



**Brown-Bag Luncheon
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Why Does Measuring Gender Equality Matter for Foreign Policy?

Patricia Ellis: Hello and good afternoon to everyone again. Welcome. Thank you so much for joining us today for this brown-bag luncheon with Sarah Iqbal, program officer of the Women, Business and the Law project at the World Bank Group, and Andria Hayes-Birchler, development policy officer at the Millennium Challenge Corporation, on *Why Does Measuring Gender Equality Matter for Foreign Policy?* I'm Patricia Ellis. Some of you know me, but there are lots of new people here today so we're very glad to meet you all in our new space. I am president of the Women's Foreign Policy Group. We promote women's leadership and women's voices on all different international issues. In the context of gender and women in foreign policy, I just wanted to mention one of our headline events this year. We had Michelle Bachelet, Executive Director of UN Women—a wonderful event. We do have an article and a transcript on our website. I think it would be interesting for this group here today.

We have great turnout. We're looking forward to a really good discussion following the presentations by Sarah and Andria. So, I'm now going to tell you a little bit more about our speakers, and then we will turn it right over to them. After they speak, I'll open it up with a few questions and then we always leave plenty of time for audience Q&A. I'm just going to ask that people limit their comments or questions to one so we can get to a lot of people, because we want to hear from as many different voices as possible. And if you could, please stand and give your affiliation so we can all hear and engage in a very good discussion.

Sarah Iqbal, as I mentioned, is program officer of the Women, Business and the Law project with the World Bank's Group Global Indicators and Analysis Department. She joined the World Bank Group in 2008 where she worked on business environment indicators with the *Doing Business* project. Prior to joining the Bank, she practiced civil litigation and criminal defense law, which fits in with what you're tracking.

Andria Hayes-Birchler, as I mentioned also, is development policy officer at the Millennium Challenge Corporation. She came to MCC from USAID, where she worked as a monitoring and evaluation specialist. She also set up the Development Innovation Ventures at USAID, and that unit was dedicated to identifying, rigorously testing, and scaling innovations in international development. She also served as a Peace Corp Volunteer in Mali. So, please join me in welcoming Sarah and Andria, and we will begin with Sarah.

Sarah Iqbal: Thank you so much, Patricia. It's a great pleasure for me to be here with you all today, and to be here with Andria. We work with her a lot and with MCC, and we will be describing the work that we do with Women, Business and the Law, and then I will hand it over to Andria who can describe the relationship that we have with MCC and how the data is being used. Really the intent of this presentation today is to describe why measuring gender equality matters for foreign policy and how it

can be useful as a tool for you. So if you do have any questions in that regard please do ask them, I would be very happy to answer.

I wanted to give a bit of background about the project first, where it came about, and why we look at the things that we look at. So this project really sprung out of the World Bank's Doing Business project, which some of you might be aware of. It looks at various indicators of the business life, from starting a business, to enforcing contracts, to employing workers. The idea is really to see where the specific constraints are in entrepreneurship so that we can encourage governments to make their business environment better for entrepreneurs and for the private sector. What happened about five years ago is the World Bank Group's directors wanted to know how doing business impacts women—where is it easier or more difficult for women to start businesses and to gain employment in the private sector? So what we did is we started to do a little bit of research on the legal environment to see, what are the specific constraints to women? Do they come out at the level of business environment regulations, in starting a business, in registering property—these types of things—or were they somewhere else? We actually found out that at the level of the business environment it doesn't matter if you are a man or a woman, you should be able to go through the regulations in the same way, but there are specific obstacles and constraints to women that come about from other areas of the law that really impact their ability to participate in entrepreneurship. So what we found is often it's family law, it's property rights, it's legal capacity issues that prevent women from actually even getting to the level of starting and running a business. So it's a lower level of legislation that we look at that are particular constraints on women.

What we found in looking at these areas is that gender inequality is still persistent around the world. It's in every region of the world, it's in every income group and in fact only 38 economies of the 141 that we cover offer equal rights for men and women in 45 key areas, and a lot of these restrictions are in fact on married women. Because what we found is that when women marry, they give part of their rights—their legal rights, their legal ability to conduct transactions—to their husbands. This is not a developing country versus developed country dichotomy, rather, in many places, it's a historical holdover, if you will. So for example, in common law countries, in civil law countries, in this country a 100 years ago there were things that married women could not do that their husbands had the legal ability to do for them, and these are things that we have changed in the law over time, but in many countries this has not changed—these laws are still on the books. So there are several countries where, in fact, a husband can stop his wife from working if he deems it's not in the interest of the family, and women actually have to go to court to get judges to reverse this procedure. So, maybe not surprisingly, the Middle East and North Africa is the region with the most gender legal differentiations. All 14 Middle Eastern-North African economies covered had at least ten differentiations that we look at. South-Asia is the second most, followed by Sub-Saharan Africa, but every region in the world does have some of these legal differentiations. What we found is that actually there is an impact on economic outcomes for women where there are more legal differentiations in the law. So where there are more legal differences, fewer women work, own, or run businesses. What we found is women globally represent 49.6% of the total population, but only 40.8% of the total work force in the formal sector. Where economies have more differences—so for example, where women don't have the same property rights, where they have differences in labor law regulations, where they can't work in the same industries, the same night hours—on average there is lower female labor force participation.

We also found that this impacts women's access to finance—this is always a hot topic that people are interested in. On average, where there is a legal gender gap in our using property indicator, there are 9 percentage points fewer women with loans in these economies than where there is legal gender parity. So this can impact women's access to finance generally, because they don't have property duties as collateral and then banks don't give them loans and women end up going to other sources for access to finance. So it can impact their entrepreneurship.

