

Elimination of Child Labor in the Garment Industry Bangladesh: Failure or a Contingent Success?

Shimul Reja



Master of Philosophy in
Theory and Practice of Human Rights
Faculty of Law
UNIVERSITETET I OSLO
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Abstract

This study deals with the role of two Memorandums of Understanding (MoUs) to eliminate the child labor from garment industry Bangladesh and enroll those into schooling program. The first MoU signed in 1995 and the second MoU signed in 2000. This study focused on the initiatives taken to remove child labor and the programs that bring them into rehabilitation process. It is a secondary research and the study done in a mixed method way. Basically, it is a qualitative research and relies on content analysis of research. The information, about two MoUs and various programs taken to achieve the objectives of MoUs, was collected from the secondary sources. A tripartite and triangular model of social dialogue has been applied in the analysis.

It is found from the study that the two MoUs achieved a contingent success during its operation. It has been done an outstanding job to remove under-aged children from the formal garment factories. The Bangladesh Garment Manufacturer Exporter Association recently declared that the formal garment is now free of child labor. However, the study indicates that child labor is still employed in both formal and informal garment factories.

The study reveals that child labor rehabilitation programs was ineffective for many reasons. Firstly, there was no effective co-ordination between the partners during the two MoUs. The study also indicates that there was lack of management in the second MoU. Moreover, a small percentage of removed children received education and skill training. Secondly, lengthy rehabilitation projects approval and implementation of the projects encouraged children to leave rehabilitation programs and find another job. In addition, UNICEF, the leading partner of the two MoUs, had a small role during the second MoU due to the presence of small numbers of children in the school. All these factors hampered to ensure long-term benefit for the removed children.

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Acronyms

BGMEA	Bangladesh Garment Manufacturer Exporter Association
BBS	Bangladesh Bureau of Statistics
ILO	International Labor Organization
IPEC	International Program on the Elimination of Child Labor
BRAC	Bangladesh Rural Advancement Committee
UNICEF	The United Nation's Children Fund
GoB	Government of Bangladesh
USDOL	United States Department of Labor
NORAD	Norwegian Agency for Development Cooperation
OECD	The Organization for Economic Co-operation and Development
NGO	The Non-Government Organization
ISPI	Italian Social Partners Initiatives
ICCPR	International Convention on the Civil and Political Rights
ICESCR	International Convention on Economic, Social and Cultural Rights
ICCD	Incentive Child Collection Drive
NFEC	Non-Formal Education Centers
CRC	Convention on the Rights of the Child
US	United States of America
UN	United Nations

Chapter 1 Introduction

1.1 Background of the Problem

Child labor is depriving children of their childhood, education, health (both physical and mental). However, “children have the right to be children: to be loved and cherished, educated, nourished, clothed, pampered, and fostered as children when they are children” (Mahfizur, Rasheda and Absar 2004, 10). “Millions of children around the world are involved in the labor market, several of them for long hours and in hazardous conditions” (Ahmed, Ferdous, 2013,1). Bangladesh is no exception. It is a common issue in most working places in Bangladesh, like construction, apparel, ship industry, leather industry and transport. Among all the sectors, garment sector was considered as topping the list in terms of using child labor during the 1990’s: “In the 1990s, the garment factories topped the list to absorb the highest number of child workers” (Khanam, 2003, 2). Children were always at the center of recruitment because the garment owner can give them a lowest payment “6 cents an hour” (Smested 2009, 4). “In 1992, there were 1500 factories employing 7.5 million workers, mainly female workers. Around 10 percent of these workers were under the legal minimum age of 14 years” (UNICEF, ILO evaluation studies, 2004, 5). There was an international debate over using child labor in 1990’s, especially in United States of America (USA). The debate was about the boycott of the garment products made by children and the issue became a growing concern for the international community: “The issue of child labor in Bangladesh become most discussed and debatable in the early 1990s when the United States and others foreign buyers refused to import garment products from Bangladesh as long as child labor is being used by this industry” (Khanam 2003, 2).

Garment (both formal and informal) is the biggest export sector of Bangladesh. As an export sector, children were one of the main working force for garment industry in 1990s. Therefore, “the garment industry in Bangladesh became the center of these debaters, illustrating the profound impact of the dominant market” (UNICEF, ILO evaluation studies, 2004, 6). The foreign buyers attempted to boycott garment products made by children. Therefore, the Bangladeshi garment products faced lot of challenges in global markets because the garment sector is accused of using child labor. This situation turned a new era and leads the garment sector to develop a Memorandum of Understanding(MoU) in July 1995.

The MoU was signed between the Bangladesh Garments Manufacturer Export Association (BGMEA), UNICEF and the International Labor Organization (ILO) to eliminate child labor from garment industry (formal garment) and enroll those children into schooling programs. Later, Government of Bangladesh (GoB) took part in MoU negotiation. The school enrolment was meant to contribute of their future rehabilitation. “A second MoU was also signed in 2000” (ILO-IPEC 2004, 10) to follow up the first MoU’s objectives.

The MoU of 1995 was the result of Harkin’s Bill of US Senate and continued international pressure from different organizations like ILO, UNICEF to abolish child labor from garment factories. In 1992, the US senator Harkin proposed a Bill to prohibit import products made by children: “The MoU came to reality because of Harkin’s Bill in the US senate in 1992 where it was stated that the US is not going to take products if it is made by children” (UNICEF, ILO evaluation 2004, 6). The objectives of Harkin’s Bill would benefit the children, in exporting as well as importing countries, regarding their rights issue: “The proponents of Harkin’s Bill argued that a worldwide ban on trading goods produced by child labor would benefit the working children who make these goods, the exporting countries that practice child labor and the importing countries that provide markets for these goods” (Mafizur, Rasheda and Absar 2004, 10). Although the Harkin’s Bill was never passed in US Senate, but BGMEA took the issue for their urgent needs and responded it by eliminate child labor from garment factories.

There was a massive change in the garment industry after the proposed of Harkin’s Bill. The registered garment (formal garment) started to be a child labor free industry: “It is estimated that in 1993 the number of child workers in the garment was in the region of 50,000 to 60,000 and an initial survey conducted by ILO, UNICEF and BGMEA between August and November in 1995 identified 9,546 children below 14 years in the garment industry” (ILO-IPEC 2004, 8). Therefore, it seems that about 51,000 children were dismissed from the garment industry after the proposed of Harkin’s Bill: “It was reported that as many as 40,000 to 50,000 children were laid off. There was much speculation at the time that many of these children had taken up more hazardous work in the informal economy, including prostitution. This perception persists today” (UNICEF and ILO evaluation studies 2004, 6). The IPEC (International Program on the Elimination of Child Labor) evaluation committee claimed that the three-party monitoring by ILO, UNICEF and BGMEA (established by the MoUs) was effective in eliminating child labor from garment industry. The first

survey, conducted by ILO, UNICEF and BGMEA in 1995, found almost 10,000 children in the garment factories. But “In the first 9 months of 2003, ILO, UNICEF and BGMEA were found only 49 children. The BGMEA reported that there are 1.8 million staff directly employed by the factories where the child labor element is about 0.004% (72 in numbers) of the total workforce” (UNICEF, ILO evaluation 2004, 28). If we compare the figure between the child labor in garment sector in 1990’s and 2003 then it seems that child labor is virtually zero in the garment sector. Therefore, the ILO evaluation committee indicated that the three-party (ILO, UNICEF and BGMEA’s) monitoring and verification system achieved a lot to remove children. Removal of children cannot indicate that the two MoUs was success to achieve its objectives because there are some other issues needed to be address. The two MoUs was supposed to ensure child education and the best interest of child namely rehabilitation of children. However, the MoUs was far away to rehabilitate the children. A limited number of children was enrolled in school and finished education. Moreover, most of the children, who removed from the garment industry, found themselves in hazardous conditions: “The children were freed but they were trapped in a harsh environment with no skills, little or no education, precious few alternatives. A series of follow up visits by UNICEF, local NGO’s and ILO discovered that the children were looking for a new source of income and found them in work such as stone-crushing, street hustling and prostitution etc. which are more hazardous and exploitative occupations than garment industry” (Mafizur, Rasheda and Absar 2004, 13). Therefore, it seems that many children were not benefited from the two MoUs rehabilitation initiatives and they were fallen in welfare threat. Most importantly, “the ILO reported that after the eight years of implementing of two MoUs the child labor is not eliminated at all” (UNICEF, ILO evaluation report 2004, 8). Therefore, there was a debate over the success of the two MoUs.

1.2 Statement of the Problem and Research Question

The purpose of the two MoUs was to remove under-aged children from work: “The MoU stipulated that all under-aged workers defined as those who had not attained 14 years of age -in the garment industry should be removed from work and enroll into schooling program” (Nielson 2005, 2). The two MoUs was a combined effort of ILO, UNICEF and BGMEA. The agreement was the key to remove children from the garment industry after 1995. Rehabilitation of removed children was the main component of the two MoUs. Both ILO, UNICEF as an international community and BGMEA as an Association of the owner of garment industries were responsible to rehabilitate the

children. However, a certain number of children, who removed from the garments factories, were included in MoUs rehabilitation process. Therefore, children, who were not part of MoUs rehabilitation process, found themselves in more hazardous conditions than before: “The working children were dismissed from their jobs without creating any effective and alternative means for their rehabilitation. Therefore, dismissal of children from their jobs might lead them to participate in the socially undesirable situation that surrounded them” (Mafizur, Rasheda and Absar 2004, 13).

The overall percentage of education enrollment was very low. Very few children were found themselves in school or were encouraged to take skills training. According to ILO, “Of the 27,951 garment factory child workers that were identified through survey and monitoring 8,517 (30%) were enrolled in schools, 2,035 completed skilled training by 2003 and 451 (1.65%) families have received micro-credit” (ILO-IPEC 2004, 8). Therefore, it seems that about 20,000 children did not receive any rehabilitation benefits from the projects offered by the ILO, UNICEF and BGMEA. The reasons behind is that either the rehabilitation program was not suitable for them or they just wanted to escape due to their poor economic conditions. Nielson found “poverty link for their escape” (Nielson 2005, 9) from the garment factories. However, whatever the reason behind their escape, it seems that the two MoUs was not capable enough to direct the children for schooling programs as a rehabilitation process: “The schooling program for removing children was inadequate” (Mafizur, Rasheda and Absar 2004, 14). In June 2001, the duration of second MoU came to an end. But according to the report of ILO-IPEC, “the child labor was not eliminated at all” (ILO-IPEC 2004,12) from the formal garment factories. Moreover, children were still employing in informal garment (the garment which is not registered by the BGMEA is considerate as informal garment) though informal garment was not included in the two MoUs agreement but it is indirectly involved in global markets. The informal garment does its business as a sub-contracting sector and it sub-contract the order from formal garment and sometimes supply international order via formal sector. The informal garment was excluded from monitoring and verification system performed by the stakeholders of the two MoUs. Therefore, child labor was very common in this sector. BGMEA acknowledged that, “the informal garment is not free of child labor” (Mafizur, Rasheda and Absar 2004, 14). However, the informal sector had to face a limited penalty if it is accused of using child labor: “The MoU proposed penalty USD 1000 for the violations of child labor but the BGMEA were agreed USD 100” (ILO-IPEC 2004,9). Therefore, it seems that this limited penalty would encourage informal sector to use child worker in its

production. Monitoring was the key component of two MoUs. Monitoring refers to make audits in the garment industry by trained officials and draw a report regarding the garment factories using child labor or not. Therefore, the success of two MoUs, in a large part, depends on effective monitoring by ILO, UNICEF and BGMEA and the GoB officials. According to IPEC, “There was a lack of combined monitoring during the first MoU” (ILO-IPEC 2004, 7). There was also a lack of coordination between these parties in first MoU. The stakeholders were performed “26 steering committee meeting in 1996 but it dropped 4 in 1997, 3 in 1998 and 3 in 1999” (ILO-IPEC 2004, 9). Therefore, it seems that the first MoU was not effectively coordinated. Moreover, the implementation of schooling program of first MoU was very slow due to the late approval of budget from ISPI, USDOL and NORAD. The slow implementation of the projects motivated children to escape from two MoU’s rehabilitation initiatives and found themselves in more hazardous situation.

