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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Joint report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Cardona, and the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque**

Addendum

**Mission to Bangladesh (3–10 December 2009)**

### *Summary*

From 3 to 10 December 2009, the independent expert on the question of human rights and extreme poverty and the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation undertook an official country mission to Bangladesh. Their mission focused on the human rights situation of people living in extreme poverty, the enjoyment of the rights to safe drinking water and sanitation, and the intersection between these topics. Special attention was paid to groups particularly vulnerable to poverty and lack of access to sanitation and water, including women, children, persons with disabilities, minority groups, refugees and people living in urban slums. In the report, the independent expert on water and sanitation highlights the problems relating to sanitation, water quality and availability, and menstrual hygiene. The independent expert on extreme poverty focuses on social protection programmes for education, women, older persons, emergency relief and decent work, and points out the challenges to the effective implementation of these programmes.

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## I. Introduction

1. In the present report, the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque, and the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda, document the findings of their joint mission to Bangladesh from 3 to 10 December 2009. During the visit, they collected information on the human rights situation of people living in extreme poverty, including social protection policies, and analysed their access to safe drinking water and sanitation. They also analysed the links between the issues falling under their respective mandates.
2. In the report, they address issues of common concern to both mandates. Each mandate holder also addresses specific issues separately.
3. The experts met with the Prime Minister of Bangladesh, Sheikh Hasina, the Foreign Secretary, Mohamed Mijarul Quayes, and the secretaries or other high ranking officials from various other ministries, including those of planning; social welfare; local government; finance; housing and public works; health and family welfare; women and children's affairs; food and disaster management; law, justice and parliamentary affairs; labour and employment; education; water resources; and the Dhaka Water Authority. The experts also met with the Anti-Corruption Commission and the National Human Rights Commission.
4. The experts also met the United Nations country team, the donor community and civil society organizations. They visited the communities of Ralmat Camp, Wapda Building, and Rupnagar in Mirpur and Korail and Kamnrangir in Dhaka. The independent expert on extreme poverty visited the Kutupalong refugee camp in Cox's Bazaar. The independent expert on water and sanitation visited Moradnagar and Comilla. They were moved by the personal testimonies that illustrated the challenges that extreme poverty and lack of access to safe drinking water and sanitation pose for the enjoyment of human rights, and they thank those who shared their experiences and provided information.
5. Poverty, sanitation and water are integrally linked; not only is lack of access to safe drinking water and sanitation most acute for those living in extreme poverty, but their opportunities to escape poverty will always be limited so long as they have no access to sanitation and water. Furthermore, when people living in extreme poverty do have access to water, they normally pay exorbitant prices to the detriment of obtaining other basic needs, because their access is not officially guaranteed and water is purchased from vendors. The Government of Bangladesh has recognized the critical connection between poverty reduction, human rights and access to sanitation and safe drinking water.
6. The National Strategy for Accelerated Poverty Reduction II lays out a road map for the development of Bangladesh. In this plan, ensuring social protection for the vulnerable is a strategic objective, and guaranteeing human rights and ensuring better delivery of public services, including drinking water and sanitation, are outlined as supporting strategies for achieving pro-poor growth.
7. The experts thank the Government of Bangladesh for its invitation and the support for their mission. They also express their gratitude to the United Nations country team, and in particular, the office of the Resident Coordinator, which assisted with preparations for the visit. They are also grateful to the civil society organizations and individuals who contributed to the mission.

## II. Legal framework and accountability mechanisms

8. Bangladesh is a party to most international human rights instruments. However, it is still not a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and it has also not recognized the competence of certain human rights treaty bodies to receive individual complaints. The experts call upon the Government to ratify the remaining human rights treaties and to accept the full competence of all treaty-monitoring bodies. The experts are also concerned that Bangladesh maintains extensive reservations to articles 2 and 16 (e) of the Convention on the Elimination of All Forms of Discrimination against Women, which are against the object and purpose of the Convention and should be urgently reviewed. The Government should also submit its initial report to the Committee on Economic, Social and Cultural Rights, and sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

9. The experts welcome the fact that part III of the Constitution, entitled “Fundamental Rights”, recognizes the rights to equality before the law, equality between men and women and the prohibition of discrimination on grounds such as religion, race, caste, sex and place of birth. It also recognizes, in article 15 (a), that it is the responsibility of the State to provide for the basic necessities of life. The same article goes on to provide for the right to work and the right to social security. The experts note that water and sanitation are not explicitly included as rights under the Constitution, although they may be implicit in article 15 (a). However, this article does not fall under the “Fundamental Rights” chapter of the Constitution, but rather under part II “Fundamental Principles of State Policy”. The experts found that the separate treatment of economic and social issues in the Constitution reflects a broader misunderstanding that economic, social and cultural rights are not claimable and enforceable, with serious implications for the full enjoyment of economic, social and cultural rights.

10. The experts also welcome the fact that the Constitution provides for the establishment of an ombudsman (art. 77), although they are concerned that no one has yet been appointed to that position. The Constitution specifies that the ombudsman may have the power to “investigate any action taken by a ministry, a public officer or a statutory public authority”. An independent ombudsman is crucial for ensuring accountability, eliminating corruption and improving respect for all human rights, including economic, social and cultural rights. The experts welcome the intention expressed by the Prime Minister to appoint an ombudsman without delay, and call for its guaranteed independence and assurances of adequate political and financial support.

11. The establishment of the National Human Rights Commission in July 2009, in compliance with the ordinance issued by the President in December 2007, is an important development. While this is welcomed by the experts, they regret that it has the mandate only to examine rights falling under the “Fundamental Rights” chapter of the Constitution, creating a gap in the monitoring of the enjoyment of economic, social and cultural rights, including the rights to water, sanitation and social security. When the experts visited Bangladesh in December 2009, the Commission was still awaiting approval for its staffing request. The experts are concerned that, three years since its creation, the Commission still lacks the necessary human and financial resources to carry out its mandate effectively.

12. The experts note that the Anti-Corruption Commission was appointed and started functioning in February 2007, three years after its establishment in 2004. They welcome the fact that it has been empowered to receive individual complaints and to investigate national and local administrative bodies. Information received by the experts indicates that corruption persists in the implementation of social policies, as well as in the water and sanitation sectors. Such corruption disproportionately affects people living in poverty and

threatens the enjoyment of human rights, and must therefore be more thoroughly addressed. The experts support the recommendation made during the universal periodic review that the Commission should be strengthened in order to be able to operate independently and effectively. The independent expert on the question of human rights and extreme poverty further examines issues related to corruption below (paras. 118–119).

13. The adoption of the Right to Information Act in April 2009 and the establishment of the Information Commission are further positive steps to improve transparency and accountability in Bangladesh. The experts call on the Government of Bangladesh to ensure its proper functioning, including through human and financial resources.

### **III. Groups particularly vulnerable to poverty and lack of access to sanitation and water**

14. Women, children, persons with disabilities, minorities, indigenous peoples and refugees have been identified as being the groups most vulnerable to extreme poverty and as having limited access to the rights to sanitation and water. The experts recognize that extreme poverty has multiple dimensions in terms of the enjoyment of numerous civil, economic, political, social and cultural rights. The section below highlights some important human rights concerns and focuses on the connections between extreme poverty and lack of access to water and sanitation for these groups.

#### **A. Women**

15. Women and girls, who are disproportionately represented among the poor, are negatively affected by lack of access to sanitation and safe drinking water, further exposing them to the likelihood of continued poverty. Although the Constitution guarantees women equal rights, discriminatory social norms often prevail, denying them the effective enjoyment of their rights and perpetuating their experience of poverty. Adverse cultural patterns related to violence against women, property rights, inheritance law, dowry and early marriages prevent women from fully participating in society and enjoying their human rights. Social norms also dictate that women and girls bear the primary responsibility for collecting water, taking time away from their education and income-producing activities. Furthermore, women lose out on work and educational opportunities because they are ill or have to care for sick relatives, affected by diseases caused by lack of safe water and sanitation. Ensuring safe and regular access to water and sanitation within the vicinity of the household tailored to the specific needs of women has a decisive impact in eliminating poverty.

16. The experts note that specific efforts are required to ensure women's access to land, education, credit and other productive assets, and to overcome the power imbalance that prevents women and girls from taking full control over their lives. They note that, although they are the worst affected by poverty, women play a crucial role as agents of change. The experts encourage Bangladesh to implement existing laws, such as the Early Marriage Act, the Dowry Act and laws concerning violence against women, and to ensure the elimination of de facto and de jure discrimination against women.

#### **B. Children**

17. The Government has taken important steps to improve the situation of children, including by helping to ensure that children have access to safe drinking water and sanitation and providing hygiene education. The Government has also taken measures

aimed at the reduction of child mortality, increased school enrolment and achieving better gender parity in education. Nevertheless, the situation of children, especially those living in extreme poverty, remains a concern.

18. While the experts welcome the fact that more children are enrolled in schools, they are concerned that the overall dropout rate is still high, with official data indicating that almost half of children enrolled in primary school do not finish grade 5. Poor children are more likely to drop out of school than rich ones, and girls have a higher dropout rate once they reach adolescence.<sup>1</sup> The experts call on the Government to pay particular attention to the sanitation and water factors that can hinder access to education; for example, when children are sick from lack of access to safe drinking water and sanitation, or when girls have to spend long periods collecting water, they do not go to classes. Furthermore, the dropout rate of adolescent girls can be related to whether they have access to separate latrines or appropriate facilities for ensuring menstrual hygiene.

