



**End of mission statement by Mr. Olivier De Schutter
Special Rapporteur on extreme poverty
and human rights**

Visit to Bangladesh, 17-29 May 2023

Dhaka, 29 May 2023

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I. Introduction

The Special Rapporteur on extreme poverty and human rights, Mr. Olivier De Schutter, made an official visit to Bangladesh between May 17th and May 29th. He is grateful to the Government of Bangladesh for their invitation, and for their willingness to cooperate during the visit.

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

The Special Rapporteur also held meetings with a number of human rights defenders, academics and representatives from minority communities (Dalit, Adivasi, Bede, Hijra, linguistic minorities such as Biharis and climate affected migrants), persons with disabilities, people living in informal settlements, activists, lawyers, civil society organizations working towards alleviating poverty and tackling multidimensional inequalities, thought leaders, organized and unorganized garment workers, informal workers (including wastepickers, pavement dwellers, domestic, construction and mason workers, hawkers, rickshaw pullers, homeworkers, and street vendors) and trade unions representing formal and informal workers including overseas migrant workers. The Special Rapporteur also visited refugee camps in Ukhiya, Cox's Bazar. As part of his visit, he met with UN agencies and international non-governmental organizations. The Rapporteur would like to thank the support provided by the UN country team during his visit.

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

II. General state of poverty and inequality

Based on the official poverty lines it uses, which relies on a "cost of basic needs approach", Bangladesh has made impressive progress in reducing poverty. In 2000, 48.9% of Bangladeshis were counted as poor using the upper poverty line; by 2022 this stood at 18.7%. For the lower poverty line this fell from 34.3% to 5.6%. Poverty has fallen in both rural and urban areas. By 2022, 20.5% Bangladeshis living in rural areas were in poverty while in urban areas the figures stood at 14.7%; the figures for extreme poverty were 6.5% in rural areas and 3.8% in urban areas. Though slightly less impressive, the reduction of multidimensional has been equally significant: using the Multidimensional Poverty Index (MPI) approach (a composite of health, education and living standards indicators), the United Nations Development Programme (UNDP) found that multidimensional poverty fell from 37.6% to 24.1% of the population between 2014 and 2019.

However, general indicators do not tell the whole story. First, income inequality is rising. Measured in Gini coefficient, income inequality stood at 0.458 in 2010, and had risen to 0.499 by 2022 (consumption

inequality increased from 0.321 to 0.334 over the same period). The Government of Bangladesh recognises the need to reduce inequality in the Eighth five-year plan (2020-2025). Inequality is not a necessary consequence of development. And the more general economic progress is equally spread, the faster poverty will be eradicated.

Second, a category of "new poor" is emerging: these are households which are just above the poverty line, have little to no savings, and are therefore highly vulnerable to becoming poor after a shock. A survey on the impact of COVID-19 highlighted this vulnerability: more than three quarters (77%) of those surveyed who were living in urban informal settlements or slum areas and who were not poor but whose income was below the median income level, fell into poverty following the first nationwide lockdown in 2020; and while the initial increase in rural and urban informal settlement areas was similar, the recovery in urban areas has been very slow. Similarly, a 2022 survey in Dhaka by the Bangladesh Institute of Development Studies found that 51% of the people in poverty had recently fallen below the poverty line to become newly poor. In other terms, general progress in poverty reduction remains fragile: many households, especially in urban areas, remain vulnerable to shocks. Against such a background, inflation is a major concern. The Bangladesh Bureau of Statistics (BBS) estimated inflation in April 2023 to be at 9.2% (food inflation was at 8.8%), and real inflation faced by the poorest people, who must spend a higher proportion of their income, is much higher even. The price hikes were consistently mentioned by those whom the Special Rapporteur met with as huge concerns. Inflation is the enemy of the poorest people: eating away at low incomes and rapidly resulting in food insecurity, falling living standards and debt.

This is why, beyond seeking to stimulate economic growth, the Government should focus on strengthening the resilience of households to shocks. And this is why wealth inequality, and not only income inequality, should be addressed.

This can only be achieved by measuring what counts. In his discussions with the Bangladesh Bureau of Statistics, the Agency responsible for the Household Income and Expenditure Survey (HIES), the Special Rapporteur note that the constraints of the HIES preclude detailed area-based poverty mapping, which may limit its usefulness, for instance, to track poverty in geographically isolated areas such as the Chittagong Hill Tracts.

Moreover, while income measures remain important, the next generation of HIES should capture the multidimensional nature of poverty in order to better reflect real progress, and whether households' resilience to shocks is improving. Indeed, SDG Goal 1 requires countries to track poverty for men, women and children in all of its dimensions according to national definitions, and the General Economics Division (GED) has already proposed to develop a national multidimensional poverty measure. During the visit, the Special Rapporteur was informed of a General Economics Division/ UNICEF report using the 2019 MICS survey to look at multidimensional child poverty. Unfortunately, the report has not been published to date, presumably illustrating the sensitive nature of the results. A multidimensional approach would better reflect the conditions and experiences of people in poverty, and would guide efforts not only towards raising incomes to allow for increases in private consumption, but also towards providing public goods to improve standards of living.

