PROGRESSIVE POLICY CHANGE ON WOMEN’S ECONOMIC AND SOCIAL RIGHTS

Background paper for UN Women
Progress of the World’s Women

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I. Introduction

The ability to earn a living and support a family in equal and dignified conditions continues to elude the world’s women. As part of the growing recognition of women’s economic and social rights, most of the governments of the world have committed themselves to advancing women’s economic equality, beginning with the Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights, and deepening that compromise by agreeing to a variety of specific measures regarding women’s work in CEDAW. Yet actual state action remains uneven, so in many places, official promises to women exist largely on paper and economic inequality remains entrenched.

Some governments have taken their commitments seriously by replacing overtly discriminatory laws with new legal provisions seeking to guarantee sex equality in hiring, firing, and other employment related matters. Others have even gone further by creating mechanisms of enforcement, offering incentives that make it easier for women to develop their careers, and providing generous childcare, maternity and family leave (and even special “Daddy leaves” that furnish incentives for fathers to assume their share of child care).

On the other hand, some governments do little to balance the sexual division of labor in the family, support working families, or combat sex discrimination at work. Some keep discriminatory laws on the books despite adopting guarantees of formal legal equality. When governments do little to improve women’s economic inequality, discriminatory social norms are likely to persist. Women suffer from segregation into low paying and low status jobs, often with long working hours. Women’s work is characterized by high informality and women rarely hold upper management jobs, even in sectors where they are numerous (ILO 2010a).

It is important to understand the range of policy responses to women’s economic inequality and to explore why some governments have been more serious than others about promoting sex equality in access to, and conditions of, work. This paper focuses on these questions. Focusing in particular on one area of women’s economic and social rights—rights shaping access to work and equal conditions at work, and the variety of policies in this issue area—the paper identifies and seeks to explain cross-national differences in government policy and trends over time.

Women’s rights analysts have increasingly emphasized differences among women. Premised on the intersectional approach to social differences, we do not view women as a single category, but as a collection of categories.¹ The social group “women” is internally divided along the lines of class, race, ethnicity, sexual orientation, etc. As a

¹ Feminist work on intersectionality has become a voluminous, multi-disciplinary and global literature in recent years see work by Kimberle Crenshaw, Patricia Hill Collins, Nira Yuval-Davis, Ange-Marie Hancock, Leslie McCall, Julia Zachery-Jordan, and Iris Marion Young among others. For a nice discussion see Chepp and Collins (2013) in The Oxford Handbook of Gender and Politics.
result, women do not inherently share common interests or perspectives. The forging of a common front among women is the result of politics, not the premise of politics (e.g. Weldon 2006; 2011a; Htun and Ossa 2013).

A growing number of scholars highlight differences across women- and gender equality-related policy issues (Gelb and Palley 1987; Mazur 2002; Htun 2003; Blofield and Haas 2005; Htun and Weldon 2010; Weldon 2008; 2011a). Even within the area of social and economic rights, there are important distinctions among issues. Disaggregating social and economic rights is a first step toward understanding the conditions facilitating progressive policy change. This paper distinguishes between policies that advance women’s rights as a status group and those that address class differences among women, and argue that the political dynamics of policy change differ across the two types of issues.

After analyzing the importance of women’s economic equality, the paper presents our multi-dimensional approach to the analysis of gender, gender-equitable policy change, and women’s social and economic rights. In the main part of the paper, we identify patterns of cross-national variation in the adoption of policies promoting women’s economic equality and analyze the politics of policy change. The analysis begins by considering the laws governing women’s status and conditions at work. Next, we analyze the adoption of laws governing maternity and parental leave, and third, official, national provision of child care. (See Table 1 for an overview of the issues covered in this paper.) We identify cross-national differences, general trends, and propose explanations for the cross-national variation in each of these areas.

We find that women’s organizing and activism on their own behalf, combined with support from the international activist and international intergovernmental authorities, have advanced women’s legal status and rights in most areas, even more so than we expected when we first began studying these fields. The effects of women’s autonomous organizing are strongest for policy development in women’s legal status at work. Such policies affect all women, regardless of their other social positions.

The style and generosity of social policies such as childcare and parental leave are shaped by national wealth and prior institutional traditions. In these policy areas that involve state provided support for families, or state intervention in the market- such as government provision for child care, maternity leave, and parental leave, we see a greater role for left parties, and in the area of maternity leave, a role for women in government. As this suggests, there are significantly different dynamics behind policy development in distinct areas of women’s economic and social rights. Our framework predicts, and accounts for, these differences.

In the conclusion, we show how a greater understanding of the reasons behind cross-national variation and change helps us to identify strategies for the future. We argue that promoting women’s economic and social rights turns on strengthening mechanisms and furnishing conditions for their self-organization in civil society, especially independently of political parties and the state. Women’s autonomous organization helps
to promote policy change and also to monitor the effective implementation and enforcement of those policies already on the books.

**Women’s Economic Equality as an Economic and Social Right**

What are economic and social rights? A category of human rights, they are usually distinguished from political and civil rights. In 1952, the UN General Assembly resolved to recognize these two categories of human rights in two distinct Conventions, which would be developed and pursued simultaneously. As a result of this process, both the International Covenant on Economic, Social and Cultural Rights (ICESR) and the International Covenant on Civil and Political Rights (ICCPR) were adopted in 1966, though neither Convention entered into force until at least a decade later.

The right to vote, run for office, express oneself, and associate with other citizens are generally considered political and civil rights. They guarantee a realm of personal autonomy, free from state interference, and preserve the ability to participate in democratic governance. Social and economic rights are more linked to material well-being, such as the right to food, housing, education, health, and to social services. Many people argue that political rights, in particular, cannot meaningfully be exercised in the absence of economic and social rights.

The economic and social rights considered by the ICESR are broad and include the right to work and to “just and favorable conditions” of work (article 7), the right to unionize (article 8), the right to social insurance (article 9), mothers’ right to paid leave surrounding childbirth (article 10), the right of everyone to an “adequate standard of living (including food, clothing, and housing) (article 11), the right to physical and mental health (article 12), the right to education (article 13), and other issues relating to culture and the production of scientific knowledge.

From the start, economic and social rights were held to apply equally to women and men (article 3). Yet women’s exercise of some economic and social rights has been controversial due to gender differences and diversity among women. The right to work to gain a living (article 7), for example, has been criticized for as irrelevant for women who prefer to remain in the home and take care of children and other family members (e.g. Shiva and Shiva 1994, cited in Apodaca 1998, 140, fn. 6).

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3 United Nations General Assembly Resolution 543. 5 February 1952.
4 The social rights convention did not enter into force until 1977 and the civil and political rights convention entered into force in 1976.
5 Staying home to care for children is a luxury out of reach of most of the world’s women. As Apodaca puts it, “women who have to walk miles for fresh water, forage for hours for a supply of wood for cooking fuel, stand in line for hours for a loaf of bread or do the washing by hand are not ‘choosing to stay at home and rear the children.’ Gainful employment is the most prevalent, stable, and acceptable method of securing the means of survival. Remunerative work is often the right to exist; the right to feed, clothe, and shelter oneself and one’s children.” (1998, 140, fn. 6).
On the other hand, the ICESR may not go far enough in promoting women’s economic rights. Though Article 10 calls for special protection before and after childbirth for mothers, including paid leave, it does not mention fathers or the need for paternity or parental leave. It is difficult to see, however, how women’s economic equality can be achieved without the participation of fathers (or other caregiving partners). Women’s “second shift” (Hochschild [1989] 2003) of housework and carework poses an obstacle to their equitable participation in paid labor markets. For these reasons, several countries have created “daddy leave,” which amount to financial incentives to parents to expand men’s role in childcare (more on this below). These are a form of social right as well, although they are not required by the current instruments.

In this paper, we focus on laws and policies that facilitate women’s economic equality and freedom, which we see as fundamental to women’s enjoyment of economic and social rights. We define “economic equality” as a situation in which women are not disadvantaged vis-à-vis their male counterparts in their efforts to gain a living and support a family; Where women and men are both denied autonomy, we see this as less desirable than greater freedom for both men and women. This implies that women are not discriminated against on the grounds of sex when it comes to access to work, the circumstances and structure of work (including recruitment, pay, and promotion), and that their gendered social positions—created by pregnancy and childbirth, for example—do not stand in the way of their economic security. Economic freedom turns on autonomy and choice, for example, not depending on a husband’s—or the state’s—permission to work.

Since the vast majority of women bear and raise children at some point in their lives, access to maternity or parental leave and affordable child care is fundamental to their economic equality and a crucial component of social and economic rights. It is important to note that these forms of social provision cannot be left to “the family,” on the idea that, for example, fathers’ wages can support women and children, while mothers can take on all child and eldercare responsibilities. This family structure is quite rare now, and always has been, and is even more impractical today than it has been in the past. In many countries, both mothers and fathers must work to ensure a minimum standard of living. Some cannot afford a minimum standard even if they do both work. Sole-breadwinner models of families are increasingly rare (and never were as common or universal as some would like to believe). It is estimated that at least 1/3 of households in the Global South are headed by women. Women-headed households in many countries

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6 The same article (10) calls for protection and assistance for the family, defined as “the fundamental nucleus of society,” though precise family structures (e.g. heterosexual parenting) are not specified.

7 See, for example, World Bank’s World Development Indicators. An estimate for southern and central Africa states that 25-60% of rural households are headed by women. (IFAD 1999); Historical and current family forms range widely from polyandry (one wife and many husbands) to polygyny (one husband many wives) and includes matrifocal and matrilineal structures (where inheritance and kinship structures pass through women). None of these modes of organization necessarily preclude male dominance, but they caution us against universalizing stories of public and private and common gender roles. So the idea that the world was characterized by a uniform, patriarchal structure until the 1970s does not comport with the anthropological or historical record (Brettel and Sargeant 2001). For an introductory primer on the global diversity of family forms see Garner and Cherrin 1998 chapter 2.
(such as the United States and Canada) are more likely to be poor because of the cost of raising children combined with lower wages for women (Pearce 1978). In most countries, even two parent households with two workers require significant subsidies to attain an adequate standard of living. Most importantly, both women and men vary significantly in predilection and aptitudes for childcare and domestic work. This diversity across individuals, and the wide variety of traditional family forms even in single national contexts, is a strong argument for allowing greater flexibility in the definition of family forms. Efforts to impose a uniform, outdated model of the family will do little to advance- and will likely undermine- women’s social and economic rights in most contemporary countries. While international instruments can and do recognize the universal value of family as a general concept, these instruments are flexible enough to allow a variety of family forms compatible with sexual equality. Our approach to economic equality takes sex equality and freedom as primary values, valuing family by protecting children, ensuring equality in families, and valuing the care-work that women and men do, both inside and outside families.

Women’s economic equality promotes the well-being of families and children, even in two-parent households. There is compelling evidence that women’s empowerment, measured by their ability to work outside the home, education, and access to resources, improves child wellbeing, women’s own lives and is associated with greater parenting investments by men (Hobcraft 1993; Schuler et al 1996; Bianchi et al 2004; Bohn, Tebben, and Campbell 2004; Belsky et al 2006; Hook 2006; Agarwal and Panda 2007; Iversen and Rosenbluth 2006; Esping Andersen 2009).

Economic equality is a means for women to gain access to other important economic and social rights, including an adequate standard of living, health, education, cultural activities, and the benefits of scientific progress. Many people believe that the state should take a major role ensuring access to these rights—for example, through provision of universal health care and basic education—even for those without an income. Yet even in contexts of generous state provision, women’s access to income is still fundamental, so that school fees can be paid and supplies purchased, medical prescriptions filled, and so forth.

Table 1 provides an overview of the policy areas analyzed in this paper: women’s legal status at work, maternity and parental leave, and child care policy. We selected these areas as indicators of state action to promote women’s economic equality. Equal status at work implies that women are not discriminated against when it comes to seeking work and the conditions of work. What is more, equal status implies that their gender roles and gendered employment patterns do not pose an undue obstacle to their opportunities to earn an income and succeed at work (we refer to this as substantive equality and discuss it in more detail below). The availability of maternity and parental leave, particularly when publicly funded, makes it possible for women (and men) to have

See also Stephanie Coontz (1992; 2006), for an excellent review of actual family forms in the United States, and Htun and Weldon (2011) for a brief discussion of global and historical diversity of family forms in relation to women’s rights.
job security and continue to earn income while caring for young children at a particularly vulnerable and crucial period in their lives. Finally, access to childcare enables women (and men) to earn income to support themselves and their families, without needing to rely on market provision (which can be expensive or inaccessible) or family members (who may not be available).

Table 1. Overview of National Policy Areas Analyzed in this Paper

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<thead>
<tr>
<th>Issue</th>
<th>Areas</th>
<th>Indicators</th>
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<tbody>
<tr>
<td>Women’s legal status at work</td>
<td>State-sponsored discrimination</td>
<td>Sex-based prohibitions on employment and certain occupations</td>
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<tr>
<td></td>
<td>Formal equality</td>
<td>Equal opportunity and anti-discrimination laws</td>
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<td></td>
<td>Substantive equality</td>
<td>Affirmative action/positive discrimination, attention to informal sector and non-traditional occupations, enforcement mechanisms.</td>
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<tr>
<td>Parental Leave</td>
<td>Maternity leave</td>
<td>Duration of leave, source of pay (if any), reimbursement rate</td>
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<tr>
<td></td>
<td>Parental leave</td>
<td>Duration of leave, source of pay (if any), reimbursement rate</td>
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<tr>
<td></td>
<td>Paternity and daddy leave</td>
<td>Whether government mandates leaves for fathers; whether the government upholds non-transferable leave for the second parent (daddy leave)</td>
</tr>
<tr>
<td>Child care</td>
<td>National child care policy</td>
<td>Government provision of child care, employer mandates</td>
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<td></td>
<td>Funding for child care</td>
<td>Cash transfers, subsidies, tax credits</td>
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<td></td>
<td>Access to child care</td>
<td>Eligibility, waiting lists, locations</td>
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An Analytic Focus on the Adoption of National Laws

This study focuses on the adoption (not implementation) of national (not local) laws and policies. This is not because implementation is unimportant, nor is it because local variation does not matter. In some places, legal reforms take effect immediately

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8 Although the difference between adoption and implementation is conceptually clear and well established in the policy literature (see, for example, Pressman and Wildavsky, 1979), the gap between adoption and implementation varies across types of policies, and distinguishing these phenomena in practice can be tricky. Implementation can be evidence of adoption (though it need not be) but adoption cannot be seen as evidence of implementation. In this case, examining variation in implementation would require examining, for example, the degree to which legal reforms are incorporated into the practice of law, whether promised funds are actually allocated and fully spent, and the like. When we say we focus on policy adoption, we mean variation in government action. We measure variation in the things governments are doing and promising, not how well they do them, or the degree to which they follow through on promises. In this paper, we analyze whether governments change the law, commit to providing leaves and child care, but we do not explore how well they do these things, nor do we assess the uniformity of application of each of these various measures. (Note that implementation of international treaties by national governments is sometimes measured in terms of adoption of domestic laws, and this further muddies the water. We are not using implementation in that sense here).
and policy measures providing services and benefits are well funded and executed. In
others, reforms remain mainly “on the books” and services and benefits are not taken up
for a host of reasons. We think this matters, but it is not the subject of this study, which
focuses on policy adoption and the creation of the political will and capacity to develop
good policy initiatives that promote women’s rights.

Nor does this study examine effectiveness (which is conceptually distinct from
both implementation and adoption). Effectiveness depends on sound policy design, state
capacity, political will and myriad other factors (Weldon 2002a; Franceschet 2010). Even
well-intentioned administrations sometimes adopt ineffective policies (and in fact, some
have argued that effectiveness conflicts with responsiveness) (e.g. Rodrik and Zeckhauser
1988). Data for a cross-national study of implementation that is global in scale are
currently unavailable. Even national level data suitable for a comprehensive study of
policy implementation have been difficult, if not impossible, to come by, except for
narrow studies of policy evaluation in particular locales. Such studies do not get at the
broad character or context of government action on women’s social and economic rights.

A study of policies on the books—policy adoption—is critical for political
scientists, feminists, and others concerned with human rights and democratic
c Barbay, national government action sends a signal about national priorities, importantly shaping the meaning of citizenship, and furnishes incentives for the mobilization of social movements. Local policies do not have the same status or impact as national policies. Even in federal systems, national actions can be important even in areas of local or state jurisdiction.

Second, policies cannot be implemented if they are never adopted. While translating law
into action often takes time and effort, the law can be a powerful force for social change.
Third, and perhaps most importantly, knowledge about the best policy design to protect
the human rights of women and/or other groups is not useful for those who wish to
promote human rights if it is irrelevant to what governments are likely to do. What
determines whether governments will take action to protect economic and social rights in
the first place? Scholars, activists and others interested in the question of how to create
the political will to advance women’s rights need to start with studying policy adoption.
Under what conditions do governments stop discriminating against women and start
advancing equality and freedom for women? Understanding policy adoption is the key to
answering this question.

Sources of Data

The data for this study were gathered by a team of more than a dozen researchers
working from 2006 to 2010. The team reviewed primary source documents on national
laws and policies (such as national labor codes, legislative language and preambles, and
Supreme Court decisions) and secondary literature such as legal doctrine, law review
articles, and studies and databases maintained by women’s rights organizations and
intergovernmental organizations (such as the ILO’s database of labor laws by country,
NATLEX). We also relied on the valuable reports produced by intergovernmental organizations such as the UN and the World Bank as well as transnational activist groups (such as Women for Women’s Human Rights). Government reports to CEDAW and/or shadow reports compiled by activist groups provided another source of information.

Finally, we consulted country-specific scholarship. Country-specific data were informed by fieldwork: our team carried out fieldwork in many world regions including Africa, Latin America, and Asia. Based on these data, our team members completed country sheets (small monographs on each country) answering a standard set of questions about all countries in each year. Then a trained team of coders coded the information in these sheets using a shared set of code rules. Two or three researchers coded each variable in each country and there was a high degree of agreement. The PIs thoroughly reviewed the coding. It took approximately five years to gather data and code laws and policies in 70 countries, which is why the most recent year covered is 2005.

We analyzed these 70 countries at four different points in time: 1975, 1985, 1995, and 2005. The countries in the study were selected to ensure variation and regional representation.\footnote{The countries included in this study include: Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kazakhstan, Kenya, Lithuania, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Romania, Russia, Saudi Arabia, Slovak Republic, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Taiwan, Tanzania, Thailand, Turkey, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Vietnam.} They include countries with high and low levels of feminist mobilization, parties and non-parties to CEDAW, many and few women in parliament, high and low levels of economic development and other social indicators, a full separation of religion and state and others where they are significantly intertwined, high and low religiosity, and varying levels of democracy, among other factors. Though this set of countries was not selected randomly, there is no compelling reason to think that the findings discussed here would not apply to most national settings. Our countries encompass some 85 percent of the global population and include every world region.\footnote{For those concerned about self-selection producing selection bias (e.g. Hug 2003), we would note that our cases are not self-selected. Countries were selected to ensure variation on the independent variables. Our knowledge of the characteristics of the world’s countries provides some reassurance about the representativeness of this group of countries in key respects and the generalizability of claims based on our dataset. We believe our findings should be widely applicable except perhaps to the handful of most despotic nations. For a discussion of these issues in panel data more generally see Woolridge 2010 and specifically in cross-national studies see Hug 2003; Jackman 1985; Kohn 1989; Livingstone 2003; Bauer and Ameringan 2010.}

The dataset contains measurements at the national level. Analytically, it is important to examine explanatory and outcome variables at the same level. For example, it is not clear that a large number of women on a town council or other local government will shape national policy. (However, the converse can be true, as in the case of India’s women’s reservations law.)
II. Gender Equality: A Multi-dimensional Approach

To analyze women’s economic equality and other areas of social and economic rights, we must disaggregate different policy areas. The factors driving change on women’s legal access to work likely differ from those governing maternity leave and even child care. If we analyze “social and economic rights” as a single bundle we will fail to capture these differences and potentially miss opportunities to promote progressive changes.

Disaggregation follows a long tradition of policy scholarship. Students of public policy have long argued that different types of issues involve different sorts of politics. For example, in his seminal 1964 work, Ted Lowi differentiated between distributive, redistributive and regulatory policies and showed that each involved different modes and loci of decisionmaking (1964). Peter Hall distinguished between policy changes affecting the instruments of policy, the settings on those instruments, and the underlying paradigm setting the parameters of policy (1993). Depending on the level of policy, different causal factors are at work.11

This paper, like our other work (Htun and Weldon 2010, 2011, 2012, n.d.), rests on a typology that differentiates policies promoting gender equality along two dimensions. This facilitates analysis of policy change and the prescription of mechanisms to promote advances in women’s rights. It also corresponds to our conceptualization of gender as an institution, and not an identity, performance, or biology.

In this section, we briefly describe our understanding of gender and gender equality. Next, we explain our multi-dimensional approach to the analysis of gender equality in general, and to the analysis of women’s social and economic rights in particular.

Gender, gender equality, and sex equality

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11 Gender and politics researchers have refined this idea by introducing typologies that pertain to gender-related policies. For example, Gelb and Palley (1987) distinguished between “role equity” and “role change” policies in her study of feminist achievements in the United States during the 1970s (1989). Since they provoked less radical changes, “role equity” policies granting women equal access to privileges formerly held by men and minorities (such as fair credit laws and Title IX) were easier to accomplish than policies promoting change in the social meaning of women’s roles, which were more controversial [see also Skrentny 2002]. Advocating these policies, which meant greater sexual freedom and independence, generated controversy and proved costly to politicians (Sanbonmatsu 2002). Their typology is helpful because it focuses on the varying degrees to which policies challenge established patterns. Yet policies that provoke opposition in some contexts encounter less in others. Maternity and parental leave was finally adopted in the U.S. in 1993 after two presidential vetoes and considerable controversy (Bernstein 2001). Yet the same policy had been available in Norway since the end of the 19th century and its expansion was hardly controversial. The difference owed not to the nature of the policy but to the varying contexts of class politics in the two countries (Weldon 2011; Mazur 2002; Stetson 1997). As this suggests, prevailing institutions, and not just the inherent features of a policy, determine the political dynamics at work.
Gender is a constellation of institutions. Like other institutions, it is constituted by rules, norms, and practices that are widely shared and predictable. Gender positions men and women in unequal relations of power, often intersecting (or combining) with other institutions to uphold patterns of status hierarchy and economic inequality. As Young puts it, “What we call categories of gender, race, ethnicity, etc. are [less individual identities than] a set of structures that position persons…. in relations of labor and production, power and subordination, desire and sexuality, prestige and status” (2002, 417; 420). Social groups do not exist by virtue of a shared identity or attributes but because they are similarly positioned by institutions.

