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议程项目 3

促进和保护所有人权——公民权利、政治权利、
经济、社会及文化权利，包括发展权

对孟加拉国的访问

极端贫困与人权问题特别报告员奥利维耶·德许特的报告*

概要

极端贫困与人权问题特别报告员奥利维耶·德许特于 2023 年 5 月 17 日至 29 日访问了孟加拉国。此次访问的目的是在孟加拉国准备脱离最不发达国家地位之际，考察在消除贫困方面取得的进展。孟加拉国面临多方面的挑战，包括日益加剧的多层面贫困和不平等，以及与气候变化相关的国内流离失所问题。特别报告员表示关切的是，人权维护者和民间社会遭到严厉镇压，言论和表达自由继续受到攻击，税收制度倒退，社会保护不足(缺乏对非正规工人保护)，成衣部门工资微薄。他对 2023 年 6 月前第二轮食品配给削减对生活在难民营中的罗辛亚难民的影响感到震惊，这些难民完全依赖人道主义援助，没有权利在孟加拉国工作。国际社会负有提供所需人道主义资金的道义和法律责任。

* 本报告概要以所有正式语文分发。报告正文附于概要之后，仅以提交语文分发。



附件

极端贫困与人权问题特别报告员访问孟加拉国的报告

I. Introduction

1. The Special Rapporteur on extreme poverty and human rights, Olivier De Schutter, conducted a visit to Bangladesh from 17 to 29 May 2023. The Special Rapporteur is grateful to the Government for inviting him and facilitating his visit and for engaging in a constructive dialogue. He submits the present report in accordance with Human Rights Council resolution 53/10.

2. During his visit in Bangladesh, the Special Rapporteur travelled to Rangpur Division, Kurigram and the Ukhiya camps in Cox's Bazar, in addition to travelling to several locations in and around Dhaka (including Dhalpur, Matuail and Ghazipur). The Special Rapporteur met with the Deputy Commissioner and Upazila Nirbahi Officer of Kurigram. In Cox's Bazar, he met with the Refugee Relief and Repatriation Commissioner and the Camp-in-Charge of two camps. In the capital city, the Special Rapporteur had meetings with the National Human Rights Commission, the Ministry of Labour and Employment, Ministry of Social Welfare, Ministry of Finance, Ministry of Agriculture, Ministry of Land, Ministry of Education, Ministry of Planning (General Economics Division and Bangladesh Bureau of Statistics), Ministry of Environment, Forest and Climate Change, and Ministry of Housing and Public Works, and the Bangladesh Investment Development Authority. He also met with the State Minister of Foreign Affairs, as well as with the Minister of Local Government, Rural Development and Co-operatives.

3. The Special Rapporteur also held meetings with a number of human rights defenders, academics and representatives of minority communities (Dalit, Adivasi, Bede, Hijra, linguistic minorities such as the Bihari, and climate-affected migrants), persons with disabilities, people living in informal settlements, activists, lawyers, civil society organizations working towards alleviating poverty and tackling multidimensional inequalities, thought leaders, organized and unorganized garment workers, informal workers (including waste pickers, pavement dwellers, domestic, construction and masonry workers, hawkers, rickshaw pullers, homeworkers and street vendors) and trade unions representing formal and informal workers including overseas migrant workers. As part of his visit, he met with United Nations agencies and international non-governmental organizations (NGOs). He is grateful to the United Nations Resident Coordinator Office, the Senior Human Rights Adviser and the United Nations country team for the support provided during his visit.

4. The Special Rapporteur also expresses his gratitude to all the individuals, communities and groups he met, and whose expertise and lived experiences he benefited from. The testimonies received inform the following observations.

II. General state of poverty and inequality

5. The Government uses two official poverty lines: an upper, and a lower, extreme, poverty line. Both lines rely on a "cost of basic needs" approach. On these measures, Bangladesh has made impressive progress in reducing poverty. In 2000, 48.9 per cent of Bangladeshis were counted as poor using the upper poverty line, and 34.3 per cent were in extreme poverty; by 2022, the figures were 18.7 per cent and 5.6 per cent respectively. Poverty has fallen in both rural and urban areas. By 2022, 20.5 per cent of Bangladeshis living in rural areas were in poverty, while in urban areas the figure stood at 14.7 per cent; the figures for the lower poverty line were 6.5 per cent in rural areas and 3.8 per cent in urban

areas.¹ Multidimensional poverty (a composite of health, education and living standards indicators) fell from 37.6 per cent to 24.1 per cent of the population from 2014 to 2019.²

6. At the same time, the Gini coefficient of income inequality increased from 0.458 in 2010 to 0.499 by 2022,³ and the eighth five-year plan (2020–2025) defines the reduction of inequality as a priority.⁴ In addition, a category of “new poor” is emerging: households just above the poverty line who have little to no savings. Such households are highly vulnerable to shocks: more than three quarters (77 per cent) of people living in urban informal settlements or slum areas and who were not poor but whose income was still below the median income level, fell into poverty following the first nationwide lockdown in 2020.⁵

7. General progress in poverty reduction therefore remains fragile. Against such a background, inflation is a major concern, especially for the poorest people, who must spend a higher proportion of their income.⁶

8. During the visit, the Special Rapporteur was informed that a report by the General Economics Division and the United Nations Children’s Fund (UNICEF) had been prepared, using the 2019 Multiple Indicator Cluster Survey to look at multidimensional child poverty. The report remains unpublished owing to sensitive details around the findings. This is regrettable, since such a multidimensional approach to poverty would better reflect the conditions and experiences of people in poverty and could guide efforts not only towards raising incomes to allow for increases in private consumption, but also towards providing public goods such as safe sanitation to improve standards of living.

9. The Special Rapporteur thus encourages the General Economics Division to persist in its efforts to design a national multidimensional poverty measure.⁷ He also encourages the Bangladesh Bureau of Statistics, the agency responsible for conducting the Household Income and Expenditure Survey, to improve area-based poverty mapping and subgroup analysis. The current approach towards the Household Income and Expenditure Survey limits its ability to track poverty in specific areas such as the Chittagong Hill Tracts, or among specific groups such as Indigenous communities. Therefore, while welcoming the commitment of the Government to carry out the Household Income and Expenditure Survey on a more frequent basis, the Special Rapporteur encourages greater disaggregation of poverty and inequality indicators in order to understand the situation of different groups as well as the dynamic nature of poverty. Disaggregation should include age, gender, and household type; background (to identify the situation of Indigenous groups and ethnic, religious or linguistic minorities); health and disability status; occupation; access to land; migration status; and location (to track differences between urban and rural areas). This would allow the Government to track whether certain groups of the population are left behind and deserve special attention in public policies.

¹ Bangladesh Bureau of Statistics, “Key findings: household income and expenditure survey 2022” (2023).

² United Nations Development Programme (UNDP) and Oxford Poverty and Human Development Initiative, “Global multidimensional poverty index 2023 – Unstacking global poverty: data for high impact action”, table 2.

³ Bangladesh Bureau of Statistics, “Key findings: household income and expenditure survey 2022”, p. 15.

⁴ General Economics Division, Planning Commission, “Eighth five-year plan, July 2020–June 2025” (2020), p. 13.

⁵ Mirza Hassan, Salina Aziz and Nusrat Jahan, “Human rights of the poor in Bangladesh” (Bangladesh Institute of Development Studies, Brac University).

⁶ Selim Raihan et al., “Effects of inflation on the livelihoods of poor households in Bangladesh: findings from SANEM’s nationwide household survey 2023”, *SANEM Thinking Aloud*, vol. 9, No. 11, (April 2023).

⁷ General Economics Division, *Sustainable Development Goals: Bangladesh Progress Report 2022*, (Government of Bangladesh, June 2022), p. 19.

