

**Mandate of the Special Rapporteur on extreme poverty and human rights**

Ref.: AL BGD 9/2023  
(Please use this reference in your reply)

20 December 2023

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on extreme poverty and human rights, pursuant to Human Rights Council resolution 53/10.

In this connection, I would like to bring to the attention of your Excellency's Government information that I have received concerning allegations of harassment, threats, and intimidation by State officials, including police and judicial authorities towards workers in the ready-made garment (RMG) sector. Specifically, mass arrests are reported, as well as the deaths of four workers amidst excessive use of force by State authorities and the arrest of trade union leader Mr. Babul Hossain for demanding living wages, better working conditions and overtime pay. A range of human rights, including collective bargaining, freedom of expression, freedom of association and to form and join unions, and the right to peaceful demonstration, and the right to an adequate standard of living are allegedly violated.

During my country visit to Bangladesh, from 17 to 29 May 2023, I learnt that in order to stay profitable, the Bangladeshi suppliers of international brands have systematically cut down on expenses, particularly wages; that they have relied on sub-contractors that impose sub-standard working conditions; and that they have routinely sanctioned or harassed workers who seek to unionise.

As part of follow-up to my visit, I sent letters to two major buyers, H&M and Inditex, headquartered respectively in Sweden and in Spain, urging them to support the workers' demands for higher wages. In their response of 9 October 2023, Inditex expressed their public support for higher minimum wages and strengthening freedom of association, a pre-requisite for collective bargaining for RMG workers in Bangladesh. Inditex referred to its participation in the Action, Collaboration and Transformation (ACT) initiative, which sent a letter to the National Wage Board on the issue. Indeed, in their public statement of 20 November 2023, ACT members recognised "the importance of regular and frequent wage increases in ensuring that wage gains are not steadily eroded through cost-of-living increases. In line with ILO Recommendation 135, this should be achieved through a regular minimum wage review which enables annual inflation and productivity increases to be taken into account allowing predictability and smooth adjustments."

**According to the information received:**

The ready-made garment industry, which accounts for about 10% of GDP and over 80% of Bangladesh's export revenues, and employs more than 4 million persons, a majority of whom are women.

The Bangladesh Labour Act (BLA) 2006 provides several protections a) the guarantee of a minimum wage, b) maternity benefits, c) compensation for injury caused by accident and d) other protections around the health, hygiene and safety standards at the establishment. It also includes provisions on registration of a trade union, settlement of dispute and other conditions of

employment and service.

Informal workers are not protected under the BLA, however, and the RMG industry relies heavily on such workers, who are particularly subject to greater and disproportionate abuse.

Between 2018 to 2023, the minimum wage for RMG workers was BDT 8,000, making it difficult for workers and their families to meet their human right to adequate standard of living, especially taking into account the recent rate of inflation (which, for 2023, was 9.42%). A research survey published in January 2023 by the Bangladesh Institute of Labour Studies (BILS), based on the International Labour Organization (ILO) Convention 131 on Minimum Wage Fixing, workers' right to an adequate standard of living and BLA, estimated living wage at BDT 33,368 taka per month. As the level of minimum wage was set to be revised in 2023, RMG workers demanded an increase in minimum wage between BDT 23,000-25,000 (with at least BDT 17,000 for helpers and BDT 23,000 for operators) to meet the rising cost-of-living.

The Wage Board was established on 9 April 2023 to propose a level for the minimum wage. The members of the board included representatives from the Executive, of employers, and of workers, a chairperson as well as a neutral member. However, as workers' representatives were not selected by workers' organizations but by the government, there were allegations of opacity, early on in the process of re-setting in the minimum wage.

On 22 October 2023, in the meeting with the Wage Board, the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) (representing about 6,885 garment factory owners) announced the initial wage offer of BDT 10,400 – which significantly fell short of the demands put forth by workers' organizations. In an immediate response, Bangladesh Garment Workers Solidarity (BGWS) and 11 other workers federation alliance (Garment Workers Movement for Increasing Wage) rejected this revised wage. Workers launched protests, and nearly 150 factories shut down indefinitely in the industrial towns of Ashulia and Gazipur.

On 7 November, the Wage Board fixed the minimum wage for the RMG sector at BDT 12,500. The protests this announcement led to were met with a strong reaction by the government (detailed further below), similar to the police crackdown on workers' protests observed in 2016 and 2019. The President of BGMEA called for the arrests and other punitive actions against striking workers in a press conference. The Association also announced they would suspend new recruitments until the end of the protests.

On 11 November, invoking section 13(1) of the BLA, factory owners suspended operations for 78 RMG factory units employing nearly 3 lakh workers. This section under the labour law allows an employer, in the event of an illegal strike in any section or department to shut down either wholly or partly a section of that establishment. Workers were not paid any wages during this period.

