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The Impact of International Laws on Child Labor in Bangladesh's Garment Industry



1 *Children working in a garment Factory in Bangladesh*

To what extent have international laws regarding child labor impacted child employment and the working conditions of minors in the garment industry in Bangladesh?

¹ <https://passionlilie.com/blogs/designersjournal/world-day-against-child-labor-how-fast-fashion-fuels-a-hidden-problem> (Consulted 27.10.24)

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I. Introduction

Why choose this topic? Well, to me this is a topic of utmost importance in today's world and climate. The subject of child labour is, in my opinion, not talked about enough. As occidental and privileged people, we could never understand the pain of having our childhood and basic rights taken away from us. We cannot even begin to imagine the situation that these poor children are in, with no way out, no possibility of a better future. In a world so dependent on fast fashion and the ready-made garment sector we have no clue what happens behind the scenes when we click that « proceed to purchase » button. Big brands and corporations hide from us the reality behind their production, their acts to reduce production costs have an impact on human lives and especially those of children. International organisations and associations like the UN and ILO have seen this and are trying to make a change. I thought it interesting to analyze this and truly see the impact that these efforts have had in the sector. I will focus on Bangladesh as it is one of the main garment exporting countries in the world. But mainly I chose this topic to bring awareness and not only push myself but others to learn more, do more research and try to help in any way possible. By informing ourselves and recognizing the truth behind fast fashion we could potentially be pushed to consume less and minimize financing an industry which employs children, making the world a better place.

Child labour, as defined by the International Labour Organization (ILO) can be seen as: « Work that deprives children of their childhood, their potential, and their dignity, and that is harmful to physical and mental development. »¹. Child labor is an extremely prominent issue worldwide concerning over 150 million children aged between 5 to 17 years old². Of these children, around 1.7 million are based in Bangladesh according to the « National Child Labour Survey 2022 »³. Included in this number, approximately 1,068,212 are engaged in hazardous child labour, “known as one of the worst forms of child labour”⁴. These children are forced to work extremely long hours under harsh conditions and are vulnerable to trafficking, abuse, violence, and exploitation⁶. Their rights to education, freedom and childhood have been stripped from them from a very early age. This is a profoundly serious issue especially in the garment industry in Bangladesh which uses a substantial amount of child workers.

¹ <https://www.ilo.org/ipec/facts/lang--en/index.htm> (Consulted 12.04.24)

² Ibid.

³ <https://www.eurasian-research.org/publication/the-causes-of-child-labor-in-bangladesh/> (Consulted 13.04.24)

⁴ 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. <https://www.ilo.org/ipec/facts/lang--en/index.htm> (Consulted 12.04.24) ⁶

Ahamed Ferdous, Child labour and Bangladesh : To what extent can Bangladesh remove child labour particularly in the Bangladesh Ready-made Garment (RMG) sector ? , p.31-32

The “readymade garment” industry (RMG) ⁵ is the biggest export earner for Bangladesh accounting for 81% of total export earnings of the country⁶ and is now the second largest garment exporting country in the world⁷. While child labour in the garment industry has been a problem since its boom in the 1980s, the industry has seen a significant rise in the employment of children correlating to Bangladesh's transformation from a poor country to a well renowned industrial actor in global business⁸. However, even with all this economic success, the apparel industry has faced many human challenges and criticisms mostly regarding the safety and wellbeing of the workers as well as their working conditions, including child labour. Bangladesh's RGM has struggled to maintain its reputation and the government, non-profit organisations as well as buyers and brands have and are working hard on bettering the situation and improving worker's rights and their working conditions. We have seen improvement in many of these sectors, yet child labor has not been diminished to a satisfactory level. Many actions still need to be taken in order to improve and eventually extinguish child labour in the garment industry.

This brings us to the importance of international and governmental conventions to address this problem. Many conventions have been created and ratified by organisations like the UN, ILO as well as the Bangladeshi government, all in attempt to improve the lives of these children. They set important guidelines and laws that brands and factories must abide to when employing children in production⁹. However, we will see that it does not completely solve the problem as many factories still find loopholes to illegally employ and exploit children for their inexpensive work. While there are many international organisations working hard to ameliorate the situation, this essay will attempt to see how much they have been able to achieve.

All these aspects give rise to the debate over the extent to which international laws regarding child labour have impacted the actual working conditions of minors in the garment industry in Bangladesh. In this paper we will discuss the key international laws and conventions on child labour and see how they come into play specifically in Bangladesh as well as the overall working conditions in the country's apparel industry. Then, we will concentrate on a case study of Bangladesh's child labour situation through specific examples. Thereafter, we will look at Bangladesh's public education system and analyze how its flaws constitute a serious obstacle in the abolition of child labor. This is an important topic to add as the lack of accessibility to education for the Bangladeshi

⁵ The RMG, garment industry and apparel industry are used interchangeably in this paper.

