Closing the Gender Gap: Data to Support Women’s Economic Empowerment

Amy Raub, Principal Research Analyst, WORLD Policy Analysis Center, University of California Los Angeles (corresponding author)
araub@ph.ucla.edu
(310) 889 – 0739
621 Charles E. Young Drive S, 2213-LSB
Los Angeles, CA 90095

Jody Heymann, Dean and Distinguished Professor, UCLA Fielding School of Public Health, Founding Director of the WORLD Policy Analysis Center, UCLA

Global Goals for Women’s Economic Empowerment

On September 25, 2015, 193 United Nations member states agreed to the Sustainable Development Goals (SDGs), committing to socially inclusive economic growth and the principle of leaving no one behind. The SDGs recognize that we cannot achieve socially inclusive economic growth if women are left behind and “one half of humanity continues to be denied its full human rights and opportunities.” Recent research estimates that if women in every country were to truly be equal to men in labor markets, it would add up to $28 trillion to the global economy by 2025.

While women around the world face many different barriers to economic empowerment, perhaps the most surprising is the extent to which legal barriers continue to persist whether through direct barriers to full participation, legislation that reinforces rather than combats biased norms around gender in roles, or legal gaps that disproportionately affect women and girls. SDG 5c explicitly calls on countries to “adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and empowerment of all women and girls at all levels.” Further, achieving the sustainable development goals related to economic growth and gender equality requires data on what works at scale to change women’s economic opportunities, where the gaps are, and what has been feasible and effective in other economically and socially similar countries. Regular monitoring of national action of policies, alongside monitoring progress on outcomes will be critical to accountability and accelerating progress on the SDGs.

A Holistic Approach to Supporting Women’s Economic Empowerment

Efforts to support women’s economic empowerment must lay the foundation for gender equality by:

1. Guaranteeing women the same fundamental rights as men to lay the foundation

---

2 ibid
of equality in all aspects of life,
2. Supporting equal opportunities at work,
3. Ensuring that all girls are able to complete their secondary education laying the foundation for economic success, and
4. Protecting women from violence that limits their ability to claim their economic rights and participate fully at work.

Fundamental guarantees of gender equality lay the foundation for equal opportunities in all spheres of life, including at work. Constitutions are the fundamental building blocks for legal rights and play a foundational role in establishing values and rights for women. In countries around the world, constitutional rights have been used to challenge laws that limit women’s economic opportunities, overturn or block the passage of discriminatory laws, and support the introduction of new legislation that promotes gender equality. Constitutions are also typically more difficult to repeal or amend than other pieces of legislation, making their commitments more permanent in the face of governments that might attempt to weaken their protections. Constitutions can support gender equality at work by broadly guaranteeing women equal rights as men or protection from discrimination. Some go further and also include fundamental guarantees of protection from gender discrimination at work.

Legislation can support women’s equal opportunities at work in several ways. First, by ensuring that women are legally protected from discrimination in all aspects of work from hiring to promotion and dismissal. Second, legal guarantees of equal compensation for work of equal value are essential. Third, around the world, women continue to be disproportionately responsible for caregiving. As a result, policies that ensure caregivers can also succeed at work remain fundamental to gender equality. In the absence of paid leave policies, women disproportionately face job or income loss after the birth of a child or when caring for ill family members. Paid leave contributes to higher labor force participation rates for women. Policies that support work-family balance can also further enhance gender equality at work by encouraging men to be equal partners in caregiving.

Ensuring equal opportunities at work is not enough if girls do not have the opportunity to gain the skills needed for jobs that pay a decent income. In most countries, secondary education has become a minimum standard for economic opportunities that facilitate exiting poverty. Global studies have found nearly a 12% increase in future income for each additional year of education a girl completes. While there are many important pieces to consider in making a quality education accessible to girls, one of the most important is whether countries have made education tuition-free through the completion

---

of secondary school and whether there are policies in place to ensure that family responsibilities or work do not interfere with schooling. When cost is a barrier to education for families, parents often prioritize boy’s education over girls.8 Ensuring that education is tuition-free through the completion of secondary disproportionately reduces barriers to girls’ attendance. Child marriage limits girls’ ability to complete their education and also has lifelong consequences for women’s autonomy and health.9 Work can also be a significant barrier to girls’ and boys’ ability to complete an education.10 Ensuring that girls are legally protected from early marriage and work is critical to enabling them to complete their education and later have access to better jobs and economic opportunities.

