Tackling Legal Impediments to Women’s Economic Empowerment

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Agenda

• Overview
• IMF Working Paper, “Tackling Legal Impediments to Women’s Economic Empowerment” 2022
  • Sources of Legal Impediments
  • Cultural Norms, Belief Systems & Legal Reforms
  • Selected Case Studies
  • Additional Case Studies (Working Paper Annex)
  • Key Lessons in Legal Reform (Working Paper Annex)
  • The Role of the IMF
• Examples of Recent Legal Reforms in STI Member Countries
• Main Conclusions
• Questions/Comments
Overview

Objective
• Demonstrate how legal reforms can remove impediments to women’s economic empowerment and incentivize women to increase their participation in the economy
• Illustrate how legal reforms can encourage important behavioral changes towards women
• Provide advice on legal issues related to gender in the context of the Fund’s operational work, when considered macro-critical by the Fund and in accordance with its mandate

Methodology
• Identify key sources of law that impede women’s economic empowerment
• Use case studies (i.e., selected countries in the five regions) to show that removing legal barriers helped them move up in gender equality ratings

Context
• Despite advances worldwide, legal impediments to women’s economic empowerment remain in place
• Macro-economic implications of gender gaps, including those derived from the COVID-19 pandemic
• IMF 2022 Strategy Toward Mainstreaming Gender

Sources of Legal Impediments

The below demonstrates different sources of laws where legal impediments may arise and examples of legal reforms which can encourage women’s economic empowerment

Constitutional Law & Civil Rights
• Legal rights related to citizenship, right to vote, freedom of movement
• Political participation by women
• Access to Justice for women

Family Law
• Legal age of marriage
• Ability to run/head households
• Rights to divorce/end marriages

Property Law
• Ability to collect, own, managing and transfer assets
• Inheritance laws
• Access & distribution of property during or after marriage

Labor Law
• Remove legal restrictions to work
• Equal pay
• Address gender-based discrimination and sexual harassment in the workplace
• Maternity leave and childcare rights

Tax Law
• Alleviate tax burdens on women
• Gender sensitive tax measures – through tax and subsidy incentives that increase women’s participation in the labor market
**Sources of Legal Impediments**

- Customary laws, cultural norms, and belief systems are often reflected in laws.
  - Comments during this presentation about the legal and macro-economic implications of cultural norms and belief systems on gender inequality are not intended to render any judgment on such systems or norms.
- Plural Legal systems with different sources of law - common, customary and belief systems - can complicate legal reform.
- Some countries have legal codes inherited from colonial powers that should be revised or replaced.

**Importance of Legal Reforms**

- Legal reforms can influence positive behavioral changes towards women.
- Legal reforms can be piecemeal/gradual or stem from key events (e.g., women’s rights movements, aftermath of wars).

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**Selected Case Studies (1/2)**

**ICELAND**
- Most gender egalitarian country in the world
  - 1995 Constitution – enshrines equal rights of men & women
  - Act of Equal Status and Equal Rights irrespective of Gender
  - 2017 Equal Pay Standard and employer certification requirements
  - Stronger legislation on gender quotas on committees and boards
  - Progressive parental leave policy

**PERU**
- Highest rated for gender equality in Latin America
  - 1993 Constitution - prohibit discrimination on based on sex, equality under the law
  - 2007 Law of Equal Opportunities
  - Ministry of Women and Vulnerable Populations
  - 2019 National Policy on Gender Equality
  - 2020 Multisectoral Strategic Plan for Gender Equality
  - Continuing legal impediments in family law

**THE PHILIPPINES**
- Among top-rated in Asia for narrow gender gaps
  - 1987 Constitution – equality of women and protection of working women
  - 2009 Magna Carta of Women
  - 30-year Strategic Plan for Women, 2009
  - Equal remuneration under the law, eliminate barriers to types of work
  - Right to own and inherit land
  - 1977 Code of Muslim Personal Laws - unequal rights to work, no applicable divorce law
Selected Case Studies (2/2)

**RWANDA**
Top 10 countries for closing gender gaps
- 2003 Constitution - equal rights of women, hold 30% positions in Parliament
- Equal inheritance, succession and land rights
- Equal working conditions and wages
- Benefits for childbearing, maternity pay
- Gender budget statement
- 2010 National Gender Policy, Gender Monitoring Office

**TUNISIA**
Lead gender gap progress in MENA but still ranked low
- 1956 Code of Personal Status - right to marry and divorce
- 1959 Constitution - equality under the law, right to property ownership
- 2014 Constitution - equal treatment under the law, equal opportunities, guarantee civil and political rights
- Continuing legal impediments in family law - men as head of households, women prohibited from working certain hours and in certain sectors

**UNITED STATES**
High levels of women economic participation
- 19th Amendment to Constitution – right to vote
- 1963 Equal Pay Act, 1964 Civil Rights Act
- 1978 Pregnancy Discrimination Act
- 1994 Gender equity in Education Act
- Continuing gender pay gaps and lagging in leadership roles

Additional case studies (Annex)
- Additional case studies on legal reform in former European colonial powers can be a useful roadmap for removing existing legal barriers that were inherited by countries.