19. As children's health is directly related to continued and deepening poverty, the experts welcome the Government policy of increasing vaccination, which has contributed to lower child mortality rates. However, the experts are concerned that children in vulnerable situations, especially those living in urban slums and street children, are less well covered.<sup>2</sup> The experts are troubled by the high infant mortality rate, which stands at 43 infants per 1,000 live births.<sup>3</sup> Moreover, they are concerned that 51,200 children reportedly die annually as a result of diarrhoea, which is most frequently caused by lack of sanitation and safe drinking water.<sup>4</sup>

20. Lack of birth registration is also a major obstacle for children living in poverty, because it hinders their access to social benefits and their protection from labour exploitation and early marriage. The experts recognize the importance of the Births and Deaths Registration Act and welcome the extension of free birth registration until July 2010. The commitment by the Government to ensure birth registration of all children must be maintained and strengthened in order to further raise birth registration rates which, while having improved, still only cover just over half the population.

### C. Persons with disabilities

21. Persons with disabilities are disproportionately represented among the poorest sections of society. According to the Ministry of Social Welfare, approximately 10 per cent of the population suffers from a physical or mental disability.<sup>5</sup> This group suffers discrimination, which causes and perpetuates their poverty. The experts are particularly concerned about their lack of equal access to social services, including safe drinking water and sanitation. Public institutions, including schools and hospitals, are reportedly inaccessible for persons with disabilities.<sup>6</sup> Moreover, they frequently do not receive appropriate care because of social stigma.

22. People living in extreme poverty are more vulnerable to becoming disabled because of aggravating factors, such as malnutrition, lack of or inappropriate housing, hazardous

<sup>1</sup> "Situation assessment and analysis of children and women in Bangladesh", United Nations Children's Fund (UNICEF), September 2009, pp. 47 and 49.

<sup>2</sup> *Ibid.*, p. 93.

<sup>3</sup> UNICEF, *State of the World's Children*, 2009, available at [www.unicef.org](http://www.unicef.org).

<sup>4</sup> "WaterAid Bangladesh wins National Sanitation Award"; see WaterAid website at [www.wateraid.org](http://www.wateraid.org).

<sup>5</sup> See Ministry of Social Welfare, [www.msw.gov.bd/department\\_organization\\_msw.asp](http://www.msw.gov.bd/department_organization_msw.asp).

<sup>6</sup> See ASK, *Human Rights in Bangladesh 2008*, [www.askbd.org/hr\\_report2008/21\\_DISABILITY.pdf](http://www.askbd.org/hr_report2008/21_DISABILITY.pdf).

occupations and heightened exposure to violence and accidents. Likewise, persons with disabilities tend to become or remain impoverished because they are denied the right to work, social security and access to health care. Persons with disabilities and their families are often more exposed to poverty owing to the cost of rehabilitation. Too few projects aimed at improving access to sanitation and drinking water include accessibility options for persons with disabilities.

23. The Government must actively combat discrimination against persons with disabilities and progressively take measures to ensure accessibility to basic services for these persons, in particular sanitation facilities and safe drinking water. A new law concerning persons with disabilities is reportedly under consideration. This law should put the protection of human rights at its centre, and provide for mechanisms to monitor and guarantee its implementation. The experts also call on the Government to include meaningful questions on disability in the upcoming 2011 census and consider increasing budgetary allocations to address effectively the social welfare and disaster management needs of persons with disabilities.

#### **D. Minority groups and indigenous peoples<sup>7</sup>**

24. Bangladesh has a diverse ethnic, religious and indigenous population. The experts met with various members of different minority groups, and also received reliable information concerning the situation of other groups. They note that some of these groups are victims of discrimination and live in extreme poverty. The experts recall that the Constitution prohibits discrimination on the grounds of “religion, race, caste, sex or place of birth”.

25. The experts met with groups of people who identify themselves as Dalits. The caste system was described as an occupational system, whereby people, according to their descent, undertake certain professions that are generally considered to be menial.<sup>8</sup> The experts were informed that these people suffer discrimination in all areas of life, including segregation in their access to housing. Most live beneath the poverty line, earn less than the minimum wage and have no access to education. Dalits also suffer from numerous diseases, not least because of their lack of access to safe drinking water and sanitation, and they sometimes face discrimination in their access to public-health facilities.<sup>9</sup>

26. In their meetings with Dalits, the experts perceived an overwhelming feeling of their being “trapped”. Dalits feel they have no opportunity to seek other jobs, since their families have had these occupations for generations and because they lack adequate education. Pervasive discrimination against them keeps them poor, uneducated, in terrible living conditions and in menial jobs. While the Government of Bangladesh does not make specific reference to the situation of Dalits in its National Strategy for Accelerated Poverty Reduction, it recognizes the pattern of discrimination against occupational groups related to caste systems. The strategy indicated the need to understand further the situation of these groups and to promote targeted policies aimed at improving their living conditions. The Government should explicitly recognize the discrimination experienced by Dalits and take more concrete steps to redress it, including through the enforcement of existing laws and

<sup>7</sup> The information contained in this section relating to Dalits was prepared by the independent expert on water and sanitation; that relating to Urdu-speaking communities was prepared by the independent expert on extreme poverty.

<sup>8</sup> Indian Institute of Dalit Studies, “Caste-based discrimination in South Asia: a study of Bangladesh”, pp. 12–13.

<sup>9</sup> *Ibid.*, p. 46.

the establishment of a special commission with a mandate to address concerns particular to Dalits. The National Human Rights Commission also has a central role to play in combating discrimination based on caste. The independent expert on water and sanitation analyses the particular issues related to Dalits under her mandate (see paragraphs 75–76 below).

27. The experts also visited an urban slum in Mirpur, Dhaka, where the Urdu-speaking communities, sometimes referred to as *Biharis*, reside alongside Bengali communities. These communities live in very difficult conditions, with inadequate housing and poor access to sewage and drainage – problems that are exacerbated during the flood season. Residents identified a lack of free primary health care and poor sanitation and hygiene as the main problems that they face. People living in these camps are also reportedly threatened with forced eviction. While some of the conditions may not differ from those in other slums, the historical discrimination that the Urdu speakers have suffered, in large part owing to their statelessness, further inhibits their enjoyment of human rights.

28. The independent experts welcome the 2008 High Court decision that recognizes Urdu speakers as Bangladeshi nationals, and commends the Government for the measures taken to register them, issue them with national identity cards and allow them to vote in the 2008 elections. It is believed that between 70 and 80 per cent of the community have acquired a national identity card and participated in elections.<sup>10</sup> However, the independent experts remain concerned about the full implementation of the High Court decision, which requires continuous efforts by the State to ensure the rights of Biharis as citizens of Bangladesh without discrimination. The experts also urge the Government to design and implement a comprehensive programme to integrate Biharis into Bangladeshi society, including by ensuring that poverty reduction programmes specifically address their situation.

29. For decades, tension has been high between indigenous communities living in the Chittagong Hill Tracts and Bengali settlers. Disputes over land and natural resources, and persecution by local settlers have contributed to the impoverishment of indigenous groups and the militarization of the Hill Tracts area. A peace accord was signed in 1997, but land issues remain unsolved and tension continues to erupt. Special procedures mandate holders have raised concerns about reports of arbitrary arrests and detention, ill-treatment and land grabbing.<sup>11</sup> Years of unrest have also resulted in problems regarding access to basic services, including drinking water and sanitation.

30. The Government acknowledges that some of those living in extreme poverty in Bangladesh are from the indigenous communities, and associates their impoverishment with discrimination and extortion by land grabbers. It also recognizes that the lack of specific policies for these groups, including the lack of culturally suitable educational tools and the lack of institutional channels to ensure better representation of indigenous interests are factors contributing further to their vulnerability to poverty. While welcoming the Government's recognition of the vulnerability of indigenous peoples, the experts remain concerned about the continuing reports of violence against these communities, and urge the Government to ensure better protection of their rights and investigate reported human rights violations.

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<sup>10</sup> United Nations High Commissioner for Refugees, Note on the nationality status of the Urdu-speaking community in Bangladesh, available at [www.unhcr.org/refworld/pdfid/4b2b90c32.pdf](http://www.unhcr.org/refworld/pdfid/4b2b90c32.pdf).

<sup>11</sup> A/HRC/WG.6/4/BGD/2.



## E. Rohingya refugees<sup>12</sup>

31. The Government and the people of Bangladesh have shown great hospitality to Rohingya refugees over the past decades. In collaboration with the United Nations High Commissioner for Refugees (UNHCR) and other partners, the Government has taken important measures to improve the situation of registered refugees residing in camps. However, despite recent improvements in the conditions of the camps, registered refugees do not fully enjoy freedom of movement, the right to work or the right to education, which leaves them extremely vulnerable to abuse and exploitation.

32. The independent expert on the question of human rights and extreme poverty visited Cox's Bazaar and the Kutupalong camp, and met with groups of refugees, local authorities, the Refugee Relief and Repatriation Commissioner and civil society organizations working in the area. The expert was concerned at the overcrowded conditions in the camps and the deplorable living conditions for those living immediately outside them. While 28,000 refugees live in the camps, the Government estimates that between 200,000 and 400,000 unregistered refugees live nearby. The unregistered refugees do not have adequate food or shelter, nor access to basic services, including sanitation, safe drinking water and health care. The experts are particularly concerned by recent civil society reports on the worsening conditions of unregistered refugees.<sup>13</sup>

33. The experts understand that the Government of Bangladesh has limited resources, which prevents it comprehensively addressing all of the needs of refugees coming from Myanmar. However, until a sustainable solution is identified, the Government must ensure livelihood opportunities and progressively ensure access to basic services, such as sanitation, safe drinking water, health care and education. The Government and the international community should ensure that any assistance provided to the communities does not discriminate on the basis of nationality, but rather results in those who are most in need of assistance receiving it, so as to prevent tensions between the refugee and host communities. The experts also encourage the Government to consider a system for identifying and registering unregistered Rohingyas. They note that protection of the Rohingya does not lie solely with the Government of Bangladesh, and therefore call upon the international community to step up efforts to ensure protection and to seek durable solutions.