In addition, greater disaggregation and the use of human rights indicators would be required to understand how poverty affects different groups. Disaggregation should include age, gender and household type; background (to identify the situation of indigenous groups, ethnic, religious or linguistic minorities); health and disability status; occupation; access to land; migration status; and location (to track differences between urban and rural areas). This would allow to assess whether certain groups of the population are left behind, deserve special attention in public policies and take adequate actions.

III. Preconditions to the fight against poverty

The focus of the visit was on the challenges Bangladesh faces in the fight against poverty and in the realization of economic and social rights. Progress in these areas can only be achieved, however, if

individual, communities, civil society groups and journalists can exercise their freedom of expression and can meaningfully exercise their right to participation in decision-making processes, including to act as watchdogs against corruption and poor governance; if workers' unions are allowed to peacefully protest against violations of workers' rights; if opposition political parties are allowed to propose alternatives; and if human rights defenders can hold both public authorities and non-State actors accountable. Moreover, general economic progress will only be equitably shared if marginalized groups are effectively protected against all forms of discrimination. Finally, the financing of public services and of social protection requires improving the mobilization of domestic resources. These are the preconditions of the fight against poverty.

1. Preserving civic space

In this context, as other Special Procedures of the Human Rights Council and as the High Commissioner for Human Rights during her visit to Bangladesh, the Special Rapporteur is deeply concerned that civic space has been severely restricted in recent years. In particular, the Digital Security Act (2018) has been used to suppress independent thought and voices including on the internet. Human rights defenders, students, activists, journalists, opposition politicians and academics have been harassed, detained and, in some cases, allegedly torture during custody – resulting in death. According to one think tank, in the past four years, a total of 2,889 persons were accused under the law.

The Special Rapporteur was informed by various civil society members about the arbitrary and worrying use of the law to arrest individuals under a wide range of offences – from hurting religious sentiments, criticism on the liberation war, spreading misinformation about COVID-19, or criticizing Government's response and others. Those accused and placed in detention often had to remain in custody for long periods of time until a bail order could be issued by the higher courts.

DSA's section 32 refers to the “Official Secrecy Act” where an individual could be punished with imprisonment for a term not exceeding 14 years, or with fine not exceeding Tk25 lac for “breaching the secrecy of the Government”. This section could potentially curtail debates that may be of public interest. This goes against the spirit of the Right to Information Act (2009). It induces a climate of fear and censorship. It is in violation of article 19(3) of the International Covenant on Civil and Political Rights.

During his visit, the Special Rapporteur was also alerted about the function of the NGO Affairs Bureau as a tool to suppress voices of dissent. The Bureau is accused of de-registering human rights organizations, cutting foreign funding licenses or delaying project approvals or funds to civil society organizations that are deemed anti-government. For instance, the Special Rapporteur was informed about the cancellation of the registration of a local human rights organization by the NGO Affairs Bureau on the basis of “publishing misleading information on extrajudicial killings and enforced disappearances”; this cancellation was upheld by the Prime Minister's Office.

2. Preventing and combating discrimination

Just like the fight against poverty requires space for civil society to operate, it requires that marginalized groups be protected against all forms of discrimination. Bangladesh is home to many linguistic, ethnic, gender diverse and religious minorities, such as Dalits, Adivasis, Urdu speaking Biharis, Bede (nomadic), Hijras and others. It rightly prides itself on its diversity.

During the visit, the Special Rapporteur met with members of the Rabidas community (Dalits) in Kurigram, who explained in great detail the multifaceted nature of the discrimination they face. In Rangpur, he met with Ghatowar, Musohor, Pahari and Turi plainland Adivasi communities.

Both these groups face systemic discrimination. 3.5 to 6.5 million of Dalits live in Bangladesh, representing 3 to 4 per cent of the total population. Neglected and side-lined by dominant communities, the Dalit community has to endure deplorable practices of ‘untouchability’, stigma, violence and social segregation which results in lack of access to education, healthcare, clean water, sanitation and hygiene,

social protection, housing and land. The Special Rapporteur was informed that the community is also confined to jobs deemed inappropriate by dominant castes and classes being restricted to professions of sweeping, cleaning, pig-rearing, day labour, manual scavenging or burying dead bodies.

The total population of the Adivasi community in Bangladesh was reported to be 1,650,159 as per the last Population Census 2022 - a figure that has been disputed by indigenous peoples and leaders. With little access to education and other livelihood prospects, child marriage among Adivasis is a common practice. While the government has a policy to provide a 5% quota in civil service for Adivasis, this quota is applicable to only lower-tier government jobs.

Like the Dalit, many Adivasi people are also unable to access allowances to older persons or to persons with disabilities, as access to such schemes in practice requires positive relations with the local Union Parishad Chairperson or ward councillor. In some cases, they were expected to pay a bribe of 4,000 to 8,000 Tk in order to access welfare schemes.

The Special Rapporteur also met with members of the ‘Urdu’ speaking linguistic minority – Biharis –, who were only granted their citizenship rights in Bangladesh in 2008. Residing in 116 “camps” like settlements in different parts of the country, they live under a constant threat of eviction. And he met with representatives of 230 families of the Telegu colony in Dhalpur, who were forced to abandon their homes without being provided with either compensation or adequate relocation options, thus showing the limited protection provided by the Land Acquisition and Requisition of Immovable Property Act (2017).