III. Preconditions to the fight against poverty

10. While the focus of the visit was on the challenges that Bangladesh faces in the fight against poverty and in the realization of economic, social and cultural rights, any progress in these areas can only be achieved if civil society groups and journalists can act as watchdogs against corruption and poor governance, if workers' unions are allowed to organize and protest against violations of workers' rights, if opposition political parties are allowed to propose alternatives, and if human rights defenders can hold both public authorities and non-State actors accountable. Moreover, general economic progress will only be equitably shared if marginalized groups are protected from discrimination effectively. Finally, the financing of public services and of social protection requires improving the mobilization of domestic resources. The following paragraphs address these questions in turn.

A. Preserving civic space: challenging systemic silencing

11. The civic space has been shrinking in recent years. In particular, the Digital Security Act, 2018, has been used to suppress independent thought and voices, including on the Internet. The Special Rapporteur was informed that human rights defenders, students, activists, journalists, opposition politicians and academics had been harassed, detained, and, in some cases, allegedly tortured during custody – resulting in death. Between 2019 and 2023, a total of 2,889 persons were accused under the Digital Security Act.⁸

12. The Special Rapporteur was informed about the arbitrary and worrying use of the Digital Security Act to arrest individuals under a wide range of offences – such as hurting religious sentiments, criticism on the liberation war, spreading misinformation about coronavirus disease (COVID-19), or criticizing the response to it by the Government and others.⁹ Those accused and placed in detention often had to remain in custody for long periods of time until a bail order could be issued by the higher courts.

13. Section 32 of the Digital Security Act refers to the Official Secrets Act, under which an individual can be punished with imprisonment for up to 14 years, or with a fine of up to 2,500,000 taka for “breaching the secrecy of the Government”.¹⁰ This section has been used to induce a climate of fear and censorship and to limit debates on issues of public interest. Going against the spirit of the Right to Information Act, 2009, it is also in violation of article 19 (3) of the International Covenant on Civil and Political Rights. The Special Rapporteur remains concerned about the amendment of the 2018 Digital Security Act as the 2023 Cyber Security Act, which continues to repurpose several elements contravening international human rights law.

14. The Special Rapporteur was also alerted about the function of the NGO Affairs Bureau as a tool to suppress voices of dissent. The Bureau is accused of deregistering human rights organizations, cutting foreign funding licences and delaying project approvals or funds to civil society organizations that are deemed anti-government. The human rights organization Odhikar thus saw its registration cancelled by the NGO Affairs Bureau, reportedly based on “publishing misleading information on extrajudicial killings and enforced disappearances”.¹¹

⁸ Centre for Governance Studies, “Digital Security Act succeeded in spreading fear”, available at <https://cgs-bd.com/article/11258/Digital-Security-Act-succeeded-in-spreading-fear>.

⁹ Office of the United Nations High Commissioner for Human Rights (2022), “Technical note to the Government of Bangladesh on review of the Digital Security Act”.

¹⁰ Government of Bangladesh, Legislative and Parliamentary Affairs Division, Ministry of Law, Justice and Parliamentary Affairs, Digital Security Act, 2018 (Act No. XLVI of 2018).

¹¹ Asian Network for Free Elections, “Joint statement: international democracy advocates denounce Odhikar’s deregistration in Bangladesh” (16 June 2022).

B. Preventing and combating discrimination

15. Bangladesh is home to many linguistic, ethnic, gender-diverse and religious minorities, such as Dalits, Adivasis, Urdu-speaking Biharis, Bede (nomadic), Hijras and others. It rightly prides itself on its diversity. Article 28 (1) of the Constitution of Bangladesh prohibits discrimination by the State on the grounds of religion, race, caste, sex or place of birth.

16. Between 3.5 and 6.5 million Dalits¹² (representing 3 to 4 per cent of the total population) live in Bangladesh, often in segregated areas. The Special Rapporteur received a range of testimonies from Dalit communities about deplorable practices of “untouchability”, stigma, violence, and social as well as spatial segregation resulting in lack of access to education, health care, clean water, sanitation and hygiene, social protection, housing and land. He was informed that the Dalit community was also confined to professions such as burying dead bodies, sweeping, cleaning, day labour, manual scavenging, carcass removal and disposal, and other jobs deemed undesirable by dominant castes and classes.

17. In Rangpur, the Special Rapporteur met with representatives from plainland Adivasi communities. The total population of the Adivasi community in Bangladesh was reported to be 1.65 million according to the most recent population census, of 2022¹³ – a figure that Indigenous groups consider to be an underestimate. Many Adivasi face linguistic barriers as well as obstacles in access to education and livelihood prospects. Child marriage among Adivasis remains a common practice. While government policy provides for a 5 per cent quota for some jobs in the civil service for Adivasis, this applies only to lower-tier government jobs.

18. Like the Dalit community, many Adivasi people are also unable to access allowances for older persons or persons with disabilities, as access to such schemes in practice requires “good social relations” with the local union council¹⁴ chairperson or the ward councillor. The Special Rapporteur was informed that in some cases, people were expected to pay a bribe of Tk 4,000 to 8,000 in order to access welfare schemes.

19. The Special Rapporteur visited an informal settlement in Dhaka and met with members of the Telegu community – descendants of people bonded by caste-based servitude, brought to Bangladesh during the British colonial regime. Representatives from the community explained the various forms of marginalization they faced: belonging to the Shudra caste, they had limited access to livelihood options, and were relegated to work tied to sanitation and cleaning; as part of the Hindu community, they were not able to integrate in the mainstream Muslim society; and finally, they faced discrimination due to the linguistic and sociocultural differences of being a Telegu.

20. In February 2023, 230 families from the Telegu community were forcibly evicted from their homes in Dhalpur without any prior notice to the community, by the Dhaka South City Corporation. Their homes were razed 48 hours after the notice was served. At the time of the visit, the community school (from preschool to grade eighth), the temple and the church were also facing demolition. No compensation was provided to the community, nor was any suitable relocation proposed. Many families who had nowhere else to go were forced to live in informally constructed temporary housing next to the site of eviction, without an electrical connection or access to proper water and sanitation infrastructure. Open sewage affects the residents’ health. The Land Acquisition and Requisition of Immovable Property Act, 2017, provides limited protection to individuals and families at risk of eviction. The Act is not in line with general comments No. 4 (1991) and No. 7 (1997) of the Committee on Economic, Social and Cultural Rights, the basic principles and guidelines on development-based evictions and displacement, of 2007,¹⁵ and general comment No. 15 (2002) of the Committee

¹² International Dalit Solidarity Network et al., “Joint NGO submission related to the review of Bangladesh for the fourth cycle of the universal periodic review 2023 – the situation of Dalits in Bangladesh”.

¹³ Bangladesh Bureau of Statistics, *Population and Housing Census 2022: Preliminary Report* (Government of Bangladesh, 2023), p. vii.

¹⁴ Union parishad.

¹⁵ A/HRC/4/18, annex I.

on Economic, Social and Cultural Rights on the right to water, owing to the living conditions of people with insecure land tenure status.

21. The Special Rapporteur also met with members of the Urdu-speaking linguistic minority – the Bihari – who were only granted their citizenship rights in Bangladesh in 2008. Residing in 116 “camps” in different parts of the country, they live under a constant threat of eviction – like the Telegu community.

22. While the Dalit, Adivasi and Bihari are not the only groups that face discrimination in the country, they illustrate the importance of strengthening the legal and institutional framework to address discriminatory practices. An anti-discrimination bill was introduced into Parliament in April 2022 for approval. The bill does not specifically define who the “backward communities” or individuals are that it aims to protect.¹⁶ It also does not identify the practice of untouchability as a form of discrimination. While section 3 of the bill recognizes discrimination against the “third gender”, it does not mention hijra (transgender or intersex) communities – who are at the margins and are subjected to extreme levels of discrimination and dehumanization. It also does not recognize discrimination as a criminal offence, nor does it criminalize hate speech directed at Dalit, Adivasis, Bede, Hijra and other minority communities. The Special Rapporteur noted that the bill could be improved to ensure its full alignment with the relevant universal instruments, including the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Declaration on the Rights of Indigenous Peoples, and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).

