

INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)
INTERNATIONALLY-RECOGNISED CORE LABOUR
STANDARDS IN BANGLADESH

REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF THE TRADE
POLICIES OF BANGLADESH

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EXECUTIVE SUMMARY

Bangladesh has ratified seven of the eight ILO core labour conventions on freedom of association and the right to organise and collective bargaining, discrimination and equal remuneration, child labour and forced labour. It has not ratified ILO Convention No. 138 (1973), Minimum Age. In view of serious violations of core labour standards in all the above areas, determined measures are needed to comply with the commitments Bangladesh accepted at Singapore, Geneva and Doha in the WTO Ministerial Declarations over 1996-2001 and in the ILO Declaration on Fundamental Principles and Rights at Work.

The right to form and join unions is not respected in practice, despite numerous ILO criticisms. The right to strike is not recognised by law and workers are regularly sacked, beaten or subjected to false charges for being active in union activities. Export processing zones fall under a special labour legislation whereby basic rights are not permitted. Recent attempts to change the law to permit freedom of association in the zones have been the subject of numerous proposed amendments from the ILO to bring the draft law into compliance with international core labour conventions 87 and 98, which have yet to be acknowledged by the government of Bangladesh.

The enforcement of legal instruments to tackle gender discrimination is very weak and women suffer discrimination in a variety of areas.

Although primary education is free and compulsory, there are inadequate mechanisms to achieve comprehensive education for all children. Children often work at a very young age suffering serious injuries and sometimes death in workplaces. They work as domestic servants and in sectors such as leather or brick-breaking industries. Penalties against this practice are negligible.

The national law in Bangladesh bans forced labour. However, the enforcement of these laws is poor. Forced labour has apparently disappeared in large scale companies but not in other parts of the country. The national law equally prohibits trafficking. Nevertheless, there is an extensive incidence of trafficking among women and children, primarily to neighbouring and Arabic countries.

INTERNATIONALLY-RECOGNISED CORE LABOUR STANDARDS IN BANGLADESH

Introduction

This report on the respect of internationally recognised core labour standards in Bangladesh is one of the series the ICFTU is producing in accordance with the Ministerial Declaration adopted at the first Ministerial Conference of the World Trade Organisation (WTO) (Singapore, 9-13 December 1996) and endorsed at the fourth WTO Ministerial Conference (Doha, Qatar, 9-14 November 2001) in which the Ministers stated: “We renew our commitment to the observance of internationally recognised core labour standards”. These standards were further upheld in the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work adopted by the 174 member countries of the ILO at the International Labour Conference in June 1998.

Bangladesh was a founding member of the WTO the 1st of January 1995, and thus became subject to the legal framework of this international body. Bangladesh participated in the ministerial conferences mentioned above and accepted the commitments adopted in these global meetings. Bangladesh equally supported the adoption of the “Declaration on Fundamental Principles and Rights at Work” in the ILO in 1998.

An estimated 15 percent of the approximately 5,450 labour unions are affiliated with 25 officially registered National Trade Union (NTU) centres. There are also several unregistered NTUs.

The ICFTU has five affiliates in Bangladesh, the “Bangladesh Free Trade Union Congress”, the “Bangladesh Jatyatabadi Sramik Dal”, the “Bangladesh Labour Federation”, the “Bangladesh Mukto Sramik Federation”, and the “Jation Sramik League”. These five organisations are all organised together in the ICFTU Bangladesh Council.

The total work force is approximately 65 million persons, of whom 1.8 million belong to unions. The vast majority (75 to 80 percent) of workers are engaged in informal and unregulated jobs without legal protections.

Although half of gross domestic product (GDP) is generated through the tertiary sector, nearly two thirds of Bangladeshis are employed in the agricultural sector, with rice as the single most important product. Major impediments to growth include frequent cyclones and floods, inadequate port facilities, problems in exploiting energy (natural gas) resources, and insufficient power supplies.

