



Gender at Work in Africa: Legal Constraints and Opportunities for Reform

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The views expressed in this paper are those of its independent author.

1. Introduction

Expanding women's economic opportunities is critical for meeting the obligations laid out in major human rights conventions and for enhancing countries' development prospects and eliminating poverty. Realising the potential of all people contributes to productivity and a more resilient society. This matters at the national, community, family and individual levels. As a recent qualitative study of women and men in 20 countries across the world concludes, *"women's ability to work for pay... may be one of the most visible and game-changing events in the life of modern households and all communities."*¹

This paper reviews where we stand in terms of women's access to economic opportunities, ranging from working for an employer for a wage to entrepreneurial activities and agriculture, with a specific focus on Africa. We show that there are many systematic constraints, both in law and related to social norms and deprivations. This underlines the relevance of a rights-based approach.

We begin by providing an overview of how women currently fare in terms of economic empowerment at the global level and across Africa, before identifying some of the major constraints. Finally, we suggest areas where

* Thanks to Alicia Hammond, Tazeen Hasan and Matthew Morton for inputs and advice.

¹ Munoz-Boudet, Petesch, Turk and Thumala, *On Norms and Agency: Conversations about Gender Equality with Women and Men in 20 Countries*, World Bank (2012).

attention is needed to help overcome constraints related to laws and adverse norms and identify promising approaches where new evidence about what works is emerging.

2. Where Do We Stand?

2.1 Working Women: A Global Overview

Women are disadvantaged relative to men on every global indicator related to economic opportunities. Fewer women participate in the labour force – those who participate tend to be in less secure and lower paying jobs and sectors, and women on average earn less than their male counterparts for the same work.² Indeed evidence suggests that globally almost half of women's productive potential is unutilised, compared to only 22 per cent of men's.³

Women comprise about 40 per cent (1.3 billion) of the roughly 3.3 billion people who are in paid work. Somewhat surprisingly, labour force participation of women ages 15–64 globally has actually declined over the last two decades, from 57 to 55 per cent. Male labour force participation rates have also declined slightly, but are still much higher: 82 per cent. Women's participation rates vary widely by region, for example Sub-Saharan Africa and Europe and Central Asia have the highest participation rates of any developing region, with almost two-thirds of women participating in the labour force (64 and 63 per cent, respectively), whereas only around one-fifth of women work in the Middle East and North Africa.⁴

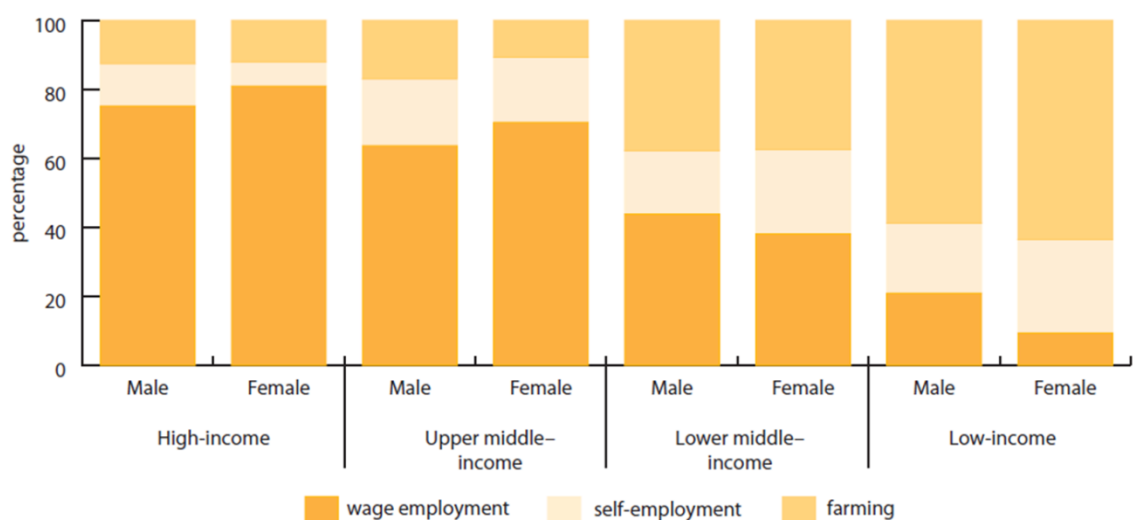
² World Bank, *Gender at Work: A Companion to the World Development Report on Jobs*, World Bank (2014).

³ International Labour Organization. *Women in labour markets: Measuring progress and identifying challenges*, International Labour Organization (2010).

⁴ World Bank, World Development Indicators (2012 data).

Yet, labour force participation is only part of the story. We also need to think about the nature of work. Women and men are involved in a broad range of work, from running a small unregistered household enterprise in Dhaka to being a subsistence farmer in northern Kenya. These types of jobs account for the vast majority of people’s work—but especially women’s—in developing countries. In India, for example, over nine out of ten workers are in the informal economy, which is estimated to represent some 60 per cent of the country’s gross domestic product (GDP). In low-income countries, only a minority of men and even fewer working women are wage employees: fewer than one in five and one in ten, respectively (figure 1).

Figure 1: Most of the world’s working poor, but especially women, work in non-wage jobs on farms and in household enterprises



Source: International Income Distribution Database (I2D2). Un-weighted country average of last available year after 2000, based on data from 95 countries, taken from World Bank *Gender at Work* (2014).

Informal work is the largest source of employment throughout Africa, Asia, and the Middle East, and working women are more likely than working men to be self-employed or work in farming. Women who work tend to be more concentrated in informal sectors, for example:

- International Labour Organisation (ILO) analysis across 41 developing countries found that women were more likely than their male counterparts to be in non-agricultural informal employment in 30 countries, including in Uganda, where 62 per cent of women are engaged in informal employment compared to 55 per cent of men.⁵
- Women are more concentrated in domestic labour and unpaid work. Recent data from the ILO suggests that over one-quarter of female wage workers (27 per cent) in Latin America and the Caribbean, and 14 per cent in Africa are domestic workers, and women represent an estimated 83 per cent of domestic workers worldwide.⁶

Full-time wage employment for an employee is associated with higher levels of well-being, not least because these jobs are more likely to come with higher and more dependable wages, benefits and protections.⁷ These types of jobs

⁵ International Labour Organization, *Statistical Update on Employment in the Informal Economy*, International Labour Organization (2012).

⁶ International Labour Organization, *Domestic workers across the world: Global and regional statistics and the extent of legal protection*. International Labour Organization (2013).

⁷ J. Marlar and E. Mendes (2013), *Globally, Men Twice as Likely as Women to Have a Good Job*, retrieved 10 October 2013, from <http://www.gallup.com/poll/164666/globally-men-twice-likely-women-good-job.aspx>; J. Clifton and J. Marlar (2011), *Worldwide, Good Jobs Linked to Higher Wellbeing*,

also offer opportunities for developing new skills and are more likely to expand women's agency. Yet, globally women are less likely than men to have full-time wage jobs. Gallup World Poll estimates suggest that men are nearly twice as likely as women to have full-time job.⁸ The share of women who work full-time for an employer is below 15 per cent in Sub-Saharan Africa.⁹ Women are also consistently more likely to work part-time than men. Part-time work has some advantages, in particular increased flexibility, which allows for fulfilment of other family and household responsibilities. However, part-time work tends to involve lower earnings and fewer benefits and protections.¹⁰

Women earn significantly less than men. An ILO analysis of 83 countries shows that women in paid work earn on average between 10 and 30 per cent less than men,¹¹ and no country anywhere has reached gender wage parity.¹² Gaps persist in high-income countries. In Europe, for example, women earn on average around 16 per cent less than men, ranging from 23 per cent in

retrieved 1 June 2013, from <http://www.gallup.com/poll/146639/worldwide-good-jobs-linked-higher-wellbeing.aspx>.

⁸ J. Marlar and E. Mendes, *supra* note 8.; J. Clifton and J. Marlar, *supra* note 8.

⁹ World Bank, *Gender at Work: A Companion to the World Development Report on Jobs*, World Bank (2014).

¹⁰ K.G. Tijdens and M. Van Klaveren, *Frozen in time: Gender pay gap unchanged for 10 years*, ITUC (2012).

¹¹ International Labour Organization, *Global Wage Report 2008–09: Minimum Wages and Collective Bargaining, Towards Policy Coherence*, International Labour Organization (2008).