As a result of excessive use of force by State authorities, at least four workers - Ms. Anjuara Khatun, Mr. Rasel Howladar, Mr. Imran Hossain and Mr. Jalaluddin were killed since the protests started in October 2023. Three workers died because of police firing. These deaths led to some violent demonstrations. Mr. Imran Hossain was killed in a factory reportedly set on fire by unidentified persons. As per the information received, the police used tear gas, rubber bullets and sound grenades to disperse the large crowd of protestors.

Several other cases of anti-union discrimination, false charges, injury, assaults, and torture were also reported against workers. Hundreds of workers were reportedly injured. To quell protests, police authorities also conducted raids on workers' homes. As per reports received, over 18,000 workers have been charged with different sections of criminal law for protesting. Seven labour leaders and hundreds of workers have been detained on different charges.

Workers were provided with no option but to return to work on the announced wages or fear losing employment. Reportedly, RMG factory owners have been accused of creating a "climate of fear by threatening workers". In the meantime, five international labour rights organizations have written to the Prime Minister to re-assess the wage structure.

Mr. Babul Hossain, the General Secretary of the Bangladesh Garment Workers Solidarity (BGWS), a workers' rights organisation that advocates for the rights of garment workers across Bangladesh, went missing on 14 November 2023 around 7.30 pm while he was travelling from Ashulia to Gazipur. On 15 November 2023, he was remanded into police custody by the Gazipur Metropolitan Magistrate Court on charges of "inciting violence, arson and vandalising vehicles on 30 October" during the workers' protests. On 20 November 2023, Mr. Hossain was sent to jail after a 24-hour remand.

As per the information received however, Mr. Hossain was in fact not in Gazipur on the day of 30 October 2023, contrary to the accusation he has been subjected to. Upon rejection of bail from the magistrate court, Mr. Hossain has filed an appeal with the sessions courts, which operates four days in a month. His bail hearing is scheduled for 21 December 2023. I have also received information concerning Mr. Hossain's worsening health condition since he was jailed.

The disappearance and subsequent arrest of Mr. Babul Hossain is reportedly the latest in a series of severe violations, silencing and reprisals faced by workers and labour union leaders defending and raising awareness about the human rights situation of RMG workers in Bangladesh.

In addition, workers of the RMG sector have frequently complained about human rights violations connected to poverty wages, leading to inadequate living and working standards, and about various violations of union rights, including the denial of the right to form or join a trade union or the right to collective bargaining.

Without prejudging the accuracy of the above allegations, I wish to express my deep concern about the alleged acts of reported attacks of physical intimidation,

detention and police and judicial harassment of labour rights defenders and RMG workers. I am also concerned about the alleged lack of effective remedies, compensation, and due diligence to prevent, counter and investigate this culture of violation by factory owners, State authorities and international buyers of workers' rights to freedom of association and collective bargaining.

I am deeply concerned about this increasing atmosphere of fear, violence, and repression against RMG workers, including informal workers. I urgently appeal to provide immediate compensation to the families of the four deceased workers, quashing of criminal charges against workers and the release of Mr. Babul Hossain.

It is imperative that the rights of Mr. Babul Hossain and the families of deceased workers are safeguarded from further irreparable harm and without prejudicing any eventual legal determination.

I am concerned about the undue influence of Bangladesh Garment Manufacturers and Exporters Association in preventing RMG workers from organizing for their right to a living wage and better working conditions.

I fear, finally, that continued failure to raise wages to the level of living wages, as required under article 7 of the International Covenant on Economic, Social and Cultural Rights, due to the continued resistance from factory owners and buyers to wage increases, will perpetuate unjust working conditions.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information the economic basis of the newly proposed minimum wage structure for RMG workers of BDT 12,500. Specifically, please explain how the proposed level of minimum wage takes into account the cost of living to ensure it is "sufficient to enable the worker and his or her family to enjoy [the full range of rights set out in the International Covenant on Economic, Social and Cultural Rights], 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".<sup>1</sup>
3. Please provide information on the conditions under which the negotiations between BGMEA (factory owners) and trade unions on raising the minimum wage were conducted, including access to information in a timely and transparent manner; and please clarify how the government's representatives on the Wage Board ensures that the results of the negotiations are consistent with the requirements of international human rights law.

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<sup>1</sup> E/C.12/GC/23, para. 18.

