



## UPDATE #4 – 2022

Advocating Rights in South Asia

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### FEATURED

#### European Commission's proposal against forced labour does not go far enough

On September 14, the European Commission (EC) submitted a proposal to combat forced labour worldwide. The executive body of the EU wants to remove all products from the European market made by people who are forced to work. This concerns both products made with forced labour by the state, as is the case with the Uyghurs in Xinjiang, for example, and products where private companies force people to work.

The EC is well aware that eliminating forced labour is urgently needed. Recent figures from the ILO show that around 28 million people worldwide are forced to work. Five years ago, this number was 25 million, so there is a worrying, increasing trend. We described the practice for the victims in our report *Spinning around workers' rights (2021): textile workers in Tamil Nadu, India*, work extremely long hours without being paid enough. And the refusal of work – if workers dare to do so at all – is followed by intimidation, withholding wages, dismissal, and sometimes violence.

The submitted proposal is, therefore, a step in the right direction. The regulation provides the Member States with detailed instructions on how to implement the rules. But the regulations are unlikely to be sufficient to effectively eliminate forced labour.

For comparison, look at the United States, where rules to ban products made with forced labour have been in place for some time. The law allows for two approaches. The first is the so-called Withhold Release Order: products from companies or places that, based on available information, are assumed to be forced labour, are stopped at the border. This has a relatively low burden of proof. Customs then send the goods back or, if the situation improves, allow them when that happens.

In the second option, the sanction is more severe - products are destroyed or confiscated by the US - and a significantly higher burden of proof applies. Perhaps unsurprisingly, most cases end up with a Withhold Release Order. The regulations now proposed in Europe only give the option of a heavy sanction, for which the threshold is high. It means it will be more difficult to get goods banned in Europe for civil society and other actors who want to submit evidence.

In addition, the European regulations emphasise handing out sanctions to the perpetrators, just like those in the US. The proposal says less about what is arranged for victims of forced labour. A detailed form of Access to remedy is missing, which rightly forms an important part of the UN Guiding Principles and the OECD Guidelines for multinational companies. The EC should have given this part more importance.

The European proposal also focuses on individual economic entities such as factories, instead of the areas where factories are located. In a region like Xinjiang, this leads to problems because auditors often have little or no access to the factories. What threatens is a waterbed effect, in which production moves between factories in an area. A better option would be to ban everything from the area, instead of only products from the factories about which specific information is available.

Finally, the functioning of the regulations requires companies to provide insight into their supply chain as part of their due diligence. As long as companies do not map their chain and report it publicly, there is a great risk that forced labour will go unnoticed. Additional legislation at the national and European levels would ensure that we no longer have limited information about what goes on in supply chains.

The fact that the EC is taking steps against forced labour is positive. But it takes more for large-scale control to be effective. And the proposal shows once again that it is time for broader legislation: mandatory environmental and human rights due diligence for all companies.

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## INTERVIEW

### Interview – Executive Director of Bangladesh Labour Foundation, Ashraf Uddin Mukut: 'We have to keep addressing the issues in the Bangladesh leather industry'

On 14 September 2022, the Together for Decent Leather programme, in which Arisa participates, published [a report](#) that reveals severe labour rights risks in Bangladesh's leather industry. Identified problems include low wages, health hazards due to unsafe working conditions, heavy pollution, insecure jobs, and forced overtime. One of the organisations that conducted the survey for the study is Bangladesh Labour Foundation (BLF). Arisa talked to Ashraf Uddin Mukut, executive director of BLF, to discuss his experience in the Bangladesh leather and garment industry.

#### Engaging with workers is key

BLF is a non-governmental organisation that represents the interests of working people in Bangladesh. To do that, BLF-staff engages directly with workers at the root level. Ashraf explains: 'To be able to work in this sector, you must be able to interact with the workers, employees and everyone involved in this industry. You cannot work in this sector if you do not feel it in your heart. It requires intrinsic motivation. After office hours, I must go into the field to talk with the workers because they work during the daytime too.'

'Most people who work at BLF have a union background, so they have a very good connection to the people and parties involved in this work; from workers to employers and further up, countrywide. Because of these connections, we have a healthy relationship with the different stakeholders and can collaborate the way we do.'

