



# **EBRD-IDLO Research Study**

## **Women Entrepreneurs' Access to Justice**

### **STUDY FINDINGS: JORDAN**



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# EXECUTIVE SUMMARY

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Entrepreneurship is recognized globally as a driver of economic and social development, and the positive relationship between gender equality and economic growth is well established. 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.

The Government of Jordan has made significant strides in supporting women entrepreneurs, including adopting home-based business regulations and reducing the minimum capital requirement for company registration. However, women entrepreneurs continue to face challenges, including barriers and unequal treatment that negatively impact their ability to establish and develop their businesses. This also applies when women entrepreneurs wish to access justice institutions to resolve disputes affecting their business.

The justice system is a vital component of smooth business operations, with implications for enforcing contracts, opening and closing businesses, resolving employment disputes and upholding rights. As reflected in Goals 5 (Gender Equality) and 16 (Peace, Justice and Strong Institutions) of the United Nations 2030 Agenda for Sustainable Development, women need to be able to turn to effective and fair institutions to access justice and essential services.

This European Bank for Reconstruction and Development (EBRD) and International Development Law Organization (IDLO) research study considers women entrepreneurs' equal access to justice in Jordan. It provides 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. The aim is to contribute to increasing women's access to economic opportunities in well-functioning market economies and inclusive societies.

This study considers the justice system with a gendered lens, asking what is working and what can be improved for women entrepreneurs as a specific user group. There are promising indications, such as a minimum quota of 15 per cent for admission of female candidates to the Institute of Judicial Studies and an increasing number of female lawyers. For women entrepreneurs, legal disputes and problems identified predominately relate to issues such as debt, financing, overdue payments, suppliers, employment and labour. These are the issues women entrepreneurs must resolve and, when necessary, turn to the justice system for resolution. However, this is where they also experience and perceive a range of barriers to access to justice.

## Barriers and the way forward

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Based on the research findings, barriers are identified and analysed, and recommendations are developed to strengthen women entrepreneurs' access to justice, identifying avenues for improvement and building on existing efforts by the Government of Jordan. Given the multifaceted nature of the issue,

complementary responses can be pursued to reduce legal, economic, practical, and social barriers for women as they seek justice. Women entrepreneurs have also identified challenges that if addressed, would support their entrepreneurial efforts overall.

### *Legal and regulatory barriers*

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While a majority of respondents did not perceive discrimination in the law, there exist legal provisions ranging from labour to pension to personal status that discriminate against women in Jordan. There are also laws with severe consequences for women related to freedom of

movement, legal capacities to sign contracts and administer property, inheritance, protection from domestic violence and sexual harassment, and the ability to testify in civil proceedings, whereby they are not treated in the same way as men.

Further, even where legislation does not discriminate directly, in practice, men and women entrepreneurs reported different treatment, effects and outcomes from banking, credit and investment in the entrepreneurial sphere. Other prevalent concerns are women being impeded from filing a legal claim without a male relative's permission and avoiding courts for reasons such as social stigma, effectively facing discouragement to testify or go to court for legitimate business reasons.

The justice system in Jordan offers several dispute resolution options, with specialized courts and mediation and arbitration recognized in law. Yet, women entrepreneurs identified that the justice system was not always relevant, and they preferred to resolve disputes informally

(without accessing the justice system) or via mediation. Reasons expressed identified additional barriers, including that: (1) women are subject to social bias and stigmatization for using the court system; (2) court and legal fees are substantial; (3) qualified legal assistance can be challenging to find; and (4) (male) lawyers may attempt to take financial advantage of female clients.

Linked to these findings, over half of women entrepreneurs did not believe the justice system was well-functioning and both justice sector professionals and entrepreneurs consistently highlighted the need to support Alternative Dispute Resolution (ADR) and mediation, finding ways to further activate these aspects of the system.

Recommendations	
Address discriminatory provisions in legislation	Pursue reforms for women entrepreneurs in relation to, among others, age of retirement, labour restrictions on hours and types of work, limited paternity benefits, and requiring permission from a husband to leave or work outside of the home.
Strengthen awareness and increase the use of mediation in commercial disputes	Promote understanding of mediation and provide training for mediators-judges on commercial law and barriers to justice for entrepreneurs.

### *Economic and financial barriers*

Economic barriers are a key concern for entrepreneurs. Women and men entrepreneurs identified debt, financing and overdue payments as the main disputes that arose when doing business. Court fees are relatively high in Jordan compared to other countries in the region. Further, affordability of legal representation consistently received some of the poorest rankings across all study respondents.

All entrepreneurs, regardless of their gender, identified the need to access the services of qualified lawyers who are familiar with business law issues and can offer specialized and affordable services in relation to banking, contract disputes and other areas that commonly arise in entrepreneurship. Indeed, 10 per cent of entrepreneurs reported that, despite desiring legal advice, they had never pursued it as it was too expensive.

Recommendations	
Reduce costs of dispute resolution	Consider a range of possibilities such as small claims or fast track procedures to streamline low-value disputes and consider ways to promote affordable legal aid, including through reduced-fee services, legal clinics, or similar means to ensure affordable legal services.
Improve women entrepreneurs' access to legal aid services	Consider the creation of specialized law school clinics to provide free legal assistance to women on priority issues such as opening, registering and operating businesses, particularly in rural areas where signing contracts and credit issues are also predominant.



## Practical and institutional barriers

A lack of information on the legal aspects of how to conduct business and resolve disputes was a commonly identified problem. There is also room for improvement in relation to understanding of the law. All entrepreneurs reported low levels of understanding with 82 per cent claiming “little”, “basic” or “no” understanding of relevant legal and regulatory frameworks.

Courts obtained the lowest ranking from entrepreneurs in relation to physical accessibility and the availability or hours of operation. Noticeably, justice sector professionals viewed the quality of justice mechanisms more favourably than institutions and entrepreneurs. The poorest scores were again towards courts, particularly in relation to timeliness. Efficiency rankings were more favourable as were perceptions regarding quality, competence and accountability.

Further, procedures to open a new business are viewed as complicated and few lawyers are well positioned to advise on these aspects. Respondents identified that more could be done to ease the registration process and ensure administrative aspects are simplified and demystified. The same was felt towards making use of the justice system.

However, entrepreneurs also reported experiencing hearings of varying quality from judges in matters of a commercial nature. Lack of expertise in commercial, entrepreneurial or banking matters by judges and lawyers was also commonly identified as an issue by study respondents. Positively, entrepreneurs reported easy enforcement of decisions or orders, although women entrepreneurs were slightly more likely to report difficulty, or greater difficulty, than men.

Recommendations	
Improve legal awareness of women entrepreneurs	Develop and deliver legal rights training, manuals and capacity enhancement on priority themes, including signing contracts, loans and investment, commercial status, labour and tax law, and use of the court and ADR system.
Improve access to qualified commercial lawyers	Conduct capacity enhancing workshops and training sessions to increase the number of specialized lawyers able to provide affordable legal services for the types of legal matters faced by women entrepreneurs.
Strengthen judicial capacity on commercial matters	Conduct training sessions and workshops on commercial law matters and include both women and men judges and legal professionals in dialogues on the practical and legal difficulties entrepreneurs face.

## Cultural and social barriers

Although there are no formal restrictions on women’s access to courts, cultural and social barriers such as fear of stigmatization, social ostracism, or damage to social reputation prevent Jordanian women from resorting to formal institutions to resolve disputes affecting their business and/or report a violation of their rights. Instances of clerks refusing to proceed without the signature or the presence of a husband or male relative, harassment by administrative and judicial staff, being targeted and sued as a tactic to extract money, or opposing parties capitalizing on existing stereotypes and bias were all reported. Many women entrepreneurs indicated preferring to avoid court as much as possible.

Additionally, women entrepreneurs highlighted that the behaviour of lawyers differs based on the gender of their client, with male lawyers seen as trying to impose higher fees and extend over-protective behaviours towards female clients.

Gender norms also affect the composition of the legal profession and the perspectives applied by legal professionals to matters before them. Although more women than men graduate from law school, less than one quarter of the judges and lawyers in Jordan are female.

The representation of women in the legal profession is an important indicator, as the judiciary, in particular, must reflect the society in which it is based: skewed representation speaks



to the capacities of justice professionals to understand underlying gender differences and respond appropriately. Importantly, justice sector professionals identified that full acceptance of

female judges is lacking. Regarding gender sensitivity, female entrepreneurs ranked courts as the least gender-sensitive among justice institutions.

Recommendations	
Increase awareness of and counteract gender biases in the justice sector	Hold gender sensitivity training for judges, mediators, arbitrators, and other legal professionals as part of continuing professional development, including court staff and officials interacting with women entrepreneurs.
Ensure equitable gender composition of legal professionals	Continue to ensure gender balance for female candidates in legal studies and dedicate funding to support training and advancement for women lawyers and judges, reporting on progress.
Reduce gender discrepancies in the legal profession	Integrate gender awareness and analysis in law school curriculum and adopt proactive policies to encourage women to pursue legal employment following graduation.

### *Addressing challenges for entrepreneurs*

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. Continued efforts will also be required to draw women into the entrepreneurial sphere. This includes noted simplification and

streamlining of process and reducing fees, but also reduction of investment thresholds, favourable loan conditions, incentives, and training and sensitization to support an environment in which women entrepreneurs can thrive.

Recommendations	
Improve government processes and laws to reflect women entrepreneurs' needs	Create advocacy units to bridge the gap between government and entrepreneurs.
Address gender bias in lending to women	Review existing microfinancing programmes and ensure access to funding, while increasing awareness among women entrepreneurs of available options, including risks.
Reduce barriers to registering and operating a business	Continue to streamline processes and reduce fees, as well as enhance operation and availability of "one-stop-shops" for women entrepreneurs.
Reduce de facto discrimination in key government processes	Continue to develop, deliver, and institutionalize gender sensitivity training for employees who interact directly with women entrepreneurs.

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

# BACKGROUND

Entrepreneurship is widely recognized as a powerful engine of economic growth and societal development. It creates new companies and jobs, generates market opportunities, and nurtures skills and capabilities. The positive relationship between gender equality and economic growth is well established, and women entrepreneurs constitute a significant and

growing portion of the business population, creating ventures and contributing to the development of a range of services and products.<sup>1</sup> Nonetheless, a 2016 International Labour Organization (ILO) report estimated that globally, 50 per cent of women's productive potential was underutilized compared to 22 per cent of men's productive potential.<sup>2</sup>

## Entrepreneurship

*Entrepreneurs wholly or partly own, manage and operate a business.<sup>3</sup> Women entrepreneurs fully or partly own, control and operate an enterprise such as a business, company, firm, industry, or venture whether formally (i.e. registered/licensed) or informally (unregistered/unlicensed).<sup>4</sup>*

In parallel with the global trend, entrepreneurship has been gaining popularity among Jordanian women. A 2017 report by the Jordan Enterprise Development Corporation found that 73.5 per cent of Jordanian women aged 18 to 64 considered entrepreneurship a good career choice, while 83.2 per cent of the same group believed entrepreneurs are highly appreciated by society.<sup>5</sup> However, the report also cautioned that fear of failure and limited networks still posed barriers to female entrepreneurship, despite these positive shifts in perceptions.

In Jordan, where the women's labour force participation rate is only 14 per cent, lower than the regional average of 21 per cent and one of the lowest in the world, women's entrepreneurship has the potential to offer vital economic opportunities for women to generate their own income and meaningfully contribute to the national economy.<sup>6</sup> Jordan has a large youth population, a high unemployment rate and an

economy in which micro, small and medium enterprises (MSMEs) constitute 98 per cent of all enterprises.<sup>7</sup> In order to mitigate the socioeconomic risks of unemployment and realize the potential of women in the labour force, the Government of Jordan has made progress in creating an environment more conducive to women's entrepreneurial success.

Jordan is signatory to a set of international conventions that guarantee equal rights between men and women. At the international level, Jordan has ratified the landmark convention that focuses on gender equality and women's rights, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).<sup>8</sup> Regionally, Jordan has ratified the Arab Charter on Human Rights, which provides for the equality of all persons before the law and their right to legal remedy based on non-discrimination, in addition to their recognition before the law and legal capacity.<sup>9</sup>

## Progress for women's rights and entrepreneurialism

*At the national level, Jordan has enacted laws that promote human rights and support the equal participation of women in the labour force and business environment. This includes a law related to social security (Law No. 7/2010), which introduced maternity insurance, granted women equal legal rights to men regarding access to social insurance, and provided for the extension of social insurance coverage for workers in small enterprises and agriculture.<sup>10</sup>*

*Furthermore, to encourage home-based businesses, which are often owned by women, in 2017, the Board of Social Security Corporation exempted home-based businesses from compulsory social security contributions.<sup>11</sup> Normally, this compulsory payment constitutes a significant portion of a home-based business' earnings; the exemption eliminated a barrier to home-business start-up and incentivized their registration as formal entities.<sup>12</sup>*

Despite significant efforts by the Government of Jordan to support women's economic empowerment, the low percentage of women entrepreneurs suggests an absence of a broad business ecosystem that adequately facilitates, recognizes and rewards entrepreneurial endeavours of women. According to the World Bank's Women, Business, and the Law ranking, Jordan scores 45 out of 100 points in relation to women's ability to interact with public authorities and the private sector in the same ways as men, below the regional average of 66.<sup>13</sup> This low score can be explained by the existence of laws restricting women's agency and mobility, which in turn limit inclusion and opportunities. The Organization for Economic Cooperation and Development (OECD) estimates that gender-based discrimination in societal institutions in the Middle East and North Africa (MENA) region represents an annual loss of USD 575 billion.<sup>14</sup>

A combination of systemic issues and restrictive social norms and practices, coupled with complex business licensing and registration processes, negatively impact the ability of

women to establish and develop their businesses.<sup>15</sup> To support women's entrepreneurship, many initiatives focus on addressing barriers at different stages of business formation, ranging from access to finance<sup>16</sup> and business registration, to limited access to markets and compliance with regulatory and standards bodies. A key finding in this field is that to support the success of women entrepreneurs effectively, programming should address barriers to women's entrepreneurship beyond only access to finance and business skills.<sup>17</sup>

For women entrepreneurs, many similar issues extend to the justice system, which is an essential component of smooth business operations with implications for enforcing contracts, opening and closing businesses, resolving employment disputes and upholding rights. According to the World Bank's Women, Business, and the Law ranking, Jordan scores 50 out of 100 points in relation to going to court, a key indicator of women's ability to access justice.<sup>18</sup>

#### Access to justice

**Access to justice** is commonly understood and defined as "the ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards".<sup>19</sup> Access to justice includes Alternative Dispute Resolution (ADR), which is understood as "a set of approaches and techniques aimed at resolving disputes in a non-confrontational way" and covers a broad spectrum.<sup>20</sup> The most regularly cited ADR methods are negotiation, mediation, conciliation, arbitration, with consensus-building and facilitation also recurrently referenced. ADR mechanisms are increasingly included in state or state-sanctioned justice systems to reduce the costs, delays, and adversarial nature of formal dispute resolution.<sup>21</sup>

The European Bank for Reconstruction and Development (EBRD) and the International Development Law Organization (IDLO) have partnered to identify the challenges women entrepreneurs face in accessing equal justice in Jordan. Reflecting the intersection of Goals 5 (Gender Equality) and 16 (Peace, Justice, and

Strong Institutions) of the United Nations 2030 Agenda for Sustainable Development,<sup>22</sup> the aim is to highlight how women entrepreneurs' equal access to justice contributes to increasing women's economic empowerment and equality of opportunity in well-functioning market economies and inclusive societies.

## Rationale: justice for women

Access to justice is a critical element that supports effective entrepreneurialism and more broadly addresses violations of rights and discrimination. Access to justice is a fundamental right, as well as an essential prerequisite for the protection and promotion of other civil, cultural, economic, political and social rights in accordance with international human rights norms and standards. As noted by the World Bank, "To benefit from economic

opportunities and contribute to national growth, women in the Middle East need a level playing field", which includes "addressing gender-based differential treatment under the law".<sup>23</sup>

As noted in a recent OECD report, in principle women "have access to courts to ensure the enforcement of international constitutional and national legislative provisions. In practice, however, their rights are inhibited by a number of hurdles: the courts do not always enforce the

rules, the judiciary may lack knowledge of current principles and standards, women are often not aware of their rights and, even when they are, social norms and financial constraints may hinder them from going to court.”<sup>24</sup>

Accordingly, to strengthen opportunities for women entrepreneurs to initiate and run their businesses on an equal footing with men, the EBRD-IDLO study:

1. Contributes to research and policy on women entrepreneurs’ access to justice by bringing forward the perspectives and experiences of entrepreneurs and professionals who work with

entrepreneurs and key stakeholders involved with justice processes.

2. Identifies the main barriers that women entrepreneurs encounter in accessing justice to resolve the disputes affecting their business, which may arise at any phase of the business cycle.

3. Provides recommendations validated by national stakeholders that support the creation of an enabling environment for women entrepreneurs in Jordan to promote equality of opportunity through effective access to justice.

## Methodology

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This study presents findings from desk review and primary data collected through a mixed method qualitative and quantitative approach using a combination of expert, purposive and snowball sampling and four main techniques:<sup>25</sup>

### Interviews

Through a series of interviews, *25 professionals* drawn from the justice sector, women’s professional associations, academia, Senate and Parliament were asked targeted questions about the justice sector and its accessibility for entrepreneurs in resolving disputes, with an emphasis on whether available mechanisms are well-suited to meet the needs of women entrepreneurs. Respondents were purposively selected based on expert knowledge and asked questions related to their work and institutions. They also completed a survey questionnaire.

### Focus group discussions (FGDs)

Three FGDs were organized to examine and explore perspectives and contributions from both women and men entrepreneurs through an interactive and deliberative dialogue. The discussions covered a range of issues, including: dispute resolution; access to justice; quality of legal and non-legal information and support available; awareness of rights; and perspectives on women’s integration in the business sphere. Overall, *26 women and men entrepreneurs* were purposively selected to participate in the three FGDs, with diverse representation from owners of small, medium and larger businesses, both registered and unregistered, from Amman, Salt, Irbid, Tofielah and surrounding areas.<sup>26</sup> These entrepreneurs also completed a survey questionnaire.

### Case studies

Throughout the research, respondents were encouraged to share personal stories to collect illustrative case studies that distil lessons on women entrepreneurs’ involvement in the justice system and highlight systemic issues according to priority themes that emerged. A total of *eight case studies* (seven women and one man) were collected on topics ranging from types of disputes encountered to justice mechanisms used to experience with laws and regulations. Select case studies and insights are integrated throughout this report.

### Survey questionnaires

Questionnaires were designed with a mix of closed and open-ended questions to explore themes arising from the desk review and aligned with research objectives. They captured: (1) characteristics of entrepreneurs; (2) perspectives on the legal and regulatory framework for entrepreneurship; (3) experiences with disputes and the justice system (where relevant); (4) preferences in dispute resolution; and (5) attitudes towards and perceptions of the justice system. Questionnaires were distributed using purposive and snowball sampling techniques to three main stakeholder groups to allow for triangulation of information and perspectives:<sup>27</sup>

- Questionnaire No. 1: distributed to men and women entrepreneurs (hereinafter referred to as *entrepreneurs*) with a total of *100 respondents* (70 women, 28 men, 2 undisclosed).<sup>28</sup> The majority of respondents were married (67 per cent), had received a university or advanced degree (90 per cent), had operated their business for 1 to 10 years (65 per cent), employed 1 to 10

people (62 per cent) and had formally registered their business (72 percent). [Annex I](#) provides a detailed summary of the characteristics of entrepreneur survey respondents.

- Questionnaire No. 2: distributed to professionals within institutions interacting with entrepreneurs (hereinafter referred to as *institutions*), with a total of 14 respondents (12 women and 2 men). Institutions identified included representatives from ministries and other governmental entities and professionals working in regulatory, legal and financial institutions and banks.
- Questionnaire No. 3: distributed to key informant justice sector professionals (hereinafter referred to as *justice sector professionals*), with a total of 25 respondents (14 women and 11 men). Professionals included: judges (4), court administrators/staff (9), legal practitioners (3), government representatives (5), and law professors (4).

The data collected through interviews, FGDs, case studies and survey questionnaires was studied through descriptive and multivariate

means to identify key findings, which were shared and validated during a national workshop.<sup>29</sup> While independent and thorough, there are necessary caveats to the conclusions drawn. Given the need to purposively identify and obtain respondents, a probability sampling technique was not used. As a result, the findings do not allow for broader generalizations or statistical inferences beyond the respondents.<sup>30</sup> However, this limitation is balanced by the depth and breadth of information collected through key sources and multiple methods. By interpreting primary data collected within the broader context and information available from complementary research, this study provides essential practical insights to strengthen women entrepreneurs' equal access to justice.

This report continues by exploring women's access to justice more broadly, followed by an elaboration of the Jordanian context for women entrepreneurs and a review of the barriers to women entrepreneurs' equal access to justice in Jordan. Finally, the report offers conclusions and outlines a list of nationally validated recommendations for strengthening access to justice in Jordan, especially for women entrepreneurs.

# UNDERSTANDING ACCESS TO JUSTICE FOR WOMEN

For women, the right to access to justice has been described as “multidimensional” and holds fundamental promise: “Effective access to justice optimizes the emancipatory and transformative potential of the law.”<sup>31</sup> Accessing justice is a right in itself, but also a means to enforce all rights under law and other international standards.

The international legal foundation for access to justice is provided in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Relevant articles within these major instruments create a robust rights-based approach in which to view access to justice and identify the main standards set forth: equal, accessible, affordable, timely and effective. For example, Articles 7 and 8 of the UDHR provide for the right to equality before the law without discrimination, equal protection under the law, and the right to an effective remedy by competent national tribunals.<sup>32</sup>

State parties to these Conventions, including Jordan, are obligated to take steps to realize these frameworks. Regionally, the Arab Charter on Human Rights is relevant<sup>33</sup> and globally, CEDAW reinforces: the right to non-discrimination and gender equality;<sup>34</sup> guarantee of fundamental human rights and fundamental freedoms; and equality before the law [both *de jure* (according to law) and *de facto* (in fact or practice)].<sup>35</sup>

As elaborated in CEDAW, State parties’ obligations are to:<sup>36</sup>

1. “ensure that there is no direct or indirect discrimination against women in their laws and that women are protected against discrimination—committed by public authorities, the judiciary, organizations, enterprises or private individuals—in the public, as well as the private spheres by competent tribunals as well as sanctions and other remedies.”
2. “improve the *de facto* position of women through concrete and effective policies and programs.”
3. “address prevailing gender relations and the persistence of gender-based stereotypes that affect women not only through individual acts by individuals but also in law, and legal and societal structures and institutions.”

To fully understand women’s access to justice, it is necessary to look beyond only relevant legal measures and pay careful attention to contextual factors, namely the interplay of politics, economics and culture.<sup>37</sup> Research has demonstrated that social and economic barriers, and the marginalization of women in the legal profession with resulting insensitivity to gender, hinder women’s ability to bring disputes to courts and realize their rights.<sup>38</sup>

## Women and justice in Jordan

Information drawn from several research studies paints a picture of access to justice for women in Jordan. As a starting place, more men than women report having legal disputes. In one study, 75 per cent of men reported having a legal dispute in the last five years, compared to only 25 per cent of women.<sup>39</sup> This could indicate a gendered difference in: (a) recognizing legal disputes; (b) acknowledging legal disputes; or (c) experiencing legal disputes.