¹² Hausman et al. *The Global Gender Gap Index 2012 Report*, World Economic Forum (2012).

Austria to 2.5 per cent in Slovenia.¹³ Analysis based on 2010 data, which controlled for industry and occupation, found large gaps in most countries. In Pakistan, for example, women earned only 36 per cent of what men earned and in Estonia women earned 69 per cent of what men earned.¹⁴

Gender differentials across industries and firm types explain much of the pay gap. Economists call this 'sorting.' Throughout the world women are concentrated in less-productive jobs and run smaller enterprises in less-productive sectors, with fewer opportunities for business scale-up or career advancement. Fewer women are employed in high growth areas such as science, technology and engineering. Fewer women than men work in the information and communications technologies (ICT) sector, and in some countries the gaps are especially wide — in Jordan women make up less than one-third, and in South Africa, Sri Lanka and the United Kingdom women comprise only around one-fifth of the ICT workforce.¹⁵

It is well known that women are grossly underrepresented in senior management roles globally, holding only 24 per cent of such positions. Recent analysis across 13,000 firms in 135 countries found that only 18 per cent of firms have a top manager who is a woman and only 10 per cent of large firms

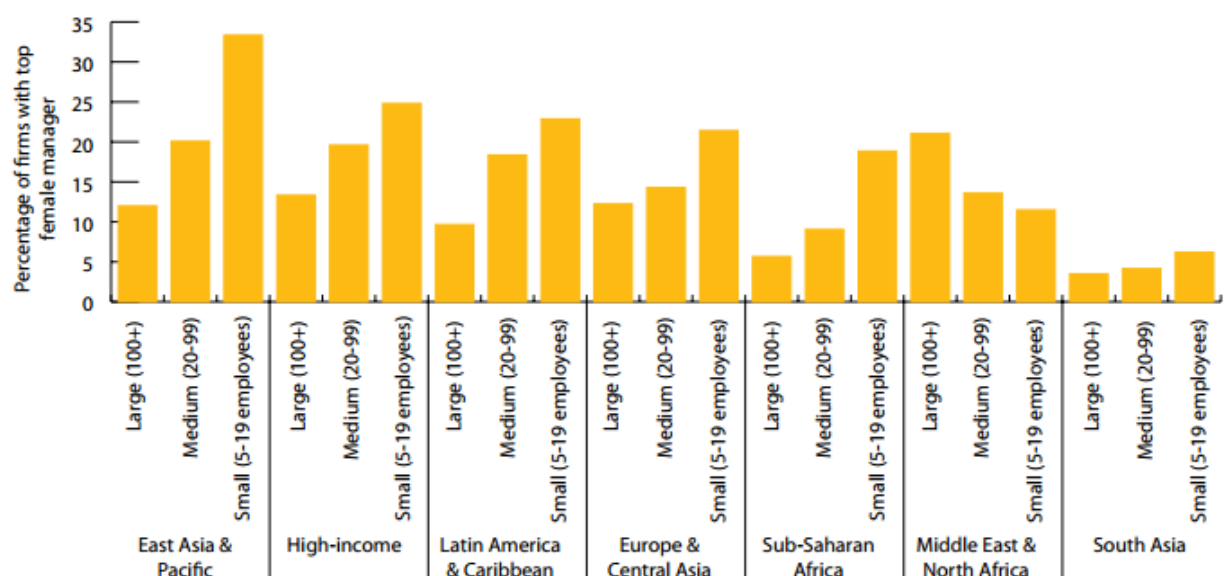
¹³ Eurostat (2012), *The Situation in the EU*, retrieved 3 June 2014, from http://ec.europa.eu/justice/gender-equality/gender-pay-gap/situation-europe/index_en.htm

¹⁴ World Bank, *World Development Report 2013: Jobs*, World Bank (2013).

¹⁵ World Bank, *Gender at Work: A Companion to the World Development Report on Jobs*, World Bank (2014).

have female management (figure 2). The change of pace is slow but quotas are working. In fact, Europe is on track to take over from the United States with respect to the number of women board members at top companies. Legal quotas and corporate governance requirements have been driving these changes and Europe now matches the United States with the share of women on boards at 22.5 per cent.¹⁶

Figure 2: Women are underrepresented in firms' top management in all regions



Source: World Bank, *Gender at Work* (2014).

Lower educational attainment places a major constraint on women's economic opportunities. Education levels are rising – almost all girls and boys

¹⁶ H. Carnegie, Europe leads the way in the number of women on top company board, retrieved 6 June 2014, from <http://www.ft.com/intl/cms/s/0/6389d9e0-ebf5-11e3-ab1b-00144feabdc0.html#axzz349VbrOGX>.

are enrolled in primary school in all regions, and globally more than 70 per cent of children are enrolled in secondary school. Completion rates at the primary level are also on the rise globally, of 173 countries with data, almost half have completion rates of 95 per cent or higher. Over the last decade, completion rates rose from 78 to 87 per cent for girls, and from 84 to 90 per cent for boys.¹⁷ However, in the least developed countries only around 41 per cent of children are enrolled in secondary school and fewer girls than boys are enrolled (14 per cent fewer). And even these levels of participation are relatively recent – fewer than one-third of children in the least developed countries were enrolled in secondary school in 2005 and there were only eight girls for every ten boys. As a result, the current cohort of working age women in developing countries is much less well-educated.¹⁸

Poverty often increases education gaps. Poor children are less likely to enrol or to complete primary and secondary school.¹⁹ And there is a gender gap as well. A recent study across 27 countries found that boys from the poorest households were nine percentage points more likely to complete their primary education than girls, while boys and girls from rich households were equally likely to complete primary school.²⁰ In Niger, for example, boys from poor households are almost twice as likely as girls to complete primary school,

¹⁷ UNESCO, *eAtlas of Gender Equality in Education*, UNESCO (2012).

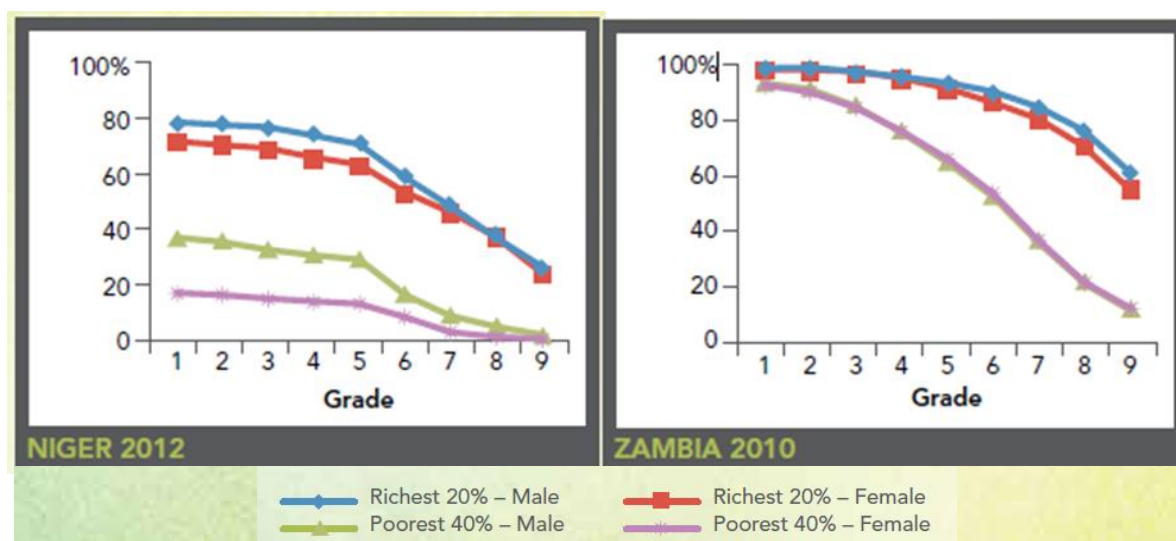
¹⁸ World Bank, *World Development Indicators*. (2011 data).

¹⁹ UNESCO, *supra* note 18.

²⁰ World Bank, *World Development Report 2012: Gender Equality and Development*, World Bank (2011).

while boys from richer households are only slightly more likely to complete primary school than their female peers. In contrast, in Zambia girls and boys from poor families are equally less likely to complete primary school (figure 3). This suggests that while boys' and girls' educational access and attainment varies by country, in all places poorer children are worse off.

