



Submission to the UN Committee on Economic, Social and Cultural Rights in Advance of its Review on Bangladesh

February 2018

We write in advance of your upcoming review of Bangladesh's compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Human Rights Watch has extensively documented human rights violations in Bangladesh relating to neglect in the government's response to arsenic contamination of drinking water, and exposure of workers and residents to untreated chemical effluent from the Hazaribagh leather tanneries in Dhaka. Human Rights Watch has also documented rights abuses adversely affecting Bangladeshi garment workers as well as migrant domestic workers. Child marriage as well as discriminatory personal laws hamper women's and girls' health and lives. Additionally, we wish to highlight the importance of adequate access to sexual and reproductive health care for ethnic Rohingya women and girls, access to education for refugee Rohingya children in Bangladesh, and encourage Bangladesh to endorse the Safe Schools Declaration.

Environmental Health (Article 12)

Arsenic Contamination

Arsenic occurs naturally in Bangladesh's groundwater and contaminates the drinking water of many millions of Bangladesh's rural poor. Bangladesh has failed to address this decades-long problem. An estimated 20 million people in Bangladesh still drink water contaminated over the national standard. Our April 2016 report *Nepotism and Neglect: The Failing Response to Arsenic in the Drinking Water of Bangladesh's Rural Poor* documents how Bangladesh's health system largely ignores the impact of exposure to arsenic on people's health. In response to our report, the national minister of local government told the media that no one in Bangladesh currently suffers from arsenic poisoning.

According to a 2012 World Health Organization (WHO) study, 43,000 people die each year from arsenic-related illness in Bangladesh. The same study estimates that depending on the progress of ending arsenic exposure, between one to five million children estimated to be born between 2000 and 2030 will eventually die of diseases caused by exposure to arsenic in drinking water.¹ The government identifies people with arsenic-related illnesses primarily via skin lesions, although the vast majority of those with arsenic-related illnesses do not develop such lesions. Those exposed are

¹ Sara Flanagan, Richard Johnston, and Yan Zheng, "Arsenic in tube well water in Bangladesh: health and economic impacts and implications for arsenic mitigation," *Bulletin of the World Health Organization*, vol. 90(11) (2012), pp. 839-846.

at significant risk of cancer, cardiovascular disease, and lung disease, but many receive no health care at all.²

Government wells are vitally important in arsenic-affected areas of Bangladesh: deeper wells drilled down approximately 150 meters into the ground often supply water without arsenic. They can provide drinking water for hundreds of people. Deep government wells are a potentially life-saving public good, but they are too expensive for most families in rural villages in Bangladesh to install by themselves. However, some politicians are diverting these life-saving public goods to their political supporters and allies. Such political diversion is enabled by national policy: at the end of a long explanation of who, ideally, should get the water, a government policy states: “50% of the sites for allocation [of new wells] should be finalised after discussion with the relevant member of parliament of that area.”³

In February 2017, three United Nations special rapporteurs published a joint letter raising the concerns that they had sent to the government the previous year, but the government has yet to respond.⁴

Human Rights Watch recommends the Committee ask the government of Bangladesh:

- Do any government projects for the installation of government wells have an official policy enabling political representatives (members of parliament, upazila (sub-district) chairmen, or others) to influence the locations of government water points? If so, what is the justification for such policies?
- What steps, if any, have been taken to implement the provisions of the government’s 2005 “pro-poor policy for the water and sanitation sector” in a way that avoids political representatives (members of parliament, upazila chairmen or others) rewarding political allies or political supporters with government water points?
- What steps, if any, does the Ministry of Health and Family Welfare take to ensure that people who do not manifest skin lesions, but who have other arsenic-related health conditions, are included in the calculation of “arsenic patients” published in the ministry’s annual Health Bulletin?
- How has the Ministry of Health and Family Welfare integrated possible arsenic exposure into other screening and treatment protocols, including but not limited to cancers (of the skin, liver, kidney, bladder, and lungs), cardiovascular disease, respiratory disease, diabetes, and hypertension?

