



DISSERTATION ON

**An Analysis on Constitutional Prohibition against Forced Labour
and Legal Issues in the Context of Bangladesh**

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Submitted To:

Sayed Hossain Sarwar, Lecturer

Department of Law, East West University

Submitted By:

Shafiqul Islam

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CONSENT FORM

The dissertation titled “*An Analysis on Constitutional Prohibition against Forced Labour and Legal Issues in the Context of Bangladesh.*” prepared by: Shafiqul Islam, ID: 2018-1-66-042 submitted to Sayeed Hossain Sarwar, Lecturer for the fulfillment of the requirements of Course 406 (Supervised Dissertation) for LL.B. (Hons.) degree offered by the Department of Law, East West University is approved for submission.

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Signature of the Supervisor

Date:

DECLARATION

I herewith declare that this dissertation titled “An Analysis on Constitutional Prohibition against Forced Labour and Legal Issues in the Context of Bangladesh” is my original work, completed after registering for the Bachelor of Laws degree at East West University, and that it has not previously been included in a thesis or dissertation submitted to this or any other institution for a degree, certificate, or other academic credentials.

I have accepted and take accountability for following the University's current research ethical standards and for doing the procedures in accordance with the University's rules.

Shafiqul Islam

ID: 2018-1-66-042

Program: LL.B (Hons)

Department of Law

East West University

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Shafiqul Islam

An Analysis on Constitutional Prohibition against Forced Labour and Legal Issues in the Context of Bangladesh.

Abstract

Forced labour or compulsory labour or in some cases slavery refers to perform involuntary work under the menace any of penalty or coerced to work under violence or intimidation, or manipulated debt, threats etc. While the major portion of forced labour is out of sight, the conditions that create forced labor are clearly visible. They are the most vulnerable and come from impoverished communities or from areas of conflicts and disasters. That is why, traditionally, most of the time they cannot be attracted by the existing law and prohibition. They deprive of their constitutional rights and other legal protections. The goal of this research is to determine which parts of Bangladesh's constitution guarantee the prohibition against forced labour and regarding with this what are the other constitutional and legal rights which they are actually deprived of. The research also tries to identify possible reforms that the government may implement in compliance with international legal regime. To that end, this research looked at the effectiveness of existing legal frameworks concentrating on constitutional law and concluded with a thorough scenario on the topic.

Key Words: Forced labour, slavery, Debt Bondage, Sex Trafficking, Forced Begging, Employment, Constitution, Convention, Human Rights.

LIST OF ABBREVIATION

ILO: International Labour Organization

UN: United Nations

ASEAN: The Association of Southeast Asian Nations

EU: European Union

UNICEF: The United Nations International Children's Emergency Fund

BBS: Bangladesh Bureau of Statistics

LFS: Labour Force Survey

MIC: Middle-Income Country

ECHR: European Convention on Human Rights

ACHR: American Convention on Human Rights

ICCPR: International Covenant on Civil and Political Rights

ACHPR: African Charter on Human and Peoples' Rights

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CHAPTER ONE

INTRODUCTORY CHAPTER

1.1. Background of the Study

Every country has some major tools for their economic development and poverty reduction and most of the countries regulate it by depending on employment situation and labour market. Bangladesh almost follows the same kind of strategy and the poverty reduction strategy should not be inconsistent with the employment strategy. But the economic growth of Bangladesh regulated by various sectors that are mostly labour intensive in nature¹. In recent years, Bangladesh has been generated a satisfactory economic growth and experience a steady rise in GDP growth². Despite higher economic growth, Employment growing rate is not consistent with the economic growth³. Therefore, most of the people are being unemployed and impliedly forced to the incompetent tasks even without having the necessary ability to do that. Sometimes they choose many offensive ways to earn; such as human trafficking, Child labour, forcefully begging etc. Except these ways, the employees and the labour are more suffered from the informal and private sectors. Even no company's activities or supply chains are free of it. Sometimes Labours are performed non voluntary work under the menace of any penalty. They are also coerced to work through the use of violence, , manipulated debt, intimidation, detention or threats. Our constitution has strictly prohibited these kinds of forced labour⁴. But ultimately nowadays forced labour can be said as an extreme manifestation of poverty trap. Although forced labour generated a profitable economy to the development of country but this paper looks at the multiple issues how they are neglected and deprived of their rights. They are not only lost their rights but also it's a serious moral harm and fundamental infringement of individual liberties.