Violence against women is an economic issue as well as a pernicious threat to women’s health and safety. The costs of violence include direct costs, as well as lost wages, lost productivity, and intergenerational impacts on educational attainment.11 Threats of violence may also significantly limit women’s ability to claim their economic rights and participate fully at work. Eliminating violence against women requires changes at all levels including workplaces, schools, homes, and communities. Programs and initiatives at each of these levels has a critical role to play, but is only likely to succeed where national laws and policies support these efforts, setting both norms and rules against all forms of violence against women in these settings. While effective implementation is critical and behavioral and cultural change a foundational element, ensuring that the laws make clear that violence is prohibited is a crucial beginning. Protection from violence in all spheres supports girls being able to complete their education without fear, women as equal decision-makers in their households, women’s freedom of movement in public, and women’s equality at work.

Using Quantitative Indicators to Monitor National Action and Progress

Existing legal data shows that it is feasible to quantitatively monitor country action towards removing legal barriers to women’s economic empowerment. This paper relies primarily on data from the WORLD Policy Analysis Center (WORLD) at the University of California Los Angeles,12 supplemented with data from the World Bank’s Women, Business and the Law (WBL).13 WORLD has systematically analyzed the constitutional

---

rights, national laws, and national policies in place in all 193 UN member states to build globally comparative databases in the following areas discussed in the previous section: equal rights and discrimination, adult labor and working conditions, child marriage, education, poverty, and child labor. WORLD’s data is coded primarily using original national constitutions, labor laws, family laws, and social security legislation. When original legislation was not available, national report on laws and policies to the UN and other official global and regional bodies were used. All data coding is carried out by an international, multilingual, multi-disciplinary team of researchers. Two researchers read legislation independently and then compare their coding to minimize human error. Data undergoes comprehensive quality checks. For more information on WORLD’s methodology, please visit: http://www.worldpolicycenter.org/methodology.

We use this data to show how legal data can be used to map and monitor progress on women’s economic empowerment across the four main areas described above: constitutional protections of gender equality, laws that support equality in the workforce, policies that enable girls to complete their secondary education laying the groundwork for women’s economic opportunities, and legal protection from violence that limits women’s ability to claim their economic rights and participate fully at work. For each area, we highlight where there are data gaps that limit effective monitoring of national action to support women’s economic empowerment and achieve the sustainable development goals.

**Constitutional protections of gender equality**

Constitutions lay the foundation for gender equality in all spheres of life, setting the stage for equal opportunities at work. Globally, 163 countries constitutionally guarantee equal rights or protection from discrimination to women (see Map 1). Newer constitutions are more likely to include these guarantees than older constitutions (see Chart 1). Of the 42 constitutions that have been adopted since 2000, only one does not explicitly guarantee gender equality. However, 15 countries that have constitutional guarantees of gender equality allow customary or religious law to supersede some or all constitutional provisions. These exceptions may undermine or compromise women’s economic empowerment by allowing gender equality protections to be overruled by customary or religion laws. In addition to broad constitutional guarantees of gender equality, 41 countries constitutionally guarantee women equal pay for equal work and 49 countries have at least some constitutional protection from gender discrimination at work.

**Map 1**
Globally, there are significant gaps in the most direct legislative protections of gender equality at work. In 83 countries there is no legal protection from gender discrimination in hiring or guarantee of equal pay for work of equal value. Sixty countries provide protection in one area, but not both, and only 42 countries guarantee protection from
gender discrimination in hiring and equal pay for work of equal value. More data collection is needed to fully understand the extent to which women are protected from discrimination at work in all stages from recruitment and hiring to conditions of employment and promotion opportunities to protection from dismissal. Understanding whether there are also explicit protections during pregnancy or based on maternal or marital status will also be critical to ensuring women’s equal economic opportunities.

