


Enemies of the Nation or Human Rights Defenders?

Fighting Poverty Wages in Bangladesh



**SweatFree
Communities**

A Network for Local Action Against Sweatshops

a campaign of International Labor Rights Forum 

First published November 2010. Revised December 2010.

Acknowledgements

We wish to thank the 21st Century ILGWU Heritage Fund for their support of this project.

Writing

Bjorn Claeson

Editing and Proofreading

Liana Foxvog & Lawrence Reichard

Design

Alexandra Harris



A program of the International Labor Rights Forum, SweatFree Communities coordinates a national network of grassroots campaigns that promote humane working conditions in apparel and other labor-intensive global industries. Sweatfree campaigns build broad community support for sweatshop-free government purchasing and help build a market for decent working conditions.

The International Labor Rights Forum (ILRF) is an advocacy organization based in Washington, DC, dedicated to achieving just and humane treatment for workers worldwide. ILRF serves a unique role among human rights organizations as advocates for and with working poor around the world. We believe that all workers have the right to a safe working environment where they are treated with dignity and respect, and where they can organize freely to defend and promote their rights and interests.

SweatFree Communities

30 Blackstone Street

Bangor, ME 04401, USA

Tel: 207-262-7277 | Fax: 207-433-1600

Email: info@sweatfree.org | Web: www.sweatfree.org

Cover photo credits: Activists rally at the Bangladeshi Embassy in Washington, DC, to support the Bangladesh Center for Worker Solidarity, August 2010. Photo: Jessica Jones, ILRF.

The third floor emergency exit in the Garib & Garib factory was padlocked during the fire. Photo: BCWS.

Table of Contents

Preface: Arrest.....	5
Introduction: The Value of Labor Rights Defenders.....	6
Chapter 1: From Child Worker to Worker Rights Leader	9
Chapter 2: Ground Zero in the Global Economy.....	11
Chapter 3: The 2010 Battle over the Minimum Wage	17
Chapter 4: A Portrait of Two Factories.....	22
Chapter 5: Death by Bureaucracy: “A Plan to Vanish Us Forever”	26
Chapter 6: Terror.....	28
Chapter 7: The Stigmatization and Criminalization of BCWS.....	43
Conclusion: Who Is Responsible?.....	46
Endnotes	48

“A young woman I interviewed in a slum in Khilgaon years ago gave me the first taste of what [Bangladeshi garment workers] endure every day. It was subhuman!

“When I told her that despite all the sufferings the garment job had given her freedom and she could call herself independent, she looked puzzled.

“Freedom! Independence!’ she repeated, asking, what that meant.

“I work from morning to midnight; seven days a week’, she said, her voice choking. ‘What kind of freedom is this?’¹

Preface: Arrest

At 2 a.m. on Friday, August 13, 2010, just before dawn of the first morning of the holy month of Ramadan, the infamous Bangladeshi Detective Branch police broke into their place of hiding and arrested Kalpona Akter and Babul Akhter, leaders of the Bangladesh Center for Worker Solidarity (BCWS), a worker rights organization. Several branches of police and security forces had been hunting Kalpona and Babul for two weeks at the time of their arrest, as the government had accused them of inciting worker unrest and violence in the garment industry and pegged them as provocateurs and saboteurs out to undermine the cornerstone of the country's economy. In the words of Prime Minister Sheikh Hasina, they and other labor rights activists had become "enemies of the nation."

The arrest was the culmination of a several month long government campaign to shut down the Bangladesh Center for Worker Solidarity, and part of a larger effort to quell worker resistance to abysmal working conditions and abominably low wages. This campaign was conducted by Bangladeshi government agencies, police, and security forces in cooperation with at least two major Bangladeshi garment factory groups that produce for several large international brands and retailers. The campaign consisted of three elements: first, administrative and financial measures to stifle the organization and exhaust the staff; second, officially sanctioned violence to intimidate, frighten and terrorize the leaders into submission; and third, stigmatization of the organization and its leaders and criminalization of its activities to delegitimize its work and sever the organization from its leaders. Every fabricat-

ed charge against the organization—that the BCWS leaders had manipulated otherwise content workers to riot and commit violent acts—was repeated continuously in print and television media by a variety of government officials over a period of several months. These charges ignored and diminished workers' real grievances as though their low wages and brutal working conditions, widely acknowledged to be among the worst in the world, could not possibly explain or justify their protests.

This is the story of how the Bangladesh Center for Worker Solidarity and their leaders became "enemies of the nation," and how they fought for their own and their organization's survival. Their strategy included bearing witness to their persecution and relaying to us day-by-day accounts that we posted on our website and shared with U.S. activists and those in position to influence Bangladeshi authorities. Needless to say this was not work we expected to undertake when, in late 2009, we began a new project with BCWS focused on researching working conditions in Bangladeshi apparel factories and raising awareness of labor rights violations in the United States. In fact, just as we expected to receive the first research data from BCWS they instead wrote that they had "very bad news." This marked only the beginning of the grave harassment that they faced, and are still facing as we write this.