¹ Policy Analysis Unit Bangladesh Bank, Recent Employment Situation and Labor Market Developments in Bangladesh, (June 2008), 01

² The World Bank in Bangladesh, Publication, (Oct 6, 2022),
<<https://www.worldbank.org/en/country/bangladesh/overview#1>>

³ Economics Report, 'Jobless growth' in Bangladesh, A myth or reality'? *The Daily Star*, (Dhaka, 19 July, 2018),
<<https://www.thedailystar.net/opinion/economics/jobless-growth-bangladesh-1607386>>

⁴ Article 34 of the Constitution of the People's Republic of Bangladesh

1.2. Research Question

Primary Question:

- To what extent does the constitution of Bangladesh protect against forced labour?

1.3. Research Objective

The principal objective of this study is to find out the provisions of the constitution of Bangladesh under which the labors, employees and other workers in formal and informal sectors are being protected and to what extent those are being protected. The research also aims at finding out the probable reformations which can be undertaken by the government in accordance with international legal regime standards.

1.4 Research Methodology

This study takes a qualitative approach to its inquiry. The research is doctrinal, which is based on the study of the existing legal regime as well as secondary sources including necessary materials and comprehensive information from acts, relevant books, cases, international legal instruments, publications from journals as well as online resources

1.5 Limitations

To begin with, the most significant constraint is the limitation of time. Due to these limitations, as well as a lack of suitable data, several parts of the study were unable to be explored further. Finally, the work was done at home, many cases, journals, research papers, books, and articles were unavailable due to lack of access to certain websites.

CHAPTER TWO

CONCEPTUAL AND LEGAL FRAMEWORK

2.1. Introduction

This chapter will describe relevant concepts, and definitions relating to forced labour. The constitutional and legal protection has also be defined on this concept. As the concept of the forced labour, the chapter will try to provide a concise overview of the current situation in Bangladesh and over the world.

2.2. Relevant Concepts and definitions

Indeed, it seems like that all people of this world are living with similar happiness and self-satisfaction with respect. But the notion is not completely correct. In this modern era, forced labour and slavery is existed widely in a mutated form and the world is still not free from the aggression of this kind of slavery. The actual concept of forced labour of different forms, such as, debt bondage, trafficking and other forms of modern slavery. Besides this contract substitution, non-payment, under payment or deferred payment of wages, illegal deductions of wages all these are considered as the forced labour⁵. Sometimes the victims are trapped in many kinds of illegal tactics. They are exploited and paid little or nothing. According to the report of ILO, 20.9 million people are still in forced labour around the world, even more than half of this estimate are women and girls⁶.

Under the ILO forced labour convention, 1930, Forced labour is “all work or service which is exacted from any person under the threat of a penalty or which the person has not offered himself or herself voluntarily⁷.”

The main three elements of this definition are-

⁵ Tropa IF / Asian Journal of Social Sciences and Legal Studies, 3(3), 85-88, 2021

⁶ International Labour Organizatin(ILO), “Forced Labour”, 2022

<<https://www.ilo.org/global/topics/dw4sd/themes/forced-labour/lang--en/index.htm>>

⁷ Forced Labour Convention, 1930(No. 29), Article 2

1. All types of work or service occurring in any activity, Industry sectors or including all Informal economic sectors.
2. Menace of Penalty means that a wide range of penalties used to obliged the person to work.
3. Involuntarily or without consent of a worker to take the job and may reduce their freedom any time at work.

This is beyond the dignity of a person when the person would not do so voluntarily. Labour may be forced not only to physical force but also of legal provisions like imprisonment or fine in case of any employee fails to provide service⁸.

Bangladesh is an active member of ILO. From 1972 to present Bangladesh has ratified 33 ILO conventions including 7 fundamental conventions.⁹ The Labour Act, 2006 has been amended and Bangladesh Government approved the new Labor law in 2013.