The second MoU came in 2000 and had a duration of twelve months until June 2001, with the hope that it would overcome the problems faced in the first MoU: “The second MoU looked to develop a long-term response to the problem of child labor monitoring in the garment industry” (ILO-IPEC evaluation 2004, 10). However, the monitoring and verification problem was not overcome in the second MoU. Moreover, there was lack of coordination among ILO, UNICEF, BGMEA and the GoB in terms of monitoring and verifications. Therefore, the stakeholders hardly initiated a combined monitoring and verification in the garment factories. In addition, there was lack of management in second MoU and it badly affected to achieve the second MoU’s objectives. The BGMEA was reluctant to include Trade Unions in monitoring system since first MoU and it was continued until second MoU. But, in both MoU, a female representation was ensured for monitoring and verification system. The rehabilitation projects of second MoU could bring some children to take skill training and education but the number of children was very limited. Therefore, the study will be guided by the following research question: *To what extent was the two MoUs successful?*

This research question will help the study to find out the achievements by analyzing the implementation of the two MoU’s objectives. Here, the study will assess the extent to which they were a success; what it achieved and why it partly failed. The two MoUs had some outstanding objectives. The objectives were to eliminate child labor from the garment industry and enroll them

into schooling programs. Skill training and continuous education support was part of schooling programs. Therefore, the achievement of all objectives will lead the two MoUs a successful agreement. However, if the two MoUs could achieve some of its objectives then it would be considerate as a contingent success. The contingent success will be defined based on children who were not benefited from the two MoUs rehabilitation programs and the percentage of children who escaped from the formal sector and found themselves in another job. Moreover, it will also examine the management and coordination of the two MoUs regarding implementation of the rehabilitation projects. However, to prove success or contingent success, this study should build on relevant data, statistics and assessments.

1.3 Significance of the study

Bangladesh is at the center of using child labor. Rural area is the main source for working children. People, who lives in rural area, are economically weak and want a helping hand to lead their life in a comfortable way. As a result, children usually move to urban areas to find a job. Therefore, most of the working sectors like local or export in Bangladesh are experiencing child labor: “Nearly all the child labor in export industries is found in the garment industry. According to the Bangladesh Ministry of Labor, children are found working in garments, bakeries, hotels and restaurants and other informal and unregulated sectors” (Gopal 2003, 425). Child labor still existed in formal and informal garment sector. The Bangladesh annual labor survey stated that, “the garment sector was once a significant employer of child worker in Bangladesh, but since the proposal and debate about the Harkin’s Bill in the USA senate in 1992, child labor has almost entirely vanished” (Bangladesh Labor Force survey 2006, 36). The report is partly true for BGMEA’s registered garment but the situation is different in not-registered garment (informal garment) or subcontracting garment factories: “A study, in 2003, conducted by Asian American Free Labor Institute (AAFLI) estimated that 25,000-30,000 children work in the garments industry, mostly in sub-contracting garment factories” (Gopal 2003, 426). It seems that child labor is common in informal sector and the two MoUs was failed to bring positive outcomes in this sector. Therefore, it is important to do a study to assess the success of the two MoUs to bring its objectives. The reason it is important that it addresses a significant and serious human rights issues and problem because child labor is strictly prohibited by the Convention on the Rights of the Children and the recent Labor Act 2006 and Child Labor Act 2013 in Bangladesh.

1.4 Justification of the Study

According to the Convention on the Rights of Child (CRC), child labor is strictly prohibited. It is also prohibited by law in most of the countries, who ratified CRC, around the world: “It’s generally considered unacceptable for a child to work long hours or to perform tedious, dangerous, heavy or dirty task. The United Nations Convention on the Right of the Children stipulates that all work done by children under the age of 15 and all hazardous work done by children under the age of 18 is illegal” (SOMO, Factsheet 2014, 1). Bangladesh ratified CRC in 1989 and it has also incorporated some laws in its constitution which prohibits child labor. In 2006, Bangladesh incorporated Labor Act which is considerate as a milestone to prohibit to recruit children for work under 14 years old. This law also stated that children, who is under 18, shall not be recruited for hazardous work. Therefore, it seems that child labor is forbidden by Bangladeshi law. However, children are working in different sectors like transport, construction, garments, shipyards, leather etc. without caring the child labor law: “In the 1990s, the garment sector was the main engine of the BD’s economy and 12-15% of the 7.5 million (the total work force) was children and among them 70% were girls” (UNICEF, ILO evaluation 2004, 14).

The two MoUs was an agreement between ILO, UNICEF and the BGMEA to eliminate child labor from garment industry. Later, the GoB was involved in this process. National and international law bind the GoB to eliminate child labor from every sector. The BGMEA, as a business organization, is supposed to follow the national and international law and it has some social responsibility. Therefore, this situation demands that child labor should be eliminated from the garment industry. However, the child labor was not eliminated at all from the garment sector. Moreover, there was a debate over the success of child labor rehabilitation programs in relation to remove children from garment factories. Therefore, it seems that it is rational to do a study regarding the achievements of the two MoUs.

1.5 Objectives of the Study

The general objective of this study is to reveal the success or contingent success of the two MoUs to eliminate child labor and enroll them to school. The study tries to address the general objectives through:

- Examining the present child labor situation in the garment industry, Bangladesh.

- Examine in the MoU's rehabilitation process of the children who worked in the garment industry.
- Making a clear picture of the children who escaped from the industry and find a new job.
- How effective was the schooling programs to make the better future for the children?
- Role of the UNICEF, ILO, BGMEA and GoB monitoring teams to eliminate child labor from garment factories.
- How effective was the management to coordinate the projects and monitoring and verification system?

1.6 Methodology

1.6.1 Research Design

Research design is generally a plan (Berg, 2004) or an architectural blueprint (Merriam, 1998) for guiding the research. Research design concerns the “methods of research that are involved with the plans for assembling, organizing and integrating information” (Akter 2008, 13). Mason stated that research methodology “reflects an overall research strategy” (Mason 1996, 19). In a nutshell, research design is a complete guideline with a direction of data gathering, uses of instruments, processing and analyzing of collecting data based on research question. Moreover, research design guides the researcher to work with a plan of actions and addresses its constraints.

This study is qualitative and relies on contents analysis of documents collected in the course of the work. The most essential documents focus on national and international co-operation to eliminate child labor from garment industry in Bangladesh and the documents concerning child rights in relation to the elimination of child labor. International and national journal articles, academic reports and documents, provided by the national and international non-governmental organizations on the status of child labor, will provide information on the contemporary situation for child labor in Bangladesh.

Focus on two Memorandums of Understanding to eliminate child labor in Bangladesh is the prime area of this study. Therefore, literature, surveys and reports specially dealing with MoUs and its rehabilitation projects will be given particular analytical attention. International organizations like ILO and UNICEF was the main negotiator of the two MoUs. Therefore, surveys and other studies carried out by ILO and UNICEF will be central in this study.

1.6.2 Content Analysis Research Strategy

Content analysis deals with messages, documents, cultural symbols that address social issues: “A content analysis is the analysis of what is contained in the message” (Prasad 2003, 2). Content analysis is interpreting the context of a text, preferably in the social context which it occurs: “Broadly content analysis is a method where the content of the message forms the basis for drawing inferences and conclusions about the content” (Nachmias and Nachmias 1976, 15). “Content analysis falls in the inferences of observation and document analysis” (Prasad 2003, 2). Krippendorff (1980) also gives a broad and important definition why researcher must use content analysis method. He defines “content analysis as a research technique for making replicable and valid inferences from data to their context with the purpose of providing knowledge, new insights, a representation of facts and a practical guide to action” (Prasad 2003, 2).

The purpose of using content analysis in this study is that it helps “to describes trends in communication of a content and to check communication content against certain standards” (Prasad 2003, 4). Therefore, content analysis will help the study by examining the two MoU’s objectives and their achievements.

1.6.3 Qualitative Research

Qualitative approach is to reveal the meaning of the people’s experiences to disclose their live world (Kvale, 2009). It helps “to study selected issues in depth and in detail” (Patton, 1990: 13). Besides, “qualitative research offers a comprehensive picture of social phenomena or human realities and situation” (Patton, 2002; Creswell, 1994; Denzin & Lincoln, 1998).

In this study, qualitative methods are used to analyze a social problem and the initiatives taken to solve the problem. More specifically, I use qualitative methods- notably content analysis to analyze the actual achievements of two MoUs by analyzing how different actors are taking different activities to fulfill the objectives of MoUs.

1.7 Organization of the Study

The study consists of five chapters: -

The Introduction consists of background of the study, statement of the problem, rational of the study, significance of the study and mainly research question. It introduced the research problem and a guideline to solve problem.

The second chapter will formulate an idea based on tripartite and triangular model given by the ILO and OECD. Based on these model, this study is going to develop a model for MoUs and this model will help to analyze MoUs and rehabilitation projects of MoUs in fourth chapter.

The third chapter will give an insight about the child labor, the situation of child labor in Bangladesh and more specifically, in the garment industry. It will also focus the national and international child rights law regarding the issue of child labor.

In chapter four, MoUs will be discussed based on its background, structure, and the way it was implemented. The chapter will also discuss the rehabilitation projects that was initiated to achieve MoUs objectives. In a nutshell, it is the assessment chapter regarding research question.

The final chapter will draw the conclusion based on achievements and return to the research question.

1.8 Limitations of the Study

This study has limitations that I acknowledge and want to make explicit: -

- Secondary research depends on the available literature; yet there were limits to the literature articles, books and reports that was available. A field trip may have enhanced availability to reports and documents relevant to the study but time and other resources did not allow me to conduct field work.
- Most typically, I have had limited literature on the MoUs, how it operated and independent evaluations of the projects. Therefore, I had to depends on the documents provided by ILO and UNICEF.
- BGMEA and Bangladeshi Government was a part of MoUs but I did not find any documents about MoUs in their website. Even, BGMEA did not responded in mail requests that I have made.

Chapter 2 The Tripartite Model and Organizational Theory

2.1 Introduction:

Child labor is a common social problem in Bangladesh. According to Jamal and Habibur: - “Child labor, a sheer reality in Bangladesh like many other developing countries, is one of the major socio-economic problem in the country” (Jamal and Habibur 2004, 1). Children works to support their family by sacrificing their educational and other opportunities for a better future. Sometimes, they are forced to work: “Children are forced to work for living, sacrificing their childhood along with their future” (Jamal and Habibur 2004, 1). Child labor is socially constructed and need to resolve by social and political efforts and therefore, social dialogue can be an effective way to address the problem. This chapter argues that the Tripartite and Triangular model is an effective form of social dialogue with potential of solving problems. Hence, this study is going to use tripartite and triangular model defined by ILO and Organization for Economic Co-operation and Development (OECD). This chapter also going to use two good cases to see how these two models work. Finally, this chapter is going to formulate a new tripartite model that fit with MoUs.

2.2 What is a Social Dialogue?

A social dialogue is a form of negotiation where different parties like government, workers, employers can participate to reach a common agreement in terms of social and economic problem: “Social dialogue includes all types of negotiation, consultation or information sharing among representative of governments, employers and workers or between those of employers and workers on issue of common interest relating to economic and social policy”(National Tripartite Social Dialogue (NTSD) by ILO 2013, 28). Social dialogue aims at overcoming some social or economic problems and it also gives a platform for people with different interests to talk and resolve a problem: “Social dialogue is both a means to achieve social and economic goals and an objective in itself, as it gives people a voice and stake in their societies and work places” (NTSD by ILO 2013, 28). A social dialogue can take many forms like bipartite or tripartite. The tripartite model is discussing in this thesis formed by three stakeholders and take part in the social dialogue. The social dialogue helps the stakeholders to come to a solution of a social problem: “It can improve the quality of outcomes” (NTSD by ILO 2013, 28). Therefore, it can be a best mechanism to solve the social problem like child labor.

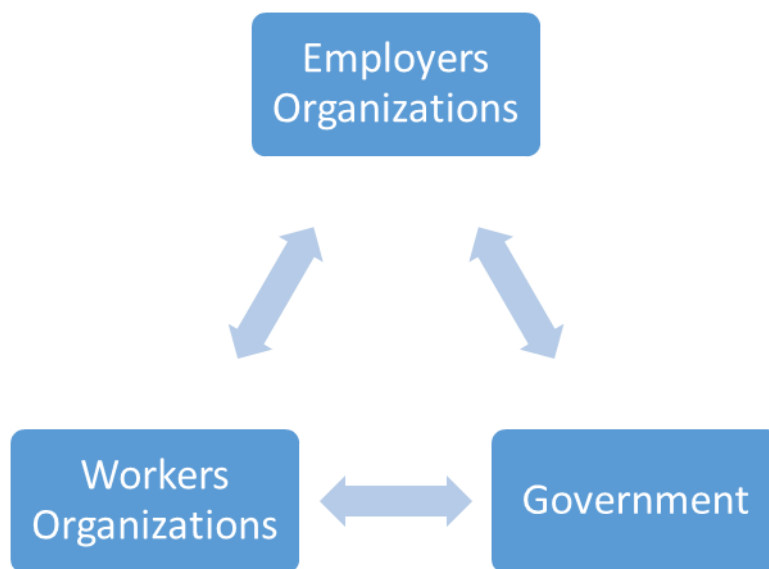
2.3 What is Tripartism?

