

Human Rights and Business Country Guide

# Bangladesh

March 2016

# How to Use this Guide

*This Human Rights and Business Country Guide contains information regarding the potential and actual human rights impacts of businesses. The information in this Guide is gathered from publicly available sources, and is intended to help companies respect human rights and contribute to development in their own operations and those of their suppliers and business partners.*

## About the Human Rights and Business Country Guide

The Human Rights and Business Country Guide provides country-specific guidance to help companies respect human rights and contribute to development.

For companies to manage their potential human rights impacts, they must have comprehensive information about the local human rights context in which they operate. The Country Guide provides a systematic overview of the human rights issues that companies should be particularly aware of. For each issue, it provides guidance for companies on how to ensure respect for human rights in their operations or in collaboration with suppliers and other business partners.

The Country Guide is not only a resource, but a process. This Guide was produced through a systematic survey carried out by the Danish Institute for Human Rights (DIHR) and CSR Centre Bangladesh (CSR Centre). The aim of this Guide is to improve the human rights practices of companies, including through facts-based dialogue regarding the issues presented here.

### **How the Human Rights and Business Country Guide can be used by companies**

- Develop company policies and procedures related to human rights issues in the local environment.
- Assess and track the potential human rights impacts of your own operations or in suppliers, business partners and investments.
- Raise awareness among staff, suppliers and other business partners.
- Engage with workers, potentially affected communities, consumers and other stakeholders whose human rights might be affected by your operations.
- Engage with civil society organisations, government bodies or international organisations on human rights-related issues.
- Provide background information for auditors.
- Establish or collaborate with mechanisms for workers, communities and other whose human rights might be affected by your operations.
- Contribute to development initiatives that align with human development needs and priorities in the local context.

### **How the Human Rights and Business Country Guide can be used by governments**

- Review and reform public policy and legislation relevant to the human rights impacts of business, including in the areas of labour, environment, land, equal treatment, anti-corruption, taxation, consumer protection or corporate reporting.

- Ensure respect for human rights in the state's own business affairs such as state-owned companies, sovereign wealth funds and other investments, public procurement, development assistance, export credit and other activities.
- Build awareness and capacity on human rights and business issues within relevant areas of public administration.
- Provide targeted advice to domestic companies.
- Inform the development of trade policy, trade and investment agreements and trade and investment promotion.
- Improve effective access to judicial and non-judicial remedies for victims of business-related human rights abuses.
- Enhance the contribution of the private sector in national and regional development programmes relevant to human rights.

#### **How the Human Rights and Business Country Guide can be used by civil society organisations**

- Inform human rights research and monitoring related to business operations.
- Work with affected workers and communities to define human rights and human development priorities related to the role of business.
- Provide capacity-building to government, business and civil society stakeholders on human rights and business.
- Work with local stakeholders to provide recommendations to business and government.
- Facilitate dialogue and engagement with, including multi-stakeholder forums, with state agencies and businesses.

The Country Guide aims to work with all stakeholders to promote, monitor and expand the activities described above. We request that all stakeholders who use the findings of the Country Guide in their work notify the Country Guide team of their activities and lessons learned. These experiences will be included in the Country Guide website, [HRBCountryGuide.org](http://HRBCountryGuide.org).

## Country Guide Process

The Bangladesh Country Guide was produced by the Danish Institute for Human Rights (DIHR) and the CSR Centre Bangladesh.

The Country Guide is a compilation of publicly available information from international institutions, local NGOs, governmental agencies, businesses, media and universities. International and domestic sources are identified on the basis of their expertise and relevance to the Bangladeshi context, as well as their timeliness and impartiality.

The initial survey of publicly available, international sources was carried out by DIHR in 2013. The draft was then updated and localized by the CSR Centre with some interaction with local stakeholders in early 2014. The Guide was updated in 2015.

The completed Country Guide aims to provide a comprehensive overview, on the basis of the information available, of the ways in which companies do or may impact human rights in Bangladesh. The current Country Guide is not meant as an end product, or a final determination of country conditions. It is intended to be the basis, and the beginning, of a process of dissemination, uptake and modification. DIHR and the CSR Centre seek further engagement with local stakeholders, and intend to update the Country Guide on that basis.

# Country Guide Content

*The Country Guide contains the following information:*

## Areas for Attention

Each section of the Country Guide identifies areas for particular attention by businesses. The Country Guide identifies these areas through an analysis of the country's legal framework for human rights protection; enjoyment of human rights in practice; and the proximity of third-party human rights violations to company operations.

The headline and risk description describe the relevance of each issue for businesses. The text that follows the risk description presents the quantitative and qualitative information upon which this determination was based.

- **Background & Context** gives an overview of economic, political and demographic characteristics.
- **Rights Holders at Risk** identifies groups that may be vulnerable to workplace discrimination or community impacts.
- **Labour Standards** identifies areas for attention related to employees and working conditions. This section includes child labour, forced labour, trade unions, occupational health & safety and working conditions.
- **Community Impacts** identifies areas for attention related to communities whose human rights may be affected by company operations. This section includes impacts related to environment, land & property, revenue transparency & management and security & conflict.
- **Sector Profiles** identifies human rights and business impacts related to a particular industry sector, such as extractive operations, manufacturing or agriculture.
- **Region Profiles** identifies regions of the country where the risk of adverse human rights impacts differs markedly from the national profile. This may include underdeveloped regions, export processing zones or conflict areas.

## Cases

Each rights issue includes cases from media and law where the rights issue in question has been allegedly violated. These cases are drawn from the Business and Human Rights Resource Centre, international and local NGOs and stakeholder consultations. The cases presented here should not be considered comprehensive.

## Access to Remedy

Victims of corporate human rights abuses have the right under international law to mechanisms that provide for remedy. The UN Guiding Principles on Business and Human Rights explicitly obligate governments and businesses to provide and/or participate in such mechanisms.

The Country Guide includes information under each rights area about the remedy mechanisms available to redress violations of the right. Where possible, this also includes practice information about the effectiveness of such bodies, and the number of cases they have heard and redressed.

## Human Rights Guidance for Businesses

This section includes guidance for businesses to prevent and mitigate their adverse human rights impacts. This guidance is drawn from the Danish Institute for Human Rights' (DIHR) existing library of human rights due diligence recommendations, as well as international frameworks, principles and



guidelines. Where available, this section includes recommendations issued by local NGOs and directed specifically at companies operating in the country.

This section also includes examples of initiatives carried out by companies to mitigate their human rights impacts. These are organized into Due Diligence Initiatives—activities that aim to meet the company’s responsibility not to violate human rights—and Beyond Compliance Initiatives—activities that aim to contribute to development beyond this baseline obligation.

## Engagement Opportunities

Companies have a responsibility to prevent negative human rights impacts, but they also have an opportunity to contribute to positive human rights impacts. Each section of this Guide includes information for companies to link their policies and community engagement processes to ongoing governmental and institutional efforts to promote and fulfil human rights.

This includes Public Sector Initiatives—activities where the government is aiming to fulfil or promote the right in question through discrete programmes—as well as Development Priorities—themes identified by international institutions as warranting deliberate attention, or where companies could have the greatest impact with their development initiatives.

The purpose of the information in this section is to inspire further efforts and engagement by businesses, as well as to identify existing programmes that companies could support or take part in.

## About DIHR

The Danish Institute for Human Rights is a National Human Rights Institution accredited under the UN Paris Principles, and carries out human rights and development programmes in Denmark and around the world. Since 1999, the Danish Institute has worked closely with the business and human rights communities to develop tools and standards for better business practice.

*For more information, see [humanrights.dk](http://humanrights.dk).*

## About CSR Centre Bangladesh

The CSR Centre is a unique organization in Bangladesh. Initiated and established by the private sector, it aims to contribute to the achievement of the human development targets set in the Millennium Development Goals through private sector development.

As a joint focal point of the United Nations Global Compact and the lead promoter of the Global Compact Network Bangladesh, the Centre has worked in the readymade garment sector to promote the Global Compact principles, including labour standards, health and safety, women’s empowerment, social compliance and sustainable business practices. The CSR Centre is also the founding member of the South Asian Network on Sustainability and Responsibility, a regional network working collaboratively for long-term economic development at the national level.

The Centre fosters a network and cooperation between existing CSOs and state actors and aims to bring in new players to create and expand sustainable development models for the RMG industry.

*For more information, see [www.csrcentre-bd.org](http://www.csrcentre-bd.org)*

# Table of Contents

Background & Context.....	7
Rights Holders at Risk .....	17
Child Labour .....	32
Forced Labour .....	39
Occupational Health & Safety.....	44
Trade Unions .....	52
Working Conditions .....	59
Environment .....	68
Land & Property.....	81
Revenue Transparency & Management.....	87
Security & Conflict .....	96
Access to Remedy .....	101
Sector Profiles .....	107
Region Profiles .....	122
Sources.....	126
Endnotes .....	132

# Background & Context

*Overview of political and socio-economic conditions in which businesses operate. This information is designed to inform businesses of the broader political and development trends in the country.*

Demographics & Economy	
Population	168,957,745 (July 2015 est.)
Ethnic Groups	Bengali at least 98%, ethnic groups 1.1%  <b>note:</b> Bangladesh's government recognizes 27 ethnic groups under the 2010 Cultural Institution for Small Anthropological Groups Act; other sources estimate there are about 75 ethnic groups; critics of the 2011 census claim that it underestimates the size of Bangladesh's ethnic population (2011 est.)
Religious Groups	Muslim 89.5%, Hindu 9.6%, other 0.9% (includes Buddhist .5%, Christian .3%) (2004 est.)
Languages	Bangla 98.8% (official, also known as Bengali), other 1.2% (2011 est.)

## Political, Economic & Development Statistics

*Quantitative indicators and country rankings*

Country Rankings & Ratings			
	2012	2013	2014
Reporters Without Borders: Press Freedom Index  (Where 1 indicates the highest degree of freedom)	129	144	146
Freedom House: Map of Freedom -	3	3	3

Political Rights <i>(On a scale of 1 through 7, where 1 indicates the highest level of freedom)</i>			
Freedom House: Map of Freedom - Civil Liberties <i>(On a scale of 1 through 7, where 1 indicates the highest level of freedom)</i>	4	4	4
Form of government	Parliamentary Democracy		
Most recent general election	5 January 2014		
Current head of state	President Abul Hamid		
Ruling party	<ul style="list-style-type: none"> <li>Awami League</li> </ul>		
Other major parties	<ul style="list-style-type: none"> <li>Communist Party of Bangladesh</li> <li>Bangladesh Nationalist Front</li> <li>Bangladesh Nationalist Party</li> <li>Bikalpa Dhara Bangladesh</li> <li>Islami Oikya Jote</li> <li>Jatiya Party</li> <li>Liberal Democratic Party</li> <li>National Socialist Party</li> <li>Tarikat Foundation</li> <li>Workers Party</li> </ul>		

Development Indicators & Trends			
	2012	2013	2014
GDP growth	6.3	6.1	6.1
GDP growth in Asia and the Pacific	8.5	9.7	7.1
GDP per capita (PPP)	3,000	3,200	3,400
Human Development Index rank	143	142	142
Human Development Index score	0.55	0.55	0.55
Human Development Index score – Regional Average	0.77	0.64	0.703
HDI discounted for inequality	0.4	0.39	0.39
Gini coefficient	n/a	n/a	n/a



Percentage of population below national poverty rate	31	n/a	n/a
Percentage of population below absolute poverty rate (\$1.25 per day)	43	n/a	n/a

## Political Context

### *Governance structures and political developments*

Bangladesh gained its independence from Pakistan in 1971 after a nine-month liberation war.<sup>1</sup> A two-party system composed of political coalitions led by the Awami League (AL) and the Bangladeshi Nationalist Party (BNP) alternated power over the last couple of decades.<sup>2</sup>

In January 2014, Sheikh Hasina from the ruling party AL was elected Prime Minister with an absolute majority. However, according to the Daily Star in 2014, the BNP-led opposition boycotted the election, and there was no voting in 153 constituencies and extremely low turn-out in the remaining 147 constituencies. Various new sources reported that the elections were overshadowed by violence between police forces and party supporters.<sup>3</sup> According to a 2015 evaluation of the Asian Human Rights Commission, many citizens considered the government to be illegitimate, as the elections were not conducted in a credible or transparent electoral process.<sup>4</sup> The elections were considered the most violent in Bangladesh history, as noted by Global Human Rights Defence in 2015.<sup>5</sup>

India and Bangladesh share approximately 4,000 km common international border, where some enclaves (small area of sovereignty completely surrounded on all sides by another country) had yet to be demarcated as of 2014. Episodes of violence and human rights violations in those enclaves, including shooting, killing and torture were reported, particularly from members of the Indian Border Security Force illegally crossing the border and attacking Bangladeshi citizens, according to the Bangladeshi human rights organisation Odhikar in 2014.<sup>6</sup> In August 2015, India and Bangladesh officially exchanged 160 enclaves, which is expected to put an end to the border dispute.<sup>7</sup>

The constitution protects the right to organise and take part in meetings, associations and assemblies.<sup>8</sup> Freedom House reported in 2015 that public demonstrations were regular and in many cases, resulted in violence.<sup>9</sup> The NGO Odhikar noted in 2014 that government officials repressed all kinds of demonstrations from political opponents, resulting in violence and police brutality.<sup>10</sup> Public meetings could only be held by the ruling party and its allies, according to the Asian Human Rights Commission in 2015.<sup>11</sup>

The constitution guarantees freedom of speech and freedom of the press.<sup>12</sup> In practice, Freedom House noted cases of harassment against opposition media and outspoken non-governmental organizations.<sup>13</sup> According to Odhikar, the Information and Communications Technology Act was used to repress and silence opponents and dissenters, with penalties of up to 14 years imprisonment for offenses such as transfer of data without proper authority and defamation.<sup>14</sup> The Robert F. Kennedy Human Rights Centre stated in 2015 that the Act did not comply with the Bangladeshi Constitution.<sup>15</sup> During 2013, 146 journalists were reportedly injured, 33 threatened, 7 attacked and 37 assaulted.<sup>16</sup>

Censorship of Internet based-content was also reported,<sup>17</sup> while the Asian Human Rights Commission stated in 2015 that the government controlled almost every media outlet directly or indirectly.<sup>18</sup>

## Socio-Economic Context

### *Human development indicators and trends*

Bangladesh is a lower middle-income country and one of the most densely populated countries in the world.<sup>19</sup> The International Fund for Agriculture Development noted in 2012 that Bangladesh was the third poorest country in South Asia due to its high vulnerability to natural disasters, population density and fragile economy.<sup>20</sup> The World Food Programme further reported in 2015 that Bangladesh was one of the most vulnerable countries in the world to climate change, at risk of cyclones, floods, saltwater intrusion, river erosion and drought, which impacted on people's well-being.<sup>21</sup>

Bangladesh's Human Development Index (HDI) was 0.558 and ranked 142nd out of 187 countries in 2013.<sup>22</sup> The HDI was below the regional average of South Asia (0.588).<sup>23</sup> When discounted for inequality, Bangladesh's HDI fell to 0.396, a loss of 29.1 percent.<sup>24</sup> Its Gini coefficient, which measures income inequality, was 32.1, making Bangladesh one of the most unequal countries in the region.<sup>25</sup>

In 2012, 41.2 percent of the population reportedly lived below the national poverty line, with many people living just above the poverty line at risk of falling below it. Almost 10 percent of the population lived in extreme poverty.<sup>26</sup>

The government reported in 2013 that poverty rates declined at a rate of 2.7 percent over the period 1991 – 2010.<sup>27</sup> Annual economic growth was recorded at 6 percent over the last decade, which resulted in increased life expectancy, literacy and per capita food intake, according to the World Bank in 2015.<sup>28</sup>

The Asian Development Bank stated in 2015 that Bangladesh was on track to achieve most of the MDGs.<sup>29</sup> Under-five infant mortality rate has recorded a substantial decline in Bangladesh (91 to 41.3 deaths per 1,000 births between 1991 and 2008), and the level of primary education enrolment rate increased substantially. However, challenges remained in reducing school drop-out rate and maternal mortality rate, which were high.<sup>30</sup> Malaria control interventions reportedly resulted in a decline in the number of cases and death.<sup>31</sup>

## Development Frameworks

*Companies should consult affected communities and align their development initiatives with national and local authorities. The following section identifies existing strategies for poverty alleviation and community empowerment.*

### Sixth Five-Year Plan - Accelerating Growth and Reducing Poverty 2011–2015

The fundamental task of the Plan is to develop strategies, policies and institutions that allow Bangladesh to accelerate growth and reduce poverty, providing the foundations for sustainable productive employment and incomes for the growing Bangladeshi labour force.<sup>32</sup>

The Plan emphasises public private partnerships (PPP) in mobilizing additional resources and creating additional capacity and support in the implementation of public programs; and to promote service delivery in the areas of essential economic infrastructure; energy and power; roads; waterways; railways; ports; water and sanitation; telecommunications/ICT; and housing and tourism.<sup>33</sup>

## The National Sustainable Development Strategy 2010-2021

The initiative develops strategies to meet the challenges of economic, social and environmental sustainability of the economy. Its vision is to achieve a happy, prosperous and enlightened Bangladesh that is free from hunger, poverty, inequality, illiteracy and corruption and belongs completely to its citizens, while maintaining a healthy environment. The strategy is based on existing plans and policies, and on globally accepted principles of sustainable development.<sup>34</sup>

The strategy identifies the following five priority areas:

- Sustained economic growth;
- Development of priority sectors (agriculture and rural development; industry; energy; and transport);
- Social security and protection;
- Urban environment;
- Environment, natural resources and disaster management.<sup>35</sup>

The strategy was prepared with the collaboration of the United Nations Environmental Programme. a multilateral consultative process was conducted with experts, representatives of relevant ministries, divisions and agencies; civil society representatives and officials of the Planning Commission.<sup>36</sup>

The private sector is seen as an engine for growth in a market driven economic system with the public sector playing a role of a friendly regulator and facilitator. The strategy envisions collaboration through PPP to deliver infrastructure, utility and other services.<sup>37</sup>

## Asian Development Bank Country Partnership Strategy (CPS) 2011-2015

The CPS objective is to contribute to the government's Sixth Five Year Plan goals and commitments for enhancing growth and reducing poverty. The strategy aims to make the process more inclusive and greener by improving connectivity; building the country's skills base; deepening its financial market; boosting energy efficiency and access; investing to make cities more liveable; improving the management of water resources; and reducing flood risks. Its public sector collaboration focuses on six sectors: energy; transport; urban; education; finance; agriculture and natural resources.<sup>38</sup>

The key thematic drives of the CPS are:

- Good governance and capacity development;
- Environmental sustainability and climate resilience;
- Regional cooperation;
- Private sector development;
- Gender equality;
- Knowledge solutions;
- Partnerships.

The CPS contemplates support to facilitate private sector participation in providing economic infrastructure. its public sector operations will include support for investing in agribusiness and education; infrastructure, including PPPs in infrastructure with a focus on transport, power, ICT, and water supply and sanitation; power projects in renewable energy; and energy conservation.<sup>39</sup>

## United Nations Development Assistance Framework (UNDAF) 2012-2016

*A programme document between the government and the United Nations Country Team describing collective actions and strategies toward achieving national development*

The UNDAF's overall goal is to support the government of Bangladesh's on its efforts to apply the principles of the Millennium Declaration and to achieve the Millennium Development Goals with equity.

The following seven thematic areas were identified:

- Democratic governance and human rights;
- Pro-poor economic growth with equity;
- Social services for human development;
- Food security and nutrition;
- Pro poor-urban development;
- Gender equality and women advancement.

A UNDAF Steering Committee comprised of the government and the UN Country Team was set up to facilitate a consultative and participatory process in the development of the UNDAF.

The UNDAF seeks to focus on targeting both geographically and on the most deprived groups in three ways:

- The identification of priority convergence districts;
- The targeting of 30 cities and towns;
- Group-based identification.

The UNDAF invites the private sector to support in the provision of adequate food security and nutrition through the life cycle; improved access to agricultural inputs; food technologies and fortified foods; low emission green growth with better access to climate financing mechanisms; promotion of clean energy technologies; improved access to financial services and decent employment.<sup>40</sup>

## The World Bank Country Assistance Strategy (CAS) 2011-2014

*International priorities and activities to help end extreme poverty, increase shared prosperity and drive private sector growth.*

The CAS supports Bangladesh's ambitions by contributing to accelerated, sustainable and inclusive growth, underpinned by stronger governance at central and local levels.<sup>41</sup>

The following objectives were identified:

- Increase transformative investments and enhance the business environment;
- Reduce environmental degradation and vulnerability to climate change and natural disasters;
- Improve social service delivery;
- Enhance accountability and promote inclusion.<sup>42</sup>

The World Bank staff undertook multi-stakeholder consultations in various locations in Bangladesh to provide important feedback in preparation of the CAS.<sup>43</sup>

The CAS includes the participation of the private sector in infrastructure provision and maintenance; social sectors; expanding access to quality healthcare services; and provision of infrastructure for drinking water.<sup>44</sup>

## International Labour Organization's Bangladesh Decent Work Country Programme (DWCP) 2012-2015

The objective of the DWCP is to contribute to reducing poverty through inclusive growth and decent employment. The DWCP is aligned to Bangladesh Vision 2020, the Sixth Five Year Plan 2010-2015, the UNDAF 2012-2016 and the ILO Strategy Policy Framework 2010 – 2015.<sup>45</sup>

The DCWP was adopted through an intensive consultation process with the government; employers and workers organizations, as well as with other stakeholders.<sup>46</sup>

The three Pillars of the Bangladesh DWCP are:

- Employment generation and poverty reduction with improved productivity and competitiveness;
- Promoting fundamental principles and rights at work through effective social dialogue;
- Reducing vulnerabilities through basic social protection.<sup>47</sup>

five priorities have been identified:

- Generating productive employment with improved sustainable enterprises and skills development;
- Fundamental principles and rights at work promoted and implemented through effective social dialogue;
- Extending social protection to the workers and their families, including migrant workers;
- Strong and representative employers and workers organization influencing economic, social and governance policies;
- Ratification and application of international standards.<sup>48</sup>

## International Legal Commitments

*Accession and ratification of international human rights instruments*

UN Conventions	
International Covenant on Economic, Social and Cultural Rights	<b>ACCEDED</b>
International Covenant on Civil and Political Rights	<b>ACCEDED</b>
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty	<b>NOT SIGNED</b>
Convention Against Corruption	<b>ACCEDED</b>
Convention Against Torture	<b>ACCEDED</b>
Convention on the Elimination of All Forms of Racial Discrimination	<b>ACCEDED</b>
Convention on the Elimination of All Forms of Discrimination Against Women	<b>ACCEDED</b>

Amendment to article 20, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women (1995)	<b>NOT SIGNED</b>
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)	<b>RATIFIED</b>
Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity (1968)	<b>NOT SIGNED</b>
Convention on the Prevention and Punishment of the Crime of Genocide (1948)	<b>ACCEDED</b>
Amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination (1992)	<b>NOT SIGNED</b>
Convention on the Rights of Persons with Disabilities	<b>RATIFIED</b>
Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006)	<b>RATIFIED</b>
Convention on the Rights of the Child	<b>RATIFIED</b>
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	<b>RATIFIED</b>
Optional Protocol on the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	<b>RATIFIED</b>
International Convention for the Protection of All Persons from Enforced Disappearance (2006)	<b>NOT SIGNED</b>
International Convention on the Protection of All Migrant Workers and Members of Their Families	<b>RATIFIED</b>
Convention Against Transnational Organized Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime NOT SIGNED	<b>ACCEDED</b>
<b>International Labour Organization Conventions</b>	
ILO Hours of Work (Industry) Convention (C1, 1919)	<b>RATIFIED</b>
ILO Forced Labour Convention (C29, 1930)	<b>RATIFIED</b>
ILO Hours of Work (Commerce and Offices) Convention (C30, 1930)	<b>NOT RATIFIED</b>
ILO Night Work of Young Persons (Non-Industrial Occupations) Convention (C79, 1946)	<b>NOT RATIFIED</b>



ILO Labour Inspectors Convention (C81, 1947)	<b>RATIFIED</b>
ILO Freedom of Association and Protection of the Right to Organise Convention (C87, 1948)	<b>RATIFIED</b>
ILO Night Work of Young Persons Employed in Industry Convention (C90, 1948)	<b>RATIFIED</b>
ILO Protection of Wages Convention (C95, 1949)	<b>NOT RATIFIED</b>
ILO Right to Organise and Collective Bargaining Convention (C98, 1949)	<b>RATIFIED</b>
ILO Equal Remuneration Convention (C100, 1951)	<b>RATIFIED</b>
ILO Social Security (Minimum Standards) Convention (C102, 1952)	<b>NOT RATIFIED</b>
ILO Abolition of Forced Labour Convention (C105, 1957)	<b>RATIFIED</b>
ILO Discrimination (Employment and Occupation) Convention (C111, 1958)	<b>RATIFIED</b>
ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962)	<b>NOT RATIFIED</b>
ILO Equality of Treatment (Social Security) Convention (C118, 1962)	<b>RATIFIED</b>
ILO Employment Policy Convention (C122, 1964)	<b>NOT RATIFIED</b>
ILO Minimum Age (Underground Work) Convention (C123, 1965)	<b>NOT RATIFIED</b>
ILO Medical Care and Sickness Benefits Convention (C130, 1969)	<b>NOT RATIFIED</b>
ILO Minimum Wage Fixing Convention (C131, 1970)	<b>NOT RATIFIED</b>
ILO Holidays with Pay (Revised) Convention (C132, 1970)	<b>NOT RATIFIED</b>
ILO Workers' Representatives Convention (C135 of 1971)	<b>NOT RATIFIED</b>
ILO Minimum Age Convention (C138, 1973)	<b>NOT RATIFIED</b>
ILO Migrant Workers (Supplementary Provisions) Convention (C143, 1975)	<b>NOT RATIFIED</b>
ILO Working Environment (Air Pollution, Noise and Vibration) Convention (C148, 1977)	<b>NOT RATIFIED</b>
ILO Occupational Safety and Health Convention (C155, 1981)	<b>NOT RATIFIED</b>
ILO Workers with Family Responsibilities Convention (C156, 1981)	<b>NOT RATIFIED</b>
ILO Termination of Employment Convention (C158, 1982)	<b>NOT RATIFIED</b>
ILO Indigenous and Tribal Peoples Convention (C169, 1989)	<b>NOT RATIFIED</b>

ILO Night Work Convention (C171, 1990)	<b>NOT RATIFIED</b>
ILO Prevention of Major Industrial Accidents Convention (C174, 1993)	<b>NOT RATIFIED</b>
ILO Worst Forms of Child Labour Convention (C182, 1999)	<b>RATIFIED</b>
ILO Maternity Protection Convention (C183, 2000)	<b>NOT RATIFIED</b>
<b>Environmental Instruments</b>	
Stockholm Convention on Persistent Organic Pollutants (2001)	<b>RATIFIED</b>
Kyoto Protocol (1997)	<b>ACCEDED</b>
United Nations Convention on Biological Diversity	<b>RATIFIED</b>
United Nations Framework Convention on Climate Change	<b>RATIFIED</b>
Montreal Protocol on Substances that Deplete the Ozone Layer, 1987	<b>ACCEDED</b>
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes, 1989	<b>ACCEDED</b>
<b>Other International Instruments</b>	
Declaration on the Rights of Indigenous Peoples	<b>NOT SIGNED</b>
Rome Statute of the International Criminal Court	<b>RATIFIED</b>
UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	<b>ACCEPTED</b>

# Rights Holders at Risk

*Societal groups particularly vulnerable to employment-related discrimination or poor development outcomes*

Operating Environment		
	Bangladesh	South Asia
HIV/AIDS prevalence (ages 15-49)	0.01 (2013)	0.3 (2013)
Female labour participation rate	57 (2013)	31.8 (2012)
Percentage urban population	34.3 (2015)	31 (2013) <sup>49</sup>
Percentage rural population	42 (2013)	68 (2013) <sup>50</sup>
Human Development Index score	0.5 (2013)	0.558 (2013)
HDI adjusted for inequality	0.39 (2013)	0.419 (2013)
HDI Gender Equality Gap Index score	0.52 (2013)	0.539 (2013)
Population below PPP US\$1.25 per day (%)	43 (2012)	31 (2010)
Literacy rate, 15-24 years old (%)	79.9 (2012)	79.3 (2010)
Maternal mortality ratio (per 100,000 births)	170 (2013)	190 (2013)
Seats held by women in national parliament (%)	20 (2015)	16 (2014)
OECD Social Institutions and Gender Rank	0.39 (2014)	
Labour force	80.27 (2014)	
Percentage of population who are 15-24 years	18.8 (2015)	
Law prohibits discrimination on the grounds of	The constitution proclaims that all citizens are equal before the law, and prohibits discrimination on the grounds of religion,	

### Rights Holders at Risk

	race, caste, sex or place of birth.
Major ethnic groups	<p>Bengali at least 98%, ethnic groups 1.1%</p> <p><b>note:</b> Bangladesh's government recognizes 27 ethnic groups under the 2010 Cultural Institution for Small Anthropological Groups Act; other sources estimate there are about 75 ethnic groups; critics of the 2011 census claim that it underestimates the size of Bangladesh's ethnic population (2011 est.)</p>
Recognition of indigenous groups in law	No
Major Indigenous groups	Chakmas, Marmas, Tipperas and Mros.
Major religious groups	Muslim 89.5%, Hindu 9.6%, other 0.9% (includes Buddhist .5%, Christian .3%) (2004 est.)
Major migrant groups	n/a
Persons with disabilities	9.07 percent (2013)
Relevant legislation	<ul style="list-style-type: none"> <li>• Constitution of Bangladesh, 1972</li> <li>• Penal Code, 1860</li> <li>• Disabled Welfare Act, 2001</li> <li>• Labour Act, 2006</li> <li>• Domestic Violence Act, 2010</li> <li>• Vagrants and Shelterless Persons Act, 2011</li> </ul>
Responsible agencies	<ul style="list-style-type: none"> <li>• Ministry of Social Welfare - Department of Social Services</li> <li>• Ministry of Women and Children Affairs</li> <li>• National Foundation for the Development of the Disabled</li> </ul>
Local NGOs addressing this issue	<ul style="list-style-type: none"> <li>• Access Bangladesh</li> <li>• Action for Rural People</li> <li>• Aids Awareness Foundation</li> <li>• Bangladeshi Indigenous Women's Network</li> <li>• Bangladesh Women's Foundation</li> <li>• Bandhu Social Welfare Society</li> <li>• Center for Disability in Development</li> <li>• Concern Services for Disabled</li> <li>• Kapeeng Foundation</li> </ul>

- Noakhali Rural Action Society
- Rural Economic and Social Welfare Organization

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

The constitution proclaims that all citizens are equal before the law, and prohibits discrimination on the grounds of religion, race, caste, sex or place of birth.<sup>51</sup> The International Labour Organization (ILO) Convention on discrimination in employment and occupation specifies colour and political opinion as additional grounds for protection.<sup>52</sup> The constitution also guarantees equality of opportunity in public employment, though not in the private sector.<sup>53</sup>

The labour law prohibits wage discrimination based on sex or disability. It does not prohibit other discrimination on grounds of sex, disability, social status or similar conditions.<sup>54</sup>

## Ethnic Minorities

The estimated 5.5 million Dalits, also referred to as “Untouchables”, are one of the most politically, economically, socially and culturally excluded minority groups in Bangladesh, according to a 2012 joint NGO Submission to the Universal Periodic Review.<sup>55</sup> IDSN reported that the term “Dalit” was increasingly being used to describe the caste-affected communities within the Hindu minority and the Muslim majority. More commonly used were caste names such as Muchi, Mazi, Kasai, Mali, Darji, Hajam, Dholak, Bede, and Hijra.<sup>56</sup>

A large number of Dalits were reportedly employed in public and private sectors in some of the most menial, low paid or dangerous jobs in Bangladesh, such as cleaning toilets, sweeping streets, and emptying septic tanks.<sup>57</sup>

The South Asia Citizens Web stated in 2013 that the majority of Dalits lived below the poverty line, with limited access to health and education services. Many Dalit girls got married very young, and had limited access for financial independence.<sup>58</sup>

## Human Rights Defenders

Though the Constitution guarantees freedom of expression, there was no specific legal framework protecting the activities of human rights defenders.<sup>59</sup>

According to the Observatory for the Protection of Human Rights Defenders in 2013, human rights defenders faced various restrictions in Bangladesh, including judicial harassment, arbitrary arrest and physical attacks.<sup>60</sup> The International Federation for Human Rights reported in 2015 that the government constantly intimidated human rights defenders.<sup>61</sup>

The Observatory further noted in 2013 that environmental and land rights activists faced threats and harassment from private companies and local authorities during their attempts to inform about human rights violations of local communities.<sup>62</sup> Women human rights defenders also faced obstacles to their work and harassment, ranging from verbal assaults by state officials to slandering campaigns in the press, and administrative or sexual harassment. Human rights defenders who informed on corruption

cases such as collusion between the government and private actors were reportedly subjected to threats and reprisals.<sup>63</sup>

Odhikar also reported in 2014 that human rights defenders were under constant surveillance by intelligence agencies.<sup>64</sup>

## Indigenous Peoples

Bangladesh's Constitution does not recognise the ethnic, linguistic and cultural minorities in the country as indigenous people (Adivasi).<sup>65</sup> By way of a 2011 Amendment to the constitution, it instead referred to them as 'tribes', 'minor races' and 'ethnic sects and communities'.<sup>66</sup>

