

# Addressing the Human Rights Violation of Food Adulteration in Bangladesh

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## INTRODUCTION

Bangladesh has grappled with the issue of adulterated food for several decades. This deeply rooted practice—a gross violation of various human rights—has still not been resolved in the country. This project design memo will first provide a brief context of this issue, along with a general definition of food adulteration through the lens of human rights norms. It will then discuss key drivers of food adulteration in Bangladesh and offer recommendations on how to address the complex dynamics of this public health crisis through policy change, research and media advocacy.

## BRIEF CONTEXT

The World Health Organization (WHO) defines food adulteration as the “addition or use of prohibited substances to partly or wholly substitute health ingredients or to artificially create the impression of freshness in old food.”<sup>1</sup> Bangladesh’s Food Safety Act of 2013 similarly asserts that adulteration refers “to food or a part thereof which is, with a view to making it coloured, flavoured, preserved, processed or attractive, mixed with such amount of ingredients that is harmful to public health and is prohibited in law; or...diminishes the food value or nutritive qualities of such food.”<sup>2</sup> In other words, food adulteration critically reduces the nutritional value of food through the use of hazardous substances. The practice is recognized as a federal crime in Bangladesh’s Penal Code of 1860 and Food Safety Act of 2013, which both state that such practice can result in a fine and/or prison sentence.<sup>3</sup>

Food adulteration also violates several human rights, including the right to adequate food. This right is guaranteed by a number of international treaties to which Bangladesh is party, including but not limited to the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Article 11 of the ICESCR states that everyone has a right to an “adequate standard of living for himself and his family, including adequate food.”<sup>4</sup> CESCR General Comment No. 12 then directly addresses the adequacy of food in the context of adulteration. It asserts that the right to adequate food implies food must be “free from adverse substances” and measures must be taken to prevent the “contamination of food-stuffs through adulteration.”<sup>5</sup> Thus, it is also crucial to recognize that human rights are “interdependent, indivisible and interrelated”: the violation of the right to adequate food also violates other rights entailed in the UDHR or the ICESCR, such as the right to health. For instance, the decrease in nutrition that results from the adulteration of food inhibits one’s attainment of the rights to adequate food and health, given that nutrition is a core component of both.<sup>4</sup> The practice of food adulteration accordingly violates international human rights norms state parties are obligated to uphold.

Despite both domestic and international law, the practice of food adulteration remains widespread in Bangladesh. Research conducted by the National Food Safety Laboratory at the Institute of Public Health in June 2016 found toxins such as aflatoxin, coloring agents, formaldehyde and pesticide residues in approximately 25% of the 15 food commodity samples tested.<sup>6</sup> A study conducted by the Institute of Nutrition and Food Science at Dhaka University also revealed that the consumption of adulterated foods was responsible for the malnutrition of approximately 60% of the state’s population.<sup>7</sup> Bangladesh’s National Taskforce on Food Adulteration has announced that adulterated food causes not only malnutrition but also various illnesses, such as diarrhea, birth defects, infertility and cardiac system damage.<sup>8</sup> As a result, WHO has officially deemed the situation “a serious public health concern” that must be addressed.<sup>1</sup> While food adulteration violates several human rights

Bangladesh is obligated to respect, protect and fulfill under international treaty obligations, the scope of this project design memo will focus on addressing the major drivers of food adulteration through a framework that incorporates the right to adequate food and the right to health.

## METHODOLOGY

This section describes the details and limitations of the sources of information consulted in this memo. Primary sources include international human rights instruments, government documents, reports from non-governmental organizations and scientific journal articles. Secondary sources include academic journal articles, dissertations, newspaper reports and books. A majority of the discovered literature approach the situation of food adulteration in Bangladesh from a human rights and/or public health framework, integrating qualitative and quantitative data primarily from the last three decades.