Moreover, when there is a legal dispute, in one study, a majority of Jordanian women surveyed

(32 per cent) sought legal information and advice with regard to their problems from family relatives and expressed less confidence in institutional sources of legal information and advice than men.<sup>40</sup> Further, according to the Jordanian Department of Statistics’ Justice Sector Survey, “women are more likely than men—26% versus 17%—to report avoiding courts due to customs and traditions”.<sup>41</sup> These customs and traditions are related to deeply entrenched notions of honour, shame and guilt that together create social pressure and a system of social



values at the community level, discouraging women from seeking justice through courts.<sup>42</sup>

Although there are no formal restrictions on women's access to courts, fear of stigmatization, social ostracism, or damage to social reputation prevent women from resorting to formal institutions to report a violation of their rights.<sup>43</sup> Beside social norms, women are less likely to go to court due to the lack of economic resources to support the cost of initiating legal proceedings and the ongoing expenses of a lengthy litigation process. Even when women bring their disputes to courts, they are less likely to be represented by a lawyer.<sup>44</sup>

Finally, regarding settlement of disputes, women are less likely to settle their disputes compared to men: 40 per cent of men reported that they were able to settle their disputes amicably, compared to only 30 per cent of women.<sup>45</sup> The

World Bank inferred from this finding that men had greater access to informal dispute resolution through social contacts while women's restricted networks prevented them from relying on connections for dispute resolution.<sup>46</sup>

Essentially, obstacles to women's access to justice can be caused by a combination of uneven treatment in and application of legislative and regulatory frameworks, and a justice gap which is widened by restrictive, patriarchal social norms that affect women.<sup>47</sup> The implementation of laws is influenced by cultural norms that perpetuate patriarchal stereotypes and gender bias in society, in institutions (including justice institutions), and result in an inequitable gender composition in the public sphere. Further, many women internalize these social norms and practices, leading them to accept or believe that unequal treatment is standard.<sup>48</sup>

## Barriers to women's access to justice

Elements obstructing justice or influencing access to justice have been commonly identified internationally.<sup>49</sup> The following table elaborates

these barriers from a gender perspective, drawing from documented barriers, as well as relevant international standards:<sup>50</sup>

Table 1: Barriers to access to justice

<b>Legal and regulatory barriers</b>	<ul style="list-style-type: none"> <li>○ Discriminatory laws</li> <li>○ Lack of standing to bring a claim</li> <li>○ Lack of a dispute resolution or justice mechanism (right to a remedy through enforcement of decisions)</li> <li>○ Formalistic and complex laws and procedures</li> </ul>
<b>Economic and financial barriers</b>	<ul style="list-style-type: none"> <li>○ Prohibitive costs of using justice mechanisms <ul style="list-style-type: none"> <li>○ Procedural costs</li> <li>○ Representation costs (availability of legal aid)</li> </ul> </li> <li>○ Prohibitive cost of trying to resolve a dispute due to corollary expenses related to transportation, childcare or other incidental costs</li> </ul>
<b>Practical and institutional barriers</b>	<ul style="list-style-type: none"> <li>○ Lack of information and legal awareness</li> <li>○ Geographical distribution of justice institutions</li> <li>○ Office hours and physical availability of justice mechanisms</li> <li>○ Communication constraints</li> <li>○ Delays</li> <li>○ Competence and efficiency or lack of accountability (qualifications and training) of justice professionals</li> <li>○ Failure to adequately and effectively enforce laws and/or regulations</li> </ul>
<b>Cultural and social barriers</b>	<ul style="list-style-type: none"> <li>○ Stereotyping and gender bias in society</li> <li>○ Inequitable composition of male and female professionals within the justice system</li> <li>○ Actual or perceived discriminatory treatment within the justice system</li> <li>○ Capacity of justice professionals to understand underlying gender differences and act independently and impartially</li> <li>○ Stigma or fear of social ostracism or damage to reputation for using the justice system</li> </ul>



A key element of inquiry is how barriers impact women relative to men and if they exacerbate existing gender differences.<sup>51</sup> The United Nations Committee on the Elimination of Discrimination against Women observes that: “It is not enough to guarantee women treatment that is identical to that of men. Rather, biological as well as socially and culturally constructed differences between women and men must be taken into

account. Under certain circumstances, non-identical treatment of women and men will be required in order to address such differences. Pursuit of the goal of substantive equality also calls for an effective strategy aimed at overcoming under-representation of women and a redistribution of resources and power between men and women.”<sup>52</sup>

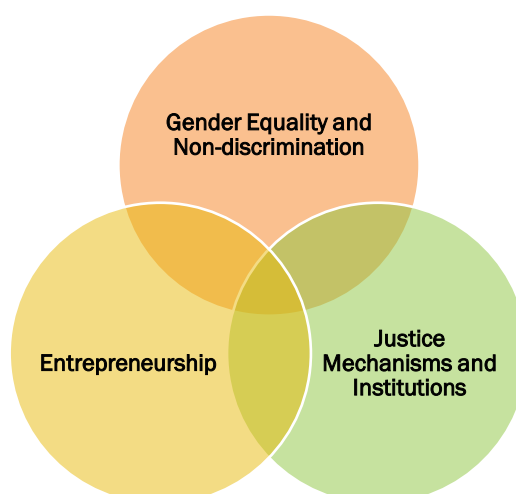
## Analysing women entrepreneurs’ access to justice

To comprehensively review and understand the legal, economic, practical and social barriers to access to justice for women entrepreneurs, this

study adopts three dimensions of analysis, namely, entrepreneurship, gender equality, and justice mechanisms.

*Table 2: Dimensions of analysis for women entrepreneurs' equal access to justice*

ANALYTICAL FRAMEWORK		
Dimension No. 1	Entrepreneurship analysis	Focuses on the laws, regulations, and practices that are most relevant to starting, operating, and dissolving a business and how they affect women entrepreneurs.
Dimension No. 2	Gender equality and non-discrimination analysis	Reviews women's human rights and fundamental freedoms, as elaborated in the CEDAW, with an emphasis on articles and laws most relevant (in)directly for entrepreneurial activity and access to justice. <sup>53</sup>
Dimension No. 3	Justice mechanisms and institutions analysis	Reviews the legislation, mechanisms, processes and law and justice professionals most relevant to resolving an entrepreneurial business or commercial dispute through the lens of international standards for access to justice and General Recommendation No. 33 on Women's Access to Justice. <sup>54</sup>



The three dimensions of analysis guide the research inquiry through identification of where gaps and barriers exist, which can materialize as legal (de jure or de facto), economic, practical or

social barriers and to analyse these from the perspective and experience of women entrepreneurs across a gender continuum:

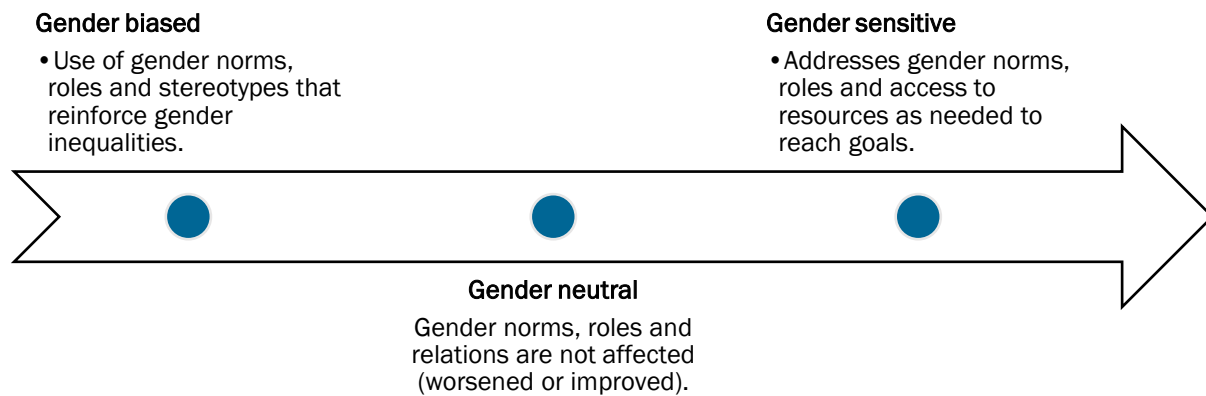


Figure 1: Gender continuum

While bearing in mind the complexity of the concept of access to justice, the analysis reflects consideration for:

- Consistency of national laws, policies and the justice environment with international laws and standards regarding women's rights and access to justice
- The severity of identified issues for women entrepreneurs
- Consequences in relation to opportunities for women entrepreneurs
- Documented biases towards women
- Overall vulnerabilities experienced by women

To ensure comprehensiveness, the scope of the analysis is both: narrowly focused on procedural

fairness, dispute resolution and direct contact with the justice system for business-related remedy or resolution; and broadly focused on the protection of rights and accountability for gender-responsive substantive justice. Practically, this study identifies barriers preventing women entrepreneurs in Jordan from resolving disputes affecting their businesses. Additionally, to help realize the transformative potential of the law, a broader rights-based approach is also reflected, which bears importance for the entrepreneurial life cycle where women entrepreneurs face a range of documented challenges in setting up, running and winding down their businesses.

# CONTEXT FOR WOMEN ENTREPRENEURS

## Insights: statistics and key facts

Prior to exploring the challenges that women entrepreneurs encounter in Jordan concerning their access to justice, this section elaborates on the status of women entrepreneurs in Jordan, based on available insights.<sup>55</sup>

Despite the very low rate of female participation in the labour force (14 per cent) and in early stage entrepreneurship (22 per cent), entrepreneurship is gaining popularity among Jordanian women.<sup>56</sup> The proportion of women

among nascent entrepreneurs (21 per cent) is higher than the proportion among established business owners (12 per cent), indicating a positive trend in participation and business ownership.<sup>57</sup> However, in absolute terms, there are far fewer women entrepreneurs than men entrepreneurs; as of 2009, the Global Entrepreneurship Monitor (GEM) reported that “men are 3.4 times more likely to be engaged in entrepreneurial activity than women (15.8% of adult males compared to 4.5% of adult females)”.<sup>58</sup>

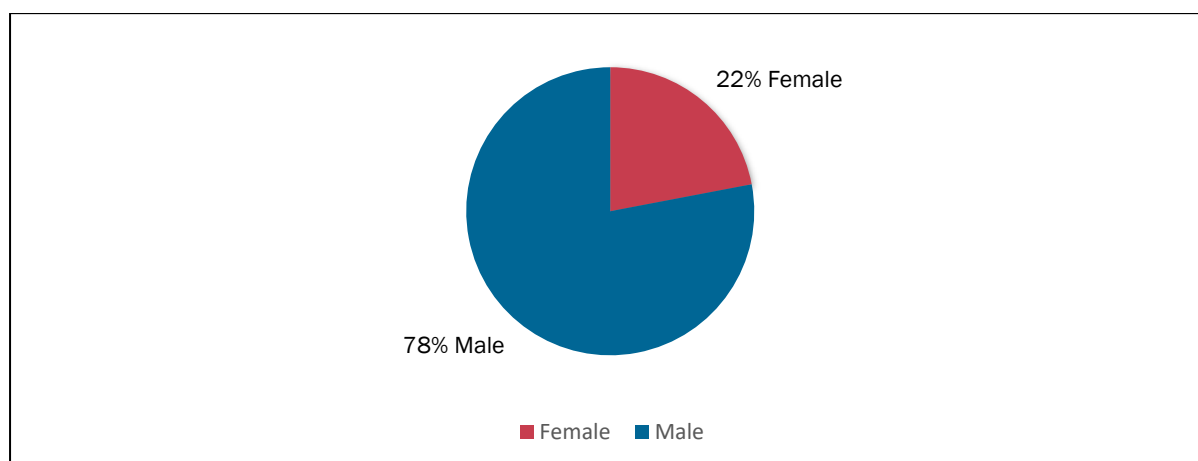


Figure 2: Gender distribution of entrepreneurship activity (Global Entrepreneurship Monitor, 2009-2010)

The following are key facts regarding women entrepreneurs from accumulated studies in Jordan, noting necessarily limits to the relevance of the information as representative of all women entrepreneurs. Available studies profile women entrepreneurs as:

- between 34 to 44 years old<sup>59</sup>
- married (64.36 per cent); single (26.73 percent); divorced (5.45 percent); and widowed (3.47 percent)<sup>60</sup>
- running predominately (three quarters) home-based enterprises<sup>61</sup>

- running mainly micro to small size enterprises, with employment capacity ranging between one and nine full-time employees<sup>62</sup>
- located in urban centres (4.9 percent) compared to rural (2.3 percent).<sup>63</sup>

While incomplete, these characteristics signal issues such as differences in urban and rural capacities and an emphasis on home and smaller enterprises as important for women entrepreneurs.

## Insights: main challenges in starting and operating a business for entrepreneurs

In addition to identifying the core characteristics of women entrepreneurs (Annex I), the EBRD-IDLO survey addressed how men and women conduct their businesses, the challenges faced, and the nature of their interactions with justice sector and institutional officials. Insights are grouped according to the business cycle and priority afforded by entrepreneurs.

Both men and women entrepreneurs were asked to identify the problems they faced when starting their businesses. Financial problems were the most often cited (47 per cent of all respondents, 49 per cent of women), with legal problems the runner-up (25 per cent of all respondents, 24 per

cent of women). Similarly, for both groups, financial matters were the most cited challenging feature of operating their business (69 per cent of women and 50 per cent of men), while women were far more likely to name registration (27 per cent vs 11 per cent) and men more likely to name dealing with authorities (24 per cent of women vs 36 per cent of men).

When asked which features were the most challenging for women, justice sector professionals did not cite financial matters as prominently. Instead, dealing with authorities (52 per cent) and resolving disputes (56 per cent) were the most common responses.

### High costs associated with starting new businesses

Entrepreneurs reported that starting a new business in Jordan is a costly undertaking, with 65 per cent of total respondents citing financial matters as among the most challenging features of operating their business. Financial matters were also the most widely cited challenge among women entrepreneurs (69 per cent). During FGDs, entrepreneurs mentioned that there are many requirements for starting a new business and every requirement is associated with high fees.

While 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, relevant changes to laws and regulations take time to become known.<sup>64</sup> During FGDs, entrepreneurs reported limited awareness regarding regulatory changes and available services for registering a business. While an online platform for registering new businesses has been established, entrepreneurs in FGDs indicated they were not familiar with online registration.<sup>65</sup> In one case, a woman entrepreneur registered her business in Dubai, United Arab Emirates, to benefit from a more favourable business environment and registration process.

#### Focus group insights: starting a business

*"The combination of the low profit that I am making ... and the continuous increases in prices and taxes, mean that starting a business in Jordan ... is very unaffordable."*

**Woman entrepreneur from Irbid**

*"There should be legal persons to help raise our awareness on how to start and operate a business. Awareness and follow up should be provided at each step and for all the legal and financial procedures."*

**Woman entrepreneur from Amman**

### Access to information

The majority of entrepreneurs who participated in the FGDs expressed their desire to have access to reliable information on the procedures to start and manage a new business. In addition, many women entrepreneurs stated their desire to have more business associations for women, which

could act as hubs for entrepreneurs to gain the necessary knowledge and skills and forums for interacting with other entrepreneurs as they managed their businesses. One institutional respondent indicated that when entrepreneurs registered a business, it would be beneficial to

provide information on and access to online courses, so entrepreneurs could receive information about issues that are known to arise.

Finally, the majority of FGD participants noted that greater support was required to help ensure

entrepreneurs succeeded and had improved awareness and literacy about legal issues and available options when disputes arose. [Annex II](#) provides a detailed gender analysis of business development for women entrepreneurs.

#### Case study: benefits of information sharing and networking

Following FGDs, outreach was conducted with rural women participants who had expressed a desire during the FGD to remain in contact with other participants to benefit from each other's knowledge and experience. As one entrepreneur noted to the FGD facilitator after the discussion, participation in the FGD had benefited both her friend and herself: "I was afraid to licence my business but after attending the FGD, I had the confidence and the knowledge to go and licence my business. I also obtained a permit from City Hall to operate ... and my friend was also able to licence a facility to operate her business". Another entrepreneur reported a similar impact: "After the FGD I was able to register my business and had gained the knowledge to solve my problem regarding taxes".

## Insights: types of legal disputes and problems identified by entrepreneurs

Within the survey, entrepreneurs were asked to identify the nature of past legal disputes and the types of problems they commonly experienced in running their businesses. Of the 51 entrepreneurs who stated that they had encountered a legal dispute in the last five years, 25 per cent involved debt or financing, 22 per cent involved suppliers, and 22 per cent involved overdue payments. The majority of both men (83 per cent) and women (73 per cent) relied on the

justice system for resolution, with more men than women utilizing the justice system. Other disputes and problems that were noted were contracts (18 per cent), employment/labour (9.8 per cent), property (7.8 per cent), enforcement of rights (7.8 per cent), registration (3.9 per cent) and utilities (3.9 per cent). Interestingly, only women entrepreneurs identified enforcement of rights, property and registration issues as disputes.

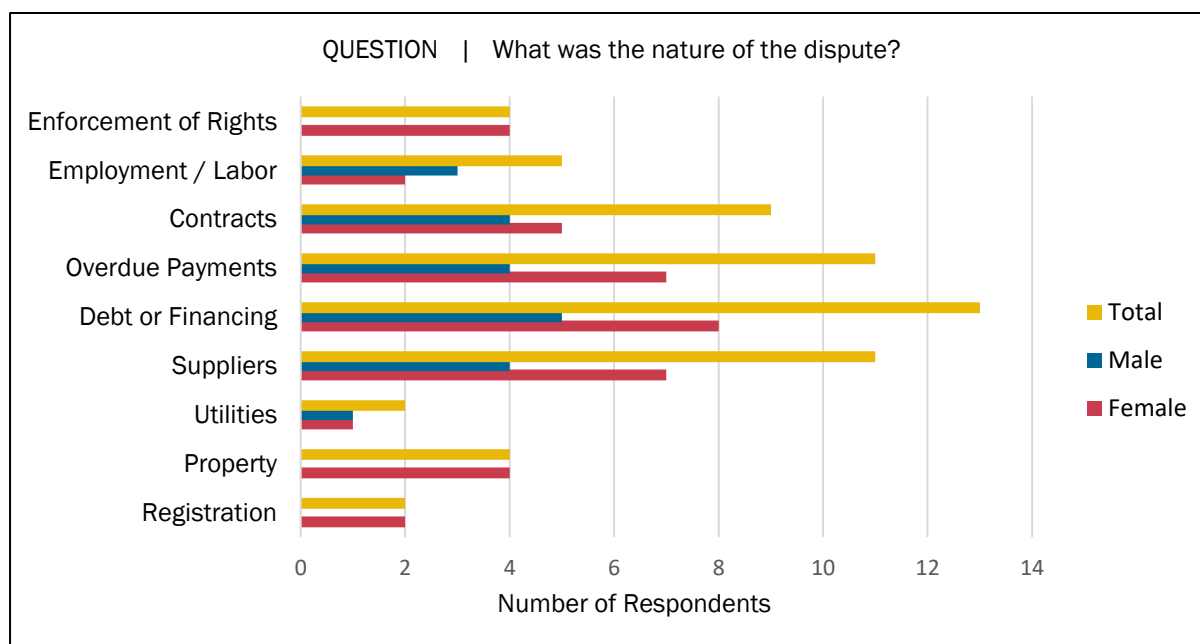


Figure 3: Nature of disputes and problems experienced by respondent entrepreneurs

In relation to types of problems experienced more generally, 37 per cent of respondents reported issues with suppliers, 34 per cent with debt or financing and 34 per cent with overdue payments. Additionally, 41 per cent of the respondents reported experiencing issues with employment and labour, 29 per cent reported problems with contracts, 26 per cent

experienced problems with registration, 12 per cent with property, 4 per cent with utilities and 2 per cent with rights enforcement.

When asked to name a type of problem they faced, 39 per cent of women entrepreneur respondents named debt and financing and 31 per cent named overdue payments.

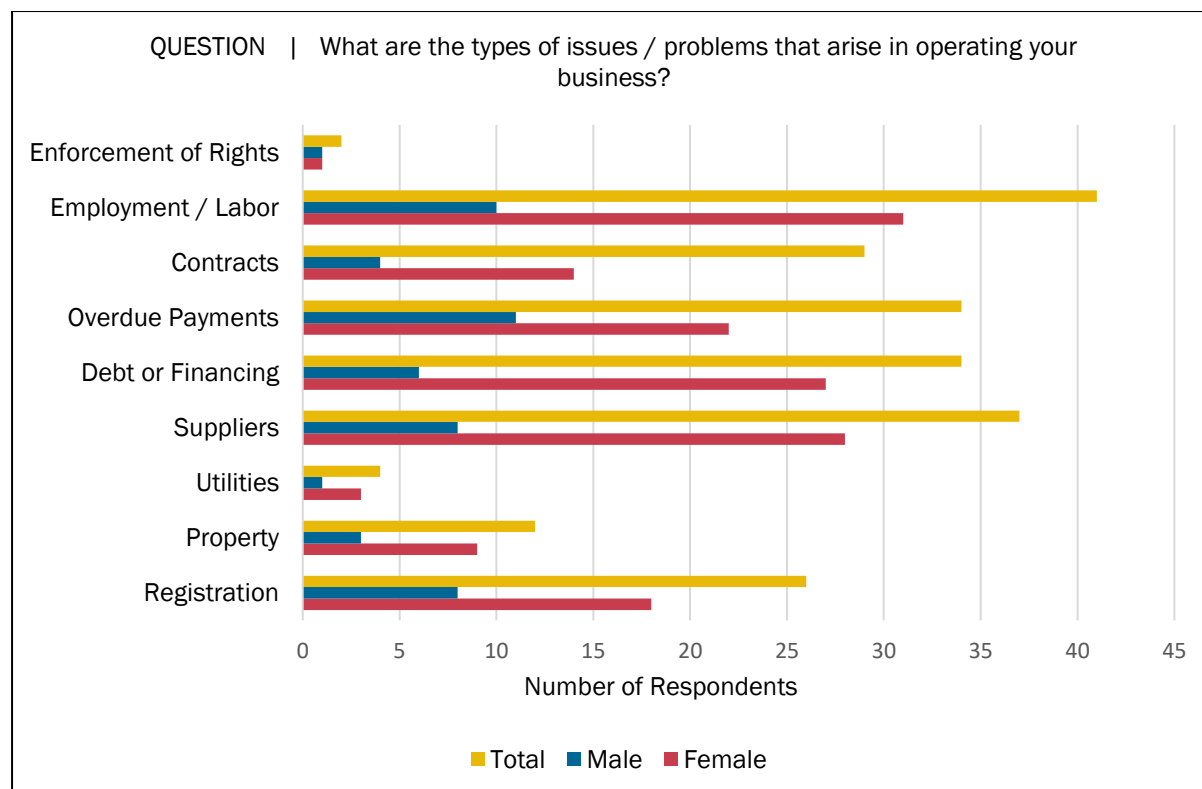


Figure 4: Types of issues/problems identified by respondent entrepreneurs

These findings are consistent with responses from justice sector professionals, 80 per cent of whom named debt and financing as disputes women entrepreneurs faced. Interestingly, 56 per cent of justice sector professionals reported that resolving these disputes was the most challenging feature of operating a business for women entrepreneurs.

In short, for women entrepreneurs, financial issues such as debt or financing, overdue payments and suppliers are the primary source of problems and legal disputes along with problems related to employment or labour. This is important to contextualize the section that follows, which reviews the types of barriers women entrepreneurs experience and perceive as they attempt to resolve disputes and access justice.

# BARRIERS TO ACCESS TO JUSTICE FOR WOMEN ENTREPRENEURS

Women entrepreneurs can encounter legal problems from business start-up through to operation and wind-down. The following sections review gaps and barriers (legal and regulatory, economic, practical and social) in the available

justice mechanisms and enabling environment to explore the circumstances affecting women entrepreneurs and their needs in relation to access to justice.

## Legal and regulatory barriers

The legal and regulatory framework has direct importance for entrepreneurial activities, and this is studied using a gender lens. The aim is to identify where existing laws may discriminate or impact women entrepreneurs disproportionately with a view to equal application of the law as a core principle of access to justice. Notably, this includes the ability to bring a claim, achieve a remedy, and have the decision enforced.

Complementarily to identified legal and regulatory barriers, the main elements of a right to a remedy include the existence of a complaint mechanism; recognition of legal capacity to make a complaint and initiate proceedings that can protect the right that has been violated; and accessibility of these proceedings.<sup>66</sup>

*Table 3: Insights on legal and regulatory barriers*

Barriers	Insights from study findings
Discriminatory laws	Identified existing laws that contain discriminatory provisions towards women include labour, pension, and personal status laws. Current legislation also provides that a husband should financially support his wife, and a married woman needs permission from her husband to work outside of the home.
Lack of standing to bring a claim	There are no legal restrictions to filing a legal claim, but women entrepreneurs reported that they were not treated equally at all stages of procedure in court. For instance, they have been asked for proof of permission or approval from a male family member prior to filing court documents.
Lack of a dispute resolution or justice mechanism (right to a remedy through to enforcement of decision)	Existing dispute resolution options include court, as well as ADR (arbitration and mediation) mechanisms, but entrepreneurs prefer to use informal means to resolve disputes. Only one of the entrepreneurs surveyed reported that she had been prevented from resolving a dispute. 71 per cent of entrepreneurs who experienced a dispute reported that enforcement was either “very easy”, “easy” or “acceptable”.
Formalistic and complex laws and procedures	When asked to rank courts, arbitration and mediation on a scale of 1 (very good) to 5 (very bad), the average scores from women for accessible procedures were 3.1, 2.9 and 2.6, respectively. Both men and women entrepreneurs viewed courts as being complex.



## Legislation

Legislation and regulatory procedures were reviewed to identify possible discrimination towards women, and the results were mixed. In some laws, there is discrimination based on gender, while in others there is inequality only in the case of implementation.

The institutions, justice sector professionals, and entrepreneurs surveyed were asked whether they believed any laws were discriminatory towards women. The largest share of responses for each group was “no” (42 per cent, 52 per cent, 72 per cent respectively), with women in all three groups more likely than men to indicate “yes”. Among institutions and justice sector professionals, 50 per cent and 79 per cent of female respondents indicated “yes,” respectively,

the only sub-sets for which the majority responses were affirmative.

While most survey respondents did not perceive discrimination in the law, information obtained in desk review and fieldwork suggests there are legal provisions that discriminate against women in Jordan, both according to law (de jure) as well as in practice (de facto).

The charts below synthesize information available on two dimensions: (1) select laws directly affecting women entrepreneurs and their business environment (starting, operating and dissolving a business); and (2) the legal framework for women’s human rights and fundamental freedoms, with an emphasis on select laws that indirectly affect women entrepreneurs.