Growth has been a steady 5% for the past several years. Bangladesh’s Gross Domestic Product was estimated in 2005 at \$ 63.56 billion (composed of 20.5% agriculture, 26.7% industry and 52.8% services). The primary sector’s main products are rice, jute, tea, wheat, sugarcane, potatoes, tobacco, pulses, oilseeds, spices, fruit, beef, milk and poultry.

Bangladesh’s main export commodities are garments, jute and jute goods, leather, frozen fish and seafood and its main export partners are the US, Germany, the UK, France and Italy. The main industries within the secondary sector are cotton textiles, jute, garments, tea processing, paper newsprint, cement, chemical fertilizer, light engineering and sugar.

Bangladesh's main import commodities are machinery and equipment, chemicals, iron and steel, textiles, foodstuffs, petroleum products and cement, its main import partners being India, China, Singapore, Kuwait, Japan and Hong Kong.

Exports in 2003 stood at \$6.5 billion, while imports reached \$9.7 billion in that same year, providing Bangladesh with a deficit on its balance of trade.

The country's ready-made garment industry has been affected by the end of the quota system under the Agreement on Textiles and Clothing at the WTO, with substantial but so far poorly quantified reductions in orders and in production.

I. Freedom of Association and the Right to Collective Bargaining

In 1972, Bangladesh ratified ILO Convention No.87 (1948), the Freedom of Association and Protection of the Right to Organise Convention and ILO Convention No.98 (1949), the Right to Organise and Collective Bargaining Convention.

Freedom of Association and the Right to Organise

The Constitution and the law provide for the right to join unions and, with government approval, the right to form a union; however, the government does not ensure respect for these rights in practice.

There are many restrictions. Unions must have government approval to be registered, and no trade union action can be taken prior to registration. Yet before a union can be registered, 30 per cent of workers in an enterprise have to be members and the union can be dissolved if its membership falls below this level. Would-be unionists are forbidden from encouraging participation in union activities prior to registration, and legally are not protected from employers' retaliation during this period. They are therefore often prosecuted by their employers, sometimes accompanied by violence and with the help of the police. The names of workers who apply for union registration are frequently passed on to employers who promptly transfer or dismiss them, particularly in the textile sector. These requirements severely restrict workers' rights to organise, particularly in small enterprises and in the private sector in general, and the International Labour Organisation (ILO) has recommended that the government amend the 30 percent provision.

The ILO has further recommended that the government amend provisions that bar registration of a union composed of workers from different workplaces owned by different employers. The ILO has informed the government that this is a clear barrier to freedom of association.

However, the ILO's advice has been continually ignored. Despite promises some years ago to 'examine the issue', the government has not brought its labour legislation into line with ILO conventions. There has been no progress since it ratified Conventions 87 and 98 in 1972.

Civil service and security force employees are forbidden from joining unions because of their allegedly political character. Teachers in both the public and the private sector are not allowed to form trade unions either. Managerial and administrative employees can form welfare associations, but they are denied the right to join a union.

Candidates for union office have to be current or former employees of an establishment or group of establishments.

Even after registration, workers suspected of carrying out trade union activities are regularly harassed. One popular ploy is to dismiss a worker for misconduct, as they are then no longer entitled to become a trade union officer. A complaint to the Labour Court is of little use given the underlying corruption and serious backlog of cases which, in some instances, can stretch back several years or more.

The Registrar of Trade Unions has wide powers to interfere in internal union affairs. He or she can enter union premises and inspect documents. The registrar may cancel the registration of a union, with Labour Court approval.

All these restrictions have enabled employers to engage in serious intimidation of workers and trade unionists, leaving the trade union movement relatively weak in Bangladesh. There are many negative results for workers. Private sector employers frequently ignore the wage and benefit levels set by the wage commission, which convenes sporadically to set wages and benefits for each industry, using a range based on skill level. For example, in the garment industry, many factories do not pay legal minimum wages, and it is common for workers of smaller factories to experience delays in receiving their pay or to receive trainee wages well past the maximum three months. Furthermore, the laws on hours of work, overtime, health and safety and so forth are enforced poorly. The Factories Act nominally sets occupational health and safety standards but the law is largely ignored by employers as enforcement by the Labour Ministry's industrial inspectors is weak.

