



Business Environment Reform Facility

*Gender and Business Environment Reform: What is “Best Practice”?
Implications for the Bangladesh Investment Climate Fund (BICF) Phase 2*

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Acronyms and definitions

Acronyms

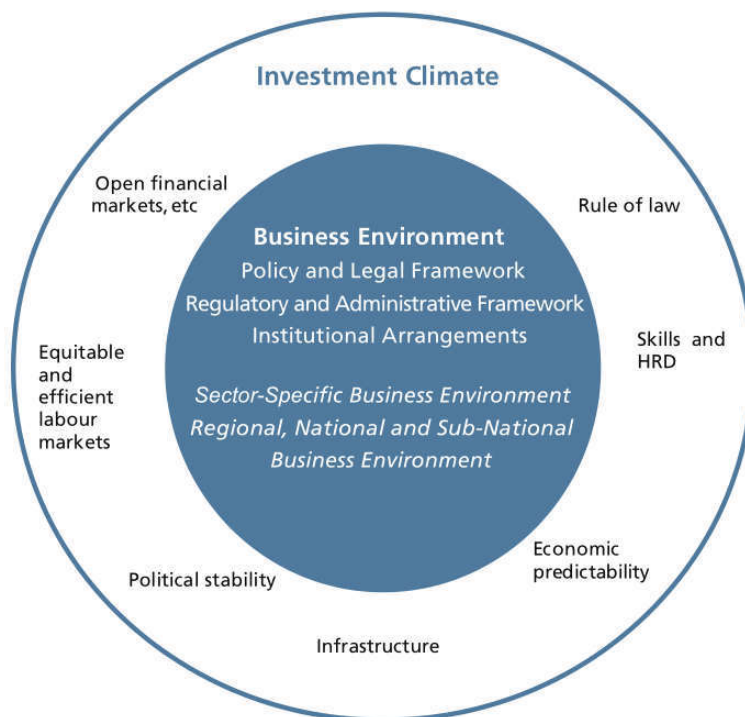
ALCA	Alliances Lesser Caucasus Programme
BER	Business environment reform
BERF	Business Environment Reform Facility
BEWG	Business Environment Working Group (of the DCED)
BICF	Bangladesh Investment Climate Fund (2007–15)
BICF2	Bangladesh Investment Climate Fund Phase 2
BILS	Bangladesh Institute of Labour Studies
EPZ	Export Processing Zone
CEDAW	(United Nations) Convention on the Elimination of All Forms of Discrimination Against Women
DCED	Donor Committee for Enterprise Development
DFID	Department for International Development (of the UK Government)
FDI	Foreign direct investment
FGD	Focus-group discussion
FIAS	Foreign Investment Advisory Service
FIDA	International Federation of Women Lawyers
GREAT Women	Gender-Responsive Economic Actions for the Transformation of Women
HR	Human resources
ICR	Investment climate reform
IEG	Independent Evaluation Group (part of the World Bank Group)
ILO	International Labour Organization (a United Nations organisation)
IMF	International Monetary Fund
NGO	Non-governmental organisation
ODI	Overseas Development Institute
PPD	Public–private dialogue
PSD	Private sector development
PSDSP	Private Sector Development Support Programme (in Bangladesh)
RMG	Ready-made garments
SEWA	Self-Employed Women’s Association (in India)
SEZ	Special economic zone
TOR	Terms of reference
UN	United Nations
UNGA	United Nations General Assembly
USAID	United States Agency for International Development
VAT	Value-added tax
WEE	Women’s economic empowerment

Definitions

This report follows the *Supporting Business Environment Reforms* definition of business environment reform:¹

For the purposes of this guidance the [DCED] defines the business environment as a complex of policy, legal, institutional, and regulatory conditions that govern business activities. It is a sub-set of the investment climate and includes the administration and enforcement mechanisms established to implement government policy, as well as the institutional arrangements that influence the way key actors operate (e.g., government agencies, regulatory authorities, and business membership organisations including businesswomen associations, civil society organisations, trade unions, etc.).

Figure 1: The relationship between the business environment and investment climate



Source: DCED, 2008, p2

The definition of Women's Economic Empowerment is adopted from the International Center for Research on Women:²

A woman is economically empowered when she has both the ability to succeed and advance economically and the power to make and act on economic decisions.

¹ DCED, 2008, p2.

² Golla, 2011, p4.

- *To succeed and advance economically, women need the skills and resources to compete in markets, as well as fair and equal access to economic institutions.*
- *To have the power and agency to benefit from economic activities, women need to have the ability to make and act on decisions and control resources and profits.*

All other gender terminology aims to be consistent with the various definitions laid out by DFID,³ including the term gender-neutral, which

is used to refer to policies and programmes that are seen to impact equally and in the same way on women and men. In reality, because gender difference is intrinsic to human life, no policy or programme that impacts on people is gender-neutral.

³ 2008, pp24 and 50–51.

1. Executive Summary

Globally, only 17 percent of firms are managed by women.⁴ Fewer women work for formal firms, they are paid less and they do more unpaid care work than men.⁵ At least 155 countries still have at least one law impeding women's economic opportunities.⁶ One component of the wider process of addressing these inequalities is to ensure that business environment reform gives particular support to women to redress the balance. Unfortunately, women's marginalisation in the economic sphere has the natural effect that women tend to be underrepresented in business environment reform processes, which are influenced primarily by men's businesses. A different approach would seemingly be required to ensure that business environment reform supports the economic empowerment of women.

Whilst there are many remaining gaps in evidence, the World Bank has described its view of best practice for gender-sensitive business environment reform in its book *Gender Dimensions of Business Environment Reform* (Simavi et al., 2010). Its approach is based on substantial country-level diagnostics of women's experience of the economy and society, and provides guidance on existing sources of data and conducting focused primary research.

Gender-sensitive programming currently has relatively little priority within donors' work on business environment reform, so the World Bank's vision of best practice has rarely if ever been fully applied. For many practitioners, the salient question is how to make incremental improvements to their programmes and learn more about how they can benefit women, whilst continuing to build on what is already working in the field. This is illustrated in this report by applying elements of the World Bank's methodology to a long-running investment climate programme in Bangladesh, which is currently taking stock in preparation for its second phase.

Recommendations:

This report recommends the following:

1. Results should be disaggregated by gender for all programmes.
2. Ideally, a country-specific diagnostic should be conducted before programme activities are specified.
3. Diagnostics should include simple primary research to fill data gaps and to test whether official procedures are implemented as written.
4. Where primary research is not feasible, a lighter touch diagnostic analysis should be undertaken using the many existing sources of information.