Tripartism is a form of social dialogue and operates through organizational work: “Tripartism is one of the main forms of social dialogue. It is a foundational principal and fundamental value of the ILO that is at the very heart of the organizations work” (NTSD by ILO 2013, 29). It is a three-party social dialogue where the party come to an agreement concerning issues: “Tripartism can be defined as the interaction of government, employers and workers (through their representatives) as equal and independent partners to seek solutions to issues of common concern” (NTSD by ILO 2013, 29). In other words, tripartism is a process where all the party plays an equal role in decision making and resolution of conflictual issues: “Tripartism refers to the involvement of employers, and worker’s organizations, alongside the government on an equal footing in decision-making. Equal considerations of each opinion are an important issue for tripartism: not equal number of representatives, but it does require that the views of each side be given equal considerations” (NTSD by ILO 2013, 29). It seems from the discussion that tripartism is a form of social dialogue where the opinions of every party given equal considerations to come to an agreement regarding a social issue.

2.4 The Tripartite Model

A representation of tripartite model is given below.

Figure 1: The Tripartite Model (Source: NTSD by ILO 2013, 29)



The tripartite model is a collective social dialogue where every party take part in negotiations to make a common policy for common interest. Government always play the key role in tripartite social dialogue. According to ILO, “Tripartism involves the government as one of the three partners in the consultations or negotiations” (NTSD by ILO 2013, 31). This is an open dialogue where the parties can share the information they have and try to build trust in an issue of concern. The model is: - “Emphasizing that the social partners are open to dialogue and that they work in the field with NGOs that share the same values and objectives and pursue them in a constructive manner and recognizing the potentials for the International Labor Office to collaborate with civil society following appropriate consultation with the tripartite constituents” (NTSD by ILO 2013, 32). International advocacy groups like ILO is not a party in tripartite social dialogue, but the presence of advocacy group in social dialogue and other facilitators, like the ILO, can make a difference in processes of conflict resolution. The advocacy group can help the social dialogue with expertise and knowledge: “With the guarantees provided by improved tripartite governance processes in the ILO, it should be possible to involve non-tripartite constituents appropriately in the organization’s work based on clearly demonstrated advantage and well-defined roles. They can and do provide added value in terms of expertise and knowledge” (NTSD by ILO 2013, 32).

Sometimes international advocacy groups like ILO can participate in tripartite social dialogue as a representative of workers and help in negotiating a policy or come to an agreement. It is also defined in ILO’s tripartite social mechanism. ILO defined it as ‘tripartite plus social dialogue’ (NTSD by ILO 2013, 31). The involvement of ILO can strengthen the social dialogue and make a positive change in policy level. A successful tripartite social dialogue also depends on a forum for negotiations. “A forum for negotiations implies discussions between parties with differing or conflicting interests with a view to reaching an agreement. Negotiation is the most formal and binding form of social dialogue, and is mostly institutionalized” (NTSD by ILO 2013, 40). It is certainly also important that accept to implement an agreement and institutional arrangements and formalization can help a party to do that. Hence, in principal the tripartite social dialogue brings much potentials outcomes for social change.

The most typical outcomes of tripartite social dialogue are “social pacts tripartite agreements, tripartite summits, tripartite declarations, joint opinions, guidelines of codes of conduct policy tools, and validations of policy documents” (NTSD by ILO 2013, 42).All these outcomes refer that

tripartite social dialogue is very effective to bring social change by sharing stakeholders' opinion. However, the social dialogue leads a social pacts or agreement based on the opinions comes from the stakeholders through negotiations.

2.5 Factors relating to Successful Social Dialogue

To make a successful social dialogue, three factors are essential.

2.5.1 Information Sharing:

Information sharing or exchange information is an effective form of social dialogue. Parties make a reliable confidence through exchange information. According to the ILO, "It only implies a certain degree of confidence between the parties" (NTSD by ILO 2013,40). It has highly valued in negotiation process: "Information sharing mechanism is a highly-valued form of social dialogue" (Fashoyin 2004,6). It's carried out a great value in terms of building confidence, mutual trust and resolving the conflictual issues: "It is of great value because it influences the quality of decision, promote mutual understanding, build trusts, reduces conflict, and promote transparency and good governance" (Fashoyin 2004,6). It seems that exchange information is a valuable part for social dialogue and without exchange of reliable information, the dialogue will not bring any credible outcomes.

2.5.2 Consultation

Consultation is the most extensive practice in terms of social dialogue. It is a process of in-depth discussion between the parties: "Consultation is a process where the social partners not only share information but also engage in more in-depth dialogue on the issued raised" (NTSD by ILO 2013, 42). In most of the cases, stakeholders give the priority to the issues of mutual interest during consultation process. The consultation process helps the stakeholders to gain a mutual understanding on concerns issues: "Consultation can improve the substances of policy, particularly if it enables policy makers to gain an understanding of stakeholders' concerns and to make a realistic policy responses to such concerns" (Fashoyin 2004, 7). Therefore, consultation between the parties is an important element to make successful dialogue.

2.5.3 Negotiation

Negotiation is the key to a successful social dialogue. It is considered the most formal and binding form of social dialogue in international arena: “Tripartite negotiation at the national level usually addresses major national economic and social policy issues. It can be ad hoc or take place on a regular basis where agreements have a defined length. The result is tripartite national agreement or so called social dialogue” (NTSD by ILO 2013, 46). It is a process where parties take part in debates and share the information they have and try to come to an agreement through mutual understanding by resolving conflictual issues: “The negotiation mechanism involves debates and exchange position, intended to bring about agreement, understanding or consensus on action to be taken. This may result in an agreement or memorandum of understanding which may be written, informal or unwritten” (Fashoyin 2004, 7).

Parties make social pacts on various social issues through social dialogue: “Strictly defined, social pacts exist in widely publicized tripartite agreements between government and the social partners in an area of employment and incomes, the labor market, or economic or social policies, containing a detailed list of policy measures and methods for action through social dialogue (i.e commitments from each of the parties, concrete targets and precise time frame for their implementation)” (NTSD by ILO 2013, 47). The agreement leads parties to try and achieve outcomes through delivering agreed values: “Once such agreements are made, the parties involved should be able to deliver on what has been agreed” (NTSD by ILO 2013, 47). Agreement is a result of combined decision of the parties. So, the question is how are decisions made?

Basically, negotiation is taking place based on choices and compromises between the parties. To build a consensus is the only motive of negotiation process. “A decision reached by consensus is the expression of the collective will of all the parties involved. Consultation and negotiations take place until a decision that is acceptable to all is reached” (NTSD by ILO 2013, 50). A tripartite social dialogue also depends on social and political situation of a concern country. The negotiation process will be failed, if the social and political situation do not favor the negotiation process: “Tripartite agreement constitutes contingent institutional construction. They depend on the political and social situation of the country. The state of the economy, the distribution of powers between the social partners and the government, and the various interests and negotiations strategies of each of them” (NTSD by ILO 2013, 50).

2.6 Role of Implementation and Monitoring System in Tripartite Agreement

Implementation is the precondition of successful tripartite agreement. However, the implementation of the agreement cannot bring credible outcomes without proper monitoring: “Without proper implementation social dialogue might be perceived as just a “talking exercise” that does not lead to any concrete outcome. As a result, the implementation itself should also be monitored and evaluated” (NTSD by ILO 2013, 53). Therefore, some technical issues should be considered: “Attention should be paid to the technical resource of the social partners, especially the availability of experts in management techniques, economists, statisticians, and lawyers, when necessary capacity-building, training should be provided” (NTSD by ILO 2013, 63).

In many ways, the MoU’s negotiations took the form of tripartite social dialogue but with the exception that there was no explicit role for worker’s organization making the agreement. The government was involved even if it had a limited role. The main role was played by employer’s organization and two international organizations such as ILO and UNICEF. Therefore, this study also draws on the slightly similar, triangular co-operation model, to build a model that helps to describe the MoUs for the garment industry. The purpose of this discussion then is to identify the main structure and components of the process (that is, the social dialogue and negotiation model) underlying and facilitating the MoUs.

2.7 What is Triangular Co-operation?

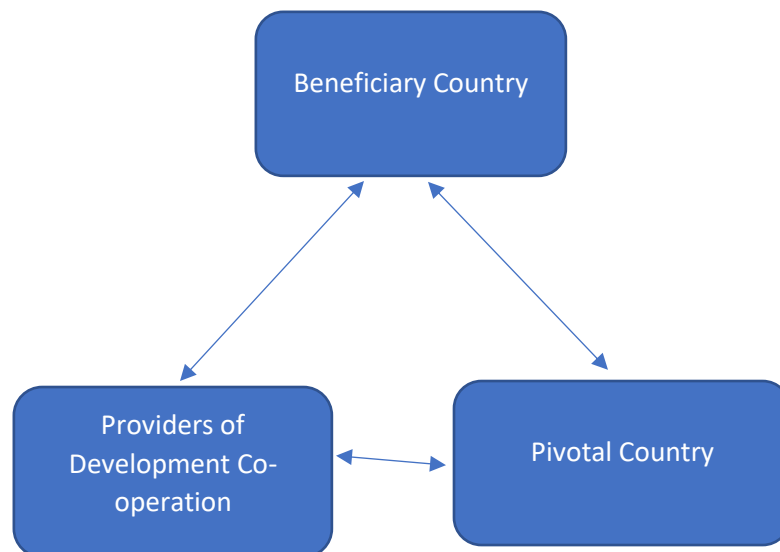
Triangular co-operation is a model often applied in international arenas for economic growth and development in different sectors including agriculture, education, environment, food security and health. However, there is no agreed definition of triangular co-operation model. According to OECD: - “(.....) the triangular co-operation has several variations” (Triangular co-operation by OECD 2013,13). Basically, it is a three-party model where the government, international organization and the non-governmental organization plays the role to come to an agreement. Among the three partners “Governments remain the main partners in triangular co-operation” (Triangular co-operation by OECD 2013,9). Therefore, government is the key actor of triangular co-operation. There are two definition of triangular co-operation. According to weak definition, triangular co-operation “unites the approaches of two donors into one project in which the two different approaches work simultaneously but in a coordinated way i.e. partners use their comparative advantages and work in a coordinated way” (Triangular co-operation by OECD 2013,

14). The stronger definition is “the three parties are united at each step of the project: the planning, financing, implementation, and monitoring” (Triangular co-operation by OECD 2013, 14).

It seems from the definition that coordination and co-operation leads a successful agreement and brings effective outcomes. It also seems that lack mutual understanding between two donors in a same project can hamper the project outcome. So, the triangular co-operation is a three-party model but “other institutions propose that triangular co-operation is not necessarily limited to three partners, and can, for instance, involve two or more developing partners that wish to co-operate with one another and ask for the support of one or more providers of development co-operation or international organizations, to leverage additional financial, technical or logistical resources” (Triangular co-operation by OECD 2013, 13). From this definition “the triangular co-operation involves at least one provider of development co-operation or an international organization and one or more providers of South-South co-operation (i.e pivotal countries or the developed countries) to promote a sharing knowledge and experience or implement development co-operation projects in one or more beneficiary country” (Triangular co-operation by OECD 2013, 14). Within this arrangement, the triangular agreement formed among the providers of development or international organization, the beneficiary country and the pivotal country.

Therefore, the triangular co-operation model is like: -

Figure 2: The Triangular co-operation (Source: OECD 2013,15)



2.8 Partners involve in Triangular co-operation

According to definition, the government is the main actor of triangular co-operation. The involvement of international organizations leads the co-operation to develop the strategies. The involvement of non-governmental organizations and civil society organizations (CSO) helps to co-operate based on local realities. Government as a beneficial party always plays the leading role in triangular co-operation. Its main task is to provide the support in terms of legislation and financial issues. International organizations play a remarkable role in triangular co-operation: “International organizations consider triangular co-operation an important means of supporting development and several of them are incorporating triangular co-operation in their strategies” (Triangular co-operation by OECD 2013,19). Different partners play different role in triangular co-operation. The international organizations play its role in terms of financial assistance, technical support as well as implementation. A range of international organizations, mostly United Nations Organizations including ILO, FAO, UNDP, UNICEF involves in triangular co-operation.

Non-governmental organizations and the civil society organizations play important role in triangular co-operation along with the governments and international organizations: “According to the UN, the private sector and civil society organization can strengthen the triangular co-operation” (Triangular co-operation by OECD2013, 20) though these organization have little contribution in triangular co-operation. They usually assist the government. They provide the information to the governments and sometimes gives technical assistance. “Potentially CSOs can have different roles in triangular co-operation. They can implement and help adapt projects to local realities and facilitate interactions among individuals, associations and businesses” (Triangular co-operation by OECD 2013, 20). Therefore, it seems that non-governmental organization plays an important but limited role in triangular co-operation.

2.9 Good Practices to reduce Child Labor

It is important to review the examples because a good example always reflect the proper application of the theory or model. I have taken two examples of two models that was properly applied according to the structure of the model. The review of the examples will help the study to analysis the proper application of MoUs. Therefore, I have taken two best examples from two regions. One is from Asia and the other is from Latin America.