We are convinced that freedom for those who expose the violations of others' human rights and labor rights is fundamental to the achievement of those rights. We hope that this story will help bring justice for the leaders and staff of BCWS and, in so doing, advance the cause of Bangladeshi garment workers who seek only the basic dignity of decent work and good wages.



Babul, speaking out for workers' rights at a labor convention, prior to his arrest. Photo: BCWS.

Introduction: The Value of Labor Rights Defenders

Founded in 2001 by three former garment workers, the Bangladesh Center for Worker Solidarity (BCWS) is one of Bangladesh's most prominent labor rights advocacy organizations. Based in the Bangladeshi capital of Dhaka, with five offices and 31 staff, it conducts labor rights education and leadership training for garment workers and engages in labor rights advocacy. The organization is highly regarded by labor rights advocates worldwide and by apparel companies as well. Levi Strauss & Co. has called BCWS "a globally respected labor rights organization, which has played a vital role in documenting and working to remedy labor violations in the apparel industry in Bangladesh."²

In early 2010 BCWS responded to requests from workers at two of Bangladesh's largest garment factories to provide labor rights education and assist them in organizing a union. Workers at both factories told BCWS that plant managers had threatened them with arrest and false criminal charges were they to continue their protests. Plant managers made good on their threats when they fabricated criminal charges against worker leaders and BCWS staff, and tried to shut down the BCWS.

When the Government of Bangladesh launched the campaign against BCWS, arrested its leaders, and falsely charged them with participating in and fomenting worker unrest and violence, the international community of labor rights and human rights advocates responded rapidly. Labor rights groups launched urgent action alerts in the United States, Canada, and across Europe. Human Rights Watch wrote a well-publicized letter of protest to Prime Minister Hasina of Bangladesh and Amnesty In-



Labor activists rally in front of the Bangladeshi Embassy in Washington, DC, in support of the Bangladesh Center for Worker Solidarity. Photo: Michelle Petrotta.

ternational mobilized its powerful urgent alert network, raising concern about the treatment of the detained BCWS leaders. Prompted by activists in their home countries, U.S. and European diplomats in Dhaka investigated the crackdown on BCWS, and advocated for fair treatment and due process of

law. In the United States the AFL-CIO organized demonstrations at the Bangladeshi Embassy in Washington, D.C., and representatives of community groups advocated with the Consul General of Bangladesh in Los Angeles.

Local unions and labor rights activists targeted major retailers and brands that purchase apparel made in Bangladesh, urging them to stop doing business with the two factory conglomerates that instigated the persecution against BCWS until all charges against the BCWS leaders were dropped.

Nineteen members of Congress sent a joint letter to six major apparel retailers expressing the same

Everyone has the right, individually and in association with others, to promote and to strive for the protection of human rights and fundamental freedoms at the national and international levels.

--Article 1, the United Nations Declaration on Human Rights Defenders

demand and the American Apparel and Footwear Association wrote to the Bangladeshi ambassador to the United States, expressing grave concern about the treatment of BCWS staff members. The letter noted that reports of harassment, intimidation, and arrest of workers and labor rights leaders caused “serious apprehension among our members, many of whom are major buyers and producers of garments from Bangladesh.”³

Thanks to this international pressure campaign, Bangladeshi authorities released the BCWS leaders on bail. However, government authorities and industry leaders have responded with indignation to the demand that charges against BCWS be dropped. One of the factory conglomerates targeted in the Congressional letter claimed, not only were they not responsible for bringing charges against BCWS, but in 26 years of operation there had been “no instance...that the factories are not complying with the Labour Laws of the Country in all respect[s].” They warned that the Congressional letter “may affect the business of the company and in such case the fate of 15 (fifteen) thousand workers will be uncertain.”⁴ Similarly, the Ambassador of Bangladesh to the United States, Akramul Qader, wrote to Congressman Phil Hare, leader of the Congressional letter: “I would like to stress the fact that the fate of the millions of Bangladeshi poor women workers hinges on garment production and suspension of orders by the major retailers will in no way serve the interest of the common workers.”⁵

We do not question the value of the garment industry to workers in Bangladesh. But the fate of those workers does not hinge on orders alone. They need decent wages and humane working conditions. They need to know their rights and understand how to organize to realize those rights. Labor rights defenders such as BCWS play an indispensable role in helping to create a better life for the millions of poor women in Bangladesh who work in the garment industry. The Bangladeshi govern-

ment should protect the freedom to advocate for workers’ rights and decent wages. Guaranteeing the civil and political rights of labor rights groups such as BCWS is essential to protecting workers’ rights to decent work and a secure livelihood.