⁶ <https://www.bgmea.com.bd/page/AboutGarmentsIndustry> (Consulted 13.04.24)

⁷ Norpoth Johannes, Groß Lukas, Aktar Rahima, Child Labour in Bangladesh – An analysis of gaps and weaknesses of the existing legal framework, p.2

⁸ <https://mexico.mofa.gov.bd/en/site/page/About-Garment-Industry-of-Bangladesh> (Consulted 13.04.24)

⁹ Shimul Reja, Elimination of Child Labor in the Garment Industry Bangladesh : Failure or a Contingent Success ?, p.37

population is at the root of child labor. We will see in what ways this is the case, the gaps in the system as well as in the legal framework that regulate education. Furthermore, we will discuss international attempts of enrolling more children into schools and out of factories via the Memorandum of Understanding. The two Memorandums play a key role in the history of child labor in Bangladesh as they have raised much awareness to the cause and helped improve the situation of many children across the country. They are not international laws but are an alternative way for international organisations to aid a country in a more “humane” way. Lastly, we will see whether international laws have been effective and improved the situation for child laborers in Bangladesh's garment industry and alternatively what international and national powers need to improve, change or focus more on in order to give these children their fundamental rights back.

II. International laws on Child Labour

As said before, many international conventions and laws have been created regarding child labour. The two main organisations responsible for this are the United Nations (UN) and the International Labour Organization (ILO). Combined, they have created the three most important international treaties on child labour and children's rights. These are the main conventions that we will focus on in this paper, however, we will not neglect the smaller, preciser, legal agreements, such as governmental and national laws, as well.

Firstly, there is the UN Convention of the Rights of the Child¹⁰. Created in 1989 by world leaders, this convention focuses on explaining the definition and rights of a child, as well as the various responsibilities of governments to protect children¹¹. It is the “most widely ratified human rights treaty in history”¹² and been one of the most instrumental in bringing change.

Next, the ILO created two “fundamental” conventions, meaning that all ILO states have “an obligation to respect, promote and realize the abolition of child labour, even if they have not ratified the Conventions in question.”¹³. The two conventions are the ILO Convention No.138 adopted in 1973 and the ILO Convention No.182, which is the first universally ratified convention, adopted in 1999.

The ILO Convention No.138 concerns the establishment of a minimum age for entry into work and employment. Their aim is, by requiring countries to set their minimum age, to effectively abolish child labour. They have set the minimum age at 15 for work in

¹⁰ United Nations, *Convention on The Rights of the Child*, 1989

¹¹ Art 1 CRC

¹² <https://www.unicef.org/child-rights-convention#learn> (consulted 14.04.24)

¹³ <https://www.ilo.org/ipecc/facts/ILOconventionsonchildlabour/lang--en/index.htm> (Consulted 14.04.24)

general but have increased it to 18 years old when it comes to hazardous work¹⁴. The convention also demands the establishment of national policies for the elimination of child labour as “passing a law is not enough”¹⁷. Specifically, recommendation No.146 focuses on this and stresses that nations should provide plans to tackle poverty and the promotion of decent jobs for adults, so that parents need not resort to child labour¹⁵. Bangladesh has only just recently, on the 22 March 2022, ratified this convention and has set the minimum age to 14 years old along with a limited scope of the convention stated in article 5, paragraph 3 of the convention¹⁹. This is an early sign of progress for the country, but much is needed for it to come into line with the desired standards. The fact that the age is still under the requirement set by the ILO is worrying and shows that much needs to be done to obtain a safe work environment for everyone.

Finally, the ILO Convention No.182 treats the worst forms of Child labour, which includes hazardous work. This Convention was convened to urge international powers to act against the worst forms of child labour, without losing sight of the long-term goal of the elimination of all child labour. It requires them to take immediate measures towards the cause¹⁶. As mentioned above this convention has been universally ratified. Bangladesh ratified it the 12 of March 200¹⁷. This is an especially important step towards the improvement of the current situation of these children and their futures.

¹⁴ ILO, ILO convention No.138 at a glance, p.1 ¹⁷

ILO, ILO convention No.138 at a glance, p.2

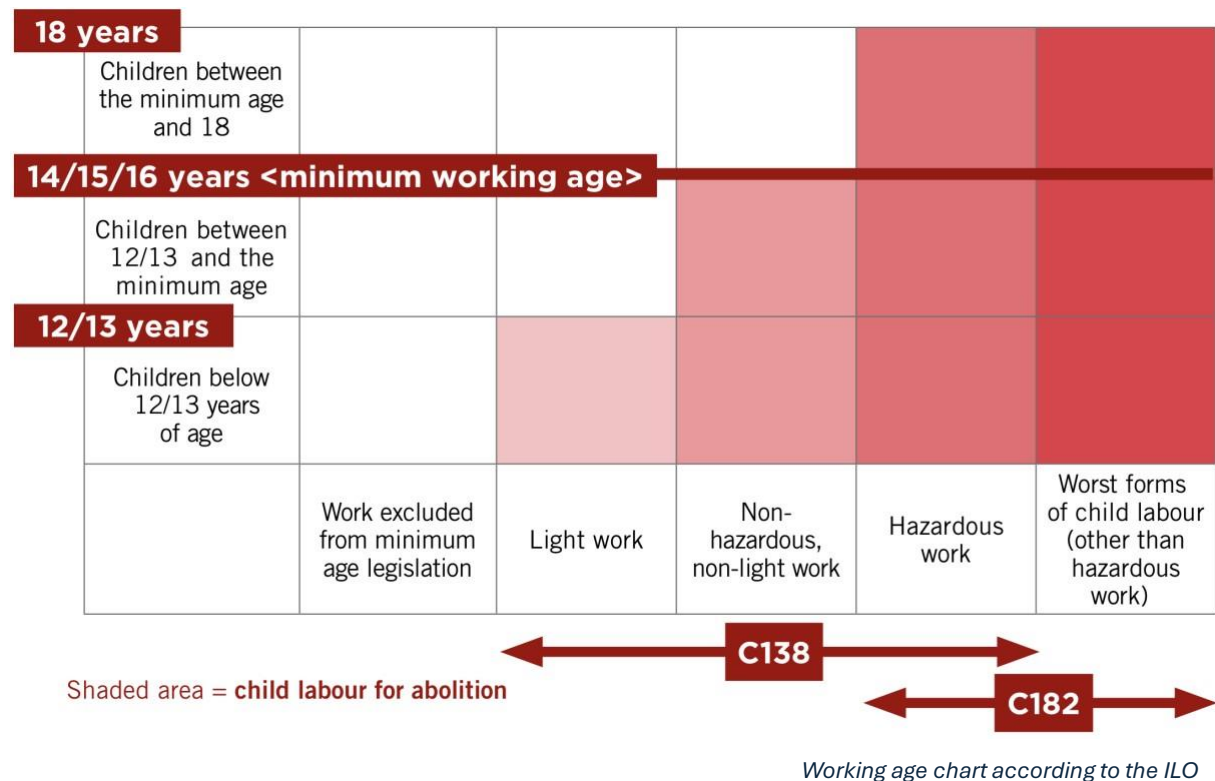
¹⁵ <https://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang--en/index.htm> (Consulted 14.04.24)