Figure 3: Share of 15-19 year olds completing school grades by wealth quintile and gender



Source: Klugman et al, *Voice and Agency: Empowering Women and Girls for Shared Prosperity*. World Bank (2014).

Understanding differential opportunities also involves looking at gaps in access to land and capital. Women tend to have less access to and control of physical and financial capital—namely credit, land and physical assets. Recent analysis of Demographic and Health Surveys across 13 countries

suggests that women are less likely to report owning land or housing than men.²¹ In Burkina Faso, for example, more than twice as many men as women report owning housing (65 per cent and 31 per cent, respectively). This can constrain women's economic opportunities. Bina Argawal's seminal study of rural South Asia identified gaps in land ownership as an important contributor to disparities in economic well-being, social status and empowerment.²² This finding has been reinforced by more recent studies in Peru, Nepal and Vietnam.²³

Formal bank accounts enable saving and provide a secure place to receive wage payments. They can also be a gateway to the use of other financial services, such as access to credit, which can in turn open up new economic opportunities. A field experiment in Kenya has demonstrated how expanding bank accounts among women entrepreneurs (in this case female market vendors) can lead to increases in savings and in productive investment.²⁴

Yet, women have less access to formal financial services than men, including bank accounts and credit. Recently released data for almost 150 countries

²¹ The countries included are: Armenia, Burkina Faso, Burundi, Cote d'Ivoire, Ethiopia, Honduras, Indonesia, Mozambique, Nepal, Senegal, Rwanda, Uganda and Zimbabwe; World Bank, *Voice and Agency, Empowering Women and Girls for Shared Prosperity*, World Bank (2014).

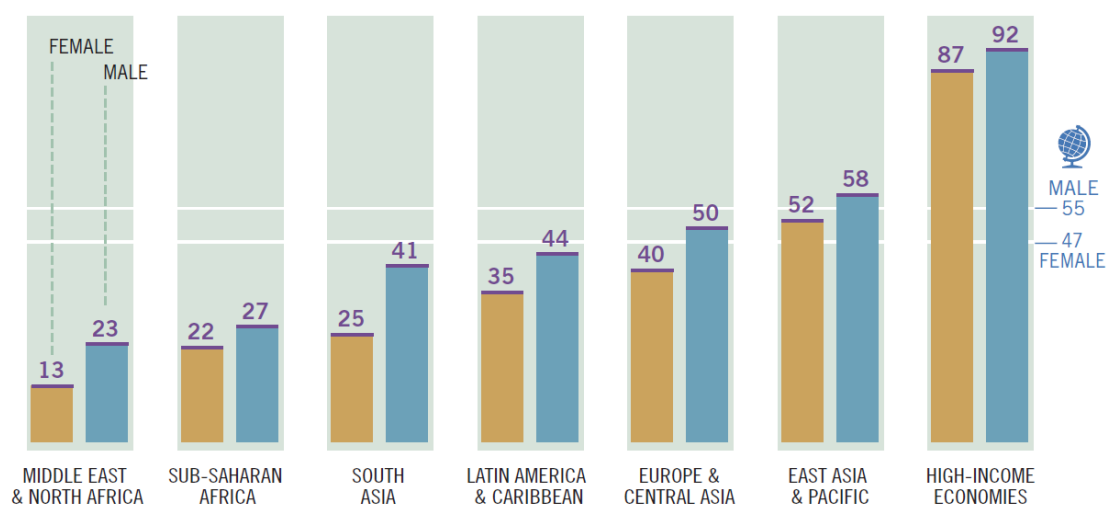
²² B. Argawal, Gender and Command over Property: A Critical Gap in Economic Analysis and Policy in South Asia, 22 (10) *World Development* (1994), 1455-78.

²³ Klugman et al, *Voice and Agency, Empowering Women and Girls for Shared Prosperity*, World Bank (2014).

²⁴ P. Dupas and J. Robinson, Savings Constraints and Microenterprise Development: Evidence from a Field Experiment in Kenya, 5 (1) *American Economic Journal: Applied Economics* (2013) 163–92.

show that in the developing world, fewer than four in ten women (37 per cent) have an account at a formal financial institution compared to almost half of men (47 per cent) (figure 4).²⁵ The gender gap is largest in South Asia (16 percentage points). The gender gap is relatively small in Sub-Saharan Africa, in part due to low overall rates of financial inclusion – 27 per cent of men and 22 per cent of women report that they have an account. Across developing countries women are on average 17 per cent less likely to have borrowed formally than men in the past year.²⁶ In Africa very few women or men borrow formally – only about four per cent of women and five per cent of men.²⁷

Figure 4: Adults with an account at a formal financial institution (%)



²⁵ A. Demirguc-Kunt, L. Klapper et al. *Women and Financial Inclusion. FINDEX Notes*. World Bank (2013).

²⁶ *ibid.*

²⁷ A. Demirguc-Kunt, L. Klapper and Singer, *Financial Inclusion and Legal Discrimination Against Women: Evidence from Developing Countries*, World Bank Policy Research Working Paper 6416, World Bank (2013).

Source: Demirguc-Kunt and Klapper, *Measuring Financial Inclusion: The Global Findex Database*. World Bank, (2012).

2.2 Working Women: Focus on Africa

While women's labour force participation is high in many Sub-Saharan African countries – as in Rwanda and Tanzania, where women's labour force participation is close to 90 per cent –, this does not necessarily mean they are employed in good jobs, running profitable enterprises, or earning as much as their male counterparts. Most of the work women do in Africa is subsistence-based and is confined to farming and household enterprises.²⁸ Women comprise about half of the African agricultural workforce,²⁹ and large numbers work in a market-oriented business, usually owned by a related household member, but are not a partner in the business. Conversely, in terms of access to “good jobs”, on average across the region only around 15 per cent of women are employed full-time for an employer compared to roughly one-quarter of men.³⁰

Gender gaps in earnings also persist in Africa, driven by differences in levels of education as well as differential economic opportunities. There are still more boys than girls enrolled in primary school in the region, with a ratio of 93 girls for every 100 boys, and this drops significantly for secondary (83 girls to every 100 boys) and tertiary education (62 girls for every 100 boys).

²⁸ World Bank, *supra* note 16.

²⁹ Food and Agriculture Organisation of the United Nations (FAO), *The State of Food and Agriculture 2010-2011*, FAO (2011).

³⁰ World Bank, *supra* note 16.

And the gains in enrolment have been quite recent: education levels among adult women are low in many countries. Sub-Saharan Africa is home to 9 of the 10 countries with the lowest overall female literacy rates – below 40 per cent,³¹ and even today, only two-thirds of girls' complete primary schooling.³² These findings are reinforced by responses received across the 34 countries covered by the Afrobarometer, with 26 per cent of women reporting never having received any formal education, compared with 19 per cent of men. Sixteen per cent of men report having post-secondary schooling, compared with just 11 per cent of women.³³ Girls' lesser participation in education also translates into lower self-confidence and aspirations. Panel analysis in India and Ethiopia, for example, found that girls had lower self-efficacy and lower educational aspirations than boys. These outcomes also mirrored the different aspirations held by parents for their female and male children.³⁴

Recent analysis across 18 Sub-Saharan African countries confirms that African women on average have fewer educational opportunities (education, training, or otherwise) than their male peers, and less available time to work in

³¹ The nine countries are: Mali (20%), Burkina Faso (22%), Chad (24%), Ethiopia (29%), Guinea (30%), Benin (30%), Sierra Leone (31%), Senegal (39%) and the Gambia (40%). Calculated using UNESCO Institute for Statistics data in the EdStats Query.

³² World Bank, World Development Indicators. (2011 data).

³³ A. Chingwete, S. Richmond and C. Alpin, *Support for African Women's Equality Rises: Education, jobs & political participation still unequal*, Policy Paper #8 (2014).

