



The Impact of Social Customs & Women's Role in Society

Legal Framework

1. The legal framework of the country guarantees equal rights for men and women.
- A. The Constitution states that men and women are equal under the laws of the country.
 - B. The law establishes the criminality of gender-based violence and violence against women.
 - C. Women are allowed to vote.
 - D. The legal provisions of the constitution do not recognize superiority of informal or "customary" laws that restrict the rights of women.
2. A woman has legal capacity on her own.
- A. A woman can sign her own name to a document and it is binding.
 - B. A woman can sign a contract alone.
 - C. The age to achieve legal capacity is the same for men and women.
 - D. Women do not require the consent or endorsement of a male to verify single mother status.
 - E. Women do not require the consent or endorsement of a male relative to launch a business.
 - F. A women does not need any extra authority to pass citizenship to her child.
 - G. This law allows that citizenship transfer applies to single mothers.
 - H. A single woman has the right to register her child before the authorities.

Implementing Institutions

1. There is an official policy of gender mainstreaming in key government offices.
- A. Staff has received training and is aware of gender issues in government activities.
 - B. Specific staff is responsible for analysis of gender implications of policy, regulations, and budget.
 - C. Both men and women are employed in range of staff positions, especially those that provide direct services to businesses.
 - D. There is a Ministry of Women or comparable executive level institution that effectively formulates policy and advocates for women and gender issues in the national government.
2. Women and men have equal and comparable access to public institutions.
- A. Women are not more restricted than men in any way in entry or movement in public offices.
 - B. In general, women and men have about the same level of experience in dealing with public institutions and knowledge of how public institutions function.
 - C. Public officials treat men and women equally in a professional setting.
 - D. Women are free to speak directly to public officials and represent themselves in public settings.
 - E. The location and hours of public institutions are responsive to restrictions on women's mobility and schedule.
3. Women hold governmental decision-making positions.
- A. Women are represented proportionately in the national legislature.
 - B. Women hold leadership positions in the national legislature.
 - C. Women are represented proportionately in the state or regional legislature.
 - D. Women hold leadership positions in the state or regional legislature.
 - E. Women legislators are active in key legislative committees for business and trade.
 - F. Women hold high level positions in the executive branch in key ministries for business and trade.

- G. Women serve as judges at all levels of the judicial system.
- H. Women serve as Ministry officials at all levels in the government.

Supporting Institutions

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1. Donors and international NGOs are aware of gender-based constraints for women in business and support activities to reduce these constraints.
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- A. One or more donors or NGOs has an explicit policy to encourage and support gender equality and women's entrepreneurship.
 - B. One or more donors or NGOs has specific activities or programs to support women in business.
 - C. One or more donors or NGOs provides training to staff and affiliates to understand and respond to the gender-based constraints for women in business.
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2. Women as well as men are in professional positions in key business support positions.
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- A. Women and men work as: lawyers; accountants and auditors; notaries; bankers and loan officials; journalists
 - B. Women in professional positions serve as advocates for women in business.
 - C. There is a presence of women on university/professional faculties (women have a place in the education of future business leaders).
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3. There is local support for women's entrepreneurship that is neither government nor donor sponsored.
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- A. One or more women-focused NGOs exist that were not launched due exclusively to international donor funding and/or mandates.
 - B. One or more women-focused NGOs exist that are not state supported.
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4. There are one or more professional women's associations.
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- A. There are women's professional associations in one or more major cities, that offer - at a minimum - networking for members.
 - B. There are women's business associations, that offer networking, business skill development, information dissemination, and advocacy opportunities.
 - C. Such women's associations have volunteer or dedicated staff to provide services to members.
 - D. Such women's associations receive funding beyond member dues (such as program fees or corporate/foundation/donor support).

Social Dynamics

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1. There are no restrictions on women's movement in public places.
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- A. Women may enter public places alone and/or unaccompanied.
 - B. Women may drive unaccompanied.
 - C. Women may use public transportation unaccompanied.
 - D. A married woman may leave the house, attend meetings, visit a medical clinic, etc., without her husband's permission.
 - E. An adult single woman may leave the house, attend meetings, etc. without the permission of the authoritative male member of the household.
 - F. It is not unusual for a woman to be away from her house overnight.
 - G. Women do not take special precautions in public places because of high rates of violence and gender-based violence.
 - H. Legal provisions of the constitution do not recognize superiority of informal or "customary" laws that restrict the rights of women
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2. There are no restrictions on women's freedom to make decisions unilaterally
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- A. A woman can apply to a job and start employment without anyone else's permission

- B. A woman can open a business without a male family member's permission
- C. A woman can apply for a loan and can get a loan based on her property (not joint property) without a male family member's permission
- D. There are no other restrictions by family members on a woman's right to make a unilateral decision.

3. Regardless of household and childcare responsibilities, prioritization of women's business activities is encouraged [by the community, husband, etc.].

- A. Women have time for business activities during childbearing years.
- B. Adequate healthcare facilities and/or resources are near and available.
- C. Adequate daycare facilities are near and available.

4. Women perceive that a woman can compete successfully in the private sector business environment (i.e., confidence that "the system" is essentially "fair.")

- A. Women have confidence that success in the system depends primarily on individual qualifications.
- B. There is public recognition of the achievements of women in business in the media and other public forums.
- C. There is not a widespread sense that "as a woman I cannot be successful in business because women do not have the aptitude to understand business (i.e., self-confidence and self-esteem as a woman.)"
- D. Women's access to business is not traditionally limited to certain domains or activities (ex. selling goods in the market), while other businesses (ex. construction, banking) are traditionally considered men's businesses.

5. Education is not a constraint for women in business.

- A. There is no gender gap in access to and completion of basic education.
- B. There is no gender gap in access to and completion of secondary and tertiary education.
- C. There is no gender gap in access to and completion of vocational education.
- D. Rates of literacy and numeracy are the same for men and women under the age of 55 years.
- E. Local business language is not a barrier for women in business transactions.
- F. Women and men have equal access to scholarships and to opportunities to study abroad.
- G. Women and men have comparable opportunities for employment and business-related experience based on educational attainment.
- H. Business development services are available to women as well as men including assistance and training in business management, financial planning, accounting, business planning, mentoring, etc.

6. Women and men have equal and comparable access to water and electricity.

- A. Women are not more restricted than men in any way in access to water or electricity.
- B. In general, women and men have about the same level of experience in dealing with public institutions and knowledge of how public institutions function for roads and public transportation or in obtaining resources.
- C. Public officials treat men and women equally in a professional setting.
- D. Women are free to speak directly to public officials and represent themselves in public settings.
- E. The location and hours of public institutions are responsive to restrictions on women's mobility and schedule.

7. Women and men have equal and comparable access to roads and public transportation.

- A. Women are not more restricted than men in any way in access to roads and public transportation.
- B. In general, women and men have about the same level of experience in dealing with public institutions and knowledge of how public institutions function for utilities or in obtaining resources.

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- C. Public officials treat men and women equally in a professional setting.
- D. Women are free to speak directly to public officials and represent themselves in public settings.
- E. The location and hours of public institutions are responsive to restrictions on women's mobility and schedule.

8. Women and men have equal and comparable access to technology and mobile telephony.

- A. Women are not more restricted than men in any way in access to technology, ICT or mobile telephony.
- B. In general, women and men have about the same level of experience in dealing with public institutions and knowledge of how public institutions function in this area.
- C. Public officials treat men and women equally in a professional setting.
- D. Women are free to speak directly to public officials and represent themselves in public settings.
- E. The location and hours of public institutions are responsive to restrictions on women's mobility and schedule.
- F. Women are not more restricted than men in purchasing or leasing computer equipment, an internet line or obtaining a cell phone.

Women and the Private Sector

Legal Framework

1. Women and men are treated as equal within the company law and regulations.
- A. There are no exceptions based on gender.
 - B. There are no special benefits, allowances, or restrictions based on gender.
 - C. There are no exceptions or benefits based on civil status.
 - D. There is no implicit bias against women based on particular requirements.
2. The legal framework for forming cooperatives and associations and protecting women members' rights is sound and supportive of economic growth.
- A. All types of cooperatives and associations covered by the law, including agriculture, handicrafts, textiles.
 - B. Women are members of cooperatives and women are leaders/in decision-making roles.
 - C. There is a government ombudsman or interlocutor to support women's role in cooperatives and associations.
 - D. All-women cooperatives and associations may represent themselves in dispute resolution and bring suit.
 - E. There is no legal distinctions between all-women and other cooperatives and associations.
3. The legal and regulatory framework for licensing treats men and women as equal.
- A. There are no exceptions, special benefits, allowances or restrictions based on gender.
 - B. There are no exceptions, special benefits, allowances or restrictions based on civil status.
4. Land use and zoning laws are transparent and have equal application when applied to women.
- A. The laws are very clear about the allowances and restrictions pertaining to home-based businesses, such as the number of employees that are permitted and other regulations that must be adhered to.
 - B. Women are able to own a permit in a free trade zone.
 - C. Women are able to own a permit in an industrial zone.
 - D. The law does not penalize, or allow loss of, agricultural land for the owners' non-use or absence.
 - E. Regulations pertaining specifically to the use of farm land and farm-related property are clear and accessible to the constituencies who are most affected by them.
 - F. The law permits a wide range of real property development – commercial, residential and agricultural. The use and geographical categories for each type of land use are clearly defined and reasonable.
5. There are explicit government policies to encourage and support women's entrepreneurship.
- A. The policy includes an office for Women's Entrepreneurship within the Gender or Business Ministry.
 - B. There is publicly-supported enterprise education and training targeted toward women.
 - C. There are market development opportunities (such as international trade or government procurement) targeted toward women business owners.
 - D. There is a body of laws that provide for non-discriminatory business practices related to gender
6. Gender-disaggregated business information is publicly available.
- A. There is a gender-disaggregated business census conducted by the government statistical office.

- B. There are gender-disaggregated business surveys conducted, either in the public or private sectors.
- C. There are research institutes or NGOs that conduct research on women business owners' characteristics, challenges and contributions.

Implementing Institutions

1. Women and men have equal and comparable access to public institutions dealing with starting and growing a business.

- A. Women are not more restricted than men in any way in entry or movement in public offices.
- B. In general, women and men have about the same level of experience in dealing with public institutions and knowledge of how public institutions function.
- C. Public officials treat men and women equally in a professional setting.
- D. Women are free to speak directly to public officials and represent themselves in public settings.
- E. The location and hours of public institutions are responsive to restrictions on women's mobility and schedule.