¹⁹ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300_INSTRUMENT_ID:312283:NO (Consulted 14.04.24) Limited to branches of economic activity and types of undertakings.

¹⁶ <https://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang--en/index.htm> (Consulted 14.04.24)

¹⁷ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312327 (Consulted 14.04.24)

The following chart visually explains the types of child labour that the ILO is seeking to abolish and which ones each convention treats ¹⁸.



These three groundbreaking conventions have provided the foundation of change in child labour around the world. Now, I will specifically examine the effect that they have had in the garment industry in Bangladesh following the Rana Plaza incident of 2013.

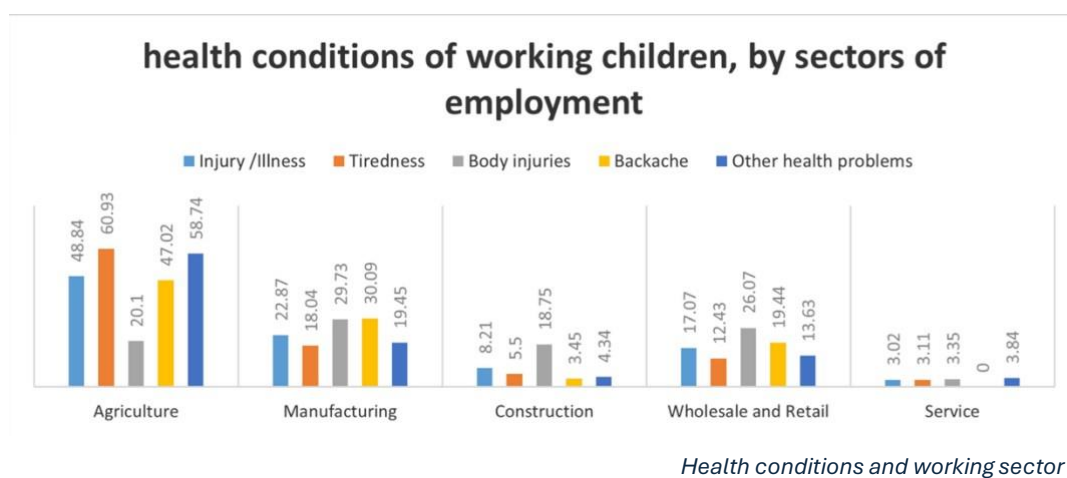
III. Working conditions in Bangladesh's garment Industry

The Garment Industry, as mentioned above, is home to the largest amount of child workers in the industry sector. Children start working in these factories from a noticeably young age, employers prefer this as they can pay the children less and can manipulate them easily. When they are employed, they are first appointed as “apprentices” or “helpers” for weeks so that they get paid less or even nothing. They are also not issued any identification or time cards, meaning that the government has no record of these workers and employers can keep these children working for as long as they want¹⁹.

¹⁸ Image source: Adapted from ILO: A future without child labour, Global Report, Report I(B) ILC 90th, 2002

¹⁹ Ahamed Ferdous, Child labour and Bangladesh : To what extent can Bangladesh remove child labour particularly in the Bangladesh Ready-made Garment (RMG) sector ?, p.33

The ILO has declared that the working conditions for these children are below standards and do not respect the laws and policies put in place²⁰. These child laborers take part in more than 40-hour weeks, with no breaks, no paid medical or recreational leave. Furthermore, their salary gets deducted in cases of absence or unproductivity setting an immense amount of pressure on their work performance and their continuous presence in their workplace even if they are sick or injured. They get absolutely no training, no protective gear and have no understanding of safety issues and dangerous activities in the factories²¹. This is an enormous issue concerning the safety and health of the child laborers as they are constantly exposed to dangerous machinery, toxic chemicals and an unsafe work environment constituted by abusive employers. These are only some of the reasons that make work in the RMG sector extremely unhealthy for children.