³⁴ S. Dercon and A. Singh, From Nutrition to Aspirations and Self-Efficacy: Gender Bias over Time among Children in Four Countries, *World Development* 45 (May 2013) 31–50.

the job market because of their responsibility for housework and care work.³⁵

Lack of access to basic services like water and electricity compounds burdens on women's time. In many cases African women are also disadvantaged in access to credit, which is influenced by their relative inability to control collateral, since men own or otherwise control a larger share of assets than women. The gender gap in control over land and housing can limit women's ability to access credit and participate in economic activity, as evidenced by a recent survey of Ghanaian banks which shows that they have a strong preference for land and buildings as collateral.³⁶

One striking fact about Africa is that it is home to the highest share of women entrepreneurs globally. It is also the only region where self-employment is more common than wage employment.³⁷ Yet, women-owned businesses are generally smaller and less profitable than men's across the region.

Many Sub-Saharan countries present a challenging environment for business given limited infrastructure and extensive poverty. Moreover, according to the most recent *Doing Business* report by the World Bank, Sub-Saharan African

³⁵ The 18 countries covered in this study are: Burkina Faso, Burundi, Côte d'Ivoire, Cameroon, Ethiopia, The Gambia, Ghana, Guinea, Kenya, Madagascar, Malawi, Mauritania, Mozambique, Nigeria, São Tomé and Príncipe, Sierra Leone, Uganda, Zambia; Ed. J. Saba Arbache, A. Kolev, and E. Filipiak, *Gender Disparities in Africa's Labor Market*, Africa Development Forum Series, World Bank (2010).

³⁶ Law and Development Partnership, *Access to Credit for Women Entrepreneurs in Ghana: Gender Perspective of Secured Lending Initiatives* (2011).

³⁷ M. Hallward-Driemeier, T. Hasan and S. Iqbal, *Women's Legal Rights Over 50 Years: What is the impact of reform*, World Bank Policy Research Working Paper No.6617 (2013).

countries are lagging other regions in 6 of the 10 regulatory areas covered in the report: starting a business, getting electricity, paying taxes, trading across borders, protecting investors and resolving insolvency.³⁸ Of particular importance for female entrepreneurs are access to and control over assets alongside education and skills development. These are areas where many women in the region face constraints.³⁹ Some evidence from Sub-Saharan Africa:

- Forty-four per cent of established businesses owned by women are sole enterprises with no employees, compared to 30 per cent of male owned businesses.⁴⁰
- Analysis of unregistered companies across six African countries – Burkina Faso, Cameroon, Cape Verde, Cote d'Ivoire, Madagascar and Mauritius – found that women's firms were significantly smaller in terms of total employment and sales than men's.⁴¹
- A recent review suggests that women are disadvantaged relative to men in self-reported and documented land ownership, management control, and decision-making control over land.⁴²

³⁸ World Bank, *Doing Business 2014: Understanding Regulations for Small and Medium-size Enterprises*, World Bank Group (2013) .

³⁹ M. Hallward-Driemeier, T. Hasan and S. Iqbal, supra note 38.

⁴⁰ M. Amin, Gender and Firm-size: Evidence from Africa, 30(1) *Economics Bulletin* (2010) 663-668.

⁴¹ *ibid.*

⁴² Doss et. al., *Gender Inequalities in Ownership and Control of Land in Africa: Myths versus reality*, IFPRI Discussion Paper 01261 (2013).

3. The Legal Context

We begin with the international legal context, which establishes a strong foundation for gender equality in economic opportunities. The 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provides a strong international legal framework for ending gender discrimination and advancing women's economic opportunities. The 188 states that have ratified CEDAW (Sudan, South Sudan and Somalia are the only African countries that have not) have committed to promoting gender equality by confronting "any distinction, exclusion, or restriction made on the basis of sex which [impairs] the enjoyment or exercise by women ... of human rights and fundamental freedoms."⁴³ Alongside CEDAW, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003), ratified by 28 African countries, requires, among other things, that States adopt and enforce measures to guarantee women equal opportunities in work, career advancement and other economic opportunities.⁴⁴ All African countries except Liberia and Somalia are also signatories to ILO convention 100 on equal pay for work of equal value, and all countries are signatories to Convention 111 on the equal right to work.

Constitutions provide the national framework for the legal system. The extent to which national constitutions provide for non-discrimination and recognise

⁴³ There are 99 signatories and 188 parties to CEDAW. See United Nations Treaty Collection website, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en.

⁴⁴ See Article 13, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003), available at: <http://www.achpr.org/instruments/women-protocol/#13>.

the commitments set out in international and regional treaties is critical to the economic rights of women. The principle of non-discrimination on the basis of gender, and/or equality before the law, is included in every constitution in Sub-Saharan Africa.⁴⁵ In contrast, only 4 out of 14 countries in the Middle East and North Africa have non-discrimination clauses related to gender.⁴⁶ In some cases constitutions go beyond general non-discrimination provisions to provide explicit provisions for women's rights in certain areas: the constitutions of Ethiopia, Guinea-Bissau, Kenya, Liberia, Malawi, Senegal, Swaziland and Zimbabwe explicitly provide for women and girls' right to own property.⁴⁷ Thus, the international legal and national constitutional frameworks are supportive of gender equality. However, ensuring that the constitution prevails over all statutes, as well as over customary or religious laws in countries where they are formally recognised, is critical to ensuring principles of non-discrimination are enforced and women's rights are respected.

We now turn to review whether this happens in practice. International and regional conventions on non-discrimination and gender equality need to be carried through into reforms at the national level. An ILO review of equality at work has found, for example, that while Convention 100 countries on equal pay for equal work has been ratified by the majority of countries, 100

⁴⁵ Hallward-Driemeier and Hasan, *Empowering Women, Legal Rights and Economic Opportunities in Africa*, World Bank (2012).

⁴⁶ World Bank, *Women, Business and the Law*, World Bank (2013).

⁴⁷ M. Hallward-Driemeier and T. Hasan, *supra* note 46.

countries have not fully reflected the principle of “equal remuneration for men and women for work of equal value” in their national legislation. Moreover, even where such principles are enshrined in law, the practical challenges of getting a discrimination case heard before a court can be prohibitive – often due to inadequate complaints procedures and unrealistic demands in terms of the complainant providing credible evidence.⁴⁸

3.1 A Wide Range of Laws Impact on Women’s Work

Legal discrimination is a remarkably common barrier to women’s work and can perpetuate gender disparities in a number of ways. Of the 143 economies covered by the World Bank Group’s Women, Business and the Law database in 2013, 128 had at least one legal differentiation in the treatment of women and men.⁴⁹ These barriers include restrictions on women’s ability to access institutions (such as obtaining an ID card or conducting official transactions), owning or using property, building credit, or even getting a job.

- Forty-four countries have laws which restrict the working hours of women - including 17 countries in Sub-Saharan Africa - and 71 have laws restricting the industries in which women can work - including 26 African countries (figure 5).

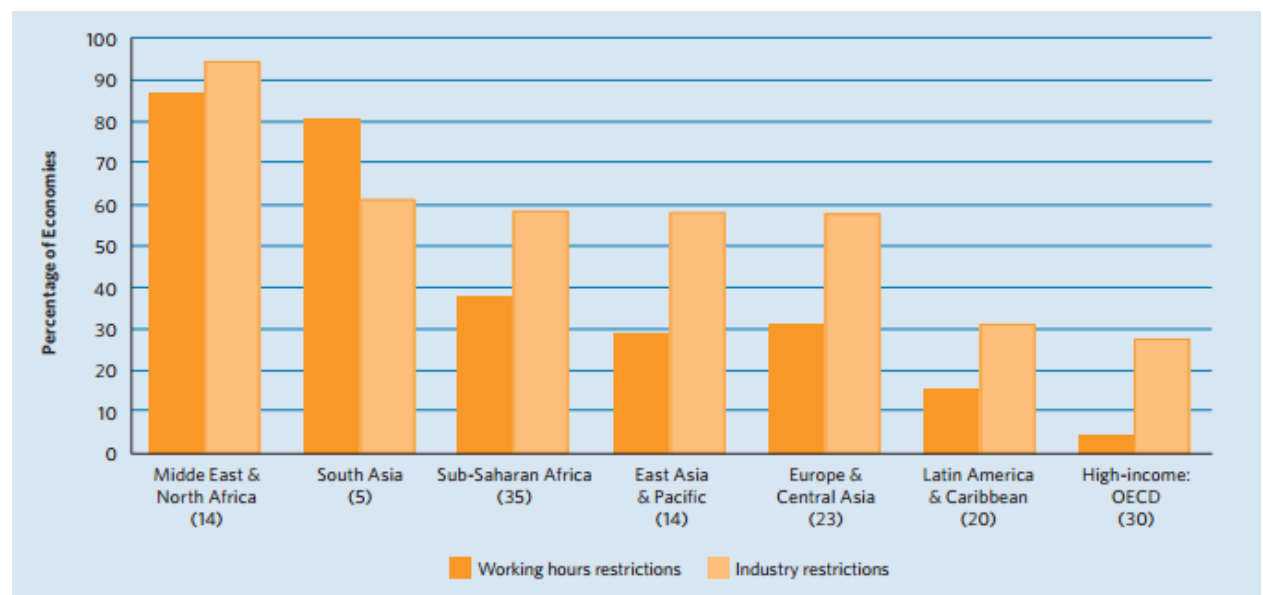
⁴⁸ International Labour Organization, *Report of the Director General - Equality at work: The continuing challenge - Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, ILO (2011).