Gender organizes social behavior, furnishing incentives for some actions (giving dolls to girls) and sanctions for others (bullying and harassing “girlish” boys). It carries meanings about social roles, responsibilities, and identities. Gender is comprised of distinct institutions that Young calls the “basic axes of gender structures” (2002: 422), which include the status hierarchy, the sexual division of labor, and normative heterosexuality (Young 2002; Htun 2005).

Gender equality is one possible configuration of gender institutions, though it exists in no contemporary society (Htun and Weldon 2010, 208). We define it as an ideal condition in which groups constituted by gender—such as men and women—have similar opportunities to participate in politics, the economy, and social activities; their roles and status are equally valued; none suffers from gender-based disadvantage or discrimination; and both are considered free and autonomous beings with dignity and rights. We define gender equality policies as those measures through which government can accelerate (or obstruct) progress toward this ideal. “Gender equality policy aims to dismantle hierarchies of power that privilege men and the masculine, a sexual division of labor that devalues women and the feminine, and the institutionalization of normative heterosexuality” (Htun and Weldon 2010, 208).

This paper considers a subset of gender equality policies, those focused on sex equality or equality between men and women and less on normative heterosexuality. Achieving equality involves modifications in many spheres of life, such as politics, the economy, the family, and civil society. We can better understand and categorize the diverse political conditions under which this occurs by disaggregating the equality concept and the policies meant to achieve it into different dimensions.

**Disaggregating Gender Equality Policies: A Typology**

Policies to advance women’s social and economic rights challenge prevailing patterns of social organization, but in potentially different ways. Progress toward women’s economic equality may question not only institutionalized patterns of cultural value privileging masculinity and norms of sexuality but also the authority of religious institutions and the reach of markets. Each issue involves different actors, activates

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12 The writing and analysis in this part builds on Htun and Weldon 2010.
different cleavages, and motivates different types of political conflicts. The movement toward gender equality is one with varied and even contradictory pathways.

Our typology is based on two dimensions of difference: 1) whether the policy improves women’s lives as a status group or whether it addresses class inequalities among women (status versus class policies) and 2) whether or not the policy challenges the doctrine of the dominant religion and/or the codified tradition of cultural or kinship groups (doctrinal versus non-doctrinal policies).

**Status versus class policies**

Human beings are not constituted entirely by gender: they are also members of social classes, ethnic groups, nationalities, and religions. These multiple social positions shape our opportunities, our chances for well-being, and the respect we receive from others. In any particular circumstance, their effects may be difficult to disentangle. Is my employer’s reluctance to promote me due to the fact that I am Muslim? Or because I am female? From the perspective of lived experience, these positions are not detachable either: the experience of being female or male cannot be cleanly distinguished from the experience of being black or white (Moi 1999, 36; Spelman 1988; Young 2002; Zachery-Jordan 2005).

From an analytical angle, however, we can identify the degree to which some injustices are suffered by women primarily because they are women and not because they are poor, immigrant, or lesbian. These are harms inflicted on women as a status group by institutions that privilege masculinity and devalue everything associated with femininity. They cast men as normative and women as subordinate, “other,” and lacking in value. As Fraser argues:

> Women suffer gender-specific forms of status subordination, including sexual assault, sexual harassment, and domestic violence; trivializing, objectifying, and demeaning stereotypical depictions in the media; disparagement in everyday life; exclusion or marginalization in public spheres and deliberative bodies; and denial of the full rights and equal protections of citizenship (2007, 26).

These injustices affect all women in some way regardless of their other social positions. They may even clarify the injustice of some women not being considered women, by virtue of their exclusion from this category (as, for example, when the vote

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13 For example, we can disentangle the effects of gender, race and education on pay scales and occupational segregation. In addition, although particular types of injustice may take different forms for different sub-groups of women (poverty or violence), women are uniquely vulnerable to some of these. Women are raped because they are women, but this doesn’t mean that women in every country are equally vulnerable to custodial rape by police or gang rape in fraternities. Women get fired or not promoted because they are pregnant, mothers or just because they are women, regardless of their occupation or income.
was extended to all Canadian women, but not First Nations Canadian women, who got the vote four decades later). They deny women the recognition and dignity they merit as human beings. It is worth emphasizing that, though these injustices are inflicted on women as women, they do not necessarily affect all women in the same way or to the same degree. Nor do all women subjectively experience them in similar fashion.

We call policies to remedy such harms “status policies.” They attack those practices and values that constitute women as a subordinate group vulnerable to violence, marginalization, exclusion and other injustices that prevent them from participating as peers in political and social life. These policies include: 1) family law, which historically cast women as inferior to men and gave them few or no rights over marital property, minor children, or the ability to work; 2) violence against women, rooted in patriarchal attitudes and misrecognition; 3) abortion and other reproductive freedoms, which, by precluding state interference in women’s bodies, uphold their autonomy and dignity; 4) gender quotas, which elevate the cultural image of women in society at large by promoting their presence in decision-making; and 5) women’s equal status in the workplace, including laws and policies which preclude discrimination and unequal treatment of women qua women.

Other types of injustices are more directly attributable to women’s assumed position in the sexual division of labor. In most contemporary societies, responsibility for caring for children, the sick and elderly, and maintaining the household (the responsibilities that are sometimes called the “private” or “domestic sphere”) has fallen to women (Rosaldo 1976; 1980). Though not included in calculations of gross national product when it is unremunerated and done in the home (because of course it IS counted in GNP when it is done for pay by domestics or services provided by those outside the family), this reproductive labor has economic value. It guarantees that workers will arrive, well slept and well fed, to their jobs, not to mention insuring a constant supply of new labor. Reproductive labor saves the state and private companies from paying for childcare, elder care, food, sanitation, the delivery of water and other essential functions of the modern household.

As an economic product, reproductive labor is subject to market rules and forces. It can be bought and sold. As a result, women of different classes have different experiences vis-à-vis the sexual division of labor. Wealthier women can purchase at least some reproductive work on the market: They can hire domestic workers to serve as nannies, cooks and cleaners. Poor women cannot. They are far more dependent on the state for help in alleviating their reproductive responsibilities.

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14 We do not mean to suggest that this particular form of the sexual division of labor is universal, or is found in every society. Indeed, human biology and society has been combined with a wide variety of forms of social organization, including varying ways of organizing gender (see note 7 above). In contemporary states, however, dominant norms mostly reinforce the sexual division of labor as described here, though of course, there is variation across tradition and context in the degree and form of this division.

15 We refer, not to gestational carriers and egg donation, but the entire range of work needed to reproduce and maintain human life—child care, food production, cleaning, care for the sick and elderly, keeping track of schedules, transportation, household expenses, and the like.
These injustices are part of the gender system but they are suffered differentially by women of different class positions. Women with money may have options. They may choose to perform reproductive work themselves or they may hire nannies for child care, employ domestic workers to clean their homes, contract hospice care for elderly parents, and/or exit the labor market for a time. The fact that they need to do these things reflects the unequal social position that women (however privileged by class) must confront. But the market provides more alternatives for the rich than the poor. For their part, poor women, who have no choice but to work for wages, do not have the money to buy childcare and household help on the market. They rely on family members or on the state.

Some gender policies address these class inequalities among women. They make it possible for all women—not just rich ones—to get help with their reproductive and domestic responsibilities. Such gender policies, which we call “class policies,” include paid maternity or parental leave and government-funded child care. State funding for abortion and for contraceptives are also class policies. Though the legality of abortion and contraceptives is a status issue affecting all women, funding for these practices is not. Rich women, but not poor ones, can pay market rates for abortion and contraceptive devices. Their ability to exercise reproductive rights hinges on public funding.

Doctrinal versus non-doctrinal policies

A second type of policies are ones we call “doctrinal.” We will say less about doctrinal policies here than we have elsewhere (Htun and Weldon 2010; Htun and Weldon n.d.) since most of the policies considered in this paper are non-doctrinal, but we do want to explain this distinction as it helps us to explain why some actors important in other areas of gender equality might be less important in the area of economic and social rights that do not challenge organized religion.

“Doctrinal” policies involve a history of conflict between the state and subnational competitors for jurisdictional authority over important areas of social life. They are areas in which religious texts and sacred traditions are significantly invested, both normatively and administratively. These include policies pertaining to the reproduction of human communities and rules determining who is and who is not a member of the group. Indeed, the history of state building in many countries tracks struggles between central political rulers and leaders of subnational cultural and religious groups over such rules (Kandiyoti 1991; Charrad 2001; Htun and Weldon n.d.)

Not all gender policies provoke such conflicts between the state and other organizations over their respective jurisdictional authority, however. These issues are more distant from religious doctrine and codified tradition. They concern zones of life rarely touched upon by scripture (such as government versus private provision of childcare) or more modern dilemmas that traditional religions and customs failed to anticipate (such as equality in the workplace).
We call the first set of issues “doctrinal” and the second, “non-doctrinal.” Doctrinal issues touch upon the core tenets of religious doctrine and codified cultural traditions, particularly concerning the regulation of reproduction, inheritance, and other intimate matters. They include family law, the legality of abortion, reproductive freedom, and funding for abortion and contraceptives. Non-doctrinal issues include violence against women, gender quotas, equality at work, parental leave, child care, and constitutional provisions for sex equality.¹⁶

Typology of gender equality issues

Crossing the two dimensions generates four distinct categories of gender issues (See Table 2). Examples of the types of policies included in each category are provided in the table.

Table 2. Typology of gender equality issues

<table>
<thead>
<tr>
<th>Do these policies challenge the established doctrine of religious organizations or the codified tradition of cultural groups?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Doctrinal” policies</td>
<td>“Non-doctrinal” policies</td>
<td></td>
</tr>
<tr>
<td>Do these policies address class inequalities?</td>
<td>No: Status-only policies</td>
<td>Abortion legality, Reproductive freedom, Family Law</td>
</tr>
<tr>
<td>Yes: Class policies</td>
<td>Abortion funding, Contraception funding</td>
<td>Parental leave, Federal funds for child care</td>
</tr>
</tbody>
</table>

We expect that policies from each category will follow distinct logics of change. Different sets of actors and conditions will be associated with progressive advances on different types of policies.

*Gender status policies*, such as violence against women, abortion, gender quotas, and women’s legal status at work, are driven primarily by women’s autonomous organizing, and to some degree, women politicians in parliament. The mobilization of women’s movements outside of political parties and the state to promote their own emancipation pushed status issues to political prominence. Women’s autonomous organizing generates social knowledge of their unique social positions and enables them to articulate common perspectives and political agendas (Weldon 2002, 2011).

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¹⁶ We do not define an issue as doctrinal according to whether it does in fact provoke religious opposition. It is defined as doctrinal if the policy contradicts the explicit doctrine, codified tradition, or sacred discourse of the dominant religion or cultural group. For more clarification, see Htun and Weldon 2010.
Many women participate in mixed-gender organizations such as political parties, labor unions, and human rights groups. Yet these broader organizations, even those seeking economic justice or racial equality, often neglect women’s issues which are considered to be a lower priority than issues relevant to all group members (including men) (Strolovitch 2007). Or women’s issues can be framed in ways that do not advance women’s rights. When women are organized as women, they do not need to defend the broader significance of a sex equality issue in order to make it a priority (Weldon 2002).17

For example, until the women’s movement reframed rape and abortion as women’s issues, they were not understood as critical to women’s self-determination and rights (though they had previously been subject to state policy). In many countries, rape was classified as a crime against custom, honor, or morality, not against a woman’s dignity and autonomy (Weldon 2002). Abortion was an issue of public health, legal corruption, and medical professionalism, not a woman’s right (Luker 1984; Htun 2003). By organizing “as women” here, we do not mean to narrowly focus only on groups open to all women; Rather, we mean to include all sorts of sub-groups of women who organize as women, including organizations in the US context such as Women for Racial and Economic Equality (WREE) or INCITE! Women of Color Against Violence.

Class policies such as paid parental leave, government-funded child care, and public funding for abortion and contraception follow a different logic. Expansion of class policies tends to involve government intervention in the market, such as by increasing the scope of the welfare state, adjusting levels and/or forms of taxation, and imposing new regulations on businesses. These policies tend to trigger the usual dynamics of class politics (whatever those might be in the polity in question). When business interests perceive that state officials might interfere in their operations in new ways, or displace a profitable activity with state-provided services, they spring into action to oppose such policies. For their part, the supporters of these policies, which are often cast as policies to help children, workers, working families, or all citizens in universalistic terms, support state action to expand social provision into these new areas. Actors on both sides of class issues will be most galvanized into action when class policies are seen to threaten the status quo, the set of market-state relations institutionalized in prevailing norms, policies and laws. Expanding paid maternity leave in Norway in the 1990s by a few weeks was less controversial than extending a shorter period of unpaid family and medical leave to workers in the US, as the latter seemed to challenge the status quo in the US more than the former policy challenged the status quo in Norway (Weldon 2011).

Left parties see themselves as champions of the poor and of workers. They have not necessarily always been champions of women’s rights, but women’s rights activists arguing for expanded family leave, childcare, and other such benefits have sometimes

17 By organizing “as women” here, we mean to include all sorts of sub-groups of women who organize as women, including organizations such as Women for Racial and Economic Equality (WREE) or INCITE! Women of Color Against Violence.
found a more sympathetic audience in left parties. Left parties build their base of support by pointing to such policy innovations.

For these reasons, we hypothesize that left parties and other major actors of class politics, such as unions, will be the main drivers of change on these types of policies. This approach conforms to long-standing findings in literature emphasizing the importance of labor mobilization and labor parties for the expansion of European welfare states (Esping-Andersen 1999; Korpi 2006).\footnote{More recent research has tended to place greater emphasis on the ways that varying political institutions—such as majoritarian or proportional representation (PR) electoral systems—either preclude or facilitate the cross-class coalitions backing welfare state expansion (Iversen and Soskice 2006; Cusack, Iversen, and Soskice 2007; Iversen and Soskice 2009). There are many factors that shape such coalitions, and this question is not the subject of the present study, but it is perhaps worth noting that in multivariate analyses these institutional factors (such as a PR system) offered little purchase on the dependent variables explored here.}

In a large comparative context, we would expect general economic trends to play a role. In many countries, low levels of development and a small revenue base obstruct the expansion and universalization of welfare benefits. As countries grow richer, welfare state expansion becomes more likely (though it may not be pursued). We would therefore expect cross-national differences in class policies to be shaped by varying levels of national wealth.

**Doctrinal policies** follow a different dynamic. We expect that change on these issues will be shaped by the relationship between the state on the one hand and religious, cultural, and tribal organizations on the other. When relations are close, such as in contexts where political power upholds religious authority, it is more likely that religious principles will be reflected in government policy on women’s rights and other issues. When state and church are farther apart, there is more room for liberal and feminist reformers to promote policy changes that violate the tenets of religious doctrine.

In summary, our approach anticipates that women’s movements will matter for all policy areas but will be the most important actors on status policies. Left parties and other actors in class politics, as well as economic factors more generally, will be more important in driving change on class policies. Religious factors including church-state relations, confessional type, and the strength of religious institutions and beliefs will be inversely related to progress on doctrinal policies (see Table 3).

<table>
<thead>
<tr>
<th>Policy type</th>
<th>“Doctrinal” policies</th>
<th>“Non-doctrinal” policies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender status policies</td>
<td>RELIGION (-); FEMINIST MOVEMENTS (+)</td>
<td>FEMINIST MOVEMENTS (+)</td>
</tr>
<tr>
<td>Class policies</td>
<td>RELIGION (-); LEFT PARTIES (+)</td>
<td>LEFT PARTIES (+) GDP per capita (+)</td>
</tr>
</tbody>
</table>
Logic and dynamics of change on women’s economic equality: The role of social movements

How does this approach apply to women’s economic and social rights in particular? In the context of our typology, laws and policies advancing women’s economic equality fall primarily into the category of non-doctrinal policies, though it is possible that some religious actors help support pro-family policies and that religious factors play a role in state-sponsored discrimination against women. But for our main analyses of economic and social rights focusing on women’s legal status at work, maternity and parental leave, and childcare, the distinction between class and status issues is most salient (the far right column of Table 2).

Our analytical approach predicts that we should see a greater role for feminist movements in status policies such as equal rights at work than in class policies such as paid maternity leave and child care, where the established actors on class politics (such as left parties) will be more important and economic factors more generally will matter more. In general, labor mobilization and movements for class justice will also shape policy in this area, but this may be mainly manifest through the influence of left parties (This is less true for women’s movements because women’s parties are so much rarer).

These dynamics do not imply that women’s movements are inactive on class policies or that they focus only on identity politics. By contrast, economic issues are often the most important issues to feminist activists (Weldon 2006; 2011). Worldwide, many have advocated for public funding for contraceptives and abortion, maternity and parental leave, and child care, not to mention those that have brought public attention to poverty, sweatshops and other more general class injustices. Rather, these class-inflected gender issues bring a whole host of economic actors and conditions into the fray. In cross national comparative analysis, the participation of these other actors and factors swamps the effect of women’s movements.

When class policies challenge the status quo, they alter the relative responsibilities of states and markets for the extent and nature of social provision and may be perceived to threaten powerful economic interests. Taking on such challenges requires a broad-based political coalition, possibly involving civic movements but also other social forces such as labor unions and leftist parties (Esping-Andersen 1990; Korpi 2006).

Whereas the political strength of unions and Left parties may be associated with class policies and other redistributive efforts, it is not likely to be the principal factor behind change in gender status policies such as legal equality for women at work. In fact, unions in some countries have opposed sex equality in the workplace, particularly the eradication of “protectionist” labor legislation. By banning women from certain occupations, such legislation reduced competition for male union members’ jobs (Wolbrecht 2000).
Indeed, labor movements have often been criticized as being poor representatives of women’s interests. In Norway, union opposition was critical to defeating policy proposals aimed at comparable worth, even as the same unions eventually supported paid family leave provisions. In the United States, unions historically discriminated against people of color (both women and men) and white women (Trotter and Smith 1997; Stepan-Norris and Zeitlin 2002; Frymer 2008). Unions in the United States have made strides in improving diversity in leadership and membership, but women and people of color are still underrepresented in descriptive terms. Unions are still subject to criticism that they represent the privileged workers better than the marginalized (Roby 1995; AFL-CIO 2005; Caiazza 2007). This has changed considerably in recent years, but it is important to note that labor organizing in the past at least has sometimes opposed sex equality.

Promoting equality for women workers can require a fundamental reorientation of women’s social identities as well as normative visions of workers. What is at stake is a vision of women as full human beings and citizens entitled to equal rights in all spheres and endeavors. Put another way, equality at work requires adjusting our assumptions about human beings and workers to include women’s lives and roles. Working for pay is not incompatible with motherhood; rather, working enhances a woman’s ability to fulfill her motherly duties. Nor is working for pay secondary to motherhood and other traditional roles, something that women do merely to supplement family income. (Such a belief often justifies paying women less and passing them over for promotion.) Rather, working is part of being a woman, and being human. Women’s advocacy on their own behalf is crucial to the success of such a revisioning of women’s status (Htun and Weldon 2010, 2012). As a result, legal and policy changes that induce changes in the cultural and social meanings of women’s roles, as well as shifts in the status ordering of society, tend to be the result of women’s autonomous mobilization in domestic and global civil societies.

Our primary hypothesis, tested below, is that women’s movements (domestically) and international norms and conventions that have arisen as the result of women’s transnational activism, are the primary factors driving change on status issues such as women’s legal equality at work. For issues that challenge both gender and class hierarchies, a broader mobilization tends to be necessary, for example, including both the political mobilization of labor and of women’s movements.

In the sections that follow, we consider how this approach applies to three distinct areas of women’s social and economic rights: Women’s legal status at work, maternity and family leave and government provision for childcare.

IV. Women’s Legal Status at Work

Promoting women’s equality in women’s legal status at work involves a variety of measures, including the elimination of state-sponsored discrimination, the achievement of formal legal equality, and the promotion of substantive legal equality, which involves
proactively addressing gender-specific problems or barriers. In this section, we develop a set of measures of the legal equality of women workers in each of these three areas.

In this section we examine women’s status in national law, not its enforcement or other social practices. As was pointed out earlier, there may be a gap between the law on the books and the law in action. The countries in our study vary in the extent of their lawfulness (see, e.g. Kaufman, Kraay, and Mastuzzi 2010; World Bank 2010). Regardless of the degree of the gap (an account of which is beyond the scope of this study), the law on the books remains important for scholarly analysis and for human lives. Scholars cannot measure, explain, or compare the divergence of the law from social practice without having a sense of what the law is. And the law, even when violated, constitutes a central reference point for political and cultural struggles.

State-sponsored discrimination. The first thing that governments can do to promote women’s economic equality is to reform laws and policies that officially discriminate against women, such as prohibitions on women working in certain types of jobs. Sometimes these restrictions are justified as being protective, though it is only women who are seen as being in need of protection; at other times they are justified in language that refers to the lack of appropriateness or difficulty of such work for women. When governments make such distinctions among workers, and treat women as mothers first and as workers second, it reinforces (rather than combats) social attitudes that undermine women’s position in the labor market, and effectively reduces their chances to gain economic independence.