However, there was a scarcity in detailed and consistent data related to the status of food adulteration in Bangladesh over the years. An over-reliance on outdated information or data was evident throughout the resources. For instance, the last recorded study that comprehensively detailed the relationship between malnutrition and food adulteration took place in 1984.<sup>7</sup> While the available studies contribute to an understanding of the causes and consequences of food adulteration, the government must improve the consistency, coordination and transparency of its existing national data collection measures. Doing so would enable experts to better ascertain the present nature of the issue as well as effectively determine which initiatives are needed to safeguard people's rights to adequate food and health in Bangladesh.<sup>3</sup> Nonetheless; the sources acquired for this report provided useful and relevant information on the general effects, causes and intensity of the food adulteration crisis today.

## DISCUSSION

Although various institutions and individuals are involved in the perpetuation of food adulteration in Bangladesh, the following project design will address two primary actors: 1) the government and 2) the food manufacturers who adulterate their food products with toxic coloring reagents, such as textile

or synthetic dyes, in order to dramatically enhance the color of their food items and attract consumers. The government has long recognized the crimes of food manufacturers and has passed “strong policy and regulation to deal with food safety... it is, however, apparent that these are not enforced.”<sup>9</sup> The State and its food regulatory regime—Bangladesh's Food Safety Authority (BFSA)—has failed to implement appropriate mechanisms to enforce the law and protect consumers' right to adequate food and health. Addressing this multi-faceted governmental failure will require many initiatives, such as the adoption of network governance, research on potential natural alternatives and the implementation of a media advocacy campaign to improve consumer awareness.

## POLICY CHANGE

The BFSA was established under the provisions of the Food Safety Act of 2013. The agency coordinates and regulates the activities of all 15 ministries involved in combating food adulteration, such as the Ministry of Health and Family Welfare, Ministry of Education, Ministry of Law, Ministry of Food and Disaster Management and the Ministry of Defense.<sup>3</sup> In other words, the BFSA structures and supervises the workload of the ministries responsible for critical food safety activities; it manages the food data collection system, implements proper inspection of surveillance services, updates food standards according to international standards, enacts appropriate punishments and disseminates food safety information to consumers and manufacturers.<sup>7,10</sup> Without BFSA's coordination, the operations needed to counteract food adulteration would not be efficiently or properly conducted.

However, the BFSA has been unable to fulfill its obligation to regulate the ministries' activities due to a severe lack of personnel. It currently has a staff of just eleven people. Recognizing this weakness, the BFSA requested the Ministry of Public Administration to appoint a staff of 1,004 individuals. A staff of 422 persons was authorized but has not been realized, as the Ministry claimed it “will take some time due to completion of some bureaucratic formalities.”<sup>11</sup> Eleven people alone cannot effectively accomplish the enormous task of managing the food system, which results in confusion for enforcement authorities, overlapping

of tasks and poor enforcement of food regulations.<sup>10</sup> As a result of BFSA's inability to enforce food safety, manufacturers who use color adulterants to attract consumers are oftentimes not punished or caught. Moreover, they are likely ignorant of the law, what food standards pertain to them, and how they should operate their food manufacturing activities.<sup>2,6</sup> Simply put, the lack of coordination between ministries is a core factor contributing to the weaknesses in proper and standard procedures related to the inspection, research, prosecution and surveillance of food adulteration in Bangladesh.<sup>3,10</sup>

Increasing the number of qualified personnel would help the BFSA oversee the food safety system.<sup>12</sup> Considerable human resources, financial assistance and technical support will be required to accomplish this. Given that the government seems unwilling or unable to immediately make these changes, the adoption of network governance is suggested. Network governance refers to a system in which developing nations engage "less in terms of state intervention and more in terms of escalating state networking with non-state regulators."<sup>7,8</sup> Network partnerships would offer BFSA the needed assistance to construct a staff capable of managing, strengthening and streamlining the food safety system. Network partners should be selected by BFSA and involve NGOs, international organizations, universities and/or food safety experts fully cognizant of international food standards.<sup>3</sup> A mix of domestic and foreign partners are recommended; however, it is important that BFSA identifies prospective partners based upon a methodology that optimizes assistance and cooperation. This dual dynamic will help minimize the risk of engaging in a negative collaboration which would lead to a loss of autonomy or conflict of interest.<sup>8</sup> These steps are needed to ensure proper regulation of the food system and to protect consumers' right to adequate food and health.