But in Bangladesh and elsewhere human rights and labor rights defenders are often stigmatized as criminals. According to the United Nations, human rights defenders in every region of the world are subject to violations of their human rights. They are subjected to executions, beatings, torture, arbitrary arrest and detention, death threats, harassment, false accusations, and unfair trial and conviction. Both individuals and organizations are targeted, and sometimes family members are used as surrogates to apply pressure on human rights defenders.⁶

In her December 2009 report to the Human Rights Council on the situation of human rights defenders, the United Nations Special Rapporteur, Margaret Sekaggya, confirmed the “continuous insecurity faced by human rights defenders.” The Special Rapporteur worried particularly about the stigmatization of human rights defenders, noting “growing characterization of human rights defenders as ‘terrorists,’ ‘enemies of the State,’ and ‘political opponents’ by State authorities and State-owned media” to delegitimize their work. She condemned the criminalization of human rights defenders’ activities, observing that states increasingly resort to legal action, arresting and prosecuting human rights defenders on false charges or detaining them without a charge, in order to silence them. “In many countries,” she wrote, “trade unionists, members of NGOs and social movements face repeated arrests and criminal proceedings for charges of ‘forming criminal gangs,’ ‘obstructing public roads,’ ‘inciting crime,’ ‘creating civil disobedience’ or ‘threatening the State security, public safety or the protection of health or morals.” Arrest and detention aggravate the stigmatization of human rights defenders who are depicted



BCWS's daily work involves educating garment workers about their rights. This audience gathered to hear from BCWS on International Women's Day, March 8, 2010. Photo: BCWS.

as criminals and troublemakers in the media.⁷

The persecution of BCWS and its leaders exemplifies this stigmatization and criminalization of human rights defenders and their activities. Yet the activities BCWS conducts are fully legal and protected by the United Nations Declaration on Human Rights Defenders. The Declaration affirms the value and legitimacy of the work of human rights defenders in seeking to protect people's civil and political rights and realize their economic, social, and cultural rights. Adopted by consensus by the United Nations General Assembly in 1998, all member states, including Bangladesh, are committed to implementing the Declaration.

According to the Declaration, groups such as BCWS have the right to seek the protection and realization of workers' rights (Article 1); to operate as non-governmental organization for this purpose (Article 5); meet and assemble peacefully (Article 5); to seek, obtain, receive and hold information relating to workers' rights (Article 6); to complain about official policies and acts without retaliation (Article 9); to have unhindered access to and communication

with non-governmental and intergovernmental organizations (Article 5); and to solicit, receive and utilize resources for the purpose of protecting workers' rights (Article 13). The rights of BCWS staff are being violated under each one of these articles.

The government has prime responsibility for ensuring the rights of human rights defenders. It is responsible for adopting legislative and administrative steps to ensure the effective implementation of the rights and freedoms in the Declaration (Article 2). The government is also responsible for conducting prompt and impartial investigations of alleged violations of the Declaration, providing effective remedy for persons whose rights have been violated (Article 9), and protecting human rights defenders against violence, threats, retaliation, adverse discrimination, or pressure as a consequence of their legitimate exercise of rights under the Declaration (Article 12). Unfortunately the Government of Bangladesh is not protecting BCWS's rights under the Declaration.

Unless the baseless charges against BCWS leaders are withdrawn and the organization's legitimate function as a human rights defender is restored, efforts to address the pervasive labor rights abuses in Bangladesh's garment sector will be crippled. The chilling message would be that garment manufacturers can with impunity violate the basic rights of their workers, and orchestrate the imprisonment of advocates who seek to help workers address these abuses. It would signal that the retaliatory detention and physical abuse of labor rights advocates is an accepted means of doing business in the Bangladeshi garment industry. This message would deprive workers of hope and a path to decent working conditions and may also tarnish factories and brands in the eyes of labor rights observers and consumers, with potentially dire consequences for the industry.

Chapter 1: From Child Worker to Worker Rights Leader⁸

“I started working when I was just twelve and a half years old,” says Kalpona. The year was 1988. Her father, a construction contractor, had taken ill and was unable to work. “I was the eldest of four sisters and a brother. Schooling was the last thing on my mother’s mind. She wanted food to feed the family. So me and my mother decided to work in the garment factory.

“After six months my mother had problems with her kidneys. So then my ten and a half year old brother started working with me in my factory as a sewing machine helper.

“I have four sisters, one brother, and my mother. So we were seven. But what we used to earn—me six dollars, my brother six dollars, maybe up to 15 dollars maximum a month—it was really nothing for my family. Many days we didn’t have food at home though we did have jobs in the garment factory. If my mother had been paid 60 dollars instead of six dollars my sisters and brother could have finished school instead of working in the factory.

“We had to work long hours, 14 to 15 hours per day. Sometimes we worked 21 hour shifts 23 days in a row. And it was forced work, not voluntary. We had to sleep on the floor of the factory which was quite impossible.

“When I was a sewing machine helper I had to stand up the whole day—even if it was a 21 hour shift—just stand up, the whole day, in front of the machine.

“We had to use the water from the restrooms for washing as well as drinking. And we had to use a toilet card in order to use the toilet. There was only one card for 50 workers.

“Up to 1994, I didn’t have any idea of labor law. I just knew there was my home where I could sleep

for a while and see my mother, brother, and sisters. And there was another place where I spent most of my time—my factory. So there were the two things in my life.

