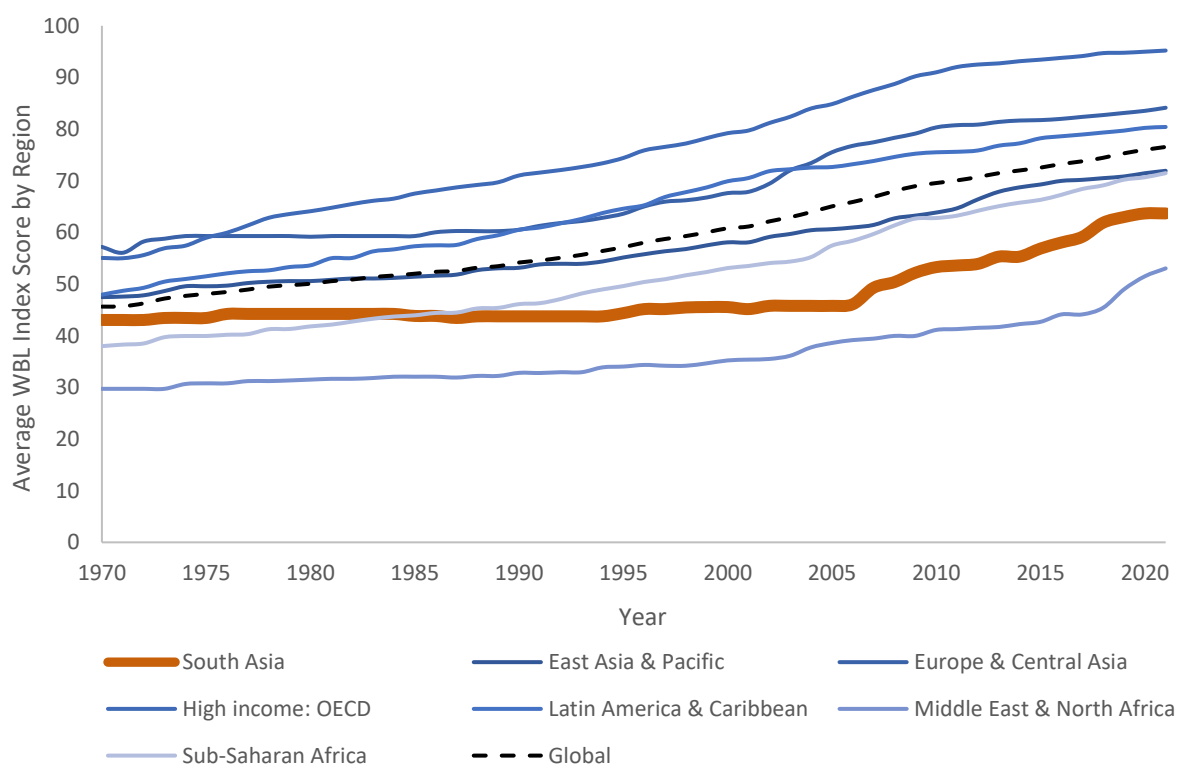


Source: Women, Business and the Law (WBL) database.

## PROGRESS MADE OVER THE PAST 50 YEARS

Since 1970, all countries in SAR have passed legal reforms affecting women’s decisions to enter and remain in the labor force. In 1970, the South Asia regional average score on the WBL Index was 43.0; globally it was 45.6. On average, South Asian economies in 1970 performed better than economies in Sub-Saharan Africa and the Middle East and North Africa (figure 3).

**FIGURE 3: HISTORICAL EVOLUTION OF THE WBL INDEX SCORE FOR THE SOUTH ASIA REGION**



Source: *Women, Business and the Law* (WBL) database.

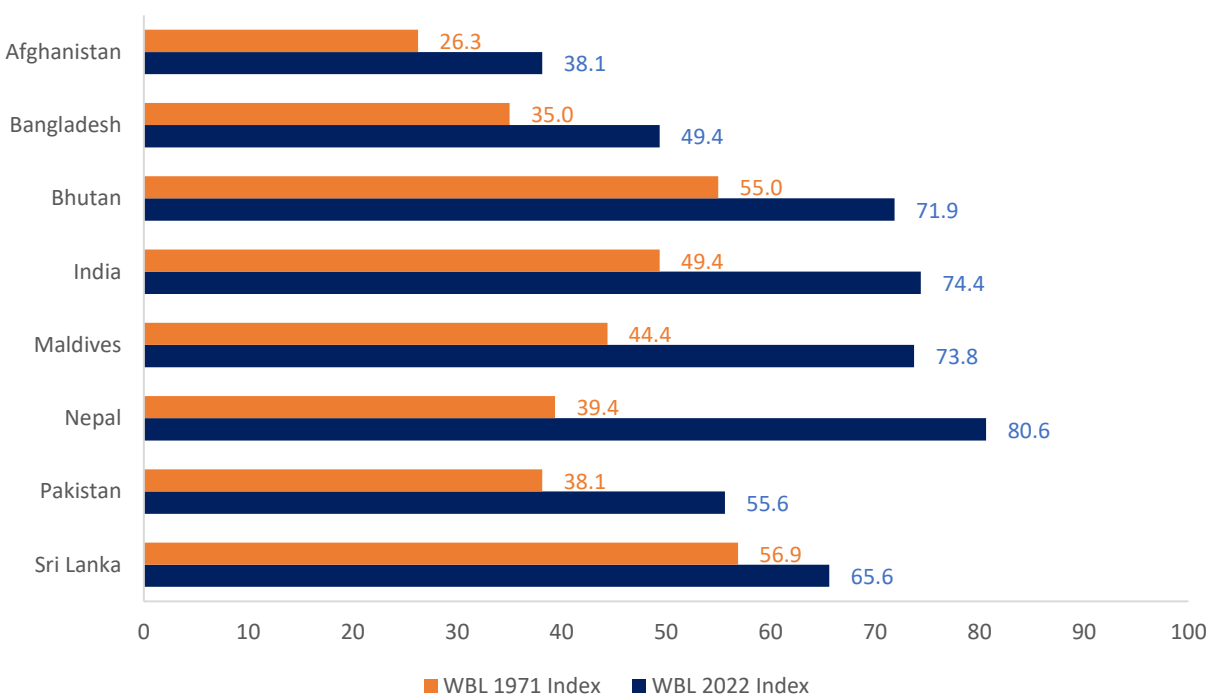
Positive developments for women’s economic empowerment over the past 50 years include:

- Introduction of paid maternity and paternity leave in Afghanistan, Bhutan, Maldives, and Nepal.
- Lifting of restrictions on women’s work at night in Bangladesh and Nepal and in dangerous jobs in Maldives.
- Enactment of laws protecting women from domestic violence in all SAR countries with the exception of Afghanistan (figure 4).
- Adoption of legislation protecting women from sexual harassment in employment in all countries. For example, India adopted The Sexual Harassment of Women at Workplace Act in 2013.

Some countries in SAR have introduced laws that made it more difficult for women to work. For example, Bhutan introduced a new Companies Act in 2016 that prescribes additional procedures for women when registering a business compared to men. Pakistan set unequal retirement ages for men and women when

establishing its first social security system in 1976 and introducing the possibility of partial pension in 1986.

