



person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Article III: Everyone has the right to life, liberty and security of person. Article III: Everyone has the right to life, liberty and security of person. Article III: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article IV: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article V: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article VI: Everyone has the right to recognition every- where as a person be-

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International Federation for Human Rights



In cooperation with the International Platform on Shipbreaking



# CHILDBREAKING YARDS

## Child Labour in the Ship Recycling Industry in Bangladesh

Article I: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article II: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (...) Article III: Everyone has the right to life, liberty and security of person. Article IV: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article V: No one shall be subjected to torture or to or degrading treatment or

No one shall be subjected to cruel, inhuman





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We would also like to deeply thank the children, young adults and their relatives, who accepted to meet us in Chittagong and in Northern Bangladesh and share their lives with us.



# Introduction

FIDH began investigating the general working condition at shipbreaking yards in Bangladesh and India in 2002<sup>1</sup>. In 2005, YPSA, Greenpeace and FIDH published a joint report focusing on dead and injured workers<sup>2</sup>. With *Childbreaking Yards*, FIDH and YPSA portray child labour at Chittagong's shipbreaking yards.<sup>3</sup>

When we conducted field investigations in 2000, 2002 and 2005, we repeatedly noticed children among the workers involved in shipbreaking activities.

“My father died on the yard after a big piece of iron crashed on his chest. One year later, my older brother Mitu had no other choice than to leave for the ship-breaking yards”, Nasima explained to us in October 2005 at her village of Chandan Baisha on the bank of Jamuna River, Northern Bangladesh. She was 12, and her brother was one year older. At that time, we were travelling to one of the poorest parts of the country to meet with the relatives of workers who had died or had been severely injured in shipbreaking yards. Mitu was not an exception. This 13 years old boy is just one of thousands of children working at the Chittagong shipbreaking yards to support their families. Mitu went to the yards because he lost his father, and his family was consequently left without income. Sohel, 12, left Comilla for Chittagong because his mother could not pay back the loan she got from an NGO. In 2002, Robani, then 14, and his father left their village because the river had covered their last strip of land.

They all left their villages for different reasons but ended up doing the same highly dangerous work at Chittagong's shipbreaking yards, risking their lives to earn a little more than one euro per day.

## Hazardous work, deadly yards

Most of the ships navigating the world's ocean are currently dismantled in Bangladesh, India, Pakistan, China and Turkey. Every year, the shipping industry sends about 600 end-of-life ships<sup>4</sup> to yards, where thousands of workers break them into pieces to be recycled. Bangladesh is currently the largest shipbreaking country, having processed more than 60% of all large ocean-going vessels in 2007.

Although working at shipbreaking yards is a highly hazardous job, men and young boys keep coming to

find work there, most of them being extremely poor farmers. These migrant workers often travel from remote areas to find a job that, under the current circumstances, requires more physical strength than skills.<sup>5</sup> Working in the yards provides them with a higher income than agricultural work in their villages, but it is also considerably more risky. Each year, in Bangladesh alone, hundreds of them are victims of accidents in the yards.<sup>6</sup> According to available information, 18 workers died in the last two years (2006, 2007) and in 2008 (till August), 10 workers died. Many workers are severely injured, and their health is affected as a result of exposure to hazardous substances contained in the ships and of the unsafe conditions in the yards. Working in the same hazardous conditions as adults, children and teenagers, who lack the physical strength and are still growing, are even more vulnerable to accidents and illnesses.

Although Bangladesh is the first ship breaker in the world, laws and regulations are completely disregarded in its yards. At Chittagong's yards, owners and their association, the Bangladesh Ship Breakers Association (BSBA) ignore laws and workers' rights, preferring to buy the silence of corrupt officials and journalists. Shipbreaking yard owners know how to use pressure, including violence, to protect their extremely lucrative businesses from those refusing this law of silence.

Nearly forty years after the first vessel was dismantled on the beach north of Chittagong, shipbreaking is now a key industry in Bangladesh that employs an average of 30,000 workers directly and between 100,000 and 200,000 indirectly. It is also an important source of income for the State. The shipbreaking yards have become a major supplier of second-hand machineries, various materials and millions of tons of recycled

1. *Where do the "floating dustbins" end up?*, <http://www.fidh.org/spip.php?article1825>.

2. *End of life ships: The Human Cost of Breaking Ships*, <http://www.fidh.org/IMG/pdf/shipbreaking2005a.pdf>.

3. FIDH and YPSA are both members of a wider network of NGOs working on the issue of shipbreaking, the NGO Platform on Shipbreaking – see <http://www.shipbreakingplatform.org/>.

4. The number of vessels sent for dismantling varies from year to year and depends especially on freight-rates. However, it is estimated that the number of vessels going out of service in the next few years will increase following the global phase-out of single hull oil tankers, the fact that approximately 15 million LDT (light displacement tonnage) older vessels that operated longer due to high freight-rates will have to be dismantled, and the general boom in shipbuilding over the last years.

5. Actually, this would not be the case if workers were properly trained and specialized in toxic substances' removal according to international standards, and strength would be less required if cranes and other technology were used.

6. There are very few reliable statistics – as reported in the *Human Cost of Breaking Ships* report (see above), and the estimates do not take into account the persons who die as a result of chronic diseases due to exposure to toxic substances.



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Child collecting crabs next to the yards.

steel. In fact, ship scrapping provides 30 percent of Bangladesh's steel needs (according to a statement in a national newspaper of Bangladesh Prothom Alo, on 31 December 2007), a dependency to the shipbreakers that gives them considerable power. For example, in 2007 and 2008, shipbreaking yard owners voluntarily piled up steel plates instead of selling them to re-rolling mills in order to artificially increase the market price<sup>7</sup>. In the context where all commodities prices including steel experience a sharp rise, scrapped steel which is approximately 20% cheaper is extremely important for the country<sup>8</sup>.

Despite the importance of this industry, the government of Bangladesh has neither public statistics nor detailed record on this activity.

In spite of the adoption of related domestic legislation, a training program executed by the Ministry of Labour and Employment with the support of the UNDP and the International Labour Organization (ILO) for several thousand workers (until the end of 2007), and a government initiative to draft a Shipbreaking Policy Paper, the situation has not changed in the yards. Ships are still dismantled in a very hazardous way, that regularly leaves workers dead, disabled or with their health seriously affected, and the environment is extremely polluted. The workers, including children from the age of 10, do not sign any labour contract and their rights are *de facto* ignored.

Urgent measures need to be taken to render shipbreaking activities in Bangladesh compatible with international labour, health and environmental standards. As mentioned, this activity provides job opportunities for tens of thousands of workers, and the country is not in position to buy all of its steel on the international market; it therefore relies on recycled steel scrapped from ships.<sup>9</sup> It is only through a concerted effort of the government of Bangladesh, shipbreakers, the shipping industry, relevant UN agencies and the international community that working conditions in Bangladeshi yards can be improved. It is also the only way to put children working in the yards back to school, or in other jobs that are not hazardous for their life and health.

## Child Labour in Bangladesh

In Bangladesh, child labour is rampant, both in the formal and the informal sectors, such as shops, restaurants, motor garages, transports, construction sites, agricultural work, domestic work, shipbreaking, etc. Some of them only receive a roof and food as payment. The children who are paid generally get a much lower salary than adults, even if they carry out the same job and work an equal number of hours per day. Although their income is limited, working children usually contribute a significant proportion to the family income – around 20%. Those who are not paid do not depend on their family for their food.

In one of the poorest countries in the world,<sup>10</sup> with about half of its citizens living in deprivation, half of all children under six showing signs of chronic malnutrition<sup>11</sup>, and 30% of the population undernourished<sup>12</sup> the main cause of child labour appears obvious: poverty.

Despite the fact that a Compulsory Primary Education Program was established in 1993, access to school remains too expensive for poor rural families, who must pay for the uniforms and transportation. The education expenses can represent one-third of the entire family income in certain regions of Bangladesh. Since the education system does not necessarily offer immediate prospects of more qualified jobs and higher income, the poorest families struggling day after day to get food are therefore unable to think in the long term. The equation is as terrible as it is simple: a child at school costs money, a child at work does not and can even earn money.

Many poor families try as long as possible to keep their children at school, but after facing chronic natural disasters such as floods and cyclones, they do not have the choice. Losing their home and their land, vulnerable families have no other option than to send one or several children to work. Children are consequently doubly victimized: if they survived the flood or the cyclone, they get trapped into post-disaster family surviving strategies that often consist of sending them to work.

7. For media articles on the price hike, see [www.shipbreakingbd.info](http://www.shipbreakingbd.info)

8. "Scrap ships could shore on demand for cheap steel", The Daily Star, 19/08/2008

9. A government circular has recently been passed allowing the import of other sources of scrap steel, 2 June 2008

10. Ranked 140 of 177 countries in the UNDP Human Development Index, Human Development Report 2007/2008, p. 231.

11. See the BBS/UNWFP report "Local Estimation of Poverty and Malnutrition in Bangladesh", 2004. According to the UNDP Human Development Report 2007/2008, 48% of children less than 5 years old are underweight, while this statistic was 56% in the 2000 Human Development Report.

12. UNDP, Human Development Report 2007/2008, p. 253.

Nevertheless, poverty is not the only cause of child labour in Bangladesh. There is also a “pull factor” that encourages child labour: children represent a cheaper work force that is easy to control and most unlikely to defend its rights, and even more unlikely to organize into trade unions. According to the Bangladesh Bureau of Statistics (BBS) survey on child labour (2003), 7.9 million children between the ages of 5 and 17 years old are working. Three quarters of them are boys. Among them, 1.3 million are working 43 hours or more per week. The BBS 2003 Survey states that more than half of these children are working in agriculture, while the services sector engages a quarter of them and the industry sector employs less than 18%. Last but not least, more than one million children are working in risky jobs.<sup>13</sup>

In 1995, the Ministry of Labour and Manpower, in association with UNICEF, identified the hazardous economic activities<sup>14</sup> in which children were involved. The study “Hazardous Child Labour in Bangladesh” listed 27 activities as hazardous but shipbreaking was not included. It is only in July 2008, as the government finalized the draft of the 2008 National Child Labour Elimination Policy, seeking to phase out child labour and rehabilitate over 1 million children engaged in risky jobs, that shipbreaking yards became a target. After identifying shipbreaking as the most hazardous job, the government decided to commission a fact-finding team to visit Chittagong’s yards and report on the situation of child labour.<sup>15</sup>

### Objective and methodology

In spite of the fact that working conditions in ship-breaking yards are extremely precarious and the work requires considerable physical strength, children constitute an important proportion of the working force in the yards – up to 25%.

We interviewed many actors involved in the shipbreaking business<sup>16</sup>, but only a few of them were aware of the existence of child labour in the yards. Some of them wanted to minimize the appalling side of this business while other interlocutors, including NGOs, thought that for such physical work, nobody would hire a child.

Child labour is a well-known and debated issue in Bangladesh, but the shipbreaking activity seems, up to now, to be kept out of the scope of existing studies, which mainly focus on other sectors such as farming, the *bidi* industry or domestic work.