C. Mobilizing domestic resources

23. The constitutional commitment of Bangladesh to economic, social and cultural rights is incorporated in the Fundamental Principles of State Policy. As the country graduates from least developed country status, it will lose its preferential access to foreign markets. This may make it more difficult to mobilize resources to finance social protection and public services. Its current situation is fragile: the tax-to-GDP ratio is at a low 8.7 per cent,¹⁷ the rate of non-performing assets in the banking sector is high (10.1 per cent as at June 2023),¹⁸ foreign exchange reserves are declining,¹⁹ and as the 2023 budget demonstrates, debt servicing costs are rising.²⁰ By June 2023, the external debt of Bangladesh (both public and private) stood at nearly \$98.1 billion,²¹ and the recent fall in exchange rates makes debt servicing more costly.

24. To provide macroeconomic stability, the International Monetary Fund (IMF) Executive Board approved a \$3.3 billion loan under the Extended Credit Facility/Extended Fund Facility arrangement and a \$1.4 billion loan under the Resilience and Sustainability Facility, bringing some temporary relief.²²

¹⁶ International Dalit Solidarity Network et al., “Joint NGO submission related to the review of Bangladesh for the fourth cycle of the universal periodic review 2023 – the situation of Dalits in Bangladesh”.

¹⁷ General Economics Division, Planning Commission, *Impact Assessment and Coping Up Strategies of Graduation from LDC Status for Bangladesh* (Government of Bangladesh, 2020).

¹⁸ CEIC, “Bangladesh non-performing loans ratio”, available at <https://www.ceicdata.com/en/indicator/bangladesh/non-performing-loans-ratio>.

¹⁹ Centre for Policy Dialogue, “CPD’s recommendations for the national budget FY2023–24: weathering the storm, containing the risks”, 27 March 2023, available at <https://cpd.org.bd/resources/2023/03/Presentation-CPDs-Recommendations-for-the-National-Budget-FY2023-24.pdf>.

²⁰ Ministry of Finance, “Budget at a glance” (2023).

²¹ Bangladesh Bank, Bangladesh Bank Open Data Initiative, Total external debt position of Bangladesh, available from <https://www.bb.org.bd/en/index.php/econdata/index>.

²² International Monetary Fund, “IMF Executive Board approves US\$3.3 billion under the Extended Credit Facility/Extended Fund Facility and US\$1.4 billion under the Resilience and Sustainability Facility for Bangladesh”, press release, 30 January 2023, available at <https://www.imf.org/en/News/Articles/2023/01/30/pr2325-bangladesh-imf-executive-board-approves-usd-ecf-eff-and-usd-under-rsf>.

25. The Special Rapporteur is concerned that the allocations to the health and education sectors remain low and that spending on social security is not keeping up with inflation despite widespread vulnerability.²³ In order to increase social investment, Bangladesh should improve the progressivity of the tax regime. The share of indirect taxes represented (in February 2022) 69.8 per cent of revenue collected.²⁴ The overreliance of Bangladesh on indirect taxes on consumption must be reviewed, considering rising inequalities, and the tax base allowing for direct taxation should be expanded. The tax incentives provided to attract foreign direct investment should also be re-examined. Concrete steps should also be taken to plug revenue lost through trade and customs misinvoicing: in the period 2008–2018, Bangladesh lost \$8.27 billion of revenues per year on average because of misinvoicing the declared value of imports and exports.²⁵

IV. Opportunities and challenges associated with graduation from least developed country status

26. Bangladesh will graduate from least developed country status in 2026. While this acknowledges the significant progress achieved since independence, it will lead to the loss of trade preferences. This will partially be compensated by the conclusion of new trade agreements, such as those already concluded with Bhutan and Sri Lanka.²⁶ Yet, Bangladesh cannot persist in seeking to grow exports by improving cost-competitiveness alone. It must instead diversify its exports, climb up the value chain by investing in a more qualified workforce and by improving human capital by health and education, and gradually move to a form of development stimulated less by growing exports than by strengthening domestic demand, which requires investing in social protection.

A. Workers' rights

27. The Special Rapporteur met with unions and workers from the informal sectors. Informal workers make up 85 per cent of the workforce and are not protected under the Bangladesh Labour Act, 2006. Working long hours in precarious conditions, these workers (among whom women are overrepresented) are particularly vulnerable to abuse and discrimination.²⁷

28. Street hawkers and vendors are subject to harassment and physical abuse by local goons and police. Many are likely to be unaware about any welfare schemes or legal aid existing for them. The Domestic Workers Protection and Welfare Policy, of 2015, does not include a minimum wage component, and it is not enforceable. The Bangladesh Labour Act provisions on the minimum wage, on health and safety at work and on working hours should be immediately extended to informal workers, and the transition from the informal to the formal economy should be accelerated.

29. Bangladesh ranks among the 10 countries that are the worst for workers, according to the International Trade Union Confederation's Global Rights Index of 2023. Registration of unions faces important hurdles: according to the International Trade Union Confederation, more than 1,100 union registrations were filed between 2010 and 2021, but 46 per cent were

²³ Fahmida Khatun, "Five concerns that the FY2024 budget fails to address", 20 June 2023, available at <https://cpd.org.bd/five-concerns-that-the-fy2024-budget-fails-to-address/>.

²⁴ Ministry of Finance, *Bangladesh Economic Review*, p. 38, table 4.2, available at https://mof.portal.gov.bd/sites/default/files/files/mof.portal.gov.bd/page/f2d8fabb_29c1_423a_9d37_cdb500260002/13_BER_22_En_Chap04.pdf.

²⁵ Global Financial Integrity, *Trade-related Illicit Financial Flows in 134 Developing Countries: 2009–2018*, available at <https://gfintegrity.org/wp-content/uploads/2021/12/IFFs-Report-2021.pdf>.

²⁶ General Economics Division, Planning Commission, *Impact Assessment and Coping Up Strategies of Graduation from LDC Status for Bangladesh*.

²⁷ Nahrin Rahman Swarna et al., "Understanding the impact of COVID-19 on the informal sector workers in Bangladesh", *PLoS ONE*, vol. 17, No. 3 (March 2022).

rejected.²⁸ The repeated violations of union rights and the right to freedom of association, including the arbitrary arrest and detention of trade union leaders and activists after a workers' strike for living wages in December 2016, led the International Trade Union Confederation, IndustriALL Global Union and UNI Global Union to file a complaint with the ILO Committee on Freedom of Association.²⁹ In 2019, the International Trade Union Confederation filed another complaint under article 26 of the ILO Constitution concerning alleged non-observance of the ILO Labour Inspection Convention, 1947 (No. 81), Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and Right to Organise and Collective Bargaining Convention, 1949 (No. 98).³⁰ In response to the decision made by the ILO Governing Body at its 341st session, Bangladesh published a time-bound road map of actions to address anti-union discrimination, unfair labour practices, violence against workers, and the need for better wages and social protection.³¹

B. Ready-made garment sector

30. The ready-made garment sector accounted for 82 per cent of the country's export revenues in 2022,³² employing more than 4 million workers.³³ Yet, the success of Bangladesh in this sector comes at the price of violations of workers' rights, particularly fair remuneration rights and union rights, addressed respectively in articles 7 and 8 of the International Covenant on Economic, Social and Cultural Rights. This cannot be allowed to continue. It is in violation of the international obligations of Bangladesh. It is also bound to fail, as global supply chains are monitored more closely, and as buyers are increasingly imposed due diligence obligations in global supply chains.

31. Health and safety at work is the one area in which significant progress has been achieved in recent years. Following the Rana Plaza disaster, in which 1,138 workers lost their lives and 2,500 were injured, international brands (primarily European) joined, with local employers and IndustriALL, the Bangladesh Accord on Fire and Building Safety, a binding agreement committing brands to finance the remediation needed to meet the Accord's safety standards. This has become the International Accord, placed under the supervision of the Ready-made Garment Sustainability Council in Bangladesh. As a result, the structure of factory buildings was strengthened. Fire doors and fire alarms have been installed. Workers have been trained and informed about their right to refuse unsafe work and how to evacuate buildings in case of fire. Excessive working hours, and harassment, have been addressed, and complaints mechanisms established on occupational health and safety issues. Under the Accord, thousands of inspections have been conducted.