*Table 4: Select laws directly affecting women entrepreneurs and their business environment*

IDENTIFICATION OF SELECT LAWS FOR STARTING, OPERATING, AND DISSOLVING A BUSINESS		
	<input checked="" type="checkbox"/>   No discrimination identified	
	<input type="checkbox"/>   Direct or indirect discrimination identified	
Area of law/regulation	According to law (de jure) <sup>67</sup>	In fact or practice (de facto) <sup>68</sup>
Opening a bank account	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Access to credit / investment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Labour	<input type="checkbox"/> (Restrictive hours and types of work) <sup>69</sup>	<input type="checkbox"/>
Social insurance and pension	<input type="checkbox"/> (Earlier age of retirement) <sup>70</sup>	<input type="checkbox"/>
Tax	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bankruptcy	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Banking, credit and investment related laws

The Central Bank of Jordan Law No. 23/1971, amended by law No. 16/1992, provides for equal rights for men and women with respect to administering bank accounts, accessing and building credit. Research conducted in 2013 reported that 15.5 per cent of women had an account at a financial institution compared to 33.3 per cent of men, which is indicative of a large gender gap in access to finance.<sup>71</sup> Women entrepreneurs in FGDs noted that they did not feel comfortable entering banks nor were they well served by banks, which are perceived as catering to men. When asked to rate their understanding and the importance of opening a bank account on a scale of 1 (no understanding, unimportant) to 5 (good understanding, very important), women and men entrepreneurs rated importance equally at 4, but women entrepreneurs reported lower levels of understanding (2.8) as compared to men (3.1).

Although bankers argue that their credit policies are gender neutral, Jordanian businesswomen in FGDs indicated that their male counterparts receive favourable treatment. Further, the World Bank’s Women, Business, and Law ranking gives Jordan a score of 0 out of 100 in building credit (below the regional average of 20), noting that discrimination based on gender and marital status is not prohibited in access to credit.<sup>72</sup> For instance, a man may be offered a favourable rate and asked to pledge lower collateral for a loan, while a woman will be required to provide a husband’s guarantee and more collateral for the same amount.<sup>73</sup> Statistics from 2013 indicate that 0.9 per cent of women had a credit card, and 10.8 per cent had a debit card compared to 10.6 per cent and 27.1 per cent of men.<sup>74</sup> Data from 2014 indicates that 10.3 per cent of women borrowed money from financial institutions, compared to 16.7 per cent of men.<sup>75</sup>

### Focus group insights: financial challenges

*"When I started my small business, I thought that the loan terms would be quite different ... I was shocked how complicated the procedures were, and very costly."*

*"If a man goes to prison [for failing to repay debt], there will be no social and cultural consequences the same, as women would suffer."*

**Woman entrepreneurs from Salt**

*"Taxes and costs required to run a company were accumulating and I was still not making much money out of my business. This is when I decided to close my company and work online."*

**Woman entrepreneur from Amman**

As noted, women entrepreneur respondents named debt, financing and overdue payments as the most significant problems faced in operating their businesses. Moreover, women entrepreneurs in FGDs indicated that MSMEs owned by women were not well serviced by banks. Several entrepreneurs noted that it was not fair to demand equal treatment with respect to loans where women lacked equal access to property or resources.

Although there are no legal restrictions on women's ownership of property, in practice, husbands will generally own the household property titles. As a result, women do not always have the collateral that is necessary to access commercial loans, meaning low debt financing ratios for women. In 2012, women's ownership of apartments stood at 19.5 per cent, while women's ownership of land was at 9.2 per cent.<sup>76</sup>

Additionally, statistics show that the average monthly wage for women is 314 JOD (~381 EUR) compared to 364 JOD (~442 EUR) for men.<sup>77</sup> The results of the Department of Statistics Employment and Unemployment Survey between 2012 and 2014 showed that over 45 per cent of working women earned wages below 299 JOD (~369 EUR) per month. In addition, results drawn from the Population and Family Health Survey for 2007 and 2012 showed that only 39 per cent of married women whose work produced financial returns managed and disposed of their income independently. In the remaining two-thirds of cases, either all financial decisions were the sole prerogative of the husband, or the couple managed the woman's earnings together.<sup>78</sup> National workshop respondents confirmed the presence of these issues.

In the words of one entrepreneur, "you cannot ask a female entrepreneur for the same mortgage that you ask from a male entrepreneur because women do not have the same resources

or belongings. The banks should also practice positive discrimination for businesswomen." One institutional respondent highlighted that banks do advertise and offer specialized financing packages for women entrepreneurs, but often above a threshold of 10,000 JOD (~12,145 EUR) and with different requirements than those for male entrepreneurs.

Notably, programmes to facilitate (micro)financing for women entrepreneurs (often living in rural areas) were also discussed in interviews and FGDs. While not commonly defined, several respondents highlighted that these programmes, which generally aim to facilitate access to finance by providing microcredit and microloans, require more in-depth study. Issues identified were the status of women who obtain loans from financial institutions, how these loans are used (and why), and the factors and challenges of repayment.

Institutional respondents and women entrepreneurs receiving microfinancing highlighted that a better understanding of the rate of survival of businesses, their contribution to the economy and job opportunities is needed. In the words of one institutional respondent, "we need to address issues early ... if insolvent how can help be provided so that the woman is not victimized?" According to another institutional respondent, "access to financing without the requisite skills or support knowingly leads to problems". Another institutional respondent summarized that, "What is needed is prevention versus intervention".

Justice sector professionals also indicated that better procedures are needed for signing contracts, especially for guarantees where there are direct legal consequences—there is significant exploitation of trust and lack of knowledge, which the justice system cannot always remedy.

Under Jordanian law, debtors can be imprisoned for failure to repay debt.<sup>79</sup> In many cases, the unpaid debts of women result from loans taken for their husbands' projects, but their husbands subsequently leave or file for divorce.<sup>80</sup> Recent campaigns have focused on the release of women who have been imprisoned for defaulting on loans.<sup>81</sup> During FGDs, it was clear that women do not always understand the risks involved before they take a loan. Evidence indicates that loans are not always used for their intended purposes, but for family healthcare or utilities and other cost of living expenses not related to

business opportunities. Many respondents highlighted the need to ensure women know and understand the consequences of financing/loans, particularly those who live in rural areas or would not reasonably have had exposure to these types of issues.

Overall, while legislation does not overtly discriminate, in practice, men and women entrepreneurs report different treatment, effects and outcomes from banking, credit and investment in the entrepreneurial sphere.

#### Case study: financing, loans, and repayment

*HN is a 30-year-old woman from Salt and has been the sole owner of a business since 2011. She took several loans to start her business and also has two loans in her name for her husband's business, which she feels she was "forced" to take on. Although she started paying off the loans when her business generated a profit, she still has an outstanding balance of 3,000 JOD (~3,643 EUR) to pay and is beginning to default on both her and her husband's business loans. She would like to find options to pay off the combined debt or renegotiate financing terms but is struggling. She avoids seeking legal advice as she is concerned that hiring a lawyer will be costly and compound rather than resolve her financial situation.*

#### Labour-related law

Labour Law No. 8/1996 sets the standards and rules governing the relationship between an employer and female employees with regard to remuneration, nature of work, working hours and maternity leave. Pursuant to Article 69 of the 1996 Labour Code and a 1996 decree of the Minister of Labour, women are prohibited from working between 10 p.m. and 6 a.m. In 2013, the ILO Committee of Experts on the Application of Conventions and Recommendations noted women's exclusion from working in a range of industries and occupations and restrictions on working at night in Jordan as discriminatory.<sup>82</sup>

Similarly, the World Bank's Women, Business, and the Law ranking denotes a score of 41 out of 100 for getting a job in Jordan, falling below the regional average of 46. This ranking assesses restrictions on women's ability to work, such as prohibitions as well as laws related to retirement ages, equal remuneration for work of equal value, non-discrimination at work and flexible work options. In Jordan, identified challenges include prohibitions on working at night or in certain industries as well as the absence of parental leave, unequal full pension benefits, no legal mandates for remuneration for work of equal value and non-discrimination in employment and inflexible work options.<sup>83</sup>

Notably, it has been found that labour restrictions on women "[reinforce] the concept

that women are vulnerable and need to be protected", which can in turn negatively affect their status and impact on entrepreneurship.<sup>84</sup> As an example, with women unable to gain work experience in certain high-paid sectors, for instance mining, they have little practical ability to become entrepreneurs in these fields.<sup>85</sup> The Government's most recent economic growth plan highlights the need to create opportunities for women in industrial sectors but does not indicate what policies could help, if introduced.<sup>86</sup> Often, to help ensure equal treatment in labour law and provide opportunities and support for women to gain experience in intensive, high-growth sectors, training and quotas may be required.

Additionally, there is evidence that married women are discouraged from participating in the labour force or operating their own businesses as financial dependence is linked to their husbands; current legislation provides that a husband should financially support his wife and a married woman needs permission from her husband to work outside of the home.<sup>87</sup> Finally, institutional respondents and national workshop participants noted that the labour law must also be amended to address issues affecting both men and women, such as paternity leave, childcare and providing flexible working arrangements.

## Social insurance, pension, tax, and bankruptcy related laws

Social Security Law No. 19/2001 amended by the Temporary Law No. 7/2010 granted women the same legal rights as men to access social insurance. Under Law No.7/2010, women working from home have the right to voluntarily join the Social Security Corporation, and the law also provides a maternity insurance scheme, which was supported by women's organizations.<sup>88</sup> In addition, as indicated above, as of 2017, the Board of Social Security Corporation exempts home-based businesses from compulsory social security contributions, supporting women's entrepreneurship by eliminating a barrier to conducting business from home and registering it as a formal entity.

Similarly, women are granted the same legal rights as men to pensions. However, under the Temporary Law No. 7/2010 and Article 63(a) of the Social Security Law, women are required to retire at the age of 55 in the private sector, whereas men can retire at the age of 60. Contrasted to men, women can cash-out their pensions when they marry, divorce or are widowed.

Research has noted that the difference in the retirement age deprives women of five years' worth of contributions to a retirement scheme in the private sector and can make them less preferred for senior positions and opportunities

as potential employers know they will retire earlier.<sup>89</sup> Additionally, the different application of the law in relation to cashing-out a pension means that women will often use, or face pressure to use, their pension for the benefit of the household. This is similar to evidence that married women are discouraged from participating in the labour force or operating their own businesses as financial dependence is linked to their husbands.<sup>90</sup>

To reduce the gap between male and female wage earners, Income Tax Law No. 57/1985 was amended in 2001. As a result, women's non-taxable income is on par with that of men at 1,000 JOD (~1,214 EUR).<sup>91</sup> However, the Tax Law generally doesn't consider that revenues of wives are usually lower than those of their husbands. Taxation of revenues earned by women based on the same criteria applied to men may push some women to turn to informal labour to meet their financial needs and, at the same time, avoid the burden of taxation. In other words, while the Tax Law in itself is not discriminatory, some of its provisions, when assessed in light of other social norms and applicable laws, may deter women entrepreneurs.<sup>92</sup> Moreover, insolvency proceedings have been documented to take approximately three years with higher costs than those in other MENA countries.<sup>93</sup>

### Case study: closing a business

*FZ is a 33-year-old woman from Salt. She has been the sole owner of a handicraft enterprise since 2004 and was able to start a company via a loan extended through a microfinance programme. A few years ago, FZ realized she would have to close her company as she was not earning enough to pay her costs, as well as taxes. While she did close her company without going to court, she found the process to be long and complicated. Similarly, FA is a 37-year-old woman from Tofielah. She started a handicraft business in 2003, also through a loan under a microfinance programme, and formally registered it in 2014. She has been trying to close her company since 2015, because she cannot keep up with payments for fees and taxes. She does not have the funds to hire a lawyer but has not been able to secure the business documents to facilitate the closure herself, including a required 'zero tax' document.*

Overall, the laws studied are not gender-biased, with notable exceptions in labour and pension laws. However, laws are also not gender neutral, at times, reinforcing inequalities or failing to identify differences based on gender where they are significant. Statistics and research illuminate that women's participation in both the labour force and employment is significantly low, which

must be understood in the context of the overarching social context and application of the legal framework. It is essential to consider the surrounding socio-cultural conditions, which have a salient impact on women's ability to enforce their rights, operate their businesses, and access justice through the existing legal system.

Table 5: Select laws relevant to women's human rights and fundamental freedoms

IDENTIFICATION OF SELECT LAWS WITH REFERENCE TO CEDAW <sup>94</sup>		
<input checked="" type="checkbox"/>   No discrimination identified <input type="checkbox"/> Direct or indirect discrimination identified		
Area of law/regulation <sup>95</sup>	According to law (de jure) <sup>96</sup>	In fact or practice (de facto) <sup>97</sup>
Freedom of movement / travel outside of home	<input type="checkbox"/> (Loss of financial support, if without husband's permission) <sup>98</sup>	<input type="checkbox"/>
Legal capacity to sign contracts / conduct commercial activity	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Administering property and marital property	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Inheritance	<input type="checkbox"/> (Different shares in range of circumstances) <sup>99</sup>	<input type="checkbox"/>
Property registration, land titling and tenure	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Domestic violence and safety in public and in the workplace (sexual harassment)	<input type="checkbox"/> (Protection framework not adequate) <sup>100</sup>	<input type="checkbox"/>
Testimony in civil matters	<input checked="" type="checkbox"/> / <input type="checkbox"/> (In Sharia courts, testimony of two women is equal to that of one man) <sup>101</sup>	<input type="checkbox"/>

### Personal status and other indirect laws

Notably, because of the personal status law, which impacts freedom of movement, domicile, status as legal head of household, and the right to convey citizenship, women are not on an equal footing with men, and business and investment laws, while seemingly non-discriminatory on paper are interpreted and enforced in a gendered manner in practice.

Analysis indicates that there are elements of gender-based discrimination in laws related to movement and travel and in the laws around testimony in Sharia courts. For example, under Article 68 of the Personal Status Law, "a married woman loses her right to financial support if she leaves the house without her husband's permission." As noted in the World Bank's Women, Business, and the Law report, women in Jordan face restrictions in relation to agency and mobility. Women cannot apply for a passport; travel outside the home; choose where to live and be the head of household in the same manner as men.<sup>102</sup> Additionally, there is discrimination in relation to the use of property as the law does not provide for valuation of non-monetary contributions and equal inheritance rights.<sup>103</sup> However, women are also afforded protections. Under articles 141 and 142 of the Civil Code, special protections are provided to women whose husbands force them to relinquish their rights or property.

The more prevalent concern with regard to Jordanian laws and regulations is the de facto discrimination that arises in implementation.

Research identifies points of concern in freedom of movement, legal capacities to sign contracts and administer property, right to inheritance, protection from domestic violence and sexual harassment, and ability to testify in all civil proceedings.

Despite equality under the law, women interviewed reported pressure to waive their rights to inheritance and marital property, which is reinforced by other studies.<sup>104</sup> Protections against domestic violence and sexual harassment have proved inadequate thus far, as a 2013 study placed the rate of lifetime intimate partner violence at 24 percent.<sup>105</sup> Findings from a study of 1,854 randomly selected women from 12 Governorates revealed that women experienced (45 per cent) or witnessed (55 per cent) violence during their childhood. Almost all (98 per cent) women in the sample had been subjected to at least one type of violence. Further, 28 per cent of the sample believed a husband has the right to control a woman's behaviour and 93 per cent believed a wife is obliged to obey a husband.<sup>106</sup> Sexual harassment laws lack a definition of the offence and are thus left to an adjudicator's discretion.<sup>107</sup> In the World Bank Women, Business, and the Law ranking, Jordan scores 20 out of 100 in relation to protecting women from violence, below the regional average of 24.<sup>108</sup>

Finally, in relation to testimony in civil matters, the testimony of women does not carry the same evidentiary weight in Sharia courts as the



testimony of men. This restriction does not apply in other courts. The 51 entrepreneurs who reported a legal dispute in the past five years were asked whether they had given testimony and if so if it was heard with equal weight. The majority (54 per cent) of these respondents reported that they had testified with equal weight to others; there was no notable difference between genders in this response. Only two women and two men entrepreneurs reported that their testimony held unequal weight. Justice sector professionals also maintained that the testimony of women is given equal weight as that of men (88 per cent of respondents answered in the affirmative).

However, importantly, women entrepreneurs reported fear of repercussions from testimony

given in civil courts.<sup>109</sup> Women entrepreneurs involved in the FGDs commented that the court was seen as a “last resort” and a woman’s presence there may be misinterpreted and used as a source of shame or accusation against her. As one participant stated, “it is still socially unexpected to see a woman in court, even if she is there for a justified reason, such as a witness.” Therefore, while the women entrepreneurs surveyed did not see testifying in court as a source of discrimination, there are other indications that women may be socially discouraged from testifying or negatively stereotyped based on appearance in court.<sup>110</sup> Collectively, these aspects inform an understanding of the environment for women entrepreneurs in Jordan.

## Standing

There are no restrictions in law that limit women’s legal standing or ability to bring a claim to court. However, members of FGDs and interviewees reported experiences with clerks, who were unwilling to process paperwork without a husband’s or male family member’s signature or presence, in essence restricting their legal standing. In the words of one female

entrepreneur: “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.”

## Dispute resolution mechanisms and right to a remedy

The formal legal framework in Jordan for access to justice includes courts, as well as other ADR mechanisms. The ADR practices of mediation<sup>111</sup>

and arbitration<sup>112</sup> have been incorporated by law in the justice system in Jordan.

### The court system

The following chart outlines the material competence and jurisdiction of courts in the Jordanian legal system, as well as the types of legal issues entrepreneurs can resolve within their remit. Article 99 of the Jordanian Constitution divides the courts into three categories, with operations governed by specific laws.

In addition, the National Centre for Human Rights has jurisdiction to investigate abuses and violations and to follow up on findings with

relevant executive, legislative or judicial authorities, and the Integrity and Anti-Corruption Commission receives complaints against the public administration or its employees.<sup>113</sup> Finally, in 2011, the Constitutional Court was established as an independent and separate judicial body, guaranteed by legal personality and financial and administrative independence.<sup>114</sup> The Court has the responsibility to oversee the constitutionality of applicable laws and regulations and to interpret the provisions of the Constitution.

Table 6: Court jurisdiction and material competence

Court	Jurisdiction and material competence	Indicative legal issues
<b>Civil courts:</b> Material competency over all matters, civil and criminal, including cases brought by or against the government, which do not fall within the jurisdiction of religious or specialized courts. Civil courts are composed of magistrate courts, courts of first instance, courts of appeal, and a Court of Cassation. In parallel, there is an administrative court system with competency over administrative law matters. <sup>115</sup>		
Primary and high administrative courts	Jurisdiction over administrative law-related matters, including appeals.	<ul style="list-style-type: none"><li>○ Banking, credit and investment</li><li>○ Labour</li><li>○ Social insurance and pension</li><li>○ Tax (business)</li><li>○ Bankruptcy</li><li>○ Property</li></ul>
Magistrate courts	Jurisdiction over minor criminal matters in addition to civil disputes that do not exceed 10,000 JOD (~12,144 EUR).	
First instance courts	Jurisdiction over major felonies and specific serious crimes that carry potential sentences of three years or more. Additionally, jurisdiction over civil matters and jurisdiction on appeals from magistrate courts in civil cases, in its appellate capacity.	
Court of appeal	Jurisdiction to hear appeals from the magistrate courts and first instance courts if the amount of the case does not exceed 30,000 JOD (~36,435 EUR).	
Court of Cassation (Supreme Court)	Jurisdiction for appellate review of matters from the court of appeal in cases that exceed 10,000 JOD (~12,144 EUR). Other cases may be accepted for appeal by special leave granted by the President of the court or where there is a jurisdictional dispute.	
<b>Religious courts:</b> Material competency over disputes that relate to personal affairs (such as marriage, divorce, child custody and inheritance). Religious courts include Sharia courts for Muslims and religious councils for each Christian sect. Each major religious group administers its own laws. <sup>116</sup>		
Sharia court	Jurisdiction for Muslims of the Islamic faith.	<ul style="list-style-type: none"><li>○ Personal status</li><li>○ Inheritance</li><li>○ Divorce</li><li>○ Child custody</li></ul>
Religious councils	Jurisdiction for Christians of Christian sects.	
<b>Special courts:</b> Material competency over specific categories of defined disputes. <sup>117</sup>		
Military court	Jurisdiction for offenses involving military personnel and national security crimes.	<ul style="list-style-type: none"><li>○ Smuggling, bribery of public officials, etc.</li></ul>
Land settlement court	Jurisdiction for claims of ownership over unregistered land.	<ul style="list-style-type: none"><li>○ Land</li></ul>
Income tax court	Jurisdiction for tax valuation disputes.	<ul style="list-style-type: none"><li>○ Tax (personal)</li></ul>



## Alternative dispute resolution

In addition to the formal court system, Jordan has a relatively new ADR system.<sup>118</sup> Mediation and arbitration are formally acknowledged by

Law No.12/2006 and Law No. 31/2001, as amended, respectively.

### Arbitration

Pursuant to the new Arbitration Law No. 16/2018, a law amending the Jordanian Arbitration Law No. 31/2001, arbitration applies to civil and commercial disputes between public or private law persons regardless of their legal relationship (i.e., contractual or non-contractual).

An arbitral tribunal is composed, by agreement between the parties, of one or more arbitrators, or if there is no agreement, three arbitrators are selected. Arbitral awards cannot be appealed and are enforceable in the court of appeal.

### Mediation

In 2006, Jordan introduced its first court-annexed mediation programme through which litigants may choose mediation over litigation in civil issues. Between 2016 and 2017 the Government developed a draft amending the mediation law that proposed, at that time, to provide mandatory mediation for specific types of cases, such as labour disputes, and to establish a mediation centre operated by the Government in Amman for private mediation. However, the Jordanian Parliament did not approve the proposed amendments, with the exception of introducing the ability of a court to refer a case to a private mediator.

The Law on Mediation and Disputes Settlement of 2006 and its amendments provide for three types of mediation:

1. *Judicial mediation*: applied when mediation judges themselves settle the dispute in preliminary and conciliatory cases.
2. *Private mediation*: applied when experts such as engineers, lawyers, retired judges, and professionals of well-known reputation are assigned by the Minister of Justice to settle a dispute.
3. *Agreement mediation*: applied where the disputants themselves, with the approval of the competent court, assign a mediator to settle the dispute between them.

If the dispute is resolved by mediation, the claimant can ask for a refund of the court fee deposited fully or partially based on the type of mediation applied.

While official data is not available, respondents noted that the Jordanian system of mediation is largely court-based and experimental. It is

noteworthy that the mediation system is not specialized, thereby judges and attorneys can act as mediators and judges at the same time in all kinds of cases and matters. Although Jordan recognizes private mediation and allows parties to choose their own mediators, this type of mediation lacks the enforcement mechanisms accorded to court-based mediation.<sup>119</sup> Ultimately, once approved by the parties, mediation outcomes are final and cannot be abrogated. If the parties do not agree or reach a mediated settlement, the mediator must send a full report of the process to the competent court.<sup>120</sup>

In response to a survey question, all institutional and justice sector professional respondents ranked the justice system as at least “somewhat relevant” for business; 29 per cent of institutional respondents and 52 per cent of justice sector professionals claimed the justice system is “very relevant”. On the other hand, 32 per cent of entrepreneurs claimed the justice system is “not relevant” (37 per cent of women, 21 per cent of men). These responses indicate barriers that limit entrepreneurs’ engagement with dispute resolution mechanisms and thereby reduce their practical relevance.

Overall, from surveyed entrepreneurs, 61 per cent of the respondents indicated that they preferred to resolve disputes informally (without the justice system). Mediation and civil courts were the second and third most preferred (30 per cent and 14 per cent of respondents, respectively).

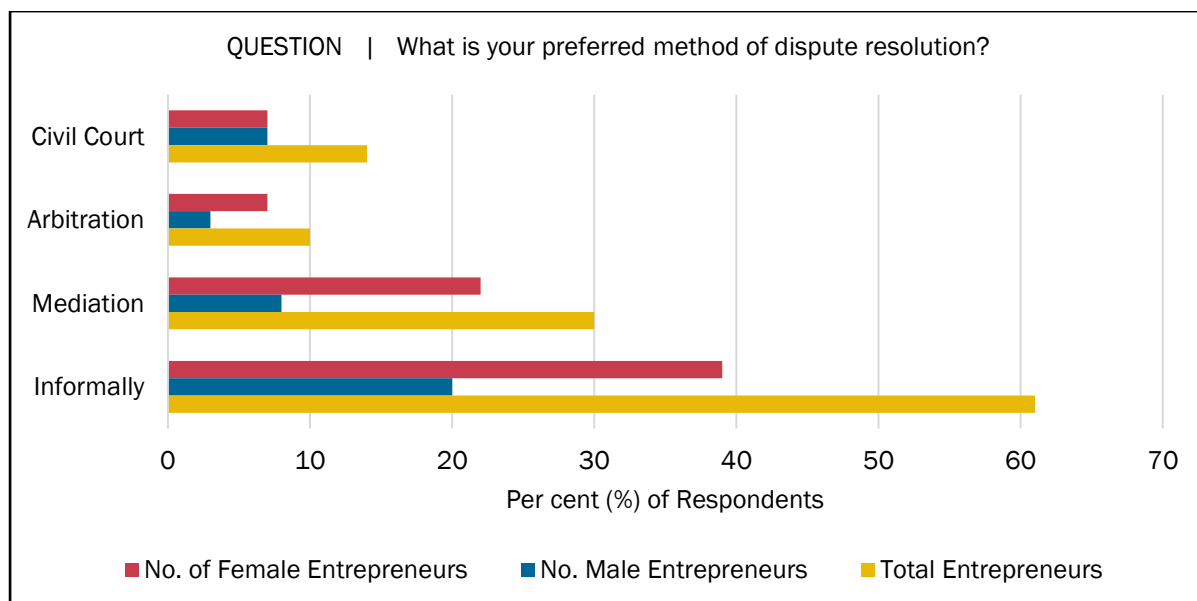


Figure 5: Respondent entrepreneurs' preferred methods of dispute resolution

During FGDs, entrepreneurs indicated arbitration was preferable to court, while only 10 per cent of those surveyed indicated it was a preferred method. During FGDs, women entrepreneurs noted that mediation procedures were viewed as simple, affordable, and more time efficient. Surveyed women entrepreneurs indicated a preference for mediation compared to men. Importantly, while entrepreneurs answered these questions openly, comments and FGDs also revealed that respondents likely did not always fully appreciate the available mediation and arbitration processes within Jordan, including distinction between court and private mediation in practice.