Human Rights Watch asks the Committee to call upon the government of Bangladesh to:

- End any official or de facto policy or practice whereby political representatives (members of parliament, upazila (sub-district) chairmen, or others) influence the locations of government water points;
- Immediately prioritize a dedicated and comprehensive arsenic mitigation project specific to all administrative unions already identified as “very high” and “high” priorities for action.

² Human Rights Watch, *Nepotism and Neglect: The Failing Response to Arsenic in the Drinking Water of Bangladesh’s Rural Poor*, April 2016, <https://www.hrw.org/report/2016/04/06/nepotism-and-neglect/failing-response-arsenic-drinking-water-bangladeshs-rural>.

³ *Ibid.*, Annex 1.

⁴ Human Rights Watch, *World Report 2018* (New York: Human Rights Watch, 2018), Bangladesh chapter, <https://www.hrw.org/world-report/2018/country-chapters/bangladesh>.

Include measurable and time-bound goals to reduce exposure in these areas, with independent third-party quality control to assess results of the project;

- Initially for district hospitals and upazila-level healthcare centers covering administrative unions identified as “very high” and “high” priorities for action, and then in other areas of the country, develop and implement improved surveillance, treatment, and care programs for chronic diseases known to be caused by arsenic, including but not limited to cancers, cardiovascular disease, respiratory disease, diabetes, and hypertension.

Occupational and Environmental Health (Articles 7, 10, 12)

Hazaribagh Leather Tanneries

The government of Bangladesh has consistently failed to enforce labor or environmental laws in Hazaribagh, a residential area of Dhaka that is also home to a cluster of some 150 leather tanneries, and thus failed to protect the right to health of workers and residents. In our October 2012 report *Toxic Tanneries: The Health Repercussions of Bangladesh’s Hazaribagh Leather*, Human Rights Watch documented the occupational health and safety crisis among tannery workers, both men and women, including skin diseases and respiratory illnesses caused by exposure to tanning chemicals, and limb amputations caused by accidents in dangerous tannery machinery.⁵

Human Rights Watch interviewed children, some as young as 11, who worked in tanneries. They were engaged in hazardous work, such as soaking hides in chemicals, cutting tanned hides with razorblades, and operating dangerous tanning machinery.⁶

Residents of Hazaribagh slums reported illnesses such as fevers, skin diseases, respiratory problems, and diarrhea, caused by the extreme tannery pollution of air, water, and soil. The tanneries produce environmentally hazardous waste containing chemicals such as sulfur, ammonium, and chromium.⁷

Hazaribagh tanneries operate in an enforcement-free zone in which they are subject to little or no government oversight with regard to environmental regulations or labor laws, as government officials readily admit. As a result of this inaction—which is due to a de facto policy not to implement environmental laws in Hazaribagh, and a labor inspectorate that lacks manpower and prioritizes good relations with management—workers and local residents continue to reside and labor in a noxious, foul-smelling environment that damages their health.⁸

In 2017, the government began to relocate about a third of the approximately 150 tanneries out of Hazaribagh, to a dedicated industrial zone in Savar just outside of Dhaka. However, many continue to operate in Hazaribagh, in contravention of multiple High Court orders, most recently in March 2017. In November 2017, the government announced that the move to Savar had been delayed again

⁵ Human Rights Watch, *Toxic Tanneries: The Health Repercussions of Bangladesh’s Hazaribagh Leather*, October 2012, <https://www.hrw.org/report/2012/10/08/toxic-tanneries/health-repercussions-bangladeshs-hazaribagh-leather>.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

and would not be completed until 2019.⁹ The extent of enforcement of labor and environmental laws in the leather tanning cluster in Savar is unknown.

Human Rights Watch recommends the Committee ask the government of Bangladesh:

- Provide details on the total number of Hazaribagh tanneries visited by inspectors from the Department of Inspection for Factories and Establishments, including any Hazaribagh tanneries charged by the department before the Labour Courts regarding infringements of the Labour Act (2006). If no Hazaribagh tanneries have been charged by the department before the Labour Courts regarding infringements of the Labour Act, please specify why not.
- Does the government of Bangladesh have, in law or in fact, a policy to not enforce environmental laws or regulations against any Hazaribagh tannery? If so, please explain the date this policy was adopted, the precise terms of this policy, and the rationale for this policy. Please also explain the legal grounds that permit the government to adopt such a policy.