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

3. Mobilizing domestic resources

The challenge of mobilizing domestic resources in order to finance public services and social protection will be particularly even more difficult to meet once Bangladesh will lose its preferential access to foreign markets after graduating from LDC status. Its current situation is fragile: the tax-GDP ratio is at a low 7.8%, the rate of non-performing assets in the banking sector is high (at 8.2% as of December 2022), the foreign exchange reserves are declining (USD 10.5 billion as of 22nd March 2023), and rising debt servicing (in BDT terms): by December 2022, Bangladesh’s external debt (both public and private) increased to nearly USD 96.25 billion, and the recent fall in exchange rates makes it more expensive to reimburse.

To provide macroeconomic stability, the International Monetary Fund (IMF) Executive Board approved USD 3.3 billion Extended Credit Facility and the Extended Fund Facility arrangement and a USD 1.4 billion under Resilience and Sustainability Facility for Bangladesh. But this will only bring temporary relief.

The Special Rapporteur puts forward three priorities. First, Bangladesh should strengthen its domestic resource mobilization by moving towards a progressive tax regime. The share of indirect taxes has

remained high from 65-69 per cent of revenue collected (as of February 2022). Bangladesh's over-reliance on indirect taxes must be re-considered in light of rising inequalities, and the tax base allowing for direct taxation should be expanded. Secondly, the tax incentives provided to attract foreign direct investment must be rationalized to avoid their arbitrary use by conducting a regular cost-benefit analysis. Third, concrete steps should be taken to plug revenue lost through trade and customs mis-invoicing. Between 2008 to 2018, Bangladesh on average lost USD 8.27 billion of revenues as a result of mis-pricing the declared value of imports and exports.

IV. Challenges associated with graduation from Least-Developed Country (LDC) status

Bangladesh is to graduate from LDC status in 2026. While such graduation acknowledges the significant progress achieved since independence, it will also lead to the loss of certain trade preferences, which will only be partially compensated by the conclusion of new trade agreements such as those already concluded with Bhutan and Sri Lanka. The implication is that the country cannot persist in seeking to grow exports by improving cost-competitiveness alone, but that it must instead diversify its exports, climb up the value chain by investing in a more qualified workforce and by building human capital through improved health and education, and gradually move to a form of development stimulated less by growing exports than by strengthening domestic demand, which requires investing in social protection. The Special Rapporteur addresses these issues in turn.

1. Workers' rights

The Special Rapporteur met with unions and workers, including informal workers. Informal workers are 85% of the workforce, and most are women. The Bangladesh Labour Act (BLA) of 2006 does not protect these workers. Working long hours in precarious conditions, these workers are particularly vulnerable to abuse. Some are streetworkers, subject to harassment by local goons and police. Many are likely to be unaware about any welfare schemes or legal aid existing for them. While the paragraphs below focus on other categories of vulnerable workers, the transition from the informal to the formal economy, and immediately extending the BLA's provisions on minimum wage, on health and safety at work and on working hours to informal workers, should be priorities.

The ready-made garment (RMG) sector

The ready-made garment (RMG) sector accounted for 82% of Bangladesh's export revenues, and employed more than 4 million workers in 2022. The success of Bangladesh in this sector could inspire other sectors of the economy as the country seeks to diversify its exports. Yet, this success should not be at the expense of workers' rights, particularly of the right to a fair remuneration and of union rights, addressed respectively in articles 7 and 8 of the International Covenant on Economic, Social and Cultural Rights (CESCR). An export strategy based on repressing wages and restricting workers' rights would be bound to fail, as global supply chains are monitored more closely, and as buyers are imposed due diligence obligations in global supply chains.

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

In parallel, the Alliance for Bangladesh Worker Safety was established, as a non-binding initiative led by American brands, which put in place mechanisms for inspection and remediation. In addition, 437 factories of the RMG sector (employing in total more than 1,250,000 workers -- more than one quarter of the total workforce within the RMG sector) are now covered under the Better Work Bangladesh Program, a programme led jointly by the ILO and the International Finance Corporation (World Bank Group). The programme provides advice and training, and allows for unannounced inspections, to ensure compliance with international and domestic labour standards.

While such initiatives should not be considered a substitute for the labor inspectorates in Bangladesh effectively monitoring compliance with labour legislation, including occupational health and safety rules, improvements are real. Yet, significant gaps remain. The effectiveness of the ILO-IFC Better Work Programme is limited, since the assessment reports prepared are shared with the management of the factories subject to inspection, but not with the workers' representatives. As regards the International Accord, some major international brands have not joined, because they are unwilling to pay for the remediation efforts of suppliers or because they wish to continue to source garment products from suppliers who do not faithfully implement remediation action plans: they include Levi's, J.C. Penney, Gap, IKEA, Wal-Mart, Timberland, Abercrombie & Fitch and Decathlon. The RSC moreover has a tripartite membership comprising international brands, employers and workers' representatives, which results in the latter group being systematically placed in a minority position: this should be addressed by transforming the RSC into a quadripartite body, involving also the IndustriALL global union.