⁴ Enterprise surveys, <http://www.enterprisesurveys.org>, The World Bank. Figure given is for 2015.

⁵ UN WOMEN, Facts and Figures: Economic Empowerment, <http://www.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures#notes>, April 2015.

⁶ World Bank Group, 2015, p2.

There is insufficient evidence on which reforms have the greatest impact for women. There is strong evidence that greater legal rights for women are associated with a wide range of positive social and economic outcomes, though causality is harder to establish.⁷ Many of these rights are important to women as workers, entrepreneurs, and investors and would fall within the scope of business environment reform. There is also good evidence that interventions in childcare and women's associations can improve outcomes for women.⁸

⁷ Hallwood-Driemeier et al, 2013; World Bank Group, 2015.

⁸ Miles, forthcoming.

2. Introduction

Early in 2016, DFID Bangladesh requested support from BERF to understand how issues affecting women and girls can be addressed more effectively in its business environment reform work. This report contains the first part of that support: a review of the evidence on the most effective ways of conducting gender-sensitive business environment reform and the results that can be achieved by effective programmes. The second part of BERF's work will draw on these lessons to develop a gender mainstreaming strategy for the second phase of the Bangladesh Investment Climate Fund (BICF2).

Phase two of the BICF has been delayed, causing a postponement of the gender mainstreaming strategy. A case study examining likely gender concerns and applying the gender analysis methodology explained in this paper has been added to the scope of this initial phase of work, based on draft proposals for BICF2. This is intended to offer timely and relevant guidance to ensure that gender issues are given due consideration while BICF2 proposals are developed further. These draft proposals will be subject to change before finalisation and are used in this report entirely for the purpose of clarifying how the methodology can be applied in a relevant case study.

3. Summary of evidence

Evaluators of investment climate reforms have not yet been able to verify or measure the impact of projects. For example, an IEG evaluation of 819 World Bank investment climate projects (most of which did not target gender) concluded that:

*Broader impact [of the investment climate projects studied] on investment, job formation, and growth is still not clear. Neither is the overall effect of these solutions when taking a holistic country-level view. Further, the social purpose of regulation and therefore the social impact of regulatory reform is not properly identified and measured.*⁹

Existing evidence is made up of two categories:

- Associations (often correlations where causation is hard to establish) between aspects of the business environment (most often laws) and a variety of economic and social indicators, and
- Output- or outcome-level evaluation of projects, measuring success in terms of indicators such as laws enacted, or cost or time savings for firms.

3.1 Women's legal rights and outcomes

A World Bank study covering 100 countries over 50 years assessed progress in areas of legal equality such as the ability to access and own property, sign legal documents on one's own behalf and the existence of equality provisions in the constitution. It found that they are associated with improvements in indicators in girls' education, health outcomes, women's participation in elected office and female employment, especially in the formal sector and as employers. Correlations are found both between countries and in a single country over a period of time, although this methodology cannot test for causation. The same study finds that the success of reform appears to depend on the level of wealth and rule of law of the target country.¹⁰

The impact of women's rights is different depending on income level and rule of law	
Lower income countries with weaker rule of law:	Greatest success in improving girls' education and lowering infant mortality
Higher income countries with stronger rule of law:	Greatest success in female labour force participation and off-farm employment

The World Bank's ongoing *Women, Business and the Law* project¹¹ documents differential legal treatment by gender in 173 countries, as well as relevant reforms, and social and economic outcomes that are likely to be associated with these laws and changes. Although

⁹ IEG, 2014, pp140–1.

¹⁰ Hallwood-Driemeier et al, 2013.

¹¹ World Bank Group, 2015.

some of these legal conditions have not traditionally been a common focus of business environment reform projects, virtually all could be argued to fall under the DCED definition of features of the business environment.¹²

This body of evidence is reflected in recent and current programming, with an estimated three quarters of gender-sensitive business environment reform projects focusing on policy and the legal framework.¹³ Administration of joint land titles is perhaps the most strongly evidenced type of gender focused business environment intervention.

3.2 Childcare

Childcare is the area in which there is the greatest quantity of evidence of beneficial outcomes.¹⁴ It has been well established that childcare support is associated with greater female participation in the workforce, and that government-led programmes have been successful in increasing the provision and use of childcare.¹⁵ More than twice as many women receive wages in countries where childcare is subsidized or publicly provided.¹⁶ It is also an area that has received relatively little attention from donors. The two main reform areas are:

- laws relating to maternity and paternity leave (how much is a statutory requirement and how the is cost divided between employers and government), and
- fiscal policy towards childcare, i.e. whether childcare services receive any form of tax incentive or subsidy.

Mexico's Estancias¹⁷ programme is unusual in that it was created with the explicit aim of increasing women's labour force participation, rather than to aid child development (although it still contains health and educational components). The project achieved an 18 percent increase in employment among beneficiary mothers, who on average increased their hours of work by six per week.¹⁸

3.3 Formalisation

Policy to promote the formalisation of small businesses is a controversial component of business environment reform. Tax authorities and existing formal enterprises (who tend to gain disproportionate influence in private sector consultations) can form a formidable alliance in favour of expanding the formal sector to ever-smaller operators. However, richer countries often provide significant exemptions from tax and regulatory requirements for small operators, especially individuals, to encourage business formation and avoid placing an

¹² As used in this report. See definition at the start of this report.

¹³ Miles, forthcoming.

¹⁴ Miles, forthcoming.

¹⁵ E.g. in South Africa, see Samman et al, 2016, p70.

¹⁶ World Bank Group, 2015, p17.

¹⁷ Estancias Infantiles para Apoyar a Madres Trabajadores, see for instance Samman et al, 2016, p72.

¹⁸ This statistic is misreported in the ODI policy brief; the correct figure can be found in the full report.

unrealistic burden on the self-employed. This issue becomes even more complex when a proper gender analysis is included.

In many countries formalisation brings access to important benefits such as maternity leave and paid breastfeeding breaks. Whilst these may be critical to female participation in the workforce, if they are employer-funded they can also act as a disincentive to the employment of women of childbearing age.¹⁹ According to *Women, Business and the Law*, 47 percent of countries address this through full government funding of mandated maternity leave, with an additional 18 percent of governments shouldering some part of the cost.²⁰

The ODI point to examples of attempts to address these issues, such as NGOs in India (SEWA) and Bangladesh (BRAC) who offer self-paid maternity insurance for medical costs to informal-sector workers, noting that this could be expanded to include time off. In India, a cash transfer model was trialled in 2010 which aimed to partially offset wage loss.²¹

3.4 Women's associations and networks

There is strong evidence that it is critical that women are represented in gender-sensitive business environment reform, and are able to participate actively. Many donors have found that paying close attention to the representation of women in institutional arrangements has made this easier to achieve in practice. This is a very common feature of programming that incorporated multiple elements of business environment reform.