The survey results indicate that women entrepreneurs prefer informal (outside the justice system) dispute resolution and mediation to civil court as avenues to seek redress. Comments made to open-response questions in the surveys and during FGDs suggest these informal and ADR mechanisms are preferred because: (1) women are subjected to social bias and stigmatization for using the court system; (2) court and legal fees are substantial; (3) qualified legal assistance can be difficult to find; and (4) (male) lawyers may attempt to take financial advantage of female clients.<sup>121</sup>

Responses during FGDs also noted that informal dispute resolution and mediation often require women entrepreneurs to be represented by their male partners or family members. In the words of one respondent, "My client – who refused to take back goods that weren't according to the contractual standard – was very rude to me, exploiting the fact that, I was a woman and cannot answer back in the same rude manner. It was only when my male lawyer and family member stepped in that he stopped using harassing language and threats." One participant also reported how conflicts can escalate: "I wanted to solve a dispute with the opposing party via mediation. However, 'he' was determined to take me to court, which I felt was a threat since as a woman, I will be in a weaker position at court. When I was about to win the case, 'he' asked for conciliation and to settle the dispute out-of-court".

The survey findings reveal that over half (53 per cent) of women entrepreneurs do not believe the justice system is well functioning (compared to 50 per cent of men). While slightly more positive in their perceptions, 42 per cent of female institution respondents and 14 per cent of female justice sector professionals also suggested the justice system was not well functioning (compared to 50 per cent and 45 per cent of male institution and justice sector professional responses, respectively).

One section of the survey asked respondents to rate their views of specific justice system features including availability, accessibility, quality, accountability and competence on a decreasing scale from 1 (very good) to 5 (very bad) with disaggregation by courts, arbitration and mediation. The results are presented and categorized throughout the remainder of the report, but as an overview, for all topics, justice sector professionals consistently gave lower (more positive) rankings and when controlling for gender, typically between 0.5 and 1 points lower on average.

Aggregating all results, justice sector professionals as a group have a more positive view of available dispute resolution mechanisms than institutions and entrepreneurs. The most significant disparities appear in the rankings of courts, while the rankings of arbitration and mediation mechanisms are more similarly perceived.

Overall, the combined data presents inverse trends in the average justice sector professional

and entrepreneur rankings. Justice sector professionals, on average, gave a lower (more positive) score to courts and tribunals than to arbitration or mediation. Entrepreneurs, on the other hand, tended to express a more favourable view of arbitration and mediation (affordable legal representation is a noteworthy exception). Among justice sector professionals, female respondents ranked arbitration more favourably than men across all characteristics, except for questions related to competence (see below). In interviews and FGDs, justice sector professionals and entrepreneurs consistently highlighted the need to support ADR and mediation in particular – finding ways to strengthen the working environment and activate these aspects of the system further.

The following table provides insights related to dispute resolution mechanisms and right to a remedy by showing how justice sector professionals, institutions, and entrepreneurs perceive availability and the quality of remedies for the justice system.

Table 7: Rankings on justice system availability and quality (I)

QUESTION   How do you view the following features of the justice system?										
Scale (averaged) 1 (very good) to 5 (very bad)		Justice sector professionals			Institutions			Entrepreneurs		
Topic	Mechanism	Female	Male	Total	Female	Male	Total	Female	Male	Total
<b>Available:</b> can bring a dispute	Court	1.6	2.3	1.9	1.9	3	2.1	2.7	2.6	2.6
	Arbitration	1.6	3	2.4	1.9	3	2.1	2.7	2.5	2.6
	Mediation	1.5	2.7	2.1	1.6	3	1.8	2.5	2.6	2.5
<b>Quality:</b> appropriate remedy	Court	2.5	2	2.3	3.2	2	3.1	2.9	2.9	2.9
	Arbitration	2.2	2.5	2.4	3	2	2.9	2.9	2.9	2.9
	Mediation	2.2	2.3	2.2	2.8	2	2.7	2.9	2.8	2.9
Scale colour legend		1		2		3		4		5

All responses on availability ranked below three and were positive. Notably, on appropriate remedies, institutional respondents were less likely to see court remedies as appropriate, with higher (worse) scores for female respondents.

Women and men entrepreneurs were mostly consistent with their rankings, providing positive (below three) assessments across all categories of court, arbitration, and mediation.

## Laws and procedures

Similar to the complexity related to business registration, formalist requirements are often barriers to access to justice, necessitating recourse to a lawyer even in straightforward cases with little financial impact. Trends towards simplification of procedures, standardized forms, and plain language are beneficial for justice

seekers but can be viewed warily by justice sector professionals. Interestingly, in the survey results, female justice professionals ranked mediation, arbitration, and the courts in order of complexity, while male justice professionals felt arbitration, the courts, and then mediation were the most complex.

Table 8: Rankings on justice system accessibility (I)

QUESTION   How do you view the following features of the justice system?										
Scale (averaged) 1 (very good) to 5 (very bad)		Justice sector professionals			Institutions			Entrepreneurs		
Topic	Mechanism	Female	Male	Total	Female	Male	Total	Female	Male	Total
<b>Accessible:</b> easy procedures to register a dispute	Court	3	2.7	2.9	N/A	N/A	N/A	3.1	3.3	3.2
	Arbitration	3.3	2.8	3.1	N/A	N/A	N/A	2.9	2.9	2.9
	Mediation	3.8	2.5	3	N/A	N/A	N/A	2.6	2.8	2.7
Scale colour legend		1		2		3		4		5

Both men and women entrepreneurs identified courts, arbitration, and then mediation as most complex. Scores tended to the middle of the scale from 1 (very good) to 5 (very bad), with the highest (3.3) complexity score given by male entrepreneurs to court procedures.

As will be explored below, on understanding legal and regulatory frameworks, all entrepreneur respondents reported low levels of understanding with 82 per cent claiming “little”, “basic” or “no” understanding of legal and regulatory frameworks and only 16 per cent claiming “good” or “very good” understanding.

### Focus group insights: complex laws and procedures

*“When it comes to laws and legislation, women tend to read less than men, and depend on a lawyer to explain everything for them. However, they have gradually learned that they need to rely on themselves and pursue the needed legal and financial information for their business.”*

**Woman entrepreneur from a businesswoman association in Amman**

*“Entrepreneurs need to have knowledge about all the legal and financial procedures of a business, as much as the technical knowledge they have about their business.”*

**Woman entrepreneur from Amman**

*“It took me three years to finalize registering my company, because the legal procedures were not clear, and the lawyer wasn’t clear on what was needed.”*

**Woman entrepreneur from Amman**

## Economic and financial barriers

As noted earlier, high fees and economic barriers are a key concern for women entrepreneurs. For instance, specific types of registered companies are required to appoint a lawyer, and several entrepreneurs highlighted the significant cost.<sup>122</sup> This section considers where similar reflections, also apply within the justice system; for instance, due to court filing, procedural fees and/or administrative fees. As explicitly highlighted by institutional respondents in interviews, the surrounding costs of trying to resolve a dispute may range from expenses related to transportation, incidental costs, and childcare to other household expenses. Economic barriers

may also include the possibility of an award of costs against the unsuccessful party or simple uncertainty regarding the cost of legal fees and legal representation.

Legal aid, whether funded by the Government or alternative sources, can be one means to reduce economic barriers.<sup>123</sup> Legal aid services often include advice, representation, assistance, information, education, drafting, and advocacy.<sup>124</sup> However, given their overall scarcity, legal aid services are generally not provided nor are they a priority in relation to commercial, business, or entrepreneurial matters.

Table 9: Insights on economic and financial barriers

Barriers	Insights from study findings
Prohibitive procedural costs of using justice mechanisms	When asked to rank courts, arbitration and mediation on a scale of 1 (very good) to 5 (very bad), the average entrepreneur scores for procedural fees were 3.0, 3.3 and 3.1, respectively.
Prohibitive cost of trying to resolve a dispute such as, corollary costs related to transportation, childcare, or other incidental expenses	When asked to rank courts, arbitration and mediation on a scale of 1 (very good) to 5 (very bad), the average entrepreneur scores for being able to bring children and have support were 3.7, 3.0 and 3.1, respectively.
Prohibitive costs of representation when using justice mechanisms or trying to resolve a dispute	Of the entrepreneurs surveyed, 10 per cent claimed they had never sought legal advice, because it is too expensive.

## Procedural costs

Broadly, court fees in Jordan are calculated based on the type of case, claimed amount and the competent court. For instance, according to the Regulation for Courts' Fees No.43/2005, an individual who wishes to file a lawsuit must go to the appropriate court registry and submit a writ of summons together with a fee of 3 per cent of the value of the matter or sued amount, provided it is not more than 3 JOD (~3.6 EUR) in conciliation matters and not less than 3 JOD but not more than 100 JOD in matters before first instance courts. According to Article 15 of the Regulation, it is possible to apply for a deferral or waiver of fees upon a decision of the court's President based on accepted inability to pay. Ultimately, if a plaintiff is successful, the defendant must pay this fee. The court may also charge attorney fees to the unsuccessful party.

Court fees in Jordan are relatively high as compared to other countries in the region, and it has been noted that women's traditional financial dependence on men can create an additional economic barrier, rendering it difficult to access funds to pay court fees.<sup>125</sup> The high costs of courts are consistent with the survey responses, indicating that informal mechanisms such as negotiation are preferred to court resolution.

When asked to rate their views on accessibility in relation to procedural costs and bringing children or support on a decreasing scale from 1 (very good) to 5 (very bad) with disaggregation by courts, arbitration and mediation, justice sector professionals, institutions and entrepreneurs responded as indicated in the table below.

Table 10: Rankings on justice system accessibility (II)

QUESTION   How do you view the following features of the justice system?										
Scale (averaged) 1 (very good) to 5 (very bad)		Justice sector professionals			Institutions			Entrepreneurs		
Topic	Mechanism	Female	Male	Total	Female	Male	Total	Female	Male	Total
<b>Accessible:</b> affordable (procedural fees)	Court	2.6	2	2.4	2.8	3	2.8	3	2.9	3
	Arbitration	3.2	3	3.1	3.5	3	3.4	3.3	3.4	3.3
	Mediation	2.5	3.2	2.8	3.2	3	3.1	3.1	3.1	3.1
<b>Accessible:</b> can bring children/support	Court	3.5	3.9	3.6	4	3.5	3.9	3.7	3.7	3.7
	Arbitration	3.6	4	3.8	3.7	3.5	3.6	2.9	3.1	3
	Mediation	2.8	4.3	3.6	3.6	4	3.6	3	3.2	3.1
Scale colour legend		1		2		3		4		5

All three respondent groups viewed arbitration as costing the most with respect to procedural fees, followed by mediation and court. Female and

male entrepreneurs were fairly consistent in their assessment of procedural costs.

## Corollary costs

While entrepreneurs did not draw explicit attention to corollary costs, an institutional respondent indicated that “lack of access to affordable childcare is a major impediment in urban areas ... [and] lack of access to transportation is also a considerable impediment for women in rural areas”. Limited options for childcare and restricted access to transportation are documented as impediments to both conducting entrepreneurial activities as well as dispute resolution and making use of justice

mechanisms.<sup>126</sup> When specifically asked about childcare and support in the survey, all categories of respondents tended to more negative views, with the poorest rankings given to courts. Interestingly, male and female respondents in all respondent categories had differences of opinion regarding which mechanisms were most accessible. The highest averaged negative score (4.3) was from male justice sector professionals towards mediation.

## Representation costs

In addition to court fees, according to the Law of Magistrate Courts No. 23/2017, a litigant must be represented by a lawyer in any claim that exceeds 1,000 JOD (~1,214 EUR). Fees for a lawyer are negotiated and reached via agreement between the lawyer and client.<sup>127</sup> Should a client have issue with a lawyer’s representation, a complaint may be filed with the Jordanian Bar Association for investigation. However, lawyers interviewed indicated that this accountability mechanism is neither well known nor widely understood.

When asked about the accessibility of justice mechanisms based on affordable legal representation, on a decreasing scale from 1 (very good) to 5 (very bad) with disaggregation by courts, arbitration and mediation, interestingly, entrepreneurs ranked arbitration and mediation more poorly than courts in terms of affordability. Overall, within all topics covered in this question, affordability of legal representation consistently received some of the poorest rankings across all respondent categories.

Table 11: Rankings on justice system accessibility (III)

QUESTION   How do you view the following features of the justice system?										
Scale (averaged) 1 (very good) to 5 (very bad)		Justice sector professionals			Institutions			Entrepreneurs		
Topic	Mechanism	Female	Male	Total	Female	Male	Total	Female	Male	Total
<b>Accessible:</b> affordable (legal representation)	Court	2.6	3	2.8	3	3	3	3.3	3.2	3.3
	Arbitration	3.4	4.3	3.9	3.3	3	3.3	3.5	3.7	3.6
	Mediation	2.5	4	3.3	3.4	3	3.4	3.5	3.5	3.5
Scale colour legend		1		2		3		4		5

Jordan has no overarching law on legal aid, but Article 100 of the Jordan Bar Association Law guarantees legal aid by stipulating that the head of the Bar Association has the right to assign a lawyer to those who cannot afford attorney fees and to assign a lawyer to represent a defendant free of charge once a year.<sup>128</sup> However, by all accounts, this system is not fully operational in Jordan and is applied only when individuals may face a jail sentence. Additionally, while ultimately withdrawn, institutional respondents noted that the Bar Association had filed suit against existing centres providing legal aid, arguing that they took business away from lawyers.

Funding from the World Bank has facilitated the establishment of a Justice Centre for Legal Aid in Jordan with six legal aid centres in and near the cities of Amman, Madaba, and Zarqa. The centres provide free legal counselling and representation for specific legal matters to those who lack financial means or have a household income under 400 JOD (~485 EUR) for a family of six. In practice, women entrepreneurs fall outside these criteria, although centre staff report that matters handled have included microfinance issues and contract or labour disputes. Indicatively, 70 per cent of cases

handled for women in the centres relate to alimony.<sup>129</sup>

All entrepreneurs, regardless of their gender, identified the need to access the services of qualified lawyers, who are familiar with business law issues and can offer specialized and affordable services in relation to banking, contract disputes and other areas that commonly arise in entrepreneurship. FGD participants viewed this as missing in Jordan's legal sector, and respondents noted that small business owners often lose cases on procedural issues or due to lack of knowledge.

There are serious implications for entrepreneurs, who cannot access the requisite legal advice and support. For instance, respondents indicated that many loan applicants did not realize that failure to repay debt could result in a jail sentence under Jordanian law. In a 2017 survey by the United Nations Industrial Development Organization, 10.84 per cent of women entrepreneurs surveyed in the MENA region reported they were unable to find legal services appropriate for their needs.<sup>130</sup> In the EBRD-IDLO survey, when asked if they knew where to seek legal advice, entrepreneurs largely responded that they did.

#### Focus group insights: legal representation

*"There should be qualified legal professionals first, this is what is lacking in business."*

Woman entrepreneur from Amman

*"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



Table 12: Rankings on obtaining legal advice

QUESTION   Do you know where to obtain legal advice?						
	Generally?			For a business dispute?		
Respondent's gender	Yes	No	No response	Yes	No	No response
Female	46	20	4	44	21	5
Male	24	4	-	24	4	-
Undisclosed	1	1	-	1	1	-
Total	71	25	4	69	26	5

However, when entrepreneurs and justice sector professionals were asked what further supports should be incorporated in the justice system, the responses suggest a need for increased legal awareness, information, and protection. They also highlighted that finding the right lawyer with the right qualifications can be difficult, and specializations are not clear. Institutions and

justice sector professionals also highlighted that creative solutions may be required to address issues in the short-term, while longer-term reforms take root. Roles for legal clinics and law students were identified as possibilities, as well as drawing in pro bono support by lawyers or para-professionals such as paralegals.

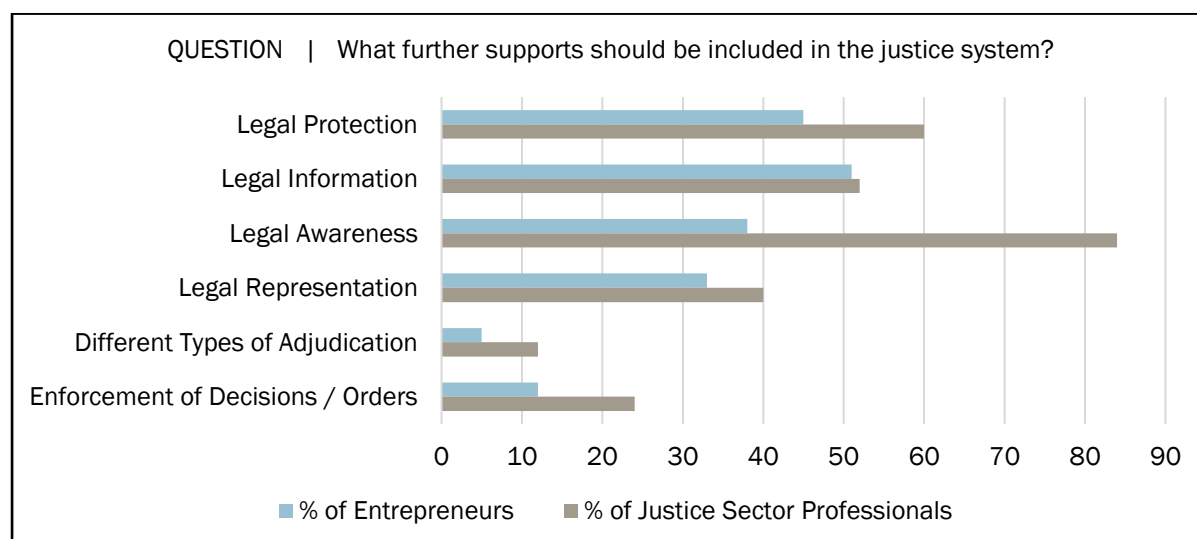


Figure 6: Respondent entrepreneurs' views on additional supports for the justice system

While there are some discrepancies in priorities between entrepreneurs and justice sector professionals (justice sector professionals prioritized legal awareness, while entrepreneurs favoured legal information), collectively these responses indicate a perceived need for greater legal supports. As the majority of entrepreneurs responded that they knew where to obtain legal advice, this suggests the presence of other barriers to accessing legal services, such as costs. Indeed, 10 per cent of entrepreneurs

reported that, despite desiring legal advice, they had never received it as it is too expensive. While many entrepreneurs were not opposed to paying for legal services, they indicated that appropriate service fees that matched value to money were needed. Notably, rural women entrepreneurs indicated the need for free legal services—their earnings weren't sufficient to afford legal advice. Moreover, one male entrepreneur noted that "Previously, we were able to represent the case by ourself at court ... [now] you have to hire a lawyer".

## Practical and institutional barriers

Broadly, practical barriers may also be understood as institutional barriers or barriers to the administration of justice and its accessibility. They often arise where there is insufficient financial and human resourcing for the justice system to facilitate or guarantee effective

functioning of the system and access to justice. While respondents did not draw attention to barriers such as geographical distribution of justice mechanisms or communication issues, other practical barriers were reported.

*Table 13: Insights on practical and institutional barriers*

Barriers	Insights from study findings
Lack of information and legal awareness	Entrepreneurs reported low levels of understanding of legal and regulatory frameworks: 82 per cent of entrepreneurs indicated they had “little”, “basic” or “no” understanding, with only 16 per cent claiming “good” or “very good” understanding.
Lack of physical availability or accessibility of justice mechanisms	When asked to rank courts, arbitration and mediation on a scale from 1 (very good) to 5 (very bad), the average scores from entrepreneurs in terms of hours of operation were 3.3, 2.7 and 2.8, respectively. Women entrepreneurs provided the least favourable (3.4) score to court hours of operation.
Delay and length of proceedings	Of the entrepreneurs who reported a dispute in the last five years, 58 per cent claimed it took more than one year to resolve.
Lack of competence and efficiency (qualifications and training) of justice professionals	When asked to rank courts, arbitration and mediation on a scale from 1 (very good) to 5 (very bad), the average scores from entrepreneurs in terms of competence (quality) were 3.3, 2.8 and 2.8, respectively.
Failure to adequately and effectively enforce laws and/or regulations	When asked to rank courts, arbitration and mediation on a scale from 1 (very good) to 5 (very bad), the average scores from entrepreneurs in terms of decision enforcement were 2.7, 2.7 and 2.8, respectively.

## Legal information, awareness, and legal literacy

Lack of information on legal aspects of how to conduct business and resolve disputes is a problem that most entrepreneurs in FGDs experienced. Procedures to open a new business are viewed as complicated, and few lawyers are well positioned to advise on these aspects. For instance, one female entrepreneur noted that it took her three years to register her company as the legal procedures are not clear, and there are few opportunities to become legally literate on business matters.

Women institutional respondents and entrepreneurs were more likely to report lower levels of understanding than male respondents when asked to rank their understanding of legal and regulatory frameworks from “none” to “very good”. For example, 33 per cent of female institutional respondents ranked their understanding as “little” or “basic”, while 100 per cent of male respondents claimed their understanding was “good”. Similarly, 83 per cent of female entrepreneur respondents claimed “little” or “basic” understanding compared to 71 per cent of men; two women reported no understanding. These findings are consistent

with justice sector professional assessments, which predominantly ranked women entrepreneurs’ understanding of legal and regulatory frameworks as “little” or “basic” (48 per cent and 12 per cent of justice sector professional respondents, respectively).

Subsequent questions asked respondents to rank their understanding of specific elements of legal and regulatory frameworks from 1 (no understanding) to 5 (very good understanding). Within the groups, female institutional respondents tended to rank their understanding slightly higher than male respondents, while female entrepreneurs averaged slightly lower than male entrepreneurs. The dominant trend for both female and male entrepreneurs was to rank the importance of each law above their understanding of it; for many of the laws, there was more than a 1-point difference between the respondents’ understanding and the perceived importance. Additionally, women entrepreneurs reported lower levels of understanding (on average) but tended to place greater importance on each law (on average) than men. The two noteworthy exceptions to this trend are women’s

higher average understanding of bankruptcy and sexual harassment laws.<sup>131</sup>

The following chart presents the relative levels of understanding and importance between women

and men entrepreneurs in several key areas of interest to support a comparison between genders and between relevant laws.

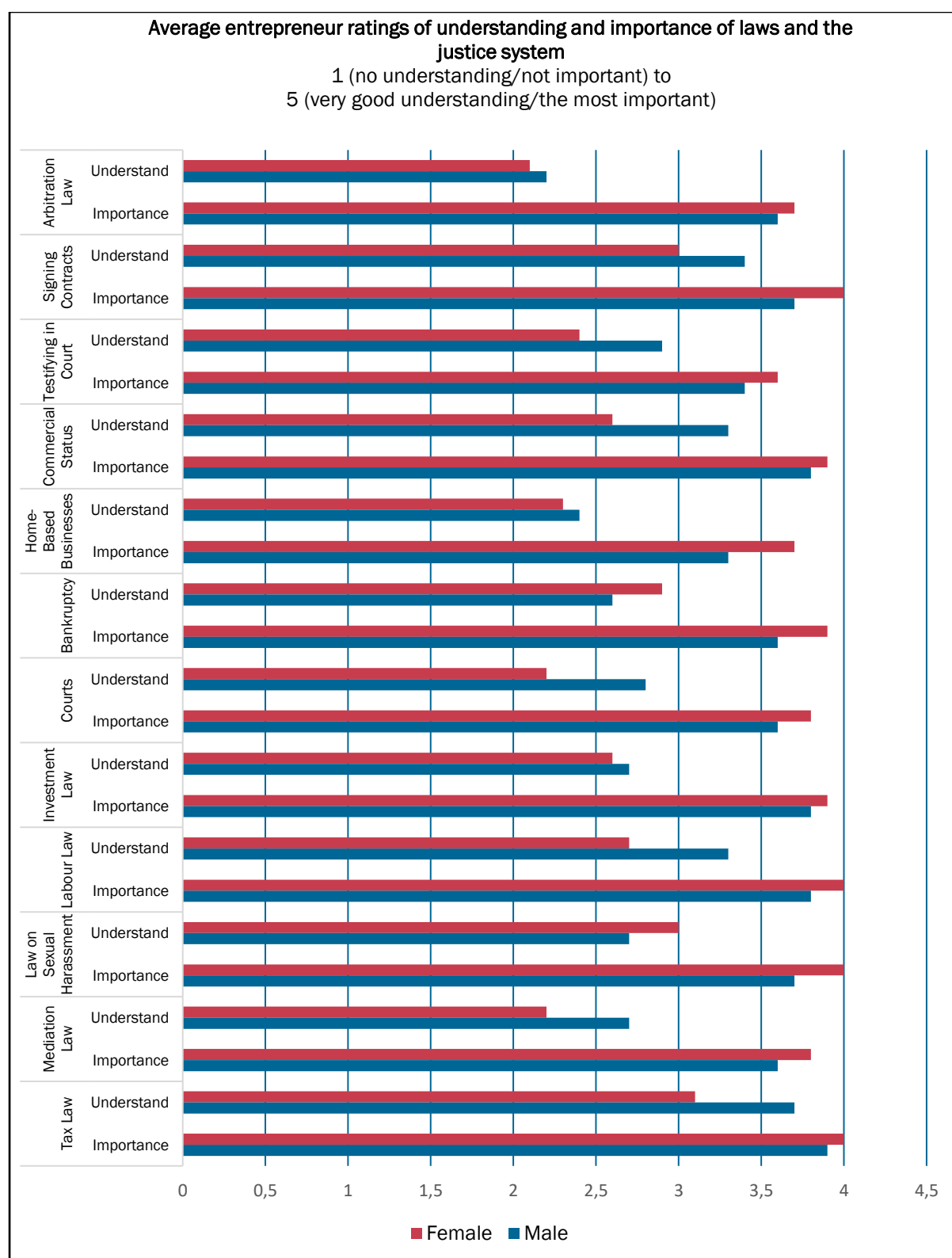


Figure 7: Respondent entrepreneurs' average ratings of select laws and the justice system

The largest discrepancies were in testifying in court, commercial status, courts, labour law, mediation law, and tax law, for which the average rankings by men and women entrepreneurs were separated by 0.5 points or more. Along with the discrepancy between men and women institutional and entrepreneur respondents, it is important to note the low overall levels of reported understanding; 82 per cent of entrepreneur respondents claimed they had “little”, “basic” or “no” understanding of legal and regulatory frameworks with only 16 per cent claiming “good” or “very good” understanding.