Human Rights Watch asks the Committee to call upon the government of Bangladesh to:

- Take immediate and sustained action to enforce compliance by all tanneries in Hazaribagh and Savar with the Labour Act, including the provisions on worker health and safety; all paid leave including sick leave; compensation for injuries (including occupational diseases); and effective disposal of waste and effluent;
- Order all remaining Hazaribagh tanneries to immediately begin relocating outside Dhaka city;
- In accordance with Bangladesh’s Environmental Conservation Act (1995) and Environment Conservation Rules (1997), ensure that all tanneries (including relocated ones) have an environmental clearance certificate for industrial units categorized as “red” (i.e. heavily polluting) from the Department of Environment, or close them down.

Protecting Students, Teachers, and Schools (Article 13)

In the days preceding the January 2014 election, unknown assailants torched dozens of schools intended to be used as polling stations in Bangladesh. Government ministers said that 553 schools and educational institutions were damaged during this election-related violence.¹⁰

A 2012 International Work Group for Indigenous Affairs report on the human rights situation in the Chittagong Hill Tracts documented the destruction of a school by the Bangladeshi army, the burning of schools by armed settlers, and the expropriation by the army of a school built by the international organization World Vision.¹¹

⁹ Human Rights Watch, *World Report 2018*, Bangladesh chapter.

¹⁰ Human Rights Watch, *Democracy in the Crossfire: Opposition Violence and Government Abuses in the 2014 Pre-and Post-Election Period in Bangladesh*, April 2014, <https://www.hrw.org/report/2014/04/29/democracy-crossfire/opposition-violence-and-government-abuses-2014-pre-and-post>.

¹¹ International Work Group for Indigenous Affairs, “Militarization in Chittagong Hill Tracts, Bangladesh: The Slow Demise of the Region’s Indigenous Peoples,” 2012, https://www.iwgia.org/images/publications//0577_lgia_report_14_optimized.pdf, (accessed January 25, 2018).

Human Rights Watch encourages Bangladesh to endorse the Safe Schools Declaration, an international commitment to better protect students, educational staff, schools, and universities during armed conflict.¹² It was drafted through a consultative process led by Norway and Argentina in 2015. The Declaration includes a commitment to use the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.¹³ As of February 8, 2018, 72 countries—representing more than one-third of all UN member states—have already endorsed the Safe Schools Declaration.

It is of particular importance that Bangladesh endorses the Declaration as the country currently contributes the second highest number of personnel to UN Peacekeeping Operations, with over 7,000 troops.¹⁴ Bangladeshi troops who partake in UN Peacekeeping Operations are obligated to not use schools in their operations.¹⁵

Bangladesh also has two laws that should regulate schools and universities from being interfered with by security forces. Under the “Manoeuvres, Field Firing and Artillery Practice Act,” military forces are not authorized to “pass over, or encamp, construct military works of a temporary character, or execute military Manoeuvres” that enter or interfere with any educational institution.¹⁶ Moreover, under the “Acquisition and Requisition of Immovable Property Ordinance,” educational institutions may not be requisitioned even for a public purpose or in the public interest, “save in the case of emergency requirement for the purpose of maintenance of transport or communication system.”¹⁷

Human Rights Watch recommends the Committee ask the government of Bangladesh:

- What action has the government taken to prevent attacks on schools and universities and to mitigate their impact when they do occur?
- What concrete measures has the government taken to deter military use of schools, in line with UN Security Council Resolution 2225 of 2015?
- Is the ban on the use of schools by UN peacekeepers contained in pre-deployment trainings provided to Bangladeshi UN peacekeeping forces?

Human Rights Watch asks the Committee to call upon the government of Bangladesh to:

- Investigate, appropriately prosecute, and punish individuals found guilty for attacks on schools, and where appropriate, provide remedial measures for violations;
- Take concrete measures to protect education from attack and deter the military use of schools, following UN Security Council Resolutions 2143 (2014) and 2225 (2015), including by endorsing the Safe Schools Declaration, thereby committing to use the Guidelines for Protecting Schools and Universities from Military Use in Armed Conflict.