2. Business registration practices do not deter women from starting their formal business.

- A. There are not any gender-based restrictions on registering a company.
- B. The sex of business owner is recorded in the registry.
- C. Women are legal persons under the law.
- D. The registration experience is efficient and user-friendly – the staff are helpful; they spot and help with technical mistakes; all users are treated the same; there are no long lines, and the entire process takes at most a few days.
- E. All fees are clearly posted and are at a level which does not discourage business formation; and no extra fees, taxes or personal payments to staff are necessary.
- F. The staff know the relevant law, forms and procedures, including both those for initial company formation and for later actions.
- G. If a registration is rejected the staff give a clear explanation based on the law and regulations, and the rejection can be appealed or any defect cured quickly.
- H. Women are not deterred by location, accessibility, or fees associated with registration.

3. The bodies that grant approvals and licenses to companies and cooperatives encourage business startup and continuing business operation for men or women.

- A. It is very clear to women which approvals, permits, licenses and procedures – in addition to company or cooperative registration -- are needed for startup and continuing operation of any business.
- B. It is clear exactly what body or person is responsible for each grant or procedure.
- C. There are no unnecessary regulatory bodies, offices, bureaucracies, overlapping jurisdictions or inconsistent approaches.
- D. There is a "one-stop shop" that effectively assists women for company registration and licenses.
- E. There are statutory time limits within which action must be taken.
- F. The process is transparent, inexpensive with no extra fees, taxes or personal payments to staff.
- G. The bodies referred to here perform adequately their regulatory obligations and their duty to serve and protect the public safety and welfare.
- H. The hours and locations of the offices are amenable to constraints on women's time and mobility.

4. Women are represented in business support professions that can have a positive impact on the ability of women to start and grow a business

- A. There are women in regulatory positions and inspection positions.
- B. There are women in professional services positions, such as labor, construction, and tax.

Score

5. Government policies and regulations are reviewed from the point of view of gender differences and women-owned businesses.

- A. There is an Ombudmen or Cabinet office that reviews policies and regulations for gender neutrality or pro-women
- B. There are analytical studies done pre and post regulations to see the cause and effect
- C. There are mechanisms put into place to assist in the start-up of women-owned businesses, such as loan guarantee fund or lower registration costs for first time registrants

6. The government supports and encourages domestic and foreign investment into women-owned businesses, and women-owned businesses have access to domestic and foreign investment.

- A. The government has a policy strategy that sufficiently addresses investment promotion and facilitation and includes information on women-owned businesses and sectors that are dominated by women.
- B. The government's investment promotion strategy incorporates a strong understanding of which kinds of investments would best support economic growth among women-owned firms.
- C. The government has prioritized the streamlining of administrative procedures to quicken and improve the process of investment.
- D. The government regularly consults the Investment Promotion Agency for information and guidance pertaining to the development of a strong environment for investment, including among women-owned firms.
- E. The country's leadership is not perceived as hostile to -- in word or in deed -- the presence of foreigners in the country's economy, including among women-owned firms.
- F. The government has made effective use of domestic, regional, and international investment initiatives aimed at building investment promotion expertise.
- G. The government supports domestic and foreign investment that increases employment across skill levels for men and women (as opposed to a focus on low wage, unskilled factory jobs for women.)

7. One or more government ministries have programs and/or departments to provide services earmarked for women in business.

- A. There is an office for women's entrepreneurship in the Small Business Administration or equivalent agency that provides information and technical assistance for women entrepreneurs.
- B. One or more programs exist in cities and provinces as well as the capital city.
- C. There are targeted government services for women-owned business such as credit guarantees, tax incentives, trade missions, training programs.
- D. There is an ombudsman for women's affairs.
- E. There are provisions for preference for women-owned businesses in government procurement.

Supporting Institutions

1. Women and men benefit equally from participation in business associations and advocacy organizations.

- A. Both men and women participate in key business associations.
- B. Mixed business associations are equally effective as conduits of information and services for women and men.
- C. The requirements for association membership are not biased against business women either explicitly or implicitly.
- D. Women hold decision-making positions in the Chamber of Commerce and other key private sector business associations that have men and women members.
- E. Women speak freely and are given credence in meetings including both men and women.
- F. Women's business associations participate in public/private forums for policy formulation and information.
- G. Women participate with men in trade and industry associations.

Score

- H. Women-only associations are effective advocacy organizations.
- I. Women-only associations are effective conduits of information and services for members.
- J. Associations and advocacy organizations organize and support regional, national, international women business owners conferences

2. There is support and positive action in key private sector business associations for strengthening of women-owned businesses.

- A. The Chamber of Commerce has a policy of support and/or of non-discrimination for women business owners and managers.
- B. The Chamber of Commerce or other private sector association has an incentive fund or special programs (e.g., mentoring, training, etc) to support the development and growth of women-owned businesses.
- C. Women-only associations or NGOs have incentive funds or special programs to support the development and growth of women-owned businesses.
- D. Business services designed with the needs of women in mind.

3. Public and private educational institutions are responsive to the needs of the country's workforce and treat women the same as men.

- A. Education for children 6-16 is compulsory and free without regard to gender.
- B. Quality education for all ages is also available through private providers.
- C. There is no gender gap in access to and completion of basic, secondary, or tertiary education.
- D. There is no institutionalized system of informal payments to teachers or schools.
- E. Mandatory fees -- such as fees for uniforms or books -- do not discourage children from attending school.
- F. There is a public university system that provides programs in major disciplines and offers campuses that are accessible beyond the capital city.
- G. There is a network of formal and informal training institutions that provide continuing education and skill-building opportunities for youth and adults.
- H. women have access to getting a business management education and getting access to courses at any level
- I. Students at the primary, secondary and university level have access to education in major second languages.
- J. Opportunities to study abroad are publicized and utilized.
- K. There are equal vocational training opportunities for women and men
- L. Opportunities for primary, secondary and university education are equal among all ethnic and religious groups.

4. The legislative and executive branches have implemented strategic measures to consider and incorporate the private sector's priorities and concerns with respect to fiscal matters.

- A. Within the legislature, a system is in place for meaningful contributions by the business community to development and updating of fiscal policy.
- B. Within the executive branch, a system is in place for meaningful contributions by the business community to development and updating of fiscal policy.
- C. Persons charged with drafting the national budget have adequate resources and training.
- D. Proposed fiscal policy or major budgeting decisions are regularly shared with communities with a stake in their contents and feedback is solicited.
- E. Public hearings are part of the budgeting process.
- F. The process of budget development includes hearing from both rural and urban constituencies.
- G. The process of budget development includes hearing from business associations and trade and industry associations, including those representing business women.
- H. Votes in the legislature pertaining to the national budget are taken publicly and regularly reported by the press.

5. A business association exists that advocates for women's businesses.

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- A. Growth-oriented programming for women entrepreneurs (mentoring, conferences)
 - B. Advocacy/Communication activities
 - C. Awards programs/recognition events
 - D. Public procurement
 - E. Corporate Purchasing
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6. Media coverage is used as a tool to build gender equity in business by equitably reflecting business women as role models and/or mentors.
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- A. Press coverage: existence of women-oriented media, coverage of women business owned organizations in business media
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7. One or more government and non-governmental organizations exist that provide support and services to women entrepreneurs.
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- A. There are women's business associations that provide support services to members
 - B. There are one or more research institutes or NGOs that provide research on women-owned firms
 - C. There are donor- or government-funded entrepreneurship educational programming targeted toward women business owners.
 - D. There is the existence of a network of support system services: advisory networks (accountants, lawyers, etc.)
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8. One or more research institute and/or university exist that provide support, knowledge management & awareness, and communications support and services to women entrepreneurs.
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- A. There is a government institute or think tank that provides research on women's entrepreneurship
 - B. One or more women's business incubators exist
 - C. There are government funded university programs to encourage women's entrepreneurship or are co-sponsored by government

Social Dynamics

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1. If there is a substantial "informal economy," the issue is understood and the government and the business community are taking effective steps to address it.
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- A. The extent and nature of the informal economy is known -- specifically, the extent to which it consists of specific types of sizes of businesses, or businesses in specific geographical regions, or women owned.
 - B. The reasons for the problem, including specific obstacles toward formalization, are generally understood.
 - C. i. government officials;
 - D. ii. business leaders and influential players in the private sector;
 - E. iii. the research or academic community.
 - F. There is awareness of issues of special interest to entrepreneurs, and schools and training institutions teach these issues.
 - G. There is awareness of gender-specific constraints that lead women entrepreneurs to enter and remain in the informal economy.
 - H. The government is taking effective steps to address the problem of informality, which may include efforts at law or regulatory reform, improvement and streamlining of registry or other agency procedures at the local level, work with specific industry segments
 - I. The business and professional community is taking effective steps to cure the problem, which may include assisting in law reform, lobbying for regulatory improvement, advising clients of the law and of the benefits from exiting the underground economy, et
 - J. The donor community is aware of the informal economy problem and the above issues and efforts, and actively and effectively assists in reform efforts.

Score

<p>2. The government and political leadership support an open/free competition.</p> <ul style="list-style-type: none"> A. Leading political figures publicly advocate competition as a means to improve the economy. B. Legislation to introduce competition into sectors that were previously isolated from competition is usually successful. C. Government officials look to and draw from other countries' experiences enacting competition laws. D. The overall legal framework does not create or permit unnecessary licensing or market entry restrictions favoring incumbents. E. The governmental entity responsible for privatization collaborates with the implementing institution to ensure competitive privatization. F. There is openness and explicit programs to "level the playing field" for women-owned enterprises in the mainstream economy. 	<input type="text"/>
<p>3. Within the government, there is political will and a sense of urgency for improvement of conditions related to women in the regulatory environment, and concrete steps are being taken to address their particular issues.</p> <ul style="list-style-type: none"> A. In government, there is an awareness of potential gender disparities and a review of regulations and licensing requirements from the point of view of women-owned businesses. B. The government is taking effective steps to eliminate taxes as a barrier to formalization by addressing issues of lack of information and understanding of the benefits of fiscal policy and of distrust in accountability for collection and use of tax revenue 	<input type="text"/>
<p>4. As employers, women and men compete for the same employees.</p> <ul style="list-style-type: none"> A. Men work as employees of women business owners. B. Women owners do not perceive difficulties in hiring because they are women. C. Men and women work side-by-side in the business setting (i.e., hiring men does not preclude hiring women and vice versa.) D. There is no discrimination for men or women business owners in job placement networks. 	<input type="text"/>
<p>5. Foreign investors contribute to an atmosphere of innovation and sound business practices for women.</p> <ul style="list-style-type: none"> A. Foreign investors promote gender equality in management, employment, and human capital practices. B. Foreign investors provide training/career advancement for women. C. Foreign investors are accessible and responsive to questions about their business practices and long-term goals for investment. D. Foreign investors use innovative methods of "leapfrogging" over old systems and technologies to implement new methods of doing business. E. Foreign investors are perceived by local government officials, private sector actors, and the public as making a positive contribution to the business environment at large. F. Foreign investors promote improvements in human capital, through such means as domestic and overseas training, investment in literacy, contributions to public health, and so forth. 	<input type="text"/>
<p>6. Women as well as men are trained in and utilize ICT effectively in business management.</p> <ul style="list-style-type: none"> A. Business owners (men and women) are trained in ICT in a business management-sense. B. Business owners (men and women) have knowledge of and effectively utilize ICT as a source of business-relevant information. C. Business owners utilize ICT in marketing and sales (e-Commerce). D. Business owners utilize ICT to access business-relevant government services (e-Government). 	<input type="text"/>
<p>7. Women as well as men are engaged in ICT business.</p> <ul style="list-style-type: none"> A. Both men and women are employed in ICT businesses. B. Both men and women are employed as professionals and managers in ICT businesses. 	<input type="text"/>

Score

- C. Both men and women own ICT businesses.
- D. Men and women have equal and comparable access to ICT higher education and specialized training.