Alerted as to the number of children working in the shipbreaking yards and in the absence of any serious study about this question, FIDH and YPSA decided to jointly investigate on this issue. This report is based on field research carried out in and around shipbreak-

ing yards, as well as in Northern Bangladesh villages, where many child workers come from.

This report does not give any statistical evidence of the phenomenon, which is impossible to provide in the absence of official figures and would require a long-term research, which would actually be very difficult to carry out due to the severe restrictions on access to the yards. With *Childbreaking Yards*, FIDH and YPSA draw for the first time a comprehensive description of child labour in Chittagong’s shipbreaking yards. Because these children are unknown or voluntarily ignored by local and international actors, we decided not only to describe a phenomenon but also to give them a voice and a face. Through testimonies and pictures, the purpose of *Childbreaking Yards* is not only to denounce child labour but also to shed light on the socio-economic context that pushes children into such a hazardous activity.

Besides pictures of children at work, the report gives a large space to children’s portraits taken during their resting hours on Friday or in their villages. Instead of presenting emotional pictures that easily produce indignation, we chose to show the children and their relatives as persons who are part of a social reality, and not to only portray them as silent victims.

In addition to information accumulated since 2000, FIDH and YPSA conducted interviews in March and April 2008 with more than 50 children and young adults involved in shipbreaking, and their relatives. We also interviewed officials from the Shipping and Labour departments as well as NGOs working on labour rights and trade unions.

13. BBS report, [www.bbs.gov.bd](http://www.bbs.gov.bd).

14. 1. Automobile workshop worker. 2. Battery recharging shop worker. 3. Bedding manufacturing worker. 4. Blacksmith. 5. Brick/stone crushing. 6. Car painting/metal furniture painting/spray painting works. 7. Child prostitute. 8. Construction. 9. Dyeing workshop worker. 10. Electric mechanic. 11. Engineering workshop worker. 12. Goldsmith’s assistant. 13. Hotel/Mess cook. 14. Laundry boy. 15. Porter. 16. Printing press worker. 17. Rickshaw/rickshaw van puller. 18. Saw mill worker. 19. Small soap factory worker (crude process). 20. Sweeper. 21. Scavenger (waste pickers). 22. Tannery factory worker. 23. Tempo/truck/bus helper/unlicensed tempo driver. 24. Welding worker. 25. Shrimp processing factory worker (processing by hand). 26. Vulcanizing workshop assistant. 27. Vangari (splinter/waste collectors and processors).

15. The findings of the commission are not public as we are publishing *Childbreaking Yards*.

16. The mission met with workers, trade unions (Trade Union Center), representatives from the Ministry of Shipping and Labour, including the Department of Inspection, as well as with NGOs (BELA, BILS).





# Causes of child labour at shipbreaking yards

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Rasel lives nearby the yards with his family. He loads iron plates for 3000 takas a month.

Poverty is the main factor to explain why about a quarter of the workers at Chittagong's yards are under 18. Most of the families with one or several children working in the shipbreaking yards face severe financial difficulties. But poverty has its own causes.

## Loss of Land

Many families have to sell their land for financial reasons, while other families we met along the Jamuna River lost their land because of the river erosion. In some cases, during less than a decade they lost part or all of their land more than five times, as well as their homes. This repeated loss makes it almost impossible to survive with only local income, and forces a father, a son or a daughter to travel to Dhaka or Chittagong to seek a job.

For peasants, owning land affords a minimum guaranty of access to food. When they do not have land, their food security is threatened and they have to find another source of income. The first option is to farm the land of others, for which they get paid in crops or cash. But farming work is irregular and insufficient.

Jowel, 14: "My father works for land owners, we don't own any land. He might make 2,500 takas a month. But in fact his income is irregular, it depends on the season. It wasn't enough to feed the family so I left my village for Chittagong."

Most often the children start working after the family has to sell its land or when the land has been flooded by the river. Najrul, 14, joined his two older brothers, Lablu (16) and Bablu (20), after the Tista River took their land in Kurigram district, Northern Bangladesh. "I arrived at the yard a month ago, my brother Lablu arrived here two years ago. Bablu arrived at first with

our uncle three years ago. Our land value was 100,000 takas, we lost it all. My father started working on other villagers' land but it wasn't enough money. My brothers send every month 2,000 takas and as soon as I get paid I will send money too".

Mohamed Kajamir, 18, has been working in the shipbreaking yards for 4 years now: "I liked school very much, I was gifted and my parents tried by any means to keep me studying as long as possible. But when I was 9, the river took our land I had to start working. First I was farming around the village and I could still go to school. But it wasn't enough. I have four younger brothers and one sister. At the age of 14, I left for Chittagong with my uncle"

In a village close to the Jamuna River and not far from Saria Kandi, we met Robani, 19, and his father. "From 1983 to 1986, we lost almost all our land", tells Robani's father. "Until 2002 we still had some and I had a job at a jute mill. But that year I lost both my job because the mill closed and the rest of our land. It was the seventh time we lost land and home. We had no other choice than to leave the village to find a job. We had heard from villagers about the shipbreaking yards and so I took my son with me to Chittagong". Robani, then 14, and his father worked three years as loaders. "At the beginning I was to weak to load iron plates so I was collecting smaller pieces on the ground," recalls Robani. In 2005, the jute mill reopened and the family was given land from a new char<sup>17</sup> by the government. After three years in the yards, Robani and his father went back home. "Even if we face another financial crisis, I won't go again to the yards. I'm confident, the family situation is much more solid now. I want that my two sons study. In 2002, we had big problems, we had no choice. Today the situation is much better for us." tells Robani's father.

Robani's family was in a sense lucky to get land from the government. Landless farmers can wait years without getting any similar assistance. Not far from Robani's home we met the mother of Mitu, who went to work in the yards at the age of 10. Her husband Naddu was killed in the yard and her son Mitu replaced him. But without any land, the money Mitu is sending is not enough. "My only hope is the apparition of a char, but I don't know if the river will give us this land, I might die before I see it."<sup>18</sup>

### Disappearance of the father

According to many of the child workers and families we interviewed, the financial crisis oftens begins with the disappearance of a father. Because the father is the main source of income in many families, when he dies or leaves his wife for a younger one, the financial consequences are often unbearable. The oldest son,

even if he is still a teenager, is likely to become the person financially in charge of the family.

Rasel is 14 years old and comes from a village near the shipbreaking yards: "I started working at the yards three years ago. It was one year after my father died of cancer. He was doing business with scrap iron. Until he died my family had a good life. After, my mother started selling cakes. I saw her struggling so hard to feed us that I decided by myself to look for a job at the yards. I started as cutter helper and then joined the loading group. I can earn 3,000 takas a month. I hate everything on the yards. I don't like my job, I'd like to change. I saw so many accidents. I'm so scared but I have not choice but to continue this work. My older sister who is 16 works at the textile factory. We together feed the family. In my family we never eat meat or fish."

Ajub, 15, is from the Moheshkali Island facing the southern city of Cox's Bazaar. "When my father died seven years ago my mother tried to feed my younger sister and me. She was farming but it wasn't enough. I was 8 when I started working at the salt factory. I worked there for 7 years but when seven months ago a foreman came to the village and offered a job with double my pay I left for Chittagong. I'm now working as a loader. I'm the only income for the family. Every week I send 300 to 400 takas through a mobile phone shop in the village. In fact from here I recharge a mobile number belonging to the village shop and its owner gives the money to my mother."

"My father died and I then had to feed the family", explains Abdu Samad, a 17 year old boy from Mymensingh, Northern Bangladesh. From the age of 7, he had been working in the field but last year he moved to Chittagong. "I asked my mother who first didn't agree because the work at the yard is too dangerous but then because we needed money to eat she had to accept. I already saw many injured workers who had to leave the yards. Working here is horrible especially when bits of rust we have to remove from the iron plates jump into our eyes." Tomorrow? "Impossible to know, we can't think about tomorrow, we have to work, that's all."

<sup>17</sup>. Chars are islands of silt within rivers that appear and disappear with the rainy season.

A sick father can also force a child out of school to find a job and support his family. Mohamed Kawser Habib, 15, has two older brothers but they left the family and don't help anymore financially. When his father, a businessman selling fertilizers, fell seriously ill, the family had no savings to pay for medicine and cover the daily expenses. Mohamed Kawser Habib, then 12, left for Chittagong where he worked for five months until his father recovered.

When we first met Belal, 16, not far from a yard, he told us his father was a rickshaw puller who died of illness. Belal was then 11 and had to start working. But when we took Belal back to his village of Kumira, a dozen kilometres away from the yards, he revealed that his father was not dead. "In fact my father left us to marry another woman. My neighbours told me to hide the truth from the strangers. I was 11 and started working at a teashop. I could earn only a few hundreds takas a month which wasn't enough to feed my mother and younger sister. So I started working at the shipbreaking yards with one of my cousin. I work around 15 days a month for about 1,500 takas."

Mohamed Ali's father left his family in the village of Khulna district, Western Bangladesh, for Chittagong with a younger woman. The mother faced huge difficulties to feed her five children without any support from the husband, who finally after three years told her to move down to Chittagong too. But once there, he did not help them more. Mohamed Ali and his mother feeds the entire family. "My mother works at the jute mill and I started working last year at the yards as a cutter helper. My father never visits us. He sometimes looks for me in the street and tries talking to me, but I refuse. He harmed my mother too much. In the village there was no work, at least here I can work. It's very hard but I don't have any choice, that's my life. My ambition is not very high, I just want to become a cutter, maybe after five years."

Murzina squats the public land along the embankment, only a hundred metres away from the Jamuna River, not far enough to keep her house safe during the rainy season. But she has no other choice. Even though her younger brother Hasan is working at the shipbreaking yards and regularly sends money, there

is no chance she can find proper land to live with her mother and second brother. "Problems started ten years ago when my father left us to marry another woman. That's when my husband and my younger brother Hasan had to leave to Chittagong. At that time we thought my husband would work only one year at the shipbreaking yards to make just enough money to buy a rickshaw and work in the village. But my husband didn't work a long time before he died of an accident. An iron plate fell on him. We just got some money to transport his body from Chittagong back to the village, nothing else. When my husband died I asked my brother to come back but he stayed at the yards. Anyway, what can we do? There is no work here. I'm always terribly worried for my brother but I have no choice."

### **Indebtedness**

According to many of the child workers and families we interviewed, a financial crisis can easily begin (or a fragile situation worsen) with a wedding. To marry a daughter, poor families without savings get almost automatically indebted. To collect the equivalent of several years' income, they sell land or cattle, which has a negative impact on their income and food security in the long term. Otherwise, they can borrow money from neighbours or relatives and become indebted for years.

### **The cost of a wedding**

"Our financial problems started with my sister's wedding", tells Shobuz, 15 years old. "My parents borrowed a lot of money that they have now to give back. My father sold our land for 25,000 takas. He borrowed money to relatives and took a 5,000 takas loan from a NGO. Now my father works at a local mill as a carpenter. He earns 1,800 takas a month which is not enough to pay our debt. I'm here in Chittagong to help to pay back 500 takas a week. Before the wedding our situation was good, we had land, we were living quite well in the family."