32. In parallel, the Alliance for Bangladesh Worker Safety was established (and then Nirapon). This is a weaker non-binding initiative led by brands of the United States of America, which put in place mechanisms for inspection and remediation. Additionally, 437 factories in the ready-made garment sector (employing more than 1,250,000 workers – more than one quarter of the total workforce in the ready-made garment sector) are now covered under the Better Work Bangladesh Programme, a joint programme of ILO and the International Finance Corporation. The Programme provides advice and training, and allows

²⁸ International Trade Union Confederation, "We need a better Bangladesh: violations of workers' rights in the ready-made garment, shipbreaking and leather sectors" (2022), p. 4.

²⁹ International Labour Organization (ILO) case number 3263 (Bangladesh) – see https://www.ilo.org/dyn/normlex/en/f?p=1000:50001:0::NO::P50001_COMPLAINT_FILE_ID:3328577:NO.

³⁰ ILO complaint (art. 26), 2019 (Bangladesh) – see https://www.ilo.org/dyn/normlex/en/f?p=1000:50012:0::NO:50012:P50012_COMPLAINT_PROCEEDURE_ID,P50012_LANG_CODE:4023090,en:NO.

³¹ ILO document GB.342/INS/INF/2(Rev.1).

³² Asian Development Bank, *Asian Development Outlook 2022: Update* (September 2022), p. 145, available at <https://www.adb.org/sites/default/files/publication/825166/ado2022-update.pdf>.

³³ Mostafiz Uddin, "RMG industry as the major employment sector", *The Daily Star*, 17 February 2019, available at <https://www.thedailystar.net/supplements/28th-anniversary-supplements/entrepreneurship-key-youth-employment/news/rmg-industry-the-major-employment-sector-1702951>.

for unannounced inspections, to ensure compliance with international and domestic labour standards.

33. While such initiatives bring about true improvements, they should not be considered a substitute for the labour inspectorates in Bangladesh effectively monitoring compliance with legislation, including occupational health and safety rules. Indeed, significant gaps remain. The effectiveness of this Programme is limited, since the assessment reports prepared are shared with the management of the factories subject to inspection, but not with the workers' representatives and unions.

34. Some major international brands have not joined the International Accord, as they are unwilling to pay for the remediation efforts of suppliers³⁴ or because they wish to continue to source garment products from suppliers who do not faithfully implement remediation action plans: they include Levi's, J.C. Penney, IKEA, Walmart, Timberland, Abercrombie & Fitch and Decathlon. Moreover, the Ready-made Garment Sustainability Council now has a tripartite membership comprising international brands, employers and workers' representatives, which results in the latter group being systematically placed in a minority position: this should be addressed by transforming the Sustainability Council into a quadripartite body, involving also the IndustriALL Global Union.

35. The Ready-made Garment Sustainability Council could also be tasked with protecting the bargaining space for unions and employers, by ensuring union rights are fully respected.

36. Indeed, the most significant gap both in the International Accord and in the Better Work Bangladesh Programme is that these initiatives provide little room to question the choice of Bangladesh to repress wages in order to maintain its cost competitiveness in global markets. Under article 7 of the International Covenant on Economic, Social and Cultural Rights, all workers have a right to a remuneration which ensures, as a minimum, a decent living for the workers and their families. This requires that the level of wages "be determined by reference to outside factors such as the cost of living and other prevailing economic and social conditions", to ensure that it is "sufficient to enable the worker and his or her family to enjoy other rights in the Covenant, such as social security, health care, education and an adequate standard of living, including food, water and sanitation, housing, clothing and additional expenses such as commuting costs".³⁵ In other terms, workers should be provided, at a minimum, with a "living wage", a requirement that also follows from the ILO Minimum Wage Fixing Convention, 1970 (No. 131). Yet, in the absence of union rights (including rights to collective bargaining) in Bangladesh, unions are unable to negotiate an adequate remuneration, and the level of the minimum wage as set by the Minimum Wage Board primarily seeks to preserve the competitiveness of the ready-made garment export sector.

37. The last revision of the minimum wage in the ready-made garment industry took place in 2018, when it was set at Tk 8,000 per month. In 2023, a Minimum Wage Board was set up by the Government to recommend a new rate.³⁶ With current inflation levels (which for 2023 was 9.42 per cent), the wage rate of Tk 8,000 per month was too low. Workers are demanding an increased minimum wage of Tk 23,000 to 25,000 (with at least Tk 17,000 for helpers and Tk 23,000 for operators). A research survey by the Bangladesh Institute of Labour Studies estimated the living wage at Tk 33,368 per month.³⁷ In 2022, the Asia Wage Floor Alliance concluded that a working person in Bangladesh should earn at least Tk 53,104³⁸ per month to support a family (this study does not assume multiple earners in a

³⁴ Garment factories generally require between \$120,000 and \$320,000 for remediation, although the amounts are in some cases much higher (up to \$1.5 million) (ILO and International Finance Corporation, *Remediation Financing in Bangladesh's Ready Made Garment Industry: An Overview*, (June 2016), p. 2).

³⁵ Committee on Economic, Social and Cultural Rights, general comment No. 23 (2016), para. 18.

³⁶ *The Business Standard*, "New wage for RMG workers likely by November", available at <https://www.tbsnews.net/economy/rmg/further-consultation-needed-fixing-wage-garment-workers-owners-wage-board-meeting-680266>.

³⁷ Bangladesh Institute of Labour Studies, "Mind the gap: a study on garment workers in Bangladesh" (January 2023), available at <https://drive.google.com/file/d/1D5CY5xzqQZnpZ43vAjVKHgCqlQFqTDUp/view>.

³⁸ Asia Floor Wage Alliance, "Living wage", available at <https://asia.floorwage.org/living-wage/>.

household). The Special Rapporteur noted that the minimum wage is revised too irregularly and insufficiently to protect workers effectively from increases in the costs of living and guarantee their right to an adequate standard of living. And it is routinely ignored in the so-called “non-compliant” factories – about 3,500 production units that serve as subcontractors to the major “compliant” production units.

38. The buyers – the international brands – are overwhelmingly responsible for this situation. Their buying policies have systematically led factory owners to cut down on expenses, in particular on wages, or to rely on subcontractors imposing substandard working conditions to stay in business. Moreover, following the COVID-19 pandemic, brands cancelled or refused to pay for orders in production or already made, leaving factory owners unable to pay their workers.³⁹ The Special Rapporteur was informed that in March 2020, 150 factories closed (temporarily) and an estimated 147,000 workers did not receive their wages. Wage and severance theft increased rapidly as a result. The Clean Clothes Campaign estimates that in the first 13 months of the pandemic globally, garment workers lost \$11.85 billion in income.⁴⁰

39. This kind of irresponsible conduct is not new. A 2016 ILO global survey of suppliers already showed that more than in any other country, suppliers in Bangladesh were being forced to make unsustainable concessions to buyers: 52 per cent of suppliers from Bangladesh reported that they accepted orders below production costs because of buyer pressure.⁴¹ A 2019 Human Rights Watch report documented the various forms of pressure that buyers exercised on suppliers to drive down prices or to produce faster. The report showed how low purchase prices and shorter times for manufacturing products, delays in providing necessary order specifications, approvals or sudden changes to order volumes, the imposition of unfair penalties on suppliers, and poor payment terms made it difficult for suppliers to increase wage levels or to pay overtime: “Many brands demand their suppliers maintain rights-respecting workplaces”, the report noted, “but then incentivize them to do the opposite.”⁴² The Office of Textiles and Apparel, of the Government of the United States, compared the free-on-board prices of 10 of the most important Bangladeshi exports for 2020, and showed that suppliers in Bangladesh were consistently paid below world average prices. Bangladeshi ready-made garment enterprises are paid 9.2 per cent less than the average world prices for men’s woven cotton trousers, 7.2 per cent less for men’s cotton jeans, 14 per cent less for women’s cotton jeans and 26.5 per cent less for men’s woven cotton shirts.