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The graph shown above shows the different health conditions and their amount found in various sectors of employment in Bangladesh. Here we are interested in the manufacturing sector which englobes the garment industry. We can see that it is the second unhealthiest sector after agriculture. This confirms the horrible working conditions that the young children are involved in, constantly being exposed to danger and possible injuries.

²⁰ Ibid.

²¹ Md.Kamruzzamen, Md. Abdul Hakim, A Review on Child Labour Criticism in Bangladesh : An Analysis, p.5

²² Image source: Md.Kamruzzamen, Md. Abdul Hakim, A Review on Child Labour Criticism in Bangladesh : An Analysis p.6

IV. Case Study: Bangladesh

In order to assess the impact of these international laws, we must take a closer look at a specific event in Bangladesh's garment industry. For this I have chosen the Rana Plaza incident from 2013. Studying this disastrous event will enable us to see if change was really made for child labour in this industry in Bangladesh throughout the years.

The collapse of the Rana Plaza building occurred on the 24th of April 2013 in Bangladesh's capital Dhaka, killing 1,134 and injuring 2,500²³. This was the worst incident to hit the garment industry in the world. The eight-story factory violated safety standards and supplied to at least 29 global brands including Benetton, Primark and Mango²⁴. This incident was both disastrous for the victims as well as the multiple brands involved who indirectly took part in making the garment industry unsafe, unhealthy, and inhuman for all workers. However, our focus lies on the children working in this factory.



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Rana Plaza collapse

Following the disaster, many realized the scale of underage employment still present in the garment industry supplying big name brands. Preceding the collapse, many believed that the international laws put in place just 30 to 14 years²⁶ prior had put an end or at least a dent in child employment. Unfortunately, this has been proven to be false.

To prove this, let us discuss the case of Aanna Khatun. The young 13-year-old girl was working at the factory on the day of the accident and upon the collapse got her hand

²³ <https://www.theguardian.com/world/2023/apr/24/10-years-on-bangladesh-rana-plaza-disaster-safetygarment-workers-rights-pay> (Consulted 22.08.24)

²⁴ <https://cleanclothes.org/campaigns/past/rana-plaza> (Consulted 20.08.24)

²⁵ Image source: <https://www.cidse.org/fr/2014/04/23/the-rana-plaza-disaster-one-year-on/> (Consulted 12.09.24)

²⁶ ILO No.138 and No.182 conventions, UN CRC

stuck under a heavy machine. With fragmented concrete and surrounded by the corpses of her colleagues, she cries out for help. A machine operator from a neighboring factory, by the name of Mr. Hossain, jumps in to save her and is forced to amputate her hand with a scalpel²⁷. This was a shocking and traumatizing experience for both of the workers involved. However, Mr. Hossain was greeted by more shock when he found out, in a meet up with Aanna a year later, that she was, in fact, a child laborer and not a legal employee, revealing the “real cost of child labour in keeping Western High Street fashion brands so cheap.”²⁸. However, Aanna was not the only minor working at Rana Plaza the day of the incident. Aanna's statement reveals the presence of more children working at Ethertex²⁹ including her 14-year-old sister and another 13-year-old girl³⁰. Furthermore, 14 year-old Yaa Noor Akhter, one of Aanna's colleagues confirms by stating that “There were three other girls of [her] age”³¹. As mentioned before, Bangladesh law allows children aged 14 to be employed, however, according to the Child Labour Act from 2006, their workdays cannot exceed five hours per day, for thirty hours a week, namely, six days³². Yaa adds that their work hours did not respect Bangladeshi law and that they were working from “8am to 10pm six days a week” infringing article 41 sections (1), (3) and (4) of the Child Labour Act. Furthermore, the presence of at least two 13 year old girls, that we know of, is a complete breach of the nations labour law, leaving us to wonder how these children were even employed in the first place.

In addition to this, Action Aid verifies the presence of at least 202 children in Rana Plaza on April 24th in their survey regarding the “current conditions of the survivors and families of the deceased”³³. The survey included 1436 survivors of which children represent 14 percent³⁴.

How, after the ratification of all these laws, could there still be such an underlying network of child laborers present in factories supplying to globally renowned brands? And how can it be that before the Rana Plaza incident people believed the garment sector to essentially be child labour free?

This can be, in part, answered by the lack of legal documentation that families possess and inspection of birth certificates upon employment. In Bangladesh, there is a problem of lack of birth registration of many children, employers do not have any way of

²⁷ Nelson Dean, Muktedir Rashid, Bangladesh's Rana Plaza tragedy lives on for the child workers who survived, <https://www.confinionline.it/detail.aspx?prog=53840>, (Consulted 20.08.24)

²⁸ Ibid.

²⁹ Company that owned one of the garment factories in Rana plaza

³⁰ Nelson Dean, Muktedir Rashid, Bangladesh's Rana Plaza tragedy lives on for the child workers who survived, <https://www.confinionline.it/detail.aspx?prog=53840>, (Consulted 20.08.24)

³¹ Ibid.