The 2011 Population and Housing Census indicated that the country's indigenous population was approximately 1.8 percent of the total population.<sup>67</sup> The International Work Group for Indigenous Affairs (IWGIA) reported in 2015 that approximately 3 million indigenous people existed in Bangladesh, belonging to at least 45 different ethnic groups, and were concentrated in the north and in the Chittagong Hill Tracts (CHT) in the southeast of the country.<sup>68</sup> Major tribes were the Chakmas, Marmas, Tipperas and Mros, while smaller groups included the Santals in Rajshahi and Dinajpur, and Khasis, Garos and Khajons in Mymensingh and Sylhet regions.<sup>69</sup>

Indigenous people were mostly Buddhists and spoke local dialects of Tibeto-Burman languages.<sup>70</sup>

The International Fund for Agriculture Development stated in 2012 that they were among the most marginalized and excluded groups in society with high poverty and unemployment levels.<sup>71</sup> In the CHT region, where 11 distinctive indigenous groups lived, the UNDP estimated in 2012 that 40 percent of the workforce was either unemployed or underemployed.<sup>72</sup>

According to the U.S. Department of State in 2015, indigenous peoples experienced widespread discrimination and abuse, despite government quotas for indigenous participation in civil service and higher education.<sup>73</sup> IWGIA added that they were among the most persecuted of all minorities, facing discrimination based on their indigenous identity, religion, and their socio-economic status,<sup>74</sup> and reportedly lagged behind the rest of the country in regard to land ownership, health and, significantly, literacy.<sup>75</sup> Violence against indigenous people was reported, especially from Bengalis. Indigenous women were particularly vulnerable to violence. During 2014, 122 women and girls were subjected to sexual and physical violence, an increase of 82 percent compared to 2013 figures, according to the NGO Kapeeng Foundation.<sup>76</sup> Indigenous women were discriminated and excluded in social, political and economic life due to a culture of communal oppression and a long-standing culture of impunity, together with lack of constitutional protection.<sup>77</sup>

## Persons with Disabilities

The 2001 Disabled Welfare Act and its 2008 regulations provide a comprehensive legal framework. The law provides for equal treatment and freedom from discrimination for persons with disabilities, but bars them from applying for civil or judicial service positions, contrary to international standards.<sup>78</sup>

While the 2011 Population and Housing Census put the number of people with a disability at 1.4 percent of the total population, the Bangladesh Bureau of Statistics' (BBS) 2013 Household Income Expenditure Survey estimated the percentage to be 9.07 percent of the population.<sup>79</sup>

The Center for Financial Inclusion reported in 2014 that persons with disabilities were regularly discriminated, lacked economic opportunities and were involved in unpaid or underpaid work. Most reportedly worked in the informal sector with low salaries.<sup>80</sup> Women with disabilities had limited access to education and employment.<sup>81</sup>



persons with disabilities reportedly faced negative societal attitudes, did not get access to credit and were subjected to social exclusion.<sup>82</sup>

Amnesty International reported in 2013 that persons with disabilities were over-represented among those living in absolute poverty.<sup>83</sup>

According to the U.S. Department of State in 2015, while the law provides for accessibility criteria for new buildings, approved plans for construction often did not comply with these specifications.<sup>84</sup>

## **Persons Living with HIV/AIDS**

The International Trade Union Confederation reported in 2012 that there were no laws protecting persons living with HIV/AIDS from discrimination.<sup>85</sup>

UNAIDS noted in 2015 that although the HIV/AIDS prevalence rate was 0.1 percent, Bangladesh was one of the only four countries in Asia and the Pacific region that increased its prevalence more than 25 percent over a decade.<sup>86</sup>

The latest 2011 survey by UNAIDS in the Asia and Pacific region revealed that nine percent of persons living with HIV/AIDS in Bangladesh had been refused the opportunity to work, with 20 percent of respondents indicating that they had to change work or were denied promotions based on their HIV/AIDS status.<sup>87</sup>

Persons with HIV faced social ostracism, detention and denial of inheritance rights, according to the U.S. Department of State in 2015.<sup>88</sup> Women with HIV-AIDS reportedly faced severe stigma and social discrimination.<sup>89</sup>

## **Persons Living In Poverty**

More than one third (36 percent) of the rural population lived in poverty, compared to 28 percent in urban centres, particularly in the northwest, central north and southern coastal zones, as noted by the Rural Poverty Portal in 2014.<sup>90</sup>

According to an ILO report from November 2013, social protection covered less than 40 percent of persons in the poorest quintile. Furthermore, in urban areas only 9.4 percent of the poor were beneficiaries of social programmes in 2010, while allegedly almost 10 percent of social assistance funds went to non-poor households. The organisation further claimed that in 2010 the rate of the population living under US\$2 per day was 76 percent, with 30 percent of the population relying on financial help from abroad in 2011.<sup>91</sup>

## **Refugees**

The UN High Commissioner for Refugees reported that there were 32,600 refugees in 2014, mostly Rohingya from Myanmar, and were located in the district of Cox's Bazar,<sup>92</sup> a coastal tourist destination in Bangladesh.<sup>93</sup>

The UN Office also informed of between 200,000 to 500,000 undocumented Myanmar Rohingyas who had no legal status in the country.<sup>94</sup> Those people were reportedly not entitled to food or other social aid.<sup>95</sup>

Refugees were generally working in the informal sector, as manual labourers or rickshaw pullers. Rohingya refugees were not allowed to work, but were often working illegally in day-labour jobs, according to the U.S. Department of State in 2014.<sup>96</sup>

In 2015 the government announced a plan to relocate the registered Rohingyas to the island Thengar Char due to hampering the tourism sector in the Cox Bazar district. The move, according to various local organizations, including the UN, would be challenging as the island is highly vulnerable to cyclones and disappears entirely at several feet of water at high tide, according to The Guardian in 2015.<sup>97</sup>

The U.S. Department of State reported in 2014 that the government did not cooperate with agencies protecting refugees.<sup>98</sup>

## Religious Minorities

A June 2011 amendment to the constitution established Islam as the state religion but reaffirmed the country as a secular state.<sup>99</sup>

According to the 2011 Population and Housing Census, religious minorities represented approximately 10 percent of the population, mostly comprised of Hindus (9 percent), and to a lesser extent Christians and Buddhists. Hindus are mainly located in the border regions of Dinajpur, Thakurgaon, Moulvibazar, Sathkira and Bagerhat; Christians are concentrated in Barisal, Khulna and Gazipur districts, and are found among the indigenous and Bengali people; and Buddhist are located in the Chittagong Hill Tracts.<sup>100</sup>

While religious discrimination is prohibited in the Constitution, Freedom House reported in 2015 that religious minorities faced societal discrimination, harassment and violations of their rights.<sup>101</sup>

In 2015 the U.S. Department of State reported cases of discrimination in the workplace of members of religious minorities.<sup>102</sup>

Instances of Islamists attacking places of worship and villages of non-Muslims, particularly houses and businesses of Hindus, was reported by the Asian Human Rights Commission in 2014.<sup>103</sup> According to the NGO Odhikar, Islamists claimed it “as a ploy of the government to show them in bad light”.<sup>104</sup> The government, in turn, blamed the attacks on members of the opposition, as noted by the Asian Human Rights Commission in 2014.<sup>105</sup>

Violence against religious minorities had generally political or economic dimensions as well and could not be attributed solely to religious belief or affiliation, according to the US Department of State.<sup>106</sup>

## Sexual Minorities

There was no specific anti-discrimination legislation protecting the rights of sexual minorities.<sup>107</sup>

The Penal Code prohibits same sex relationships and prescribes penalties of imprisonment for 10 or more years.<sup>108</sup> In practice, according to the U.S. Department of State in 2015, this law was reportedly rarely enforced.<sup>109</sup>

The Human Rights Commission of Bangladesh reported in 2013 that many people in Bangladesh, due to their Islamic religious background, considered that sexual orientation that did not involve the opposite sex was “unnatural”.<sup>110</sup>

Global Human Rights Defence reported in 2015 that sexual minorities faced discrimination; violence and social exclusion; and a persistent stigmatisation due to religion and cultural norms.<sup>111</sup> The report further noted that LGBT persons did not publicly express their sexual orientation as they often felt pressure from their families and the society to stay hidden.<sup>112</sup>

Attacks against LGBT persons occurred, but the exact number was difficult to document, as few victims openly identified their sexual orientation. The local NGO Bandhu Social Welfare Society reported 33 cases of assault and 154 cases of discrimination against LGBT persons from September 2013-September 2014.<sup>113</sup>

Transgender persons faced persecution and did not have inheritance rights under Sharia law.<sup>114</sup> In Bangladesh, Sharia law governs personal status matters.<sup>115</sup> Hijras (male at birth but do not identify with being male) and Kothis (effeminate men who have sex with other men) were particularly vulnerable to discrimination and harassment.<sup>116</sup> Hijras, according to the Global Human Rights Defence, often did not have access to a proper source of income due to social stigma and lack of access to education.<sup>117</sup>

## Urban Poor

The Dhaka Tribune reported in 2014 that 21 percent of the urban population in Bangladesh lived below the poverty line, the highest rate in the South Asia region. Slum dwellers comprised 60 percent of total urban population in Bangladesh.<sup>118</sup>

Slums existed due to cities' rapid and unplanned expansion, and its inhabitants often shared space with industry (especially textile, dyeing, washing and garment), according to The Guardian in 2012.<sup>119</sup>

Slum dwellers did not have access to basic rights such as fresh water and sanitation, education and health services.<sup>120</sup>

According to ASK, a Legal Aid and Human Rights Organisation in Bangladesh, female workers in RMG factories mainly lived in urban slums, without any access to social protection, transport, health treatment or accommodation.<sup>121</sup>

The 2011 Vagrants and Shelterless Persons Act has been heavily criticised by local NGOs and the international community. The law permits forcibly instituting the poor, the shelterless, beggars and vagrants into "shelter homes" through arrests, and makes it a punishable offence with imposition of jail term and fine for attempts to leave the shelter homes.<sup>122</sup> The law applies to "anyone without a permanent address" and according to the Bangladesh Human Rights Commission was used to detain and evict slum dwellers.<sup>123</sup>

## Women

The constitution guarantees equal rights to men and women only in spheres of the State and of public life, but not in the private sphere.<sup>124</sup> According to the latest UN Committee on the Elimination of Discrimination against Women (CEDAW) report from 2011, a significant number of discriminatory laws and provisions existed, including laws relating to marriage, divorce, nationality, guardianship and custodial rights that denied women equal rights with men.<sup>125</sup>

the Labour Code promotes equality in employment and guarantees equal pay for work of equal value, which is in line with the international standard.<sup>126</sup> This law does not cover workers in the informal sector where a large population of women were employed.<sup>127</sup> The Labour Code guarantees maternity leave of 16 weeks, 8 weeks before and 8 weeks after delivery, which is also in line with the international standard.<sup>128</sup> Public sector employees benefited from the Bangladesh Service Rules, which increased maternity leave to six months in January 2011. However, the majority of women, particularly those working in mills, factories and private organizations reportedly remained outside its scope.<sup>129</sup> The government encouraged the private sector to implement the six-month maternity leave. according to a 2015 Ministry of Planning report, the private sector did not apply the new regulation.<sup>130</sup> a 2015 government survey conducted with over 643 apparel factories found that 31 percent did not have provisions for maternity leave.<sup>131</sup>

The World Bank reported that the labour participation rate for women was 57 percent in 2013, which was reportedly lower than in other countries in the region.<sup>132</sup> Low educational level; lack of technical skills and the existence of norms related to gender roles were described amongst the reasons for women's low participation in the labour market, according to the government.<sup>133</sup>

### ***Rights Holders at Risk***

Most women working in the formal economy were employed in the public sector as primary and secondary teachers; doctors and health workers; civil servants and staff of sector corporations. However, working women in the public sector represented only 10 percent of total workers in the sector, as reported by the government in 2015.<sup>134</sup> 80 percent (approximately four million) of workers in the readymade garment sector were women.<sup>135</sup> Only 3 percent of migrant women were reportedly employed in professional categories.<sup>136</sup>

The informal sector was large in Bangladesh and the great majority of women were employed in the sector (92 percent), compared to 85 in the case of men, according to the latest Gender Statistics of Bangladesh from 2012. Most women were employed in agriculture, forestry and fisheries, followed by production and transport labours.<sup>137</sup>

The ILO stated in 2013 that women had no opportunities to advance their careers in factories.<sup>138</sup> The Asian Development Bank also reported in 2015 that women owned less than 10 percent of all industries in Bangladesh due to limited access to credit, gender stereotypes and the necessity to support their household.<sup>139</sup>

The Ministry of Planning reported that only 9 percent of women had regular paid jobs while 56 percent were unpaid family workers in 2012. In terms of working hours, the majority worked 42 hours a week.<sup>140</sup>

The government reported in 2015 that women in the private sector were paid on average two thirds of what men received for work of equal value.<sup>141</sup> The wage gap was particularly observed in the construction sector.<sup>142</sup> Out of the approximate 227,000 women construction workers, 72 percent received lower salaries than their male co-workers, according to The Daily Star in 2015.<sup>143</sup>

Verite reported in 2014 that women working as fry collectors earned 64 percent of their male co-workers salaries and at shrimp processing plants, women were offered only temporary or casual work.<sup>144</sup>

The High Court provided guidelines to employers and institutions to address sexual harassment in the workplace.<sup>145</sup> According to the US Department of State, harassment was widespread and in some cases prevented women from working. 197 cases of harassment were reported during 2014.<sup>146</sup>

during 2013, 13,069 cases of violence against women were reported by the government. Most of the cases referred to dowry, rape and abduction.<sup>147</sup> The NGO Odhikar stated that 44 percent of cases of rape in 2013 were committed by law enforcement officers.<sup>148</sup> Acid attacks on women were also reported. In 2013, 65 cases were recorded. A 2011 survey by the government revealed that 87 percent of respondents faced violence in the previous 12 month.<sup>149</sup>

Early marriage was reported to be one of the reasons negatively impacting women's access to education.<sup>150</sup> Women participation in technical and tertiary level education was reportedly low.<sup>151</sup>

Marriage, divorce, alimony and property inheritance were regulated by personal law, which in turn depended on family religion. Islamist law states that a daughter only gets half of what her brother is entitled to while Hindu and Buddhist women were not entitled at all to inherit property. In Bangladesh, women owned only 2 percent of land, according to The Economist in 2013.<sup>152</sup>

The Dhaka Tribune reported in 2013 that women's participation in decision-making positions was low,<sup>153</sup> while only 20 percent of women were represented in the Parliament as of 2015.<sup>154</sup>

## Cases

*Reports of business-related human rights issues from NGOs, multilateral institutions and the media.*

- *March 2015, The Daily Star:* Women hired to remove the pitch-layer of grease from concrete yard of the Inland Container Depot at the Kamalapur Railway Station received Tk 300 (approx. US\$3.70) a day while their male co-workers received Tk 450 (approx. US\$5.60).<sup>155</sup>
- *March 2015, Global Labour Rights:* Pregnant women working at Jeans Plus were reportedly fired due to their pregnancy without receiving any of their legal maternity benefits.<sup>156</sup>
- *October 2013, CBCRadio:* Workers in a Bangladesh garment factory, producing clothes for brands like Gap and Old Navy, claimed they suffered various forms of abuse. Allegations included that management denied pregnant women maternity leave, and physically assaulted workers.<sup>157</sup>
- *June 2013, Charisma News:* A group of radical Islamists targeted and attacked Christians in Bangladesh. Two incidents in June left priests and seminary students among those severely beaten. In both incidents, the attackers reportedly operated with impunity.<sup>158</sup>
- *August 2013, Asian Human Rights Commission:* On August 10, the Secretary of the NGO Odhikar was arbitrarily arrested and detained by the Detective Branch Office in Dhaka. The arrest was condemned by human rights organisations across the world, and was seen as an act to silence voices critical of the government's human rights record.<sup>159</sup> The Secretary was released on bail on November 10, 2013.<sup>160</sup>

## Company Initiatives

*Private-sector programmes that aim to ensure respect for human rights or contribute to development*

### Company Due Diligence Initiatives

**Bangladesh Bank (2015):** The Bank issued an order directed to all banks asking them to ensure adequate security for their female staff if they were forced to work at the branches after 6.00 pm. the order also requested banks to pay their female staff overtime allowances if they were held back at the office after 6pm.<sup>161</sup>

### Company Development Initiatives

**Viyellatex:** The textile manufacturing company is actively involved in recruiting and training underprivileged persons and with physical disabilities. The company is collaborating with the Center for Rehabilitation of the Paralyzed (CRP), the ILO and Marks & Spencer on these projects.<sup>162</sup>

**Far East Knitting and Dyeing Industries (2013-2015):** The company created the Skills Development and Sustainable Livelihood Generation Project to provide training and jobs for individuals from the North Bengal region, which is among the poorest areas and is affected by floods every year. The project trains individuals to be certified as Junior Machine Operators in RMG factories in the area.<sup>163</sup>

**City Bank (2012-2019):** City Bank partners with Management and Resources Development Initiative (MRDI) to set up a training centre and create working opportunities for 160 marginalised women in Basatpur by providing them with training in tailoring, embroidery and block print.<sup>164</sup>

**Wal-Mart (2012-2017):** The company launched its “Women in Factories” programme in 2012, a five-year initiative that aims to empower 60,000 women working in factories that supply products to Wal-Mart. The programme, which is being implemented in collaboration with local NGOs, teaches critical life skills related to communication, hygiene, reproductive health, occupational health and safety, identifying personal strengths and gender sensitivity. Up to 8,000 women will also receive leadership training to develop the work and life skills necessary for personal and career development.<sup>165</sup>

## Stakeholder Recommendations

**Environmental Justice Foundation (2015):** The foundation recommends the Bangladeshi shrimp industry to:

- Commit to ensuring that all fry collectors, farmers, farm workers and factory workers are aware of their labour rights and all new employees are made aware of their rights on commencement of employment;
- Support arbitration processes to address complaints and resolve disputes for workers.<sup>166</sup>

**National Skills Development Council:** The agency recommends companies the following actions:

- Train their workforce as part of business development, with particular attention to skill upgrading in SMEs and of low-skilled workers;
- Adopt best practices in human resources development, including the recognition of prior learning;
- Provide training to all of their staff to meet company needs and contribute to the development of human capital in the country.<sup>167</sup>

**Karmojibi Nari:** This initiative of working women in Bangladesh recommends that all non-government sectors, including garment factories, should implement the six-month maternity leave for their employees in order to encourage mothers to breastfeed for 6 months and help eradicate malnutrition among infants.<sup>168</sup>

**International Labour Organisation:** The ILO makes the following recommendations to the private sector in Bangladesh regarding the promotion of gender equality in the workplace:

- change the recruitment policy to create equity at the managerial level in order to address the issue of imbalance in male and female workforce and at the managerial level;
- create a quota targeting female applicants in recruiting policy and providing skills training to female workers by;
- involve higher management in gender equity programmes to ensure that special consideration is given to pregnant women;
- develop specific policies for flexi-timing; provide safe transport facilities for those who work for long hours and at night;
- encourage female participation in vocational training programmes;
- creating business advisory centres to promote female entrepreneurship;
- address the issue of sexual harassment by raising awareness among workers and management.<sup>169</sup>



## Multi-Stakeholder Forum Recommendations

On March 5, 2014, the Danish Institute for Human Rights and the CSR Centre Bangladesh convened stakeholders from business, government and civil society in Dhaka to discuss human rights and business challenges and jointly devise recommendations. The following recommendations were produced from that forum:

- Share information on discrimination complaints and risks;
- Chambers of industries can offer logistic and financial support to government;
- Chambers of industries can incorporate human rights performance into capacity-building and support services for entrepreneurs and small businesses;
- Provide awareness programs for suppliers and partners on discrimination issues;
- Provide training for employees on discrimination issues and grievance mechanisms;
- Monitor and report discrimination complaints.

## Human Rights Guidance for Businesses

*Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context*

### Due Diligence Library

*The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies*

#### Discrimination

*Does the company ensure that employment-related decisions are based on relevant and objective criteria?*

- The company identifies different types of discrimination, including those rooted in formal structures and cultural traditions.
- It is company policy to ensure that decisions concerning hiring, wages, promotion, training, discipline, retirement and termination are based only on unbiased criteria, and are not linked to any of the discriminatory characteristics listed in the description for this question.
- Each job category in the company has a written description stating the salary level and the qualifications required for that job category.
- The company ensures that employment advertisements do not reference discriminatory criteria, such as race, gender or age (unless listed as part of a legal equal opportunities promotion).
- The company ensures that job applicants are not asked to give information about their marital status, pregnancy, intent to have children, number of dependents, or similar information that may lead to discriminatory hiring decisions.
- All hiring managers receive training regarding the company's non-discrimination policies.
- The company has established a procedure, accessible and known to all workers, where workers can safely report incidents of workplace discrimination.

## ***Rights Holders at Risk***

- The company takes reasonable steps to enable qualified persons with disabilities or health conditions to gain employment opportunities with the company, for example by providing wheel chair access, flexible working hours, longer breaks etc.

### **Fair Treatment**

*Does the company protect workers from workplace harassment including physical, verbal, sexual or psychological harassment, abuse or threats?*

- The company has a commitment to prevent workplace harassment.
- The company actively informs workers of their obligations to refrain from violent, threatening or abusive conduct.
- Managers receive training on how to identify and deal with instances of harassment in the workplace.
- The company investigates all complaints of workplace harassment and takes appropriate preventative and disciplinary action including reporting of criminal actions to the appropriate authorities.

### **Privacy**

*Does the company respect the privacy of its employees whenever it gathers private information or monitors the workplace?*

- The company has a procedure stating which kinds of workplace monitoring are allowed; what kind of personal worker information is retained; where it is stored; who has access; and why the information is necessary.
- Workers are made aware of all workplace monitoring, including cameras and Internet or e-mail monitoring, and the specific purpose of the monitoring.
- The company obtains the worker's prior written consent before gaining information from an individual with whom the worker has a privileged relationship, including a former employer, doctor or lawyer.
- Workers have access to all personal data collected about them, including data concerning disciplinary decisions and data obtained through monitoring, but excluding confidential management specific information related to performance evaluations, salary negotiations, promotions, rotation and similar employment decisions.

### **Community Engagement**

*Does the company engage with local communities on the actual or potential human rights impacts of its operations?*

- The company has a commitment to engage openly with communities in and around its area of operations, prior to, during and after commencing activities that may negatively impact their access to resources (e.g. water, food, land) or livelihoods (e.g. fishing or hunting grounds).
- The company communicates and consults with local communities prior to, during and after commencing activities to prevent, reduce and mitigate impacts.
- The company takes steps to remedy the legitimate concerns of local communities regarding any negative impacts of the company's operations on the access to resources or livelihoods.

## Country Risk

*Does the company seek to avoid involvement in human rights abuses owing to government or societal practices?*

- If operating in a country or region with systematic human rights abuses, the company seeks to become aware of and avoid the risk of contributing to, endorsing or benefiting from such abuses.
- Where the company risks involvement in systematic human rights abuses owing to government or societal practices, the company seeks to identify solutions through dialogue with other businesses, civil society organisations, experts and other relevant stakeholders, including where possible with the authorities.
- The company ensures that it does not endorse any state imposed discriminatory limitations on the right to vote, and does not pass along information concerning religious, racial, political affiliations or other characteristics of employees which could be used by the government as a reason to restrict the right to vote.

## Standards & Guidance

*NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre*

- International Labour Organization Core Labour Standards on Non-discrimination and the ILO Bureau for Gender Equality: Non-discrimination comprises one of the four core areas of the ILO Declaration on Fundamental Principles and Rights at Work, which comprises the ILO core labour standards. The ILO integrates gender throughout its work, with the objective of achieving gender equality as an essential feature of decent work. This can include advisory services, research and information dissemination, training and capacity building.
- Oxfam Australia: Women, Communities and Mining: The Gender Impacts of Mining and the Role of Gender Impact Assessment (2009): This Guide is intended to inform mining company staff of potential gender impacts of mining projects and introduces some tools and approaches that can be used to conduct a gender impact assessment.
- Women's Empowerment Principles (2010): Developed in collaboration between UN Women and the UN Global Compact, the Women's Empowerment Principles are a set of principles for businesses offering guidance on how to empower women in the workplace, marketplace and community.
- The Forest Peoples Programme: Established in 1990, the Programme is dedicated to supporting Indigenous Forest Peoples protect their land rights and human rights. The Programme works directly with indigenous communities, assisting them in building their own capacities and exercising their human rights.
- IFC Performance Standard 7: Indigenous Peoples (2012): The IFC PS7 and its accompanying guidance offer directions on how private sector projects can respect the human rights of Indigenous Peoples through following the stated requirements.
- International Council on Mining and Metals Good Practice Guide: Indigenous Peoples and Mining (2010): The ICMM is the industry organisation for the mining and metals sector. The Guidance provides advice to companies on how they can build effective relationships with Indigenous Peoples, as well outlining ways in which companies can effectively engage throughout the lifecycle of a project.

## ***Rights Holders at Risk***

- International Working Group for Indigenous Affairs (est. 1968): IWGIA is an international human rights organization specialising in Indigenous Peoples' rights. IWGIA works to further the understanding, knowledge and engagement with the rights of Indigenous Peoples through publications, advocacy programmes and support of local projects.
- The Manila Declaration of the International Conference on Extractive Industries and Indigenous Peoples (2009): The Declaration is a statement on behalf of Indigenous Peoples and support organisations from 35 countries that calls on different stakeholder groups, such as extractive companies, communities and civil society organisations, to respect and uphold the recognised rights of Indigenous Peoples.
- Tebtebba Foundation (Indigenous Peoples' International Centre for Policy Research and Education): The Foundation's main purpose is to work for the respect, protection and fulfilment of Indigenous Peoples' rights and the operationalization of Indigenous Peoples' self-determined sustainable development. The Foundation offers a number of relevant resources on issues such as traditional knowledge and traditional livelihoods, biodiversity and climate change.
- UN Permanent Forum on Indigenous Issues (est. 2000): The Forum was formed to advise the United Nations Economic and Social Council on a number of Indigenous Peoples' rights issues, such as economic and social development, culture, education, environment, health and human rights.
- UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples (est. 2001): The Special Rapporteur mandate is to advise on and monitor the human rights situation of Indigenous Peoples. This includes country reports, promoting good practice, addressing relevant human rights violations and contributing to thematic study on topics related to Indigenous Peoples.

## Engagement Opportunities

*Development initiatives by public and private actors that provide opportunities for companies to contribute to human development*

### Public Sector Initiatives

**One House One Farm Project:** The project aims at ensuring access to land, particularly to women. As of 2015, 10,38,000 benefited from the project, of which 6,92,000 were women.<sup>170</sup>

**Multi-Sectorial Program on Violence Against Women (2014):** The program comprises the provision of health care, police assistance, DNA test, social services, legal assistance, psychological counselling and shelter for woman victims of violence through 8 One-Stop Crisis Centres.<sup>171</sup>

**Ready-made Garments Training Programme (2013):** The Gazipur Technical School and College (TSC) inaugurated a sewing machine operator's course, which included persons with disabilities. Gazipur TSC is the first public institution providing seminars that include persons with disabilities. The objective of the course is to equip individuals to enter the readymade garment workforce at operator level with a decent salary and a good career prospective.<sup>172</sup>

**"Let's build equality with dignity" Campaign (2012-2015):** In a concerted effort by the Manusher Jonno Foundation, its 113 partner organisations, and the Ministry for Women and Children Affairs, this three-year awareness raising campaign aims to reduce discrimination against women by establishing recognition of women's contribution in economic and household activities.<sup>173</sup>

**Female Secondary School Assistance Programme:** This programme, running since 1982, uses cash incentives for families to keep girls in secondary school and out of marriage. Guardians receive a stipend

### ***Rights Holders at Risk***

of up to US\$9 per month, depending on which grade the girl is in at school, on condition that she attends at least 75 percent of her classes, and remains unmarried until she completes her exams. Tuition, books and public exam fees are also covered.<sup>174</sup>

**Chittagong Hill Tracts Development Facility:** In partnership with the Government, CHT communities and NGOs, UNDP is supporting the promotion of development and confidence building in the Chittagong Hill Tracts project, known as the Chittagong Hill Tracts Development Facility (CHTDF). The project is multi-sectoral and works for the overall development of all peoples in the CHT. The project supports the Government of Bangladesh, institutions of the CHT, and local communities to pursue accelerated, sustainable socio-economic development and poverty reduction based on principles of local participation, and decentralised development.<sup>175</sup>

**Northern Areas Reduction of Poverty Initiative (NARI):** In October 2011, the World Bank approved US\$29 million concessional IDA credit to Bangladesh to support the employment of poor and vulnerable women from *monga*-prone areas in the RMG sector located in Export Processing Zones (EPZs). *Monga* is a term for seasonal deprivation and famine-like conditions. The beneficiaries of the project include about 10,800 women from five Northern districts: Gailbandha, Kurigram, Lalmonirhat, Nilphamari, and Rangpur.<sup>176</sup>

## **NGO Initiatives**

**Kapaeeng Foundation:** The organization works for the promotion and protection of the rights of indigenous people in Bangladesh. Among its activities are conducting awareness campaign programs at local, national, regional and international level; and raising the capacity of indigenous people in promoting and protecting human rights.<sup>177</sup>

**Access Bangladesh:** The organization focuses on promoting equality for persons with disabilities, underprivileged and extremely poor in all spheres of life, through education, health care, appropriate training, employment, communication and barrier free environment.<sup>178</sup>

**Bangladesh Women Foundation:** The organization works towards mobilizing, networking and institutional capacity building to support leadership among the local women's NGOs that are registered within the Ministry of Women and Children Affairs. Projects included: Women's Political Participation; Capacity building of women elected in local governments; and Forum formation with the women representatives of local government at local and national level.<sup>179</sup>

# Child Labour

*Work that interferes with the health, development, education or family life of persons under 18*

Operating Environment		
	Bangladesh	South Asia
Net Enrolment Ratio in Primary Education (% both sexes)	96.2 (2010)	90 (2011)
Percentage of pupils starting grade 1 and reaching last grade of primary	66.2 (2009)	n/a
One-year-old children immunised against measles (%)	93 (2013)	74.6 (2013)
Mortality rate of children under 5 years old (per 1,000 live births)	41 (2013)	59.5 (2012)
Percentage of population below 14	43 (2015)	
Restrictions on children under 18 from working	Hazardous work.	
Minimum age of employment	The minimum age is 14, but in some cases children ages 12-14 can perform certain activities.	
End of compulsory education	Eight grade of primary education.	
Relevant legislation	<ul style="list-style-type: none"> <li>• Constitution, 1972</li> <li>• Labour Act, 2006</li> <li>• National Education Policy, 2010</li> </ul>	
Responsible ministries	<ul style="list-style-type: none"> <li>• Ministry of Labour and Employment – Child Labour Unit</li> <li>• Ministry of Women and Children Affairs</li> </ul>	
Local NGOs addressing this issue	<ul style="list-style-type: none"> <li>• Aparajeyo Bangladesh</li> <li>• Braking the Silence</li> <li>• Families for Children</li> </ul>	

- Manusher Jonno Foundation
- Parbatya Bouddha Mission

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

The minimum age for work in Bangladesh is 14. The Labour Code allows children ages 12 to 13 to perform certain kinds of light work, and limits the hours children ages 14 to 18 can work.<sup>180</sup> These regulations are in line with international standards. The Government of Bangladesh aims to completely eradicate child labour by 2015.<sup>181</sup>

The latest available estimation from the National Child Labour Survey 2002-2003 reported that 13.4 percent of children ages 5-14 were working, comprising about 4.7 million child labourers.<sup>182</sup>

A comparative study by Shahjalal University in 2010 stated that an estimated 57 percent of children between 5 and 14 were working in 430 different types of work.<sup>183</sup>

Children ages 5-14 were working on average 24 hours a week, particularly boys.<sup>184</sup>

The UN Committee on the Rights of the Child observed in its latest report from 2009 that limited data on the overall extent of child labour as well as insufficient awareness among the public of the negative effects of child labour and its worst forms inhibited enforcement of child labour regulations.<sup>185</sup>

## Worst Forms of Child Labour

The minimum age for hazardous work is 18, in line with international standards. A list of 36 hazardous occupations prohibited for children, drafted by a tripartite consultative committee in 2011,<sup>186</sup> was published in March 2013.<sup>187</sup>

The National Child Labour Survey 2002-2003 also put the number of children between 5 and 17 doing hazardous work at over 1.3 million.<sup>188</sup> More recently, in 2012, the International Trade Union Confederation reported that 1.3 million children were engaged in the worst forms of child labour.<sup>189</sup> Child rights activists claimed that the number was either the same or higher as of 2013.<sup>190</sup>

The great majority of children were reportedly working in the agriculture sector, followed to a lesser extent by the industry sector.<sup>191</sup>

The U.S. Department of Labor noted in 2014 that in coastal areas such as the Chittagong Hills and Kuakata regions, children were working in the shrimp and dry fish sector.<sup>192</sup> The Environmental Justice Foundation reported in 2014 that children as young as 10 were working as fry collectors, pushing nets through the river, working on the boats or sifting through the catch.<sup>193</sup>

Child labourers in the industry sector included employment in the production of bidi or cigarettes; bricks; footwear; garments and textiles; construction and carpentry.<sup>194</sup> Girls were more likely to be working in the industrial sector.<sup>195</sup> girls were forced to work in garment factories under precarious working conditions and were subjected to abuse by male managers, as noted by The Guardian in 2014.<sup>196</sup> Children were also observed in the tanning industry, in direct contact with chemicals and sometimes in facilities that used by-products trimmed leather, according to UCA News in 2014.<sup>197</sup>

Children working in bidi factories were between 4-12 years old, engaged in various stages of the production process and represented almost half of total workers in the sub-sector, according to a study

published by the site All Media Link in 2014. They reportedly got paid on average tk 35 (approx. US\$0.40) a day and usually worked three hours during the day at factories and another 5 extra hours making the bidi shells at their homes. Typical health impacts reported were fever, coughs, headaches, abdominal problems, diarrhoea and muscle pain.<sup>198</sup>

A 2014 study conducted by the organization Demographic and Research found that 8 percent of working children ages 5-17 were hurt or sick due to long working hours and exposure to hazardous occupations, particularly in the informal sector. Most injuries occurred in the agriculture sector, followed by manufacturing.<sup>199</sup>

Children were also trafficked internally for commercial sexual exploitation and street work. children under forced labour conditions were found in the dried fishing sector, as further reported by the U.S. Department of Labor in 2014.<sup>200</sup>

The Office of the Chief Inspectorate of the Department of Inspection for Factories and Establishments at the Ministry of Labour and Employment enforces labour laws, including child labour provisions. Its approximately 183 inspectors worked in 31 offices across the country. The government of Bangladesh committed to hire 392 extra labour inspectors in 2014, as reported by the US Department of Labour.<sup>201</sup> Special inspections teams were assigned to monitor the shrimp sector and export factories in the ready-made garment sector.<sup>202</sup>

According to the U.S. Department of Labor, the government did not report the number of investigations conducted, nor any violations or penalties imposed during 2013, but has indicated it did not have sufficient inspectors to effectively identify all cases of child labour.<sup>203</sup>

## Education

The National Education Policy adopted in 2010 establishes compulsory primary education up to grade eight with scope for vocational education as well as to ensure enrolment and retention of students in primary and secondary education.<sup>204</sup> The law further establishes that primary education is free and that the government distributes free textbooks.<sup>205</sup> Although education was free and government incentives to families that send children to school has contributed significantly to the rise in primary school enrolments in recent years,<sup>206</sup> the U.S. Department of State reported in 2014 that in practice, the costs of uniforms and teacher fees presented a barrier in access to education for many families.<sup>207</sup>

The National Child Labour Survey further noted that only 39 percent of working children ages 5-9 attended school. Children from the poorest households were more likely not to attend school.<sup>208</sup>

In 2014, the government provided refugee children with access to secondary education, as noted by the UN High Commissioner for Refugees.<sup>209</sup>

The U.S. Department of State further noted in 2015 that many families with low incomes kept children out of school to work or help with household chores.<sup>210</sup>

## Cases

*Reports of business-related human rights issues from NGOs, multilateral institutions and the media.*

- *March 2015, The Daily Star:* It was believed that 22 percent of working children in Dhaka's sub-district of Savar were forced into child labour due to family problems. 61 percent of them worked seven days a week, 83 percent worked during holidays and 84 percent worked 10 hours a day.<sup>211</sup>



- *March 2014, UCA News:* Children in tanneries in the Hazaribagh district worked 10 hours a day and earned US\$39 per month in basic salary, and up to US\$53 with overtime pay.<sup>212</sup>
- *May 2013, CBS News:* A CBS News crew went undercover at the Monde Apparels factory outside of Dhaka, where 1,400 workers—mostly young women, were sewing one million boxer shorts for Wal-Mart, shirts for Wrangler and jackets for ASICS. They reported that dozens of 12-year-olds were working in the factory.<sup>213</sup>

## Company Initiatives

*Private-sector programmes that aim to ensure respect for human rights or contribute to development*

### Company Due Diligence Initiatives

**Bestseller:** The company's Code of Conduct clarifies to its suppliers and other stakeholders the expectations and demands for the working conditions in Bestseller's supply chain. The company demands that suppliers at any given time are able to show documentation verifying the age of their workers. Where child labour is found, according to Bestseller's policy the child is barred from working, at the same time the supplier is obliged to take responsibility for the education of this child until he or she reaches the legal age of work.