#### Together for Decent Leather programme in Bangladesh

BLF and Arisa collaborate in the Together for Decent Leather programme. A: 'The programme has two sides: the one in Europe and the one in the production countries. In Bangladesh, we bargain with the government, employers, and other local stakeholders. However, in the Bangladesh leather sector, there is very little transparency. We need to get information about buyers, but it is practically impossible to get our hands on it. The Together for Decent Leather programme helps us to obtain this type of information to move our efforts forward and create more transparency. Together, we aim to develop a sustainable and compliant leather sector.'

'The programme also provides a global platform. Through the programme, multiple organisations spread our joint reports. They show the world the reality of the Bangladesh leather industry. This information can help force producers to comply with workers' rights. When the condition in the industry improves, workers benefit from it.'

#### After the Rana Plaza incident: change within the industry starts with buyers' demands

In April 2013, the Rana Plaza building in Dhaka, Bangladesh, collapsed, killing 1132 people and (permanently) injuring more than 2500 others. The tragedy caused outrage worldwide about the safety and labour conditions for workers in Bangladesh. Ashraf says the situation in the leather industry in Bangladesh has seen some changes after this event, because of new policies of international organisations and efforts of development organisations and other allies. 'There is more focus on the building and fire safety in factories by buyers, which limited casualties. But organising issues remain.'

'Employers and buyers always think first, or only, about their business. Most of the time, they do not think about their workers. So, workers' rights were and are still ignored, wages were and are lacking, and workers are still under huge pressure due to targets. Problems in the leather and garment sector remain huge, and a lot of work still needs to be done.'

According to Ashraf, the government and other institutions in Bangladesh function in a reactive manner instead of a proactive one. 'Because I lived and worked outside of the country, I very clearly understand what is happening in this country. In Bangladesh, nothing happens until the buyers ask for change. Change and improvement are initiated on the buyers' demand, not because we actively search for it ourselves. If the buyers do not engage in the garment facilities, these facilities will stay the way they are.'

### **Workers who organise and ask about their rights put themselves at risk**

Ashraf says that Bangladesh has many laws to support workers but that their implementation is very poor. 'In Bangladesh, the lack of proper implementation of laws leaves workers at the mercy of their initiative to demand change. But with a very inactive and small trade union movement in the country and little job safety, this comes with a risk. 'In the leather sector, there is only one trade union, which has a poor organising capacity. When a worker attempts to organise a union in a factory or talk about labour rights, they somehow lose their job. This is a big problem.'

'The Bangladesh government does not restrict the right of association, collective bargaining, and trade unions. However, they are also not motivated. To change this, BLF collaborates closely with the ILO, EU commissions, and the UN to put pressure on the Bangladesh government and companies and lobby and advocate for workers' rights.'

'On the workers' level, we try to be a catalyst for the trade union movement in Bangladesh: we create awareness about workers' rights and show how to organise and grow capacity. To do this, we provide training to workers in the informal sector. These efforts resulted in the establishment of a strong trade union.'

### **Problems in the Bangladesh leather and garment industry**

Workers in the Bangladesh leather and garment industry face multiple issues. For example, processing leather requires the use of many hazardous chemicals. 'About 150 different types', according to Ashraf. 'Especially chromium is a health hazard for the workers. So, when we try to improve working conditions and involve buyers and suppliers in the solutions, we are not only talking about workers' rights but also about their health and livelihood.'

'Right now, the garment industry is suffering from a shortage of workers.' The large workforce that started in this industry in the 70s cannot keep up with the hard work. The same goes for the generations that came after them. 'Workers in this industry perform hard work, six days a week, for a minimum of 10 to 12 hours a day. On top of these excessive working hours, workers need to make the targets set by their supervisors. As a result, workers can, for example, not go to the washroom. It

takes up too much time. Working like this is not healthy and not sustainable. So, after some years performing this work, people start falling out and cannot continue their work.'

Ashraf believes a top-down approach does not work to tackle the growing problems in the garment and leather industry. 'Governments and businesses don't go to production sites to see what real problems workers are facing.' Motivating stakeholders and government officials to improve the situation for workers is one of the main challenges BLF faces, according to Ashraf. 'We need to motivate and make people understand the issues at play in the sector. Day after day, week after week, month after month. A problem for achieving sustainable solutions is that government officials in Bangladesh change jobs very often, so every time again, we have to make a new person understand the sector and the issues and motivate them.'