So I'm going to talk a little, very quickly, through the indicators that we look at and a little bit more in detail on why this matters. So the first indicator is "Accessing Institutions", which looks at women's legal ability to interact with the public authorities and the private sector, and this is the indicator that MCC is using. It looks at basic legal capacity issues, for example where women cannot legally open bank accounts, where they can't sign contracts, where there's travel restrictions—both in leaving their household and leaving the country—things that really impact their ability to function in the legal environment, in the business environment, and can have a strong impact on their ability to start businesses and run these businesses. We also look at "Using Property", which looks at basic property rights, the ability to access, manage and use property. In the "Getting a Job" indicator, we have several restrictions looking at women's working hour restrictions, night hour restrictions and we offer information also on the basic maternity, paternity and parental regime. So what is the amount of maternity, paternity and parental leave? Is it paid? Who pays it? That type of information, and we also look at gender differentiated retirement and pension ages. Then the last three indicators look at more sort of processes that are useful for women. So "Providing Incentives To Work" looks at income tax liabilities, and also the public provision of childcare and education, and "Building Credit" and "Going To Court" look at credit bureau and financial infrastructural rules, and "Going to Court" looks at access to justice for entrepreneurs—mainly for small claims courts and it looks at women's capacity to file cases as well.

So these areas matter for women's economic opportunity because of some of the reasons I mentioned before. So for example, the lack of autonomy to interact with government institutions or the public sector and also in terms of financing entrepreneurial activities—I'll just skip through this slide—and this is specific to women's quest to get a job or start a business. This is the indicator that Andria will be talking about in particular and it looks at where the law restricts women's ability to travel outside the home, which is important in terms of their ability to work. Can they travel outside the country? Do they need their husband's permission to get a passport? Can they confer their citizenship on to their children? Actually, where women cannot do so, there's an impact on health care, schooling—often they have to pay higher rates on non-citizen children. This is a big issue in the Middle East where women have been advocating for the right to convey citizenship to their children. And also in choosing where to live and being the head of household—often there are lots of government benefits and services that go to the head of household and male-only head of household restriction stop women from getting these services and benefits. Finally we look at signing contracts and opening bank accounts and can women get a job without permission? Can they register a business without permission?

So these are all legal requirements that we're looking at and it's—people often ask is it cultural? Is it social? Often these things are cultural and social, but they are also legal. They're in the family code. They're in the personal status law. It will say something like women, married women, cannot get a job without their husband's permission. For example, in the Democratic Republic of the Congo it will say married women do not have the capacity to sign contracts and they can't initiate court filings without their husband's permission. So it's very explicit in the law, and we actually link back to the law on our website and it is there for everyone to read. It's there for the policymakers. It's funny—we've gotten a lot of requests after MCC picked up this indicator from governments. Often the government delegations will say, oh, this is not the case in my country, and we will show them the actual provision in the law and they will be very shocked that it's there. So for us it is partially about raising awareness and opening people's eyes to laws that are on the books.

Now, as I mentioned before, it is married women who face more differentiations, and you can see where the greatest differentiations are for married women. Being the head of household is the number one legal difference that we find, and also in choosing where to live, conveying citizenship—things like applying for passports. I just want to very quickly talk about the impact of reforming these types of laws. So in fact, in Ethiopia in 2000, they reformed their family law in a variety of ways, including removing the provision where the husband had the ability to stop his wife from working and equalizing property rights for both spouses. There was an impact evaluation that was done on this, and what they found

was that after they reformed this law there was a significant shift in women's economic activity, including their participation in work outside the home, full-time work and higher-skilled work. So there can be impact on reforming these laws and it can influence women's activities and employment in entrepreneurship.

So this slide really focuses on how this data can be used as a tool. We understand that data does not live in a vacuum—you have to be able to use it. You have to be able use it to influence people's decisions, and I think with MCC we really have this great partnership where there is an incentive to this data. Many governments now come to us and they say, okay, we look poorly in this indicator, why is that the case? What can we do to improve these laws? And actually, I'm just going to speak a little bit about Cote d'Ivoire, because they have been taking an active interest in reforming their laws. In fact they are reforming their family code along several lines, including women's ability to work, their ability to be the head of household and reforming the tax law and also choosing where to live.

I'm going to wrap up really quickly and sort of end with saying that as we measure these on an ongoing basis we found that economies are changing to improve legal equality for women. In the last round of our report, 36 economies out of 141 issued a total of 46 changes in legislation and 41 of these were positive legal changes. What we found is that by shining the spotlight on what countries are doing—what countries are doing to positively impact women—it really, really incentivizes civil society, women's groups, and advocacy groups within the country. Because we want to be able to tell them, look you are doing something good for your country and it has a positive economic impact and we are paying attention. The international community is paying attention and we want to encourage this. So what I would just end with is to say, for us, the most important things are identifying what the key legal constraints are and sort of putting the focus on family law. Often policymakers, ministers of finance, they don't really look at family law and think of it as something that really impacts the economy, but it does because those are the constraints that are coming on women's entrepreneurship and women's legal rights. Where women are constrained from participating in the economy, really half the population is not being able to contribute to growth appropriately, and that's something that we want to prohibit. That is something we want to change.

So just in terms of what's next, we will be updating the data, the new report will come out next year. And one of the things that we are really excited about in the next round is we're looking at violence against woman laws, sexual harassment in the work place, harassment in public spaces and domestic violence, and we will be looking at the affect of that on women's entrepreneurship and women's employment. Thank you so much, and I'm going to pass this on to Andria.

Andria Hayes-Birchler: Hello, my name is Andria Hayes-Birchler and I am a development policy officer at the Millennium Challenge Corporation. I will start by giving a little background about the Millennium Challenge Corporation, in case people aren't aware of us, and then talk about how we select countries for foreign assistance—specifically how we look at gender equality and gender outcomes when selecting countries for foreign assistance. We had some IT issues, so I'm not sure if I'm going to get my PowerPoint presentation, but I am going to hand out our scorecards to pass around.