³² Government of Bangladesh, The Bangladesh Labour Act, 2006, article 41 (1), p.24

³³ Aaman A. R., If not realized..., p.5

³⁴ In this paper we refer to children as people under the age of 18

confirming a child's age due to this scarcity in data, revealing a big issue in the country's system and data bank³⁵. In 2004, Bangladesh has tried to rectify this by introducing the Birth Registration Act, however this did not see a remarkable success due to the big percentage of population living in poverty and not being able to register their child under this Act. Moreover, although there is this huge issue in data, we cannot neglect that some, even most employers (especially in the informal sector) are vaguely aware of the child's age being under 14 and employ them anyway. Children, especially girls, are preferred in the garment industry for a multitude of reasons including their "painstakingness, tolerance, physical stamina and lack of conjugal obligations"³⁶. They also work for less and allow employers to save money in employment as recently mentioned.

In addition, the concept of sub-contracting plays an important role in the apparel industry. Sub-contracting is a system that directly links the informal and formal sector³⁷ of the garment industry. Big brands, like the ones being supplied by factories in Rana Plaza, will contract a formal garment making factory, that is approved by the government and respects all policies and regulations. These factories then appoint informal factories via direct or joint ventures to take on part of their workload as it is cheaper and they can gain more profit³⁸. This leads to a rise in child labour in the informal sector reaching 96% according to the ILO in 2015³⁹. So unknowingly to the public, the informal sector supplies national and international demands with hardly any attention or monitoring being brought to them, leading to unsafe, unethical, and illegal work environments housing nearly all child workers in the garment industry. The government deliberately does not share this data as it would ruin the industry and the large export earnings they receive. They care about their reputation as their economy is rising and they hope to reach the lower middle-income country status by the World Bank⁴⁰. However, they flaunt that the Ready-made-garment sector is child labour free since 1996⁴¹. This study was, of course, only conducted on the 3500 government listed factories of the country and neglected the 20'000+

³⁵ Reja Shimul, Elimination of child labour in Garment industry Bangladesh Failure or contingent success ?, p.36

³⁶ ILO, The effective abolition of child labour, p.222

³⁷ Informal sector definition : industries not listed by the government or the BGMEA (Bangladesh Garment Manufacturers and Exporters Association)

³⁸ Reja Shimul, Elimination of child labour in Garment industry Bangladesh Failure or contingent success ?, p.33

³⁹ ILO, The effective abolition of child labour, p.214

⁴⁰ ILO, Child labour monitoring in action in North-West Bangladesh, p.1

⁴¹ IPEC, ILO/IPEC BGMEA Phase III – Continuing the Child Labour Monitoring and Education Components and Prepare for the Integration Into a Broader Project in the Garment Export Industry in Bangladesh, p.13

factories forming the informal sector. This explains the confusion and shock of the public and companies involved to the discovery of many child labourers in Rana Plaza.

International laws, as has been proven, cannot truly combat this system, they are difficult to implement into the population as child labour is a necessity for most Bangladeshi families. We can see that many children are still working in unsafe conditions for their age even after the ratification of these laws by the country of Bangladesh. Furthermore, by allowing Bangladesh to contradict the treaties, for example, set the minimum age at 14, shows a lack of authority by the UN and the ILO as well as an unwillingness of the country to improve. If from the beginning Bangladesh does not respect the laws, then how can we expect the population to do the same? Bangladesh and international organisations have started smaller, more effective, monitoring and control groups, however these are not able to work on the large scale needed to abolish child labour. We need to recognize that child labour starts with poverty and education, which are underlying problems for the population. The wealth gained from the industry is not distributed to the workers, especially the children, who are paid despicable wages. Furthermore, the lack of education is a prime consequence of children working. Bangladesh has tried to rectify this with the help of the ILO, Unicef and the BGMEA via the MoU (Memorandum of Understanding) signed in 1995⁴², but once again, it has not seen the progress wished. The deep problems of the country tied to child labour make it so that international laws are not enough to abolish it. This explains the lack of progress seen in the sector from the ratification until Rana Plaza, where we, as the general public, were led to assume that the situation had gotten better.

Furthermore, the Government of Bangladesh has implemented legal consequences for the violation of these laws upon search and monitoring by the Department of Inspection of Factories and Establishments, however, this only applies to the formal sector as the informal sector is not included in these inspections. Child laborers working in it therefore remain without legal protection and no way of defending themselves⁴⁷. There exists no special organization or laws catering to these workers leaving the informal sector untouched and a ground for illegal employment with no consequences.

As we can see, international laws are far too general to truly battle Bangladesh's garment industry's problem that is child labor. A more precise and effective measure is needed in order to see further improvement in the sector. This means tackling the origin of child labor and the reason that many children end up working in factories rather than

⁴² ILO, UNICEF, Addressing child labour in Bangladesh garment industry 1995-2001, p.5 ⁴⁷ ILO, The effective abolition of child labour, p.213

experiencing a healthy childhood. This problem is manifestly education. Flaws in Bangladesh' public education system are a key source of child employment in dangerous work environments such as the ones in the RMG industry. The problems that lie in the system, which we will review and analyze in the following paragraph, demonstrate the extent to which the country is flawed and needs great aid to reach international standards.

V. Education

As John F. Kennedy said: "A child miseducated is a child lost"⁴³. We can see that child labor in Bangladesh stems directly from its lack of public education systems. Families cannot afford to send their children to school, in result, the children are put into dangerous work environments and are offered a limited future as they are not presented any other opportunities to grow or change their situation. Education is a right of every child and every family should be able to survive even by sending their children to school. However, this is a challenging feat for Bangladesh for a multitude of reasons that we can divide into three categories: economical, social, and legal problems.