“But in 1994 the factory manager said, ‘We cannot pay overtime like we used to pay you. We’ll pay you less.’ And I said, ‘No way.’ At the same time

some workers in other factories in another part of town were protesting and starting to raise their voices. And then we went on strike in our factory though we didn’t know if it was legal or illegal. And I started to learn about labor law. And the very first day of learning about labor law I had a feeling this was my second life. ‘Oh my gosh, there is a law,’ I discovered. ‘And how they’ve been cheating us!’

“At that time I was married to somebody—it was an arranged marriage. Unfortunately, that person was a relative of the factory owner. So after that labor law class, my husband informed the owner



Kalpona rallies workers at the International Women’s Day Celebration, March 8, 2010. Photo: BCWS.

I had been to a labor law class and learned some things that were not good for the company. My husband beat me. ‘Why had I been there?’ he demanded. But I didn’t stop.”

Kalpona attempted to organize the workers in her factory into a union. But the factory owner fired her and got her blacklisted, preventing her from obtaining work in other garment factories. At the same time Kalpona divorced her husband and moved in with her mother. She focused on educating herself in labor law, learning English, and acquiring computer skills.

Then in 2000 Kalpona and two other former garment workers were ready to launch the Bangladesh Center for Worker Solidarity (BCWS) to help enhance the status of women workers and protect the human rights of workers and children. Babul Akhter, who was arrested with Kalpona on August 13, 2010, was one of the cofounders. Their vision, as stated in founding documents, included “establish[ing] a congenial atmosphere in the working place to increase productivity and contribute to the national economy.”⁹

In the ten years since its founding, BCWS became widely known for its research on labor rights compliance in garment factories and its commitment to lawful means of redressing labor rights violations. Growing to a large and effective organization with 31 staff members, the organization had until the recent government crackdown maintained programs on labor rights awareness-raising, leadership training, and conflict resolution. In addition, they provided mid-level management workshops, and ran a night school and a daycare center for the children of garment workers. Kalpona lists some of BCWS’s major accomplishments:

- A successful campaign for maternity leave with benefits in the ready-made-garments sector.

- Founding a national workers’ federation through which workers from all formal sectors can voice their demands to the government.
- Creating factory-level unions led by women workers who bargain for their rights with management.
- Establishing a model daycare center in the BCWS office, replicated inside several factories.
- Worker rights trainings in the export processing zones, resulting in workers establishing worker representation and welfare committees, and worker associations.
- Worker rights trainings for garment workers outside the export processing zones, resulting in the formation of worker participation committees, implementation of labor law and codes of conduct, and better relations between factory owners and workers.

Kalpona has always been committed to lawful means of addressing worker grievances. Talking about the sizable worker unrest of May 2006 in Bangladesh, she laments the fact that the uprising ended in tragedy, including the loss of lives and damage to property.¹⁰ Millions of angry workers were not organized and they did not know how to communicate their grievances legally to the authorities, she says. But, Kalpona adds, “This was the turning point in the lives of garment workers in Bangladesh. Finally, enough was enough.”

Chapter 2: Ground Zero in the Global Economy

Bangladesh employs 3.4 million garment workers in 4,200 ready-made-garments (RMG) factories that produce US\$12.59 billion in export earnings, representing 78 percent of the country's total. Contributing nine percent of the gross domestic product, the industry is directly or indirectly responsible for the employment of 24 million people. The local transportation sector earns US\$70 million from this sector annually; 80 percent of the Chittagong port deals with the RMG sector; and 60 percent of private bank loans go to RMG business owners.¹¹

Bangladesh's RMG industry emerged partly thanks to the 1974 Multi-Fiber Arrangement (MFA), which established import quotas on garments and textiles and forced apparel brands and retailers in North America and Europe to diversify production locations across the globe. When textile and garment quotas were finally phased out completely in 2005, freeing brands to concentrate apparel production in locations such as China and India, Bangladesh's garment industry did not decline, as many predicted it would. Instead, RMG exports continued to grow at a steady pace, nearly doubling in the last five years, from US\$6.4 billion in 2005 to US\$12.6 billion in 2010.¹²

Low wages, few labor rights, poor health and safety

The basis for Bangladesh's continued success in the RMG export market appears to be rock-bottom wages, tight labor rights restrictions, and poorly enforced health and safety standards. This strategy allows the industry to secure the lowest possible labor costs to attract orders from international brands and retailers. However, pricing products below the true cost of production and requiring workers to absorb part of the cost by work-

ing excessively long hours in dangerous working conditions for remuneration that strip workers of human dignity is not a strategy for sustainable development.

1985	621
1994	930
2006	1662.50
2010	3,000 (as of November 1)

Garment workers' monthly minimum wages in Bangladeshi taka.

