



# Tackling Legal Impediments to Women's Economic Empowerment

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# Overview

## Tackling Legal Impediments to Women's Economic Empowerment

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### 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

# Cultural Norms, Plural Systems & Legal Reforms

## • 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).

## 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**

- 19<sup>th</sup> 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



**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)

Category of Law	Key Aspects	Key Lessons in Legal Reform	Examples of Laws
Constitutional Law	Equality/Anti-discrimination	<ul style="list-style-type: none"> <li>Enshrine notions of gender equality/equality of opportunity for women in the Constitution and/or other relevant laws.</li> <li>Consider the use of gender-neutral language in the Constitution and/or other relevant laws.</li> <li>Enact laws to prevent gender-based discrimination/promote gender equality in all aspects.</li> </ul>	<ul style="list-style-type: none"> <li>Iceland, <i>Act on Equal Status and Equal Rights Irrespective of Gender, 2011</i></li> <li>Peru, <i>Law of Equal Opportunities, 2007</i></li> <li>The Philippines, <i>Magna Carta of Women 2008</i></li> <li>Spain, <i>Law of Effective Equality 2007</i></li> <li>UK, <i>Equality Act 2010</i></li> </ul>
	Citizenship/Identification/Mobility	<ul style="list-style-type: none"> <li>Provide women with equal rights of citizenship as men.</li> <li>Ensure women have access to identification, citizenship and travel documents.</li> <li>Provide women with the right to pass on citizenship to children.</li> <li>Remove any legal impediments to women's ability to travel alone without a male escort.</li> </ul>	<ul style="list-style-type: none"> <li>Tunisian <i>Code of Nationality, 1956, and Family law, 1990</i></li> </ul>
	Political Participation and Representation	<ul style="list-style-type: none"> <li>Guarantee women the right to vote in elections and other relevant decision-making processes.</li> <li>Enable women to participate and be represented in political and other decision-making processes</li> </ul>	<ul style="list-style-type: none"> <li>Rwanda <i>Constitution 2003</i></li> <li>Spain, <i>Law of Effective Equality 2007</i></li> <li>Iceland, <i>law on public limited companies 1995, and private</i></li> </ul>
Family Law	Gender Budgeting	<ul style="list-style-type: none"> <li>Require gender-budgeting and other gender-based considerations at the national, state, and local level.</li> </ul>	<ul style="list-style-type: none"> <li>Rwanda, <i>Organic Law on State Finances and Property Law 2013</i></li> <li>Philippines, <i>Gender and Development Budget Policy</i></li> <li>Iceland, <i>Public Finance Act 2013</i></li> </ul>
	Procedural Rights	<ul style="list-style-type: none"> <li>Provide women with rights to access justice, including to bring a legal case, apply for legal aid, provide testimony, obtain a fair trial etc.</li> </ul>	<ul style="list-style-type: none"> <li>Namibia, <i>Married Persons Equality Act</i></li> </ul>
	Marriage Rights	<ul style="list-style-type: none"> <li>Enact legal reforms to increase the age of marriage for women (if it is lower than age of marriage for men).</li> <li>Guarantee equal rights for men and women upon marriage.</li> </ul>	<ul style="list-style-type: none"> <li>Namibia, <i>Married Persons Equality Act 1996</i></li> <li>Tunisia, <i>Code of Personal Status 1956</i></li> </ul>
	Household Rights	<ul style="list-style-type: none"> <li>Ensure that there are no legal impediments to a woman's role in the household</li> <li>Provide women with right to access financial services.</li> </ul>	<ul style="list-style-type: none"> <li>Namibia, <i>Married Persons Equality Act 1996</i></li> </ul>
	Divorce/Widower Rights	<ul style="list-style-type: none"> <li>Provide women with the right to divorce, including access to courts.</li> <li>Provide for appropriate valuation of non-monetary contributions in marital property regimes.</li> <li>Guarantee rights for widowed women (i.e. ownership of property).</li> </ul>	<ul style="list-style-type: none"> <li>US <i>Economic Equity Act (various iterations)</i></li> <li>Tunisia, <i>Code of Personal Status 1956</i></li> </ul>
	Custody Rights for Children	<ul style="list-style-type: none"> <li>Allow women to have rights of custody over children.</li> </ul>	<ul style="list-style-type: none"> <li>Tunisia, <i>Code of Personal Status 1956</i></li> <li>UK, <i>Infant Custody Act 1873</i></li> </ul>
Property Law	Ownership, Management and Control of Land and other Assets	<ul style="list-style-type: none"> <li>Mandate child support and provide for enforcement procedures.</li> <li>Remove legal impediments which allow men to take ownership/control of women's property and assets upon marriage.</li> <li>Provide women with rights to own, acquire, manage and dispose of property and other assets.</li> <li>Allow women to enter into contracts.</li> <li>Strengthen rights for women in rural areas, including with respect to land.</li> </ul>	<ul style="list-style-type: none"> <li>US <i>Economic Equity Act</i></li> <li>UK, <i>Married Women's Property Act 1870</i></li> <li>Rwanda, <i>Laws No. 08/2005 and Law No. 43/2013 on land rights</i></li> </ul>
	Inheritance Rights/Succession	<ul style="list-style-type: none"> <li>Ensure that women have the same rights as men in relation to inheritance of property and other assets, including right to manage and dispose of these inherited assets.</li> <li>Ensure that laws provide for equal succession between male and female children.</li> </ul>	<ul style="list-style-type: none"> <li>The Philippines <i>Civil Code</i></li> <li>Rwanda, <i>Matrimonial Regimes, Libertines and Succession, 1999</i></li> </ul>
	Wages/Pay	<ul style="list-style-type: none"> <li>Guarantee equal pay for equal work.</li> <li>Strengthen transparency of job criteria and wages.</li> <li>Require companies to assess and address gender-related pay gaps.</li> </ul>	<ul style="list-style-type: none"> <li>Iceland, <i>Equal Pay Act 1961, and Equal Pay Standards 2018</i></li> <li>US <i>Equal Pay Act of 1963</i></li> <li>Peru, <i>Law on Equal Pay, 2017</i></li> </ul>
Labor Laws	Education	<ul style="list-style-type: none"> <li>Ensure the right of education for girls.</li> <li>Increase the legal age for girls to stay in school (if lower than for boys).</li> <li>Remove other legal barriers to education for girls.</li> <li>Prevent gender discrimination in education.</li> </ul>	<ul style="list-style-type: none"> <li>US <i>Title IX of the Education Amendments Act, 1972</i></li> <li>US <i>Gender Equity in Education Act, 1994</i></li> </ul>

# 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:
  - Advising on legal reforms to help area departments provide policy advice to reduce macro-economic gender gaps;
  - Advising on program design and conditionality involving legal reforms to remove impediments to women's economic empowerment;
  - 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.

• Eliminated all restrictions on women's employment, including in jobs considered dangerous (2021, 2022); introduced paid paternity leave (2017)

Vietnam



• Introduced a pension system to set equal ages for men and women to retire with full pension benefits (2022)

Cambodia



• Increased the duration of paid maternity leave to at least 14 weeks (2022)

Hong Kong SAR, China



• Prohibited dismissal of pregnant workers; enacted legislation protecting women from sexual harassment in employment (2017)

Kiribati



• Gender Equality Act made access to credit easier for women by prohibiting gender-based discrimination in financial services (2018)

Maldives



• Increased paid maternity leave to at least 14 weeks (2020); allowed women to obtain a divorce in the same way as a man (2019); enacted legislation to prohibit discrimination in employment based on gender (2019)

Nepal



## 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.



**Questions/Comments?**

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