¹² Safe Schools Declaration, May 28, 2015, http://www.protectingeducation.org/sites/default/files/documents/safe_schools_declaration-final.pdf (accessed January 25, 2018).

¹³ Global Coalition to Protect Education from Attack, *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*, March 18, 2014, http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf (accessed January 25, 2018).

¹⁴ United Nations, “Peacekeeping, Troop and Police Contributors,” December 2017, <https://peacekeeping.un.org/en/troop-and-police-contributors> (accessed January 25, 2018).

¹⁵ United Nations Infantry Battalion Manual, 2012, section 2.13, “Schools shall not be used by the military in their operations.”

¹⁶ The Manoeuvres, Field Firing and Artillery Practice Act, Act No. 5 of 1938, March 12, 1938, art. 3.

¹⁷ Acquisition and Requisition of Immovable Property Ordinance, April 13, 1982, art. 18(1).

Access to Sexual and Reproductive Health Care for Rohingya Women and Girls and Education for Rohingya Refugee Children (Articles 12, 13)

Since late August 2017, Bangladesh has received an influx of over 655,000 Rohingya refugees from across the border with Myanmar. As Bangladesh struggles to assist this population, it is important that it provides and protects basic human rights, facilitates access to international humanitarian agencies, and complies with international refugee protection standards.¹⁸

Human Rights Watch, and others, including the UN Secretary-General's Special Representative for Sexual Violence in Conflict, have documented widespread gang rape and other sexual violence against Rohingya women and girls in northern Rakhine State, Myanmar, during the Myanmar military's ethnic cleansing campaign that began in August 2017.¹⁹ However, Rohingya women and girls, who are often denied access to all forms of sexual and reproductive health care in Myanmar because of discriminate state policies and practices, still face significant barriers in the Bangladesh refugee camps.

A joint response plan for universal education for Rohingya refugee children in Bangladesh has recently been developed with key stakeholders and in consultation with the Government of Bangladesh. According to UNICEF, an estimated 625,000 Rohingya refugee children and youth are in need of education assistance.²⁰ Each of these children has a right to free and universal education and the denial of this right will have serious consequences for the children, their families, as well as the futures of both Bangladesh and Myanmar.

Human Rights Watch asks the Committee to call upon the government of Bangladesh to:

- Ensure access to sexual and reproductive health care, and, with the support of international donors, ensure refugee women and girls have adequate access to post-rape care, protection services and a full range of birth control options;
- Ensure, with the support of international donors, that supplies are adequate and that key contraception commodities are stocked regularly so that they do not run out;
- Lift obstacles to the provision of humanitarian services, including slow approval of new agencies' registration and new projects by agencies already on the ground;
- Lift any requirements that patients have a permanent address in Bangladesh before receiving long-acting reversible contraceptives;
- Provide, with the support of international donors, free quality and inclusive education to all Rohingya refugee children without discrimination.

¹⁸ "Crimes Against Humanity by Burmese Security Forces Against the Rohingya Muslim Population in Northern Rakhine State Since August 25, 2017," Human Rights Watch news release, September 25, 2017, <https://www.hrw.org/news/2017/09/25/crimes-against-humanity-burmese-security-forces-against-rohingya-muslim-population>.

¹⁹ Human Rights Watch, *"All of My Body Was Pain": Sexual Violence against Rohingya Women and Girls in Burma*, November 2017, <https://www.hrw.org/report/2017/11/16/all-my-body-was-pain/sexual-violence-against-rohingya-women-and-girls-burma>; United Nations Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict, "Statement by the Special Representative of the Secretary-General on Sexual Violence in Conflict, Ms. Pramila Patten – Security Council Briefing on Myanmar," December 12, 2018, <http://www.un.org/sexualviolenceinconflict/statement/statement-by-the-special-representative-of-the-secretary-general-on-sexual-violence-in-conflict-ms-pramila-patten-security-council-briefing-on-myanmar-12-december-2017/> (accessed February 8, 2018).

²⁰ UNICEF, "Bangladesh: Humanitarian Situation report No. 18 (Rohingya influx)," January 17, 2018, <https://reliefweb.int/report/bangladesh/bangladesh-humanitarian-situation-report-no16-rohingya-influx-24-december-2017> (accessed January 25, 2018).