The first minimum wage for garment workers, established in 1985, was only 621 taka (\$9) per month.¹³ Five years earlier, in 1980, Bangladesh had adopted the Foreign Private Investment Promotion and Protection Act, establishing export-processing zones (EPZs) to stimulate rapid export growth. The Bangladesh Export Processing Zones Authority (BEPZA) was granted immunity from 16 laws relating to industry, labor, and customs issues, including the Industrial Relations Ordinance of 1969 which guarantees workers freedom of association. Instead, special "instructions" gave workers in the export-processing zones the right to be paid the minimum wage for a 48-hour work week, receive a 10 percent annual increase in gross wages, and take a certain number of days off from



Garment workers protest factory fires and call for safe and healthy working conditions with decent wages. Photo: NGWF, March 30, 2010.

work each year.¹⁴ However, workers were not afforded freedom of association or collective bargaining rights though the Bangladeshi Constitution provides for the right to form or join unions and Bangladesh has ratified the International Labor Organization's conventions on Freedom of Association and Collective Bargaining (Conventions 87 and 98). Nor could the limited rights the workers received on paper be effectively enforced. BEPZA, the organ responsible for attracting foreign investors, was also to be responsible for adjudicating disputes between workers and employers, and BEPZA's decisions were to be final.

The 2004 EPZ Workers Association and Industrial Relations Act was supposed to lead to the formation of trade unions in the EPZs. In the first phase, which ended on October 31, 2006, workers were allowed to form worker representation and welfare committees consisting of five to 15 elected workers with the power to negotiate and sign collective agreements on limited topics relating to working conditions and remuneration. In the second stage workers were allowed to form worker associations with the right to negotiate working hours, employment conditions, and wage issues other than the minimum starting wage, which would be set by BEPZA. In addition, labor tribunals—not BEPZA—were to adjudicate disputes between workers and employers and enforce labor regulations. However, the Act required worker associations to receive the support of 30 percent of eligible workers as verified in a referendum conducted by BEPZA and established a number of additional hurdles for workers seeking to organize. Harassment, dismissal and violence against trade unionists and worker organizers in the EPZ sector, particularly in the garment industry, continued unabated.¹⁵

On August 1, 2010, the Bangladeshi parliament replaced the EPZ Workers Association and Industrial Relations Act with the EPZ Workers Welfare

Society and Industrial Relations Act, placing further restrictions on freedom of association. While the new worker welfare societies were to retain the same powers and functions as the worker associations, they were prohibited from associating with one another unless more than 50 percent of the worker welfare societies in one zone agreed to form a federation. Unlike the worker associations, the worker welfare societies were also prohibited from having any linkage with any non-governmental organization. Strikes were prohibited until October 31, 2013. EPZ labor tribunals were finally to be established, but only with the help of funds donated by investors, calling into question their independence.¹⁶

Meanwhile in 2006, Bangladesh also replaced the Industrial Relations Ordinance of 1969 with the Bangladesh Labor Act. The International Labor Organization (ILO) “noted with deep regret that the Labor Act did not contain any improvements in relation to the previous legislation and, in certain regards, contained even further restrictions which were contrary to the provisions of the [freedom of association] Convention.”¹⁷ For example, the Labor Act “did not contain a prohibition of acts of interference designed to promote the establishment of workers’ organizations under the domination of employers or their organizations, or to support workers’ organizations by financial or other means with the object of placing them under the control of employers or their organizations.”¹⁸

The ILO's concern about employer cooptation of worker organizations appears to have been well-founded. In July 2010, the Government of Bangladesh announced it had decided to form worker welfare committees in each and every export-oriented garment factory; that is, informal, non-registered groups consisting of selected (not elected) worker and management representatives. These committees would be promoted jointly by



The fire started on the first floor of the Garib & Garib factory. Photo: BCWS.

the Labor and Employment Ministry, the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), and the Bangladesh Knitwear Manufacturers and Exporters Association. An official in the Prime Minister's office observed that "the WWC is a substitute for the trade union as lack of any representation from RMG workers in their working places causes much frustration among them, which sometimes bursts into violence."¹⁹

However, the roots of worker "frustration" are not addressed effectively by worker welfare committees, which have no power to represent workers' genuine interests or negotiate improved wages, benefits, or workplace conditions. While trumpeting the ability of the new workers' welfare committees to "address the legitimate problems of garment workers,"²⁰ Abdus Salam Murshedy's BGMEA also insisted on continued poverty wages for the garment workers, suggesting they should be raised a mere 200 taka, from 1,662.50 taka (US\$24) to 1,969 taka per month, at a time when the workers demanded 5,000 taka.²¹ Nor would the worker welfare committees be able to organize worker actions to ensure compliance with wage laws. According to a June 2010 Bangladesh Fac-



All the workstations and goods on the first floor of Garib & Garib were completely destroyed by the fire. Photo: BCWS.

tory Inspection Department survey, 122, or 15%, of the 825 factories surveyed did not pay their employees on time between January and May that year. Another 53 factories did not pay overtime, and eight factories paid less than the government's minimum wage of 1,662.50 taka per month.²²