8. Women and men operate in the same business networks.

- A. Women and men participate in the same market and not only gender-specific markets.
- B. Men and women business owners compete in business activities; they are not in separate sectors and sub-sectors.
- C. Women-owned businesses are included in the value chains for key national and international competitive production.
- D. Women and men in business participate in the same supply chains (i.e., men buy from women and vice versa).
- E. Men and women in business have equal and comparable access to business locations.
- F. Men work as employees of women business owners; women owners do not perceive difficulties in hiring because they are women.

9. Women business owners are taken seriously as an important contributor to the nation's economic well-being.

- A. Women business owners are regularly quoted in the news media.
- B. Women's business associations and/or their members have a seat at the table during important business events and policy discussions.
- C. There are high-profile awards that recognize the economic achievements of women-owned businesses.

Women and Labor

Legal Framework

1. The legal framework supports equal access to employment for both genders.

- A. There are no laws that, in content or effect, restrict or disallow the participation of women in any non-military jobs or sectors.
- B. There are no laws that, in content or effect, restrict or disallow the participation of ethnic or religious minorities in any jobs or sectors.
- C. Under law or common cultural practice, women do not need the permission of a male family member to work.
- D. Women are afforded equal access to on-the-job training opportunities.
- E. Ethnic and minority groups have equal access to on-the-job training opportunities.
- F. Opportunities for primary, secondary and university education are the same for women as they are for men.

2. Labor and employment laws do not restrict a woman's conditions of employment based on female physical characteristics or preconceived notions about women's strengths and abilities

- A. There is no restrictions based on being female, i.e. menstruation.
- B. There is no diferent restriction for women based on age.
- C. There is no diferent restriction for women based on civil status (Single, Married, Divorced, Widowed).
- D. There is no requirements for permission to work.
- E. There is no restriction based on pregnancy.
- F. There is no restriction based on breastfeeding.
- G. There is no restriction based on childcare.
- H. There are specific laws protecting pregnant women and women during maternity leave.

3. At all stages of the employment relationship, the legal and regulatory framework for labor treats men and women as equal.

- A. There are no exceptions based on gender.
- B. There are no special benefits, allowances, or restrictions based on gender.
- C. There are no exceptions or benefits based on civil status.
- D. There is no implicit bias against women based on particular requirements.

4. Occupational safety and health laws provide for on-the-job worker protection from illness and injury, specifically taking into account potential hazards in work traditionally dominated by women.

- A. Laws and regulations pertaining to occupational safety and health are based on reasonable standards of sectoral safety (such as mining, agriculture, factory work, etc.)
- B. Laws and regulations pertaining to occupational safety and health are regularly updated to take into account changes in sectoral standards and practices.
- C. The law provides for periods of notice and comment when a significant change is proposed for a safety or health requirement.
- D. The occupational safety and health law provides protections for whistle-blowers, within carefully defined circumstances.
- E. Laws and regulations pertaining to occupational safety and health are clear, consistent, and easily accessible.

Implementing Institutions

Score

<p>1. Women are represented in government positions that relate to the ability of women to start and grow a business</p>	<input type="text"/>
<p>A. There are women in regulatory positions and inspection positions B. There are women in professional services positions, such as labor, construction, and tax.</p>	
<p>2. Legislative systems for creating, updating, and reviewing laws relating to women's labor and women's employment are clear, open, and free of corruption.</p>	<input type="text"/>
<p>A. Within the legislature, a system is in place for meaningful contributions by all women in the economy to development and updating of the labor and employment law. B. Persons charged with drafting the labor and employment law have adequate resources and training to women's issues. C. Draft labor and employment laws are regularly circulated to communities of women with a stake in their contents. D. The process of creating legislation involves pre-enactment activities that seek out women's support and serve to inform and educate the stakeholding community. E. Votes in the legislature pertaining to the commercial law are taken publically and regularly reported by the press. F. Women and/or institutions that represent women's interests in the consensus-building process report that their views are given fair consideration in the legislative drafting process. G. Law professors are included in the process for creating and updating labor and employment law, with an eye toward educating future generations of women's legal issues and women lawyers on this issue.</p>	
<p>3. Government enforcement of core labor standards is adequate, consistent, and fair to women.</p>	<input type="text"/>
<p>A. Workers and labor unions evidence understanding of recourse when they perceive that their employers are engaging in unfair or unlawful labor practices. B. Workers and labor unions report no suppression of their ability to speak about their working conditions to government officials, donors, or non-government organizations interested in labor issues. C. Anti-trafficking laws are enforced through various methods, including information campaigns, promotion of education, active intervention, and prosecution and punishment of offenders. D. Individuals who feel that they are subject to unlawful discrimination have access to administrative or legal recourse, and information about these processes is required to be posted at work-sites or common gathering areas. E. Individuals who feel that they face dangerous or unlawful occupational safety or health conditions have access to administrative or legal recourse, and information about the processes for recourse is required to be posted at work-sites or common gathering</p>	
<p>4. Labor unions honestly and effectively represent the core interests of their women members without diminishing the societal interest in flexible labor markets.</p>	<input type="text"/>
<p>A. Unions leaders are perceived by women union membership as loyal and responsive to the interests of women. B. Where businesses engage in unfair or unlawful labor practices, such as preventing or penalizing the free association of workers, unions understand and fulfill their legal options. C. Unions evidence a strong interest in the productivity of workers and competitiveness of the businesses that employ their members. D. Unions support the continued skills training and development of their women members. E. Unions are not perceived as a barrier to employment of women.</p>	
<p>5. The community of employers complies with the labor law and demonstrates an interest and understanding in the long-term welfare of the female workforce.</p>	<input type="text"/>
<p>A. Mechanisms exist for regular consultations between private sector organizations and labor unions or other organizations representing the interests of female workers.</p>	

Score

- B. The vast majority of employers do not interfere with the right of workers to associate freely, and those that obstruct this right face legal sanction.
- C. The vast majority of employers do not engage child labor.
- D. The private sector, through trade and professional associations, works with government agencies to streamline bureaucratic labor requirements, in particular to avoid informal employment of workers.
- E. The private sector endeavors to provide safe and healthy work environments for their employees, including in jobs traditionally dominated by women.
- F. The country's larger private employers offer opportunities in continuing education and skills training for their employees, including their female employees.
- G. The private sector, through trade and professional associations, is active in the promotion and practice of equal employment opportunity.
- H. Foreign investors promote improvements in human capital, through such means as domestic and overseas training, investment in literacy, contributions to public health, and so forth.

SUPPORTING INSTITUTIONS

1. Public and private educational institutions are responsive to the needs of the country's female workforce.

- A. Education for children 6-16 is compulsory and free.
- B. Quality education for all ages is also available through private providers.
- C. There is no institutionalized system of informal payments to teachers or schools.
- D. Mandatory fees -- such as fees for uniforms or books -- do not discourage children from attending school.
- E. There is a public university system that provides four-year programs in major disciplines and offers campuses that are accessible beyond the capital city.
- F. There is a network of formal and informal training institutions that provide continuing education and skill-building opportunities for youth and adults.
- G. Students at the primary, secondary and university level have access to education in major second languages.
- H. Opportunities to study abroad are publicized and utilized, and persons who study abroad typically return to the country.
- I. In urban and rural areas, girls and women have equal access to all forms of education

2. Universities, think tanks and other knowledge-oriented institutions provide an effective foundation of understanding of gender quality in the workforce

- A. Economics faculties incorporate courses and discussions relating to policy issues pertaining to economic participation of both women and men.
- B. Business schools teach the practical aspects of applying the labor and employment law to all segments of the workforce.
- C. Law faculties provide an effective foundation of knowledge to law students about labor and employment law, including key gender issues within the law.
- D. University professors contribute to the national dialogue on labor and employment law, including gender-related aspects of the law, through research, publications, and symposia.
- E. There are opportunities for training and continuing education in labor and employment law and gender equality.

3. The media report regularly, freely, and accurately on matters relating to labor and employment, including labor and employment issues specifically pertaining to the female workforce.

- A. The media has sufficient access to all appropriate sources of information concerning the labor and employment terms and conditions.
- B. The media can report freely on issues pertaining to labor and employment without fear of government reprisal.

Score

- C. The private sector considers media coverage of labor and employment issues to be sufficient, accurate and fair.
- D. Female workers and their representatives consider media coverage of labor and employment issues to be sufficient, accurate and fair.
- E. Government actors consider media coverage of labor and employment issues, including issues of gender equality, to be sufficient, accurate and fair.
- F. Reporters have access to training and education in issues pertaining to coverage of the regulatory environment.

4. The donor community effectively supports a labor and employment system that aligns with internationally regarded best practices (ILO and other donors) and women's issues.

- A. Local representatives of the business and legal communities are generally aware of the work being done by donor agencies, and in particular with respect to labor and employment issues.
- B. Local representatives of the business and legal communities report general satisfaction and cooperation with donor agencies, if any, working to support the business environment, in particular labor and employment issues.
- C. Coordination of donor activities relating to improving the labor and employment environment is considered by both local actors and donors to be adequate and effective.
- D. Business environment "success stories" reported by donors, in particular those pertaining to labor and employment, are substantiated by sustained, positive results on the ground.
- E. Donor activities pertaining to the business environment are regularly subject to monitoring and evaluation and prove responsive to suggestions for change and improvement.
- F. Donor community effectively disburses funding without gender bias to equitably raise the economic standards of marginalized populations.

Social Dynamics

1. Women in the labor force are skilled and competitive in the business environment.

- A. Women's literacy is 90% or above.
- B. The last 10 years have exhibited improved rates of literacy for women.
- C. Emigration does not significantly impact the availability of skilled labor.
- D. Foreign investors engage local women employees for not only unskilled work, but also for jobs that require higher levels of proficiency.
- E. Women exhibit competitive language skills.
- F. A significant portion of the workforce, male and female, is computer-literate.
- G. Women are employed in jobs that allow upward movement, management opportunity, and marketable skills.
- H. Women have access and know how to utilize mobile phones and technology

2. There is public consensus that women at all segments of society should have equal access to all types of employment and should receive equal treatment in all conditions of employment.