**Gina Tricot AB:** The company's Code of Conduct states that any form of exploitation of children is forbidden.<sup>214</sup>

**INDITEX:** The fashion retail group has a Code of Conduct stating that manufacturers and suppliers shall not employ minors. INDITEX defines minors as those persons who have not yet reached their 16th birthday. In cases where local legislation stipulates a higher minimum age, the higher limit shall apply. Persons with the ages between of 16 and 18 years will be considered young workers. Young workers shall not work during night hours or in hazardous conditions.<sup>215</sup>

### Company Development Initiatives

**Seamark:** The British company, through its foundation, supported the development of the Burunga Iqbal Ahmed High School and College, located in Sylhet, which educates 1,200 pupils.<sup>216</sup>

**Duncan Brothers Ltd:** The tea estate provides for 26 primary schools in the estate's 16 gardens, which educate 3,250 pupils. A secondary school for worker's children was established by transforming the old Lungla Central Hospital for this purpose.<sup>217</sup>

### Stakeholder Recommendations

**UNICEF:** The organisation urges businesses to prevent harm and actively safeguard children's interests in Bangladesh by integrating respect and support for children's rights into the core strategies and operations.<sup>218</sup>

**ILO, UNICEF, UNESCO:** The organisations call for strengthening the alliance between private sector, employers and unions for eliminating child labour through strict enforcement and monitoring of labour regulations, campaign and advocacy work, and sector-based projects. They also call for private sector to develop safety nets, codes of conduct and procurement/recruitment policies to protect children from undertaking any hazardous activities.<sup>219</sup>

**Environmental Justice Foundation (2014):** The foundation recommends shrimp importers and retailers to:

- Commit to demonstrate that their supply chains are free from labour and human rights violations (including child labour);
- Provide information on the origins of all fisheries products and the actions taken to guarantee that they are not connected to human rights or labour abuses.<sup>220</sup>

**Global Slavery Index (2014):** The organization recommends that businesses purchasing shrimp from Bangladesh exercise due diligence in relation to their supply chains, including sub-contractors, and adhere to international labour standards at all stages of shrimp production.<sup>221</sup>

## Human Rights Guidance for Businesses

*Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context*

### Due Diligence Library

*The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies*

- The company does not employ workers under 15 for full-time work, 13 for light work and 18 for hazardous work (please see the question description for exceptions).
- If the company employs minors below the age of 18, the company has a list of job functions that can safely be performed by minors.
- The company is aware of local age-levels for completion of compulsory education and does not employ workers under that age for work that may interfere with such education.
- The company has a reliable procedure to check the age of young job candidates by birth certificate, other official forms of identification, or by alternative means such as physical appearance or knowledge of historic events.
- Company apprenticeship programmes do not constitute the main portion of the workforce, are limited in duration, are performed in conjunction with a school programme (or supervised by Labour Ministers or Labour Organisations), and do not interfere with the child's compulsory education.
- If the company becomes aware that it is employing young workers below minimum age, it ensures that they are enrolled in education programme, and that their dependents are compensated for the resulting loss of income.

### Standards & Guidance

*NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre*

- Business and Human Rights Resource Centre, Business & Children Portal: The Portal is an information hub developed to give practical assistance to people from all business sectors in their

work and decision-making, leading to better protection of the rights and welfare of children. The Portal has sections on: issues, positive initiatives, alleged abuses, lawsuits and guidance.

- **Children's Rights and Business Principles (2012):** Developed by UNICEF, UN Global Compact and Save the Children, these Principles are the first comprehensive set of principles to guide companies on the full range of actions that they can take in the workplace, marketplace and community to respect and support children's rights.
- **ILO Programme on the Elimination of Child Labour (est. 1992):** The Programme has the overall goal of the progressive elimination of child labour, to be achieved through strengthening the capacity of countries to address it and promoting a worldwide movement to combat child labour.
- **UN Committee on the Rights of the Child General Comment No.16 on State obligations regarding the impact of the business sector on children's rights (2013):** The Committee is the body of independent experts that monitors the implementation of the Convention on the Rights of the Child and the Optional Protocols. In April 2013, the Committee issued a general comment on business and children's rights. The objective of General Comment No.16 is to provide States parties with a framework for implementing the CRC, particularly with regard to the business sector.
- **Children's Rights in Impact Assessment – A Tool For Companies (2013):** Developed by UNICEF and the Danish Institute for Human Rights, this checklist is a practical tool intended to help companies to identify and manage their impact on children's rights. The checklist contains a set of questions and indicators covering the 10 Children's Rights and Business Principles, addressing different aspects of company policies and operations and the impact on children's rights.
- **Better Work (ILO, IFC):** Guidance Sheet on Child Labour (2009)

## Engagement Opportunities

*Development initiatives by public and private actors that provide opportunities for companies to contribute to human development*

### Public Sector Initiatives

**The Child Sensitive Social Protection Project (2012-2016):** The government, with the support of UNICEF, developed the programme to provide cash transfer of Tk 2,000 (approx. US\$25) monthly for up to 18 months for underprivileged children in order to prevent them from being involved in child labour.<sup>222</sup>

**Services for Children at Risk Project:** The government implemented the project, which provides children with non-formal education, skills development education and livelihood training. As of 2015, 2,692 children benefitted from the project.<sup>223</sup>

**Child Labour Management Information System:** In June 2011, the Ministry of Labour and Employment launched a Child Labour Management Information System (CLMIS) and its Child Labour Unit's Website. Both were developed with technical assistance of the International Labour Organization.<sup>224</sup>

**Initiative to Eliminate Child Labour from Urban Slums and Rural Areas:** The government, in cooperation with UNICEF, runs the project that provides conditional cash transfers; employment training, outreach and referral services; and social protection services to 500,000 children and 30,000 adolescents.<sup>225</sup>

**Dhaka Workplace Surveillance Groups (CWSGs):** In 2010, the city of Dhaka established 42 community-based workplace surveillance groups, which monitor workplaces in four zones to ensure hazardous child labour does not exist in these communities. They are comprised of community volunteers and are

responsible for reporting child labour violations in the formal and informal sectors to the appropriate government authority. This monitoring system is unique to the city of Dhaka.<sup>226</sup>

**Female Secondary School Assistance Programme:** This programme, running since 1982, uses cash incentives for families to keep girls in secondary school and out of marriage. Guardians receive a stipend of up to US\$9 per month, depending on which grade the girl is in at school, on condition that she attends at least 75 percent of her classes and remains unmarried until she completes her exams. Tuition, books and public exam fees are also covered.<sup>227</sup>

## NGO Initiatives

**Manusher Jonno Foundation:** The organization works for the protection of working children in Bangladesh, including the developing of programmes to eliminate hazardous child labour from different sectors. The programmes integrate preventive and rehabilitation initiatives for the protection of vulnerable children.<sup>228</sup>

**Breaking the Silence:** The organization is committed to combat child sexual abuse in Bangladesh, including raising awareness campaigns among children, caregivers, community and policy makers, as well as stakeholders on the prevention of child sexual abuse.<sup>229</sup>

# Forced Labour

*Debt bondage, human trafficking or other coercion that makes workers unable to freely leave employment*

Operating Environment	
U.S. Department of Labour Trafficking in Persons: Tier Placement	Tier 2 (2014)
Relevant legislation	<ul style="list-style-type: none"><li>• Constitution, 1972</li><li>• Factories Act, 1965</li><li>• Establishment Act, 1965</li><li>• Labour Act, 2006</li><li>• Human Trafficking Deterrence and Suppression Act, 2012</li></ul>
Responsible agencies	<ul style="list-style-type: none"><li>• Ministry of Labour and Employment</li><li>• Ministry of Social Welfare</li><li>• Ministry of Home Affairs</li></ul>

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

The constitution prohibits all forms of forced labour unless compulsory labour is part of lawful punishment for a criminal offence or required by any law for public purpose.<sup>230</sup> The Factories Act and the Shops and Establishments Act require inspection mechanisms in order to implement the laws against forced labour.<sup>231</sup>

According to the 2014 Global Slavery Index, Bangladesh experienced modern slavery including debt bondage and forced labour, particularly in brick kilns; the production of garments; and the shrimps industry.<sup>232</sup> Approximately 680,900 people were reportedly engaged in modern slavery, corresponding to 0.43 of the entire population as of 2014.<sup>233</sup>

Many workers in the garment sector were considered to be employed under forced labour conditions due to the hazardous circumstances in which they were working, the length of their working hours and the low salaries received, according to The New York Times in 2014.<sup>234</sup>

The Environmental Justice Foundation reported in 2014 instances of debt bondage of fry collectors and shrimp farmers to intermediaries. Loans (*daddan*) were borrowed as start-up capital and obliged farmers to sell their products at a fixed price to intermediaries. If they failed to repay, they risked intimidation and violence from middlemen, and in some cases their nets were confiscated.<sup>235</sup> A 2012 Verite study found that women were threatened with sexual violence as a means to coerce them to accept lower rates for their catch. Shrimp farm workers under verbal contract did not receive their payment if they left before the agreed ending contract period.<sup>236</sup>

The U.S. Department of State further reported in 2014 that extreme poverty and unemployment led whole families into domestic servitude and bonded labour, which often included restricted movement, non-payment of wages, threats and physical or sexual abuse.<sup>237</sup>

The Office of the Chief Inspectorate of the Department of Inspection for Factories and Establishments (DIFE) at the Ministry of Labour and Employment enforces labour laws, including forced labour provisions. Its approximately 183 inspectors worked in 31 offices across the country. The government of Bangladesh committed to hire 392 extra labour inspectors in 2014, as reported by the US Department of Labour.<sup>238</sup> As of 2015, 222 new inspectors were reportedly hired.<sup>239</sup> The ILO noted in 2015 that while the increase in the number of inspectors was very positive, both new and old staff needed intensive capacity building.<sup>240</sup>

The U.S. Department of State noted in 2014 that these mechanisms did not function effectively.<sup>241</sup>

## Human Trafficking

The constitution prohibits trafficking for the purposes of labour and commercial sexual exploitation.<sup>242</sup> In February 2012, the comprehensive Human Trafficking Deterrence and Suppression Act was passed identifying human trafficking as an offense against the State and provides for investigation as an organized crime.<sup>243</sup> The law prohibits and punishes all forms of human trafficking, but does not prohibit the fraudulent recruitment of labour migrants; rather, the Act requires the recruiter to have known that the recruited workers would be subject to forced labour.<sup>244</sup> The national legislation prescribes penalties for labour trafficking that ranges from 5-12 years imprisonment, and fines no lower than US\$600, while penalties for sex trafficking offenses range from 5 years imprisonment to death sentence.<sup>245</sup>

According to the U.S. Department of State's 2014 Annual Trafficking in Persons Report, Bangladesh was mainly a source country for men and women subjected to trafficking for the purposes of forced labour and sexual exploitation. Bangladeshi adults were also trafficked internally for commercial sexual exploitation, domestic servitude and forced and bonded labour.<sup>246</sup> men and women from bordering districts were victims of trafficking.<sup>247</sup>

The Rohingya community was particularly vulnerable to human trafficking while some ethnic Indians were reportedly forced to work in the tea industry in the northern part of the country.<sup>248</sup>

## Cases

*Reports of business-related human rights issues from NGOs, multilateral institutions and the media.*

- *September 2015, Al Jazeera:* The Police arrested in the border town of Teknaf a man who was considered a "human trafficking godfather" for allegedly smuggling hundreds of Bangladeshis to Malaysia and Thailand.<sup>249</sup>
- *2014, Environmental Justice Foundation:* A 32 year old shrimp fry collector in Dumuria was forced to take loans in order to buy nets to perform her job. That situation forced her to sell her catch for a fixed price to her debtors, creating a spiral of debt that was difficult to avoid.<sup>250</sup>

## Company Initiatives

*Private-sector programmes that aim to ensure respect for human rights or contribute to development*

### Company Due Diligence Initiatives

**CATO:** The fashion retailer company requires all vendors to acknowledge and comply with its Code of Conduct. A factory engaged to manufacture CATO merchandise should not use prison convicts, forced or indentured labour.<sup>251</sup>

**Bestseller:** The company's Code of Conduct states that suppliers must not use any illegal workers, or any kind of forced or prison labour. The supplier must provide a signed working contract in a language that is understandable to all employees.<sup>252</sup>

**Macy's:** The company adopted a Vendor and Supplier Code of Conduct that sets out specific requirements for any supplier doing business with Macys, and is design to protect workers. The Code stipulates that the company does not tolerate involvement of its suppliers in human trafficking and slavery.<sup>253</sup>

### Stakeholder Recommendations

**Environmental Justice Foundation (2014):** The foundation recommends shrimp importer and retailers to:

- Commit to demonstrate that their supply chains are free from labour and human rights violations;
- Provide information on the origins of all fisheries products and the actions taken to guarantee that they are not connected to human rights or labour abuses.<sup>254</sup>

**Global Slavery Index (2014):** The organization recommends companies the following:

- Businesses purchasing shrimp from Bangladesh must exercise due diligence in relation to their supply chains, including sub-contractors, and adhere to international labour standards at all stages of shrimp production;
- Local businesses need to work with relevant government ministries to design and implement business transformation programmes aimed at removing demand for forced labour from brick production.<sup>255</sup>

**Amnesty International:** The organization calls for companies to include human rights principles, including provisions on the prevention of and protection against forced labour, in all contracts with joint venture partners, suppliers and sub-contractors. It also suggests applying suggested recommendations to the entire supply chain, providing human rights training to the local staff which explicitly include forced labour issues, setting up complaint and remediation mechanisms, etc.<sup>256</sup>

# Human Rights Guidance for Businesses

*Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context*

## Due Diligence Library

*The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies*

- Workers can give notice and leave employment within a reasonable length of time. This is clearly communicated to workers prior to starting employment.
- The company (or its recruitment agencies) ensures that it does not withhold wages or bonuses and that it pays them in a timely and regular manner.
- The company ensures it does not make deductions from wages for disciplinary measures or other deductions not authorised by national law.
- Within normal working hours workers are able to earn a living wage sufficient to meet the basic needs of themselves and their closest dependents.
- Overtime work is paid, voluntary and not compelled through threat of pay deductions, termination or other sanctions.
- The company (or its recruitment agencies) ensures that it does not retain identity cards, passports, travel documents or other personal items without which workers cannot leave employment. If letters of release or other documents are needed for the worker to leave employment, such letters are issued without delay.
- All workers are allowed to leave company premises during breaks and at the end of their shifts, and workers in company housing may freely enter and exit their accommodation at any time.
- The company (or its recruiting agencies) ensures that it does not require workers to pay recruitment fees or lodge money deposits.
- Loans or salary advancements to workers are based on fair terms that are clearly explained to the worker, are not granted to cover basic living expenses, are limited in size, and do not require the worker to remain with the company until repayment is completed.
- If the company uses prison labour it ensures that all prison workers have been convicted by a court of law, and that the work is voluntary and supervised by a public authority.
- The company ensures that it does not use labour from agencies or firms involved in human trafficking or other forms of bonded labour.



## Engagement Opportunities

*Development initiatives by public and private actors that provide opportunities for companies to contribute to human development*

### Public Sector Initiatives

**Awareness and training campaigns on trafficking in persons:** The government, in cooperation with development partners and NGOs, developed a series of sensitization and capacity building trainings on techniques of behaviour with victims of trafficking and on child friendly interview skills that were directed to law enforcement officials including the police, the Border Guard of Bangladesh (BGB) and Coast Guard. 397 officials from BGB participated in the trainings, that further conducted workshops and seminars for local government, police, magistrate, members of electronic and print media to prevent women and children trafficking.<sup>257</sup>

**Integration of Trafficked victims with livelihood support:** The government, with the collaboration of UNICEF, provided repatriated victims of trafficking with livelihood support, including cash support in order to stop re-victimization of human trafficking and ensure social safety and security. In 2013, 161 victims benefited from the programme.<sup>258</sup>

# Occupational Health & Safety

*Unsafe or unhealthy working conditions that expose workers to the risk of accidents or occupational illnesses*

Operating Environment	
Relevant legislation	<ul style="list-style-type: none"><li>• Constitution, 1972</li><li>• Labour Act, 2006</li><li>• Factory Worker Safety Law, 2013</li></ul>
Responsible agencies	<ul style="list-style-type: none"><li>• Ministry of Labour and Employment</li><li>• Department of Inspection for Factories and Establishments - Ministry of Labour and Employment</li></ul>
Local NGOs addressing this issue	<ul style="list-style-type: none"><li>• Bangladesh Occupational Safety, Health and Environment Foundation</li><li>• Safety and Rights Society</li><li>• </li></ul>

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

The Bangladesh Labour Act of 2006 established occupational health and safety regulations.<sup>259</sup> In 2013, a new Factory Worker Safety Law was adopted strengthening requirements for permits when factories add floors and establishing that factories contribute with five percent of their profits to a welfare fund for employees. However, the law does not apply to export-oriented factories, particularly in the garment industry sector.<sup>260</sup>

The U.S. Department of State reported in 2015 that safety regulations at the majority of workplaces were not effectively enforced.<sup>261</sup> A 2015 survey conducted by the government in over 643 apparel factories found that 35 percent lacked first aid facilities; 67 percent did not serve accident-related notice; 46 percent did not maintain safety record books and safety boards; and 44 percent did not have any safety committee.<sup>262</sup>

Although no major incidents since the Rana Plaza collapse were reported, the death rate at workplaces was very high, according to The Safety and Rights Society. During 2014, 320 deaths were recorded, particularly in Dhaka, Chittagong and Gazipur. Most of the cases occurred in the construction sector, followed by the service and manufacturing sectors.<sup>263</sup> The Danish Trade Union Council for International Cooperation highlighted ship-breaking done by hand as a risk sector.<sup>264</sup>

Odhikar further reported in 2014 that industrial and factory accidents and deaths were common, including as a result of fires and building collapses.<sup>265</sup> Fire and building collapses in factories reportedly occurred as a result of almost non-existence emergency exits; shortage of fire extinguishers; lack of training and the use of sub-standard building material; bribery during plan approval; construction of illegal extensions; and violation of building codes.<sup>266</sup> Many officials have allegedly given registration, renewal and floor set up certificates in exchange for money without visiting the factory location and in many cases no legal action was taken because of social, political and economic power of the factory owners.<sup>267</sup>

Most factories allegedly failed to perform evacuation drills, according to The Dhaka Tribune in 2013. Health and safety was also problematic in many garment factories that were located in rented commercial or residential areas.<sup>268</sup> Factories were often located in buildings shared with other businesses, though as of September 2013, efforts to improve health and safety conditions included separating factories in order to build them with specific standards and to be regulated easier.<sup>269</sup>

In the ready-made garment industries, a study published in 2013 by the Faculty of Business, Economics and Law at La Trobe University in Australia noted that due to overcrowded and limited workspaces, workers faced musculoskeletal disorders and contagious diseases. Most factories reportedly did not have ventilation systems and garment workers were exposed to toxic substances and dust.<sup>270</sup> 58 percent of tannery workers suffered from ulcers, 31 percent from skin diseases and 10 percent from rheumatic fever due to exposure to a variety of tanning chemicals, according to a 2014 UCA news article.<sup>271</sup>

The reported lack of healthcare facilities for women and their children at work along with congested working environments caused an increase in physical disabilities in babies, according to a 2013 Dhaka Tribune article.<sup>272</sup>

A 2014 Environmental Justice Foundation study found that workers in the shrimp industry faced cuts, fungal infections, arthritis, urinary tract infection, repetitive strains and diarrhoea. Due to the peeling and de-heading of shrimps, many suffered from skin irritation, numbness, infection, fever and in cases, partial paralysis. Most of them were reportedly not provided with protective clothing, including gloves.<sup>273</sup>

The India Environmental Portal reported in 2014 that more than 70 percent of Bangladeshi farmers were exposed to chemicals while more than 30 percent fell seriously ill, and that farmers reportedly were unaware of the ratio of pesticides to be used.<sup>274</sup>

The Office of the Chief Inspectorate of the Department of Inspection for Factories and Establishments (DIFE) at the Ministry of Labour and Employment enforces labour laws. Its approximately 183 inspectors worked in 31 offices across the country. The government of Bangladesh committed to hire 392 extra labour inspectors in 2014, as reported by the US Department of Labour.<sup>275</sup> As of 2015, 222 new inspectors were reportedly hired.<sup>276</sup> The ILO noted in 2015 that while the increase in the number of inspectors was very positive, both new and old staff needed intensive capacity building.<sup>277</sup>

Special inspections teams are assigned to monitor the shrimp sector and export factories in the ready-made garment sector.<sup>278</sup> The government informed that the budget for the Department has increased by approximately 4 times, according to the ILO in 2015.<sup>279</sup> The DIFE conducted as of May 2015, 2911 building assessments of factories in the Garment Industry Sector. 98 factories were referred to a review panel, 32 factories were closed while 14 were partially closed.<sup>280</sup> Employer's representatives noted however that progress in the inspections of building and fire safety was attributed to private initiatives, according to the ILO in 2015.<sup>281</sup>

The International Trade Union Confederation reported in 2015 that fines imposed were generally not sufficient to deter violations, and legal procedures were lengthy and prone to corruption,<sup>282</sup> while the U.S. Department of State noted in 2014 that while inspections were generally unannounced, workers alleged that factory owners often received advance warning.<sup>283</sup>

## Cases

*Reports of business-related human rights issues from NGOs, multilateral institutions and the media.*

- *September 2015, The New Age:* Two construction workers were killed and 18 injured when the roof of an under-construction building collapsed in Dhamarai upazila (sub-district).<sup>284</sup>
- *March 2015, The Independent:* 100 construction workers were injured as a result of the collapse of a five-storey cement factory in Mongla.<sup>285</sup>
- *January 2015, BBC News:* 13 workers were killed at the plastic factory Nasim Plastics in Dhaka as a result of a fire that started on its facilities.<sup>286</sup>
- *November 2013, Fibre2Fashion:* A 10-storey building – one of the largest factories in Bangladesh – in Gazipur, 40 km away from Dhaka, caught fire during the night, when the factory was closed. No casualties occurred.<sup>287</sup>
- *November 2013, The Guardian:* 10 out of 75 factories inspected by Bureau Veritas on behalf of Wal-Mart failed health and safety inspections.<sup>288</sup>
- *October 2013, BBC:* At least nine people were killed in a fire at a clothing factory near Dhaka. The fire reportedly started in the knitting section. At the time of the fire, most workers had left the factory, but the approximately 170 workers in the factory were reportedly working overtime.<sup>289</sup>
- *April 2013, Global Labour Rights:* An eight-story building collapsed with 3,500 garment workers inside. 1,129 people were killed in the collapse of the Rana Plaza garment factory building on 24 April 2013. A further 2,500 were seriously injured. According to media reports, workers at Rana Plaza saw the cracks in the huge structure the day before the collapse but the authorities did not take any precautionary steps. Workers were ordered to return to work just before the collapse.<sup>290</sup>

## Company Initiatives

*Private-sector programmes that aim to ensure respect for human rights or contribute to development*

### Company Due Diligence Initiatives

**Wal-Mart (2012-2017):** The company launched its Women in Factories programme in 2012, a five-year initiative that aims to empower 60,000 women working in factories that supply products to Wal-Mart and other retailers in Bangladesh, Asia and Central America. The programme, which is being implemented in collaboration with local NGOs, includes training in hygiene and reproductive health, and occupational health and safety.<sup>291</sup>

**Bestseller:** According to the company's Code of Conduct, suppliers are obliged to provide a safe, clean and healthy working environment with adequate space and services for employees.<sup>292</sup>

**Accord on Fire and Building Safety in Bangladesh (May 2013-2018):** The Accord is a binding agreement between global brands and retailers and trade unions to build a safe and healthy Bangladeshi Ready Made Garment Industry (RMD). The agreement has 6 components: a five year legally binding agreement between brands and trade unions to ensure a safe and working environment in the Bangladeshi RMG industry; an independent inspection program supported by brands in which workers and trade union are involved; public disclosure of all factories, inspection reports and corrective action plans; commitment by signatories to ensure sufficient funds are available for remediation and to maintain sourcing

relationships; democratic elected health and safety committees in all factories to identify and act on health and safety risks; and worker empowerment through an extensive training program, complaints mechanism and right to refuse unsafe work. As of May 2015, out of a total of 1531 factories covered by the Accord, 1288 were already inspected and 17 new factories were scheduled for inspection. 1148 Corrective Action Plans were approved.<sup>293</sup>

**Alliance for Bangladesh Worker Safety (2013-2018):** 26 North American apparel companies have signed the pact in order to improve safety in RMG factories in Bangladesh.<sup>294</sup> The Alliance includes the following components: Standards and Assessments in order to conduct factory safety assessment that are financed by Alliance members; Worker Helpline, to enhance communication between workers and factories to report safety concerns which covers more than 400 factories; and Training, including basic knowledge and skills related to fire and safety. The brands have pledged over US\$50 million for inspections and safety initiatives during the five years target. A further US\$100 million of loans and access to capital will be provided for factory owners to improve safety standards in factories.<sup>295</sup> As of July 2015, out of a total 790 factories included in the Alliance process, 661 were inspected and 591 Corrective Action Plans were approved.<sup>296</sup>

## Company Development Initiatives

**Bangladesh Garment Manufacturers and Exporters Association:** The association composed of 4,222 member factories, offers a Fire Safety Programme and Training to its members, particularly in the woven garments, knitwear and sweater sub-sector.<sup>297</sup>

## Stakeholder Recommendations

**ILO Decent Work Country Programme 2012-2015:** The organisation recommends for all businesses to adopt national OHS policies and action plans for better compliance with labour standards in the workplace.<sup>298</sup>

**U.S. Department of State, U.S. Department of Labor and USTR:** The departments recommend U.S. corporations who buy garments from Bangladesh to increase coordination among each other, with the government and with civil society actors to pay for independent safety inspections, including for fire hazards.<sup>299</sup>

**Clean Clothes Campaign:** The alliance calls for businesses to ensure that a full and rigorous review of building and fire safety standards and regulations for RMG enterprises are conducted, including benchmarks for compliance. They further call for businesses to include the three pillars of the UN Guiding Principles on Business and Human Rights in their operations and frameworks to make sure both international and national standards on health and safety at work are met.<sup>300</sup>

**Freiheit Organisation:** The organization recommends international retailers to include in contracts that sub-contracting or production outside of the mutually-agreed premises is not acceptable, and any breach of this contract will lead to a cancellation of orders.<sup>301</sup>

**Bangladesh Garment Manufacturers and Exporters Association (BGMEA):** The organisation encourages factory owners to place generators on the ground floors of buildings rather than the roof to reduce the effects of vibrations on the walls. They also recommend foreign buyers to practice ethical buying behaviour, which entails companies only purchasing goods from factories that enforce workers' rights, rather than factories with the cheapest labour.<sup>302</sup>

**OECD:** The organisation highlights the need for ethical pricing to ensure workers' safety, as lower prices paid raise the risk of adversely impacting human rights.<sup>303</sup>

**National Skills Development Council:** The agency recommends companies to train their workforce as part of business development, including on occupational health and safety.<sup>304</sup>

**The Italian National Contact Point to the OECD (2015):** The Italian NCP made the following recommendations to companies in the textile and garment supply chain operating in Bangladesh:

- Adhere to the Accord on Fire and Building Safety in Bangladesh and consider it as a model for the future;
- Assist and provide compensation to victims through legitimate, reliable and effective initiatives, such as the Arrangement's Trust Fund, and collaborate with structured organisations operating in Bangladesh and with its government;
- Switch from a reactive approach to a preventive approach including through the adoption of collective action to tackle systematic problems to be dealt with in the framework of institutional contexts ensuring the impartiality and legitimacy (such as ILO, OECD, UN) and in cooperation with governments, workers and other stakeholders;
- Put in place an effective and flexible system to identify the risks referred to the country in which the enterprise operates, the characteristics of the sector and of the products, the structure of the supply chain and the business relations, in order to identify specific risks for each phase of the production life-cycle;
- Take remedy action based on audit findings and other verification procedures, and assure the follow-up;
- Resort to legitimate state-based mechanisms for providing remediation if an enterprise cannot or should not do it itself.<sup>305</sup>

## Multi-Stakeholder Forum Recommendations

On March 5, 2014, the Danish Institute for Human Rights and the CSR Centre Bangladesh convened stakeholders from business, government and civil society in Dhaka to discuss human rights and business challenges and jointly devise recommendations. The following recommendations were produced from that forum:

- Ensure occupational health and safety monitoring and evaluation systems;
- Raise awareness among workers regarding personal insurance for accidents;
- Raise awareness on negative health impacts;
- Provide insurance to protect workers when workplace accidents occur;
- Provide periodic health clinics to workers so they can confidentially report health problems and receive treatment.

# Human Rights Guidance for Businesses

*Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context*

## Due Diligence Library

*The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies*

*Does the company ensure that its workers are provided safe, suitable and sanitary work facilities?*

- Responsibilities for health and safety tasks are clearly defined.
- The company routinely monitors its production processes, machinery and equipment to ensure that they are safe and in good working order.
- Workers and managers are trained to respond to workplace emergencies; first aid kits and fire extinguishers are readily available; and escape exits are clearly marked and free from obstruction.
- The workplace is maintained to ensure clean and comfortable conditions including a suitable temperature, ventilation and lighting; suitable washing and sanitation areas appropriate for both genders.
- Residential or overnight facilities are safe and sanitary and meet the basic needs of workers including with regard to safety, space, temperature, lighting, ventilation, food, water, sanitary facilities, privacy and affordability.
- The company provides safe drinking water for workers and facilities for clean and sanitary food storage and eating.
- Where relevant the company has put in place special health and safety precautions for pregnant women, employees with disabilities, night workers, young workers and other vulnerable groups.

*Does the company ensure that workers are provided with the protective equipment and training necessary to perform their tasks safely?*

- The company has a procedure to ensure that all workers are provided, free of charge or deposits, with the protective equipment necessary to safely perform their job functions.
- The company is committed to ensuring that workers use the protective equipment provided and understand why it is necessary to use the equipment.
- The company ensures that all workers have the necessary training to safely perform their job functions and keeps workers fully informed, in a language and form understandable to them, of the health and safety procedures.
- An accurate record is kept of who has been trained and for what tasks.
- On a regular basis and when assigned to new tasks, workers receive training in the safe use of equipment and processes.
- A company function or member of staff is responsible for keeping informed of scientific and technological developments regarding health and safety risks and protective equipment.