The RSC also could be tasked with protecting the bargaining space for unions and employers, by ensuring union rights are fully respected. This should be a priority. Bangladesh ranks among the ten countries that are the worst for workers, according to the 2022 ITUC Global Rights Index. Since 2016, workers' protests, particularly when demanding higher wages or the payment of overtime work, were met with repression, which had a chilling effect on the organising of workers and on the exercise by workers of their freedoms of expression and to peacefully demonstrate. During his visit, the Special Rapporteur heard from various sources that registration of unions faced important hurdles: while more than 1,100 union registration were filed between 2010 and 2021, 46% were rejected. The repeated violations of union rights led the ITUC to file a complaint against Bangladesh under Article 26 of the International Labour Organisation (ILO) Constitution, calling for a commission of inquiry to investigate working conditions. This has led the Government of Bangladesh to prepare a time-bound roadmap, in consultation with employers and unions, to address anti-union discrimination, unfair labour practices, violence against workers, and the need for better wages and social protection.

Indeed, the most significant gap both in the International Accord and in the ILO-IFC Better Work Programme is that these initiatives provide little room to question the choice of Bangladesh to repress wages in order to maintain its cost-competitiveness in global markets.

Under Article 7 of the CESCR, all workers have a right to a remuneration which provides them, as a minimum, with fair wages and a decent living for themselves and their families. This requires that the level of wages "be determined by reference to outside factors such as the cost of living and other prevailing economic and social conditions", to ensure it is "sufficient to enable the worker and his or her family to enjoy other rights in the Covenant, such as social security, health care, education and an adequate standard of living, including food, water and sanitation, housing, clothing and additional expenses such as commuting costs". In other terms, workers should be provided, at a minimum, with a "living wage". Yet, in the absence of union rights (including rights to collective bargaining) in Bangladesh, unions are unable to negotiate an adequate remuneration, and the level of the minimum wage as set by the Minimum Wage Board primarily seeks to preserve the competitiveness of the Bangladeshi RMG export sector.

The last revision of the minimum wage in the RMG industry took place in 2018, when it was set at 8,000 Tk per month. While, in nominal terms, this is a 380% increase since 2006 (Tk 1666.50), the increase in real terms was around 157% (since combined inflation during that period was 86,64%). This increase however appears widely insufficient to ensure an adequate standard of living to the workers in the RMG

sector: the unions demand that the minimum wage be set at 23,000 Tk, and based on a study of the income and expenditure patterns of 300 RMG workers from 63 factories, the Asia Floor Wage Alliance estimated that a working person in Bangladesh should earn at least 51,994.51 Tk monthly to be able to support a family. The minimum wage also is revised too irregularly to effectively protect workers from increases in the costs of living. And it is routinely ignored in the so-called "non-compliant" factories -- about 3,500 production units that serve as sub-contractors to the major "compliant" production units.

The buyers -- the international brands -- are overwhelmingly responsible for this situation. Their buying policies have systematically led factory owners in Bangladesh to cut down on expenses, in particular on wages, or to rely on sub-contractors imposing sub-standard working conditions, in order to stay in business. This was most recently brought to light during the COVID-19 pandemic. With the outbreak of the pandemic, brands cancelled or refused to pay for orders in production or already made, leaving factory owners unable to pay their workers: in March 2020 alone, 150 factories closed (temporarily) and an estimated 147,000 workers did not receive their wages that month; wage and severance theft increased rapidly as a result, in the first 13 months of the pandemic garment workers lost USD11.85 billion in income.

This kind of irresponsible conduct is not new. A 2016 ILO global survey of suppliers already showed more than in any other country, suppliers in Bangladesh were being forced to make unsustainable concessions to buyers: 52% of suppliers from Bangladesh (across different sectors) reported that they accepted orders below production costs because of buyer pressure. A 2019 Human Rights Watch report documented the various forms of pressure buyers exercised on suppliers to drive down prices or produce faster. The report showed how low purchase prices and shorter times for manufacturing products, delays in providing necessary order specifications or approvals or sudden changes to order volumes, the imposition of unfair penalties on suppliers, and poor payment terms, make it difficult for suppliers to increase wage levels or to pay overtime work: "Many brands demand their suppliers maintain rights-respecting workplaces", the report noted, "but then incentivize them to do the opposite". More recently, data from the United States of America Government Office of Textile Apparel, analysing 10 of the Bangladesh's most important exports for 2020, comparing their free-on-board (FOB) prices with those their 10 biggest competitors for each product, show that suppliers in Bangladesh (as well as their competitors in other countries) are consistently paid below world average prices: for instance, Bangladeshi RMG firms are paid 9.2% less than the average world prices for men's woven cotton trousers, 7.2% less for men's cotton jeans, 14% less for women's cotton jeans, or 26.5% less for men's woven cotton shirts.

The Special Rapporteur draws three conclusions from these studies. The first conclusion is that there is ample room for Bangladeshi RMG suppliers to charge higher prices to their clients, and to increase wages even more significantly, taking into account that labour costs represent a small fraction of FOB prices, and an even smaller fraction of the prices paid by the end consumer.