⁴⁹ World Bank, *Women, Business and the Law*, World Bank (2013).

- Fifteen countries still have laws under which women are required to get their husbands' consent to work, including eight countries in Sub-Saharan Africa.

These restrictions, combined with other limits resulting from, for example, head of household provisions, can create significant obstacles to women's economic opportunities.

Figure 5: Restrictions on women's working hours and industries by region



Source: World Bank, *Women, Business and the Law*, World Bank (2013)

Equal rights in the workplace are critical. One hundred and twenty eight countries currently have laws on equal pay for equal work, 101 have laws on non-discrimination in hiring, and 75 have laws protecting employees from sexual harassment at work.⁵⁰ Other areas of particular relevance include

⁵⁰ *ibid.*

whether it is illegal to ask questions about a prospective employee's family status during an interview and whether workers with young children have any additional legal rights or the option of flexible or part-time work schedules.

Cross-country analysis by *Women, Business and the Law 2013* demonstrates how laws related to women's work correlate with female labour force participation, for example:⁵¹

- Female labour force participation is lower in countries with more restrictions on working hours and the types of industries women can work in.
- More women work in economies with longer maternity, paternity, and parental leave.
- Women's participation is 10 percentage points higher in countries with laws that mandate non-discrimination in hiring.

While these laws are important for levelling the playing field in formal employment and broadening women's economic opportunities, they are only directly relevant to wage employees, which are only a very small minority of working women (or men) in Africa (as reflected in figure 1). Even for wage employees these provisions may not be effective due to lack of enforcement since there are few labour inspectors in most countries and awareness of rights oftentimes are low. Notwithstanding the lack of direct impact for most

⁵¹ Y. Bin-Humam, K. Kushnir, and R. Ramalho, *Mapping the legal gender gap in getting a job*, World Bank (2013).

women in developing countries, gender equal labour laws may have additional relevance in terms of setting standards and expectations for society more broadly and in helping to shift social norms towards greater gender equality in the economy.

There are a whole set of laws that can provide benefits and protections for women in wage employment. A 2014 ILO report suggests that while many countries have adopted provisions for maternity protection and provide support for workers with family responsibilities in their laws, lack of implementation of those laws in practice remains one of the major challenges for maternity and paternity at work today.⁵² Maternity, paternity, and parental leave regulations can affect the work choices that women make and their opportunities. A mix of maternity, paternity, and parental leave benefits is needed to ensure that employers do not discriminate against women in hiring in anticipation of increased costs due to maternity benefits or women dropping out of the labour force. Of the 143 economies covered in *Women, Business and the Law 2013*, only three – Lesotho, Papua New Guinea, and the United States – do not have legal provision for paid maternity or parental leave. Europe and Central Asia are the regions with most generous maternity benefits, with an average of 186 days of paid maternity leave.⁵³

⁵² L. Addati, N. Cassirer and K. Gilchrist, *Maternity and Paternity at Work: Law and Practice Across the World*. International Labour Organization (2014).

⁵³ Y. Bin-Humam, K. Kushnir, and R. Ramalho, *supra* note 52.

Gender-differentiated retirement ages for wage employees can also affect women's career prospects as well as their lifetime earnings, savings and pension benefits, especially as life expectancy increases. Fifty-two countries have lower retirement ages for women, while not one country has a lower age for men.

Most assessments focus on employment regulations and access to credit. Yet, as outlined in Hallward-Driemeier and Hasan 2012, *Empowering Women: Legal Rights and Economic Opportunities in Africa*,⁵⁴ other areas of law have important impacts on women's economic opportunities and agency, and are relevant to the vast majority of working women who are not in wage employment. These include family laws (in particular laws related to marriage and divorce), inheritance laws, and land and property laws. Such laws determine who has control over assets, who has the ability to make economic decisions in their own name, and who can own, administer, transfer or inherit property. Marital status determines women's effective rights to property and economic autonomy, which can be quite different from the rights afforded to men upon marriage. In many countries it is in these family and property laws, rather than business laws, where women's rights differ from men's.⁵⁵

⁵⁴ M. Hallward-Driemeier and T. Hasan, *supra* note 46.

⁵⁵ *ibid.*

Recent analysis suggests that unequal treatment of women and men in family and property law constrains women's economic opportunities. For example, the share of assets to which a woman is entitled when a marriage ends (through death or divorce) can be critical in determining whether and what type of business she can run. Women living in countries with unequal access to property borrow less from financial institutions than in economies with legal gender parity. On average there are 9 percentage points fewer women with loans in countries where property ownership and inheritance rights are gender differentiated.⁵⁶ This has direct repercussions for women's ability to start or expand a business.

A new report on women farmers in Africa found that the challenges women farmers face in owning and controlling farmland significantly impact their productivity. The findings suggest that women's insecurity of tenure, due in part to statutory and customary land tenure systems which often disadvantage rural women, reduces women's investments in their land, thus undermining their productivity.⁵⁷

Equal land and property rights can increase women's economic opportunities as well as their participation in household decision-making. In rural Karnataka,

⁵⁶ N. Almodóvar-Reteguis, K. Kushnir, and T. Meilland, *Mapping the legal gender gap in using property and building credit*, International Finance Corporation (2013).

⁵⁷ World Bank and One, *Levelling the Field: Improving Opportunities for Women Farmers in Africa*, The World Bank and One (2014).

India, for example, ownership of land and housing increased women's mobility outside the home and their ability to make decisions about their work, health and household spending.⁵⁸

Marital property regimes affect married women's level of property ownership. Recent analysis across 15 countries suggests that women who live in countries with community of property regimes are more likely to report owning land and housing than those who live in countries with separation of property regimes. Community of property regimes treat all assets acquired during the marriage as joint property of the couple, whereas separation of property regimes consider all property as individually-owned unless specified as jointly-owned. In Burundi, Ethiopia and Mozambique, countries with community of property regimes, more than three-quarters of women report owning property, while in Nepal and Senegal, countries with separation of property regimes, less than one-fifth of women own property.⁵⁹

Inheritance regimes are another area of law that impact women's access to land and property and, in turn, women's economic opportunities. Key aspects include whether sons and daughters are treated equally and whether spouses have equal inheritance rights to each other's estates. Inheritance regimes

⁵⁸ H. Swaminathan, R. Lahoti and J. Suchitra, *Women's Property, Mobility, and Decision-making: Evidence from rural Karnataka, India*, International Food and Policy Research Institute (2012).

⁵⁹ J. Klugman et al, *Voice and Agency, Empowering Women and Girls for Shared Prosperity*, World Bank (2014).

often provide lesser shares for women and girls. In 28 of the countries covered in the Women, Business and the Law database, inheritance laws discriminate against women.

These gender gaps in access to and ownership of assets can undermine women's bargaining power at home, and capacity to engage in economic activity outside the home, especially because access to formal credit relies heavily on asset-based lending.⁶⁰ Laws and regulations can help expand the range of assets that banks accept as collateral—benefiting owners of micro, small, and medium-size businesses regardless of their gender. In 2007, China established a new property law that enables small and medium-size enterprises to leverage a more extensive set of assets; this initiative benefited female-business owners. In fact, almost two-thirds of the businesses that took advantage of the reforms had female ownership and one-fifth of the businesses were majority-owned by women.⁶¹

While equitable legal frameworks are essential, such provisions are only as good as their implementation. Weak implementation by the authorities, low awareness among rights-holders as well as those responsible for implementing the law, and constraints on women's access to legal recourse

⁶⁰ International Finance Corporation, *Strengthening Access to Finance for Women-Owned SMEs in Developing Countries*, International Finance Corporation (2011).