Saidul's family living in Comilla did not want to sell their land. The father of the 13 year old boy decided instead to borrow money. "My family borrowed 13,000 takas in the village to marry my older sister. My father was the only one earning money and we didn't want to sell our land because we would have lost our food resources. During one year, we must pay back every month 1,000 takas and one mon (40 kilos) of rice. We borrowed the money a year ago but up to now we couldn't pay back. That's why I came here at the yard. I started working two weeks ago. I work 14 to 15 hours a day in the wire group. I haven't get paid yet but I hope I will be able to send 1,000 takas every month. Once we'll have paid back the money I think I will go back to the village. It's too dangerous here. But then I don't know what

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18. See the family portrait in part II.



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I can do in the village. Maybe I will finally work longer here.”

Usually, after the wedding, the new family takes care of the bride. But in some cases, the parents keep feeding their married daughter. That’s why Issa, 15, from Rangpur, went to work at the shipbreaking yards. “Six months ago, one of my brother in law went into financial problem and sent back my sister to our home. Then, the husbands of my two other sisters did the same. The three brothers in law work in the city and told us that it was my father’s responsibility to feed his daughters. With such a situation, six months ago I decided to leave for Chittagong. I send 2,000 takas a month. ”

#### **Microcredit, Maxi debt**

Family debt is often the reason that parents take their children out of school and send them to work. Debt can be the result of a familial financial crisis but also the consequence of NGOs providing easy loans to poor people who are not really aware of the repayment system. During interviews, children very seldomly said spontaneously that debt is the reason for them to work at the shipbreaking yards. Only when asked about the family story, the social environment, do they mention a wedding for which a loan was necessary, or explain how their parents got a micro-credit from an NGO easily, which then became a financial burden.

When families get loans from other villagers or relatives, the repayment is often flexible, depending on the financial capacity of the borrower. This is not necessarily the case with NGOs, which seem to be very strict about reimbursement and impose high interest rates to villagers regardless of their financial situation. “I borrowed 3,000 takas my cutterman to send to my father because he had to repay without any delay the NGO”, explains Kamunil Islam who has been working as a cutter helper for several weeks only. “My father got a 5,000 takas loan from an NGO but he couldn’t pay back the money so I had to come to work at the yard. He took the loan a year ago. He has to pay back 150 takas a week during 46 weeks”.

In theory, NGOs providing microfinance, are giving loans to poor villagers to invest in specific projects. The loans are supposed to come with trainings about finance and careful follow-up of the projects. But what we have heard repeatedly from the villagers we interviewed is that the loans are very easy to get, without any control, nor follow-up. It appears that some NGOs employees are trying to give the largest number of loans they can exactly as a regular bank employee would do.



Children and adults working at the yards.

Sohel, 12, arrived the day before we met him near the yards. He travelled from Comilla to Chittagong to join his father, who was already working in the mud group. “I have a younger brother and a younger sister, my mother doesn’t work. She has a loan of 15,000 takas with an NGO. She got this loan to buy a cow but in fact she spends the money on daily expenses. She must pay back 400 takas a week but she can’t. My father can send 1,000 to 1,500 takas a month. That’s not enough. I came here so that we can pay back the loan. I’m still happy here because I haven’t started work and I can see my father I haven’t met for a long time”.

In some cases, instead of investing the loans in income generating micro-projects, villagers pay back former debts, rendering the NGO loans a mere respite. But it is a dangerous one: rather than alleviating poverty, the loan pushes families into deeper financial crisis. Nuramol, 12, arrived from Comilla two weeks earlier: “We had mortgaged our land to pay my sister’s wedding. Then, to get back the land and cultivate it my father took 20,000 takas loans with two NGOs. Of course, to obtain the loans, my father didn’t tell the truth to the NGOs. My first money here at the

yard will help me to pay back my train ticket and my equipment. After, I will send regularly money to help my father to pay for the loans”.

Saddam, a 14-year-old boy living nearby the yards, has been working for a year in a scrap shop near the yards. He dissects cables to help pay back two loans (totalling 22,000 takas) his mother took a year ago to pay back family debts. In Tibu’s family, the financial crisis began after his mother took a 10,000 takas loan from an NGO. His mother tells us: “I took the loan to start a small business, selling sari. But then I spent the money to buy corrugated iron for our roof and now I can’t pay back the 550 takas the NGO asks me every week. That’s why we sent Tibu to work on the yard.” As a villager puts it: “We can invent whatever we want to get the loan easily but the problem is that we don’t know how to do with the money.”

Obviously those cases are not giving a balanced idea of micro-credit, and we are not trying to condemn this financial system in any way. For many families, micro-credit is a very valuable tool to alleviate poverty. But it is important to note that when the loan system does not benefit sustainable projects and is not implemented carefully it can produce the exact opposite results of the objective, and might even bring children into hazardous work as a side effect.

For Farid Uddin, a consultant on development and child labour (Credit and Development Forum), “micro-credit works with people having already a little but it pushes in greater poverty the very poor. To say that micro-credit is useful to eliminate poverty is wrong. Micro-credit presented as a poverty alleviation tool is a lie, better to say that it is a simple loan.”

“There is clearly a problem with micro-credit”, tells a Chittagong based NGO activist. “Many NGOs just try to give a maximum of loans and make money with high interest rates. They are supposed to educate villagers about the use of the money and the loan system but they don’t really do it. Those NGOs just make money as any other bank.”

### **Attracting yards**

Besides these reasons that “push” villagers, including children, to work at the shipbreaking yards, there are a few “pull” factors that attract them. Although all workers complain about the awful working conditions and the high risk of accidents, they still come to work at the yards because they can easily find work, without qualification or experience, and a salary that can be better than many other jobs. Many children compare their current job with regular pay to the irregular work, mostly farming, in the village. Some of them, such as Nil Krishna, compare the work at shipbreaking yards with past experience in factories: “I started working when I was 13 at the cotton mill but the salary was too low and after a year, I went to the yards where I found a job as cutter helper. I still hope to work somewhere else if I can find a better job.” Some of them leave the yards because of the unbearable working conditions but come back because they could not find a job with a comparable salary. Mohamed Kajamir, after three years in the yards, went to Dhaka to work on a dairy farm; although the working conditions were much better, the salary was 500 takas less. He decided to come back to Chittagong to be able to send at least 2,000 takas a month to his family in Jamalpur.

Shafiqul Islam, 15, had a job in his village near Saidpur, Northern Bangladesh, but at the beginning of 2008 he needed money to support his family, so he moved to the yards to work as a loader. “I was carrying mud in the village but a friend told me that I could earn much more at the shipbreaking yards. So I came here. My father died when I was very young. My older married brother has several children. Three years ago, I started working in the village to help my family. But recently the financial situation got worse with all the children to feed and I came here. My plan is to earn 5,000 to 6,000 takas and return home. Then, I don’t know if I will come here again because work is hard and risky. At anytime a piece of iron can crash on my body. I earn more money here but risks are much bigger than at the village when I was carrying mud.”

All the children we interviewed at the yards told us about the risks and fear of accidents. All of them had been “lightly” injured (superficial cuts and burns, etc.) and many were traumatized after seeing workers die or become seriously injured, for instance losing a member. But before they start working, they are unconscious about the risks; some of them are even proud to be able to work as adults do, to identify with them, to become a man by doing a very hard job. When we met at a colony by the yard, 12-year-old Sohel, who arrived the day before from Comilla, was happy and impatient to start the next day his work alongside his father. But a cousin who was at the colony too and had been working in the yards for several years, explained that Sohel would very soon become disillusioned: “He will soon start feeling sick and will understand that our job is awful and dangerous.” For the very young children, it starts as a game but ends up as a nightmare.

Boys working at the yards, often the eldest sons, frequently told us they would never allow their younger brothers to come to Chittagong. Nazmul, 17, who has been working at the yards for more than two years, said: “I came here by myself because my family needed money; my younger brother is ten, I will never let him come here. I want him to study. I’m the eldest and because my father can’t make enough money, I have to work here. The money I send can pay for my brother’s school. I want him to go to school as long as possible.” Mohamed Betel has been working on the yards as a loader since he was 15: “I can’t study because we don’t have enough money but my younger brother must go to school. He won’t work on the yards. I will try my best so that he can study. The yards are too dangerous; I don’t want my younger brother to work there. I don’t like this job, but I have no choice, I have to keep going on.”



# Current practices

## Profile of the children

Unlike adult workers, 90 to 95% coming from outside Chittagong and mostly from the poorest parts of Northern Bangladesh, a considerable share of child workers at the shipbreaking yards originate from villages located around the yards. No precise figures are available, but considering the children we interviewed and according to several local NGOs and shipbreaking yards watchers, up to 50% of the children are hired locally. Among the “local” families having children working at the yards, almost half of them immigrated to Chittagong ten to twenty years ago from places such as Noakhali, Comilla or Chandpur. They are usually as poor as the families we met in Northern Bangladesh.

Most of the sectors taking advantage of child labour in Bangladesh are exploiting boys and girls, but at the yards, where the working force is close to 100% male, understandably only boys are hired.

Contrasting with other sectors, such as farming or domestic work where very young children from 5 or 6 years old are exploited, most of the youngest boys at the shipbreaking yards are above 10, with very few aged 8 or 9 years old. Foremen and yards’ managers are not avoiding hiring children under 10 because of the hazardous nature of the work, but rather because they lack the required physical strength for the job. Even if paid less than adults, these very young children would not be able to perform their tasks.

According to several local sources with a long experience at the yards, around 10% of the workers are under 12 years old. They mainly work as cutter helpers or they dig mud. Children under 15 make around 15 to 20% of the work force, 25% if considering children under 18. Shipbreakers do not accept these estimates and claim that no children are working on the yards.

A senior official from the Inspection Department for Factories and Establishment, although in charge of inspecting the yards, also denied the existence of

child labour in shipbreaking activity. That official of Chittagong’s office, Mr. Farid Ahmed, believes that the problem is that they look younger than their age because of bad nutrition. “I’ve never seen any child or teenager on the yards. In fact they don’t know their age. We should check with a doctor.”

It so happens that children do not know precisely their birthday, but they are actually more likely to say that they are older than their actual age than younger. The head of Chittagong’s Factories Inspection Department concedes that when his department is inspecting the yards, the owners might keep the youngest workers away from inspectors’ eyes. This is easy to do, since the yards are always informed in advance about an inspection.

## Hiring process

There is no single manner in which children are hired to work in the shipbreaking yards: it depends on the family situation and the location of the village. Foremen usually visit their region of origin to recruit workers, including children. However, in many cases, children travel to Chittagong’s yards with a relative. We did not come across cases of children who were physically forced to go to the yards. But evidently social pressure can be heavy on the children, who have no other choice than to go. In addition, children sometimes prefer not to tell their parents where they really go, since the shipbreaking yards have a very bad reputation for working conditions and accidents.

When children leave the village with a foreman they usually do not know the precise nature of the work. “The foreman came to my village in Moheshkali and offered a job paid 135 takas a day”, recalls Ajub, 15, who has worked at the yards for seven months. “Nobody really knew what kind of work we would do. We were fifteen villagers to accept. The foreman found 20 other villagers nearby and we left for Chittagong.”