The second conclusion however, is that they will only be able to effectively do so, thus guaranteeing the right to a living wage and just and favourable working conditions, if the buyers are held responsible, and their purchasing practices are more closely monitored. The UN Guiding Principles on Business and Human Rights provide that businesses "act with due diligence to avoid infringing on the rights of others and to address adverse impacts with which they are involved", a requirement also reiterated by the UN Guiding Principles on Extreme Poverty and Human Rights. Buyers should assess the impacts of their purchasing practices on the incentives of their suppliers to pay living wages and to ensure just and favourable conditions of work to their workers. The Organisation for Economic Co-operation and Development Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector recommends that a company track its purchasing practices using indicators that include, for example, "percentage of orders placed late, percentage of orders changed after order is placed, number of days between the last change and shipment". In order to ensure that due diligence requirements are effectively monitored, the brands should publish the names and other details of their supplier factories on a regular basis in accordance with the Transparency Pledge. They should also request from their suppliers to be provided with information about their sub-contractors, and publish that information:

suppliers otherwise may be tempted to circumvent their duties by sub-contracting, with buyers turning a blind eye away from such practices provided the prices are kept low.

Third and finally, the Government of Bangladesh can support these changes by increasing the minimum wage in the garment sector as well as in other sectors through a more comprehensive minimum wage policy, to favour a "race to the top" of suppliers, rather than tolerating a situation in which supplier undercut each others' efforts to improve the wages and working conditions of workers by cutting down on costs.

Bangladesh can and must move away from its low-wage trap. But long-lasting improvements require that economic incentives and the regulatory framework are aligned.

Export-Processing Zones and Special Economic Zones

Bangladesh currently has eight export-processing zones (EPZs) in place. EPZs were originally launched in 1984. They currently host 452 export-oriented foreign investors, employing an estimated total 486,000 workers. It is also seeking to increase the number of special economic zones (SEZs), to reach an anticipated total of 97 such zones in the next few years. Some of these SEZs are developed for investors from specific countries and some are built as public-private partnerships, in which the area allocated is developed with a private investor. Finally, four Electronic High-Tech Parks have been established, hosting a total of 9 companies.

These strategies to attract investment present specific challenges. Companies operating within the EPZs are exempted from the Bangladesh Labour Act (BLA) 2006. Instead, they are governed by the Economic Processing Zones Labour Act 2019, which prohibits the formation of or membership in trade unions. This is in violation of ILO Convention No. 87 (Freedom of Association and Protection of the Right to Organize) and ILO Convention No. 98 (Right to Organize and Collective Bargaining), both of which are binding on Bangladesh. EPZ workers have certain limited rights to organize and create workers welfare associations, but these associations are prohibited from joining with non-governmental organizations who could support workers' rights.

In contrast, the BLA 2006 does apply in SEZs. Companies investing in SEZs (which may attract both foreign and domestic investors) are guaranteed a number of tax advantages, including a complete exemption from corporate income tax during the initial three years (and a partial exemption, from 80% to 20%, between the 4th and the 10th year); 100% exemption from dividend tax and capital gain tax during 10 years; 100% exemption from VAT on gas, electricity and water; 100% exemption from income tax on royalties, technical know-how and technical assistance fees; and so forth. Dividends and the proceeds from sales can be repatriated without limit.

The main question these incentives benefiting companies investing in SEZs raise is whether such zones allow Bangladesh to comply with its duty to ensure the progressive realization of economic, social and cultural rights "to the maximum of its available resources", as required under article 2(1) of the CESCR. The aim is to create jobs, and to increase the volumes and value of exports. But the loss of public revenue is significant, and significant opportunities for linkages to the local economy are missed.

Migrant workers

Bangladesh exports garments; it also exports workers. In 2022 alone, 1.1 million Bangladeshis left the country, with most going to Gulf Cooperation Council (GCC) countries. Remittance flows are important: in 2022, USD 22 billion worth of remittances returned to the country, representing 6.2% of national GDP. Most of these migrant workers are from low-income backgrounds, and easily subject to abuse by intermediary recruiters, the 'Dalal', who sometimes make false recruitment promises to prospective migrants. Some migrants discovered upon arrival in the country of destination that no work was provided, or that, whereas work was advertised as being in the entertainment sector, the true destination was either as labourers or within brothels.

The Special Rapporteur makes two recommendations. First while the recruiting agencies which procure workers should be much better regulated, in particular to ensure that the workers are fully informed about the working conditions in the countries of destination, and to ensure adequate reparation if, after having been provided a visa and travelling to a destination, the workers are not provided with the employment as promised.

Second, if the bilateral agreements on migrant workers (as have been concluded, for instance, with Jordan or Saudi Arabia) are to improve the protection of such workers, any new agreement in the future or any renewal of existing agreements should include the condition that the country of destination ratifies and effectively implements the 1990 International Convention on the Protection of the Rights of All Migrant Workers and the Members of their Families and the 2011 ILO Domestic Workers Convention (No. 189); and that it abolishes the kefala system attaching the worker to a specific employer in the country of destination.

2. Education

Rates of primary enrolment in Bangladesh are high, supported by free public education and the Primary Education Stipend. Dropout rates increase, however, as children move through the stages of secondary education, and children from low-income backgrounds are disproportionately affected: 19% of children (and 45% of the poorest children) had dropped out of school by the time they reach upper secondary level. These figures, moreover, are silent about the quality of the education received: by the end of lower secondary education, only 54% of girls and 55% of boys had achieved the minimum proficiency in reading Bangla.