Worker welfare committees would also do little to defuse worker "frustration" over unsafe working environments that claim the lives of hundreds of workers every year. During the first six months of 2010 alone, 1,310 workers, including 356 garment workers, were killed and 899 others injured in work-related incidents across the country, according to the Bangladesh Occupational Safety, Health, and Environment Foundation (OSHEF), an umbrella organization for national and industrial trade unions. Among those killed and injured, 456 workers were killed and 356 severely injured because of accidents such as electrocutions, suffocations, and explosions caused by unsafe work environments. Another 243 workers were killed and 341 injured because of worker rights violations such as physical assault by managers and police. OSHEF states that weak enforcement of the 2006 Bangladesh Labor Act, insufficient labor inspections, lack of health and safety training

for workers, absence of occupational safety and health committees at workplaces, and low wages were some of the “key causes for growing occupational accidents” in Bangladesh.²³

The garment sector in particular has been ravaged by a series of fires and building collapses that have killed hundreds of workers over several years, betraying the failure of government and industry to enforce basic safety standards. These tragedies are the modern day equivalents of the Triangle Shirtwaist Factory fire of 1911 which galvanized a movement to eliminate sweatshops in the United States.

A horrific fire at the Garib & Garib Sweater Factory in Dhaka at 10 p.m. on February 26, 2010, garnered much media attention. Twenty-one workers died when the factory caught fire for the second time in six months, and more would have died had the fire happened earlier in the day. News media reported thick black smoke caused by burning acrylic yarn spreading throughout the building. Lasting nearly two hours, the fire consumed the oxygen in the air, suffocating the workers. The smoke could not get out because the factory’s windows were sealed with heavy metal shutters. Workers could not escape because exits were locked. Security personnel had reportedly locked two of the factory’s main gates when the fire broke out to prevent theft by garment workers leaving the factory. Boxes obstructed the factory’s stairwells and roof access was blocked by heavy metal structures used for storage. Firefighters had to cut the window grills to get in, hampering rescue efforts. The factory’s own firefighting equipment was “virtually useless,” according to the Dhaka Fire Service and Civil Defense report. As in numerous similar cases, the government had abjectly failed to enforce building codes, despite previous fires in the same facility in the previous year. Yet a company director described the factory as “fully compliant.” It had been certified compli-

ant by WRAP (Worldwide Responsible Accredited Production), an industry monitoring group.²⁴

Everyone who worked on the top floor died, because the exits were locked. All of them were women. They were trapped and they suffocated.

-- Garib & Garib surviving worker, Abdul Momin, who lost an aunt in the fire²⁵

Many other tragedies reveal the abject failure of the government and industry to enforce safety standards. In the aftermath of the Garib & Garib fire, *The Daily Star* published this list of garment factory fires in Bangladesh since 1990.²⁶

- 62 killed at KTS Garments, Chittagong, 2006
- 32 killed at Saraka Garments, Dhaka, 1990
- 24 killed at Shanghai Apparels, Dhaka, 1997
- 23 killed at Macro Sweater, Dhaka, 2000
- 23 killed at Chowdhury Knitwear, Narsingdi, 2004
- 23 killed at Shan Knitting, Narayanganj, 2005
- 22 killed at Lusaka Garments, Dhaka, 1996
- 20 killed at Jahanara Fashion, Narayanganj, 1997
- 12 killed at Globe Knitting, Dhaka, 2000

This list omits the collapse of the Spectrum factory in Dhaka, which killed 64 workers and injured 74 workers in April 2005, and a fire in a building that housed Saiem Fashions and other garment factories, killing three workers and injuring 50 workers in March 2006.

The fires, like the low wages, highlight the need for structural change in the industry. On tour



Some of the 21 Garib & Garib workers who died in the fire after being locked in the factory.
Photo: BCWS.

in the United States in April 2010, Kalpona told audiences that the fires are not simply industrial accidents that could happen anywhere. “I would not say workers have died in the fires,” she said. “I would say they have been killed.” Searching for the root causes of the fires, the president of the National Garment Workers Federation commented: “I strongly believe that if you are really serious about preventing future deaths you must immediately start involving workers in monitoring health and safety standards. This can only be done through supporting the right to organise and working directly with trade unions.”



BCWS advocates for just restitution for the families of factory fire victims. This young garment worker holds a sign that reads: “Came to work. Don’t want to go back as dead body.” Photo: BCWS.

Chapter 3: The 2010 Battle over the Minimum Wage

According to a global survey released in June, 2010, Bangladesh garment workers are by far the world's most poorly paid workers at 1,662.50 taka (US\$24) per month. For example, monthly minimum wages are US\$66 in Cambodia, US\$90 in Vietnam, US\$130 in India, and US\$166 in China.