Shobuz was a 13-year-old boy when the foreman visited his family in Chandan Baisha: “It was seven years ago. There was no work here and no much food. The foreman gave several thousands takas advance to my parents and we left with my older brother to Chittagong. At the shipbreaking yards, there was work but no security. Before going there we had no idea it was so dangerous. The foreman did tell us we would carry plates but he didn’t say it was iron and very very heavy. When you go to Chittagong, you never know whether you will come back or not.”

Many children told us about an older brother, a cousin, an uncle or a father who took them or whom they joined at the yards. Twelve-year-old Sohel left Comilla for Chittagong after his father, already working at





A child working as cutter helper cleans an iron plate to be cut from its rust.

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the shipbreaking yards, asked him to join. His father negotiated all the details at the yard so that, in spite of his young age, Sohel could quickly begin to work.

Frequently, children join a relative or a friend at the yards but do not tell their parents. In fact, the yards have such a bad reputation in Northern Bangladesh villages, where any single villager knows somebody who died on the yards or came back home disabled, that parents are reluctant to accept that their children leave for the yards. Nuramol, 12, from Kurigram (Comilla): “A friend from the village was going to the yards and I wanted to go secretly with him. My mother found out and told I could go only if I would tell her. She wasn’t happy at all but at the same time, she had no choice because of our financial problems”. His friend Saidul, 13, had also a hard time with his parents: “They forbade me to go but I went without telling them. I told them I was going to Chittagong but not to the yards. Once here, I called my father and told him that I had arrived safely and had started working at the yards. He asked me to come back as soon as possible.”

Issa, a 15 year-old loader from Rangpur working on the yards for more than three months: “After a year here I will go back home. I call my family every week. My parents are not worried because they don’t know what I do. I told them I was doing an easy job. I don’t want to tell them that I work at the yards even once I will be back in the village.”

Mohamed Aminur Rahman, 13, is lucky to be back at school in his village nearby Jamuna River after several months at the shipbreaking yards. In October 2007,

because the family did not have enough food, he decided to go to the yards. He left his school without telling his headmaster and went to Chittagong with a cousin. “My father and my uncle were already working at the yards. When my father saw me he was really upset. He thought I was too young and that the work was too dangerous at the yard. My uncle convinced me to travel back home to study until I get my exam. Even if my father and my uncle had not asked me to return to the village, I would have gone back because dangers are too many at the yards. At my school, they were very upset too because I had left without telling them. They also told me that I went to a dangerous place not suitable for children. And they asked me to finish my study. I like studying; I’m the 16th out of 70 children in my class. My parents want me to study to get a better job later. But for my family it’s very difficult because I don’t earn money and prices have gone up. With the 1,500 to 2,000 takas my father sends we can only buy rice, nothing else. My mother has to borrow to neighbours to buy vegetables. How long can we live like that?”

Mohamed Kawser Habib, 15, joined the yards when he was 12 and still in school: “My father was sick when I left for the yards. He knew that I needed to work to support the family but he told me that the yards were too dangerous and that many villagers had died or had been badly injured there. I insisted that it was necessary for the family but he replied it wasn’t necessary. Finally I left for the yards without telling him.” Mohamed Kawser Habib stayed five months at the yards and finally obeyed his father, who told him repeatedly on the phone to come back. Once back, he went to school again.

## Type of work

Most of the children we interviewed were working as cutter helpers. They assist cutters using gas torches to cut up pieces of iron. Some work on the shore, where big slices of ships are cut into plates and pieces to be recycled, and some work directly on the ship. Working on the ship is much more dangerous because if there is an accident, the workers inside the hull inhale highly toxic fumes. The cutter helpers must clean the iron pieces of their rust before it is cut. They also hold the gas pipe and make sure the gas torch is well fed. After several years of apprenticing, they can become cutters themselves. A large majority of cutter helpers are children, and very few are adults.

Children are also working in the group of “sweepers”, who remove mud from all the slices or segments of the ship after they have been dragged tens of meters inland. Many of them complain about this kind of work: when working barefoot in the deep mud, they are easily injured by small pieces of steel they cannot see. They also sometimes have to clean pieces from the sludge, which is toxic and causes skin diseases. Unlike cutter helpers, who usually manage to get basic equipment in bad conditions, such as gumboots and gloves, workers in charge of the mud are not protected at all.

A limited number of children work in the group in charge of chains and cables used to move parts of the ship. Those children have to carry heavy cables; the youngest usually fix the cables onto the pieces of steel. Besides the pains due to the very physical nature of this work, the workers in this group usually suffer longer days because they cannot leave the yards before all the pieces are taken back to the shore. While the average working day at the yard is 12 hours, the workers in charge of cables and chains easily work 14 to 15 hours, regardless of their age.

Last but not least, children are also included in the group of loaders in charge of the last stage of the dismantling operation: carrying steel plates and other pieces of the ship and loading them onto the trucks that deliver them to buyers. In this group, the youngest workers, who lack strength to carry the heavy steel plates, are used to collect small pieces left on the yard. All the jobs done by children on the shipbreaking yards are highly hazardous and necessitate a strength that children do not really have, obliging them to seriously harm their bodies in order to get the work done in time.

## Working conditions

Biplop arrived two months ago at the yards after he had been working one year in a factory in Dhaka. He works as a cutter helper. “Work was hard in Dhaka

but at least there was no sun and no fumes. Plus, in Dhaka, I got an equipment to protect myself, here nothing. The worst here is that we work without any protection. I couldn’t buy boots as others did because I haven’t been paid yet. I’m always scared to get an iron plate on my head. I already saw a worker badly injured after an iron plate fell on his leg. I will stay because I need money. We are poor and there are not many jobs for us except here. We have no choice. We can also work in textile factories but it’s not easy either. At least over there, they don’t have sun, neither toxic fumes. I’m hungry but I won’t really eat because of the pain in the chest, it burns. I force myself to eat because I need it to work.”



## Duration of work and salary

On average, children, as other workers, spend 12 hours a day at the yards, typically from 7 or 8 am. Some work at night, but almost all the children we interviewed were working day shifts. Most of them have roughly a one-hour break for lunch and two short tea breaks in the morning and afternoon. They do not have any days off, but half a day of rest (which is not paid) on Friday afternoon. None of the children work everyday because they are too tired, injured or sick. Some work only 15 days a month, others more than 25.

Shobuz, 15, has cleaned mud in the yards for six months: “I start at 7 o’clock. I work 11 to 12 hours a day and get paid 11 takas per hour. I can go back to my room one hour at lunch time. We have also 20 minutes tea breaks at 10 AM and at 5 PM. I work 25 days a month. Some days I can’t go to the yards because I’m to tired. I can make around 3,000 takas a month.” His friend Jewel, 14, a cutter helper, is paid only 9 takas an hour. Working 11 hours, he earns 100 takas a day. “They told us that extra hours would be paid double but it’s not the case and we

A child carries heavy cable used to pull back to the shore pieces of the ships.



A child cleaning piece of the ship from its mud.

can't complain about it." In general, payment of a salary is a problem for the workers. Usually it is dispensed twice a month, but in many cases workers are paid less often. The foreman also keeps five days of pay to make sure that the worker will not leave the yard without notice. In fact, the foreman can easily force a worker to continue to work much longer than wanted. And for children lacking experience and afraid of bosses, it is very difficult to negotiate. "The most difficult is that we don't get paid regularly", says Belal, a 16 year-old boy from Kunigram. "They pay us when they want. I'm paid 60 takas a day, sometimes 80. And usually I get 60 more for extra hours. For 15 hours of work I can earn 120 takas." Performing exhausting work in the wires and chains group, he cannot work much more than two weeks a month for 2,000 takas.

A few workers, employed as loaders, are not paid by the hour but according to the volume of steel they move. That is the case of Shafiqul Islam, 15, from Saidpur: "I'm paid by the weight. I can make up to 250 takas a day, even 300, but it's very risky because we have to rush too much. It's a new trick they found to make us work faster. We are better paid but we take much more risks. I won't stay here. It's too dangerous. I wait to be released by the foreman."

### **Training and protection**

Child workers, like adults, do not receive any training when they start working in the yards. They have to rely on their fellow experienced workers, who tell them the basic "dos and don'ts". Cutter helpers get explanations from the masters they are working for, while mud diggers, loaders or children in charge of cables and chains get details from workers in their group. Foremen, who are usually ex-workers, also give some explanations about the job and its dangers.

In addition to the absence of formal training, children do not get any protective equipment, in spite of the fact that their work is extremely hazardous. The only child workers who have a chance to use specific gear are cutter helpers, but they never get them from the yards. Some children, if they have the money, buy themselves basic protection from shops near the yards. In fact, this equipment comes from the dismantled ships, but yards' owners and contractors prefer to sell them than to provide them to their workers. "We don't get any equipment, no gloves, no boots. I work in sandals and without any security goggles", tells Nil Krishna who has worked for three years as a cutter helper. "I don't buy equipment because I don't have money. I know it's dangerous but I can't afford any equipment. My feet are regularly injured." Some children are in a sense "luckier" than Nil Krishna since they have gear from their cutter masters. Kaiser, Jewel or Kamunil Islam told us they get gloves, boots and caps that are too damaged to be used by their masters. "We are not protected enough, we could avoid many cuts or burns with a proper equipment. When I get the

worn gloves or boots from my master I feel lucky but sometimes I don't have any, and I just work barefoot and bare hand", tells Jowel, 14.

### Risks, pains and insults

When asked about their daily work at the shipbreaking yards, children can say nothing good. As several of them said: "The only good thing it's when it stops!" They detail the injuries, the permanent risks they take, and their fears and evoke the insults they get when they cannot finish their task fast enough.

Ashadul, 16, from Rangpur: "I have been working on the yards for 7 years. My uncle took me here when I was 9. I started in the loading group by collecting small pieces of iron. Now I carry the heavy plates with the adults. I also worked with the wire group. It's the worst because you have to walk in the deep mud. You can get injured at anytime because you cannot see or feel on what you are walking. A few days ago, I saw a worker who lost his toes. He was operated twice but finally they had to cut them. I would like to work in a place with better conditions. I work without any protection."

Belal, 16, works in the group in charge of wires and chains: "Even if I could afford to buy some, it's impossible to walk with shoes in the mud, I work barefoot. Even when I don't get cut by small pieces of iron hidden in the mud, my feet are painful. Pulling cables in the mud is too hard. I feel the pain everyday when I pull cables. And in case of injury, the yards managers don't give us any treatment."

Working in the mud group is as dangerous as the wire group, explains Shagor, a 15-year-old boy from Noakhali, who also mentioned the high risk of walking in the deep mud without any protection. "Working as a cutter helper is safer. But still, I want to stop this job because it's too hard and dangerous".

Alamin Rabu, 14, has worked at the yard for 4 months. He helps his master clean iron plates or light his gas torch: "I'm often scared by the flames. I got my feet burned several times. I also feel sick because of the fumes and when I clean the plates with a hammer, small pieces of rust get into my eyes."