Good Practice of Tripartite Structure: Multi-Sectoral Co-operation through Child Labor Monitoring (Tajikistan)

Child labor monitoring is the key to reduce child labor from different sectors. Child labor monitoring ensured that children should remove from work and get some alternatives: “Child Labor Monitoring (CLM) consist of regularly repeated direct observations to identify children in labor and the determine risk to which they are exposed, referral of these children to service, verification that they have been removed and tracking them afterwards to ensure that they have satisfactory alternatives” (Report on ILO’s International Program on the Elimination on Child Labor (IPEC) 2014, 50). Tajikistan is the good example of removing children from work through CLM. Tajikistan has established the committees, under the authority of relevant ministries, to supervise and guide the Multidisciplinary Teams (MDTs). The member of the MDTs comes from all the sectors from the society. The main task of MDTs is to prevent and withdrawn children from work.

CLM is a separate and independent sector, under Ministry of Labor, Employment and Migration (MLEM), in Tajikistan. The government plays the key role to spread CLM at regional and district level: “At the reginal and district level, two child labor monitoring committee (CLMC) were established based on the findings and mapping of relevant local partners addressing the issue of child labor in each selected area” (ILO-IPEC 2014 ,51). Each committee consists of 20 members including the representation of labor inspectorate, education department, police department, and social welfare department (regional, local and district level), and the Federation of Trade Unions (regional and district level) and NGOs activists. This committee provide the technical assistance during the monitoring process. The main task is carried out by the MDTs. The MDTs consists of teachers, social workers, labor inspectorates, representative of department of labor market and members of the child rights department at regional and district level. The MDTs gathered the information, about the children, from school and work place and prepared a report once a month and submit it to the CLMC. Based on this report, the CLMC meet once a month and discuss the issues, cases of working children and children at risk, identified by the MDTs. At this meeting CLMC decide the next steps to prevent the child labor. The role of ILO-IPEC is important in this process: “They organized the training workshop for MDTs to equip them with knowledge” (ILO-IPEC 2014, 52). This knowledge helps MDTs to work smoothly in field level and finally, helps to reduce child labor in Tajikistan.

Good Practice in Triangular Co-operation:

Latin America has shown a great example by reducing child labor recent years. Sharing experiences, expertise and networks and use monitoring system, legislation and training were the key components to achieved such milestone.

“Between 2010 and 2012, the ILO initiative to combat child labor in Brazil, Bolivia, Ecuador and Paraguay proved effective in increasing the operational capacity of the labor inspectorate and in strengthening and scaling up the impact of the initiatives undertaken in each country to combat child labor” (United Nations Office for South-South Co-operation’s Report for Good Practices (UNOSSCRGP) 2016, 77). The result was positive due to provide special training to the child labor inspector: “Specific result achieved included the setting up of training programs for labor inspectors in Paraguay and Bolivia” (UNOSSCRGP 2106, 77). The initiative was promoted by the exchange of knowledge between these countries through the visits of high level officials and training activities. Financial support is a crucial issue for this project. This project was financed by the UN South-South Co-operation and the US State Department of Labor. The ILO International Program on the Elimination of Child Labor played a key role, (like, facilitating the exchange of knowledge and providing technical assistance) for the betterment of this project: “The coordination between South-South Co-operation, US State Department of Labor and the mentioned countries was the first experience Triangular Co-operation implemented by ILO” (UNOSSCRGP 2016, 77).

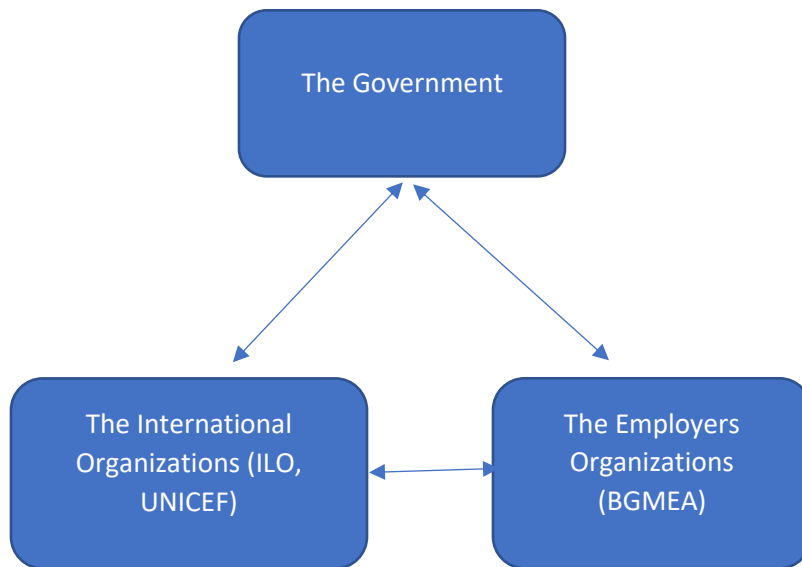
The ILO turned the whole process to a tripartite structure: “Owing to its tripartite structure, the ILO South-South methodology entails the participation of workers’ and employers’ organizations together with government entities” (UNOSSCRGP 2016, 77). Here, it seems that joint technical visit and information share between the countries was the key component to reduced child labor.

2.10 The MoU and the Co-operation Model:

The employer's organization, ILO, UNICEF and the GoB have played a prominent role to form a tripartite co-operation agreement in the Bangladeshi garment industry to eliminate child labor. The result was the MoUs. The whole process was monitored by the United States of America through its Embassy in Bangladesh: "After several crises, and with the support of both the U.S and Bangladesh Government, the ILO, UNICEF and the BGMEA agreed to an MoU on the elimination of child labor from the Bangladesh Garment Industry" (Brooks 2005, 132). It seems that the MoUs is a tripartite structure negotiation and the stakeholders are the government, international organizations (ILO and UNICEF) and the employers' organization (BGMEA). However, the MoUs is not fully structure as a tripartite form of negotiation because there was no worker organization in negotiation process. It does not follow the "ideal model" of a tripartite set up. The tripartite model assume that international organizations play a positive role fostering the rights of worker but it cannot carry the equal importance of workers' organization. The presence of workers' organizations always brings positive outcomes due to sharing the raw information and knowledge gathered from the workers. The international organizations take part in the negotiation process based on the information collecting from non-governmental organizations. Therefore, the sources of their information might be limited and sometimes they get the invalid information. This is the reason why worker organizations presence is important.

The international organizations play a facilitating role in triangular co-operation process. They play their role in terms of technical and financial supports and sometimes in implementation process. The definitions of triangular co-operation stated that the two-international organizations can play their role in triangular co-operation in coordinated ways and the coordinate sectors will be financial co-operation and technical supports. The ILO and UNICEF took part in MoU's negotiation and implementation process and provided financial support to implement the MoU's objectives. Hence, they were part of two MoUs co-operation process. The other parties were the government and the employer's organization. The USA, through its Embassy in Bangladesh, was played a crucial role as a 'pivotal country' as described above but it was not a part of negotiation process. Yet, the U.S was observed the negotiation process. Therefore, the two MoUs co-operation model should be like:

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Summing up:

The two MoUs co-operation has features of a model of triangular co-operation with some modification. The ILO and UNICEF played a crucial role in MoUs co-operation agreement and implementation process as well as technical and financial support in coordinated ways. Both government of Bangladesh and the BGMEA is beneficial party, but there were, interestingly, no place for trade unions representing the workers at the negotiation table.

Chapter 3 Literature Review

3.1 Introduction

Bangladesh has a total population of 166 million (in 2014). The total land area of Bangladesh is 1,47,570 square kilometers. “The population density of Bangladesh is 1,246 per-square kilometers” (World Bank Report 2016, 23). So, it seems that it is an over populated country in terms of population density. It is also considerate as a poor economic country in South Asia. According to the World Bank report of 2014, there are 31.5 percentages people lives under poverty line. Poverty is considerate as a prime factor to increase the number of child labor in Bangladesh: “Poverty undoubtedly mirrors individuals and family’s socio-economic development, and reflects upon the

total number of child laborers in the country” (Holmstorm 2015, 39) Banu, Shahjahan and Smita and Hossain and Rahman also finds the socio-economic reality to increase child labor in Bangladesh (Banu, Shahjahan and Smita 1998, 7), (Hossain and Rahman 2007, 1). However, Bangladesh is facing lot of challenges everyday but it is one of the fastest growing economy in South Asia: “Since 1996, Bangladesh economy has grown rapidly with approximately 6 percentage each year, even if the country has suffered by high levels of corruption, political instability, the financial crises and regression that hit the country between 2008 and 2009” (Central Intelligence Unite (CIA), 2015, 7). In 2016, the World Bank declared Bangladesh as a “lower middle income country” (World Bank Economic Report 2016). People, who lives in urban areas, have poor economic conditions than the people lives in rural areas: “Individuals living under poor circumstances are to a greater extent living in urban areas (approximately 43.8 percent), while individuals living in rural areas have better financial prospects (around 28.4 percent)” (ICF International 2012, 7). Therefore, it is considerate that urban areas promoted a large number of child labor. Khanam stated that “child labor is very common in rural areas” (Khanam 2003, 2). It seems that both urban and rural areas is experiencing child labor due to socio-economic reality of Bangladesh. The most interesting point is that young people are the main striking force of employment sector in Bangladesh: “The country is over populated as well as it has a relatively young population. Individuals between the age of 5 to 17 are roughly accounting for one-third of the total population (31.5 percent) which also affects the demand of children on the labor market” (ICF International 2012, 7). Hossain and Rahman stated that “children aged between 5 and 15 years accounted for 40% of the total workforce of Bangladesh” (Hossain and Rahman 2007, 2). Therefore, it seems that child labor is experiencing in every sector, like agriculture, industry, in Bangladesh.

Child labor is a common issue in Bangladeshi labor market. There are three big sectors (Agriculture, Service and Industries) identified for using children. Industries generate the second which is 32 percentage of Gross National Products (GNP) of Bangladesh. Among all the industries, garment generate the highest percentage of GNP. It is considerate the highest export sector of Bangladesh: “Garment is the most substantial and important export the country has and consists of nearly 80% of the country’s entire export” (CIA 2015, 8). This is the fundamental pillars of Bangladesh economy. Ahmed revealed same truth (see Ahmed 2013, 7). This is also considerate the highest employment sector of children, unskilled and uneducated people of Bangladesh: “The

industry provides millions of farmers, families, and children with a financial income as well as it enriches the country with foreign exchange from the large export” (Alejandro 2009, 3).

The lower labor cost in garment sector attracts the foreign buyer to invest here and this investment leads a system called sub-contracting (a process where formal garment make agreement with informal garment due to huge work load): “Foreign firms, either in the form of direct investment or joint ventures, have lead the growth of a complex sub-contracting system in the garment sector, thus giving rise to an active informal garment industry” (ICF International 2012, 12-13). Nielsen (2005) marked sub-contracting system to rise child labor in informal garment in Bangladesh. There are now 3,500 registered garment in Bangladesh and these garments hardly violate the national and international law regarding child labor. The greater improvement achieved after the inception of MoU in 1995. The result is that BGMEA, as well as GoB, declared the formal sector as a child labor free industry. On the other hand, there are around 20,000 informal garment in Bangladesh and these garments are now the main source of child labor. However, the informal sector was excluded from the declaration given by BGMEA and GoB. Therefore, it seems that this sector is neither free of child labor nor maintaining the rules and regulations regarding child labor.

3.2 Defining Child Labor

Using child labor is considered as a human rights violation. “In 2012, the ILO estimated that 264 million children globally between the ages 5 to 17 were actively participating in economic activity, where an estimate of 168 million of these children were trapped in unlawful forms of child labor” (Diallo, Alex and Mehran 2012, vii-ix). There is always a confusion between children in employment and the children in child labor. Child labor is carried out by children that is unlawful in terms of national and international law. Child labor in employment must affect the children’s physical and mental health and the educational opportunities they are supposed to get. On the other hand, children in employment is considerate as lawful when they do not face any negative effects due to work. There are international laws which defines child labor in specific way. According to the Conventions on the Rights of the Child (CRC) under article 1, “a child is a person under the age of 18” (CRC 1989, Article 1). “Child labor is appearing when a child is exposed to work that: (1) is mentally, physically, socially, or morally dangerous and harmful to children, and (2) interferes with their schooling: by depriving them of the opportunity to attend school and obliging them to leave school permanently or requiring them to attempt to combine school attendance with

excessively long and heavy work” (ILO 2004, 16). According to the CRC, children are not allowed to do any type of hazardous work who is under 18 years. Children who is between the age of 13 and 15 can do “light work” (the work which is not harmful for physical and mental health as well as educational opportunities). The Child Labor Act 2006 of Bangladesh defined “the minimum age for work is 14” (Child Labor Act 2006, 13). It is also defined that the children who is over 12 can do so-called light work and children under the age of 18 cannot do any hazardous work.