Workers' Rights (Articles 6, 7, 8)

Garment Industry

The garment industry accounts for almost 80 percent of the Bangladesh's export earnings and contributes to more than 10 percent of the gross domestic product, employing more than four million workers, the majority of them women. In recent years, two major disasters have taken the lives of people working in Tazreen factory and garment factories housed in the Rana Plaza building.²¹ The Bangladesh Accord on Fire and Building Safety and the Bangladesh Alliance on Worker Safety, initiatives on fire and building safety that were developed after the collapse of the Rana Plaza, have over the past several years, terminated factories from participating in these initiatives where they repeatedly refused to take corrective action to make the factories safe for workers. The Bangladeshi government has yet to report any action taken on these factories and publish how many have been shut down or whose licenses have been canceled because they are unsafe.²²

Overall, garment workers face poor working conditions and anti-union tactics by employers including assaults on union organizers. Human Rights Watch's April 2015 report "*Whoever Raises Their Head, Suffers the Most*": *Workers' Rights in Bangladesh's Garment Factories* documented violations including physical assault, verbal abuse—sometimes of a sexual nature—forced overtime, denial of paid maternity leave, and failure to pay wages and bonuses on time or in full. Despite repeated calls to reform labor laws, including those governing workers in Special Economic Zones, and to bring these laws in conformance with key international standards, the government has yet to make any reforms. Threats, intimidation, dismissal, and sometimes physical assault against union representatives by factory management or hired third parties remains a pressing problem that significantly hampers workers ability to collectively negotiate better working conditions.²³

Factory officials are generally not held accountable for attacks, threats, and retaliation against workers, particularly those involved with unions. In response to protests in December 2016 by garment workers seeking higher wages, factory owners dismissed over 1,500 workers and authorities detained 38 union leaders and workers on unsubstantiated criminal charges.²⁴

Human Rights Watch recommends the Committee ask the government of Bangladesh:

- What steps has the government taken to respond to workers' grievances and begin a process of transparent and participatory review of worker wages?
- What steps has the Bangladesh government taken to expedite amending its labor laws to bring them in line with international core labor standards and human rights and ensure that workers' right to work is not subverted?
- What steps has the Bangladesh government taken to shut down or remediate factories that have been terminated from the Bangladesh Accord on Fire and Building Safety or the

²¹ "Bangladesh: 2 Years After Rana Plaza, Workers Denied Rights," Human Rights Watch news release, April 22, 2015, <https://www.hrw.org/news/2015/04/22/bangladesh-2-years-after-rana-plaza-workers-denied-rights>.

²² "Bangladesh Textile Mill Burns, Yet Again," Human Rights Watch news release, September 17, 2017, <https://www.hrw.org/news/2017/09/21/bangladesh-textile-mill-burns-yet-again>.

²³ Human Rights Watch, "*Whoever Raises their Head Suffers the Most*": *Workers' Rights in Bangladesh's Garment Factories*, April 2015, <https://www.hrw.org/report/2015/04/22/whoever-raises-their-head-suffers-most/workers-rights-bangladeshs-garment>.

²⁴ Human Rights Watch, *World Report 2018*, Bangladesh chapter.

Bangladesh Alliance on Worker Safety and to periodically report progress on these actions in a transparent manner?

- How many garment factories have set up anti-sexual harassment complaints committees in accordance with the Bangladesh High Court guidelines to prevent and respond to workplace sexual harassment, and what steps is the government taking to monitor them?

Human Rights Watch asks the Committee to call upon the government of Bangladesh to:

- Immediately and periodically publish the steps taken by the Bangladesh government to hold accountable factories that have been blacklisted and removed from the Bangladesh Accord on Fire and Building Safety and the Bangladesh Alliance on Worker Safety for failing to take corrective steps to make the premises safe;
- Pass comprehensive legislation governing sexual harassment at the workplace and in the interim strictly monitor implementation of High Court guidelines governing sexual harassment;
- Revise national labor laws to fully comply with the standards of International Labour Organization (ILO) Conventions No. 87 and No. 98 on freedom of association and collective bargaining;
- Initiate a transparent and participatory wage review process in consultation with independent unions and labor advocates.