To assess the degree of state-sponsored discrimination for each country we asked:

1. Are women prohibited from night work?
2. Are women prohibited from overtime?
3. Are women prohibited from specific occupations by virtue of being women?
4. Are there religious restrictions on women’s work?
5. Are there prohibitions against employment (as opposed to special rights offered) that apply to pregnant, recently pregnant, breastfeeding mothers or to mothers of young children?
6. Are there laws segregating workers by sex?

Legal regimes are awarded one point for each measure adopted, so that the highest possible score (a “6”) would reflect a regime characterized by all six prohibitions on women’s work while a regime that does none of these things is coded “0”. (No country discriminates on all four grounds so the most discriminatory country scores a “4”). We do not count provisions that provide special rights or opportunities to women, such as those that enable women to combine breastfeeding with work, as state-sponsored discrimination. These provisions offer women protections that open more doors for them. This is different from denying women opportunities because they are pregnant or because they are parents of young children, especially when this does not apply to similarly-situated male parents.
**Formal Equality:** Governments can work to ensure formal legal equality in the workplace not only by eliminating state-sanctioned discrimination but also by adopting clear statements about the illegality of discrimination, and about women’s rights to equality in hiring, termination, training, promotion, and the like. Sometimes these amount to general statements about women’s rights to equal treatment in the workplace and sometimes these provisions specify particular areas or dimensions to which they apply (hiring, promotion, pay, etc.). Laws like this are not sufficient to achieve substantive equality. But anti-discrimination and equal opportunities laws signify that the state recognizes the problem of sex discrimination and has created a normative framework to combat it.

Sometimes governments adopt commitments to combat discrimination at work while continuing to uphold laws that discriminate against women. The coexistence of contradictory bodies of law can go on for years, providing judges and employers different bases on which to make decisions and guide behavior. This phenomenon highlights the importance of considering policy areas as distinct dimensions rather than as developmental stages.

In order to examine the degree of formal equality, we examined whether the legal regime guarantees equality and prohibits discrimination in all aspects of workplace operation. These must not be general guarantees, but rather, guarantees of equality that apply specifically to women and men. Specifically, we ask:

Are there laws against discrimination against women at work? Are these laws specifically about sex discrimination? Do they (and/or other measures guaranteeing equality) apply to:

1. Wages/Guarantees of equal pay for equal work?
2. Hiring?
3. Termination of employment?
4. Access to training?
5. Equal rights to participate in workplace governance? Unions?

Legal regimes that have general anti-discrimination measures that do not specifically apply to any of these areas receive a “1”. Those that apply to all 5 areas, in addition to prohibiting discrimination in general, are coded “6”.

**Substantive Equality.** Even in the context of formal legal equality, social norms, discrimination, and occupational segregation combine to prevent women’s equal access to work and equal working conditions. To combat these problems, some countries seek to ensure sex equality in a more substantive sense, going beyond repealing discriminatory law and adopting formal commitments to equal opportunities. They aim to address gender-specific problems that constitute barriers to equality at work (such as the clustering of women in specific sectors or occupations characterized by informality or low pay), create legal bodies to monitor enforcement, and seek to assist women working
in less traditional and harder to reach areas of women’s work. This may involve different
treatment in order to combat existing disadvantages and inequalities.

For example, in the Canadian Charter of Rights and Freedoms adopted in 1982,
section 15 (1) is aimed at combatting discrimination. It reads “Every individual is equal
before and under the law and has the right to the equal protection and equal benefit of the
law without discrimination and, in particular, without discrimination based on race,
national or ethnic origin, colour, religion, sex, age or mental or physical disability.”
Section 15(2), however, is aimed at ensuring that formal equality does not become an
obstacle to the adoption and operation of laws intended to advance equality in practice,
such as affirmative action policies. That section, which we might think of as being more
oriented towards substantive equality, reads “(2) Subsection (1) does not preclude any
law, program or activity that has as its object the amelioration of conditions of
disadvantaged individuals or groups including those that are disadvantaged because of
race, national or ethnic origin, colour, religion, sex, age or mental or physical
disability.” In this sense, laws and policies that involve differential treatment to
overcome existing disadvantages are not seen to violate principles of equality.

Often, labor laws are not seen as applicable to categories of workers where large
numbers of women are employed. For example, in Nigeria, minimum wage requirements
“do not apply to establishments where there are less than 50 workers or they are
employed on a part-time basis or in seasonal employment” (Williams 2004) which means
they do not apply to the agricultural, seasonal and informal sectors where most women
work. Ironically, this means that the most disadvantaged women workers in both
developed and developing economies (such as women working in the informal sector as
domestic workers, home workers, agricultural workers and the like) are the people most
difficult to reach with public policy.

In addition, labor laws suffer from lack of enforcement. Though our concept of
substantive equality does not include enforcement or implementation, we do study the
creation of government entities to monitor enforcement. (To be sure, whether equality
enforcing bodies devised by the law actually operate as envisaged, for example, is a
question of implementation.)

This third type of government action we consider, then, addresses the specific
problems that confront women in the labor market, and to translate formal legal equality
into substantive or effective legal equality. We measure this third dimension of
government action by asking:

1) Are there any legal or policy mechanisms to enforce guarantees of equality?
2) Does the government demonstrate, in its policy and rhetoric, an awareness of
and attention to the problems of women working in the informal sector? Are
there any efforts to address their problems?

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3) Are there any efforts or mechanisms to ensure the applicability of labor laws to the informal sector? Are there provisions for the representation of informal sector workers in formal economic planning/business consultation processes? Are there policies or incentives to facilitate the self-organization of informal sector workers?

4) Are there provisions for positive action to promote women’s work in non-traditional occupations? Job training?

5) Does the government offer financial benefits or privileges to companies that promote women workers or to companies owned by women (such as provisions with respect to government contracting for female-owned businesses in the United States)?

Legal regimes characterized by more of these initiatives have higher scores, and those with all five of these types of measures score a “5” while those with none of these measures score a “0”.

The Indices. We created two indices to measure and compare government action on equality at work. One measures state sponsored discrimination using our formal discrimination indicators described above. That measure ranges from 0 to 6, but relatively few countries adopt more than a few of these measures. The next index sums our indices for formal and substantive equality, producing an index of equality that ranges from 0 to 11.

Cross-national patterns

As Table 4 shows, the number of national law and policies formally entrenching sex discrimination has declined over recent decades, while the number of laws advancing equality has increased dramatically. In 1975, it was most typical not to take action to outlaw discrimination. A few countries had provisions against discrimination in several areas, but most had none (see the score for formal equality in 1975: Median is 0). By 2005, though, the opposite was true, with most countries adopting laws against discrimination in about 5 of the 6 areas we examined. In 1975, again, it was most typical for a government to do nothing to advance substantive equality. By 2005, most governments had adopted three distinct kinds of measures to advance substantive equality, though there was less progress here than on formal equality.

Interestingly, the patterns for state-sponsored discrimination are somewhat different. Overall, such discrimination declined, but in one or two cases, it increased.

Table 4: National Laws Relating to Women’s Legal Status at Work: An Overview (Number of Countries with the Legal Provision in Question, of a total of 70)

<table>
<thead>
<tr>
<th>Type of Law</th>
<th>1975</th>
<th>1985</th>
<th>1995</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law against night work by women</td>
<td>32</td>
<td>32</td>
<td>26</td>
<td>21</td>
</tr>
<tr>
<td>Law against overtime work by women</td>
<td>4</td>
<td>2</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>
There is considerable regional variation in these trends as well. For example, in Latin America, formal discrimination declined so that it is most typical to have none, while in MENA, formal discrimination increased over the period, more than doubling. Formal and substantive equality increased more slowly in MENA than in Latin America. Overall, Latin American countries have slightly less legal protection than most countries
in our study, but the MENA countries have significantly less legal equality than both Latin America and the global average for the countries in our study.

Table 4A: Latin America: National Laws Relating to Women’s Legal Status at Work

<table>
<thead>
<tr>
<th>Latin America (10 countries)</th>
<th>1975</th>
<th>1985</th>
<th>1995</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law against Night work</td>
<td>5</td>
<td>5</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Law against Overtime</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Law against Work in Specific Occupations</td>
<td>5</td>
<td>5</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Religious Restrictions on Women’s Work</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Ban on Work for Pregnant Women</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Law Segregating Workers by Sex and Occupation</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Ant-Discrimination Provisions</td>
<td>6</td>
<td>8</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>General Anti-Discrimination on Basis of Sex</td>
<td>6</td>
<td>8</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Laws Requiring Equal Pay</td>
<td>4</td>
<td>5</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Laws Against Sex Discrimination in Hiring</td>
<td>1</td>
<td>2</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Laws Against Sex Discrimination in Firing</td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Laws Against Sex Discrimination in Training</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Laws Against Sex Discrimination in Government Workplace</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Other Laws against Sex Discrimination</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Enforcement Mechanism for Equal Work Provisions</td>
<td>5</td>
<td>7</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>Policies Promoting Women’s Status at Work</td>
<td>5</td>
<td>7</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Policies Promoting Women in Non-Traditional Occupations</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>Policies addressing work in informal sector</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Incentives to Hire Women or to Advance Sex Equality</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>State Sponsored Discrimination (median) (0-6)</td>
<td>1.1 (1)</td>
<td>1.33 (1)</td>
<td>0.77 (0)</td>
<td>0.55 (0)</td>
</tr>
<tr>
<td>Formal Equality (median) (0-6)</td>
<td>1.7 (3)</td>
<td>2.4 (2.5)</td>
<td>3.77 (4)</td>
<td>3.88 (4.5)</td>
</tr>
<tr>
<td>Substantive Equality (median) (0-5)</td>
<td>1.1</td>
<td>1.55</td>
<td>2.44</td>
<td>3.22</td>
</tr>
<tr>
<td>MENA (8 countries)</td>
<td>1975</td>
<td>1985</td>
<td>1995</td>
<td>2005</td>
</tr>
<tr>
<td>--------------------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>Law against Night work</td>
<td>2</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Law against Overtime</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Law against Work in Specific Occupations</td>
<td>3</td>
<td>6</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Religious Restrictions on Women’s Work</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Ban on Work for Pregnant Women</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Law Segregating Workers by Sex and Occupation</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Ant-Discrimination Provisions</td>
<td>1</td>
<td>2</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>General Anti-Discrimination on Basis of Sex</td>
<td>1</td>
<td>2</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Laws Requiring Equal Pay</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Laws Against Sex Discrimination in Hiring</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Laws Against Sex Discrimination in Firing</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Laws Against Sex Discrimination in Training</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Laws Against Sex Discrimination in Government Workplace</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Other Laws against Sex Discrimination</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Enforcement Mechanism for Equal Work Provisions</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Policies Promoting Women’s Status at Work</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Policies Promoting Women in Non-Traditional Occupations</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Policies addressing work in informal sector</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Incentives to Hire Women or to Advance Sex Equality</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>State Sponsored Discrimination (median) (0-6)</strong></td>
<td>0.87</td>
<td>1.42</td>
<td>2.2</td>
<td>2.14</td>
</tr>
<tr>
<td><strong>(median) (0-6)</strong></td>
<td>(0)</td>
<td>(2)</td>
<td>(2)</td>
<td>(2)</td>
</tr>
<tr>
<td><strong>Formal Equality (median) (0-6)</strong></td>
<td>0.25</td>
<td>0.57</td>
<td>1.71</td>
<td>2.57</td>
</tr>
<tr>
<td><strong>(median) (0-5)</strong></td>
<td>(0)</td>
<td>(0)</td>
<td>(2.5)</td>
<td>(3)</td>
</tr>
<tr>
<td><strong>Substantive Equality (median) (0-5)</strong></td>
<td>0.25</td>
<td>0.42</td>
<td>1.57</td>
<td></td>
</tr>
</tbody>
</table>
Overall Equality (median) (0-11)

<table>
<thead>
<tr>
<th></th>
<th>(0)</th>
<th>(0)</th>
<th>(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.5 (0)</td>
<td>0.57</td>
<td>2.14</td>
<td>4.14</td>
</tr>
<tr>
<td>4.14</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

These differences in regional and issue-specific trends validate the notion that women’s economic equality consists of distinct dimensions and that disaggregating policy areas produces a more refined analysis.

**Explaining Cross-National Variation**

In this section, we seek to explain variation in policies affecting women’s legal status at work focusing on three distinct dimensions of government action in women’s status: state-sponsored discrimination, formal legal equality, and substantive legal equality. We examine experiences in some countries that have successfully promoted sex equality and analyze how they got there in order to construct a set of testable hypotheses. Finally, we conduct a statistical analysis of a wide variety of countries to see if the patterns that we identify in specific cases hold in a broader scope.

**Adopting Formal Equality**

Many European countries such as Norway and Ireland, and Latin American countries such as Brazil, Colombia, and Peru, began our study period with discriminatory and exclusionary provisions but later reformed. Change was driven primarily by women’s organizations and influenced by international norms, largely independent of numbers of women in the legislature or the influence of left parties.

In Norway, the 1978 Equal Status Act was passed in the context of a series of important feminist policy and political successes, including the legalization of elective abortion and the election of large numbers of women to political office (Leira 2005). These issues came to the forefront at that time because of the “interaction of women’s groups and movements outside the formal political power bases with women in the political parties” (ibid 68). The Labor Party formed a committee on equal status and invited feminist groups to formulate a proposal. The feminist input was watered down by the union representatives on the committee who were concerned about proposals for comparable worth legislation, which were stripped from the final version of the bill.

Since the labor government was in a minority, even this bill was subjected to more compromises in order to ensure the support of the Socialist Left, Labor, and Conservative Parties. The final bill did include protections against discrimination against women workers, and ensured a measure of implementation, creating an Ombudsman as an enforcement agency. Women’s organizations were very active in ensuring the enforcement and implementation of the act (Mazur 2002).

In Ireland, the 1977 Equal Employment legislation was a product of women’s organizing on their own behalf as well as the need to comply with international (EC) Directives. As early as 1973, the women’s advisory committee (which was a women’s ancillary group of a trade union group (Irish Congress of Trade Unions ICTU) demanded
laws advancing equality of opportunity. The law was adopted by parliament with support from all parties (not just left parties). Going beyond the standard equal employment guarantees, this law established an enforcement mechanism (equal employment agency) and also stipulated that women’s groups had a role in the new agency (Mazur 2002).

In the U.S., one of the important changes advancing the legal status of women workers was the Pregnancy Discrimination Act of 1976. This Act was a response to a lawsuit initiated by a teacher who was forced to resign because her employer judged her unfit to teach while visibly pregnant. The Act, often cited as one of the most important feminist policy successes in the country, was supported by a coalition of feminist organizations and pro-family groups. It passed with broad support once feminist activists agreed to compromise by excluding coverage for abortion from the consideration of sex discrimination.

These sex equality reforms were supported by both right-wing and left-wing parties. In some cases unions helped, but in others they opposed or watered down the provisions in question. The one characteristic these countries shared was the prominent role of women’s organizations pushing for policy initiatives that would advance women’s rights in the workplace. Women’s sustained organization and activism has been necessary to make unions and other non-feminist institutions get on board with sex equality and incentivize them to pursue that agenda.

In Communist regimes, women’s organizing was not necessary to reform. Most of these countries undertook wide-ranging reforms of legal codes, in the process replacing religious with secular law and codifying communist ideology. Some communist regimes were also influenced by feminist ideas. Alexandra Kollontai, a prominent Russian communist revolutionary, argued that, “The woman in communist society no longer depends upon her husband but on her work. It is not in her husband but in her capacity for work that she will find support” ([1914] 1977, 258). In addition, liberating women was an instrument to achieve other ends, such as increasing the size, quality and skill of the labor force; modernizing the rural economy; and transforming the family into a unit of socialization to the new order (Molyneux 1985a, 53; see also Molyneux 1985b, 245-6). In addition, improved rights were an enticement to women, many of whom were politically active, to mobilize in support of the new social order.

**From Formal to Substantive Equality**

Formal legal equality may not be sufficient to advance women’s status and rights. When women’s de facto position in the labor market puts them at a disadvantage, an understanding of equality limited to similar treatment can prolong gender subordination. In such cases, government action specifically to redress the causes of women’s subordination in gender specific terms (such as affirmative action policies), to extend legal protections to occupations or sectors where women tend to work (such as the informal sector, or domestic work) and to ensure that legal guarantees are accompanied by legal processes for their enforcement become necessary. For these reasons, governments that are serious about women’s economic equality go beyond repealing
discriminatory law and seek to assist working women by making sure the laws apply to them, to redress obstacles to equality, and to design enforcement mechanisms.

Not all governments that embrace laws on formal equality are as quick to adopt measures to promote substantive equality, such as protection for informal sector workers or enforcement mechanisms. In Latin America, the informal sector is large and high numbers of women—especially Afrodescendant and indigenous women—work in it. Yet informal sector and rural workers were usually excluded from the rights and protections of national labor laws (e.g. article 7 of the Consolidação das Leis do Trabalho (CLT, or Consolidated Labor Laws) in Brazil), including minimum wages, maximum working hours, social security, disability, and so forth.

Similarly, the World Bank (2013) noted that an important reason why Turkey has not achieved substantive equality in the workplace is because it lacks enforcement mechanisms for its anti-discrimination laws. As a result, employers have found numerous ways to circumvent these laws. In Egypt, the more than 3 million women working in farming are excluded from the protections of the New Unified Labor Law of 2003, a fact that has been noted by the Arabic Network for Human Rights Information.

In the best cases, governments can take action to eliminate all formal discrimination, enact equal opportunities laws (formal equality), create enforcement mechanisms, address informal work, and social stereotypes, and provide incentives to hire women. These conditions are easier to achieve in a context where most economic activity is formally regulated by the state. Governments with large informal economies, however, can still take measures to promote women’s substantive equality. As we discuss later on, a growing number of countries are taking action to improve the rights of domestic workers, most of whom work informally.

Australia’s federal government had promoted substantive equality in all of the areas mentioned above by 1995, the first government in the world to do so (Sawer 2012; Weldon 2011). What happened? In Australia, women’s groups had long demanded action to promote women’s equality in the workplace. In 1949 and 1950 some women’s organizations (including the NCW and Australian Federation of Business and Professional Clubs) were demanding equal pay and making formal proposals to the government. But they struggled to get government agencies to apply equal pay regulations to women.

By the early 1970s, a strong, autonomous women’s movement demanded, and obtained, policy advances in a number of areas (Sawer 2012; Weldon 2011). As part of this wave of government action on equality, some of the first policies on workplace equality were developed. In 1975, the Sex Discrimination Act was passed, which created a complaints-based enforcement process. This also began International Women’s Year and the Decade for Women (1976-1985). The Australian women’s movement was particularly internationally oriented, and after Australia signed CEDAW in 1983, the government was quick to pass the 1984 Federal Sex Discrimination Act, which was based on CEDAW and explicitly refers to it (Cotter 2004, 96). The act created a Sex
Discrimination Commissioner to oversee implementation. This year also saw the first women’s budget, and public service reforms introduced equal opportunity programs (which were also influenced by the 1985 Nairobi Forward Looking Strategies). The enforcement agency (HREOC) was charged with inquiring into complaints and carrying out research and education. In 1993, the provisions on sex discrimination were strengthened in the Commonwealth Sex Discrimination Act.

These innovative measures preceded the expansion of the numbers of women in government beyond a critical mass, and preceded a major expansion of the Women’s Policy Agency (WPA). Although a left party held sway in Australia in the early period, the autonomous women’s movement was the catalyst for action.

As this example suggests, promoting substantive equality tends to be the result of women’s organizing and international pressure. Women’s organizing plays a greater role in the areas of substantive equality than it does in either repealing discriminatory laws or adopting measures of formal equality, such as equal opportunities laws. This makes sense since pushing forward women’s equality at work is an area that requires a focus on the specific conditions of women’s lives, often in a gender-specific way, and is also fundamentally a process of social change (Htun and Weldon 2012). Demand for such policies tends to grow out of women’s own organizing to articulate their own distinctive concerns and to mobilize political will for change. In addition, women’s groups have institutionalized their agendas in international conventions and partnered or participated in transnational feminist networks to advance policy change (Moghadam 2003; L. Weldon and Htun 2012).

Statistical analysis

Based on the patterns identified above, and our overall approach to gender equality, we propose five hypotheses to explain policy variation across the large sample of countries:

- H1: Autonomous women’s movements should be associated with greater equality in women’s legal status at work.
- H2: Women’s policy machineries should be associated with greater equality in women’s legal status at work.
- H3: If a country is a signatory to CEDAW, and/or if international feminist networks are active in a country, their presence should be associated with greater equality in women’s legal status at work.
- H4: Having left parties in government should be associated with greater equality in women’s legal status at work.
- H5: Numbers of women in parliament will have smaller effects promoting gender equality, and weaker relationships with greater equality in women’s legal status at work, than will women’s movements, international influences and other avenues for the influence of organized feminism.
To explore these relationships and hypotheses, we analyzed an original panel dataset that includes our Index of Sex Equality in Legal Status at Work and measures of several independent variables. We employed a technique for the analysis of panel data sets called Random Effects to analyze this data.\(^{20}\) Our dataset encompasses 70 countries over the period 1975-2005, and our analysis pools four cross-sections of data (1975, 1985, 1995, 2005) into a single dataset.