2.3. Constitutional and Legal Position

Article 34 of the Constitution of the Peoples' Republic of Bangladesh prohibits forced labor and it also referred forced labor as a punishable offence.

According to the Article 34(1) of Constitution of Bangladesh, All forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law¹⁰.

However, Under the Article 34(2) of the Constitution of the Peoples' Republic of Bangladesh, (2) Nothing in this article shall apply to compulsory labour¹¹.

1. By persons undergoing lawful punishment for a criminal offence; or
2. Required by any law for public purpose.

⁸ Mahmudul Islam, *Constitutional Law of Bangladesh*, (Second edition, Mullick Brothers, 2002) 206

⁹ International labour standards in Bangladesh, (*International Labour Organization*, July 18, 2022)<
<https://www.ilo.org/dhaka/Areasofwork/international-labour-standards/lang--en/index.htm>> accessed on 4 Jan 2023

¹⁰ Article 34 of the Constitution of the People's Republic of Bangladesh

¹¹ Article 34 of the Constitution of the People's Republic of Bangladesh

The Constitution also mentioned certain exceptional grounds, which shall not be considered as the forced labor. The grounds are as following, the person undergoing lawful punishment for a criminal offence and any work for the purpose of public interest.

Except this Article of forced labour, Constitution of the People's Republic of Bangladesh provides that state shall adopt effective measures to prevent any kind of anti-social act.

Then, according to the Article 32 of the Constitution of the People's Republic of Bangladesh, No person shall be deprived of life or personal liberty save in accordance with law¹². That right to life means every person of the state live consistently with full of human dignity and decency. On the other hand, right to liberty is something where an individual to be free in the enjoyment of all his or her facilities to live and work where he or she will.

So the act of forced labour for any purpose deprives the victim of his personal liberty and establishing an unethical condition of slavery and servitude. Moreover, it is one of the most despicable forms of violation of human dignity.

That was about Forced Labour in the constitutional protection in Bangladesh. Now showing some existing other laws including penal code and its punishment against the all types of forced labour.

Penal Code, 1860 has defined some offence regarding with forced labour are located in section 366A, 367, 368, 370, 371, 372, 373, 374.¹³

Besides this, The Labour Act, 2006, The Prevention and Suppression of Human Trafficking Act, 2012, Nari o Shishu Nirjaton domon Ain, 2000 protected Forced labour as much as possible.

2.4. Other Global and Regional Provisions

1. Article 4 (prohibition of slavery, servitude, forced or compulsory labour) of the European Convention on Human Rights.
2. Article 5 of the Charter of Fundamental Rights of the European Union.
3. Article 6 of the American Convention on Human Rights, 1969.

¹² Article 32 of the Constitution of the People's Republic of Bangladesh

¹³ Penal Code, 1860

4. Article 5 of the African Charter on Human and Peoples.
5. Article 13 of the ASEAN Declaration on Human Rights.
6. Article 1-12 of the Protocol of 2014 to the Forced Labour Convention, 1930 and
7. UN Convention against Transnational Organized Crime and its Protocol.

2.5. Conclusion

Legally, Forced or Compulsory labour are prohibited from all sectors and workplace. But the mode of forced labour is complex to identify. That is why, sometimes our Constitution and other recognized laws can not be attracted by the violation of any guaranteed rights in Constitution or other regarding legal proceedings. The victims of this issue are generally not much careful about their protection and rights because most of them are come from downgraded family.

CHAPTER THREE

ADDRESSING MODERN SLAVERY AND JUSTIFICATION OF FORCED LABOUR

3.1. Introduction

Slavery is still existing in the modern world and we can say the term as ‘Modern slavery’ by its nature. This chapter will identify those types of informal sectors and forced activities where the victims are brutally exploited and besides this the human rights and the protection of the Constitution will be denied extremely. Besides, some information and data will be shown in this chapter.