Fear prevails for all the children. Even when they are not carrying out dangerous tasks, or while they are resting, the risk is high to get injured by other work done around. "Working here is hard and dangerous but what can I do, I'm poor, I have to do it", tells Shofikul, 15, whose family emigrated from Noakhali

11 years ago. "I'm especially scared when big pieces of iron fall around because I saw many workers injured. Once two workers were resting and a piece of iron fell on them. Both were killed. Before in Noakhali my father was jobless. We could eat only one meal a day. Now he works at the re-rolling mill and I work at the yard. The situation is better. But this work is too dangerous. My dream is a more comfortable job, such as opening a small shop to sell grocery."

We met Mohamed Kawser Habib, 15, at his school. Three years ago, he went to the yards. "I came back to the village because my father told me to. Every week I was telling him by phone about my pains and my fears, I was telling him about accidents. I will never go again to the yards. Even for 200 takas a day, I won't go. I remember a worker who lost a leg and an arm. It was horrible."

Shobuz left his village on the bank of the Jamuna River when he was 13. "I worked at the yards during a year and half because my parents were already old and had lost their land. But I left the yards as soon as I could. How can anyone work there with the permanent risk of losing one's life? Some are escaping the yards without saying anything. I'm now a rickshaw puller. I earn only 50 takas a day but even if a foreman were to offer me one-lack takas<sup>19</sup>, I would refuse to go again to the shipbreaking yards. I will never go back over there."

All the children mention the hardship of working under the sun. There is not a single place they can hide from the sun. From 7 o'clock in the morning until 5 when the sun starts to set, they have to suffer the heat and the rays. The best-protected children, usually the

Child workers during tea break.



<sup>19</sup>. 100,000.

cutter helper, do not wear more than a basic cap. “It’s a very hard job. I work in the sun all the daylong. It’s really too hot. And then you have the heat and the fumes from the torch”, tells Jowel, 14 years old. “I would prefer to be a child, I would prefer to play, but I have no choice, I have to work.”

In the yards, children are not treated differently because of their age. While foremen tend in a way to protect the children they have recruited, supervisors only consider the work to be done and target the children who cannot keep up with the adults.

Ajub, 15, has worked as a loader for seven months: “In my group I work with adults. It’s hard because I have to carry as much as them. When I feel really tired, sometimes the foreman allows me for a while to collect small pieces of iron on the ground instead of loading. But the supervisor always treats me and the other children very badly. He shouts and insults us all the time. Today I hurt my back as I was carrying a heavy piece. I had to go back to my room. Tonight it’s still quite painful. Nobody at the yard took care of me, I went by myself to buy some tablets for 10 takas.”

Shagor is a cutter helper: “I don’t get any special treatment because I’m a child. Often I get insulted because I’m too slow or I do mistakes. But I was never trained so I don’t know exactly what is the right way. The supervisor insults me because I’m a child. I feel really bad with these insults.”

In some cases, physical violence is also used against children. “The supervisor beats us, he slaps us regularly”, tells Rasel, a local 14 years old boy who has been working as a loader for three years at the yards. “I don’t get any favour because I’m a child. Sometimes I don’t want to carry a heavy piece of iron but they force me. The worse is the pressure of the iron plate on the shoulder. It’s really painful. And with the sun, it’s too hot to work. I try to drink water as much as possible. But the water is so polluted with metal, when I drink I feel that I drink metal. Anyway I have no other choice.”

### **Disease and Accidents**

There is not a single day at the shipbreaking yards without disease, injury or even death. Workers, especially children, are exposed to such hazardous conditions that accidents are daily. Even when children are spared from serious injuries, they are regularly

sick because of the toxic environment in which they have to work.

Atahur Rahman, 15, works as a cutter helper: “With the fumes and the gas, I’m often sick. I feel dizzy. I almost fainted several times. I have very strong headache. I don’t take any medicines.” Ismail Husein Babul, a 13 year-old cutter helper teamed with his father: “During my headaches which happen very often, everything becomes dark in front of my eyes. I also have pain in my chest. I usually take medicines when the pain is too strong”.

The majority of the cutter helpers, closely exposed to fumes, complain of headaches and dizziness. They also have chest pain, the feeling of burning inside that prevents them from eating. “Regularly, I can’t eat anything because I have swallowed too much fume. When you have gas inside your body, you can’t eat,” explains Jowel, a 14 years old cutter helper. “My eyes are crying. When I come back to my room, often I can’t eat because of the strong pain.” Shofikul, 15, experiences the same kind of pain: “The worse is the fume during the cutting. I have regular stomach pain. When I eat, I feel like coughing, it’s hurting. The strong stomachache isn’t regular. But at least once a month I have very painful feeling in the stomach during seven or eight hours. In that case I have to take medicine. My father pays for it.”

For the children working directly on the ships, the situation seems even worse than on the shore. The confined environment is even more toxic, there is risk of explosion because of the gas left in the hull, and a fatal fall can easily happen. “It’s very hard to climb the ladder on the hull. I’m always afraid to fall,” tells Belal, 16 years old cutter helper. “Frequently my eyes are hurting very badly. My stomach is also painful. I try to take medicines but it’s not enough. I have to rest a lot. In fact I can work only 14 or 15 days a month. Working everyday is too hard. I would much more prefer working in a factory with more safety for workers.”

Nazmul, has worked as a cutter helper in the ships for two years: “I cut and burn my feet often. But the worst on the yard is the fume. When I sleep, I can feel a burn inside my chest. Every month I have to stop working five or six days because I’m too sick. Sometimes I go to the small drug shop to buy a few tablets. Headaches are very frequent. I work in the ships and I often suffer vertigo because of the height.” Nazmul and other child workers suffer also mental traumas: “Several times I saw workers killed in front of me. Last month I saw a guard falling inside the ship. He died. Before him, I had seen several other deadly falls. When I see dead, I’m afraid and try my best to forget. But at night, when I’m lying on my bed, the images of the dead come back. With my



Child workers coming from outside chittagong share basic rooms rented nearby the yards.

© Ruben Dao

fellow workers, we all have nightmare, we talk during our sleep. The cutter whom I share the room with continue to give order during his sleep.”

The children who are victims of an accident that leaves them with a serious injury cannot work at the yards anymore. They are usually sent back to their villages where, depending on their injury, they look for another job or become a burden for their families. In case of an accident seriously injuring workers, the yard management tries to send the workers back home as soon as possible, usually before the end of the treatment. There is no compensation, and once back home, the medical treatment is at the expense of the families.

In Northern Bangladesh, nearby the Jamuna River, we met Ronzu’s family. His mother spoke with us about his accident four years ago. “Ronzu started working at the yard when he was 11. He worked there 3 years as a loader until an iron plate crushed his leg. He was taken to Chittagong Hospital where the doctor only put a bandage. He didn’t get a single taka to help with the medical fee. We went to Chittagong to take him back and sent him to Bogra’s hospital. His leg was almost rotten, the doctor wanted first to cut it. Finally we saved his leg. We paid almost 25,000 takas at the hospital. I sold all my family jewellery and we mortgaged our land. We lost almost all what we had because of the hospitalisation. Finally we had to sell part of our land and the flood took the other part. A

year after the accident, Ronzu could work again and he went to a textile factory in Dhaka. Ronzu went to the yards with his two brothers because we had lost part of our land. My husband is old, I’m old too. Without land we had no other choice than to send them to Chittagong. We depend totally on their financial support; they send us around 1000 takas every month (from Dhaka). Most of the time we eat one meal a day. I will never again let my sons go to Chittagong, I prefer to die of hunger than to imagine them at the yards over there.”

Nammuniah, 17, now lives with his family again in the Chandan Baisha village near Jamuna River. He went to the yards when he was 14 to work as a loader. “More than a year ago, a steel plate fell on my foot. We were 16 workers moving the plate together but at the time of dropping it something went wrong. The foreman took me to the hospital but I didn’t get the proper treatment. I was quickly taken back to the colony where I stayed two days without treatment. I decided to go back home because I couldn’t work anymore. In fact my foot was broken, as the doctor told us at Bogra hospital. We spent 5,000 takas in Bogra to pay for my treatment. We had to borrow the money to neighbours. Often it’s still painful but I can’t do anything, just wait the pain to go. I feel weak, I don’t have much energy to work.” His mother explains that he went to the yards pay back loans they had borrowed for one of their daughters’ wedding. “Young villagers who come back from the yards try to

work here as rickshaw puller but they quickly realize that it's not enough to live and they travel back to Chittagong," she explains. "I prefer to have my son here than to know him in a dangerous place such as the shipbreaking yards. At the same time, we don't have enough money to live... Then what if he works at the yard and his pain comes back? He is paid by hour, if he stops he won't earn any money but he will still have to pay for his food."

Shahin, 18, lives at the foot of Jamuna River's embankment. His family is among the poorest. They built their house on the public land ten years ago. Every year, during the rainy season, they have a metre of high water in the home. "The first time I went to the shipbreaking yards, I was 7. I was collecting small pieces of iron. Later I became a loader. Three years ago an iron plate fell on my foot. I had to stay one month at Chittagong Hospital. I was given 6,000 takas to pay the fee but the money was taken from other workers' salary. Then I went back to my village. At the Bogra Hospital, I got more medical treatment during five months. My mother paid 12,000 takas she borrowed from relatives. Now I work at the embankment project. I can't work for very long periods of time because my foot is quickly painful. I tried to work as a rickshaw puller but it's too painful. I also wanted to go to Dhaka to work but the problem is that I cannot keep standing a long time, the pain is too strong."

A foreman who has worked at the yards for more than 12 years told us that he never managed to get any compensation from the management when one of his workers was injured. "Six months ago, four of my workers got an accident. Three had broken members and were forced to return to their villages. The fourth one was so poor that he was allowed to stay on the yard. Although he was badly injured, he had no other choice but to continue to work."

Minhas is now 24 years old. He works in Chandan Baisha village as a rickshaw puller: "I went to work at the shipbreaking yards when I was 11 because we had to pay back several loans we took from NGOs. At that time, 90% of the families in the village had at least one man at the yards. It was so easy to find a job over there. Now fewer villagers leave for the yards. There are fewer ships to break and we can work in textile factories or on the roads. It's also because the fear of accident is very high in the village. Here I can't earn much money but because of the fear I will never go back to the yards. I stayed there for 8 years. I remember we were only 10 to carry iron plates which required 20 loaders. It's much too much

risky. My cousin went to the yards when he was 10 and after a few years he came back because of an accident. Miraculously he didn't die but he was traumatized and I decided to leave the yards. Now, children go more to the textile factories because the work is safer and less difficult than on the yards. All the villagers who worked at the yards keep prints or visible scars. We are all strongly marked. If somebody asks me, I'll tell him not to go, the yards are too dangerous. But before, when I was working over there, I was trying to convince many people to go to work at the shipbreaking yards. Now never. The problem is that here everybody is poor."

### Living conditions

Children originally from Chittagong usually live with their parents in small houses located in the surrounding villages not far from the yards. The children who have migrated from other part of Bangladesh are housed in dormitories located next to the yards or in small rooms they rent for two to four workers. There is no running water and electricity is rare. They do not live separately from adults. They tend to stay with workers originating from the same village. They cook together and share the cost of food (typically made of rice and vegetables), around 50 takas a day per worker.