**FIGURE 4: ECONOMY SCORES FOR SOUTH ASIA IN THE WBL 1971 AND WBL 2022 INDEX**



In comparison with other regions across the world, SAR now ranks behind economies in the OECD high-income region, Europe and Central Asia, Latin America and the Caribbean, East Asia and Pacific, and Sub-Saharan Africa.

## GOOD PRACTICES AND REMAINING GAPS IN SOUTH ASIA

The following section describes the performance of all countries in SAR according to the WBL 2022 index. It highlights the biggest gaps in the legal framework and why addressing them matters for women’s economic inclusion.

### MOBILITY

The Mobility indicator measures constraints on a woman’s agency and freedom of movement, both of which are likely to influence her decision to enter the labor force and engage in entrepreneurial activity. When there are no legal mobility restrictions, women’s financial inclusion, labor force participation, and firm ownership have been shown to increase significantly.<sup>8</sup> Five out of eight SAR countries score 100 on

this indicator. Room for improvement exists in Afghanistan, Nepal, and Pakistan (table 1). The following countries have legal provisions that provide equal mobility rights for women as measured under the WBL 2022 index: Bangladesh, Bhutan, India, Maldives, and Sri Lanka.

**TABLE 1: RESTRICTIONS MEASURED UNDER THE WBL MOBILITY INDICATOR ACROSS SAR**

|  | Afghanistan | Nepal | Pakistan |
|--|-------------|-------|----------|
| Can a woman choose where to live in the same way as a man?       | ✗           | ✗     | ✓        |
| Can a woman travel outside her home in the same way as a man?    | ✗           | ✓     | ✓        |
| Can a woman apply for a passport in the same way as a man?       | ✓           | ✓     | ✗        |
| Can a woman travel outside the country in the same way as a man? | ✓           | ✓     | ✓        |

For details on WBL case study assumptions and methodology see WBL 2022 Data Notes: <https://wbl.worldbank.org/en/methodology>.

Afghanistan limits a woman’s right to choose where to live and travel outside the home. Similarly, in Nepal, the National Civil Code Act of 2017 provides that “[e]xcept where a separate residence is fixed by a mutual understanding of the husband and wife, the husband’s home is considered the wife’s residence” (Art. 87). While a married woman is expected by law – and also cultural practices – to live in her husband’s home, this provision may not always be strictly enforced and allows for exceptions. In particular, women may move to other areas to pursue work or education, if the couple mutually agrees to this. In Pakistan, women face additional documentation requirements when applying for a passport compared to men. Good practices have been observed when countries establish digital registration systems and update the passports laws, regulations, and application forms, removing unequal procedures and documentation requirements for women.

Even in countries with a perfect score on this legal indicator, there may be actual barriers to women’s freedom of movement, such as societal expectations to stay inside the home. Concerns about women’s health and safety and lack of adequate transportation measures can also prevent women from moving freely. Policy responses aimed at increasing women’s safety (for example, tracking or registration systems) need to strike a careful balance and not infringe upon women’s equal rights and data privacy.



## WORKPLACE

The Workplace indicator analyzes laws affecting women’s decisions to enter and remain in the labor force, as well as protection against discrimination and sexual harassment in the workplace. Five out of eight SAR countries score 100 on this indicator: Bhutan, India, Maldives, Nepal, and Pakistan. Room for improvement exists in Afghanistan, Bangladesh, and Sri Lanka (table 2).

The laws in Afghanistan, Bangladesh, and Sri Lanka currently do not prohibit discrimination in employment based on gender.

| TABLE 2: RESTRICTIONS MEASURED UNDER THE WBL WORKPLACE INDICATOR ACROSS SAR         |             |            |           |
|---|-------------|------------|-----------|
|   | Afghanistan | Bangladesh | Sri Lanka |
| Can a woman get a job in the same way as a man?                                     | ✓           | ✓          | ✓         |
| Does the law prohibit discrimination in employment based on gender?                 | ✗           | ✗          | ✗         |
| Is there legislation on sexual harassment in employment?                            | ✓           | ✓          | ✓         |
| Are there criminal penalties or civil remedies for sexual harassment in employment? | ✓           | ✗          | ✓         |

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A positive development in SAR is the fact that all countries have legislation on sexual harassment in employment. Studies show that sexual harassment has detrimental effects on individuals, firms, and society as a whole.<sup>9</sup> The experience of sexual harassment negatively impacts the psychological and physical health of women workers and often pushes them to leave their jobs, accepting lower paying ones and risking interruption in their career advancement. The impact on firms includes lower productivity, higher worker absenteeism, greater legal costs to compensate survivors, and reputational damage. In order to make a sexual harassment law effective, it should provide women with effective civil remedies and/or establish criminal penalties. In India, for example, the Sexual Harassment of Women at Workplace Act, provides criminal penalties for non-compliance with the act in the form of a “fine which may extend to fifty thousand rupees” (Sec. 26). It also includes civil remedies by outlining guidelines to determine the compensation to which a victim of sexual harassment is entitled (Sec. 15). However, a sexual harassment incident must first be brought to an internal committee which will conduct an inquiry (Sec. 13) – and this decision can then be appealed in the formal justice system (Sec. 18).

Bangladesh is the only economy in SAR that currently does not offer measures to enforce the sexual harassment law, either in the form of criminal penalties or civil remedies. Following a petition by the Bangladesh National Women Lawyers Association (BNWLA) in 2009, the Supreme Court issued a series of 11 Rules to serve as guidelines on the prohibition, prevention, and redress of sexual harassment in the workplace and in educational institutions to be followed until the country adopts legislation in this field. However, though the Supreme Court prohibited sexual harassment in the workplace, criminal penalties or civil remedies for such behavior have yet to be enacted. Adopting explicit criminal sanctions or civil remedies for sexual harassment in employment would comply with Recommendation No. 19 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the UN Declaration on the Elimination of Violence against Women, and the International Labor Organization (ILO) Violence and Harassment Convention No. 190 of 2019.



## GOOD PRACTICE EXAMPLES: BHUTAN, MALDIVES, AND INDIA

A good practice example for a law that prohibits gender discrimination in employment is Bhutan, where the Labor and Employment Act of 2007 stipulates that “an employer and an employment agent shall not discriminate [on the basis of sex] against employees or job applicants for vacancies in connection with recruitment, dismissal, transfer, training, and demotion” (Sec. 11). A person who contravenes this provision is “guilty of an offence and... liable to pay a fine of minimum one year to a maximum of three years of the Daily Minimum National Wage Rate” (Sec. 15).

In Maldives, the Employment Act of 2008 prohibits “to discriminate amongst persons carrying out equal work either in the granting of employment, determination of remuneration, increase in remuneration, provision of training, determination of conditions and manner of employment, dismissal from employment or resolution of other employment related matters, based on race, colour, social standing, religion, political beliefs or affiliation with any political party, sex, marital status, family obligations...” (Sec. 4(a)).

In India, the Equal Remuneration Act of 1976 states that “no employer shall, while making recruitment for the same work or work of a similar nature, [or in any condition of service subsequent to recruitment such as promotions, training or transfer,] make any discrimination against women.”