Table 5 summarizes our independent variables and sources of data for each. Unless indicated otherwise, data for our independent variables comes from the same year as data for our dependent variable (1975, 1985, 1995, 2005). (For descriptive statistics for each of these variables please see Appendix A). Since the observations in such a dataset are not independent (for example, the observed characteristics of Hungary in 2005 may be related to those in 1995), analysts prefer to use techniques designed to take the “panel-like” structure of the dataset into account, such as the Random Effects regression analysis we employ here. Note that we also ran all analyses with OLS regression for comparison. In most cases, the OLS analyses might have strengthened our conclusions but we preferred to use the technique that takes the panel structure into account. The dependent variable is an index of sex equality described above as the overall equality index, which is merely the sum of formal and substantive equality measures, and ranges from 0 to 11.\(^{21}\)

Table 5. Independent and Control Variables:

<table>
<thead>
<tr>
<th>Variable</th>
<th>Description</th>
<th>Data Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Autonomous feminist movement</td>
<td>Presence of Autonomous feminist movement (0-1)</td>
<td>Htun and Weldon 2012</td>
</tr>
<tr>
<td>CEDAW ratification</td>
<td>Ratification of CEDAW (dichotomous)</td>
<td>UN Treaty Database 2011</td>
</tr>
<tr>
<td>Women’s policy machinery</td>
<td>Presence of an effective women’s policy machinery</td>
<td>True and Mintrom (2001), supplemented by additional data from Avdeyeva (2009) and UN (2006)</td>
</tr>
<tr>
<td>Female Labor Force Participation</td>
<td>Percentage of women (15+) who participate in the labor force</td>
<td>World Bank Genderstats</td>
</tr>
<tr>
<td>Women’s presence in parliament</td>
<td>Percent of seats occupied by women in the lower house</td>
<td>Inter-Parliamentary Union 2011</td>
</tr>
</tbody>
</table>

\(^{20}\) As noted, Random Effects is a type of regression suited to panel data as it takes into account the overtime and cross-sectional nature of the data. It is to be preferred to both fixed effects when there are slow moving variables and to regular OLS regression, which assumes independence of observations, a presumption that is violated by the structure of panel data. Since fixed effects is inappropriate for this analysis, and the hausman test is unsuited to a determination of which analytic technique is best suited for our type of data, we do not report the hausman test here (For more on this point see Clark and Linzer 2012).

\(^{21}\) Please note that this sort of variable is not an event count variable and that the assumptions behind analytic techniques designed to handle count variables (for example, Poisson regression are often violated by these data (to take just one example, the index does not sum events that are \textit{independent}). For more on Poisson regression and the assumptions required see Winkelman1997. For more on why this specific type of index of policy scope is not an event count see Weldon 2002; 2006; and Htun and Weldon 2012).
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Democracy</strong></td>
<td>Combined Polity Score (-10 to 10)</td>
<td>Teorell et. al. 2011</td>
</tr>
<tr>
<td><strong>GDP</strong></td>
<td>Log of GDP per capita</td>
<td>Heston, Summer, and Aten 2006</td>
</tr>
<tr>
<td><strong>State religion</strong></td>
<td>Presence of an official state religion (dichotomous)</td>
<td>Barro and McCleary 2005</td>
</tr>
<tr>
<td><strong>Religious legislation</strong></td>
<td>Number of religious laws enforced by the state</td>
<td>Association of Religion Data Archives 2006 (see Fox 2008)</td>
</tr>
<tr>
<td><strong>Importance of God</strong></td>
<td>Whether the average ranking of God’s importance is high or low (dichotomous)</td>
<td>World Values Survey Association (2009) question F063 on the importance of God in one’s life</td>
</tr>
<tr>
<td><strong>Religiosity</strong></td>
<td>Strength of religiosity scale (0-100)</td>
<td>Teorell et. al. 2011(see Inglehart and Norris 2003)</td>
</tr>
<tr>
<td><strong>Religious party</strong></td>
<td>Whether a religious party is one of the three largest parties in government and/or the party of the chief executive (dichotomous)</td>
<td>Database of Political Institutions from Teorell et. al. 2011</td>
</tr>
<tr>
<td><strong>Former colony</strong></td>
<td>Experience of overseas Western colonial rule (dichotomous)</td>
<td>Teorell et. al. 2011</td>
</tr>
<tr>
<td><strong>Communist</strong></td>
<td>Current and former communist countries (dichotomous)</td>
<td>Teorell et. al. 2011</td>
</tr>
<tr>
<td><strong>Left Party (Ideology of Largest Party)</strong></td>
<td>-1, 0,1 (1=Left; 0=Center, -1 equals Right)</td>
<td>Database of Political Institutions from Teorell et. al. 2011</td>
</tr>
</tbody>
</table>

The results of the analysis are reported in Table 6. Five regression models are reported. In each of these models, the presence of autonomous women’s movements has a statistically and substantively significant relationship with greater sex equality in women’s legal status at work, as expected (H1). The coefficients suggest effect sizes of roughly one to two additional areas of equality. Such movements are among the strongest predictors in the analysis.

Also as expected (H3), *CEDAW ratification* (models 2-5), or more subtly, as in model 1, the *Withdrawal of reservations to CEDAW*, \(^{22}\) has a substantively important and significant relationship to sex equality. Here, such measures seem to be associated with variable, as we have here, in a way that compares those who have withdrawn reservations with those who have not. Withdrawing reflects socialization processes.
about one additional measure, and the relationship, while still strong, is weaker than the relationship of feminist movements with employment equality.

As in some of the cases discussed above (e.g. Ireland, France, Turkey) we see that EU influence is associated with greater sex equality in workplace laws. EU Membership is statistically significant and substantively important, being associated with one additional area of sex equality (model 5). In work on other areas of women’s rights, we found that regional norms and pressures were especially strong mechanisms for the diffusion of international norms (Htun and Weldon 2012). European conventions and instruments on workplace equality are far more developed than in many other regions. (This is not the case for violence against women, however, where Latin American regional networks and norms developed earlier.)

Our research replicated extant literature that finds that when 1/3rd of states adopt a norm, the pressure for conformity produces a norm cascade that results in widespread adoption of new measures inside the region in question. Our research suggests that only Europe has such a regional norm on gender equality during the period in question, best represented through the mechanism of EU institutions. For this reason, our dummy variable captures EU membership.
Table 6: Random Effects Regression, Dependent Variable=Index of Equality in Employment Law, 1975-2005

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
<th>Model 4</th>
<th>Model 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strong Autonomous</td>
<td>0.52* (0.24)</td>
<td>0.51* (0.23)</td>
<td>0.50* (0.22)</td>
<td>0.50* (0.23)</td>
<td>0.43+ (0.22)</td>
</tr>
<tr>
<td>women’s movement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female Labor Force</td>
<td>-0.00 (0.02)</td>
<td>0.00 (0.01)</td>
<td>0.01 (0.01)</td>
<td>0.01 (0.01)</td>
<td></td>
</tr>
<tr>
<td>Participation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Effective Women’s</td>
<td>0.59 (0.38)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy Machinery</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Democracy Level</td>
<td>0.03 (0.03)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GDP (logged)</td>
<td>4.15*** (0.57)</td>
<td>4.17*** (0.59)</td>
<td>4.04*** (0.59)</td>
<td>4.04*** (0.60)</td>
<td>4.42*** (0.51)</td>
</tr>
<tr>
<td>Withdrawal of</td>
<td>0.80 (0.48)+</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>reservations to</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CEDAW</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communist legacy</td>
<td>1.26 (0.64)+</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Former colony</td>
<td>1.65** (0.59)</td>
<td>1.13 (0.58)+</td>
<td>1.38* (0.59)</td>
<td>1.38* (0.59)</td>
<td>1.64** (0.53)</td>
</tr>
<tr>
<td>Official state religion</td>
<td>-1.63*** (0.46)</td>
<td>-1.66*** (0.45)</td>
<td>-1.56*** (0.45)</td>
<td>-1.55*** (0.46)</td>
<td>-1.68*** (0.44)</td>
</tr>
<tr>
<td>Belief in God</td>
<td>-0.64 (0.58)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religious Party in</td>
<td>0.40 (0.45)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Party</td>
<td>0.18 (0.18)</td>
<td>0.16 (0.18)</td>
<td>0.18 (0.18)</td>
<td>0.18 (0.18)</td>
<td>0.18 (0.18)</td>
</tr>
<tr>
<td>Women in the</td>
<td>0.09*** (0.02)</td>
<td>0.10*** (0.02)</td>
<td>0.09*** (0.02)</td>
<td>0.09*** (0.02)</td>
<td>0.10*** (0.02)</td>
</tr>
<tr>
<td>Legislature (%)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CEDAW Ratification</td>
<td>0.67 (0.38)+</td>
<td>0.68 (0.38)+</td>
<td>0.68 (0.38)+</td>
<td>0.68 (0.38)+</td>
<td></td>
</tr>
<tr>
<td>EU membership</td>
<td>0.83 (0.47)+</td>
<td>0.83 (0.47)+</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commitment to ICESCR</td>
<td>-0.00 (0.25)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>234</td>
<td>236</td>
<td>236</td>
<td>236</td>
<td>240</td>
</tr>
<tr>
<td>Number of countries</td>
<td>69</td>
<td>69</td>
<td>69</td>
<td>69</td>
<td>70</td>
</tr>
<tr>
<td>R²</td>
<td>.67</td>
<td>.66</td>
<td>.66</td>
<td>.66</td>
<td>.66</td>
</tr>
</tbody>
</table>

*p<.05, **p<.01, ***p<.001 (+ means p<.1)

We expected an Effective women’s policy machinery to be a strong predictor of the likelihood of reform, but this relationship did not seem to hold in the data (H2, model 1). This was robust across many specifications of the model.

We also investigated whether labor mobilization explained greater sex equality in laws governing women’s work (H4). Many scholars (Esping-Andersen 1990) have used the strength of left parties as a proxy for labor mobilization. We found only statistically insignificant associations between left parties in government and greater sex equality. Using a measure of union density for a smaller number of countries did not reveal stronger relationships. We also tried other measures and failed to find stronger relationships (Not shown). So while there may be some evidence for a positive

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23 Some measures (for example a dummy variable for left parties or a measure of ideology) produced barely significant (p=.05 or .06) results in this analysis, but these were not robust and effects were small.
relationship between left parties and greater sex equality in this area, it was not strong or statistically significant, especially compared to the effects of women’s movements and international institutions. This result conforms to our expectations about women’s movements mattering more than left parties for “gender status” policy issues.

The percentage of parliamentary seats occupied by women was very significantly associated with greater equality in laws governing the workplaces. Differences over time and across countries of one standard deviation differences are associated with a bit less than one additional policy area. While important, it is important to note that these associations were smaller than the substantively large association of autonomous women’s movements.

In addition, international treaties (such as CEDAW) or regional influences (such as the EU) were weakly associated with greater sex equality. In four out of the five models shown, CEDAW ratification, or the withdrawal of reservations to CEDAW, was associated (albeit weakly in one case) with greater sex equality in employment law and policy. Membership in the EU was weakly positively associated with legal equality as well in two models (model 3 and 4), though in a third (model 5) it narrowly misses the threshold. Together, women’s movements and international and regional influences are likely associated with about 3 additional areas of legal equality. Interestingly, being part of the CEDAW process appeared more relevant to this policy issue area than did commitment to ICESCR. So we see the association with global and regional norms and attendant processes that are specifically concerned with women’s rights, and we see less strong a relationship to the specific convention associated with social and economic rights.

Control variables mostly had the expected effects: GDP was very strongly associated with greater sex equality, while religiosity and religious institutions were associated with less sex equality. The experience of communism was not strongly significantly associated with sex equality, but the relationship is in the expected direction. Some of the control variables exhibited less expected, if significant, results: a colonial experience was associated with greater sex equality as well, which was not expected. Democracy level had no relationship at all with sex equality in workplace laws.

Overall, the results of statistical analysis for this issue area conform to our expectations about the importance of autonomous feminist movements for a “gender status” policy issue such as women’s legal status at work. Since legal status is an issue affecting all women, regardless of their class background, ethnic identities, and other affiliations, and since it involves change in the meaning of women’s roles, we expected that autonomous feminist organizing would be associated with more progressive policies. We do not expect this to be the case with the other issues analyzed in this paper (parental leave and child care). Though feminist movements care about, and have mobilized around, these issues, a broader coalition and more conducive contextual factors are necessary to initiate welfare state expansion and other changes in state-market relations.
IV. Parental Leave

Access to parental leave is crucial for women’s economic equality. Most—but not all—women have children at some point in their lives. In order to maintain access to livelihood, support their families, and attain economic independence, it is essential that they be able to retain, and return to, their jobs after childbirth. The well-being of children also depends on a parent’s ability to care for them during early infancy as well as whether the parent has the necessary resources to provide for herself and her children.

Most governments provide for leaves for workers who give birth or care for children, though the timing and financing of such leaves varies dramatically. Such leaves may be guaranteed in labor law, provided for by specific legislation, or introduced as part of unemployment insurance or social security program. Paid leaves may be funded by government (often through the unemployment insurance program), or the law may mandate employer provision of paid leave.

Sometimes court decisions have influenced whether unemployment insurance programs must include childbirth as a type of illness covered by medical leave or can exclude it. Canadian courts at one time ruled that discrimination against pregnant people was not sex discrimination because not all women get pregnant (Bliss) but that decision has since been overturned, and now Unemployment Insurance is used for maternity leave in Canada. In the U.S., distinguishing between pregnancy and other medical conditions is prohibited by the Pregnancy Discrimination Act (discussed above). This is a legislative change that provided the basis for demanding the extension of benefits to pregnant women.

It is important to distinguish between leave that is medically necessary for childbirth (maternity leave) and leave that is provided for the purpose of taking care of a child (parental leave). Maternity leave is provided to those giving birth to a baby, and is gender-specific in that it can be taken only by women. Parental leave is gender-neutral and may be taken by anyone: adoptive parents, mother, father, or someone standing in loco parentis. Many governments provide paternity leave, gender-specific leave for fathers, in an effort to enable fathers to be present at the time of a child’s birth.

A small group of national governments (Norway, Sweden, Iceland, Italy) provide for daddy leave, non-transferable parental leave designed to encourage fathers to take a greater role in the care of young children. The combination of social norms encouraging women (but not men) to take leave to care for their children, and lower wages for women, mean that the incentive structures of gender-neutral policies usually result in women taking the vast majority of parental leaves (even when such leaves are facially gender-neutral). Innovative policies (that have come to be called Daddy leaves) seek to alter these incentive structures by creating a “use it or lose it” leave provision: fathers cannot transfer the leave to mothers or other family members if they do not use the leave themselves. Such leaves are relatively new (the first ones were introduced in 1993 in Norway, and in 1994 in Sweden), but there is evidence that they increase the number of fathers who take parental leaves.
Leave policies vary greatly in terms of 1) the length of the leave provided, 2) the conditions of eligibility for the leave, and 3) whether any stipend or reimbursement for lost wages is provided (paid leave), and 4) the amount of money provided for paid leaves. Government policy in Finland, Norway, and Sweden provide for up to 3 years of part-time, paid leave for parents (mostly taken up by mothers). In Canada, such leaves vary by province, but the Unemployment Insurance scheme in Ontario offers leaves comparable to Scandinavian policies.

Public funding reflects an acceptance of childbirth as a public good and care work as a community responsibility (as opposed to the individual woman or parents). Employer mandates, by contrast, place the burden of leave on individual businesses, creating a disincentive to employ women of childbearing age.

In Australia, federal government policy provided paid leave only to government employees until 2010. In the United States, federal policy provides for only a total of 12 weeks of unpaid leave that may be taken by either parent. Since these requirements apply only to employers with more than 50 employees, and to workers who have been employees for more than one year, about half of all working women are not eligible for such leaves. And since they are unpaid, there is a reasonably low take-up rate (that is, few people avail themselves of this unpaid leave). For a time, under the Clinton Administration, federal government policy in the U.S. encouraged states to provide paid leave through the unemployment insurance program (called “Baby UI” programs), and 30 states participated in this program at one time or another. However, George W. Bush cancelled this policy, and the number of states offering paid maternity or parental leave through UI has declined to only three: California, New Jersey, and Washington.

The countries of the Middle East and North Africa (MENA) have offered maternity leave for several decades, though this often came in the form of employer mandates. For example, government-supported maternity leave was offered in Iran before the revolution, and Turkish law has guaranteed maternity leave since 1971. Women in Egypt have enjoyed guaranteed paid maternity leave since 1964 (Hatem 1992).

In other parts of Africa, paid maternity leave is offered through a mix of employer mandates, public financing, and mixed regimes (cost splitting). In Nigeria, women have had legally mandated paid maternity leave since the enactment of the Labor Act of 1990. According to Section 54 of the Labor Act a woman is entitled to 6 weeks leave prior to her confinement and “shall not be permitted to work during the six weeks following her

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24 Australian policy now offers a fixed amount of cash reimbursement for parental leave, since 2010.

25 Starting in 2002, the state of California began to offer income replacement for workers caring for newborn or adopted children or ill family members (as a result of the California Paid Family Leave Act). The Act provides for partial pay (55 percent of salary, up to a weekly maximum of around $1000 in 2009) for up to six weeks, for workers who have paid into the state’s disability insurance fund. By 2012, some one million workers had taken advantage of the program, though a 2007 survey revealed that half of the state’s workers were unaware of its existence (Engeman 2012).

confinement.” This leave is paid: Section 54(c) states that, where a woman has been continuously employed for 6 months or more she should be paid no less than fifty percent of the wages she would have earned had she not been absent.

Importantly, the law makes the employer responsible for payment of wages. These employer mandates likely exacerbate discrimination against women, especially without strong protections for them. Culturally, attitudes thwart progress on leave for men. The notion of parental leave for men is viewed as a joke, and maternity leave is reportedly enforced only within the civil service (interviews).

In 2012, MENA, South Asia, and sub-Saharan Africa were the regions most likely to uphold employer mandates for the payment of maternity leave salaries. Employer mandates prevailed in Botswana, the DRC, Eritrea, Iraq, Kenya, Kuwait, Lesotho, Malawi, Mauritius, Nigeria, Qatar, Saudi Arabia, Sudan, Syria, the U.A.E, Tanzania, Yemen, Zambia, and Zimbabwe (United Nations Statistics Division 2012). Employer mandates were also common in South Asia, with the policy in force in Bangladesh, India, Pakistan, and Sri Lanka in 2012 (Ibid). In Southeast Asia, the situation was more mixed: Indonesia and Malaysia had an employer mandate but in Burma (Myanmar), Laos, and Vietnam, the cost of leave was paid through social insurance (in Thailand, the law mandates cost splitting27).

Latin American governments enforce maternity leave and most legislation provides for around three months, though Brazil and Costa Rica require 16 weeks, Cuba, 18, and Chilean law was reformed in 2011 to mandate six months of parental leave (four and a half months for the mother and six weeks more for either parent, at the mother’s discretion) (Blofield and Martinez Franzoni 2014). Most countries (and all ten in our database) require paid leave, though the sources of pay vary from place to place. In some countries, such as Brazil and Mexico, leave is financed entirely through social insurance funds while in others, such as the Dominican Republic and Ecuador, the cost is split between the government and employers (50/50 in the former; 75/25 in the latter). Only in El Salvador is the cost of leave financed entirely by employers (United Nations Statistics Division 2012).

A growing number of countries are mandating maternity leave coverage for domestic workers. South Africa grants domestic workers four months of maternity leave, paid out of social insurance funds. In at least 53 other countries in the ILO’s sample of 167, domestic workers were covered by maternity leave legislation (ILO 2010b, 38).

Measuring Cross-National Variation

We gathered data and coded each of our 70 countries for various features of laws on maternity, parental and paternity/daddy leave in the same way that we gathered data

27 There are some discrepancies between these data on policy and the ILO (2010b) dataset. For example, the description of the policy in Tanzania in inconsistent across these two sources. Further research is required to settle this question.
for employment law (see above). The Tables below summarize our findings in relation to Maternity Leave (women only), Parental leave (women and men), and Paternity or Daddy leave (fathers only). The tables below show the total numbers of our study countries globally and within each region with each type of policy as well as the mean duration of each type of leave.