3.2. Fundamental aspects of Forced Labour in Bangladesh

Bangladesh and other south Asian countries which are struggling with the poverty and illiteracy are more affected in this crisis. Children and Women are also very much suffered from it. Due to poverty, children are forced to work by paid salary without continuing their study¹⁴. Women are forced into different activities like prostitution, sexual exploitation or domestic household work etc. They are totally insecure in this type of tasks and always holding some risks in their activities. Because of the financial position, most of the people of our country are compelled to work against their will. That they are not obliged to do but they just managed the circumstances.

Although there are a lot of laws including Constitution in our country but the question is how much protection and implication of laws existed in Bangladesh. The unacceptable answer is Bangladesh cannot protect forced labour and not progressing as expected. Over population, poverty, lack of awareness, unemployment, bureaucratic system, unstable political conditions, all these are reasonable factors for Forced labour¹⁵.

Another crucial factor is trade union policy of Bangladesh. Trade union in different sectors can play a vital role to remove forced labour. There are many examples where Forced labour is eliminated by the positive approach of trade union.

¹⁴ Ilana Dautova, “*The Causes of Child Labor in Bangladesh*” (2020) 1(1) < <https://www.eurasian-research.org/publication/the-causes-of-child-labor-in-bangladesh/>>

¹⁵ Tropa IF / Asian Journal of Social Sciences and Legal Studies, 3(3), 85-88, 2021

Lacking of application laws and obstacle to union reformation make Bangladesh one of the worst country in the world for working people. Even if the workers want to form a union, it is arbitrarily denied by the authorities. From 2010 to 2021 more than 1100 union registration application were lodged but 46% of them were rejected by the department of labour¹⁶.

3.3. Formulation and Strategy of the employment

Employment is one of the source of income for among the poor and it is considered as the most effective vehicle to take them out of the poverty. The major portion of the workers are engaged in the in informal sectors. While the informal sectors offers opportunity to the workers in the crisis but the benefits may not be sufficient because of unsatisfactory living standards, adequate wages, working conditions and social protection.

Forced labour can be divided into two categories. These are; State imposed forced labour and Privately-imposed forced labour. State imposed forced labour which is imposed by the state authority for economic development activities. It is also recognized that state have the power to impose compulsory work on citizens.¹⁷ But the power is limited and only for some specific circumstances. Such as Military force, Fire service, Emergency war, natural calamities etc.

On the other hand, Private imposed forced labour is a matter of broadly discussion. It refers to an individual or company or group except state authority imposed forced labour in private economy. Almost the whole labour market is under this sector.

According to a report of Bangladesh Bureau of Statistics (BBS), about 62% jobs available in the labour market including agriculture and 33% jobs available for the semi-skilled workers or clerk or machine operators, service workers or assembles. Only 5% jobs are available for the Government employee, professionals and associate professionals¹⁸.

¹⁶ International Trade Union Confederation, 'Bangladesh: Abuse of Workers' rights on increase, warn ITUC' (03 November, 2021) <https://www.ituc-csi.org/bangladesh-abuse-of-workers-rights>

¹⁷ International Labour Organization (ILO), Walk Free, and International Organization for Migration (IOM), Geneva, 2022< https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733>

¹⁸ Bangladesh Bureau of Statistics, The Informal Sector and Informal Employment in Bangladesh, (Country report 2010) ch 2(19)

According to the Labour Force Survey (LFS) 2016-17, There are 60.83 million people are employed in the country as labour, 85.1% work in the informal sector out of the total number and 91.8% females are involved in informal sectors.¹⁹.

According to the LFS, in 2017, **51.7** million people was engaged in informal sectors employment but unions do not cover informal sector's employment²⁰. Around 40% of the total gross value added by the informal sectors.²¹.

3.4. An overview of slavery

Today, Modern Slavery is used as an umbrella term of Forced or Compulsory labour. When we use the term slavery it reminds we just the history of black Africans who were transported across the Atlantic to America for slavery. The day has changed but the scenario of the history almost over a centuries never erased from today's crime that we called it Modern Slavery.

According to the Global Estimates of Modern Slavery: Forced Labour, Geneva, September 2022²²,

- People are living in the modern slavery- **49.6 million**
- People in compulsory labour- **27.6 million.**
- People are exploited in private sector- **17.3 million**
- Commercial sexual exploitation- **6.3 million**
- Forced labour imposed by state- **3.9 million**
- People are in in other economic sectors: **6 million**
- About **12%** are children among them.