## FUTURE RESEARCH

BFSA should also consider initiating research on natural alternatives. Given that manufacturers generally use coloring adulterants as a marketing strategy to attract consumers, the possibility that harmless alternatives could achieve this function should be investigated as a method to further protect the right to adequate food and health of consumers. Recent

studies recommend certain ingredients and elements as alternatives for color adulterants, such as plant extracts.<sup>10,13</sup> In particular, anthocyanin-rich extracts from fruits and vegetables have been presented as a natural alternative to synthetic dyes due to their coloring properties. The European Food Safety Authority officially recognizes anthocyanins as a natural colorant, and the US Food and Drug Administration approves the use of grape color extract and grape skin extract. The food systems in both the European Union and America align with international standards.<sup>13</sup> Hence, the potential of incorporating natural alternatives to coloring adulterants within Bangladesh's food system is promising and should not be disregarded. Extensive research is necessary to evaluate and measure the short-term and long-term advantages and disadvantages of utilizing natural alternatives, especially in terms of manufacturer behavior and consumer health in Bangladesh.<sup>14</sup> BFSA should assign an appropriate body, such as the Bangladesh Standards and Testing Institution department within the Ministry of Industry, with the task of developing and conducting a research plan for this project.<sup>10</sup>

## MEDIA ADVOCACY

The government has also failed to effectively resolve the issue of poor consumer awareness in Bangladesh, another core problem in the food adulteration crisis. More specifically, "very few consumers know about the [long-term] effects of the consumption of these artificial textile colours used in such alluring food products."<sup>7</sup> Many consumers assume brightly colored food items are nutritious or not adulterated; others are unaware of the health effects of consuming adulterated food. Hence, increasing public awareness—particularly in terms of the practices of manufacturers, the effects of adulterated food and the purchasing behavior of consumers—is imperative to protect a consumer's right to adequate food and health.<sup>7,12</sup> In Bangladesh, consumer awareness campaigns have been largely inadequate. Most of the campaigns focus on targeting or changing manufacturer behavior rather than consumer behavior. They often provide consumers with information on safety food laws or how victims can take legal action against manufacturers and neglect to offer material on how to proactively prevent susceptibility to food adulteration through personal buying behaviors.<sup>15-19</sup>

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Thus, the adoption of a national media advocacy campaign targeting the awareness of consumers, specifically through a framework that aims to alter their purchasing behavior, is suggested.<sup>7</sup> This campaign would help enable and empower consumers to determine what constitutes as non-adulterated and adulterated food. An increase in consumer awareness would also likely put pressure on those involved in the food chain, such as food manufacturers who use toxic coloring reagents, to end their use of adulteration on products.<sup>12,20</sup> The campaign could be spearheaded and organized by a national civil society organization (CSO) in the country, particularly one related to food safety, human rights and/or public health. The CSO should collaborate with its local civil society partners to implement the campaign on a local level. This exchange would enable the CSO to effectively respond to and address the needs and concerns of local contexts.<sup>12</sup> In addition, it would be beneficial if the CSO was a partner of the Food and Agriculture Organization of the United Nations (FAO). FAO would provide the CSO with assistance in designing its resource mobilization strategy and action plan.<sup>21</sup> It may also be helpful for the CSO to engage in dialogue with BFSA to further determine the content required in the media advocacy campaign to change or enhance consumer behavior.

## CONCLUSION

To this end, the project design memo presents an approach to food adulteration in Bangladesh that integrates

the protection of the right to adequate food and health within the system. Challenges were encountered in acquiring data for the proposal on the current and continually changing landscape of food adulteration. This made it difficult to precisely identify the magnitude of food adulteration and assess whether or not the aforementioned recommendations would be valuable in real settings. While a review on the follow-up strategy of this project is beyond the scope of this paper, it is important that such a procedure is conducted in order to determine the success of the recommendations, to monitor the progress achieved (or lack thereof) and to make the needed adjustments. This proposed project design is a foundational step to developing a strategy that confronts the practice of food adulteration in Bangladesh. Ultimately, measures involving policy change, research and media advocacy are required to more effectively address this public health issue and uphold human rights in Bangladesh.

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