

ACCESS TO JUSTICE FOR WOMEN ENTREPRENEURS

Entrepreneurship is recognized globally as a driver of economic and social development, and the justice system is a critical component of smooth business operations, with implications for enforcing contracts, opening and closing businesses, resolving employment disputes and upholding rights.

Worldwide, women entrepreneurs constitute a vital part of the business community, contributing to economic growth, decreases in unemployment, and the development of a range of services and products. While the positive relationship between gender equality and economic growth is well established, the proportion of women entrepreneurs remains significantly low.



To realize **Goals 5 (gender equality)** and **16 (peace, justice and strong institutions)** of the United Nations 2030 Agenda for Sustainable Development, it is essential to progress women entrepreneurs' access to justice as a right.

Findings and recommendations from research in Jordan

In Jordan, women entrepreneurs constitute a growing portion of the business population, offering opportunities for women to generate income and meaningfully contribute to the national economy. However, women entrepreneurs also face discrimination as they engage in business ventures and seek to resolve disputes.

The European Bank for Reconstruction and Development (EBRD) and the International Development Law Organization (IDLO) conducted research on barriers to women entrepreneurs' access to justice, obtaining insights from women and men entrepreneurs, institutions and justice sector professionals on why women entrepreneurs need effective justice systems, the main barriers they face in using justice systems, and whether these systems are gender-sensitive.

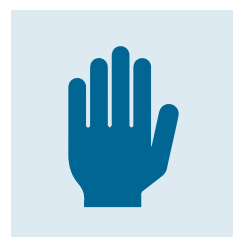
Identified barriers are:



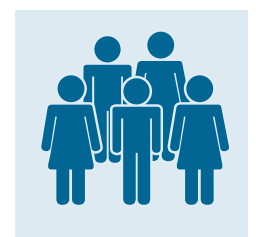
Economic



Legal



Practical



Social

Legal barriers



“I was sure that as a woman with no male partner or close male family member, I have the right to issue my own court documents. However, the clerk was determined that this was against the law, and only when the legal department assured him that I was ‘legally’ right, he proceeded with my papers.”

Woman entrepreneur from Amman

In Jordan, legal provisions related to freedom of movement, labour, and personal status are discriminatory to women. And where legislation does not discriminate directly, in practice, men and women entrepreneurs report different treatment, effects and outcomes from laws relevant to entrepreneurship.

Other prevalent concerns are complexity and women being impeded from filing legal claims without a male relative’s permission. This means that women entrepreneurs prefer mediation and avoid courts due to social stigma, effectively facing discouragement to testify or go to court for legitimate business reasons.

Key findings

- » Women were more likely than men to indicate that laws are discriminatory towards women
- » Justice sector professionals have a more positive view of dispute resolution mechanisms than entrepreneurs

Recommendations

- » Address discriminatory provisions in legislation
- » Strengthen awareness and increase the use of mediation in commercial disputes

Economic barriers



“Lawyers tend to delay law procedures as long as possible to make more money out of their clients . . . At one time, I also found out that my lawyer was charging me more than the standard fees.”

Woman entrepreneur from Amman

Research revealed that high court fees posed challenges for settling matters and a lack of access to qualified and affordable lawyers whose expertise was suited to needs was also reported, leading 10 percent of entrepreneurs in Jordan to forego desired legal advice.

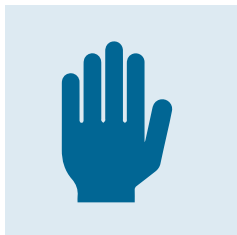
Key finding

- » Affordability of legal representation consistently received the poorest rankings across all respondent categories

Recommendations

- » Reduce costs of dispute resolution
- » Improve women entrepreneurs’ access to legal aid services such as: information, education, assistance, advice, representation, and advocacy

Practical barriers



“I have noticed that male lawyers are more willing to solve issues in court, because this way you are obliged to pay them more for their services ... whereas female lawyers are more willing to find alternative solutions outside the court. However, if there are no other options to go to court, I find that female lawyers have less experience in court than their male counterparts.”