3.3 Child Labor in Bangladesh

Children contributed a lot in the labor market Bangladesh: “Bangladesh has a large labor force of children, even if these children are not considered to be child laborers” (Holmstein 2015, 40) (see also Haque 2016, 5). It is because the law of Bangladesh considered 14 as a minimum age for work which is contradict with the international standard (the minimum age for work is 18). Therefore, the actual numbers of child labor varied in different report: “It is estimated that 7.4 million children are working in economic activity between the ages of 5-18, while 4.7 million of these are between the ages of 5-14” (Holmstein 2015, 40). Hossain and Rahman has given the similar statement (Rahman and Hossain 2007, 5). Boys are always considered as the larger extent due to socio-economic structure of Bangladesh where boys always given the preferences: “Boys are to a larger extent used for labor more than girls, where it is estimated that nearly 3.4 million boys and 1.3 million girls in the ages 5 to 14 are taking part in the labor market” (IPEC 2006, 4-5). According to the latest child labor report published by Bangladesh Bureau of Statistics (BBS) of 2015, there are now as many as 3.45 million children active in labor market in Bangladesh. Ten years ago, when the BBS published its last report, 3.2 million children were in active labor” (Dhaka Tribune 2016, 2). Therefore, in the last 10 years the child labor has increased by 250,000 which is very alarming. The report also stated that “1.228 million children were engaged in hazardous jobs. In 2003, this figure was 1.3 million” (Dhaka Tribune 2015, 2). Therefore, this figure indicates that the country has managed to remove 72,000 children from hazardous job under various programs taken by the government, NGO’s and international organizations.

However, children engaged in work due to their socio-economic conditions. Most of the children who engaged in work are coming from poor families. In most cases, parents encouraged their children to engaged in job and support the family. “The use of children in the labor market depends largely on poverty and the production costs for the employers” (Holmstein 2015, 41). Employers

interest is a vital factor to recruit children in the labor market. The labor cost in Bangladesh is very low and the minimum salary depends on the sector, a worker works. If the employer recruited a child, they can set a lowest salary per month. It is between “30 and 50 USD” (Ahmed 2103, 2) per month: “Employers always prefer to employ children because they are cheaper and considered to be more compliant and obedient than adult” (Ahmed 2013, 2). Gopal also indicated that “children are cheaper for employment” (Gopal 2003, 7). On the other hand, family encouraged their children to engage in work due to their poor economic conditions: “Research has shown that often both the family and the child do not have a specific interest in education, as they believe that education is not the fundamental key to wholesome life, which also effects the common norms concerning importance of education and the willingness to work” (Bernhard, Nashir, Hamiduzzaman 2009, 1). This perception is increasing the high dropout though the government claimed that more than 95 percent children has a primary school enrollment: “2.6 million children in the country between the ages of 5-14 are not enrolled in any educational system, this is an estimate of 7.3 percent of all the children in Bangladesh” (IPEC 2006, 4-5). The dropout from school is highly sensitive in Bangladesh. According to UNICEF, “the dropout rate from primary school in Bangladesh in 2001 was 33 percent” (UNICEF 2003, 2). It seems that the high dropout rate increase the high chances to become a child labor.

The Bangladeshi working sector is considered in two areas, i.e. formal and informal. The formal sector is maintained by rules and regulations set by the constitution of Bangladesh. The informal sector is hardly follow the rules and regulation and therefore, considerate as a large source of child labor: “Research confirms that 96% of all the child laborers in Bangladesh are working in the informal sector. The research also confirms that only 4% of all the child laborers are working in the formal sector, which is very small percentage of the total amount of child laborers” (ILO 2015, 213-214). The agriculture is the largest sector of child labor in Bangladesh where the service and industry are in second and third positions: “The largest sector in Bangladesh employing children under the age 15, with approximately 60%, is the agriculture sector, while the service sector contains 23% and industry 15%” (IPEC 2006, 4-5). The industrial informal sector contains a large part of total child labor. According to ILO, “the industrial informal sector employs roughly 1.4 million children which is about 17.7% of the total child labor force” (ILO 2015, 7). The report clearly indicates that the informal sector is still employing child labor in Bangladesh. Bangladesh undoubtedly is working to reduce child labor from different sector though the success is very

limited: “Yet, the overall numbers of child labor in Bangladesh are slowly decreasing which is a very positive outcome. But, there are still alarming numbers of widespread child labor in all sectors in the country” (ICF International 2012,8).

3.4 Child Labor in the Garment Industry

Garment is the promising export industry in Bangladesh since 1980’s and contributed a lot to its economy. There are two types of garment industry in Bangladesh. One produces product for the local demand and other for export. The informal garment, which is not listed by the government or the authority(BGMEA), produces products for national and international demand. Normally, the formal sector take the order from international buyers and make a sub-contract with informal sector to supply that order. Therefore, the informal sector supply the export products via formal sector. This is the reason why the informal sector always remains out of focus but considered as the biggest sector for child labor: “The informal garment including those enterprises producing accessories for finished garments, is without doubt the most significant industry in Bangladesh which utilize child labor” (Gopal 2003, 425). Garment is the only export sector where an eye-catching number of workers are children: “All the child labor in export industry is found in the garment sector” (Ahmed 2013, 3). Hossain and Habibur, Rahman, Khanam and Absar indicated the same issue (Hossain and Habibur 2007,6) (Rahman, Khanam and Absar 2004, 13).

However, the number of informal garment is still unknown. Some says it could be around twenty thousand but the number of formal garment is approximately 3500: “There are today approximately 3500 export garment factories in Bangladesh which indicates the significance of the industry for the whole country” (ILO 2015, 9-13). The Bangladeshi garment industry began to rise in 1990s. Since 1990s, child labor was common in both formal and informal sector: “Before 1992, there was an estimate of 50-75,000 children carrying out labor in the whole garment industry in Bangladesh under the age of 14 and among these children the majority were under aged girls” (UNICEF 2015, 60) (see also Khanam 2003, 7). The formal sector employed less child worker than the informal sector: “However, only in the formal sector this number was estimate to be around 10-30,000 children employed” (ICF International 2012, 12-13). Therefore, it seems that the informal sector employed around 45,000 children. The actual number of child worker in garment sector was more but the numbers varies due to lack of statistics and data: “Nonetheless, this can be an underestimate as statistics and other relevant data were limited or even non-existed now” (Holmstein 2015, 43).

For example, Bangladesh introduced birth registration act in 2004. This is a good way to identify the age of children. But, due to lack of birth registration many children, who worked in garment industry in 1990's, were not counted as child labor. Still, Bangladesh is going through the same problem: "Even today the statistics of child labor in the country is troublesome, which also have been pointed out by for the CRC supervisory body that has made recommendation to the country recently to ensure a more up to date data bank with statistics relate to children, and enrollment in labor and education especially" (Holmstein 2015,43). Rahman, Khanam and Absar (2004) also indicated that "there is no reliable source to find out the actual number of child labor in garment industry Bangladesh" (Rahman, Khanam and Absar 2004, 10).

The introduction of MoU in 1995, in garment sector, brings positive outcomes in relation to reduce child labor. The GoB and BGMEA recently declared the formal garment as a child labor free sector: "MoUs is a program attempting to remove children working in industries and in garment factories in particular, and introduce them into the educational system, which resulted in very positive outcomes- a child labor free formal garment sector" (ICF International 2012, 12-13). Jamil Khan (2016), Rahman, Khanam and Absar (2004) also pointed out the same statement. Though the formal sector reported as free from child labor but "there are occasionally reported violations" (Holmstein 2015, 43). Khanam also indicated that children's rights are violated in both formal and informal sector" (Khanam 2003, 8). This violation taken place due to the lack of legal regulations and controlled: "Lack of legislations and legal enforcement is also maintaining and underpinning the practice of employing children" (ILO-IPEC 2004, 27). The informal sector is still employing children for their production: "Most children are working in the undocumented informal sector now a day, where conditions are harsh and sometimes inhuman" (Nashim, Shahjahan, Smita 1998, 12). "Observation at work sites also confirms that larger units (formal garment) have less children working in their production sites than smaller units" (ICF International 2012, 1-4). Its seems that garment industry is not free of child labor and before 1992, children who worked in both formal and informal sector is now mostly working in informal sector.

3.5 The Laws relating to Child Labor in Bangladesh

The constitution of people's Republic of Bangladesh, established in 1972 where there was no clause regarding the prohibition of child labor. There was a clear prohibition of forced labor under article 34 of original constitution. The forced labor does not contain all aspect of child labor. The

first attempt taken, by the GoB, to reduce child labor is adopting the Convention on the Rights of the Child (CRC) in 1989. In 3rd August 1990, Bangladesh adopted the CRC in their constitution. The result is that it started to recognize children to be children and ensure all the rights for their best interest: “The legal importance of this documents is that it recognizes a child as an individual under the age of 18 and that the best interest of the child shall always be taken into consideration” (Holmstein 2015, 64). There are more rights promoted by the CRC. The CRC promoted the compulsory primary education for all and set a minimum age for work. It is also promoted a law where state is the prime actor to protect children from hazardous job: “The state shall safeguard children from hazardous work and national law shall include penalties for violations of abuses of violation of the rights of child” (CRC, Resolution 44/25 1990). The Bangladeshi government first attempted to introduce compulsory Primary Education Act 1990 based on CRC. This was the first attempt taken by the Bangladeshi government to reduce child labor and provide education for all between the age of 6-10.

In 1998, Bangladesh ratified International Convention on Economic, Social and Cultural Rights (ICESCR). “The legal importance of this rights is that ratifying states has to protect children from economic and social exploitation, legislate minimum age for paid employment, and legislate penalties for violations of these provisions” (ICESCR Art.31). Bangladesh also ratified International Convention on the Civil and Political Rights (ICCPR) in 2000. The ICCPR prohibits all kinds of forced and compulsory labor. The resolution 2200A stated that “In case of child labor the national law has to prohibits the engagement of individuals in slavery, servitude, and forced and compulsory labor” (ICCPR Resolution 2200A 1966). Therefore, as a ratified country Bangladesh are supposed to follow the provision of child labor of ICCPR. The good steps taken by the Bangladeshi government is the adaptation of ILO 182 Convention on the Worst Form of Child Labor in 2001. It means that Bangladesh should prohibit all kinds of work which causes serious physical and mental harms for the children.

Bangladesh introduced Birth and Death Registration Act 2004. “This adoption has a strong connection to the obligation under CRC, but is certainly important for recognizing all children’s rights and regulates labor conditions for children” (Holmstein 2015, 65). The legal importance of Birth Registration Act is that it provides a legal ground for registration of children. Therefore, it creates a small chance to use children as a child labor. Bangladesh reached a milestone by

introducing Labor Act 2006: “Bangladesh enacted the Labor Act in 2006 which includes a chapter on child labor. This new law prohibits employment of children under 14 years old as well as hazardous forms of child labor for persons under age 18” (Colombo 2013, 21). The legal importance of this act is that it defined a minimum age for work but did not include the working conditions for children: “It defines minimum age for work, but does not include the specific working conditions that are prohibited” (Aktar and Abdullah 2013, 164). This law also included that the children over 12 can perform so called light work (the work which is not going to causes a physical and mental harms). However, the law prohibits any kind of hazardous work under the age of 18 but it also permitted that exception can be made if the person is 16 years old in accordance with law. The children act 1974 defined that 16 years is the minimum age for work. It also defined, the person under 16 cannot do any hazardous work. Therefore, it seems that the labor act 2006 contradict with children act 1974.

Bangladesh reached another milestone in 2013 when it introduced another Children Act. The Children Act 2013 is a very useful to combat child labor from Bangladesh. It set 18 is the minimum age for work: “The act gave recognition to the International legal definition of a child as an individual under the age of 18, which Bangladesh previously defined were at the age of 14” (ILO 2015,18). This act recognized the international definition in one hand and on the other hand challenged the Labor Act 2006 along with Children Act 1974. Therefore, it seems that the laws are self-contradictory to recognize children and prohibits child labor.

3.6 Child Labor and Human Rights

Child labor is a serious human rights issue. Child labor itself considered as a human rights violation: “By using child labor other human rights are affected and often violated as well” (ILO-IPEC 2004, 74). As we know that all the human rights are “interrelated, interdependent and indivisible” (UN Human Rights Council 2006, 1). Therefore, all other rights are connected to child labor. Child labor has a close connection to right to education, health, forced labor, discrimination and minority, freedom of association and collective bargain. “The fundamental principles and rights at work are all linked to child labor. The principles are: freedom of association and the effective recognition of the right to collective bargain, the elimination of all forms of forced and compulsory labor, the effective abolition of child labor, and the elimination of discrimination in respect of employment and occupation” (International Labor Conference(ILC) 2012, 1-4). The principles stated that the

freedom of association enables workers to form trade unions and play a vital role to abolish child labor: “Where there is freedom of association and workers are organized into trade unions, there is unlikely to be any child labor” (ILC 2012, 1-4).

Right to education is important for socio-economic development of the children. Right to education is the best alternative to abolish child labor: “Child labor has a direct affect to the child’s education and vise- versa, and has become an important tool for eliminating child labor” (International Labor Office 2004, 112-119). Therefore, child labor is an important human rights issue and demand urgent action to abolish child labor.