The families the Special Rapporteur overwhelmingly expressed a preference for sending children to private schools, since public schools are of lower quality. As a result of this gap, social segregation increases: only those who could not afford private schools (even where fees were modest) remained in public schools. Some schools, while privately run (and charging a fee), are subsidised by the State through the Monthly Pay Order: this funding by the State of teachers' salaries in parts of the private sector is at the cost of bringing improvements to the public system.

Poverty, the affordability and quality of schooling and the context in which children are growing up determine how long children remain in school. Members of marginalised communities explained to the Special Rapporteur how children were being withdrawn from school for child marriage and labour, because of poverty: as children grow, the direct and opportunity costs of schooling become hard for families to manage. There are 38 million child brides in Bangladesh, 32.4% of which were married before the age of 15; 51.4% of Bangladeshi girls are married by 18 and 15.5% by 15 years, with serious implications for health, opportunities and wellbeing. The Special Rapporteur met with people living in informal settlements who were struggling to pay the costs of sending boys in school, and who also needed them to work. Child labour remains common in industries such as the leather processing industry and presents concerns both for education and for the health hazards children run. The Secondary School Stipend is an important tool to help keep children in school for longer, but it obviously fails to overcome the problem of early dropout. To achieve this, improving the quality of the education provided in public schools and creating employment opportunities to provide a motivation to learn should be priorities, alongside ensuring free access to education.

3. Healthcare

The health of the Bangladesh population has markedly improved in recent decades. Maternal mortality stood at 447 women dying per 100,000 live births in 2000; by 2020 this was 163 women. Child stunting under 5 years stood at 45% in 1999-2000; by 2019 this was lowered to 28%. Mortality under 5 years has halved between 2000 and 2019 (from 76 to 38 children per 1000 live births). The Government of Bangladesh has built 13,000 Community Clinics, to improve access to basic health care in rural areas.

Low-income households nevertheless still struggle to meet their healthcare costs: residents in informal settlements in Dhaka for instance identified the costs of ill-health as the third largest expenditure for households (after rent and food), with obvious potential for catastrophic impacts on debt and household economies; and out-of-pocket spending on health care as a share of current health spending increased from 61.8% in 2000 to 74% in 2020, reflecting in part the use of elite private medicine by the richest people, but providing also an indication of an increasingly dualized healthcare system -- expensive and quality healthcare for the wealthy, combined with free but low-quality healthcare for the poor.

Priority should be given to expand access to public healthcare in urban areas as well as the package of medical conditions for which public care is available. While public health care is free at the point of delivery, the Special Rapporteur heard examples from those in poverty in urban areas of people going to pharmacies rather than medical clinics because they could not afford to miss work or pay for transportation. He also heard of middlemen in hospitals who would manage access to services for a fee. He was therefore encouraged to hear from the Ministry of Health & Family Division about the planned expansion of free healthcare in urban areas.

4. Social protection

The right to social security is currently implemented, poorly, through a patchy set of 119 schemes falling under the responsibility of a range of ministries. Coordination across the schemes is weak: there is, for instance, no single household registry, so that a number of databanks of beneficiaries coexist. Most benefits are low, providing inadequate levels of protection. Coverage is highly uneven across schemes, and targeting is generally weak, with significant risks of underinclusion. This is an area that requires urgent reform and where significant improvements can be expected, as acknowledged in both the 2015 National Social Security Strategy (NSSS) and in the five-year action plan 2021-2026.

The starting point should be to increase the budgetary allocations to social security. The budget allocated to social security has risen in recent years both in absolute terms and as a share of the overall budget, reaching 3.0% of GDP or 16.8% by 2020/21. But spending remains low compared with need. Social security systems cover around 28.7% of the population. This was acknowledged by the Government of Bangladesh in its discussions with the IMF. Moreover, whatever spending there is is poorly related to the needs across the population: 36% of the whole budget served just 0.45% of the population, the lion's share going to the pensions of civil servants (which absorbed more of the budget in 2019/20 than the social assistance schemes combined); in contrast, while children under 5 are 9% of the population and 13% of those in poverty, they only receive 2% of the budget. Finally, while the government conducts a gender responsive budgeting exercise, the impacts remain to be seen.

The Government acknowledges many of these problems. And there are promising signals. A proposal for a child benefit for young children exists within the National Social Security Strategy. Legislation was recently passed to extend pension rights beyond civil servants to the wider population. The Government to Person (G2P) system, which aims to reduce leakage by ensuring electronic payment, is operating in programmes such as the Old Age Allowance and the Widow and Destitute Women Allowance.

To accelerate progress in the eradication of poverty, spending levels on social security must rise, a life-cycle approach to establishing social protection floors should be adopted (covering the main life risks from maternity benefits and child allowances to old age pension), and coverage of the poorest groups must be improved: priority given to children, to low-income households in urban areas, and to the victims of climate change -- as detailed further below, this could be done by designing a specific scheme to that effect. Social protection should not be seen as simply a cost. It strengthens the resilience of households, it allows the economy to better withstand sudden crises, and it is an investment in the human capital of the Bangladeshi population with potentially high returns in the long term.