- A. The national legislature does not exhibit bias against women as full participants in all sectors of the economy.
- B. Top executive branch officials do not promote labor and employment practices that would undermine full participation of women in the country's economy.
- C. Domestic employers are sufficiently informed about all their obligations under law to engage in equal employment opportunity.
- D. Foreign-owned companies are fully informed about their obligations under law to engage in equal employment opportunity.
- E. Employers report that the enforcement of the law is consistent -- that is, regulations as applied to one employment situation are consistently applied in analogous situations.
- F. Implementing institutions do not charge informal fees that relate to women's eligibility to participate in the workforce.

Women and Credit

Legal Framework

1. Women and men are treated as equal in the legal framework for secured transactions.

- A. There are no exceptions based on gender.
- B. There are no special benefits or allowances based on gender.
- C. There are no exceptions or benefits based on civil status.
- D. A woman may participate in a secured transaction as an individual in her own name without approval of her spouse or other male relatives.

2. The legal framework is forward-looking in that it anticipates and provides for non-traditional types of secured transactions with attention to opportunities and needs of women as well as men.

- A. There is a law on franchising agreements that is in-line with international best practices.
- B. There are modern leasing and factoring laws which support the creation of secured interests using those assets for security.
- C. Various laws exist to protect consumers who may be damaged in the course of completing a contract based on a secured transaction (i.e., consumer protection laws and data protection/secretcy laws).
- D. Private credit providers, such as leasing companies, may initiate the development of new forms of secured transactions and establish industry-wide standards for these transactions.
- E. The types of property that can be used as collateral are clearly outlined in the law and include agricultural equipment, livestock, and current and future crops.
- F. The law allows for financing leases on agriculture equipment.
- G. In clearly defined instances, the law allows farmers to pay off debt with future crop earnings as an alternative to eviction in the event of default.
- H. The law anticipates special needs and interests of agricultural borrowers, including seasonal constraints on the ability to repay loans.
- I. The law adequately addresses electronic transactions of all kinds, including electronic signatures of contracts, to allow for use of those transactions to complete secured transactions.
- J. The types of property that can be used as collateral include non-traditional property often held by women such as jewelry.
- K. All proposed legislation or regulation initiatives are reviewed for explicit or implicit gender bias and for impact on women-owned businesses.

3. Micro-finance institutions and other non-bank financial institutions support the building of credit records and histories for women-owned businesses.

- A. The institution supports multiple sources of credit information, including utilities, retailers, lenders, cooperatives, microfinance institutions, etc.
- B. Women as well as men, may establish an individual or business entity credit history.
- C. Cooperatives can build a credit history

4. Development of financial sector law and policy is prioritized around increasing access to financial services for women.

- A. There is a regulatory impact analysis process looking at the effect on women for proposed reforms prior to adoption.
- B. Reform initiatives are examined against risk management capabilities and institutional capacity to supervise and monitor implementation.
- C. Proposed reforms are consistent with the objective of expanding financial sector development while protecting financial sector stability and look at this issue from a gender lens.
- D. The pace of financial sector reforms is balanced against the financial condition and preparedness of sector participants to restructure.

Score

- E. Proposed legislation or regulation considers effect on and does not discriminate against foreign owned financial intermediaries.
- F. Development of financial sector law and policy is mindful of the beneficial aspects of accessible new technologies, such as cell phones and internet-based services and how to make these available to small businesses and Women-owned businesses
- G. Increasing access of micro- and small business owners to financial services is a consideration in change in the legal framework.
- H. Business Associations for Women and Women's chambers of commerce and industry have input into financial sector policy
- I. Guarantee funds and other pro-women mechanisms to induce lenders to help women-owned businesses to have access to credit are part of the financial sector policy development
- J. All proposed legislation or regulation initiatives are reviewed for explicit or implicit gender bias and for impact on women-owned businesses.

5. The legal framework regarding access to financial services considers various types of businesses.

- A. Micro- and small business owners were considered in the legal framework regarding access to financial services.
- B. Women-owned businesses were considered in the legal framework regarding access to financial services.

6. A woman may have access to credit with a financial institution in her own name (without co-signers).

- A. The requirements for access to financial institutions are the same for women and men. There are no unique requirements or exceptions for women or men.
- B. There are no restrictions on access to financial institutions on the basis of civil status.
- C. Men and women have the same access to savings and checking accounts.
- D. Lending requirements are the same for men and women.

Implementing Institutions

1. Women and men have equal and comparable access to public institutions dealing with credit.

- A. Women are not more restricted than men in any way in entry or movement in public offices.
- B. In general, women and men have about the same level of experience in dealing with public institutions and knowledge of how public institutions function.
- C. Public officials treat men and women equally in a professional setting.
- D. Women are free to speak directly to public officials and represent themselves in public settings.
- E. The location and hours of public institutions are responsive to restrictions on women's mobility and schedule.

2. Credit bureaus collect information on women-owned business or women (individually).

- A. Credit bureau services collect information on owners of micro-enterprises and small businesses, including women-owned businesses.
- B. Men and women have equal and comparable access to correcting or having input into credit reports.
- C. The proof of credit worthiness is the same for men and women.
- D. Women have the ability to have credit in their name only.
- E. While providing information to be included in an individual or entities' credit report to a credit bureau is a voluntary act, the credit bureau can accept information from a variety of sources including banks, utilities, retailers.
- F. Women have the right to have their individual credit history separate from their husband's when it comes to business.

Score

3. Lenders have sufficient expertise and practical experience working with women and have a positive influence on both legal compliance and the market in land transactions.

- A. There is an adequate number of lenders who have expertise and practical experience with women as entrepreneurs and borrowers.
- B. a. Such persons are in fact regularly used by individuals and companies for assistance in real property transactions.
- C. b. They provide their services at reasonable fees and/or have sliding scales.
- D. There is an association of various types of lenders, which provides advocacy, informational, and educational services for women.
- E. Lenders are well acquainted with international best practices in the field, including the use of technology in executing mortgages.
- F. There is information that a lender can rely upon for the evaluation of a woman's business, income or previous repayment history.

4. There is a competitive, functioning commercial banking sector with services that meet the needs of women and microfinance institutions.

- A. Banking services are available in all regions of the country, including urban, suburban, and rural areas.
- B. The location and hours of banking services are responsive to restrictions on women's mobility and schedule.
- C. Women and men have equal and comparable access to banks.

Supporting Institutions

1. Women have access and support from various supporting institutions.

- A. Women's business associations, NGOs, and donors offer information and services to women about financial services and credit mechanisms.
- B. Women and men are equally likely to engage the services of lawyers and notaries in securing financial services.
- C. Both women and men work as lawyers and notaries in the financial system.
- D. Women's business associations are effective advocates for women in terms of financial services and credit.
- E. Changes in the legal framework for the financial system are reviewed by private sector organizations and government institutions in terms of gender and the requirements of women-owned businesses.

2. Education, training, and research institutions contribute the required knowledge and skills necessary for a society to support broad-based access to credit equally without regard to gender.

- A. Within university education, core curriculum pertaining to law, economics, or business includes classes pertaining directly and indirectly to access to credit are equally open to men and women.
- B. Faculty who teach banking and finance are educated in contemporary methods and issues and do not disseminate this with any gender bias
- C. Faculties receive copies of all domestic commercial law and jurisprudence in a timely manner pertaining to the financial sector.
- D. University faculty are regularly consulted during the process of drafting new commercial laws, including new laws pertaining to banking and finance and actively provide gender neutral comments.
- E. University faculty or other qualified members of academia regularly publish commentary or speak on needed developments, recent decisions, or draft laws and regulations relating to access to credit.
- F. Opportunities for continuing education and skills training in specific credit-related topics is available to working professionals.

Score

- G. Operators of community-based microfinance projects have access to training in loan administration and operations.
- H. A community of economists, through channels such as universities, NGOs, or public-private forums, regularly review and comment on monetary policy, banking and finance.
- I. Opportunities for continuing education and skills training in specific credit-related topics is available in all geographic areas of the country.
- J. Both men and women have access to education, training and research on banking, finance, and credit.

3. The private sector offers flexible resource options for women.

- A. The private sector offers mobile banking as an option.
- B. Private sector offers microfinance support.
- C. Private sector supports school systems and educational programs specifically for women.
- D. Private sector offers agricultural resource options for women.

Social Dynamics

1. There is, in general, political will and an appropriate sense of urgency for improvement of access to credit for women through the use of secured transactions, and concrete steps are being taken.

- A. At the government level, important officials are knowledgeable and active in this area.
- B. There is an effective law reform process that carries a clear mandate to address issues related to access to credit reform, including drafting of new laws or amendments.
- C. A formal mechanism exists for reviewing the performance of the company registry on a regular basis, and the director of the Registry is committed to improving its performance and effectiveness.
- D. The government is open and welcoming to private-sector participation and has formal mechanisms for soliciting input from the business and professional community.
- E. Business and professional communities (i.e. end users of the credit bureaus and collateral registry system) are aware of issues regarding the status of issues surrounding access to credit and have access to relevant officials to suggest reforms.
- F. There is an understanding of and attention to the gender-based gaps in access to credit for women.
- G. Women's business and professional organizations are effective advocates for reform to increase access to credit for women.
- H. Business women are as likely to have confidence in the financial sector and to use the formal banking system as are business men.
- I. Women use informal banks or cooperatives to store their money

2. The women in the private sector trust and possess a high level of confidence in the financial sector's service and product providers.

- A. Women businesses willingly choose to store assets with depository institutions.
- B. Women in the private sector entrust their investable assets in the formal banking and financial system.
- C. The formal financial sector is the primary source of financial intermediation for women.

3. If there is a substantial "informal economy," that issue is understood and the government and the business community are taking effective steps to help women-owned and operated businesses move up and become formalized.

- A. The extent and nature of the informal economy is known -- specifically, the extent to which it consists of:
- B. i. "micro" businesses such as individual vendors or single family stalls, shops or farms,
- C. ii. larger SMEs such as businesses with up to 50 employees,
- D. iii. large businesses, or

Score

- E. iv. specific types of businesses, or businesses in specific geographical regions.
- F. The reasons for the problem, including specific obstacles toward formalization, are generally understood by the following stakeholders:
- G. i. government officials;
- H. ii. business leaders and influential players in the private sector;
- I. iii. the research or academic community.
- J. There is awareness of issues of special interest to entrepreneurs (men and women), and schools and training institutions teach these issues.
- K. The government is taking effective steps to address the problem of informality, which may include efforts at law or regulatory reform, improvement and streamlining of registry or other agency procedures at the local level, work with specific industry segm
- L. The business and professional community is taking effective steps to cure the problem, which may include assisting in law reform, lobbying for regulatory improvement, advising clients of the law and of the benefits from exiting the underground economy, et
- M. The donor community is aware of the informal economy problem and the above issues and efforts, and actively and effectively assists in reform efforts.
- N. There is awareness of gender-specific constraints that lead women entrepreneurs to enter and remain in the informal economy.