The Millennium Challenge Corporation, despite the name "corporation," is actually a US government bilateral aid agency. We started in 2004, so we've been operating now for about nine years. We were designed by Congress with a very specific mandate—we are supposed to work with countries to reduce poverty through economic growth. Though that may sound rather general, it is actually quite specific compared to a lot of bilateral agencies. We don't do humanitarian assistance, we don't do food aid, we don't do democracy building or conflict resolution. We are focused specifically on programs that promote economic growth and that contribute to poverty reduction. So within that, we have three main pillars. One is that the policies of the countries matter. As I'm sure many of you know, there was a lot of literature coming out around the turn of the millennium about aid effectiveness. What a lot of these

studies were showing is that the environment—the policy environment—has a large effect on how effective aid is. So MCC really took that in stride and we were instructed by Congress to only work with countries that have good governance and are poor. So I will talk later in my presentation about how we define both of those things. A second unique pillar about MCC is we believe that ownership matters. Once we have selected a country, we have said, we believe that you are well-governed and we trust you to be in charge of your own development pattern. So we spend up to two years working with countries to develop large compacts and many projects that are then funded by five-year grants. Our third main pillar is that results matter. We do rigorous monitor evaluation throughout the life of the compact and then also do rigorous impact evaluations to see whether or not the compacts are achieving their objectives. I'm happy to talk about any of those in the discussion but for now I'm going to focus on the policy matters and selection side.

So these scorecards that are being passed around are produced every year by the Millennium Challenge Corporation. These scorecards evaluate all low-income and lower middle-income countries on a set of policy indicators that follow the three categories. They include ruling justly, which looks at democratic rights, government effectiveness and corruption measures. They include investing in people, which is looking at social policies, such as health, education, and environmental protection. Then we have economic freedom, which is looking at both the macro- and microeconomic environments. All of our indicators come from third party sources including, of course, the IFC [International Finance Corporation]. We use the IFC's Women Business and the Law data, and also their Doing Business data. All of our indicators, again, come from third party sources who are experts in their field. So we have macroeconomic data from the IMF, we have health data from the World Health Organization, education data from UNESCO [United Nations Educational, Scientific, and Cultural Organization], democratic rights data from Freedom House. It is very important to understand that MCC does not change or alter this data in any way. You can go onto the websites of any of these organizations and find this data. It's all public and that's a requirement for us to use it. This is really important for two reasons. One is that it keeps governments accountable, again these are policy experts that are accessing them—it's not simply the US government's opinion of a country. The second is that it keeps us accountable. Everyone can look at the data and see that we are being transparent in how we are selecting countries.

So every December, our board of directors meets to select countries for assistance using these scorecards as their primary policy gage. So we produce these scorecards every November. There will be new ones coming out in a couple of weeks. The ones that people are handing around right now are from last year. Again, we collect this data from all of the indicator institutions. So up until last year, these scorecards looked slightly different. There were only 17 indicators, rather than 20, and we utilized them slightly differently. They were still third party indicators and many of them were exactly the same. Within those, we did have some indicators that focused on gender, for example, you will see that there is an indicator that looks at girls' education. We were measuring primary education completion rates from UNESCO for countries. Less explicit, but still important are political rights and civil liberties indicators—both look at the rights that are bestowed on women in the political sphere. Also land rights and access, looks at—among other things—whether or not women have equal access to land and land rights. That data comes from IFAD's [International Fund for Agricultural Development] rural assessments. Finally, our child health indicator looks at access to water, access to sanitation, and child mortality. While none of those are explicitly related to gender, they do all tend to affect women more in the vast majority of countries that we are looking at. So again we already had a gender focus, but when we decided to change our indicators last year, we wanted to expand our gender focus. Again, MCC had been using the same indicators for our entire existence. We think they are strong, we think they are good, but we wanted to see what new data existed, what new policy areas we could expand into and whether or not the economic literature had changed in terms of what they were saying was important in policies.

So among this review, we did focus very strongly on gender. As a result, we ended up adding three new indicators. One is for richer countries, lower middle-income countries—we kind of rose the bar for girls education. Rather than girls primary education completion rate, we are now looking at lower secondary enrollment rates, because they were almost all doing very well on primary education so we wanted to say, great, this is fabulous that you've got your girls through primary school, now we want to see them in secondary school. We added an access to credit indicator, again, this one also is not explicitly gender related—it comes from IFC's Doing Business—but as Sarah mentioned, women tend to be more credit constrained than men. So we wanted to try to see how the credit markets were functioning in these countries and to the extent that credit markets function better, this tends to disproportionately help women. Finally, and most importantly in this case, we added this gender and the economy indicator that takes the data from the Women, Business, and the Law report, and puts it on our scorecard. As Sarah has already mentioned, this was a really big win for, I think, both MCC and Women, Business, and the Law. This indicator, as Sarah mentioned, looks at whether or not there are legal restrictions to women engaging in economic activities and this fits MCC's model extremely well for several reasons. First of all, again, we are an economic growth agency, and so if women can't participate in economic growth, then we have lost 50% of our potential beneficiaries. That has a huge effect on our ability to do good work. Second of all, we have had cases in the past where we have selected countries that do well on the scorecard, but actually didn't have great gender equality and because this doesn't show up on our scorecard, we didn't know until after we had selected them, after we started working with them.

A case that is often referenced was Lesotho. We selected Lesotho early on in MCC's existence, and as we were working to develop projects for them, we realized that women couldn't open bank accounts, among other issues. So we had all of these projects that were designed on encouraging women entrepreneurship and we realized that these women did not have much incentive to become entrepreneurs, because there was no way for them to store money. So the development of these projects was immediately put on hold and MCC began working with the government of Lesotho to try to address this issue. This resulted in the Lesotho government passing the Marriage Person's Equality Act which actually eliminated almost all gender based restrictions and only once that was passed did we continue working with them. So that ended up being a success story, but it really highlighted for us how important it was to look at this issue before we started working with a country.