Collective Bargaining

Only registered unions can engage in collective bargaining, and each union must nominate representatives to a Collective Bargaining Authority (CBA) committee, which is subject to approval by the Registrar of Trade Unions. Collective bargaining occurs occasionally in large private enterprises such as pharmaceuticals, jute or textiles, but due to concerns over job security, most workers do not practice collective bargaining. Collective bargaining in small private enterprises generally does not occur.

In 2003 the government announced that it would not allow collective bargaining in jute mills during production time. In the past the government has applied this ban to national airline pilots, water supply workers, and shipping employees.

Mechanisms for conciliation, arbitration, and labour court dispute resolution are established under the Industrial Relations Ordinance. Workers have the right to strike in the event of a failure to settle. However, if the strike lasts 30 days or longer, the government may prohibit it and refer the dispute to the labour court for adjudication.

While the Industrial Relations Ordinance gives considerable leeway for discrimination against union members and organisers by employers, there are provisions in the Industrial Relations Ordinance for the immunity of registered unions or union officers from civil liability. However, enforcement of these provisions is uneven. In past illegal work actions, such as transportation blockades, police officers have arrested trade union members. Sentences of up to 14 years' forced labour can be passed for offences such as 'obstruction of transport'.

The right to strike is not specifically recognised in law. Three quarters of a union's members must agree to a strike before it can go ahead. The government can ban any strike if it continues beyond 30 days (in which case it is referred to the

Labour Court for adjudication), if it involves a public service covered by the Essential Services Ordinance or if it is considered a threat to the national interest. In this case, the 1974 Special Powers Act can be used to detain trade unionists without charge.

The Essential Services Ordinance permits the government to ban strikes for three months in any sector it declares essential. During the year 2005 the government continued to impose the ordinance, originally applied in 2002, to the Power Development Board, the Dhaka Electric Supply Authority, Bangladesh Biman Airline, the Chittagong Port Authority, and the Bangladesh Petroleum Corporation.

Textile workers fare badly both inside and outside the country's export processing zones (EPZs). An estimated two million women workers work for 3,300 employers to make clothes for export in Bangladesh. Workers are regularly sacked, beaten or subjected to false charges by the police for being active in unions. The General Secretary of the United Federation of Garment Workers (UGFW) has been arrested 12 times. Meanwhile, the country's garment workers are among the lowest paid in the world. They work long hours with very little leave, and face physical, verbal and sexual abuse.

The following example illustrates the consequences of negligence by employers and the authorities. Based on its analysis of publicly available resources, the respected Bangladesh Institute for Labour Studies found that in 2005, there were 480 workers killed by accidents or violence against workers in the workplace, and 950 injured. The ready-made garment sector led the way in its toll on workers, with 130 killed, and 480 hurt or maimed. On 22 January 2005, for example, 22 women workers were killed and over 50 injured in a fire that broke out during a night shift at the Shan Knitting and Processing Mill. The factory gate was locked. On 11 April 2005, 64 workers were killed and another 84 injured when the nine storey Spectrum garment factory collapsed. The building was only three years old and had been built in defiance of all building regulations.

In September, after a number of grievous factory fires during the first nine months of the year, the Commerce Minister stated that the government was planning to amend the Factories Act of 1965 to provide better protection for workers, and added that taskforces on occupational safety and health, and on labour welfare, had been created to carry out this work. Yet, by the end of the year 2005, the pledges still remained just that - no concrete progress had been made in changing the law.

The Bangladeshi ship recycling industry is based at Chittagong Port. Workers are employed on an as-needs basis, have no contract and do not sign any document which could link them to a specific yard. Thus workers have no legal recourse in the event of a dispute. Largely owing to the fear instilled in them - through violence and the precariousness of their employment situation - workers have no way of standing up for their rights or even claiming their dues. Unions are de facto forbidden on the sites and union organisers find it very difficult to gain access.