## IV. General challenges regarding the elimination of extreme poverty and ensuring access to sanitation and water

34. Bangladesh is one of the most densely populated countries in the world. According to the Bangladesh Bureau of Statistics, the economic growth experienced in recent decades has contributed to a decline in the incidence of income poverty from 59 per cent of the population in 1990 to 40 per cent in 2005.<sup>14</sup> Nonetheless, in 2005, an estimated 35 million Bangladeshis still were living below the extreme poverty line.<sup>15</sup> Climatic shocks and rising

<sup>12</sup> The information contained in this section was prepared by the independent expert on the question of human rights and extreme poverty.

<sup>13</sup> See Médecins sans Frontières, "Violent crackdown fuels humanitarian crisis for unrecognized Rohingya refugees", 18 February 2010, and Physicians for Human Rights, "Stateless and starving: persecuted Rohingya flee Burma and starve in Bangladesh", 2010.

<sup>14</sup> World Bank, "Poverty assessment for Bangladesh: creating opportunities and bridging the East-West divide", *Bangladesh Development Series*, 2008, p. XVI.

<sup>15</sup> *Ibid.*, p. 2.

food prices have also slowed the country's progress in reducing poverty in recent years. The latest United Nations statistics report that about one fifth of the population in Bangladesh still does not have access to an improved water source, and half the population lacks access to an improved sanitation facility.<sup>16</sup>

## A. Regional disparities

35. Poverty is not equally distributed across the country. While the eastern part (in particular Dhaka, Chittagong and Sylhet) has achieved a reduction in poverty levels, the western region has witnessed more limited progress. In 2005, the rural poverty rate was still more than one and a half times the urban rate.<sup>17</sup> The problems associated with sanitation and safe drinking water also vary, depending on the region. For instance, in 1990, only 34 per cent of the rural population had access to improved sanitation facilities, whereas access for the urban population had reached nearly 60 per cent. Considerable efforts were devoted to rural sanitation, with access increasing to 52 per cent of the population; in the meantime, however, access to improved sanitation in urban areas stagnates.

36. As a result of regional disparities, development programmes have traditionally focused on reducing rural poverty, addressing emergencies and improving infrastructure to improve the economic environment. These efforts must continue, because rural poverty remains a serious problem.

## B. Urbanization

37. The intense process of urbanization has led to a rapid increase, in absolute terms, of the poor population in urban areas, especially in urban slums. Limited urban planning, the insufficient capacity of social services and the absence of basic infrastructure, including water and sanitation services, seriously affect the standard of living in slums. The lack of legal tenure for slum dwellers poses particular challenges to the enjoyment of their human rights. The experts were particularly concerned about information received on forced evictions carried out in the country. According to the Government and Local Authority Lands and Buildings (Recovery of Possession) Ordinance, only seven days notice is required before an eviction can be carried out, irrespective of the duration of occupation. The experts recall that forced evictions are contrary to the obligations imposed by human rights law. Before any eviction, the State must explore all feasible alternatives in consultation with the affected persons. Evictions must not result in individuals being rendered homeless or vulnerable to other human rights violations.

38. The problems of people living in poverty in urban areas, including their lack of access to water and sanitation, have received limited attention. Urbanization in Bangladesh is irreversible, and additional efforts must be made to respond to the needs of the rapidly increasing urban population living in extreme poverty. The experts welcome the Government's recognition of the problems associated with "unplanned urbanization", including "a lack of concern for the urban poor and slum dwellers" in its poverty reduction strategy paper. In addressing these crucial issues, the experts urge the Government to adopt a comprehensive urban strategy, with special attention paid to vulnerable groups and full regard for human rights.

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<sup>16</sup> UNICEF and the World Health Organization, "Progress on sanitation and drinking water", 2010 update, p. 39.

<sup>17</sup> World Bank, "Poverty assessment for Bangladesh, op. cit., p. XVI.

## C. Climate change

39. Bangladesh is considered the most vulnerable country in the world to tropical cyclones, and the sixth most vulnerable country to floods.<sup>18</sup> It is predicted that as many as 70 million people in Bangladesh will be affected by climate change.<sup>19</sup> Six to eight million people could be displaced by 2050 and will have to be resettled if the sea level rises higher than currently expected and the coastal protections are not reinforced or replaced.<sup>20</sup> As a result of climate change, people are more vulnerable to impoverishment. The loss of access to safe drinking water and sanitation because of events related to climate change further increases the risk of falling into and remaining in poverty.

40. The independent experts welcome the adoption of the Bangladesh climate change strategy and action plan and the creation of a climate trust fund to meet the challenges caused by climate change to ensure continued human development. They particularly welcome the fact that one of the pillars of the strategy and action plan is social protection, and that there is a special focus on ensuring access to safe drinking water and sanitation.

41. Climate change phenomena have different effects in the different regions of Bangladesh; but in all regions, it is the people living in extreme poverty who are the most affected. Their houses are less able to withstand extreme weather and floods, and their livelihoods are threatened by damage to agriculture and infrastructure. Schools are destroyed, thereby depriving children of education and hampering their capacity to escape poverty. Climate change phenomena also jeopardize access to safe drinking water and sanitation. The experts were informed that the extremely high rate of urbanization in Bangladesh, including the burgeoning slum population, is at least partially attributable to the impact of climate change in rural areas.

42. The independent experts call on the Government to continue to pay special attention to the effects of climate change on the poorest segments of society, and to provide social protection measures to alleviate the impact on them. They also recall the obligation of the Government to ensure that actions taken to adapt to climate change do not result in human rights violations or deepen the conditions of poverty in which many Bangladeshis live. Affected individuals and communities must participate, without discrimination, in the design and implementation of these projects. Their rights to information and to have mechanisms for redress and compensation in the event of damages must also be ensured. The introduction of human rights impact assessments and risk analysis prior to initiating mitigation or adaptation projects would greatly assist in anticipating and avoiding such adverse effects.

43. The independent experts urge the international community to provide Bangladesh with the necessary funds to support adaptation and mitigation measures. Such substantial funding should be separate and additional to pre-existing commitments of official development assistance. The Government of Bangladesh must ensure that the resources received through international cooperation reach the most vulnerable groups and are utilized in a timely and effective manner.

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<sup>18</sup> Bangladesh Ministry of Environment and Forests, Bangladesh climate change strategy and action plan, 2008, pp. 5–6.

<sup>19</sup> United Nations Development Programme, Human Development Report 2007–2008, “Fighting climate change: human solidarity in a divided world”, p. 9.

<sup>20</sup> Ministry of Environment and Forests, op. cit., p. 13.

## **D. International assistance and cooperation**

44. In its National Strategy for Accelerated Poverty Reduction II, the Government of Bangladesh indicates that, while the need for international aid has decreased in recent years, it remains critical in financing infrastructural development, anti-poverty programmes, food security, disaster management and social sector programmes. The experts acknowledge that the Government faces important resource constraints when addressing the situation of a large population living in extreme poverty and ensuring access to safe drinking water and sanitation. In line with their international human rights obligations, in particular articles 2.1 and 11 of the International Covenant on Economic, Social and Cultural Rights and article 4 of the Convention on the Rights of the Child, they call on the international community to continue and enhance its financial and technical support for the country.

45. The experts note that the Government of Bangladesh and 15 development partners have signed a statement of intent on developing a joint cooperation strategy for Bangladesh, which commits the Government to exercising ownership and leadership over national development strategies through broad consultative processes, and commits development partners to supporting the Government leadership and to aligning their interventions with the Government's policies and strategies to the extent possible. The promotion of national ownership is crucial for the long-term sustainability of the important projects sponsored with international support. Nevertheless, the experts have perceived that, with multiple actors involved in these sectors, initiatives are implemented in a fragmented fashion, which weakens their impact. Predictability and enhanced coordination of international assistance are critical to improving the protection of human rights, including economic, social and cultural rights.

## **V. The rights to sanitation and to safe drinking water<sup>21</sup>**

### **A. Institutional, legal and policy framework for water and sanitation**

46. Numerous ministries in Bangladesh have responsibilities relating to water and sanitation services. The Ministry of Local Government, Rural Development and Cooperatives has overall responsibility for monitoring and governing the sector, including policy formulation. Within the Ministry, the Department of Public Health Engineering is responsible for water and sanitation services in all parts of the country, except for urban areas, which are covered by the water supply and sewerage authorities (notably in Dhaka, Khulna and Chittagong). Other ministries with competencies in the areas of water and sanitation include those of education, health and family welfare; water resources; environment and forests; finance; and the Planning Commission.

47. Non-governmental organizations play an important role in extending access to water and sanitation in Bangladesh. While the expert welcomes the role of civil society organizations, concerns were raised that, in some cases, the activities of certain organizations seem to have replaced the traditional role of the Government. Civil society organizations have accumulated a wealth of experience in innovating new approaches and reaching the most vulnerable populations, and thus must remain primary partners with the Government in addressing the issue of access to safe drinking water and sanitation. The

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<sup>21</sup> The present chapter was prepared by the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation.

expert recalls, however, that the ultimate obligation to respect, protect and fulfil human rights lies with the Government, and that it cannot delegate this obligation.

48. Bangladesh has set itself ambitious goals beyond the targets of the Millennium Development Goals to reach universal access to safe drinking water by 2011 and universal access to improved sanitation by 2013. There is considerable political will in Bangladesh to achieve these targets, and much attention has been devoted to the water and sanitation sectors. The National Water Policy (1998) and the National Sanitation Strategy (2005) recognize water and sanitation as human rights. Bangladesh recognized that water and sanitation are human rights at the regional level when it signed the Delhi Declaration of the third South Asian Conference on Sanitation.