Prohibiting gender discrimination at work is not enough to ensure women’s equal economic opportunities. Legislation needs to address their dual roles as workers and caregivers. Today, 185 guarantee paid leave to mothers of infants, a majority for at least 14 weeks (see Map 2). We also see significant progress over time. From 1995 to 2014, 8 countries introduced paid leave for mothers of infants and 55 countries increased the duration of paid leave available.

Map 2

Is paid leave available to mothers of infants?

Yet, paid leave for mothers of infants alone is not enough. To support a more equitable division of caregiving at home that in turn enables more equal opportunities for success at work, fathers also need to be guaranteed the opportunity to establish a pattern of regular involvement in child care during infancy. Only 94 countries guarantee paid

---

15 Historical data on paid maternal leave from the Maternal and Child Health and Equity (MACHEquity) research program and paired with WORLD data http://machequity.com/.
leave to fathers of infants and in the majority of countries that leave is either very short (62 countries) or leave that is shared with the mother (15 countries), making it less likely that fathers will take leave (see Map 3). 17 Fifteen countries have taken steps to encouraging fathers to share infant caregiving by reserving more than two weeks of leave for fathers or putting incentives in place, such as additional leave entitlements, if both parents use leave.

Map 3

Is paid leave available to fathers of infants?

Beyond infancy, only a minority of countries directly address the conflict many women face between caregiving responsibilities and work. Only 54 countries guarantee working men and women leave to care for their children and elderly parents’ health needs. An additional 6 countries have leave that can be taken for children or spouse health needs and 15 countries have leave only to care for children. In 5 countries, legislation reinforces gender inequalities in caregiving by making leave to care for children only available to women.

Central to the SDG tenant of leaving no one behind is understanding whether these leave policies that support women’s economic empowerment extend to cover the most vulnerable of women, including those working in the informal economy. In at least 94 countries, there are explicit mechanisms for self-employed workers to receive access to maternity leave benefits and in at least 44 countries legislation explicitly extends maternity leave to domestic workers. By mapping these approaches to extending policies to cover all women, we can find countries that can serve as models for other economically or socially similar countries seeking to strengthen their legal framework to promote women’s economic opportunities.

17 Fifteen countries that only reserve a short period of leave for fathers also allow fathers to take shared parental leave.
Policies that enable girls to complete their secondary education

Cost can be a significant barrier to girls’ ability to complete their education. While all but 7 countries have made primary education tuition-free, 40 countries charge tuition fees before the end of secondary education (see Map 4). The regions where a majority of countries charge tuition also have the largest gaps in enrolment rates for boys and girls. The question then becomes whether countries can afford to do more for girls or need assistance to remove tuition fees or if these fees are due to resource constraints. Quantitatively comparable policy data enables us to begin to answer to that question. Of those countries that charge tuition and have available recent expenditure data, 43% spend less than four percent of their GDP on education. While these countries can likely afford to invest more, in others international aid may be needed to reduce barriers to girls’ completion of secondary.

Map 4

Is completing secondary education tuition-free?

Source: WORLD Policy Analysis Center, Education Database, 2014

Early marriage is detrimental to girls’ ability to complete their education. Globally, as of 2013, 168 countries legally establish a minimum age of marriage of 18 years old or older. However, many countries allow for legal exceptions to the minimum age of marriage with parental consent or under religious or customary law. Because most early

---

marriages happen with parental consent or involvement, these exceptions significantly undermine legal protections. Taking these exceptions into account, in 104 countries girls can be legally married before their 18\textsuperscript{th} birthday and in 50 countries girls as young as 15 years old can be legally wed (see Map 5), legally jeopardizing girls’ chances to complete their secondary education. Legal progress is feasible though across a range of economic and social settings. The percentage of low- and middle-income countries that set a minimum age of marriage with parental consent of at least 18 years old more than doubled from 1995 to 2013, increasing from 20\% to 44\%.\textsuperscript{19}

Map 5

The gender inequality in child marriage is also embedded in the law itself. In 59 countries, there is a gender disparity in the legal minimum age of marriage with parental consent (see Map 6). Providing girls with the same level of protection from early marriage as boys is a critical first step to combatting early marriage and supporting women’s equal economic opportunities.