Migrant Domestic Workers

Over 100,000 Bangladeshi women migrated abroad for work, mostly to the Middle East in 2017.²⁵ Most of these women are recruited for domestic work.

Human Rights Watch is concerned about the lack of oversight and monitoring of recruitment agencies and labor brokers; investigation and prosecution of trafficking of forced labor and other forms; provision of adequate training and information of workers' rights before departure; as well as a lack of assistance to Bangladeshi migrant workers who find themselves abused and trapped in Gulf States.

The Bangladeshi government has actively sought to increase the recruitment of migrant domestic workers in the Gulf states, but has not instituted adequate oversight and protection mechanisms. Many of the Gulf states provide little to no labor law protection for domestic workers, and operate a visa-sponsorship system, known as *kafala*, which ties migrant domestic workers to their employers, and punishes them with imprisonment, fines, or deportation if they "run-away" or "abscond."²⁶

Human Rights Watch found many cases of Bangladeshi domestic workers in Oman who experienced a range of abuses, including passport confiscation, non-payment of wages, lack of rest periods and time off, confinement to households, excessive work and working hours, food deprivation, and psychological, physical, and sexual abuse. Bangladeshi workers' accounts of abuse were among the most extreme Human Rights Watch documented in Oman, including cases amounting to forced labor

²⁵ Ministry of Expatriates Welfare and Overseas Employment, Bureau of Manpower, Employment and Training (BMET) "Overseas Employment of Female Workers in 2017," <http://www.bmet.gov.bd/BMET/viewStatReport.action?reportnumber=18> (accessed February 6, 2018).

²⁶ "Bangladesh: Improve Protections for Migrant Domestic Workers," Human Rights Watch news release, December 8, 2016, <https://www.hrw.org/news/2016/12/08/bangladesh-improve-protections-migrant-domestic-workers>.

and trafficking. Several women said that recruitment agencies and local brokers in Bangladesh deceived them about work, pay, and conditions, and charged them fees.²⁷

Most Middle East governments prohibit recruiters from charging migrant workers recruitment fees, but Bangladesh allows licensed recruiters to charge women migrant worker recruits up to 20,000 BDT (US\$260). But some Bangladeshi women who spoke to Human Rights Watch in Oman said they had paid recruiters up to 100,000 Bangladeshi taka (US\$1,270) for work abroad. An ILO study found that domestic workers are recruited through a chain of sub-agents that connect to recruitment agencies in the capital.²⁸ Recruitment fees combined with loans with high interest rates, as well as low or unpaid salaries, can trap workers in exploitative situations, as workers feel bound to stay to recoup their money and pay any debt.²⁹

Human Rights Watch also found that Bangladeshi embassies in the Gulf states either provided no shelter or informal shelter with very little capacity for domestic workers who fled from abuse. Many Bangladeshi women are left stranded as undocumented workers are liable to arrest and deportation, or vulnerable to other abuse such as sexual exploitation.³⁰

Other than Kuwait's minimum monthly salary of 60 Kuwaiti dinars (US\$200) for domestic workers, no other Middle Eastern country sets minimum salaries for such workers. The embassies of other countries of origin require employers to agree to monthly minimum salaries; Bangladesh has one of the lowest at about US\$200. Recruitment agencies in turn often advertise domestic workers with differing salaries based on nationalities, rather than on skills and experience, to employers, resulting in discrimination on the basis of nationality.³¹

While Bangladesh has set a minimum salary and requires employers to sign an undertaking at its embassy, it has not adopted any protection mechanisms that could ensure that employers abide by such requirements. For instance, Nepali embassies in the Gulf require that employers and agencies provide a refundable security deposit, which can be used to pay for flight tickets or unpaid salaries if workers flee to them. Philippine embassies institute a blacklisting mechanism with agencies and require employers or agents to pay for return flight tickets home if workers flee to them.³²

Human Rights Watch recommends the Committee ask the government of Bangladesh:

- What steps has the Bangladeshi government taken to monitor recruitment agencies and local brokers? Are local brokers required to register with recruitment agencies? Does Bangladesh conduct unannounced inspections of recruitment agencies?
- What measures are in place for Bangladeshi women workers who have returned to file complaints against recruitment agencies and local brokers?