49. Numerous other national policies are also directly related to water and/or sanitation, such as the Policy for Safe Water Supply and Sanitation (1998), the Water Management Plan (2004) and the Policy for Arsenic Mitigation (2004), as well as the Sector Development Framework (2004), the Pro-Poor Strategy for Water and Sanitation Sector (2005) and the poverty reduction strategy paper (2009). While the policies in place in Bangladesh emphasize the participation of water and sanitation users in policy design, implementation and monitoring, reportedly, consultation with these groups is not always carried out.

50. The draft water act currently under consideration in Bangladesh does not explicitly recognize water or sanitation as human rights, despite the State's frequent international, regional and domestic commitments in this regard. The current draft, dated December 2008, has reportedly not been the subject of wide consultations, and would require such inputs before its adoption. Key elements that especially need to be addressed include the integration of a human rights perspective concerning safe drinking water, including a special focus on the most marginalized and excluded groups and setting a framework for an unambiguous pricing policy that aims for sustainable cost recovery while ensuring access for the most vulnerable.

51. Independent and effective regulation of the water supply and sanitation does not currently exist in Bangladesh, and is urgently needed to ensure compliance with the numerous laws and policies in place. Without several institutional and operational reforms, however, regulation will be ineffective. There is a need for better harmonization of work among the different ministries and water supply and sewerage authorities, as well as inside the departments of the Ministry of Local Government, Rural Development and Cooperatives. The clear definition of responsibilities is crucial for ensuring accountability. The independent expert notes an overall lack of monitoring and accountability, confirmed by numerous reports,<sup>22</sup> to ensure that access is continually improving for everyone. Standardized reporting processes are a key factor in this regard, as is the establishment of performance indicators to monitor utility performance. Corruption continues to plague the sector. Working towards the establishment of a regulatory framework, with the necessary independence and resources, would help ensure better accountability.

52. The independent expert met with representatives of the Ministry of Finance and learned that water and sanitation are not the subject of a separate budget line, but spread over the budgets of different institutions. She notes that water continues to receive more financing than sanitation, while both are equally important. The lack of clear information

<sup>22</sup> See for example UNICEF, situation assessment and analysis of childrens and women in Bangladesh, p. 165; Mohammed Nazmul Huq et al., Assessment of ADP for Utilisation of National Sanitation Programme, July 2007, p. 38; World Bank, "To the MDGs and beyond: accountability and institutional innovation in Bangladesh", 2007.

about how much money is allocated to water and sanitation, and of reporting information on how that money is spent, creates additional obstacles to accountability.

53. As mentioned above, the rights to water and to sanitation do not fall within the current mandate of the National Human Rights Commission; and only rarely has the judiciary been seized of alleged violations of these rights. In order to operationalize human rights, including the rights to water and to sanitation, they must be claimable and enforceable. Accountability mechanisms are crucial for ensuring that people are able to exercise their rights.

## B. Sanitation

54. Bangladesh has made important progress in extending access to sanitation; 18.2 per cent of the population have gained access to improved sanitation since 1990. Open defecation rates have also decreased from 33 per cent of the population in 1990 to 7 per cent in 2008. Notably, the Community Led Total Sanitation approach (see also paragraph 73 below), developed in Bangladesh by the Village Education Resource Centre and WaterAid, and officially adopted by the Government, has been credited with raising awareness about the importance of sanitation and helping to eliminate open defecation. The approach emphasizes the importance of behaviour change in improving access to sanitation, and is based on a participatory model, whereby the community examines its sanitation status and is motivated to take action to address it. The approach advocates the empowerment of the community to find and finance its own sanitation solutions; as a result, low-cost sanitation technologies have been developed. The non-governmental organizations implementing these projects indicate that once people have experienced reliable access to a household toilet or latrine, they remain committed to continue to take steps towards improving that access.

55. The experience of Bangladesh with the above-mentioned pioneering approach has positively influenced countries in other regions of the world and has instilled confidence in the belief that low-cost sanitation is possible. It has also had a powerful effect in breaking the taboo that often surrounds the issue of sanitation. The independent expert observed that most people with whom she met, including the Prime Minister, were pleased, and even proud, to discuss sanitation and the achievements of Bangladesh in this domain.

56. The Government has allocated special funds to achieve its sanitation objectives. The annual development programme, which comprises funds from both external (aid) and internal sources, is formulated in accordance with a five-year strategy concerning the Government's development priorities, and includes an allocation for local governments (or *upazilas*). The Government has earmarked 20 per cent of the programme grant to *upazilas* for sanitation, which amounted to 400 million taka (or 5.7 million dollars) in 2005, for 470 *upazilas*.<sup>23</sup> A total of 75 per cent of the money is for providing hardware for latrines to the very poorest, and 25 per cent is allocated to hygiene education. The programme has had good results; four fifths of latrine recipients indicate that the programme subsidy improved their environment in terms of odour and cleanliness. However, challenges have also been noted in ensuring that the hardware truly reaches the people who need it most, and in the lack of awareness of the programme among the population. With the Government's ambitious and laudable target of reaching 100 per cent total sanitation by 2013, concerns have also been reported about a lack of monitoring of continued latrine usage, maintenance of latrines and overreporting of sanitation coverage. There are also concerns about overemphasis on hardware provision and less attention to the necessary behaviour change

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<sup>23</sup> Huq et al., op. cit., p. 12.

for a demand-led approach. Several interlocutors indeed repeated to the independent expert that “latrination is not sanitation”. More must also be done to ensure sanitation facilities are present in schools, markets and other public places.

57. The independent expert notes that the move from open to fixed-place defecation is an important first step towards improving access to sanitation, and Bangladesh has made important progress in this regard. However, fixed-place defecation may still pose hygiene problems. For example, the independent expert was told that, in some cases, people do not want to put the water seal in their latrines (designated to ensure safe separation of excreta from human and animal contact), because the seal requires more water to clean the latrine, and people do not want to “waste” scarce water resources. The Government has been working with latrine manufacturers to ensure that they do not install latrines without this crucial seal. In addition, in coastal areas, where water tables are rising, low-cost latrines may not be safe. Monitoring is crucial to ensure that these sanitation interventions are sustainable and do not fail once the pit is full, the latrine needs repairs or floods arrive.

58. The independent expert is concerned that very little attention is paid to ensuring the safe treatment and disposal of wastewater. She notes that there is a tradition of manual scavenging in Bangladesh, which poses serious health concerns (see paragraph 76 below). She was impressed by the efforts made by non-governmental organizations to find technological solutions for hygienically emptying pit latrines, such as the *Vacutug*. Apparently, the contents of the pits are currently emptied directly into waterways, jeopardizing the quality of that water. The Dhaka Water Authority reported to the independent expert that it only had one sewage treatment plant for a population of 10 million. The sewage load in Dhaka is estimated to be 100 times greater than the capacity of the plant. Despite the known problems with treating wastewater, construction of new habitations continues in Dhaka, with increasing connections to a sewage network that has a limited capacity for treatment. The Water Authority explained that five new sewage treatment plants are needed in Dhaka, and that two of these plants are currently under consideration for construction. Given the fact that the Government has to use surface water as an alternative source of drinking water, the construction of these five treatment plants is urgent.

### C. Water quality and water availability

59. Water quality is a serious problem in Bangladesh. Arsenic in the groundwater and the pollution of surface water jeopardize the safe use of water sources. These quality issues create de facto water availability problems for a country which otherwise has an abundant supply of water.

60. In Bangladesh, near universal access to drinking water was attained by the mid-1990s. However, the discovery of arsenic in the drinking water, especially in water coming from shallow-tube wells, reduced the number of people with access to safe drinking water, now reported at between 70 and 80 per cent. Twenty-six per cent of the population reportedly suffers from the effects of arsenic in the drinking water, which has long-term health consequences. UNICEF estimates that more than 1 million people are at risk of death from decades of exposure to arsenic.<sup>24</sup> The Government has adopted an arsenic mitigation policy, but its implementation is allegedly poor.

61. The Government has made efforts to test many wells in the country and to mark those that are contaminated. Important awareness-raising efforts have also been made, with

<sup>24</sup> UNICEF, op. cit., p. 156.

the result that now four fifths of the population are aware of the danger posed by arsenic in the water. However, concern was expressed that the system of marking the wells is not always clear for people with intellectual disabilities, and more efforts are needed to ensure that these people do not drink arsenic-contaminated water. Arsenic poisoning is readily apparent; lesions appear on the skin, resulting in social stigma, especially for women suffering from arsenicosis. Awareness-raising efforts have been helpful to address this stigma, but they must be sustained as the stigma persists. Furthermore, although people might be aware of the danger of drinking water contaminated by arsenic, they may have few options for safe drinking water, because other sources are too far away or otherwise inconvenient. Since arsenic is colourless, tasteless and odourless and only affects one's health after a long time, some people drink arsenic-contaminated water simply because of the few alternatives available.

62. The Deployment of Arsenic Removal Technologies programme is aimed at the promotion of Government-approved arsenic filters. Three filters have been approved for use at the household level. Through the programme, individuals can buy the filters for between 3,500 and 5,000 takas. For the very poorest, the filters are available at 10 per cent of the full price. Nevertheless, the interlocutors with whom the independent expert met indicated that, where people cannot afford filters, they will continue to drink arsenic-contaminated water. The Government may wish to consider including arsenic-mitigation efforts in its cash transfer policies to reach more people.

63. Since arsenic is present mostly in shallow-tube wells, another Government response to this issue has been to find alternative sources of water, including deep-tube wells, surface water, rainwater harvesting and pond sand filters. According to the 2006 Multiple Indicator Cluster Survey, just over half of the people surveyed (54.5 per cent) indicated that they use arsenic-free tube wells, 21 per cent reported using boiled surface water (from canals, ponds and rivers), 5 per cent rely on rainwater and 2.4 per cent use pond sand filters. The UNICEF SEWA-B project promotes these alternatives, using community participation models to determine which alternative might be best in a given situation.