It is difficult to understand just how little 1,662.50 taka (\$24) per month is in Bangladesh. Measured against workers' nutritional needs, it is a malnutrition wage. According to one study, the cost of food to provide an adult with 2,122 daily calories is 48.90 taka per day or 1,467 taka per month. Consequently, the average family of 4.8 persons requires 7,041.60 taka per month to pay for food alone. If a garment worker expends 45 percent of her income on food and 55 percent on housing, education, health, and other basic needs, she would need 3,282 taka to cover her own expenses and 15,753 taka to cover the expenses of her average sized family.²⁷ According to the Institute of Food and Nutrition at the University of Dhaka, garment workers need more than the 2,122 daily calories assumed above; they need 3,200 calories for an eight hour day, and 3,400 calories when working two hours of overtime. Assuming the same cost of food and a typical 10 hour working day, a garment worker would need

We have been reeling under acute gas and power crisis, which has affected our productivity. And now comes the call for shutdown from the unions. They should be logical. We have yet to bounce back from global meltdown and it is not the right time to seek such a huge wage hike.

--Abdus Salam Murshedy, President, Bangladesh Garment Manufacturers and Exporters Association, June 19, 2010 (quoted in The Financial Express)



A garment worker carries a pot of food outside her home. Photo: BCWS.

2,351 taka per month just to feed herself and 11,282 taka to feed her family, far more than the 1,662.50 taka minimum wage.²⁸

Measured against wages in comparable industries in Bangladesh, garment workers' wages are substandard. The minimum wage for state-owned industries is 6,000 taka per month, but more than 7,000 taka per month when including housing, transportation, and medical allowances, about four times the minimum wage for garment workers.²⁹ Because of unusually high inflation in food prices in recent years, the government established in 2008 a daily minimum wage for rural workers of 150 taka per day or 4,500 taka per month, more than twice that of garment workers.

In fact, wages of garment workers are so low that even prisoners are better off in nutritional terms.

The minimum cost of food items for each prisoner is 52.39 taka per day or 1,571.70 taka per month, equivalent to nearly the entire minimum wage of garment workers. A family of four would need 7,544 taka per month to have access to the same level of food items as prescribed for prisoners, assuming the family had no other costs than food. In hospitals a patient's cost of food is 75 taka per day or 2,250 taka per month, more than the entire minimum wage of garment workers. A family of average size would need 10,800 taka just to purchase the food considered appropriate for hospital patients.³⁰

Setting a new minimum wage

In October 2009, Bangladeshi labor leaders urged the government to reconstitute a national minimum wage board, a tripartite government body consisting of representatives of factory owners, workers, and the government, to review the minimum wage for garment workers. Labor leaders argued that the minimum wage should be increased from 1,662.50 taka to 5,000 taka per month in order to reach the eight U.N. millennium development anti-poverty goals by 2015.³¹

The board met for the first time on January 24, 2010, but without a representative of the factory owners. Workers criticized factory owners for deliberately delaying the implementation of a new minimum wage.³² When the owners finally joined the board on April 28, their opening offer was 1,875 taka, an increase of only 200 taka (US\$3) per month. In May, they increased their offer to 2,000 taka, slightly above the 1,969 taka proposed by the Bangladesh Garment Manufacturers and Exporters Association (BGMEA).³³ Employers argued that they were squeezed by a slump in prices on the international market due to the global economic crisis and by higher production costs because of an energy crisis and poor infrastructure.³⁴ In June, media reported that



A thin mattress on the floor serves as a worker's bed. Photo: BCWS.



A garment worker's home, made from scrap metal and wood. Photo: BCWS.

“panic gripped the country's 4,500 garment manufacturers” as unions threatened a nationwide non-stop protest for the 5,000 taka minimum wage.³⁵ But owners stuck to the position that depressed prices, caused by global recession, and production losses, caused by a gas and electricity supply crisis, made it impossible for them to make any substantial increase in workers' wages. The owners insisted they could go no higher than 2,500 taka (US\$36) per month and still maintain competitiveness.³⁶

At the tenth meeting of the minimum wage board

I have been in service for the past eight years and have never protested before, despite the difficulties in living with such low pay. My pay is only 3,500 taka and my rent is 2,300 taka. What do I have after paying for somewhere to live?

-Garment worker³⁷

We were forced to take to the streets as the owners exploited us right under the government's nose. I have to spend Tk 1,000 for food and Tk 1,500 for house rent.

-Garment worker³⁸

on July 8, the board received the report from the Institute of Food and Nutrition at the University of Dhaka that a garment worker needs 3,200 calories for eight hours of work and 3,400 calories for 10 hours of work. At the same time, the Bangladesh Bank and the Bangladesh Institute of Government Studies reported to the board that the cost of living for garment workers had increased by at least 35 percent since 2006. The Center for Policy Dialogue, a private think tank, put the cost of living increase since 2006 at 70 percent. The meeting ended inconclusively in the absence of the owners' representative.³⁹

On July 21, the Prime Minister Sheikh Hasina weighed in on the wage debate with a speech in Parliament, terming garment workers' wages "not only insufficient but also inhuman" and observing that "workers cannot even stay in Dhaka with the peanuts they get in wages." Raising the hopes of garment workers, the prime minister argued that owners should also give a portion of their profits to the workers for