So finding the Women, Business, and the Law data was, again, a big victory for us. As Sarah also mentioned, one of the main focuses of the country scorecards is to serve as an incentive effect. This pre-dates our selection review. Ever since MCC was created we have country governments coming to us on a weekly basis to say, I want assistance, what do I need to do? How do I perform on the scorecards? Why do I fail this indicator? Why does my next door neighbor pass this indicator? How can we change our policies to get MCC assistance? So when we were doing our selection review, we were mindful not only of what policies are important to us, but also what sort of policy dialogues we want to have with countries. It's not just MCC. It is also our ambassadors and our colleagues at the State Department, because countries go up to them and ask them why they are not passing the MCC scorecard. So we needed to have topics that could lead to fruitful discussions with these governments. Again, this has absolutely been the case since our addition of "Gender and the Economy." Sarah mentioned many of the countries that we have already had engagements with—Cote d'Ivoire, Lesotho, Senegal, and Benin has also come up to us. So again we have seen a lot of engagement on these issues and also heard from our colleagues at State Department that they are also engaging on these issues.

Before I go and hand it to back over, I am going to preempt what I suspect will be a discussion because it often is when I discuss gender and the economy—I'm sure for Sarah as well—is as you probably all have noticed this is a de jure measure, it is not a de facto measure. So we are not measuring whether or not women all have bank accounts, or even the percentage of women that have bank accounts. We are simply seeing whether or not they have the legal ability to do so. Now, I am sure people can think of

lots of reasons what that is positive and negative, but I will say for MCC this has actually largely been positive for a couple of reasons. One is that it's setting a baseline. You definitely won't see women opening up bank accounts if they are not legally allowed to do so. The second is that it's subjective. As Sarah has said, we have also have had the experience of countries saying, your data is not right, we do too let women pass citizenship on to their children. To be able to show them where in their own legal code there is a restriction is an incredibly powerful tool. The third is related to what I was just talking about—about policy dialogues. We want to have indicators that governments can actually change and do so in a reasonable time frame because that is what creates an incentive effect. So to the extent that you say, you need to totally change your country's culture and the ability of women to engage in economic activities, most countries will just kind of shut off at that point. It just seems impossible. It seems too long term. They're definitely not going to get assistance in the next couple of years if that's your starting point. But if you say, here is a law that is restricting the ability of women to engage. That is something that they can then bring to their parliament or bring to their congress, and try to address. So that's all for now.

Ellis: Thank you so much. So much information and I'm sure we are going to have a fruitful discussion. I'm just going to lead this off with a few questions for each one of you. To Sarah—I am interested in what the major challenges are in getting this data? Because I can only imagine that in some countries it is extremely difficult, and what are the areas that are the hardest to get the data? And the other question relates to the selection of countries. You have 141 countries, there are countries that are not included, two of which are Libya and Afghanistan—very much on our minds today—and I'm wondering if you could address those two questions. Thank you.

Iqbal: Of course. Thank you so much Patricia. So in terms of challenges in getting the data, there are many, many challenges in getting the data. The way that we get data is on the basis of surveys. So we send out hundreds and hundreds of surveys to lawyers in the countries that we're looking at—asking them the same questions. Getting people to fill out the surveys, getting in touch with the right people—it can be difficult—especially when you are building up a new contributor base and the World Bank does not pay for this data. We ask lawyers, members of civil society, judges, academics, to really do this for the good of their country. Sometimes that works, sometimes that doesn't, it really depends on the country. We have a team of lawyers and economists here in DC that get back that data and code it and make sure that it is accurate, that it is cross-country compatible and that we really understand what the law is saying. So we do a lot of research on the back end and on our website always link to the legal basis. So there are links to the laws and anyone can look at that and sort of challenge the data and say, this is wrong, this is not the law in our country. We will always point to the source that we are getting it from. For us, in terms of country selection, we started with a subset of Doing Business countries—which right now is at 183—and then we picked our countries based on data availability, ease of getting data. We don't have Libya, we don't have Afghanistan—mainly for data collection reasons, because it's difficult to get that information.

Ellis: What are some of the other countries you do not have that people would be interested in?

Iqbal: So basically, we don't have a lot of smaller countries. So we don't have a lot of small Pacific island countries—and Andria is interested in that, because there are MCC countries. For us, when we initially started the data set, we wanted countries that were more representative of their regions, so we tried to have a good representative sample. We won't leave out any major countries. So for example, we wouldn't leave out the Chinas and the Indias of this world. It's really the smaller, more lower-income—sometimes the conflict countries—where it is harder to get the information. We are expanding out the data, so the idea is over the years we would build up to the full membership of the World Bank Group.

Ellis: So, next time you might have Cote d'Ivoire?

Iqbal: Exactly. We will have more, probably not Libya. Also probably not Afghanistan.

Ellis: Okay, so for Andria. You mentioned the addition of gender criteria, I'm just wondering, how significant, in the grand scheme of criteria, are the gender criteria? Why don't you start with that?

Hayes-Birchler: So to go into a little more detail about how the board uses the scorecards—as as you can see, there are 20 indicators. Three of them are given extra emphasis, and that includes control of corruption—this is a hard rule, countries have to pass it in order to be considered for our assistance. Democratic rights, which are the political rights and civil liberties indicators, also have extra weight. Countries need to pass one of those two to be considered. So those indicators are weighted heavily. The rest of the 20 indicators have equal weighting. The methodology is that countries must pass at least half overall—including the control of corruption and the democratic rights indicators. So gender is given, from a fairly technical stance, neither more nor less weight than any other indicator. It also kind of depends on how you are defining the gender indicators because I listed seven out of 20 that could be considered gender indicators. Some people would only consider “Gender and the Economy and “Girls Education” as being our gender indicators. So depending on how broad you are willing to go with definitions of gender inclusion indicators, it's between 10% to 35% of the weighting of our score card.

Ellis: Okay, two other quick questions and be getting your questions ready, because after this I am just going to call on people. As a foreign policy person and someone who tracks current events—particularly in the Middle East—I was very interested in how current events impact the criteria and the report that comes out every two years? Is that correct?

Hayes-Birchler: Ours is every year.