40. The Special Rapporteur noted that there was ample room for Bangladeshi ready-made garment suppliers to charge higher prices to their clients, and to increase wages even more significantly, considering that labour costs represented a small fraction of free-on-board prices, and an even smaller fraction of the prices paid by the end consumer.

41. The Special Rapporteur underscored that they would only be able to do so effectively, thus guaranteeing the right to a living wage and just and favourable working conditions, if the buyers were held responsible, and their purchasing practices were more closely monitored. The Guiding Principles on Business and Human Rights stipulate that companies must act with due diligence to avoid infringing on the rights of others and to address adverse impacts with which they are involved, a requirement reiterated by the guiding principles on extreme poverty and human rights.⁴³ Buyers should assess the impacts of their purchasing practices on the incentives of their suppliers to pay living wages and to ensure just and favourable conditions of work to their workers. The OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector recommends that a company track its purchasing practices using indicators that include, for example, “percentage of orders placed late”, “percentage of orders changed after order is placed” and “number of days

³⁹ Muhammad Azizul Islam et al., “Impact of global clothing retailers’ unfair practices on Bangladeshi suppliers during COVID-19” (January 2023).

⁴⁰ Clean Clothes Campaign, *Still Un(der)paid* (2021), p. 57.

⁴¹ ILO, “Purchasing practices and working conditions in global supply chains: global survey results”, INWORK issue brief No. 10, p. 8.

⁴² Human Rights Watch, “*Paying for a Bus Ticket and Expecting to Fly*”: *How Apparel Brand Purchasing Practices Drive Labor Abuses* (April 2019), p. 2.

⁴³ See paras. 100 and 101.

between the last change and shipment”.⁴⁴ In order to ensure that due diligence requirements are monitored effectively, the brands should publish the names and other details of their supplier factories regularly, in accordance with the Transparency Pledge. They should also request from their suppliers to be provided with information about their subcontractors and publish that information: suppliers otherwise may be tempted to circumvent their duties by subcontracting, with buyers turning a blind eye away from such practices provided that the prices are kept low.⁴⁵

42. The Government of Bangladesh, in the Special Rapporteur’s view, can support these changes by increasing the minimum wage in the garment sector consistent with rising inflation as well as in other sectors through a more comprehensive minimum wage policy, to favour a “race to the top” by suppliers, rather than tolerating a situation in which suppliers undercut each other’s efforts to improve the wages and working conditions of workers by cutting down on costs. Bangladesh can and must move away from its low-wage trap. Long-lasting improvements also require that economic incentives and the regulatory framework be aligned.

C. Export processing zones and special economic zones

43. Bangladesh currently has eight export processing zones. They were originally launched in 1984. They currently host 452 export-oriented foreign investors, employing an estimated total of 486,000 workers. The Government also seeks to increase the number of special economic zones, to reach an anticipated total of 97 such zones in the next few years. Some of these special economic zones are developed for investors from a specific country (China, India or Japan); and some are built as public–private partnerships, in which the area allocated is developed with a private investor.

44. These strategies to attract investment present specific challenges. Companies operating within the export processing zones are exempted from the Bangladesh Labour Act. Instead, they are governed by the Economic Processing Zones Labour Act 2019, which prohibits the formation and membership of trade unions. This is in violation of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and Right to Organise and Collective Bargaining Convention, 1949 (No. 98), both of which are binding on Bangladesh. Workers in export processing zones have limitations on the right to organize and create workers’ welfare associations. These associations are prohibited from joining with NGOs that could support workers’ rights. In addition, the Economic Processing Zones Labour Act fails to promote gender integration, and lacks safeguards to address and redress complaints related to sexual harassment in the workplace. It is therefore welcome that amending the Export Processing Zones Labour Act is listed among the commitments made by Bangladesh in the road map presented to the ILO Governing Body.

45. In contrast, the Bangladesh Labour Act does apply in special economic zones. Companies investing in special economic zones (which may attract both foreign and domestic investors) are guaranteed a number of tax advantages, including a complete exemption from corporate income tax during the initial three years (and a partial exemption, from 80 per cent to 20 per cent, between the fourth and the tenth year); an 100 per cent exemption from dividend tax and capital gains tax for 10 years; an 100 per cent exemption from VAT on gas, electricity and water; an 100 per cent exemption from income tax on royalties, technical know-how and technical assistance fees; and so forth. Dividends and the proceeds from sales can be repatriated without limit.

46. The main question raised by these incentives benefiting companies investing in special economic zones is whether such zones allow Bangladesh to comply with its duty to

⁴⁴ Organisation for Economic Co-operation and Development, *OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector* (Paris, OECD, 2018), p. 73.

⁴⁵ During his visit, the Special Rapporteur met not only with workers from “compliant” and “non-compliant” factories, but also with homeworkers who sell the garments they produce at a very low price, barely allowing the household to survive, through intermediaries (referred to as “mama”), so that they don’t know the identity of the ultimate buyer, or of the major brands that the buyer supplies.

ensure the progressive realization of economic, social and cultural rights “to the maximum of its available resources”, as required under article 2 (1) of the International Covenant on Economic, Social and Cultural Rights. The aim is to create jobs, and to increase the volumes and value of exports. But the loss of public revenue is significant, and significant opportunities for linkages to the local economy are missed.

D. Migrant workers

47. In 2022, 1.1 million Bangladeshis left the country, with many migrating to the countries of the Gulf Cooperation Council in search of work.⁴⁶ One of the major issues with bilateral labour agreements, as well as with memoranda of understanding, signed between Bangladesh and the destination country is the lack of transparency in the bilateral negotiation process, as well as the secrecy surrounding the agreements. Remittance flows are important: in 2022, \$22 billion worth of remittances came into the country, representing 6.2 per cent of national GDP.⁴⁷ Most of these migrant workers are from low-income backgrounds, and are easily subject to abuse by intermediary recruiters, the *Dalal*, who sometimes make false recruitment promises to prospective migrants.⁴⁸ Some migrants discovered upon arrival in the country of destination that no work was provided, or that, whereas work was advertised as being in the entertainment sector, the true destination was work either as labourers or in brothels.

48. The Special Rapporteur noted that the recruiting agencies procuring workers should be much better regulated, to ensure that the workers were fully informed about the working conditions in the countries of destination, and to ensure adequate reparation if, after having been provided with a visa and travelled to a destination, the workers were not provided with the employment as promised.

49. He also noted that if the bilateral agreements on migrant workers (as have been concluded, for instance, with Jordan and Saudi Arabia) are to improve the protection of such workers, any new agreement in the future or any renewal of existing agreements should include the condition that the country of destination ratifies and implements effectively the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the ILO Domestic Workers Convention, 2011 (No. 189), and that it abolishes the *kafalah* system that attaches the worker to a specific employer in the country of destination.

E. Education

50. Rates of primary enrolment in Bangladesh are high, supported by free public education and the Primary Education Stipend. Dropout rates increase, however, at secondary education level, and children from low-income backgrounds are disproportionately affected: 19 per cent of children (and 45 per cent of the poorest quintile of children) have dropped out of school by the time they reach upper secondary level.⁴⁹ These figures, moreover, are silent about the quality of the education received; yet there are worrying signs – by the end of lower secondary education, only 54 per cent of girls and 55 per cent of boys had achieved the minimum proficiency in reading Bangla.⁵⁰

51. The families that the Special Rapporteur met overwhelmingly expressed a preference for sending their children to private schools, as public schools were perceived to offer

⁴⁶ Star Business Report, “Where did most Bangladeshi migrant workers go in 2022?”, *The Daily Star*, 13 January 2023.