The average levels of understanding of specific laws ranged from 2.1 to 3.3 for the total population of entrepreneurs.

While there is no clear pattern in the topics that represent the greatest disparities between men and women in levels of understanding, there are relatively low levels of understanding of arbitration and mediation, courts, home-based businesses and investment laws for both genders, which offer potential areas of high impact for increasing knowledge and understanding overall.

## Physical accessibility and availability

When asked to rate their views of accessibility in relation to physical accessibility and the availability or hours of operation of the justice system on a decreasing scale from 1 (very good) to 5 (very bad) with disaggregation by courts, arbitration and mediation, justice sector professionals, institutions and entrepreneurs

indicated a divide, with institutions and justice sector professionals providing more positive rankings than entrepreneurs. Women entrepreneurs viewed court hours as the least accessible with a ranking of 3.4, followed closely by male entrepreneurs with a ranking of 3.2.

Table 14: Rankings on justice system accessibility (IV)

QUESTION   How do you view the following features of the justice system?										
Scale (averaged) 1 (very good) to 5 (very bad)		Justice sector professionals			Institutions			Entrepreneurs		
Topic	Mechanism	Female	Male	Total	Female	Male	Total	Female	Male	Total
<b>Accessible:</b> physically reachable	Court	2.4	2.5	2.4	2.2	2.5	2.3	3	2.7	2.9
	Arbitration	2.6	2.4	2.5	2.2	2.5	2.3	2.8	2.8	2.8
	Mediation	2.2	2.3	2.3	2.3	2	2.3	2.7	2.6	2.7
<b>Accessible:</b> hours of operation	Court	2.2	2.7	2.4	2.6	2.5	2.6	3.4	3.2	3.3
	Arbitration	2.2	2.8	2.5	2.7	2.5	2.6	2.7	2.8	2.7
	Mediation	1.8	2.3	2.1	3	2	2.9	2.8	2.7	2.8
Scale colour legend		1		2		3		4		5

Additionally, as explored further below, female institutional respondents indicated a lack of comfort in justice settings, given existing gender norms. One institutional respondent noted practical issues such as, poor signage and lack

of female public washrooms in some courts. The experience of appearing in court was similarly described by one female respondent as “clouded by intimidation” and “you aren’t sure whether to sit or stand and when to speak or not to speak”.

## Length of proceedings

In response to survey questions, 84 per cent of justice sector professionals estimated it would take a woman entrepreneur more than a year to finalize a legal dispute; 32 per cent estimated it would take three or more years. When asked to indicate how long a dispute they had experienced within the last five years had taken to resolve, 61 per cent of responding women and 56 per cent of men reported disputes had lasted more than a year, with a fairly even distribution of responses from both genders across 12 to 42 months. However, 12 per cent of responding

women entrepreneurs reported resolution had taken longer than four years (compared to 4 percent of men). While this finding is not conclusive with respect to the total population, it suggests there is a positive skew in the length of dispute resolution for women entrepreneurs in the survey data. This is confirmed by the fact that in FGDs, women entrepreneurs with experience using the justice system clearly stated that litigation is time consuming in addition to expensive.

Additionally, when asked to rate their views of quality of the justice system on a decreasing scale from 1 (very good) to 5 (very bad) with disaggregation by courts, arbitration and

mediation, justice sector professionals, institutions and entrepreneurs indicated the following in relation to timeliness and efficiency.

Table 15: Rankings on justice system quality (II)

QUESTION   How do you view the following features of the justice system?										
Scale (averaged) 1 (very good) to 5 (very bad)		Justice sector professionals			Institutions			Entrepreneurs		
Topic	Mechanism	Female	Male	Total	Female	Male	Total	Female	Male	Total
<b>Quality:</b> timely (no delay)	Court	2.5	3.5	2.9	4	4	4	3.7	3.8	3.7
	Arbitration	2.4	3.3	2.9	3.2	4	3.3	3.1	3	3
	Mediation	2.2	3.2	2.7	2.8	4	3	2.8	2.8	2.8
<b>Quality:</b> efficient	Court	1.8	1.8	1.8	2.8	2	2.8	2.9	3.2	3
	Arbitration	2	2.5	2.3	2.4	2	2.4	2.9	2.6	2.8
	Mediation	1.8	2.5	2.2	2.3	2	2.2	3	2.9	2.9
Scale colour legend		1		2		3		4		5

Noticeably, justice sector professionals viewed the quality of justice mechanisms more favourably than institutions and entrepreneurs. The poorest scores were again towards courts, particularly in relation to timeliness, with

institutional averages at 4.0 and entrepreneurs at 3.7. These were some of the poorest rankings across all categories studied. Efficiency rankings were more favourable, falling at 3.0 or under across all groups of respondents.

## Competence and efficiency

Survey respondents were also asked to rate their views of specific justice system features on a decreasing scale from 1 (very good) to 5 (very bad) with disaggregation by courts, arbitration, and mediation. The table below gives more

information on how justice sector professionals, institutions, and entrepreneurs perceive quality, competence, and accountability of the justice system.

Table 16: Rankings on justice system quality (III), competence and accountability (I)

QUESTION   How do you view the following features of the justice system?										
Scale (averaged) 1 (very good) to 5 (very bad)		Justice sector professionals			Institutions			Entrepreneurs		
Topic	Mechanism	Female	Male	Total	Female	Male	Total	Female	Male	Total
<b>Quality:</b> competent	Court	2.2	2.2	2.2	2.9	2	2.8	3.3	3.4	3.3
	Arbitration	2.2	2.7	2.5	2.6	2	2.5	2.8	3	2.8
	Mediation	2.3	2.7	2.5	2.4	2	2.3	2.8	2.8	2.8
<b>Competence:</b> no corruption	Court	1.9	2.4	2.1	3.3	3	3.3	3.4	3.2	3.3
	Arbitration	2.6	2	2.3	3.3	3	3.2	2.9	2.5	2.8
	Mediation	2.5	2	2.3	3.1	3	3.1	2.8	2.7	2.7
<b>Competence:</b> fair	Court	1.8	2.3	2	2.8	3	2.8	3.1	3	3.1
	Arbitration	2.6	2.1	2.3	2.6	3	2.7	2.8	2.7	2.8
	Mediation	2.5	2.2	2.3	2.5	3	2.6	2.8	2.8	2.8
<b>Competence:</b> well- trained/qualified	Court	2	2.6	2.2	3.1	2	3	3	3	3
	Arbitration	2.6	2.8	2.7	3.6	2	3.4	2.9	2.8	2.9
	Mediation	2.4	2.7	2.5	2.9	2	2.8	2.8	2.8	2.8
<b>Accountable:</b> justice professionals are competent	Court	2.3	2.3	2.3	3.2	2	3.1	3.1	2.8	3
	Arbitration	2.6	2.8	2.7	3.1	2	3	2.9	2.6	2.8
	Mediation	2.5	2.6	2.5	2.6	2	2.6	2.9	2.8	2.9
Scale colour legend		1		2		3		4		5

Overall, perceptions towards quality, competence, and accountability were mostly favourable from all respondent groups. The poorest scores were towards courts, with rankings of 3.3 registering for corruption by both entrepreneurs and institutions. Institutions also registered a poor average ranking (3.4) towards competency of arbitrators, with female institutional respondents ranking it at 3.6.

During FGDs and interviews, entrepreneurs reported that they had experienced differing levels of quality from judges in matters of a commercial/entrepreneurial nature. Some judges (both male and female) were identified as excellent, and able to understand the factual, as well as legal issues, while others were identified as neither appreciating nor understanding the relevant commercial issues nor the content of the case. Importantly, entrepreneurs also

highlighted that judges come and go too frequently and don't stay seized with matters. They can be assigned to different locations, and a new judge is not always familiar with commercial matters, increasing delay for litigants. This was identified as an issue for both male and female judges.

As highlighted earlier in relation to cost and value, quality legal services from lawyers were also identified as an issue. Entrepreneurs noted they need specialized services for banking and contracts, but this is often difficult to find at reasonable rates. Additionally, some women entrepreneurs also highlighted that the behaviour of lawyers differs based on the gender of their client with male lawyers seen as trying to impose higher fees and extend over-protective behaviours towards female clients.

#### Focus group insights: legal representation

*"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

## Enforcement

The weak enforcement of laws can be one access to justice barrier, but the weak implementation or enforcement of orders and decrees after a judgment is another. As noted, of the entrepreneurs who experienced a dispute, 71 per cent reported that enforcement was either "very easy", "easy" or "acceptable". Women entrepreneurs were slightly more likely to report difficulty or greater difficulty than men.

Survey respondents were also asked to rate their views on remedy enforcement on a decreasing scale from 1 (very good) to 5 (very bad) with disaggregation by courts, arbitration, and mediation. Notably, justice sector professionals viewed enforcement more favourably than entrepreneurs or institutions. Male respondents in all respondent groups viewed enforcement more favourably than female respondents.

Table 17: Rankings on justice system accountability (II)

QUESTION   How do you view the following features of the justice system?										
Scale (averaged) 1 (very good) to 5 (very bad)		Justice sector professionals			Institutions			Entrepreneurs		
Topic	Mechanism	Female	Male	Total	Female	Male	Total	Female	Male	Total
<b>Accountable:</b> remedy is enforced	Court	2.2	1.7	2	2.9	2	2.8	2.8	2.6	2.7
	Arbitration	2	2	2	2.9	2	2.8	2.8	2.4	2.7
	Mediation	2	1.8	1.9	2.4	2	2.4	2.8	2.6	2.8
Scale colour legend		1		2		3		4		5



## Cultural and social barriers

As reported earlier, women face de facto barriers when seeking justice, impacting their ability to use dispute resolution mechanisms in the same manner as men. Social norms are influential, and while there are no formal restrictions on women entrepreneurs' access to dispute resolution mechanisms, fear of stigmatization, social ostracism or damage to reputation prevent them

from using justice mechanisms in the same manner as men. Additionally, gender norms affect the composition of the legal profession and the resulting perspectives applied by legal professionals to matters before them. This section explores these themes, as well as the capacity of justice professionals to effectively help women entrepreneurs access justice.

Table 18: Insights on cultural and social barriers

Barriers	Insights from study findings
Stereotyping and gender bias in society	In the words of one female entrepreneur: "It is not rare to hear, and on many occasions, someone, even women, telling you to go back to the kitchen because this is where you belong".
Inequitable composition of professionals within the justice system	Available official data indicates that less than one quarter of judges and lawyers are female.
Actual or perceived discriminatory treatment within justice system and capacity of justice professionals to understand underlying gender differences	When asked to rank courts, arbitration and mediation on a scale from 1 (very good) to 5 (very bad), entrepreneurs ranked gender sensitivity at 3.2, 2.8 and 2.9 respectively, while institutional respondents provided less positive scores of 3.8, 3.3 and 3.4 respectively.
Stigmatization or fear of social ostracism or damage to reputation for using the justice system	In the words of one female entrepreneur: "Regardless of why a woman has to go 'inside' a court, it is always misinterpreted, and a source of accusation against her".

## Bias and marginalization

FGDs touched on the broader political context in Jordan, and women entrepreneurs indicated that political marginalization has negatively affected women's rights in the economic sector. One entrepreneur noted that "When you think of the fact that women are still unable to give their nationality to their children in Jordan, this just tells you that we are living in an absolute patriarchal society where women still cannot have access to opportunities and chances on equal footing." As noted by one institutional respondent, women's ability to travel for business is also affected and can be "used to question suitability to be a mother ... there are

cases where a mother working is used as evidence to show that she is not taking care of her children".

Discussions highlighted the importance of having more female representatives in parliament, the government and local councils, to affect change. In the words of one entrepreneur, "For women to actually feel that they have equal access to public life, as men do, there are major issues that still need to be tackled including violence against women at the workplace, gender inequality and equal rights".

### Case study: social norms

*MK is a 40-year-old businesswoman from Amman. She owns a company that organizes events and provides translation services. She has experience with contract disputes and has practicing lawyers in her family, who she trusts for business advice. When one of MK's suppliers provided her with equipment that did not meet the specifications in their contract, she refused to accept it and tried to resolve the case through negotiation. Her brother-in-law supported her through the negotiation. MK indicated she felt that the opposing party had tried to take advantage of her. As she said: "A client would dare to shout at me, because I am a woman whereas I would not dare to shout back". She felt that the case would have been easier to resolve for a man in her position.*



During FGDs, women indicated that this marginalization means they have fewer opportunities to be engaged in professional networks compared to men. One female entrepreneur explained that her clients preferred to deal with men. Accordingly, her brother, who is

also her business partner is responsible for any direct contact with customers, while she takes care of paperwork. In addition, women entrepreneurs reported that to attend any high-level meetings, they needed to be accompanied by a male representative to be taken seriously.

## Representation in the legal profession

Illuminating the representation of women in the judiciary and legal profession in Jordan is necessary to better understand the justice context for women entrepreneurs. Although women do not encounter many obstacles in pursuing a legal education in Jordan, women remain under-represented in the legal profession. This marginalization has been linked to the social and cultural background, which prevents women from accessing social and

professional networks.<sup>132</sup> Although more women than men graduate from law schools in Jordan, according to the Jordan Department of Statistics, only 23 per cent of Jordanian lawyers are female, and 16 per cent of the Jordanian judiciary are female.<sup>133</sup> More recent unofficial data from the Judicial Council of Jordan indicates that the judiciary currently approaches 21 per cent female representation (250 judges).<sup>134</sup>

### Progress in women's professional participation in the justice sector

*Beginning in 2005, the Ministry of Justice in Jordan commenced a range of new initiatives seeking to increase the representation of women within the judiciary. These included the establishment of an annual minimum quota of 15 per cent for admission of female candidates to the Institute of Judicial Studies and the establishment of funds both to support women judges' participation in training and research visits and to benefit female judicial students. In September 2017, Jordanian Judge Ihsan Zuhdi Barakat broke the glass ceiling, as the first female judge to be appointed to the Supreme Court. She has had a career of firsts—the first woman to serve as Amman's Attorney General, the first to chair the West Amman Court, and the first to be appointed as an Inspector at the Judicial Inspections Directorate.<sup>135</sup>*

Despite important advances, men still predominate in the judiciary, and women struggle to hold judicial positions.<sup>136</sup> The Jordanian Bar Association reported a substantial increase in the percentage of female lawyers in recent years.<sup>137</sup> By the end of 2016, 3,090 out of 12,258 lawyers in Jordan were female, which constituted 25.2 per cent of the profession. The number of female lawyers in Jordan increased by 259 between 2015 and 2016. Interestingly, this number exceeded the increase in the number of male lawyers in Jordan, which increased by only 241 in 2016, compared to 2015.<sup>138</sup>

These statistics align with entrepreneurs' reported experiences in the justice system. It was stated in interviews that the justice system is both perceived and experienced as male-dominated with low representation of female

judges, prosecutors, and lawyers. Additionally, respondents noted that female lawyers tend to handle family matters as opposed to the full span of legal services.

The representation of women in the legal profession is an important indicator, because judiciaries in particular must reflect the composition of the societies in which they are based. Skewed representation reflects on the capacities of justice professionals to understand underlying gender differences and respond appropriately. One justice sector professional noted that broader cultural and social issues regarding women's rights also play out in the justice sector and judiciary, requiring special attention and dialogue. For instance, justice sector professionals identified that female judges are not fully accepted.

## Treatment and understanding of gender differences

The survey explored perceptions towards women entrepreneurs by asking justice sector professionals and institutions to assess whether men and women run their businesses in the same way. For both groups, a clear majority suggested there were differences (93 per cent for institutions, 76 per cent for justice sector professionals). Institutions acknowledged that the business environment is not equal (64 per

cent); while justice sector professionals predominantly responded that men and women entrepreneurs face the same challenges (64 per cent). Finally, both groups were asked to identify the key differences between men and women entrepreneurs that resulted in fewer female entrepreneurs. The results from both groups are presented in the following chart.

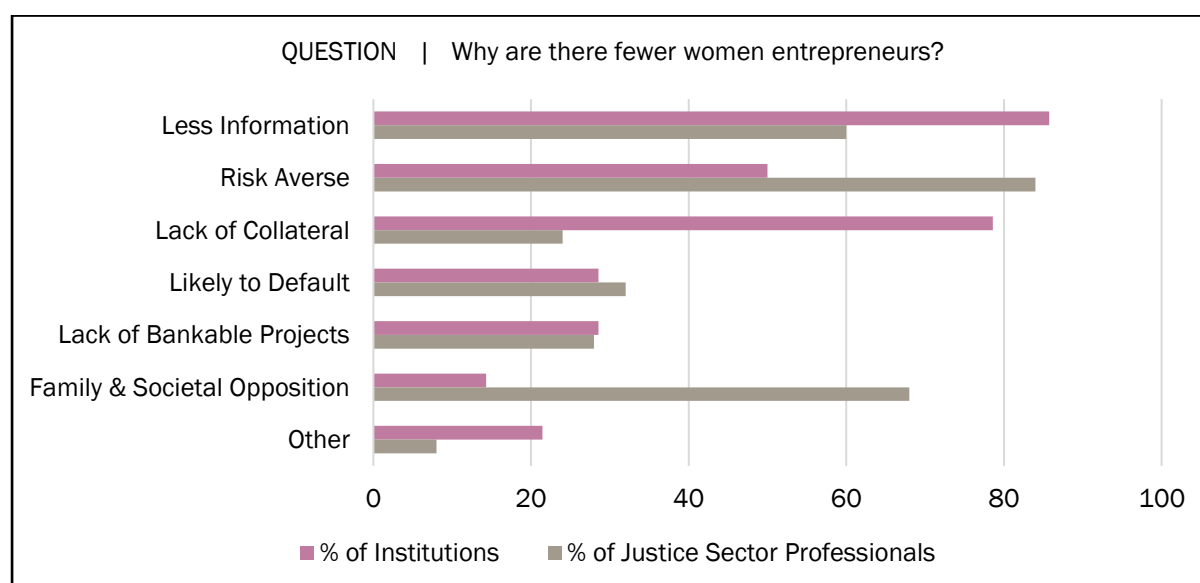


Figure 8: Survey respondents' views on number of women entrepreneurs

Of particular note is the perception that women are more risk-averse, possess less information, and face family and societal opposition.

Turning to the justice sector specifically, entrepreneurs, institutions and justice sector professionals were asked to rate their views of

justice system features on a decreasing scale from 1 (very good) to 5 (very bad) with disaggregation by courts, arbitration, and mediation. The table below gives more information on how these groups perceive bias and discrimination within the justice system, as well as whether it is gender sensitive.

Table 19: Rankings on justice system competence (II) and quality (IV)

QUESTION   How do you view the following features of the justice system?										
Scale (averaged) 1 (very good) to 5 (very bad)		Justice sector professionals			Institutions			Entrepreneurs		
Topic	Mechanism	Female	Male	Total	Female	Male	Total	Female	Male	Total
<b>Competence:</b> no bias	Court	2.1	2.6	2.3	2.9	3	2.9	3.3	3	3.2
	Arbitration	2.8	2.1	2.4	2.6	3	2.7	3	2.6	2.9
	Mediation	2.7	2.2	2.4	2.6	3	2.7	2.9	2.7	2.8
<b>Competence:</b> no discrimination	Court	1.9	2.6	2.2	3	3	3	3.3	3.1	3.2
	Arbitration	2.8	2	2.4	2.6	3	2.7	2.9	2.6	2.8
	Mediation	2.7	2.1	2.4	2.8	3	2.8	2.9	2.8	2.9
<b>Quality:</b> Gender sensitive	Court	2.7	3	2.8	3.9	3	3.8	3.3	3	3.2
	Arbitration	2.4	3	2.8	3.4	3	3.3	2.9	2.7	2.8
	Mediation	2.3	3.2	2.8	3.5	3	3.4	2.9	3	2.9
Scale colour legend		1		2		3		4		5

Overall, survey respondents did not raise bias and discrimination as significant issues, tending towards the middle of the scale. Entrepreneurs held slightly more negative views towards the existence of bias and discrimination in the justice system compared to institutions and justice sector professionals. Female entrepreneurs held the least favourable views of all respondent categories, viewing courts least favourably at 3.3.

In relation to gender sensitivity, institutional respondents provided the lowest rankings, with a score of 3.9 towards courts. Female entrepreneurs similarly ranked courts as the least gender sensitive. Importantly, several women entrepreneurs did report that because they were women, they felt targeted and sued as a tactic to extract money with opposing parties capitalizing on existing stereotypes and bias. One female institutional respondent noted that “women entrepreneurs require more effective guarantees that, they will not be subject to any exploitation or any abuse of power within the

fields that relate to concluding commercial agreements, contracts, taxes, customs, exportation, and importation.”

Furthermore, as identified as a barrier to legal standing, women entrepreneurs reported that clerks had refused to proceed with various procedures without the signature or the presence of a husband, despite the absence of laws or regulations requiring this. As explained by a member of a businesswoman association: “When a woman wants to issue formal papers, such as a document for paying taxes, she must have the permission and approval of the nearest male member. This can cause a lot of delays for female entrepreneurs.”

A justice sector professional also reported an incident of a woman litigant being harassed by administrative staff and a judge, who made the woman return for photocopies to increase contact, even though administratively this was unnecessary.

#### Case study: tacit discrimination in the justice system

*BT is a 40-year-old woman from Amman and the sole owner of a design and construction business since 2004. Most of her legal disputes involve late payments, overdue invoices, labour issues, and tax issues. When she can, BT tries to solve her business-related problems outside of court. When she does go to court, she feels that lawyers tend to delay procedures as long as possible, to make more money. She also reported social stigmas. As she explained: “Whenever I go to court, and even if only as a witness, rumours start spreading that I am in trouble. The court took my number to call me, if I was needed further as a witness. I ended up getting harassment calls and had to change my number”.*

## Stigmatization and damage to reputation

When asked to estimate what proportion of their interactions were with women entrepreneurs, only 20 per cent of justice sector professionals reported that more than half their interactions were with female entrepreneurs. Many of the comments from FGD participants indicated that women are subjected to greater social stigma than men for accessing the justice system, and that many of the participants, therefore, avoided court as much as possible.

When entrepreneurs who reported a past dispute were asked if they had faced any repercussions as a result, both men and women primarily responded “no” (71 per cent of men and 77 per cent of women). Roughly the same proportion of men and women reported that they had faced repercussions (24 per cent of men and 23 per cent of women), although many of the examples they gave focused more on the temporal and financial costs of proceedings rather than specific acts of reprisal.

Similarly, justice sector professionals predominantly responded that women did not face repercussions for using the justice system (56 per cent). Institutional respondents did highlight that suing the wife of the party to a dispute can be a strategic technique, as there will be social stigma for her, and not for the husband.

FGD participants, particularly from rural areas, indicated that social barriers do prevent women entrepreneurs from resorting to courts to settle their business disputes. As a woman entrepreneur expressed, “showing up in court may spoil my reputation”. In the words of another woman entrepreneur “...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.”