Firstly, it is important to note that education and poverty are directly linked to one another. This means that if a family is poor and does not have the means to survive, it is more likely to send its children to work than to school. In some cases, the income that a child brings amounts to more than one-third of the household income⁴⁴. This incentivizes parents to pressure their children into the work environment instead of educating them, without their income, they may not survive. This is an understandable reason for children to be out of school, however, "poverty of the State can never be accepted as a reason to deny children's right to education."⁴⁵. Bangladesh needs to place education for its youth as a top priority if it wants to see improvement in child labor statistics. The World Bank led an expenditure review regarding Bangladesh's public education sector and found that the budget share invested in the sector remains below international standards⁴⁶. In 2015, only 11,7% of the total government budget was used to fund the public education. In comparison, this number is lower than the shares of other countries in the region and smaller than the recommended share of 15-20% by the 2015 Incheon Declaration⁴⁷. The lack of funding and investment put into this sector certainly creates an obstacle in the fight against the worst forms of child labor.

Secondly, the cost of public school is too high for most Bangladeshi families to consider enrolling their children, especially if their child or children are already garment

⁴³ Quote from the State of the Union address, 1962

⁴⁴ ILO, The effective abolition of child labour, p.215

⁴⁵ ILO, A Future without child labour, p.53

⁴⁶ Saurav Dev Bhatta, Maria Eugenia Genoni, Bangladesh Education Sector Public Expenditure Review, p.viii

⁴⁷ Ibid.

workers and bring home a salary. These costs include transportation, uniforms, and school supplies, among other things. So even though, the school is free, to be able to properly learn, families need to spend money which most of them just do not have. The scarcity of schools proves to be a problem as traveling to the closest one is expensive and time-consuming, time that a family may not be able to afford to lose. Adding on to that, the loss of income that the child might cause whilst enrolling engenders education to be a financially non viable possibility for many garment worker families.

Furthermore, there are some clear gaps to be seen in the legal framework regarding education and child labor. The Primary Education (Compulsory) Act states that children must be enrolled in primary education from the age of 6 till the age of 10⁴⁸. However, it does not appear as though there are any measures to ensure the adherence of these laws in the population. Where it becomes contradicting is that, according to this convention, children are only compelled to stay in school until they are 10 years old and the Bangladesh Labor Act states that the minimum age a child must be to start working is 14⁴⁹. This gap makes children between the ages 10 and 14 especially vulnerable as school is not mandatory but they cannot legally work, creating an unsafe position for youth⁵⁰. Bangladesh attempted to fix this issue by introducing the National Education Policy in 2010 which raised the age of compulsory education to eight grade (14 years old)⁵¹. Nonetheless, it has not yet been enforced as the legal framework needs to be changed to include the revised policy⁵⁷. The delays, inaccuracy and ineffectiveness of these conventions, policies and laws do not make for a good base to solve and improve the situation of child laborers.

In addition to economical and legal factors hindering Bangladeshi children from receiving a correct education, there are social aspects to be studied. First, there are not enough schools to be able to house all students, especially when new programs and incentives are created to encourage the enrollment of children. Classrooms end up being overcrowded, and 80% of schools need to run on double shifts making it uncomfortable and more difficult to teach and learn⁵². Equally, the curriculum is outdated, does not include relevant topics that are of interest in our modern climate, and is gender-biased⁵³. There is also an important teacher shortage driven by their low-wage and irregular payments, forcing most of them to work two jobs⁵⁴. They work in inadequate infrastructures and do not receive the correct tools needed to provide a proper education

⁴⁸ Bangladesh, Primary Education (Compulsory) Act, 1990, art. 2

⁴⁹ Government of Bangladesh, *The Bangladesh Labour Act*, 2006

⁵⁰ Bureau of international labor affairs, Bangladesh moderate advancement, p.5

⁵¹ Ministry of education, Government of Bangladesh, National Education Policy 2010, p.13⁵⁷

Bureau of international labor affairs, Bangladesh moderate advancement, p.3

⁵² Ibid.

⁵³ ILO, A Future without child labour, p.53

⁵⁴ Ibid.

to these children. These factors lead to a high demand in teachers that the Teacher Training Institute (TTI) simply cannot keep up with. Amongst Bangladesh's 57 TTIs, an average of 7 instructors each have to train 400 at a time, proving to be a near impossible task⁵⁵.

As we can see, many factors hinder children from receiving a correct education and leads them into unsafe work environments like a garment factory. This is to be avoided, and Bangladesh has made efforts this past decade to improve the situation. In fact, according to the World Bank, the net attendance rates at all levels of education have increased between 2000 and 2016 ⁵⁶ . We cannot neglect improvements like these; however it is important to note that much is still needed to elevate Bangladesh's educational system to international standards.

VI. The Memorandum of Understanding (MoU)

Bangladesh's education, as we have explained above, is an important issue in its child labor rates, therefore, international powers such as the ILO and UNICEF collaborated with the BGMEA and the Government of Bangladesh and signed a Memorandum of Understanding in 1995. A MoU, as defined by Harvard is: "an agreement between two or more parties/institutions, they are not legally binding, but serve to document each collaborator's expectations or intentions"⁵⁷.