Chapter 4 Assessment of MoUs Regarding Eliminate Child Labor

4.1 Introduction

The signing of the two Memorandums of Understanding is considered as a milestone to combat child labor from the garment industry, Bangladesh. According to ILO-IPEC, it was the best efforts taken to ensure the best interest of the child: “The MoU program is among the best-known child labor interventions of the last decade. It had wider significance concerning what is best for working children with much subsequent debate around the notion of the MoU program, as a model” (ILO-IPEC 2004, 6). The MoUs brought the child labor issue to national and global attention: “The attention that the MoUs program received both nationally and globally helped put the child labor issue on the map at the end of the 1990s” (ILO-IPEC 2004, 6). Therefore, the MoUs was important in order to bring child labor to national and even global attention. Its main foundation was to serve the best interest of the children.

4.2 Background of MoU:

Child labor is at the center of public attention throughout world. In Bangladesh, child labor in export oriented sectors like garment sectors have received most attention. One reason for this might be that the consumers of garment products can publicly “addressed” through public campaign that argue that they have some responsibilities for the exploitation of children. Therefore, elimination

of children from garment sector has become a prime issue: “The elimination of child labor in the export-oriented garment industry has been seen by activists and policy makers as an appealing issue supported by a large and diverse number of people through the world” (Brooks 2005, 121). Garment is the main export sector of Bangladesh and was considered as the main sector for using child labor before 1990s. The first public campaigning against using child labor in Bangladesh started in United States (US) in the 1990s when the US media claimed that Wal-Mart, Lavi Strauss and Co. are imported products from Bangladesh was being made by children: “An event was broadcasted on 22 December 1992 of an item on NBC television which charged Wal-Mart with buying clothing from Bangladesh made by illegal child labor” (Nielsen 2005, 10).

The report was indicated consumer’s responsibilities to protect child labor. Therefore, “trade unions, human rights groups, consumers and religions organizations under the umbrella of child labor coalition promoted legislation to prohibit imports into US of products made with child labor” (ILO-IPEC 2004,7). The child labor coalition started to create pressure on the US government to put embargo on countries using child labor: “The anti-child labor campaign began in 1992- the tactics in this case included a call for consumers boycott in the US and Europe and other goods produced by child laborer in exporting countries and the threat of embargo by the US government to enforce anti-child labor laws” (Brooks 2005, 122). In response, the US Senator Harkin presented a Bill (formally known as Harkin’s Bill) to the US senate to ban the products made by children from entering the US market: “In 1992, a Bill was presented in the US Senate to ban imports made with child labor” (ILO-IPEC 2004, 7). “Harkin’s Bill proposed child labor Deterrence Act of 1992 combined an invocation of the 1959 UN Declaration of the rights of the Child with an assertion that adult’s workers in the US and other developed countries should not have their job imperiled by imports produced by child labor in developing countries” (Brooks 2005, 125). The Bill was never passed but the Bangladeshi garment products got a reputational loss in US and Europe markets. In response, BGMEA considered the situation gravely and declared to remove children from garment sector: “The BGMEA responded by urging it members to remove under-age workers from their work places in conformity with the national Factory Act that set a minimum age for employment of 14 years” (ILO-IPEC 2004, 7). The then, BGMEA started to remove children from the garment sector and declared a deadline for becoming a child labor free industry: “The BGMEA announced its self-imposed deadline of a child labor free industry by 31st October 1994” (ILO-

IPEC 2004, 9). Therefore, it seems that BGMEA has taken proactive action and started to remove child worker before the inception of MoU.

4.3 The Memorandums of Understanding (MoUs)

The Memorandums of Understanding was a negotiated agreement between different stakeholders to address the child labor problem. The two MoUs was the result of long-standing negotiation between BGMEA, The GoB, the US (through US Embassy in Bangladesh) and later ILO and UNICEF: “Negotiation between the BGMEA, GoB, and the US Embassy continued to eliminate child labor from garment industry” (Brooks 2005, 132). The path was never easy. Lots of protest happened in Bangladesh due to US involvement in the negotiations and BGMEA’s decision to remove children from the garment industry. After some time, moreover and with the support of both the US and Bangladesh government, the ILO, UNICEF and BGMEA agreed to a MoU in with the purpose of eliminating child labor from garment industry: “The MoU was signed on 4th July 1995 by the BGMEA, the ILO and UNICEF and endorsed by the Government of Bangladesh” (ILO-IPEC 2004, 7). “The second MoU also signed in July 2000 and had a duration of twelve months until June 2001” (ILO-IPEC 2004, 10).

The purpose of the MoUs was to eliminate children from the garment industry and identify alternatives, like education programs, for children. The best interest of child was the driving motive of two MoUs: “The purpose of the MoUs program was the removal of child workers from the garment industry and their placement in appropriate education program” (ILO-IPEC 2004, 7). Collaboration among the partners to set the best alternative for children was the strength of the MoUs: “The MoUs agreement was designed to facilitate doing this in a collaborative way, making best use of the comparative strengths of the BGMEA, the government of Bangladesh, the ILO and UNICEF” (UNICEF 2013, 60). For the betterment of the program, a coordination committee was set up by the representative of all the partners: “Coordination was provided by an informal Steering Committee comprising representative of the BGMEA, the government of Bangladesh, the ILO, and the UNICEF, with the US Embassy as an observer” (ILO-UNICEF, 2005, 8).

The division of labor of GoB worked with ILO and UNICEF to plan and implement the MoUs. The ILO took the lead for monitoring and verification which came into force in late 1996 and the UNICEF took the lead for education: “UNICEF developed the education program with NGO partners with the first Non-Formal Education Centers(NFEC) opening in January 1996 and over

300 NFEC centers were subsequently set up” (ILO-UNICEF 2005, 8). The partners also identified skill training programs for child workers and micro-credit programs for the families of child workers to serve the best interest of the child: “The skill training and micro-credit projects started in late 1999, once resource had been mobilized. These were also implemented by NGO’s” (ILO-UNICEF 2005, 8). The MoUs was divided into three projects namely BGMEA’s Project 1 and 2 (during the First MoU) and BGMEA Project 3 (during the Second MoU). These three-projects implemented the objectives of the two MoUs. Two additional projects funded by ISPI and NORAD also initiated to achieve the objectives of the two MoUs.

4.4 The First MoU

The first MoU was set up some basic components to remove children from garment industry and enroll them into school: “A target date of 31st October 1995 was set for the removal of all children and their placement in the schooling program” (ILO-IPEC 2004, 8). The main components of first MoU are given below:

- Fact finding survey
- Removal of under-aged workers should be stopped until the education program was in place
- Launching an education program funded by UNICEF and BGMEA
- Promoting monitoring and verification program lead by ILO
- Income maintenance program funded by ILO and BGMEA and
- Set up an informal Steering Committee to coordinate the whole program

An initial survey was conducted by ILO, BGMEA and UNICEF from August to November 1995 to find out the under-aged children from the garment industry and the survey “identified 9,546 under-aged children” (ILO-IPEC 2004, 9). Two projects were initiated to achieve the objectives of the First MoU and it ended in 2000. These two projects are following: -

4.4.1 BGMEA Phase 1 Project

The BGMEA phase 1 project was supposed to be launched in October 1995 but it only came into force in July 1996: “The project document for the ILO components; the verification and monitoring system for the elimination and prevention of child labor in BGMEA factories and placement of workers in the school programs (often referred to as BGMEA Phase 1) was under preparation from

August 1995 until May 1996” (ILO-IPEC 2004, 9). The project was initiated in July 1996 with an implementation period of 2 years. The project was set up based on three objectives:

- “Establish and implement an experimental monitoring and verification system to remove children and prevent new children from entering garment industry
- Removal of 10,000 child workers who is under 14 years old
- Increased awareness within and outside Bangladesh on the purpose, progress and achievements of the monitoring and verification system” (ILO-IPEC 2004, 9).

Phase 1 of the project also gave priority to set up schools: “The first school was established in January 1996 by UNICEF and by August 1996, 2200 children had been enrolled in the school” (ILO-IPEC 2004, 9). After the inception first MoU, the partners fixed October 1995 as a deadline to remove all the under-aged children but due to the slow implementation of the project “the US Embassy fixed, in October 1996, a new deadline to remove under-aged children” (ILO-IPEC 2004, 9). Therefore, the Intensive Child Collection Drive (ICCD) was carried out prior to the deadline (October 1996) and found “5,674 under-aged children” (ILO-IPEC 2004, 9) working in the garment factories. This is the first attempt taken by the partners of the MoUs to fulfil phase 1 project objectives. The project documents indicated that “the monitoring system was carried out by 30 ILO monitors with 10 Government factories inspectors” (ILO-IPEC 2004, 9). However, the ICCD stated that “the monitoring system was carried out by 46 ILO, 14 BGMEA and 14 Government monitors” (ILO-IPEC 2004, 9).

4.4.2 Incentive for enrolled children

Some incentive programs were undertaken for the children during the phase 1 project. Children were given taka 300 (300-taka equivalent to 4 dollar) as a monthly stipend. This was first incentive program for the children enrolled in school. The partners also introduced other incentive programs like completely free primary education, a food supplementation program for the school children (this program never came into force due to lack of donor support) and a general statement about income generating opportunities: “To implement the last of these, ILO and UNICEF submitted a proposal for a project funded by the Italian Social Partners Initiative (ISPI) in June 1997. The project approved in December 1999” (ILO-IPEC 2004, 9). This project was started to implement at the end of first MoU and continued till second MoU. A similar project was also submitted to the Norwegian Agency for Overseas Development (NORAD) in 1998 and the project came into force

in 2000. Skill training programs were also launched as an incentive for the under-aged children who left garment sector. “During the MoU 1, UNICEF has carried out their own skill training program and 1106 ex-garment worker received training” (ILO-IPEC 2004, 9).

4.4.3 BGMEA Phase 2 Project

Phase 2 of the project was crucial for the partners in terms of achieving project objectives. The implementation of phase 1 was very slow due to lack of previous project preparation. Moreover, there were resource crisis due to problems of mobilizing adequate resource and some of the incentive programs like food supplementary program was never implemented. Therefore, Phase 2 of the project tried to overcome those constraints. However, the key areas of the Phase 2 were strengthening the monitoring and verification systems and work oriented education: “The project was ‘mainstreaming’ the verification and monitoring system for the elimination and prevention of child labor in garment factories, strengthening education program and establishing vocational training program” (ILO-IPEC 2004, 9). The United States Department of Labor(USDOL) was the key donor to implement Phase 2 of the project. The project commenced in July 1998 and had a duration for 2 years. In phase 2 of the project, the partners wanted to set up an independent monitoring system and handover to BGMEA: “It was envisaged that at the end of project period, a monitoring system in which BGMEA and the government are participating, should be in place and be able to take over” (ILO-IPEC 2004, 10). The handover of the monitoring system to BGMEA monitors was supposed to include several activities. These 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” (ILO-IPEC 2004, 10).

The first MoU had some shortcomings to enroll all the removed children into schooling programs and it also faced a lot of challenges in monitoring and verification systems. At the end of the first MoU, BGMEA monitors were not ready to take the charge of the monitoring and verification system and a limited alternative program was initiated to rehabilitate the child workers. Therefore, it was necessary to sign a new MoU and keep working to achieve the objectives of the first MoU that was not yet achieved.

4.5 The Second MoU

The second MoU was signed in order to carry out the unfulfilled objectives of the first MoU. It was signed in July 2000 with duration of one year until June 2001 and later, extended until 2003. The priority area of the second MoU was to overcome the monitoring challenges faced in first MoU: “In addition to maintaining the commitments in the first MoU, the second MoU looked to developed long-term response to the problem of child labor monitoring in the garment industry Bangladesh” (ILO-IPEC 2004, 10). The main components of the second MoU are given below: -

- Promoting on-going monitoring and verification system
- Set up long-term collaboration with the government
- Continued education support
- Skill training and
- Transferring the monitoring system to another appropriate entity

Most importantly the partners decided to discontinue the monthly stipend of 300 Taka during second MoU. Therefore, it seems that the children lost their interest in attending school as an alternative to work. Still, the partners started to implement the BGMEA a phase three of the project to achieve the objectives of second MoU.

4.5.1 BGMEA Phase 3 Project

Phase 3 of the project was funded by USDOL and BGMEA. Phase 3 project tried to overcome the monitoring challenges and implement a sustainable monitoring system: “The project continuing the child labor monitoring and education components, and prepare for the integration into a broader project in the garment export industry in Bangladesh” (ILO-IPEC 2004, 11). Phase 3 of the project was started in May 2001 and continued until February 2002, lasting for ten months. The objectives of the Phase 3 project were as follows: -

- “The achievements of the monitoring system are maintained and expanded
- Appropriate education and skill training is offered to child workers through learning centers
- Social protection is offered in the form of skill training and income compensation
- The monitoring and verification system is included as an integral part of a new project covering labor relation and working conditions

- BGMEA partners are prepared to handle the monitoring system without technical assistance and
- Implementation of the project improved through the strengthening of its management and the gathering of relevant information on ex-child workers” (ILO-IPEC 2004, 11).