## PAY

The Pay indicator measures laws affecting occupational segregation and the gender wage gap. Only Bhutan and Nepal score 100 on this indicator. Room for improvement exists in Afghanistan, Bangladesh, India, Maldives, Pakistan, and Sri Lanka (table 3).

The laws in Afghanistan, Bangladesh, India, Maldives, Pakistan, and Sri Lanka do not mandate equal remuneration for work of equal value. Ensuring that women receive equal remuneration for work of equal value and not just the same or similar work is key in addressing the gender wage gap, as a large proportion of women perform different jobs than men due to occupational sex-segregation. This standard originates from the ILO Equal Remuneration Convention No. 100 of 1951. It allows for a comparison not only between similar jobs, but also between different jobs of equal value. It also considers discrimination when calculating benefits, not just in wage compensation.

For example, the applicable law in India, the Code of Wages of 2019, determines in Sec. 3: “There shall be no discrimination in an establishment or any unit thereof among employees on the ground of gender in matters relating to wages by the same employer, in respect of the same work or work of a similar nature done by any employee.” This provision has several shortcomings when compared to the ILO standard.<sup>10</sup> First, Art. 1(a) of ILO Convention No. 100 sets out a very broad definition of “remuneration,” which includes not only “the ordinary, basic or minimum wage or salary” but also “any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker’s employment.” The definition of the term “wages” in the Code of Wages does not meet the established standard of a broad definition of “equal remuneration” because the Code explicitly excludes from “wages” other emoluments, such as bonuses, contribution paid by the employer to any pension fund, or any gratuity payable on the termination of employment (Sec. 2(y)). Second, the definition of “same work” is limited and does not “permit a broad scope of comparison, including... equal remuneration for ‘equal’, ‘the same’ or ‘similar’ work, and also encompassing work that is of an entirely



different nature, which is nevertheless of equal value.”<sup>11</sup> Moreover, in order to give full effect of the principle of equal remuneration, it should be applied across different enterprises and sectors and not be restricted to workers within the same workplace.

**TABLE 3: RESTRICTIONS MEASURED UNDER THE WBL PAY INDICATOR ACROSS SAR**

|   | Afghanistan | Bangladesh | India | Maldives | Pakistan | Sri Lanka |
|---|-------------|------------|-------|----------|----------|-----------|
| Does the law mandate equal remuneration for work of equal value?              | ✗           | ✗          | ✗     | ✗        | ✗        | ✗         |
| Can a woman work at night in the same way as a man? <sup>i</sup>              | ✗           | ✓          | ✗     | ✓        | ✓        | ✗         |
| Can a woman work in a job deemed dangerous in the same way as a man?          | ✗           | ✗          | ✓     | ✓        | ✓        | ✓         |
| Can a woman work in an industrial job in the same way as a man? <sup>ii</sup> | ✗           | ✗          | ✗     | ✓        | ✗        | ✗         |
| Mining  | ✗           | ✗          | ✗     | ✓        | ✗        | ✗         |
| Construction  | ✓           | ✓          | ✓     | ✓        | ✓        | ✓         |
| Factories   | ✓           | ✗          | ✗     | ✓        | ✗        | ✗         |
| Agriculture   | ✓           | ✓          | ✓     | ✓        | ✓        | ✓         |
| Energy  | ✓           | ✓          | ✓     | ✓        | ✓        | ✓         |
| Water   | ✓           | ✗          | ✓     | ✓        | ✓        | ✓         |
| Transportation  | ✓           | ✓          | ✓     | ✓        | ✓        | ✓         |

For details on WBL case study assumptions and methodology see WBL 2022 Data Notes: <https://wbl.worldbank.org/en/methodology>.

<sup>i</sup> This question is designed to determine whether nonpregnant and nonnursing women are prohibited from working at night or cannot work the same night hours as men. Night-hour restrictions on women in specific industries are captured in later questions. If various sectors of the economy are regulated separately (i.e., there is no central labor law), it is assumed that the woman is employed as a cashier in a grocery store or supermarket. According to WBL methodology, the answer to the question is “No” if the law broadly prohibits women, including those with children over the age of one, from working at night or limits the hours women can work at night; or the law gives the relevant authority the power to restrict or prohibit women’s night work, regardless of the content of any decisions issued by that authority.

<sup>ii</sup> According to WBL methodology, the answer to this question is “No” if the law prohibits women from working in these industries; or women’s employment in the relevant industries is restricted in any way, such as by prohibiting women from working at night in “industrial undertakings”; or by giving the relevant authority the power to prohibit or restrict women from working in certain jobs or industries, regardless of the content of any decisions issued by that authority.

Moreover, occupational segregation can have a negative impact on women’s earning potential. Legal restrictions on women’s work limit the range of jobs that they can hold, which in turn can lead to women’s confinement to low-paying sectors and activities. The laws in Afghanistan, India, and Sri Lanka put some restrictions on women’s night work. Further, Afghanistan, Bangladesh, India, Pakistan, and Sri Lanka limit women’s work in industrial jobs, including in mining and factories. Bans on women’s mining work have been, and continue to be, prevalent throughout South Asia; they have, perversely, contributed to a proliferation of women in the informal, small-scale mining sector, which is precarious and poorly paid.<sup>12</sup> In addition, Afghanistan and Bangladesh do not allow women to work in jobs deemed dangerous in the same way as men. Removing such restrictions from the law can open new opportunities for women to engage in gainful employment, on par with men.

In India, reform efforts have been underway over the past years to allow women to work at night.<sup>13</sup> These aim to increase employment opportunities for women while ensuring their physical safety, in a response to reports of rampant violence against women in transportation and public places.<sup>14</sup> The state of Maharashtra eliminated restrictions on women’s ability to work in jobs deemed dangerous when enacting the Maharashtra Shops and Establishments (Regulation of Employment and Conditions of Service) Act in 2017. According to Sec. 13 of this Act, women can work at night if they consent and if the employer takes certain safety measures, such as providing secure transportation. While such consent and safety measures aim to protect women from violence and harassment and enable their work, they can add bureaucratic hurdles and costs for employers when they are only applied for women. In addition, the Act gives the State Government substantial power to prohibit or regulate the employment of women workers at night “as it may deem fit” (Sec. 13(3)). Such broad ministerial discretion opens the possibility of (re-)introducing severe restrictions on women’s employment. Moreover, the law enforces stereotypical ideas about women’s capabilities by treating women differently than men solely based on their gender. Following good practice, such laws should be strictly limited to maternity protection purposes and not based on stereotyped assumptions regarding women’s capacity and role in society.

Similarly, restrictions on women’s work in mines have continuously been eased, but specific conditions still apply. On February 4, 2019, the Ministry of Labour and Employment of India adopted Rules To Allow Employment of Women in Mines, which largely exempted women from the broad night work restrictions under Sec. 46 of the Mines Act of 1952, as long as consent and safety conditions are met. However, this applies only to work above ground, meaning that women can still not work underground in mines at night.



#### GOOD PRACTICE EXAMPLE: NEPAL

A good example from the South Asia region of a country that comprehensively reformed laws affecting women’s pay is Nepal which enacted the Labour Act in 2017, allowing women to work at night and mandating equal remuneration for work of equal value.