3.5 Evidence gaps

Miles (forthcoming) has identified the most important gaps in current programming in the areas of:

- access to commercial courts and alternative dispute resolution mechanisms, and
- the quality of regulatory governance.

Only three current programmes could be identified relating to the former, and none focusing on the latter. While it is understandable that donors are less confident establishing programmes in areas where existing evidence is weaker, there would be a value in piloting activity to develop an evidence base.

3.6 Programme measurement

There is currently a disappointing lack of gender-disaggregated indicators. Too many programmes completely lack gender-disaggregated indicators even though they target areas where gender constraints have already been acknowledged, while others restrict

¹⁹ "In Uganda, research has shown that well-intentioned labour reform to provide two months maternity leave (one month paid) would have been prohibitive for many smaller employers and would have discouraged them from hiring women of child bearing age." (Simavi, 2010, p192)

²⁰ Author's calculation based on *Women, Business and the Law* dataset from 2016, covering 189 countries. Excluding high income countries, 40 percent of governments fully fund, and 19 percent split the cost with employers.

²¹ Samman et al, 2016, p70

disaggregated results to only outputs, outcomes or both (only one programme could be identified by the BEWG that considered gender at all levels in the logframe²²). More worryingly, no disaggregated indicators appear to have been developed that cover tax policy and administration, quality and regulatory governance or access to commercial courts or alternative dispute settlement mechanisms.²³

²² Miles, forthcoming.

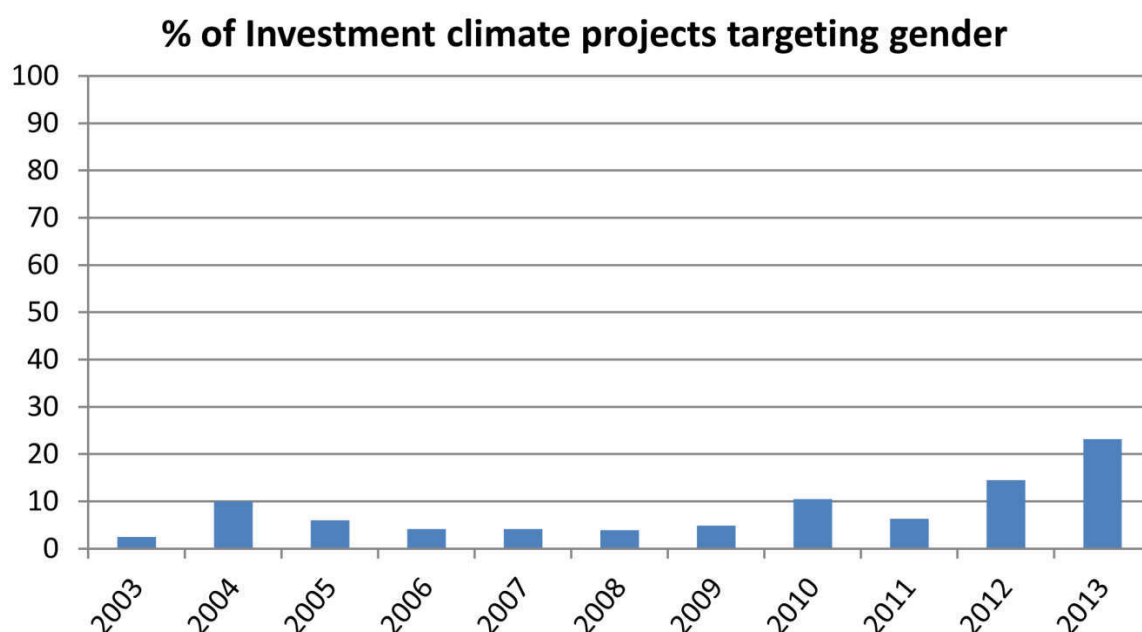
²³ Miles, forthcoming.

4. Approaches to gender analysis and programming

4.1 Introduction

While the evidence on the effectiveness of gender-sensitive business environment reforms is still limited (see section 3), the World Bank has articulated a clear and detailed model of best practice, which is described in section 4.2.3. This is useful, but it is also important to recognise that the current state of gender analysis falls considerably short of this ideal. According to the IEG's meta-evaluation of World Bank Group projects, less than a quarter target gender.

Figure 2: Projects targeting beneficiaries by gender in their design by approval year



Source: IEG, 2014, figure 1.7, p45

Despite the apparent upward trend, the authors caution that a focus on the number of programmes may hide the fact that those that target gender are smaller in scale and ambition than average:

A close analysis of projects targeting gender reveals that many are small in size and mostly focused on capacity-building activities or on filling an information gap relative to gender-based barriers in the business enabling environment.²⁴

Consequently, it is necessary to understand not only best practice, but the different levels of ambition that can be brought to business environment reform projects. In some cases an incremental approach will be necessary in which the short-term goal may fall short of best

²⁴ IEG, 2014, p45.

practice, but gradually introduce a progressively gendered approach over time. Project methodology can be divided according to the extent to which gender-sensitive analysis is used.

Levels of ambition in gender-sensitive business environment reform		
Level of Ambition		Examples
Baseline	Transparent communication of benefits for women, requiring gender-disaggregated results reporting.	Measuring and reporting the disproportionate effect on formal-sector female employment of SEZ creation and expansion. Measuring and reporting the relative benefits to women of programming that has not been based on any gender analysis, to enable future study of the extent to which different approaches alter outcomes for women.
	Incorporating gender analysis during programme design.	A review of business environment laws to incorporate gender analysis, e.g. to examine and resolve parts of a labour law that disproportionately affect women. An export sector diversification project incorporates labour, investor and entrepreneur gender analysis, to guide sector selection so that overall the programme meets gender goals.
Intermediate	Conducting targeted primary research to enhance gender analysis.	Use <i>Gender Dimensions</i> ' sector-specific questionnaires to assess female experiences of the business environment and differences between official policy and common practice, e.g. the sample questionnaire for business owners on business taxation on pp125–6.
	Gender analysis precedes selection of challenges to address or projects to design so that a business environment reform portfolio can be partly led by the discovered needs of women. This is likely to involve adding programme components that stem fundamentally from gender-aware analysis of the economy and society.	Interventions such as childcare subsidy and insurance for maternity costs and leave, which challenge and expand perception of what is considered business environment reform.
Best practice		

Source: BERF analysis based on literature review.

