

Nayda Almodovar-Reteguis, Private Sector Development Specialist, DECWL
Women, Business and the Law
The World Bank

Expanding Women Business and the Law's Using Property Indicator

Background

How can governments improve women's access to entrepreneurial and employment activities? One important factor is how laws, regulations and institutions differentiate between women and men in ways that affect women's incentives or capacity to work or to set up and run a business.

The Women, Business and the Law (WBL) indicators build on the growing body of research and empirical evidence that stresses the importance of legal and institutional frameworks in shaping women's economic opportunities and improving gender equality. Research has called into question the notion that economic growth alone increases gender equality. Rather, continuous policy commitments to gender equality might be required to achieve it.

What is the Women, Business and the Law legal dataset?

Women, Business and the Law collects data about legal restrictions on women's entrepreneurship and employment. Equality of opportunity allows women to make the choices that are best for them, their families and their communities. However, opportunities for women are not equal where legal gender differences are prevalent. Such restrictions constrain women's ability to make economic decisions in a variety of ways, and can have far-reaching consequences. Moreover, they are associated with real economic outcomes.

By gathering and analyzing comprehensive quantitative data to compare legal gender differences across economies and over time, WBL offers objective and measurable benchmarks for assessing where reforms have occurred that can also be helpful in measuring global progress toward legal gender equality. WBL informs policy discussions and promotes research on the linkages between the law and women's economic opportunities.

Two main types of questions are used in the data: those which capture legislation with direct gender dimensions and are based on a reading of laws from the perspective of women, and those which are not gender-specific but favor inclusiveness by supporting the businesses women tend to concentrate in—smaller, informal and more likely to be home-based. Questions covered fall into seven indicators: accessing institutions, using property, getting a job, providing incentives to work, going to court, getting credit, and protecting women from violence. These indicators are constructed based on analysis of legislation performed by the WBL team, using the responses from practitioners with expertise in family, labor and criminal law - including lawyers, judges, academics and members of civil society organizations working on gender issues.

How are the data collected?

WBL's dataset is regularly updated every two years, making it possible to analyze variations over time. The data are collected through several rounds of interaction with respondents—through responses to questionnaires, conference calls, written correspondence and visits by the team. WBL has three written questionnaires, which cover the seven indicators outline above. Besides filling out written questionnaires, our respondents provide references to the relevant laws and regulations. The WBL team collects the texts of the relevant laws and regulations, and checks questionnaire responses for accuracy. Questionnaire responses are verified against codified sources of national law including constitutions, codes, laws, statutes, rules, regulations and procedures, in areas such as labor, social security, civil procedure, tax, violence against women, marriage and family, inheritance, nationality and land.

WBL requires each legal data point to have a citable legal source, and sources for every data point are posted on the project website (<http://wbl.worldbank.org>) to ensure that the data are transparent.

Indicator on Property Rights: What does it cover?

Currently, WBL is collecting new data on 189 economies in preparation for its 2018 report, the fifth in a series. The data set is built through 7 indicators: Accessing Institutions, Getting a Job, Providing Incentives to Work, Protecting Women against Violence, Building Credit Going to Court and Using Property.

Using Property is the indicator designed to collect data on property rights, and assess women's capacity to own and administer assets. Questions to explore the default marital property regimes, who administers property during marriage, non-monetary contributions, protections for the marital home, recognition of equal ownership rights between unmarried/married women and unmarried/ married men, and inheritance rights of sons and daughters and surviving spouses are asked in the process of building the indicator.

Women, Business and the Law 2018 will expand this indicator to cover aspects related to the process of registering property. A pilot module covering 100 economies has been designed and rolled out to gather data on urban land registration. Questions on incentive programs to promote legal rights of women to land, incentives such as waiving fees for women's land registration, amount of female employees in the registry, joint titling, and the type of information requested and verified for the registry, amongst others.