In addition, women’s work in factories is restricted under the Factories Act of 1948 which provides that women cannot “be employed in any part of a factory for pressing cotton in which a cotton-opener is at work” (Sec. 27) and are not allowed “to work in any factory except between the hours 6 A.M. and 7 P.M.” (Sec. 66). The Act also gives discretion to the State Government to enact any additional rules prohibiting or restricting the employment of women in the manufacturing process or operation (Sec. 87).



#### MARRIAGE

The Marriage indicator assesses legal constraints related to marriage and divorce. Unequal rights in marriage and divorce can weaken women’s agency and decision-making power and ultimately impact their economic and financial security. India, Sri Lanka, and Nepal obtain the full score on this indicator. Legal restrictions are measured, according to WBL methodology, in Afghanistan, Bangladesh, Bhutan, Maldives, and Pakistan (table 4).

**TABLE 4: RESTRICTIONS MEASURED UNDER THE WBL MARRIAGE INDICATOR ACROSS SAR**

|   | Afghanistan | Bangladesh | Bhutan | Maldives | Pakistan |
|---|-------------|------------|--------|----------|----------|
| Is there no legal provision that requires a married woman to obey her husband?  | ✗           | ✓          | ✓      | ✓        | ✓        |
| Can a woman be head of household in the same way as a man?                      | ✓           | ✓          | ✓      | ✓        | ✓        |
| Is there legislation specifically addressing domestic violence?                 | ✗           | ✓          | ✓      | ✓        | ✓        |
| Can a woman obtain a judgment of divorce in the same way as a man? <sup>i</sup> | ✗           | ✗          | ✗      | ✗        | ✗        |
| Does a woman have the same rights to remarry as a man? <sup>i</sup>             | ✗           | ✗          | ✓      | ✗        | ✗        |

For details on WBL case study assumptions and methodology see WBL 2022 Data Notes: <https://wbl.worldbank.org/en/methodology>.

<sup>i</sup> WBL indicators are based on standardized assumptions to ensure comparability across economies. Where personal law prescribes different rights and obligations for different groups of women, the data focus on the most populous group, which may mean that restrictions applying only to minority populations are missed.

Most room for improvement in the region relates to women’s rights to obtain a divorce and remarry. Afghanistan, Bangladesh, Bhutan, Maldives, and Pakistan restrict or condition a woman’s right to obtain a divorce. Even when the law grants women the right to obtain a divorce, any procedural or evidentiary differences that are imposed on women compared to men are considered a restriction under WBL methodology because they make the process more burdensome. For example, in the Maldives, a man can ask the court to divorce his wife without any reason, where he “is desirous of divorcing his wife” (Family Act of 2000, Art. 23). However, a woman can apply for divorce only on specific grounds, such as cruelty or abstinence of the husband (Art. 24). Alternatively, a woman can request “khul’a” divorce, which obliges her to give financial or other resources to the husband (Art. 27). Many gender-differentiated rules in marriage and divorce stem from religious traditions and are codified in personal status laws. In Bangladesh, for example, while a married man can obtain a divorce by proclaiming “talaq” (release of a marriage bond under Islamic Shari’a) and notifying the court, a married woman can only apply for divorce if this right is explicitly given to her (Muslim Family Law Ordinance of 1961, Arts. 7 and 8).

Four countries (Afghanistan, Bangladesh, Maldives, and Pakistan) also restrict a woman’s right to remarry, for example, by establishing a waiting period that divorced women are subject to while men may remarry without adhering to such. This waiting period usually lasts about three months and stems from the concept of “iddah,” aiming to avoid a potential conflict of paternity between a woman’s previous and future husband. However, such a waiting period is obsolete in light of modern medical technology and can add economic stress for women.

Constraints based on personal status laws may also exist for minority groups in pluralist legal societies. For example, in Sri Lanka, The Marriage (General) Ordinance establishes equal rights to obtain a divorce and remarry, but it is not applicable to the Muslim minority population.

Equal rights to divorce can have positive impacts on women’s labor force participation. Studies have shown an increase in women’s bargaining power within marriage when divorce rights were granted, which has been linked to women spending less time on domestic work and more time on paid work, and to countering abuse in violent relationships.<sup>15</sup>

A positive development in the region is that all South Asian countries – with the exception of Afghanistan – have a comprehensive law on domestic violence (figure 5). Domestic violence laws should protect women from physical, psychological, sexual, emotional, and economic violence in intimate or domestic relations, while also providing for criminal penalties and protection orders. Domestic violence laws lose effectiveness in the absence of a clear prohibition of marital rape. This issue is currently under discussion in India, where the Penal Code does not criminalize marital rape.<sup>16</sup> Comprehensive domestic violence laws are an important step in protecting women’s health and safety, as a recent WHO report demonstrates that one in three women globally have experienced physical and/or sexual violence at least once in their lives, mostly at the hands of an intimate partner.<sup>17</sup> While the WBL dataset shows that 50 years ago, no economy had specific legislation on domestic violence, currently 158 economies in the world have adopted such laws. SAR fits well within this global trend.

Afghanistan lags behind other countries in the region in this area. Besides not having a comprehensive domestic violence law, the country receives the lowest score overall on the Marriage indicator because women are legally obliged to obey their husband. This matters for women’s financial inclusion, as research

**FIGURE 5: INTRODUCTION OF DOMESTIC VIOLENCE LEGISLATION IN SOUTH ASIA, 1997-2021**

|      |                  |
|------|------------------|
| 1997 | India            |
| 2005 | Sri Lanka        |
| 2009 | Nepal            |
| 2010 | Bangladesh       |
| 2012 | Maldives         |
| 2013 | Bhutan, Pakistan |



#### GOOD PRACTICE EXAMPLE: NEPAL

A good practice example in SAR on divorce and remarriage is Nepal, where the new Civil Code of 2017 grants husbands and wives the same rights to initiate divorce. The wife has additional “legitimate” reasons for divorce in the case of marital rape or if the husband has concluded another marriage.

has shown that women are more likely to use formal financial products when they are not obliged to obey their husband and have equal rights to lead the family.<sup>18</sup>

Another important issue with far-reaching consequences for women’s economic empowerment is child marriage. The topic is not covered by the WBL index but *Women, Business and the Law* collects and publishes additional data on child marriage on its website and as part of its work monitoring SDG Indicator 5.1.1, which tracks whether or not legal frameworks are in place to promote, enforce, and monitor equality and non-discrimination on the basis of sex.<sup>19</sup> Afghanistan is the only country in SAR that sets a minimum age of marriage for women under the age of 18. According to the Civil Code girls can get married at 16 (Art. 70). On a positive note,

the law establishes penalties for authorizing or entering into child or early marriage – which is also the case in all other SAR countries.

However, the laws of Afghanistan, Bangladesh, Maldives, and Sri Lanka allow for exceptions to the legal age of marriage. Room for improvement also exists in Bangladesh, Bhutan, and Pakistan, where marriage under the legal age is not void or explicitly prohibited.



## PARENTHOOD

The regulatory environment plays a significant role in shaping women’s ability to get jobs and remain in the labor force after starting a family. The Parenthood indicator examines laws affecting women’s work after pregnancy. Maternity, paternity, and parental leave schemes can help recognize and redistribute unpaid care work, which often disproportionately falls on women. None of the countries in SAR obtain a full score of 100 on this indicator (table 5).