Table 7: Number of Countries Adopting Leave Measures by Year

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Global (70)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal policy providing maternal leave</td>
<td>49</td>
<td>60</td>
<td>67</td>
<td>70</td>
</tr>
<tr>
<td>Duration of maternity leave (in months)</td>
<td>2.41</td>
<td>3.06</td>
<td>3.47</td>
<td>3.72</td>
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<tr>
<td>Paid maternity leave</td>
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<td>58</td>
<td>64</td>
<td>67</td>
</tr>
<tr>
<td>Leave without salary penalty or termination (job protection, not necessarily paid)</td>
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<td>23</td>
<td>32</td>
<td>39</td>
</tr>
<tr>
<td>Parental leave</td>
<td>4</td>
<td>5</td>
<td>14</td>
<td>30</td>
</tr>
<tr>
<td>Non-transferable leave for second parent</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Number of observations</td>
<td>70</td>
<td>70</td>
<td>70</td>
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Table 7A: Western Countries Adopting Leave Measures by Year

<table>
<thead>
<tr>
<th>Western Europe (15 countries)</th>
<th>1975</th>
<th>1985</th>
<th>1995</th>
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<tr>
<td>Federal policy providing maternal leave</td>
<td>9</td>
<td>14</td>
<td>14</td>
<td>15</td>
</tr>
<tr>
<td>Duration of maternity leave</td>
<td>2.21</td>
<td>3.83</td>
<td>4.34</td>
<td>4.11</td>
</tr>
<tr>
<td>Paid maternity leave</td>
<td>8</td>
<td>13</td>
<td>14</td>
<td>15</td>
</tr>
<tr>
<td>Leave without salary penalty or termination (job protection, not necessarily paid)</td>
<td>2</td>
<td>9</td>
<td>12</td>
<td>14</td>
</tr>
<tr>
<td>Parental leave</td>
<td>0.87</td>
<td>5.11</td>
<td>11.22</td>
<td>12.38</td>
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<tr>
<td>Policy provides leave for the father</td>
<td>0</td>
<td>1</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>Non-transferable leave for second parent</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Number of observations</td>
<td>15</td>
<td>15</td>
<td>15</td>
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</tr>
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</table>

Table 7B: Eastern European Countries Adopting Leave Measures by Year

<table>
<thead>
<tr>
<th>Eastern Europe (14 countries)</th>
<th>1975</th>
<th>1985</th>
<th>1995</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal policy providing maternal leave</td>
<td>13</td>
<td>14</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>Duration of maternity leave</td>
<td>3.56</td>
<td>3.79</td>
<td>4.18</td>
<td>4.52</td>
</tr>
<tr>
<td>Paid maternity leave</td>
<td>12</td>
<td>14</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>Government pays for all or part of the mother’s leave</td>
<td>12</td>
<td>13</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>Leave without salary penalty or termination (job protection, not necessarily paid)</td>
<td>10</td>
<td>10</td>
<td>12</td>
<td>13</td>
</tr>
<tr>
<td>Parental leave</td>
<td>10.62</td>
<td>10.48</td>
<td>18.82</td>
<td>18.61</td>
</tr>
<tr>
<td>Paid parental leave</td>
<td>9</td>
<td>10</td>
<td>11</td>
<td>12</td>
</tr>
<tr>
<td>Policy provides leave for the father</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Non-transferable leave for second parent</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Laws against pregnancy discrimination</td>
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<td>7</td>
<td>8</td>
<td>13</td>
</tr>
<tr>
<td>Number of observations</td>
<td>14</td>
<td>14</td>
<td>14</td>
<td>14</td>
</tr>
</tbody>
</table>

**Table 7C: Latin American Countries Adopting Leave Measures by Year**

| Latin America (10 countries) | 1975 | 1985 | 1995 | 2005 |
| Federal policy providing maternal leave | 8 | 9 | 10 | 10 |
| Duration of maternity leave | 2.49 | 2.92 | 3.31 | 3.43 |
| Paid maternity leave | 7 | 9 | 10 | 10 |
| Leave without salary penalty or termination (job protection, not necessarily paid) | 0 | 1 | 1 | 1 |
| Parental leave | 0 | 1.2 | 1.2 | 1.2 |
| Policy provides leave for the father | 3 | 3 | 3 | 4 |
| Non-transferable leave for second parent | 0 | 0 | 0 | 0 |
| Number of observations | 9 | 10 | 10 | 10 |

**Table 7D: MENA Countries Adopting Leave Measures by Year**

| MENA (8) | 1975 | 1985 | 1995 | 2005 |
| Federal policy providing maternal leave | 5 | 7 | 8 | 8 |
| Duration of maternity leave | 1.83 | 2.45 | 2.47 | 2.76 |
| Paid maternity leave | 5 | 7 | 8 | 7 |
| Leave without salary penalty or termination (job protection, not necessarily paid) | 0 | 1 | 1 | 2 |
| Parental leave | 0 | 1.5 | 1.5 | 4.5 |
| Policy provides leave for the father | 1 | 1 | 1 | 3 |
| Non-transferable leave for second parent | 0 | 0 | 0 | 0 |
| Number of observations | 7 | 7 | 8 | 8 |
Table 7B: African Countries Adopting Leave Measures by Year

<table>
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<td>Federal policy providing</td>
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<td>2</td>
<td>4</td>
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</tr>
<tr>
<td>maternal leave</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duration of maternity</td>
<td>0.56</td>
<td>0.96</td>
<td>2.14</td>
<td>2.94</td>
</tr>
<tr>
<td>leave</td>
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<td></td>
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<td></td>
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<tr>
<td>Paid maternity leave</td>
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<td>2</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Leave without salary</td>
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<td>0</td>
<td>1</td>
</tr>
<tr>
<td>penalty or termination</td>
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</tr>
<tr>
<td>(job protection, not</td>
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<td></td>
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<tr>
<td>necessarily paid)</td>
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<tr>
<td>Parental leave</td>
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<td>0.02</td>
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<td>Paid parental leave</td>
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<td>0</td>
</tr>
<tr>
<td>Policy provides leave for</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>the father</td>
<td></td>
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</tr>
<tr>
<td>Non-transferable leave</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>for second parent</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Laws against pregnancy</td>
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<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>discrimination</td>
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</tr>
<tr>
<td>Number of observations</td>
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<td>5</td>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>

Cross-National Trends

A few trends in these descriptive statistics are worth highlighting. Overall, there has been a steady, global growth in the number of countries offering maternity leave (to encompass all the 70 countries in our sample), paid maternity leave (to include almost all countries, with only a few laggards, including the United States\(^{28}\)), leave for fathers, and job protection for mothers taking leave.

In addition, the length of maternity leave has grown (from a global average of 2.4 months to 3.7 months), as have international norms of the ideal length of leave. The ILO Maternity Protection Convention of 2000 mandates 14 weeks of leave; the 1951 Convention mandated 12. For its part, the 1919 convention stated only that women should not be permitted to work for six weeks after birth. The MENA region tends to have the shortest amount of legally-mandated maternity leave, followed by Latin America and Asia (ILO 2010b, 6).

Third, there has been a dramatic expansion in parental leave in Europe and in some of Asia, but not in other world areas (where parental leave is virtually nonexistent, with some minor exceptions, see ILO 2010b, 49). Though parental leave is facially gender neutral, take up rates among men tend to be very low, except in countries that have introduced non-transferable (daddy) leave.

\(^{28}\) Other countries without paid maternity or parental leave in 2011 included Lesotho, Papua New Guinea, and Swaziland (ILO 2010b). Australia introduced paid leave in 2011.
Breastfeeding has been an important theme in discussions about maternity leave in Gulf and other Arab states. Though maternity leave times tend to be short, various laws require that employers grant women one to two hours of time per day to breastfeed, for between 18 months and two years following a child’s birth. The United Arab Emirates’ Child Rights Law, adopted in January 2014, requires mothers to breastfeed for the first two years of a child’s life.\textsuperscript{29}

Finally, mechanisms for providing paid maternity leave vary dramatically across countries, though there has been a slow trend toward greater public participation. Richer countries of Europe tend to pay maternal salaries out of social insurance funds; poorer ones of sub-Saharan Africa, South Asia, and MENA tend to require employers to pay (though 34 percent of African countries finance leave through social security and 24 percent through a mixed system). In Latin America, most countries pay from social security, though a significant number (around 40 percent) require cost-splitting between employers and the government) (ILO 2010b, 25, figure 2.4).

\textbf{The Politics of Leave Policy}

Some differences in policy are likely attributable to each country’s revenue base. As we see below in the statistical analysis, GDP per capita is correlated with the generosity of maternity benefits. For example, employer mandates have generally been more common in poorer countries while generous publicly paid leaves have been more common in wealthier countries. Of course, there are some exceptions to this general trend, including the oil-rich Gulf states such as Saudi Arabia, the U.A.E., Qatar, and Kuwait, which uphold employer mandates. Regarding the Gulf, rates of women’s employment (at 25-30\%, except Saudi Arabia, where FLFP was only 7\% in 2011) are considerably lower than OECD averages but growing, and there is evidence of societal pressure to expand the length of leave.\textsuperscript{30}

The United States is currently the only advanced democracy with no publicly-paid parental leave (except in a few states). Why does a wealthy country like the U.S. not have paid parental leave? Why has the strong, autonomous women’s movement, that pushed for enactment of the Pregnancy Discrimination Act (PDA) of 1976, not secured a leave policy? Though feminists participated actively in the process leading to the PDA, there was less feminist influence over the passage of the 1993 Family and Medical Leave Act (FMLA), a process characterized by delay and business opposition.

Feminists in the United States initially tried to frame maternity leave in gender-neutral terms, by referring to it as medically-necessary leave or family leave. Labor

\textsuperscript{29} Graham-Harrison Emma “UAE law requires mothers to breastfeed for first two years” \textit{The Guardian} 02/07/2014. ; Salem Ola “FNC passes mandatory breastfeeding clause for child rights law” \textit{The National} 21/01/2014

\textsuperscript{30} Mohannad Shawari, “It’s Time Labor Ministry reviewed laws concerning maternity leave,” \textit{Arab News} 05/04/2013 May 4, 2013; The National Editorial “Longer Maternity Leave is Welcome in the UAE,” \textit{The National} 07/03/2013
unions and conservative groups supported the proposal, viewing it as a pro-labor and pro-family idea. The framing stuck, and the bill that ultimately became the Family and Medical Leave Act (FMLA) of 1993 was widely seen as a labor or “family” related bill (Stetson 1997, 270-271). Opponents also saw it (or were happy to have it seen) as labor legislation. Business interests and states’ rights groups (which resist federal mandates and influence) effectively and publicly opposed the legislation. Apart from helping to propose the original idea, women’s organizations did not play a major role in the development or passage of the FMLA (Mazur 2002, 114).

The FMLA was first introduced by representatives Patricia Schroeder (D-Colo.) and William Clay (D-Mo.) in 1985, but finally passed both houses only in spring of 1990. As with many labor issues, the Act was supported by Democrats and opposed by Republicans. Some Republican legislators broke ranks and sponsored the Act, arguing it was a family measure that would help workers, especially women, to cope with demands of work and family. But President George Bush vetoed the bill anyway in 1990. This happened again in 1991-1992, when both houses passed FMLA and the President vetoed it again. The Senate overrode the veto (but the House did not) and FMLA became an election issue in the presidential campaign of 1992. While campaigning, Bill Clinton pledged to sign the law. The Congress once more passed the bill and it was signed into law in 1993 by President Clinton (Stetson 1997).

Although the original bill was strongly supported by a woman legislator, there were not many women in the legislature over this period. From 1985 to 1987, the number of women in Congress increased from 22 to 29, from about 5 to almost 7 percent. The number of women in Congress increased even more in 1992 (the year the Bill was passed) to 48 (11% of Congress).

The FMLA applies to private employers with more than 50 employees and to public agencies, requiring that they provide up to 12 weeks of leave (which can be unpaid) in a twelve month period for medical leave or for purposes of caring for childbirth or adoption, sick parent, and the like. The Act likely covers about 60% of all workers, and probably even fewer women workers. Only 4% of those eligible actually take the leave (Mazur 2002, 115).

A country’s overall level of economic development may be an enabling condition for generous leave policies, but left mobilization and political parties are crucial factors determining whether governments actually offer leave. The Democratic Party has been important at both the federal and state level in advocating for paid family leave, while Republicans have opposed it. President Clinton introduced a scheme that allowed states to augment their Unemployment Insurance programs to provide paid leave to new parents. Several states were also developing or had developed their own paid leave schemes. Democratic state legislators, women’s groups and unions all pushed for such measures. In Massachusetts, Baby-UI was championed by a coalition of union groups, women’s groups, and Catholic groups.
Early in his first term (2002), Republican President George W. Bush repealed provisions offering federal support to states with paid maternity leave. Repeal was supported by state and federal chambers of commerce, and opposed by unions and women’s groups. Three states -- California, New Jersey, and Washington still provide an average of 10 to 12 weeks of paid maternity leave through temporary state disability insurance. Political dynamics similar to those at the federal level drove state action. In New Jersey, for example, a Democratic governor and mostly Democratic legislators strongly supported the measure, with additional support from the unions and women’s organizations. Business interests were opposed, and Republicans were split on the issue (Raghunathan 2001; Parmley 2001). Democrats have framed leave policies as “family issues,” “children’s issues,” or “family values” policies, not as women’s rights or labor policies.

In Norway as in the United States, the political struggle for maternity leave took a different form from that characterizing anti-discrimination policy. In Norway, maternity leave developed much earlier, in the late 19th century, in the context of the class struggle over social reform and the nationalist struggle to be free of Swedish domination (Leira 1993; Sainsbury 2001). In 1885, a commission was appointed to make proposals for social reforms to prevent social unrest and to reduce class conflict. At the same time, feminist activists were contesting traditional gender hierarchies and roles as they mobilized in pursuit of the suffrage. As part of the social policies that emerged from this process, which constituted the beginnings of the Norwegian welfare state, a maternity leave policy was adopted as part of a more general health insurance act (Sainsbury 2001). As a result, Norwegian working women have had access to paid maternity leave since 1909, well before women won the right to vote and stand for parliamentary elections (1913)(Leira 1993).

Feminists tried to expand maternity leave in the late 1970s in the aftermath of the 1971 “women’s coup” that brought many more women into government, and the successful subsequent campaigns in 1977 and 1979. The women elected as a result of these campaigns report that they immediately began to work to change policies on child care, equal pay, and setting up shelters for battered women (Ibid). By 1978, there were 37 women in the Storting (national parliament), constituting about 24% of the total. This was the biggest change in women’s representation across the Nordic world at that time (Raaum 2005). Still, efforts to expand maternity leave were unsuccessful, although

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31 Working women in early 20th century Norway were mostly very poor and/or unmarried, and constituted a small proportion of the adult female population, so these policies did not affect most women (Leira 1993). Two other acts adopted soon afterwards (1915) guaranteed maternal health care regardless of employment status, and the child welfare act provided welfare benefits to single mothers. The first of these later measures was backed by a cross-class coalitions of women’s groups, the second was backed by a cross-gender coalition of leftists (Sainsbury 2001).

32 Norwegian feminists emphasized the importance of organizing to elect more women to government. They were very successful at exploiting particular features of the Norwegian electoral system (organizing campaigns to cross out the names of men and write in the names of women), and the large number of women elected in the 1971 local/county elections has come to be called the ‘Women’s Coup’(Bystydzienski 1995, 45).
Norwegian men and women obtained the right to shared maternity and paternity leave for childbirth, a significant change in the gender-role change dimension of Norwegian leave policy.

In the 1980s, the discussion of expanded maternity leave again rose to prominence, and the government adopted a series of expansions to maternity leave toward the end of the decade. In 1986, a government commission was created to examine men’s gender roles and aspects of maleness and masculinity, including fatherhood. This Commission was chaired by a dynamic young Social Democratic politician who later became Prime Minister. In 1989, the Committee recommended extending parental leave to 12 months, and reserving 3 months of leave for the father. Notably, the division of unpaid care was framed as a gender equality issue.

However, the legislature scaled back the Commission’s proposal. The 3 months reserved for the father was cut to 4 weeks, and the father’s right to care was made conditional on mother’s employment. The Labour government introduced the “fedrekvote” (daddy leave) that came into effect in 1993 (Leira 2002, 95). Norway was the first country in the world to introduce this kind of leave.

There was little opposition to the final version of the measure, probably because it was seen as a modest expansion of existing leave provisions and did not take any time from the mother. It is also likely that general discussion about the importance of father’s involvement for child-wellbeing paved the way for the measure. Fathers were granted the right to parental leave independent of the mother’s employment status in June 2000. The measure has proven very popular, with 70-80% of eligible fathers taking it up.

As this suggests, maternity and parental leave is often seen as a pro-family, pro-child policy rather than a women’s rights policy. This affects the political dynamics behind the issue. In some countries, concerns for the well-being of children have played a prominent role in debates about the extension of maternity leave (in general, protection for breastfeeding is widespread in global labor law). Blofield and Martinez Franzoni report that in Chile, many of the bills to expand maternity leave since the return to democracy in 1990 have been sponsored by representatives who emphasized the importance of breastfeeding. The 2011 reform expanding parental leave to six months (paid) was justified on the grounds of allowing working women to breastfeed for a longer period of time as well as increasing female labor force participation (since Chile has one of the lowest rates of the region) (Blofield and Martinez Franzoni 2014).

In most countries, maternity and parental policy must be seen against the backdrop of declining or increasing fertility rates. In Europe and East Asia, for example, declining fertility rates have inspired policy change. The number of live births in the European Union declined fairly dramatically between 1960 and the 2000s. In 2011, fertility rates in virtually all of the 27 EU countries were below replacement rates (except

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33 The “daddy leave,” which had been discussed publicly earlier, was not part of these reforms.
for France, Iceland, and Ireland), dramatically so in some large economies such as Germany (1.36), Italy (1.41), and Spain (1.36) (European Commission 2012).

In an effort to increase birth rates, many governments in Europe and East Asia have adopted a range of policies intended to make work and motherhood more compatible, including longer leave time, protection and support for part-time employment, and expansion of child care centers. Japan’s Child Care Leave Law of 1991, for example, mandated one year of job-protected parental leave which, after a 2001 reform, included payment of 40 percent of salary funded by social insurance. A 2005 reform extended parental leave benefits to contract workers, many of whom are women (Hayashi 2005). Arguably as a result of these efforts, the country’s fertility rate rebounded from a low of 1.26 in 2005.

In the Netherlands, a 1996 reform gave part-time workers equal status with their full-time counterparts and a 2000 law granted workers the right to determine their own working hours. A 2009 reform expanded parental leave to 26 weeks for each parent (non-transferable). As a result, rates of women’s employment are high-- in 2011, 76 percent of mothers with children under six worked--and the fertility rate exceeds the EU average (though at 1.8 continues to be below the replacement rate) (European Union, n.d.).

In advanced democracies, other things being equal, fertility rates are higher where the structure of the labor market and social support system does not force women to choose between work (or economic independence) on the one hand and having more children on the other (Rosenbluth 2007). They are also likely to have more children where men take greater responsibility for child care. Where women must make a choice between work and children, the data reveal that many choose work over having children. This insight has added strategic considerations to the gender justice arguments supporting family policies such as Daddy leaves and paid parental leaves.34

Among the five East Asian “tigers” (Japan, South Korea, Hong Kong, Taiwan, and Singapore), fertility rates are well below replacement levels (1.4 in Japan and Korea, 1.3 in Singapore and 1.07 in Hong Kong). At 0.9, Taiwan’s fertility rate is held to be the lowest in the world.35

Similar to Japan, Korea has progressively expanded parental leave benefits: a 1987 law granted (unpaid) parental leave to women, followed by a 1995 reform expanding the leave to men. A 2001 reform began to subsidize leave (at far lower than average wages, however) and throughout the decade Congress regularly expanded the size of the income replacement. Though the government’s intention was to incentivize men to take parental leave, without higher replacement rates, few men are willing to take advantage of the policy (Lee 2009).

34 The equation cuts in the opposite direction in much of the Global South, where women’s status is inversely related to fertility rates.
35 Jennings, Ralph “Taiwan birthrate falls to World’s lowest” Voice of America 08/16/2011
The literature suggests that the presence of high numbers of women in national legislatures makes it more likely that generous maternity leave policies are adopted (Kittilson 2008). It could be the case that women politicians help drive the expansion, rather than the initiation, or maternity leave. Many countries adopted leave policies before a “critical mass” of women entered government.

International law has long supported provisions to protect women workers. The ICESCR, as noted, contains provisions calling for paid leave, specifically: Article 10 (2): “Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.” (1966) The Convention also calls for special protections for families and children in closely related sections. Again, this suggests that these leaves may be best analyzed as pro-family leaves, from a political standpoint, rather than as women’s rights policies.

**Explaining Cross-National Variation**

We can use a similar analysis to that of women’s legal status at work to examine the factors associated with more generous maternity leave, and also those associated with more generous leave packages in general (that is including all maternity, parental and paternity leave allocations combined).

First, we created an index devised to measure the generosity specifically of maternity leave (gender-specific leave for mothers). This index considers only leave which pertains primarily or only to women and is medically necessary for childbirth. We were concerned to measure the length of the leave and whether it was publicly funded. Note that some maternity leave policies reinforce the sexual division of labor between men and women, to some degree, especially when longer leaves are granted, assuming that leave needed for pregnancy is the same functionally as leave needed to care for children in their early years.\(^{36}\)

We consider maternity leave to be non-doctrinal since few religions and cultures oppose it. By contrast, some religious organizations support such leave. Many normative traditions had opposed women’s assumption of public responsibilities including paid work, but today even conservative societies such as Saudi Arabia do not ban women’s employment (though they require it to be segregated from men’s).

We classify maternity leave, particularly paid leave, as a class-based issue, as the policy makes it possible for all parents, not just wealthy ones, to take time off from work to care for their children. Our generosity index asks about the amount of time and money (in terms of proportion of pay replaced) available for childbirth and is calculated as follows:

\(^{36}\) Some feminist scholars of the welfare state recommend that maternity leave be granted for a six month period, which they see as a happy medium between meeting a child’s needs for care and making sure that women are not discriminated against due to long leave times (Gornick and Meyers 2008).
Given the patterns identified in our discussion of family leave above, what can we say about the broader population of countries? Again, we consider several hypotheses about the causes of progressive policy development based on the multidimensional approach outlined above. Specifically, we expect that:

- H6: Autonomous women’s movements should not be as strongly associated with more generous maternity leave, or at least, the effects here should not be as strong as they are for legal status at work. If women’s movements matter for leave, we would think they might matter more to the degree of gender equality leave policies aim to promote (such as daddy leave), not to its generosity, and not to maternity leave in particular.
- H7: Women’s policy machineries should be associated with more generous leave.
- H8: If a country is a signatory to ICESCR, we would expect this to be associated with more generous leaves. Signing CEDAW, withdrawing reservations, and active international feminist networks may not necessarily be related to maternity leave since it is often seen as a pro-child policy rather than a women’s rights policy. These effects will likely be less strong than the effects of CEDAW on the legal status fields.
- H9: Having left parties in government should be associated with more expansive leave.
- H10: Proportions of women in government (measured as the percent of women in parliament) should be associated with more generous leave.
- H11: Religious factors should be unrelated to leave generosity, except perhaps for being positively associated with leaves compatible with a view of traditional gender roles (i.e. Maternity leave allows women to make their family responsibilities their priority, and thus preserves traditional family structures in families with working mothers).
- H12: Countries with higher GDP per capita should have more generous maternity leave.

The results of regression analysis are presented in Table 8. Maternity leave generosity appears to be the only gender equality policy outcome where there is no specification of feminist movements that has a robust, significant association, which is consistent with some qualitative analysis (Mazur 2002) and our expectations (H6). In some cases, maternity leaves predate women’s movements, and are associated with pro-family politics, so it is not necessarily surprising to see a lesser role for feminist movements.

Women in government are positively related to maternity leave generosity and statistically significant (at least weakly) about half the time, though any statistical

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37 This measure is normed to be out of 10.
significance is fragile and these effects, even where significant, are very small, with coefficients ranging from .01 to .03. This means that even large increases in the percentage of legislative seats held by women, say 10 points, would be associated with only a tiny increase (at most .3) in a variable that ranges from 0 to 10.