We met with Mohamed Kajamir, a cutter helper working at the yard for 4 years, at his small shed around 9pm after he had a bath in the pond nearby: "I finish work at 8, then I have to wash myself and cook. I can't eat before 10. Usually I eat rice and vegetables but not meat. Exceptionally, when I get paid, I can buy chicken, the cheapest meat. I'm often hungry during work. We need more food to do this kind of job. On Friday, I go to the mosque, walk around and rest. Since I work at the yards, I've never been to the city of Chittagong."

Jowel, a 14-year-old cutter helper: "I share a room with three workers. We rent 600 takas a month. We have a kitty and share the food expenses. I spent at least 1,300 takas a month. I return to my room at lunchtime to eat with them. We would like to eat meat but it's impossible, it's too expensive for us. I try to send money to my family every month. It depends on what I spend here to live. I can't go back to visit my parents because I would lose at least five days of pay that the foreman keeps. Anyway, I don't want to stay at the yards a long time, I don't like it here. I believe it's the worse job in the world. We do it because we need to eat". His friend Shobuz tries to send 1,000 takas a month, but it depends on his expenses to live at the yard. Belal, 16, earns around 2,000 takas a month and spends 1,500 for his living cost.

# Portraits

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## Ibrahim

Ibrahim is too tired to go to the shipbreaking yard today. The boy takes us to his home, a room in a house made of corrugated iron shared by several families. His father isn't there because he is busy at his small tea stall in the neighbourhood. His mother is at home with her two daughters. "We arrived here with my husband from Comilla twenty years ago," she explains. "It was temporary but we eventually stayed. We are too poor. Ibrahim was born here."

Ibrahim went to school until it became too expensive for the family. Last year he started looking for a job. He was not yet 12 years old. "I first went to the textile factory but they refused to give me a job because I was too young. I could have worked in a teashop but it is not sufficiently paid. So the only possibility was the yards." Ibrahim started at the beginning of 2008 as a cutter helper. "I'm working on the shore. I must clean off its rust the iron plates to be cut. I also hold the umbrella to keep my cutterman in the shade. I start working at 8 o'clock and work 11 hours. I leave the yard at 8 in the evening. I can't work more than 20 days a month because I feel too weak and sick. Very often I have dizziness and feel like fainting. After swallowing fumes I lose my appetite. I feel I have gas inside my body." For 20 days of work Ibrahim earns 1,500 takas, which he gives to his mother. "When I'm dizzy, I can't work well and the supervisor insults me. I feel very bad about it. He doesn't care I'm a child and because I can't work as fast as others I get more insults. I'm still young and I never get any training. The first day, my cutterman told me quickly what to do, nothing more. I didn't get any instructions to work well and to protect myself. I didn't get any equipment. I always try to finish my work as soon as possible to rest a bit. The only good time on the yard is when I can sit down".

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## Sohel

Sohel arrived the day before from Comilla. He does not yet have the appearance nor the manner of a child worker. He smiles a lot and has a lightness that differs from kids who already work in the yards. His father has been working for four years in the yards, scrapping off the mud that gets stuck on the huge ship slices that are pulled onto the shore. Sohel's father asked him to join him at the yard. His father arranged everything at the yard so that he was hired despite his age. "I know that I will start tomorrow but nothing more. I might be in the mud group with my father or I could also start as a cutter helper," tells the 12-year-old boy. "I'm happy to be here because I don't know yet what I will do exactly. To be with my father makes me also very happy. I didn't see him for a long time and here I will spend a lot of time with him."

Sohel seems unaware of the situation in the yards or maybe, too happy to join his father and work like an adult, he ignores the danger. Beside him sits an uncle who does not share Sohel's happiness: "In a few days he will begin to feel sick and bad with the work at the yard. He will be tired and will become as us. I see many young children working on the yards, even younger than him. I feel so sad when I see 9 or 10 year old kids doing this dangerous and dirty job."



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It is not Sohel's first job. At 6 he started helping his parents on their land. When the family lost the land, he worked for others. He was not paid with money but with vegetables. Here, at the yard, he hopes to earn more than 2,000 takas a month. "Every month my father sends 1,000 to 1,500 to my mother but it's not enough. That's why I'm here. My mother took a loan from the NGO BRAC. She got 15,000 takas to buy a cow but she spent it for daily expenses. Now we must pay back 400 takas a week. With my salary we will pay back the loan more easily".

## Mitu

Mitu's family lives in Chanda Baisha village nearby the Jamuna River in Northern Bangladesh. The first time we visited them, in 2005, they were living in front of the earth-made dyke that protects villagers living behind it from floods. We met with Nasima, Mitu's 12-year-old younger sister. She was alone at home. That year, she told us about her father Naddu, who used

to work at the shipbreaking yards, and her brother who Mitu replaced at the yards. In 2008, Nasima's home has moved behind the dyke. After the flood took the shack made of corrugated iron away, the family rebuilt it on the more protected side.

Nasima's mother is there but not her father Naddu, nor her brother Mitu. Only women are living in the house. Mitu tries to come back two or three times a year from Chittagong, but his father Naddu died at the end of the nineties: while he was working in the yard, a heavy piece of iron hit his chest. A year later, Mitu, then 10, had to replace his father at the yards. "After my husband died I forbade my son to go to the yards. But the financial situation became unbearable. Food was not sufficient to feed my five children. Finally, even I was very scared, I let Mitu go to the yards." For 8 years, Mitu, now 18, has worked as a loader on the very yard where his father died. In between the few visits Mitu pays to his family, he tries to send money. "He called me today. I asked him to send more money because Nasima is sick. She has a lung problem. She keeps having fever. I already borrowed 2,000 takas to neighbours that I have to give back. My older daughter working in Bogra sends also sometimes some money. And I get paid for the work I do at the embankment project. I earn 55 to 60 takas a day. Mitu sends around 600 takas a month. We mainly eat rice and a bit of vegetables. But we can't eat twice a day."

Mitu's family's hardship started in the beginning of the nineties, when the river flooded and took almost all their land away. "There was not enough land to survive so my husband left for Chittagong. Today we don't have land at all. Even our house is built on public land; the government can expel us anytime. I hope the river will bring us an island. I'm worried because I have two daughters to feed and one is in age of getting married. My only hope is the apparition of a char but I don't know if the river will give us this land, I might die before I see it."





## Abul Kasem

Abul Kasem's house is on the bank of the Feni River. This land, located on the Sandwip Channel, is flooded almost half of the year. Farming is limited and villagers regularly lose their land from river erosion. As in Northern Bangladesh, peasants from Noakhali migrate to cities looking for a job. Abul Kasem, 17, is now back at home, but for several years he was away in Chittagong. When he began working as a cutter helper on the shipbreaking yards, he was about 14. He now has trouble with dates, trouble remembering this period of life well, especially the accident. The day was August 5th, 2006, according to the hospital record. That day, an iron plate fell from the ship and hit him. His right side was badly wounded. He was taken to hospital several hours later, when it was too late to save his right arm and leg. Doctors amputated his limbs. Quickly after the operation, the yard management sent Abul Kasem back to his village. Although injuries needed a

longer treatment, they preferred to get rid of the disabled young worker. The yard gave him 25,000 takas, a wheelchair and a promise of an artificial leg. Almost two years have passed and Abul Kasem is still struggling to move around on his wheel chair. "With an artificial leg, it would be easier for me to move around. But for now, with only one leg, I can't move anywhere. I'm only able to work in my house and very nearby. I'm spending most of the time in a small and dark room of my house. Before I went to the yards, I enjoyed going to school. Now school is a far away dream. I can see my friends passing by my house every morning but nothing more". His leg is still very painful, and rotten blood still leaks out. Once a month he has to travel 15 kilometres to a medical centre for treatment. The family already spent 50,000 takas for Abul Kasem. "Because I couldn't work myself, I agreed to send my son to the shipyard, but I didn't know how hard

and dangerous this job was. Now I understand what a mistake it was! My son can't eat without help. He has some mental problems; he can't remember things, even just after a short time. When we see our son in such a condition, we often cry, we can't believe it. We did not deserve that. We had a happy family. We have lost everything because of this accident. We didn't get the expected compensation. With this money we could at least continue the regular treatment for Kasem. Those rich men will never listen to us and do not care about us."

# Legal framework and government response

## a) International legal framework on shipbreaking

The 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal

The Basel Convention has been ratified by 170 States parties, including Bangladesh. In the late 1980s, a tightening of environmental regulations in industrialized countries led to a dramatic rise in the cost of hazardous waste disposal. Searching for cheaper ways to get rid of the waste, “toxic traders” began shipping hazardous waste to developing countries and to Eastern Europe. When this activity was revealed, international outrage led to the drafting and adoption of the Basel Convention.

The overall goal of the Convention is to protect human health and the environment against adverse effects which may result from the generation, transboundary movement and management of hazardous wastes and to especially ensure that developing countries are not unduly or disproportionately burdened by these hazards and risks.

The Convention rests on two main pillars:

- a control system, including prior informed consent for the transboundary movement of wastes;
- and the principle of Environmentally Sound Management.<sup>20</sup>

In 2002, Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships were adopted.<sup>21</sup> In 2004, the Parties to the Basel Convention made it clear that end-of-life vessels can be a waste and a ship at the same time, thus subject to the provisions and principles of the convention.<sup>22</sup>

However, in those cases where the “intent to dispose” is unclear or is obfuscated, or when the “exporting state” is likewise unclear or uncertain, the Convention’s obligations are easy to circumvent. A shipowner may, for example, only declare the intent to dismantle a vessel whilst in international waters, hence no exporting state, or when in the territorial waters of the dismantling state, hence no transboundary movement.<sup>23</sup>

### The International Labour Organisation (ILO)

The ILO also adopted Guidelines<sup>24</sup> on shipbreaking in 2003. These Guidelines aim to contribute to the



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protection of shipbreaking workers from workplace hazards and to eliminate work-related injuries, diseases and incidents by assisting States in

Father and son working at the yard.

- establishing a coherent national policy and principles on occupational safety and health and welfare of persons employed in shipbreaking facilities, and on the protection of the general environment;

<sup>20</sup> ESM is by the Basel Convention defined as: “taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes.”

<sup>21</sup> Accessed at <http://www.basel.int/ships/techguid.html>.

<sup>22</sup> The Basel Convention’s 7<sup>th</sup> Conference of Parties recognized in October 2004 that End – of Life Ships containing PCBs, asbestos, heavy metals and other hazardous substances may be legally defined as hazardous wastes in international law, recognising that the vast majority of ships being broken today are scrapped in violation of the spirit, if not the letter of the obligations of the Basel Convention and its decisions to minimize the transboundary movement of hazardous wastes.

<sup>23</sup> End-of-life vessels further often re-flag and change names several times before reaching the dismantling yard to confuse management and surveillance authorities, a practice known as “flag hopping”. Backed by shell companies, joint-ventures and hidden owners, Flags of Convenience (FOCs) are therefore considerable constraints to combating illegal toxic waste dumping as they make it extremely difficult to locate and penalize the real owners of FOC vessels.

<sup>24</sup> The “Safety and Health in Shipbreaking: Guidelines for Asian countries and Turkey”, was adopted by the Interregional tripartite meeting of Experts in Safety and Health in Shipbreaking for Selected Asian countries and Turkey in October 2003.

