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BANGLADESH: Public interest litigation

On 20 June 2013, the ICJ addressed the *United Nations Working Group on Business and Human Rights* in its interactive dialogue on the Rana Plaza tragedy, calling for better enforcement and accountability mechanisms over private business enterprises internationally and domestically.

The Rana Plaza, a nine-storey building located in Savar Bangladesh, collapsed in late April, killing 1,131 workers and injuring close to 2,500 others. It was the single worst factory disaster in Bangladesh history and the worst accidental structural collapse in modern history.

Sadly, this was not an isolated incident. Just six months prior, in November 2012, [Tazreen Factory](#) burned down, killing 117 workers. In February 2006, [KTS Textile](#) and Garments factory burned down, killing 57 workers. And in 2005, [Spectrum factory](#) collapsed, also in Savar, killing 64 workers.

The fact that these tragic incidents have become commonplace demonstrates the need for mechanisms, such as litigation, to ensure accountability, remedy and redress against government agencies who routinely fail in their essential role to regulate and monitor workplace conditions and sanction private entities violating the law.

The [Bangladesh Legal Aid and Services Trust](#) (BLAST), a leading national human rights organization, along with others, has been petitioning the Supreme Court over the [past decade](#), obtaining orders against government agencies and seeking compensation for victims and their families in work related disasters.

The day following the Rana Plaza building collapse, BLAST along with Ain o Salish Kendra (ASK), another human rights organizations, [petitioned](#) the High Court Division of the Supreme Court of Bangladesh, to order an immediate and effective investigation and prosecution of all parties responsible for the deaths and injuries in the Rana Plaza collapse; to immediately freeze the bank accounts of Rana Plaza's owner, Sohel Rana and the

owners of the five garment factories housed in the upper floors of the building; to adequately compensate victims and their families for injuries and loss of life, and to identify preventive measures to ensure that such incidents do not recur. BLAST's petition followed a *suo motu* order by the Court, directing Sohel Rana and the owners of the five other garment factories to appear before the court.

On 28 May 2013, BLAST petitioned the High Court Division to issue a [notice for contempt of court](#) on four Government ministries and the Chairman of RAJUK (the Capital Development Authority) for failing to comply with the Court's earlier order and judgment in October 2010, calling for the establishment of a Building Code Enforcement Agency.

In October 2010, BLAST and two labour safety organisations (OSHE and Safety and Rights) had petitioned the High Court, after noting 300 or more work-related deaths between 2007 and 2009 caused by non-compliance with work safety law and building codes. The Bangladesh High Court Division ordered the Government to establish within three months a Building Code Enforcement Agency to monitor compliance with the National Building Code 2006.

In November 2012, immediately following the [Tazreen Factory fire](#) BLAST, ASK and other NGOs (BRAC and Nijera Kori) [petitioned](#) the High Court Division to order an investigation and prosecution of those responsible for the Tazreen factory fire; to compensate victims and their families for injuries and loss of life; to obtain a report from the Bangladesh Garment Manufacturers Export Association, outlining the steps taken by garment factories to comply with fire safety regulations; to establish a committee of pre-eminent persons to conduct a probe into the incident; and to direct the Government to explain the steps taken to comply with a 2001 Court order to establish an inspection committee to monitor garment factories' compliance with work safety regulations. The concerned government agencies did not comply with the Court's order and on 5 May 2013, the High Court Division [ordered](#) several of the respondents – particularly the Tazreen MD - to again appear before the Court.

In March 2006, [KTS Textile and Garments](#) in Chittagong caught fire, killing at least 57 garment workers. BLAST and other NGOs again petitioned the High Court Division to order an investigation and prosecution of all those responsible for the deaths and injuries to victims. The Court further ordered KTS Textile and Garments to pay compensation to the victims, which included covering medical treatment of injuries caused by the fire. The Court then ordered the establishment of a National Committee, as per its previous

order in 2001, to monitor garment factories' compliance with fire safety and work safety laws. The government never complied with the 2006 order and in 2010 the High Court Division served a notice for contempt of court on the respondents.

Even earlier, in 2005, after the collapse of Spectrum factory killing 64 workers, BLAST and other NGOs [petitioned](#) the High Court to direct concerned government authorities to explain the causes of the disaster and propose urgent recommendations. Government agencies again did not comply immediately. Some eight years later, documents were filed, which included statements in an inquiry report by RAJUK (the Capital Development Authority), noting the existence of many hazardous buildings in the Savar area and calling for a task force to conduct inspections and take necessary action.

'It is because of dedicated organizations such as BLAST and ASK, that it has been at all possible for victims and their families to attempt to seek remedy and redress from government agencies and private entities responsible for factory disasters,' said Sheila Varadan, Legal Advisor for the South Asia Program.

'But the enormity of the Rana Plaza collapse shows us that litigation on its own has not been sufficient. Victims have not been adequately compensated and unless the underlying systemic issues such as institutional weaknesses, corruption and lack of enforcement are addressed, nothing will change,' Varadan added.

The government of Bangladesh must take active measures to ensure that its regulatory framework is adequate and effective to rigorously enforce laws and regulations at all levels. Failing to do so violates Bangladeshi law and is in breach of Bangladesh's obligations to protect human rights under international law.

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