4.2 Levels of ambition in gender programming

4.2.1 Baseline

Given the lack of evidence that gender-sensitive programming has more beneficial effects for women than supposedly “gender-neutral” approaches,²⁵ gender-disaggregated results

²⁵ According to DFID (2008, pp16 and 51), “Gender-neutral is used to refer to policies and programmes that are seen to impact equally and in the same way on women and men. In reality, because gender difference is intrinsic to human life, no policy or programme that impacts on people is gender-neutral... In societies where women and men do not enjoy equal influence, opportunities, and resources, the default is that policies and programmes reinforce gender inequality unless active steps are taken to make sure that girls’ and women’s interests are addressed and women are actively involved.”

reporting is very useful for all projects regardless of whether results are expected to have a desirable gender balance. This will enable future research to test whether gender analysis improves outcomes for women, and if so, which approaches are the most effective. This level is therefore recommended as the minimum standard for all projects, even those expected to be “gender neutral”.²⁶

4.2.2 Intermediate

In order to achieve a set of outcomes that is consistent with DFID’s gender objectives, it is important that for each business environment reform project, a gender analysis is conducted which determines how the problem differentially affects women, and how proposed solution designs can be adjusted to have a more positive impact for female entrepreneurs, investors and workers. Even if this analysis is conducted once the basic parameters of a project have been determined (i.e. the specific business environment reform problem to be addressed and even a solution strategy), the World Bank’s *Gender Dimensions* approach can still provide valuable insight into the diagnostic questions that might be considered and sources of data and strategies for primary research that could be employed.

Gender Dimensions makes clear both that

- Important data has not been collected for many economies, especially concerning female attitudes to aspects of the business environment, even though it may be inexpensive to obtain. Starting gender analysis early in the process therefore creates opportunities to gain greater insight from targeted primary research (following comprehensive guidance provided in *Gender Dimensions*).
- Even where there is insufficient time to conduct new primary research, there is still a wide variety of information readily available that can be used as the basis for a high-quality gender analysis. Where published reports do not provide gender disaggregation, it is worth contacting the authors in case they can provide a disaggregated dataset.

4.2.3 Best Practice

In an important sense, what has traditionally been considered a “business environment reform activity” has been defined by men’s experiences as investors, entrepreneurs and workers, and the constraints to doing business that they have encountered. Once women’s experiences are properly articulated and understood, the focus shifts — and the variety of projects that are considered to be “business environment reform activities” expands, even though the definition has not changed.

Best practice programming requires full recognition of this and willingness for some programme components to be selected according to the findings of a comprehensive and solution-neutral gender analysis.

²⁶ The definition of this term (as used in DFID, 2008) is reproduced in the definitions section at the start of this report.

The main authority on best practice in gender-sensitive business environment reform is *Gender Dimensions of Business Environment Reform* (2010) by Simavi et al, published by the World Bank. This book contains:

- a summary of the economic rationale for gender-sensitive business environment reform,
- a “core module” describing the general methodology for all programmes, and
- additional guidance on eight specific sectors of business environment reform (such as public–private dialogue, business entry and operations, etc.).

Each section of guidance covers all aspects of programme implementation, from diagnostics and programme design through to implementation, monitoring and evaluation.

The book proposes a diagnostics-driven approach, based on a comprehensive analysis of the social and economic role of women in the local context, and tends to downplay rules of thumb or learning from different countries. This reflects the current state of evidence (see section 3). However, the diagnostic guidance is comprehensive, including recommended data sources, checklists of key questions and sample questionnaires for each sector. Diagnostic steps are also prioritised to facilitate lighter-touch analysis where time or resources are tight.

Summary of the core module in Gender Dimensions of Business Environment Reform		
Project Phase	Main tasks	
Core Diagnostics	Understand the roles of men and women in the economy	
	View investment climate reform in the broader social and economic context	
	Analyze the legal status of men and women	
	Identify laws, regulations, procedures and business obstacles that are perceived differently by men and women	
	Ensure women are represented in consultations	
Solution Design	Test political and cultural acceptability	
	Involve women in developing solutions	
	Link with existing government strategies	
	Draw on in-country expertise	
Implementation and M&E	Establish baselines	
	Integrate gender-focused indicators into M&E systems	

Source: *Gender Dimensions* pp 14–15.

The book complements *Supporting Business Environment Reforms* by the DCED (2008), which provides the standard methodological framework for implementing business environment reform projects, but lacks adequate guidance on gender considerations. The DCED is in the process of writing a gender annex to their 2008 guidance, which should be available in late 2016. This is expected to include a wealth of new information about donors’ experience with gender-sensitive programming that was not available in 2010.

Sources of information to assess cross-cutting diagnostic questions	
Issue or question	Sources of information
Women's non-market work	<p>National statistics</p> <p>Enterprise Surveys (www.enterprisesurveys.org)</p> <p>Household surveys, including, where available, time-use modules</p> <p>Surveys of micro and small enterprises</p> <p>Foreign Investment Advisory Service (FIAS) informality surveys</p> <p>Data from chambers of commerce and business associations</p> <p>Time-use surveys and case studies of men's and women's workloads with respect to domestic and economic activities</p>
ICR in social and cultural context	<p>National statistics</p> <p>Enterprise Surveys (www.enterprisesurveys.org)</p> <p>Household surveys, including, where available, time-use modules</p> <p>Surveys of micro and small enterprises and financial institutions</p> <p>Data from chambers of commerce, business associations, and the private sector</p> <p>CEDAW reports and "shadow" reports</p> <p>Focus group discussions (FGDs) and interviews with women in business (business forums)</p> <p>Country studies and time-use surveys</p> <p>Reports of academic and research institutions</p> <p>Participatory Poverty Assessments</p> <p>Poverty and Social Assessments</p> <p>Country studies by international nongovernmental organizations (NGOs), and academic or research institutions</p> <p>Country CEDAW reports, including "shadow" CEDAW reports prepared by NGOs</p> <p>Country gender assessments</p> <p>Focus group discussions, forums of businesswomen</p> <p>Proverbs, stories, interviews</p>
Legal status of men and women	<p>Ministry of foreign affairs (international commitments)</p> <p>Ministry of justice or legal databases (constitutional and legislative framework); lawyers specializing in gender issues (for example, the local branch of FIDA-International Federation of Women Lawyers)</p> <p>Reports of international NGOs on women's rights</p> <p>Country reports on CEDAW and "shadow" CEDAW reports</p>
Laws, regulations, obstacles perceived differently by men and women	<p>Enterprise Surveys (World Bank); World Economic Forum Gender Gap reports</p> <p>Global Entrepreneurship Monitor reports</p> <p>CEDAW reports</p> <p>Reports of national and international NGOs on the status of women</p> <p>Interviews and focus groups with business associations and organizations</p>

