



# General Assembly

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## Human Rights Council

### Eighteenth session

Agenda item 4

Human rights situations that require the Council's attention

### **Written statement\* submitted by the International Educational Development, Inc., a non-governmental organization on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 August 2011]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Forced and child labour in the fish and brick industries in Bangladesh\*\***

International Educational Development and the Association of Humanitarian Lawyers have become increasingly concerned with the forced labour situation in Bangladesh.<sup>1</sup> Of key concern are the shrimp and brick manufacturing industries, where reports indicate that the use of forced and child labour are rampant. Child and forced labour have been continual problems for Bangladesh, particularly in garment production, but largely ignored or minimized in the fish and brick industries.

### **Shrimp Fisheries in Bangladesh**

Forced labour, worker exploitation, and child labour go relatively unnoticed in Bangladesh's thriving shrimp industry. Shrimp is the country's second largest export in terms of dollar sales behind textiles.<sup>2</sup> It is difficult to assess the number of workers in the industry because many are undocumented and there are an abundance of unregistered farms. However, according to reports some 600,000 people depend directly on the shrimp farming portion with an estimated 3.5 million dependents.<sup>3</sup>

Bonded and forced labour is most common in the rural areas of Bangladesh.<sup>4</sup> Where workers in urban areas are more likely to be paid a daily or fixed wage, rural workers commonly use verbal agreements for wages, which are often manipulated by loan sharks or landlords.<sup>5</sup>

The Shrimp industry is concentrated in mainly two areas, Chittagong and Cox's Bazaar, all in the south western region of the country. In these rural areas, shrimp farms are able to take over farmland and seize land from the local people. In addition to this, the industry has caused huge environmental concerns to the agriculture of the area.<sup>6</sup> As a result, many of these farming families, particularly women and children, succumb to working at the shrimp fisheries.

While the fisheries technically have fixed wages, the majority of workers are categorized as "contract workers." These contract workers are usually hired through a third party and as a result, are not considered regular employees.<sup>7</sup> No labour laws are in place that protects the rights of contract workers, so they are, in effect, invisible. Once invisible to the law, the employer is able to ignore the non-wage benefits extended to full time workers.<sup>8</sup>

Many employees complain of shifts exceeding 12 hours, unpaid and forced overtime, failure to provide adequate healthcare, failure to provide childcare and maternal leave,

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\*\* The Association of Humanitarian Lawyers, an NGO without consultative status, also shares the views expressed in this statement.

<sup>1</sup> Association of Humanitarian Lawyers researcher, Ashley Perri, assisted in the preparation of this document.

<sup>2</sup> See Solidarity Center, *True Cost of Shrimp*, 2008, pg. 25.

<sup>3</sup> *Ibid.*

<sup>4</sup> See *Bangladesh: The Modern Face of Slavery*, IRIN, 7 Aug. 2009, 6 Aug. 2011 <<http://www.irinnews.org/report.aspx?reportid=85617> >

<sup>5</sup> *Ibid.*

<sup>6</sup> See Environmental Justice Foundation, *Desert in the Delta*, 2004.

<sup>7</sup> See Solidarity Center, *True Cost of Shrimp*, 2008, pg. 27.

<sup>8</sup> *Ibid*, pg. 27-28.

inadequate hygiene, health, and safety measures, and insufficient bathroom and toilet facilities.<sup>9</sup>

Another horrifying aspect to the shrimp industry in Bangladesh is the use of child labour. The actual number is difficult to assess, due to the fact that many of these child labourers are undocumented employees of subcontractors. However, according to first hand accounts and more pressingly, the 2010 US Department of Labor's report of List of Goods Produced by Child Labor or Forced Labor, Bangladesh's shrimp industry is listed as employing child workers.<sup>10</sup>

Bangladeshi law states that a child is a person who is 14 years of age or younger. Yet 13.4% of children 14 or younger are working.<sup>11</sup> Many are coerced into the jobs and are forced to work long hours, in unsanitary conditions.

Reports show that many child workers in the shrimp industry have contracted urinary tract infections, arthritis, fungal infections, diarrhea, muscle inflammation, back injuries, and repetitive strain.<sup>12</sup> This violates Article 3 (d) of the ILO Worst Forms of Child Labour Convention, 1999, indicating what constitutes the worst forms: "work which, by its nature, or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children." In addition to the physical harms to children in the shrimp farm industry, the psychological damages are undoubtedly severe.

### **Brick Kilns in Bangladesh**

The most recent incident of forced labour to emerge in Bangladesh has been the brick manufacturing industry. With the rise of a national construction boom, thousands of brick making facilities have sprung up around the country.<sup>13</sup> There are estimated 8,000 documented brick kilns in the country, in which 1.2 million people are working.<sup>14</sup> For the most part, much of the focus has been on the environmental harm and the "greening" of the brick kilns and less on bonded and forced labour used in the industry. As recently as January of this year, police raids have exposed brick kilns near the capital of Dhaka, where men, women, and children were bound in chains and forced to work.<sup>15</sup> In May of this year, Bangladesh's high court ruled that workers in the brick industry must receive better on- the -job protection and demanded the government find ways to ensure implementation of measures against officials who fail to stop forced labour in the brick industry.<sup>16</sup> We commend the government of Bangladesh for taking rapid action against these atrocities. However, much more needs to be done to achieve compliance with international human rights norms.

<sup>9</sup> See USAID, *A Pro-Poor Analysis of the Shrimp Sector in Bangladesh*, 2006, pg. 43.

<sup>10</sup> See US Department of Labor, *List of Goods Produced by Child Labor or Forced Labor*, 2010, pg. 10.

<sup>11</sup> See US Department of Labor Bureau of International Labor, *Findings on the Worst Forms of Child Labor Country Profiles: Bangladesh*, 2010, pg. 46.

<sup>12</sup> *Ibid.*

<sup>13</sup> See *Bangladesh Must Stop Forced Labor Says High Court*, Radio Australia News, 23 May. 2011, 6 Aug. 2011 <<http://www.radioaustralianews.net.au/stories/201105/3224749.htm?desktop>>

<sup>14</sup> See *Court Bans Forced Labour in Bangladesh's Brick Kilns*, Deutsche-Press Agentur, 22 May. 2011, 6 Aug. 2011.

<[http://www.monstersandcritics.com/news/southasia/news/article\\_1640695.php/Court-bans-forced-labour-in-Bangladesh-s-brick-kilns](http://www.monstersandcritics.com/news/southasia/news/article_1640695.php/Court-bans-forced-labour-in-Bangladesh-s-brick-kilns)>

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

### **Conclusion**

Human rights violations involving forced and child labour in these two industries in Bangladesh must be addressed. In this regard, we urge Special Rapporteur Gulnara Shahinian to request a country visit to Bangladesh. We are, of course, pleased that she stated from the outset of her mandate her special attention to the issues of forced labour, its causes and consequences, and child labour.<sup>17</sup> We anticipate that this is a situation in which Bangladeshi authorities would welcome the assistance the Rapporteur can provide to them as they move towards full compliance with all relevant human rights norms.

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<sup>17</sup> See her report A/HRC/9/20. We, of course, expect that the Council will extend her mandate at this session.