Ellis: Okay, because you have all kinds of issues such as elections, quotas, constitutions—these are evolving situations, so how do you deal with that? And the other question relates to—can countries that are already grantees lose their status and what would it take for them to lose their status?

Hayes-Birchler: Those are both great questions. So these scorecards, as I mentioned, come out once a year, every November for a December board meeting, where the board selects countries. So their purpose is simply to compare countries to other low-income and lower middle-income countries and determine which are the best governed among them. Therefore, they are not really used to track progress or current events. They are used simply as annual assessments. However, my team does have another function, which is policy monitoring and current events monitoring. So we are paying attention to what is happening in the areas covered by these indicators, even though the data itself is released annually. This is particularly the case in the countries that we already work with, because again, when we selected them, we were publically announcing that we believe you to be relatively well-governed and that you have committed yourselves to the policies and principles that we find important. So if there were a pattern of actions that suggested a serious deterioration or decline in those policies or principles, we would evoke what we call our suspension or termination policy. So, again, this would not be for a single incident, or negative rhetoric. This would be that we were seeing deterioration in the institutions of the countries that we were working with, or again, a reversal in policies. This does in fact happen. I'm sure some of you may be aware, my Peace Corps country, Mali, was an MCC country until this year. After the coup occurred, we did in fact terminate their compact. Similarly, there has been some fluctuation of policy within Malawi. We saw some pretty serious human rights abuses, along with some pretty serious economic policy declines over the past few years. Malawi was briefly suspended, and has since had become very responsive to the human rights concerns and also reversed some of their economic policies. They are now an active country again. We don't use this lightly. This is not an on-off switch. It is very difficult to set up a foreign policy agency in a country and you do not want to shut it down unless there is a serious deterioration within that country.

Ellis: Thanks so much. Let's open it up for questions. I'm going to, if you don't mind, take a few together. Yes, go ahead. Please identify yourself.

Question: I'm Mary Oakes Smith, and I was with the World Bank for 30 years, eight of those years I spent in Iran. After retiring from the Bank, I consulted to a number of agencies, among them the US Trade and Development Agency on an information technology center for women in Iraq. I think what you are doing is absolutely—and you too, both of you—your programs are right on. I think they are very critically important. But I would like to make the case for Iraq, because Iraq had—back in the early 50's—one of the most advanced family laws in the entire region. As a result of that law—which allowed foreign exchange programs to place back and forth, especially in technology and science—Iraqi women had grown into very high level congressional positions, until the last 15 years of Saddam's regime. When he shut down, he reversed the family law—or shut it down—he took away the rights of women to be in senior positions in academia or in the workplace and most of the women that were educated, retreated to their homes and self-schooled their children. Now, there has been obviously—after the invasion and so on—there has been a review of that situation—I know I'm going on, but I can't help but make the case.

Ellis: That's okay, but do you have a question?

Question: My question is—the Iraqi women are now coming back, and they really need reinforcement. And you know, the more that we can give them, the better. Because there was a situation in 2003 where after they had been granted their rights again, there was a roll-back by the fundamentalists. Then there was an outcry and, you know, the Iraqi women themselves wrote it in their rights in the 2005 constitution. But they really need continual support from the outside world. So I would like to make a case for Iraq.

Ellis: Thank you. Next question please, and tell us who you are.

Question: Hi, my name is Catherine Powell. I'm just finishing up three years in the administration. Initially working in Hillary Clinton's policy planning office, working on the gender portfolio under Anne-Marie Slaughter and then on the White House National Security staff. I think the work you're doing is fabulous and it's incredibly helpful for me in the government and now teaching at Georgetown Law School where I'm working on a paper on gender indicators as a tool of global governance. My question for you really is, you know, on the one hand it seems very smart what the World Bank and what agencies like the MCC have done in order to make the case for why we should prioritize gender equality. To say that it is not just for women's sake, but look at these measurements, it shows how it grows the economy and it is smart economics as the World Bank says, or it is smart foreign policy, as Hillary Clinton says. But is there a risk that in mainstreaming gender where we privilege—where we basically make the instrumental cases opposed to equality for equalities sake—Is there a risk in obscuring what gets measured? I mean we know that domestic violence is very hard to measure—sometime we use proxies. Sarah you talked about, you know, in terms of measuring whether women can travel, how much autonomy we have, how much empowerment we have—we have to use rough proxies. Is it a matter of just getting better and more numbers or is there a risk that the numbers themselves obscure things that can't be measured very readily?

Ellis: Okay, thank you. Why don't we start with those two?

Iqbal: Okay, great. So, in terms of the first question about Iraq—I will say that we've seen in a few countries in the Middle East where rights of women have been rolled back. Actually, we are doing another project with the Development Research Group at the World Bank, looking at the evolution of women's rights over the last 50 years in 100 countries and we will be doing research inverse based on that. And we've seen actually two countries where women's rights have been rolled back. One being Iran, where they were rolled back significantly, the other being Yemen, where they were also rolled back significantly. Iraq is not [*Inaudible.*], as you mentioned, it seems like that has been the case as well. And actually, it—Patricia it relates to your question as well about what's going on in the Middle East currently—I haven't seen Egypt exactly, it may well be in other countries. For us, what we do is we

shine a spotlight and we provide information. So I think our value added here is to demonstrate where legal rights have been rolled back. If they do get rolled back, we can put that also in the next report. As I mentioned, in the past two years there has been a significant movement forward in women's rights and that's the trend we really have seen in the last 50 years in most countries. But if significantly rights are being rolled back in the Middle East, that is something we will document and shine a spotlight on.

Ellis: A quick follow up. Do both of you get a lot of media coverage for these reports and if not, you should.

Iqbal: We get a significant amount of media coverage and we do document. I have another slide, not in this presentation, showing what we have had and we also have a lot of social media coverage. Especially in certain regions—for example the Middle East and Latin America—we get a lot of Twitter and Facebook coverage, and that's more in developing countries.