### **BLF's persistence and genuine motivation pay off**

In the informal garment sector, BLF takes steps to eliminate child labour. A: 'In the area we work, there are over 30,000 children involved in child labour; a huge number. We have made an action plan with the government to eliminate all forms of child labour and rehabilitate the children to their hometowns and homes. The action plan is a big success from BLF's perspective. We also work closely with the government to ratify the ILO convention 138 on the minimum age to work. The government really wants to eliminate child labour, which is the reason why they ratify this ILO convention.'

Furthermore, BLF is involved in a two-year programme to ensure social compliance for leather workers. In the Bangladesh leather sector, workers do not have contracts, set working hours, paid leave or minimum wages. 'We try to ensure these types of compliance issues with their employers and the government. Employers' associations, civil society and workers' associations are also involved in the initiative. 'Arguably, it is the first time in the history of Bangladesh that a civil society organisation has motivated a governmental body to make an action plan for a specific industry like the leather industry. Creating this action plan is a key development and important step for BLF and all actors involved.'

'We hope that, in the next few years, we can make more positive changes for workers in these sectors. Collaboration with organisations in buying countries helps us to put pressure on buyers, suppliers and governments to make this happen. When organisations like Arisa use their expertise and network in the buying countries to advocate for workers' rights, its effects will trickle through to the producing countries, like Bangladesh. International organisations and international companies can help create more supply chain transparency. International companies also have the leverage to force producers to comply with workers' rights and address the issues at play. This benefits workers and helps to create a healthy working environment. And, at the bottom of the line, it will improve workers' livelihood.'

### **About Ashraf Uddin Mukut, Executive Director of Bangladesh Labour Foundation**

**Ashraf has been working with Bangladesh Labour Foundation for 14 years now. But he did not always set out to work for an organisation like this. 'I have a different background. I started working with workers and providing training for organisations when I was very young. I initially got involved in training and conversation programmes as an interpreter; there were not many people who were involved in translating Bangla from English at that time. After some time, I went to the UK to study and eventually completed an MBA in marketing. After my return to Bangladesh, BLF approached me to work for them. I started working for the organisation and was passionate about working with workers, workers' organisations and marginalised people. I am as passionate for the work now as on the day I started.'**

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## ANALYSIS & RESPONSE

### Strengthening civil society deserves more urgency in the National Business and Human Rights Action Plan

In the new [National Action Plan for Business and Human Rights 2022-2026 \(NAP\)](#), Minister Liesje Schreinemacher indicates how she will implement the United Nations Guiding Principles on Business and Human Rights (UNGP). These United Nations principles set out how states and companies should make an effort to comply with human rights.

Under Pillar 1, the duties of the state, the new NAP focuses on the protection of human rights defenders. This is important given the global problem of a shrinking civil society. In our view, this subject deserves a more important place in the NAP. The Action Plan would gain relevance if the specific [UN guidelines for the protection of human rights defenders were included in the implementation of the UNGP](#).

#### Civil society and corporate social responsibility (CSR)

Arisa experiences pressure on civil society in the countries where she works. Together with Dutch and European companies, we try to promote corporate social responsibility, especially in India. There, the democratic space has been limited step by step for years. The promotion of CSR is hindered because fewer local organizations are willing to enter into partnerships with Western organizations such as Arisa, or to engage in meaningful dialogue with Dutch companies, for fear of reprisals.

#### United Nations recommendations

For its specific guidelines, the [UN Working Group on Promotion of the UNGP](#) looked at threats to human rights defenders from their work around businesses as well as the broader trend of shrinking space for civil society. Both fit in with the development of the curtailment of democratic space by an “autocratic wave”, often reinforced by COVID-19 measures.

Arisa misses many of the UN recommendations in support of civil society in the NAP and insists on putting these clearly on the agenda.

#### Diplomacy and embassies

Embassies should support human rights defenders and include this issue in their multi-year strategy. Staff should be trained in the protection of human rights defenders and human rights and business. In addition, contact with human rights defenders should be an explicit work priority, and embassies should respond to threats or lawsuits through diplomacy, mediation and active and visible follow-up of the lawsuits, including in remote areas.

#### Economic diplomacy and business support

The government has a responsibility to hold companies accountable for their role. The NAP refers to “aligning subsidy frameworks with the obligations and present that suit ICSR”. State-controlled companies or investments should set an example in the active protection of human rights defenders. Government aid and economic diplomacy to companies, including subsidies and export credit insurance, should require companies to protect human rights defenders in accordance with UN guidelines.