Women and Property

Legal Framework

1. Women, whether as individuals or as legal entities, domestic or foreign, may freely own land and other real property interests. "Ownership" includes the right to exclusive possession, exclusive use, and free alienation.

- A. Domestic citizens and legal entities can own land and other real property interests used for residential, commercial and industrial purposes.
- B. Foreign individuals and legal entities can own land and other real property interests used for residential, commercial and industrial purposes.
- C. Domestic citizens and domestic legal entities can own agricultural land.
- D. Foreign citizens and foreign legal entities can own agricultural land.
- E. If foreign ownership is restricted or prohibited, there are alternatives for foreigners which actually work, such as leasing or holding through a domestic individual or company.
- F. There is a well defined regime of easements and other servitudes affecting land use.
- G. The process and procedures for privatization of land are objective, non-discriminatory, and clear (regarding, for example, the identity of the governmental agency having jurisdiction, bidding or price-negotiation procedures, and time frames).
- H. The law does not discriminate based on gender.
 - I. The law applying to real property is the same in all parts of the country.
 - J. The law does not punish land-owners for non-use of agricultural land (i.e., fallow or tree-growing).
- K. The law provides for an official document to be issued to a land owner which certifies his/her registered legal rights.

2. Women have the right to inherit property under the law without restrictions.

- A. Property and/or inheritance laws do not conflict with family or personal law, particularly in terms of impact on women.
- B. Women do not need permission to inherit property.
- C. Women can freely use and/or dispose of any inherited property.
- D. The law does not discriminate based on civil status or age.
- E. Women can gain legal marriage certificates so that women can inherit land if a spouse dies.
- F. Inheritance laws are the same for men and women. (reference to fact that sometimes sisters and brothers can't inherit the same amount).

3. Customary law is consistent with formal law in recognizing equitable property rights for men and women.

- A. Customary law does not interfere with a woman's right to inherit, use and/or dispose of any property.
- B. Married status for women does not interfere with a woman's right to inherit, use and/or dispose of any property.
- C. Child-free women does not interfere with a woman's right to inherit, use and/or dispose of any property.
- D. Widow status for women does not interfere with a woman's right to inherit, use and/or dispose of any property.

4. The legal framework provides adequately for both public recording of interests in real property and protection of recorded interests against third parties without regard to gender.

- A. Title to property can be registered in a woman's name.
- B. Husband and Wife can hold property in tenants by the entirety.
- C. Women have been successful in court procedures to enforce land rights.

Score

- D. The law provides for registration of ownership, liens and encumbrances including mortgages and tax liens, servitudes including easements, and (possibly) lease rights.
- E. The law provides clearly for the protection of the interest of owners and others whose interests are registered, and for protection of the interest of buyers who rely on the registry.
- F. The law uses a cadastre or Torrens system in which title and ownership are determined by the registry or other public record or, if not, there are other adequate title-protection means such as title insurance.
- G. The law provides for registration of land, buildings and fixtures together (unified registry).
- H. The supporting regulations do not discriminate on the basis of gender.

5. Laws and regulations foster an active and non-discriminatory land market.

- A. Up-to-date, accurate, public information pertaining to land sales and sale prices is freely available.
- B. Land ownership or rights are clearly defined.
- C. Where land is acquired under "eminent domain" type procedures, fair market value is paid to landholders.
- D. Laws define real property to include crop and range land, ponds, timber stands, and buildings.
- E. Laws define movable property to include current and future crop production, livestock and agriculture-related equipment.
- F. Laws are in place to allow the consolidation of land parcels for agricultural and other productive purposes, including housing, industrial, and commercial development.
- G. Inheritance laws are designed to promote farms of economically viable size.
- H. Land-use disputes between farmers and pastoralists are adjudicated within a well-understood legal framework
- I. Inheritance laws are gender neutral.
- J. In countries where polygamy is common, land laws specifically certify each woman's rights to inherit land.
- K. Women and men have the same rights to inheritance of real property.

6. The law provides for registration of joint property ownership rights between men and women for real property.

- A. Joint property registration provides equal rights to all owners, including spouses.
- B. Joint property registration transfers property ownership and rights to the surviving owner(s) (spouse) upon the death of a co-owner.
- C. The surviving owner(s) assume responsibility for debt associated with the property.
- D. Each joint owner must consent to the pledging of the property as collateral.
- E. Joint ownership rights do not require a formal legal relationship, such as marriage, among owners.

7. A legal framework pertaining to Intellectual Property Rights is clearly drafted and accessible for women.

- A. Print copies of law pertaining to IPR are readily available to members of the legal profession, the business community, and others with interests.
- B. New laws on IPR are published according to a uniform, timely and consistently implemented procedure (such as through regular publication of an official gazette).
- C. Laws related to IPR are published in all official languages of the country and written in plainly understandable language.
- D. Laws and procedures pertaining to IPR are available through a variety of publicly accessible means, including libraries, Internet sites, etc, and these are regularly updated.
- E. Laws pertaining to IPR is user-friendly -- clearly drafted, well-organized by subject, with a table of contents at the front, and with article headings.
- F. Courts post or otherwise very clearly identify the fees, procedures, and costs involved with commencing a case involving IPR.

Score

- G. The legal framework provides adequate protection for local and traditional knowledge, such as medicinal plants, and handicraft designs and techniques.
 H. Women's business associations have access to information about the laws.

8. The property law permits a woman to own any type of real property as an individual in her own name.

- A. The law permits a woman to inherit property on her own.
 B. Women and men have the same inheritance rights.
 C. A woman may buy, sell, rent, and bequeath property on her own.
 D. A woman may lease property on her own.
 E. A woman may take out a mortgage on her own.
 F. There are no legal restrictions on property rights by civil status.
 G. There are no legal restrictions on mortgages by gender or civil status.

Implementing Institutions

1. Women and men have equal and comparable access to public institutions dealing with property.

- A. Women are not more restricted than men in any way in entry or movement in public offices.
 B. In general, women and men have about the same level of experience in dealing with public institutions and knowledge of how public institutions function.
 C. Public officials treat men and women equally in a professional setting.
 D. Women are free to speak directly to public officials and represent themselves in public settings.
 E. The location and hours of public institutions are responsive to restrictions on women's mobility and schedule.

2. The land use authorities, including those that license or regulate the specific uses of real property, are organized and responsive to women's needs.

- A. Their heads and management staff are non-political and/or they view their role as administrative and ministerial.
 B. They have sufficient staff.
 C. They serve in a non-discriminatory fashion towards women.
 D. They have adequate, formally-issued internal regulations and operating procedures.
 E. Both men and women are employed by land use authorities.
 F. There are no explicit or implicit barriers for women in dealing with these authorities.
 G. There are equal number of women employed at the Land Use Authority.
 H. Women can represent themselves at the Authority, either as an individual or as a business.
 I. Women can easily transact business at the Authority during the hours that the Authority is open.

3. Mortgage bankers have sufficient expertise and practical experience with women issues and have a positive influence on both legal compliance and the market in land transactions.

- A. There is an adequate number of mortgage bankers who have expertise and practical experience.
 B. Such persons are in fact regularly used by women and women-owned companies for assistance in real property transactions.
 C. They provide their services at reasonable fees.
 D. There is an association of mortgage bankers, which provides advocacy, informational, and educational services for women.
 E. Mortgage bankers are well acquainted with international best practices in the field, including the use of technology in executing mortgages.
 F. Women have access to mortgage bankers.
 G. There are women mortgage bankers.

Score

4. An institution exists that solicits and receives input from representatives of rural/ethnic communities and women's groups on IPR protection.

- A. Women's business associations and trade groups are familiar with IPR
- B. Women's business associations and trade groups advocate for IPR protection for women related trades, innovations, traditional knowledge, etc.
- C. Rural cooperatives and other agriculture groups are familiar with IPR.
- D. Women have been able to file the following:
 - E. A. Copyrights
 - F. B. Trademarks
 - G. C. Patents
 - H. D. Industrial Designs
 - I. E. Plant Varieties

5. The Intellectual Property Office is a member of World Intellectual Property Office and is accessible and supportive of women-owned and /or women-run businesses.

- A. The IP office is familiar with WIPO's support to SME's and information regarding women
- B. As customers, women do not perceive any gender-related discrimination, harassment, or favors compared to men.
- C. There are no implicit barriers for women as customers of the IPO for example in location, schedule, etc.
- D. Women and men work serve in the IPO and in positions of authority.
- E. There is understanding and promulgation of the opportunities for women in the services industry.

Supporting Institutions

1. Women and men have equal access to the services of property brokers, appraisers and surveyors, and are not constrained by fees, location, or social norms.

- A. Property brokers provide their services at reasonable and comparable fees.
- B. Women and men feel equally represented.

2. Private farmers' associations are responsive to and representative of the needs of their female constituents.

- A. They monitor implementation of the land law as it affects their members and rural society in general, and propose amendments to laws to advance women's interests.
- B. They gather and disseminate information about land prices, lease rates, and numbers of transactions to women.
- C. They facilitate provision of legal assistance to low-income rural landowners.
- D. They are regarded as truly representative of the interests of farmers, both men and women.
- E. Women farmers participate as full members in farmers' associations.

3. The media reports regularly, freely, and accurately on matters related to land use and real property law that affect women.

- A. The media has sufficient access to all appropriate sources of information concerning land use and real property law issues.
- B. The media can report freely on issues pertaining to land use without fear of government reprisal.
- C. The private sector considers media coverage of land use and real property law issues to be sufficient, accurate and fair.
- D. Government actors consider media coverage of land use and real property law issues to be sufficient, accurate and fair.
- E. Reporters have access to training and education in issues pertaining to coverage of business and commercial law topics.

Score

F. The media reports on matters related to women's access to property and land use.

4. Supporting Institutions provide women with information on the property system and their rights.

- A. Women's business associations, NGOs, donors offer information and services to women with regard to property rights.
- B. Women and men are likely to engage the services of lawyers and notaries.
- C. Both women and men work as property lawyers and notaries.
- D. Women's business associations are effective advocates for women in terms of property rights and IPR.
- E. Changes in the property legal framework are reviewed by private sector organizations and government institutions in terms of gender and the interests of women-owned businesses.

5. Supporting institutions exist to provide input from representatives from rural/ethnic communities and women's groups on IPR protection.