- establishing their respective duties and responsibilities of the authorities, employers, workers and further bodies involved and make arrangements for a structured cooperation between them.

#### **The International Maritime Organisation (IMO)**

The IMO is an international governmental organisation in charge of setting standards on global shipping matters. In 2003, the IMO also adopted Guidelines on the shipbreaking issue regarding, among other things, the preparation of a Green Passport<sup>25</sup> and a ship-recycling plan.

The IMO is currently finalizing a new global mandatory convention on ship recycling which will replace the Basel Convention on shipbreaking issues if it is considered by the Basel Parties that the new IMO convention has at least an “equivalent level of control” as that currently found in the Basel Convention. Hence, there is a requirement that the new convention must not “turn back the clock” on well-established principles that served as a basis for the Basel Convention. So far, serious concerns have been raised that the draft IMO Convention is currently so weak that it places no substantial obligations or incentives for shipbreaking countries or ship owners to improve upon the status quo. Indeed, the states that have the most influence in the IMO are the largest flag states, which in turn are represented in the negotiating process by the shipping industry. The shipping industry continues to argue that ships are not and cannot be considered waste and a ship at the same time, and they have prevented the Basel Convention from providing legal guidelines that might be applied to close the known loopholes.

The IMO Convention should be finalized by May 2009, when the IMO Diplomatic Conference is due to adopt the final text.

The NGO Platform on Shipbreaking, of which FIDH and YPSA are members, has been following closely the negotiations of the new IMO draft convention, focusing its advocacy in particular on:

- The inclusion of a reference to the Basel Convention in the new text, or at least to the Basel Technical Guidelines and adherence to the basic principles and obligations of the Basel Convention
- The inclusion of a mandatory third-party auditing scheme in order to ensure uniform implementation of the Convention.
- The establishment of a ship recycling fund fed by shipowners that could be utilized for conversion from beach operations to fully contained dismantling, pre-cleaning and workers’ compensation in case of incident.

As it stands at the time of writing this report, the current draft text of the Convention does not include any of these essential elements needed to succeed in

changing an economically compelling motivation toward externalization of risk and harm. Rather, the draft places minimal responsibility on ship builders and owners with no meaningful mechanism to ensure compliance and consequently represents a clear setback in relation to the current international legal framework.

#### **The European Union**

The EU has already fully implemented the Basel Convention, including the Basel Ban Amendment in their Waste Shipment Regulation (WSR). Therefore there is no doubt that a ship containing asbestos, PCBs or other Basel listed hazardous waste will be considered as a hazardous waste under the EU WSR when destined for recycling or disposal. The current practice of sending end-of-life ships containing hazardous substances to non-OECD countries is forbidden, according to the WSR, as was shown in recent case involving the French ex-aircraft carrier *Clemenceau*<sup>27</sup> and the Dutch controlled tanker *Otapan*.

However, as for the implementation of the Basel Convention with regards to ships, while the WSR has clear legal application to ships in some cases, in those cases where the “intent to dispose” is unclear or is obfuscated, or when the “exporting state” is likewise unclear or uncertain, the Regulation’s obligations are seen as easy to circumvent.

The European Commission (EC) therefore published in May 2007 a Green Paper on Better Ship Dismantling and in May 2008 the European Parliament strongly requested the EC to follow-up the Green Paper with legislative proposals aimed at improving the enforcement of the WSR.

#### **b) International Legal Framework relating to working conditions and children’s rights**

##### **ILO Conventions**

Bangladesh ratified the C182 Worst Forms of Child Labour Convention, 1999 in March 2001<sup>28</sup>. That convention imposes an obligation upon Bangladesh to “take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency” (art. 1), “children” meaning below 18 years old.

25. The Green Passport for ships is an inventory of hazardous materials onboard the vessel.

26. See <http://www.shipbreakingplatform.org/>

27. For the *Clemenceau* ruling see: [http://www.conseil-etat.fr/ce/jurisprd/index\\_ac\\_ld0607.shtml](http://www.conseil-etat.fr/ce/jurisprd/index_ac_ld0607.shtml)

28. Text accessed at <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182>



Child worker collecting wood at the shipbreaking yard.

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The term *worst forms of child labour* comprises 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 (art. 3d). The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999, which read as follows:

Recommendation 190 on Worst Forms of Child Labour<sup>29</sup>, 1999 specifies that

- **Para 3:** In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, *inter alia*, to:

- (a) work which exposes children to physical, psychological or sexual abuse;
- (b) work underground, under water, at dangerous heights or in confined spaces;
- (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;

- (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer (emphasis added).

- **Para 4:** For the types of work referred to under Article 3(d) of the Convention and Paragraph 3 above, national laws or regulations or the competent authority could, after consultation with the workers' and employers' organizations concerned, authorize employment or work as from the age of 16 on condition that the health, safety and morals of the children concerned are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity.

*The government of Bangladesh thereby clearly has an obligation to ensure implementation of the prohibition of work on the shipbreaking yards for children below 16, without exception.*

Bangladesh did not ratify ILO Convention 138 concerning the Minimum Age for Admission to Employment.

Other ILO Conventions are relevant to the shipbreaking activity, including:

- C1 – Hours of Work (Industry) Convention, 1919 (ratified by Bangladesh).
- C87 – Freedom of Association and Protection of the Right to Organise Convention, 1948 (ratified by Bangladesh).
- C98 – Right to Organise and Collective Bargaining Convention, 1949 (ratified by Bangladesh).
- C18 – Workmen's Compensation (Occupational

29. <http://www.ilo.org/ilolex/cgi-lex/convde.pl?R190>

Diseases) Conventions, 1925 and 1934 (ratified by Bangladesh).

**The Convention on the rights of the Child** was ratified by Bangladesh in 1990. The following provisions are particularly relevant to children's rights:

**- Article 32:**

States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular: (a) Provide for a minimum age or minimum ages for admission to employment; (b) Provide for appropriate regulation of the hours and conditions of employment; (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 3 para. 1 imposes upon states party to take into account the best interest of the child as a primary consideration. Other provisions are also relevant to child workers: Art 24 (right to health); Art 27 (right to an adequate living standard); and Art 28 (right to education).

In its **Concluding Observations on Bangladesh, the UN Committee on the Rights of the Child** strongly recommended that the State party fix a minimum age for admission to employment, in line with internationally accepted standards; and ensure that domestic legislation on minimum ages is respected and implemented throughout the country.<sup>30</sup>

The Committee also noted that, through education, stipend, recovery and social reintegration programmes, progress has been made in reducing the economic exploitation of children, although this has been confined mainly to the formal sector of the economy. However, the Committee remains deeply concerned:

- (a) At the high prevalence of child labour and the fact that the phenomenon is widely accepted in society;
- (b) At the wide variety of minimum ages for admission to employment in different economic sectors, several of which do not adhere to international standards;
- (c) That many child labourers, notably children working as domestic workers, are very vulnerable to abuse, including sexual abuse, completely lack protection and are deprived of the possibility to maintain contact with their families.<sup>31</sup>

The Committee recommended that the State party:

- (a) Continue and strengthen its efforts to eradicate

child labour, including in the informal sector, in particular by addressing its root causes through poverty reduction programmes and strengthening of the children's component in the new Poverty Reduction Strategy Paper (PRSP), and facilitation of access to education;

- (b) Ratify and implement ILO Convention No. 138 concerning the Minimum Age for Admission to Employment;
- (c) Increase the number of labour inspectors and develop a comprehensive child labour monitoring system in collaboration with NGOs, community-based organizations and ILO/IPEC;
- (d) Undertake a study of child labour in the agricultural and informal sectors with a view to developing policies and programmes to eradicate this phenomenon.<sup>32</sup>

**- International Covenant on Economic, Social and Cultural Rights (ICESC)**, ratified in 1998 by Bangladesh, enshrines several relevant provisions in relation to shipbreaking activities:

**- Art. 2 para. 1:** Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

**- Art. 7:** The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
  - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
  - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

30. CRC/C/15/Add.221, 27 October 2003, Para 27.

31. Ibid, para 69.

32. Ibid, para 70.

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

- **Art. 10 para 3:** Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

The Covenant also enshrines the rights to an adequate standard of living, to education and to health (Arts 11, 12 and 13).

### **c) Domestic Legal Framework: Labour Act, 2006**

Under Section 2 of the 2006 Labour Act, a child is a person below 14 years old. Art. 34 and s. of the law regulate the employment of children and adolescents. It specifies that no child (below 14) shall be employed in any establishment or profession.

Section 40 specifies that no adolescent shall work with machinery that has been declared dangerous by the Government through gazette notification, unless they are fully aware of the danger and cautionary measures and sufficiently trained to work with the machineries or if he works under the supervision of an experienced and skill person. Shipbreaking has reportedly been classified as dangerous by the government through a list based on ILO standards, which is still to be made public.

Section 41 regulates working hours for adolescents.

Under section 44, "Child attaining 12 year age may be employed if the work is not dangerous for his health and development and does not hamper education". This provision is an innovation of the 2006 Labour Act.

Domestic legislation is consequently not in accordance with ILO Convention 182, which obligates Bangladesh to prohibit worst forms of labour for children below 16 – even if "the child is fully aware of the danger and sufficiently trained".

### **d) Government response**

Taking safety measures and ensuring occupational health and safety is compulsory according to the 2006 Labour Act. However, after it was adopted not a single case has been filed by the Inspection department. The Inspection department for the Factories and Establishments has no regular scheduled visit in the ship yards. When informed about accidents at the yards, the department does not investigate them.

In July 2008, an inter-ministerial fact finding team was formed to investigate the overall workers situation in the shipbreaking industry. The report of the team has not been made public yet, however the team agreed about the worker's vulnerable situation at the yards but said they had not seen child workers, while admitting that child workers might be hidden as owners are informed about the visits of the Government inspection team. The workers also informed the mission that the owners and the yard authorities are very careful to hide child workers. Workers are also provided safety equipments to be shown to the inspection teams and any important visitor.

The Bangladeshi government is working on a policy on shipbreaking. On 19 July 2007, a first inter-ministerial meeting on shipbreaking was held, headed by the Secretary of the Ministry of Shipping. The goal of the meeting was to consult with all the different departments concerned with shipbreaking in order to prepare a policy paper on shipbreaking workable in Bangladesh, which could be the basis for guidelines at a later stage. A draft policy paper was presented during this meeting.

On 13 April 2008 a second inter-ministerial meeting was held, during which the representative of the the Ministry of Shipping announced that the Policy would have to be finalized within one month and that it should be compliant with the existing international commitments of Bangladesh. The representative of the Ministry of Labour and Employment acknowledged that the shipbreaking industry has a very bad reputation for not complying with any social and environmental standards, and that to keep the business, labour laws should be enforced. Most of the participants agreed on the fact that the second draft of the shipbreaking policy was not satisfactory and that the policy should be developed in compliance with the Basel Convention as well as with the guidelines on shipbreaking of the ILO, IMO and SBC. Besides the National Committee for shipbreaking policy, a smaller working committee was set up including representatives of the Ministry of Shipping (lead), Ministry of Environment, Ministry of Labour and Employment, Department of Environment and YPSA as a NGO representative. A draft has been finalised by this working committee and sent to the cabinet of the relevant ministries. The final policy has not been approved and published when this report was finalised.