4. Please provide information on whether the families of Ms. Anjuara Khatun, Mr. Rasel Howladar, Mr. Imran Hossain and Mr. Jalaluddin have had access to effective remedies to complain about the deaths of their relatives, ensuring that such deaths will be subject to an independent and effective investigation, allowing for the adoption of sanctions against those found responsible and to effective compensation.
5. Please detail the factual and legal grounds underlying the arrest and subsequent imprisonment of Mr. Babul Hossain.
6. Please detail whether Mr. Babul Hossain has been able to see a doctor and to receive healthcare since being jailed.
7. Please clarify how many workers of the RMG industry have been arrested for having taken part in protests against the proposed minimum wage and which are the factual and legal grounds of such arrests.
8. Please explain what measures have been taken to ensure that workers' representatives and other human rights defenders can exercise their rights to strike, freedom of expression, of peaceful assembly and of association without fear of reprisals, judicial prosecution, or criminalization of any kind.
9. Please indicate any steps undertaken to ensure wages were paid to RMG workers during the period of mass protests for living wages.

I would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

I may publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that I have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of my highest consideration.

Olivier De Schutter  
Special Rapporteur on extreme poverty and human rights

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to relevant international human rights law and standards, as well as authoritative guidance on their interpretation. They include:

- Universal Declaration of Human Rights (UDHR);
- International Covenant on Economic, Social, and Cultural Rights (ICESCR);
- International Covenant on Civil and Political Rights (ICCPR);
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- UN Guiding Principles on Business and Human Rights;
- ILO Freedom of Association and Protection of the Right to Organise Convention, 1948;
- ILO Right to Organise and Collective Bargaining Convention, 1949;
- ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up;
- ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (MNE Declaration);
- ILO Minimum Wage Fixing Convention.

### The applicable norms under international human rights law

#### *The right to a living wage*

International human rights law recognizes a right to a living wage. Under article 7 of the ICESCR, this is understood as a right to remuneration that ensures a decent living for the worker and his or her family. The level of wages must account for the cost of living to ensure it is "sufficient to enable the worker and his or her family to enjoy other rights in the ICESCR, 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".<sup>2</sup>

In other words, workers should be provided—at a minimum—with a "living wage." The Preamble of the ILO Constitution calls for "an adequate living wage" and the 1944 Declaration of Philadelphia affirms the "solemn obligation" of the ILO to

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<sup>2</sup> E/C.12/GC/23, para. 18.

promote “policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection”. As recalled in the ILO Declaration on Fundamental Principles and Rights at Work, Bangladesh, by the very fact of it having freely joined the ILO, has endorsed the principles and rights set out in its Constitution and in the Declaration of Philadelphia, and has undertaken to work towards attaining the overall objectives of the ILO, including the right to a living wage.<sup>3</sup>The ILO’s Minimum Wage Fixing Convention, 1970 (No. 131), requires the minimum wage to be set in consideration of “(a) the needs of workers and their families, *taking into account the general level of wages in the country*, the cost of living, social security benefits, *and the relative living standards of other social groups*;(b) economic factors, including the requirements of economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment.”<sup>4</sup> (Emphasis added.)

The living wage is an inherently dynamic standard. A nominal income that suffices for a living wage one year may be insufficient the next, whether due to inflation or changes in the relative living standard of other social groups. To ensure a living wage, income levels must regularly adapt to track changes in the cost of living.<sup>5</sup>

### *The right to organise*

International human rights law recognizes a right to form and join trade unions for the promotion and protection of one’s economic and social interests. Under article 8 of the ICESCR, “no restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others,” and the States Parties to the Covenant are obliged to ensure “the right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others.” This includes the right to strike.<sup>6</sup> Article 22 of the ICCPR contains provisions to the same effect.

Such standards plainly entail that workers have the right to be free from harassment, intimidation, or reprisals in the exercise of their right to organise; where this right is in jeopardy, it is the State’s obligation to protect it.<sup>7</sup> Moreover, the obligation imposed by article 2, paragraph 2 of the ICESCR that the rights guaranteed by the Covenant “will be exercised without discrimination of any kind as to . . . political or other opinion” encompasses affiliation with a union, and so to treat any employee adversely based on his or her affiliation with a union – whether by reducing his or her wages, harassing him or her, reducing his or her authority, sequestering him or her from co-workers, dismissing him or her, or otherwise – shall constitute a case of direct discrimination on a prohibited ground.<sup>8</sup>

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<sup>3</sup> International Labour Organisation, Declaration on Fundamental Principles and Rights at Work and its Follow-up, para. 1 (a).

<sup>4</sup> International Labour Organisation, Minimum Wage Fixing Convention, art. 3. E/C.12/GC/23, para. 20.

<sup>6</sup> International Covenant on Economic, Social and Cultural Rights, art. 8, para. 1 (d).

<sup>7</sup> E/C.12/ARG/CO/4 (2018) (Argentina), para. 34.

<sup>8</sup> E/C.12/GC/20, para. 10.