²⁷ Human Rights Watch, *"I Was Sold": Abuse and Exploitation of Migrant Domestic Workers in Oman*, July 2016, <https://www.hrw.org/news/2016/07/13/oman-domestic-workers-trafficked-trapped>.

²⁸ International Labour Organization, "For a fee: The business of recruiting Bangladeshi women for domestic work in Jordan and Lebanon," 2015, http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/documents/publication/wcms_377806.pdf (accessed February 6, 2018).

²⁹ "Bangladesh: Improve Protections for Migrant Domestic Workers," Human Rights Watch news release, December 8, 2016.

³⁰ Ibid.

³¹ Ibid.

³² Human Rights Watch, *"I Was Sold": Abuse and Exploitation of Migrant Domestic Workers in Oman*, July 2016; "Tanzania: Migrant Domestic Workers in Oman, UAE Abused," Human Rights Watch news release, November 14, 2017, <https://www.hrw.org/news/2017/11/14/tanzania-migrant-domestic-workers-oman-uae-abused>.

- How many investigations have been conducted and how many led to successful prosecutions of recruitment agencies and local brokers involved in trafficking or forced labor of Bangladeshi workers abroad?
- Are there any policies in place to ensure that migrant domestic workers who have fled to a Bangladeshi embassy are provided with shelter, legal assistance, medical and psycho-social care or interpreters?

Human Rights Watch asks the Committee to call upon the government of Bangladesh to:

- Ratify the ILO Domestic Workers Convention, 2011, and the ILO Protocol of 2014 to the Forced Labour Convention, 1930;
- Ensure that regulations concerning recruitment agencies and their practices meet standards established in the ILO Domestic Workers Convention, monitor recruitment rigorously, and impose meaningful penalties for violations;
- Create procedures for domestic workers to register allegations of deception, overcharging, and abuse by agents at foreign missions and upon return. Bangladeshi missions and government should investigate and sanction sub-agents and recruiters for abuse;
- Enhance the capacity of Bangladeshi missions in host countries to assist migrant domestic workers by establishing shelter facilities, ensuring that the Bangladeshi missions in host states have a 24-hour assistance hotline and/or is staffed 24 hours per day to assist domestic workers fleeing abusive workplaces, and arranging legal representation when not provided by the host government;
- Create mechanisms to enforce minimum salaries and other benefits.

Marriage Rights

(Articles 2, 9, 10, 11, 12, 13)

Child Marriage

The prevalence of child marriage has devastating consequences for individual girls, their families, and Bangladesh's development as a whole. Bangladesh has the highest rate of child marriage in Asia and the fourth highest in the world.³³ Poverty is one of the main factors driving the high rate of child marriage. Climate change and natural disasters are other significant drivers for child marriage.³⁴

In 2014, Prime Minister Sheikh Hasina pledged to end child marriage under age 15 by 2021 and to end child marriage under age 18 by 2041. However, in February 2017, the government greatly undermined progress toward these goals by approving a law that permits girls under age 18 to marry under "special circumstances," such as "accidental" or "illegal pregnancy," with permission from their parents and a court. There is no age limit to how early girls can marry under this exception.³⁵

In our 2015 report *“Marry Before Your House is Swept Away”: Child Marriage in Bangladesh*, Human Rights found that girls in Bangladesh almost always dropped out of school once they were married.

³³ UNICEF, “The State of the World’s Children: Children in a Digital World,” 2017, https://www.unicef.org/publications/files/SOWC_2017_ENG_WEB.pdf (accessed January 25, 2018).

³⁴ Human Rights Watch, *“Marry Before Your House is Swept Away”: Child Marriage in Bangladesh*, June 2015, <https://www.hrw.org/report/2015/06/09/marry-your-house-swept-away/child-marriage-bangladesh>.

³⁵ Human Rights Watch, *World Report 2018*, Bangladesh chapter.