# CONCLUSION

This study brings forward the perspectives of entrepreneurs, institutions, and justice sector professionals, who offered insights into the challenges women entrepreneurs encounter in accessing justice to resolve the disputes affecting their businesses. The primary obstacles identified by women entrepreneurs for equal access to justice include those that are *narrowly* focused on dispute resolution:

- Lack of legal awareness and legal literacy
- Lack of access to legal services and qualified lawyers
- Lack of effective and affordable justice mechanisms

Additionally, women entrepreneurs identified *broader* systemic issues relating to substantive justice and their equal rights, which impact their ability to effectively set up and operate their businesses:

- High costs associated with starting and operating a business
- Access to financial support and appropriate advice
- Social barriers to access justice institutions and conduct business

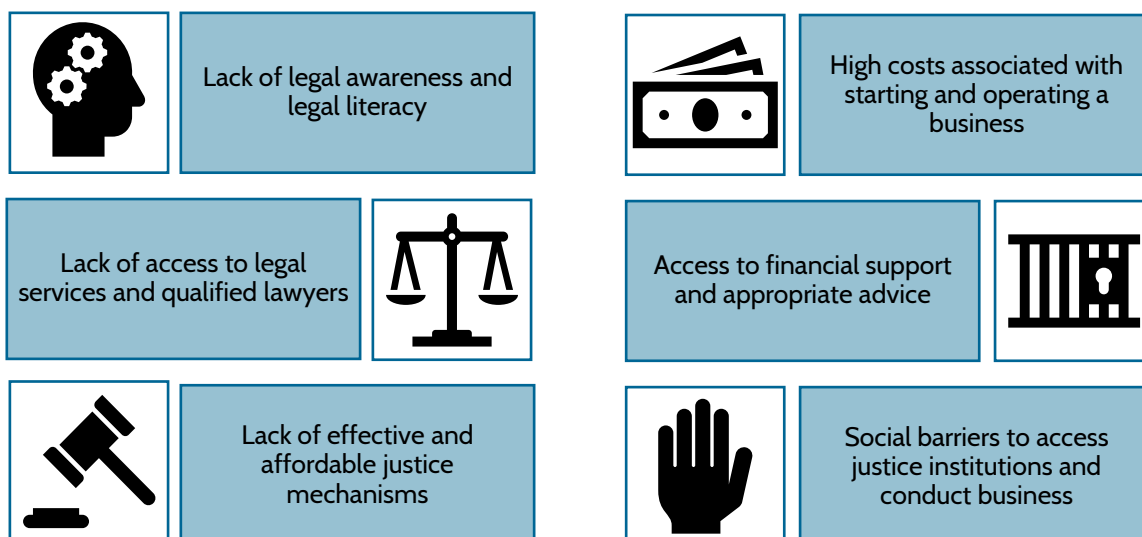


Figure 9: Primary obstacles for women entrepreneurs

In Jordan, as worldwide, women entrepreneurs constitute a vital part of the business community, contributing to economic growth, decreases in unemployment, and to the development of a range of services and products. As Sustainable Development Goal (SDG) 5, which focuses on gender equality highlights, while it is known that there is a positive relationship between gender equality and the economy, the proportion of women entrepreneurs remains significantly low.

To effectively advance the success of women entrepreneurs, it is essential to move beyond the existing emphasis on access to finance and business skills and address issues using a wider lens. To realize SDG-5, there is a need to also

realize SDG-16, which focuses on strong institutions and equal justice. To support the creation of an enabling environment for women entrepreneurs in Jordan, it is essential to progress access to justice as a right, as a means of upholding other rights, and as something tangible that women entrepreneurs can utilize to resolve disputes affecting their businesses. Progress must be both palpable for women entrepreneurs as they engage in business ventures and resolve disputes using justice mechanisms, as well as universal, capitalizing on the full promise of the law to tackle surrounding inequities that discriminate and impede equality of opportunity.

The research findings are nuanced and demonstrate how equality according to law is not always equality in practice and perceptions do not always equate to facts. For instance, the majority of the study respondents surveyed did not perceive discrimination in the law, but there are clear examples—labour, pension, and personal status laws—of discrimination against women in Jordan.

Other forms of discrimination are less overt. Only women entrepreneurs identified the enforcement of rights, property and registration issues as disputes; men did not. Further, the experience of using courts is not the same for men and women entrepreneurs in Jordan, where men do not face reputational repercussions for merely appearing or requests for approval from a family member prior to filing legal documents. And yet, men and women entrepreneurs also share common ideas. They prefer informal means, such as negotiation or mediation to resolve disputes and view the courts as complex and lawyers as prohibitively expensive. Again, women entrepreneurs also offered more distinctive reasons for their views, including disfavour towards court hours of operation, experiences of male lawyers attempting to take financial advantage, and needing to be represented by a male partner or family member so that threats and harassment were not used to intimidate. While, on average women entrepreneurs reported lower levels of understanding in relation to laws, they also tended to place greater importance on the law than men, seeing its power for both proscription and protection. For instance, when compared to men, women entrepreneurs reported a higher average understanding of only two laws—bankruptcy and sexual harassment, offering critical insights into issues of importance in the lives of women entrepreneurs.

More broadly, the justice system is both perceived and experienced as male-dominated with less than one quarter of judges and lawyers being female. Careful analysis shows where justice sector professionals could strengthen the delivery of justice in tangible ways. For judges, by improving and activating ADR mechanisms for

greater use, simplifying procedures and staying seized with matters rather than adhering to rotations. For lawyers, making specialized legal services for MSMEs economical. While rural women entrepreneurs expressed the need for free legal services, most entrepreneurs recognized value in legal advice but required the cost to match the worth of the service.

There was also recognition that mindsets and priorities may need to change to eliminate discriminatory laws and strengthen access to justice. For instance, mediation was widely preferred by entrepreneurs as a dispute resolution mechanism, but male justice sector professionals gave the most negative score on accessibility to mediation.

Further, institutional respondents challenged the capacity of justice professionals to understand gender differences and questioned the quality of arbitration. Entrepreneurs challenged the capacity of justice professionals to understand, handle, and effectively advise or rule on commercial matters. Lawyers were targeted by both men and women entrepreneurs signalling an imbalance of price and quality services across a spectrum of information, education, assistance, drafting, advice, representation and advocacy. The behaviours of some male lawyers were questioned, and respondents wondered about the commitment of lawyers to providing legal aid services as legislated, noting animosity towards free legal counselling and representation for specific legal matters for those who lacked financial means.

However, there were also crucial elements of agreement—all categories of respondents wanted proactive efforts that provide targeted legal services to prevent matters, such as contract signing that is ill-informed or under duress, from escalating into legal issues. While there can be many complementary efforts to strengthen the justice system, there were promising signs that reforms are progressing, and stakeholders are knowledgeable about priority issues and ready to act.

# RECOMMENDATIONS

Based on a combined analysis and review of the findings above, the following recommendations are provided to help relevant stakeholders with activities and initiatives that can support the enabling environment for women entrepreneurs

in Jordan, promoting equality of opportunity and effective access to justice. Validated and refined with key inputs from national stakeholders, these recommendations also indicate ongoing efforts towards achievement, where possible.

Table 20: Reforms, discussion, recommendations and status

Possible reform	Discussion and role for stakeholders	Status
<b>Recommendations for the Government</b>		
Address discriminatory provisions in legislation	Pursue reforms for women entrepreneurs in relation to, among others, age of retirement, labour restrictions on hours and types of work, limited paternity benefits, and requiring permission from a husband to leave or work outside of the home.	Ongoing/not present <sup>139</sup>
Reduce barriers to registering and operating a business	Continue to streamline processes and reduce fees, as well as enhance operation and availability of 'one-stop-shops' for women entrepreneurs.	Ongoing <sup>140</sup>
Address gender bias in lending to women entrepreneurs	Review existing microfinancing programmes and ensure access to funding while increasing awareness among women entrepreneurs of available options, including risks.	Ongoing/not present <sup>141</sup>
Reduce de facto discrimination in key government processes	Continue to develop, deliver and institutionalize gender sensitivity training for employees, who interact directly with women entrepreneurs.	Ongoing <sup>142</sup>
<b>Recommendations for the justice sector</b>		
Increase awareness of and counteract gender biases in the justice sector	Hold gender sensitivity training for judges, mediators, arbitrators and other legal professionals as part of continuing professional development, including court staff and officials interacting with women entrepreneurs.	Ongoing/not present <sup>143</sup>
Ensure equitable gender composition of legal professionals	Continue to ensure gender balance for female candidates in legal studies and dedicate funding to support training and advancement for women lawyers and judges, reporting on progress.	Ongoing
Strengthen judicial capacity on commercial matters	Conduct training sessions and workshops on commercial law matters and include both women and men judges and legal professionals in dialogues on the practical and legal difficulties entrepreneurs face.	Ongoing <sup>144</sup>
Strengthen awareness of and increase the use of mediation in commercial disputes	Promote understanding of mediation and provide training for mediators-judges on commercial law and barriers to justice for entrepreneurs.	Ongoing <sup>145</sup>
Improve access to qualified commercial lawyers	Conduct capacity enhancing workshops and training sessions to increase the number of specialized lawyers able to provide affordable legal services for the types of legal matters faced by women entrepreneurs.	Not present
Reduce costs of dispute resolution	Consider a range of possibilities such as: small claims or fast track procedures to streamline low-value disputes and consider ways to promote affordable legal aid, including through reduced-fee services, legal clinics, or similar means to ensure affordable legal services.	Ongoing/not present <sup>146</sup>

Possible reform	Discussion and role for stakeholders	Status
<b>Recommendations for women entrepreneurs' organizations</b>		
Improve legal awareness of women entrepreneurs	Develop and deliver legal rights training, manuals and capacity enhancement on priority themes, including signing contracts, loans and investment, commercial status, labour and tax law, and use of the court and ADR system.	Ongoing <sup>147</sup>
Improve government processes and laws to reflect women entrepreneurs' needs	Create advocacy units to bridge the gap between government and entrepreneurs.	Ongoing <sup>148</sup>
<b>Recommendations for academia</b>		
Improve women entrepreneurs' access to legal aid services	Consider the creation of specialized law school clinics to provide free legal assistance to women on priority issues such as: opening, registering and operating businesses, particularly in rural areas where signing contracts and credit issues are also predominant.	Not present
Reduce gender discrepancies in the legal profession	Integrate gender awareness and analysis in law school curriculum and adopt proactive policies to encourage women to pursue legal employment following graduation.	Not present

Finally, for all stakeholders, it is essential to collect gender-disaggregated data to help enact informed policies systematically. There continue to be gaps and lags in data availability for informed decision-making.

This report is a contribution to the growing body of information that aims to help create an

enabling environment for women entrepreneurs and strengthen women's equal access to justice. Identifying different legal, economic, practical, and social obstacles across multiple dimensions is an important step to achieving change and realizing broader justice for women.



# ANNEXES

## Annex I: Profile of entrepreneur survey respondents

Characteristic		Respondent's gender			Total
		Female	Male	Undisclosed	
Gender	Female / Male / NA	70	28	2	100
Age (years)	20-29	3	4		7
	30-39	26	3		29
	40-49	14	8		22
	50-59	2	4		6
	60 +	1			1
	No response	25	8	2	35
Family status	Married	43	23	1	67
	Not married	22	5	1	28
	Widowed	5			5
Level of education	Secondary	8	1		9
	Diploma	1			1
	University	47	17		64
	Post-graduate	1			1
	Advanced	13	10	2	25
Years in business	< 1	1			1
	1 - 5	25	6		31
	6 - 10	25	9		34
	11 - 15	10	3	2	15
	> 15	9	10		19
Number of employees *	0	3	1		4
	1- 10	45	15	2	62
	2 - 20	1			1
	11 - 20	9	9		18
	> 20	1			1
	21 - 50	3	3		6
	> 50	1			1
Nature of business	Agriculture	1			1
	Goods	21	8		29
	Manufacturing	7	3		10
	Services	29	14	1	44
	Trade	12	3	1	16
Is the business registered? *	Yes	46	24	2	72
	No	10	1		11
Respondent's share of ownership *	0 - 49%	2	3		5
	50%	10	3	1	12
	51 - 99%	7	3	1	11
	100%	43	17		64
Whose name(s) is the business registered in? *	Respondent	49	24	1	74
	Respondent and partner	1	1		2
	Partner	1	1	1	3
	Family member	11	1	1	13
*Non-responses not tabulated for the question					

## Annex II: Gender analysis of business development

How and why women-led businesses may be affected differently?	Possible interventions to address difficulties faced by women entrepreneurs
<b>Setting up and registering a business</b>	
<ul style="list-style-type: none"> <li>Procedures for registering are complicated, and there are not enough lawyers in a position to advise women (as of 2017, the Fast Track Investment Window still required approval from 13 committees)<sup>149</sup></li> <li>Little awareness of available resources for information and streamlined processing</li> <li>High fees for each stage in establishing a business, which may present a relatively larger barrier for women</li> <li>Clerks and government representatives may require permission from a male relative to process women entrepreneurs' applications</li> <li>High levels of corruption can increase the cost of registration<sup>150</sup></li> </ul>	<ul style="list-style-type: none"> <li>Conduct training for lawyers on key commercial law issues, including business registration</li> <li>Expand "investment windows", one-stop-shops for registration</li> <li>Continue to simplify registration process by reducing the number and cost of documents, including reduction of minimum investment requirements to register</li> <li>Provide access to free or affordable legal support for women entrepreneurs</li> <li>Increase the government's online presence to ensure easier access to up-to-date information<sup>151</sup></li> <li>Conduct training for government clerks and representatives</li> </ul>
<b>Accessing financing</b>	
<ul style="list-style-type: none"> <li>Women may require male assent to open a bank account or apply for credit (contrary to Central Bank of Jordan Law No. 23/1971 and No. 16/1992)</li> <li>Women may be asked for higher collateral, spousal guarantees, or higher interest for the same loan amount</li> <li>MSMEs account for 97% of the private sector and 50% of national GDP, but receive disproportionately few commercial loans<sup>152</sup></li> </ul>	<ul style="list-style-type: none"> <li>Provide collateral-free and/or low-interest loans for women entrepreneurs</li> <li>Offer cash grants to eligible start-up or expansion projects</li> <li>Expand "Jordan Compact 2016" to include funding for women entrepreneurs, as well as refugee and migrant groups<sup>153</sup></li> <li>Expand access to microfinancing funds and foreign direct investment, while promoting legal advice and understanding of risks and benefits</li> <li>Use mobile applications to connect women entrepreneurs with investors<sup>154</sup></li> <li>Connect grant and loan recipients with business training to improve return on investment</li> <li>Increase strength and ease of enforcement of creditor's rights</li> </ul>
<b>Finding premises, land use and property rights</b>	
<ul style="list-style-type: none"> <li>Persistent gender bias leads many women entrepreneurs to pursue home-based enterprises</li> <li>Employment is concentrated in the Greater Amman area (68.1 per cent of labour force), which may present difficulties for rural women</li> <li>High costs for utilities, particularly water and energy,<sup>155</sup> which are relatively more prohibitive for women who typically have more limited access to capital</li> </ul>	<ul style="list-style-type: none"> <li>Support businesses to be registered to a co-working space<sup>156</sup> to allow female entrepreneurs to create shared, safe facilities with shared costs</li> <li>Create a reporting mechanism for landlords, who refuse to lease to women or require discriminatory terms (i.e., male relative as signatory)</li> </ul>
<b>Complying with regulatory and standards bodies</b>	
<ul style="list-style-type: none"> <li>The law requires the husband's permission for a married woman to work outside her home</li> <li>Women are required to retire and withdraw their social security pension five years earlier than men</li> </ul>	<ul style="list-style-type: none"> <li>Assess laws for gender discrimination and reform as needed</li> <li>Set and meet quotas for issuance of work permits to women; provide incentives for women entrepreneurs to hire female workers</li> </ul>

How and why women-led businesses may be affected differently?	Possible interventions to address difficulties faced by women entrepreneurs
<ul style="list-style-type: none"> <li>Only 4 per cent of work permits (necessary for non-Jordanian entrepreneurs) are held by women<sup>157</sup></li> </ul>	
<b>Understanding and paying taxes, impact of other monetary and fiscal policies</b>	
<ul style="list-style-type: none"> <li>Tax exemptions are equal for male and female wage earners, but do not account for persistent wage disparities</li> <li>Corporate tax rates are high (24 per cent in services) and may compound issues of accessing capital for women entrepreneurs<sup>158</sup></li> <li>High taxes on sale and import of goods</li> </ul>	<ul style="list-style-type: none"> <li>Introduce additional tax exemptions or incentives for costs that disproportionately affect women (i.e. childcare)</li> <li>Expand the exemption of home-based businesses from mandatory social security contribution to include a temporary exemption from corporate tax for an initial period following registration</li> </ul>
<b>Finding customers, accessing markets and operating a business</b>	
<ul style="list-style-type: none"> <li>Women have fewer opportunities to engage in professional networks (female networking rate in Jordan was 18.3 per cent in 2016)<sup>159</sup></li> <li>Labour laws prevent women from gaining experience in several high-paying sectors, such as mining</li> <li>Working women are particularly vulnerable to harassment<sup>160</sup></li> <li>Limited options for childcare and restricted access to transportation, particularly among refugee populations<sup>161</sup></li> </ul>	<ul style="list-style-type: none"> <li>Take advantage of the “gig economy” (freelance and flexible employment based on consumer-focused technology)<sup>162</sup></li> <li>Mandate government bodies to purchase from women-owned businesses<sup>163</sup></li> <li>Encourage cross-cutting networking opportunities<sup>164</sup></li> <li>Provide safe and culturally sensitive transportation for women<sup>165</sup></li> <li>Introduce and enforce sexual harassment policies</li> </ul>
<b>Contracts, enforcement and dispute resolution</b>	
<ul style="list-style-type: none"> <li>Social norms make women less likely to bring disputes to courts</li> <li>Women are more likely to find courts financially inaccessible</li> <li>Lawyers are more likely to push female clients to resolve disputes in courts where legal fees are higher</li> <li>Women entrepreneurs may require male representation to use ADR mechanisms, which are more simple, affordable and time efficient than courts</li> <li>A woman’s testimony may carry less weight than a man’s<sup>166</sup></li> </ul>	<ul style="list-style-type: none"> <li>Establish specialized legal clinics to provide free or affordable support for women entrepreneurs</li> <li>Conduct gender-sensitivity training for judges and other legal professionals</li> <li>Impart training for mediator-judges to build capacity and increase availability</li> <li>Conduct awareness-raising and disseminate information for women entrepreneurs on ADR</li> </ul>
<b>Changing legal status or closing a business</b>	
<ul style="list-style-type: none"> <li>Insolvency proceedings take approximately three years and have higher costs than those in other MENA countries<sup>167</sup></li> <li>Little understanding that failure to repay debt can result in jail time</li> </ul>	<ul style="list-style-type: none"> <li>Streamline bankruptcy proceedings and reduce costs to encourage efficient operations<sup>168</sup></li> <li>Reinforce recent campaigns to release women in prison on debt-related sentences</li> </ul>

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# ENDNOTES

- <sup>1</sup> Organization for Economic Cooperation and Development (OECD), *Gender Equality in Education, Employment and Entrepreneurship: Final Report to the MCM*, 17, (2012), available at: <http://www.oecd.org/employment/50423364.pdf>. Klasen, S. and Lamanna, F., *The impact of gender inequality in education and employment on economic growth: New evidence for a panel of countries*, *Feminist Economics*, 15: 3, 91-132, (2009), (as retrieved from UN Women, [Progress of the World's Women 2015-2016: Transforming economies, realizing rights](#), Chapter 4, 199); and McKinsey Global Institute, *The Power of Parity: How Advancing Women's Equality Can Add \$12 Trillion to Global Growth* (McKinsey & Company, 2015). For examples, see UN Women, *Facts and Figures: Economic Empowerment*, (July 2017), available at: <http://www.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures>; Woetzel, J. and et al., *The Power of Parity: How Advancing Women's Equality Can Add \$12 Trillion to Global Growth*, McKinsey Global Institute Report, (2015), available at: <https://www.mckinsey.com/featured-insights/employment-and-growth/how-advancing-womens-equality-can-add-12-trillion-to-global-growth>; and Pollitt, H. and et al., *Economic Benefits of Gender Equality in the European Union: Report on the Empirical Application of the Model*, (European Institute for Gender Equality, 2017) available at: <https://eige.europa.eu/rdc/eige-publications/economic-benefits-gender-equality-european-union-report-empirical-application-model>.
- <sup>2</sup> ILO, *Women's Entrepreneurship Development: Encouraging Women Entrepreneurs for Jobs and Development*, 1, (2016), available at: [http://www.ilo.org/wcmsp5/groups/public/-ed\\_emp/-emp\\_ent/-ifp\\_seed/documents/publication/wcms\\_175471.pdf](http://www.ilo.org/wcmsp5/groups/public/-ed_emp/-emp_ent/-ifp_seed/documents/publication/wcms_175471.pdf).
- <sup>3</sup> Adly, A. and Khatib, L., *Reforming the Entrepreneurship Ecosystem in Post-Revolutionary Egypt and Tunisia*, (Stanford University Center on Democracy, Development, and the Rule of Law, 2014) available at: [https://fsi.stanford.edu/sites/default/files/Reforming\\_the\\_Entrepreneurship\\_Ecosystem\\_in\\_Post-Revolutionary\\_Egypt\\_and\\_Tunisia- Amr Adly.pdf](https://fsi.stanford.edu/sites/default/files/Reforming_the_Entrepreneurship_Ecosystem_in_Post-Revolutionary_Egypt_and_Tunisia- Amr Adly.pdf).
- <sup>4</sup> A commonly cited definition of women entrepreneurs is found in Lavoie, D., *Women entrepreneurs: Building a Stronger Canadian Economy*, 2, (Canadian Advisory Council on the Status of Women, 1988): "a woman who has, alone or with one or more partners, started up, bought or inherited a business, is assuming the related financial, administrative and social risks and responsibilities and is participating in the firm's day-to-day management".
- <sup>5</sup> Dudokh, D. and Aqel, A., *Women Entrepreneurship in Jordan: Women Empowerment*, 43-46, (Jordan Enterprise Development Corporation, 2017).
- <sup>6</sup> Of the available figures for 2017, only the Syrian Arab Republic and the Republic of Yemen have lower female labour force participation rates, respectively at 12 per cent and 6 per cent. See World Bank, *Labor Force Participation Rate, Female (% of Female Population Ages 15+)* (Modeled ILO Estimate)(2017), available at: <https://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS>.
- <sup>7</sup> Betz, F. and Frewer, G., *Jordan: Neighbourhood SME Financing*, 4, 6, 13, (European Investment Bank, 2016), available at: [http://www.eib.org/attachments/efs/economic\\_report\\_neighbourhood\\_sme\\_financing\\_jordan\\_en.pdf](http://www.eib.org/attachments/efs/economic_report_neighbourhood_sme_financing_jordan_en.pdf).
- <sup>8</sup> Jordan ratified CEDAW in 1992 and it entered into force in the same year. In 2009, the Government of Jordan withdrew the reservation made upon ratification regarding Article 15, which referred to a woman's residence and domicile with her husband. There are still remaining reservations to Articles 9 and 16, which refer to equality of rights for women with respect to nationality of children and elimination of discrimination in all matters relating to marriage and family relations.
- <sup>9</sup> The Governments of the member States of the League of Arab States, *Arab Charter on Human Rights*, Adopted in Cairo on 15 September 1994 (translated from Arabic), available at: <http://www.humanrights.se/wp-content/uploads/2012/01/Arab-Charter-on-Human-Rights.pdf>.
- <sup>10</sup> Jordan, *Social Security Law, Temporary Law No. 7* (1 April 2010). English translation available at: [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=90791](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=90791).
- <sup>11</sup> A home-based enterprise (HBE) is defined as a business that uses the space of the dwelling and the labour of the household to generate income. HBEs are a commercial status that many women-led businesses adopt, particularly during the start-up phase, as a way of saving on capital investments or to manage responsibilities towards home and child care. Policies to support HBE generally have a significant positive impact on women entrepreneurs. See: USAID, *Launch of the Home-Based Business Regulations*, (19 October 2017), available at: <https://jordanlens.org/activity/launch-home-based-business-regulations-october-19-2017>. See also: Amman Chamber of Commerce, available at: <http://www.ammanchamber.org.jo/Uploded/4530.pdf>.
- <sup>12</sup> Under the Social Security Law, businesses need to pay a social security amount of at least 47 JOD per month (based on the minimum wage of 220 JOD and a 21.75 per cent social security contribution). See: USAID, *Licensing Businesses from Home and Launch of the Home-Based Business Regulations*, (2017), available at: <http://jordanlens.org/activity/launch-home-based-business-regulations-october-19-2017>; and USAID, *Licensing Businesses from Home in Greater Amman Municipality and Municipalities in Jordan*, (2017) available at: <http://jordanlens.org/sites/default/files/HBB-tri-fold-ENG-FINAL-15Oct17-OL.pdf>.
- <sup>13</sup> World Bank, *Women, Business, and the Law*, (2018), available at: <https://wbl.worldbank.org/>. The regional representation includes 20 economies: Algeria; Bahrain; Djibouti; Egypt, Arab Rep.; Iran, Islamic Rep.; Iraq; Jordan; Kuwait; Lebanon; Libya; Malta; Morocco; Oman; Qatar; Saudi Arabia; Syrian Arab Republic; Tunisia; United Arab Emirates; West Bank and Gaza; Yemen, Rep. The ranking covers 189 economies, providing comparable data across seven topics (accessing institutions, using property, getting a job, providing incentives to work, going to court, building credit, protecting women from violence) to benchmark the legal environment for women as entrepreneurs and

employees. Scores are obtained by calculating the unweighted average of scored questions within a topic and scaling the result to 100.

<sup>14</sup> Gaelle Ferrant and Alexandre Kolev, "The Economic Cost of Gender-Based Discrimination in Societal Institutions", (OECD, June 2016), available at [https://www.oecd.org/dev/development-gender/SIGI\\_cost\\_final.pdf](https://www.oecd.org/dev/development-gender/SIGI_cost_final.pdf).