Woman entrepreneur from Amman

There is little awareness of relevant legal and regulatory frameworks among entrepreneurs of both genders in Jordan, yet on average women entrepreneurs reported lower levels of understanding. Courts were reported as physically inaccessible, and judges and lawyers were identified as lacking expertise on commercial matters. Of the entrepreneurs who reported a dispute in the past five years, 58 percent indicated it took more than one year to resolve.

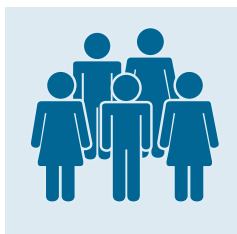
Key findings

- » 83 percent of female entrepreneurs reported little or basic understanding of legal and regulatory frameworks compared to 71 percent of men
- » Women entrepreneurs reported a higher understanding of only two laws – bankruptcy and sexual harassment – when compared to men

Recommendations

- » Improve legal awareness of women entrepreneurs
- » Improve access to qualified commercial lawyers
- » Strengthen judicial capacity on commercial matters

Social barriers



“As a woman business owner, I try to avoid going to the court as much as possible because it is still socially unexpected to see a woman in court, even if she is there for a justified reason. It may spoil her reputation all together. Therefore, I try to negotiate. However, even when negotiating, I make sure that I have a male relative, or male legal assistant with me. It is difficult for a woman, even a successful businesswoman, to negotiate alone. The opponent side will always try to use the social aspect against a female opponent, even threaten to ruin her reputation.”

Woman entrepreneur from Amman

In Jordan, cultural stigma persists against women using formal legal means to resolve disputes relating to businesses or rights violations. Instances of legal professionals, including lawyers and clerks, refusing to respect women’s legal rights, extract excess fees, or harass them were reported. Additionally, Jordanian women remain underrepresented in the justice sector, despite their high rates of graduation from law schools.

Key findings

- » Less than one quarter of judges and lawyers are female
- » Respondents perceive that women entrepreneurs are more risk-averse, possess less information, and face family and societal opposition

Recommendations

- » Increase awareness of and counteract gender biases in the justice sector
- » Ensure equitable gender composition of legal professionals
- » Reduce gender discrepancies in the legal profession

Conclusions

Identifying different legal, economic, practical and social obstacles across multiple dimensions is a significant step in achieving change and realizing broader goals in relation to justice for women.

From reforming laws, to enhancing alternative dispute resolution mechanisms, to strengthening gender equality in the justice sector and developing legal literacy programs, there are many ways that justice systems can improve services for both men and women entrepreneurs.

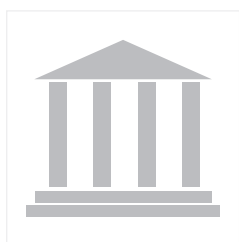
Continued efforts will also be required to draw women into the entrepreneurial sphere including simplification of processes, but also reduction of investment thresholds, favourable loan conditions, incentives, and training and sensitization to support an environment in which women entrepreneurs can thrive.

PROGRESS BUT STILL WORK TO DO

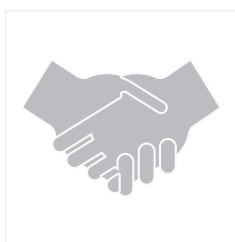
The Government of Jordan has recently eased the business registration process by adopting home-based business regulations and reducing the minimum capital requirement for company registration. There is a minimum quota of 15 percent for admission of female candidates to the Institute of Judicial Studies, and Judge Ihsan Zuhdi Barakat broke the glass ceiling as the first female judge to be appointed to the Supreme Court of Jordan.

While advances are being made, there are recommendations for the Government, the justice sector, women entrepreneur organizations and academia, so women can turn to fair and effective justice systems, realise the full promise of the law, and enjoy equality of opportunity.

Additional recommendations



Improve government processes and laws to reflect women entrepreneurs' needs



Reduce barriers to registering and operating a business



Address gender bias in lending to women



Reduce de facto discrimination in key government processes

This research is a contribution to the growing body of information that aims to help create an enabling environment for women entrepreneurs to achieve business success and strengthen women's equal access to justice.

For more information, please visit www.idlo.int