64. Deep-tube wells are considerably more expensive than shallow-tube wells, and it is taking some time to implement the Government policy focusing on digging more deep-tube wells. Furthermore, the placement of a deep-tube well is crucial, since it is generally built for community use. Women, especially, must be consulted, since they usually collect the water, and they may face security risks if the well is too far from their home. In some cases, deep-tube wells are constructed on the land of a wealthy person in the community, and it was reported that the poor people in the community may feel that their access to the water point depends on the neighbour's good will. Human rights, are, however, an entitlement, not a matter of charity.

65. In addition, overreliance on ground water may exacerbate the problems that Bangladesh is facing. The Multiple Indicator Cluster survey of 2006 shows that most water is still extracted from groundwater resources, with 88.7 per cent of the population reporting that they rely on groundwater for their personal and domestic needs. In Dhaka, 86 per cent of water is from groundwater and 14 per cent is from surface water. The independent expert was informed that overextraction of groundwater can lead to arsenic being released from rocks into the water, and can also lead to other environmental problems, and must therefore be monitored to ensure the sustainability of these interventions. Furthermore, there is simply not enough groundwater available to keep pace with the rising water demand in Bangladesh. Agriculture is the main user of groundwater (70 per cent) in Bangladesh; alternative sources of water for irrigation should therefore be explored. The Dhaka Water Authority explained that it was exploring the use of rainwater to recharge groundwater resources, however these plans do not appear to have been implemented yet.



66. The Government also indicated its intention to switch its supply to surface water; however, surface water is reportedly very polluted and there are very few treatment plants to make water potable. In Dhaka, there are only three water treatment plants with a combined capacity of 257 million litres per day, in a city with a water demand of 2,200 million litres per day. The independent expert notes that, in March 2010, the High Court in Dhaka ordered the city to test the water quality in eight areas of the city, after receiving a petition alleging that the water supply was unhygienic and odorous. At the time of writing, the Court was still awaiting the test results.

67. Climate change is also having a serious impact on water quality, with rising sea levels resulting in increased water salinity. The seasonal changes also affect water availability (little water is available in the dry season) and quality (flooding leads to the presence of numerous pollutants in the water). Furthermore, the network itself must be upgraded to ensure that water does not become contaminated when it travels from the water source to the tap, since old pipes are reportedly lined with asbestos. Water quality is also seriously threatened by the lack of treatment and adequate disposal of wastewater.

68. Another major challenge for the Government is the lack of a comprehensive system for testing water quality. The independent expert was informed that only six laboratories, primarily concentrated in Dhaka, test water quality for the entire country. While arsenic testing appears to be carried out at many water sources, testing for other harmful substances does not seem to be a regular practice. Furthermore, the authorities informed the independent expert that new wells are only tested once for water quality standards, then never again. Concerns were expressed that the composition of groundwater changes, especially in the context of overextraction, and that more regular testing of wells should be implemented.

#### **D. Menstrual hygiene**

69. The independent expert visited several community initiatives to raise awareness about menstrual hygiene, especially among adolescent girls. Menstrual hygiene is crucial for the health of women and girls, as well as ensuring that girls stay in school and women are able to work. A UNICEF study conducted in 2007 found that one third of all girls in rural areas covering 22 districts did not engage in proper menstrual hygiene.<sup>25</sup> Sanitation facilities that are private and appropriate for menstrual hygiene needs are a key factor in ensuring women's and girls' dignity. There is a taboo surrounding the topic of menstruation and, in this regard, the independent expert particularly welcomes the efforts of the communities she visited to ensure that girls are aware of proper menstrual hygiene and that they have access to appropriate facilities. She was particularly impressed by the initiative in Rupnagar slum of a group of adolescent girls, with the support of UNICEF, to produce sanitary napkins for their own income generation and to help their local community group to promote good hygiene.

#### **E. Urban slums**

70. The situation of access to water and sanitation in urban slums in Bangladesh, particularly in Dhaka, is of special concern. The independent expert visited slums where raw sewage ran through the streets. The people who live there have no legal access to water, which means that they pay 10 to 20 times more for it. In some cases, they have to

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<sup>25</sup> UNICEF, *op. cit.*, p. 155.

walk great distances to collect water. Ensuring sanitation in slums is particularly difficult owing to the absence of available land on which a latrine could be installed.

71. The lack of access to safe drinking water and sanitation in slums is directly related to the lack of secure tenure of slum dwellers. Living under the constant threat of eviction, people living in slums explained that they would not invest in water and sanitation because they could lose them at any time. The independent expert witnessed how slum dwellers had adapted the construction of latrines, after having been evicted once, so that they could easily dismantle the structure before another eviction and take it with them. In addition, water service providers generally refuse to connect people if they do not have title over the land, although some approaches have been found to address this, as explained in the paragraphs below. With no policy for the urban sector, these challenges will remain unaddressed.

72. The independent expert met with an organization, Dushtha Shasthya Kendra, which has developed a model to facilitate access to water in the slums by acting as the intermediary between the water service provider and the community. It spoke with community members about their willingness to pay; the latter were keen to have a legal connection, since with an illegal connection they paid considerably more for water. The organization was able to negotiate with Dhaka Water Authority to establish several community water points. Each water point is managed by a group of nine women, with five men serving on an advisory group. While the cost of setting up the water points was initially borne by Dushtha Shasthya Kendra, it was treated as a loan to the community and it has been fully repaid. The community has never failed to make their monthly payments for water. This model has been replicated in several slums in Dhaka, and the Dhaka Water Authority has modified its Citizen's Charter in order for community organizations to apply directly for water-point connections. However, it is reported that in practice, there is still great pressure on non-governmental organizations to play an intermediary role.<sup>26</sup>

73. The lack of safe sanitation in urban slums is a serious concern that is directly related to the lack of secure tenure of the people living there, besides the lack of land on which to build toilets and latrines. The considerable progress that Bangladesh has achieved in rural areas through the adoption of the Community-Led Total Sanitation approach (see paragraph 54 above) has not been matched in urban areas. Such an approach relies to a great degree on the social cohesion of the community in which it is being implemented, and also emphasizes the partnership with the local government. In urban slums, the independent expert learned that the community is less cohesive, and that working with the local authorities is more complicated than in rural areas. In these circumstances, the above approach has been less effective.

74. The independent expert was informed about individual projects that address sanitation in urban slums, with community empowerment as a central feature. The independent expert also learned about a pilot project called the "pee-poo" bag, a biodegradable bag that can be used for urination and defecation. A survey of bag users revealed that they liked the bag because it could be used at any time of day; many respondents even indicated that they felt "proud" to use it. The bag seemed to be particularly useful for women, who face problems with toilets outside the home because of cultural norms that do not allow women outside alone, and because of security risks. The bag therefore appears to be a practical interim solution for ensuring safe sanitation in urban slums. Nonetheless, more systematic solutions are needed and these should form part of a larger strategy to address living conditions in the slums.

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<sup>26</sup> WaterAid, Civil society organization involvement in urban water sector reform, Case Study, Bangladesh, 2007, p. 5.

## F. Dalits

75. The independent expert is concerned about discrimination against sweepers, who are predominantly Dalits. This occupation has been passed down through the generations; although non-Dalits are starting to take the job of sweeper, however, traditional sweepers are resisting this trend, because they claim they are not eligible for other jobs. The work of the sweeper is to clean out sewers and septic tanks. They are employed by the municipality and private employers. In rural areas, the job of sweepers is akin to manual scavenging, which is the process of cleaning out dry toilets manually. In Dhaka and other areas, where sewerage and septic tanks are used, the job is to clear blocked pipes and empty septic tanks. In both cases, the workers have no protective gear and are subjected to considerable health risks. They reportedly suffer from diarrheal diseases and dysentery. One woman explained that the men need to get drunk to be able to bear this work.

76. Sweepers are also subjected to discrimination in the community. The children of sweepers are reportedly ostracized by teachers at school, and feel forced to hide their origins. The independent expert visited a community of sweepers and saw that they had no access to water or safe sanitation. They used a hanging latrine, which emptied out directly into a passing stream. In another Dalit slum, two water points reportedly served 12,000 people. The women and girls have to carry the water up several flights of stairs, which poses a serious threat to their physical well-being. In addition, the women's toilets had a hole in the ceiling where boys watched the girls, depriving them of all privacy. The toilets were in a deplorable state, with faeces covering the entire area. Most Dalits live in rural areas, where they reportedly face similar problems of inadequate housing and the constant threat of eviction.<sup>27</sup>

## VI. Extreme poverty and social protection<sup>28</sup>

77. Over recent decades, Bangladesh has achieved significant improvements in economic and social indicators. Despite the progress made, however, poverty is still widespread and socio-economic disparities have increased. Around 40 per cent of the population is still poor, at least 25 per cent of which lives in extreme poverty. Since her thematic work focuses on social protection systems as both a human right and a means for addressing extreme poverty, the independent expert examines, in the sections below, social protection measures in Bangladesh, paying particular attention to social assistance programmes and the enforcement of labour standards.

### A. Social protection

78. A large number of social protection programmes have been introduced in recent decades. These programmes are in line with article 15 of the Constitution, which recognizes the duty of the State to secure the right to social security, understood as "public assistance in cases of undeserved want arising from unemployment, illness or disablement, or suffered by widows or orphans or in old age, or in other such cases".

79. In the National Strategy for Accelerated Poverty Reduction II for the period 2009–2011, social protection programmes are divided into five areas: social safety-net programmes; food security; disaster management; microcredit; and rural non-farm

<sup>27</sup> Indian Institute of Dalit Studies, *op. cit.*, pp. 48–49.