- A. Women have been able to file the following:
 - B. A. Copyrights
 - C. B. Trademarks
 - D. C. Patents
 - E. D. Industrial Designs
 - F. E. Plant Varieties

6. The company registry is efficient and effective in operation for women.

- A. The registration experience is efficient and user-friendly – the staff are helpful; they spot and help with technical mistakes; all users are treated the same; there are no long lines, and the entire process takes at most a few days.
- B. All fees are clearly posted and are at a level which does not discourage business formation; and no extra fees, taxes or personal payments to staff are necessary.
- C. Registration fees are not excessive or a deterrent for registration of small businesses.
- D. The registry has a regional office or flexible hours in order to accommodate women's schedules.

Social Dynamics

1. Real property rights for women are respected by all sectors of society.

- A. The right of individuals on a non-discriminatory basis, to own land is established in the Constitution or a major law.
- B. Where there is a recent history of a very limited number of landholders, whether it be the State or inordinately privileged families or institutions, a program of land reform has resulted in improved and more equitable access to land for both men and women.
- C. Programs of land reform appropriately balance the food-security needs of individual families with opportunities for larger farms to operate and be oriented toward exports.
- D. The issue of land-grabbing by privileged interests is not considered a major problem.
- E. Where unlawful "land grabs" have taken place, the courts and other government institutions are readily available to hear and resolve the problems.
- F. Squatting on land owned by others is not considered a major problem.
- G. Where squatting has taken place, the courts and other government institutions are readily available to hear and resolve the problem, in a way that does not result in homelessness or otherwise perpetuate poverty, nor in a gender discriminatory manner.
- H. Where there has been a recent history of privatization of state-owned property, including real property, the sale of the property has been transparent and fair, and not reserved for or directed to a limited number of privileged interests.
- I. The right of women to own land is accepted by all sectors of society.
- J. Women have not been excluded as beneficiaries of land reform or settlement of squatters.

Score

<p>2. Within the government there is an appropriate sense of urgency and the will for improvement of real property rights, and concrete steps are being taken to address previous discrimination against women and protection of current interests.</p>	<input type="text"/>
<ul style="list-style-type: none"> A. Within the government, officials are knowledgeable about previous discrimination/issues related to women. B. Within the government, officials are taking concrete steps to address previous property rights discrimination. C. The public sector community exhibits responsiveness to external pressures to improve public knowledge about women's property rights and infringement issues. D. The government regularly provides input to legislative and policy reforms, including statistics, studies and draft law suggestions to ensure equal treatment for women. 	
<p>3. There are programs and initiatives to encourage investment which recognize the importance of sound real property rights for attracting investment especially in relation to women.</p>	<input type="text"/>
<ul style="list-style-type: none"> A. There are programs and initiatives to encourage investment which recognize the importance of sound real property rights for attracting investment. B. A formal mechanism exists for reviewing the performance of the land-related institutions on a regular basis, and the director of these institutions is committed to improving performance and effectiveness. C. The government is open and welcoming to private-sector participation and has formal mechanisms for soliciting input from the business and professional community. D. The issue of women's property rights and access to ownership and use is given appropriate attention within the government. 	
<p>4. Within the private sector, there is an appropriate sense of urgency and the will for improvement of real property rights, and concrete steps are being taken to address previous discrimination against women and protection of current interests.</p>	<input type="text"/>
<ul style="list-style-type: none"> A. The business community exhibits responsiveness to external pressures to improve public knowledge about property rights. B. The business community regularly provides input to legislative and policy reforms, including statistics, studies and draft law suggestions. C. Banks and other financial institutions demonstrate a commitment to sound property rights. D. Large NGOs demonstrate a commitment to sound property rights. E. The academic community demonstrates a commitment to sound property rights. F. Effective advocacy groups exist to support women's access to property ownership and use. 	
<p>5. The land market is active and non-discriminatory.</p>	<input type="text"/>
<ul style="list-style-type: none"> A. Up-to-date, accurate, public information pertaining to land sales and sale prices is freely available. B. Where land is acquired under "eminent domain" type procedures fair market value is paid to landholders. C. Laws define real property to include crop and range land, ponds, timber stands, buildings, and current production. D. Laws are in place to allow the consolidation of land parcels for agricultural and other productive purposes, including housing, industrial, and commercial development. E. Inheritance laws are designed to promote farms of economically viable size. F. Land-use disputes between farmers and pastoralists are adjudicated within a well-understood legal framework G. Inheritance laws are gender-neutral. H. In countries where polygamy is common, land laws specifically certify women's rights to inherit land. I. It is considered appropriate for women as individuals to participate in the land market. 	

6. Women feel like they have equitable property rights.

- A. Women feel that they can purchase property and their rights will be upheld.
- B. Women feel that they can equally mortgage their land and that their husband's rights to do so are not superior.
- C. Women have the right to co-sign a mortgage that the husband is putting on their mutual land for his business and the right to not-sign.
- D. The owner of joint property (the Husband) cannot encumber joint property with the permission and signature of the joint-owner (the Wife).
- E. The owner of joint property (the brother) cannot encumber joint property with the permission and signature of the joint-owner (the sister).
- F. A women can inherit without the permission of her husband, brother or father - a piece of land, an insurance policy or any other movable or immovable property.
- G. Women can record their interest in property and feel that that will be respected.
- H. Women feel that they can improve their property and they will retain the right to that.

Women and Trade

Legal Framework

1. Women and men are treated as equal within the legal framework for trade-related financial instruments, and within the legal framework for trade in goods and trade in services.

- A. There are no special benefits, allowances, or restrictions based on gender.
- B. There is a lack of discrimination based on civil status.
- C. There is no implicit bias against women based on particular requirements.

2. Changes in the legal framework required by acceding to the WTO, signing trade agreements or joining FTAs are made after understanding the impact on women.

- A. Prior to the signing of a trade agreement, studies are conducted to determine the effects of the trade agreement, which specifically include sectors dominated by women.
- B. Studies are done which look at rural areas and sectors and are disaggregated by gender.
- C. Women's business associations and trade associations have access to these studies.
- D. Women's business associations and trade associations advocate for a positive net benefit from the trade agreement for women.
- E. The relevant ministries have a process to incorporate private sector opinion and look to ensure that women's concerns (as business owners, business operators, producers) are incorporated prior to negotiating a trade agreement.

Implementing Institutions

1. Women and men have equal and comparable access to public institutions dealing with trade.

- A. Women are not more restricted than men in any way in entry or movement in public offices.
- B. In general, women and men have about the same level of experience in dealing with public institutions and knowledge of how public institutions function.
- C. Public officials treat men and women equally in a professional setting.
- D. Women are free to speak directly to public officials and represent themselves in public settings.
- E. The location and hours of public institutions are responsive to restrictions on women's mobility and schedule.

2. The country has a WTO team in Geneva that understands the needs of the country, especially women's issues.

- A. The Geneva Representatives have a full understanding of the country's competitiveness factors.
- B. The Geneva Representatives have a full understanding of the country's competitiveness factors that relate to women.
- C. There are no restrictions to women serving as Geneva Representatives including as Ambassador.
- D. Women serve as negotiators.

3. The Ministry of Trade and Commerce hire, train, and supervise staff based on international best practices and without discrimination to gender.

- A. Women are an equal or significant part of the workforce.
- B. Women have equal opportunities within the Trade Ministry to serve at different levels within the organization.
- C. Women serve at senior levels of management.
- D. There is an appropriate level of professional and administrative staffing to carry out their mandates.

Score

- E. The Trade Ministry authorities seeks to recruit the best personnel through the following recruiting techniques, background checks (including finances, personal references, prior employment, interviews, drug-testing and criminal history).
- F. The Trade Ministry authorities use competitive recruiting.
- G. The Trade Ministry uses written, standardized job descriptions and objectives for which there is a standardized application and for which there are written performance requirements for the position.
- H. There is a formalized objective system for advancement and promotion that includes a comprehensive performance evaluation system in which employees are reviewed on at least a yearly basis.
- I. Employees are afforded appropriate training courses, materials, guidebooks or procedural manuals are available to improve issues, such as staff competency, service and technology.

4. The border authorities hire, train, and supervise women based on international best practices.

- A. Women are an equal or significant part of the workforce.
- B. Women have equal opportunities within the Border Authority to serve at different levels within the organization.
- C. Women serve at senior levels of management.
- D. There is an appropriate level of professional and administrative staffing to carry out their mandates.
- E. Border authorities seeks to recruit the best personnel through the following recruiting techniques, background checks (including finances, personal references, prior employment, interviews, drug-testing and criminal history).
- F. Border authorities use competitive recruiting.
- G. Border authorities use written, standardized job descriptions and objectives for which there is a standardized application and for which there are written performance requirements for the position.
- H. There is a formalized objective system for advancement and promotion that includes a comprehensive performance evaluation system in which employees are reviewed on at least a yearly basis.
- I. An equitable incentive system is in place for rewarding high performance (i.e. monetary bonus for seizures).
- J. Employees are afforded appropriate training courses, materials, guidebooks or procedural manuals are available to improve issues, such as staff competency, service, new criminal smuggling techniques.
- K. Women and men work as regulators and officers for the border authorities.

5. The Customs Authority is accessible to and equitable in services provided to women-owned and/or run businesses.

- A. As customers, women do not perceive any gender-related discrimination, harassment, or favors compared to men.
- B. There are no implicit barriers for women as customers of the Customs Authority, for example in location, schedule, means of expediting, requirements based on amount of shipments, etc.
- C. Women and men work as regulators and officers in the Customs Authority.
- D. There is understanding of the needs of women in the society related to customs and crossing of borders.

6. The Ministry that is responsible for Services (GATS) is accessible and supportive of women-owned and /or women-run businesses.

- A. As customers, women do not perceive any gender-related discrimination, harassment, or favors compared to men.
- B. There are no implicit barriers for women as customers of the Ministry for example in location, schedule, etc.
- C. Women and men work serve in the Ministry and in positions of authority.

D. There is understanding and promulgation of the opportunities for women in the services industry.

7. The country has a well established corps of licensed Customs Brokers accessible to women business owners.

A. Both women and men are licensed Customs Brokers.

B. Women have access to Customs Brokers and Trade Facilitation to the same degree that men do.

Supporting Institutions

1. Women's business associations and trade and industry associations participate in the development of trade policy and seek to eliminate potential gender-related biases.

A. Women's business associations and trade and industry associations have access to information about trade policy and the policy development process.

B. Women's associations participate in public forums to receive information about and to debate changes in trade policy.

C. Trade policy and regulations are reviewed by the government trade-related agencies from the point of view of gender and appropriate changes are incorporated.

2. Women are represented in associations or committees of importers and exporters that interact with Customs and other trade-related authorities, provide training to the private sector, and comment on laws and regulations.

A. These associations have women members.

B. Women-owned businesses have access to this training.

C. There is a well developed industry of importers that women participate in.

D. There is a well-developed industry of exporters that women participate in.

E. Women have separate trade associations and/or Chambers of Commerce.

F. There are special programs for women exporters.

G. Exporters, importers and their associations provide input to policy makers and local business associations on women's issues.