The Situation in Export Processing Zones

Special legislation on unionisation has prohibited the formation of unions in the country's five Export Processing Zones (EPZs) which are exempt from the application of the Employment of Labour (Standing Orders) Act, the Industrial Relations Ordinance, and the Factories Act, thereby excluding workers in the zones from protection of their rights to organise and bargain collectively, and from coverage by laws governing wages, hours and safety and health standards.

For many years, employers in the EPZs have been consistently hostile towards trade unions, claiming that many of the companies would be ruined and jobs would be lost if they had to have unions. Some employers in the zones have taken advantage of the absence of trade unions to commit violations of many labour standards, such as sexual harassment, physical violence, unpaid overtime, use of child labour, non-compliance with minimum wage regulations and deplorable safety conditions. In elections for workers' committees overseen by the BEPZA, workers made numerous reports of employer interference, or irregularities in the election process.

In July 2004 parliament passed a bill allowing limited freedom of association rights in EPZs, the EPZ Trade Union and Industrial Relations Bill 2004. The ILO Committee on Freedom of Association recommended numerous amendments to the law to bring it into compliance with Conventions 87 and 98 which Bangladesh has ratified. So far the government of Bangladesh has fundamentally failed to take any appreciable steps to comply with the ILO Committee on Freedom of Association's recommendations.

The law foresees the phased introduction of freedom of association, providing for a different type of workers' organisations at each stage. It does not go so far as to say that trade unions with full associational rights will be allowed to exist in EPZs after the last stage outlined, which will be after 1 November 2008.

While substitutes for some of the provisions of labour laws are implemented through the formation of "Worker Representation and Welfare Committees" (WRWCs), the WRWCs do not have collective bargaining rights but could negotiate with the employer on working conditions, remuneration or payment for productivity enhancements and worker education programmes. EPZ officials have not permitted such WRWC members to meet with WRWC members in other factories, to meet with outside labour organisations on their own time after the completion of the work day, or even to meet together in their factories.

Attempts to begin preparations for implementation of the EPZ law have so far been insufficient. At the end of 2005, EPZ officials had not hired the desired number of sufficiently trained and experienced conciliators and arbitrators. At other factories, there were acts of management intimidation, abuse, and improprieties during the election process, against workers during and after the elections, including suspension of workers and elected WRWC members, without due process, and contrary to EPZ law.

EPZ officials provided limited instruction to factory management and workers on the duties and responsibilities of management and workers under the law. In the aftermath of the labour dispute, however, a labour management agreement was reached, which permitted extensive training of management and labour on their roles and responsibilities under the law.

The declared minimum monthly wage for a skilled industrial worker in an EPZ is approximately \$58 (3,400 taka). This is not sufficient to provide a decent standard of living for a worker and family.

Following a visit by the General Secretary of the International, Textile, Garment and Leather Workers' Federation (ITGLWF) in November 2005, in which discussions were held with government officials about unions and the EPZs, and demands made for better enforcement of labour laws, foreign investors formally complained to the authorities about the activities of both the ITGLWF and the

Solidarity Center (the AFL-CIO's American Center for International Labor Solidarity). These investors called on the government to fully enforce the EPZ Labour Law, especially the provisions which call for levying fines against and imprisoning workers and representatives of 'outside organisations' who violate the law.

The Solidarity Center has continued to receive numerous 'visits' and ad hoc investigations amounting to harassment from the government's intelligence services, Rapid Action Battalion Forces, and other official authorities, despite being legally registered to operate in the country. The authorities seemed particularly concerned about work being done to assist EPZ workers, and collaboration with local trade union partners to insist that the government enforce its labour laws. The work of the Solidarity Center to help workers contact international labour rights organisations and overseas garment companies/brands to rectify problems at the factories was evidently unwelcome.

In July 2005, the Bangladesh Independent Garment Workers' Union (BIGUF) reported significant harassment by national intelligence authorities owing to the federation's efforts to support workers in the EPZs, and the decision by Russell Athletic Company to pull orders out of Bangladesh.