<sup>28</sup> The present chapter was prepared by the independent expert on the question of human rights and extreme poverty.

activities. In the most recent draft of its Perspective Plan for the period 2010–2021, the Government of Bangladesh reaffirmed its commitment to poverty reduction and the attainment of the Millennium Development Goals. The Plan highlights the Government's decision to provide effective safety nets and targeted social assistance programmes, and lists a number of initiatives to be supported and enhanced. It acknowledges that a comprehensive social security system is necessary to implement vision 2021.

80. The National Strategy for Accelerated Poverty Reduction II and the Perspective Plan demonstrate the great importance given to social protection in government planning. Indeed, the budget allocated to running them has been increasing, reaching around 2 per cent of GDP for social safety nets alone. These can be cash or food support, microcredit or other specific programmes for poverty alleviation, such as the promotion of access to basic health-care services and public schools. There are over 40 safety net programmes administered by several ministries, including those for social welfare, food and disaster management, women's and children's affairs, local government and rural development, and freedom fighters' affairs. Many of the programmes are also implemented in collaboration with non-governmental organizations.

81. The independent expert welcomes the Government's explicit recognition of the need to invest in social protection to reduce poverty, as demonstrated by the priority given to social protection in the National Strategy for Accelerated Poverty Reduction II and the Perspective Plan. Through these commitments, Bangladesh also clearly recognizes its role as a duty-bearer for the rights to social security and to an adequate standard of living. Despite these commitments, the positive effects of existing programmes do not reach their full potential owing to weaknesses in the implementation and design of the programmes. In the section below, the expert reviews different social assistance programmes and examines the enforcement of labour standards.

### 1. Cash-transfer programmes for education

82. Bangladesh has implemented a system of cash transfers to promote education, such as the Primary Education Stipend Programme and the Female Secondary School Assistance Project. The Primary Education Stipend Programme, launched in 2002, benefited more than 5 million children from rural areas in 2005.<sup>29</sup> The selection process is delegated to school managing committees supervised by education officials. The Female Secondary School Assistance Project was launched nationally in 1994 to promote gender parity in secondary and higher education, and thereby delaying marriage and motherhood. Married girls are excluded from the stipend. In 2005, nearly 2.3 million girls were enrolled in the programme.<sup>30</sup>

83. The above-mentioned programmes resemble a conditional cash transfer on the basis of compliance with attendance rates and a required minimum level of performance. Either the mothers (in the Primary Education Stipend Programme) or the girls (in the Female Secondary School Assistance Project) are held responsible for complying with these conditions. The programmes have been reported as being generally successful in raising enrolment rates. Particularly commendable is the progress made in eliminating gender disparity at the primary and secondary levels. While in the past, education attainment for Bangladeshi women was among the lowest in the world, Bangladesh now reports gender equality in enrolment.

<sup>29</sup> Baseline survey of the Second Primary Education Development Programme (PEDP-II), draft report, Dhaka, Ministry of Primary and Mass Education.

<sup>30</sup> Schurmann A., "Review of the Bangladesh Female Secondary School Stipend Project using a social exclusion framework", *Journal of Health Population and Nutrition*, August 2009.

84. Despite this success, studies indicate that the programmes exclude those who most need the stipend.<sup>31</sup> For example, reports indicated that approximately 46 per cent of stipend resources of the Female Secondary School Assistance Project go to the non-poor and two thirds of the very poorest children are excluded.<sup>32</sup> The Ministry of Education admits that there are leakages in the disbursement of grants, and that corruption persists. This is mainly because the targeting process concentrates decision-making powers in the hands of certain people, such as school management committee members or influential political figures. There is also a risk of “elite capture” of the programmes, since social and political pressure often results in selection biased in favour of children from relatively wealthy and influential families.<sup>33</sup> In relation to the Primary Education Stipend Programme, for example, teachers have reported that the programme tools for identifying beneficiaries often lead local authorities to exclude poorer students and select those who are in a better position to meet the inclusion criteria.<sup>34</sup> The problems associated with targeting and mismanagement raise important human rights concerns.

85. The conditionalities of the programme also raise human rights concerns. The emphasis on school performance and attendance may further exclude the poorest children; evidence in fact suggests that extremely poor children face greater challenges in meeting attainment and attendance criteria. Moreover, the conditionalities may create incentives to cheat on attendance figures and exam performance so that students can continue to receive their stipend. In such cases, the conditionality may be exposing children to the wrong lesson: that it is possible and acceptable to cheat the local authorities to have access to public resources.<sup>35</sup> Conditionalities also raise gender-related concerns. The imposition that women be solely responsible for ensuring compliance may put an additional burden on women and expose them to abuse from those entrusted to monitor compliance with conditionalities.

86. Instead of implementing conditionalities, it might be more effective to invest in the quality of education. Higher quality education might encourage more students to attend and stay at school.<sup>36</sup> The Government could, in addition, emphasize a curriculum that better prepares girls to participate in social, political and economic life. In particular, the Government should examine improving girls’ skills (such as financial management and agricultural techniques) that would increase their income-earning opportunities.

87. While the independent expert welcomes the efforts made to increase girls’ education, she calls on the Government to ensure that the education of boys living in extreme poverty is also properly addressed. This requires the Government to address the issue of child labour comprehensively. One of the most common reasons for children, and particularly boys, withdrawing from or failing to attend school is entry into paid work.

88. Lastly, the expert notes that the school stipend must be seen as one component of a wider social protection system. It can play a crucial role in raising school enrolment, but must be accompanied by efforts to ensure that the education offered is sufficient and of good quality. The stipend can only have an impact on children’s lives if it is fully integrated

<sup>31</sup> World Bank, “Social safety nets in Bangladesh: an assessment”, 2006, p. 46.

<sup>32</sup> See for example Chronic Poverty Research Center, “School exclusion as social exclusion: the practices and effects of a conditional cash transfer programme for the poor in Bangladesh”, working paper No. 148, 2009, p. 19; and UNICEF, *op. cit.*, p. 62.

<sup>33</sup> “Country experiences, benefits and challenges on female secondary school assistance project of Bangladesh”, Afzal Hossain, Ministry of Education, available on the website of the Asian Development Bank ([www.adb.org](http://www.adb.org)).

<sup>34</sup> See Chronic Poverty Research Center, *op. cit.*, p. 14.

<sup>35</sup> *Ibid.*

<sup>36</sup> See for example Schurmann, *op. cit.*

into a broad range of social policies and the provision of public services. Attention should also be paid to ensure that poor children from urban areas and from minorities are not further excluded from education. The Government should build more schools in urban areas, in particular in peripheral towns, to relieve pressure on the existing school system.

## 2. Assistance for women living in poverty: cash and asset transfers, and microcredits

89. Certain programmes, such as cash and asset transfers, and microcredit, specifically target women. Among these, the Vulnerable Group Development programme, implemented in rural areas, is the world's largest programme exclusively targeting vulnerable women: around 750,000 women participate in the programme, ultimately reaching some 3.25 million beneficiaries.<sup>37</sup> The Vulnerable Group Development started in the 1970s, evolving from an emergency relief programme aiming to sustainably improve the lives of "ultra-poor" households. It comprises two branches: the income-generating branch; and the food security branch. Both combine food transfers with either cash transfers or microcredit programmes.

90. According to a World Food Programme study<sup>38</sup> in 2007, the Vulnerable Group Development has had a positive impact on food consumption, and daily per capita income had improved in all beneficiary households. However, after graduating from the programme, close to half the households still did not eat three meals a day, and almost all households had a per capita income of less than \$1 a day. There is also evidence that the programme has empowered women, who have been given greater decision-making power and more control over spending and consumption.

91. Other programmes directed at women include the Allowances Programme for Widowed, Deserted and Destitute Women and the Vulnerable Group Development programme for "ultra-poor" women. Although these programmes have an important and positive impact on the beneficiaries, they have relatively limited coverage (reaching 920,000 and 80,000 women respectively).<sup>39</sup> The level of transfers under the latter programme is Tk400 per month over two years, which is significantly more than the usual level of benefits. This suggests that the various policymakers have realized that the benefits need to be high enough to make a difference to the beneficiaries' standard of living. However, the independent expert was concerned about the programme's sustainability, given that funding was secure only until 2011, and that any abrupt cut of the programme would leave beneficiaries in a more difficult situation than before it was implemented.

92. The independent expert welcomes the fact that several programmes target women; nonetheless, she encourages the Government to refine the gender approach and evaluate comprehensively the impact of programmes on the enjoyment of human rights by women living in extreme poverty. Moreover, she notes that, if the legislative, procedural and cultural barriers that impede women's participation are not removed, and access to land, credit and other productive assets are not given, women will remain unable to exercise their rights and lift themselves out of poverty.

93. Bangladesh has developed models of microfinance that have been replicated around the world. The independent expert recognizes that microcredit also greatly benefits women; however, she calls on the Government to ensure that microfinance programmes reach the poorest. The experience of the Bangladesh Rural Advancement Committee has shown, for example, that the extremely poor are unable to benefit from conventional asset

<sup>37</sup> Programme outcome report on Vulnerable Group Development Activity, World Food Programme Bangladesh, 2007.

<sup>38</sup> Ibid.

<sup>39</sup> Ministry of Women's and Children's Affairs: see [www.vgdupdwa.gov.bd/](http://www.vgdupdwa.gov.bd/).

accumulation; for that reason, it designed the Targeting the Ultra-Poor programme. The expert calls on the Government to ensure that social programmes encompass a range of interventions and flexibility that facilitate access to them by those living in extreme poverty.