H. There are specialized publications addressing women in trade issues.

I. As importers and exporters, women business owners participate in these sessions and have adequate access to market information including requirements and standards.

3. There are no implicit or explicit barriers for women-owned business owners in obtaining insurance.

A. The quantity of insurance, bonds and guarantee providers for women-owned businesses is sufficient.

B. The cost of insurance, bonds and guarantee providers equal for men and women.

C. Private insurance companies offer insurance products suitable for women owned businesses, and in trade in agricultural products.

D. There are insurance companies or other associations which provide insurance to women.

4. The country conducts Free Zone operations include women businesses adequately and at reasonable fees.

A. Free Zone provides a mechanism for cooperation among customers and the experience is beneficial.

B. There are no implicit or explicit barriers for women business owners in utilizing the free zone(s).

C. Labor regulations and conditions within the Free Zone are not exploitive of women or men and there is equal pay.

D. There are programs to promote women-owned companies in the FTZ.

E. Women are able to own a permit in a free trade zone.

F. Women are able to own a permit in an industrial zone.

5. Export Promotion Councils are supportive of women and women-owned businesses.

- A. Export Promotion Councils have information about industries, handicrafts and businesses that are run by women-owned businesses across sectors.
- B. Export Promotion Councils proactively advocate for women-run and women-owned businesses to investors.
- C. Women's business associations and women owners are members of the governing board of the Export Promotion Councils.
- D. Women's business associations and women-owned businesses are members of and receive information from the Export Promotion Councils.
- E. The Export Promotion Councils review trade policy and regulation, identifying any that may have a negative impact on women and advocating to the government on behalf of women.

6. There are public policy research institutions and think tanks that focus on Women and Trade Issues.

- A. Public Policy Research institutions actively analyze trade flows and women dominated sectors of the economy.
- B. Public Policy Research institutions actively provide input into the policy agenda on pro-women policy choices in trade: FTAs, development of market sectors and competitiveness.
- C. Public Policy Research institutions disseminate the results of their study broadly to include legislators, women's business associations and others who can advocate or effect change.
- D. Public Policy institutions share pro-women policy choices with the Ministries in charge of trade.

Social Dynamics

1. One or more high-level government officials champion the importance of women and international trade as a development strategy for the country.

- A. Government officials actively seek free trade agreements with other countries that have been analyzed on the impact to women.
- B. Government officials are knowledgeable about and propose changes to laws and/or institutional processes affecting international trade that will have a positive effect on women.
- C. At least one high-level government official seeks to reform inter governmental coordination processes that govern trade.
- D. At least one high-level government officials seeks to institute programs educating the private sector and civil society about women and international trade.
- E. At least one high-level official is known to educate other government officials on the importance of women and international trade, the agreements governing it and how best to use it as a tool for development.
- F. There is a government agency or influential government official to ensure that international trade benefits women as well as men.

2. Women-owned and/or run Businesses have access to information on global trends in trade.

- A. The business community is generally knowledgeable about global trends affecting terms of trade for their country.
- B. The business community actively seeks to reform trade policy based on evidence of policies that have worked in other countries, particularly in women -driven sectors.
- C. The business community is generally supportive of reducing barriers to trade in goods.
- D. The business community is generally supportive of reducing barriers to trade in services.
- E. Women-owned businesses are sufficiently flexible to be able to partner with international firms seeking to do business in their country.
- F. Women-owned or run businesses have equal access to participation in trade fairs.
- G. Women-owned or run businesses have equal access to participation in market linkage program, internal and external.

Women and Commercial Justice

Legal Framework

1. The judicial system is non discriminatory.

- A. In the event of jury trials, women can serve as jurors.
- B. Women can serve on tribunals or any other legal decision-making process under the law.
- C. Women are allowed to represent themselves in court.
- D. Women are allowed to be members of the bar.
- E. There is equality of men and women in access to and treatment by the legal framework and judicial system.
- F. Women do not have any constraints in pursuing their legal remedies.

2. The legal framework pertaining to commercial dispute resolution is readily available, clearly drafted, and easy for all to access and use, including residents of rural areas, and women- and small- business owners.

- A. Print copies of law pertaining to commercial dispute resolution are readily available to members of the legal profession, the business community and the general public, including in rural areas.
- B. Copies of the laws are available and accessible to women owned businesses, associations, on line, etc.
- C. New laws are published according to a uniform, timely and consistently implemented procedure (such as through regular publication of an Official Gazette).
- D. Women and men have equal access to the publications, and can participate in the comment period.
- E. Law is published in all official languages of the country.
- F. The law is user-friendly -- clearly drafted, well-organized by subject, with a table(s) of contents at the front, and with article headings.
- G. Law pertaining to all aspects of commercial dispute resolution is available on a regularly updated Internet site or alternative communication platform that offers free and easy access to this information.
- H. Courts post or otherwise very clearly identify the fees and costs involved with commencing commercial cases
- I. The fees and costs are equitable for small business owners and are transparent and fair.

3. There is equality of men and women in access to and treatment by the legal framework and process for ADR.

- A. A framework law on arbitration is in place permitting parties to use ADR to resolve commercial disputes.
- B. The framework law on arbitration, along with setting default processes and standards for ADR to be used in the absence of other provisions, allows the parties to contractually establish their own ADR procedures.
- C. Legal provisions on arbitration apply to both international and domestic disputes without regard to gender.
- D. By law, binding arbitration awards are to be enforced by the courts, with only a few, limited exceptions, with appeals only allowed for fraud, undue influence, etc.
- E. An award for a women owned business or woman would be able to be enforced by the courts with the same success as if the judgment had been for a man.
- F. The law provides for domestic court enforcement of international arbitration awards.
- G. The country is a signatory to the 1958 New York Convention on the recognition and enforcement of foreign arbitral awards.
- H. Mediation and/or conciliation is specifically contemplated by the law, through inclusion in the framework law, a stand-alone law, or, where applicable, through inclusion in the common law.
- I. Women have equal access to ADR.

Score

- J. Women can serve as arbitration judges, mediators or on the tribunal.
- K. Judgments by ADR are not gender biased.
- L. Enforcement of judgments are not gender biased.
- M. Women can represent themselves at the tribunal.
- N. Women lawyers can represent others at the tribunal.
- O. Parties are free to choose their arbitrators or mediators, including those who are subject matter or sector experts, in addition to lawyers.
- P. Settlements reached through mediation or conciliation are enforceable by the courts under the similar legal conditions as arbitration decisions without regard to gender.
- Q. Courts encourage parties to attempt settlement through such means as arbitration or mediation/conciliation prior to a lawsuit being adjudicated.
- R. There exists both a system of independent arbitration centers as well as court-annexed arbitration.
- S. There is equality of men and women in access to and treatment by the legal framework and process for ADR.

4. Regional, district or other local courts exist for addressing disputes affecting the agricultural and rural economy and women have equal access to these courts.

- A. There is a clear legal framework that establishes local courts.
- B. The local court system lies within the formal judicial framework.
- C. The revenue base for the local court is clearly stated in the law and functions so as to fully cover administrative costs.
- D. Local courts have jurisdiction over a wide range of commercial and property disputes.
- E. Local courts operate according to clear, transparent, published rules and procedures.
- F. Courts are prevalent and accessible in rural areas.
- G. Local courts make their rules and procedures available to the public.
- H. Local courts issue written decisions based on the published, established law.
- I. Decisions of the local courts responsible can be appealed to the court system.
- J. Local/rural courts use the same standard for applying the laws as do municipal courts.
- K. There is no explicit or implicit discrimination against women in local courts.
- L. Women are allowed to represent themselves in court and do.
- M. Women are allowed to be members of the bar.
- N. Women serve on the bench in all types of cases.
- O. There is equality of men and women in access to and treatment by the legal framework and judicial system.
- P. Women do not have any constraints in pursuing their legal remedies.

Implementing Institutions

1. Women and men have equal and comparable access to public institutions dealing with courts and commercial justice.

- A. Women are not more restricted than men in any way in entry or movement in public offices.
- B. In general, women and men have about the same level of experience in dealing with public institutions and knowledge of how public institutions function.
- C. Public officials treat men and women equally in a professional setting.
- D. Women are free to speak directly to public officials and represent themselves in public settings.
- E. The location and hours of public institutions are responsive to restrictions on women's mobility and schedule.

2. With respect to the resolution of contractual disputes, the courts represent women and men equally.

Score

- A. There is no evidence of discrimination by sex in selection of judges hearing commercial disputes.
- B. Court staff have received training on gender relations in the courtroom setting.
- C. Women serve on the bench in all types of cases.
- D. Women serve as clerks of court.
- E. Women serve as bailiffs.
- F. Women represent themselves pro se.
- G. Women lawyers represent clients.
- H. Women are members of the Bar Association.
- I. Women have the same rights in enforcement - there is no presumption that men should prevail as a matter of right or because he is the first breadwinner in the family.

3. The business community engages in effective means of self-help prior to commencing formal dispute resolution processes and women have access to this.

- A. Small and medium-sized enterprises are accustomed to engaging lawyers to assist in preparing and enforcing contracts.
- B. Transparency of customary law in contractual disputes is promoted.
- C. The business and legal communities have developed and use a body of standardized contracts.
- D. The business community regularly accesses informational sources that help reduce their risks, such as credit bureaus and other informational agencies.
- E. The business community engages in predictable, sequential methods of collection of debts.
- F. The business community is accustomed to taking advantage of contractual rights -- such as repossession of property, where legal -- without undue involvement of the courts and with equal access by both women and men.
- G. Certification and inspection services have adopted uniform standards and procedures that can be easily incorporated into commercial contracts.
- H. Women's business associations have access to information about ADR and disseminate it to members.
- I. Women's business associations have lists of local counsel.
- J. There is no difference between business women and business men in access to lawyers for dispute resolution.

4. Women perceive the courts as effective and fair in resolving disputes.

- A. Women and men are treated as equals in the courtroom.
- B. Women speak as openly and freely as men in the courtroom.
- C. There is no evidence of deference, subordination, or harassment based on gender stereotypes or inequality in the courtroom.
- D. There is no evidence of gender bias in court decisions.
- E. Both men and women serve as judges.

5. Judges are independent and impartial and participatory in gender-related matters.

- A. Judges are appointed based on objective criteria, that, even if influenced somewhat by politics, foster a system of independent, impartial judges.
- B. A judicial code of ethics exists to address major issues such as conflict of interest, ex parte communications, inappropriate political activity, and discrimination.
- C. Judges do not engage in ex parte communications.
- D. Judicial decisions only may be reversed through the judicial appellate process.
- E. The judiciary has control over its own budget.
- F. Judicial salaries are adequate to attract and retain qualified judges, enabling them to support their families and live in a reasonably secure environment, without having to have recourse to other sources of income.
- G. Senior-level judges are appointed for fixed terms that provide a guaranteed tenure, which is protected until retirement age or the expiration of a defined term of substantial duration.