The 1995 MoU set out a goal to remove child laborers from BGMEA garment factories and place them in adequate education programs⁵⁸. The Memorandum was comprised of these main elements: a fact-finding survey, a stop to the termination of under-aged workers until the education program was set in place, education, verification, income maintenance, an Informal Steering Committee and publicity and advocacy⁵⁹ . The four participating organisations divided the work amongst themselves. For example, the ILO took on the role of monitoring and verification and UNICEF funded the education⁶⁰. An initial survey identified "between August and November 1995, 9546 children below 14 in the garment factories." ⁶⁰ . By January 1996, UNICEF opened the first Non-Formal Education Center (NFEC), with more than 300 to follow⁶¹ . By August 1996 over 2200

⁵⁵ Bureau of international labor affairs, Bangladesh moderate advancement, p.3

⁵⁶ Saurav Dev Bhatta, Maria Eugenia Genoni, Bangladesh Education Sector Public Expenditure Review, p.vi

⁵⁷ <https://hcsra.sph.harvard.edu/memorandum-understanding-mou> (Consulted 7.10.24)

⁵⁸ ILO, UNICEF, Addressing Child Labour in the Bangladesh Garment Industry 1995-2001, p.6

⁵⁹ IPEC, ILO/IPEC BGMEA Phase III – Continuing the Child Labour Monitoring and Education Components and Prepare for the Integration Into a Broader Project in the Garment Export Industry in Bangladesh, p.1 ⁶⁰ Reja Shimul, Elimination of Child Labor in the Garment Industry Bangladesh: Failure or Contingent Success?, p.41

⁶⁰ IPEC, ILO/IPEC BGMEA Phase III – Continuing the Child Labour Monitoring and Education Components and Prepare for the Integration Into a Broader Project in the Garment Export Industry in Bangladesh, p.2

⁶¹ ILO, UNICEF, Addressing Child Labour in the Bangladesh Garment Industry 1995-2001, p.7

children were enrolled in MoU schools, a great advancement in the program and in the general fight for abolition of child labor. The stakeholders realized that most families needed incentives to enroll their children because, as said before, enrolling a garment worker child in school means suffering an income loss and having to pay for school supplies etc. A payment of 300 Thaka a month was given as incentive to the families who enrolled their children in MoU schools⁶². Further, the ILO placed a great deal of importance on the monitoring and verification component of the Memorandum. They understood that for this program to be sustainable long-term, it needed correct and strict monitoring and verification. They were set to include several activities which were: “strengthening the capacity of the official labor inspector system through analysis and training of labor and factory inspector, and technical assistance to the industry to set up a self-audit system.”⁷⁰. This MoU ended in 2000 but was soon followed by a second MoU that lasted 12 months. It had similar goals, and its objective was to carry out unfinished projects from the first MoU and develop a “long-term response to the problem of child labor monitoring in the garment industry.”⁶³.

Needless to say, both of these MoU programs were pillars of evolution in the abolition of child labor. They have greatly improved the situation and helped many children receive an education and acquire important skills. They brought child labor to national and global attention, placing it on the map as an important humanitarian issue. It was seen that students demanded to continue MoU schools because of its “child-friendly ethos” and positive impact on their learning⁷².

However, there are some limitations and problems to be discussed in these programs. First, there have been many delays regarding the launch and implementation of the project leading to incoordination between the timelines of each component⁶⁴. The slow implementation also rose a need for new funding. The incentive stipend for enrolled children was not enough to compensate the loss of income that the families would bear. Furthermore, a food supplementation program that was promised as another incentive never came to be due to the lack of a donor⁶⁵. In addition to this, the haste to get funding and launch the projects lead to some elements or details not receiving enough attention⁶⁶. There was also a problem in propaganda, many children did not know about these schools, nor about their stipend which reduces, of course, the organisations demographic

⁶² IPEC, ILO/IPEC BGMEA Phase III – Continuing the Child Labour Monitoring and Education Components and Prepare for the Integration Into a Broader Project in the Garment Export Industry in Bangladesh, p.2 ⁷⁰ Reja Shimul, Elimination of Child Labor in the Garment Industry Bangladesh: Failure or Contingent Success?, p.44

⁶³ ILO, UNICEF, Addressing Child Labour in the Bangladesh Garment Industry 1995-2001, p.7 ⁷² ILO, UNICEF, Addressing Child Labour in the Bangladesh Garment Industry 1995-2001, p.9

⁶⁴ IPEC, ILO/IPEC BGMEA Phase III – Continuing the Child Labour Monitoring and Education Components and Prepare for the Integration Into a Broader Project in the Garment Export Industry in Bangladesh, p.2

⁶⁵ Ibid.

⁶⁶ ILO, UNICEF, Addressing Child Labour in the Bangladesh Garment Industry 1995-2001, p.7

and lets children fall through the net. Lastly, these MoU programs only operate on BGMEA member factories of which there are around 4500. Although this is already a big number, it represents only a small portion of the 20'000+ informal factories that exist in Bangladesh⁶⁷.

Nevertheless, these limitations are not to disregard the positive impact that the MoUs have had on the education and lives of many children. They are steppingstones to the future and deserve their praise. This is not to say that we should neglect the problems seen in the programs as these allow us to improve for further similar projects. The MoUs are proof that international organisations can collaborate to form a wonderful thing whose only goal is to improve the lives of the most children they can. The creation of more of these programs is perhaps the right alternative to the generality of international laws because they are more specific, more effective and require less time to implement. However, they are not durable in the long-term like laws are, so the solution must lie somewhere in between. It is important to compare both of these international actions in order to truly observe each of their advantages and disadvantages and to see how they complement each other.