A major challenge, however, is to reduce the discretionary power of officials in allocations, which currently is a major source of mistargeting and discrimination. The Special Rapporteur met with

numerous households who have sought to access schemes such as the Vulnerable Group Feeding scheme and the Employment Generation Program for the Poorest. While they usually knew about the existence of schemes, many of those who appeared likely to be eligible were not receiving support and frequently reported delays and non-response to applications for support. Online applications were possible in principle, but encountered many obstacles in practice, forcing potentially eligible beneficiaries to visit an administration in order to request inclusion, often against payment of a small bribe.

Barriers for those who came from the most socially marginalised groups, such as the Adivasi or Dalits, appeared greater, suggesting an additional layer of exclusion. A number of people the Special Rapporteur spoke with, particularly climate migrants having moved from rural areas to the capital city, noted that the lack of the National Identity card, or the presentation of an identity card which was registered in a previous (rural) address meant they did not receive support. Bangladesh's urban poor population is highly mobile: access to social security should depend on need and not on where someone is from originally.

While the Special Rapporteur heard examples where officials and representatives had helped people gain support without asking for anything in return, he repeatedly heard examples of bribes being asked by representatives of Upazila committees, by union council members, or especially by ward councillors for applicants to be put on the list. Where bribes could not be paid this resulted in a denial of support. Such "entry payments" for social programs are a source of political clientelism. They lead to leakage and to the capture of the process by local elites.

Such abuses, in a way, are inherent to a system in which access to this limited budget is managed in a very discretionary way by these local tiers of governance. Yet, these are costs to the State which it can ill afford. While digitalization may help, it is not without its own challenges. Improving transparency by mechanisms such as open listing of programme recipients could also help overcome risks of elite capture and nepotism. It was also notable that when marginalised communities had accessed programmes this was often with the advocacy of local NGOs and community mobilizers able to make connections, overcome barriers and challenge decisions. Serious attention and review should be given to the way programmes are targeted at the local level, both to ensure those who most need programmes receive them and to increase transparency to help overcome the risks of corruption, elite capture (and consequent favouritism) and leakage.

V. The Rohingya refugees

As part of his visit, the Special Rapporteur traveled to Cox's Bazar, where he met with members of the Rohingya community. About 950,000 Rohingya refugees now live in 33 camps in Cox's Bazar, while a further 30,000 have been moved to the island of Bhasan Char. Most of these refugees fled genocidal attacks in 2017.

The Special Rapporteur was shocked at what he saw. The Rohingya are entirely dependent on humanitarian support to meet their basic needs, including food, since they are denied the right to work. Yet, the UN agencies and non-governmental organisations supporting them find it increasingly difficult to obtain funds to allow them to maintain existing levels of support. The 2023 Joint Response Plan (JRP) calls for USD 876 million to support both 977,798 Rohingya refugees in Cox's Bazar and Bhasan Char, and 495,431 vulnerable Bangladeshis living in Ukhiya and Teknaf Upazilas. But the response of the international donors has been largely insufficient: at the time the visit took place, only 17% of the appeal (launched in March) had been responded to. As a result of this financing gap, the World Food Programme has had to cut the value of its food vouchers in March 2023 from \$12 USD to \$10 USD per month per person, and the value will be cut further to \$8 USD in June.

The organisations working to support the refugees deserve praise for their work, and Bangladesh should be commended for its generosity in providing hospitality to almost one million refugees. Yet, the failure of the international community to respond to the JRP and the unwillingness of the Government of Bangladesh to allow the Rohingya to pursue income-generating activities are preparing a humanitarian

disaster. As a result of the cut in food ratios, undernutrition and malnutrition will increase, translating into higher stunting rates for children. Immunity to diseases will decline.

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

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

In order to support access to income-generating activities to the Rohingya, one possibility would be to launch, with the technical support of the ILO, a public works programme focused on infrastructure building for climate change adaptation -- for instance, to combat erosion of river banks, or to build ditches and catchment areas to reduce the impacts of floods. Funding for such a programme could be easier to obtain from donors since developed countries have committed to jointly mobilize USD100 billion per year to address the pressing mitigation and adaptation needs of developing countries -- a target that should have been reached already in 2020 --, and that adaptation (including the building of climate-resilient infrastructure) remains even more severely underfunded than mitigation actions by the Green Climate Fund. Bangladesh deserves much more support than it is receiving in this area: it is high time that its generosity in accepting the arrival of refugees be matched with higher levels of international solidarity.

VI. Climate change

The Special Rapporteur met with climate migrants in Kurigram, living in the coastal islands known as "chars" and in low-lying areas, who described the challenges associated with regular displacement and disruptions.

Bangladesh contributes less than 0.48% of global greenhouse gas emissions. Yet, the 2021 Global Climate Risk Index ranks Bangladesh as the seventh worst-affected country by extreme weather events: this is one of the reasons why the Special Rapporteur on climate change and human rights, Mr Ian Fry, dedicated his first visit Bangladesh, where he was from 4 to 11 September 2022.