**TABLE 5: RESTRICTIONS MEASURED UNDER THE WBL PARENTHOOD INDICATOR ACROSS SAR**

|  | Afghanistan | Bangladesh | Bhutan | India | Maldives | Nepal | Pakistan | Sri Lanka |
|--|-------------|------------|--------|-------|----------|-------|----------|-----------|
| Is paid leave of at least 14 weeks available to mothers?         | ✗           | ✓          | ✗      | ✓     | ✗        | ✓     | ✓        | ✗         |
| Does the government administer 100% of maternity leave benefits? | ✗           | ✗          | ✗      | ✓     | ✗        | ✗     | ✗        | ✗         |
| Is there paid leave available to fathers?                        | ✓           | ✗          | ✓      | ✗     | ✓        | ✓     | ✗        | ✗         |
| Is there paid parental leave?                                    | ✗           | ✗          | ✗      | ✗     | ✗        | ✗     | ✗        | ✗         |
| Is dismissal of pregnant workers prohibited?                     | ✗           | ✗          | ✓      | ✗     | ✓        | ✗     | ✗        | ✓         |

For details on WBL case study assumptions and methodology see WBL 2022 Data Notes: <https://wbl.worldbank.org/en/methodology>.

All eight countries in SAR offer paid maternity leave, but half of them (Afghanistan, Bhutan, Maldives, and Sri Lanka) do not provide at least 14 weeks (98 days) of leave (figure 6). This is the minimum standard set by ILO Maternity Protection Convention No. 183 of 2000. The median length of paid maternity leave in the region is 94 days, slightly below the global median of 98 days. Among the four countries that provide women with 14 weeks of paid maternity leave, only India’s government administers 100 percent of maternity leave benefits. When employers are solely responsible for the cost and administration of

maternity benefits, they may perceive the hiring of women of childbearing age as a burden or risk and could offset the cost by lowering women’s compensation. Instead, allocating the cost of hiring women of childbearing age to the government may incentivize the employment of more women. Sri Lanka, for example, has room for improvement, adding on to recent legal reforms that increased the period of paid maternity leave to 12 weeks (84 days) for private sector employees (Maternity Benefits Act and Shop and Office Employees Act as amended in 2018). However, this duration is below the ILO minimum standard and the employer is still expected to bear the entire cost of maternity benefits.

Making paid leave available to fathers can support the uptake of care work among men. Four out of eight South Asian countries (Afghanistan, Bhutan, Maldives, and Nepal) currently provide paid paternity leave. Note that the median length is 10.5 days which is slightly above the global median length (seven days). India grants paid paternity leave of up to six months to civil servants, but not to private sector employees (Central Civil Services (Leave Rules), Sec. 43A). No country in the region provides parental leave, which would allow both parents to take leave for the birth of a child, either from a common pool available to both parents, or using time that is available to each parent individually.

**FIGURE 6: LENGTH OF PAID LEAVE (CALENDAR DAYS) ACROSS SAR**

|             | Maternity | Paternity |  |
|-------------|-----------|-----------|--|
| India       | 182       | 0         |  |
| Bangladesh  | 112       | 0         |  |
| Pakistan    | 112       | 0         |  |
| Nepal       | 98        | 21        |  |
| Afghanistan | 90        | 14        |  |
| Sri Lanka   | 84        | 0         |  |
| Maldives    | 60        | 3         |  |
| Bhutan      | 56        | 7         |  |

Finally, the law in more than half of the analyzed countries (Afghanistan, Bangladesh, India, Nepal, and Pakistan) does not prohibit the dismissal of pregnant workers. Such a provision would be based on CEDAW and the ILO Maternity Protection Convention and can support women to enter and remain in the labor force when deciding to start a family.



**GOOD PRACTICE EXAMPLES: MALDIVES AND SRI LANKA**

A good practice example in SAR is Maldives, where according to the Employment Act, pregnancy or any pregnancy related cause shall not be deemed as a reasonable cause for employees to fail to maintain work ethics or to be dismissed from employment (Art.21). Similarly, in Sri Lanka, the Shop and Office Employees Act provides that “[t]he employment of any female employee... shall not be terminated by reason only of her pregnancy or confinement or of any illness consequent on her pregnancy or confinement” (Art. 18E) and puts the burden of proof on the employer.



**ENTREPRENEURSHIP**

The Entrepreneurship indicator examines legal restrictions on women’s ability to start and run a business. On the one hand, the indicator measures restrictions on women’s legal capacity and differences in procedural requirements when signing a contract, registering a business, and opening a bank account. On

the other hand, the indicator also assesses positive measures to support women’s access to credit in the form of nondiscrimination legislation.

With regards to restrictions, South Asia performs well: the only two economies with laws that limit women’s capacity and opportunity to register a business are Bhutan and Pakistan (table 6). In Bhutan, the 2016 Companies Act requires a married woman to provide the name of her husband when registering a business, while a man is not required to provide the name of his wife (Art. 228(g)). Pakistan failed to convert into law a decree that would permanently equalize men’s and women’s ability to register a business in 2021.

**TABLE 6: RESTRICTIONS MEASURED UNDER THE WBL ENTREPRENEURSHIP INDICATOR ACROSS SAR**

|   | Afghanistan | Bangladesh | Bhutan | India | Nepal | Pakistan | Sri Lanka |
|---|-------------|------------|--------|-------|-------|----------|-----------|
| Does the law prohibit discrimination in access to credit based on gender? | ✗           | ✗          | ✗      | ✗     | ✗     | ✗        | ✗         |
| Can a woman sign a contract in the same way as a man?                     | ✓           | ✓          | ✓      | ✓     | ✓     | ✓        | ✓         |
| Can a woman register a business in the same way as a man?                 | ✓           | ✓          | ✗      | ✓     | ✓     | ✗        | ✓         |
| Can a woman open a bank account in the same way as a man?                 | ✓           | ✓          | ✓      | ✓     | ✓     | ✓        | ✓         |

For details on WBL case study assumptions and methodology see WBL 2022 Data Notes: <https://wbl.worldbank.org/en/methodology>.

In the area of access to credit, there is room for improvement in laws across the region. While there are many actual barriers to women’s financial inclusion, such as gender bias against female borrowers, inadequate products for women entrepreneurs, lack of collateral, and limited financial literacy, an enabling legal framework is key to overcoming the gender credit gap.

Studies show that laws prohibiting gender-based discrimination by creditors and those enabling women to legally register a business in the same way as men are positively associated with female business ownership.<sup>20</sup> Similarly, *Women, Business and the Law* research has found that more women have accounts at financial institutions and debit cards in economies where the law prohibits discrimination based on gender in access to credit.



## GOOD PRACTICE EXAMPLE: MALDIVES

The only economy in SAR that prohibits discrimination based on sex in access to credit is the Maldives. The Gender Equality Act of 2016 prohibits direct or indirect discrimination based on sex (Art. 9(b)). It also stipulates that financial services institutions shall provide opportunities for financial resources to men and women equally without discrimination and formulate policies to provide women with equal opportunities as men in attaining financial facilities (Art. 23).



