



**LEGAL SOLUTIONS FOR SUSTAINABLE
FUTURES IN SOUTH ASIA: HOW PRO
BONO CONTRIBUTES TO SDG
PROGRESS**



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Advocates for International Development (A4ID), founded in 2006, is a global charity that believes the law can and should be used more effectively to advance fair and sustainable development. A4ID aims to inspire and enable lawyers to join the global fight to eradicate poverty by advancing the United Nation's Sustainable Development Goals (SDGs). Through A4ID, the world's top lawyers provide free legal support to organisations, working to advance human dignity, equality, and justice. Its work has so far impacted over 130 countries.

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Report Cover Photo Credit: *Stephan Bachenheimer, World Bank Nepal*



BANGLADESH: FEMALE EMPOWERMENT THROUGH FINANCIAL INCLUSION



In 2015, at the end of the Millennium Development Goals (MDGs), and the beginning of the SDGs, Bangladesh was making considerable progress across the development spectrum. Despite battling intense environmental vulnerabilities exacerbated by climate change, and overcoming multiple implementation challenges, the country achieved stark reductions across several pressing indices. These included: poverty alleviation, maternal and infant mortality, food security, immunisation coverage and disease incidence, primary educational enrolment, and gender parity in primary and secondary education.¹ Moving into the SDG Agenda then, several priorities centred around building on these improvements and securing equitable growth across the country.

To implement these commitments, Bangladesh took a number of steps to integrate achievement of the SDGs into their own national framework. As a result they are among only a small handful of countries out of the 191 member states that pledged to achieve the UN SDGs by 2030, who have set national targets for their attainment.² In doing so, the country has adopted a 'data-first' approach, with national level actors such as the Bangladesh Bureau of Statistics working in coordination with other government departments to collate data within a national 'SDG tracker.'³

This reflects the country's 'whole of society' approach to achieving the SDGs – drawing upon relevant expertise and galvanising cohesive action across the public (national and local governments), private, and not-for-profit sectors (including academia).⁴

Since 2015, Bangladesh has seen notable progress in SDGs 4 (Quality Education) and 7 (Affordable and Clean Energy), and is identified as a 'regional pace leader' amongst all Asia-Pacific countries by UNESCAP. Despite these efforts however, Bangladesh is ranked 101st in the world for SDG attainment overall, and fifth out of the other eight SAARC countries.⁵ Of particular note here is that the rates of child marriage in Bangladesh remain the highest of all other South Asian nations, with 59% (over 4.3 million) of women aged 20-24 reportedly being married or in union by the age of 18. This further translates into one of the highest rates of adolescent fertility in the world, with 83 births per 1,000 to girls aged 15-19 years, and 10 per 1,000 to girls aged 10-14; double that of Pakistan and India.⁶ While progress has been made in reducing child marriage over the past two decades, it has been insufficient to buck the trend overall.⁷

LEGAL DEVELOPMENTS

To improve gender equality across the country, the government and judiciary of Bangladesh has been proactive in developing new laws and precedents to bolster female rights and inclusion, promoting greater dignity and respect towards women.

The below snapshot highlights some of the recent laws and policy developments relating to gender equality (SDG 5), in order to help inform the international legal community, and national law firms, on how the law is changing and developing within the country.

“The State shall endeavour to ensure equality of opportunity and participation of women in all spheres of national life”

**ARTICLE 19 OF THE
CONSTITUTION OF BANGLADESH**



Photo Credit: Orange the World 2018 - Bangladesh. UN Women, Fahad Kaizer

RECENT LAW AND POLICY DEVELOPMENTS ON THE RIGHTS OF WOMEN IN BANGLADESH

In 2022, The Supreme Court of Bangladesh ordered an amendment to the Evidence Act 1872. The Government of Bangladesh amended sections 146 and 155 of the Evidence Act 1872, disallowing questions concerning a victim's character and personal life within criminal trials, without prior and express approval from the court. The change was introduced in recognition of highly prejudicial treatment that the evidentiary process posed towards female victims of rape. The change was hailed as a landmark decision as it spared rape victims, especially women, from humiliation in court.

In January 2023, the High Court Division of the Supreme Court of Bangladesh ordered that mothers can now be sole legal guardians of their children. This verdict came following an incident where a young woman was denied registration for a matriculation exam after she had refused to enter her father's name in the exam registration form as mandated by the requirements. Following the precedent set by the case, children may now register for such exams by solely entering their mother's name and cannot be forced to enter their father's name if they do not wish to do so. This decision was highly beneficial to single mothers, allowing for sole guardianship of their children.