¹⁹ Mustafa K Mujeri, Informal economy and economic inclusion, *The Daily Star*, (Feb 18, 2020) <<https://www.thedailystar.net/supplements/29th-anniversary-supplements/digitisation-and-inclusivity-taking-everyone-along/news/informal-economy-and-economic-inclusion-1869601>>

²⁰ Mustafa K Mujeri, Informal economy and economic inclusion, *The Daily Star*, (Feb 18, 2020) <<https://www.thedailystar.net/supplements/29th-anniversary-supplements/digitisation-and-inclusivity-taking-everyone-along/news/informal-economy-and-economic-inclusion-1869601>>

²¹ around 40 percent of the total gross value added

²² International Labour Organization, 'Forced labour, modern slavery and human trafficking' <<https://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>>

Noted that, the highest number of people of modern slavery are belonging in Asia and Its pacific region. (15.1 million)²³

3.5. Local forms of modern slavery

According to Global Slavery Index, Bangladesh ranked 10th among 167 countries where 1,531,300 people are living in modern slavery.²⁴ Some types of modern slavery are-

3.5.1. Sex Trafficking: When a person involuntarily engages in a commercial sex act like prostitution by force, threats, fraud or coercion, that person is a victim of trafficking.²⁵ In this circumstances, Sex trafficking is a form of modern-day slavery. The persons involved in this activity is liable for this offense. There are 4.8 million people are trapped in forced sexual exploitation globally.²⁶ Bangladesh prohibits trafficking under the Repression of Women and Children Act of 2000 (amended in 2003). However, there is extensive trafficking in women and children for this kind of servitude to local and foreign.

3.5.2. Bonded Labour or Debt Bondage: When people give themselves into slavery as security against a loan, it looks like an employment agreement. But when the worker starts with a debt, usually that repayment of the loan is impossible for that person in some brutal situation. Then the enslavement becomes permanent. It is a cyclical process even running it generation to generation. Especially Migrants in particular take a large debts to pay exorbitant costs related to recruitment and migration to secure work in countries of destination. They are trapped in this debt and suffering from it for a long time.

3.5.3. Domestic Servitude: A domestic servant usually provides domestic service of people for wages in their employer's residence. It is a common practice mostly in urban areas of Bangladesh. Around 80% of the total number of domestic workers are underage girls. But there are no

²³ International Labour Organization, 'Forced labour, modern slavery and human trafficking' <<https://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>>

²⁴DataLEADS, 'Bangladesh 10th most slave served country' *The Daily Star* (New Delhi, Aug 10, 2017) <<https://www.thedailystar.net/world/south-asia/bangladesh/infographics-bangladesh-10th-most-modern-slave-served-country-global-slavery-index-2016-big-data-1446466>> accessed 26th December 2022

²⁵ US Department of State, 'What is Modern Slavery'? <https://www.state.gov/what-is-modern-slavery/#sex>

²⁶ NATIONAL HUMAN TRAFFICKING HOTLINE, 'Sex trafficking' <https://humantraffickinghotline.org/en/type-trafficking/sex-trafficking>

regulatory frameworks or minimum wage or working hours for this employment. Rather, According to the documentations and news portals, domestic workers are regularly subjected to violence. The country's newspapers reported 565 incidents of domestic violence in 2021, 554 in 2020, 423 in 2019, 409 in 2018, 442 in 2017, 394 in 2016 and 373 in 2015.²⁷ It never stops at violence, even there are a lot of incidents that they are raped in their employer's residence. In a recent case, *Bangladesh National Women Lawyers Association (BNWLA) v Government of Bangladesh* 2011 BLD 265,²⁸ the Court acknowledged the rights of the domestic workers for the first time. However, this recognition has been largely ineffective yet.