## ASSETS

The Assets indicator analyzes gender difference in property and inheritance law. Access to property can both increase women's financial security and provide them with the necessary collateral to start businesses. A recent World Bank study finds that legal frameworks related to women's property rights as measured under the WBL Assets indicator are a reliable predictor of women's actual property shares, as expressed by land and housing ownership.<sup>21</sup> There is significant room for improvement for countries in SAR: no country scores 100 on this indicator (table 7).

One area measured by the indicator is a woman's right to access and own property. On a positive note, all countries in SAR provide equal ownership rights to immovable property and equal administrative authority over assets during marriage. However, room for improvement exists in the area of unpaid contributions to the home. For both men and women, property rights within marriage are defined by the marital property regime under which they marry. Most countries in SAR establish separation of marital property as the default regime, meaning that each spouse retains ownership and control over their own assets. Although such separate property regimes are gender neutral, they can penalize women who do not build up an income during marriage. This effect can be mitigated in case of dissolution of the marriage (e. g., divorce) by the legal recognition of nonmonetary contributions to the household, such as unpaid care for children. However, no country in SAR has an explicit legal provision that provides for the valuation of such contributions.

Another area of law measured under the indicator is a woman's right to inheritance. Inheritance offers an important opportunity to access assets. Where women lack equal inheritance rights, their economic prospects may be limited. Half of the countries in SAR (Afghanistan, Bangladesh, Maldives, and Pakistan), restrict the inheritance rights of daughters and widows.

WBL has shown that the pace of reform of laws governing property ownership and inheritance is particularly slow and can be difficult, especially when engrained social norms dictate inheritance rules. However, good practices where children and surviving spouses are granted equal rights to inherit regardless of gender are established in Bhutan, India, and Sri Lanka. In India, for example, the Hindu Succession (Amendment) Act of 2005 gave daughters equal rights to inherit assets from their parents. It is important to note that inheritance laws are often derived from customary practices and vary for different social groups. For example, while inheritance rights in India have been equalized for women belonging to the majority Hindu population, in the absence of a uniform civil code, this reform does not apply to Muslim and other minority groups and restrictions for women in these groups may remain.



**TABLE 7: RESTRICTIONS MEASURED UNDER THE WBL ASSETS INDICATOR ACROSS SAR**

|   | Afghanistan | Bangladesh | Bhutan | India | Maldives | Nepal | Pakistan | Sri Lanka |
|---|-------------|------------|--------|-------|----------|-------|----------|-----------|
| Do men and women have equal ownership rights to immovable property? <sup>i</sup>                    | ✓           | ✓          | ✓      | ✓     | ✓        | ✓     | ✓        | ✓         |
| Do sons and daughters have equal rights to inherit assets from their parents? <sup>i</sup>          | ✗           | ✗          | ✓      | ✓     | ✗        | ✓     | ✗        | ✓         |
| Do male and female surviving spouses have equal rights to inherit assets? <sup>i</sup>              | ✗           | ✗          | ✓      | ✓     | ✗        | ✓     | ✗        | ✓         |
| Does the law grant spouses equal administrative authority over assets during marriage? <sup>i</sup> | ✓           | ✓          | ✓      | ✓     | ✓        | ✓     | ✓        | ✓         |
| Does the law provide for the valuation of nonmonetary contributions? <sup>i</sup>                   | ✗           | ✗          | ✗      | ✗     | ✗        | ✗     | ✗        | ✗         |

For details on WBL case study assumptions and methodology see WBL 2022 Data Notes: <https://wbl.worldbank.org/en/methodology>.

<sup>i</sup> WBL indicators are based on standardized assumptions to ensure comparability across economies. Where personal law prescribes different rights and obligations for different groups of women, the data focus on the most populous group, which may mean that restrictions applying only to minority populations are missed.



## PENSION

The Pension indicator assesses laws affecting women’s economic prospects in retirement. None of the countries in SAR receive the full score of 100 on this indicator, meaning that women may run a greater risk of financial insecurity in old age compared to men (table 8). As women enter, participate in, and leave the labor market, the differences they face in their working lives relative to men can result in unequal economic outcomes in retirement. This gender gap in access to pensions and benefit levels can expose women to greater poverty in old age. A mandatory contributory pension scheme that covers men and women equally and establishes explicit pension credits for periods of childcare could prevent such gaps.<sup>22</sup>

**TABLE 8: RESTRICTIONS MEASURED UNDER THE WBL PENSION INDICATOR ACROSS SAR**

|  | Afghanistan | Bangladesh | Bhutan | India | Maldives | Nepal | Pakistan | Sri Lanka |
|--|-------------|------------|--------|-------|----------|-------|----------|-----------|
| Is the age at which men and women can retire with full pension benefits the same?    | ✗           | ✗          | ✗      | ✓     | ✓        | ✓     | ✗        | ✗         |
| Is the age at which men and women can retire with partial pension benefits the same? | ✗           | ✗          | ✗      | ✓     | ✓        | ✓     | ✗        | ✓         |
| Is the mandatory retirement age for men and women the same?                          | ✓           | ✓          | ✓      | ✓     | ✓        | ✓     | ✓        | ✓         |
| Are periods of absence due to childcare accounted for in pension benefits?           | ✗           | ✗          | ✗      | ✗     | ✗        | ✗     | ✓        | ✗         |

For more details on WBL case study assumptions and methodology see WBL 2022 Data Notes: <https://wbl.worldbank.org/en/methodology>.

Five countries in SAR have a mandatory pension scheme implemented for private sector workers (India, Maldives, Nepal, Pakistan, and Sri Lanka). However, in Pakistan and Sri Lanka, the age at which men and women can retire with full pension benefits is not equal. Shorter contribution periods mean less accumulation of benefits later in life. Afghanistan had no social security system prior to the introduction of a pension system for private sector workers in August 2019. However, this system is voluntary for three years, and so the effects on women’s pension benefits remain to be seen.<sup>23</sup> In Bangladesh and Bhutan, no mandatory contributory pension system is available for private sector workers. The government of Bhutan has recently re-issued its request to private sector companies to participate in the Provident Fund and Gratuity scheme.<sup>24</sup>



**GOOD PRACTICE EXAMPLE: PAKISTAN**

At the time of writing, Pakistan is the only country in South Asia that accounts for periods of absence due to childcare in pension benefits. According to the Employees Old Age Benefits Act of 1976, the period during which maternity benefits are paid is deemed to be a contributory period for the calculation of pension entitlements. Such a provision can allow women’s retirement savings to continue growing while they are on leave for childcare purposes.

## SPOTLIGHT ON NEPAL AND PAKISTAN

The following section spotlights the legal frameworks of Nepal and Pakistan. These two countries were selected as case studies for the South Asia Regional Gender Action Plan to delve deeper into legal reforms that were undertaken and remaining gaps.

### NEPAL

Nepal has enacted important reforms to safeguard women's economic rights in recent years.

The Muluki Ain (General Code) was replaced in August 2017 by the National Civil Code Act. This new law introduced equal inheritance rights for sons and daughters and surviving spouses without discrimination based on gender (Arts. 205 and 206). Previously, inheritance rights of married daughters and widows were severely restricted. Additionally, the 2017 Civil Code gives husband and wife the same rights to initiate divorce and no longer provides preferential treatment and reasons to a husband who wants to file for divorce.