The achievements of the second MoU will be discussed in the assessment section below. Two projects, namely income generating and child labor rehabilitation projects, were initiated during the first MoU funded by ISPI and NORAD and these two-projects continued during the second MoU because the objectives of the second MoU was similar with these projects.

4.5.2 The Income Generating project by ISPI

ISPI (Italian Social Partners Initiatives) income generating project came into operation in 1999 and was supposed to finish in 2000 but it was extended until 2003 because its objectives matched with the objectives of the second MoU. The ISPI project’s immediate objectives were to-

- Contribute to eliminate child labor free industry
- Contribute to improvement of family’s economic situation through skill training, entrepreneurship development and access to micro-credit

In relation to its objectives, the ISPI project attempted to give skill training for 700 child workers and micro-credit access for 100 families.

4.5.3 The Integrated Child Labor Rehabilitation Project

This project was funded by NORAD and came into operation in 2000. The project was planned for 2 years but later it was extended until December 2003. The immediate objectives of this project were-

- Transforming the child workers into skilled manpower and
- Alleviating poverty and gradually eliminating child labor

The NORAD project “attempted to provide skill training for 3,350 MoU children and enhance the income of 1,116 families” (ILO-IPEC 2004, 12). In July 2001, it was revised and 1,800 MoU children with their siblings were targeted to provide skill training. It also fixed a goal to provide micro-credit for 300 families instead of 1,116. Finally, the three major components were set up during this project. These were-

- Providing skill training for ex-child workers
- Entrepreneurship training for children and family members and
- Micro-credit program for the selected families of child workers.

4.6 Assessment of MoUs to Bring its Objectives

The MoU was a tripartite structured agreement and reflected some outstanding objectives. Child labor was common in the garment sector during and before 1990s. The socio-economic reality of Bangladesh brought (and still brings) under-aged children to work. The two MoUs, in great part, was the result of continued international pressure to eliminate child labor. It attempted to remove all the under-aged children from garment industry and bring them to alternative programs and activities. However, BGMEA had started to remove under-aged children from the garment industry before the first MoU was signed. It is estimated by ILO that “40,000 to 50,000 children were dismissed before and after the inception of MoU” (ILO 2004, 17). Nielsen (2005), Smestad (2009), Khanam (2003), Linn (2012) also mentioned the same numbers. Some reports mentioned that 70,000 to 80,000 children were dismissed from the industry. In fact, due to lack of accurate and reliable information the exact amount about numbers of children working in the garment industry varies.

The main challenges of the MoUs were to bring all those children into a rehabilitation program. The partners of the two MoUs offered many alternative programs to serve the best interest of the children. Therefore, the assessment part will focus the specific goals set up in different projects and discuss the actual achievements. It is important to assess the goals regarding achievements because it envisaged that the achievement of the goals would help to reduce child labor from the garment industry.

4.6.1 Education enrollment and achievements of the MoUs

The primary objective of the MoUs was to remove children from garment industry and enroll them into schooling program. However, the schooling programs was not set up for all the children that were removed from garment industry. For example, children who had primary education were not eligible for schooling programs: “Children who were over 13 years old, and those that may already have attended primary school may not have been candidates for MoU schools” (UNICEF and ILO 2004, 10). In addition, a limited number of children got education from MoUs schools and many

children were out of schooling programs. Various study confirmed that more than 50,000 children were dismissed from the garment industry but “ILO’s intensive and ongoing monitoring and verification process identified only 27,951 child workers during the period of August 1995 to December 2001 and among them 8,517 children were enrolled in schooling programs” (UNICEF and ILO, 2004, 10). This report suggests that only 30% children were enrolled into the MoUs school and there was lack of reliable information about the number of children completed education. It seems that it is only 13%, if 50,000 children were dismissed from the garment factories. Therefore, many children were not benefited from education programs initiated by the partners.

There are many factors which discouraged children to attend MoU schools. The prime factor should be the socio-economic reality of Bangladesh. UNICEF and ILO reports stated that “the factors preventing children were lack of schools, poverty and lack of awareness of the MoUs programs and stipends” (UNICEF and ILO 2004, 10). According to this report, partners did not take proper steps to make awareness among the children about the benefit of attending schools. Shahina, Quayes and Janet (2004) described this situation as lack of coordination between the partners. Moreover, the stipends (Taka 300 per month equivalent to 4 Dollar), offered to children, was not enough to attract children to enroll in school. Khanam (2003) mentioned that a child worker could easily earn Taka 1,000 per month (equivalent to 12 Dollar) in 1990s. Therefore, it seems that children preferred working than continue schooling: “The irregularity and non-receipt of stipends was also a key factor in children dropping out from MoUs school” (Shahina, Quayes and Janet 2004, 60). Moreover, Phase 3 of the project decided to discontinue the stipends. As a result, “most of the families of the children who lost their jobs in the garment factories and who went to MoUs schools suffered a significant income loss” (UNICEF and ILO 2004, 13). Therefore, it seems that this decision motivated children to leave school and a limited number of children were benefiting from the education program.

4.6.2 Skill Training

Skill training was introduced as a part of long-term sustainable income maintenance for the children. However, the access for skill training was limited for the children: “To enroll in the skills training program, children had to be enrolled in and regularly attended a MoU school for two years, be not less than 13 years old and preferably over 14” (UNICEF and ILO 2004, 11). Most of the

children working in the garment factories is between the age of 5 to 14. Banu, Shahjahan and Subhlok (1998) mention that children, who are between age of 5 and 14, are active in Bangladeshi labor market including the garments sector. Therefore, a certain number of children will not be able to take the skill training in the first stage. On the other hand, this study found that a limited number of removed children were enrolled into schooling programs yet there was lack of available data about the number of children who completed two years schooling programs. Therefore, it seems that the criteria set for skill training helped a limited number of children to receive skill training and benefited for long-term income maintenance: “A total number of 2,692 children (1,345 girls and 1,347 boys) received skill and vocational training during the operations of two MoUs” (ILO-IPEC 2004, 13). This was only 25% of the children enrolled into schooling program and around 5% (of 50,000) of children removed from the industry. In most of the cases, it is seen that the alternative programs took long time to come into force. Therefore, the delay in implementation of the alternative programs also limited the numbers of children benefiting from the programs: “The delay in providing the necessary assistance, at the time when children were leaving the factories and actively seeking alternative, was one of the reason for relatively small number of children benefited from the skill training” (UNICEF and ILO 2004, 11). Therefore, it seems that skill training program had limited achievements in terms of number of children were benefited from the programs.

4.6.3 Monitoring and Verification System

The monitoring and verification system was the key instrument of MoUs to find out and remove children from garment industry: “The role of the monitoring team was to inspect the garment factories for under-aged workers, to arrange for their removal and transfer to MoU school; to do a follow-up inspection of the schools to ensure the transfer had been made; and to counsel both employers and workers on the child labor and child protection laws” (UNICEF and ILO 2004, 11). It is no doubt that monitoring and verification teams played an important role during the operation of two MoUs. However, only 12 monitoring teams were in operation from December 1996 until the end of second MoU. Each team consisted of two ILO monitors, one government and one BGMEA members. Each team included at least one female member. However, “there was no trade unions or NGO representatives on these teams due to BGMEA’s claims that these group lacks objectivity” (UNICEF and ILO 2004, 11). It seems that BGMEA motivated not to include social

groups and finally, the monitoring team avoided the social groups and most importantly the worker unions. As a result, the total monitoring system partly lost its credibility. Moreover, 12 monitoring teams was not capable enough to reach around 3,500 registered garments, though the monitoring team introduced a better system to remove child labor from the garment industry. The monitoring teams graded the garment factories into three categories: “They were graded A, B and C, according to whether violations had been previously found or not. Those in category A were visited every 4 month, B every 2 month and C in one month” (UNICEF and ILO 2004, 12). The child labor violation turned the factory into grade C and three clear inspections report about not violating child labor turned the factory into grade A. This attempt changed the situation and brought positive outcomes to abolish child labor: “In 1997, 42% garment were in grade A. This rose to 89 in 2001 and by 2003, 92% were in grade A. Therefore, it seems that the monitoring system was effective to remove child worker from garment industry. Indeed “there has been a continuous decline in child labor in the garment industry since the MoU was signed in 1995. By 2001, around 7% of factories were employing child labor, and in 2003, this was down to around 1%” (UNICEF and ILO 2004, 12). Shahina, Quyes and Janet (2004), Nielson (2005), Holmstein (2012) also stated that child labor in the formal garment was virtually zero but they also warned that it is not completely disappeared because *informal* garment is still employing the child worker.

4.6.4 Co-ordination of the Project

The MoU’s entire project was coordinated by three committees: - I will assess the performance of these three committees in the following subsection 4.6.4.1 – 4.6.4.3.

4.6.4.1 MoUs Steering Committee

The MoUs established the MoU Steering Committee to deal with the proper implementation of the projects. The members were ILO, BGMEA, UNICEF, the GoB and the US Embassy as an observer. However, no organization was specified for chair until the second MoU: “In the first MoU, no organization is specified as the chair and in the second MoU, it is stated that ILO will chair the committee and will convene meeting once a month” (ILO-IPEC 2004, 17). The second MoU also stated that there will be six-monthly steering committee meeting during its time: “Although the MoU 2 project document stated that, the project will organize six-monthly MoU-2 Steering Committee meeting” (ILO-IPEC 2004, 17). However, coordination to arrange a meeting between the partners was very poor: “Initially meeting was held very regularly, and by October 1996 there

had been 26 meetings. The regularity of the meeting dropped 4 in 1997, 3 in 1998 and 99. The final meeting was held in April 2000” (ILO-IPEC 2004,17). The regular meeting is promoting the proper implementation of the project. It is the best way to overcome the shortcomings of the project: “The meeting provided an effective forum for the partners to meet and discuss achievements and constraints at the policy level” (ILO-IPEC 2004, 17). The second MoU signed in June 2000 and this year was the bridging year between the two MoUs. However, there was no record of Steering Committee meeting during the second MoU and “there was no adequate explanation why the Steering Committee did not meet during that period” (ILO-IPEC 2004, 17). ILO stated that they did not meet during the Second MoU because they had no project: “The reason given for the lack of any meeting of the Steering Committee during the second MoU is that there was no approved ILO/IPEC project for most of the time” (ILO-IPEC 2004, 17).

The late implementation of the MoUs project motivated children to leave school and find another job. This situation drive UNICEF a less important partner in MoUs schooling projects: “As the member of children in school was quite small, the MoU project had become relatively insignificant for UNICEF but it was still an important program for the other two partners and ILO had a (Chief Technical Advisor, CTA) in post until January 2001” (ILO-IPEC 2004, 17). The lack of Steering Committee meeting had negative impact on the management and project implementation: “The consequence of this, committee failing to meet since April 2000, is that there has been no management of the second MoU” (ILO-IPEC 2004, 17). Although it is not possible to directly measure any failing in the project implementation but there were some areas where “it is likely to have contributed to: - the difficulties in fixing the BGMEA financial contribution, the failure to develop a transparent penalty system for child labor violations and the failure to carry out a joint evaluation of the MoU 2 projects as proposed in the project documents” (ILO-IPEC 2004, 17). It seems that there was less effective coordination in both MoUs projects. Therefore, the two MoUs faced lots of coordination problem and the result is project enforcement gap to bring MoUs objectives: “The focus of the MoU and similar initiative has been mainly on the enforcement gap due to lack of coordination” (Neilson 2005, 13).

4.6.4.2 Education Core Group

The Education Core Group (ECG) was mainly responsible for child labor rehabilitation programs like education program: “The meeting, sometimes called the ‘MoU Core Group on Social

Assistance' coordinated the rehabilitation work of the projects and was focused on implementation issues" (ILO-IPEC 2004, 18). The members were: - UNICEF, ILO, BGMEA and the education providers like NGO's. The meeting of this group was held regularly: "This group meet regularly every 2 to 4 months in 2000 until 2001 with a final meeting in March 2002" (ILO-IPEC 2004, 18). However, UNICEF was a member of Education Core Group but not a part of education activities during second MoU: "By this time, UNICEF and Bangladesh Rural Advancement Committee, BRAC (a leading NGO in Bangladesh) were no longer involved in Education Activities as the member of the children in school was small" (ILO-IPEC 2004, 18). It seems that there was effective coordination between the members of the group for one year. However, ECG lost its appeal when the main education partners, UNICEF and BRAC, had left the education activities due to the small number of children in the schools.