So the other question in terms of proxies and better numbers, I think in terms of outcome indicators, the World Bank is doing a lot to have better gender data—to have better gender disaggregated data in a variety of areas. I think we need both—both good input indicators. So for example, these types of indicators showing legal environment. For example also, the new indicators that we will be developing on violence against women. But better case studies, better de facto measures actually showing what the impact is. So I think for us our motto is really, what gets measured gets done. So we are providing better information on this, but we also are working to provide case studies—better country level information—because I think these are just indicators, they show a certain pin-point of what can be measured and I think Andria sort of described this really well. This is not everything that matters and it should not be taken as everything that matters. What it is, is something that can be measured, that's used as a simple proxy for a bigger picture issue. What we find when it works at its best level is that these can be a tool for a larger reform. So I mentioned Cote d'Ivoire mainly because I have been there several times and I am working on it. What we noticed is women's advocacy groups on the ground there—generally everywhere—they know where the issues are, and you talk to them and they will tell you what the most important things are, and what they can do with this is use it as a tool. So when we talk about four things that matter and we shine a spotlight on that and we highlight it for policy makers—what women advocacy groups do is use that as a discussion starting point for larger reforms. So we talked about these four indicators in Cote d'Ivoire, but actually the society of female jurists in Cote d'Ivoire is using this as a lever almost to bring back a discussion on the larger family code reform that they have been talking about for ten years now. The government is actually starting to pay interest because MCC has highlighted this data and they have realized, oh, this is a conversation that has been going on, on the ground, for many years now, and they do have movement and it is something that they can pick up on. So for us, it's just bringing this conversation to a larger level.

Hayes-Birchler: I wanted to say that I am very empathetic to the question and the concern about proxies. It's something that we have spent a lot of time thinking about and talking about. Because what's interesting—you know, in my team and in my career, I have spent so much time really passionately defending and encouraging the use of empirical data to make smart policy decisions. At the same time, I spend a lot of time cautioning about how you use that policy data and what sort of generalizations and interpretations you make from that data. So despite the fact that I will passionately defend the MCC scorecard, I will also often find myself in the position of reminding people that these are proxy measures, that that these do not tell you the entire picture, that there are statistical and methodological issues that end up playing into the absolute number that you see on the scorecard. I actually think that, you know, this is very evident in the gender and the economy case, because it is a new data set, people aren't as familiar with it. It's not in the general lexicon yet, and so it is very common when we sit down with a foreign government and say, you don't pass gender and the economy, they immediately give a laundry list of everything that they are doing involving gender. It is very hard to then say, that's great, here are the ten specific economic activities that we are measuring. Because, of course, you do not want to discourage any of the other positive gender movements—and

we don't discourage it—but we do have to let them know at the same time what this particular data set is reflecting.

Question: I will speak up, I'm usually pretty loud, and so it's not a problem. I'm Angelic Young. I'm with Inclusive Security, and I spent the last ten years of my career at the State Department doing security sector reform. So one of things I always found looking at security sector reform particularly with women, you know, is that perception is just as important as reality. So in looking at the data and how you collect it, I'm wondering, when you collect the data from lawyers and other ones who are filling out the surveys, does that include women and women in other groups? Are you finding different interpretations between what laws are actually in the books and what laws people think are on the books? My experience has been that sometimes women don't actually realize what rights they do have, particularly when it comes to access to justice, legal reforms, etcetera. I was wondering if you see any distinction in those data points.

Question: Anna Mary Portz, currently on detail with the Bureau for South and Central Asia in the Department of State, and working on an evaluation of our women entrepreneurial symposium program, primarily focused right now in Central Asia. I'm really interested to hear and to have you focus a little bit more the spotlight on South Asia—what the issues are. Because we are doing a formative evaluation—which is to say that we intend to use the experience in the State Department regional borders being what they are—somewhat arbitrary. We are going to use what we did in Central Asia and look at factors for replication in South Asia.

Question: Hi, my name is Rebecca and I'm an intern with the Women's Foreign Policy Group. I have done a lot of research in the Gulf—obviously the Middle East is a very hot topic right now. You mentioned a lot about how even in some of the most conservative countries, such as Saudi Arabia, women are able to form these grassroots organizations—not even on the ground but through social media sites such as Twitter and Facebook. How do you see the disconnect being able to be bridged between that sphere and the private sphere, and grassroots organizations, and see a significant amount of government reform? Because that is eventually what we hope to see in these countries, and in some countries, such as the ones in the Gulf. The disconnect and the gap between those two areas of society is huge.

Hayes-Birchler: Well I will go ahead and start then. So I was going to address your question in terms of the disconnect. And, again, this is sort of related to what I was talking about being proxy measures, but I think it is a really important question and a really important point. Again my interaction is almost exclusively with governments. Occasionally we meet with NGOs or civil society organizations, but it's mostly governments. Even within the governments, we still sometimes see that disconnect. It is difficult too because I talked about earlier the fact that we like this indicator because it's a de jure indicator and I do think that is a strength. At the same time, even with being a de jure indicator, we have vigorous discussions about whether or not it is measuring exactly what wants to be measured.

To give you an example, one of the countries I was talking with is documented as not having equal rights between men and women to choose where they want to live. So we pulled up the family code and it says in the family code that a man and woman should try to decide together where they want to live. In the case that there is disagreement, the husband has the right to decide. If a woman feels that her well-being or the well-being of her children is in danger, she can then bring this to court. So a lot of levels there, right? [*Laughter.*] A lot of discussion. Now we ultimately agree with the decision of *Women, Business, and the Law* to say that if it is not the same right, then it is not the same right. This is not the same right. A woman has to be the one who proactively brings it to the court. This particular government—and actually the individual I was talking to was a woman who was the minister of family affairs—very passionately argued that this was in fact equality and that women, both in terms of the de jure law and also in terms of practice, they said women have an active role in this decision. They would never move somewhere they did not want to move, their families would never allow their husband to

take them away. So to that disconnect you are describing, again, we still ultimately do believe that the legal restriction is a problem. Particularly, if it really isn't put into practice, then change the law. [Laughter.]