However, there are gaps in the legal framework with regards to women's economic empowerment:

- The National Civil Code Act does not provide for the valuation of non-monetary contributions to matrimonial property, such as childcare or domestic work.
- Nepal does not have a law that prohibits discrimination based on gender in access to credit, which could support women's entrepreneurship.
- According to the Labour Act of 2018 and the Social Security Scheme Operating Procedure of 2018, the employer is responsible for administering maternity leave benefits. Allocating the cost of hiring women of childbearing age to the government may incentivize the employment of more women. Furthermore, Nepal has not enacted a provision that prohibits the dismissal of pregnant workers.
- Regarding women's retirement, Nepal fails to account for periods of absence due to childcare (Social Security Act 2017; Social Security Regulation 2018), which can negatively affect the size of a woman's pension.

## PAKISTAN

Pakistan has made important progress to safeguard women's economic rights in the past two decades.

Pakistan criminalized sexual harassment in employment by enacting the Protection Against Harassment of Women at the Workplace Act in March 2010 and the Criminal Law (Amendment) Act of 2010. Sexual harassment has been identified as one of the most common problems faced by working women in Pakistan. For almost 10 years, women's organizations worked in close collaboration with the government, the ILO, labor unions, and other stakeholders to provide in-depth research and analysis on the issue, which eventually led to the adoption of the anti-harassment law.<sup>25</sup>

To protect women from domestic violence, the Domestic Violence (Prevention and Protection) Act, was adopted in Sindh province in 2013. The Act criminalizes domestic violence and establishes a system of protection, relief, and rehabilitation. However, patriarchal attitudes and lack of resources to train police and lawyers make the implementation of the law difficult.<sup>26</sup> Moreover, according to the constitution of Pakistan, domestic violence is a provincial subject of legislation, meaning that each province has the prerogative to enact its own law. With the exception of the Islamabad Capital Territory,<sup>27</sup> all provinces are equipped with regional legislation that is instrumental for addressing domestic violence: the Domestic Violence against Women (Prevention and Protection) Act in Khyber Pakhtunkhwa of 2021; the Balochistan - Domestic Violence against Women (Prevention and Protection) Act of 2014; and the Punjab Protection of Women Against Violence Act of 2016.

In the past year, Pakistan made progress on lifting restrictions for women to work at night by enacting the Sindh Shops and Commercial Establishment (Amendment) Act of 2021. Giving women the same right as men to work at night could potentially provide a more equal hiring environment, thus protecting women from being discriminated against in high paying occupations. Several provisions in the legal framework of Pakistan limit women's economic opportunities:

- With regards to women's mobility, gender differences exist in the passport application procedures: a married woman must provide her husband's name when applying for a passport, while a married man does not have to provide such details about his wife.
- In the area of family law and marital rights, Pakistan restricts a woman's right to obtain a divorce and remarry. The Muslim Family Law Ordinance and Dissolution of Muslim Marriages Act allows a man to unilaterally divorce his wife without stating a reason, while a woman can only ask for divorce on specified grounds, such as adultery, cruelty, or abandonment.
- When it comes to laws supporting women's entrepreneurship, Pakistan has not yet introduced a law that prohibits discrimination based on gender in access to credit.
- In the area of women's access to property, the Married Women's Property Act fails to explicitly recognize the value of nonmonetary contributions to matrimonial property, such as childcare or domestic work. Further, the inheritance rules under the Muslim Personal Law (Shariat) do not provide equal rights to inherit assets for sons and daughters and surviving spouses.
- Several legal gaps may impact women's earning potential: Pakistan's Equal Remuneration Act of 1976 does not give full expression to the principle of equal remuneration for men and women for work of equal value in line with the International Labor Organization's (ILO) Equal Remuneration Convention. In addition, the Mines Act of 1923 prohibits women from working anywhere in mines below ground (Sec. 23C). Furthermore, the Sindh Factories Act of 2015 does not allow women to work on certain machines while they are in motion and gives wide discretion to the government to make additional rules prohibiting the work of women in manufacturing (Secs. 31(2), 36, and 53(4)).

- While Pakistan does provide women with 16 weeks of paid leave after giving birth, in line with the ILO standard of at least 14 weeks, the government does not administer these benefits (Sindh Maternity Benefits Act). Shifting the responsibility for administering maternity leave benefits from the employer to the government may incentivize the employment of women. Nepal does currently not provide paid leave available for fathers and paid parental leave. Furthermore, there is no provision that prohibits the dismissal of pregnant workers. Note that workers in the federally administered Islamabad Capital Territory may claim benefits under the Maternity and Paternity Leave Act of 2020.<sup>28</sup> The Act grants three months of paid paternity leave, for the first time in the country's history. However, this new law does not apply to Sindh Province, where Pakistan's main business city of Karachi is located.
- The ages at which women and men in Pakistan can retire with full or partial pension benefits are not the same (55 and 60; 50 and 55 respectively; see Employees Old Age Benefits Act, Sec. 22). This can result in unequal economic outcomes in retirement.



## NOTES

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<sup>1</sup> Hyland, Djankov, and Goldberg 2020.

<sup>2</sup> Hyland, Djankov, and Goldberg 2019.

<sup>3</sup> World Bank 2021.

<sup>4</sup> Thirty-five data points are scored across eight indicators composed of four or five binary questions, with each indicator representing a different phase of a woman's life. Indicator-level scores are obtained by calculating the unweighted average of responses to the questions within that indicator and scaling the result to 100. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score.

<sup>5</sup> Kabeer 2009.

<sup>6</sup> WBL measures 190 economies globally. The South Asia region is composed of the following eight economies: Afghanistan; Bangladesh; Bhutan; India; Maldives; Nepal; Pakistan; and Sri Lanka.

<sup>7</sup> For more background on WBL methodology, see WBL 2022 Methodology and Data Notes, <https://wbl.worldbank.org/en/methodology>.

<sup>8</sup> Htun, Jensenius, and Nelson-Nuñez 2019.

<sup>9</sup> Center for Women and Work 2020. Deloitte Access Economics 2019. Hegewisch, Forden, and Mefferd 2021.

<sup>10</sup> International Labour Organization (ILO), Observation (CEACR), Adopted 2020, Published 109th ILC Session, 2021: Equal Remuneration Convention, 1951 (No. 100), India (Ratification: 1958), [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID,P11110\\_COUNTRY\\_ID,P11110\\_COUNTRY\\_NAME,P11110\\_COMMENT\\_YEAR:4055314,102691,India,2020](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4055314,102691,India,2020).

<sup>11</sup> Id. ILO 2021. Sec. 2(v) of the India Code of Wages defines "same work or work of a similar nature" as "work in respect of which the skill, effort, experience and responsibility required are the same, when performed under similar working conditions by employees and the difference if any, between the skill, effort, experience and responsibility required for employees of any gender, are not of practical importance in relation to the terms and conditions of employment."

<sup>12</sup> Lahiri-Dutt 2007. Perks and Schulz 2020.

<sup>13</sup> ASSOCHAM 2013.

<sup>14</sup> "Ensure Safety of Women Employees Working Late Night: Bombay High Court to Companies," *The Economic Times*, September 3, 2012, <https://economictimes.indiatimes.com/news/politics-and-nation/ensure-safety-of-women-employees-working-late-night-bombay-high-court-to-companies/articleshow/16237303.cms?from=mdr>.