Still, this positive effect is somewhat consistent with extant literature (e.g. Kittilson 2008) and our expectations (H10). Other analyses have suggested that women in government may be more important for this kind of measure because maternity leave generosity, as a gender role maintenance policy, rather than a gender role change policy, is easier for female parliamentarians to advance (Weldon 2011).

Table 8: Random Effects Regression, Dependent Variable = Maternity Leave Generosity, 1975-2005

<table>
<thead>
<tr>
<th>Coefficient</th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
<th>Model 4</th>
<th>Model 5</th>
<th>Model 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strong Autonomous women’s movement</td>
<td>-0.13 (0.15)</td>
<td>-0.20 (0.13)</td>
<td>-0.16 (0.13)</td>
<td>-0.13 (0.13)</td>
<td>-0.11 (0.14)</td>
<td>-0.09 (0.13)</td>
</tr>
<tr>
<td>Female Labor Force Participation</td>
<td>0.01 (0.01)</td>
<td>0.01 (0.01)</td>
<td>0.01 (0.01)</td>
<td>0.01 (0.01)</td>
<td>0.01 (0.01)</td>
<td></td>
</tr>
<tr>
<td>Effective Women’s Policy Machinery</td>
<td>-0.01 (0.23)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Democracy Level</td>
<td>0.01 (0.03)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GDP (logged)</td>
<td>1.09** (0.40)</td>
<td>0.57 (0.37)</td>
<td>1.03*** (0.27)</td>
<td>0.77* (0.38)</td>
<td>0.88* (0.38)</td>
<td>0.74 (0.38)</td>
</tr>
<tr>
<td>Withdrawal of reservations to CEDAW</td>
<td>0.66* (0.28)</td>
<td>0.64* (0.27)</td>
<td>0.63* (0.27)</td>
<td>0.66* (0.27)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communist legacy</td>
<td>0.98* (0.44)</td>
<td></td>
<td></td>
<td>0.87* (0.40)</td>
<td>0.84* (0.40)</td>
<td>1.03* (0.41)</td>
</tr>
<tr>
<td>Former colony</td>
<td>-0.01 (0.43)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relationship between Church and State</td>
<td>0.54 (0.30)+</td>
<td>0.39 (0.28)</td>
<td>0.24 (0.27)</td>
<td>0.65* (0.30)</td>
<td>0.63* (0.30)</td>
<td>0.53 (0.30)+</td>
</tr>
<tr>
<td>Belief in God</td>
<td>0.41 (0.41)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religious Party in Government</td>
<td>-0.20 (0.28)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Party</td>
<td>0.17 (0.11)</td>
<td>0.20* (0.10)</td>
<td>0.22* (0.10)</td>
<td>0.19 (0.10)+</td>
<td>0.19 (0.10)+</td>
<td>0.16 (0.10)</td>
</tr>
<tr>
<td>Women in the Legislature (%)</td>
<td>0.02 (0.01)</td>
<td>0.02 (0.01)+</td>
<td>0.03** (0.01)</td>
<td>0.02 (0.01)+</td>
<td>0.02 (0.01)</td>
<td>0.01 (0.01)</td>
</tr>
<tr>
<td>Proportional Representation</td>
<td>0.27 (0.34)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fertility</td>
<td>-0.18 + (0.10)</td>
<td>-0.08 (0.11)</td>
<td>-0.05 (0.11)</td>
<td>-0.02 (0.11)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EU membership</td>
<td>0.15 (0.27)</td>
<td></td>
<td></td>
<td>0.17 (0.27)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Catholic</td>
<td>0.45 (0.29)</td>
<td>0.43 (0.29)</td>
<td>0.39 (0.29)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CEDAW Ratification</td>
<td>0.25 (0.21)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commitment to ICESCR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.36* (0.15)</td>
</tr>
<tr>
<td>N</td>
<td>195</td>
<td>235</td>
<td>239</td>
<td>235</td>
<td>235</td>
<td>235</td>
</tr>
<tr>
<td>Number of countries</td>
<td>65</td>
<td>69</td>
<td>70</td>
<td>69</td>
<td>69</td>
<td>69</td>
</tr>
<tr>
<td>( R^2 )</td>
<td>.35</td>
<td>.28</td>
<td>.26</td>
<td>.31</td>
<td>.29</td>
<td>.32</td>
</tr>
</tbody>
</table>

*p<.05, **p<.01, ***p<.001 (+ means p<.1)
Left parties had positive effects and were mostly statistically significant (at least weakly) in most models. We might have expected a stronger role for left parties in this area but in general the relationship and significance are in the expected direction (H9). More detailed analysis suggests that measures of labor power in developing countries may be associated with more generous policies (e.g. the extension of maternity leave under Workers’ Party governments in Brazil). Perhaps examining the different role of left parties in family policy in different parts of the world may help us understand this finding that is not as strong as that found in the extant literature, which focuses mostly on Europe. The permanence of Left parties in government over long periods of time may influence the adoption of leave policies, but our data do not permit us to explore this hypothesis.

Being a signatory to relevant international norms is also associated with more generous leave: A commitment to ICSECR was associated with more generous maternity leave. In this case, the ICSECR was more relevant than CEDAW because of the way maternity leave is seen in many countries and contexts. Ratifying CEDAW was not as closely related to maternity leave generosity as being a signatory to, or acceding to, ICESCR. Interestingly, though, withdrawing reservations to CEDAW is more strongly associated with more generous maternity leave policies than ratification itself.

In addition, the analysis reveals a positive association between a communist legacy and religious factors and more generous policy. Religious organizations have been important in promoting family leave measures in the United States and Europe (Weldon 2011; Morgan 2006). In some models, it appeared that having a greater role of the religion in the public sphere was positively associated with more generous leave. This finding, while not obvious in other specifications of religious influence that we might expect to have a stronger effect (for example, Catholicism), is the opposite of the influence of religion on other areas of women’s rights, such as family law. It may be that religious values supporting mothers, especially where there is a context of religious authority in the public sphere, provokes more generous maternity leave.

These findings did not change much when we calculated overall leave generosity (including parental leave) and not just maternity leave generosity (not shown). Women in parliament seem to have a very, very small, but significant and positive effect. The effect of strong, autonomous feminist movements became statistically significant but negative in all but one model, a model with many fewer cases and with most observations in the more recent years. It is true that in the US some women’s organizations (such as NOW) opposed paid maternity leave because they feared it would mark women as different and set the stage for other laws discriminating against women. But in most cases, women’s movement actors were not primary actors driving maternity leave, and were minor players in the development of parental leave, which was sometimes championed by pro-family groups. So the negative effect observed here most likely reflects some other third factor that is associated with weaker or less autonomous movements and is associated with more generous leave.
As with a more specific analysis of maternity leave, broader societal contexts such as national wealth, fertility, and social policy legacies of communism also shape policy in this area. The decline in birth rates in many countries of the Global North have inspired governments to extend parental leave and to offer generous public funding, as discussed above. These policies are intended to make it easier for women to combine work and family. This relationship between social policy and fertility is the opposite of that seen in the Global South, where policies aim to lower the birth rate, not increase it.

Looking at overall leave, the effects of national wealth on social policy are more pronounced. There are no significant associations with the political influence of religion once we look at the broader set of supports for families, suggesting that whatever relationship there might be is stronger when looking at gender-specific leave for mothers, such as maternity leave. (H11). It also appears that, looking at the broader package of support provided by all family leaves, the growing influence of CEDAW may be influencing governments to broaden their package of leaves and provide more generous leaves that include both women and men (H8).

In summary, we found that the institutionalization of Left values, whether via the historical experience of communist government and the presence in power of Left parties, exerted a significant influence on the generosity of maternity leave. Contextual factors such as GDP per capita were also important, suggesting that countries without an adequate revenue base are unable to adopt publicly paid maternity leave. Unlike the case of women’s legal status at work, the presence of autonomous feminist movements was not a driver of generous policy.

V. Child Care

Access to affordable and high-quality child care is crucial for women’s economic independence. In many countries and among many social groups, it is primarily family members who care for the children of working women. In other countries and social groups, women tend to rely on the market or on the state. Child care providers include institutionalized centers and in-home providers offering group or individualized care. Care can be wholly government-funded, partially subsidized, or the government can require private employers to offer child care. In some cases, the government can work with international organizations to provide child care services.

Government funding for child care can take the form of direct cash transfers (such as welfare or social programs), subsidies to providers or families, or refundable or non-refundable tax credits to individuals or employers. Government policy can support child care through government-run daycare centers or by providing funding to families or communities for the purpose of providing daycare. For example, in 1991, the government of Guatemala launched a childcare subsidy program where parents and government shared the cost of hiring a neighborhood woman to provide care (IFPRI 2002).
In some countries, childcare is fully funded by government, but the hours of care provided are not designed to accommodate the schedules of working parents (i.e. they are half day, part-time, or the like, and without coverage during school holidays). Limited hours and lack of coverage on school holidays limits the ability of child care programs to promote women’s economic equality, for they tend to presume the availability and flexibility of a primary care giver.

It is important to distinguish between day care for infants and toddlers and care for older children (3 and above). Many countries offer preschool and other forms of early childhood education for the latter group but lack comprehensive coverage for infants and toddlers. In Sweden, for example, a total of only 30 children under the age of one were in publicly-funded child care in 2005. Generous leave provisions come with the expectation that most babies will be cared for at home by their parents (Morgan 2008). In Latin America, coverage rates are considerably higher for the 4-6 age group (though participation varies from a low of 30% in Paraguay to a high of 80% in Bolivia, Chile, and El Salvador), than for children aged 0-3, for whom coverage is well under 20 percent in most countries (Blofield and Martinez Franzoni 2014).

Even when child care is of the highest quality, it can sometimes be difficult to access because eligibility is restricted, the number of spaces is limited, or because of the geographical location of centers.

Quantity of child care is usually measured by looking at the numbers of children currently using daycare slots or other child care arrangements, waiting lists, and by the numbers of working mothers who cannot work longer hours or cannot work at all because they cannot get access to child care. Quality of daycare is usually measured in terms of child to caregiver ratios, the qualifications of caregivers, and safety and other regulations affecting the physical facilities, etc. Both quality and quantity are difficult to get at precisely, especially in ways that facilitate cross-national analysis.

France is often thought of as the model for excellent government child care provision. Though child care quality there is judged to be very good, there are actually comparatively few slots. In the U.S., there are a comparatively large number of day care slots (giving working women more access to daycare) but the quality of the care is comparatively low and funding limited to people whose income falls below specified levels. What is more, even though the quantity is large in cross-national terms, the supply of daycare still fails to meet need. In the U.S., regulation of child care centers varies by state, but the main mechanisms for funding childcare (tax breaks, the Community Development Block Grant, and Temporary Assistance to Needy Families (TANF) are federal.

In the Global South, laws in many countries uphold employer mandates requiring companies with a minimum number of women workers to provide on-site childcare centers. Such laws are common in Latin America, even though many countries also
introduced public child care programs in the 2000s. In Ecuador, for example, the labor law requires businesses with more than 50 women workers to offer day care centers.\(^{38}\) In Egypt, similarly, the New Unified Labor Law (2003) obligates the employer who hires 100 workers or more to provide workplace childcare (Arabic Network for Human Rights Information 2009).

Often, these laws are designed to facilitate breastfeeding of infants and young toddlers. Chile’s laws require companies with 20 or more women workers to provide care for children under two so women can breastfeed, while in Brazil, companies with 30 or more women workers must provide on-site child care for children up to six months old (Blofield and Martinez Franzoni 2014). Overall, around one-third of the 167 countries—including countries from a wide variety of world regions—studied by the ILO for their 2010 report had legislation on the books requiring employers to provide facilities for breastfeeding, though not always in the form of a child care center. In some cases, employers unable to provide on-site facilities were required to reimburse employees for the cost of care elsewhere (ILO 2010b, 85).

In Nigeria, there was a limited and unevenly implemented child care program in the 1990s. In a partnership with UNICEF that began in 1991 and lasted at least until the late 1990s, the government committed several million Naira to the program. The program initially had some trouble with implementation because it applied Western standards for quality childcare to the Nigerian context with little attention to local conditions. For example, some guidelines called for grassy spaces, and this was so impossible in the Nigerian climate and context that few childcare providers could manage it. The guideline was ultimately changed to permit sandy spaces instead, and the program was more successful. Although the project was ultimately considered a success, it appears that UNICEF ultimately withdrew its funding and the government no longer offers this program.

Child care is only one of the responsibilities held by working women, many of whom are simultaneously responsible for the well-being of older family members. The availability of elder care and the extent of state support are important factors shaping women’s economic equality.

**Cross-national trends**

We gathered data on national childcare policies the same way we gathered data for our other policy areas. Recall that our dataset focused only on national policy action, and seeks to examine policy adoption, not implementation, enforcement or effectiveness.

**Type of National Day Care Policy**

\(^{38}\) *El Universo*, February 13, 2013.
http://www.eluniverso.com/2013/02/14/1/1356/trabajador-recibira-pago-directo-guarderia.html
We asked the following questions about national government action on daycare:

Is there a national or federal day care policy?
If there is a federal day care policy, is it provided through:

- Government-run day care centers
- Cash transfers to parents to pay for day care
- Tax credits for money spent on day care
- Subsidies to day care centers
- Employer mandates—i.e. requirements that firms with a certain number of workers provide day care services for their employees
- Other day care provision

**Eligibility for Childcare Programs**

If national governments did provide daycare, we asked about who had access to these services. If there are significant and numerous grounds upon which eligibility for day care can be restricted (for example, more than one of the following: working status, income, and/or marital status) we considered access to be restricted.

**Accessibility of Childcare Programs**

Similarly, if the national government did provide daycare, we asked whether government provided childcare was relatively accessible, or relatively inaccessible? Child care programs were defined as accessible if the following conditions applied:

a) most families that need childcare can find it
b) there are large numbers of children in daycare provided by government OR a large number of children are in families receiving a government provided daycare subsidy
c) There are not long waiting lists for children in most age groups.
d) The expense of daycare is not prohibitive for most families.

If none of these conditions obtain, the daycare program is inaccessible. Note that complaints about accessibility of child care are mounted in all national contexts, so the judgments of scholars examining multiple national contexts and judgments supported by comparative data was given the most weight, and evidence on the four conditions listed above was definitive. For example, many people complain about access to child care in the U.S., but child care in the U.S. is actually relatively accessible in cross-national terms. Many more children are in child care in the U.S. than in, say, France, in both absolute and per capita terms.

Among the countries included in our study, the most common approach to providing childcare (for those that did provide it) on the part of the national government was to offer a program of government-run daycare. The other common option was to
offer subsidies to the operators of the centers. Though access to daycare expanded dramatically over our period, most countries still lacked accessible childcare by 2005.

Table 9: Government Action to Provide and Promote Child Care (All 70 Countries)

<table>
<thead>
<tr>
<th>(70 countries)</th>
<th>1975</th>
<th>1985</th>
<th>1995</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Day Care Policy</td>
<td>46</td>
<td>50</td>
<td>52</td>
<td>57</td>
</tr>
<tr>
<td>Government Run Day Care</td>
<td>25</td>
<td>25</td>
<td>27</td>
<td>30</td>
</tr>
<tr>
<td>Cash Transfers</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>Tax Credits</td>
<td>5</td>
<td>6</td>
<td>10</td>
<td>13</td>
</tr>
<tr>
<td>Subsidies to Centers</td>
<td>17</td>
<td>18</td>
<td>19</td>
<td>22</td>
</tr>
<tr>
<td>Employer Mandates</td>
<td>6</td>
<td>8</td>
<td>8</td>
<td>13</td>
</tr>
<tr>
<td>Other Day Care Policies</td>
<td>5</td>
<td>7</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td><strong>Countries with Restricted Eligibility for Daycare</strong></td>
<td>24</td>
<td>25</td>
<td>31</td>
<td>37</td>
</tr>
<tr>
<td><strong>Countries with access to daycare (conditions a-d above)</strong></td>
<td>16</td>
<td>19</td>
<td>19</td>
<td>24</td>
</tr>
</tbody>
</table>

Patterns of policy development vary considerably by region. For example, although we saw a broad expansion of access to child care over our study period, access has decreased or remained roughly the same in Eastern Europe, and has remained unchanged in every region except for West Europe and Asia.

In addition, cash transfers to families seem to have been a popular policy in West Europe in the 1970s and 80s but are not common in other regions and seem less likely as a government response today. Tax credits, in contrast, have become more popular, particularly in West Europe (but were virtually non-existent in Eastern Europe). Employer mandates are more common in the developing world (especially in Asia and the Middle East and North Africa) than they are in Europe.

Access, as one might expect, was much better in the advanced industrialized democracies of Western Europe than in emerging markets and developing regions such as Eastern Europe and Latin America. The countries with no childcare policy at all by 2005 were most likely to be in Africa or Eastern Europe.

Table 9A: Type of Child Care Policy Adopted, Western Europe

<table>
<thead>
<tr>
<th>Western Europe (15 countries)</th>
<th>1975</th>
<th>1985</th>
<th>1995</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>National daycare policy</td>
<td>13</td>
<td>13</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>Government run daycare</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Cash Transfers</td>
<td>4</td>
<td>4</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Tax credits</td>
<td>3</td>
<td>3</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>Subsidies to centers</td>
<td>8</td>
<td>8</td>
<td>9</td>
<td>10</td>
</tr>
</tbody>
</table>
### Employer mandates

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Other daycare policies</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Countries with restricted eligibility for daycare</td>
<td>7</td>
<td>7</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>Access to daycare</td>
<td>3</td>
<td>4</td>
<td>8</td>
<td>10</td>
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</tbody>
</table>

### 9B: Eastern Europe (14 countries)

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
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<td>10</td>
<td>10</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>Government run daycare</td>
<td>8</td>
<td>8</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Cash transfers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Tax credits</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Subsidies to centers</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Employer mandates</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other daycare policies</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Countries with restricted eligibility for daycare</td>
<td>7</td>
<td>7</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Access to daycare</td>
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<td>8</td>
<td>6</td>
<td>7</td>
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### 9C: Latin America (10 countries)

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</thead>
<tbody>
<tr>
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<td>6</td>
<td>8</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Government run daycare</td>
<td>4</td>
<td>5</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Cash transfers</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Tax credits</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Subsidies to centers</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Employer mandates</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Other daycare policies</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Countries with restricted eligibility for daycare</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Access to daycare</td>
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### 9D: MENA (8 countries)

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</thead>
<tbody>
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<td>3</td>
<td>4</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Government run daycare</td>
<td>3</td>
<td>2</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Cash transfers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Tax credits</td>
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<tr>
<td>Subsidies to centers</td>
<td>0</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Employer mandates</td>
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<td>2</td>
<td>5</td>
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<tr>
<td>Other daycare policies</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Countries with restricted eligibility for daycare</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Access to daycare</td>
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<td>1</td>
<td>0</td>
<td>1</td>
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</tbody>
</table>

### 9E: Africa (5 countries)

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<thead>
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</thead>
<tbody>
<tr>
<td>National daycare policy</td>
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<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Government run daycare</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Cash transfers</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Tax credits</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Subsidies to centers</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Employer mandates</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other daycare policies</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Countries with restricted eligibility for daycare</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Access to daycare</td>
<td>0</td>
<td>0</td>
<td>0</td>
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</tbody>
</table>

### 9F: Asia (14 countries)

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>National daycare policy</td>
<td>10</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td>Government run daycare</td>
<td>6</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Cash transfers</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Tax credits</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Subsidies to centers</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Employer mandates</td>
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</tr>
<tr>
<td>Other daycare policies</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Countries with restricted eligibility for daycare</td>
<td>4</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Access to daycare</td>
<td>4</td>
<td>4</td>
<td>3</td>
</tr>
</tbody>
</table>

Several Latin American countries made dramatic moves to expand public child care coverage in the later part of our study period and after, though many of these changes took place at the local level, and thus would not be reflected in our cross-national data and analysis even if it were updated.
The Dynamics of Policy Change

What explains these wide variations in child care policy? Much of the literature on the politics of childcare policy focuses on the developed world. A common sense approach to explaining policy in that literature examines needs, a sort of functional approach to policy change. Do the characteristics of a population affect the services that governments provide? For childcare, needs have been difficult to operationalize in quantitative terms given the issue of reverse causality between childcare availability and women in the workforce. Without going into detail in each country, it is difficult to see if women’s increased labor participation led to an increase of childcare policies (needs precede policy) or if increased opportunities for childcare allowed women to be able to join the workforce. This can be handled several different ways in quantitative analysis, including lagged variables, an approach we have taken here. Qualitative research suggests that demand comes before the adoption of policies (Leira et al. 2005). However, it also suggests that needs by themselves are not enough to cause policy changes. Given the multitude of demands a state faces at any given time, a need must be brought to the attention of government officials before it can inspire policy change.

Needs can also be met a number of different ways (Hall and Soskice 2001, Estvez-Abe et al 2001). While some governments may be unwilling and unable to provide childcare, some part of the demand might still be met through the private sector. Particularly high levels of inequality make it easier for the middle and upper class to pay for childcare services offered by low-income workers. In more regulated economies where minimum wages are higher, the cost of childcare significantly increases and reduces its attractiveness as a business for the private sector (Morgan 2005). Labor exploitation and wider disparities in income, however, have also been shown to reduce the demand for childcare because women are normally the most affected by those disparities, making it harder for them to justify their incursion into the labor force (Cowdery and Knudson-Martin 2005). In sum, the consequences of income inequality and economic growth in childcare adoption remains an unsettled debate in the literature.

In many countries, autonomous women’s movements articulated and framed needs for child care into policy proposals (Naumann 2005). Feminist movements that arose during Brazil’s military dictatorship (1964-1985) brought attention to women’s issues including child care and reproductive rights. Child care gained ground among government elites as it was perceived to be functional to the mobilization of women’s labor to promote economic growth. Family planning, for its part, assisted in the goal of reducing population growth. Feminist movements were able to capitalize on such openings by helping the government design programs that incorporated respect for reproductive rights (Alvarez 1990). After the return to democracy, feminists convinced the government to create a national women’s agency which played a key role in developing and enforcing a national child care policy.