⁴⁷ International Organization for Migration, Snapshot: Bangladesh remittances 2019–2020, available at https://bangladesh.iom.int/sites/g/files/tmzbd11006/files/documents/Remittance_Report_19May2021.pdf.

⁴⁸ This was examined in depth by the Special Rapporteur on the human rights of migrants during his official visit to Bangladesh (20–31 January 2023).

⁴⁹ United Nations Children’s Fund (UNICEF), Bangladesh education fact sheets 2020, p. 24.

⁵⁰ General Economics Division, *Sustainable Development Goals: Bangladesh Progress Report 2022*, p. 57.

lower-quality education. Consequently, this disparity leads to increased social segregation, as only those who cannot afford private schooling, even if the fees are modest, remain in public schools. Some schools, while privately run (and charging a fee), are subsidized by the State through the Monthly Pay Order: this funding by the State of teachers' salaries in parts of the private sector is at the cost of prioritizing the quality of education provided under the public system.

52. Poverty, the affordability and quality of schooling and the context in which children are growing up determine how long children remain in school. Members of marginalized communities explained to the Special Rapporteur how children were being disenrolled from school for child marriage and labour, because of poverty: as children grow, the direct and opportunity costs of schooling become hard for families to manage. There are 38 million child brides in Bangladesh, 32.4 per cent of whom were married before the age of 15;⁵¹ 51.4 per cent of girls are married by the age of 18, and 15.5 per cent by the age of 15,⁵² with serious implications for health, opportunities and well-being. The Special Rapporteur met with people living in informal settlements who were struggling to pay the costs of sending boys to school as there were no government programmes specifically to encourage education among boys. Poor families also depended upon them to work. Child labour remains common in industries such as the leather processing industry, and presents concerns both for education and regarding the health hazards children are subject to.⁵³ The Secondary School Stipend is an important tool to help keep children in school for longer, but it obviously fails to overcome the problem of early dropout. To reduce dropout rates, improving the quality of the education provided in public schools and creating employment opportunities to provide an incentive to learn new skills should be priorities, alongside ensuring free access to education.

F. Health care

53. The health of the Bangladeshi population has markedly improved in recent decades. Maternal mortality stood at 447 women dying per 100,000 live births in 2000; by 2020, the figure was 163 women. The under-5 child stunting rate stood at 45 per cent in 1999–2000; by 2019 this was 28 per cent. The under-5 mortality rate has halved between 2000 and 2019 (from 76 to 38 children per 1,000 live births).⁵⁴ The establishment of community clinics across the country significantly improved access to basic health care in rural areas.⁵⁵ However, there is a huge strain on the health system, as illustrated by the pressures being generated by regular outbreaks of dengue and malaria.

54. Low-income households nevertheless struggle to meet their health-care costs. Residents in informal settlements in urban areas identified the costs of ill-health as the third largest expenditure for households (after rent and food),⁵⁶ with the potential for catastrophic impacts on debt and household economies; and out-of-pocket spending on health care as a share of current health spending increased from 65.4 per cent in 2005 to 74 per cent in 2020,⁵⁷ reflecting in part the use of elite private medicine by the richest people, but providing also an indication of an increasingly dualized health-care system – expensive and good-quality health care for the wealthy, combined with free but low-quality health care for the poor.

⁵¹ UNICEF, “Ending child marriage: a profile of progress in Bangladesh”, available at <https://www.unicef.org/bangladesh/media/4526/file/Bangladesh%20Child%20Marriage%20report%202020.pdf.pdf>.

⁵² General Economics Division, *Sustainable Development Goals: Bangladesh Progress Report 2022*, p. 69.

⁵³ A.K.M. Maksud et al., *Mapping of Children Engaged in the Worst Forms of Child Labour in the Supply Chain of the Leather Industry in Bangladesh* (Institute of Development Studies, July 2021).

⁵⁴ General Economics Division, *Sustainable Development Goals: Bangladesh Progress Report 2022*, pp. 32, 43 and 44.

⁵⁵ Baizid Khoorshid Riaz et al., “Community clinics in Bangladesh: a unique example of public-private partnership”, *Heliyon*, vol. 6, No. 5 (May 2020).

⁵⁶ Submission received from Child Labour: Action-Research-Innovation in South and South-Eastern Asia (2023).

⁵⁷ World Health Organization, Health expenditure profile: Bangladesh, Global Health Expenditure Database, available from https://apps.who.int/nha/database/country_profile/Index/en.

55. The Special Rapporteur was encouraged to hear from the Ministry of Health and Family Welfare about the intention to increase access to free health care in urban areas. While public health care is free at the point of delivery, he heard testimonies from people living in poverty in urban areas going to pharmacies rather than to medical clinics because they could not afford the fee in private medical clinics and were unable to miss work for the time needed or to pay for the transportation. He also heard of intermediaries who would manage doctor's appointments for a fee, even in government hospitals.

G. Social protection

56. The right to social security is currently implemented, poorly, through a patchy set of 119 schemes falling under the responsibility of a range of ministries. Coordination across the schemes is weak: there is, for instance, no single household registry, so that a number of databases of beneficiaries coexist. Most benefits are low, providing inadequate levels of protection. Coverage is highly uneven across the schemes, and the targeting is weak, with significant underinclusion. This is an area that requires urgent reform and where significant improvements can be expected, as acknowledged in both the 2015 National Social Security Strategy⁵⁸ and its five-year action plan for 2021–2026.⁵⁹

57. The starting point should be to increase budgetary allocations to social security. The budget allocated to social security has risen in recent years, both in absolute terms and as a share of the overall budget, reaching 16.8 per cent by 2020/21 (representing 3.0 per cent of GDP).⁶⁰ Spending remains low, however, compared with needs. Social security programmes cover around 28.7 per cent of the population.⁶¹ The need to expand social security coverage was acknowledged by the Government in its 2023 discussions with IMF.⁶² Moreover, whatever spending there is, is poorly related to the needs across the population: 36 per cent of the whole budget served just 0.45 per cent of the population, with the lion's share going to the pensions of civil servants (which absorbed more of the budget in 2019/20 than all the social assistance schemes combined); in contrast, while children under 5 make up 9 per cent of the population and 13 per cent of those in poverty, they only receive 2 per cent of the budget.⁶³

58. To accelerate progress in the eradication of poverty, spending on social security must increase. A life-cycle approach to establishing a social protection floor should be adopted (covering the main life risks, from maternity benefits and child allowances to old age pensions), and coverage of the poorest groups must be improved: with priority given to children, to low-income households in urban areas, and to the victims of climate change. Social protection should not be seen simply as a cost. It strengthens the resilience of households, it allows the economy to better withstand sudden crises, and it is an investment in the human capital of the Bangladeshi population with high returns in the long term.

59. There are promising signals in this regard. The National Social Security Strategy proposes the introduction of child benefits.⁶⁴ The Universal Pension Management Bill (2022)

⁵⁸ General Economics Division, Planning Commission, National Social Security Strategy of Bangladesh (Government of Bangladesh, 2015).

⁵⁹ Cabinet Division, Government of Bangladesh, Action Plan for Implementation of National Social Security Strategy of Bangladesh, Phase II (2021–2026).

⁶⁰ Ibid., pp. 26 and 27.

⁶¹ General Economics Division, *Sustainable Development Goals: Bangladesh Progress Report 2022*, p. 259.

⁶² IMF, Bangladesh: requests for an extended arrangement under the Extended Fund Facility, an arrangement under the Extended Credit Facility, and an arrangement under the Resilience and Sustainability Facility (press release); staff report; and statement by the Executive Director for Bangladesh", (2023), p. 70.

⁶³ World Bank Group, *Bangladesh Social Protection Public Expenditure Review* (August 2021), pp. xvii and 61.