⁶¹ N. Almodóvar-Reteguis, K. Kushnir, and T. Meilland, *supra* note 57.

(whether due to prohibitive costs or gender-biases within the court system), can all limit the effectiveness of progressive legal protections.

3.2 The Role of Law in Women's Economic Opportunities in Sub-Saharan Africa

We have seen that international law and national constitutions across Africa are strongly rights-oriented. All countries in the region recognise the principle of non-discrimination on the basis of gender or equality in their constitutions, in the international conventions they have signed, or in both. Laws on equal pay for equal work are also widespread, and this principle is enshrined in the constitutions of 31 of the 47 countries in the region.

Yet, this is not always translated into statutory and customary law. Women face a number of formal constraints on their economic rights in Sub-Saharan Africa, including in relation to property rights (land and assets), restrictions in labour laws, and in some countries restrictions on their legal capacity (primarily among married women). Thirteen African countries do not have laws mandating non-discrimination in hiring practices based on gender and 23 do not have laws protecting employees from sexual harassment in the workplace. At the same time women's economic opportunities may also be constrained by customary laws. Customary laws are formally recognised as a source of law in 27 national constitutions in Africa, and in eight countries, namely Botswana, The Gambia, Ghana, Lesotho, Mauritius, Sierra Leone,

Zambia and Zimbabwe, customary law is exempt from constitutional principles of non-discrimination.⁶²

Drawing on the *Women's Legal and Economic Empowerment Database for Africa*, which covers 47 countries, Hallward-Driemier and Hasan 2012 highlight the following:⁶³

- Widespread legal gender discrimination: Legal exceptions to principles of equality are widespread, in particular in statutes governing marital property, inheritance, land and labour. As of 2012, 22 countries in the region have head-of-household statutes, which give husbands rights over their wives' property or economic activities.⁶⁴
- Marriage can worsen constraints: In many countries marriage reduces women's legal status and rights, transferring legal capacities and responsibilities from wives to husbands. In the Democratic Republic of the Congo for example, married women need their husband's permission to work and to register land or a business.⁶⁵
- Closing gender gaps in economic rights can expand women's economic opportunities: The share of female employers is larger where women have greater rights to access and control assets and can enter into contracts in their own name.

⁶² M. Hallward-Driemeier and T. Hasan, *supra* note 46.

⁶³ *ibid.*

⁶⁴ Botswana, Burundi, Cameroon, Central African Republic, Chad, Comoros, Democratic Republic of Congo, Republic of Congo, Cote d'Ivoire, Gabon, Guinea, Guinea-Bissau, Madagascar, Mali, Mauritania, Niger, Rwanda, Senegal, Somalia, Sudan, Swaziland and Togo.

⁶⁵ P. Kameri-Mbote, *The Land Has Its Owners! Gender Issues in Land Tenure under Customary Law*, paper presented at UNDP–International Land Coalition Workshop titled “Land Rights for African Development: From Knowledge to Action,” Nairobi, Kenya, 31 October–3 November 2005.

We have seen that only a minority of women working in Africa are wage employees. For those that are wage employees in the public and private sectors, laws related to retirement and maternity leave are relevant. Most countries in Sub-Saharan Africa have equal retirement ages for women and men. However four countries – the Democratic Republic of Congo, Madagascar, Mauritania, and Mozambique – require women to retire five years earlier than men. Burundi, the Democratic Republic of Congo, the Republic of Congo, Côte d'Ivoire, Gabon, Mauritania, Mozambique, and Senegal require both women and men to retire at the statutory retirement age, while Ethiopia, Malawi, and South Africa do not have mandatory retirement ages for the private sector.

There is extensive coverage of maternity leave: Paid maternity leave ranges from 56 days (Malawi, Sudan) to 120 (South Africa), with a regional average of 87 days. Lesotho is the only country in Sub-Saharan Africa that does not mandate paid maternity leave, instead offering 84 days of unpaid maternity leave. Fourteen countries in the region provide paid paternity leave, and Chad offers unpaid paternity leave. Where paternity leave is paid, it is usually for less than a week, with the exception of Kenya, which provides for two weeks.⁶⁶

⁶⁶ N. Almodóvar-Reteguis, K. Kushnir, and T. Meilland, *supra* note 57.

Marital property regimes vary across the region. In four countries in Sub-Saharan Africa husbands are granted sole administrative control over marital property – Cameroon, Côte d’Ivoire, the Democratic Republic of Congo, and the Republic of Congo. In these economies husbands manage marital property and banks require husbands’ approval to use property as collateral.

In nine countries in Sub-Saharan Africa – Burundi, Guinea, Mali, Mauritania, Lesotho, Senegal, Sudan, Tanzania, and Uganda – statutory inheritance regimes discriminate against women. In more than one-quarter of African countries, the constitution provides that customary laws prevail in relation to inheritance. Customary inheritance laws are often biased against women.⁶⁷ For example, in Ghana customary land is specifically excluded from statutory inheritance laws and instead usually devolves to a male heir in accordance with custom.⁶⁸ Barriers to accessing land can have major implications for women’s access to credit and their ability to build or grow a business.

⁶⁷ World Bank, *Voice and Agency, Empowering Women and Girls for Shared Prosperity*, World Bank (2014).

⁶⁸ M. Hallward-Driemeier and T. Hasan, *supra* note 46.

4. Social Norms Influencing Women's Work

Social norms are a key factor affecting individuals' day-to-day activities and major decisions. Norms affect decisions about schooling, who in the household seeks a job, and who is primarily responsible for unpaid care and house work. The impact of social norms on women's economic opportunities as well as their agency is explored in greater depth in World Bank's *Voice and Agency: Empowering Women and Girls for Shared Prosperity* report. The report finds, among other things, that norms influence women's opportunities by dictating the way they spend their time and, often, undervaluing their potential as economic actors. Housework, child-rearing, and elderly care, for example, are generally considered primarily women's responsibility. As a result women all around the world spend more time on unpaid child and elderly care and housework than men: "[t]he housework burden on women limits their time available to do market work and allows them to engage only in productive activities compatible with their household duties."⁶⁹ New research by the World Bank and One across six African countries demonstrates the negative impact this time allocation has on women farmers.⁷⁰ The report found that labour poses the main barrier to women achieving the same productive outputs on their farms as men, and recognised that women's greater child-care and household responsibilities than men restricts their ability to work on their own farms or manage their labourers.

⁶⁹ Ed. J. Saba Arbache, A. Kolev, and E. Filipiak, *Gender Disparities in Africa's Labor Market*, Africa Development Forum Series, World Bank (2010).

⁷⁰ World Bank and One, *supra* note 58.

This reminds us that gender inequalities that restrict women's access to productive work encompass not just the inequalities of opportunities outside the household – reflected in disparities in education, pay, hiring practices, access to credit and so on – but also inequalities of power within the household and familial structures.

Social norms also influence which occupations men and women work in and the way in which markets function, including who is trusted, who is hired, and perceptions around who is most suited for certain types of work.⁷¹ Across the 20 countries studied in *On Norms and Agency*, men and women reported similar ideals for men's and women's roles: men are seen as providers, heads of households and decision-makers, while ideal women are depicted as obedient, caring and responsible for all the housework and for care of all members of the household.⁷² Given these perceptions, it is perhaps not surprising that nearly 4 in 10 people globally (close to one-half in developing countries) agree that when jobs are scarce, men should have a greater right to jobs than women.⁷³

Recent Afrobarometer results, which measure women's and men's attitudes in a range of spheres across 34 African countries, suggest that women still face

⁷¹ J. Klugman et al., *Voice and Agency, Empowering Women and Girls for Shared Prosperity*, World Bank (2014).

⁷² A. M. Munoz-Boudet, P. Petesch, C. Turk and A. Thumala, *On Norms and Agency: Conversations about Gender Equality with Women and Men in 20 Countries*, World Bank (2012).