On 12 October 2023, the High Court Division of the Supreme Court of Bangladesh ordered the prevention of unnecessary Caesarean Sections in all hospitals and clinics in Bangladesh. A lack of guidance for hospitals and clinics, in combination with the prevalence of C-sections, meant that many women suffered unnecessary physical harm and distress from the over-use of C-sections during birth. The Court directed the Government to widely circulate guidelines concerning sexual harassment and to make it compulsory for all hospital and clinics to follow the relevant guidelines to prevent unnecessary operations.

In 2022, Rule 361A was incorporated into the Bangladesh Labour Rules concerning

sexual harassment of women at the workplace. The new rule sets out a list of actions that may amount to sexual harassment at the workplace, providing safeguards for female employees and greater guarantees of a safe working environment.

In addition to the above-mentioned laws and guidelines the Government of Bangladesh has also introduced other targeted policies which prioritise the rights and emancipation of women.

The Government has allocated 3% of the annual Upazilla Parishad budget to the Women Development Forum. The allocated budget is to be used by the Women Development Forum to increase female employment by providing training, to decrease the dropout rate of female students from schools and ensure proper education for female students. At the same time, the funding aims to create social awareness against female trafficking and the abuse of women.

In 2021, the National Women's Organisation launched the 'Women Entrepreneur Development Project for the Economic Empowerment of Women' at the grassroots level. The project aims to train 256,000 underprivileged women in 7 specific areas such as interior design, project management, beautification, catering, fashion design, childcare and housekeeping.

Whilst the above legal developments highlight the efforts made on behalf of public sector stakeholders to improve gender equality across the country, there are also ways in which the private sector has been contributing.

One particular solution for overcoming high rates of child marriage and adolescent fertility,

has been to improve the financial inclusion of women and girls to broaden the opportunities available to them beyond traditional gender roles. This solution emerges in light of the growing role that women have been playing within the country's economic development for the last few decades within private industry.

“Bangladeshi women have been struggling to establish their rights in family, society and in the State. Inequitable laws and policies hinder formal equality and socio-political conditions prevent women from exercising their rights. Girls are often considered a burden, especially for poor households, where they are at risk of marriage at an early age and where the practice of dowries, though illegal, continues and is burdensome”

THE LEGAL CIRCLE



Photo Credit: Simone D. McCourtie, World Bank

SECTOR OVERVIEW: READY-MADE GARMENTS

Alongside its large agricultural sector, rapid growth and industrialisation within the ready-made garment (RMG) sector helped Bangladesh's economy grow at an average of 5.76% GDP each year between 2000-2015.⁸ RMGs accounted for the majority of Bangladesh's manufacturing output, and are still the single largest source of the country's exports (80% in 2015).⁹

As part of this industrialisation process, Bangladesh saw a boom in formal employment, having a concerted impact on many previously excluded groups, including women, many of whom were able to transition away from domestic and agricultural work for the first time. The growth of the RMG industry was therefore closely associated with positive impacts on female empowerment and women's roles in society, increasing the social standing, educational enrolment, and economic participation of Bangladeshi women, whilst also reducing rates of childhood marriage and pregnancy.¹⁰

However, while the RMG workforce continues to consist predominantly of women, the ratio of women to men in the sector has fallen in recent years, decreasing from around 80% in the 1980s, to around 54% as of 2021.¹¹ These declines

have concerned some commentators, with a 2023 report from the Ethical Trading Initiative finding that departures from employment were largely voluntary, but that the reasons cited often revolved around gender-specific issues including childcare and pregnancy. Pregnant women also reported being subject to verbal abuse during their pregnancy, especially if this resulted in reduced productivity.¹² The sector as a whole has additionally faced numerous serious challenges to its operation since its inception, including issues with eliminating child labour from its supply chains, poor safety standards, a prevalence of industrial accidents, and inadequate pay.¹³



Photo Credit: Chhor Sokunthea, World Bank

POLICY LANDSCAPE

To improve the financial opportunities available to women in Bangladesh, building on the legacy of industries such as the RMG sector, a number of key policy developments have taken place to improve financial inclusion across the board. However, challenges also remain. The below provides a snapshot of the general policy landscape in this regard:

CHALLENGES

Limited Access to Banking Services

Traditional banking institutions are not widely available in rural areas, making it difficult for women to open accounts and access financial services. As of 2021, only 36% of women have bank accounts compared with 65% of men. Bangladesh's economically crucial RMG sector employs around 3.4 million women, of whom 81% are unbanked.