### 3. Assistance to older persons

94. Older persons constitute a rapidly growing group within the Bangladeshi population. Between 1951 and 2001, the overall population increased by a factor of 3.23, whereas the population aged 60 years and over increased by a factor of 4.35.<sup>40</sup> The old-age allowance programme, Boioshko Bhata, established in 1998, is a means-tested cash-transfer programme currently reaching 2.25 million older persons.<sup>41</sup>

95. While the Boioshko Bhata programme significantly benefits older people who would otherwise not receive a pension, concerns were expressed over the targeting process. Beneficiaries of the old-age allowance must be 65 years or over, earn less than Tk2,000 per year, and must not have worked in the formal sector. In addition, community targeting applies. This means that the selection of beneficiaries (from those meeting the first set of criteria) is made by representatives of local authorities (district and *upazillas*), who must make sure that 50 per cent of those chosen are women.<sup>42</sup>

96. According to the information received, the role of local administrators is often arbitrary. Their involvement in the targeting process also creates opportunities for bribery, thus marginalizing further those who cannot pay a bribe or who suffer from pre-existing discriminatory attitudes. These targeting methods, therefore, run the risk of hindering the access of older persons to their right to social security.

97. The number of older persons receiving a pension from the formal social security system, which covers only Government employees, remains extremely limited and will remain so as long as the informal sector continues to be prevalent in Bangladesh. Such a situation risks leaving a growing portion of the population excluded from much-needed support, especially considering the gradual decline of family support systems for older persons currently witnessed in Bangladesh and indeed in the rest of the world. The independent expert encourages the Government to expand its old-age allowance into a universal benefit over a certain age and to ensure access to health care for older people.

### 4. Emergency relief: the Employment Generation Programme

98. The 100-day Employment Generation Programme is an emergency relief programme first implemented in the financial year 2008/2009, targeting people living in extreme poverty in rural areas (i.e., mainly seasonal agricultural labourers in *monga*-prone areas, namely, areas vulnerable to river erosion and flood). The programme was introduced as a response to the food, fuel and financial crises, has an annual budget of T 200 million, and is the biggest of its kind in the country.

99. Almost 2 million households registered for this “cash for work” programme during its first phase.<sup>43</sup> The programme targets not only the poorest, but also the unemployed. During the low season, agricultural labourers are particularly vulnerable to unemployment. Although the programme has had a positive impact on beneficiary households, some

<sup>40</sup> HelpAge International, “Social protection in Bangladesh”, 2010, p. 23.

<sup>41</sup> *Ibid.*, p. 28.

<sup>42</sup> World Bank, “Social Safety Nets in Bangladesh”, *op. cit.*, p. 46.

<sup>43</sup> Bangladesh Rural Advancement Committee (BRAC), Study on the first phase of the 100-day Employment Generation Programme, 2009, p. 6.

deficiencies in the targeting process have been observed. For example, even though it is expressly aimed at the poorest, it appears that only 37 per cent of recipients come from the bottom quintile of the population. Another 30 per cent belong to the second quintile.<sup>44</sup> This indicates that, in practice, the criteria for the beneficiary selection are not being followed. The independent expert notes that the difficulties in applying selection criteria can be compounded by another feature of the programme, namely, that only 5 per cent of those identified as extremely poor in each *upazilla* may benefit from the programme. Features of this kind leave the decision on who among the extremely poor may have access to a programme in the hands of local administrators, without any verifiable criteria for their decision. There are also reports that, despite efforts to improve transparency and accountability, complaints of irregularities have allegedly not been reported.<sup>45</sup>

100. The independent expert welcomes the Government's commitment to support programmes that help victims of natural disasters and the recent shocks in food prices. Mechanisms providing immediate relief in the relatively short term have been fairly effective.<sup>46</sup> However, the independent expert calls on the Government to ensure that the programmes not only address the symptoms and consequences of vulnerability, such as reduced food intakes during *monga* periods, but also its root causes. The independent expert encourages the Government to strengthen its short-term relief programmes by fitting them into a larger support strategy to reinforce the resilience of vulnerable communities to shocks.

## 5. Decent work

101. Alongside guaranteeing with ensuring access to social services and providing social assistance, ensuring workers' access to decent work is the third essential component of social protection.

102. The independent expert recognizes that some key challenges persist in the formal labour market, such as the lack of employment opportunities, which puts many people in competition for very few jobs. Nevertheless, there is ample room for improvement to ensure workers just and favourable conditions of work as required by article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and numerous International Labour Organization (ILO) standards.

103. International labour standards must not only be incorporated into domestic law; they should also be enforced, so that workers are able to enjoy the minimal protection to which they are already entitled, especially in small factories.<sup>47</sup> The independent expert was informed, for example, that workplaces with fewer than 10 employees are not covered by labour protection acts. This situation calls for a number of actions, starting with the revision of outdated provisions of the labour code and the strengthening of the labour inspectorate in the Ministry of Labour.

104. There are also reports that occupational safety and health standards are poorly enforced in leading sectors of the economy, for example in the ready-made garment industry and ship recycling,<sup>48</sup> which are likely to employ vulnerable groups (90 per cent of the 2.1 million employees in the ready-made garment industry are women. Moreover,

<sup>44</sup> Ibid., p. 8.

<sup>45</sup> Ibid, p. vi.

<sup>46</sup> Ibid., p. vii.

<sup>47</sup> ILO, Bangladesh Decent Work Country Programme 2006–2009; ILO, UNICEF and UNESCO (2008) Child Labour and Education in Bangladesh: Evidence and Policy Recommendations.

<sup>48</sup> ILO, UNICEF and UNESCO (2008), op. cit.



workers' wages are among the lowest in the world: in 2008, the hourly wage rate in the garment industry was \$0.22.<sup>49</sup>

105. The independent expert was informed that significant progress has been made in reducing child labour. The prevalence of child labour is, however, still worrying. According to the latest figures of the Bangladesh Bureau of Statistics, in 2003, there were 7.4 million children aged between 5 and 17 years engaged in economic activity, among which 3.32 million were below the age of 14.<sup>50</sup> Despite the national laws, policies and programmes in place, the enforcement of legal provisions regarding education and child labour is poor. Bangladesh ratified the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) in 2001, but it has yet to ratify the Convention concerning Minimum Age for Admission to Employment (Convention No. 138). The Labour Act of 2006 requires the Government to regularly identify the hazardous occupations in which no child under 18 years should be involved, together with other provisions to prevent harmful child labour, but which remain unimplemented. The independent expert is concerned by this persistent gap between the official commitments made by the Government and their implementation.

## **B. Key challenges for poverty reduction and the implementation of a social protection system**

### **1. Limited coverage**

106. Despite the numerous efforts made, a large majority of the population living in poverty remains uncovered by any social assistance measures. Estimates indicate that only 23 per cent of the poorest groups of the population benefit from safety nets.<sup>51</sup>

107. Moreover, emphasis on safety nets ignores the need to address the prevalence of informal markets and the vulnerability of low-paid workers. Bangladesh has one of the most vibrant economies of all least developed countries, characterized by an intertwining of formal and informal markets, where the latter employs 80 per cent of the workforce. This means that the vast majority of workers do not enjoy any social security benefit. Adequate social protection is also a defining feature of decent work, which in turn contributes to more productive employment.<sup>52</sup> The independent expert thus encourages the Government of Bangladesh to develop more social protection schemes for vulnerable workers in the formal sector, and to extend coverage of workers in the informal sector.

108. While the independent expert acknowledges the fact that the budget of Bangladesh is limited, she notes with concern that the real level of financing of social assistance programmes has declined. This is particularly problematic in the long term. Even though the high growth rates enjoyed by Bangladesh in recent years has lowered the percentage of people living in poverty, the population is growing and the number of poor keeps rising. The independent expert is also concerned that some groups, such as persons with disabilities, ethnic minorities and the urban poor, receive little assistance from existing programmes.

<sup>49</sup> Berik and Van Der Meulen Rodgers, "Options for enforcing labour standards: lessons from Bangladesh and Cambodia", *Journal of International Development*, vol. 22, 2010, pp. 56–85.

<sup>50</sup> ILO, UNICEF and UNESCO, op. cit., pp. 6, 21.

<sup>51</sup> World Bank, *Poverty Assessment for Bangladesh*, op. cit., p. xxiii.

<sup>52</sup> ILO, *Bangladesh Decent Work Country Programme 2006–2009*.

## **2. Fragmentation and lack of a long-term strategy**

109. Coordination among ministries, civil society organizations and donor agencies is essential to the realization of all components of a social protection strategy: (a) ensuring access to social services; (b) providing social assistance including safety nets; and (c) protecting labour standards for all. The Government's Perspective Plan (see paragraphs 78–81 above) recognizes the need to increase coordination significantly, and to enhance the coverage and adequacy of funds for social protection initiatives. The independent expert noted, however, that, despite planning efforts, fragmentation persists. At present, various programmes seem to work in isolation.

110. The multiplication of initiatives, many of which implemented by many different civil society organizations, increases the risk of overlapping between the initiatives and jeopardizes the stability required by programmes designed to ensure income security. Despite the fact that the Perspective Plan envisages a comprehensive social security system as part of the strategy to reduce poverty and improve income distribution, existing planning efforts still fail to indicate a vision of a stable and broad social protection system and the specific steps to be taken to increase coordination among the multiple social protection strategies in place. In order to increase effectiveness, in particular considering the limited resources available, Bangladesh must design an integrated and comprehensive social protection strategy.

111. The absence of a clear framework for social protection means that the exact role that existing programmes play in alleviating poverty, and what strategy they fit into, are also unclear. At present, it is difficult to monitor and assess the role played by each programme in poverty alleviation. It is equally difficult to identify what the weaknesses and gaps of each programme are and what remedies can be put in place. The absence of effective coordination is also problematic from a human rights point of view, as it precludes the allocation of responsibility or the identification of those accountable for which aspects of implementation. To evolve from a charity approach to a rights-based approach, beneficiaries must be able to identify the actors bearing responsibility for allocating the assistance they receive. They should also have access to information on existing programmes and participate in the design, implementation and monitoring of public policies that affect them.