Workers at the Taiwanese-owned Ringshine Textile operating in the Dhaka EPZ walked out of the factory on 13 June 2005 after a manager in the factory took a steam iron to one woman worker's back, and threw a metal bobbin into the face of another worker. The worker stayed out of the factory on 14 July after a breakdown in negotiations between management and the Ringshine WRWC. Police responded by arresting two workers on 17 July. Management filed a case against the workers, claiming they had physically attacked a supervisor who had been verbally abusing the workers. The representatives of the WRWC denied the charge. However, the employer's case immediately prompted a massive police round-up of over 69 workers, who were seized from their homes on the night of 19 July. WRWC leaders said many of those arrested had nothing to do with case, but the police action caused many Ringshine workers to leave their homes and hide in order to avoid further police retaliation.

On 20 July 2005, a protest was mounted over the police arrests the night before. Over 150 workers were injured as police attacked them with truncheons and batons, and fired rubber bullets, at the protesters at the Dhaka EPZ. At least five workers reportedly received critical injuries. In September 2005, after significant international pressure, a settlement was reached with management, the ITGLWF and European clients of the factory, which resulted in reinstatement of all fired WRWC members, and all workers dismissed during the July protests. Ringshine management also agreed to drop all legal charges filed against the workers. The package of agreements provided that human resources/management systems be designed to recognise the role of the WRWC, linked to mutually acceptable procedures for complaints, grievances and disputes handling, as well as a step-by-step disciplinary process.

On 19 October 2005, security guards at Sinha Textile Mills severely beat two workers at the entrance gate of the factory which is owned by the former President of the BGMEA. One of the workers, Ratan Ali, was detained because, as a new worker, he had not yet been given a factory identity card. Despite his protestations that he belonged at the factory, he was taken to a separate room, beaten, and hung by the neck by a rope from a ceiling fan. Another worker, Sajal Saha, intervened to try to help,

and was also severely beaten. Their colleagues reacted against this violence by walking off the job, rallying outside the factory, and blocking local roads.

Police were called in, and in the ensuing violence over 150 people (mostly workers) were injured as police hit protesters with batons, and fired tear gas and live ammunition. At least, seven badly injured workers were hospitalised. Workers responded to the police violence with rocks and other projectiles, injuring several police. At least 14 workers were arrested, and arraigned for causing violence. The factory reopened on 20 October.

On 16 November 2005, another factory worker at Sinha Textiles was beaten by security guards, and accused of stealing from the factory. As workers demonstrated for justice, police again savagely attacked the rallies, reportedly killing three workers and injuring hundreds of others. Workers blocked the national highway between Dhaka and Chittagong, causing long delays. Instead of looking at the conduct of the factory's private security forces, the BGMEA blamed labour unions which, it said, were receiving support from foreign organisations. It claimed that these foreigners were manipulating the situation to try to destroy Bangladesh's garment industry.

At the Korean owned A-One Factory, a WRWC was organised, and elected in February 2005. The WRWC then applied for and was registered by the BEPZA on 4 April 2005. Negotiations were held between the WRWC and management on workers demands during the months of July and August. However, in September, management ceased negotiations, and unilaterally fired 255 workers, including the WRWC leaders.

In June 2006 at the International Labour Conference, the Committee on the Application of Standards demanded that the Bangladesh Government:

- take all necessary measures to eliminate the obstacles to the exercise of trade union rights in law and in practice in EPZs;
- adopt specific measures, coupled with effective and sufficiently dissuasive sanctions, against acts of interference in trade union activities;
- lower the percentage requirements of workers set for registration of a trade union and for the recognition of a collective bargaining agent; and
- ensure that these demands are reflected in a new Labour Code to be produced as soon as possible.

The US national trade union centre, the AFL-CIO, has filed several petitions over the years to strip Bangladesh of its "Generalised System of Preferences" (GSP) trade status because of the government's continued failure to provide for meaningful freedom of association rights for the nation's EPZ workers.