Social Norms and Cultural Barriers

Deep-rooted social norms and cultural barriers often restrict women's mobility and participation in economic activities. Women may face resistance when trying to access financial services, engage in income-generating activities, or seek financial independence. This is further inhibited by the prevalence of early marriage, with almost 60% of adolescent girls being married before the legal age of 18.

DEVELOPMENTS

Microfinance Institutions (MFIs)

Bangladesh has a robust microfinance sector, pioneered by organisations like the Bangladesh Rural Advancement Committee and Grameen Bank. These MFIs have played a significant role in providing financial services to women in rural and underserved areas. They offer small loans and financial training to women, allowing them to start or expand small businesses.

Digital Financial Services

The expansion of mobile banking and mobile financial services (MFS) has been a game-changer for women's financial inclusion. Services like bKash and Nagad have enabled women to access banking and financial services through their mobile phones, even in remote areas. Bangladesh Bank data shows that the number of MFS accounts stood at 19.10 crore at the end of December 2022 with women holding 8.01 crore accounts (42% of the total).

CHALLENGES

Low Financial Literacy

Many women lack the knowledge and skills required to make informed financial decisions and navigate the financial system effectively. These women do not control any financial assets and they lack financial literacy that can impact their ability to gain access to finance, land assets, and supply chain logistics to run businesses.

Lack of Collateral

Traditional lending institutions often require collateral for loans, which can be a barrier for women who may not possess valuable assets or land in their name.

Digital Divide

While digital financial services are growing in Bangladesh, there is still a significant digital divide, with many women lacking access to smartphones, the internet, and digital payment platforms.

DEVELOPMENTS

Women-Only Bank Accounts

Some banks and financial institutions have introduced women-only bank accounts, making it easier for women to open accounts and save money without the need for male guardians.

Government Initiatives

The government of Bangladesh has launched various initiatives to promote financial inclusion for women. For instance, the "One House, One Farm" project provides financial support to rural women for livestock and poultry farming, while the "Women Entrepreneurship Development" project offers training and financial support for women entrepreneurs.

Access to Credit

Specialised credit schemes and initiatives have been designed to address the issue of collateral. For example, the "Nobin Udyokta" program provides collateral-free loans to aspiring entrepreneurs, a majority of whom are women.

Financial Literacy Programs

NGOs and governmental organisations have been working on improving women's financial literacy through various training programs.¹⁵ These initiatives help women develop the knowledge and skills needed to manage their finances effectively.

CHALLENGES

Gender Gap in Financial Inclusion:

Between 2003 to 2016, Bangladesh increased the female labour participation rate by 10% to 36%. However, there remains a 13% gender gap in phone ownership, 14% gap in mobile financial service (MFS) account ownership, 29.2% in bank account ownership and 44.8% in labour participation. Moreover, according to the Government's Aspire to Innovate programme there is a large variation in the financial independence and decision-making capacities among women of different households.¹⁴

DEVELOPMENTS

Financial Inclusion Policies:

Bangladesh Bank's specific policies include small entrepreneurs and women in Financial activities, including specific quotas for financing women entrepreneurs, providing COVID-19 stimulus packages benefitting women, and targeted regulations assisting with women's access.

Data and Research:

A deeper understanding of women's financial inclusion issues through research and data collection has guided the development of targeted policies and interventions.

These trends have laid the foundations for change, allowing for the growth of other initiatives tangential to female emancipation in the country, with efforts made to provide financial products and services, such as bank accounts with higher deposit rates for women, debit and credit card facilities with female-focussed privileges, low-cost loan facilities for female entrepreneurs, business support advisory services for women, and consumer loans offered at preferential interest rates.

Amongst these initiatives are Citibank's 'City Alo', Green Delta Insurance's 'Nibedita Comprehensive Insurance Policy for Women', the joint partnership between bKash and Shakti

Foundation providing direct credit to women, and the legal and pro bono services of A4ID's in-country partner, The Legal Circle.