<sup>15</sup> OECD, *Women's Economic Empowerment in Selected MENA Countries, The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia*, (2017), available at: <http://dx.doi.org/10.1787/9789264279322-en>.

<sup>16</sup> See for example World Bank, "Female Entrepreneurship: Program Guidelines and Case Studies", available at <http://siteresources.worldbank.org/EXTGENDER/Resources/FemaleEntrepreneurshipResourcePoint041113.pdf>.

<sup>17</sup> Finding from the ILO's flagship programme, Women's Entrepreneurship Development, implemented in more than 20 countries. See Payal Patel, "Effectiveness of Entrepreneurship Development Interventions for Women Entrepreneurs", ILO-WED Issue Brief, (2014), available at [http://www.ilo.org/wcmsp5/groups/public/-ed\\_emp/-emp\\_ent/-ifp\\_seed/documents/publication/wcms\\_329356.pdf](http://www.ilo.org/wcmsp5/groups/public/-ed_emp/-emp_ent/-ifp_seed/documents/publication/wcms_329356.pdf).

<sup>18</sup> World Bank, *Women, Business, and the Law*, (2018), available at: <https://wbl.worldbank.org/>. This aspect examines the evidentiary weight of women's testimony, the existence of justice institutions such as anti-discrimination commissions and small claims courts and mandates for legal aid.

<sup>19</sup> Formal institutions of justice are understood as judicial or alternative dispute resolution (ADR) mechanisms recognized in law, and informal institutions are understood as non-judicial or ADR mechanisms not recognized by law. Informal institutions of justice are not included in this study. See United Nations Development Programme Asia-Pacific Regional Centre, *Programming for Justice: Access for All. A Practitioner's Guide to a Human Rights-Based Approach to Access to Justice*, 5, (Bangkok, 2005), available at: <https://www.un.org/ruleoflaw/blog/document/programming-for-justice-access-for-all-a-practitioners-guide-to-a-human-rights-based-approach-to-access-to-justice/>; United Nations Development Programme Justice System Programme, "Access to Justice Concept Note", 2, (2010), available at: <https://www.un.org/ruleoflaw/blog/document/concept-note-strengthening-womens-security-and-access-to-justice/>; and Alffram, H., *Equal Access to Justice: A Mapping of Experiences*, 2, (SIDA, 2011), available at: <https://www.sida.se/Svenska/Publikationer-och-bilder/publikationer/2011/juni/equal-access-to-justice-a-mapping-of-experiences/>.

<sup>20</sup> United Nations Department of Economic and Social Affairs, *Mediation and dispute resolution mechanisms*, (2013), available at:

[http://www.un.org/waterforlifedecade/water\\_cooperation\\_2013/mediation\\_and\\_dispute\\_resolution.shtml](http://www.un.org/waterforlifedecade/water_cooperation_2013/mediation_and_dispute_resolution.shtml).

<sup>21</sup> Shamir, Y., "Alternative Dispute Resolution Approaches and their Application", UNESCO Technical Documents in Hydrology, No. 7, 4-5, (2003), available at: <http://unesdoc.unesco.org/images/0013/001332/133287e.pdf>.

<sup>22</sup> Sustainable Development Goal (SDG) 5 is dedicated to achieving gender equality and the empowerment of all women and girls. SDG 16 is dedicated to the promotion of peaceful and inclusive societies, the provision of access to justice for all, and building effective, accountable and inclusive institutions at all levels. See United Nations General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development*, A/RES/70/1. See also Beijing Declaration and Platform for Action, available at: <http://www.un.org/esa/documents/ga/conf177/aconf177-20en.htm>. The Declaration calls on Governments to "establish mechanisms and other forums to enable women entrepreneurs and women workers to contribute to the formulation of policies and programs being developed by economic ministries and financial institutions".

<sup>23</sup> World Bank, *The Environment for Women's Entrepreneurship in the Middle East and North Africa Region*, p. 49, (2008).

<sup>24</sup> OECD, *Women's Economic Empowerment in Selected MENA Countries, The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia*, p.44, (2017), available at: <http://dx.doi.org/10.1787/9789264279322-en>.

<sup>25</sup> The desk review synthesized existing research, providing an overview of the evidence and knowledge base. Additionally, the desk review identified successful strategies and case studies from countries in the region, such as Morocco, West Bank and Gaza, and Algeria, as well as countries from Eastern Europe (Armenia, Georgia, Moldova and Ukraine).

<sup>26</sup> Criteria for participation included: engagement in entrepreneurial activity; representation from 2-4 geographic locations covering the capital and main regions (North, Centre and South); and consideration for gender balance, emphasizing women's participation. There were 9 participants in the first FGD (7 women entrepreneurs and 2 professors from the University of Amman); 11 participants in the second FGD (4 men and 5 women entrepreneurs and 2 representatives from inter-governmental organizations); and 10 women entrepreneurs in the third FGD. The sample was structured to create homogeneity in the FGDs for maximum comfort in expressing opinions, while also considering that participants might have different views that should be exchanged based on gender, age and hierarchy. Given one mixed-gender FGD, attention was directed to dynamics and ensuring that men and women could comfortably share information using Guidelines for Facilitation. Earlier Global Entrepreneurship Monitor (GEM) research in Jordan found that urban women were more than twice as likely to be involved in entrepreneurial activity as rural women (4.9 per cent vs 2.3 per cent). GEM, *GEM-MENA Regional Report 2009 (Middle East & North Africa)*, 95, (2010), available at: <http://www.gemconsortium.org/country-profile/132>.

<sup>27</sup> There were challenges in identifying the total population of stakeholder groups, making representative sampling impractical. The research team also encountered difficulties in data collection as respondents indicated that the survey was challenging to understand (i.e. unfamiliar concepts), particularly for entrepreneurs. Further, it required a significant time commitment to complete and as a result, some institutions contacted were uncooperative despite efforts to accommodate busy schedules.

<sup>28</sup> At a 95 per cent confidence level, this results in a 10.51 per cent margin of error.



<sup>29</sup> Thirty-two (32) entrepreneurs and national actors participated in the validation workshop. Representatives were present from: business organizations, the University of Jordan and the University of Jordan's Women's Studies Centre, the Judicial Council, the Judicial Institute, Parliament, Senate, the legal profession and civil society organizations.

<sup>30</sup> A regression analysis of key relationships of interest within the data did not yield statistically significant results, partially due to limits of the dataset. Survey participants were able to omit answers, which resulted in missing values and variability in the depth and quantity of information available between topics. While these omissions limited the ability to draw generalized conclusions, the content of the information collected provides important insights into the experiences of entrepreneurs, institutional respondents and justice sector professionals within the Jordanian justice system.

<sup>31</sup> Committee on the Elimination of Discrimination against Women, General recommendation No. 33 on women's access to justice (3 August 2015), CEDAW/C/GC/33, available at:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en).

<sup>32</sup> The Committees responsible for monitoring the implementation of the ICCPR and IESCR have elaborated commentary and provided guidance to states to help clarify and realize their commitments. Other soft law instruments also provide guidance. See for example, United Nations Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.

<sup>33</sup> League of Arab States, Arab Charter on Human Rights (15 September 1994), Preamble, Article 16, available at: <http://www.humanrights.se/wp-content/uploads/2012/01/Arab-Charter-on-Human-Rights.pdf>; and Mattar, M. Y., "Article 43 of the Arab Charter on Human Rights: Reconciling National, Regional, and International Standards" Harvard Human Rights Journal, Volume 26, (2013).

<sup>34</sup> "Discrimination against women" is defined in Article 1 of the CEDAW as "any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field". This definition emphasizes that discrimination may be direct or indirect, and that it is the disproportionate impact of the action on women that is crucial for determining if a given policy, law or other practice is discriminatory. Additionally, articles 2(c), 3, 5(a) and 15 of CEDAW are relevant.

<sup>35</sup> Equality before the law is approached as both "according to law" (de jure) as well as "in fact or practice" (de facto). While de jure discrimination can be repealed through laws, elimination of de facto discrimination may require additional positive strategies. "Substantive or de facto gender equality" has been interpreted by the United Nations Committee on the Elimination of Discrimination against Women and in policy documents, such as the Beijing Declaration and Platform for Action, as the relevant standard of conduct and result required under international human rights law.

<sup>36</sup> Committee on the Elimination of Discrimination against Women, General recommendation No. 25 on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures, para. 7, (2004), available at:

<http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20%28English%29.pdf>. In addition, the Committee on the Elimination of Discrimination Against Women's general comments recognize that "States parties have further treaty-based obligations to ensure that all women have access to education and information about their rights and the remedies that are available, and how to access these, and access to competent, gender-sensitive dispute resolution systems, as well as equal access to effective and timely remedies."

See: Committee on the Elimination of Discrimination Against Women, General Recommendation on women's access to justice (23 July 2015), United Nations Doc. CEDAW/C/GC/33.

<sup>37</sup> In the MENA region, women entrepreneurs generally have access to courts, but do not necessarily enjoy equal access to justice in practice. See Kiwan, D. and et al., *Women's Participation and Leadership in Lebanon, Jordan, and Kurdistan Region of Iraq: Moving from individual to collective change*, Oxfam Research Reports, 22, (2016), available at: <https://policy-practice.oxfam.org.uk/publications/womens-participation-and-leadership-in-lebanon-jordan-and-kurdistan-region-of-i-604070>.

<sup>38</sup> OECD, *Women in Public Life: Gender, Law and Policy in the Middle East and North Africa*, 31-32, (2014), available at: <http://www.oecd.org/publications/women-in-public-life-9789264224636-en.htm>; Hakki, H. and Somach, S., *Jordan: Gender Analysis and Assessment*, 6,19, (USAID, 2012), available at:

<https://haqqi.info/en/haqqi/research/usaiddjordan-gender-analysis-and-assessment>.

<sup>39</sup> Prettitore, P. S., *Gender and Justice in Jordan: Women, Demand and Access*, MENA Knowledge and Learning Quick Note Series, (World Bank, 2013), available at:

<http://documents.worldbank.org/curated/en/490341468040484734/Gender-and-justice-in-Jordan-women-demand-and-access>.

<sup>40</sup> Hiil, *Justice Needs and Satisfaction in Jordan*, 117, (2017), available at:

[http://www.hiil.org/data/sitemanagement/media/JNS%20Jordan%202017\\_EN%20\(Online\)\(1\).pdf](http://www.hiil.org/data/sitemanagement/media/JNS%20Jordan%202017_EN%20(Online)(1).pdf).

<sup>41</sup> World Bank, *Economic participation, agency and access to justice in Jordan*, Country Gender Assessment, 14, (2013), available at: <https://openknowledge.worldbank.org/handle/10986/16706>.

<sup>42</sup> El-Zein, F., *Women's Access to Justice in the Middle East: Challenges and Recommendations*, Oxfam GB Research Report, (2013), available at: <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/606565/rr-women-s-access-justice-middle-east-010813-en.pdf;jsessionid=C078F1DF803DD167EB965EF72D79AD89?sequence=1>.

<sup>43</sup> *Arab Renaissance for Democracy and Development, Women's Access to Justice: A Framework for Inquiry*, 12, (2017), available at: [https://ardd-jo.org/sites/default/files/attachments/waj\\_framework\\_of\\_inquiry\\_en.pdf](https://ardd-jo.org/sites/default/files/attachments/waj_framework_of_inquiry_en.pdf).



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<sup>44</sup> World Bank, *Economic participation, agency and access to justice in Jordan*, Country Gender Assessment, 14, (2013), available at: <https://openknowledge.worldbank.org/handle/10986/16706>.

<sup>45</sup> Prettitore, P. S., *Gender and Justice in Jordan: Women, Demand and Access*, MENA Knowledge and Learning Quick Note Series, (World Bank, 2013), available at: <http://documents.worldbank.org/curated/en/490341468040484734/Gender-and-justice-in-Jordan-women-demand-and-access>.

<sup>46</sup> Ibid.

<sup>47</sup> For a discussion of how similar dynamics limit women's agency in Morocco, see World Bank, *Morocco Mind the Gap: Empowering Women for a More Open, Inclusive and Prosperous Society*, Report No. 97778-MA, 1, (2015), available at: <https://openknowledge.worldbank.org/handle/10986/24004>.

<sup>48</sup> World Bank, *World Development Report 2012: Gender Equality and Development*, 4, (2011), available at: <https://siteresources.worldbank.org/INTWDR2012/Resources/7778105-1299699968583/7786210-1315936222006/Complete-Report.pdf>.

<sup>49</sup> See United Nations Development Programme, *Access to Justice Practice Note*, 4, (2004), available at: [http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/access\\_to\\_justiceandruleoflaw/access-to-justice-practice-note.html](http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/access_to_justiceandruleoflaw/access-to-justice-practice-note.html). The United States Institute for Peace (USIP) elaborates further: "There is no access to justice where citizens (especially marginalized groups) fear the system, see it as alien, and do not access it; where the justice system is financially inaccessible; where individuals have no lawyers; where they do not have information or knowledge of rights; or where there is a weak justice system. Access to justice involves normative legal protection, legal awareness, legal aid and counsel, adjudication, enforcement, and civil society oversight." USIP, *Necessary Conditions: Access to Justice*, available at: <https://www.usip.org/guiding-principles-stabilization-and-reconstruction-the-web-version/rule-law/access-justice>.

<sup>50</sup> See for example, Venice Commission of the Council of Europe, *The Rule of Law Checklist*, (2016), available at: [http://www.venice.coe.int/images/SITE%20IMAGES/Publications/Rule\\_of\\_Law\\_Check\\_List.pdf](http://www.venice.coe.int/images/SITE%20IMAGES/Publications/Rule_of_Law_Check_List.pdf).

<sup>51</sup> The United Nations Committee on the Elimination of Discrimination against Women has observed that: "the concentration of courts and quasi-judicial bodies in the main cities, their non-availability in rural and remote regions, the time and money needed to gain access to them, the complexity of proceedings, the physical barriers for women with disabilities, the lack of access to high-quality, gender-competent legal advice, including legal aid, as well as the often-noted deficiencies in the quality of justice systems (e.g., gender-insensitive judgements or decisions owing to a lack of training, delays and excessive length of proceedings, corruption) all prevent women from gaining access to justice". See: Committee on the Elimination of Discrimination against Women, General recommendation No. 33 on women's access to justice (3 August 2015), CEDAW/C/GC/33, available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en).

<sup>52</sup> See United Nations Committee on the Elimination of Discrimination against Women, General Recommendation No. 25, para. 8, (2004), available at: [http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20\(English\).pdf](http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(English).pdf). Notably, temporary special measures designed to ensure substantive equality, such as quotas for the number of women employed in public service positions, do not constitute a prohibited form of discrimination under international human rights law. Rather, "adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination". See: CEDAW, Article 4. See also CEDAW General Recommendation No. 25 on temporary special measures, available at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20%28English%29.pdf>.

<sup>53</sup> CEDAW Articles 1-5; 13(a) and (b); 15(1)-(4); and 16(1)(c), (g) and (h). See also Committee on the Elimination of Discrimination against Women, General recommendation No. 28 on the core obligation of States parties under article 2 of the convention on the Elimination of All Forms of Discrimination against Women (16 December 2010), CEDAW/C/GC/28, para. 16, available at: [https://digitallibrary.un.org/record/711350/files/CEDAW\\_C\\_GC\\_28-EN.pdf](https://digitallibrary.un.org/record/711350/files/CEDAW_C_GC_28-EN.pdf). "States parties shall ensure that there is neither direct, nor indirect discrimination against women. Direct discrimination against women constitutes different treatment explicitly based on grounds of sex and gender differences. Indirect discrimination against women occurs when a law, policy, programme or practice appears to be neutral as it relates to men and women, but has a discriminatory effect in practice on women, because pre-existing inequalities are not addressed by the apparently neutral measure. Moreover, indirect discrimination can exacerbate existing inequalities owing to a failure to recognize structural and historical patterns of discrimination and unequal power relationships between women and men."

<sup>54</sup> Committee on the Elimination of Discrimination against Women, General recommendation No. 33 on women's access to justice (3 August 2015), CEDAW/C/GC/33, available at: [http://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en](http://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en). Recommendations to ensure women's access to justice include: justiciability, availability, accessibility, good quality, provision of remedies and accountability.

<sup>55</sup> Notably, there is also a significant population of refugees in Jordan (UNHCR estimates the population to be 740,160 persons or 89 of every 1,000 inhabitants) who face barriers to entrepreneurship. Non-Jordanian ownership is limited wholly or partially in many sectors. For refugees, the need to provide work permits, proof of residence and fees throughout the registration process frequently proves an insurmountable barrier. As a result, the Overseas Development Institute (ODI) cautioned in 2018 that "critical sectors and self-employment remain closed to refugees". See: UNHCR, *Jordan, Fact Sheet*, (2018), available at: <https://data2.unhcr.org/en/documents/download/62241>; UNCTAD, "Jordan: Investment Law" (Unofficial Translation), available at: <http://investmentpolicyhub.unctad.org/InvestmentLaws/laws/175>; United States Department of State Bureau of Economic Affairs, *Jordan: 2018 Investment Climate Statement*, (2018); available at:

<http://www.state.gov/e/eb/rls/othr/ics/investmentclimatestatements/index.htm?year=2018&dliid=281667>; Jordan, Regulating Non-Jordanian Investments, Regulation No. 77 for the Year 2016; Mikadze, M. and Alhajahmad, S., *Investment and Business in Jordan to Create Employment: Opportunities and Challenges*, (WANA Institute, 2017), available at: <http://wanainstitute.org/en/publication/investment-and-business-jordan-create-employment-opportunities-and-challenges>; and Barbelet, V. et al., *The Jordan Compact: Lessons Learnt and Implications for Future Refugee Compacts*, Policy Briefing, ODI, (2018), available at: *The Jordan Compact: Lessons Learnt and Implications for Future Refugee Compacts*.

<sup>56</sup> World Bank, Labor Force Participation Rate, Female (% of Female Population Ages 15+) (Modeled ILO Estimate) (2017), available at: <https://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS>; GEM, *GEM-MENA Regional Report 2009: Middle East & North Africa*, 93, (2010), available at: <http://www.gemconsortium.org/country-profile/132>.

<sup>57</sup> GEM, *GEM-MENA Regional Report 2009: Middle East & North Africa*, 93, (2010), available at: <http://www.gemconsortium.org/country-profile/132>.

<sup>58</sup> Ibid.

<sup>59</sup> GEM and IFC, *Jordan 2007*, GEM Country Brief, (2007), available at:

<http://documents.worldbank.org/curated/en/701571468043474269/pdf/441420WP0BOX321an10110200701PU.BLIC1.pdf>. An average age of 42 for women entrepreneurs is also identified. See: United Nations Industrial Development Organization (UNIDO), *Promoting Women Empowerment for Inclusive and Sustainable Industrial Development in the Middle East and North Africa Region*, (2017), available at: [https://www.unido.org/sites/default/files/2017-04/MENA\\_REPORT\\_Eng\\_interactive-1\\_0.pdf](https://www.unido.org/sites/default/files/2017-04/MENA_REPORT_Eng_interactive-1_0.pdf).

<sup>60</sup> UNIDO, *Promoting Women Empowerment for Inclusive and Sustainable Industrial Development in the Middle East and North Africa Region: A study on women entrepreneurship development in Egypt, Jordan, Lebanon, Morocco, Palestine and Tunisia*, 22, (2017), available at:

[https://www.unido.org/fileadmin/user\\_media\\_upgrade/Resources/Publications/MENA\\_REPORT\\_Eng\\_interactive-1.pdf](https://www.unido.org/fileadmin/user_media_upgrade/Resources/Publications/MENA_REPORT_Eng_interactive-1.pdf). See also Al-zoubi, A. F., "The Effect of Sex (Gender) on the Success of Businesswomen in the Business Environment in Marketing in Jordan (An Empirical Study)", *British Journal of Marketing Studies*, Vol.2, No.7, 57, (2014), which indicates that "economic independence is encouraged, while social independence in terms of family cohesion is not".

<sup>61</sup> Al-zoubi, A. F., "The Effect of Sex (Gender) on the Success of Businesswomen in the Business Environment in Marketing in Jordan (An Empirical Study)", *British Journal of Marketing Studies*, Vol.2, No.7, 47, 52, (2014).

<sup>62</sup> Ibid., 52.

<sup>63</sup> GEM, *GEM-MENA Regional Report 2009: Middle East & North Africa*, 95, (2010), available at: <http://www.gemconsortium.org/country-profile/132>.

<sup>64</sup> See World Bank, *Doing Business: Measuring Business Regulations, Ease of Doing Business in Jordan*, 31, (2018), available at: <http://www.doingbusiness.org/data/exploreeconomies/jordan>.

<sup>65</sup> See Ministry of Industry and Trade, available at: <https://www.mit.gov.jo>.

<sup>66</sup> Notably, "Most legal systems fail to provide remedies that are preventive, timely, non-discriminatory, adequate, just and deterrent". See United Nations Development Programme, *Access to Justice Practice Note*, 4, (2004).

<sup>67</sup> For complete information, also refer to: World Bank, *Women, Business, and the Law*, 100, (2018), available at: <http://wbl.worldbank.org/>. The report monitors laws and regulations affecting women's ability to be entrepreneurs and employees, providing comparable data across 189 economies and covering seven indicators: (1) accessing institutions; (2) using property; (3) getting a job; (4) providing incentives to work; (5) going to court; (6) building credit; and (7) protecting women from violence. As part of the "accessing institutions" indicator, women in Jordan can register a business in the same way as a man.

<sup>68</sup> Identified through desk review and primary data collection.

<sup>69</sup> See 1996 Labour Code and a 1996 decree of the Minister of Labour.

<sup>70</sup> Temporary Law No. 7/2010 and Article 63(a) of the Social Security Law.

<sup>71</sup> OECD, *Women's Economic Empowerment in Selected MENA Countries, The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia*, 121, (2017), available at: <http://dx.doi.org/10.1787/9789264279322-en>; citing World Bank, *World Bank Entrepreneurial Statistics 2015*, (2015), available at: <http://dx.doi.org/10.1787/9789264279322-en>.

<sup>72</sup> See World Bank, *Women, Business, and the Law*, 100, (2018), available at: <http://wbl.worldbank.org/>.

<sup>73</sup> World Bank, *The Economic Advancement of Women in Jordan: A Country Gender Assessment*, 20, (2005).

<sup>74</sup> OECD, *Women's Economic Empowerment in Selected MENA Countries, The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia*, 121, (2017), available at: <http://dx.doi.org/10.1787/9789264279322-en>; citing World Bank, *World Bank Entrepreneurial Statistics 2015*, (2015), available at: <http://dx.doi.org/10.1787/9789264279322-en>.

<sup>75</sup> Ibid.; citing Union of Arab Bank's research based on Work Bank, *World Bank Global Financial Inclusion Database 2014*, (2014), available at: <http://dx.doi.org/10.1787/9789264279322-en>.

<sup>76</sup> Sweidan, M., *A Gender Perspective on Measuring Asset Ownership for Sustainable Development in Jordan*, (2016), available at: [https://unstats.un.org/unsd/gender/Finland\\_Oct2016/Documents/Jordan\\_paper.pdf](https://unstats.un.org/unsd/gender/Finland_Oct2016/Documents/Jordan_paper.pdf).

<sup>77</sup> ILO, *Promoting Pay Equity in Jordan*, (2011), available at: [http://www.ilo.org/declaration/follow-up/tcprojects/eliminationofdiscrimination/WCMS\\_164947/lang-en/index.htm](http://www.ilo.org/declaration/follow-up/tcprojects/eliminationofdiscrimination/WCMS_164947/lang-en/index.htm).

<sup>78</sup> Dababneh, A., *Women's Economic Participation in Jordan Reality and Challenges of the Private Sector*, Phoenix Center for Economic and Informatics Studies, (2016), available at: <https://www.euromedwomen.foundation/pg/en/documents/view/6659/womens-economic-participation-in-jordan-reality-and-challenges-of-private-sector>.

<sup>79</sup> Article 22 of the Execution Law No. 29/2017.