In Chile, feminist movements that mobilized around the return to democracy similarly demanded the institutionalization of a space inside of government, which became the National Women’s Service (SERNAM). Though strong elements of previously autonomous women’s movements were absorbed into political parties after
politically active “women in movement” helped pressure the government to adopt and expand child care policies.

We would expect women’s organizing to be more important for this issue than for maternity leave, since childcare centers challenge the idea that women must care for their own children, and government provision for these centers signals further that children are a public responsibility, not a private one. However, this issue still spawns the usual opposition to efforts to advance working class interests, so one would expect that labor politics actors (such as left parties) would also come into play.

Indeed, another part of the literature on childcare emphasizes that the extensiveness of welfare is determined by the ability of labor movements to influence politics, either through mobilization in unions or left-wing parties (Esping-Andersen 1999; Stephens 1979). For childcare, however, the issue may be more complicated: Some authors have noted that childcare increases labor supply, which in turn can diminish wages for men while increasing opportunities for women workers, and affect the natural constituencies of left-wing parties (Coverman 1983; Bonoli and Reber 2010).

But these men and women are often in the same families, so their economic interests may not be as distinct as this argument suggests. Moreover, Left parties market themselves as promoters of political equality and, to show a credible commitment to that, they make an effort to promote childcare policies. The most likely prediction would then depend on whether or not parties (or unions) have reasons to prioritize women constituents over male ones, or at least at the same rate. Unsurprisingly, the evidence so far is mixed, with some authors finding that incumbent left parties are a strong predictor of childcare adoption, while others see no evidence of it.

Our examination of the evidence suggests that social mobilization by both labor and feminists often drives the development of child care policies in contemporary democracies. For example, in 1998, 10 unions formed a coalition to press the State of New York to expand its funding of child care. The coalition included the United Federation of Teachers; the Union of Needletrade, Industrial and Textile Employees; District Council 37 (which represents 120,000 municipal workers); the Communications Workers of America; and 1199 (the National Health and Human Service Employees Union). The initiative, known as the Child Care That Works Campaign, was also supported by dozens of other groups, including the League of Women Voters, the Federation of Protestant Welfare Agencies and the United Jewish Appeal. Union officials spoke out strongly in favor of increased funding, with the teachers union (headed by a woman, Randi Weingarten) apparently taking a particularly prominent role. National labor movement spokespeople such as then President of AFL-CIO (John Sweeney) were also prominent in publicly advocating for childcare and paid parental leave. When the Republican Governor (Pataki) failed to increase funding for childcare as much as union representatives and Democrats thought they should, he was roundly criticized in the media, even as he promised to increase funding beyond his original pledge. National and local union officials joined with local Democratic politicians in public events at daycares, where toddlers tumbled behind them. They portrayed the Governor as out-of-touch with
the struggles of working families and as “turning his back” on children (Swarms 1998; Greenhouse 1998).

Another political factor associated with policy change on child care, at least in the extant literature, appears to be women in the legislature. Some studies find that the higher the percentage of women in congress, the more likely it is that gender equality policies (or in some cases, policies related to women, children and families) will be adopted. Most contemporary literature in the subject is skeptical of the impact of “sheer numbers”, preferring instead to rely on the idea of women legislators as critical actors (e.g. Krook et al 2006). Extant literature is suggestive, however, that proportion of women in government may make a difference to the adoption of policies supporting child care (Swers 2001, Poggi 2004, Schwindt-Bayer 2006, Svaleryd 2009). However, due to data limitations, most of these studies do not simultaneously control for the influence of women’s movements, examine change over time, or sufficiently examine the role of political parties (Weldon 2011). While some might argue that female representativeness’ genuine interest in passing legislation should benefit their identity group, others point out that such an assumption of uniform shared interests is highly suspect, especially when it assumes uniform interests across class and race, and especially when it comes to representation by women in parties of the right O’Brien 2004; Smooth 2006; 2011; Weldon 2011). Women legislators’ seeming support for childcare may also stem from their more likely membership in left parties (another element strongly associated with expanded child care). While there is some disagreement about whether or not women’s legislative presence is a primary predictor of childcare policy adoption, there is sufficient support that we include it here at least as a control.

Most of the extant literature focuses on social policy in developed countries. There is a much smaller literature on the determinants of social policy in developing countries, and an even smaller set of studies that examine the politics of childcare in these less developed settings. Most of the literature referring to childcare treats it only as part of welfare reform as a whole, with little to no focus on gender-related issues (Loewe 2002, Bayat 2002). The work that has been done specifically on women's interests has focused primarily on how the welfare policies that these countries adopt reflect underlying patriarchal social conditions and non-industrialized economies (Orloff 1996, Hobson 1998). Explaining the degree to which growing welfare states in the Global South incorporate gender equality interests is a priority for future research.

**Explaining Cross-National Variation**

This analysis focuses on the factors that prompt governments to adopt a national day care policy. Since this dependent variable is dichotomous (1 = national day care policy; 0 = no policy), we employ random effects logit to take both this dichotomous structure and the panel-like structure of the data into account. The standard logit analysis (not corrected for panel structure) is provided in the Appendix by way of comparison.

We analyze the same hypotheses as those advanced for parental leave, above, as this is also an area of social policy, rather than a policy focused strictly on legal status.
• H12: Autonomous women’s movements should not be as strongly associated with more generous child care policy, or at least, the effects here should not be as strong as they are for employment law. If women’s movements matter to child care, we would think they might matter more to the overall shape of child care, not to its generosity.
• H13: Women’s policy machineries should be associated with more expansive child care policy.
• H14: If a country is a signatory to CEDAW, and/or if international feminist networks are active in a country, we would expect more generous child care policy. If a country is a signatory to ICESCR, we would expect this to be associated with more generous child care policy.
• H15: Having left parties in government should be associated with more child care.
• H16: Proportions of women in government (measured as the percent of women in parliament) should be associated with more child care.
• H17: Religious factors should be unrelated to child care, except perhaps for being positively associated with a policy compatible with a view of traditional gender roles.
• H18: Proportional Representation electoral systems should be associated with more generous child care policy (and other social policies).

Based on our descriptive tables presented in the first part of the paper, it appears that national wealth determines both style and generosity. But childcare policy is driven by more than national wealth and there is considerable variation among wealthy countries. We are able to refine this account of policy adoption by using multivariate statistical analysis that included variables drawn from our discussion of the cases above as well as from the theoretical hypotheses above.

Our analysis (Table 10) shows that strong, autonomous women’s movements play a role in prompting policy development in this area. We find a surprisingly strong relationship between women’s organizing and child care policy, much stronger than we found in the area of parental leave and much stronger than we expected to find for a social policy area like this one. It appears that women’s movements are good predictors of whether a national daycare program is adopted. This finding was robust to different specifications of the model, different methods of analysis, and other methodological variations.

39 For example, a quick test that divides all observations in the dataset as poor, medium or rich using the scores of the logged GDP variable reveals the following: The percentage of poor countries with a national day care program was 38.5%, for medium countries it was 68% and in rich countries it was 82.9%. For all observations the percentage is 73.2%. Running these variables in Stata produces a Cramer’s V of 0.282.
40 Please see Appendix B for tables showing other techniques.
Table 10: Random Effects Logistic Regression, Dependent Variable = National Day Care Policy, 1975-2005

<table>
<thead>
<tr>
<th>Coefficient</th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
<th>Model 4</th>
<th>Model 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strong Autonomous women’s movement</td>
<td>3.09* (1.43)</td>
<td>2.83* (1.26)</td>
<td>2.94* (1.27)</td>
<td>3.25* (1.41)</td>
<td>2.78* (1.38)</td>
</tr>
<tr>
<td>Female Labor Force</td>
<td>-0.06 (0.11)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Effective Women’s Policy Machinery</td>
<td>4.32 (2.60)</td>
<td>3.99 (2.38)+</td>
<td>3.93 (2.32)+</td>
<td>4.23 (2.38)+</td>
<td>2.75 (2.25)</td>
</tr>
<tr>
<td>Democracy Level</td>
<td>-0.55* (0.22)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GDP (logged)</td>
<td>-0.50* (0.24)</td>
<td>-0.51* (0.22)</td>
<td>-0.53* (0.24)</td>
<td>-0.33 (0.20)</td>
<td></td>
</tr>
<tr>
<td>CEDAW Ratification</td>
<td>-2.97 (2.60)</td>
<td>-3.95 (2.07)+</td>
<td>-4.61* (2.18)</td>
<td>-4.66* (2.20)</td>
<td></td>
</tr>
<tr>
<td>Communist legacy</td>
<td>-3.31 (3.42)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Former colony</td>
<td>-4.76 (3.58)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Catholic</td>
<td>-1.32 (2.60)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religious Party in Government</td>
<td>2.18 (3.22)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Party</td>
<td>2.29 (1.19)+</td>
<td>1.90 (1.01)+</td>
<td>1.51 (0.98)+</td>
<td>1.94 (1.06)+</td>
<td>1.72 (1.10)+</td>
</tr>
<tr>
<td>Women in the Legislature (%)</td>
<td>-0.10 (0.13)</td>
<td>-0.12 (0.11)</td>
<td>-0.13 (0.11)</td>
<td>-0.12 (0.12)</td>
<td>-0.16 (0.12)</td>
</tr>
<tr>
<td>Proportional Representation</td>
<td>7.35* (3.11)</td>
<td>6.70** (2.51)</td>
<td>6.37* (2.56)</td>
<td>7.31** (2.69)</td>
<td>7.22* (2.92)</td>
</tr>
<tr>
<td>Commitment to ICESCR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.80 (1.37)</td>
</tr>
<tr>
<td>EU membership</td>
<td></td>
<td></td>
<td></td>
<td>-3.87 (2.32)</td>
<td>-2.89 (2.38)</td>
</tr>
<tr>
<td>Withdrawal of reservations to CEDAW</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3.56 (3.42)</td>
</tr>
</tbody>
</table>

\*p<.05, \*\*p<.01, \*\*\*p<.001 (+ means p<.1)

Left parties are also statistically (if weakly) significant and substantively important in some specifications of the model. This finding is much less robust, disappearing in some specifications. Still, in all models shown, left parties rise to a weak threshold of significance and have a positive association with policy development, as expected.

Women in government do not have a robust association with the adoption of a national daycare policy, contrary to at least some extant literature. It may be that women in government and left parties work to prevent rollbacks of policies where they exist. This may explain why our descriptive statistical analysis found that access to daycare declined as Eastern European nations moved from communist regimes providing more generous daycare to market driven systems. This non-finding obtained in the vast majority of specifications of the model. Perhaps the impact of women in government here is more of an expansionary impact than one associated with policy innovation.
Perhaps surprisingly, regional agreements and organizations and international treaties seemed to have little effect here. For example EU membership or being committed to the economic and social rights treaty (ICESR) had little relationship with the development of a national daycare policy. Also, perhaps surprising to those who adopt a more functional view of public policy responsiveness, there was little relationship between need or demand (female labor force participation) and the development of a daycare policy (model 1). This was true even in an analysis using a lagged variable for female labor force (not shown).

Although not shown here, fertility, was negatively associated with the development of a national day care policy (and also negatively associated with female labor force participation, GDP, and several other variables). Indeed, fertility was so closely correlated with nearly every other variable in the model that it made it impossible to run the analysis with that variable included and get meaningful results. As mentioned earlier, countries with low birthrates in the Global North have expanded parental leave and improved childcare policy in order to make work and motherhood more compatible for women. These states may see fertility as a strategic problem relating to a core imperative of the state (Dryzek et al 2003; Boling forthcoming). Indeed, the qualitative literature on family policy makes a strong link between low fertility in Europe and other developed countries and the development of measures to encourage childbearing for working women. This effect may be so strong that other factors that seem like they might make a difference (such as European membership) are overwhelmed by this much stronger effect.

We expected that international treaties and norms would be weaker in the area of social rights than in the area of human rights and status policies. These policies are often opposed by strong, entrenched domestic business and other economic interests, and the style of policy response, where it exists, is more likely to be shaped by extant social policies than are status policies that affect newer groups and demands, and seem less clearly related to social policies already in place (O’Brien et al 2000; Htun and Weldon 2010). Paralleling the importance of women’s movements, perhaps the impact of feminist institutions and activism is what matters for childcare. Ratifying CEDAW was associated (albeit weakly in some models) with a greater likelihood of developing a national daycare policy.

We see little influence of regional or global norms that specifically relate to social and economic rights (such as ICESCR or the EU) in this area. Patterns of welfare state development appear to be shaped more by wealth, social conditions and broader social policy styles than by international norms and legal requirements. ICESCR seems to be less strongly related to the establishment of a national child care policy than it is to parental leave.

Women’s movements were more influential for the development of child care policy than for parental leave, and left parties were also more important. This may stem from the historical era in which they were adopted and the degree to which they challenge traditional gender roles. Many leave policies, especially maternity leave
policies, had their roots on leaves for working mothers adopted over a century ago in North Europe. Similarly, in the MENA region, these policies preceded widespread and international feminist organizing. Childcare policies appear to be of more recent provenance. In addition, while childcare policies are often seen as pro-children and pro-family, they are premised on the idea that someone other than a child’s mother provides the bulk of the child care. This is a greater challenge to gender roles than the idea that mothers should be able to put their children first and stay home from work to care for young ones. Feminist movements were essential to promote such a reconceptualization of women’s lives and roles.

VI. Conclusion

This analysis shows the importance of women’s movements for progressive policies and illuminates the variation in political dynamics across gender issues. Our results amplify the distinctiveness of the legal status issue vis-à-vis social policies such as maternity and parental leave, and underlines the importance of women’s organizing on their own behalf (Htun and Weldon 2012). Since equal status policies do not necessarily challenge the relations between markets and states, they tend not to inspire the opposition of organized business (Htun and Weldon 2010). Rather, they have sometimes inspired opposition from male-dominated labor unions who have perceived equal opportunities legislation as a threat to their privileged position in the labor market (Wolbrecht 2000). But even this opposition has dissipated as women have become more active in these unions. Last, where there has been domestic opposition to legal reform campaigns, and where domestic feminist groups have been weaker, feminists have used the leverage of international institutions such as the UN, the European Court of Justice or the European Union accession process to compel recalcitrant governments to reform their laws.

This finding builds on those of other scholars who note that the political dynamics behind women’s rights vary across issues (Mazur 2002; Sanbonmatsu 2002; Htun 2003; Htun and Weldon 2010). Further, it supports the claim that women’s movements and international agreements are of particular importance in areas such as women’s status. Prior scholarship on women and work has mostly focused on work-family balance, childcare and other social policy dimensions of women’s parental roles. The conclusions of this work (for example, finding that women in government improve child care policy or maternity leave (Poggione 2004; Kittilson 2008) have sometimes been interpreted as if they apply to all areas of women’s rights. But our research suggests that a more refined approach is needed: scholarship on women’s rights in the area of work-life balance and reconciliation policies emphasizes the role of women in government, left parties and labor movements (Kittilson 2008; Weldon 2011) and work on child care emphasizes the role of religion (Morgan 2006). These analyses suggest two important refinements of this field.

First, our research suggests that when we focus specifically on legal status, women’s organizing and international influences become more important than these other factors. Far from being an artifact of a global dataset, this finding is supported by prior qualitative work focusing specifically on the politics of employment law, looking at
smaller numbers of countries. Mazur (2002) emphasizes women’s autonomous organizing, trade union support or opposition, and women’s policy agencies.

Second, we find that the influence of left parties may be dependent on other contextual factors, or have a more nuanced influence in only some regions. Our broader analysis here includes developing countries, and there it is less clear that left parties have the same effects. It may be that international organizations are stronger prompts for social policy developments than left parties in these contexts, or it may be that unionization, left parties, and other Europe-based measures of labor power are poorly suited to developing contexts (Rudra 2002; Weldon, O’Brien and Htun 2009). It is clear that the general idea of left or social politics being associated with generous leaves holds, as the impact of a communist legacy shows. What this may also suggest, however, is that broader social policy traditions are more influential than particular parties when it comes to social policy as opposed to legal reform.

More generally, the dimension of equality considered determines the nature of the political processes that produce cross-national patterns (Blofeld and Haas 2005; Htun and Weldon 2010; 2012). For example, policy processes producing formal equality, or removing discrimination, may not be the same as those producing substantive equality. Moving beyond formal equality to policies that meaningfully advance sex equality likely requires civic action, women’s organization and empowerment in transnational and national spaces. In addition, the influence of international actors and institutions can be a critical resource for domestic women’s movements, helping to inspire new areas of policy (as in Australia and Ireland) or to overcome domestic opposition and compel reluctant governments to uphold their rights (as in France and Turkey).

We also found that, though feminist movements are not the only drivers of progressive policy change (nor are they equally important in every area) such movements play an even more important role in progressive policy changes that we at first realized. For example, we did not expect women’s movements to be as important as they are in the area of childcare. Case studies (which follow below) further support the claim that women’s movements helped drive policies to benefit rural women workers and domestic workers in India and Latin America, respectively.

In order to understand the potential and the problems confronting those who would advance women’s social and economic rights, then, we must consider the important role of women’s organizing, and also recognize that women’s organizing will have more effect in some areas of women’s social and economic rights than others. This research helps to illuminate the role of feminist movements and the other drivers of progress in these important areas of women’s human rights.
Protest, Class politics and Women’s Social and Economic Rights:  
The Story of the National Rural Employment Guarantee Act (NREGA) in India

India’s National Rural Employment Guarantee Act (NREGA) has helped improve women’s economic equality in rural areas, but the policy is not without its problems. After describing the policy and some of its consequences, we analyze the politics behind enactment of the law. As we will see, women’s activism was an important force pushing politicians to support enactment of the measure.

The National Rural Employment Guarantee Act (NREGA) was enacted in 2005. Its objective was to provide work opportunities during lean agricultural seasons to people living in rural areas. It offers 100 days of work to each household, normally targeting the most disadvantaged sectors of society. Over 70% of NREGA workers come from Scheduled Castes with high rates of illiteracy—52% for men and 82% for women—and lack of food security.

Although the policy was framed as a development initiative for the rural population as a whole, it has specific provisions that target women and has helped promote gender equality for the last eight years. For example, it established that one third of the jobs assigned go to women, and it established equal pay between the sexes. It also offers women the ability to work locally for much better wages, to have some degree of regularity and predictability of working hours, and socially acceptable work.

On average, each year the program has benefited 12 million women. Yet the degree to which women are engaged in NREGA varies widely by region. According to official figures by the Indian Ministry of Rural Development, 71% of participants in Rajasthan and 44% in Madhya Pradesh are women, but they make up as few as 5% of participants in Uttar Pradesh. The national average is only 30%. While the implementation may not be as broad as one would hope, the women who have benefited from it have been able to improve their quality of life substantially and started developing a degree of independence from the male members of their household that they did not have before. In fact, the policy has become one of the main mechanisms pushing for gender equality in India.

One of the biggest changes that the NREGA implemented was a ban on private contractors. In the past, being hired through private contractors normally meant lack of job security, and basic benefits and wages that were well below the statutory minimum. One of the objectives of NREGA was to enforce minimum wages and to do so the government assumed the role of hiring and paying the workers. For women this brought radical changes to their way of life. Before NREGA, women who managed to find local work would receive salaries as low as 24 rupees per day of work—only a fifth of the minimum wage (Ambasta and Shah 2008). The working conditions were not only exploitative but also lacked many basic services such as access to shade, first aid, and toilets. Migrating to urban areas to look for a job proved to be very difficult because of the lack of affordable transportation and the dangers of traveling. Moreover, the combination of social norms, the nuclearization of households and subsequent lack of
care through extended family networks, rural-urban migration, and the absence of institutionalized care facilities pressed women to dedicate their time to the care of children, elders, and housework making it even harder to justify looking for jobs far away from their homes. NREGA altered this scenario by offering women job opportunities within a five kilometer radius, with an average salary of 88 rupees, and, in some cases offering day care (*Ibid*). This gave women the opportunity to obtain greater reasonable remuneration but it also made it easier for them to maintain a paid job while performing household and care work. On the other hand, there are concerns that some of the NREGA work involves physically challenging tasks such as

In some areas NREGA has already started to produce changes in the internal dynamics of the household. Some women report that work under the Act provides them with independence, security, decreases their need to migrate from the village, and offers an opportunity to build a community with other women (Palriwala and Neetha 2009, 19). This is especially true for districts where salary payments go directly to the women who did the work instead of going to the head of the household. This has allowed women to keep their income to themselves, at least partially, and to make decisions on how to spend it (NREGA 2008 survey). Before NREGA, 44% of women said they could meet their personal needs through their own earnings. After implementation of the policy, the percentage increased to 71% (Khera and Nayak 2009). Women working under NREGA have started to save their own money, which was rare before the policy (Sudarashan 2011). The consequence is not only that women have acquired choice over the use of their earnings, but also that they have increased their independence from the household’s male members.

Yet since the Act provides a household level benefit, not an individual one, critics have noted that it often leaves women, particularly separated/divorced women living in their natal homes and female headed households, as well as the elderly, handicapped, and migrants unable to access the benefits provided in the Act (Palriwala and Neetha 2009). It also leaves much of the decision-making to an inter-household negotiation—where gender norms are likely to be reinforced (Chopra 2012).