More than half of the population – approximately 90 million Bangladeshis – live in high climate exposure areas, from which 53 million are subject to very high exposure. Three climate risks are

particularly significant. Country-wide droughts hit the country every five years on average. Secondly, the southwestern coastal belt, which has long suffered from saline intrusion and waterlogging, now registers higher water salinity due to the rising sea level rise. The country's low-lying topography makes it particularly at risk of rising sea levels, cyclones, and floods. Two-thirds of the country is less than 15 feet above sea level, and nearly one-third of the population lives by the coast: massive displacements are already occurring from coastal regions into urban areas. Finally, due to the erratic and always more intense downpours that rise the Ganges-Meghna-Brahmaputra River Basin to supercharged water levels, more floods will occur in the future in the Northern areas: river erosion already displaces between 50,000 and 200,000 people every year.

The population's climate-sensitive livelihoods relying on crop farming, livestock production, and fishing, as well as the poor-quality housing and infrastructure in rural and urban areas, make Bangladesh particularly sensitive to climate change. As a result, climate migration within the country will increase. As of December 2021, over 10 million Bangladeshis were already considered climate refugees, and one out of seven people in Bangladesh are expected to be displaced by climate change by 2050.

People in poverty will be affected the most. A Vulnerability Assessment conducted by BBS concluded that the damage and losses resulting from disasters in disaster-prone areas in 2022 could amount to 97.17% of their income, on average, for the bottom quintile of the population (with an average annual income of 31,100 Tk), while it is only 9.33% for the top quintile (with an average income of 722,903 Tk). In other terms, the poorest 20% are 10.4 times more vulnerable than the richest 20%: almost all the income of the former group is wiped out by the impacts of disasters, whereas the latter group are much better able to withstand the shock. The poorer you are, the more you lose as a proportion of your income.

The Special Rapporteur highlights three challenges in particular. The first challenge is that of internal migrants. Up to 50% of those currently living in Bangladesh's urban slums may be there because they were forced to flee their rural homes as a result of riverbank flooding, and 70% of Dhaka's slum-dwellers are environmental migrants. These climate refugees are forced to settle into densely populated urban slums lacking adequate housing conditions, sanitation services, and economic opportunities. They also lose their social connections and the solidarity networks on which they could rely in times of hardship. Finally, at least initially, they are not considered residents in their new places of arrival, and they cannot vote: they are therefore less likely to be able to convince the ward councillor to provide them with support by including them on the list of beneficiaries of social programmes. This deprives them of social support at the very juncture when they would need it the most. Those that have migrated are internally displaced persons as defined in the Guiding Principles on Internal Displacement. They therefore have a right to be supported by the State both as they seek to return and, until they return, wherever they may be found.

The second challenge is the inadequacy of social protection schemes as they currently exist. The schemes under the Ministry of Disaster Management and Relief intended to protect climate migrants should be strengthened. The National Adaptation Plan for Bangladesh (2023-2050) presented in October 2022 does include a reference to livelihood security as one of its objectives. It states in this regard: "Social safety net coverage should be increased through blending traditional initiatives such as KABIKHA (food for work), *ad hoc* cash transfers, funds for dry food and rehabilitation of houses, and emergency medication during and after a disaster. Innovative initiatives include government-subsidized insurance-based risk recovery mechanisms, the establishment of climate-resilient houses [...], low-interest loans, etc. This remains short, however, from providing a social insurance against the risks induced by climate change, financed with taxpayers' money: Bangladesh could by example in establishing such a scheme, seeking inspiration from other forms of adaptive social protection.

The third challenge, finally, is to design a disaster risk reduction strategy consistent with the Sendai Framework for Disaster Risk Reduction 2015-2030, but grounded in human rights. While the Sendai Framework cites human rights as part of its guiding principles, a truly human rights-based disaster risk reduction strategy would require that priority is given to the most vulnerable in the management of extreme events such as droughts, floods, or cyclones; that the measures taken will be informed by the

view of those affected; that the beneficiaries of such measures are clearly defined, in conditions that comply with the principle of non-discrimination and that define the beneficiaries as rights-holders to whom the governmental agencies in charge of implementation are accountable.

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

VI. Conclusions and recommendations

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

1. Long-lasting progress in the fight against poverty requires improved accountability, and an ability for human rights organisations and other actors to operate freely. It also requires protecting the most vulnerable from the various forms of discrimination they are subjected to. And it requires further mobilization of domestic resources. The Digital Security Act should be suspended. The anti-discrimination legislative framework should be adopted. And tax reform should allow to increase public revenue by expanding the tax based and increasing the proportion of public revenue that comes from direct taxation.

2. While Bangladesh seeks to diversify its economy and in particular its exports, it also should improving working conditions and wages in the RMG sector and beyond. There is ample room for increasing the minimum wage. In the interest of their own reputation, the international brands must accept their responsibilities in this regard, and support both higher wages and a better respect for union rights. The right to form and join unions and collective bargaining should also be allowed in EPZs.

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

4. Until the conditions for repatriation are met, the human rights of the Rohingya refugees should be respected where they are. In order to alleviate the burden on humanitarian actors, they should be recognized the right to take up employment and to pursue income-generating activities. The international community has both a moral and a legal duty to respond to the Joint Response Plan that has been presented for 2023.