Child workers resting in their room on Friday afternoon.



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# Conclusion and recommendations

## a) Conclusion

Working conditions on Chittagong's yards have not improved since FIDH first visit in 2000. Domestic legislation is disregarded in all fields – working hours, rest and holidays, freedom of association, minimum wage, overtime payment, compensation to injured workers or the family of dead workers, training for the workers and protective equipment. Last but not least, provisions concerning minimum age for work are blatantly violated as well.

According to various interlocutors met by the mission in and around the yards, children and young workers below 18 account for up to 25% of the work force on the yards. Many children met by the mission were 12 or 13 years old. Sometimes, children as young as 9 or 10 were working in the yards.

Child labour is widespread in Bangladesh, but the involvement of children in shipbreaking is particularly alarming because of the very hazardous nature of the work and the physical strength it requires. The risk of death or injuries has been widely documented, and exposure to toxic substances is detrimental to the health of the workers.

Through numerous testimonies of children and their relatives, this report sheds light on the causes of child labour on the yards. The loss of land by poor families following floods, in particular from the North of Bangladesh, a father who dies or leaves his family, or a loan or credit that the family is not able to pay back are all starting points of a cycle of extreme poverty. The families are not able to face daily expenses and their own survival is threatened. The only option left is to send a child to the yards, where the salary is higher than in other sectors, and where employers are not very fussy concerning minimum age requirements and hire even young children.

The problem is very complex: ending shipbreaking in Bangladesh is certainly not the solution. This activity provides job opportunities to tens of thousands of workers, and the country does not have the possibility to buy steel on the international market and therefore relies on recycled steel scrapped from ships.

The government of Bangladesh holds however a clear responsibility to ensure respect of domestic legislation in the yards, and to harmonize the laws of the country with international human rights and environmental standards. Eradication of child labour from the yards and the improvement of working conditions in Chittagong can further only take place through a much

broader mobilization of all actors involved: states exporting end-of-life vessels, the shipping industry, international development agencies, relevant UN agencies and yard owners and shipbreakers in Bangladesh. A concerted effort is the only way to put children working on the yards back to school, or in other jobs that are not hazardous for their life and health.

Only by taking into account workers' rights can Bangladeshi yards remain competitive on the international market in the long term. Public opinion in Europe, where the majority of end-of-life ships come from, is increasingly sensitive to the social and environmental impact of shipbreaking in developing countries. Taking those issues into account is consequently not only a moral and a legal obligation; it is also in the interest of shipbreakers in the medium and long term, to ensure a sustainable industry.

## b) Recommendations

### To the government of Bangladesh

#### • On labour inspections

- Significantly increase the budget allocated to labour inspections in order to increase the number of inspectors and improve the implementation of domestic labour legislation, including legislation regarding the prohibition of hazardous work for young children (below 16), the right to form and join trade unions of one's choice, the right to compensation for labour accidents causing injury or death, as well as the respect of legal requirements concerning working hours.
- Ensure that all labour inspections are unannounced.
- Ensure the participation of elected workers' representatives in labour inspections.

#### • On child labour and working conditions on the yards

- Publicize the report of the fact-finding team sent to Chittagong by the government in 2008 to visit the yards and report on the situation of child labour, as a basis to develop full-fledged policies and programmes to eradicate this phenomenon.
- Engage in discussions with international development agencies, ILO and UNICEF in order to develop and fund such policies with the view to put an end to child labour in hazardous sectors, such as shipbreaking. Any such policy will have to be based on past successful achievements in that field in other countries, notably through the International Programme for the Elimination of Child Labour of the ILO (IPEC).
- Amend the 2006 Labour Act in order to ensure that no child below 16 shall carry out hazardous work, in conformity with Bangladesh's international obligations, in particular ILO Convention 182 on the Worst Forms of Child Labour.
- Finalize the adoption of the Shipbreaking Policy Paper

based on existing international standards in the field of human rights and environmental protection, taking into account the ILO Guidelines on shipbreaking. Such a policy paper should include medium and long term policy objectives such as phasing out beaching. It should also take into account the MT Alpha ship ruling which observed that "the government should take immediate steps to frame necessary rule and regulation so that hazardous ships that are threat to the environment of the country may be prevented from entering into territorial waters of the country in any manner"<sup>33</sup>. Pre-cleaning and removal of hazardous materials should consequently be ensured before importing ships.

- A procedure should be elaborated to alert the authorities immediately once an accident has occurred – for example the establishment of a 'hot-line' the workers could use for that purpose.

#### • On the engagement with the UN mechanisms and standards

- Implement the recommendations issued by the UN Committee on the Rights of the Child, in particular by addressing the root causes of child labour through poverty reduction programmes and by strengthening the children's component in the Poverty Reduction Strategy Paper, and by facilitating access to education.
- Ratify and implement ILO Convention n°138 concerning the Minimum Age for Admission to Employment, and amend domestic legislation accordingly.
- Submit the initial State report to the UN Committee on Economic, Social and Cultural Rights, as required under the International Covenant on Economic, Social and Cultural Rights, ratified by Bangladesh.
- Address a standing invitation to all UN Special procedures, in particular the Special Rapporteur on the Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights.
- Implement the Basel Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships as well as the ILO Guidelines on Safety and Health in Shipbreaking.

### To Shipbreakers

#### • On child labour

- Immediately stop hiring workers in violation of minimum age requirements under domestic law (below 14 years) and be ready to cooperate with

33. "In a writ petition (3916 of 2006) challenging the legality of the entry of Green Peace listed ship named MT Alfaship into the territorial waters of Bangladesh, a division bench of the High Court comprising Mr. Justice Awlad Ali and Mr. Justice Zinat Ara observed that the government should take immediate steps to frame necessary rule and regulation so that hazardous ships that are threat to the environment of the country may be prevented from entering into territorial waters of the country in any manner"

the government of Bangladesh, ILO, UNICEF and NGOs in order to progressively stop employing adolescents (14 to 16 years) on the yards.

- Pay particular attention to the respect of the special safeguards included in domestic legislation when adolescents (14 to 18 years) are working on the yards. In particular, adolescents must be informed of the dangers and cautionary measures, trained to do the work, and not work more than 5 hours daily and 32 hours weekly.
- BSBA should work with the Bangladeshi authorities in order to create and fund a school for adolescents working on the yards, to allow them to combine work and education.

- **More generally**

- Open dialogue with NGOs and trade unions on working conditions in the yards, which is the only way to achieve sustainable improvements.
- Grant access to local NGOs and respect workers' right to freedom of association, to join the union of their choice and to collective bargaining.
- Ensure just and favorable work conditions in conformity with domestic legislation, concerning notably work contract, minimum age, overtime payment, working hours, holidays and weekly rest and timely payment of the salary.
- Keep a precise and publicly available record of all workers, including those who died, fell ill or got injured in relation to the work on the yards.
- Adequately train workers on occupational health and safety; Provide personal protective equipment (PPE) such as safety belt, helmet, gloves, goggles, mask, shoes etc. to all the workers. Ensure that workers who are involved in asbestos removal have appropriate protection.
- Provide compensation to injured workers or the family of workers who died at the yards as required by national legislation.
- Ensure access of workers to primary medical facilities in every shipbreaking yard; ensure workers have a regular health check including test for asbestos exposure; contribute to building a hospital where advanced treatment facilities will be provided for workers without cost.
- Upgrade conditions for the workers in the yards including by making available drinking water.
- Do not send workers into the ship until written confirmation from the yards authorities that there is no flammable material or toxic waste and the ship is gas free for hot work.
- Invest in upgrading the dismantling methods to conform with the requirements of Environmentally Sound Management.

**To the shipping industry**

- Pre-clean end-of-life ships as far as possible of all hazardous materials in OECD countries before they are sent to non-OECD shipbreaking countries.

- Ensure that end-of-life vessels have gas-free-for-hot-work certificates.
- Take into account respect for international standards for safe and environmentally sound shipbreaking when deciding where to send ships for dismantling.
- Inform authorities of their intent to dispose the vessel, including information regarding the hazardous materials left on board and the chosen dismantling facility.
- Strive for more transparency regarding ownership, flag and movements of ocean going vessels in general.

**To the international Community**

- Ensure that ship owners are held liable for the proper handling of hazardous materials on board of end-of-life vessels, in accordance with the well-established polluter pays principle and producer responsibility principle;
- Ensure that any new convention on shipbreaking have at least an equivalent level of control as that required by the Basel Convention and close all loopholes known to make the Basel Convention easily circumvented. As suggested at numerous occasions by the NGO Platform on Shipbreaking, this can be done by:
  - Including a mandatory third-party certification and auditing scheme in order to ensure uniform implementation of the Convention, and
  - Establishing a ship recycling fund fed by shipowners that could be utilized for conversion from beach operations to fully contained dismantling, pre-cleaning and workers' compensation in case of incident.
- Ensure that any new convention on shipbreaking renders existing international standards on labour, health and the environment mandatory. Any new convention should hence include amongst others a scheme for phasing-out the beaching method and one for phasing-in a trained, adult workforce.

**To the EU**

- Ensure a transfer of expertise on clean ship dismantling to Bangladesh and other shipbreaking countries and make sure that this issue is included in the next Country Strategy Paper.
- Fund programmes to eradicate child labour in hazardous sectors in Bangladesh, notably in the framework of its bilateral development cooperation with this country.
- Coordinate Member States at the international level with the aim to prevent the adoption of a weak IMO Convention legitimising the current dumping practices.
- Urgently follow-up the Green Paper on Better Ship Dismantling with legislative proposals aimed at improving the enforcement of the Waste Shipment Regulation, which addresses the identified loopholes that allow for circumvention of the Waste Shipment Regulation.

# FIDH represents 155 human rights organisations on 5 continents

## Constant mobilisation

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FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

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**An independent organisation:** Like its member organisations, FIDH is not linked to any party or religion and is independent of all governments.

### YPSA

YPSA, Young Power in Social Action, is a social development organisation that started in 1985 in Bangladesh. It aims to promote sustainable development through a holistic approach. YPSA follows the issues related to workers rights, tries to obtain improved working conditions at Chittagong shipbreaking yards and does advocacy for a policy to ensure human rights in the shipbreaking industry. In addition to awareness raising activities and research publications about the subject, YPSA also provides instant help to injured shipbreaking workers and families of the dead workers along with different development programs for the villages surrounding the yards.

### NGO Platform on Shipbreaking

The NGO Platform on Shipbreaking is a coalition of environmental, human and labour rights organisations first created in September 2005 after it was realised by some of the few NGOs working on the issue that a broader base of support both geographically and in orientation was needed to challenge the political clout of the global shipping industry.

Due to increased political momentum, in part generated by the Platform itself, the coalition has evolved already from being a European Platform to a global one, including NGOs based in the largest shipbreaking countries, India and Bangladesh. The Platform is now also recognised at the Basel Convention and the International Maritime Organisation (IMO) as the preeminent international NGO advocacy organisation on this critical subject.

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