*Does the company actively involve workers in health and safety work?*

- The company consults employees on health and safety issues either directly or through a freely elected safety representative(s) for relevant groups of employees.
- A health and safety committee has been established including employee safety representatives and representatives from management.
- Health and safety accidents are reported and investigated including involving the relevant worker(s), and actions are taken to prevent recurrences.
- Health and safety near-misses (accidents not resulting in injury) are reported and investigated to help improve safety.
- Health and safety accidents are monitored including hours lost as a result of injury or illness and e.g. compared to total hours worked (lost time injury frequency).

## Standards & Guidance

*NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre*

- IFC Performance Standard 2: Labour and Working Conditions (2012): FC PS2 is guided by the international labour standards as outlined by the ILO and covers health and safety.
- Portal for Responsible Supply Chain Management: The Portal is designed to support companies in improving the social and environmental conditions within their supply chain. The Portal offers tools and guidance on a number of supply chain issues, such as child labour, corruption and discrimination. In addition, the Portal also details sector specific resource material and pertaining legislation.
- Ethical Trading Initiative Base Code (2012) and ETI Principles of Implementation (2009): The Ethical Trading Initiative is an alliance of business stakeholders promoting the implementation of corporate codes of practice that cover supply chain working conditions. The alliance consists of companies, NGOs and trade union organisations. The ETI Base Code has been developed as a code of labour practice, targeted generally for supply chains, and is in line with the key international labour standards. The accompanying ETI Principles of Implementation outline the requirements needed by corporate members to implement the ETI Base Code in their supply chains, including the necessary commitments, management practices and behaviours.

## Engagement Opportunities

*Development initiatives by public and private actors that provide opportunities for companies to contribute to human development*

## Public Sector Initiatives

**Comprehensive Labour Inspection Training (2015-2016):** The Department of Inspections for Factories and Establishments, in collaboration with The Bangladesh Institute for Management and the ILO, will provide 160 labour inspectors with training aimed at building the skills needed to boost working conditions and worker safety in Bangladesh. Areas of intervention are: labour market-related policies and programmes; occupational health and safety; international labour standards and Bangladesh labour laws.<sup>306</sup>



**National Tripartite Plan of Action on Fire Safety and Structural Integrity (July 2013):** The Ministry of Labour and Employment launched the Plan of Action to create an integrated approach to promoting fire safety and structural integrity in Bangladesh. The plan aims to achieve this by reviewing and updating laws, establish a Task Force on Building and Fire Safety for the RMG sector, review factory licensing and certification procedures, develop a transparent and accountable industry sub-contracting system, establish a worker fire safety hotline and train managers and supervisors in RMG factories.<sup>307</sup>

**Improving Working Conditions in the Ready-Made Garment Sector (2013-2016):** The government along with the ILO launched the programme to improve working conditions in the RMG industry, particularly to minimise the threat of fire and building collapses. It also aims to ensure the rights and safety of workers, by providing workers training on how to use machines safely, and establishing a safety committee in every factory with more than 50 workers.<sup>308</sup> As of 2015, improvements included: building and fire safety assessments; labour inspection reform; and rehabilitation and skills training. the ILO formed a group of 114 master trainers from the Bangladesh Garment Manufacturers Export Association, Bangladesh Knitwear Manufacturers Export Association, Bangladesh Employers Federation and the private sector.<sup>309</sup>

**The Rana Plaza Agreement (2013):** The agreement was signed between the Ministry of Labour, leading buyers, employers and workers associations, and NGOs, with the aim to provide compensation to the victims of the Rana Plaza collapse. As of 2015, 2,895 claims were filed to the Rana Plaza Claims Administration related to 5171 injured workers and dependants of the deceased and missing workers. Also, a US\$30 million Rana Plaza Compensation Fund was created, which, as of august 2015, has finally reached the target.<sup>310</sup>

## NGO Initiatives

**Bangladesh Occupational Safety, Health and Environment Foundation:** The organization is an umbrella for different national and industrial trade unions working to promote human rights at the workplace with a special focus on workplace safety, workers health and environment.<sup>311</sup>

# Trade Unions

*Restrictions on the right of workers to collectively represent their interests*

Operating Environment	
Largest trade unions and union confederations	<p>Bangladesh Mukto Sramik Federation: 204,000 members (2012)</p> <p>Bangladesh Jatyatabadi Sramik Dal: 180,000 members (2012)</p> <p>Bangladesh Sanjukta Sramik Federation: 155,000 members (2012)</p> <p>Jatiyo Sramik League: 150,000 members (2012)</p> <p>Bangladesh Trade Union Sangha: 150,000 members (2012)</p> <p>Jatiya Sramik Party: 110,000 members (2012)</p> <p>Bangladesh Labour Federation: 102,000 members (2012)</p> <p>Bangladesh Free Trade Union Congress : 85,000 members (2012)<sup>312</sup></p>
Relevant legislation	<ul style="list-style-type: none"> <li>• Constitution, 1972</li> <li>• EPZ Workers Association and Industrial Relations Act, 2004</li> <li>• Labour Act, 2006</li> <li>• Amendments to the Labour Act, 2013</li> </ul>
Responsible agencies	<ul style="list-style-type: none"> <li>• Ministry of Labour and Employment</li> </ul>

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

The Observatory for the Protection of Human Rights noted in 2013 that in Bangladesh there was an environment of intimidation and repression to silence worker's demands, which impacted on the possibilities of dialogue between workers and employers.<sup>313</sup>

## Barriers to Unionisation

The constitution and the Labour Act 2006 guarantee freedom of association, however the International Trade Union Confederation (ITUC) stated that it was restricted.<sup>314</sup> The national legislation does not allow trade unions for the following categories of workers: domestic servants; public sector workers; health care workers; domestic workers; market salesmen; workers in the education sector and in agricultural establishments with fewer than 10 workers. This resulted in only 20 percent of all workers in Bangladesh having the right to unionise according to The Observatory for the Protection of Human Rights in 2013.<sup>315</sup> In terms of workers in the informal shrimp industry alone, the Environmental Justice Foundation reported in 2015 that the law did not cover approximately 1.2 million workers.<sup>316</sup>

Partly in response to the Rana Plaza and Tazreen Factory tragedies in the ready-made garment sector and international pressure on the government, the Bangladeshi parliament passed amendments to the Labour Act in July 2013, according to which workers will no longer need approval from factory owners to form trade unions.<sup>317</sup> Previously, employers had the power to veto unions, resulting in a small number of trade unions in the RMG sector. The law also prohibits the Ministry of Labour distributing lists of signatories to employers.<sup>318</sup>

ITUC and the International Labour Organization (ILO) reported that the amendments only partially addressed the shortcomings of the Labour Act in relation to freedom of association.<sup>319</sup> For example, unions must still represent 30 percent of the workers in an enterprise, a threshold that is considered to be inordinate by the ILO and the ITUC.<sup>320</sup> Workers in the public industrial sector are permitted to elect 10 percent of their enterprise officers from outside the workplace, although this right is not extended to workers in the private sector.<sup>321</sup>

The July 2013 Amendments to the Labour Act did not extend the right to freedom of association to workers in Export Processing Zones (EPZs).<sup>322</sup> The EPZ Workers Association and Industrial Relations Act (EWAIRA) of 2004 applies to the eight EPZs in the country.<sup>323</sup> The Act does not permit the formation of trade unions. Instead, it allowed various kinds of worker associations that did not have the full rights to which they were entitled to under international labour law.<sup>324</sup>

Only 3 percent of total workforce in Bangladesh was unionised as of 2014, primarily the public sector, according to the Danish Trade Union Council for International Cooperation (LO/FTF Council).<sup>325</sup>

The government reported that union registration rate has increased since the 2013 amendment. As of 2014, 7,495 unions were registered at the Department of Labour.<sup>326</sup> Solidary Center reported that the number of associations has substantially increased in EPZ as 2015, and that 53 out of 102 factories in Dhaka alone had associations in place.<sup>327</sup> According to The Daily Star in 2015, investors did not support unionisation in EPZs as worker's demonstrations could hamper production and overseas trade.<sup>328</sup>

ITUC also reported in 2015 that 275 new unions in the RMG sector were created,<sup>329</sup> amounting to a total 450 trade unions in comparison to 115 in 2012.<sup>330</sup> However, it still corresponded to a small fraction of the estimated 4 million workers in the sector.

A joint report by ITUC, UNI Global Union and industriALL noted in 2015 that the approval of a union's application was at the Joint Directorate for Labour's (JDL) absolute discretion, allowing them to reject legitimate union registration applications.<sup>331</sup> Solidarity Centre reported that many applications were rejected and others remained pendant after the 60-day limit.<sup>332</sup> The joint report noted that JDP was allegedly ordered to reject applications from three independent garment federations because of their link to international organizations.<sup>333</sup>

Women were reportedly leading 60 percent of trade unions in factories.<sup>334</sup>

The LO/FTF Council also reported in 2014 that unions were highly politicized but independent from the government.<sup>335</sup>

## Collective Bargaining

The law allows legally registered unions to bargain collectively.<sup>336</sup>

Workers did not generally exercise their collective bargaining rights, as noted by the LO/FTF Council in 2014.<sup>337</sup> The Observatory for the Protection of Human Rights reported in 2013 that collective agreements, where they existed, were a result of pressure from foreign buyers.<sup>338</sup>

ITUC noted in 2015 that although the amount of trade unions in the RMG sector rose since 2013, employers did not negotiate collectively with trade unions resulting in a very low amount of collective bargaining agreements in place.<sup>339</sup> collective bargaining was reportedly non-existent in EPZs.<sup>340</sup>

Workers were addressing their grievances informally instead of through collective bargaining agreements, as noted by the U.S. Department of State in 2015.<sup>341</sup>

## Strikes

The U.S. Department of State reported in 2015 that while the law recognises the right to strike, it lays down many restrictions, which make legal strikes difficult.<sup>342</sup> The ITUC reported that an excessive 75 percent of union membership had to consent to a strike before it could proceed and offences such as “obstruction of transport” carried exorbitant penalties of up to 14 years’ forced labour.<sup>343</sup> Also, the ILO Committee of Experts noted that the Labour Act provides for several restrictions of the right to strike, including sanctions of imprisonment that may involve compulsory prison labour, which was not in line with ILO Convention 105 that prohibits the use of any form of forced or compulsory labour as punishment for having participated peacefully in a strike.<sup>344</sup>

The government is entitled to shut down any strike lasting more than 30 days and refer the matter to labour courts for adjudication. Strikes are banned for the first three years of commercial production or if a factory was built with foreign investment or owned by a foreign investor.<sup>345</sup> The ITUC stated that workers who commence or continue with unauthorised strikes can be punished with a year’s imprisonment, or a fine of Tk5,000 (approx. US\$63).<sup>346</sup>

While the rights of assembly and association are guaranteed by the constitution, Odhikar reported in 2014 that public security forces often repressed demonstrations of workers demanding better working conditions. During 2013, the police killed 2 workers during demonstrations and injured 5,566 garment workers.<sup>347</sup>

An article in Canadian newspaper The Star reported in 2013 that despite nationwide general strikes occurring, the government kept garment factories open in order to meet international shipping orders.<sup>348</sup>

## Anti-Union Discrimination

The Labour Act that was amended in 2013 states that no employer shall dismiss, or threaten to dismiss, discharge, or remove from employment any worker who wants to join a trade union.<sup>349</sup> The July 2013 Amendments eliminated the previous obligation to send employers the names of union leaders at the time of registration of a trade union at the factory or federation level, which ITUC reported was used in the past to target unionists for dismissal.<sup>350</sup>

Anti-union violence and impunity were particularly observed in the garment industry, oftentimes directed by factory management. Cases of retaliation by management, including beating of unionists, and unionists being fired after joining a trade union were reported by ITUC in 2015.<sup>351</sup> The government reportedly did not put much effort into addressing those issues.<sup>352</sup> The ILO also noted in 2015 that members of the national intelligence services and the police, acting on behalf of factory owners, harassed and attacked unionised workers, according to workers’ submissions.<sup>353</sup>

intimidation and harassment of workers willing to establish or join unions was also observed in the shrimp processing industry.<sup>354</sup>

Trade unions that had links to the ruling party did not suffer much harassment or repression compared to other unions, according to The Observatory for the Protection of Human Rights in 2013,<sup>355</sup> but activities of independent trade unions were largely restricted.<sup>356</sup>

## Cases

*Reports of business-related human rights issues from NGOs, multilateral institutions and the media.*

- *June 2015, The New Age:* 48 employees at Chevron Bangladesh were terminated without the payment of their salaries due, as a result of their intentions to form a trade union. The company reportedly denied the accusations.<sup>357</sup>
- *February 2015, International Trade Union Confederation:* The General Secretary of the Berger Paint Bangladeshi Employee's Association was fired due to his union activities.<sup>358</sup>
- *December 2014, The New York Times:* Unionised workers at Global Garments factory reportedly suffered from violent attacks per management request. Workers also reported that they were intimidated and mistreated by supervisors. The company denied the allegations.<sup>359</sup>
- *November 2014, International Trade Union Confederation:* 72 unionised members at Basic Apparels in Uttara were terminated after they submitted an application for their union's registration.<sup>360</sup>
- *August 2014, Waging Nonviolence:* Workers at the garment manufacturing company Tuba Group went on strike to demand the payment of overdue salaries. The police reportedly violently attacked the demonstrators with the use of tear gas and rubber bullets, and many of them were arrested.<sup>361</sup>
- *June 2014, Solidarity Center:* More than 60 workers at the Raaj RMG Washing Plant in Gazipur were fired while at least one worker was subjected to physical attack due to their union affiliation.<sup>362</sup>
- *March 2014, Solidarity Center:* 86 union supporters at the Taratex BD Ltd. Garment factory in Gazipur were fired and subjected to anti-union campaign by management. The workers reportedly were verbally and physically assaulted and asked to sign papers of unknown nature.<sup>363</sup>
- *November 2013, International Trade Union Confederation:* Workers demonstrating against salary increases by management were reportedly attacked by the Police through the use of water cannon and rubber bullets, resulting in some of them being injured.<sup>364</sup>

## Company Initiatives

*Private-sector programmes that aim to ensure respect for human rights or contribute to development*

### Company Due Diligence Initiatives

**The Children's Place:** The company's Supplier Code of Conduct provides that suppliers will respect the rights of employees to associate, organise and bargain collectively in a lawful and peaceful manner, without penalty or interference, and in accordance with the law.<sup>365</sup>

**CATO:** The fashion retailer company's Code of Conduct states that a factory engaged to manufacture CATO merchandise recognises and respects lawful rights of freedom of association and the right of

employees to seek or not to seek representation by an outside third party for the purpose of collective bargaining under local law.<sup>366</sup>

**Helly Hansen:** Following the ILO Core Conventions No. 87 and 98, the company states in its Code of Conduct that all workers, without distinction, have the right to join or form trade unions of their own choosing, and the right to bargain collectively. It also states that workers' representatives must not be discriminated against and shall be permitted to carry out their representative functions.<sup>367</sup>

## Stakeholder Recommendations

**U.S. Department of State:** Companies are recommended to use legitimate representatives selected by the workers to communicate and negotiate and ensure that workers reporting hazardous conditions or workers seeking compensation are not retaliated against. Companies should avoid contracting factories where no trade union mechanisms exist.<sup>368</sup>

**Clean Clothes Campaign:** The alliance urges factory owners to take a more positive attitude to dealing with concerns of workers by allowing proper workplace representation and recognise the role that trade unions and workplace safety committees can play in upholding safety standards for workers.<sup>369</sup>

**Environmental Justice Foundation (2015):** The foundation recommends the Bangladeshi shrimp industry to:

- Ensure that, both in policy and practice, all workers have the right to join and form trade unions of their own choosing and to bargain collectively without fear of intimidation and violence;
- Avoid prohibiting or hindering the formation of trade unions.<sup>370</sup>

## Multi-Stakeholder Forum Recommendations

On March 5, 2014, the Danish Institute for Human Rights and the CSR Centre Bangladesh convened stakeholders from business, government and civil society in Dhaka to discuss human rights and business challenges and jointly devise recommendations. The following recommendations were produced from that forum:

- Engage in collective dialogue and training around trade unions;
- Engage suppliers in dialogue about how to establish effective unions;
- Begin a dialogue with international buyers related to trade union rights and responsibilities in Bangladesh;
- Raise awareness among workers on trade union rights.

## Human Rights Guidance for Businesses

*Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context*

### Due Diligence Library

*The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies*

*Does the company recognise the rights of its workers to freedom of association and to bargain collectively?*

- The company has a commitment to recognise the rights of its workers to freedom of association and collective bargaining, including the right to freely form and/or join independent trade unions, and this commitment is clearly communicated to all employees.
- The company recognises workers' organisations for collective bargaining purposes and has procedures in place to ensure regular collective bargaining with authorised worker representatives concerning all workplace related issues.
- The company allows worker representatives access to collective bargaining agreements, company premises, employees and other relevant documentation needed to fulfil their duties.
- The company prohibits discrimination or adverse actions against worker representatives or employees for participating or refraining to participate in lawful trade union activities.
- The company has agreed with workers' representatives about the requirements of a fair hearing to be followed in relation to all disciplinary cases and employee grievances.
- The company has a committee, with participation of employee-elected representatives, which is responsible for hearing, processing, and settling disciplinary cases and employee grievances.

*If independent trade unions are either discouraged or restricted, does the company enable workers to gather independently to discuss work-related problems?*

- The company allows employees to engage in regular employee-only meetings within normal working hours, where employees can discuss concerns regarding working conditions.
- Where allowed by local legislation, and if independent trade unions are not present, the company informs employees of their right to form independent collective representation at the workplace.
- Where allowed by local legislation, the company informs workers of their right to engage in regular collective bargaining concerning all workplace issues.
- Company management meets regularly with worker representatives to discuss work-related problems and any concerns/complaints employees may wish to raise.

## Engagement Opportunities

*Development initiatives by public and private actors that provide opportunities for companies to contribute to human development*

### Public Sector Initiatives

**Initiative to Improve Union Registration (2015):** The Directorate of Labour, with the support from the ILO, developed an online system for the registration of trade unions with the aim to provide more transparency and accountability to the trade union registration process.<sup>371</sup> the Directorate launched an online-system to receive allegations of anti-union discrimination.<sup>372</sup>

### NGO Initiatives

**Bangladesh Institute of Labour Studies:** The organization works towards strengthening the links and networks between trade unions and other civil society organizations with similar interest on labour laws issues. The organization provides training, undertakes study and research and shares information on labour and related subjects with a view to promote harmonious industrial relations and social justice.<sup>373</sup>





# Working Conditions

*Employment status, wages, working hours and social security*

Operating Environment	
Minimum wage	Tk 1,500 (approx. US\$19)
Relevant legislation	<ul style="list-style-type: none"> <li>• Constitution, 1972</li> <li>• Factories Act, 1965</li> <li>• Labour Act, 2006</li> <li>• Amendments to the Labour Act, 2013</li> </ul>
Responsible agencies	<ul style="list-style-type: none"> <li>• Ministry of Labour and Employment</li> </ul>
Local NGOs addressing this issue	<ul style="list-style-type: none"> <li>• Bangladeshi Centre for Workers Solidarity</li> <li>• Bangladesh Labour Research Institute</li> <li>• Bangladesh Labour Welfare Foundation</li> <li>• Labour Resource Centre</li> <li>• Safety and Rights Society</li> </ul>

Working Conditions: National Law		
	Bangladesh	International Standard
Standard workweek	48	48
Overtime pay rate	2x	1.25x
Holidays with pay, per year	12 days	3 weeks
Maximum daily working hours	10	10
Maximum weekly working hours	56	48
Uninterrupted weekly rest period	Friday and Sunday	24 hours per 7 days

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

The Constitution establishes that the State has the responsibility to secure the right to work and to a reasonable wage in relation to the quantity and quality of work.<sup>374</sup>

## Wages

The National Minimum Wage Board, tripartite in nature, meets every five years to set wages for different industries. In 2013, the following wages were set: workers in the Ready Made Garment (RMG) sector's minimum wages ranged from Tk 175 (approx. US\$2) daily to Tk 248 (approx. US\$3) daily; engineering industry wages ranged from Tk 350 (approx. US\$4) daily to Tk 232 (approx. US\$3) daily.<sup>375</sup> In relation to the shrimp sector, wages were set at Tk 4,419 (approx. US\$55) per month, an increase from Tk 2,645 (approx. US\$33).<sup>376</sup> the Board sets the minimum monthly wage for all economic sectors not covered by industry-specific wages. The latest minimum monthly wage was set at Tk 1,500 (approx. US\$19) as of 2015.<sup>377</sup>

Export Processing Zones (EPZs) were not covered by the Labour Act or the Factories Act, excluding workers from laws enforcing wages or working hours.<sup>378</sup>

According to various sources, none of the set minimum wages were sufficient for an adequate standard of living. The Asia Floor Wage Alliance estimated that Tk 25,687 (approx. US\$323) was a living wage for a family<sup>379</sup>, while the Centre for Policy Dialogue estimated a monthly wage of Tk 6,725 (approx. US\$85) to cover living expenses for a typical garment sector worker, as noted by the U.S. Department of State in 2014.<sup>380</sup>

Wages from the informal sector were in general 8 percent lower than wages in the formal sector, according to The Danish Trade Union Council for International Cooperation (LO/FTF Council) in 2014.<sup>381</sup>

A 2014 survey found that 40 percent of factories in Dhaka did not pay the minimum wage while in Chittagong only 5 percent of factories were able to comply with the new regulations related to the mining wage.<sup>382</sup>

Some factories paid entry-level workers in the RMG sector up to Tk 5,000 (approx. US\$63) per month, much lower than the average wage in China, which ranges from US\$154 to US\$230 per month, and even Cambodia, where the wage was US\$80 for garment workers. Labour activists in Bangladesh claimed that factory owners had political backing to keep wages extremely low.<sup>383</sup>

The Environmental Justice Foundation reported in 2014 that a small-scale shrimp farm owner received a daily income of Tk 350 (approx. US\$4).<sup>384</sup> Fry collectors reportedly received on average Tk 60 (approx. US\$0.70) to Tk 90 (approx. US\$1) per day during peak season while shrimp farm workers received on average Tk 2,800 (approx. US\$35) per month during peak season. There was a substantial difference in payment depending on the employment status. Permanent workers at shrimp farms received regular and transparent wages while contractors were paid on a piece-rate basis and sometimes faced deception in the weighting of their products, resulting in lower wages, according to Verite. Salaries were on average Tk 2,700 (approx. US\$34) per month for permanent workers and Tk 2,490 (approx. US\$31) per month for temporary workers.<sup>385</sup>

Bidi workers were paid by number of bidis, which ranges from 10,000 to 14,000 per day. Approximately Tk 11 (approx. US\$0.01) to Tk 17 (approx. US\$0.20) were paid per 1,000 bidis resulting in salaries between Tk 440 (approx. US\$5.50) and Tk 952 (approx. US\$12) per week, according to the Organization Unfair Tobacco in 2014.<sup>386</sup>

The Dhaka Tribunal reported in 2014 that tea plantation worker's salaries were lower than the minimum wage, and considerably lower than neighbouring countries such as India and Sri Lanka.<sup>387</sup> They reportedly earned only Tk 69 (approx. US\$0.8) a day, and around Tk 8 (approx. US\$0.1) an hour, according to Kapeeng Foundation in 2014.<sup>388</sup>

Minimum wages in the EPZ were reportedly between Tk 2,700 (approx. US\$34) and Tk 7,600 (approx. US\$96) per month, slightly higher than minimum wages.<sup>389</sup>

A great amount of workers operated under a "results-based" scheme, where an employee is paid a fixed rate for each unit of production, resulting in processing plants further reducing labour costs.<sup>390</sup>

Withholding of payment in the shrimp supply chain was common<sup>391</sup> while workers in the RMG sector reportedly received their wages irregularly and overtime pay was overdue.<sup>392</sup>

The Daily Star reported in 2013 that buyers from the RMG sector allegedly helped to produce fake audit reports, and factory owners prepared fake salary sheets to indicate that they were paying higher wages than in reality.<sup>393</sup>

## Working Hours

The law sets the standard work day at eight hours, which can be extended to 10 hours a day in certain instances. Overtime must be compensated at double the basic wage and interim wages for the overtime work, which is in line with the international standard. A standard work week is 48 hours and the average work week should not exceed 56 hours. Nevertheless, a work week can be extended to up to 60 hours, subject to the payment of overtime allowances. Workers must have one hour of rest if they work for more than six hours a day, a half-hour of rest for more than five hours a day, and one hour's rest at intervals for more than eight hours' work in a day.<sup>394</sup>

The LO/FTF Council reported in 2014 that most employees worked more than 48 hours a week.<sup>395</sup>

Workers in the shrimp supply chain worked 12 to 15 hours a day during peak season, according to Verite<sup>396</sup>, while the Organization Unfair Tobacco noted in 2014 that bidi workers were mainly working at home up to 15 hours a day for 7 days a week.<sup>397</sup> Tea plantation workers also reportedly had long working hours.<sup>398</sup>

In terms of workers in the RMG sector, they were reportedly forced to work 14 to 16 hours a day, according to a UNI Bangladesh Accord report from 2015.<sup>399</sup> Workers oftentimes were reportedly forced to work extra time to meet export deadlines, and companies did not compensate for the overtime.<sup>400</sup> Bloomberg added in 2014 that tannery workers worked 12 to 14 hours a day, seven days a week.<sup>401</sup>

The New Age further added in 2015 that women working at banks reportedly worked from 7:00 – 8:00 pm without any valid overtime reason and were reportedly facing gender harassment from management once the bank hours closed.<sup>402</sup>

## Social Security

The Constitution establishes that the State has the responsibility to secure the right to social security in cases of unemployment, illness or disablement.<sup>403</sup>

The Social Security System in Bangladesh was complex and resulted in many programmes managed by different Ministries. There were reportedly 145 programmes under the system as of 2015.<sup>404</sup> Employees in the formal sector were entitled to benefits due to disability and accidents in the workplace.

Employers make the full contribution to the system.<sup>405</sup> Companies of a certain size need to contribute with 5 percent of their profits into a Workers Profit Participation Fund.<sup>406</sup>

In practice, the Bertelsmann Foundation reported in 2014 that social security nets only existed for a very small section of society, mainly in the government sector and parts of the corporate sector.<sup>407</sup> The government added in 2013 that social protection benefits in the private sector were minimal.<sup>408</sup>

According to an ILO report from November 2013, social protection covered less than 40 percent of persons in the poorest quintile. In urban areas, only 9.4 percent of the poor were beneficiaries of social programmes in 2010, while allegedly almost 10 percent of social assistance funds went to non-poor households. The organisation further claimed that in 2010 the rate of the population living under US\$2 per day was 76 percent, with 30 percent of the population relying on financial help from abroad in 2011.<sup>409</sup>

Furthermore, the LO/FTF Council reported in 2014 that only 1.4 percent of the population was covered by health insurance schemes.<sup>410</sup>

## Informal Sector

Informal workers lacked legal recognition, as the labour laws only apply to the formal sector.<sup>411</sup>

Bangladesh had the highest rate of informal employment in the South Asia region. An ILO report from 2013 stated that informal employment had increased from 78 percent in 2005-2006 to 87 percent in 2010.<sup>412</sup> Accordingly, latest government statistics from 2010 reported that 47.3 million out of the 56.7 million workers were employed in the informal sector.<sup>413</sup>

The ILO reported that over 80 percent of manufacturing was done by informal labourers, who earned three times less than formal workers. The lack of permanent contracts for women limited their chances to make a permanent living and fight for better wages and improved working conditions, particularly in the RMG sector.<sup>414</sup> Women reportedly comprised 80 percent of workers in the sector.<sup>415</sup>

Fair Wear Foundation stated in 2013 that although workers in the RMG sector were entitled by law to receive an appointment letter and ID card by employers, which stated specific duties, responsibilities and benefits in practice many workers did not receive such documents.<sup>416</sup> This also resulted in workers not knowing their rights or being able to claim compensation for abuses of their rights.<sup>417</sup>

Informal jobs were more common in rural areas and workers reportedly received 25 percent lower wages than in the formal economy.<sup>418</sup> Informal workers were employed as rickshaw pullers, housemaids, brick-breakers, day labourers, cleaners, boat rowers or fishermen, according to an article published by The Dhaka Law Review in 2015.<sup>419</sup>

According to the Freiheit Organisation, most worker complaints related to breaches of contract by employers. Workers often did not have any means to hold their employers accountable. However, many workers allegedly wanted fairer enforcement of their contracts including safer and cleaner working conditions over job security or long-term employment as they felt they could find jobs at other factories; the mobility among RMG workers was high.<sup>420</sup>

## Cases

*Reports of business-related human rights issues from NGOs, multilateral institutions and the media.*

- *September 2015, Solidarity Center:* Workers at Sin Sin Poly Factory, which is located in an EPZ, won increased pay and leave benefits for the first time after successfully signing and negotiating a workers welfare association with the management.<sup>421</sup>

- *March 2015, Global Labour Rights:* Employees, mainly young women, at Jeans Plus reportedly worked from 8.00 to 10.00 pm daily, six days a week.<sup>422</sup>
- *March 2015, Global Labour Rights:* A senior sewing operator at Jeans Plus reportedly received only 41 cents per hour.<sup>423</sup>
- *September 2014, Institute for Global Rights and Human Rights:* Workers at Creative Collections factory, owned by Ha-Meem Group, reportedly worked more than 60 hours a week and a system of books sometimes concealed the extra hours as they were forced to sign two sets of pay sheets, one that indicated the hours they actually work and a second one that showed they worked only the legal amount of overtime.<sup>424</sup>
- *August 2014, Waging Nonviolence:* Workers at the garment manufacturing company Tuba Group went on a hunger-strike to demand the payment of overdue salaries. The strike ended after 11 days as management committed to the payment of salaries.<sup>425</sup>
- *March 2014, UCA News:* A worker in a tannery in the Hazaribagh district earned US\$103 a month and an additional US\$26 per month with overtime.<sup>426</sup>
- *September 2013, Reuters:* About 50,000 garment industry workers, reportedly mostly women, participated in one of the largest protests so far in the Bangladeshi capital of Dhaka to demand an increase of more than 1.5 times the current minimum wage.<sup>427</sup>

## Company Initiatives

*Private-sector programmes that aim to ensure respect for human rights or contribute to development*

### Company Due Diligence Initiatives

**Macys:** The company adopted a Vendor and Supplier Code of Conduct that sets out specific requirements for any supplier doing business with Macys, and is design to protect workers. Among other things, the Code requires that suppliers allow unannounced factory audits (within a 14-day audit window) for contractual compliance as well as compliance with laws and regulations dealing with issues such as wages and working hours.<sup>428</sup>

**Target:** The company's mission is to ensure that its vendors operate efficient, safe and on ethical factory environments where they can produce safe, reliable, high-quality products. In that line, it has adopted a Vendor Code of Conduct that establishes that vendors are abide by standards including providing wages and benefits in compliance with local laws and encourage vendors to commit to the betterment of wage and benefit levels to address basic needs of workers and their families.<sup>429</sup> the company also publishes a list of all its suppliers around the world, which included 31 factories in Bangladesh (Ashulia, Chittagong, Dhaka, Gazipur and Savar).<sup>430</sup>

### Stakeholder Recommendations

**U.S. Department of State:** Companies are recommended to implement clearly defined labour and human rights principles into their operations as well as those of their suppliers and subcontractors. These principles should be based on internationally recognised labour and human rights standards. The department also recommends that independent labour inspectors perform timely and unannounced inspections to ensure that workplace conditions are up to standard.<sup>431</sup>

**McKinsey:** The firm recommends companies to: provide in-house training for management and workers to improve skills, though workshops and providing certification, and to ensure that wages provide for an

adequate standard of living and provide incentive schemes, in order to overcome barriers to growth in the garment export business.<sup>432</sup>

**Freiheit Organisation:** The organisation recommends international retailers to include in contracts that sub-contracting or production outside of the mutually-agreed premises is not acceptable, and any breach of this contract will lead to a cancellation of orders.<sup>433</sup>

**OECD:** The organisation highlights the need for ethical pricing, and promoting fair and ethical supply chain management.<sup>434</sup>

**Human Rights Watch (2015):** The organization made the following recommendations to companies:

- Companies sourcing from Bangladesh factories should institute regular factory inspections to ensure that factories comply with companies' codes of conduct and the Bangladeshi Labour Law;
- Companies should work in consultation with unions and labour rights lawyers to ensure that pricing and sourcing contracts adequately reflect and incorporate the cost of labour, health and safety compliance. Such contracts should include the cost of the minimum wage, overtime payments and all legal benefits.<sup>435</sup>

## Multi-Stakeholder Forum Recommendations

On March 5, 2014, the Danish Institute for Human Rights and the CSR Centre Bangladesh convened stakeholders from business, government and civil society in Dhaka to discuss human rights and business challenges and jointly devise recommendations. The following recommendations were produced from that forum:

- Monitor the performance of workers after training on working conditions has been carried out;
- Design floor lay-outs so that workers are allowed to look at each other;
- Translate human rights practices into specific tasks for mid-level managers (for example coordination of vacation time and rest breaks).