3.5.4. Garment Industry: Bangladesh has an exploitative situation for the workers at garments sectors. The workers are technically free to leave but due to the economic conditions they are actually not able. The exploitation is not only for the economic condition of the workers but due to lack of safe working place, overtime work, under wage and other demands make it a toxic mix which comes down it is a kind of slavery. To become a Middle-Income Country (MIC) by 2021, It progressed economically and socially and through its development policies, Garments sectors played a vital role without any doubt. Bangladesh is a leading exporter of clothing. In 2018, 49.1% of its exports went to the EU, 91.9% of these in clothing.²⁹ But the real fighters behind this credit are exploited in their workplace. They are protesting day after day to get their rights. Trade union rights are not adequately protected in Bangladesh. The formation and activities are not strictly regulated. Moreover, mental and physical torture is very common by the employers in garments sectors. A lot of sexual harassment incident occurred by the employers of garments factory. The major portion of the workers are female at garments sector. They have family to feed. They have to watch out their children. Only due to economic crisis they are working.

3.5.5. Child Labour: Child labour is a global issue in the world. The term "child labour" means the recruitment of children with providing sufficient flexibility and other rights as children

²⁷ Shahin Akhter, 'No end to violence against women in Bangladesh' *New Age Bangladesh* (Dhaka, Nov 25,2021)<
<https://www.newagebd.net/article/155607/no-end-to-violence-against-women-in-bangladesh> >

²⁸ *Bangladesh National Women Lawyers Association (BNWLA) v Government of Bangladesh* [2011] BLD 265

²⁹ Peake, K., & Kenner, J. (2020). 'Slaves to Fashion' in Bangladesh and the EU: Promoting decent work? *European Labour Law Journal*, 11(2), 175–198. <https://doi.org/10.1177/2031952520911064>

According to UNICEF and The Labour Act, 2006 of Bangladesh "Child labor is work that exceeds a minimum number of hours, depending on the age of a child and on the type of work. Such work is considered harmful to the child and should therefore be eliminated.³⁰ But in reality, It might affect the children's mental and physical health and also reduced the educational facilities of a children. Most of the children are punished even killed in their working place.

3.5.6. Forced Begging: Begging is a common scenario almost all over the world. Estimated that 700000 beggars are begging in Bangladesh and Dhaka alone has 40,000.³¹ Most of them are children. They are usually begging due to poverty. Besides that a significant number of beggars are forced to beg and most of them are children. A syndicate is involved in this heinous activity. Firstly they abduct children from countryside and then forced them to begging on salary basis. Today this is turned into a commercial business of some mafia leader. These mafias are so violent and immoral that they can do anything with a child for money. They abduct children and then they stop providing sufficient food and water to make them weak and send them to begging. Sometimes they are so violent that they voluntarily injured the part of body or organ of a child. They do not only recruit the poor, but also targets disabled persons such as the blind, deaf etc. This is the actual inhumanity to a child or a person and against their social and legal rights.

3.6. Risk and Vulnerabilities

All this tasks of forced labour cannot be completed by describing the risks. Because risk is everywhere in every sectors of forced labour. In sex trafficking and child sex trafficking, victims face some crucial problem even face life threats. They are mostly abducted for the purpose of sexual exploitation. In that case, including health issues, unwanted pregnancy, physical and mental torture and abusive living are the concerned matter of a victim.

In case of domestic servitude, It seems like a normal practice in society. It is a form of forced labor and also a category of slavery. The victim is exploited in the private residence of the employer and

³⁰ Section 36 of the Labour Act 2006

³¹ Saad Hammadi, Bangladesh arrest uncovers evidence of children forced into begging, *The Guardian*, (Dhaka, 9 Jan 2011) < <https://www.theguardian.com/world/2011/jan/09/bangladesh-arrest-forced-begging> > accessed on 4 Jan 2022

even identifying the victim is not a easy task because no one can help him/her even if he wants to. They are subject to domestic violence in their employer house. As most of them are children in that case and their institutional education program is stopped there.

In garments sector, Lack of safe working place, over time work, under wage are the main concerning matter of workers. Most of the workers of a garments factory are female. But the workers don't get proper security in their work place. Sexual harassment is another concerning matter of a female worker. Mental torture of the authority, salary issue, sexual harassment, road accident of a garments worker, brutality of police in the workers movement are usually the common headline nowadays.