⁷³ World Bank, *Gender at Work: A Companion to the World Development Report on Jobs*, World Bank (2014).

discrimination across a range of activities in their daily lives. Four in ten Africans say women are “often” or “always” treated unfairly by employers and one-third say the police and courts do not treat women equally. Yet, almost three out of ten (28 per cent) do not agree that women should have the same rights as men, and almost one-third (32 per cent) do not believe women are as capable as men of being leaders. Sex-disaggregated figures from North Africa indicate that both men and women hold these regressive attitudes. When asked if women and men should have equal work opportunities, 14 per cent of women and 31 per cent of men disagreed in Egypt and in Sudan, 21 per cent of women and 28 per cent of men disagreed with the statement.⁷⁴

New analysis by Kabeer suggests that market forces on their own are not sufficient to address these structures of constraint that reproduce gender inequalities in economic opportunities (and more broadly), including those related to underlying norms and social structures. They find that women’s economic opportunities are in part curtailed by the unequal terms on which they enter the market place and by their restriction to certain limited sectors of the labour market.⁷⁵ Social norms are often enshrined in statutory as well as customary and religious laws. Examples include laws that restrict the industries in which women can work or the hours they can work, as discussed in section II above. Such laws, while possibly motivated by a desire to protect

⁷⁴ A. Chingwete, S. Richmond and C. Alpin, *supra* note 34.

⁷⁵ N. Kabeer, *Gender Equality and Economic Growth: A View From Below*, Roosevelt Institute (Forthcoming).

women from dangerous work, tend in practice to limit women's opportunities in the labour market. Similarly inheritance, family or property laws that provide for unequal distribution of property between sons and daughters and husbands and wives reflect longstanding norms that assume male family members will take responsibility for care of female relatives. In practice, however, the resulting unequal access to property and assets deprive women of independence, leaving them reliant on male relatives for housing and support and unable to access credit and other productive inputs.

The good news is that social norms can and do change, and indeed they can shift in response to market incentives. Better earnings prospects for women, for example, may encourage parents to invest more in their daughters education, as has been seen in Bangladesh where increasing economic opportunities for women in the garment sector has led to parents now educating their daughters as well as their sons.⁷⁶

⁷⁶ N. Kabeer, S. Mahmud, and S. Tasneem, Does Paid Work Provide a Pathway to Women's Empowerment? Empirical Findings from Bangladesh, *IDS Working Paper 375*, Institute of Development Studies (2011).

5. Igniting Women's Work

Notwithstanding the major knowledge gaps which still exist about what works for promoting women's economic opportunities, some policy consensus around priority areas to promote women's economic opportunities is emerging: *World Development Reports 2012* on gender, and 2013 on jobs, *Gender at Work.* These reports lay out key areas for public action, and underlines the need for governments to level the playing field, proactive leadership and innovation through private sector actions, and expanding the data and evidence base. On specific programs that have been shown to work, the UN Foundation's Roadmap to Women's Economic Empowerment outlines program and policy action for women's economic empowerment. The good news is that there is an emerging body of evidence about proven and promising interventions to increase women's productivity and earnings through interventions to promote entrepreneurship, agriculture, wage employment and youth employment. In the context of agriculture, for example, the research finds that interventions which promote formal ownership and control over farmland improve women's productivity and economic security. But the success of such interventions depends on paying attention to social and local context.⁷⁷

Our scope here is more limited – we focus on the role of legal reform in driving positive change in Sub-Saharan Africa. We build on recent work and

⁷⁷ M. Buvinic, R. Furst-Nichols and E. Courey Pryor, *A Roadmap for Improving Women's Economic Empowerment*, United Nations Foundation and Exxon Mobil (2013).

analysis, including the aforementioned studies, as well as the 2013 Women Business and the Law report, and the priorities identified in Hallward-Dreimeier, Hasan and Iqbal 2013. A more comprehensive review of the types of legal reforms needed to promote women's economic opportunities is provided by Hallward-Dreimeier and Hasan 2012.

We have seen that there is widespread commitment to gender equality under international law and in many national constitutions across the continent. In principle, these should provide a legal framework to allow all people, regardless of gender, to pursue the forms of economic activity that they choose, as enshrined as a human right in Article 1 of the International Covenant on Economic, Social and Cultural Rights.⁷⁸ In practice, however, this legal capacity is often curtailed, if not denied, under the letter of statutory law, due to discriminatory customary laws and practices, or as a result of discriminatory social norms that preclude the full realisation of statutory rights. We have shown that these barriers exist with respect to a whole range of legal domains: family and property laws, and inheritance practices, alongside legal restrictions on a woman's legal capacity to sign a contract, her ability to seek employment outside the home, and her administration of personal assets.

⁷⁸ Article 1 sets forth that: All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

An initial, if obvious, point to make is that constitutions should ensure the primacy of their non-discrimination provisions. This is not the case in a significant number of African countries and highlights a priority for constitutional reform. We have already noted that one-third of the 27 African countries that formally recognise customary law in their constitutions exempt customary law from the principles of non-discrimination. This can undermine women's property rights and limit their ability to enforce their constitutional rights. Subjecting all sources of law to the principles of non-discrimination is therefore essential. In 2010 the new Kenyan constitution made customary law subject to the principles of non-discrimination.⁷⁹

We are seeing promising signs of progress. A recent review documented 11 constraints that existed in 1960 across 100 countries – relating to such matters as control over assets, ability to sign legal documents, and equal treatment under the constitution – and found that half of these constraints had been removed by 2010 (figure 6).⁸⁰ Sub-Saharan Africa – the region with the most legal restrictions in 1960 – had implemented the most reforms in these areas of law by 2010. For example, in 1960 South African women in customary unions were deemed legal minors, unable to enter into any form of legal transaction on their own. Under the 1988 Recognition of Customary Marriages Act, women in such marriages were granted full legal status and

⁷⁹ J. Klugman et al., *supra* note 72.

⁸⁰ M. Hallward-Driemeier, T. Hasan and S. Iqbal, *supra* note 38.

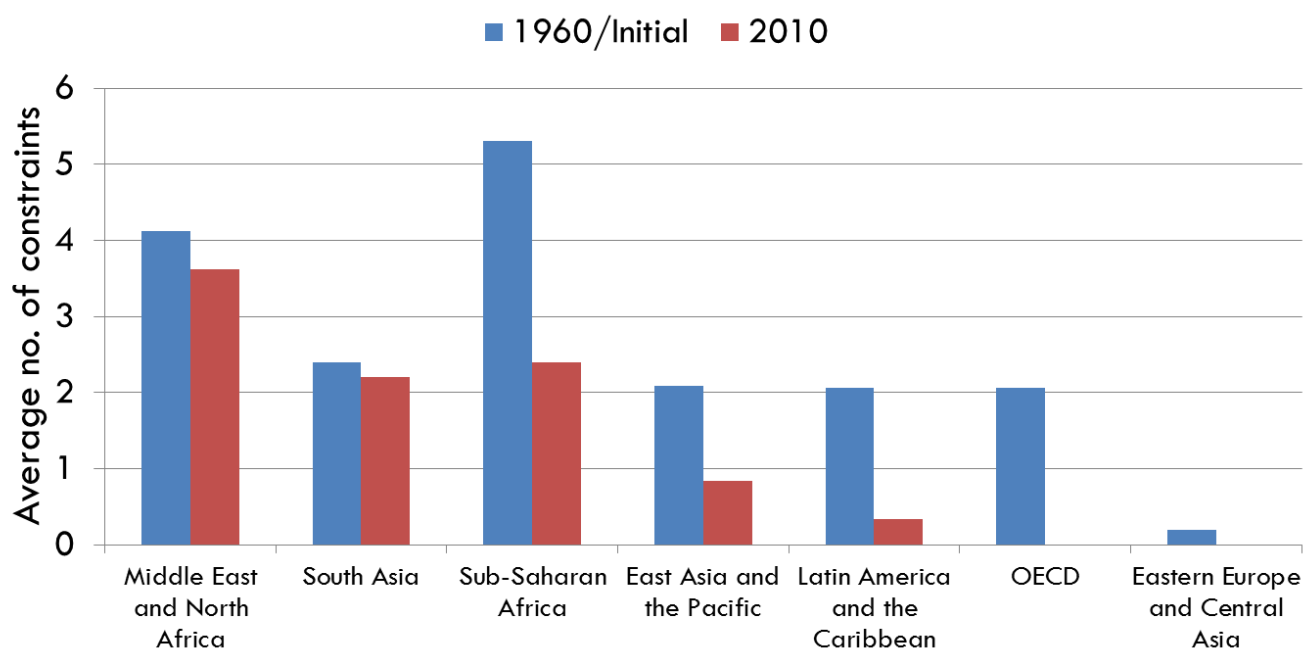
capacity.⁸¹ Reforms to Ethiopia's family law in 2000 raised the minimum age of marriage for women, removed the need for a wife to have her husband's permission to work outside the home, and provided for both spouses consent in the administration of marital property. In just five years a substantial shift in women's economic activities was recorded – including an increase in women working full-time and in positions that required working outside the home. Women also demonstrated higher skills.⁸² In Kenya, customary property laws were previously exempt from the constitutional protections of non-discrimination. This had a profound impact on women in many ways, including women's land ownership. This lack of protection limited women's capacity to use land as collateral, which in turn constrained their capacity to own and/or grow businesses.⁸³ However, the new 2010 constitution has strengthened land rights in significant ways.