### **Trade policy**

According to the UN recommendations, the protection of human rights defenders must also be explicitly on the agenda in trade and economic policy. The NAP does not (yet) provide for this. Expansion of this is therefore necessary. As trade negotiations are currently taking place between the EU and India, these recommendations can be immediately translated into action in a European context. This includes a specific impact assessment for the position of human rights defenders and agreements to protect them and involve them in the negotiations on trade and investment agreements.

The new National Business and Human Rights Action Plan shows where governments and companies can work for human rights but does not provide sufficient support to civil society and human rights defenders. Including the specific UN guidelines for the protection of human rights defenders in the implementation of the UNGP would significantly strengthen the NAP.

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## **NEWS FROM OUR PROJECTS**

### **- TruStone - guide to combat child labour and the self-evaluation**

The TruStone initiative, of which Arisa is a member, has issued a guideline to help companies in the natural stone sector combat child labour. Click [here](#) to learn more about the guide and to download the document.

### **- Support the Justice is Everybody's business campaign**

A large number of international civil society organizations and trade unions recently launched the Justice is Everybody's Business campaign. Arisa supports this campaign that fights for strong European Due Diligence legislation, so that workers do not become the victims of human rights violations in the supply chains of European companies. Read more and support the campaign [here](#).

### **- Nieuw report about the leather industry in Bangladesh**

Together for Decent Leather, an international programme that Arisa is part of, has published a new report on the labour situation in the leather industry in Bangladesh. Problems found include low wages, health risks from unsafe working conditions, heavy pollution, non-existent job security and forced overtime. Click [here](#) for more information and the report.

- **Campaign** - Do you know where your shoes are made?

Working conditions in the leather industry in Pakistan, Bangladesh and India are very bad. At the same time, western clothing and shoe brands refuse to provide information about working conditions in their supply chains. This is while transparent supply chains are essential for improving working conditions. Help us, and the leather workers in Pakistan, Bangladesh and India, and support the Together for Decent Leather campaign via [this link](#).

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## MORE NEWS

- **'Trust is hard to gain and easy to lose' - Gine Zwart at her farewell party**

At the end of August, Gine Zwart, program officer business & human rights, said goodbye to Arisa after almost three years. Here she shares a number of reflections on the organization and the professional field.

When I saw Arisa's job vacancy in 2019 for the position of programme officer business & human rights, I didn't have to think twice: working at this small, and focused organisation seemed like the challenge I was looking for.

I had a lot of fun working at Arisa and enjoyed the organisation's focus, short lines, our contact with partners, the huge network and the passion of all employees. Click [here](#) to keep reading.

- **New colleague: Huub Scheele – Programme officer business & human rights**

Since July, the Arisa team has been strengthened with the arrival of a new colleague: Huub Scheele. In his new role as Human Rights and Business Program Officer, he can draw on years of work experience on themes such as the environment, development and human rights. Central and recurring aspects in his previous roles were supporting local initiatives and effecting change; both locally and at a policy level. In addition, it motivates him to work for justice for victims of the intended and unintended effects of the choices of companies that operate to make a profit. All of this fits in with Huub's new position at Arisa, where in addition to working on projects, he is also involved in lobbying.

- **Floods in Pakistan: your help is needed!**

Nearly half of Pakistan is currently under water from severe flooding. More than 1000 people have lost their lives, and the lives of more than three million people have been affected. Pakistani members of Clean Clothes Campaign: [War on Want](#) and HBWWF [have](#) set up fundraisers to provide the community with food, medical aid for those stranded, and other necessities. Click on the links above to the websites of these organizations to show your support and solidarity with the affected people in Pakistan.



- **New revealing report about homeworkers in India**

Cividep, India, published a report as part of the *Hidden Homeworkers* programme with the findings of a survey of the working conditions of home workers in the shoe industry in South India. The report explores potential links to global supply chains and more. Read the report [here](#).

- **Report Clean Clothes Campaign about safety hazards in Pakistani garment factories**

A decade after more than 250 people died in Pakistan's Ali Enterprises fire — the deadliest factory fire ever in the global garment industry — deadly incidents continue to occur at factories supplying H&M, C&A, Bestseller and Zara, according to a new report from Clean Clothes Campaign. It is time to extend the International Agreement to Pakistan. Click [here](#) to read more.