Conclusions: *Despite the fact that Bangladesh has ratified ILO Conventions 87 and 98 and that the constitution and national law provide for the right to join unions, these rights are not respected in practice. Bangladesh still requires a quorum of support of 30 per cent of workers to create a trade union, an obligation that has been systematically denounced by the ILO. The recommendations of this international body to amend the law have been ignored. Some professions are still prevented from joining unions, such as managerial and administrative employees and teachers. There are many cases of serious intimidation against trade unionists and the laws on hours of work, health and safety and overtime are enforced very poorly. Workers are*

regularly sacked, beaten or subjected to false charges for being active in union activities. Collective bargaining can only be exercised by registered unions and few workers enjoy it. The right to strike is not recognised by the law. The government is entitled to ban any strike which lasts more than 30 days.

Export processing zones in the country fall under a special labour legislation whereby basic rights are not permitted. Workers in these areas are excluded from organising and bargaining collectively. Recent attempts at changing the law to permit freedom of association rights in the export processing zones have been inadequate. The ILO has recommended numerous amendments to the new draft law to bring it into compliance with the relevant international core labour conventions, 87 and 98. There are many cases of violence, injuries, and some deaths of workers engaged in legitimate trade union action.

II. Discrimination and Equal Remuneration

Bangladesh ratified ILO Convention No. 111 (1958), Discrimination (Employment and Occupation) in 1972 and ILO Convention No. 100 (1951), Equal Remuneration in 1998.

Laws specifically prohibit certain forms of discrimination against women and provide for special procedures for persons accused of violence against women and children; however, enforcement of these laws is weak. Women remain in a subordinate position in society, and the government does not act effectively to protect their basic rights.

Women have limited opportunities for education, technical and vocational training and employment. Increasing rates of landlessness and impoverishment have had a significant impact on women. Almost 76 per cent of women fall into the category of “poor” in terms of income and resource endowments.

An average of 43 per cent of women is involved in agricultural work and of those, 70 per cent of women work as unpaid family labour. Women frequently work some 16 to 18 hours a day.

Women’s participation in formal sector employment is negligible. However, employment opportunities have increased at a greater rate for women in the last decade, largely due to the growth of the export garment industry. In the industrial sector, more than two million women work in some 3,500 garment units. Women made up 80 per cent of garment factory staff.

Religious minorities, such as Hindus, are disadvantaged in such areas as access to government jobs. There is also a perception that police are often slow to assist members of religious minorities who have been victims of crime.

Conclusions: *Despite the fact that Bangladesh has ratified ILO core labour conventions 100 and 111 and that the national law prohibits certain forms of discrimination based on gender, the enforcement of these legal instruments is very weak. The national law just bans certain forms of discrimination but not others, which implies a non universal scope of the issue. Women are mostly employed in the garment sector and are often unprotected and informal workers. Religious minorities*

are commonly discriminated against in employment and often treated disadvantageously by civil servants and public authorities in the country.

III. Child Labour

Bangladesh has not ratified ILO Convention No. 138 (1973), the Minimum Age Convention and did ratify No.182 (1999), the Worst Form of Child Labour, recently, the 12th of March 2001.

Primary education is free and compulsory, but the implementation of compulsory education falls short in part because parents keep children out of school, preferring instead to have them working for money or helping with household chores. Under the law, children between ages 6 and 10 must attend school up to the fifth grade or the age of 10 years. However, there is no effective mechanism to enforce this provision.

Many children begin to work at a very young age. In the government's National Child Labour Survey published in 2003, the government estimated that approximately 3.2 million children between the ages of 5 and 14 years worked. Working children were found in 200 different types of activities, of which 49 were regarded as harmful to children's physical and mental well-being. In informal activities, child labour abounds. There is a high rate of serious injury and death of children in workplaces.

Children often work in small-scale and subsistence agriculture. Hours usually are long, the pay low, and the conditions hazardous. Many children work in the beedi (hand-rolled cigarette) industry. Children under 18 years sometimes work in hazardous circumstances in the leather industry or the brick-breaking industry. There continue to be reports of several thousand children forced to work long hours on fish farms on small islands in south-western Bagerhat district for five months a year in hazardous conditions. The farm owners pay and feed the children poorly. The coast guard periodically rescue and return child workers to their home villages.