VII. Comparison of international conventions and Memorandums of Understanding

There are fundamental differences in international laws and conventions and Memorandums of Understanding, which is why it is important to discuss both of their advantages and limitations while analyzing a case such as Bangladesh's child labor. MoUs do seem like a great solution, in fact, an even better solution than international conventions who merely state laws that the country does not even respect⁶⁸. However, they are not applicable in the longterm scheme of the situation. Memorandums need major financing from international organisations, NGO's, national and governmental institutions, even private corporations in order to surface. Once there is no more flow of income, the programs are obliged to cease. The Memorandums are also limited within a budget which can create an obstacle for the program. In contrast, international conventions are not reliant on much funding to be drafted. Their laws are intensively discussed in conferences concerning many employees of the international organization that is writing the convention. This is why international powers are more likely to first opt for this approach rather than sign Memorandums directly. Once the convention is made, it exists and is applicable forever, the same can not be said for Memorandums.

⁶⁷ <https://www.bgmea.com.bd/page/aboutus> (Consulted 9.10.24)

⁶⁸ Mention of Bangladesh's minimum age not respecting international standards

However, contrary to Memorandums of Understanding, which we have seen are put in place fairly quickly ⁶⁹, international conventions take a lot of time to be ratified by countries, especially countries concerned by the subject that the convention treats. For example, the ILO Convention No.138 concerning the minimum age for employment was only just ratified by Bangladesh in March of 2022 even though it was adopted in 1973 ⁷⁰. It is clear with this distinction that Memorandums of Understanding are more effective in terms of immediate action than international laws which act in a slower but surer way.

In correlation with the actions taken by each effort, we have seen that MoU's act directly in the environment of the problem. They are created for a specific purpose in a specific region and time. This is why they are more effective and ultimately see better results and statistics than the impact of international conventions do. It is also because it is very difficult to assess the impact of international laws on a certain sector of a country as many factors play into the improvement or decline of said sector. In addition, international laws are not binding even after ratification. This makes it that much more difficult for them to act directly on the targeted demographic. Countries need to implement the laws in their own national policies for them to be legally binding and actually serve a role in the situation.

With that said, we must acknowledge the fundamental difference between the two which is their goals. International conventions aim to set global guidelines that apply to each country. They do not concern a single region or a specific situation. They set the ground for further national development in the sector. A base and standards that will live through time and that countries all around the world should strive to reach and maintain. Whereas MoUs provide programs to aid a specific country within a certain problematic sector for a certain amount of time. They provide firsthand support to that sector and try to reach their goal as best they can. This is why we cannot assume one's superiority to the other as their objectives and their reason of creation are vastly different.

Following this distinction, there is, of course, one fundamental similarity between international conventions and Memorandums of Understanding which lies in their purpose. In the end, they both strive to aid the world in some way. The thought behind them both is to ameliorate the situation of thousands of people and provide them with their warranted human rights and a safe environment for them to live in.

VIII. Conclusion

In conclusion, thanks to the case study, we can see that international laws have had barely to no impact on the presence of child labour in the garment industry in

⁶⁹ Mention to the First Memorandum of Understanding of 1995

⁷⁰ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300_INSTRUMENT_ID:312283:NO (Consulted 14.04.24)

Bangladesh. International laws do not cover the scope of the situation and do not account for many things that are a reality for the majority of the Bangladeshi population like poverty and education. Although they are good in theory, they cannot be easily implemented and need close monitoring and attention.

Furthermore, the informal sector is especially hard to control as it is not listed by the government and neglected by it, factories are hidden, and they represent a huge percentage of the total garment factories of the country. This creates a further challenge for the government and international organisations to implement the conventions.

However, we should recognize what a huge steppingstone these conventions were in the general sector of child labour. They made the public aware of the problem and do, in some ways, aid the lives of children all over the world, giving them rights. They are essential to the advancement of the cause and their importance cannot be neglected. While Memorandums of Understanding offer more effective help to the child laborers in Bangladesh' garment sector, they would not be able to work to their greatest extent without the base that international conventions provide.

Nonetheless, in order to specifically abolish child labour in one sector or country, laws need to be more precise to the exact situation and population. The national government needs to implement more legal consequences and more intensive inspections for the garment industry as a whole. It is essential that they implement international laws into their own policies and not only ratify the conventions that they are found in. They have to address all underlying issues that contribute to child labour including poverty and education in a humane and effective way.

Providing low cost, easily accessible and modern education is a must in the battle against harmful child labor. Without correct education, children have no possibility at bettering their future and getting out of their situation. The flawed legal framework practically forces them into factories. This should be a priority for the nation and necessitates greater attention and budget from the country.

International organisations understood this and created two Memorandums of Understanding to tackle to the lack of access to education in Bangladesh which improved many children's lives. However, their limitations restrict their effectiveness. They need to specifically cater to the informal sector that has been neglected by the program.

Furthermore, Bangladesh needs to put their reputation aside and inform the population and the general public about the true situation at hand, as well as improve their data bank and include the informal sector in their statistics, this way they can move forward and international organisations can provide better, more effective and more accurate help. International powers and the Government of Bangladesh still have a lot of

work ahead of them if they truly want to reach a child labour free garment industry, informal sector included.

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