There is also some evidence that points out that changes may have reached the village level. Having a direct interest on meetings relating to NREGA, women have started to participate more in the local self-government assemblies of their villages (*gram sabhas*). Now, in Kangara and Dungarpur, for example, it is not unusual to have women talking about their concerns during these meetings, which was used to be an extremely rare occurrence (Pankaj and Tankha 2010). This has given women a forum to interact with each other and talk about shared concerns, forming the basis for other groups centered on gender issues. One example is the Kudumbashree in Kerala, groups of eight to ten women organized to help each other with various microenterprises, which provide alternatives to agricultural work (Sudarshan 2011). This is particularly important because of the seasonal character of NGERA, how demanding manual agricultural work can be, and because other rural job alternatives to NGERA are usually occupied by men.
While the policy has been well received by most analysts (Sudarashan 2011, Pankaj and Tankha 2010, Khera 2011, Ambasta and Shah 2008), they point out that it has several limitations related to implementation and some unintended consequences. The policy is still susceptible to issues that derive from operating under the same old structure of governance—particularly an untrained bureaucracy and lack of institutional capacity.41

On average, the employment per household was 43 days in 2006 and 35 in 2007, fewer than the original 100 outlined in the policy. What is more, only 15% of the worksites have crèches (Narayanan 2008). A related issue has been the lack of information dissemination. While most people are aware that 100 days of work were offered, 65% did not know that they had to apply in order to be considered for the policy (Dreze and Khera 2010).

The lack of information prevented people from taking advantage of NREGA and made it harder to fight corruption. In its design the policy was supposed to be characterized by a high degree of transparency by involving locals in the planning, implementation and audits of results. Yet only 8% know about this right (NREGA 2008 survey). Some parts of the bureaucracy routinely take advantage of ignorance to maximize their discretion over implementation. For example, they lie to the applicants about the requirements for applying to the program, telling them they have fulfilled all requisites while in reality they are missing the final form (Ambasta and Shah 2008). The limitations of the capacity of the Indian government apply to NREGA as much as to any other policy, and promoting a stronger government in terms of its implementation capacity seems to be key for adopting policies that successfully help women advance their status. Recent measures to increase transparency are expected to mitigate these concerns somewhat (Jenkins 2008).

Another important issue is that 38% of the women who work under NREGA do not do so out of their own volition. Given the relatively high salaries offered by the policy, it has not been uncommon for the heads of households to force young women to work, even if that means they need to abandon their education (Pankaj and Tankha 2010).

In addition, the nature of the work often leaves women at a disadvantage. Most of the work is unskilled and paid for on a “piece” rather than day rate (Palriwala and Neetha 2009). The piece rate leaves women, the handicapped, and the elderly as unwelcome members of work teams. To the extent that the work is low-paid, wages are often late, and the tasks are manually exhausting, in some areas, men tend to regard the work as beneath them. Chopra (2012) points out that this only further reinforces the gender-division of labor, with women filling the lowest paid, lowest skilled positions.

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41 Ambast and Shah mention that “every state government was required to appoint, in each block, a full-time programme officer, exclusively dedicated to the implementation of NREGA, with necessary support staff. However, the CAG report finds that 19 states had not appointed these officers in 70% of the blocks it surveyed” (2008, 42). Moreover, many of officials who were actually instated are performing a multitude of roles to make up for the high amount of understaffing.
In summary, although the policy offers good opportunities for women, patriarchal practice still influence how it actually affects them. While the NREGA offers a starting point for advancing gender equality, it also shows that it cannot do it just by itself. A wider and more cohesive set of systematic policies would improve the impact of this policy.

**The Politics of the Adoption and Expansion of NREGA: Social Movements**

The passage of the NREGA in India has been largely attributed to the mobilization of workers, women, and those arguing for a human right to food, all of which are campaigns that pre-date the specific efforts to adopt this law. In the late 1990s, widespread rural distress, widely seen as a result to economic liberalization, gained wider salience in the run-up to the 2004 elections as workers’ rights activists and right-to-food activists drew attention to these problems. The governing BJP and its coalition partners launched the “India Shining” campaign that sought to emphasize economic success and optimism as the results of the neo-liberal reforms, even in the context of continued hardship and poverty, especially in rural areas. At the same time, progressive parties were criticized by the left for failing to offer new alternatives to address economic hardships, with left critics noting that the first steps towards neoliberal reforms were taken under the auspices of a government led by the Congress Party. In the context of this electoral competition, the Congress Party sought to draw a contrast to the BJP by positioning themselves as advocates for the poor. They were particularly motivated to do so by an electoral defeat in Rajasthan in 2003.

The design of NREGA was based on an earlier policy that developed in Maharashtra, where the state government adopted the “Maharashtra Employment Guarantee Act” in 1978. The program had its origins in the “Drought Relief and Eradication Committee” formed by activist groups and members of opposition parties who sought to improve the plight of the poor. The agenda of the Committee evolved from drought relief to employment guarantee scheme, which was applied statewide for the first time in 1972. The text of the act provided for maternity benefits for women workers (who had worked 75 days prior to the birth) and midwives to look after children of laborers. In practice, however, much of this was not provided. Data show that female person-days averaged around (or above) 50 percent during the 1990s, However, the unit of measurement (person/days) does not tell us how many women actually worked (e.g. 90 female person days could mean either that six women worked for 15 days or that 15 women worked for six days).(Shah and Mehta 2008).

At the same time as there was growing domestic pressure to act on women’s rights and to combat poverty and hunger, there was also growing pressure from international community to address these same issues. The international women’s movement gained momentum in the early to mid-1990s, with the Beijing conference in 1995 and the follow-up conferences in 2000 and 2005. In 2000, the government of India was specifically criticized by the CEDAW Committee, which noted that “India has a very large and mainly rural population living in absolute poverty and that the feminization of poverty and growing income disparities prevent the benefits of economic development...
being transferred to women.” The committee further noted that poverty and gender disparities constituted major obstacles to the implementation of the Convention’s measures (CEDAW/C/IND/1 2000). In its response, the Indian government noted (among other things) that quotas for women that were included in anti-poverty programs (IANWGE n.d).

In addition to this developing international discussion of women’s rights, the United Nations began to lead higher profile discussions of poverty, placing greater urgency on the need to address these issues. The United Nations Millennium Declaration began the work towards the Millennium Development Goals (MDGs), which created more international pressure to address both poverty and women’s rights (UN 2010). The UNMDG gave women movements an international point of reference backing their demands and the left parties proved to be more willing to listen than previous governments (Pratrap 2010).

It was in this context of growing domestic and international attention to poverty and women’s rights that a coalition of parties led by the Congress Party were elected to replace the BJP-led government. As a result of renewed pressure from women groups, the United Progressive Alliance (a coalition of left and center parties) developed a program of government (the National Common Minimum Programme) that endorsed the “full empowerment of women politically, educationally, economically and legally” as one of its main axes. It was this coalition that presented the first NREGA bill in 2004, but at that stage it lacked specific mechanisms to guarantee the advancement of women as active participants in the labor force. Moreover, the bill was failing to gather the necessary political support and looked as if it would be unsuccessful.

From December of 2004 to September of 2005, multiple women’s protests under the slogan of “Work for Every Hand, Full Wages for Every Work” pushed for a revised version of the bill, especially pushing for the adoption of quotas guaranteeing the equal participation of men and women in the program, as well as equal wages and the provision of child care facilities. The culmination of the protests was the “Rozgar Adhikar Yatra” or Right to Employment Rally, which lasted for 10 days and was present in 50 Indian districts. Following the protests, a revised NREGA was enacted. Even if the final law did not meet all the demands of the movement (the quota dedicated to women was only 33% and it came only as an addendum to the law), the protests brought the necessary political support and a new focus on gender issues that resulted in the passage of an NREGA with the gender provisions included (Raja 2007).

Since then, women’s activism has continued to demand improvements to NREGA especially in relation to expanding the minimum proportion of positions available to women to 50%. This has helped bring salience to women’s demands for services such as crèches that allow them to participate more fully in the program (Mahapatra 2010). Women’s activism has also been focused on demanding full implementation of the law, especially provisions related to women’s rights (interviews, Delhi, 2010).
This example shows how the political mobilization of women and anti-poverty activists formed the backdrop for policy innovation on women’s social and economic rights. Such activism was not narrowly confined to demands for this particular bill, nor did this activism succeed in procuring the passage of the measure in the absence of other political allies and pressures. The election of a sympathetic coalition of left parties was critical for the passage of the act, but the inclusion of the gender-specific guarantees demanded by Indian feminists would not likely have occurred without social movement pressure. International pressures to address the status of women and poverty in rural areas also likely contributed to the passage of the Act.

Such a constellation of political forces is not necessary for every policy innovation in women’s rights, but for those policies that so dramatically challenge the prevailing pattern or trend of policy development, social movements are particularly important (Weldon 2011). In this case, the trend away from state responsibility for the poor was dramatically turned around by this policy, which (whatever its bumps and warts) constituted a recognition of the state’s obligation to provide for citizen well-being. By requiring that women be given access to paid work, the act also challenged the entrenched patriarchal norms in rural areas, though there is still a long way to go.

The Role of International Pressures and Political Parties: Poland

The history of gender equality policies in Poland highlights the way that the ideology of the party in power shapes the possibilities for feminist input and the shape of policy outcomes. Left parties have tended to support gender equality policies, while right wing parties tended to oppose them. However, political parties are only part of the story. Even if left parties are more likely to support gender equality policies and institutions, they tend to pursue incremental reforms if they are not pushed to go further by autonomous women’s movements. Movements also seized openings provided by institutional reforms and international review processes and pressures to press their case for sex equality provisions.

An election in Poland 1993 brought a reconstituted communist/left party back to government, and liberal women’s groups mobilized to seek changes in policy advancing women’s rights. These groups demanded that the government re-open the Office on Women and the Family, and the government did so, partly in preparation for the 1995 Fourth World’s Conference on Women in Beijing. This office drafted a National Action plan and established a forum for coordinating government action on women’s rights.

In this period after the FWCW, the revision of the Polish Constitution provided an opening for women’s groups demanding policy reforms to advance gender equality. Women’s groups demanded stronger guarantees of gender equality be included in the constitution. The final version of the Constitution adopted in 1997 included weaker versions of the gender equality guarantees than the women’s groups had demanded, but

42 This section, and most of our discussion of Poland, is drawn from Olga Avdeyeva’s excellent forthcoming book.
they were still stronger than some expected, given the fierce opposition from religious conservatives affiliated with the Catholic Church. Women’s rights activists seemed to feel that these equality provisions, while weaker than those demanded, were better than they might have otherwise been, and were more or less satisfied with the constitutional provisions in the short run.

The 1997 elections returned right-wing governments to power in Poland. This new government renamed the Office on Women and the Family so that it focused on Family Affairs rather than women’s rights. They also cancelled many programs and women’s rights initiatives and sought to disrupt government partnerships with women’s rights NGOs, forbidding cooperation with surveys sent out by women’s groups seeking to evaluate compliance with the National Action Plan. Women’s groups escalated their protests, but the Polish government under the right wing parties ignored these demands and also ignored the requirements of the EU accession process that Poland update its gender equality policies.

The right-wing administration in Poland continued to ignore EU requirements on gender equality until the European Commission threatened to close negotiations and to terminate the accession process through an official warning. Following this warning, the right-wing government initiated debates on the amendments to the Polish Labor Code. It is worth noting, however that these amendments came into force only in January 2002, after the left-wing parties came back to power. The 2002 amendments added a new chapter to the Labor Code entitled “Equal Treatment of Men and Women,” which “provided definitions for direct and indirect discrimination, shifted burden of proof to the employers in cases of labor disputes, stipulated the principle of equal pay for equal work, set the standards for working hours, and guaranteed parental leave in accordance with EU requirements.” (Avdeyeva forthcoming, 142) In addition, the list of jobs prohibited for women was modified and two policies were adopted to regulate the work of pregnant women.43 As a result of these policy changes, the EC completed negotiations with Poland in 2001.

Elections in 2001 returned the left wing parties to power once again, and women’s organizations who had been excluded from policymaking under right wing governments clamored again for action on women’s rights, demanding comprehensive reform. The left parties announced their intention to establish an Office of Gender Equality, but wanted to keep it as a subministry. Women’s movement pressure, including writing letters of concern to the EU and to the European Women’s Lobby, resulted in the creation of a higher-level body with more resources and independence.

Similar processes led to the adoption of amendments to the Polish Labor Code extending the definition of discrimination on the grounds of sex in 2004. The provision of paid parental leave was expanded with reforms of the Labor Code (originally passed in 43 These two policies were the Government Ordinance on Safe Working Conditions (July 2002) and the Directive of the Ministry on Labor and Social Affairs from July 30, 2002 on the list of work prohibited to women (127/1092) (Avdeyeva forthcoming, 142).
1974 and amended in 2001 and 2004, articles 186, 188-189) and with the adoption of the Law on Family Allowances in 2006. Laws guaranteeing gender equality in statutory and occupational social security schemes were addressed after the accession in Government Regulation on the Coordination of Social Security Schemes with EU Requirements (May 2010). The enforcement of these rules, however, will not start until 2022.

The influence of EU pressure on the Polish government to adopt gender equality policies (pressure that worked in the context of the Polish desire to accede to the EU) empowered domestic women’s groups and strengthened their demands for policy and institutional change advancing women’s rights. These advances in women’s rights were not dismantled after accession (Avdeyeva forthcoming). The conservative government which came to power after the accession not only maintained these gender equality policies but also passed an Anti-Discrimination Act indicating its intention to comply with EU requirements despite domestic obstacles, such as “heated parliamentary debates and low parliamentary support for this policy.” Avdeyeva notes that in Poland, the national government refrained from openly dismantling policies and institutions, choosing a more subtle path of non-compliance “by changing the agenda of gender equality institutions to support family-oriented policies and by adopting National Action Plans that suit their policy frame.”

Policy Development Related to Domestic Workers: Latin America

In many countries, the informal sector constitutes a vast domain of economic activity and employs many women, especially those involved in domestic work. Often, the informality of domestic work removes it from the purview of labor laws and regulations designed to protect workers’ rights. In an effort to reduce abuse and improve the conditions of work, some countries have adopted measures designed specifically to regulate domestic work, yet the timing and nature of regulations vary greatly, even within regions.

The first law for domestic workers in Venezuela was passed in 1956 (Decree 326/56). It granted a daily break of nine consecutive hours at night, a weekly day off or two and a half days off every fifteen days, 10 days of paid vacation according to the salary being earned, a daily hour to perform activities related to their religion, and severance pay. In addition, the employer was required to give the worker five days notice in the event of termination, and permit her to look for another job during normal work hours.

In 1997 the law was reformed. Unlike the earlier version, there was no mention of gender-specific issues and some rights were actually lost. Domestic workers living in the house where they work had the right to just a daily 10-hour continuous break. Those who did not live in their workplace had their shifts determined by the usual work regulation. They were given the right to fifteen days of unpaid vacation as well as a payment equal to 15 days of salary at the end of the year. The law explicitly recognized that domestic workers lacked protection from being terminated unjustifiably. Employers were required
to report under-aged domestic workers to a national institute designed to protect them from exploitation.

The first Brazilian law regarding domestic workers dates from 1972 (Law 5.859). It prohibited employers from paying domestic workers in kind (through food, housing, clothes or articles of hygiene). It also forbade firing a domestic worker on the grounds of being pregnant, but no maternity leave was provided. Other benefits included vacation with 1/3 of the salary after 12 months of work, access to health services if fired unjustifiably so, and unemployment insurance for any domestic worker that worked at least fifteen of the last 24 months. These rights were expanded by the Constitution of 1988, which gave domestic workers more benefits, including the right to a minimum wage, maternity leave of 120 days (and paternity leave), and participation in the national social security system, as well as by a national law approved in 2006.

In Peru, the first law for domestic workers was passed in 1970. It fixed the maximum hours of work at 8, right to vacations, and opportunity for overtime. In 2003, the broader Law of Domestic Workers was enacted. The rights granted by the legislation are paid vacations, a weekly day off, life insurance, severance pay, and right to form unions. Remarkably, no minimum wage was settled (Bustamante n.d).

The first law regulating domestic workers in Colombia was passed in 1988 (Duque 2013). The main benefit that it brought was access to the public health insurance system. However it covered only those workers that received less than the minimum wage and carried no other significant benefits. In 1998, the law was reformed to give domestic workers the right to a pension for the time they worked if their employer did not register them for insurance. Broader legislation did not come until 2009 (Decree 015-2003-TR).

Prior to 1990, domestic work in Chile was regulated, but in a way that minimized their rights. Workdays could reach 12 hours, they were entitled only to 75% of the minimum salary, and had no severance pay or maternity leave. These issues were progressively addressed through various reforms: in 1990, domestic workers gained the right to severance pay in 1998, to maternity leave. Rights to a minimum wage did not come until 2008 and the length of workdays is yet to be reformed (Blofield 2012, 118).

Other countries began to recognize the rights of domestic workers much later. For example, Uruguay did not have a law of domestic workers until 2006. (Blofield 2012, 115), Costa Rica domestic workers would not acquire their first rights until 2007. (Blofield 2012, 83.), and Argentina did not have a law of domestic workers until 2013 (La Nacion 04/12/2013). Until 2010, domestic work was forbidden in Cuba (Reyes 2013). In Mexico, attempts to regulate domestic work have failed (Brito 2013).

Globally, the best policies affecting Domestic Workers are more likely to be adopted where domestic workers organize on their own behalf. Swider (2008) argues that the development of the model policy for domestic workers in Hong Kong can be traced to women’s organizing on their own behalf. Lu replicates this study for a larger, cross-
national analysis and finds that the better policies for domestic workers are strongly associated with women’s own activism (Lu 2008).
Appendix A: Descriptive Statistics for Variables in the Models

<table>
<thead>
<tr>
<th>Variable</th>
<th>Observations</th>
<th>Countries</th>
<th>Years</th>
<th>Mean</th>
<th>SD</th>
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Appendix B: Results using non panel analysis

Ordinary Least Square Regression, Dependent Variable = Maternity Leave Generosity, 1975-2005

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<th>Coefficient</th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
<th>Model 4</th>
<th>Model 5</th>
<th>Model 6</th>
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<td>-0.27* (0.12)</td>
<td>-0.14 (0.13)</td>
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<td>0.01 (0.01)</td>
<td>0.01 (0.01)</td>
<td>0.01 (0.01)</td>
<td>0.01 (0.01)</td>
<td>0.01 (0.01)</td>
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<td></td>
</tr>
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<td>1.22** (0.41)</td>
<td>0.59 (0.35)</td>
<td>1.22*** (0.24)</td>
<td>0.95* (0.37)</td>
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<td>0.91* (0.37)</td>
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<td>0.50 (0.32)</td>
<td>0.62* (0.31)</td>
<td>0.50 (0.31)</td>
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<td></td>
<td>0.90** (0.31)</td>
<td>0.78* (0.31)</td>
<td>0.97** (0.31)</td>
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<tr>
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<tr>
<td>Relationship between Church and State</td>
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<td>0.47* (0.20)</td>
<td>0.31 (0.19)</td>
<td>0.71*** (0.21)</td>
<td>0.66** (0.21)</td>
<td>0.49* (0.22)</td>
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<tr>
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</tr>
<tr>
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</tr>
<tr>
<td>Left Party</td>
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<td>0.31** (0.11)</td>
<td>0.31** (0.11)</td>
<td>0.26* (0.11)</td>
<td>0.25* (0.11)</td>
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<td>Women in the Legislature (%)</td>
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<td>0.02 (0.01)</td>
<td>0.03** (0.01)</td>
<td>0.01 (0.01)</td>
<td>0.01 (0.01)</td>
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<td>Proportional Representation</td>
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<tr>
<td>Fertility</td>
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<td>0.24 (0.20)</td>
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<tr>
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<td>0.13 (0.22)</td>
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### Ordinary Least Square Regression, Dependent Variable=Index of Equality in Employment Law, 1975-2005

<table>
<thead>
<tr>
<th>Coefficient</th>
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<th>Model 2</th>
<th>Model 3</th>
<th>Model 4</th>
<th>Model 5</th>
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<tr>
<td>Strong Autonomous women’s movement</td>
<td>0.87***</td>
<td>0.95***</td>
<td>0.92***</td>
<td>0.92***</td>
<td>0.74***</td>
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<tr>
<td></td>
<td>(0.23)</td>
<td>(0.21)</td>
<td>(0.21)</td>
<td>(0.21)</td>
<td>(0.21)</td>
</tr>
<tr>
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<td>-0.00 (0.01)</td>
<td>0.00 (0.01)</td>
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<tr>
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<td>2.99***</td>
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<td>3.49***</td>
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<td></td>
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<td>(0.53)</td>
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<td>(0.48)</td>
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<td>1.31*</td>
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<td></td>
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<td>(0.54)</td>
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<td></td>
<td>(0.52)</td>
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<td>(0.41)</td>
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<tr>
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<tr>
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<td>Strong Autonomous women’s movement</td>
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<tr>
<td>Women in Legislature</td>
<td>-0.01 (0.03)</td>
<td>-0.04 (0.03)</td>
<td>-0.04 (0.03)</td>
<td>-0.04 (0.03)</td>
<td>-0.04 (0.03)</td>
</tr>
<tr>
<td>Proportional Representation</td>
<td>0.71 (0.50)</td>
<td>0.85 (0.46)</td>
<td>0.81 (0.46)</td>
<td>0.85 (0.46)</td>
<td>1.00* (0.48)</td>
</tr>
<tr>
<td>Commitment to ICESCR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.32 (0.25)</td>
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<tr>
<td>EU membership</td>
<td></td>
<td></td>
<td></td>
<td>-0.04 (0.50)</td>
<td>-0.11 (0.49)</td>
</tr>
<tr>
<td>Withdrawal of reservations to CEDAW</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.09 (0.83)</td>
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<tr>
<td>_cons</td>
<td>-3.31 (3.29)</td>
<td>-7.74*** (2.25)</td>
<td>-7.57*** (2.26)</td>
<td>-7.78*** (2.32)</td>
<td>-6.78** (2.26)</td>
</tr>
<tr>
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<td>196</td>
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<td>Countries</td>
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<tr>
<td>Pseudo $R^2$</td>
<td>.20</td>
<td>.16</td>
<td>.17</td>
<td>.16</td>
<td>.16</td>
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