Children routinely perform domestic work. Mistreatment by employers during domestic service is frequent and occasionally leads to criminal charges against employers who abuse domestic servants.

Many children are engaged in the worst forms of child labour. UNICEF estimated in 2004 that there were 10,000 child prostitutes working in the country, but other estimates placed the figure as high as 29,000.

There is virtually no enforcement of child labour laws outside the export garment sector. Penalties for child labour violations are nominal fines ranging from an estimated \$4 to \$10 (228 to 570 takas). Most child workers are employed in agriculture and other informal activities, where no government inspection occurs.

However there has been some improvement since the government joined the ILO's International Programme on the Elimination of Child Labour (IPEC) in 1994. An ILO-backed programme has included a \$6 million project to eliminate the worst forms of child labour in five targeted industries: beedi production, matchmaking, tanneries, construction, and child domestic workers. Government incentives for families to send children to schools have contributed significantly to a rise in

enrolments in primary schools in recent years. According to 2001 statistics provided by the Campaign for Popular Education, 80 per cent of school-age children were enrolled in schools with almost an equal male-female ratio. In a 2002 report, the Campaign for Popular Education stated that 70 percent of the children completed education up to the fifth grade and that the dropout rate was 24.3 percent. The government expanded incentives for female education by making education free for girls up to grade 12 and using a stipend system from grades 6 to 12. Boys received free education only to grade 5.

The non-formal education directorate of the government, international organisations, and some NGO partners have sponsored programmes to provide education to some working children in urban slum areas around the country.

As of 2003, government statistics indicate that 19,874 children had been removed from hazardous work, 19,508 were attending non-formal education training, 7623 had been admitted to formal schooling, and 3,060 were receiving prevocational training. 7,623 had been admitted to formal schooling, and 3,060 were receiving prevocational training. Employers from 51 beedi and brick-breaking industries have declared their sites child labour free.

In 2003 the Bangladesh Garment Manufacturers' and Exporters Association (BGMEA), the Department of Labour, and the ILO jointly inspected an estimated 2,200 BGMEA-member factories with the declared intention of eliminating child labour in the garment sector. They found that less than 1 percent of the factories surveyed employed child labour, down from over 25 percent in 1997.

Conclusions: *Bangladesh has not ratified ILO Convention 138 on the minimum age for employment. Even though primary education is free and compulsory, there are no mechanisms to achieve the implementation of comprehensive education coverage. Children work at a very young age suffering serious injuries and ultimately death in workplaces. They work as domestic servants and in sectors such as leather or brick-breaking industries. There are many reports which denounce child labour in Bangladesh, from organisations such as the ILO or UNICEF as well as from many NGOs. Penalties against this practice are negligible.*

IV. Forced Labour

Bangladesh ratified, in 1972, both ILO Convention No. 29 (1930), the Forced Labour Convention and ILO Convention No. 105 (1957), the Abolition of Forced Labour Convention.

The law prohibits forced or bonded labour, including by children, and the Factories Act and Shops and Establishments Act provide for inspection mechanisms to strengthen laws against forced labour. However, the government has not enforced these laws adequately. While there is no apparent bonded or forced labour in large-scale enterprises, such is not the case elsewhere in the country.

Numerous domestic servants, including many children, work in conditions that resemble servitude and many suffer physical abuse, sometimes resulting in death. There are numerous reports of violence against domestic workers.

The law prohibits trafficking in persons; however, there is extensive trafficking in both women and children, primarily to India, Pakistan, Bahrain, the United Arab Emirates, Kuwait, and destinations within the country, mainly for prostitution and in some instances for labour servitude. The exact number of women and children trafficked is unknown.

Some boys are trafficked to the Middle East to be used as camel jockeys. According to the Centre for Women and Child Services, most trafficked boys in 2005 were under 10 years of age, while most trafficked girls were between 11 and 16 years of age.