The risk of forced begging is undefinable. They lost their family and leading life with high risk. They lost their dignity and other rights from the society. Sometimes they lost their organs by mafias. Besides that many children become drug suppliers by forcing that mafias.

3.7. Conclusion

The accountability of the protection of the types of forced labour is not much sufficient indeed. Due to the poverty in the context of Bangladesh Forced labour spreads all over the country. But we fail to identify it due to lack of awareness. Our constitution is strictly against this type of heinous activities. It is beyond the rights of a human and reduced dignity of a person from the society. This crisis is increasing rapidly day by day. This chapter has clarified some types of forced labour which can be said as slavery considering by its nature and the risks and danger of these tasks.

CHAPTER FOUR

EXTERNAL POLICY TOOLS AND COMPLIANCE WITH THE
INTERNATIONAL STANDARDS

4.1. Introduction

The clarification and explanation for understanding compulsory labour and slavery is important under International mechanism. This chapter will show the Global mechanisms against compulsory labour and how the regions follow the international labour standards and its instruments including international human rights.

4.2. Global framework against Forced Labour and Supervision of ILO

Forced labour is a worthy discussion topic in the context of International labour standards. The issue covers upon a sensitive area of all types of compulsory forced labour. Law enforcement system and treatment of the workers are the main considering matter of this issue. The deprivation of basic human is not only set by the ILO but also there are a lot of obligations set aside by many international and regional instruments and treaties. But many countries are in denial mode and simply deny the existence of forced labour and slavery.

The ILO has a detailed and continuous monitoring system which are Committee of Experts on the application of Conventions and Recommendations. This oversight Supplemented by a dialogue based on regular and frequent reporting from ratifying states. Employers and trade unions to submit reports. Committee experts share Comments. The observations are then submitted to the Committee's annual International Labor Conference Reports for further discussion and recommendation.

General survey is another process of supervisory by the committee experts.

These are mentioned to indicate how the ILO examines in detail on a regular basis on labour conventions, and their scope and meaning.

In 1966, the United Nations adopted two Covenants on human rights. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil Political Rights was adopted at the same time. Article 6(1) of International Covenant on Economic, Social and Cultural Rights ensured everyone's freedom of work and living by freely work. According to the article 8 Of the International Covenant on Civil Political Rights, a prohibition of slavery and servitude was included.³²

4.3. UN Mechanisms against Forced labour and Slavery

UN expanded its mechanisms while ILO was clarifying the forced and compulsory labour under its own instruments. But not necessarily clarified the understanding meaning of the compulsory labour and slavery under the UN instruments. There is no direct mechanism under the United Nations.³³ Treaty bodies that just receive the Governments report and compare them with the obligations and other conventions. The expert bodies by the UN commission on Human Rights, in 2007, by the Human Rights Council examine their implementation in a less systematic way.³⁴ But they are not closely not bound to the specific instruments.

4.4. Regional standards against Forced labour and Slavery

The prohibition against slavery and forced and compulsory labour are not only embedded in the UN or ILO mechanisms but also deeply described in many regional human rights standards which are closely followed to the universal declaration.

In Europe, Under Article 5 of the Charter of Fundamental Rights of the European Union provides Prohibition of slavery and forced labour.³⁵

The European Convention on Human Rights develops these concepts in Article 4.³⁶ That it is closely resembled to the International Covenant on Civil and Political Rights, combining the concerns of the UN slavery instruments and Convention No. 29.

³² International Covenant on Civil and Political Rights, 1966, Article 8

³³ Lee Swepston, *Forced and compulsory labour in international human rights law*, (First published 2014) Page 25

³⁴ Lee Swepston, *Forced and compulsory labour in international human rights law*, (First published 2014) Page 25

³⁵ THE CHARTER ON FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION [June 2016] C 202/02, Article 5

³⁶ (European Convention on Human Rights) (ECHR) Article 4

The European Court of Human Rights has made a lot of decisions on forced labour, slavery and trafficking, in application of the European Convention.

For instance, the case of *Siliadin v. France* (2005),³⁷ that the applicant had been held in servitude, in violation of Article 4 (prohibition of slavery, servitude, forced or compulsory labour) of the European Convention on Human Rights.