**Environmental Justice Foundation (2015):** The foundation recommends the Bangladeshi shrimp industry to:

- Work with Government to improve labour conditions and ensure the fair payment of wages for all employees in the shrimp industry;
- Allow and encourage unrestricted access for independent and unannounced third-party audits and monitoring of all aspects of shrimp production to enhance transparency;
- Support initiatives to register and approve all producers who adhere to credible third-party certification schemes on labour standards;
- Improve oversight of all stages of the supply chain, with particular regard for billing and payment of suppliers. Ensure that full and fair payment to suppliers is made within a reasonably agreed time frame and that payment is not affected by rejected or cancelled shipments at the exporting phase;
- Commit to ensuring that all fry collectors, farmers, farm workers and factory workers are aware of their labour rights and all new employees are made aware of their rights on commencement of employment;
- Support arbitration processes to address complaints and resolve disputes for workers.<sup>436</sup>

# Human Rights Guidance for Businesses

*Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context*

## Due Diligence Library

*The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies*

### Working hours

*Does the company ensure that the workweek is limited to 48 hours; that overtime is infrequent and limited; and that workers are given reasonable breaks and rest periods?*

- Normal company working hours are limited to 48 per week by both company policy and practice, or fewer if provided by national law, collective agreement or industry standards.
- Overtime is infrequent, remunerated at premium rate, and does not exceed 12 hours in any one week, or 36 hours per month.
- The company has a system to plan, record and monitor hours worked by each employee, and regularly evaluates whether the number of workers is sufficient to meet production targets without resorting to overtime.
- Where overtime per worker systematically exceeds 12 hours per week, the company increases its workforce to correspond to production targets, or puts in place measures to increase worker productivity and reduce overtime.
- Workers are allowed at least 24 consecutive hours of rest (or more if provided by national law or industry standards) in every seven day period.
- The company ensures that workers have no less than a 30-minute break for every 4 hours of work (or more if provided by national law or industry standards) and that workers are allowed to use toilet facilities whenever necessary and not just during designated breaks.

### Wages

*Does the company provide a living wage that enables workers to meet the basic needs of themselves and their dependents?*

- It is company policy to provide workers with a living wage sufficient to meet basic food, clothing and housing needs and provide some discretionary income for themselves and their dependents.
- The company is aware of whether the legal minimum wage in the country of operation meets the requirement for a living wage.
- If no national minimum wage is established, or if national minimum wage standards are insufficient to meet the basic needs of workers and their dependents, the company calculates a living wage based on the cost of living in its area of operation.
- Part-time workers receive wages and benefits that are proportionate to those of full-time workers, and receive overtime compensation at a minimum of 1.25 times their hourly salary.
- The company pays wages at regular intervals and does not take deductions from wages for disciplinary measures or other deductions not authorised by national law.

- Bonus and piece-rate payment systems are monitored to ensure that the total salary paid meets living wage requirements without resort to overtime.

## Leave

*Does the company ensure that workers are paid holiday leave, sick leave and parental leave in accordance with international minimum standards?*

- Workers are granted at least three weeks of paid holiday leave per year or more if required by national law or collective agreements. Part-time and short-term workers are provided with paid holiday leave proportionate to the number of hours worked, at a rate equal to that of permanent full time employees.
- Workers are entitled to paid sick leave in accordance with the applicable national law. If sick leave is not provided for in national law, the company consults with union or worker representatives to establish alternative means of protection in case of illness or injury.
- The company ensures that sick leave is not deducted from workers' vacation time.
- Female workers are entitled to no less than fourteen weeks of paid maternity leave per child.
- The company grants compassionate or parental leave to workers who have recently adopted a child or children, or have taken on the responsibility to care for foster children or other dependent children.

## Employment status

*Does the company ensure that all workers have an official employment status?*

- The company ensures that all employees receive employment contracts prior to starting work for the company, and that contracts are understood by each employee.
- Contracts detail each employee's rights and obligations of employment, including clear job description, bonus and salary systems, and reasonable notice periods.
- Reference to company handbooks or other relevant documents on employment terms are integrated into the contract.
- The company ensures that contractors provide workers operating within company premises with an official employment status in line with company standards.

## Standards & Guidance

*NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre*

- Ethical Trading Initiative Base Code (2012) and ETI Principles of Implementation (2009): The Ethical Trading Initiative is an alliance of different business stakeholders promoting the implementation of corporate codes of practice that cover supply chain working conditions. The alliance consists of companies, NGOs and trade union organisations. The ETI Base Code has been developed as a code of labour practice, targeted generally for supply chains, and is in line with the key international labour standards. The accompanying ETI Principles of Implementation outline the requirements needed by corporate members to implement the ETI Base Code in their supply chains, including the necessary commitments, management practices and behaviours.



- Institute for Human Rights and Business and Global Business Initiative on Human Rights, State of Play: The Corporate Responsibility to Respect Human Rights in Business Relationships (2012): The Report examines how the UN Guiding Principles can contribute and guide the complex network of business relationships that now exist in a global economy. It explores how companies of all sizes are now beginning to implement human rights considerations and the UN Guiding Principles into both traditional and contemporary business relationships.
- Portal for Responsible Supply Chain Management (est. 2008): The Portal is designed to support companies in improving the social and environmental conditions within their supply chain. The Portal offers tools and guidance on a number of supply chain issues, such as child labour, corruption and discrimination. In addition, the Portal also details sector specific resource material and pertaining legislation.
- IFC Performance Standard 2: Labour and Working Conditions (2012): IFC PS2 is guided by the international labour standards as outlined by the ILO and covers a range of aspects, including: terms and conditions of employment, non-discrimination, health and safety, and forced labour. The Standard addresses employees, contracted workers and supply chain workers.
- International Labour Organization: The International Labour Organization (ILO) is the UN agency responsible for preparing and overseeing international labour standards. The mission and objectives of the ILO are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues.
- OECD Guidelines for Multinational Enterprises (2011): The OECD Guidelines are recommendations addressed by governments to multinational enterprises operating in or from adhering countries. Chapter 5 is on employment and industrial relations, aligning with the international labour standards of the ILO.

## Engagement Opportunities

*Development initiatives by public and private actors that provide opportunities for companies to contribute to human development*

### Public Sector Initiatives

**Improving Working Conditions in the Ready-Made Garment Sector (2013-2016):** The government along with the ILO launched the programme to improve working conditions in the RMG industry.<sup>437</sup> As of 2015, improvements included: building and fire safety assessments; labour inspection reform; and rehabilitation and skills training. the ILO formed a group of 114 master trainers from the Bangladesh Garment Manufacturers Export Association, Bangladesh Knitwear Manufacturers Export Association, Bangladesh Employers Federation and the private sector.<sup>438</sup>

**Free Help-Line Number (2015):** The Department of Inspection for Factories and Establishments at the Ministry of Employment has set the free helpline number for ready-made garment workers to report complaints in relation to their working conditions.<sup>439</sup>

### NGO Initiatives

**Safety and Rights Society:** The organization works to improve workplace conditions in Bangladesh, aiming at the overall conditions faced by people at work are decent and are at the very least in compliance with the local laws.<sup>440</sup>

# Environment

*Company impacts on the environment that affect the health or livelihoods of local communities*

Operating Environment	
Percentage of population with access to improved water sources	87 (2015)
Environmental Performance Index rank	169 (2014)
Food Security Index rank	89/109 (2015)
Relevant legislation	<ul style="list-style-type: none"> <li>• Constitution, 1972</li> <li>• Environmental Conservation Act, 1995</li> <li>• Environmental Conservation Rules, 1997</li> <li>• National Water Policy, 1998</li> <li>• National Sanitation Strategy, 2005</li> </ul>
Responsible agencies	<ul style="list-style-type: none"> <li>• Ministry of Environment and Forests</li> <li>• Ministry of Water Resources</li> <li>• Ministry of Food and Disaster Management</li> <li>• National Environmental Council</li> </ul>
Local NGOs addressing this issue	<ul style="list-style-type: none"> <li>• Arannayk Foundation</li> <li>• Association for Environment and Human Resource Development</li> <li>• Association for Nutritional Development and Rural Advancement</li> <li>• Bangladesh Environmental Lawyers Association</li> <li>• Bangladesh Youth Environmental Initiative</li> <li>• Centre for Sustainable Development</li> <li>• Conservation of Environment and Empowerment of the Poor</li> <li>• Eco-Development</li> <li>• Environment and Agricultural Development Association</li> <li>• Environment Pollution Eradication and Agricultural Development Organization</li> </ul>

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

The Constitution notes that the right to life includes the right to a healthy and stable environment and says that “the state shall endeavour to protect and improve the environment and preserve and safeguard natural resources, biodiversity, wetlands, forest and wildlife for the present and future citizens”.<sup>441</sup> The Constitution also states that all minerals and other things of value underlying any land or the ocean within the territorial waters or the ocean over the continental shelf are property of the Republic of Bangladesh.<sup>442</sup>

Relevant environmental legislation includes the Environmental Conservation Rules (1997), the National Fishery Policy (1998), the Environment Conservation Act (1995), the Open Space and Wetland Protection Act (2000), and the Urban Water Body Protection Law (2001).<sup>443</sup>

Protecting the environment was a priority of the government, which cooperated with civil society not only to raise awareness but also in devising policies to mitigate adverse effects on the environment.<sup>444</sup> In 2015, the Bangladeshi Prime Minister was awarded the Champions of the Earth award in the Policy Leadership category by the United Nations as a result of all the initiatives adopted to address climate change challenges.<sup>445</sup>

Nevertheless, environmental laws were not sufficiently implemented due to weak institutions and corruption, according to the SIDA Helpdesk for Environment and Climate Change reported in 2013.<sup>446</sup> The Bertelsmann Foundation added in 2014 that environmental protection was inadequate in the industrial manufacturing sector.<sup>447</sup>

## Participation & Access to Information

The Environmental Conservation Act (1995) and the Environmental Conservation Rules (1997) regulate Environmental Impact Assessments (EIAs).<sup>448</sup> Under these laws, industrial units and projects are classified based on location and environmental impact in four categories ranging from no impact to severe impact. Aside from projects falling into the no impact category, an EIA has to be conducted in order to obtain an Environmental Clearance Certificate from the Department of Environment.<sup>449</sup> The EIA should include a baseline study; impact identification; impact prediction; impact evaluation; mitigation measures; monitoring program; and special studies, when needed.<sup>450</sup>

There was no legal requirement for public consultation during EIA processes, though some guidelines such as the one for the water sector suggested public participation at the early stage of a project, according to the Netherlands Commission for Environmental Assessment.<sup>451</sup> The Environmental Democracy Index also noted that the legislation granted complete discretion to the authorities to determine whether and how the public is to be included in environmental decision making processes.<sup>452</sup>

A study published by the Bangladesh e-Journal of Sociology in 2015 stated that there were no mechanisms to ensure monitoring of project impacts and there was no follow-up on the approved plan or implementation of mitigation measures of EIAs.<sup>453</sup> Furthermore, EIAs were considered unsatisfactory due to inadequate study time; lack of baseline data; weak EIA teams; lack of EIA expert; inadequate funds; and weak guidelines provided by the government.<sup>454</sup> The referred study concluded that EIAs were not seen as a sustainable development tool and instead, they were considered only as a requirement to get environmental clearance for a project.<sup>455</sup>

## Food & Livelihoods

According to the World Food Programme in 2015, a quarter of Bangladesh population was food insecure. Bangladesh ranked 142 out of 187 in the 2014 Global Hunger Index.<sup>456</sup>

Yale Environment 360 reported in 2015 that the Sundarbans mangrove forest, which covered 10,000 square kilometres and was vital to local communities who depended particularly on its fisheries and forest products, was at risk of negative impacts due to coal production in close proximity.<sup>457</sup> the construction of shrimp ponds along the Sundarbans mangrove reserve resulted in the destruction of forests.<sup>458</sup>

A study published by the Journal Reviews on Environmental Science and Bio-Technology in 2013 found that shrimp production also impacted food security as rice lands were lost by ponds salinization, as well as a reported decline in near shore fish, crustacean and mollusc catches associated with forest degradation.<sup>459</sup> The New York Times reported in 2013 that due to textile industry's effluents, many rice paddies were inundated with toxic wastewater.<sup>460</sup>

Tobacco cultivation was amongst the major causes of deforestation, as it required wider acreage for farms, particularly in the country's hill districts.<sup>461</sup>

The Observatory for the Protection of Human Rights noted in 2013 that illegal sand extraction by sand mining companies in the proximities of the Meghna River impacted on food security of local communities due to land erosion.<sup>462</sup>

Development projects and monoculture plantations on forestland deprived indigenous communities of forest resources, impacting on their livelihoods, according to the Society for Environment and Human Development noted in 2013.<sup>463</sup>

## Water

The National Water Policy (1998) and the National Sanitation Strategy (2005) recognise water and sanitation as human rights.<sup>464</sup>

Most of Bangladesh urban population lacked access to water and sanitation.<sup>465</sup> Oftentimes the government reportedly subsidized water for industrial use, leading to water scarcity for communities depending on it.<sup>466</sup>

The SIDA Helpdesk for Environment and Climate Change reported in 2013 that water pollution as a result of the presence of arsenic particles, the agriculture sector and poor sanitation contributed to health problems.<sup>467</sup>

In relation to the textile sector, Bloomberg reported in 2014 that the government estimated that about 22,000 cubic meters of untreated effluents, including hexavalent chromium, were released by tanneries each day in Buriganga River, Dhaka's main waterway.<sup>468</sup> 40,000 tons of toxic chemicals were reportedly found in the river, impacting on people who depended on the river to bathe or use to irrigate their crops, according to Human Rights Watch in 2015.<sup>469</sup>

A 2013 New York Times article claimed that factories used up to 170 litres of water to produce one kilogramme of clothes, and many textile factories did not have effluent treatment plants, releasing water full of dyes and chemicals directly into rivers which millions of individuals depended on for their livelihoods.<sup>470</sup>

According to a study published in 2014 by the Journal Global Disclosure of Economics and Business, water waste treatment from textile dyeing factories and other industrial processes did not meet standards, and the government did not enforce environmental laws due to lack of funds or technical expertise.<sup>471</sup> The New York Times added in 2013 that government officials were oftentimes pressured by

factory owners, resulting in weak implementation of environmental laws.<sup>472</sup> Textile factories were generally reluctant to invest in proper treatment for wastewater.<sup>473</sup>

Intensive shrimp farming required substantial water change of the pond, polluting the surrounding water quality by the discharging of effluents such as ammonia, nitrate and nitrite, which has reportedly spread water-borne diseases from farm to farm, according to a study published by the Journal Reviews on Environmental Science and Biotechnology in 2013.<sup>474</sup> the impact of saltwater discharge of shrimp ponds in southwest Bangladesh reportedly reduced water supplies for drinking; domestic needs and irrigation; and increased gastrointestinal infections.<sup>475</sup>

River erosion in Bangladesh made at least 1,000,000 people landless every year and over 1,000 hectares of lands were lost to rivers every year, according to the Indian Environmental Portal in 2014.<sup>476</sup>

## Air Pollution

According to the 2014 Environmental Performance Index, Bangladesh had the worst polluted air in the world.<sup>477</sup>

In 2013, the Blacksmith Institute named Hazaribagh as the fifth most toxic place in the world due to its levels of pollution. According to the report, over 185,000 residents lived in the region, directly impacted by the toxins released by factories, suffering from acid burns, dizziness, nausea and rashes among other health problems.<sup>478</sup> Bloomberg added in 2014 that skin and respiratory diseases were commonly observed in Hazaribag as a result of leather tanneries.<sup>479</sup>

As of May 2015, the government failed to implement a 2009 High Court order to relocate the Hazaribagh tanneries out of Dhaka due to its high level of pollution, according to Human Rights Watch.<sup>480</sup>

The World Bank also reported in 2014 that due to out-dated technology, weak implementation of laws and lack of corporate responsibility, brickfields were polluting Bangladesh air by expelling over 9.8 million tons of greenhouse gases, particularly in Dhaka during the dry season.<sup>481</sup>

Air and water pollution accounted to 20 percent of diseases in Bangladesh, according to the SIDA Helpdesk for Environment and Climate Change in 2013.<sup>482</sup>

## Cases

*Reports of business-related human rights issues from NGOs, multilateral institutions and the media.*

- 2015, Transparency International Bangladesh: Environmental Impact Assessments for two coal projects, Rampal and Matarbari, were reportedly not conducted following international standards of neutrality. opinions expressed in consultations were not taking into consideration. The Ministry of Environment issued the clearance certificate even though the lands were not empty or considered as industrial plots.<sup>483</sup>
- April 2014, IFEX: Local communities on the proximities of the Rupsha river expressed concerned about health problems due to the proliferation of rice and wood husk mills. Half of the mills operating in the area did not have proper clearance to operate.<sup>484</sup>
- **April 2014, India Environmental Portal:** The High Court mandated the government of Bangladesh to stop sand mining from the river Padma at Charghat, Rajshahi immediately in order to protect its ecology from further damage.<sup>485</sup>

- **April 2014, India Environmental Portal:** Illegal brickfields in all four upazilas (sub-districts) of Madaripur district were polluting water sources due to lax monitoring by the authorities.<sup>486</sup>
- **April 2014, India Environmental Portal:** Farmers in Lalmonirhat district reportedly were unaware of the ratio of pesticides to be used. The presence of toxins in the foods produced in the district was three to twenty times the limit set by the European Union.<sup>487</sup>
- **November 2013, The Observatory for the Protection of Human Rights:** Illegal sand extraction in the Meghna River reportedly threatened food security as it eroded the island.<sup>488</sup>
- **October 2013, Yale Environment 30:** The Rampant power plant, a coal-fired project between Bangladesh and India, could devastate the Sundarbans mangrove forest due to water diversion to the plant, coupled with air and water pollution and heavy coal barge traffic, threatening the livelihood of approximately half million people that depended on it.<sup>489</sup>
- **July 2013, The New York Times:** Many of Savar's canals or wetlands had high levels of pollution due to the presence of untreated industrial waste. Industrial pollution was reportedly damaging dish stocks, fruit and vegetables produce.<sup>490</sup>
- **April 2013, Human Rights Watch:** Two leathers tanneries in Hazaribagh were fined due to pollution from the discharge of untreated waste containing chromium, lead and other chemicals and heavy metals into Buriganga river, which caused health problems to local communities. The tanneries were fined for not having effluent treatment plants in place.<sup>491</sup>

## Company Initiatives

*Private-sector programmes that aim to ensure respect for human rights or contribute to development*

### Company Due Diligence Initiatives

**Wal-Mart:** The company is the largest US importer of shrimp from Bangladesh. It works together with the Global Aquaculture and the Aquaculture Certification Council to certify that all its foreign suppliers of shrimp adhere to best aquaculture practice standards.<sup>492</sup>

**Fresh Food Ltd.:** The shrimp processing plant has committed to the implementation of initiatives for safe water supply and water treatment management.<sup>493</sup>

**Mofa Fish Processing Ltd:** The company uses eco-friendly processing procedures including recycling the water used for fish processing.<sup>494</sup>

**Viyellatex Apparel:** The textile and apparel company is committed to protecting the environment from harmful by-products of operations through the implementation of various initiatives including using energy efficient technology; re-using treated water; harvesting rain water; reusing utility water; recovering heat and producing organic fertilizer from the process of recycling organic waste.<sup>495</sup>

**Plummy Fashions Limited:** The knit apparel manufacturing company implements a series of initiatives in order to preserve the environment, including rainwater management plants; exterior automated lighting of its facilities; establishment of water fixtures to reduce water consumption by 60 percent; establishment of solar power plants; use of recyclable contents in construction materials; used of certified woods and paints; and the establishment of carbon dioxide sensor to monitor the level of CO<sub>2</sub> in occupied areas.<sup>496</sup> the factory was awarded in 2014 with the highest price by America's US Green Building Council as a result of the implementation of various environment-friendly initiatives.<sup>497</sup>

## Company Development Initiatives

**British American Tobacco Bangladesh:** The company has established 50 farm clubs in Bangladesh where they provide local communities with training and fieldwork on areas such as alternative fuels; pesticide management; irrigation techniques; green manuring and composting. The training provided covers crops such as rice and vegetables, not only tobacco.<sup>498</sup>

**Duncan Brothers Ltd:** The tea estate undertakes afforestation programmes, and stores rainwater in existing lakes and ponds through the implementation of excavation programmes within the tea sections. They provide with training to local residents in order to raise awareness on the importance of natural resources conservation.<sup>499</sup>

**The Bangladesh Water PaCT, Partnership for Cleaner Textiles:** The initiative is implemented by the local industry, eight multinational brands (including H&M, C&A, and G-Star) and the International Finance Cooperation. It aims to raise awareness on cleaner production practices at 500 textile wet processing factories and to implement better practices in 200 factories. It ensures the involvement of commercial, governmental and financial organisations within these efforts. In order to create a sector wide shift towards cleaner textiles the programme also works with brands and retailers to create a demand for more sustainable practices. It furthermore builds local knowledge and expertise by training local service providers and establishes a Textile Technology Business Centre.<sup>500</sup>

## Stakeholder Recommendations

**Natural Resource Defence Council:** In a 2012 study on environmental best practices for textile mills in Bangladesh, NRDC recommends that designers, brands and retailers should promote the identified best practices with their suppliers to protect the environment and help the bottom line. Designers should make better selections of fibres and dyes to reduce environmental impact at the drawing board. NRDC also recommends that these important stakeholders join with NRDC and its Responsible Sourcing Initiative to craft solutions on the ground, to reinforce and expand the capacity of environmental governance for long-term results.<sup>501</sup>

**McKinsey & Company:** The consultancy firm recommends companies to proactively implement comprehensive CSR strategies including “clean production” initiatives and share best practices with other firms in the industry.<sup>502</sup>

## Multi-Stakeholder Forum Recommendations

On March 5, 2014, DIHR convened stakeholders from business, government and civil society in Dhaka to discuss human rights and business challenges and jointly devise recommendations. The following recommendations were produced from that forum:

- Publicly report environmental impacts in line with GRI standards;
- Join the Bangladesh UN Global Compact and produce a Communication on Progress;
- Commit to zero discharge of hazardous chemicals. Every six months, check and report waste emissions and have these reports externally verified;
- Investigate secondary uses for solid waste. Consider recycling solid waste as concrete or converting it to fuel;
- Develop and report processes to manage sludge emissions;
- Send sludge and other emissions to internationally accredited labs for testing;
- Work with other companies to disseminate best practices;

- Follow all environmental laws, even those in draft form;
- Include noise assessments in environmental assessment procedures;
- Develop workplace recycling programs;
- Build awareness of company environmental impacts within the company, and commission suggestions from employees and managers on improving environmental impacts;
- Set specific environmental benchmarks for suppliers, and assist in building capacity to reach them;
- Include provisions from environmental laws in code of conduct for suppliers;
- Monitor the emissions of contractors who are licensed to dispose of waste;
- Hold periodic roundtables with suppliers to discuss environmental impacts and best practices;
- Incorporate environmental issues into worker training and collective agreements;
- Provide recycling bins within company workplaces;
- Work to reduce the noise and emissions from generators. This includes purchasing new generators, rather than using generators, which tend to produce more noise and emissions;
- Include environmental impacts in sustainability commitments from top management.

## Human Rights Guidance for Businesses

*Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context*

## Due Diligence Library

*The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies*

### *Precautionary Approach*

*Does the company support a precautionary approach to environmental issues?*

- The company provides information to stakeholders about uncertainties and potential risks to workers, consumers, the public and the environment of the company's products and processes.
- The company identifies any soil and water contamination at its site or sites, assesses the environmental impacts and remedies any significant contamination.
- The company tries to avoid environmental damage by regular maintenance of production processes and environmental protection systems (air pollution control, waste water treatment systems etc.).
- The company conducts systematic risk assessments of materials used, products and processes to apply the precautionary approach.
- The company ensures transparency and engages in regular stakeholder dialogue with neighbours, civil society organisations and others with an interest in the company on critical environmental issues.
- If relevant, the company supports scientific research on environmental issues relating to the company's products and processes.



## Emergency Response

*Does the company have emergency procedures in place to prevent and address accidents affecting the environment and human health?*

- The company has identified the hazardous operations and the potential consequences on human health and the environment if an accident occurs.
- The company has detailed procedures, plans, equipment and training programmes to prevent accidents and emergencies.
- The company has detailed procedures, plans and equipment to effectively respond to accidents and emergencies if they occur.
- The company trains workers to respond to accidents and emergencies, including carrying out emergency drills at least once a year involving all workers.
- Where there is significant risk of impacts on local communities, the company has a procedure that enables it to immediately notify affected local communities about industrial emergencies, and informs about emergency response, evacuation plans and medical response.

## Energy Consumption and Climate Change

*Does the company take measures to reduce energy consumption and emissions of greenhouse gasses?*

- The company complies with regulation regarding use of energy resources and emissions of greenhouse gases.
- The company has a climate strategy that identifies opportunities to reduce the company's energy consumption and/or emissions of greenhouse gases.
- The company has initiated practical activities to reduce energy consumption and/or greenhouse gas emissions.
- The company provides information and trains employees to implement energy reduction measures.
- The company monitors its energy consumption and/or emissions of greenhouse gases.
- The company has defined a baseline for its greenhouse gas emissions, which includes a definition of the business operations and activities, and the greenhouse gases that are accounted for e.g. as described in the Greenhouse Gas Protocol.
- The company has targets for reducing its energy consumption and/or emissions of greenhouse gases.
- The company engages with the government and civil society organisations to develop policies and measures that provide a framework for the business sector to contribute to building a low carbon economy.

## Water and Waste Water

*Does the company take measures to reduce water consumption and treat waste water?*

- The company has the necessary permits to extract water or obtain water from the public water supply and for any waste water discharges.
- The company treats waste water before discharge to reduce adverse environmental impacts. If waste water treatment takes place outside the company's premises, the company is aware of the effectiveness of the treatment.
- The company monitors waste water discharges, including types, limit values and quantities of pollutants in the waste water.
- The company has targets for reducing water consumption and/or increasing the amount of water reused or recycled in different business operations and activities.

- The company provides information and trains workers to implement measures to reduce water consumption and reduce the need for waste water treatment.
- The company's use of water and its waste water discharges do not negatively affect the sustainability of water resources, the natural environment or the availability of water for drinking and sanitation purposes.
- The company engages with national, regional and local public authorities, and civil society organisations to address water sustainability issues related to affected water resources.

## Waste Management

*Does the company take measures to prevent and reduce the production of waste and ensure responsible waste management?*

- The company has the necessary permits for the handling, storage, recycling and disposal of waste, and, if relevant, complies with requirements for transporting hazardous waste across borders.
- The company has a strategy to manage waste responsibly and continuously attempts to prevent and reduce the production of waste.
- The company ensures that waste relevant for recycling is sorted and handed over to a recycling company.
- The company monitors the types and quantities of waste produced, including where and how waste is recycled, treated or disposed of.
- The company has targets for reducing waste production and/or increasing waste reused/recycled and measures its progress against these targets.
- The company provides information and trains workers on the safe handling, storage, transport and disposal of hazardous and special waste types.
- The company marks areas used for storage of waste, and properly labels all containers for storing waste, including a relevant symbol of danger for hazardous waste.
- The company requests recycling/treatment/disposal receipts from transport contractors.
- The company uses licensed contractors for the transport, recycling, treatment and disposal of hazardous waste.

## Air Emissions

*Does the company prevent, reduce and treat air emissions?*

- The company has the necessary permits for emissions to air, and complies with legal requirements (e.g. air pollution standards and limit values).
- The company provides information and trains workers on how to manage air emissions.
- The company monitors the types and quantities of relevant emissions to air.
- The company treats relevant pollutants before they are emitted to the atmosphere (e.g. by using filters).
- The company continuously attempts to prevent and reduce air emissions.

## Noise, Odour, Light and Vibrations

*Does the company prevent and reduce impacts on the surrounding environment from noise, odour, light and vibrations?*

- The company has the necessary permits for levels of noise, odour, light and vibrations, and complies with legal requirements (e.g. standards or procedures).
- The company provides information and trains workers to manage noise, odour, light and vibrations.
- The company monitors levels of noise, odour, light and vibrations on the surrounding environment.

- The company treats/minimises impacts to ensure that there are no significant levels of noise, odour, light and vibrations.
- The company continuously attempts to prevent and minimise the levels of noise, odour and light (e.g. enclosed production, shielding, etc.).
- Chemicals and Other Dangerous Substances
- Does the company minimise the use and ensure safe handling and storage of chemicals and other dangerous substances?
- The company has the necessary permits and complies with legal requirements for the handling, use and storage of chemicals and other dangerous substances.
- The company does not manufacture, trade and/or use chemicals and other dangerous substances subject to national or international bans or phase-outs.
- The company provides information and trains workers on the safe handling and use of chemicals and other dangerous substances.
- The company monitors the quantities of all chemicals and other dangerous substances used in production and maintenance.
- The company marks areas used for storage of chemical substances and products.
- The company properly labels all chemical substances and products including name of the chemical and a relevant symbol of danger.
- The company considers substitution important and continuously tries to use less harmful chemicals and substances.

## Biodiversity

*Does the company prevent, minimise and remedy significant impacts on biodiversity?*

- The company has the necessary permits to operate in or alter the natural environment, and complies with legal requirements.
- The company is committed to operating within the framework of international conventions addressing biodiversity (e.g. the Convention on Biological Diversity, Cartagena Protocol on Bio-safety and the CITES Convention).
- The company has assessed important positive and negative impacts of its operations and activities on the natural environment and biodiversity (e.g. IUCN's Red List of Threatened Species and no alien invasive species).
- The company has previously and/or is currently taking measures to prevent and reduce the impacts of its operations and activities on biodiversity.
- The company clearly labels products containing GMOs and indicates if GMOs have been used in the production process.
- The company ensures that it has not had any unintended releases of GMOs.
- The company documents that workers have been adequately trained to handle GMOs.

## Natural Resources

*Does the company ensure that natural resources are used in a sustainable manner?*

- The company has the necessary permits and complies with legal requirements regarding the cultivation, harvest, extraction and/or use of natural resources (e.g. wood, fish, metals, oil, coal).
- The company complies with legal requirements regarding the cultivation, harvest, extraction and/or use of natural resources (e.g. wood, fish, metals, oil, coal etc.).
- The company ensures that workers are trained in the sustainable cultivation, harvesting, extraction and/or use of natural resources.

- The company continuously attempts to prevent, minimise and remedy significant impacts on natural resources through environmentally friendly methods and alternative resource use.
- The company ensures that its use of renewable resources does not negatively affect the sustainability of the resource (i.e. the resource's ability to regenerate).
- The company demonstrates efforts to substitute non-renewable resources used in production with renewable resources.
- The company works with local and national public authorities as well as with international institutions to address sustainability issues related to natural resources (e.g. wood, water, fish, metals, oil etc.).

### Environmentally Friendly Technologies

*Does the company encourage the development and use of environmentally friendly technologies?*

- The company uses environmentally friendly technology.
- The company regularly evaluates its processes and technologies to see if there are more environmentally friendly alternatives.
- When developing new technologies and products, the company focuses on developing environmentally friendly technology e.g. by using life cycle assessments (LCA), design for sustainability or a cradle-to-cradle approach.
- When planning new investments in technology, the company considers the best available technology and stipulates minimum environmental criteria.
- When investing in new buildings, the company implements environmentally responsible and resource-efficient materials and/or technologies.
- The company makes information describing the environmental performance and benefits of using environmentally friendly technologies available to stakeholders.

## Standards & Guidance

*NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre*

- **CEO Water Mandate (2011):** Launched as a collaborative initiative of the UN, UN Global Compact, the Government of Sweden and a dedicated group of companies, the CEO Water Mandate is a public-private initiative designed to assist companies with the development, implementation and disclosure of policies and practices relating to water sustainability. It covers six core elements: direct operations, supply chain and watershed management, collective action, public policy, community engagement and transparency.
- **IFC Performance Standards on Environmental and Social Sustainability (2012):** The IFC Performance Standards provide directions to businesses on due diligence on environmental and social matters. Several of the standards are pertinent to environment, including: Assessment and Management of Environmental and Social Risks and Impacts (PS1), Resource Efficiency and Pollution Prevention (PS3), Community Health, Safety, and Security (PS4), and Biodiversity Conservation and Sustainable Management of Living Natural Resources (PS6).
- **Institute for Human Rights and Business, Business, Human Rights & the Right to Water—Challenges, Dilemmas and Opportunities:** This report summarises the views of various stakeholders on issues pertaining to the right to water, including consideration of the scope of a company's responsibility to respect the human right to water; the applicability of the human rights-based

approach to management of water-related issues; and the business case for engaging with water-related issues.

- **ISO 14000 Standards on Environmental Management Systems:** Developed by the International Organisation for Standardisation, the ISO 14000 Standards provide businesses and organisations with a number of tools to assist in their environmental management systems. The key objective of the standards is to encourage different actors to reduce the negative impact that their activities may have on natural resources such as air, water or land.
- **United Nations Special Rapporteur on the Human Right To Safe Drinking Water and Sanitation (est. 2008):** Amongst a range of issues, the mandate of the Special Rapporteur includes consideration of the regulation of the private sector in the context of private provision of safe drinking water and sanitation.
- **Global Water Tool (2007):** Developed by the World Business Council for Sustainable Development, this tool is designed for companies and organisations to map their water use, including risks associated with water use in global supply chains.