4.6.4.3 The Joint Technical Action Group (JTAG)

JTAG was mentioned as an independent team to assess the implementation of the various project and send a report to ILO/IPEC and UNICEF as well: "The ISPI and NORAD funded extended components projects document states that at the end of the project cycle an independent team would assess the quality of the implementation of the various project components and would report directly to ILO/IPEC and UNICEF" (ILO-IPEC 2004, 8). The project document stated that they would assess the program in an integrated way. "In March 2002, ILO and UNICEF representatives met for the first and only meeting of JTAG and prepared the framework for Joint Assessment of MoUs project between ILO/IPEC and UNICEF" (ILO-IPEC 2004, 8). The meeting was less effective due to the absence of BGMEA: "The first meeting can only be a preliminary meeting as it only included ILO and UNICEF; BGMEA were not involved" (ILO-IPEC 2004, 18). Therefore, it seems that the JTAG failed to form an independent team including all the partners and it was a sign of lack of co-ordination between the partners.

4.6.4.4 Preparation and Approval of the Project

There were three BGMEA projects and two additional project funded by ISPI and NORAD. The first BGMEA project maintained only monitoring and verification work. Phase 2 of the project carried importance due to its rehabilitation purpose. It was supposed to funded by the United States Department of the Labor (USDOL). Literally, Phase 2 of the project was completed in June 2000 but the project was formally approved in first week of May 2001. Still, there was a problem with

funding: “Despite the approval, there were ongoing discussion with the donor about the budget until at least November 2001” (ILO-IPEC 2004, 13). Therefore, this project did not initiate any activities due to the lack of funding: “The Technical progress report of September 2001 warned that the project was unlikely to achieve its objectives due to the non-availability of funds” (ILO-IPEC 2004, 13). The consequences of lack of funding of USDOL project (Phase 2 of the project) were as follows: “Between July 2000 and May 2001, there was a bridging period of two MoU with no funding, the project was maintained during this period with no specific initiatives, and no work initiated on activities other than the monitoring and verification until after January 2002 (the project completion date)” (ILO-IPEC 2004, 13). Therefore, it seems that the delay of the project approval and lack of funding initiated no major rehabilitation activities during the BGMEA phase 2 project.

4.6.4.5 The ISPI and NORAD Funded Project

The ISPI and NORAD extended components was part of the first MoU but later it was a part of the second MoU as well. The first proposal for the ISPI, joint ILO/UNICEF project, was submitted in June 1997. However, the project was not coordinated properly among these parties and there were made major changes in objectives of the project without consulting UNICEF: “Changes were made by ILO without consulting UNICEF and agreement between the two partners on the revised documents reached in April 1998” (ILO-IPEC 2004, 13). The revision of the project objectives was essential because ISPI identified some issues related to project funding: “The ISPI was reluctant to fulfil the project budget due to politicized trade unions in Bangladesh” (ILO-IPEC 2004, 13). After the long revision and bargaining, the project started in 1999. The delay of the project implementation had a negative impact on project objectives: “The consequences of these delay was that many of the children it was designed to assist had left the schools at 14 years and were either in work or were no longer traceable” (ILO-IPEC 2004, 13). Therefore, it seems that a limited number of children had taken the advantages of rehabilitation programs due to the delay of the project.

The NORAD funded project was also delayed like ISPI. The first draft of this project submitted in December 1998. It was expected that the project would come into operation in December 1999 but it came into operation in September 2000. The consequences of the delay project are same as ISPI project. Therefore, it seems that “preparation and approval of project can take a long time, and

where there are more than one implementing partners, are likely to take even longer. This can have serious consequences on the achievement of the project objectives” (ILO-IPEC 2004, 14).

4.6.5 Management of the Projects

The first year of first MoU was maintained an effective management with 26 Steering Committee meeting but after that it became ineffective and it was continued till second MoU: “The last meeting of the MoU Steering Committee was on 25th April 2000. So, there has been no management of the second MoU” (ILO-IPEC 2004, 15). Therefore, the BGMEA phase 3 project faced a lot of challenges due to the lack of management.

4.6.5.1 BGMEA Phase 3 Project’s Management

An ILO Chief Technical Advisor (CTA) was in post from April 2000 until January 2001: “This covered most of the period of the bridging phase of two MoUs and the preparation of the document” (ILO-IPEC 2004, 15). However, there was no CTA during the period of second MoU Phase 3 project. Therefore, there was no special meeting arranged to deal with the phase 3 project: “There was no record that any specific arrangement was made by ILO/IPEC and during the period when there was no CTA” (ILO-IPEC 2004, 15). The team work was initiated by the senior member of the project staff but “there was no changes made to his position or to his job description” (ILO-IPEC 2004, 15). There was a lot of warning from the project status report that lack of CTA can hamper the project objectives: “The project Status Report of March 2001 warns that the absence of the CTA during the rest of the project was likely to adversely affect project outputs” (ILO-IPEC 2004, 15). The consequences of the absence of CTA were negatively impact on the project outputs: “It is likely that the absence of project management contributed to the lack of management of the second MoU, to the failure to handover the child labor monitoring to BGMEA and to reduce amount and late payment of the BGMEA financial contribution. It also contributed to the long delays in providing the monitoring manual” (ILO-IPEC 2004, 15). Therefore, it seems that lack of management had a negative impact on phase 3 project objectives.

4.6.5.2 Management and Coordination of ISPI and NORAD Funded Additional Projects

The management and coordination of ISPI and NORAD extended components was well organized. The ISPI and NORAD funded projects “have a sound knowledge base and ability to react to demands of the projects in an informed and mature fashion” (ILO-IPEC 2004, 15). The projects

documents stated that “the absence of CTA in MoU did not have adverse effects” (ILO-IPEC 2004, 15). Both projects maintained regular meeting, discussed issues and measured the progress of the projects. “The reporting system on field operation was clear” (ILO-IPEC 2004, 15). However, there was a lack of mutual experience sharing between the two projects: “Mutually cooperative experience sharing between the two projects seems limited” (ILO-IPEC 2004, 15). Therefore, it seems that the management and coordination of the ISPI and NORAD extended components was well organized though there was lack of cooperation between them.

There are also some issues needed to be count for the assessment of MoUs in relation to achieve its objectives. Firstly, the MoUs only covered the registered garment factories (formal sector). Therefore, it indicated that around 20,000 unregistered garments (informal garment) were out of the jurisdiction of MoU. Khanam (2003) stated that “the number of informal garment should be more than 50,000” (Khanam 2003, 14). These informal garments were the center of child worker after the inception of MoU and even now. The informal garment sub-contract the order from the formal garment and supply the products by using child worker. “BGMEA does acknowledge that sub-contracting of order between factories does occur, but only between the registered garment” (ILO-IPEC 2004, 10). Secondly, in many cases, the under-aged workers who removed from garment industry found themselves in more hazardous situation due to the lack of proper implementation of alternative programs: “There has been considerable speculation and reporting, which continuous to this day, that a considerable number of children were forced into hazardous work, in particular-sex works” (UNICEF and ILO 2004, 13). It seems that two categories children, children who did not go to school or children who dropout from the MoUs school, found themselves in hazardous situation. Therefore, the rights and the best interest of the children fell in threat.

Thirdly, the consequent loss of income, due to removal of children from work, without adequate compensation have an adverse effect on the children’s welfare: “Most of the children-around 80% reported that their food consumption was reduced when they lost their jobs in the garment industry” (Holmstein 2012, 67). Losing job also adversely affected their treatment: “Losing a job affected their access to health” (UNICEF and ILO 2004, 14). Therefore, it seems that children who lost their job also fell in a welfare threat.

4.7 Findings regarding Research Question

This study is dealing with “to what extent the two MoUs was successful” and it seems from the study that the MoUs have achieved limited success. It is found from the study that BGMEA declared there is no child worker in formal garment. However, it is proved from the study that child labor is not completely disappeared from the formal sector. Moreover, the informal sector is still employing child worker. This sector was excluded from MoUs jurisdiction. Therefore, the removed children had easy access to informal sector though there is no evidence available about the number of children working in the informal sector after the inception of MoUs. Monitoring and verification was very much effective to remove children. The monitoring and verification teams worked hard during the two MoUs and identified almost thirty thousand children working in the formal garment factories. They took proper steps to remove them and tried to bring them into schooling programs. However, there were limited numbers (12 teams) of monitoring and verification teams. It was quite difficult to reach around 3,500 registered garments with 12 teams. Moreover, there were no trade unions, NGO worker or a civil society member in monitoring and verification teams. The tripartite model suggested that the involvement of these group in monitoring and verification systems can bring positives outcomes. The case of Tajikistan proved it. Therefore, it seems that absence of these actors was weakening the monitoring and verification system.

The monitoring and verification system successfully removed children from garment industry but it failed to bring all the children to rehabilitate programs. It is found from the study that only a limited number of children went to MoUs school and complete the education. Mafizur, Absar and Khanam (2004) stated that “the MoU schooling program for the terminated children was inadequate” (Mafizur, Absar and Khanam 2004, 12). The MoUs also established a limited number of schools for the children. The MoUs projects established only 336 schools for almost 30,000(officially identified) children. It means one school had been established for every 90 children which seems quite gathering for the children. Moreover, the children were given a little amount of stipends but it was also discontinued from the second MoU. Therefore, it seems that the decision to discontinue stipends also discouraged children to take education facilities because of their socio-economic reality. Many children, who removed from the garment sector, found themselves in a worst situation. There is a speculation that many of them found in more exploitative

works like prostitution and these children were not a part of MoUs rehabilitation programs. Therefore, they were deprived from their basic rights, namely, right to education.

The good practices discussed in Chapter two suggested that a successful implementation of the project depends on effective coordination between the partners involved in the process. It also depends on sharing experiences and knowledge between the partners. However, it was absent in both MoUs. A Steering Committee was set up during the first MoU to promote the rehabilitation activities for the children. However, it was active for one year after the inception of the MoU. It had limited activities for the rest of the year of first MoU. Moreover, there was lack of Steering Committee's activities in the second MoU. This study also found that there was lack of management in the second MoU. Therefore, these lacking certainly hampered the project activities and implementation. For example, the lack of coordination between the partners in MoUs failed to implement a transparent penalty system for child labor violations.

Most of the MoUs project took long time to come into force. There was always a huge gap between the project approval and enforcement. The donors took long time to approve the project budgets. Moreover, it is found from the study that no rehabilitation work was initiated in phase 2 project except monitoring and verification due to lack of budgets. It had a negative consequence in child rehabilitation programs. For example, it is found from the study that a limited number of children were enrolled in schooling programs due to the delay of projects implementation. The result is that UNICEF and BRAC (leading partners of schooling programs) were not involved in any education activities during the projects implementation of the second MoU. Therefore, it seems that the schooling programs partly lost its credibility and achieved a limited success. It is also found from the study that a limited number of children and families received skill training and micro-credit. The consequences of this would hamper the future employment of the children who were not part of skill training program and the family who were not benefited from micro-credit would encouraged their children to engage in job. Therefore, the child labor rehabilitation programs partially fulfilled its objectives and most of these objectives achieved from ISPI and NORAD funded projects. So, it seems from the study that the MoUs achieved a contingent success.

Concluding Remarks

This study addresses the status of success of MoUs to eliminate child labor from the garment industry Bangladesh. MoU was a tripartite structure of social dialogue. The stakeholders of MoUs came to an agreement to eliminate child labor from the garment industry and enroll them into schools. Monitoring and verification was the key component to remove child labor from the garment industry. Initially, the monitoring and verification system worked well and could remove children from the garment industry. However, there were limited numbers of monitoring and verification teams for large numbers of registered garments. Therefore, it seems that monitoring and verification system was unable to reach all the registered garment factories. Moreover, the monitoring and verification system could not include informal garment factories during the field visits. In short, there was still opportunities to using child labor in informal garment industry and it was demonstrated by the study that the child labor is still employing in the garment industry. The MoUs introduced some rehabilitation programs, like schooling programs, skill training and by providing micro-credit for children's families. Yet, the program received limited success: there was limited numbers of children, in terms of children removed form garment factory work, completed schooling programs and skill training. Moreover, just a limited number of family also received micro-credit to improve their economic conditions and discouraged their under-aged children to do child labor. In addition, many children left school due to late implementation of rehabilitation projects and due to the limited incentives, they were provided. Lack of coordination and management was the key to the limited success of rehabilitation programs. It is found from the study that, in the first year of the first MoU, there was good co-ordination between the partners to implement the programs. Partners were involved in many meetings and organized activities. However, after the years, the co-ordination system broke down due to lack of co-operation between the partners. UNICEF lost its interest due to the small numbers of children presence in the school. BGMEA tried to enforce their own decision for example, it enforced not to take the trade unions in monitoring and verification system. Therefore, the result was poor management in the second MoU. Moreover, due to the lack of management and co-ordination, the second MoU finished its term without making any independent monitoring and verification system for the future. Therefore, it seems from the study that the MoUs achieved only some limited objectives that were set by the two MoUs. Hence, the study concludes that the MoUs achieved a contingent success.

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