Map 6

\textsuperscript{19} Historical data on minimum age of marriage from the Maternal and Child Health and Equity (MACHEquity) research program and paired with WORLD data http://machequity.com/.
Like child marriage, exceptions to minimum age laws that are meant to ensure work does not interfere with children’s education significantly undermine the level of protection provided. Once legal loopholes, such as work with family members or ministerial approval are considered, 29 countries legally allow 14-year-olds to do hazardous work and 49 countries legally allow general employment. Another important piece to consider is whether minimum age to work legislation protects girls as well as boys. For example, domestic service, an occupation considered hazardous by the International Labour Organization, is often excluded from general labor law protections and may not separately mandate a minimum age of work. Additionally, girls are more likely than boys to have their education interrupted by the need to care for family members or do household chores which can involve extensive hours when fuel, water, and food are distant or difficult to acquire.

While these policies address the primary economic barriers to girls’ ability to complete their secondary education, additional factors can have a significant impact on girls’ educational attainment. Policies for which there is not currently comparative data include those addressing: whether girls are adequately protected from violence and sexual harassment at school, whether there are adequate sanitation facilities for girls, whether adequate transportation exists for girls to safely reach schools, and whether married or pregnant girls are legally able to complete their schooling.

Legal protection from violence

---

Much less is known about the national laws and policies that protect women from violence that may interfere with women’s ability to fully claim their economic rights and participate fully at work or in school. WBL has taken an important first step in beginning to make data on domestic violence, and sexual harassment comparable across countries. 48 countries do not have domestic violence legislation and 45 countries do not have legislation that specifically addresses sexual harassment.\(^{21}\)

These data highlight important legal gaps where women lack even the most basic legal recourse for protection from violence. However, the World Bank data captures the state of law in an urban business center. In settings where individual state law is better than national, this may overstate the national level of protection. Additionally, this data also likely understates the magnitude of the problem because it only begins to capture laws in place. Far more information is needed to understand what these legislative provisions cover and how effectively. What types of acts are considered sexual harassment in employment and education? Are there effective penalties in place for violating these laws? Are there gaps in legal coverage for women working in certain sectors or depending on who commits sexual harassment? Finally, we need to know more about stranger and known person violence. Are rape laws structured in a way that ensures protection for all women? Increasing transparency around laws that protect women from violence will be critical for identifying where legal frameworks need to be strengthened and where laws need to be better implemented to empower all women.

**Moving from Goals to Accountability and Action**

The world’s previous experience with the Millennium Development Goals offers hope that ambitious goals can be achieved: the number of people living on less than $1.25 per day was reduced by half and maternal mortality has fallen by 45%. The challenges of the SDGs are in many ways more ambitious and more complex to achieve. To have the best chance at success, regular monitoring and accountability for country action is needed alongside monitoring of outcomes. We need to know today whether countries are taking the first steps to ensure girls are able to complete their secondary education to ensure their future economic success and whether laws and policies ensure women have equal opportunities at work.

The SDGs highlight the need for cooperation at all levels from governments to the UN to civil society, businesses, researchers, and individual citizens. Core to the involvement of these diverse groups is empowering them with information. Citizens should know what steps their country has taken to support women’s economic empowerment and how their government’s actions align with other economically or socially similar countries. Policymakers deserve credit for the actions they take to advance gender equality, especially when the full impact of these actions may not be seen for years. As a global community, we need to know whether we’re on track to achieve women’s economic empowerment. We need to be able to see where the gaps are around the world to better focus international investments and priorities. We also need to know which issues could most benefit from galvanized international attention to support progress for women.

As the UN works to finalize targets and methods to measure those targets for the SDGs, we also need to ensure that we take advantage of new information and communications technology to ensure actionable real-time information reaches citizens, civil society, businesses, and policymakers. Up-to-date maps of national action that lays the foundation for women’s economic empowerment should be accessible to everyone on their cellular phones. At the click of a mouse, people should be able to track legal change over time or compare policy approaches of similar countries. An example of the feasibility of this approach can be seen at www.worldpolicycenter.org. With cooperation across sectors and groups working to achieve the SDGs, monitoring and accountability can be used to accelerate change for women.