Iqbal: So just in a follow-up to that, I wanted to say that that is a question that comes up all the time. I mean generally we have vigorous discussions with a government that will say, okay, you know, in terms of choosing where to live, or in terms of husbands deciding the professions of their wives, this is something that is not put into practice. This is does not happen in our country. You should change your coding decision. We always say, look, we're just basing it on the law. That has its drawbacks and that has its positive aspects. One positive aspect is the law is something that we can measure. It's there, it is in black and white, it says something, if you don't believe that's the case in your country, change the law. If society has moved forward beyond that point, great. Change the law.

And in terms of your question about law on the books and what women think is on the books, we actually have found a lot of variance in that. So our main contributor base is lawyers. So we ask family lawyers, we ask labor lawyers, and we say provide us with the legal basis. Generally lawyers are very much on top of what the law is, and they'll provide us with a legal basis. They'll give us an answer that we agree with. With civil society organizations, we have had differences. It depends really on the organization and what they are looking at and sometimes they are organizations that work on the law. So societies of female lawyers, people who are working on legal reform, and they generally know what the law is as well. Sometimes it's organizations that work on different things and then you get a wide variance of what they think the law is. So we have to be very careful about what we consider and that's why we always look at the law ourselves. We always go into the legal basis. We have legal codes in a variety of languages. We have them on internet based sources. We have legal codes. Through the MCC collaboration—actually that has helped a lot—we got the civil code of Niger, which is not easy to come by. [Laughter.] So that is helpful for us.

In terms of the question about South Asia and Central Asia and the similarities and differences, actually there are a lot of differences in the legal environment between South Asia and Central Asia. That has to do with the historical background of those countries and the legal systems that are in play. In Central Asia we find—at least in family law—these countries tend to be incredibly equal. That is because of the Soviet influence. All of the codes were influenced by the Russian code that actually imposed gender equality in a variety of areas. Where the differences are, are in labor law. In Central Asia you see a lot of excessive protections given to women in labor law. So the argument will be—and we've talked with ministries from Ukraine and from different countries—and they'll say this is protective for women. That they can't work in these industries. That they can't work at these hours. This is to help women. Our argument is really, ok, but it's a slippery slope. If you're too protective, then employers will not hire women and women will not be able to get the jobs that they want. But in South Asia, the legal background is really common law and you see a lot of similarities with other common law countries—whether it's in the Caribbean, whether it's other former British colonies—so for example Australia, New Zealand—it's a very, very different system. So State Department classifications being what they are, I would caution you to look at these countries separately.

Then the final question about social media and government reform, you know, and how to bridge that gap. I think it's a very difficult gap to bridge in particular in GCC [Gulf Cooperation Council] countries. Those are the countries that we see with the most restrictions and the least incentives, probably, to change. One of the first things I looked up when I started this job in 2008, is—my boss asked me, she had heard about a restriction in the United Arab Emirates where women could not become judges, and she had read about it in *The Economist*, but she was a lawyer and she wanted to know the specific restriction. Even finding that was incredibly difficult. We eventually were able to find a copy of—I think it was the civil procedure code on the requirements for judges. I still remember it, it was basically to become a judge in the UAE, you had to be male, you had to be Muslim and you had to be 35. I don't

know if they have reformed that yet or not, but in terms of reforming legislation in the UAE to conform with gender equality, I think MCC is not going to be incentivizing them there.

Ellis: One quick follow up, can you just talk briefly about having the laws and the implementation of the laws and how you would track them?

Iqbal: So we actually don't track implementation. We just track what the law is on the books. But we find that to actually be a pretty decent proxy of implementation, because for one thing, if the law is on the books, there is a reason that they haven't changed that. There is actually—it's either because nobody knows, and then in that case they should change it, but in many cases it's actually something that is implemented. So, for example, in the case of the Middle East and North African countries, there is a reason those are laws on the books. They are implemented and they do need their husband's permission to do X, Y, and Z activities. There is a reason that in the UAE to be a judge, you need to be a Muslim male who is 35. So I think it is a reasonable proxy and where it's not, then it's something that we can point out. That is something that can be changed. That's actually the case in a lot of West African codes. We find that a lot of these gender restrictive laws are actually holdovers from former French civil law. So these countries implemented the Code Napoléon, which actually was reformed in France in 1965. So in France, women had restrictions on opening bank accounts and doing various economic activities until actually relatively late. When the French pulled out of West Africa, they reformed their own codes, but a lot of these codes remained in West Africa. Then the argument comes, oh, that's part of our culture, that's something that we have always had. But in fact, before these codes were imposed there, these were not restrictions that were on the ground. So that's an argument that is happening internally in these countries. I think the more we can shine a spotlight on these issues, and the more we can highlight where these restrictions are coming from. That's actually helpful for advocacy groups on the ground.

Question: Hi, I'm Kris Thorpe with Democracy International. I wanted to ask about the impact of fiscal austerity and gender equality. As you know, spending on health, education, etcetera are almost always the first to get cut. The burden of these cuts often are borne by women in the informal sector, which further constitutes another barrier to women's participation in the formal economy. I was wondering if you have seen this in the data and if it's been borne out?

Iqbal: So we haven't actually seen this in the data. Primarily because we measure legal indicators and they are very slow to change. One of the things that we have seen, sort of—which has been a result of the financial crisis—is that we have seen a lot of equalizing of retirement ages. So you see this in OECD [Organization for Economic Co-operation and Development] countries, you see this in Eastern Europe and Central Asia where they have gender differentiated retirement ages where women are either allowed to or required to retire at earlier ages than men. It seems a protective measure—it's better for women—but actually the counterargument to that is where women are required to—in some cases as much as 10 years to retire earlier than men—it actually impacts their hiring by employers. As an employer, I am going to be less likely to hire a woman who has to retire earlier than a man. I'm going to be less likely to promote her to positions of authority if I think I am going to lose her. But in Estonia, in Greece there is an equalizing of their retirement ages. The idea is have more people working until later ages. But actually what it is doing is, as the retirement ages are getting pushed backwards, they are also getting equalized for men and women.