Score

- H. Judges are required to disclose their assets on an annual basis.
- I. Judges have immunity for actions taken in their official capacity.
- J. A meaningful process exists under which judges, lawyers and members of the public may register complaints concerning judicial conduct.
- K. Judges are free from concerns regarding their personal security, and if a situation arises where their safety is in doubt they are afforded additional security.
- L. Judges may be removed from office or otherwise punished only for specified official misconduct and through a transparent process, governed by objective criteria.
- M. There is no evidence of gender discrimination in the selection of judges.
- N. Women have equal opportunity to be appointed as a judge in a court of first instant, appellate or supreme court.

6. The courts are free of corruption or bias based on gender.

- A. Court staff is hired according to an open, competitive process.
- B. Cases are randomly assigned.
- C. Courtroom proceedings are open to, and may accommodate, the public and the media.
- D. Court fees are clearly defined and publicized, and no additional, informal fees are solicited or accepted by court staff.
- E. There exists a code of conduct for court staff, including standards of integrity and confidentiality.
- F. The salaries of the administrative staff are sufficient to attract and retain qualified staff.
- G. Court decisions are generally a matter of public record, and significant appellate positions are published and open to public and academic scrutiny.
- H. A transcript or some other reliable record of courtroom proceedings is maintained and is available to the public.
- I. Priority for hearing cases is not influenced by size of business, sex of owner, or payment of gratuities.

7. Women perceive ADR as effective and fair in resolving disputes.

- A. Women are treated as equals in dispute resolution settings.
- B. Women speak as openly and freely as men in the arbitration sessions.
- C. There is no evidence of deference, subordination, or harassment based on gender stereotypes or inequality in the arbitration process.
- D. There is no evidence of gender bias in ADR decisions.
- E. Both men and women serve as arbitrators; efforts are made to achieve gender balance in arbitration panels.
- F. There are no barriers for women in accessing the training and information for ADR.

8. Women perceive government administrative tribunals to be appropriate, effective, and fair in dealing with commercial disputes

- A. Women and men are treated as equals by administrative tribunals.
- B. Women speak as openly and freely as men in dispute resolution settings.
- C. There is no evidence of deference, subordination, or harassment based on gender stereotypes or inequality, or size of business.
- D. There is no evidence of gender bias in tribunal decisions.
- E. Both men and women are employed to serve on administrative tribunals and to enforce their decisions.

9. Where customary or traditional institutions play a part in resolving commercial disputes, their activities and decisions are considered to be transparent, consistent, efficient and fair to women.

- A. Where appropriate, informal or customary processes are used by businesses and individuals to solve commercial disputes.

Score

- B. Customary institutions conduct proceedings in which evidence is presented by all interested parties and the decisions issued are supported by the weight of the evidence.
- C. Customary tribunals access and rely on the country's formal legal framework when considering and resolving disputes.
- D. Customary institutions generally hold the respect of the individuals and communities that are impacted by their authority.
- E. Both men and women are represented on customary tribunals.
- F. The decisions of customary tribunals evidence respect for the commercial and property rights of women.
- G. The decisions of customary tribunals evidence respect for the commercial and property rights of minority groups.
- H. All issues heard before customary tribunals may also be considered by State administrative bodies or the courts.
 - I. When issuing decisions, customary tribunals cite reasons for their decisions.
 - J. Informal/Customary law decisions comport with the black letter law of the relevant jurisdiction.
- K. Decisions of an informal/customary law system are easily enforceable and respected within the formal legal system.
- L. Decisions of a informal/customary law system may be appealed to the legal system established by the black letter law in the relevant jurisdiction.
- M. Women perceive customary tribunals as effective and fair, without evidence of gender bias in their proceedings or decisions.

10. Women have equal access to Small claims courts, or courts of limited jurisdiction.

- A. The costs to use small claims courts are reasonable and not a disincentive to use them.
- B. Small claims courts are easily accessible in both rural and urban areas.
- C. The procedures to use small claims courts, including what falls within their jurisdiction, are easily understandable, readily available, and consistent across courts.
- D. Parties may appear before a small claims courts with legal representation only with permission of the court.

11. Small claims courts or courts with limited jurisdiction are seen as fair to women and appropriate bodies to quickly and efficiently settle matters of relatively small value.

- A. There is no evidence of gender bias in the proceedings or decisions of small claims courts in urban or rural areas.
- B. Decisions of small claims courts are respected by the parties and procedures for enforcement are clearly outlined by the court without regard to gender.
- C. Small claims courts issue written decisions and maintain records of the cases before them.

12. The bankruptcy regime is effective as it pertains to the operation of women's business.

- A. There is no perception of explicit or implicit discrimination against women by the institutions executing bankruptcy judgements.
- B. The application in the bankruptcy process applied equally between women and men.
- C. There is legal process that is applied to women in the dissolution of property.
- D. The institutions charged with execution of bankruptcy judgments (if any in addition to the administrators, such as a bailiff service) are fair and effective in the implementation of their duties.

Supporting Institutions

1. Legislative systems for creating, updating, and reviewing laws relating to contracts are clear, open, and free of corruption or gender-bias

- A. Within the legislature, a system is in place for meaningful contributions by the business community to development and updating of the commercial law.
- B. Persons charged with drafting the commercial law have adequate resources and training.

Score

- C. Draft commercial laws are regularly circulated to communities with a stake in their contents and this includes women-centric communities, business associations and trade groups.
- D. Public hearings are part of the legislative process.
- E. Votes in the legislature pertaining to the commercial law are taken publically and regularly reported by the press.
- F. Legislators are required to publicly disclose their assets on an annual basis.
- G. Input for business women and women's associations is sought and considered in creating, updating and reviewing contract law.

2. Trade and industry associations are active in the promotion of an effective system of commercial dispute resolution, including ADR and these benefits accrue equally to men and women business owners.

- A. Trade and industry associations provide information to members- men and women- about commercial litigation, arbitration and legal representation in commercial disputes.
- B. Trade and industry associations educate their members about the various methods of resolving commercial disputes including litigation, mediation, arbitration, and self-enforcement of contracts.
- C. Trade and industry associations provide lists of attorneys (including women lawyers) or law firms that can provide assistance to their members.
- D. Trade and industry associations publish pamphlets, books or other publications that provide members with a basic overview of commercial/business law.
- E. Trade and industry associations (e.g., bankers associations, securities brokers associations, chambers of commerce) offer alternative dispute resolution services for their members (e.g., have an internal mediation or arbitration scheme).
- F. Businesses, including small and medium-sized enterprises and women-owned enterprises are accustomed to engaging lawyers to assist in preparing and enforcing contracts.
- G. Trade and industry associations have available standard contracts and other forms to their members, including the possibility of tailoring contracts by incorporating information from specific industry sectors.
- H. The women-owned business community finds it relatively easy to retain an attorney for commercial dispute resolution.
- I. The business community, including women-owned businesses, is accustomed to using alternative dispute resolution mechanisms, including customary and local dispute resolution mechanisms.
- J. Specialized publishers circulate periodicals that report regularly and accurately on matters relating to civil litigation and commercial dispute resolution in order to give the business community and the public a better understanding of commercial matters
- K. Trade and industry associations, including groups representing foreign businesses effectively represent the private sector in public debate over updates and changes in the commercial law.
- L. Trade and industry associations are informed in technology developments as they relate to commercial dispute resolution and have advocated new commercial practices.
- M. Business associations in general and women's business associations in particular are effective advocates for gender equality in all aspects of commercial dispute resolution.

3. The media report regularly, freely, and accurately on matters related to the courts and its treatment of women.

- A. The media has sufficient access to all appropriate sources of information concerning commercial law issues and how they relate to women.
- B. The media can report freely on issues, including gender equality, pertaining to the courts without fear of government reprisal.
- C. The private sector considers media coverage of the courts to be sufficient, accurate and fair in its treatment of women.
- D. Judges consider media coverage of courts (and in particular, their commercial law functions) to be sufficient, accurate and fair in its treatment of women.
- E. Reporters, including women, have access to training and education in issues pertaining to coverage of business and commercial law topics.

Score

- F. Media coverage is used as a tool to ensure gender equality in matters related to the courts.
4. The donor community effectively supports a strong system of commercial dispute resolution that meets the needs of women.
- A. The donor community regularly interacts with local members of the legal profession and the business community to ensure that their programs are effective and meet the needs of women.
- B. Coordination of donor activities relating to improving the business environment for women is considered by both local actors and donors to be adequate and effective.
- C. Business environment "success stories" reported by donors include women and are substantiated by sustained, positive results on the ground.
- D. Donor activities pertaining to the business environment, particularly commercial justice, are regularly subject to monitoring and evaluation and prove responsive to suggestions for change and improvement.
- E. Donors support equal access to justice for women.
- F. Donors activities support gender equality in all aspects of commercial dispute resolution.
5. Women business owners have adequate access to the services of lawyers and notaries for business contracts and dispute resolution.
- A. NGOs, women's business associations, and donors provide avenues for women business owners to access professional services.
- B. Women and men have equal access to study and practice commercial law and to serve as notaries.
- C. NGOs, women's business associations and/or professional associations are effective advocates for gender equality in all types of commercial dispute resolution.

Social Dynamics

1. Women feel that they have equal access to justice.
- A. Women business owners believe that they have an equal chance of prevailing against a women and a man in court.
- B. Court statistics reveal that there is no gender bias in the resolution of decisions.
- C. Women have equal access to good representation as a man does.
- D. Women business owners can afford to pursue a remedy in the court system or through ADR.
- E. Women can attend the court room proceedings without any more difficulties than a man would (mobility, appearance in public, child care).
2. The rule of law is respected by all sectors of society and is not undermined by official corruption or by gender bias.
- A. Under Transparency International's most recent Corruption Perception Index, the country scores better than 4.
- B. If the country's score on the most recent CPI is less than 7, there is a comprehensive, multi-agency program to combat corruption in State institutions.
- C. There is no recent history of major donors or lending institutions cancelling programs, loans or activities on the grounds of official misuse of funds.
- D. Prosecution of corruption is not generally regarded as a means of weeding out political opponents.
- E. The media covers allegations of official corruption in a responsible and thorough manner.
- F. Judges, prosecutors, and media representatives do not significantly risk their personal safety by participating in inquiries or prosecution of official corruption.
- G. There is evidence that society regards the law as a force for resolving, rather than creating, problems.
- H. There is a common adage throughout various sectors of society that "no one is above the law".
- I. Women express a sense of enfranchisement, accept the legitimacy of government institutions, and trust in legal processes.

Score

- J. Women initiate case in court or through ADR.
- K. Women attend law school.
- L. Women participate in moot court.
- M. Women join Bar Associations.
- N. Women are not the victims of corruption that prevails over their interests.