THE WORK OF THE LEGAL CIRCLE

The Legal Circle is a corporate and commercial law firm based in Dhaka, Bangladesh. Improving financial inclusion is a central part of the firm's offerings and involves providing access to affordable and reliable financial services to underserved and marginalised populations, including women, with the aim of improving their economic and social well-being.



“Law societies, bar associations, and lawyer associations can play a fundamental role in encouraging their members to adopt and implement policies that tackle gender inequality”

THE LEGAL CIRCLE

As part of their commitment to gender equality (SDG 5), The Legal Circle advocates for the role of the legal sector in changing attitudes and creating more opportunities for public participation amongst Bangladeshi women. As such, the firm’s work on female inclusion has included developing new financial products and services targeted specifically towards female entrepreneurs to foster greater upward mobility. These efforts come in the wake of a stark lack of progression that has historically been seen amongst women working in sectors such as the RMG sector.¹⁶

Ms. Anita Ghazi Rahman (the firm’s Founder and Managing Partner) states:

“Gender inequality is one of the most urgent challenges of today. As we better understand and make the critical connections between gender and social equity, it is time we take action towards solutions. From increasing women’s representation in leadership and decision-making to redistributing care-work and productive resources, progress needs to be made in all sectors to achieve gender equity for a sustainable future.”

As one of the most startup friendly law firms, the firm utilises their in-house expertise to elevate the position of female innovators, providing pro bono advice to many female-led companies and female founders. In doing so, the firm recognises the financial roadblocks that are still present within Bangladesh’s private sector, particularly for start-up enterprises, and is leveraging the power of digital infrastructure to do so. For instance, Bangladesh is currently experiencing a rise in the use of online social platforms alongside the development of an f-commerce¹⁷ and e-commerce based economy, with much of this activity being conducted by female entrepreneurs. In recognition of these trends, the firm has played a vital role in shaping the f-commerce ecosystem by advising many women on how best to set up their organisation and guiding them with legal compliance advice.

In addition, The Legal Circle has also engaged in various pro bono mentorship programmes by partnering with business incubators and accelerators across Bangladesh, including: Startup Bangladesh Limited, Bangladesh Youth Leadership Center, Light Castle Partners, North South University Startup Next, Orange Corners Bangladesh, YYVentures, Roots of Impacts, and Betterstories Ltd. As part of this, the firm has held mentoring sessions on a variety of topics, including some well-received sessions on securing investment from venture capitalists, angel investors, banks, and non-bank financial institutions. These sessions have served to empower women by encouraging, informing, and elevating their involvement with economic activities in the country, and helped bolster their financial inclusion.

Attesting to the power of pro bono to boost financial inclusion and women's rights across Bangladesh, the firm outlines two examples of instances where they have collaborated with persons and organisations across the country and internationally. The challenges and impacts made through these contributions are also explored.

“Gender equality is not only good for business but will also increase the fairness with which society treats all its citizens. This in turn will help to increase equal representation as well as facilitating access to justice, higher public trust in the judiciary & legal system & respect for the rule of law”

THE LEGAL CIRCLE

VIDEO GUIDES FOR COMPANY FORMATION



Photo Credit: Dominic Chavez, World Bank

In March 2023, Ms. Anita Ghazi Rahman, Managing Partner of The Legal Circle began participating in an educational initiative in collaboration with the Standard Chartered Bank Bangladesh and Kaizen Research Specialists. The initiative involved producing video guides on the fundamental aspects of establishing and incorporating a company, and ensuring its continued adherence to legal requirements. The videos were disseminated as part of Standard Chartered Bank's online learning platform for entrepreneurs, and used to support aspiring women to develop their skills as part of a wider programme seeking to enhance entrepreneurial and business competencies.

CHALLENGES: The programme faced numerous challenges, particularly in reaching its intended audience and gaining sufficient access for generating genuine impact among aspiring female entrepreneurs. To overcome these barriers, the firm outlines two approaches in particular that helped, providing lessons learnt for others who may be facing similar constraints.

LESSONS LEARNED: Firstly, by designing the project in collaboration with a number of female business leaders across Bangladesh, a direct network of persons and resources were made available to help reach aspiring entrepreneurs across the country. This was important in engaging a wider pool of women across Bangladesh to increase impact and inclusivity. Once again, this approach attested to the importance of collaboration and partnership working in mobilising progress towards the SDG agenda. Secondly, to ensure that the videos were as inclusive as possible, they were released in Bangla (or Bengali) so that they could be understood by a wider group of individuals. This, coupled with the approach of using video formats to improve legal literacy, helped considerably in increasing access and engagement among the intended audience.