Hayes-Birchler: I was just going to say that, you know, I focused in this presentation on indicators that have either an explicit or implicit gender element, but of course we do have 20 indicators. All of which affect the women in some way as being part of the population of the country. So two of indicators that we do measure every year are the percentage of GDP that is going towards public health spending and the percentage of GDP that is going towards public spending on primary education. So, again, I don't have this year's data yet and so I cannot speak to trends, but at the same time, this is another policy path we are encouraging countries to continue investing in public health and education.

Ellis: So we have time for one or two more questions and then I will just turn to our speakers to see if there is anything you would like to add before we finish.

Question: Hello, my name is Milad Pournik with the Global Gender Program. It's nice to be here. I wanted to ask you, Sarah, about other indicators that try to get at similar things but maybe less de jure, like the World Economic Forum's Global Gender Gap, or there's a social one, for example SIGI. How does your measure correlate with those? Do they show similar pictures or are they very different? And also just for the lady from MCC, I was wondering if you had considered using any of these sort of broad indicators that try to bring different aspects of gender equality within one umbrella in your scorecard?

Question: Hi, I'm Susan Fridy from the OECD. I'm glad you mentioned OECD, because I was thinking sort of the same thing. [*Laughter.*] I have a similar question. For the scoreboard, I didn't get one of the attachments or the printouts, but I was wondering, you said there are two to seven indicators that can be considered relevant for a gender example. So could you just say what the five that you didn't specify already are? I would just like to also say that the OECD has a report coming out on Monday on Women's Entrepreneurship in the MENA [Middle East and North Africa] region. I don't know a lot about it. I'm not working on it but I would be happy to share. So I will certainly send it to our presenters specifically.

Iqbal: Great, I actually would be really interested in reading it, so thank you. In terms of both your questions, we do look at a number of other gender indicators. There is the World Economic Forum's Global Gender Gap, there's SIGI, the Economist Intelligence Unit has the Women's Economic Opportunity Index. What we find is that with these and with other indicators our data correlates actually really well. I think they paint a similar picture. What some of the differences are—I know in, for example the economist's data set they have quantitative as well as qualitative data. So they had more information on, for example, what the de jure and the de facto situation will be like. So I think it's important to use these indicators as a whole, not necessarily just having one perspective, but looking at more qualitative data as well on how the laws apply—what women experience on the ground. In terms of the SIGI Index in particular, I think it's a really good index and we've talked to the group that produces it as well and provided some inputs and they've provided some feedback on how our indicators should be constructed. So I think with the people who produce gender indicators and along with several UN agencies, we do talk amongst ourselves and we discuss what are things that matter and what should be included. And this is an ongoing conversation and I think these areas—gender indicators in particular—are evolving as we learn more about what should be included. I think that this was something Andria mentioned. There's been a lot of work done on health and education for women, but in terms of women's economic rights and in terms of women's economic opportunities, this is something that's an area growth that we all are looking at and we'd appreciate any feedback and comments you have on things that we should include in *Women, Business and the Law*. This is a project that has been ongoing for almost five years now. It's relatively young, so we're still sort of incorporating feedback from our stakeholders and I would appreciate anything that you had to add.

Hayes-Birchler: So just quickly, to reiterate the gender indicators on the scorecard and to talk a bit about other gender indicators that are not on the scorecard. So again, the two that specifically mention gender were of course the gender economy and girls education. However, if you look at the sub-source data and the methodology of some of these indicators, they also do explicitly talk about gender, that includes land rights and access. We do use IFAD's rural assessments and they specifically in their methodology talk about women's access and their rights. Within civil liberties, from Freedom House, they specifically ask—as one of their sub-source questions—whether or not women enjoy the same civil liberties as men do. And then more kind of implicitly, the child health indicator—I mentioned, having access to water, access to sanitation and child mortality—that's not gender segregated data, but it does tend to influence women disproportionate to men. And similarly expanding access to credit also tends to benefit women disproportionate to men because they are more credit constrained in most environments. So that's what is on our scorecard.

What is not on our scorecard? There are a lot of great gender indicators and gender data that is not on our scorecard. We do use some of it as contextual supplemental information when we're assessing countries. We think SIGI is great. We went their lunch earlier this year, it was fabulous. It's important to know that last year when we reviewed indicators for our scorecard changes, we reviewed over 200 indicators, a three-person team, in six months. [Laughter.] So we went through a lot of data and a lot of methodologies. And we, as an agency, had really specific requirements for what we needed to use the data for, which is that for us, we need data that can compare poor countries across the world. So having limited data is a huge problem for us. In fact, I kind of accidentally—in the scorecard that I handed around, you will see that there's an "N/A" under "Gender in Economy" in the scorecard. That was not on purpose. I should in fact have printed one that had a data-point, but that just happened to be a country that isn't covered by "Gender in Economy". So again, we appreciate that they're expanding. We talked to them about that before we selected their indicator, but data coverage is a huge issue.

Timeliness. A lot of people—you know, you see new literature data every year, you see new maternal mortality figures every year, that's generally not new data. That's generally data that's being rolled over year to year. And because we are talking with governments that are saying, what can we do right now to influence whether we or not we get money next year or the year after that? Saying that ten years from now, when your new census data comes out, we might be able to change your score, that's a real problem for us. In addition to that, we are the US government, we are representing the US government in a lot of cases, so there are also considerations of what can an ambassador reasonably sit down with a foreign government and have a long, and forward discussion on. So again, things that are more actionable are much easier for us to discuss than things that are more cultural.

Ellis: Well, this is a great place to end. It's been an excellent meeting. I want to thank Sarah and Andria for their very informative presentations. I know we all learned a lot. Thank you for your great questions and we wish you all the best and hope to see you next time. Thank you very much. [Applause.]