During 2005, 65 cases of trafficking were dealt with by special courts dealing with incidents of repression against women and children. These resulted in the conviction of 28 persons, given sentences ranging from death to 10 years in prison. According to government sources, 139 victims of trafficking were rescued during 2005; 164 camel jockeys were brought home, 159 of whom were reunited with their parents. While an important start, this is not enough to deal with the scale of the problem involved and far greater efforts are required.

Conclusions: Bangladesh has ratified ILO Conventions 29 and 105 and its national law bans forced labour. However, the enforcement of these laws is very weak. Consequently, while forced labour has apparently disappeared in large scale companies, it has not done so in other parts of the country. The national law equally prohibits trafficking. Nevertheless, there is extensive practice of this among women and children, primarily to neighbouring and Arabic countries.

FINAL CONCLUSIONS AND RECOMMENDATIONS

1. The government of Bangladesh should amend its national law to provide all workers with the right to join trade unions and engage in collective bargaining. The basic right of freedom of association must be extended to all civil service and security force employees, teachers & managerial and administrative employees.
2. The union registration requirements need extensive reforms to bring them in line with the international labour standards of the ILO and ratified by Bangladesh – including the amending of the provision that obliges a quorum of support for union membership from 30 per cent of workers in an enterprise and the provisions that bar registration of a union composed of workers from different workplaces owned by different employers. This is especially urgent for workers in the garment factories.
3. The government of Bangladesh must amend its law and take adequate measures to prevent the common practice of discrimination by many employers against trade union members, officers or leaders.
4. The government of Bangladesh must establish and implement effective penalties against violence by employers and crack down on collusion by local authorities and police with employers. Similarly, the Labour Court should be given adequate resources to handle its case load expeditiously and its decisions must be scrutinised to identify and eliminate corrupt interventions by employers.
5. The government of Bangladesh must amend its national law to bring the right to strike and the Essential Services Ordinance into line with international standards ratified by Bangladesh in order to prevent arbitrariness by the government in declaring certain sectors essential or of public interest.
6. The government of Bangladesh must bring the country's export processing zones within the scope of the Employment of Labour (Standing Orders) Act, the Industrial Relations Ordinance, and the Factories Act in order to end restrictions on the basic right of freedom of association and the formation of unions. The government must equally take effective measures to ensure the application of the above mentioned legal instruments to all the EPZs.
7. The government of Bangladesh must amend the EPZ Trade Union and Industrial Relations Bill 2004, as recommended by the ILO Committee on Freedom of Association and the ILO Conference Committee on the Application of Standards, in order to bring it into compliance with Conventions 87 and 98.
8. The government of Bangladesh must undertake measures to tackle effectively and thus end discrimination based on gender, particularly in the EPZs where 80% of the workers are women.
9. The government of Bangladesh must ratify ILO Convention No. 138 on the minimum age for employment.
10. The government of Bangladesh must raise the minimum school leaving-age and provide for a minimum age for employment of at least 14, in line with the provisions of Convention No. 138, still not ratified by Bangladesh.
11. The government of Bangladesh must channel more resources into education to tackle the low school enrolment rate and the scale of child labour in Bangladesh.

12. The government of Bangladesh must carry out regular factory inspections that apply to all the economic actors in the country, including in small-scale activities, with particular priority in order to eliminate child labour.
13. The government of Bangladesh must take the strongest measures to stop the worst forms of child labour including prostitution, domestic servitude and camel jockeying. These actions need to be implemented immediately.
14. The government of Bangladesh must end forced labour through enforcement of the Factories Act and Shops and Establishments Act.
15. The government of Bangladesh must take effective measures to end servitude in domestic service.
16. The government of Bangladesh must take more determined actions to prosecute those who engage in the practice of trafficking of women or children. In addition, new effective measures must be taken to rescue victims of such trafficking (e.g. camel jockeys).
17. The WTO should draw to the attention of the authorities of Bangladesh the commitments they undertook to observe core labour standards at the Singapore and Doha Ministerial Conferences. The WTO should request the ILO to intensify its work with the government of Bangladesh in these areas and provide a report to the WTO General Council on the occasion of the next trade policy review.

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