⁶⁴ Cabinet Division, Government of Bangladesh, Action Plan for Implementation of National Social Security Strategy of Bangladesh, Phase II (2021–2026), p. 23.

was passed to extend pension rights beyond civil servants to the wider population.⁶⁵ The Government to Person system, which aims to reduce leakage by ensuring electronic payment, is operating for programmes such as the Old Age Allowance and the Widow and Destitute Women Allowance.

60. In addition, the discretionary power of officials in budgetary allocations may lead to mistargeting and discrimination.⁶⁶ The Special Rapporteur met with numerous households that had sought to access schemes such as the Vulnerable Group Feeding scheme and the Employment Generation Programme for the Poorest. While the households usually knew about the schemes, many that appeared likely to be eligible were not receiving support and frequently reported delays and non-response to applications for support. Online applications were possible in principle, but involved many obstacles in practice, forcing potentially eligible beneficiaries to visit an administrator, which often required the payment of a bribe.

61. Marginalized groups, such as Adivasis or Dalits, face additional hurdles. A number of people the Special Rapporteur spoke with, particularly climate migrants and internally displaced persons, noted either not having a national identity card or being denied support because they were registered at a previous (rural) address. The urban poor population in Bangladesh is highly mobile: access to social security should depend on need and not on where someone is from originally.

62. While the Special Rapporteur heard examples where officials and representatives had helped people to gain support without asking for anything in return, he heard of many examples where representatives of Upazila committees, union council members or ward councillors had asked applicants for bribes to register beneficiaries on the list. Where bribes could not be paid, the result was a denial of access to the scheme. Such “entry payments” for social programmes are a source of political clientelism. They lead to leakage and to the capture of the process by local elites.⁶⁷ When marginalized communities have accessed programmes, this has often been with the advocacy of local NGOs and community mobilizers able to make connections, overcome barriers and challenge decisions.

63. Such abuses, in a way, are inherent to a system in which access to a limited budget is at the discretion of local tiers of government. These are also costs to the State which it can ill afford. While digitalization may help, it is not without its own challenges.⁶⁸ Improving transparency by mechanisms such as open listing of programme recipients could also help overcome risks of elite capture and favouritism.

V. Rohingya refugees

64. As part of his visit, the Special Rapporteur travelled to Cox’s Bazar, where he met with members of the Rohingya community. About 950,000 Rohingya refugees now live in 33 camps in Cox’s Bazar, while 30,000 persons have been moved to the island of Bhasan Char. Most of these refugees had fled genocidal attacks they had been subjected to in Myanmar in 2017.

65. The Special Rapporteur was shocked at what he saw. The Rohingya are entirely dependent on humanitarian support to meet their basic needs, including food, since they are denied the right to work. Yet, the United Nations agencies and NGOs supporting them find it increasingly difficult to obtain funds to allow them to maintain existing levels of support. The 2023 Joint Response Plan called for \$876 million to support both 977,798 Rohingya

⁶⁵ Md Asaduz Zaman, “Universal pension scheme: what it is and how it will work”, *The Daily Star*, 31 January 2023, available at <https://www.thedailystar.net/business/economy/news/universal-pension-scheme-what-it-and-how-it-will-work-3234871>.

⁶⁶ Cabinet Division, Government of Bangladesh, Action Plan for Implementation of National Social Security Strategy of Bangladesh, Phase II (2021–2026), p. 3.

⁶⁷ Mitali Parvin, *An Impact Analysis of Vulnerable Group Feeding Programme in Bangladesh* (Bangladesh Institute of Development Studies, 2023); and Mustafizur Rahman et al., *Delivering SDGs at the Local Level: Efficiency of Social Protection Programmes in Bangladesh* (Centre for Policy Dialogue, 2021).

⁶⁸ See A/74/493.

refugees in Cox's Bazar and Bhasan Char, and the 495,431 vulnerable Bangladeshis living in the Ukhiya and Teknaf upazilas. The response has been insufficient, however: at the time the visit took place, only 17 per cent of the target of the appeal (launched in March 2023) had been met, and by August 2023, this still only stood at 30 per cent.⁶⁹ As a result of this financing gap, the World Food Programme had to cut the value of its food vouchers in March 2023 from \$12 to \$10 per month per person, and the value was expected to be cut down further to \$8 by June 2023.⁷⁰ Even before the ration cut, it was reported that 4 in 10 families were not eating enough and that 12 per cent of children were acutely malnourished.⁷¹

66. The organizations working to support the refugees deserve praise for their work, and Bangladesh should be commended for its generosity in providing hospitality to almost 1 million refugees from Myanmar. Yet, the failure of the international community to respond to the Joint Response Plan and the unwillingness of the Government of Bangladesh to allow the Rohingya to pursue income-generating activities are preparing a humanitarian disaster. As a result of the cut in food rations, undernutrition and malnutrition will increase, translating into higher child stunting rates. Immunity to diseases will decline.

67. This is a violation of human rights. If the conditions for repatriation to their country of origin are not met, the Rohingya have a right to decent living conditions where they are. The international community has a duty to help. Article 2 (1) of the International Covenant on Economic, Social and Cultural Rights specifically refers to State obligations to take steps, including through international assistance and cooperation, to realize economic, social and cultural rights. International assistance and cooperation for the realization of economic, social and cultural rights is therefore a duty for all States parties to the Covenant,⁷² which is particularly incumbent on those States in a position to assist⁷³ as well as on other actors in a position to assist.⁷⁴ Similarly, article 4 of the Convention on the Rights of the Child requires States to take measures to implement the economic, social and cultural rights in the treaty "to the maximum extent of their available resources and, where needed, within the framework of international cooperation". Thus, as noted by the Committee on the Rights of the Child, "when States ratify the Convention, they take upon themselves obligations not only to implement it within their jurisdiction, but also to contribute, through international cooperation, to global implementation".⁷⁵

68. While it should be supported in its efforts,⁷⁶ Bangladesh can also not ignore its obligations under human rights law. As noted by the Committee on Economic, Social and Cultural Rights: Although States parties to the Covenant should accommodate refugees and migrant inflows commensurate with the extent of the maximum resources available, they would not, in principle, be justified in restricting the enjoyment of the essential content of the Covenant rights on the basis of a lack of resources, even when confronted with a sudden and large flow of refugees.⁷⁷ In particular, Bangladesh should recognize the right of the Rohingya refugees to seek and take up employment, in order to alleviate part of the burden that falls on humanitarian agencies, and to ensure that the refugees do not depend entirely on such support.

69. To support access to income-generating activities for the Rohingya, the Special Rapporteur recommends the possibility to develop a public works agenda focused on infrastructure-building for climate change adaptation with the technical support of ILO – for

⁶⁹ Office for the Coordination of Humanitarian Affairs, Rohingya Humanitarian Crisis Joint Response Plan 2023, see <https://fts.unocha.org/appeals/1143/summary>.

⁷⁰ "UN in Bangladesh appeals for immediate funding as Rohingya refugees face new cuts in food aid", 1 June 2023, available at <https://bangladesh.un.org/en/234253-un-bangladesh-appeals-immediate-funding-rohingya-refugees-face-new-cuts-food-aid>.

⁷¹ World Food Programme, "Rohingya refugees in Bangladesh face grim choices as more cuts to food assistance imminent", 26 May 2023, available at <https://www.wfp.org/news/rohingya-refugees-bangladesh-face-grim-choices-more-cuts-food-assistance-imminent>.

⁷² Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990), para. 14.

⁷³ Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000), para. 45, and general comment No. 17 (2005), para. 37.

⁷⁴ E/C.12/2001/10, para. 16.

⁷⁵ Committee on the Rights of the Child, general comment No. 5 (2003), para. 7.

⁷⁶ E/C.12/2017/1, para. 18.

⁷⁷ Ibid., para. 10.

instance, to combat erosion of riverbanks, or to build ditches and catchment areas to reduce the impacts of floods. Funding for such a programme could be easier to obtain from donors, since developed countries have committed to jointly mobilize \$100 billion per year to address the pressing mitigation and adaptation needs of developing countries – a target that should have been reached already in 2020 – and given that adaptation (including the building of climate-resilient infrastructure) remains even more severely underfunded than mitigation actions by the Green Climate Fund. Bangladesh deserves much more support than it is receiving in this area: it is high time for its generosity in accepting the arrival of refugees to be matched with higher levels of international solidarity.