Source: *Gender Dimensions* Core Module, Step 1 (pp13–31)

4.3 Content appropriate to different levels of experience and ambition

The evidence discussed in section 3 suggests that our understanding of some areas of gender-sensitive business environment reform is much stronger than for others, and that programming is often successful in pushing the knowledge frontier outwards. This could be interpreted as guidance on which areas are more appropriate for new programmes in

unfamiliar contexts, and the ways in which successful projects can be expanded to address greater challenges.

The “safest” starting points, where evidence is strongest, relate to activities targeting policy and the legal framework. Among the most common thematic areas are the administration of land titles and participation in local governance — furthermore, the need for these interventions is often straightforward to establish in a new context. Another common feature of many programmes is to include a focus on the representation of women in institutional arrangements (for example by supporting women’s business associations, and by developing a network of organisations that have interests in and experience of helping female entrepreneurs). This has frequently been found to complement other activities and can provide an important check on programme design and implementation. The large number of programmes that incorporate work in this area may reflect early-stages learning that such steps are necessary to support other project outcomes.

In contexts where more thorough diagnostics are possible (or have already been completed), there have been many successful projects in areas in which evidence was previously sparse. Donors clearly have an opportunity to invest in the evidence base through innovative programming. It is also a common finding that more ambitious reform must address “socio-cultural binding constraints on women, which impact on a woman’s ability to engage in employment and entrepreneurship”.²⁷ In other words, as the level of ambition increases, donors need to become more flexible in their thinking about which kinds of activities contribute to an improved business environment for women.

4.4 Communicating about gender

In many countries, issues surrounding the role of women in society and the economy are intrinsically linked to firm cultural norms. Such norms themselves may be difficult to influence, and any organisation openly attempting to do so — especially a foreign organisation — may be taking a reputational risk. In their meta-analysis of World Bank business environment reform projects, the IEG discusses the risk that targeting women may be perceived as “politically unpalatable affirmative action”.²⁸

Programme designers have a lot of flexibility in their approach to communications, compared with many other issues of importance to women. Making the business environment more conducive to opportunities for women can be presented as an attempt to empower women, or its objectives can be communicated in less divisive terms. The purely economic rationale for gender-sensitive reform is presented in the first section of *Gender Dimensions* (pp3–11). In most cases it is entirely possible to design programmes that disproportionately benefit women or solve women’s priority concerns without presenting them as having women’s empowerment as their objective. This decision should be consistent with an individual

²⁷ Miles, forthcoming.

²⁸ IEG, 2014, p46.

donor's overall gender strategy for a country as it has important implications beyond business environment reform.

However, several recent programmes have been successful in using the media to change perceptions of women in society, so this should certainly be considered wherever explicit gender advocacy is consistent with a donor's broader communications strategy.²⁹

4.5 Innovation and learning

One of the key lessons to come out of recent projects is to establish an openness to sub-national experimentation in implementation, and try to encourage or provide mechanisms for early successes to be identified and rolled out more widely. This is understandable, given the limitations in existing evidence, and the need for projects to be tailored to local contexts. The GREAT Women³⁰ project in the Philippines and the ALCP³¹ in Georgia have both been able to identify successful innovations and to find avenues to re-apply that knowledge in other geographic areas within the project cycle.

The DCED Business Environment Working Group (BEWG) recommends that a priority area for new research is to create a series of case studies that document success in understudied thematic areas.³² Donors may wish to incorporate this kind of communication activity into their more innovative programmes.

²⁹ Miles, forthcoming.

³⁰ Gender-Responsive Economic Actions for the Transformation of Women, <http://www.pcw.gov.ph/gwp/>. In this instance beneficiaries raised the issue that national health insurance was not available to female-headed households, which the programme addressed and then expanded nationally.

³¹ Alliances Lesser Caucasus Programme, <http://alcp.ge/>

³² Miles, forthcoming.

5. Case study: Bangladesh Investment Climate Fund Phase 2

This case study is intended to illustrate how the methodology can be applied to a proposed programme of action. In this case gender analysis is being applied after the rough outline of a work programme has been proposed, so this exercise illustrates the “intermediate” approach described in section 4. Nevertheless, the proposals draw extensively on the World Bank publication *Gender Dimensions*.

In each case we consider a business environment challenge and proposed corrective action, and ask

- How might this problem or intervention particularly affect women?
- What questions should a diagnostic analysis ask, and where can the answers be found? Emphasis is placed on pre-existing sources rather than primary research, but may discuss simple consultation methods where necessary.
- What interventions or modifications to proposed interventions might be suggested by a good gender analysis?

The intention is to give a clearer understanding of what the diagnostic process would look like, not to actually conduct this analysis for BICF2. The BICF2 proposals used here are at an early draft stage and are included for illustrative purposes only. Reference to data sources are generic and may or may not be useful or existent in Bangladesh. Analysis of more refined BICF2 proposals will be completed as a separate project by BERF in late 2016.

Each subsection contains a reference to the relevant section of *Gender Dimensions*. In most cases this will contain considerably more information than is summarised here.

5.1 Modernise the reform and regulatory framework

5.1.1 Modernise regulations and simplify processes

Draft BICF2 proposal:

Regulatory modernisation such as updating the Industrial Policy, Competition Act and other investment climate areas that relate to the Doing Business indicators.

Process simplification for government-to-business services such as inspection reform.

How might this particularly affect women?

There are various reasons why women are likely to face more barriers than men in formalising and running businesses, and accessing government-to-business services. There barriers include cultural limitations on travel, time poverty due to domestic commitments, lower education and skills (including lower awareness of bureaucratic procedures), and greater incidence of harassment by officials.³³

³³ Bangladesh is mentioned in a case study on harassment in Simavi, 2010, p93, but Davidson et al (2014, p119) do not consider this an important gender-specific constraint.