<sup>15</sup> Gray 1998. Stevenson and Wolfers 2006.

<sup>16</sup> "In India, Growing Clamour to Criminalise Rape within Marriage," Pandey, Geeta, *BBC News*, August 29, 2021, <https://www.bbc.com/news/world-asia-india-58358795>. "Marital Rape: A Non-Criminalized Crime in India," Sarthak Makkar, *Harvard Human Rights Journal*, January 1, 2019, <https://harvardhrj.com/2019/01/marital-rape-a-non-criminalized-crime-in-india/>.

<sup>17</sup> WHO 2021.

<sup>18</sup> Demirgüç-Kunt, Klapper, and Singer 2013.

<sup>19</sup> A data set of 14 non-scored questions (years 2017, 2019, and 2020), including data on child marriage, customary law, citizenship, sexual harassment, and access to ID cards can be downloaded at: <https://wbl.worldbank.org/en/wbl-data>. More information about UN SDG Indicators is available at: <https://unstats.un.org/sdgs/metadata/?Text=&Goal=5>.

<sup>20</sup> Islam, Muzi, and Amin 2019.

<sup>21</sup> Gaddis, Lahoti, and Swaminathan 2020.

<sup>22</sup> Sakhonchik, Katsouli, and Iqbal 2018.

<sup>23</sup> "Govt Approves Pension Law for Private Sector Employees" *Tolo News*, December 2, 2019, <https://tolonews.com/business/govt-approves-pension-law-private-sector-employees>.

<sup>24</sup> "Public Notification," Royal Government of Bhutan, Ministry of Labor and Human Resources, August 5, 2019, <https://www.molhr.gov.bt/molhr/?p=4327#more-4327>.

<sup>25</sup> "Background of the Anti Sexual Harassment Legislation," Alliance Against Sexual Harassment (AASHA), last accessed July 29, 2021, [https://aasha.org.pk/Anti\\_Sexual\\_Harassment\\_Legislation\\_Background.php](https://aasha.org.pk/Anti_Sexual_Harassment_Legislation_Background.php).

<sup>26</sup> "Legislating for Cultural Change," Tahmina Rashid, *Asia & The Pacific Policy Forum*, February 7, 2018, <https://www.policyforum.net/ending-violence-women-pakistan/>.

<sup>27</sup> On April 19, 2021 the Islamabad Capital Territory - Domestic Violence against Women (Prevention and Protection) Bill of 2021 was passed by the National Assembly. Through this act, a legal and institutional framework had been proposed for the territorial jurisdiction of Islamabad to ensure that victims of domestic violence were provided legal protection and relief and

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the perpetrators of this offence were punished. However, the bill encountered significant opposition when it was referred to the Senate, and it is not clear at this time if it will pass and be signed into law. "Govt Recommends Referring Domestic Violence Bill to Council of Islamic Ideology," *Dawn*, July 6, 2021, <https://www.dawn.com/news/1633531>. "Pakistan's Islamic Council Halts Legislation on Domestic Violence Bill," *Business Standard*, July 10, 2021, [https://www.business-standard.com/article/international/pakistan-s-islamic-council-halts-legislation-on-domestic-violence-bill-121071000094\\_1.html](https://www.business-standard.com/article/international/pakistan-s-islamic-council-halts-legislation-on-domestic-violence-bill-121071000094_1.html).

<sup>28</sup> "Pakistan: Paid Maternity, Paternity Leave Mandated," Mercer, December 1, 2020, <https://www.mercer.com/our-thinking/law-and-policy-group/pakistan-paid-maternity-paternity-leave-mandated.html>.

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## ANNEX: REGIONAL TRENDS BY DATA POINT IN SOUTH ASIA

| INDICATOR   | QUESTION   | ANSWER (YES/NO) |
|---|--|-----------------|
| <br>Mobility   | Can a woman choose where to live in the same way as a man?                             | 75% 25%         |
|   | Can a woman travel outside her home in the same way as a man?                          | 88% 12%         |
|   | Can a woman apply for a passport in the same way as a man?                             | 88% 12%         |
|   | Can a woman travel outside the country in the same way as a man?                       | 100% 0%         |
| <br>Workplace  | Can a woman get a job in the same way as a man?  | 100% 0%         |
|   | Does the law prohibit discrimination in employment based on gender?                    | 62% 38%         |
|   | Is there legislation on sexual harassment in employment?                               | 100% 0%         |
|   | Are there criminal penalties or civil remedies for sexual harassment in employment?    | 88% 12%         |
| <br>Pay        | Does the law mandate equal remuneration for work of equal value?                       | 25% 75%         |
|   | Can a woman work at night in the same way as a man?                                    | 62% 38%         |
|   | Can a woman work in a job deemed dangerous in the same way as a man?                   | 75% 25%         |
|   | Can a woman work in an industrial job in the same way as a man?                        | 38% 62%         |
| <br>Marriage   | Is there no legal provision that requires a married woman to obey her husband?         | 88% 12%         |
|   | Can a woman be head of household in the same way as a man?                             | 100% 0%         |
|   | Is there legislation specifically addressing domestic violence?                        | 88% 12%         |
|   | Can a woman obtain a judgment of divorce in the same way as a man?                     | 38% 62%         |
| <br>Parenthood | Does the law prohibit discrimination in access to credit based on gender?              | 12% 88%         |
|   | Can a woman sign a contract in the same way as a man?                                  | 100% 0%         |
|   | Can a woman register a business in the same way as a man?                              | 75% 25%         |
|   | Can a woman open a bank account in the same way as a man?                              | 100% 0%         |
| <br>Assets   | Do men and women have equal ownership rights to immovable property?                    | 100% 0%         |
|   | Do sons and daughters have equal rights to inherit assets from their parents?          | 50% 50%         |
|   | Do female and male surviving spouses have equal rights to inherit assets?              | 50% 50%         |
|   | Does the law grant spouses equal administrative authority over assets during marriage? | 100% 0%         |
| <br>Pension  | Does the law provide for the valuation of nonmonetary contributions?                   | 0% 100%         |
|   | Is the age at which men and women can retire with full pension benefits the same?      | 38% 62%         |
|   | Is the age at which men and women can retire with partial pension benefits the same?   | 50% 50%         |
|   | Is the mandatory retirement age for men and women the same?                            | 100% 0%         |
|   | Are periods of absence due to childcare accounted for in pension benefits?             | 12% 88%         |

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## ABOUT WOMEN, BUSINESS AND THE LAW

*Women, Business and the Law* is a series of annual studies that measure the laws and regulations affecting women's economic opportunity in 190 economies. The project presents eight indicators structured around women's interactions with the law as they move through their careers: Mobility, Workplace, Pay, Marriage, Parenthood, Entrepreneurship, Assets, and Pension. By examining the economic decisions women make throughout their working lives, as well as the pace of reform over the past 50 years, *Women, Business and the Law* makes an important contribution to research and policy discussions about the state of women's economic empowerment. The indicators build evidence of the critical relationship between legal gender equality and women's employment and entrepreneurship.

For more information, including analysis over time, please visit: <https://wbl.worldbank.org>.

## CONTACT

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