IMPACT: The initiative enjoyed a successful roll-out, having reached and assisted a number of female entrepreneurs, providing them with the necessary foundational legal skills to begin a legally compliant business. The firm also described the value of the programme in creating a cohort of like-minded businesswomen, united in their desire for growth and collaboration. By lending their legal expertise on company formation and by collaborating with a number of leaders and organisations across Bangladesh, The Legal Circle was able to help cultivate a new generation of female entrepreneurs. As part of this, pro bono legal support was crucial in elevating the status and opportunities available to Bangladeshi women, both as part of broader initiatives on financial inclusion, and within the wider remit of the sustainable development framework in pursuing gender equality.

CLIMATE ADAPTATION INFOGRAPHICS



Photo Credit: Scott Wallace, World Bank

A second initiative highlighted by the firm began in March 2021, and formed as part of a collaborative exercise amongst female leaders from The Legal Circle, the University of Eastern Finland, and an illustrator/architect, who set out to raise awareness of gender responsive measures to climate adaptation. While barriers to data access initially hindered progress in the project, the group were able to jointly create a number of infographics, detailing the legal history of international climate action measures, and working as a call to action for climate related solutions.

The initiative was further used to raise awareness of the socio-economic and climate vulnerabilities that specifically impact Bangladeshi women – advocating for the adoption of gender-responsive approaches to climate adaptation.

IMPACT

Public response to the infographic was immensely positive, highlighting the importance of continued research and awareness on these issues. Through its design and focus, the project also highlighted the cross-cutting nature of the SDG Agenda, in which goals relating to gender equality (SDG 5) necessarily overlap with wider ambitions around climate action (SDG 13) for the country.



Photo Credit: Shehzad Noorani, World Bank

RECOMMENDATIONS

The Legal Circle notes the importance of law and legal reform in driving change, and remains mindful of the challenges ahead:

“Bangladeshi women have been struggling to establish their rights in family, society and in the State. Inequitable laws and policies hinder formal

equality and socio-political conditions prevent women from exercising their rights.”

In order to broaden the participation of women, reduce gender-based discrimination, and improve female empowerment, the firm provides a number of recommendations for how lawyers can proactively engage, and work towards advancing gender equality in Bangladesh:

DECREASING THE LEVEL OF VIOLENCE AGAINST WOMEN AND NURTURING ITS VICTIMS

- Lawyers can build awareness of domestic violence and its impacts through educational outreach programmes to communities and affected families.
- Lawyers, as representatives of both victims and perpetrators, can support the development of advocacy efforts focusing on both sides when combating violence against women.
- Law firms can build networks with influential community, faith-based and educational leaders to educate communities and vulnerable women on their rights.
- Lawyers can support the creation of new avenues for justice, such as through enhanced pro bono contributions.
- Law firms can develop strategic partnerships with government and public entities to combat female trafficking.

FOSTERING EQUALITY IN DECISION-MAKING

- Lawyers can advocate for female empowerment in the workplace and community.
- Lawyers can encourage the inclusion of women in decisions relating to shared assets and resource management.
- Lawyers can grow capacity amongst gender-focused community groups by educating members on the rights of women.

REDUCING DISCRIMINATION AND ENSURING EQUAL ACCESS TO SERVICES

- Lawyers can support policy and law reform for improved access to social services for women.
- Law firms can partner with institutions of influence on issues relevant to female rights and empowerment.
- Lawyers can build capacity and awareness on the causes of gender inequality and injustice.
- Lawyers can work with government and public sector institutions to help identify and analyse core deficits and opportunities on women's rights and inclusion.
- Lawyers can provide targeted support services to widows and vulnerable women escaping violence.

“The legal profession is also driven by clients, who can be positive drivers for gender equality, placing greater significance on diversity and inclusion. With the increasing challenges to women and girls across the globe, the situation of women in law is as important as ever. There is no room for regression or complacency”

THE LEGAL CIRCLE.

BANGLADESH: END NOTES

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¹⁷ 'F-commerce' refers to business activities and other transactions completed within the Facebook social network platform.

Chapter Cover Photo Credit: Marcel Crozet, ILO