What questions should a diagnostic ask? Where is information available to support analysis?	<p>Assess men and women's views on formalisation to determine whether women face particular barriers. See private sector surveys such as the World Bank Enterprise Surveys and Administrative and Regulatory Cost Surveys. Consider collecting data from the informal sector, recently formalised firms and intermediaries who perform registration and licensing.</p> <p>Review relevant law and assess institutions responsible for business registration and government-to-business services. On-site interviews can give insight into areas where customary practice deviates from official policy to the detriment of women.</p>
What can be done?	<p>Process simplification can prioritise areas in which particular problems for women have been identified.</p> <p>Outreach and communication activities can provide more information to women, especially in the informal sector, on formalisation and accessing government services for businesses.</p> <p>Gender-sensitivity can be incorporated into the impact assessment of reforms.</p> <p>Gender balance can be promoted in government offices providing services and licensing, especially in front-office staff.</p> <p>The need for personal attendance can be reduced (while ensuring that the alternative is more accessible for female entrepreneurs).</p>
Reference	Module 2: Business Entry and Operations: Registration, Licensing and Permits, p81

5.1.2 Institution building and public-private dialogue (PPD)

■ Draft BICF2 proposal:

Institution building to take forward reform sustainably, by supporting the Public-Private Dialogue platform, Private Sector Development Policy Coordination Committee (within the government of Bangladesh), and the Board of Investment.

How might this particularly affect women?	<p>Women are frequently underrepresented in PPD processes, both in official forums and informal counterparts.</p> <p>Not only is it important to ensure that PPD is gender-balanced for its own sake, but PPD is a vital ingredient in all business environment reform. Strengthening women's voices in this area will help to ensure that all aspects of a wider business environment reform programme will benefit from a more informed understanding of the situation female entrepreneurs and workers face, and a source of partnerships with organisations that will be invaluable in supporting gender-sensitive reform.</p> <p>Reference p66</p>
What questions should a diagnostic ask? Where is information available to support analysis?	<p>Assess the level of gender inclusion in participants in PPD (i.e. the private sector, intermediaries such as business associations, government, civil societies and donors). Intermediaries are particularly important. What is the balance of membership? Are there groups exclusively representing women in business? How effective are they? What kind of services do they offer members? How do they disseminate information? Are these mechanisms designed to be accessible to women? Are there other important intermediaries representing women such as a women's lawyers association? Are representatives of informal firms given the same status as representatives of the formal sector?</p>

What can be done?	<p>Ensure that women are represented in PPD. Consider including groups not normally involved in PPD that understand the issues facing women in business such as microfinance organisations, NGOs with a livelihoods mandate and grassroots organisations.</p> <p>Training can be provided to women's groups, and this can be used as an opportunity to build coalitions that can operate within PPD processes.</p> <p>Linkages can be created between PPD participants and CEDAW³⁴ reporting: the PPD agenda can be included within CEDAW reporting, and shadow CEDAW reporting can cover PPD priorities.</p>
Reference	Module 1: Public–Private Dialogue, p53. Checklist of key questions on p63.

5.2 Improve industrial infrastructure

5.2.1 Access industrial land

Draft BICF2 proposal:

Take forward the zones agenda, technical assistance to complement the PSDSP 2 loan to the government; improve social compliance in zones, land bank of government land; support investment promotion agencies to facilitate land registration for investors.

How might this particularly affect women?	Globally, 60–70 percent of SEZ employees are women; as workers their concerns include “exploitation of women through low wage levels, lack of training or skill upgrading, and suppression of labour standards and core labour rights, including trade unionization”. ³⁵ As entrepreneurs, due to their legal autonomy, SEZs provide an opportunity to address specific issues that might be more difficult to resolve across the wider economy, e.g. to provide land title to women where this is otherwise problematic.
What questions should a diagnostic ask?	What is labour law and practice for female employees like in zones? See reports on labour standards by the ILO, local unions and NGOs, and SEZ law.
Where can this information be found?	What are the procedures for acquiring land? See SEZ law and regulations. How do the policies and procedures of the SEZ Authority affect women? See question checklist on p200.
What can be done?	<p>Local women-owned enterprises can be supported through business linkages to SEZ tenants.</p> <p>Non-fiscal incentives can be provided to women-owned tenants to locate in the SEZ, e.g. the operator can set aside office space for women's start-ups.</p> <p>Women-owned tenants can be linked with foreign companies with a policy of buying from women-owned entities.</p> <p>Operator and tenant charters and standard operating procedures meeting minimum gender requirements can be developed, e.g. relating to worker housing, transport, HR policies, and grievance procedures.</p> <p>Specialist gender advisors can be employed.</p> <p>Crèche, healthcare, banking services can be provided within the SEZ, as well as training programs to: (i) upgrade women's skills in a range of occupations; and (ii) provide basic entry-level skills to the female labour pool.³⁶</p>

³⁴ The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international treaty adopted by the UNGA in 1979 and ratified by Bangladesh in 1984 with reservations. The Convention requires parties to submit reports every four years on their compliance with their commitments. In many countries, NGOs simultaneously submit “shadow reports” critiquing the government's statements.

³⁵ Simany *et al*, 2010, p185, citing *Labour and Social Issues Relating to Export Processing Zones*, ILO, 1998.

³⁶ Simavi *et al*, 2010, p188, citing “Special Economic Zones Practitioner's Guide: With Application to Conflict-Affected Countries, 2009, IFC ICAS.”

Reference	Module 7: Special Economic Zones, p183
5.2.2 Access energy	
Draft BICF2 proposal:	
<i>Provide implementation support to Investment Promotion Financing Facility of the World Bank, remove post-license regulatory barriers for power plant investments, update pricing policy for gas exploration and development, reform of gas project steering committee processes.</i>	
How might this particularly affect women?	In some countries significant differences have been reported in the perception of male and female entrepreneurs in the extent to which accessing electricity is a challenge, ³⁷ but this has not been documented in many countries.
What questions should a diagnostic ask? Where is information available to support analysis?	An enterprise survey may reveal whether there are significant differences between male and female entrepreneurs in their ability to access energy, although this is not known to be common.
What can be done?	Gender-related difficulties in accessing electricity have not been widely documented and solutions would have to draw on domestic findings.
Reference	Core Module: Gender-Informed Baseline for Diagnostics, Solution Design, Implementation, and Monitoring and Evaluation, p13.

5.3 Enhance export diversification and sector competitiveness

5.3.1 Sector competitiveness

Draft BICF2 proposal:

Undertake comprehensive sector competitiveness benchmarking, streamline sector-specific regulatory constraints (deepening of existing work in agribusiness while expanding to two new sectors), ensure efficient contract enforcement in target sectors, and investment promotion.