VI. Climate change

70. The Special Rapporteur met with climate migrants in Kurigram, particularly from the Char and coastal areas, who described the challenges associated with regular displacement and disruptions. Bangladesh contributes less than 0.48 per cent of global greenhouse gas emissions.⁷⁸ Yet, the 2021 Global Climate Risk Index ranks Bangladesh as the seventh-worst-affected country by extreme weather events.⁷⁹ More than half of the population – approximately 90 million Bangladeshis – live in high climate exposure areas, of whom 53 million are subject to very high exposure.⁸⁰ Three climate risks are particularly significant. Countrywide droughts hit every five years on average. The southwestern coastal belt, which has long suffered from saline intrusion and waterlogging, now registers higher water salinity due to the rising sea level. The country's topography makes it particularly at risk from rising sea levels, cyclones and floods. Two thirds of the country is less than 15 feet above sea level, and nearly one third of the population lives by the coast: massive displacements are already occurring from coastal regions into urban areas. Finally, due to the erratic and increasingly intense downpours that raise the Ganges-Brahmaputra-Meghna river basin to supercharged water levels, more floods will occur in the future in the northern areas of the country: river erosion already displaces between 50,000 and 200,000 people every year.⁸¹

71. The population's climate-sensitive livelihoods rely on crop farming, livestock production, and fishing, and this, as well as poor-quality housing and infrastructure in rural and urban areas, make Bangladesh particularly sensitive to climate change. As a result, climate migration within the country will increase. As at December 2021, over 10 million Bangladeshis were already considered displaced due to climate change, and one in seven people in Bangladesh are expected to have been displaced by climate change by 2050.⁸²

72. People living in poverty will be affected the most. For the bottom quintile of the population (with an average annual income of Tk 31,100), damage and losses resulting from disasters in disaster-prone areas in 2022 was estimated to amount to 97.17 per cent of their income, on average, whereas the figure is only 9.33 per cent for the top quintile (with an average income of Tk 722,903). In other words, the poorest 20 per cent are 10.4 times more vulnerable than the richest 20 per cent: almost all the income of the former group is wiped out by the impacts of disasters, whereas the latter group are much better able to withstand the shock. The poorer you are, the more you lose as a proportion of your income.⁸³

73. Up to 50 per cent of those currently living in urban slums in Bangladesh may be there because they were forced to flee their rural homes as a result of riverbank flooding,⁸⁴ and

⁷⁸ UNDP Climate Promise, Bangladesh, see <https://climatepromise.undp.org/what-we-do/where-we-work/bangladesh>.

⁷⁹ David Eckstein and others, Global Climate Risk Index 2021, Germanwatch.

⁸⁰ The Climate Reality Project, "How the climate crisis is impacting Bangladesh", 9 December 2021, available at <https://www.climateRealityproject.org/blog/how-climate-crisis-impacting-bangladesh>.

⁸¹ UNICEF, "The impact of climate change on children in Bangladesh" (November 2016).

⁸² Ibid.

⁸³ Bangladesh Bureau of Statistics, Ministry of Planning, "Key findings and detailed tables on Bangladesh disaster-related statistics 2021" (2022), p. 13.

⁸⁴ The Climate Reality Project, "How the climate crisis is impacting Bangladesh".

70 per cent of Dhaka's slum dwellers are environmental migrants.⁸⁵ The Special Rapporteur noted that persons displaced due to climate change-related impacts were forced to settle into densely populated urban slums, lacking adequate housing conditions, sanitation services, and economic opportunities. They also lose their social connections and the solidarity networks on which they could rely in times of hardship. Finally, at least initially, they are not considered residents in their new places of arrival, and since they cannot vote, they are less likely to be able to convince the ward councillor to provide them with support by including them on the list of beneficiaries of social programmes. This deprives them of social support when it is needed the most. Those who have migrated are internally displaced persons as defined in the Guiding Principles on Internal Displacement.⁸⁶ They therefore have a right to be supported by the State both as they seek to return and, until they return, wherever they may be found.

74. To strengthen the schemes intended for the protection of climate migrants under the Ministry of Disaster Management and Relief, the intentions expressed in the National Adaptation Plan for Bangladesh (2023–2050),⁸⁷ while important, fall short of providing sufficient protection against the risks induced by climate change, financed with taxpayers' money – Bangladesh could lead by example in establishing such a scheme, seeking inspiration from other forms of adaptive social protection.⁸⁸

75. Finally, the third challenge is to design a disaster risk reduction strategy consistent with the Sendai Framework for Disaster Risk Reduction 2015–2030 but grounded in human rights standards. While the Sendai Framework cites human rights as part of its guiding principles (in para. 19 (c)), a truly human rights-based disaster risk reduction strategy would require that priority be given to the most vulnerable in the management of extreme events such as droughts, floods or cyclones; that the measures taken be informed by the views of those affected; and that the beneficiaries of such measures be clearly identified, in conditions that comply with the principle of non-discrimination and that define the beneficiaries as rights holders to whom the governmental agencies in charge of implementation are accountable.

76. Victims of climate disruptions should not only be provided with humanitarian support, and they should not be treated only with compassion: they are rights holders, and they should be allowed both to participate in designing the solutions that can support them, and to hold the public authorities accountable for failing to comply with their duties to provide support. This requires, however, that such duties be clearly defined in the first place: in other words, that responsibilities are allocated across different departments, and that budgetary provisions are made for a quick response once disaster hits.

VII. Conclusions and recommendations

77. **Bangladesh has been remarkably successful at reducing poverty rates in recent years. This progress is fragile, however. It is dependent on a growth model that will have to be rethought following graduation from least developed country status, and it has not been sufficient to strengthen the resilience of the poorest households, especially against the threat of climate change disruptions. The Special Rapporteur sets out the following priority recommendations:**

78. **Long-lasting progress in the fight against poverty requires: improved accountability, and an ability for human rights organizations and other actors to operate freely; protecting the most vulnerable from the various forms of discrimination they are subjected to; and mobilizing more domestic resources. The Government should ensure that the Cyber Security Act is not used to suppress independent voices and human rights defenders. The proposed anti-discrimination legislative framework**

⁸⁵ UNICEF, "The impact of climate change on children in Bangladesh".

⁸⁶ E/CN.4/1998/53/Add.2, annex, para. 2.

⁸⁷ Ministry of Environment, Forest and Climate Change, National Adaptation Plan 2023–2050 (Government of Bangladesh, 2022), pp. 58 and 59.

⁸⁸ Thomas Bowen et al., *Adaptive Social Protection: Building Resilience to Shocks* (Washington D.C., World Bank Group, 2020).

should be adopted in line with international human rights standards. Tax reform should allow public revenue to be increased by expanding the tax base and increasing the proportion of public revenue that comes from direct taxation.

79. While Bangladesh seeks to diversify its economy and in particular its exports, it also should improve working conditions and wages in the ready-made garment sector and beyond. There is ample room for increasing the minimum wage. In the interests of their own reputation, the international brands must accept their responsibilities, and support both higher wages and better respect for union rights. The right to form and join unions and collective bargaining should also be allowed in export processing zones.

80. Social protection should be reformed and the various schemes streamlined and rationalized, to guarantee an adequate level of protection and expand coverage. To ensure that people living in poverty are not excluded as a result of their inability to pay bribes or because they lack social connections, adequate information should be provided about eligibility conditions, and grievance mechanisms should be accessible to those who are excluded. A specific branch of social protection should protect people displaced due to climate-related impacts, in particular when this leads to displacement.

81. Until the conditions for repatriation are met, the human rights of the Rohingya refugees should be respected and protected where they are. The international community has a duty to respond to the Joint Response Plan, and the right for refugees to take up employment and pursue income-generating activities should be recognized.