**SPAIN**
- Former Castilian legal system – influenced by Roman and canonical precepts
- Legal impediments during Franco regime
- 1978 Constitution prohibited gender discrimination
- 2004 Law against Sexual Violence
- 2007 Law on Effective Equality – applicable across all areas (political labor, socio-economic and cultural)
- 2006/7 Organic Law – 40% rep in political candidate lists, boards, including for companies

**UNITED KINGDOM**
- 19th century legal impediments until emergence of suffrage movement
- Change in circumstances following First World War
- Civil Rights - 1918/1928 Representation of Peoples Act
- 2010 Equality Act
- 1870 Married Women’s Act & 1926 Law on Property Act – inherit property equally
- 1873 Infant Custody Act – rights over children
- Several EU Directives – women’s rights in employment
- Nationally mandated gender quotas
- 2007 gender mainstreaming and budget initiative
- Legal requirements to disclose gender pay gap

**FRANCE**
- 2014 Law on Real Gender Equality
- Second World War shift in household dynamics
- Repeal of several elements of Napoleonic code
- Suffrage movement
- Nationally mandated gender quotas
- 2007 gender mainstreaming and budget initiative
- Legal requirements to disclose gender pay gap
**Key Lessons in Legal Reform**

Summary table of key lessons using case studies (Annex)

<table>
<thead>
<tr>
<th>Category of Law</th>
<th>Key Aspects</th>
<th>Key Lessons in Legal Reform</th>
<th>Examples of Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender Equality</td>
<td>Anti-</td>
<td><em>Exposes women of gender equality of opportunities for women in the Constitution and to other relevant laws.</em></td>
<td>Articles 15 and 19, Equal Rights in the Constitution of Gender, 2017</td>
</tr>
<tr>
<td>Discrimination</td>
<td><em>Conveys the use of gender-neutral language in the Constitution and to other relevant laws.</em></td>
<td><em>Equal rights in women's economic empowerment.</em></td>
<td>Case studies from the Philippines, India, and Brazil.</td>
</tr>
<tr>
<td>Citizenship Identification</td>
<td>Mobility</td>
<td><em>Provides women with equal rights to citizenship as men.</em></td>
<td>Case studies from Malaysia, 1996, and Family Law, 1990</td>
</tr>
</tbody>
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**Role of the IMF**

- Analytical work by IMF has shown that improved access of women to economic opportunities can raise economic growth, lower inequality and enhance macroeconomic and financial stability.

- July 22, 2022, the IMF’s Executive Board approved the **Strategy Toward Mainstreaming Gender**.

- IMF can help members address macro-critical gender gaps in the context of IMF core functions—surveillance, lending, and capacity development.

- Going forward LEG aims to contribute more to these areas of law reform by:  
  i) Advising on legal reforms to help area departments provide policy advice to reduce macro-economic gender gaps;  
  ii) Advising on program design and conditionality involving legal reforms to remove impediments to women’s economic empowerment;  
  iii) Providing direct TA to members and training to staff and authorities on removing legal barriers to women’s economic empowerment.
Examples of Recent Legal Reforms in STI Member Countries

- This slide showcases examples of different types of recent legal reforms in some STI member countries.
- These examples are not included in the Working Paper and are not meant to reflect comprehensive or in-depth review of legal reforms in these countries.

Main Conclusions

- Legal reform is a powerful tool to remove legal barriers and to help promote women’s economic participation.
- Legal reforms include broad range of measures across different categories of laws.
- Pace and nature of legal reforms vary between countries and is very specific to a countries’ historical, cultural and belief systems.
- Best practice examples from countries can serve as a useful roadmap for others.
- IMF can assist member countries to address gender gaps in accordance with its mandate, including by advising on key legal reforms aimed at removing barriers to women’s economic empowerment.
- Part of IMF’s strategy to mainstream gender work at the Fund.
Tackling Legal Impediments to Women’s Economic Empowerment

Questions/Comments?

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