³⁷ "There are some gender-related differences in Egypt's investment climate. Egyptian female-owned firms are more likely than male-owned firms to perceive access to land and electricity as problems. This finding is confirmed by additional analysis, which substantiates differences for electricity through the objective occurrence of problems. Egyptian female-owned firms report a yearly average of 14 days of interruption from power outages or surges from the public grid, compared with 10 days reported by male-owned firms. It is difficult to explain the root causes. More interesting is that female-owned firms report higher losses because of these problems (7 percent of total sales, compared with 5 percent for male-owned firms)." See Simavi et al, 2010, p25, citing Nadereh Chamlou, 2008, *The Environment for Women's Entrepreneurship in the Middle East and North Africa Region*, Washington DC: World Bank.

How might this particularly affect women?	<p>FDI has had a large impact on women's employment in the formal sector, and in many instances has enabled women to enter the formal labour market for the first time. However, as industries upgrade their technology, female workers are often displaced by men.</p> <p>In Bangladesh, the ready-made garment (RMG) sector represents a significant proportion of all female formal sector employment. This represents an important risk for women's welfare, since an economic shock in this sector could have grave consequences for female wages and unemployment. Diversification through increased FDI in other sectors is a risk-reduction strategy of particular importance to women.</p> <p>In addition, specific FDI sectors such as logging and extractive industries have been associated with detrimental effects on local communities, and particularly on women.</p> <p>When selecting sectors in which to focus interventions, the typical gender balance in employment, management and investment can be used to ensure that in combination the chosen sectors contribute to DFID's targets.</p>
<p>What questions should a diagnostic ask?</p> <p>Where is information available to support analysis?</p>	<p>When considering a sector for inclusion, analysis should determine the typical gender balance in the sector; the potential for women to participate in the sector as suppliers/entrepreneurs; whether skills requirements match available female labour; whether labour laws will hamper women in participating; whether women will have adequate access to information about new opportunities.</p> <p>The country's investment code, if it has one, should be analysed for discrimination.</p> <p>The investment promotion authority should be assessed to ensure it provides adequate support to women (see p215).</p> <p>Determine whether the country's public-private dialogue mechanisms operate adequately in relation to investment policy.</p>
What can be done?	<p>Information on employment opportunities can be improved (e.g. through job counselling) and access to training opportunities facilitated. Investment promotion can specifically highlight female successes. Ensure investment law is non-discriminatory. Ensure women can benefit equally from investor support services. Ensure women can participate equally in PPD processes (see subsection 5.1.2).</p>
Reference	Module 8: Foreign investment policy and promotion, p203

5.3.2 Trade competitiveness

■ Draft BICF2 proposal:

Review and rationalise fiscal and non-fiscal incentives, trade competitiveness and trade policy diagnostics, streamline trade facilitation and logistics.

How might this particularly affect women?	<p>Delays in trade formalities tie up working capital, which is often more scarce for female entrepreneurs because they typically have smaller businesses and are often more constrained in accessing credit. A lack of physical security at borders can make women more vulnerable. Women may have more limited business networks, giving them less access to informal knowledge about regulations and customs requirements. For smaller-scale trade, lower literacy may make women more dependent on agents to clear goods and more vulnerable to fraud in this process.</p>
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What questions should a diagnostic ask? Where is information available to support analysis?	<p>Find out from female-headed firms dealing with import/export procedures what their experiences are of dealing with formalities: quality of service, delays, problems, sexual harassment, corruption, information availability, desired improvements.</p> <p>Assess authorities administering international trade to determine: whether there is gender-disaggregated data on users of the system; the views of the institution on problems businesswomen might face when interacting with them; the gender balance of the staff in the institution, particularly those who deal with the public; the culture of the institution, including the extent to which operational manuals, customer charters, and so forth, address gender issues, and onsite observations to assess the extent to which the culture is gender neutral; and the physical environment of the institution — is it one in which women would feel comfortable? Information may be available from the local chapter of the Organization of Women in Business. Stakeholder consultation may be necessary.</p>
What can be done?	<p>A tailored communication strategy can be used to explain procedural changes to women, who may access information systems differently to men.</p> <p>Process reengineering can be used to make administration more appropriate for women, e.g. develop a customer charter to address gender issues, ensure training and manuals cover gender issues, promote gender balance in staff, especially front-office staff, provide dedicated service points for women.</p> <p>Evidence that women tend to be more compliant than men can be exploited in risk management systems to reduce inspections and delays for shipments for female-headed firms.</p>
Reference	Module 4: Trade Logistics, p129 (including sample questionnaire on pp141–2); Module 3: Business Taxation, p111.

6. Recommendations

1. Results should be disaggregated by gender for all programmes, including those that are considered to be “gender neutral”. This is necessary to build evidence on the impact of gender analysis and different gender-sensitive approaches on women compared to a “gender neutral” baseline.
2. Ideally, a country-specific diagnostic should be conducted before programme activities are specified so that a broad assessment can identify reform priorities for female workers, entrepreneurs and investors. This acknowledges that:
 - a) Historical business environment reform priorities have been primarily guided by men’s experiences.
 - b) Accumulated evidence is not yet sufficient to import solutions from other contexts without the benefit of a strong local diagnostic.
3. Diagnostics should include simple primary research where necessary to fill data gaps and to test whether official procedures are implemented as written, since discrimination against women commonly persists after formal rules have been reformed to eliminate it.
4. Where time and resources are constrained or a programme is already well established, it is appropriate to undertake a diagnostic analysis using a wide variety of existing sources of information. This can be used to adjust business environment reform programmes so as to incrementally improve outcomes for women.

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8. Appendix 1 - Summary of Terms of Reference

Overview

Bangladesh has achieved commendable achievements in growth and development in the last ten years. During this period the economy has grown by around 6 per cent per year, accompanied by improvements in human development indicators. Poverty in rural and urban areas has declined, though the absolute number of people still living below the poverty line remains high, at around 47 million. While the country performs well on some development indicators, the enabling environment for business has shown less impressive results. Bangladesh ranked 174 out of 189 in the 2016 World Bank *Doing Business* report,³⁸ a two-point drop on 2015. In the Distance to Frontier rankings, it scored ten points below the South Asia regional average of 53.71, and even lower in comparison to the best regional performer, Sri Lanka.