They became pregnant early, either because they were pressured to or felt that they should, or because they had no access to contraception and information about family planning. Many girls and their babies suffered health problems as a result of early pregnancy, and many suffered violence and abuse in their homes. Even when girls separated from their husbands or got divorced early, economic and social pressures often kept them from resuming their studies.³⁶

Human Rights Watch recommends the Committee ask the government:

- What is the current status of the national action plan to end child marriage that was announced by Prime Minister Sheikh Hasina in 2014?
- Has the government prepared regulations to clarify and narrow the “special circumstances” under which children can marry under the 2017 law, and put in place protections for children who marry under the law?

Human Rights Watch asks the Committee to call upon the government to:

- Repeal the provision of the Child Marriage Restraint Bill that permits marriage before age 18. Failing this, the government should draft regulations setting out narrow parameters for when such marriages can be permitted, establishing safeguards to minimize abuse, and providing on-going services to children married under this provision;
- Promptly finalize and implement its long-promised national action plan to end child marriage, in consultation with survivors of child marriage and youth and civil society organizations;
- Continue expansion of birth and marriage registration and establish measures to ensure that all births and marriages are registered and this process is used to detect and prevent child marriages;
- Take administrative or criminal action to end corruption of local officials who take bribes to provide false birth certificates in order to facilitate child marriages;
- Government agencies providing assistance to families in poverty or affected by disasters should be more directly involved in preventing child marriage;
- Follow through on the government’s goals set to end child marriage under 15 by 2021 and child marriage under 18 by 2041 and target 5.3 under the Sustainable Development Goals of ending all child marriage by 2030.

Discriminatory Personal Laws

Bangladesh’s discriminatory personal laws often trap women in abusive marriages or propel many of them into poverty when marriages fall apart. Our September 2012 report “*Will I Get My Dues ... Before I Die?: Harm to Women from Bangladesh’s Discriminatory Laws on Marriage and Divorce*” documented that especially for poor women, discriminatory personal laws contribute to homelessness, hunger, and ill health for those divorced or separated and their dependents.³⁷

³⁶ Human Rights Watch, “*Marry Before Your House is Swept Away*”: *Child Marriage in Bangladesh*, June 2015.

³⁷ Human Rights Watch, “*Will I Get My Dues ... Before I Die?: Harm to Women from Bangladesh’s Discriminatory Laws on Marriage and Divorce*”, September 2012, <https://www.hrw.org/sites/default/files/reports/bangladesh0912ForUpload.pdf>.

Bangladesh has no legal regime governing marital property. Neither civil nor personal laws define or set out rules for control over marital property during marriage or the division of marital property on an equal basis between spouses upon divorce. Many women and lawyers told Human Rights Watch that after years of contributing to their households, women were forced to leave their marital homes with nothing more than personal jewellery or small household items. Family court proceedings are hugely delayed, and even where decrees are passed in favour of women, executing the decrees takes many months and even years.³⁸

Bangladesh has a strong law governing domestic violence, which defines “economic violence,” and gives women the right to a matrimonial home and other interim maintenance, which can be used to address some of the problems created by discriminatory personal laws to provide women effective remedies until personal laws are reformed. Similarly, family courts are empowered to grant interim maintenance and also collapse proceedings for maintenance with execution of decrees, which can be used to significantly cut delays in providing economic spousal support to women.³⁹

Human Rights Watch recommends the Committee ask the government:

- What steps is the government taking to train the higher and lower judiciary about “economic violence” and to use the law governing domestic violence to provide remedies to women facing discriminatory family laws?
- What steps is the government taking to train and ensure that family courts use their powers to grant interim maintenance to married women with marital disputes?
- What steps is the government taking to ensure that processes governing summons and execution of decrees are reviewed and streamlined to cut delays in court proceedings?

Human Rights Watch asks the Committee to call upon the government to:

- Reform all personal laws to remove discriminatory features; grant equal access to divorce to men and women; remove barriers to securing maintenance; and ensure women’s equal right to marital property during marriage and upon divorce;
- Disseminate information about the protections available in the law against domestic violence in different media, including through methods accessible to people with disabilities, and monitor implementation of the law;
- Review and reform family court proceedings to eliminate delays and ensure that judges grant interim maintenance in eligible cases;
- Strengthen social assistance programs, including access to shelters for poor women, divorced and separated women, and survivors of domestic violence.

³⁸ Ibid.

³⁹ Ibid.