- <sup>80</sup> “Dozens of Jordanian women who are in prison for failing to repay debts could be released”, *Jordan Times*, 2016, available at: <http://jordantimes.com/news/local/women-debtors-be-released-thanks-local-radio-show>. See also “Women Debtors to be Released Thanks to Local Radio Show”, *Jordan Times*, 2016, available at: <http://jordantimes.com/news/local/women-debtors-be-released-thanks-local-radio-show>.
- <sup>81</sup> Notably, and promising for debt-related matters, alternative community sentencing has been introduced in Jordan through the Amending Penal Code Law of 2017 and resulting amendments to the Penal Code No. 16 of 1960. Article 25 defines community sanctions, community monitoring and conditioned community control while Article 54 provides a judge the right to impose community sanctions based on the social situation of the wrongdoer. The Ministry of Justice has established a Directorate for Alternative Community Sentences and issued Directives to regulate the work of this Directorate and its coordination with related bodies, including courts. Article 9 of the Directives provides for use of new electronic means for the application of the alternative community sentences.
- <sup>82</sup> ILO, CEACR, Discrimination (Employment and Occupation) Convention, Observation to Jordan, (2013), available at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID:3145503](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3145503).
- <sup>83</sup> See World Bank, *Women, Business, and the Law*, 100, (2018), available at: <http://wbl.worldbank.org/>.
- <sup>84</sup> OECD, *Women's Economic Empowerment in Selected MENA Countries, The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia*, 128, (2017), available at: <http://dx.doi.org/10.1787/9789264279322-en>.
- <sup>85</sup> Ibid.
- <sup>86</sup> Economic Policy Council, Jordan, *Jordan Economic Growth Plan 2018-2022*, 66-68, (2018), available at: <http://www.ssif.gov.jo/UploadFiles/JEGProgramEnglish.pdf?lang=ar>.
- <sup>87</sup> OECD, *Women's Economic Empowerment in Selected MENA Countries, The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia*, 124, (2017), available at: <http://dx.doi.org/10.1787/9789264279322-en>; Jordan, Personal Status Law no. 36/2010, Art. 61 and 62.
- <sup>88</sup> Brodmann, S. et al., *Social Insurance Reform in Jordan: Awareness and Perceptions of Employment Opportunities for Women*; Social Protection & Labour Discussion Paper No. 1402, World Bank, (2014), available at: <http://documents.worldbank.org/curated/en/257991468337758608/Social-insurance-reform-in-Jordan-awareness-and-perceptions-of-employment-opportunities-for-women>.
- <sup>89</sup> OECD, *Women's Economic Empowerment in Selected MENA Countries, The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia*, 118-119, (2017), available at: <http://dx.doi.org/10.1787/9789264279322-en>.
- <sup>90</sup> Ibid.
- <sup>91</sup> World Bank, *Doing Business: Measuring Business Regulations, Ease of Doing Business in Jordan*, 30, (2018), available at: <http://www.doingbusiness.org/data/exploreeconomies/jordan>.
- <sup>92</sup> OECD, *Women's Economic Empowerment in Selected MENA Countries, The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia*, 120, (2017), available at: <http://dx.doi.org/10.1787/9789264279322-en>.
- <sup>93</sup> World Bank, *Doing Business 2018 – Reforming to Create Jobs: Jordan*, 57, (2018), available at: <http://documents.worldbank.org/curated/en/529321509961235682/Doing-Business-2018-reforming-to-create-jobs-Jordan>.
- <sup>94</sup> An emphasis is placed on laws indirectly affecting women entrepreneurs, their business environment (starting, operating and dissolving a business).
- <sup>95</sup> Reference to CEDAW Articles 1-5, 13(a) and (b), 15(1)-(4), and 16(1)(c), (g) and (h).
- <sup>96</sup> Identified through desk review. See also World Bank, *Women, Business, and the Law*, 100, (2018), available at: <http://wbl.worldbank.org/>.
- <sup>97</sup> Identified through desk review and primary data collection.
- <sup>98</sup> Article 68 of the Personal Status Law (2010).
- <sup>99</sup> Jordanian Personal Status Law No. 36/2010 regulates the right to inheritance and details that women's entitlement to inheritance varies in accordance with their status and their relationship with the decedent. Pursuant to Article 301, there are four statuses: the status where women are equal to men in inheritance; the status where women inherit more than men; the status where women inherit whereas men don't; and the status where women inherit less than men. See also: Jordanian National Commission for Women (JNCW), Jordan Hashemite Fund for Human Development (JOHUD), and United Nations Population Fund (UNFPA), *Women's Rights to Inheritance Realities and Proposed Policies*, 2012.
- <sup>100</sup> In 2013, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) noted insufficient protection against sexual harassment. See ILO, CEACR, Discrimination (Employment and Occupation) Convention, Observation to Jordan, (2013), available at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID:3145503](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3145503).
- <sup>101</sup> In Sharia courts, the testimony of two women is equal to that of one man pursuant to Article 127 of the Personal Status Law (2010).
- <sup>102</sup> See World Bank, *Women, Business, and the Law*, 100, (2018), available at: <http://wbl.worldbank.org/>.
- <sup>103</sup> Ibid.
- <sup>104</sup> WANA Institute, *The Status of Legal Empowerment in Jordan*, (2014), available at: [http://wanainstitute.org/sites/default/files/publications/StatusOfLegalEmpowermentInJordan\\_WANA\\_2014.pdf](http://wanainstitute.org/sites/default/files/publications/StatusOfLegalEmpowermentInJordan_WANA_2014.pdf).
- <sup>105</sup> Proportion of ever-partnered women aged between 15 and 49 years experiencing intimate partner physical and/or sexual violence at least once in their lifetime. See: Department of Statistics [Jordan] and ICF International, *Jordan Population and Family Health Survey*, 2012. Calverton, Maryland, USA: Department of Statistics and ICF International.
- <sup>106</sup> Al-Badayneh, D. M., *Violence Against Women in Jordan*, (Springer, Science+Business Media, LLC, 2012).
- <sup>107</sup> ILO, CEACR, Discrimination (Employment and Occupation) Convention, Observation to Jordan (2013), available at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID:3145503](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3145503).
- <sup>108</sup> See World Bank, *Women, Business, and the Law*, 100, (2018), available at: <http://wbl.worldbank.org/>.



- <sup>109</sup> See also: WANA Institute, *The Status of Legal Empowerment in Jordan: Evidence to Support the post-2015 development agenda*, para. 17, (2012), available at: [http://wanainstitute.org/sites/default/files/publications/StatusOfLegalEmpowermentInJordan\\_WANA\\_2014.pdf](http://wanainstitute.org/sites/default/files/publications/StatusOfLegalEmpowermentInJordan_WANA_2014.pdf).
- <sup>110</sup> See: Mikadze, M. and Alhajahmad, S., *Investment and Business in Jordan to Create Employment: Opportunities and Challenges*, 11-12, (WANA Institute, 2017), available at: <http://wanainstitute.org/en/publication/investment-and-business-jordan-create-employment-opportunities-and-challenges>. This report reinforces World Bank evidence that “a woman’s testimony carries less weight in court than a man’s”.
- <sup>111</sup> Mediation is “a process by which a third party aids the disputants to reach a mutually agreed solution.” See UNDESA, Mediation and dispute resolution mechanisms (see footnote 4). The International Chamber of Commerce, the African Centre for the Constructive Resolution of Disputes, and the Organization for the Harmonization of Business Law in Africa offer similarly general definitions of mediation, which are comparable to those discussed under “Facilitation” (International Chamber of Commerce, ICC Publication 880-4 ENG, 1, available at: <https://cdn.iccwbo.org/content/uploads/sites/3/2017/01/ICC-2017-Arbitration-and-2014-Mediation-Rules-english-version.pdf.pdf>; Ngwazi, N. and Mbwadzawo Siangombe, M., *Mediating Peace in Africa: Enhancing the Role of Southern African Women in Mediation*, (2013), available at: <http://www.accord.org.za/publication/mediating-peace-in-africa/>; and Organization for the Harmonization of Business Law in Africa, Uniform Act of Mediation, 1, available at: <http://www.ohada.org/attachments/article/2490/Acte-uniforme-Mediation-English.pdf>.
- <sup>112</sup> Arbitration is a process in which “one or more arbitrators issues a judgment on the merits after an expedited, adversarial hearing, in which each party has the opportunity to present proofs and arguments”. Unlike mediation, the mutually accepted facilitator is authorized to resolve the dispute based on the evidence and his or her decision is typically binding on the parties involved. See International Network to Promote the Rule of Law, Alternative Dispute Resolution and Mediation, available at: <https://www.inprol.org/rule-of-law-topics/alternative-dispute-resolution-and-mediation>; and Rozdeicz, L. and Alvarez de la Campa, A., *Alternative Dispute Resolution Manual: Implementing Commercial Mediation*, 110, (The World Bank Group, Davers, MA, 2006).
- <sup>113</sup> Law No. 51/2006; available at: [http://www.nchr.org.jo/User\\_Site/Site/View\\_Article.aspx?type=2&ID=967](http://www.nchr.org.jo/User_Site/Site/View_Article.aspx?type=2&ID=967); Law No. 13/2016.
- <sup>114</sup> Constitutional Court Law No.15 (2012).
- <sup>115</sup> Jordan, Constitution of the Hashemite Kingdom of Jordan, Articles 102-103 (1952), available at: [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=34112&p\\_country=JOR&p\\_count=156](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=34112&p_country=JOR&p_count=156); and Isaias, B. and Jennings, F., “Overview of the Hashemite Kingdom of Jordan Legal System”, (NYU Globalex, 2013), available at: <http://www.nyulawglobal.org/globalex/Jordan.html>.
- <sup>116</sup> Jordan, Constitution of the Hashemite Kingdom of Jordan, Articles 102-109 (1952). English translation available at [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=34112&p\\_country=JOR&p\\_count=156](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=34112&p_country=JOR&p_count=156); and Isaias, B. and Jennings, F., “Overview of the Hashemite Kingdom of Jordan Legal System”, (NYU Globalex, 2013), available at <http://www.nyulawglobal.org/globalex/Jordan.html>. And see Law on Christians Sects Councils No. 28 for the year 2014.
- <sup>117</sup> Jordan, Constitution of the Hashemite Kingdom of Jordan, Article 110 (1952). English translation available at [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=34112&p\\_country=JOR&p\\_count=156](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=34112&p_country=JOR&p_count=156); and Isaias, B. and Jennings, F., “Overview of the Hashemite Kingdom of Jordan Legal System”, (NYU Globalex, 2013), available at <http://www.nyulawglobal.org/globalex/Jordan.html>.
- <sup>118</sup> Malkawi, K., “New Mediation Law to Allow for Settling Cases Out of Court”, *Jordan Times*, 2016, available at: <http://www.jordantimes.com/news/local/new-mediation-law-allow-settling-cases-out-court>.
- <sup>119</sup> Jordan, Law No. 12 of the year 2006 on the Mediation for Civil Disputes Resolution, available at: <https://www.scribd.com/document/14853044/Law-of-Meditaion-in-jordan>.
- <sup>120</sup> Malkawi, K., “New Mediation Law to Allow for Settling Cases Out of Court”, *Jordan Times*, 2016, available at: <http://www.jordantimes.com/news/local/new-mediation-law-allow-settling-cases-out-court>.
- <sup>121</sup> Research has also highlighted that for women-owned small and medium enterprises, there are benefits of ADR mechanisms as women entrepreneurs are likely to be more time constrained, may lack overall legal literacy, face greater challenges negotiating bureaucratic systems, and are more inclined to have verbal contracts that are not enforceable in a court of law. See: IFC and Global Partnership for Financial Inclusion, *Strengthening Access to Finance for Women-Owned SMEs in Developing Countries*, 59, (2010), available at: [https://www.ifc.org/wps/wcm/connect/e2d78d26-e5bf-4cf8-8888-7c6610841677/G20\\_Women\\_Report.pdf?MOD=AJPERES](https://www.ifc.org/wps/wcm/connect/e2d78d26-e5bf-4cf8-8888-7c6610841677/G20_Women_Report.pdf?MOD=AJPERES).
- <sup>122</sup> Article 43 of Lawyer’s Law No. 11/1972 and its amendments regulates the Jordanian Bar Association and obliges the appointment of a lawyer for specific types of registered companies.
- <sup>123</sup> Legal aid has been described as playing a crucial role in enabling people to navigate the justice system, make informed decisions, as well as obtain justice remedies, making a critical connection between populations and their justice systems, and provides guidance on how to navigate the often difficult-to-understand justice system. The purpose of legal aid derives from evolving standards of justice and fairness, encapsulated in the UN Principles and Guidelines [UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, General Assembly resolution 67/187]. Although the UN Principles and Guidelines address legal aid in the context of criminal justice, the goals of ensuring fundamental fairness and inspiring trust in justice proceedings and their outcomes run across all spheres of justice. “Legal aid” is defined as “legal advice, assistance and/or representation at little or no cost to the person designated as entitled to it”. See UNODC and UNDP, *Global Study on Legal Aid*, (2016), available at: [http://www.unodc.org/content/unodc/en/home/librarypage/democratic-governance/access\\_to\\_justiceandruleoflaw/global-study-on-legal-aid.html](http://www.unodc.org/content/unodc/en/home/librarypage/democratic-governance/access_to_justiceandruleoflaw/global-study-on-legal-aid.html). Additionally, see United Nations Office on Drugs and Crime (UNODC), *Model Law on Legal Aid in Criminal Justice Systems with Commentaries*, (2017), available at: [https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model\\_Law\\_on\\_Legal\\_Aid.pdf](https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf).

- <sup>124</sup> As referenced above, a broad understanding is adopted, pursuant to the Model Law on Legal Aid (in Criminal Matters), including: legal advice; legal assistance; legal information; legal representation in national, regional and international courts, for adults or juveniles, as well as in customary and informal systems of justice; legal education; legal drafting; and legal advocacy.
- <sup>125</sup> For a discussion of the impact of high court fees on poor and vulnerable women in Jordan, see el Zein, F., “Women’s Access to Justice in the Middle East Challenges and Recommendations: Impact of Legal Fees on Women’s Access to Justice in Lebanon, Jordan, Iraq and Yemen”, GB Research Report, 9, 17, 31, (Oxfam, 2013), available at: <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/606565/rr-women's-access-justice-middle-east-010813-en.pdf;jsessionid=7F25BD4C603E9C7CF38F9722AD8AC4CA?sequence=1>.
- <sup>126</sup> See also: World Bank, *Jordan Program-for-Results: Economic Opportunities for Jordanians and Syrian Refugees*, 10, (2016), available at: <http://projects.worldbank.org/P159522?lang=en>.
- <sup>127</sup> Lawyers’ fees are governed by the Bar Association Law No. 11/1972 and its amendments and bylaws, available at: <https://www.iba.org.jo/CMS/UploadedFiles/Document/d0c6c4c7-9498-4f01-ba39-7aa3e9180308.pdf>.
- <sup>128</sup> “Formation of national legal aid system urged”, *Jordan Times*, 2017, available at: <http://jordantimes.com/news/local/formation-national-legal-aid-system-urged>. According to Article 100 of Law No. 11.1972., legal support by a lawyer would be provided based on the request of the head of the Bar Association once proven to the head that the person cannot afford attorney fees.
- <sup>129</sup> World Bank, *Hashemite Kingdom of Jordan, Jordan Country Gender Assessment, Economic Participation, Agency*, (2013), available at: <http://documents.worldbank.org/curated/en/503361468038992583/text/ACS51580WP0P130ox0379850B00PUBLIC0.txt>; and WANA Institute, *The Status of Legal Empowerment in Jordan: Evidence to Support the post-2015 development agenda*, (2014), available at: [http://wanainstitute.org/sites/default/files/publications/StatusOfLegalEmpowermentInJordan\\_WANA\\_2014.pdf](http://wanainstitute.org/sites/default/files/publications/StatusOfLegalEmpowermentInJordan_WANA_2014.pdf).
- <sup>130</sup> United Nations Industrial Development Organization (UNIDO), *Promoting Women Empowerment for Inclusive and Sustainable Industrial Development in the Middle East and North Africa region: A study on women entrepreneurship development in Egypt, Jordan, Lebanon, Morocco, Palestine and Tunisia*, 34, (2017), available at: [https://www.unido.org/fileadmin/user\\_media\\_upgrade/Resources/Publications/MENA\\_REPORT\\_Eng\\_interactive-1.pdf](https://www.unido.org/fileadmin/user_media_upgrade/Resources/Publications/MENA_REPORT_Eng_interactive-1.pdf).
- <sup>131</sup> The survey results do not provide a causal explanation for these exceptions.
- <sup>132</sup> International Bar Association, “Women in the legal profession in Jordan – slow but positive evolution”, (2015), available at: <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=5bf4ebc7-a1f7-4d6f-8fc4-7a8aa4a84160#4>.
- <sup>133</sup> Ibid.; Jordan Department of Statistics, available at: [http://www.dos.gov.jo/dos\\_home\\_e/main/population/gender/law/2013/10.pdf](http://www.dos.gov.jo/dos_home_e/main/population/gender/law/2013/10.pdf).
- <sup>134</sup> This represents a small but steady increase in recent years. See Hussein, R., “Ratio of female judges rose to 18% in 2014 (201%)”, *Jordan Times*, available at: <http://www.jordantimes.com/news/local/ratio-female-judges-rose-18-2014-%E2%80%9494-report>.
- <sup>135</sup> “Barakat promoted to highest Judicial Council rank”, *Jordan Times*, 14 September 2017, available at: <http://www.jordantimes.com/news/local/barakat-promoted-highest-judicial-council-rank>.
- <sup>136</sup> In a 2010 interview, Rodayna Samain, Jordan’s first female prosecutor, reported having her competence questioned on account of her gender. On the other hand, she also acknowledged support and acceptance from colleagues. International Bar Association, “Women in the legal profession in Jordan – slow but positive evolution”, (2015), available at: <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=5bf4ebc7-a1f7-4d6f-8fc4-7a8aa4a84160#4>.
- <sup>137</sup> International Bar Association, “Women in the legal profession in Jordan – slow but positive evolution”, (2015), available at: <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=5bf4ebc7-a1f7-4d6f-8fc4-7a8aa4a84160#4>.
- <sup>138</sup> See Al Rai, “Number of Female Lawyers in Jordan Exceeded Three Thousand”, (2017), available at: <http://alrai.com/article/10396438/محليات/تجاوز-عدد-المحاميات-الأستاذات-ال-3-ألاف-في-الأردن>.
- <sup>139</sup> To ensure equal treatment in labour law, the government’s most recent economic growth plan highlights the need to create opportunities for women in industrial sectors but does not indicate that policies to do so have been introduced. See Economic Policy Council, Jordan, *Jordan Economic Growth Plan 2018-2022*, 66-68, (2018), available at: <http://extwprlegs1.fao.org/docs/pdf/jor170691.pdf>.
- <sup>140</sup> For example, this could include enhancing operation of the “investment window” in Amman and creating similar “one-stop-shops” in rural areas.
- <sup>141</sup> Equality is provided under Central Bank of Jordan Law No. 23/1971 and No.16/1992 but has not been enforced.
- <sup>142</sup> In partnership with USAID and CIDA, the Gender Social Fund “has funded several training courses at different ministries to enhance the capacity of gender units and civil service employees in understanding of gender issues.” UNDP, *Gender Equality and Women’s Empowerment in Public Administration: Jordan Case Study*, 29, (2012), available at: <http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Women-s%20Empowerment/JordanFinal%20-%20HiRes.pdf>.
- <sup>143</sup> See Hussein, R., “Three-year Strategy Launched to Enhance Judicial Sector”, *Jordan Times*, 2014, available at: <http://www.jordantimes.com/news/local/three-year-strategy-launched-enhance-judicial-sector>. The focus of training to date seems to be on domestic violence; this could be broadened to other focal areas. See OHCHR, “Human Rights Committee Examines the Report of Jordan”, 20 October 2017, available at: <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22269&LangID=E>.
- <sup>144</sup> EBRD is providing capacity-building training in commercial law to judges in Jordan. “EBRD provides judicial training in Jordan”, *Jordan Times*, 2015, available at: <http://www.jordantimes.com/news/local/ebd-provides-judicial-training-jordan>.

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- <sup>145</sup> Cole, L., "Jordan Leads the Way in Mediation in the Arab Middle East", National Academy of Distinguished Neutrals, (2006), available at: <http://www.nadn.org/articles/ColeLynn-JordanLeadsTheWay.pdf>; and UNDP Jordan, "Mediation & Alternative Dispute Resolutions Training", (2016), available at: <http://www.io.undp.org/content/jordan/en/home/presscenter/pressreleases/2016/02/16/mediation-alternative-dispute-resolutions-training.html>.
- <sup>146</sup> World Bank, *Women, Business and the Law*, 100, (2018), available at: <https://wbl.worldbank.org/>.
- <sup>147</sup> For information on and examples of training programmes in Jordan, see Noor al Hussein Foundation, Capacity Building and Business Development Services Unit, available at: <http://www.nooralhusseinfoundation.org/index.php?pager=end&task=view&type=content&pageid=62>.
- <sup>148</sup> For examples of current advocacy campaigns to improve economic and employment rights for women, see Kingdom of the Netherlands, Jordan and the Netherlands: Current Projects, available at: <https://www.netherlandsandyou.nl/your-country-and-the-netherlands/jordan/and-the-netherlands/projects>.
- <sup>149</sup> United States Department of State Bureau of Economic Affairs, *Jordan: 2018 Investment Climate Statement*, (2018), available at: <http://www.state.gov/e/eb/rls/othr/ics/investmentclimatestatements/index.htm?year=2018&dliid=281667>.
- <sup>150</sup> Mikadze, M. and Alhajahmad, S., *Investment and Business in Jordan to Create Employment: Opportunities and Challenges*, 21, (WANA Institute, 2017), available at: <http://wanainstitute.org/en/publication/investment-and-business-jordan-create-employment-opportunities-and-challenges>.
- <sup>151</sup> Ibid., 26.
- <sup>152</sup> Ibid., 11, 13.
- <sup>153</sup> For more information on the Jordan Compact, see International Rescue Committee, *In Search of Work: Creating Jobs for Syrian Refugees: A Case Study of the Jordan Compact*, (2017), available at: <https://www.rescue.org/report/search-work-creating-jobs-syrian-refugees>.
- <sup>154</sup> Niethammer, C., "Women, Entrepreneurship and the Opportunity to Promote Development and Business", in *Enterprising Solutions: The Role of the Private Sector in Eradicating Global Poverty*, The 2013 Brookings Blum Roundtable Policy Brief, 35-36, (2016), available at: <https://www.brookings.edu/wp-content/uploads/2016/06/2013-BBR-Women-Entrepreneurship.pdf>.
- <sup>155</sup> Mikadze, M. and Alhajahmad, S., *Investment and Business in Jordan to Create Employment: Opportunities and Challenges*, 14, (WANA Institute, 2017), available at: <http://wanainstitute.org/en/publication/investment-and-business-jordan-create-employment-opportunities-and-challenges>.
- <sup>156</sup> Currently, business registration requires a "closed space". Williams, S., "In Amman, Syrian Entrepreneurs are Fighting for a Second Chance", *Wired*, 2017, available at: <https://www.wired.co.uk/article/syrian-entrepreneurs-amman-jordan-open500>.
- <sup>157</sup> See International Rescue Committee, *In Search of Work: Creating Jobs for Syrian Refugees: A Case Study of the Jordan Compact*, 16, (2017), available at: <https://www.rescue.org/report/search-work-creating-jobs-syrian-refugees>.
- <sup>158</sup> Mikadze, M. and Alhajahmad, S., *Investment and Business in Jordan to Create Employment: Opportunities and Challenges*, 11, (WANA Institute, 2017), available at: <http://wanainstitute.org/en/publication/investment-and-business-jordan-create-employment-opportunities-and-challenges>.
- <sup>159</sup> Dudokh, D. and Aqel, A., *Women Entrepreneurship in Jordan: Women Empowerment*, 6, (Jordan Enterprise Development Corporation, 2017).
- <sup>160</sup> World Bank, *Jordan Program-for-Results: Economic Opportunities for Jordanians and Syrian Refugees*, Environmental and Social Systems Assessment (ESSA), 9, (2016), available at: <http://projects.worldbank.org/P159522?lang=en>.
- <sup>161</sup> Ibid., 10.
- <sup>162</sup> International Rescue Committee, *In Search of Work: Creating Jobs for Syrian Refugees: A Case Study of the Jordan Compact*, 18, (2017), available at: <https://www.rescue.org/report/search-work-creating-jobs-syrian-refugees>.
- <sup>163</sup> Niethammer, C., "Women, Entrepreneurship and the Opportunity to Promote Development and Business", in *Enterprising Solutions: The Role of the Private Sector in Eradicating Global Poverty*, The 2013 Brookings Blum Roundtable Policy Brief, 36, (2013), available at: <https://www.brookings.edu/wp-content/uploads/2016/06/2013-BBR-Women-Entrepreneurship.pdf>.
- <sup>164</sup> For examples, see Halabisky, D. and Potter, J., *Policy Brief on Women's Entrepreneurship*, 23, (European Commission and OECD, 2017), available at: <https://www.oecd.org/cfe/smes/Policy-Brief-on-Women-s-Entrepreneurship.pdf>.
- <sup>165</sup> World Bank, *Jordan Program-for-Results: Economic Opportunities for Jordanians and Syrian Refugees*, Environmental and Social Systems Assessment (ESSA), 16, (2016), available at: <http://projects.worldbank.org/P159522?lang=en>.
- <sup>166</sup> Mikadze, M. and Alhajahmad, S., *Investment and Business in Jordan to Create Employment: Opportunities and Challenges*, 11-12, (WANA Institute, 2017), available at: <http://wanainstitute.org/en/publication/investment-and-business-jordan-create-employment-opportunities-and-challenges>.
- <sup>167</sup> World Bank, *Doing Business 2018: Reforming to Create Jobs – Jordan*, 57, (2018), available at: <http://documents.worldbank.org/curated/en/529321509961235682/Doing-Business-2018-reforming-to-create-jobs-Jordan>.
- <sup>168</sup> Schiff, A. and et al., *Entrepreneurship Environment Assessment in Jordan*, 17, Silatech Research and Policy Report, (University of Minnesota, 2015), available at: <https://conservancy.umn.edu/bitstream/handle/11299/172490/Schiff,%20Schmidt,%20Troncoso-%20Entrepreneurship%20Assessment%20in%20Jordan%20May.pdf?sequence=1>.