Bangladesh ranks with some of the lowest performers in the world on some indicators, in particular 'Getting Electricity' (#189), 'Enforcing Contracts' (#188), and 'Registering Property' (#185). Corruption also remains widespread. DFID Bangladesh has also identified several factors as constraints to further growth including inadequate infrastructure, bureaucratic barriers to investment and political instability.

Women, in particular poor women, are disproportionately affected by the weak business environment in Bangladesh. According to DFID, women are more likely to have limited options for jobs and business opportunities.³⁹ Access to formal jobs and the financing required for income generation are also restricted by structural inefficiencies. The Gender Gap Index 2014 published by the World Economic Forum ranks Bangladesh at 68 out of 142 countries, but places it at 127 out of 142 for Economic Participation and Opportunity for Women. This reflects the fact that opportunities for women are much more restricted in the economic field than in other areas, such as health, education and political empowerment.

Gender economic inequality is also reflected in various ratios prepared by the World Economic Forum which compare the situation of women to that of men (with a score of 0 reflecting total inequality, and 1 reflecting complete equality with men): a labour force participation rate for women of 0.70; a wage equality ratio of 0.57; employment of women as senior officials and managers at 0.06; and as professional and technical workers at 0.32.⁴⁰

Expanding private sector participation and the participation of women in business and high value employment in particular are priorities for DFID as it launches Phase 2 of the Bangladesh Investment Climate Fund (BICF) in collaboration with the International Finance Corporation (IFC). DFID's Business Case indicates that the BICF 2 will build on a strong

³⁸ <http://www.doingbusiness.org/data/exploreeconomies/bangladesh>

³⁹ DFID.2016. Business Case Bangladesh Investment Climate Facility Phase 2

⁴⁰ <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=BGD>

foundation of more streamlined laws and regulations to deepen support for pro-poor economic growth. Specifically, it aims to contribute to the creation of 50,000 more formal jobs, 40% of which will be for women, and facilitation of £325 million of additional foreign and local private investments. Pillar 3 of the new investment climate programme will also promote export diversification and reduce the country's reliance on the Ready Made Garment sector, thus opening up more jobs and better quality jobs for women.

DFID Bangladesh has requested support from BERF to understand how issues affecting women and girls can be addressed more effectively in its business environment reform (BER) work. Specifically, it has asked for support in developing a gender mainstreaming strategy for BICF 2. Work for the strategy should also draw on a separate review of relevant evidence documents.

BERF will adopt a number of measures to ensure that the Gender Mainstreaming Strategy for BICF 2 is grounded in hard evidence of what works in Gender and BE/ investment climate reform. This will include research in the first instance to review and analyse past and current BER and investment climate programmes which have managed to incorporate and implement gender sensitive results indicators. BERF will assess how these programmes have delivered reforms that have made a demonstrable impact on the lives of women and girls in terms of economic empowerment. Lessons from these programmes will underpin expert guidance to DFID Bangladesh on the most effective ways to mainstream gender into the BICF Phase 2.

Objective

Provide inputs for an evidence-based gender mainstreaming strategy for the BICF 2. This should include guidance on how Bangladesh could improve economic empowerment for women through gender-sensitive implementation of BER programmes.

Link with BER/investment/jobs/poverty (ToC)

Evidence from this study will enable effective assessment of the link between BER programmes and women's economic empowerment, in particular access for women to jobs and income opportunities. A gender mainstreaming strategy for BICF 2 will help to promote a more inclusive BE in Bangladesh, higher and sustained levels of investment and growth, and poverty reduction for women.

Client and beneficiaries

The immediate client for this output is DFID Bangladesh. The ultimate beneficiaries will be poor people, especially women and girls in Bangladesh. They will benefit directly or indirectly from jobs which are created as new businesses set up operations or as existing ones expand. DFID's partners such as other development agencies, policy-makers, private sector associations and groups promoting women's economic empowerment will also benefit from evidence on good practice.

Scope of work

This assignment will produce two outputs as follows:

a. Document Review

- A desk review of evidence of BE and investment climate reform programmes which have successfully incorporated a gender mainstreaming strategy. One of the main sources of evidence will be the DCED Business Environment Working Group (BEWG) and a review of the study and analysis which is currently underway on Gender Sensitive BER and Women's Economic Empowerment (WEE) through BER. Other sources include documents from think tanks, the World Bank, OECD, UN agencies and bi-lateral donors in the gender and WEE space.
- Analysis of desk based research.
- Collation of findings.
- Drafting of the Document Review Research Report (using the outline attached on page 5).

b. Gender Mainstreaming Strategy for BICF

On the basis of the evidence gleaned and investment climate priorities established by DFID for Bangladesh, a consultant (expert in gender and BER) will draft a Gender Mainstreaming Strategy for the BICF which will:

- Provide clear evidence and guidance on how to build realistic results-based gender indicators into the BICF Theory of Change.
- Build on case studies on how other BER programmes have achieved the balance between traditional BER goals and gender focussed objectives.
- Provide guidance on the monitoring tools which should be built into the BICF programme implementation to allow DFID and its partners to effectively monitor gender impacts through the life of the BICF 2.
- Provide guidance on how to achieve results in gender sensitive BER programmes in countries with a similar political economy framework to Bangladesh.
- Produce a Gender Mainstreaming Strategy for DFID Bangladesh that supports the objectives of the Bangladesh Investment Climate Facility Phase 2. The Strategy should highlight:
 - a. What 'works well' in mainstreaming gender into BER and IC programmes.
 - b. What does not 'work well' in the above.

Method

The following tasks will be carried out:

Part A (Document Review Research Report)

1. Undertake a desk review of available evidence (including the DCED Gender and BER report) to assess how other donors have effectively applied a gender lens to the implementation of BER and investment climate programmes.
2. Assess the strengths and weaknesses of different gender mainstreaming in BER and investment climate programme approaches.
3. Collate and analyse findings from the document review.
4. Draft a document review report on evidence from BER and investment climate programmes which have mainstreamed gender in their programme approach.

Part B (Gender Mainstreaming Strategy / Evidence and Learning Note)

1. Assess how DFID Bangladesh could apply evidence from 'what works well' to embed gender responsive indicators into implementation of BICF 2.
2. Consult (where possible) with DFID's main development partners in Bangladesh, public sector agencies, women's trade associations, women's economic empowerment development agencies to get feedback on the recommended gender mainstreaming strategy approach.
3. Draft a formal report for use as a BERF Evidence and Learning report, highlighting how DFID Bangladesh should use existing evidence to mainstream gender into the BICF Phase 2.

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