⁸¹ World Bank, *Women, Business and the Law*, World Bank (2013).

⁸² M. Hallward-Driemeier and O. Gajigo, *Strengthening Economic Rights and Women's Occupational Choice The Impact of Reforming Ethiopia's Family Law*, World Bank (2011).

⁸³ A. Ellis, J. Cutura, N. Dione, I. Gillson, C. Manuel, and J. Thongori, *Gender and Economic Growth in Kenya: Unleashing the Power of Women*, World Bank (2007).

Figure 6: Changes in average number of legal constraints by region



Source: Hallward-Driemeier, Hasan and Iqbal, *Women's Legal Rights over 50 Years: What is the impact of reform*. World Bank Policy Research Working Paper No.6617 (2013).

Note: Number of constraints is out of a total of 11 possible constraints.

Reforms around property and inheritance laws can help address constraints facing women farmers and entrepreneurs, in particular. For example, in Vietnam women with a joint land title were more likely to earn an independent income than those who were not on the title,⁸⁴ in Ecuador joint land ownership increased women's participation in household decisions about crop cultivation,⁸⁵ and in Peru women in squatter households who were given

⁸⁴ World Bank, *Analysis of the Impact of Land Tenure Certificates with both the Names of Wife and Husband in Vietnam*, World Bank (2008).

⁸⁵ C. Deere and J. Twyman, Asset Ownership and Egalitarian Decision Making in Dual-Headed Households in Ecuador, 44(3) *Review of Radical Political Economics* (2012) 1–8.

property titles were better able to seek paid work.⁸⁶ Rwanda's land tenure regularisation reform which formalised women's land rights helped to expand their land access and security of tenure. The reform was also associated with a 19 percentage point increase in the likelihood of women investing in soil conservation (double the likelihood for men).⁸⁷

Of course even when the legislative framework is gender-neutral, practice may work against enabling women's economic opportunities. Gender-neutral or gender-blind regulations do not necessarily translate into gender equality in economic rights.⁸⁸ In Rwanda for example, women have the same right as men to claim land under inheritance statutes, but in practice are often prevented from doing so by the application of discriminatory customary land rights.⁸⁹ In Nigeria customary law is technically subject to constitutional principles of equality, yet in 2004 the Supreme Court held that customary law could not be undermined merely because it did not recognise a role for women.⁹⁰ The force of social norms is evident throughout the world. In OECD countries occupational segregation between women and men persists

⁸⁶ E. Field, Entitled to Work: Urban Property Rights and Labor Supply in Peru, 122(4) *Quarterly Journal of Economics* (2007) 1561–602.

⁸⁷ D. Ali, K. Deininger and M. Goldstein, *Can Land Tenure Regularization Empower Women? Evidence from Rwanda's National Program*, World Bank (forthcoming)

⁸⁸ M. Hallward-Driemeier, T. Hasan and S. Iqbal, supra note 38.

⁸⁹ International Development Law Organization (IDLO), *Accessing Justice: Models, Strategies, and Best Practices on Women's Empowerment*, IDLO (2013).

⁹⁰ *Mojekwu v. Mojekwu*, cited by Hallward-Driemeier and Hasan, 2012.

– even where there are no legal barriers to women’s full and equal participation in all jobs and sectors.

For legal reform to be effective it must be supported by strong implementation and enforcement mechanisms, which requires political, institutional and financial resources. Effective monitoring and enforcement of statutory provisions is facilitated by labour inspection, specialised equality bodies and effective access to courts. Collection and publication of data on discrimination based on gender, maternity and family responsibilities, women’s access to financial services and women’s land and property ownership helps raise awareness. Awareness-raising among women and men about their legal and economic rights is essential, coupled with support to women to enable access justice when needed. A recent study in Dar es Salaam suggests that a modest financial incentive can significantly increase the rates at which women are registered on land titles. Demand for land titles, when offered at affordable prices, was very high. When combined with a campaign emphasising the importance of women being registered as joint landowners and discounts for female registration, the share of households that indicated they would include both husband and wife on the title increased from 24 per cent to 89 per cent.⁹¹

⁹¹ D. Ali, M. Collin, K. Deininger, S. Dercon, J. Sandefur, and A. Zeitlin, *Are Poor Slum-Dwellers Willing to Pay for Formal Land Title? Evidence from Dar es Salaam*, World Bank (2013).

Of course, a multitude of other constraints can affect women's economic opportunities. These range from education, to time constraints associated with child and elder care, to addressing norms that limit their mobility. Evidence of programs that have successfully addressed these constraints is emerging. These show the ways in which apparently pervasive social norms that dictate strict gender roles for women and men, alongside prevailing customary or religious laws and practices that discriminate against women, can be overcome.⁹² There are a range of examples, including:

- Promundo's Program P, for example, aims to promote men's practices as gender-equitable caregivers by transforming the social institutions that influence men's caregiving practices.⁹³
- The development of girl-friendly schools in 132 villages in Burkina Faso led to a 19 percentage point increase in overall enrolment in less than three years, and girls' enrolment increased 5 percentage points more than boys.⁹⁴
- In Mexico the *Estancias Infantiles* program provides vouchers which cover 90 per cent of the costs of childcare for children up to the age of four for women who are either in paid employment, enrolled in an educational program or seeking employment. The program increased

⁹² For a comprehensive discussion of some promising policy options in each of these areas see World Bank 2014: Gender at Work.

⁹³ Promundo, CulturaSalud, and REDMAS, *Program P: A Manual for Engaging Men in Fatherhood, Caregiving, Maternal, and Child Health*, Promundo (2013).

⁹⁴ H. Kazianaga, D. Levy, L. Linden and M. Sloan, The Effects of "Girl-Friendly" Schools: Evidence from the BRIGHT School Construction Program in Burkina Faso, 5(3) *American Economic Journal: Applied Economics* (2013) 41–62.

the probability of women's employment by 5 per cent and increased average earnings by 20 per cent among participants.⁹⁵

- In Afghanistan the National Solidarity Programme mandates participation of women in community development councils. This participation has improved women's mobility and enabled wider access to a range of information, including with regard legal rights.⁹⁶

For countries like the United States, a recent paper by Claudia Goldin,⁹⁷ a leading expert on gender and work, argues that overcoming the remaining barriers to women's work and especially equal pay requires employers to become much more flexible about working arrangements – and that sectors that have done so are achieving much higher levels of equality.

⁹⁵ UN Women, *Policy Brief: Decent Work and Women's Economic Empowerment: Good Policy and Practice*, UN Women and ILO (2012); G. Calderon, *The Effects of Child Care Provision in Mexico*, Stanford University (2011)

⁹⁶ J. Klugman et al., supra note 72.

⁹⁷ C. Goldin, A Grand Gender Convergence: Its Last Chapter, 104(4) *American Economic Review* (2014) 1–30.

6. Conclusion

It is clear that we have a long way to go before women across Africa will have the same economic opportunities as men. Lower educational attainment poses a major constraint, and poverty exacerbates these education gaps. Women are also disadvantaged in access to land and property, and when it comes to accessing financial services such as formal bank accounts or credit. Legal reforms to ensure that women's rights are recognised can play a critical role in expanding women's economic opportunities, and do appear to be necessary. For legal reforms to be impactful they must go beyond labour laws to include reforms to family, inheritance, and land and property laws, among others. We also know that these, alone, are unlikely to be sufficient. Improving girls' and women's educational attainment is critical, as is addressing underlying norms and gender stereotypes which dictate the way men and women spend their time. The agenda is daunting, but the broad directions of change needed are clear.