



# WOMEN, BUSINESS AND THE LAW

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## **FAQ – WBL 2025**

## **Methodology Workshops**

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# ASSETS

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## 1. Does *Women, Business and the Law* analyze any customary or religious laws in the Assets questions?

Answers to the Assets questions are assessed based on binding laws, whether codified (i. e., enacted by the competent authorities in the form of a formal written law) or case law, based on the applicable legal system. *Women, Business and the Law* assesses customary laws, irrespective of their coexistence with common or civil law regimes, in two cases: (1) when they are codified, i.e., enacted by the competent legislative or executive authorities in the form of a binding written and published formal law; (2) when they are explicitly referred to in a codified law and established and interpreted through binding judicial decisions. When the answers differ according to the legal system (for example, in mixed legal systems in which different laws govern different groups of people within an economy), WBL bases its assessment on legislation that applies to women living in the economy's main business city and belonging to the most populous group (social, ethnic, linguistic, cultural, religious, etc.).

## 2. Does *Women, Business and the Law* analyze the difference in property rights between married and cohabiting couples?

Currently, *Women, Business and the Law* does not analyze the differences in property rights between legally married and cohabiting couples. While this is an important and evolving area, the lack of a consistent legal definition of cohabitation across economies presents significant challenges for comparative analysis. That said, several economies have taken steps to recognize and protect the rights of cohabiting partners, including legal provisions that promote non-discrimination between married and unmarried couples. In certain jurisdictions, cohabitation has been increasingly formalized under the law, with reforms to inheritance, property, and family laws that offer cohabiting partners rights previously reserved for married spouses. However, the diversity of legal approaches, and the absence of a standardized framework, makes it difficult to systematically track and compare cohabitation-related rights on a global scale. This remains an area for potential future exploration as legal norms continue to evolve.

## 3. Why was the Assets indicator expanded to explicitly examine women's rights established in land-related legislation?

Previously, the Assets topic focused on questions related to women's rights to own and manage immovable property broadly, drawing primarily from civil and family codes. However, this approach did not fully capture the legal realities surrounding women's land rights, which are often governed by separate land-specific legislation. To address this, *Women, Business and the Law* expanded the Assets topic by introducing two new questions specifically focused on land laws (question I.9.1.3 and I.9.1.4). This broader approach allows for a more comprehensive assessment of whether women enjoy equal rights to own, inherit, and control land, a critical form of property and a key asset for economic security. Disparities in land ownership and control continue to place women at a disadvantage, limiting their ability to participate fully in economic life, assert decision-making power within households, and access credit or public services. By explicitly incorporating

land-related legal frameworks, the expanded Assets topic provides a more complete picture of women's property rights and helps identify legal barriers.

**4. For the indicator related to the recognition of nonmonetary contributions, how do you analyze legislation in countries with no default marital property regime?**

In some legal systems, there is no single default marital property regime. Instead, spouses are required to formally choose a property regime, often through a prenuptial or marriage contract, selecting from legally recognized options. In such cases, *Women, Business and the Law* bases its assessment on the most commonly applied or practiced regime in that economy. This approach ensures consistency while still reflecting the legal framework that most directly affects women's rights to property at the time of divorce. When evaluating the recognition of nonmonetary contributions, such as unpaid care or domestic work, the analysis focuses on whether the chosen or commonly used regime legally acknowledges and values these contributions in the division of property upon dissolution of a marriage. This is especially important in contexts where many women may not financially contribute to the family but play a vital role in household welfare and wealth creation.