112. The prevailing emphasis on “safety nets” as the core of social assistance strategies may also weaken the possibility of achieving a more comprehensive social protection system, as it prioritizes short-term measures. While programmes dealing with short-term risk, especially short-term consequences of disasters, may be effective, long-term strategies seem to receive more limited support, which severely limits the scope for poverty reduction. The Government has developed capacity and expertise in dealing with this shorter-term aspect of social protection, but it needs to deliver on the two other components: enabling vulnerable people to protect themselves against shocks, and enabling people to build sustainable, secure livelihoods.

## **3. Ensuring programmes reach those living in extreme poverty**

113. In recent decades, Bangladesh has received recognition for its efforts in the area of poverty reduction through initiatives implemented by the State and civil society organizations, especially in the areas of microfinance and social safety nets. Nonetheless, much more needs to be done to reach the poorest groups. From a human rights perspective, in particular when resources are scarce, special measures must be taken to ensure that the poorest segments of society are prioritized. In this sense, reports of significant targeting errors are particularly worrying.

114. Reports suggest that, in Bangladesh, targeting errors of different social assistance initiatives are extremely common, and the poorest of the poor are particularly affected. According to the World Bank, for example, 41 per cent of recipients of targeted programmes belong to the top three quintiles of the population, i.e. non-poor people.<sup>53</sup> Given that the overall coverage of safety net programmes remains limited, inclusion errors in the programme are significant.

115. The independent expert is particularly concerned that, in several programmes, targeting criteria cannot be monitored, nor is anyone held accountable for the wrongful exclusion of groups in need from the programme. This raises serious concerns from a human rights perspective, as it means that discriminatory practices are unmonitored and often occur with impunity.

116. The sheer number of levels of decision-making involved in targeting processes increases the chances of arbitrary decisions. Moreover, when local leaders and administrators at the ward and district levels finally decide who will receive a benefit within their area of responsibility, the risk of reinforcing existing power structures increases, at the expense of the most vulnerable.

117. The independent expert notes that, while incorporating local notions of deprivation (e.g. through community targeting) has the potential of improving targeting criteria, there is a higher risk of error owing to the possibility of the programme being captured by local elites and that local preferences are not in favour of the extremely poor. The Government should review the targeting methods of its programmes so that they may be more easily monitored, in particular to ensure that the programmes reach the poorest of the poor. Special attention should also be paid to the issue of conditionalities.

#### 4. Corruption and clientelism

118. Corruption appears to be a considerable obstacle to the supply of public services. For example, in one case, 22 per cent of students entitled to a stipend were reportedly forced to make unauthorized payments before collecting the stipend amount.<sup>54</sup> Patron-client and favourable relationships with local elites connected to ward- and union-level elected representatives become crucial factors in access social benefits, in contravention to the principles of equality and non-discrimination. Corruption and clientelism allow political parties and governments to manipulate the provision of social services on a discriminatory basis, reinforcing exploitation patterns and the social exclusion of people that impede the exercise of their human rights. Corruption and clientelism mean that the poorest and most vulnerable lose out, while more powerful individuals maintain their position of power.

119. The independent expert welcomes the fact that the Government recognizes in its National Strategy for Accelerated Poverty Reduction II that corruption precludes development and has decided to address the culture of impunity. Corruption has the greatest impact on the poorest groups, since their access to complaint mechanisms is more limited and they are severely affected by any income reduction. In this context, the independent expert urges the Government to consider increasing support for mechanisms that ensure the accountability of those implementing social policies, and in particular, ensuring that complaint mechanisms are accessible to the poorest groups.

<sup>53</sup> World Bank, *Poverty Assessment for Bangladesh*, op. cit., p. 41.

<sup>54</sup> Transparency International, "Integrity pledge: participatory governance through social accountability", 2010, p. 3.

## 5. Weak enforcement of labour standards

120. In Bangladesh, legal provisions cover the fundamental principles of rights at work. However, these principles are rarely observed or promoted, which results in extremely difficult working conditions for a large percentage of the working population.

121. The independent expert recognizes that some key challenges persist in the formal labour market. Nevertheless, there are ample opportunities to ensure that workers enjoy an adequate standard of living. These include improvements in benefits and protection at work.

122. Despite significant ongoing work in bringing the Labour Code into compliance with international standards and to ratify ILO conventions, the independent expert notes that the Labour Act of 2006 falls short on a number of issues, such as child labour and the employment of domestic workers. Similarly, the 2004 law on export processing zones is not in full compliance with ILO conventions on freedom of association and collective bargaining, which Bangladesh has ratified.

## VII. Conclusions and recommendations

123. **The independent experts recognize the efforts made by Bangladesh and its pioneering approaches to address extreme poverty and to ensure access to safe drinking water and sanitation although some challenges remain. The experts are convinced that, with political will and continued prioritization of these issues, the Government can tackle these problems successfully. In this regard, the experts recommend that the Government:**

(a) **Ensure equal protection of all human rights — civil, cultural, economic, political and social — in the law, in their independent monitoring and in their enforcement. The experts urge the Government to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Furthermore, economic, social and cultural rights should be explicitly included within the mandate of the National Human Rights Commission;**

(b) **Ensure that the National Human Rights Commission, the Ombudsman and the Anti-Corruption Commission receive greater political and financial support, while still being assured of their continued independence;**

(c) **Collect disaggregated data, with particular regard to the most vulnerable groups, to have a clear picture of who is living in urban slums. On the basis of that information, the Government should also draw up a comprehensive plan for people living in poverty in urban areas, including specific measures to ensure their access to sanitation and safe drinking water. The Government must address the situation of those who lack secure tenure, and put an end to forced evictions, which are contrary to the Government's human rights obligations.**

124. **The experts call upon the international community to increase efforts to enhance international cooperation with Bangladesh, particularly considering the ongoing global financial crisis and the effects of climate change. In parallel, the Government needs to ensure that resources are utilized in a timely manner to promote the realization of human rights.**

125. **The independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation calls on the Government and other relevant actors to gather and publish information on the resources available for the**

water and sanitation sectors in Bangladesh, and on how these resources are invested and who benefits from them. She also calls upon the Government:

(a) To develop and implement a specific sanitation plan of action, consistent with human rights, with clear allocation of responsibilities, to ensure that the target of reaching 100 per cent coverage by 2013 becomes a reality; to urgently build the necessary number of wastewater treatment plants, seeking international assistance where necessary; to design sanitation subsidies for the poorest segments of the population to ensure that they reach the intended beneficiaries; and to focus on hygiene education and behaviour change to ensure that the gains achieved in the area of sanitation are not lost;

(b) To undertake nationwide water-quality testing in a systematic, regular and coordinated fashion, including testing for pollutants, in addition to arsenic; to implement plans to use alternative sources of water (e.g., rainwater and surface water), since groundwater sources are being rapidly depleted and are exacerbating water quality concerns; to develop plans for the construction of water-treatment plants throughout the country; and to ensure that the most vulnerable members of the population have access to arsenic-free water, including through well-targeted subsidies for arsenic filters, and potentially the development of cash-transfer programmes for treating arsenic-contaminated water;

(c) To ensure full consultation with concerned stakeholders in the development of the Draft Water Act. This law should place human rights at its centre, be consistent with general comment No. 15 of the Committee on Economic, Social and Cultural Rights, and should constitute a concrete plan of action for the Government to realize its ambitious goal to achieve safe water for all by 2011. The law should include specific funding, a timeline for implementation and clearly-delineated responsibilities, as well as foresee the creation of an independent regulatory institution for the water and sanitation sectors;

(d) To adopt an explicit policy to address the situation of Dalits, and to eliminate discrimination against them; and to take special measures to improve the situation of sweepers, including by ensuring the protection of their health while at work, and that they have access to safe drinking water and sanitation in their homes;

(e) To eliminate discriminatory attitudes and stereotypes concerning girls and women, which place the primary burden of collecting water on them and hinder their safe access to sanitation; and to take special measures to ensure that women and girls have access to information about menstrual hygiene, and that sanitation facilities enable them to practice good menstrual hygiene.

126. The independent expert on the question of human rights and extreme poverty recommends that the Government:

(a) Adopt a comprehensive long-term social protection strategy and increase coordination among various stakeholders. Fragmentation significantly hampers the effectiveness of existing initiatives undertaken by both the Government and civil society. The Government should work in coordination with civil society organizations and donor agencies towards the creation of a holistic social protection strategy that goes beyond the current social safety net approach in place. The aims of realizing the rights to social security, just and favourable conditions of work and an adequate standard of living should be at the core of such a framework. The Government must also shift its current emphasis on safety nets to a long-term investment on permanent social assistance strategies, and increase the population's resilience in future crises;

(b) Expand coverage of social protection, especially existing social assistance programmes, and take all necessary measures to ensure that support is given to the poorest as a priority. The Government should review the targeting methods of its programmes to avoid discretionary measures and ensure that they are regularly monitored. The imposition of conditionalities must be reviewed to avoid further excluding those in need of assistance. Reliable complaint mechanisms must be accessible to the poor so they can report alleged abuses and claim the support to which they are entitled;

(c) Strengthen efforts to fight corruption and take concrete measures without delay to improve the functioning capacity of the Anti-Corruption Commission and continue raising awareness about the negative impact of corruption;

(d) Ensure respect for labour standards, also by revising relevant legislation, such as the Labour Act of 2006, to ensure that it complies with international human rights standards and principles. The Government should also significantly strengthen the mechanisms that enforce labour standards, consider ratifying the ILO Convention concerning Minimum Age for Admission to Employment (Convention No. 138), and increase efforts to prevent and respond to child labour, in particular in its worst forms.

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