In America, Under Article 6 of the 1969 American Convention on Human Rights provides Prohibition of slavery and forced labour in detail.³⁸ That is also closely resembled to the International Covenant on Civil and Political Rights, combining the concerns of the UN slavery instruments and Convention No. 29.

In Africa, There is only one brief provision on this matter at Article 5 of the African Charter on Human and Peoples.³⁹

In Asia, Asia has not adopted a regional human rights convention yet. But in 2012, ASEAN Declaration on Human Rights contains the following provision:

13. No person shall be held in servitude or slavery in any of its forms, or be subject to human smuggling or trafficking in persons, including for the purpose of trafficking in human organs.”⁴⁰

4.5. Conclusion

The instruments and mechanisms are almost well recognized globally and regulated by the UN. Comparing with other regions, our Asian countries are staying one step behind in case of protecting rights and dignity against compulsory labour practices. International labour standards should be maintained by every region in the world.

³⁷ App No-73316/01 *Siliadin v. France* ECHR 2005-VII.

³⁸ (American Convention on Human Rights) (ACHR) Art 6

³⁹ (African Charter on Human and Peoples' Rights) (ACHPR) Article 5

⁴⁰ ASEAN Declaration on Human Rights, (November 19, 2012) No. 13

CHAPTER FIVE

FINDINGS AND RECOMMENDATIONS

5.1. Introduction

This study has come to a conclusion with some of the significant results after all of the preceding chapters. This research discovered the core findings and achieved the research's goal through studying and investigating the matter. Following an explanation of the study's findings, this research makes some recommendations that may help in the advancement and development of important scenarios and concerns with the preservation of protecting rights against the forced or compulsory labour.

5.2. Major Findings of the Study

- i. The prohibition of forced labour rights in our Constitution is not much popular like other fundamental rights in Bangladesh.
- ii. Slavery or Modern slavery is not recognized in our workplace or other conducts. People are not aware of this term that's why they trapped into many illegal activities.
- iii. Modern slavery is still existing in Bangladesh in a silent mode. Due to unemployment and lack of income people just want to seek a job to lead their life.
- iv. Due to a wide range of domestic factors, compliance with the international labour standards is not an easy deal. The ultimate goal for solving this issue would take some time.
- v. Accountability and implementation of law is not so strong because identifying the types of compulsory labour according to our Labour Code, 2006 has not been given a sufficient explanation of forced or compulsory labour. Trade Union policy is not well furnished.
- vi. The victims are brutally lost their fundamental rights. They lost their rights to life and liberty. They lost rights to proper education and other social and human rights also.
- vii. Sometimes the victims of debt bondage or trafficking or forced begging are suffering the whole life because they lost their dignity from the society. They just work for others and depend on others.

- viii. A simple prohibition of forced labour or of slavery is not sufficient for the national authorities to act against these practices effectively.

5.3. Recommendations

- i. The first recommendation is that State need to be able to define exactly what conduct is prohibited and what is allowed in order to give certainty to the law enforcement and labour services.
- ii. It is necessary to spell out the exact content of this practice adopted in the application of international standards.
- iii. Every single element of forced or compulsory labour like debt bondage or sexual exploitation should be addressed differently from classic definition. They must be dealt with differently.
- iv. Development of the labour market and supervision of the the Trade Union in every informal labour sectors is a crying need policy in case of this issue. Beside this, A regular survey and actual data should be kept.
- v. A labour protocol guideline of the international standards should be adopted as soon as possible in our law consistent with our Constitution.

5.4. Concluding Remarks

Forced labor or Compulsory labour could begin from the worker's recruitment process, first they are forced to accept the job, then to deceive the worker into an exploitative job and create some unexpected situation. Once the person is starting work, an employer may also force or coerce the victim to perform work that not fixed at the time of recruitment. But he cannot leave from it. Due to lack of proper protection of the accountability of the informal sectors and law implementation system in our country, the victims of this issue are lost their guaranteed fundamental rights which is affirmed in our Constitution and also deprived of other human rights and social dignity. Government should take step and develop policy consistent with international standards and protect the Constitutional rights.

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