## Engagement Opportunities

*Development initiatives by public and private actors that provide opportunities for companies to contribute to human development*

### Public Sector Initiatives

**United Nations Collaborative Programme on Reducing emission from Deforestation and Forest Degradation in Developing Countries (UN-REDD):** The government of Bangladesh participates in the UN-REDD programme in order to reduce emissions from deforestation and forest degradation, and to increase forest carbon stocks. The following activities are included: identification of priority drivers of deforestation and forest degradation; in-depth analysis of the drivers of deforestation and forest degradation, accounting for the specific conditions of the five forest types and for diversity across the country; identify strategies to strengthen the legal, policy and institutional framework and to address the drivers; establishment of a national forest reference emission level and or/forest reference level; development of a forest and activity monitoring system.<sup>503</sup>

**Climate Change Action Plan (2009-2018):** The government developed the 10-year Climate Change Action Plan in consultation with civil society, including NGOs, research organisations and the private sector. The needs of the poor and vulnerable, including women and children, will be prioritised in all activities under the Action Plan. In the first five year period (2009-13), the programme comprised six pillars: food security, social protection and health; comprehensive disaster management; infrastructure; research and knowledge management; mitigation and low carbon development; capacity building of all stakeholders (including the private sector) and institutional development.<sup>504</sup>

**Clean Air and Sustainable Environment Project (2009-2016):** The government, with the support of the World Bank, is implementing the project with the aim of improving the air quality and safe mobility in Dhaka through the implementation of initiatives in urban transport and brick making.<sup>505</sup>

### NGO Initiatives

**Centre for Sustainable Development:** The organization is committed to raising awareness about the environment, and to facilitate mobilisation of people for a better quality of life. The Centre offers training workshops and seminars to large audiences including government officials, media professionals,

students, etc. the Centre conducts environmental impact assessments over projects that may have negative impacts to the environment.<sup>506</sup>

# Land & Property

*Human rights impacts related to company acquisition, use and management of land*

Operating Environment	
International Property Rights Index rank	96 (2014)
Heritage Foundation: Economic Freedom Index Property Rights score	20 (2015)
Relevant law	<ul style="list-style-type: none"> <li>• Constitution, 1972</li> <li>• National Land Use Policy,</li> <li>• Chittagong Hill Tracts Regulation, 1900 and amendments from 1971 and 1979</li> <li>• Hill District Council Acts, 1989</li> <li>• Vested Property Return Act, 2011</li> </ul>
Responsible ministries	<ul style="list-style-type: none"> <li>• Ministry of Lands</li> </ul>
Local NGOs addressing this issue	<ul style="list-style-type: none"> <li>• Access Toward Livelihood and Welfare Organization</li> <li>• Assistance for the Livelihood of the Origins</li> <li>• Association for Land Reform and Development</li> <li>• Kapaeeng Foundation</li> </ul>

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

### Land Administration

The Constitution states that all lands are property of the Republic of Bangladesh.<sup>507</sup> The National Land Use Policy and the Land Use Zoning must be adhered to in regards to the use of land.<sup>508</sup>

The three most common private tenure types in Bangladesh are exclusive ownership of land for an indefinite period (common law freehold); ninety-nine-year use rights to government land (khas) that has been distributed to landless families; and the right to use land owned by another for a fixed period (leaseholds). Leases for agricultural land include both cash leases and sharecropping arrangements. USAID reported that common law freehold applied to 69 percent of agricultural farm landholding in 2005.<sup>509</sup>

Principles of land administration codified in formal law were inapplicable in the Chittagong Hill Tracts (CHT) region, where the majority of Bangladesh's indigenous groups lived. Instead, a separate legal regime blended customary and formal law.<sup>510</sup> The main land laws for the CHT were contained in the CHT Regulation of 1900 (Act I of 1900) and in the Hill District Council Acts of 1989. These laws establish the CHT primarily as a homeland for its inhabitants, and guarantee them primacy against outsiders with regard to land and resource rights.<sup>511</sup> However, amendments to the CHT Regulation of 1900 in 1971 and 1979 allowed non-residents to acquire land rights within the CHT. These provisions were effectively undermining the CHT Regulation, contributing to continuous conflict in the area, according to the UNDP in 2012.<sup>512</sup>

Land is scarce in Bangladesh due to the population density.<sup>513</sup> USAID stated in 2011 that land distribution was historically highly inequitable. Land was reportedly closely tied to social, economic, and political power, and establishing ownership rights was highly competitive and often lead to violence.<sup>514</sup> According to the Bertelsmann Foundation in 2014, patronage networks between landowners, the police and state bureaucrats made it difficult for peasants and minorities to assert their property rights in rural areas.<sup>515</sup>

57 percent of households in rural areas were landless, and did not have access to cultivable land; the incidence rates varied from 47 percent in the Khylna division to up to 67 percent in Chittagong division, according to USAID in 2013. Chittagong had the highest level of inequality in regards to land ownership. Out of the percentage of the population who owned cultivable land, 25 percent of households only owned 4 percent of land, whereas the top 5 percent of households owned 26 percent of land, with the top 10 percent owning 38.9 percent. In rural Bangladesh, the bottom 25 percent of all households owned only 3.7 percent of total cultivable land, with the top 10 percent owning 39.8 percent.<sup>516</sup>

The Daily Star reported in 2013 that many investors, foreign and local communities had not received adequate land for establishing factories, due to the scarcity of land. In the Dhaka-Mymensingh, Savar, Ashulia, Narayanganj and Narsingdi industrial belts it was reportedly very difficult to obtain an industrial plot.<sup>517</sup>

Land problems in Bangladesh included unplanned land use in setting up development projects; private industrial activities; the grabbing of wetlands and other resources by individuals; and unplanned rapid urbanisation rates. Climate change has also impacted available land, with an average of 1 percent of agricultural land lost each year due to erosion and increased salinity, according to the government in 2012.<sup>518</sup>

the Asian Development Bank noted in 2014 that the land market was inefficient as a result of long delays and high costs of property registration; weak land ownership data; lack of automation in land records; and poor zoning law.<sup>519</sup> UCA News stated in 2014 that land records were paper-based which facilitated corruption.<sup>520</sup> The SIDA Helpdesk for Environment and Climate Change reported in 2013 tenure insecurity due to the government's lack of implementation of commitments on land distribution or tenancy contracts.<sup>521</sup> Approximately 60 percent of people dealing with the land administration sector reportedly faced corruption and harassment when interacting with the authorities.<sup>522</sup>

Bangladesh ranked 184 out of 189 in terms of registering property in the 2015 World's Bank Doing Business report, below Pakistan, India and Sri Lanka.<sup>523</sup>

## Land Acquisition

The Constitution guarantees that every citizen has the right to acquire, hold, transfer or otherwise dispose of property, and that no property shall be compulsory acquired, nationalized or requisitioned save by the authority of the law without compensation.<sup>524</sup>



The Asian Tribune reported in 2013 that oftentimes land acquisition processes involved false documents obtained with the help of corrupted officials. These documents were later confirmed by court decrees.<sup>525</sup>

Land grabs from Hindu minorities were common, according to Freedom House in 2014.<sup>526</sup> The United States Commission on International Religious Freedom reported in 2015 that Hindu communities were displaced from land they have claimed for generations, and in many cases land grabs were done by local police and political leaders, particularly in the proximities of roads or industrial areas.<sup>527</sup> Ethnic minorities in northeast Bangladesh were also evicted for tea plantation expansion, according to the CorpWatch in 2015.<sup>528</sup>

Transparency International Bangladesh reported in 2013 that Ready-Made Garment factory owners sometimes set up factories without the required permits, even in residential areas.<sup>529</sup>

In terms of compensation, in December 2011, the Bangladeshi cabinet passed the Vested Property Return Act, which established an application process for families or individuals to apply for the return of, or compensation for, Hindu property seized prior to Bangladesh independence. However, the application process under the Act was reportedly too complicated so that only a little amount of land had been handed back to the historic owners.<sup>530</sup>

According to the Dhaka Tribunal, as of 2014, the amount of compensation for land acquisition by the government was 50 percent above the land's real price, however that amount was reduced to 15 percent in case of land acquired in the CHT district.<sup>531</sup>

## Free, Prior & Informed Consent

Bangladesh's Constitution does not recognise the ethnic, linguistic and cultural minorities in the country as indigenous people (Adivasi).<sup>532</sup> By way of a 2011 Amendment to the constitution, it instead referred to them as 'tribes', 'minor races' and 'ethnic sects and communities'.<sup>533</sup> Therefore customary land ownership of indigenous peoples is not recognised.<sup>534</sup> Bangladesh has not ratified the ILO Convention 169 on Indigenous and Tribal Peoples and abstained from voting the UN Declaration on the Rights of Indigenous People in 2007.<sup>535</sup>

The 2011 Housing and Population Census indicated that the country's indigenous population was approximately 1.8 percent of the total population, comprising of approximately 1,5 million people.<sup>536</sup> The International Work Group for Indigenous Affairs (IWGIA) reported however in 2015 that approximately 3 million indigenous people existed in Bangladesh, belonging to at least 45 different ethnic groups, and were concentrated in the north and in the Chittagong Hill Tracts (CHT) in the southeast of the country.<sup>537</sup> In 1997 the government recognised the CHT district as a "tribal inhabited" region after a civil war between indigenous people and the State ended.<sup>538</sup>

The government of Bangladesh re-settled between 200,000 and 450,000 Bengali-speaking migrants from various parts of Bangladesh into all three hill districts of CHT in 1979.<sup>539</sup> This resulted in indigenous people in CHT subjected to destruction of their property and land grabs by the Bengali settlers, according to Freedom House in 2015. The acts were allegedly in retaliation to local resistance against their expanding settlements.<sup>540</sup>

Clashes between ethnic-Bengali settlers and indigenous communities resulted in 8 indigenous people killed, 126 indigenous people tortured and 5 indigenous people arrested, and the destruction of 58 indigenous homes, according to Kapaeeng Foundation in 2014.<sup>541</sup>

The UNDP Asia-Pacific Regional Centre reported in 2012 that State authorities and settlers reportedly regularly encroached on indigenous lands without obtaining free, prior and informed consent from indigenous communities, which significantly contributed to conflict in the region.<sup>542</sup>

During 2014, approximately 3,911 acres of indigenous land were grabbed by state and non-state actors, including Bengali settlers and corporations, while 84,647 acres were under the process of occupation and acquisition, according to Kapaeeng Foundation.<sup>543</sup> Land grabs for private infrastructure projects were reported by the Global Human Rights Defence in 2014.<sup>544</sup> The UN further noted in 2014 that commercial land dealers linked to local powerbrokers were grabbing land to re-sell them to private corporations or real estate dealers.<sup>545</sup>

During 2014, 102 indigenous families were reportedly evicted from their ancestral land, 886 indigenous families were threatened of eviction and 153 indigenous families were attacked in order to grab their lands.<sup>546</sup> IWGIA also reported that local governments did not prevented lands grabs, including by Bengali settlers and private companies.<sup>547</sup> The government reportedly facilitated the acquisition of indigenous land by private companies.<sup>548</sup>

Indigenous people depended on their lands for their livelihood and to maintain their culture through the relation with their ancestral lands, as noted by the Global Human Rights Defence in 2014.<sup>549</sup> IDMC reported in 2012 that many of these land conflicts had led to displacement, with indigenous people moving to more remote areas, where they had little access to food or basic services such as health care and schools.<sup>550</sup>

## Cases

*Reports of business-related human rights issues from NGOs, multilateral institutions and the media.*

- *July 2015, Hindu Existence:* Land belonging to Hindu communities was reportedly grabbed by representatives from the ruling party Awami League in order to establish a Tea Estate Company in the bordering areas of the sub-district Thakurgaon's Baliadangi.<sup>551</sup>
- *March, 2015, CorpWatch:* Armed men hired by Syed Tea and Land company allegedly evicted ethnic minority communities in Sreemangal in order to expand a tea plantation.<sup>552</sup>
- *2015, Transparency International Bangladesh:* Rules for acquiring land for two coal projects, Rampal and Matarbari, were violated as land and shrimp owners were evicted from their land and were not given the respective compensation. Residents reportedly had to bribe the officials in order to receive 10 percent of their compensation. Of 3,681 applicants for compensation relating to the Matarbari project, only 492 were compensated as of 2015.<sup>553</sup>
- *2015, International Work Group for Indigenous Affairs:* The Border Guard Bangladesh acquired approximately 32 acres of land from indigenous people in the Khagrachari district to establish its battalion headquarters, resulting in the eviction of at least 21 indigenous Jumma families.<sup>554</sup>
- *2014, Kapaeeng Foundation:* 53 families of Tripura and 12 families of Pangkho communities were evicted from their land by the Bangladesh army in order to set up a tourist resort. The communities were resettled in new houses that were reportedly not suitable for living.<sup>555</sup>
- *2014, Kapaeeng Foundation:* The Forest Department planned to acquire 84,000 acres of mouza land in Rangamati district as a reserve forest in a clear violation of the CHT Accord from 1997.<sup>556</sup>
- *2014, Kapaeeng Foundation:* A group of land grabbers forcefully seized 9 houses of indigenous people in Pachondor village in the Rajshahi district, resulting in the eviction of indigenous people from their land and their houses being vandalised.<sup>557</sup>
- *2014, Kapaeeng Foundation:* At least 20 indigenous Khasi villagers were injured while resisting an attempt of land grabbing by the Tea Estate Authority.<sup>558</sup>

- 2014, *Kapaeeng Foundation*: Three indigenous Tripura villagers were attacked by land grabbers in order to evict them from their land.<sup>559</sup>

## Human Rights Guidance for Businesses

*Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context*

### Due Diligence Library

*The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies*

*Before buying, renting, acquiring or otherwise accessing land or property, does the company ensure that all affected owners and users of the land or property, have been adequately consulted and compensated?*

- Prior to buying, renting, acquiring or otherwise accessing land or property, whether directly or through a third party, the company identifies all existing owners and users of the land or property, including information land users and customary owners.
- The company investigates the past usage and ownership of the land or property to ensure that past users and owners have not been wrongfully removed, and that any expropriations by the authorities have been conducted in accordance with international law.
- The company consults with affected users and owners of the land or property (including women, tenants, settlers, minorities and other vulnerable groups including indigenous peoples) and seeks their free, prior and informed consent before continuing to acquire or access the land or property.
- The company ensures that its lease or purchase of residential property and sourcing of food commodities does not considerably make housing and food scarce or too expensive for the local people.
- The company ensures that affected owners and users of the land or property are adequately compensated to help them restore their standards of living or livelihoods to the same or higher than before, and that the compensation standards are transparent and applied consistently to all communities and persons affected.

### Standards & Guidance

*NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre*

- **FAO Voluntary Guidelines on the Responsible Governance of Tenure (2012)**: Developed by the Food and Agriculture Organisation of the UN (FAO), the Guidelines promote responsible governance of tenure of land, fisheries and forests by outlining the principles and internationally accepted standards for the responsible governance of tenure. The Guidelines inform States and non-government actors on relevant policies, strategies and activities.
- **IFC Performance Standard 5: Land Acquisition and Involuntary Resettlement, and IFC Handbook for Preparing a Resettlement Action Plan (2002)**: The IFC Performance Standards are contractually binding on certain projects receiving IFC finance. PS5 is accompanied by a Guidance Note and a Resettlement Handbook that gives detailed guidance on managing resettlement and associated impacts.

- **Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources (2010):** A joint initiative of UNCTAD, FAO, IFAD and the World Bank, these seven principles cover all types of investment in agriculture, including between principal investors and contract farmers. The Principles provide a framework for national regulations, international investment agreements, global corporate social responsibility initiatives and individual investor contracts.

## Engagement Opportunities

*Development initiatives by public and private actors that provide opportunities for companies to contribute to human development*

### Public Sector Initiatives

**Ready-Made Garment Village (2013):** The government revealed a plan to allocate 300 acres of land in Munsiganj district to relocate around 1000 RMG factories, with the factories ensured to have central effluent treatment plants and privately run power plants, along with other service oriented infrastructure.<sup>560</sup>

### NGO Initiatives

**Association for Land Reform and Development:** The organization cooperates with vulnerable groups such as indigenous people and poor rural communities to establish rights over their lands; other productive resources, and to promote their empowerment.<sup>561</sup>

# Revenue Transparency & Management

*Human rights impacts related to transparency of government revenues received from business and the distribution of such revenues*

Operating Environment	
World Economic Forum Global Competitiveness Ranking	109 (2014-2015)
Legatum Prosperity Index rank: Governance	89 (2014)
Ease of Doing Business Index (where 1 indicates greatest ease for doing business)	173 (2015)
Transparency International: Corruption Perceptions Index rank (where 1 indicates the lowest level of corruption)	145 (2014)
<b>World Bank Good Governance Indicators</b>	
Voice and Accountability	-1
Political Stability	-2
Government Effectiveness	-1
Regulatory Quality	-1
Rule of Law	-2
Control of Corruption	-1 (2013)
Government revenue	18.09 billion (2014)
Government expenditure	24.33 billion (2014)
EITI Country	No
Relevant law	<ul style="list-style-type: none"> <li>• Constitution, 1972</li> <li>• Public Procurement Act, 2006</li> <li>• Right to Information Act, 2009</li> </ul>

Responsible ministries	<ul style="list-style-type: none"> <li>• Anti-Corruption Commission</li> <li>• National Board of Revenues</li> <li>• Office of the Comptroller and Auditor General</li> <li>• The Information Commission</li> </ul>
Local NGOs addressing this issue	<ul style="list-style-type: none"> <li>• Democracy Watch</li> <li>• Equity and Justice Working Group Bangladesh</li> <li>• Transparency International Bangladesh</li> </ul>

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

### Corruption

Several laws contain provisions to prevent corruption - including money laundering and embezzlement – and provide for criminal penalties for official corruption.<sup>562</sup>

The Bertelsmann Foundation reported in 2014 that in practice, corruption was rampant at all levels of society, with no significant improvements in the past decade.<sup>563</sup>

Transparency International Bangladesh (TIB) chairperson noted in 2014 a culture of impunity and the protection by the government of those accused of corruption. Government entities were reportedly not independent from the executive's branch power and influence.<sup>564</sup> Furthermore, political interference and weak implementation of the law undermined anti-corruption efforts, as noted by the Anti-Corruption Resource Centre in 2015.<sup>565</sup>

Bangladeshi law prohibits conflicts of interests in regards to business, yet the Business Anti-Corruption Portal reported that the law was rarely enforced.<sup>566</sup> The Financial Post reported in 2013 that more than 30 garment industry bosses were members of parliament, accounting for 10 percent of its lawmakers, resulting in policies protecting the owners' interests and not the workers.<sup>567</sup>

The amount of illegal payments to receive public services reportedly increased over the last couple of years while bribery payments recorded a decline.<sup>568</sup> According to the Anti-Corruption Resource Centre, most bribes were paid in order to secure a service, followed by speeding up processes, expressing gratitude or getting a cheaper service.<sup>569</sup>

Approximately 2 to 3 percent of GDP was lost due to off the record payments by firms, as noted by the U.S. Department of State in 2015.<sup>570</sup>

The World Economic Forum Global Competitiveness Report 2014-2015 stated that companies operating in Bangladesh performed poorly in relation to ethical behaviour in interactions with public officials, politicians and other companies.<sup>571</sup> a 2014 Bangladesh Institute of Development Studies study found collusion between public officials and private business in the garment sector. Companies reportedly obtained preferential access to infrastructure; more easily got concessions; and managed to avoid compliance with safety and security regulations.<sup>572</sup>

According to Transparency International's 2013 Global Corruption Barometer, people in Bangladesh considered corruption as a problem and 60 percent of the respondents felt that corruption has been

increasing over the last couple of years.<sup>573</sup> Major sources of corruption as seen by the public were public officials/civil servants (76 percent), the police (72 percent), judiciary (63 percent) and land services (44 percent).<sup>574</sup>

TIB also reported in 2015 that women were particularly impacted by corruption at personal and family levels through health problems; financial losses; and deprivation of other basic needs, including education and health services. At the political level, corruption negatively impacted women's empowerment.<sup>575</sup>

The Anti-Corruption Commission (ACC) is tasked with fighting corruption, but the U.S. Department of State reported in 2014 that political interference rendered the ACC ineffective.<sup>576</sup> A recent constitutional amendment reduced the independence of the ACC, impacting on its role to combat corruption, as noted by the U.S. Department of State in 2015.<sup>577</sup> The new provision requires prior government approval for filing cases against any public servant, impacting the ACC's independency, according to Odhikar in 2014.<sup>578</sup>

Also, the Office of the Comptroller and Auditor General was highly corrupted, particularly taking bribes ranging from Tk 300,000 (approx. US\$3,700) to 500,000 (approx. US\$6,200) to appoint auditors, their subordinates and drivers, according to TIB in 2015.<sup>579</sup> It was further reported that bribes were also paid to the Office for civil audits; work audits; audit of foreign-aided projects; commerce; defence; disposal of objections; telecommunications; science and technology; disposal of long-standing objections, which ranged from Tk 4,000 (approx. US\$50) to Tk 150,000 (approx. US\$1,800).<sup>580</sup>

## Revenue Transparency

The Constitution recognises the right to information as part of the freedom of thought, conscience and speech.<sup>581</sup>

In 2009 a Right to Information Act was adopted which recognises the rights of persons to information and ensures transparency and accountability within public institutions as well as non-governmental organisations which use foreign or government funds.<sup>582</sup> The law does not require a reason for seeking information and it applies to all branches of the government except national security and intelligence agencies. The law does not allow registering an oral request, which according to the Asia Foundation, limited the right to access to information of illiterate applicants.<sup>583</sup> An Information Commission was also created in order to implement the law.<sup>584</sup>

A 2014 Asia Foundation study found a lack of awareness and use of the law by citizens, which resulted in the law being ineffectively implemented.<sup>585</sup>

The authorities were reportedly more reluctant in providing information related to fund allocation and expenditures, as opposed to information on beneficiaries of particular schemes, copies of policies and approved project proposals.<sup>586</sup>

Odhikar reported in 2014 that threats and violence against journalists reporting about corruption was common.<sup>587</sup>

Corruption in the RMG sector was institutional and occurred mainly due to lack of transparency, accountability and good governance, according to the Executive Director of Transparency International Bangladesh in 2013.<sup>588</sup>

The Business Anti-Corruption Portal stated in 2013 that audits were rarely conducted in compliance with international standards, and auditors reportedly produced audit reports according to the wishes of the client.<sup>589</sup> The Dhaka Tribune reported in 2013 that transparency was lacking from audit reports of the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), and misuse of the buyer's compensation funds, along with bribery were reportedly common in the RMG sector.<sup>590</sup>

Embezzlement scandals involving management of a number of RMG factories and bank branches have resulted in increased interest rates, and a decrease in bank lending for entrepreneurs looking to set up RMG factories.<sup>591</sup>

The Information Commission, according to a 2013 report by Odhikar, lacked independence and had little jurisdiction to punish public authorities for failing to provide information to the public.<sup>592</sup> the Commission reportedly had insufficient personnel and infrastructure to fulfil its mandate.<sup>593</sup>

## Public Procurement

The Right to Information Act 2009 requires that government ministries and departments provide information on public procurement on-line for everyone to have equal knowledge about upcoming tenders or contracts which have been awarded.<sup>594</sup> The 2006 Public Procurement Act and the Public Procurement Reform Project of 2007 regulate public procurement. According to a 2013 article in the Journal of Public Administration and Policy Research, the process was one of the most vulnerable to corruption and lacked transparency. The article further stated that the main problems in connection to public procurement were poor advertisement, short bidding periods, poor specifications, nondisclosure of selection criteria, contract awards by lottery, one-sided contract documents, and negotiations with all bidders and rebidding without adequate grounds.<sup>595</sup> There was no general rule prohibiting companies found guilty of corruption to participate in future procurement bids.<sup>596</sup>

Contracts were often awarded to powerful and well-connected companies, according to the Business Anti-Corruption Portal in 2014.<sup>597</sup> Odhikar noted in 2013 that the implementation of various development projects in priority areas was hindered due to corruption in bidding processes.<sup>598</sup>

The construction sector, particularly for the construction of roads, was amongst the sectors most affected by corruption when awarding public contracts.<sup>599</sup>

## Revenue Sharing

The constitution recognises the duty of the State to ensure the equitable distribution of wealth among citizens and to remove economic inequality.<sup>600</sup>

In Bangladesh, Corporate Income Tax ranged from 27,5 to 45 percent.<sup>601</sup>

Global Integrity reported in 2010 that tax laws were not always enforced uniformly and without discrimination, and corporate tax evasion was reportedly common. They further stated that the National Board of Revenue, which is the central authority for tax administration in Bangladesh, was widely regarded as one of the most corrupt government agencies in the country.<sup>602</sup>

Bangladesh lost approximately US\$301 billion annually due to losses in taxes revenue, which according to Oxfam equals one fifth of the primary education budget in the country.<sup>603</sup>

a 2014 EquityBD study found that around US\$2 billion were lost annually due to tax evasion from Multinational Companies (MNC) in Bangladesh. MNCs, according to the study, misused the mechanisms known as transfer pricing and mis-pricing by capital flight; and transfer of dividends and profit to its permanent establishments, including under-invoicing during transactions of goods and services within their associated enterprises.<sup>604</sup> Mechanisms to monitor transfer pricing were reportedly weak.<sup>605</sup>

Counter Currents also noted in 2013 that the majority of the profits from the RMG sector went to actors who had no role in the production. Reportedly, approximately 60 percent went to international buyers and retailers, while the establishment costs made up around 35 percent, and only less than 1 percent was distributed among workers.<sup>606</sup> The Institute of Developing Economies stated in 2012 that from the net profits generated by the RMG sector, only 30 percent was spent on workers, compared to an estimated 50 percent on workers' wages in other countries.<sup>607</sup>



## Cases

*Reports of business-related human rights issues from NGOs, multilateral institutions and the media.*

- *September 2015, The Independent Bangladesh:* The World Bank decided not to finance the Padma bridge project due to alleged corruption in procurement of engineering services.<sup>608</sup>
- *September 2015, The Daily Star:* The Anti-Corruption Commission filed more than 30 cases in relation to the allegedly swindling of about Tk 1.81 billion (approx. US\$13 million) from the state-run Basic Bank Limited.<sup>609</sup>
- *December 2014, Business Network:* GBX Logistics, Aitken Spence and Hapan-Lloyd were under investigation for illegal money laundering and tax evasion charges.<sup>610</sup>
- *March 2014, Equity BD:* The four mobile companies Grameen Phone, Banglalink, Robi and Airtel reportedly evaded taxes of about US\$403 million by selling SIM cards in the name of replacement.<sup>611</sup>
- *May 2014, Oxfam:* British American Tobacco evaded taxes of US\$250,00 million by making false price declaration on their two brands cigarette during 2009-2013.<sup>612</sup>
- *September 2013, Dhaka Tribune:* Two employees of a foreign-owned RMG company in Chittagong were arrested for misappropriating Tk 11.5 million (approx. US\$146,000) from the company's funds.<sup>613</sup>

## Company Initiatives

*Private-sector programmes that aim to ensure respect for human rights or contribute to development*

### Company Due Diligence Initiatives

**Helly Hansen:** The company and its employees do not accept the offer or the acceptance of a bribe in any form, on any portion of a contract payment. The Code of Conduct also states that the company will not accept the use of other routes or channels that provide improper benefits to customers, agents, contractors, sub-contractors, suppliers, or employees of any such party or governmental officials.<sup>614</sup>

**CATO:** The fashion retailer company's Vendor Code of Conduct prohibits bribes, kickbacks or similar unlawful or improper payments in cash or kind, whether given to obtain or retain business or for any other purpose.<sup>615</sup>

**USAID:** During the 2010 annual meeting of the International Business Forum of Bangladesh, USAID urged businesses to promote principles of transparency, accountability and integrity in their operations.<sup>616</sup>

# Human Rights Guidance for Businesses

*Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context*

## Due Diligence Library

*The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies*

### Signalling a Non-Corrupt Environment

*Does the company take a clear stand against corruption?*

- The company's CEO, director or president has declared that the company will not engage in corruption at any time or in any form.
- The company has a policy rejecting corruption and requiring all directors, managers and workers worldwide to behave ethically and in conformity with the law.
- The company anti-corruption policy includes how to handle requests for facilitation payments, giving and receiving gifts, engaging in sponsorships, giving political contributions, and how to conduct responsible lobbying.
- The company has defined benchmarks and indicators regarding its anti-corruption initiatives and reports these to the public (e.g. in its annual CSR report)

### Anti-Corruption Risk Assessment

*Does the company assess the risk of corruption when doing business?*

- The company evaluates the potential areas of corruption including factors such as type of transaction, countries of operation, industries, and customers or business partners involved.
- The company evaluates the risk of corruption when workers, agents, intermediaries or consultants deal with public officials (including workers of state owned companies).
- The company evaluates the risk of internal and external conflicts of interest in relation to business partners.
- The company has developed an action plan to address the risk of corruption, and has defined responsibilities for each task, as a minimum for high-risk areas.
- The company has identified internal functions with the highest risk of corruption within the company and seeks to address these weaknesses.

### Awareness Raising

*Does the company ensure that relevant workers are properly trained?*

- The company informs all workers about its anti-corruption commitment.
- The company provides regular anti-corruption training for all relevant workers within the organisation e.g. procurement and sales staff.
- Information on disciplinary procedures for violations of company anti-corruption policies is available to workers.
- The company actively seeks worker feedback and dialogue on its anti-corruption initiatives.

- The company has and promotes a function by which workers can safely report suspicion of corruption related cases (e.g. hotline or mailbox) and allocates resources to systematically address the issues that are identified.

### Anti-Corruption Procedures

*Do the company's internal procedures support its anti-corruption commitment?*

- The company has assigned different individuals or departments to be responsible for handling contracts, placing orders, receiving goods, processing invoices and making payments.
- The company mentions 'anti-corruption' and/or 'ethical behaviour' in its contracts with business partners.
- The company prohibits informal employment and any 'off the books' record-keeping
- The company performs internal audits and has checks in place in connection with all anti-corruption commitments.
- The company's procurement, financial and internal audit personnel have clear instructions to look for and to identify alarms, report them to management, and follow-up counter measures.
- The company requests external auditors to maintain a critical eye and follow all alarms and irregularities.
- Any alarm or irregularity reported by external auditors is systematically addressed by management.
- The company monitors compliance and continuously identifies strengths and weaknesses in the anti-corruption initiatives to remain effective and up-to-date in addressing changing risks.

### Agents and Other Associates

*Does the company's anti-corruption initiative cover agents, intermediaries and consultants?*

- The company conducts an inquiry and/or attentiveness (e.g. financial, legal, labour, tax, IT, environment, market/commercial) on all agents, intermediaries and consultants.
- All agreements with agents, intermediaries and consultants are fully documented in written, signed contracts.
- The selection and terms of reference of agents, intermediaries or consultants are approved at the senior management level or at a level above that of the management involved in the operations for which the intermediary is hired.
- Contracts with agents, intermediaries and consultants include a section on anti-corruption and that the contract-holder must comply with all applicable laws and regulations.
- Agents, intermediaries and consultants are provided with information on the company's anti-corruption commitment, anti-corruption policies, training material on anti-corrupt behaviour and information on disciplinary procedures for violations of company anti-corruption policies.
- The company ensures that payment to agents, intermediaries and consultants are in line with standard payments for other service providers of similar ranking.
- The company only makes payments by bank transfer or check – never in cash – in the country of the agent, intermediary and consultant and never to a third party without prior examination.

### Communicate

*Does the company communicate progress on the Global Compact principles with stakeholders?*

- The company identifies stakeholders who affect or can be affected by the company's activities, products and services e.g. a person, group, organisation, authority.
- The company communicates progress openly about how issues covered by the Global Compact principles are managed, including performance results as well as forward-looking information on strategy and management approach, challenges, and dilemmas.
- The company regularly engages in dialogue with stakeholders to keep up-to-date with stakeholder expectations.
- The company communicates openly about how issues covered by the Global Compact principles are managed including challenges, dilemmas, success and failures.
- The company's communication on progress and other performance reporting on issues covered by the Global Compact principles is publically available and communicated to external stakeholders e.g. via the company's and Global Compact website.

### Joint Actions

*Does the company take joint actions with others to engage in and promote anti-corruption initiatives?*

- The company shares experience, procedures and challenges of corruption with other organizations i.e. the local business community, sector initiatives, networks etc.
- The company has initiated or joined initiatives with other companies in the same sector for the purpose of promoting a fair business environment.
- The company stimulates multi-stakeholder dialogue on challenges of corruption.
- The company encourages the local business community and business partners to initiate cooperation to fight corruption.

### Standards & Guidance

*NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre*

- Transparency International Business Principles for Countering Bribery provide a checklist for companies to identify and reduce bribes and facilitation payments in their operations.
- The OECD Guidelines for Multinational Enterprises, applicable to enterprises in OECD Member States (and some others), require companies to respect human rights, including through due diligence. The OECD Guidelines constitute recommendations by OECD member states to multinational enterprises operating in or from adhering countries. The OECD Guidelines include competition, fiscal systems and anti-corruption.

# Engagement Opportunities

*Development initiatives by public and private actors that provide opportunities for companies to contribute to human development*

## Public Sector Initiatives

**Memorandum of Understanding to Prevent Corruption (2015-2017):** The Anti-Corruption Commission (ACC) signed an MoU with Transparency International Bangladesh (TIB) with the objective of strengthening anti-corruption prevention activities in the country. The MoU stipulates undertaking joint activities to implement and monitor anti-corruption campaigns at upazila (sub-district) and district level to raise awareness about corruption; and research and campaign, including TIB two initiatives: Report Corruption and Advice, and Legal Advocacy Centre.<sup>617</sup>

**Information Centres:** The government has set up the Centres, both at district and union parishads (smallest local government units) that are equipped with computers and internet connections, and provide people with information about land registration, birth registrations, etc.<sup>618</sup>

**Access to Information Programme (a2i):** The government, with the support of the UNDP and USAID, implements the programme with the objective of building a digital nation through delivering services via a mouse click. It also aims to improve the quality of public services, widen access to them and decentralise the delivery, while ensuring responsiveness and transparency.<sup>619</sup>

**Anti-Corruption Day:** The ACC annually celebrates the Anti-Corruption Day on December 9 in order to raise awareness about corruption.<sup>620</sup>

## NGO Initiatives

**Transparency International Bangladesh:** The Bangladeshi chapter of the international organization focuses on the fight against corruption with the mission to catalyse and strengthen a participatory social movement to raise and strengthen voice and intensify demand for accountability. TIB works at the national and local level through the establishment of Committees of Concern Citizens all over the country.<sup>621</sup>

# Security & Conflict

*Human rights impacts related to company interaction with public and private security providers and related to the impact of business on societal conflict.*

Operating Environment	
Failed States Index	32 (2015)
Legatum Prosperity Index: Safety & Security	106 (2014)
Freedom House: Map of Freedom - Political Rights <i>(On a scale of 1 through 7, where 1 indicates the highest level of freedom)</i>	3 (2014)
Freedom House: Map of Freedom - Civil Liberties <i>(On a scale of 1 through 7, where 1 indicates the highest level of freedom)</i>	4 (2014)
Relevant law	<ul style="list-style-type: none"> <li>• Constitution, 1972</li> <li>• Torture and Custodial Death Prohibition Act, 2013</li> <li>• Code of Criminal Procedures,</li> </ul>
Responsible agencies	<ul style="list-style-type: none"> <li>• Ministry of Home Affairs</li> </ul>
Local NGOs addressing this issue	<ul style="list-style-type: none"> <li>• Centre for the Rehabilitation of Torture Survivors</li> </ul>

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

The constitution guarantees the rights to life, liberty and security, including freedom from torture, inhuman or degrading punishment and arbitrary arrest and detention.<sup>622</sup> Death penalty was allowed.<sup>623</sup>

In 2013, the Torture and Custodial Death Prohibition Act was adopted. According to the Asian Human Rights Commission in 2015, the law was not implemented, and cases of torture were common.<sup>624</sup> The law does not give a definition of torture.<sup>625</sup>

## Public Security Forces

The internal security establishment in Bangladesh consists primarily of the Police and four auxiliary forces: the Bangladesh Rifles (BDR), the Rapid Action Battalion (RAB), the Ansars and the Village Defence Party.<sup>626</sup> An Industrial Police (IP) was created in 2010 with 2990 members to collect intelligence and prevent unrest in factory zones. Reuters reported in 2013 that the IP allegedly stopped dissension in garment factories, with activists reportedly being tortured or beaten as well as protestors or unions, which raised their voice.<sup>627</sup>

The Rapid Action Battalion, comprised of both military and police officers, was reportedly engaged with forced disappearance and extrajudicial killings of opposition activities, with a high level of impunity, according to the European Parliament in 2014.<sup>628</sup>

Between January 2009 - August 2015, a total of 212 people have reportedly been forcibly disappeared in Bangladesh,<sup>629</sup> while 764 were killed extra-judicially between 2009-2013.<sup>630</sup>

The Asian Human Rights Commission reported in 2015 that the Police was engaged in extra-judicial killings and also used torture to obtain information from crime-suspects.<sup>631</sup> During 2009-2013, 78 persons were reportedly tortured to death, particularly by the Police.<sup>632</sup> The Police oftentimes abused its power of “self-defense” granted by the Code of Criminal Procedures.<sup>633</sup>

Amnesty international reported in 2015 that security agencies threatened journalists for criticizing the authorities.<sup>634</sup> During 2009-2013, 1,223 journalists were subject to repression, including assassinations.<sup>635</sup>

While the rights of assembly and association are guaranteed by the constitution, Odhikar reported in 2014 that public security forces repressed demonstrations, oftentimes relying on the use of violence and brutality; throwing tear gas shells or rubber bullets, in order to disrupt demonstrations.<sup>636</sup> That was also the case in relation to workers demanding better working conditions. During 2013, the police killed 2 workers during demonstrations and 5,566 garment workers were injured.<sup>637</sup>

Detention Centres were overcrowded and prisoners were subjected to inhuman treatment, according to the Asian Human Rights Commission in 2014.<sup>638</sup> The U.S. Department of State noted in 2014 that prisons lacked proper sanitation facilities and in some cases, had poor ventilation. Many juveniles were reportedly incarcerated with adults even though the law provides for their separation.<sup>639</sup>

Odhikar reported that during 2009-2013, 337 persons died while in custody. In 2013 alone, 59 deaths were recorded.<sup>640</sup>

## Private Security Forces

Private security forces are not allowed to carry weapons, and were therefore rarely used for the protection of buildings or sites. Public security forces instead provided such protection.<sup>641</sup>

Nevertheless, the New York Times reported in 2012 that many garment factories had hired retired soldiers to oversee security.<sup>642</sup>

## Social Conflict

The Environmental Justice Atlas added in 2015 that conflicts between local communities and investors in relation to shrimp farming as a result of environmental degradation and land acquisition disputes occurred.<sup>643</sup>

Industrial disputes were also reported. According to an employer representative cited by the ILO in 2015, many RMG factories shared spaces in the same building or adjacent buildings, and whenever a

dispute occurred, workers in other factories joined the demonstrations, resulting in acts of violence, vandalism and public disorder.<sup>644</sup>

## Cases

*Reports of business-related human rights issues from NGOs, multilateral institutions and the media.*

- *2014, Kapaeeng Foundation:* At least four Buddhist temples in the Chittagong Hill Tracts and one Hindu temple belonging to indigenous people were attacked by security forces, in support of Bengali settlers.<sup>645</sup>
- *November 2013, Dhaka Tribune:* Seven RMG buyers from Spain were attacked and had their car vandalised during a trip to negotiate and make orders. The leader of the Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA) demanded the government to provide security for the buyers.<sup>646</sup>
- *September 2013, The Star:* Thousands of garment workers in the Gazipur and Savar industrial zones protested to demand increased wages for the RMG sector. When protesters threw stones police retaliated with tear gas and rubber bullets.<sup>647</sup> The workers reportedly vandalised cars and factories, and at least 50 workers were injured from police retaliation.<sup>648</sup>
- *November 2013, The Guardian:* Following the April 2013 collapse of Rana Plaza, factory owners' resistance to increase wages and improving working conditions resulted in street violence and protests which led to a four-day shutdown of numerous factories, with police allegedly firing teargas and rubber bullets to disperse the stone-throwing workers after they had vandalised vehicles.<sup>649</sup>
- *November 2013, The Star:* Over 1000 factories were closed due to violent clashes between workers and the police. At least 30 people were injured as workers threw rocks and sticks at garment factories. The director of the Industrial Police stated that thousands of garment workers were involved in the protests, and over 200 factories closed to avoid further violence. Paramilitary border guards were allegedly called in to assist the police forces to heighten security.<sup>650</sup>

## Company Initiatives

*Private-sector programmes that aim to ensure respect for human rights or contribute to development*

### Company Due Diligence Initiatives

**The Children's Place:** According to the company's Supplier Code of Conduct, the suppliers will implement security practices to secure their facilities and processes based, at a minimum, on the criteria set forth in the U.S. Customs-Trade Partnership Against Terrorism initiative.<sup>651</sup> Under the scheme, companies are required to protect the supply chain, identify security gaps and implement specific security measures and best practices. Companies must submit a security profile outlining the specific security measures it has adopted, including information on personnel security; physical security; procedural security; training and awareness; threat awareness, etc.<sup>652</sup>



# Human Rights Guidance for Businesses

*Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context*

## Due Diligence Library

*The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies*

*Does the company take steps to ensure that company security arrangements are in accordance with international principles for law enforcement and the use of force?*

- The company regularly conducts security risk assessments, and ensures that company security arrangements, including the deployment of private guards or public security personnel, are proportionate to the security risk.
- Company security risk assessments include the risk of human rights abuses by private and public security personnel.
- The company selects private security firms based on information about professional ability, level of staff training, quality of equipment, past involvement in human rights abuses, links with political factions or organisations and other relevant criteria.
- Contracts with private security firms include requirements related to international human rights standards for law enforcement and use of force; require the investigation and discipline of any unlawful or abusive conduct by security guards; and allow for termination of the contract in case of such conduct.
- There is a manual defining the duties of security personnel, and all security personnel receive training on rules of conduct based on international human rights standards for law enforcement and the use of force.
- Where public security personnel are assigned to company facilities, the company seeks to ensure transparency concerning its interactions with public security agencies, and the company communicates to the relevant public security agencies its desire that security functions be conducted in accordance with international human rights standards for law enforcement and the use of force.
- The company has a procedure for recording security-related incidents, including a mechanism for handling complaints from staff or local communities related to the conduct of security personnel, and forwards credible allegations of human rights abuses to the relevant authorities.
- The company has a procedure for monitoring and evaluating its security arrangements, including the proportionality of the security arrangement; impact on local communities; impact on existing local tensions or conflicts; security incidents recorded; and credible allegations of human rights abuses by company security personnel. Representatives from the local community are consulted as part of the monitoring.

## Standards & Guidance

*NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre*

- International Alert, Conflict Sensitive Business Practices: Guidance for Extractive Industries (2005): International Alert is a peace-building NGO working with civilians and other affected stakeholders in conflict areas. This Guidance is intended for companies in the extractive industries sector, providing advice on conflict-sensitive business practices and the ways in which they can contribute to peace-building.
- International Alert and Fafo Institute, Red Flags: Liability Risks for Companies Operating in High-Risk Zones (2008): The Red Flags address illicit business activities under international and national law. The initiative's objective is to clearly define what types of activities, when committed or aided by businesses, represent breaches of international humanitarian law and international criminal law.
- International Commission of Jurists, Report of the Expert Legal Panel on Corporate Complicity in International Crimes (2008): This three volume report outlines the ICJ Expert Legal Panel's findings and recommendations with regard to corporate legal responsibility for complicity in international crimes, under both civil and criminal law.
- The Dodd-Frank Wall Street Reform and Consumer Protection Act (2010): Section 1502 of the Act requires public and private companies to disclose the use of any conflict minerals in their products. This promotes greater transparency and dissuades companies from engaging in trade that may support regional conflicts.
- International Committee of the Red Cross, Business and International Humanitarian Law (2006): The Guidance explains the obligations of businesses under international humanitarian law, including noting relevant distinctions between international human rights law and international humanitarian law.

# Access to Remedy

*Bodies to which victims of corporate human rights abuses can file grievances and seek redress.*

## Judicial Mechanisms

### Labour Courts

The Labour Court deals with industrial disputes when a settlement between the parties is not reached through mediation. The Labour Court consists of a Chairman appointed by the government and two members, each representing employers and workers.<sup>653</sup>

Alleged violations of freedom of association and collective bargaining can be brought before the labour court, which can order the reinstatement of workers fired for union activities.<sup>654</sup> Bangladesh's eight labour courts had, as of October 2014, a case backlog of almost 16,100 cases due to shortage of tribunals, negligence of the industry owners and loopholes in the labour law, according to a 2014 Dhaka Tribune article.<sup>655</sup> Factory or industry owners reportedly preferred the High Courts in order to delay the process, which in turn resulted in workers settling cases extra-judicially. According to the government, this was detrimental to their expected amount of compensation.<sup>656</sup>

In terms of occupational health and safety, the Bangladesh Legal Aid and Services Trust reported in 2013 that there were no clear criteria established in the law to provide for the compensation of any worker or their family.<sup>657</sup>

In 2011, Export Processing Zone Courts were created to allow workers in EPZs to file complaints to enforce legal rights. As of 2015, 160 cases were presented to that body.<sup>658</sup>

The U.S. Department of State reported in 2014 that although penalties for violating labour rights had been recently increased, in practice the law was not effectively implemented.<sup>659</sup>

### Civil and Criminal Courts

Civil courts hear claims regarding property and compensation, which was presided over by an assistant or subordinate judge, depending on the value of the claim.<sup>660</sup> Land disputes corresponded to 75 percent of the estimated 3 million cases in Bangladesh judiciary as of 2014, according to a UCA News article.<sup>661</sup>

Transparency International Bangladesh reported in 2015 that the resolution of land disputes was delayed due to the inadequate number of courts; lack of necessary infrastructure and manual information management; and lengthy legal procedures.<sup>662</sup> Instances of individuals forced to spend large amounts of money to recover their property were also reported.<sup>663</sup>

The Land Appeals Board has final authority over matters relating to public land, records updating and ownership settlement. The majority of civil and criminal cases filed in the court system emanated from disputes over land and were linked to the land registration system. This included disputes regarding possession of government-allocated land by ineligible persons, encroachment by well-connected persons or local elites on public land inhabited by landless people, and the distribution of public land to

ineligible households.<sup>664</sup> USAID reported that in practice, land cases may take between 15 and 20 years to resolve, effectively making the enforcement of land rights through the formal system affordable to wealthy persons only.<sup>665</sup>

Under Bangladeshi law, the government must provide sanction for courts to consider any offence by a public servant on official duty, including members of the police and other security forces.<sup>666</sup> According to Odhikar, incidents of extra-judicial killings by public security forces were generally neither investigated nor prosecuted, as they were categorised as self-defence. As of 2014, no individual had ever been held accountable in a court of law for an extra-judicial killing.<sup>667</sup>

Individuals who wished to file a complaint with the police reportedly faced fear of reprisal and frequent refusal to accept the case.<sup>668</sup> According to Human Rights Watch in 2014, members of the Rapid Action Battalion were not prosecuted for acts of torture, extrajudicial killings and arbitrary arrests. Similar situation was reported in case of the members of the police.<sup>669</sup>

According to Odhikar in 2014, cases of violence against women were often not investigated due to a lack of interest from police authorities; corruption in lower courts and in the police administration.<sup>670</sup> Patriarchal attitudes towards women by state institutions and officials reportedly further hampered women's access to remedy in these cases. The organization also reported high levels of impunity, particularly when perpetrators had affiliations with the ruling party.<sup>671</sup>

Due to high costs at the judiciary, poor and marginalised people were reportedly denied justice. Claimants reportedly paid bribes to judges in order to obtain a positive outcome, according to the Association for Land Reform and Development (ALRD) in 2014.<sup>672</sup> Since 2000, the government has provided legal aid to support poor people in legal cases. According to the ALRD, only 5 percent of cases benefited from this support.<sup>673</sup>

Sexual minorities did not generally have access to justice when they were subjected to violence, including from the police. Oftentimes, the LGBT community did not have access to legal services and there was a lack of legal awareness.<sup>674</sup>

Internally displaced people in the Chittagong Hills Tract also lacked sufficient access to courts and legal aid due to the lack of lawyers to assist them and information about the laws.<sup>675</sup>

As of 2014, 2.8 million cases were pending in the judicial system, according to The Dhaka Tribunal.<sup>676</sup> In order to address the situation, the government, with the support of the UNDP, created seven Case Management Committees (CMCs) distributed in the High Court division on civil, criminal, writ and original jurisdiction of cases. The CMCs' mandate was to identify loopholes associated with the backlog and provide solutions to reduce delay and to remove barriers, especially for the disadvantaged and vulnerable groups. As of 2014, the CMCs were effective, according to The Dhaka Tribunal.<sup>677</sup>

Freedom House reported in 2015 that corruption and partisan politics severely impeded access to justice.<sup>678</sup> Odhikar added in 2014 that the Supreme Court did not have full control over posting, transfer and promotion of lower court judges and the judiciary did not have a separate secretariat. The government reportedly supervised indirectly the High Courts by appointing judges and state attorneys, based on political considerations.<sup>679</sup>

Corruption in the lower judiciary was also because of lack of resources, low salaries of judges and their poor working conditions.<sup>680</sup>

According to the 2013 Global Corruption Barometer, the judiciary was seen as the second most corrupt among 12 service sectors in the country, only after the police.<sup>681</sup>

## Environmental Courts

The law mandates the establishment of environmental courts in each of the country's 64 districts to decide claims for compensation for causing harm to the environment or biodiversity, imposing penalties ranging from 10 years imprisonment to fines up to Tk 1 million (approx. US\$12,500).<sup>682</sup> The court's jurisdiction encompasses matters such as unauthorized mining; use and dumping of polythene materials; setting up illegal brick fields; hazardous ship breaking; sound or air pollution; water or land pollution; illegal logging and filling up rivers or canals. As of 2014, only two environmental courts existed, one in Dhaka and another one in Chittagong. During 2013, 129 cases were investigated in Dhaka and 257 cases in Chittagong. There was also an Environmental Appellate Court in Dhaka and during 2013, 7 cases were submitted for hearings.<sup>683</sup> Claims could only be filed once the Inspector of the Department of Environment has written a report. According to the Bangladesh Law Digest in 2015, this was a clear legislative hegemony to executive over the judiciary, limiting access to justice.<sup>684</sup>

The government stated in 2014 that there was inadequate infrastructure facility and logistic support to environmental courts; and that there was no sufficient supporting staff.<sup>685</sup> BD News also reported in 2013 that people were reluctant to use the courts because of lengthy processes and costs related to legal representation.<sup>686</sup>

## Non-Judicial Mechanisms

### National Human Rights Institution

The National Human Rights Commission, Bangladesh's National Human Rights Institution, was established in 2009. Its mandate includes investigating cases of human rights violations.<sup>687</sup> Complaints can be submitted online. The Commission may inquire into complaints of violations of human rights by its own or by petition, committed by a person; the State; a government agency/institution/organization or public servant, including violations committed by law enforcement officials. In that regard, it enjoys the power of a civil court.<sup>688</sup> The Commission can appoint mediators for a dispute related to violations of human rights.<sup>689</sup> The Commission has also the power to inquire; make recommendations; mediate, and provide legal aid.<sup>690</sup> During 2013, 433 complaints were received, including cases on rape; murder; domestic violence; extra-judicial killings and forced disappearance.<sup>691</sup>

When investigating a case involving a company, the Commission has the power to send an inquiry to the company, which is legally required to respond. A mediation process generally ensues. If no agreement is reached, the case is referred to a court, together with a recommendation by the Commission. In practice, according to Commission in 2011, although it had a wide mandate to hear cases, it was understaffed. Furthermore, awareness of this remedy was reportedly low.<sup>692</sup>

### Conciliation-Based Mechanisms

Collective industrial disputes have to go through a settlement process overseen by a Conciliator. If no settlement is reached, the parties may refer the dispute to an Arbitrator, or either party may instead conduct strike or lockout or apply for the Labour Court to adjudicate the dispute.<sup>693</sup> Labour disputes between employers and employees need to be discussed internally to try to solve the problem. A conciliator appointed by the government is brought in if internal dialogues fail. Failure to appear before the conciliator can be punishable with imprisonment. If the conciliator fails to strike an agreement, an arbitrator will make a final decision, which is binding. Applications to the labour court for adjudication is allowed if strikes occur after conciliation has failed, or when the disputing parties have still not reached agreement through the arbitrator.<sup>694</sup>

in cases of discharge, dismissal or retrenchment, an employee may file grievances in an attempt to gain redress for the termination. A grievance with an employer must be filed within 15 days of the termination.<sup>695</sup> If the employer does not provide satisfactory redress, the fired employee may take the case to the Labour Court within 30 days of the termination.<sup>696</sup>

The Department of Labour at the Ministry of Labour and Employment receive complaints in relation to acts of discrimination against trade unions. Between January – April 2015, 182 cases were presented, of which 177 were settled and 5 were filed as criminal cases.<sup>697</sup> Solidarity Center noted that workers filed 25 anti-union discrimination cases to the Joint Directorate of Labour, of which only 3 received a response.<sup>698</sup>

## Police-Based Mechanisms

The Ministry of Home Affairs has set an Anti-Trafficking Unit in Dhaka, composed of 7 police officers, with the mandate to investigate cases of trafficking.<sup>699</sup> During 2013, 215 cases were investigated, compared to 92 in 2012. 84 cases referred to sex trafficking and two cases to forced labour. 14 traffickers were convicted during 2013, 5 of them to life imprisonment. The government stated the need to establish a tribunal to attend cases of trafficking in order to effectively implement the law.<sup>700</sup>

The government provided with 9 shelter homes to victims of trafficking. There were also drop-in centres and homes that were administered together with NGOs.<sup>701</sup>

In terms of violence against women, Odhikar noted in 2014 that the government did not implement the law and that corruption in law enforcement agencies together with a lack of interest of the police in cases of domestic violence left victims unprotected.<sup>702</sup>

## Anti-Corruption Mechanisms

An Anti-Corruption Commission (ACC) was set up to deal with cases related to corruption. According to Odhikar in 2014, the ACC was ineffective and oftentimes dropped cases involving representatives from the ruling party; lacked professional efficiency and suffered from administrative interference.<sup>703</sup> During 2012-2013, the ACC dropped 3,053 graft cases and proceeded with only 521 of complaints presented. Also, during 2013 1215 corruption allegations were dropped before filing the respective body. Only 350 corruption cases were filed and 105 people were requested to submit wealth statements.<sup>704</sup>

The Bangladesh Information Commission (BIC) can receive complaints in relation to requests for information. Since 2009, it has received 306 complaints, of which only 138 were registered as of 2014, due to complains not covered by the Right to Information Act or lack of proper attachments. The BIC has the power to impose a fine of up to Tk 5,000 (approx. US\$63) on an official who creates hurdles in the disclosure of information and to make recommendations for actions against him.<sup>705</sup>

## Multi Stakeholder Grievance Mechanisms

The Accord on Fire and Building Safety in Bangladesh is an independent, legally binding agreement between brands and trade unions designed to work towards a safe and healthy Bangladeshi Ready-Made Garment Industry. The Accord and signatory companies has the mandate to facilitate remediation process after an inspection has been completed, by developing a Corrective Action Plan that details what remedial actions will be taken with clear timelines and a financial plan signed by each party.<sup>706</sup>

In factories where there were no formalised unions, workers could bring complaints before the Participation Committee (PC), which consists of representatives from employers and workers. In EPZs, Worker Welfare Committees were also forms of local grievance mechanisms. In practice however, Fair

Wear Foundation reported in 2013 that in many factories these forms of access to remedy had not been set up or did not function.<sup>707</sup>

## Civil Society Mechanisms

There were also numerous Bangladeshi organisations, which provided legal help for victims, including ASK and BLAST.<sup>708</sup> The Bangladesh Garment Manufacturers and Exporters Association (BGMEA) established a hotline for workers in regards to fire safety in 2013.<sup>709</sup>

# Informal Justice Mechanisms

## Shalish

A traditional dispute resolution mechanism outside of the formal legal system called Shalish existed in rural areas to mediate in disputes. A committee of village leaders attempts to mediate between the parties and there is no legal force behind the outcomes. While there is no legal obligation to take part in a Shalish, there is social pressure to agree to it if one of the parties calls for it, and to honour the resulting agreements. The majority of cases regard marriage and/or land disputes. Women were reportedly sometimes discriminated against during a Shalish.<sup>710</sup> According to a study published by John Hopkins University in 2013, all Shalish were run by men.<sup>711</sup>

## Village-Level Mechanisms

Village Courts have jurisdiction to resolve civil disputes between local complainants. The Chair of the Union Parishad (local government) chairs the proceedings. According to the UN, village courts were too formal and limited as they dealt with disputes between local individuals or groups only, and not with disputes involving the government.<sup>712</sup>

informal structures such as arbitration councils at village level have a long tradition. The Bertelsmann Foundation stated in 2014 that they often discriminate against women and poor people.<sup>713</sup>

# International Mechanisms

## UN Human Rights Council

The Human Rights Council has set Special Procedures that are independent human rights experts with the mandate to report on human rights from a thematic or country-specific perspective. They can act upon information received on alleged violations of human rights and send communications to States and non-State actors asking for clarification and action.<sup>714</sup> On its latest report from 2013, the Council informed that Bangladesh was among the countries where communications were sent.<sup>715</sup> One of those Special Procedures is the Working Group on the issue of human rights and transnational corporations and other business enterprises.<sup>716</sup>

## The World Bank Inspection Panel

The Panel that has the mandate to receive complaints from communities who have been or are likely to be affected by a World Bank-financed project.<sup>717</sup> Two cases related to Bangladesh were presented in 1996 in relation to adverse impacts to the communities including as a result of lack of consultations and

involuntary settlements.<sup>718</sup> The first case related to the Jute Sector Adjustment Credit while the second one dealt with the Jamuna New Multipurpose Bridge Project.<sup>719</sup>

## The International Finance Corporation Compliance Advisor Ombudsman

Adverse impacts related to projects financed by the International Finance Corporation or Multilateral Investment Guarantee Agency of the World Bank can be mediated and/or investigated by the Compliance Advisor Ombudsman (CAO). The CAO has both a dispute resolution function and an investigatory one.<sup>720</sup>

## The Organization for Economic and Development Cooperation National Contact Point

Although Bangladesh is not an OECD member and currently has no OECD National Contact Point (NCP), complaints about breaches of the OECD Guidelines for Multinational Enterprises by companies registered in OECD countries can be filed to the NCP of that country. The NCP mediates among parties to find a conciliatory solution to the dispute.<sup>721</sup> Should mediation fail, the NCP can make an assessment of the alleged violations in its final statement.<sup>722</sup>

The Guidelines are recommendations addressed by governments to multinational enterprises and they provide voluntary principles and standards for responsible business conduct. The Guidelines include chapters on the following topics: Human Rights (Chapter IV); Employment and Industrial Relations (Chapter V); Environment (Chapter VI); Combating bribery, bribe solicitation and extortion (Chapter VII); Consumers Interests (Chapter VIII); Science and Technology (Chapter IX); Competition (Chapter X); and Taxation (Chapter XI).<sup>723</sup>

In December 2012, the United Kingdom NCP received a request for review from Bangladeshi NGOs alleging that a company breached the general policies, human rights, and a disclosure provision of the guidelines, in relation to its plans to develop a mine at Phulbari.<sup>724</sup> Also, in May 2013, the German NCP received a request for review alleging that three German companies have breached the human rights provisions of the guideline in Bangladesh, in relation to the 2012 factory fire in the Tazreen factory.<sup>725</sup>

## International Labour Organization

Trade unions and employers' organisations can submit complaints to the International Labour Organization's Committee on Freedom of Association.<sup>726</sup> As of 2015, one case was under follow-up.<sup>727</sup>

## Fair Labour Organization

The Fair Labor Association (FLA) established a Third Party Complaint Process in 2002 as a safeguard for any person, group or organization to report serious violations of workers' rights with respect to the production facilities of FLA-affiliated companies. FLA's members include various multi-national apparel companies with supply chains in Bangladesh, for example H&M, Prana, Outer Stuff, s.Oliver, etc.<sup>728</sup>



# Sector Profiles

*Industry-specific human rights risks*

## Garments

Operating Environment	
Sector contribution to GDP (%)	15 percent <sup>729</sup>
Sector contribution to employment (%)	6 percent.
Major products	T-shirts; sweaters; trousers; men and women's shirts. <sup>730</sup>
Relevant legislation	•

The OECD reported in 2013 that Bangladesh's economy has grown at a rate of approximately 5 percent over the past two decades, mainly due to the fast development of the Ready-Made Garment (RMG) sector. <sup>731</sup> Accordingly, the RMG sector has, over the past 15 years, contributed to GDP growth; women's employment; income generation for rural immigrants and socio-economic development. <sup>732</sup>

Bangladesh was the second-largest garment producing country in the world, accounting for 4.8 percent of apparel exports globally, with the industry further expected to account for US\$36-42 billion by 2020. <sup>733</sup> The RMG sector accounted for more than 80 percent of export revenue in 2014, generating US\$24 million annually, according to the ILO in 2015. <sup>734</sup>

Garment factories operated in two types of locations: inside and outside of Export Processing Zones. As of 2012, RMG factories at EPZ represented less than 10 percent of total garment factories in the country. <sup>735</sup>

The RMG sector employed approximately 4.2 million workers, mainly women, <sup>736</sup> comprising almost 45 percent of total industry employment in Bangladesh. <sup>737</sup>

McKinsey & Company reported in November 2012 that workers in the RMG sector had low levels of education, with a 25 percent shortage of skilled workers, which caused inefficiency in the sector. Furthermore, many workers migrated from poor rural regions to the garment centres in Chittagong and Dhaka to work in low-wage level jobs. <sup>738</sup> The majority of the workers received in-job training, resulting in lower productivity, leaving owners dependent on a large workforce to produce the optimum level of output. <sup>739</sup>

As a result of the Rana Plaza collapse in 2013, the sector benefitted from labour law reforms to improve labour conditions and strengthen worker's rights, as well as from numerous initiatives at various levels by multinational enterprises, NGOs, civil society, trade unions, governments and international organizations. <sup>740</sup> The ILO noted in 2015 that the following challenges remained in the RMG sector:

better worker's rights recognition; completion of factory remediation; further strengthening of regulators; and deeper legislative reform.<sup>741</sup> The Dhaka Tribune stated in 2014 that inadequate infrastructure, bureaucratic inefficiency and corruption negatively impacted on the industry's growth.<sup>742</sup>

In 2013, the IMF noted that the government recognised that the RMG sector was important for inclusive growth and poverty reduction.<sup>743</sup> The OECD stated that approximately one out of every eight Bangladeshi were directly or indirectly dependent upon the RMG sector. The organisation recognises that in order to grow, the RMG sector actors, including buyers, brands and stakeholders in the global value chain needed to act accordingly to ensure the sector was ethical, responsible and value-driven. They should also improve the safety and working conditions of workers and respect human rights. The OECD also emphasised the necessity for women being represented in dialogues within the sector.<sup>744</sup>

One of the main development priorities for the manufacturing sector (which includes the RMG sector)—as identified in Bangladesh's Sixth Five Year Plan 2011 - 2015—is diversifying exports to reduce dependency on the ready-made garment sector. This includes a stronger focus on food processing; leather and footwear, pharmaceutical, ship building, toys, ceramics and furniture.<sup>745</sup>

## Areas for Attention

### Anti-Union Discrimination

Anti-union violence and impunity were particularly observed in the garment industry, oftentimes directed by factory management. Cases of retaliation by management, including beating of unionists, and unionists being fired after joining a trade union were reported by ITUC in 2015.<sup>746</sup> The government reportedly did not put much effort into addressing those issues.<sup>747</sup> The ILO also noted in 2015 that members of the national intelligence services and the police, acting on behalf of factory owners, harassed and attacked unionised workers, according to workers' submissions.<sup>748</sup>

### Barriers to Unionisation

ITUC reported in 2015 that 275 new unions in the RMG sector were created,<sup>749</sup> amounting to a total 450 trade unions in comparison to 115 in 2012.<sup>750</sup> However, it still corresponded to a small fraction of the estimated 4 million workers in the sector.

### Collective Bargaining

ITUC noted in 2015 that although the amount of trade unions in the RMG sector rose since 2013, employers did not negotiate collectively with trade unions resulting in a very low amount of collective bargaining agreements in place.<sup>751</sup>

### Corruption

Bangladeshi law prohibits conflicts of interests in regards to business, yet the Business Anti-Corruption Portal reported that the law was rarely enforced.<sup>752</sup> The Financial Post reported in 2013 that more than 30 garment industry bosses were members of parliament, accounting for 10 percent of its lawmakers, resulting in policies protecting the owners' interests and not the workers.<sup>753</sup>

a 2014 Bangladesh Institute of Development Studies study found collusion between public officials and private business in the garment sector. Companies reportedly obtained preferential access to

infrastructure; more easily got concessions; and managed to avoid compliance with safety and security regulations.<sup>754</sup>

## Forced Labour

According to the 2014 Global Slavery Index, Bangladesh experienced modern slavery including debt bondage and forced labour, including in the production of garments.<sup>755</sup>

Many workers in the garment sector were considered to be employed under forced labour conditions due to the hazardous circumstances in which they were working, the length of their working hours and the low salaries received, according to The New York Times in 2014.<sup>756</sup>

## Informal Sector

The ILO reported that over 80 percent of manufacturing was done by informal labourers, who earned three times less than formal workers. The lack of permanent contracts for women limited their chances to make a permanent living and fight for better wages and improved working conditions, particularly in the RMG sector.<sup>757</sup>

Fair Wear Foundation stated in 2013 that although workers in the RMG sector were entitled by law to receive an appointment letter and ID card by employers, which stated specific duties, responsibilities and benefits in practice many workers did not receive such documents.<sup>758</sup> This also resulted in workers not knowing their rights or being able to claim compensation for abuses of their rights.<sup>759</sup>

According to the Freiheit Organisation most worker complaints related to breaches of their contracts. Workers often did not have any means to hold their employers accountable. However, many workers allegedly wanted fairer enforcement of their contracts including safer and cleaner working conditions over job security or long-term employment as they felt they could find jobs at other factories; the mobility among RMG workers was high.<sup>760</sup>

## Land Acquisition

Transparency International Bangladesh reported in 2013 that Ready-Made Garment factory owners sometimes set up factories without the required permits, even in residential areas.<sup>761</sup>

## Occupational Health and Safety

A 2015 survey conducted by the government in over 643 apparel factories found that 35 percent lacked first aid facilities; 67 percent did not serve accident-related notice; 46 percent did not maintain safety record books and safety boards; and 44 percent did not have any safety committee.<sup>762</sup>

Odhikar further reported in 2014 that industrial and factory accidents and deaths were common, including as a result of fires and building collapses.<sup>763</sup> Fire and building collapses in factories reportedly occurred as a result of almost non-existence emergency exits; shortage of fire extinguishers; lack of training and the use of sub-standard building material; bribery during plan approval; construction of illegal extensions; and violation of building codes.<sup>764</sup> Many officials have allegedly given registration, renewal and floor set up certificates in exchange for money without visiting the factory location and in many cases no legal action was taken because of social, political and economic power of the factory owners.<sup>765</sup>

Most factories allegedly failed to perform evacuation drills, according to The Dhaka Tribune in 2013. Health and safety was also problematic in many garment factories that were located in rented commercial or residential areas.<sup>766</sup> Factories were often located in buildings shared with other

businesses, though as of September 2013, efforts to improve health and safety conditions included separating factories in order to build them with specific standards and to be regulated easier.<sup>767</sup>

In the ready-made garment industries, a study published in 2013 by the Faculty of Business, Economics and Law at La Trobe University in Australia noted that due to overcrowded and limited workspaces, workers faced musculoskeletal disorders and contagious diseases. Most factories reportedly did not have ventilation systems and garment workers were exposed to toxic substances and dust.<sup>768</sup> 58 percent of tannery workers suffered from ulcers, 31 percent from skin diseases and 10 percent from rheumatic fever due to exposure to a variety of tanning chemicals, according to a 2014 UCA news article.<sup>769</sup>

## Revenue Sharing

Counter Currents noted in 2013 that the majority of the profits from the RMG sector went to actors who had no role in the production. Reportedly, approximately 60 percent went to international buyers and retailers, while the establishment costs made up around 35 percent, and only less than 1 percent was distributed among workers.<sup>770</sup> The Institute of Developing Economies stated in 2012 that from the net profits generated by the RMG sector, only 30 percent was spent on workers, compared to an estimated 50 percent on workers' wages in other countries.<sup>771</sup>

## Revenue Transparency

Corruption in the RMG sector was institutional and occurred mainly due to lack of transparency, accountability and good governance, according to the Executive Director of Transparency International Bangladesh in 2013.<sup>772</sup>

The Dhaka Tribune reported in 2013 that transparency was lacking from audit reports of the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), and misuse of the buyer's compensation funds, along with bribery were reportedly common in the RMG sector.<sup>773</sup>

Embezzlement scandals involving management of a number of RMG factories and bank branches have resulted in increased interest rates, and a decrease in bank lending for entrepreneurs looking to set up RMG factories.<sup>774</sup>

## Social Conflict

Industrial disputes were reported. According to an employer representative cited by the ILO in 2015, many RMG factories shared spaces in the same building or adjacent buildings, and whenever a dispute occurred, workers in other factories joined the demonstrations, resulting in acts of violence, vandalism and public disorder.<sup>775</sup>

## Strikes

An article in Canadian newspaper The Star reported in 2013 that despite nationwide general strikes occurring, the government kept garment factories open in order to meet international shipping orders.<sup>776</sup>

## Urban Poor

The Dhaka Tribune reported in 2014 that 21 percent of the urban population in Bangladesh lived below the poverty line, the highest rate in the South Asia region.<sup>777</sup>

Slums existed due to cities' rapid and unplanned expansion, and its inhabitants often shared space with industry (especially textile, dyeing, washing and garment), according to The Guardian in 2012.<sup>778</sup>

According to ASK, a Legal Aid and Human Rights Organisation in Bangladesh, female workers in RMG factories mainly lived in urban slums, without any access to social protection, transport, health treatment or accommodation.<sup>779</sup>

### Wages

The National Minimum Wage Board, tripartite in nature, meets every five years to set wages for different industries. In 2013, the following wages were set: workers in the Ready Made Garment (RMG) sector's minimum wages ranged from Tk 175 (approx. US\$2) daily to Tk 248 (approx. US\$3) daily.<sup>780</sup>

Some factories paid entry-level workers in the RMG sector up to Tk 5,000 (approx. US\$63) per month, much lower than the average wage in China, which ranges from US\$154 to US\$230 per month, and even Cambodia, where the wage was US\$80 for garment workers. Labour activists in Bangladesh claimed that factory owners had political backing to keep wages extremely low.<sup>781</sup>

Vice News added in 2015 that tannery workers were paid on average US\$5 a day.<sup>782</sup> Bloomberg reported in 2014 that even experienced tannery workers received on average only US\$150 a month.<sup>783</sup>

A great amount of workers operated under a "results-based" scheme, where an employee is paid a fixed rate for each unit of production, resulting in processing plants further reducing labour costs.<sup>784</sup> Workers in the RMG sector reportedly received their wages irregularly and overtime pay was overdue.<sup>785</sup>

The Daily Star reported in 2013 that buyers from the RMG sector allegedly helped to produce fake audit reports, and factory owners prepared fake salary sheets to indicate that they were paying higher wages than in reality.<sup>786</sup>

### Water

In relation to the textile sector, Bloomberg reported in 2014 that the government estimated that about 22,000 cubic meters of untreated effluents, including hexavalent chromium, were released by tanneries each day in Buriganga River, Dhaka's main waterway.<sup>787</sup> 40,000 tons of toxic chemicals were reportedly found in the river, impacting on people who depended on the river to bathe or use to irrigate their crops, according to Human Rights Watch in 2015.<sup>788</sup>

A 2013 New York Times article claimed that factories used up to 170 litres of water to produce one kilogramme of clothes, and many textile factories did not have effluent treatment plants, releasing water full of dyes and chemicals directly into rivers which millions of individuals depended on for their livelihoods.<sup>789</sup>

According to a study published in 2014 by the Journal Global Disclosure of Economics and Business, water waste treatment from textile dyeing factories and other industrial processes did not meet standards, and the government did not enforce environmental laws due to lack of funds or technical expertise.<sup>790</sup> The New York Times added in 2013 that government officials were oftentimes pressured by factory owners, resulting in weak implementation of environmental laws.<sup>791</sup> Textile factories were generally reluctant to invest in proper treatment for wastewater.<sup>792</sup>

### Women

A 2015 government survey conducted with over 643 apparel factories found that 31 percent did not have provisions for maternity leave.<sup>793</sup>

80 percent (approximately four million) of workers in the readymade garment sector were women.<sup>794</sup>

The ILO stated in 2013 that women had no opportunities to advance their careers in factories.<sup>795</sup> The Asian Development Bank also reported in 2015 that women owned less than 10 percent of all industries

in Bangladesh due to limited access to credit, gender stereotypes and the necessity to support their household.<sup>796</sup>

## Working Hours

Workers in the RMG sector were reportedly forced to work 14 to 16 hours a day, according to a UNI Bangladesh Accord report from 2015.<sup>797</sup> Workers oftentimes were reportedly forced to work extra time to meet export deadlines, and companies did not compensate for the overtime.<sup>798</sup> Bloomberg added in 2014 that tannery workers worked 12 to 14 hours a day, seven days a week.<sup>799</sup>

## Worst Forms of Child Labour

In 2012, the International Trade Union Confederation reported that 1.3 million children were engaged in the worst forms of child labour.<sup>800</sup>

Children were reportedly working including in the industry sector,<sup>801</sup> particularly in the production of footwear; garments and textiles.<sup>802</sup> Girls were forced to work in garment factories under precarious working conditions and were subjected to abuse by male managers, as noted by The Guardian in 2014.<sup>803</sup> Children were also observed in the tanning industry, in direct contact with chemicals and sometimes in facilities that used by-products trimmed leather, according to UCA News in 2014.<sup>804</sup>

## Cases

- *September 2015, Solidarity Center:* Workers at Sin Poly Factory, which is located in an EPZ, won increased pay and leave benefits for the first time after successfully signing and negotiating a workers welfare association with the management.<sup>805</sup>
- *March 2015, Global Labour Rights:* Employees, mainly young women, at Jeans Plus reportedly worked from 8.00 to 10.00 pm daily, six days a week.<sup>806</sup>
- *March 2015, Global Labour Rights:* A senior sewing operator at Jeans Plus reportedly received only 41 cents per hour.<sup>807</sup>
- *March 2015, Global Labour Rights:* Pregnant women working at Jeans Plus were reportedly fired due to their pregnancy without receiving any of their legal maternity benefits.<sup>808</sup>
- *December 2014, The New York Times:* Unionised workers at Global Garments factory reportedly suffered from violent attacks per management request. Workers also reported that they were intimidated and mistreat by supervisors. The company denied the allegations.<sup>809</sup>
- *November 2014, International Trade Union Confederation:* 72 unionised members at Basic Apparels in Uttara were terminated after they submitted an application for their union's registration.<sup>810</sup>
- *September 2014, Institute for Global Rights and Human Rights:* Workers at Creative Collections factory, owned by Ha-Meem Group, reportedly worked more than 60 hours a week and a system of books sometimes concealed the extra hours as they were forced to sign two sets of pay sheets, one that indicated the hours they actually work and a second one that showed they worked only the legal amount of overtime.<sup>811</sup>
- *August 2014, Waging Nonviolence:* Workers at the garment manufacturing company Tuba Group went on a hunger-strike to demand the payment of overdue salaries. The strike ended after 11 days as management committed to the payment of salaries.<sup>812</sup>

## Sector Profiles

- *August 2014, Waging Nonviolence:* Workers at the garment manufacturing company Tuba Group went on strike to demand the payment of overdue salaries. The police reportedly violently attacked the demonstrators with the use of tear gas and rubber bullets, and many of them were arrested.<sup>813</sup>
- *June 2014, Solidary Center:* More than 60 workers at the Raaj RMG Washing Plant in Gazipur were fired while at least one worker was subjected to physical attack due to their union affiliation.<sup>814</sup>
- *March 2014, UCA News:* A worker in a tannery in the Hazaribagh district earned US\$103 a month, and an additional US\$26 per month with overtime.<sup>815</sup>
- *March 2014, Solidarity Center:* 86 union supporters at the Taratex BD Ltd. Garment factory in Gazipur were fired and subjected to anti-union campaign by management. The workers reportedly were verbally and physically assaulted and asked to sign papers of unknown nature.<sup>816</sup>
- *March 2014, UCA News:* Children in tanneries in the Hazaribagh district worked 10 hours a day and earned US\$39 per month in basic salary, and up to US\$53 with overtime pay.<sup>817</sup>
- *November 2013, Dhaka Tribune:* Seven RMG buyers from Spain were attacked and had their car vandalised during a trip to negotiate and make orders. The leader of the Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA) demanded the government to provide security for the buyers.<sup>818</sup>
- *November 2013, The Guardian:* Following the April 2013 collapse of Rana Plaza, factory owners' resistance to increase wages and improving working conditions resulted in street violence and protests which led to a four-day shutdown of numerous factories, with police allegedly firing teargas and rubber bullets to disperse the stone-throwing workers after they had vandalised vehicles.<sup>819</sup>
- *November 2013, The Star:* Over 1000 factories were closed due to violent clashes between workers and the police. At least 30 people were injured as workers threw rocks and sticks at garment factories. The director of the Industrial Police stated that thousands of garment workers were involved in the protests, and over 200 factories closed to avoid further violence. Paramilitary border guards were allegedly called in to assist the police forces to heighten security.<sup>820</sup>
- *October 2013, CBCRadio:* Workers in a Bangladesh garment factory, producing clothes for brands like Gap and Old Navy, claimed they suffered various forms of abuse. Allegations included that management denied pregnant women maternity leave, and physically assaulted workers.<sup>821</sup>
- *October 2013, BBC:* At least nine people were killed in a fire at a clothing factory near Dhaka. The fire reportedly started in the knitting section. At the time of the fire, most workers had left the factory, but the approximately 170 workers in the factory were reportedly working overtime.<sup>822</sup>
- *September 2013, Dhaka Tribune:* Two employees of a foreign-owned RMG company in Chittagong were arrested for misappropriating Tk 11.5 million (approx. US\$146,000) from the company's funds.<sup>823</sup>
- *September 2013, Reuters:* About 50,000 garment industry workers, reportedly mostly women, participated in one of the largest protests so far in the Bangladeshi capital of Dhaka to demand an increase of more than 1.5 times the current minimum wage.<sup>824</sup>
- *September 2013, The Star:* Thousands of garment workers in the Gazipur and Savar industrial zones protested to demand increased wages for the RMG sector. When protesters threw stones police retaliated with tear gas and rubber bullets.<sup>825</sup> The workers reportedly vandalised cars and factories, and at least 50 workers were injured from police retaliation.<sup>826</sup>
- *May 2013, CBS News:* A **CBS News** crew went undercover at the **Monde Apparels** factory outside of Dhaka, where **1,400 workers**-mostly young women, were sewing **one million boxer shorts for Wal-**

## ***Sector Profiles***

**Mart**, shirts for **Wrangler** and jackets for **ASICS**. They reported that dozens of 12-year-olds were working in the factory.<sup>827</sup>

- *April 2013, Global Labour Rights*: An eight-story building collapsed with 3,500 garment workers inside. 1,129 people were killed in the collapse of the Rana Plaza garment factory building on 24 April 2013. A further 2,500 were seriously injured. According to media reports, workers at Rana Plaza saw the cracks in the huge structure the day before the collapse but the authorities did not take any precautionary steps. Workers were ordered to return to work just before the collapse.<sup>828</sup>
- *April 2013, Human Rights Watch*: Two leathers tanneries in Hazaribagh were fined due to pollution from the discharge of untreated waste containing chromium, lead and other chemicals and heavy metals into Buriganga river, which caused health problems to local communities. The tanneries were fined for not having effluent treatment plants in place.<sup>829</sup>



# Agriculture

Operating Environment	
Sector contribution to GDP (%)	18,6 percent (2011) <sup>830</sup>
Sector contribution to employment (%)	48.1 percent (2011)
Major products	Rice, wheat, maize, potato, pulses, brinjal, edible oilseeds, mango, banana and jackfruit. <sup>831</sup>
Relevant legislation	<ul style="list-style-type: none"> <li>National Agricultural Policy (2013)</li> </ul>

The agriculture sector employed the vast majority of the population and 70 percent depended on the sector directly or indirectly for their livelihood.<sup>832</sup> According to The Daily Star in 2015, 64 percent of agriculture workers were women.<sup>833</sup> The sector grew 3,3 percent during 2014 due to good crop harvest, continued policy support and favourable weather.<sup>834</sup>

However, as a result of urbanization, the amount of farmland was shrinking and most rural households had little cultivable land, according to the Rural Poverty Portal in 2014.<sup>835</sup> As of 2015, there were approximately 8 million hectares of cultivable land in Bangladesh.<sup>836</sup>

According to the government, the challenges in the sector were: raise productivity and profitability; increased diversification of production in line with consumption diversification to promote nutrition and minimize trade imbalances; reduce instability of production; increase resources efficiency; reduce loss of arable land; minimize yield gap; maintain food safety and quality; expand irrigation and farm mechanization and develop resilience to climate change impacts.<sup>837</sup>

The National Agriculture Policy adopted in 2013 focuses on ensuring food and nutrition security for all and to improve the quality of life of the rural people through increased productivity and agricultural diversification.<sup>838</sup>

## Areas for Attention

### Barriers to Unionisation

The constitution and the Labour Act 2006 guarantee freedom of association, however the International Trade Union Confederation (ITUC) stated that it was restricted.<sup>839</sup> The national legislation does not allow trade unions in agricultural establishments with fewer than 10 workers.<sup>840</sup>

### Food & Livelihoods

Tobacco cultivation was amongst the major causes of deforestation, as it required wider acreage for farms, particularly in the country's hill districts.<sup>841</sup>

Monoculture plantations on forestland deprived indigenous communities of forest resources, impacting on their livelihoods, according to the Society for Environment and Human Development noted in 2013.<sup>842</sup>

## Land Administration

Land is scarce in Bangladesh due to the population density.<sup>843</sup> USAID stated in 2011 that land distribution was historically highly inequitable. Land was reportedly closely tied to social, economic, and political power, and establishing ownership rights was highly competitive and often lead to violence.<sup>844</sup> According to the Bertelsmann Foundation in 2014, patronage networks between landowners, the police and state bureaucrats made it difficult for peasants and minorities to assert their property rights in rural areas.<sup>845</sup>

57 percent of households in rural areas were landless, and did not have access to cultivable land; the incidence rates varied from 47 percent in the Khylna division to up to 67 percent in Chittagong division, according to USAID in 2013. In rural Bangladesh, the bottom 25 percent of all households owned only 3.7 percent of total cultivable land, with the top 10 percent owning 39.8 percent.<sup>846</sup>

Climate change has impacted available land, with an average of 1 percent of agricultural land lost each year due to erosion and increased salinity, according to the government in 2012.<sup>847</sup>

## Land Acquisition

Ethnic minorities in northeast Bangladesh were evicted for tea plantation expansion, according to the CorpWatch in 2015.<sup>848</sup>

## Occupational Health and Safety

The India Environmental Portal reported in 2014 that more than 70 percent of Bangladeshi farmers were exposed to chemicals while more than 30 percent fell seriously ill, and that farmers reportedly were unaware of the ratio of pesticides to be used.<sup>849</sup>

## Wages

The National Minimum Wage Board, tripartite in nature, set the minimum monthly wage for all economic sectors not covered by industry –specific wages. The latest minimum monthly wage was set at Tk 1,500 (approx. US\$19) as of 2015.<sup>850</sup>

Bidi workers were paid by number of bidis, which ranges from 10,000 to 14,000 per day. Approximately Tk 11 (approx. US\$0.1) to Tk 17 (approx. US\$0.2) were paid per 1000 bidis resulting in salaries between Tk 440 (approx. US\$5.50) and Tk 952 (approx. US\$12) per week, according to the Organization Unfair Tobacco in 2014.<sup>851</sup>

The Dhaka Tribunal further reported in 2014 that tea plantation worker's salaries were lower than the minimum wage, and considerable lower than neighbouring countries such as India and Sri Lanka.<sup>852</sup> They reportedly earned only Tk 69 (approx. US\$0.8) a day, and around Tk 8 (approx. US\$0.1) an hour, according to Kapeeng Foundation in 2014.<sup>853</sup>

## Water

The SIDA Helpdesk for Environment and Climate Change reported in 2013 that water pollution as a result of the presence of arsenic particles, the agriculture sector and poor sanitation contributed to health problems.<sup>854</sup>

## Women

The informal sector was large in Bangladesh and the great majority of women were employed in the sector (92 percent), compared to 85 in the case of men, according to the latest Gender Statistics of Bangladesh from 2012. Most women were employed in agriculture, forestry and fisheries.<sup>855</sup>

In Bangladesh, women owned only 2 percent of land, according to The Economist in 2013.<sup>856</sup>

## Working Hours

The Organization Unfair Tobacco noted in 2014 that bidi workers were mainly working at home up to 15 hours a day for 7 days a week.<sup>857</sup> Tea plantation workers also reportedly had long working hours.<sup>858</sup>

## Worst Forms of Child Labour

In 2012, the International Trade Union Confederation reported that 1.3 million children were engaged in the worst forms of child labour.<sup>859</sup>

The great majority of children were reportedly working in the agriculture sector.<sup>860</sup>

Child labourers in the industry sector included employment in the production of bidi or cigarettes.<sup>861</sup> Children working in bidi factories were between 4-12 years old, engaged in various stages of the production process and represented almost half of total workers in the sub-sector, according to a study published by the site All Media Link in 2014. They reportedly got paid on average tk 35 (approx. US\$0.40) a day and usually worked three hours during the day at factories and another 5 extra hours making the bidi shells at their homes. Typical health impacts reported were fever, coughs, headaches, abdominal problems, diarrhoea and muscle pain.<sup>862</sup>

A 2014 study conducted by the organization Demographic and Research found that 8 percent of working children ages 5-17 were hurt or sick due to long working hours and exposure to hazardous occupations, particularly in the informal sector. Most injuries occurred in the agriculture sector.<sup>863</sup>

## Cases

- *July 2015, Hindu Existence:* Land belonging to Hindu communities was reportedly grabbed by representatives from the ruling party Awami League in order to establish a Tea Estate Company in the bordering areas of the sub-district Thakurgaon's Baliadangi.<sup>864</sup>
- *March, 2015, CorpWatch:* Armed men hired by Syed Tea and Land company allegedly evicted ethnic minority communities in Sreemangal in order to expand a tea plantation.<sup>865</sup>
- *2015, Transparency International Bangladesh:* Rules for acquiring land for two coal projects, Rampal and Matarbari, were violated as land and shrimp owners were evicted from their land and were not given the respective compensation. Residents reportedly had to bribe the officials in order to receive 10 percent of their compensation. Of 3,681 applicants for compensation relating to the Matarbari project, only 492 were compensated as of 2015.<sup>866</sup>
- *2014, Kapaeeng Foundation:* At least 20 indigenous Khasi villagers were injured while resisting an attempt of land grabbing by the Tea Estate Authority.<sup>867</sup>
- *May 2014, Oxfam:* British American Tobacco evaded taxes of US\$250,00 million by making false price declaration on their two brands cigarette during 2009-2013.<sup>868</sup>

### ***Sector Profiles***

- *April 2014, IFEX:* Local communities on the proximities of the Rupsha river expressed concerned about health problems due to the proliferation of rice and wood husk mills. Half of the mills operating in the area did not have proper clearance to operate.<sup>869</sup>
- *April 2014, India Environmental Portal:* Farmers in Lalmonirhat district reportedly were unaware of the ratio of pesticides to be used. The presence of toxins in the foods produced in the district was three to twenty times the limit set by the European Union.<sup>870</sup>

# Shrimping

## Areas for Attention

### Anti-Union Discrimination

Intimidation and harassment of workers willing to establish or join unions was observed in the shrimp processing industry.<sup>871</sup>

### Food & Livelihoods

The construction of shrimp ponds along the Sundarbans mangrove reserve resulted in the destruction of forests.<sup>872</sup>

a study published by the Journal Reviews on Environmental Science and Bio-Technology in 2013 found that shrimp production also impacted food security as rice lands were lost by ponds salinization, as well as a reported decline in near shore fish, crustacean and mollusc catches associated with forest degradation.<sup>873</sup>

### Forced Labour

According to the 2014 Global Slavery Index, Bangladesh experienced modern slavery including debt bondage and forced labour, including in the shrimps industry.<sup>874</sup>

The Environmental Justice Foundation reported in 2014 instances of debt bondage of fry collectors and shrimp farmers to intermediaries. Loans (daddan) were borrowed as start-up capital that needed to be repaid with interest and obliged farmers to sell their products at a fixed price to intermediaries. If they fail to repay, they suffered from intimidation and violence from the middlemen, and in cases, they were taken their nets away.<sup>875</sup> A 2012 Verite study found that women were threatened with sexual violence as a means to coerce them to accept lower rates for their fry. shrimp farm workers under verbal contract did not receive their payment if they left before the agreed ending contract period.<sup>876</sup>

### Occupational Health and Safety

A 2014 Environmental Justice Foundation study found that workers in the shrimp industry faced cuts, fungal infections, arthritis, urinary tract infection, repetitive strains and diarrhoea. Due to the peeling and de-heading of shrimps, many suffered from skin irritation, numbness, infection, fever and in cases, partial paralysis. Most of them were reportedly not provided with protective clothing, including gloves.<sup>877</sup>

### Social Conflict

The Environmental Justice Atlas added in 2015 that conflicts between local communities and investors in relation to shrimp farming as a result of environmental degradation and land acquisition disputes occurred.<sup>878</sup>

## Wages

The National Minimum Wage Board, set wages in the shrimp sector at Tk 4,419 (approx. US\$55) per month, an increase from Tk 2,645 (approx. US\$33).<sup>879</sup>

The Environmental Justice Foundation reported in 2014 that a small-scale shrimp farm owner received a daily income of Tk 350 (approx. US\$4).<sup>880</sup> Fry collectors reportedly received on average Tk 60 (approx. US\$0.70) to Tk 90 (approx. US\$1) per day during peak season while shrimp farm workers received on average Tk 2,800 (approx. US\$35) per month during peak season. There was a substantial difference in payment depending on the employment status. Permanent workers at shrimp farms received regular and transparent wages while contractors were paid on a piece-rate basis and sometimes faced deception in the weighting of their products, resulting in lower wages, according to Verite. Salaries were on average Tk 2,700 (approx. US\$34) per month for permanent workers and Tk 2,490 (approx. US\$31) per month for temporary workers.<sup>881</sup>

A great amount of workers operated under a “results-based” scheme, where an employee is paid a fixed rate for each unit of production, resulting in processing plants further reducing labour costs.<sup>882</sup> Withholding of payment in the shrimp supply chain was common.<sup>883</sup>

## Water

Intensive shrimp farming required substantial water change of the pond, polluting the surrounding water quality by the discharging of effluents such as ammonia, nitrate and nitrite, which has reportedly spread water-borne diseases from farm to farm, according to a study published by the Journal Reviews on Environmental Science and Biotechnology in 2013.<sup>884</sup> the impact of saltwater discharge of shrimp ponds in southwest Bangladesh reportedly reduced water supplies for drinking; domestic needs and irrigation; and increased gastrointestinal infections.<sup>885</sup>

## Women

Verite reported in 2014 that women working as fry collectors earned 64 percent of their male co-workers salaries and at shrimp processing plants, women were offered only temporary or casual work.<sup>886</sup>

## Working Hours

Workers in the shrimp supply chain worked 12 to 15 hours a day during peak season, according to Verite.<sup>887</sup>

## Worst Forms of Child Labour

In 2012, the International Trade Union Confederation reported that 1.3 million children were engaged in the worst forms of child labour.<sup>888</sup>

The U.S. Department of Labor noted in 2014 that in coastal areas such as the Chittagong Hills and Kuakata regions, children were working in the shrimp and dry fish sector,<sup>889</sup> while the Environmental Justice Foundation reported in 2014 that children as young as 10 were working as fry collectors, pushing nets through the river, working on the boats or sifting through the catch.<sup>890</sup>

Children under forced labour conditions were found in the dried fishing sector, as further reported by the U.S. Department of Labor in 2014.<sup>891</sup>

# Construction

## Areas for Attention

### Forced Labour

According to the 2014 Global Slavery Index, Bangladesh experienced modern slavery including debt bondage and forced labour, including in brick kilns.<sup>892</sup>

### Informal Sector

Informal jobs were more common in rural areas and workers reportedly received 25 percent lower wages than in the formal economy.<sup>893</sup> Informal workers were employed including as brick-breakers, according to an article published by The Dhaka Law Review in 2015.<sup>894</sup>

### Occupational Health and Safety

Although no major incidents since the Rana Plaza collapse were reported, the death rate at workplaces was very high, according to The Safety and Rights Society. During 2014, 320 deaths were recorded, particularly in Dhaka, Chittagong and Gazipur. Most of the cases occurred in the construction sector.<sup>895</sup>

### Public Procurement

The construction sector, particularly for the construction of roads, was amongst the sectors most affected by corruption when awarding public contracts.<sup>896</sup>

### Women

The government reported in 2015 that women in the private sector were paid on average two thirds of what men received for work of equal value.<sup>897</sup> The wage gap was particularly observed in the construction sector.<sup>898</sup> Out of the approximate 227,000 women construction workers, 72 percent received lower salaries than their male co-workers, according to The Daily Star in 2015.<sup>899</sup>

### Worst Forms of Child Labour

In 2012, the International Trade Union Confederation reported that 1.3 million children were engaged in the worst forms of child labour.<sup>900</sup>

Child labourers in the industry sector included employment in the production of bricks and in construction.<sup>901</sup>

# Region Profiles

*Areas where human rights conditions or impacts differ markedly in nature or scale from the national profile.*

## Dhaka

### Air Pollution

According to the 2014 Environmental Performance Index, Bangladesh had the worst polluted air in the world.<sup>902</sup>

In 2013, the Blacksmith Institute named Hazaribagh as the fifth most toxic place in the world due to its levels of pollution. According to the report, over 185,000 residents lived in the region, directly impacted by the toxins released by factories, suffering from acid burns, dizziness, nausea and rashes among other health problems.<sup>903</sup> Bloomberg added in 2014 that skin and respiratory diseases were commonly observed in Hazaribagh as a result of leather tanneries.<sup>904</sup>

As of May 2015, the government failed to implement a 2009 High Court order to relocate the Hazaribagh tanneries out of Dhaka due to its high level of pollution, according to Human Rights Watch.<sup>905</sup>

The World Bank also reported in 2014 that due to out-dated technology, weak implementation of laws and lack of corporate responsibility, brickfields were polluting Bangladesh air by expelling over 9.8 million tons of greenhouse gases, particularly in Dhaka during the dry season.<sup>906</sup>

### Land Administration

The Daily Star reported in 2013 that many investors, foreign and local communities had not received adequate land for establishing factories, due to the scarcity of land. In the Dhaka-Mymensingh, Savar, Ashulia, Narayanganj and Narsingdi industrial belts it was reportedly very difficult to obtain an industrial plot.<sup>907</sup>

### Occupational Health and Safety

Although no major incidents since the Rana Plaza collapse were reported, the death rate at workplaces was very high, according to The Safety and Rights Society. During 2014, 320 deaths were recorded, particularly in Dhaka.<sup>908</sup>

Most factories allegedly failed to perform evacuation drills, according to The Dhaka Tribune in 2013.<sup>909</sup>

### Wages

A 2014 survey found that 40 percent of factories in Dhaka did not pay the minimum wage.<sup>910</sup>



# Chittagong

## Free, Prior & Informed Consent

The government of Bangladesh re-settled between 200,000 and 450,000 Bengali-speaking migrants from various parts of Bangladesh into all three hill districts of CHT in 1979.<sup>911</sup> This resulted in Indigenous people in CHT subjected to destruction of their property and land grabs by the Bengali settlers, according to Freedom House in 2015. The acts were allegedly in retaliation to local resistance against their expanding settlements.<sup>912</sup>

Clashes between ethnic-Bengali settlers and indigenous communities resulted in 8 indigenous people killed, 126 indigenous people tortured and 5 indigenous people arrested, and the destruction of 58 indigenous homes, according to Kapaeeng Foundation in 2014.<sup>913</sup>

The UNDP Asia-Pacific Regional Centre reported in 2012 that State authorities and settlers reportedly regularly encroached on indigenous lands without obtaining free, prior and informed consent from indigenous communities, which significantly contributed to conflict in the region.<sup>914</sup>

During 2014, approximately 3,911 acres of indigenous land were grabbed by state and non-state actors, including Bengali settlers and corporations, while 84,647 acres were under the process of occupation and acquisition, according to Kapaeeng Foundation.<sup>915</sup> Land grabs for private infrastructure projects were reported by the Global Human Rights Defence in 2014.<sup>916</sup> The UN further noted in 2014 that commercial land dealers linked to local powerbrokers were grabbing land to re-sell them to private corporations or real estate dealers.<sup>917</sup>

During 2014, 102 indigenous families were reportedly evicted from their ancestral land, 886 indigenous families were threatened of eviction and 153 indigenous families were attacked in order to grab their lands.<sup>918</sup> IWGIA also reported that local governments did not prevented lands grabs, including by Bengali settlers and private companies.<sup>919</sup> The government reportedly facilitated the acquisition of indigenous land by private companies.<sup>920</sup>

Indigenous people depended on their lands for their livelihood and to maintain their culture through the relation with their ancestral lands, as noted by the Global Human Rights Defence in 2014.<sup>921</sup> IDMC reported in 2012 that many of these land conflicts had led to displacement, with indigenous people moving to more remote areas, where they had little access to food or basic services such as health care and schools.<sup>922</sup>

## Indigenous Peoples

Bangladesh's Constitution does not recognise the ethnic, linguistic and cultural minorities in the country as indigenous people (Adivasi).<sup>923</sup> By way of a 2011 Amendment to the constitution, it instead referred to them as 'tribes', 'minor races' and 'ethnic sects and communities'.<sup>924</sup>

The 2011 Population and Housing Census indicated that the country's indigenous population was approximately 1.8 percent of the total population.<sup>925</sup> The International Work Group for Indigenous Affairs (IWGIA) reported in 2015 that approximately 3 million indigenous people existed in Bangladesh, belonging to at least 45 different ethnic groups, and were concentrated in the north and in the Chittagong Hill Tracts (CHT) in the southeast of the country.<sup>926</sup>

Indigenous people were mostly Buddhists and spoke local dialects of Tibeto-Burman languages.<sup>927</sup>

In the CHT region, where 11 distinctive indigenous groups lived, the UNDP estimated in 2012 that 40 percent of the workforce was either unemployed or underemployed.<sup>928</sup>

According to the U.S. Department of State in 2015, indigenous peoples experienced widespread discrimination and abuse, despite government quotas for indigenous participation in civil service and higher education.<sup>929</sup> IWGIA added that they were among the most persecuted of all minorities, facing discrimination based on their indigenous identity, religion, and their socio-economic status,<sup>930</sup> and reportedly lagged behind the rest of the country in regard to land ownership, health and, significantly, literacy.<sup>931</sup> Violence against indigenous people was reported, especially from Bengalis.<sup>932</sup>

## Land Administration

Chittagong had the highest level of inequality in regards to land ownership. Out of the percentage of the population who owned cultivable land, 25 percent of households only owned 4 percent of land, whereas the top 5 percent of households owned 26 percent of land, with the top 10 percent owning 38.9 percent.<sup>933</sup>

## Land Acquisition

According to the Dhaka Tribunal, as of 2014, the amount of compensation for land acquisition by the government was 50 percent above the land's real price, however that amount was reduced to 15 percent in case of land acquired in the CHT district.<sup>934</sup>

## Religious Minorities

According to the 2011 Population and Housing Census, religious minorities represented approximately 10 percent of the population, mostly comprised of Hindus (9 percent), and to a lesser extent Christians and Buddhists. Buddhists are concentrated in the Chittagong Hill Tracts.<sup>935</sup>

While religious discrimination is prohibited in the Constitution, Freedom House reported in 2015 that religious minorities faced societal discrimination, harassment and violations of their rights.<sup>936</sup>

## Wages

A 2014 survey found that only 5 percent of factories in Chittagong were able to comply with the new regulations related to the mining wage.<sup>937</sup>

## Worst Forms of Child Labour

In 2012, the International Trade Union Confederation reported that 1.3 million children were engaged in the worst forms of child labour.<sup>938</sup>

The U.S. Department of Labor noted in 2014 that in coastal areas such as the Chittagong Hills, children were working in the shrimp and dry fish sector,<sup>939</sup> while the Environmental Justice Foundation reported in 2014 that children as young as 10 were working as fry collectors, pushing nets through the river, working on the boats or sifting through the catch.<sup>940</sup>

Children under forced labour conditions were found in the dried fishing sector, as further reported by the U.S. Department of Labor in 2014.<sup>941</sup>

# Export Processing Zones

## Barriers to Unionisation

Solidary Center reported that the number of associations has substantially increased in EPZ as 2015, and that 53 out of 102 factories in Dhaka alone had associations in place.<sup>942</sup> According to The Daily Star in 2015, investors did not support unionisation in EPZs as worker's demonstrations could hamper production and overseas trade.<sup>943</sup>

## Collective Bargaining

Collective bargaining was reportedly non-existent in EPZs.<sup>944</sup>

## Wages

EPZs were not covered by the Labour Act or the Factories Act, excluding workers from laws enforcing wages or working hours.<sup>945</sup>

Minimum wages in the EPZ were reportedly between Tk 2,700 (approx. US\$34) and Tk 7,600 (approx. US\$96) per month, slightly higher than minimum wages.<sup>946</sup>

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