Police presence at the rally where the National Garment Workers Federation demonstrates its outrage at the malpractices which caused 21 workers to die in the Garib & Garib fire. Photo: NGWF, March 30, 2010.

their survival.⁴⁰

After 14 rounds of talks, the minimum wage board finally announced its recommendations for a new wage structure for the nation's 3.4 million garment workers on July 29, 2010. The minimum wage would be 3,000 taka (US\$43), effective November 1, 2010. Of that amount, 2,000 taka would be the basic pay while 800 taka would be paid in house rent and 200 taka in health allowance. The apprentice-level wage would increase to 2,500 taka (US\$36), up from the present 1,200 taka (US\$17). The worker representative on the board acknowledged that 3,000 taka "is not enough for a worker to maintain a family."⁴¹

While a majority of unions reportedly agreed to the new minimum wage after a meeting with ministers, lawmakers, chamber leaders and garment

factory owners, they still urged higher wages for some of the grades. The date of implementation was also a key point of contention. The wage board had set the date for November 1, 2010, but the unions wanted immediate implementation, in part because the Eid festival bonus, which is paid in September, is based on the minimum wage. Unions also requested that government ministries act on an earlier promise to review the existing rationing system

and improve housing, childcare and healthcare facilities for garment workers.⁴² Meanwhile, 13 garment worker rights organizations announced that they rejected the outcome of the tripartite negotiations. Garment Sramik Trade Union

Centre General Secretary KM Ruhul Amin said the government and the garment factory owners had cheated workers in the name of negotiation.⁴³ Two weeks later more than 300 garment factory owners filed objections before the minimum wage board, asking to cut the salaries of workers in the new pay scale. The issue would not be finally resolved until the board held a meeting on the new objections and the government published a final gazette with the new pay scale.⁴⁴

Worker resistance

According to the Bangladesh Garment Manufacturers and Exporters Association, the new minimum wage was “appreciated by all the registered trade unions and people at large.”⁴⁵ However, union acceptance of the new minimum wage, in so far as they do accept it, is not to be confused with workers’ appreciation.

Bangladesh’s unsafe and sometimes deadly working conditions and inhumane wages have driven large numbers of garment workers into the streets to protest and demand improvements. The Bangladesh Institute of Labor Studies counts 358 incidents of garment worker unrest, injuring 2,395 workers in 2008.⁴⁶ In 2009, six garment workers died during demonstrations over unpaid wages. The parliamentary committee of the Labor and Employment Ministry found that the failure of garment factories to implement the minimum wage set for garment workers and a lack of recognized labor unions were the key reasons for the unrest.⁴⁷

From January 1 to June 30, 2010, there were an estimated 72 incidents of labor unrest, leaving at least 988 workers injured in clashes with police. Workers protested non-payment of wages, the mistreatment of their coworkers, the curtailment of leaves and holidays, and the sudden closure of factories without paying workers their due wages.⁴⁸ On June 30, children were caught in

clashes between at least 15,000 protesting garment workers and police, making international headline news. Shocking media images showed police kicking children with heavy boots and beating them with batons.⁴⁹

While the industry claims that “normalcy” returned to the garment sector after the new minimum wage was announced, claiming that the increase was much appreciated by unions and people at large, workers, numbering in the tens of thousands, actually protested six straight days following the announcement as the new wage fell well short of workers’ needs and expectations.⁵⁰

Workers continued their uprising against low wages and poor working conditions after this peak of activity in early August. For example, on August 15, four thousand garment workers from one factory gathered on the highway and staged a demonstration demanding implementation of the newly announced wage structure in August, rather than the scheduled date of November 1, and a reduction of their 12-hour work day to nine hours.⁵¹ On August 22, some 2,000 workers of another factory blocked a highway for three hours demanding payment of over three months of overdue wages. Police opened fire and threw tear-gas shells at them.⁵² On August 29, the government received an intelligence report suggesting that “garment workers might become violent once again” over wages, festival bonus payments, and overtime compensation. The Minister of Labor urged garment factory owners to pay all wages and payments owed to workers. Meanwhile, several thousand workers of one factory took to the streets and stopped traffic demanding two months of unpaid wages, bonuses, and overtime payments.⁵³ On September 1, several thousand workers protested in a Dhaka industrial hub, demanding full payment of overtime hours, festival bonuses and other financial benefits, and the resignation of two production managers for worker “maltreatment.”⁵⁴

What next for the Bangladesh garment industry?

While factory owners claimed they could go no higher than 2,500 taka and still maintain competitiveness, the new minimum wage is 3,000 taka. What will happen to the industry?

Contrary to the objections of the factory owners, the new minimum wage would not make Bangladeshi garment factories any less competitive, according to a Dhaka-based World Bank economist. In fact, it would barely affect the factories' profit margins even if buyers refused to increase their price offers to factories. Labor costs "typically constitute 1-3% for a garment produced in the developing world," argued World Bank economist Zahid Hussain in the aftermath of the wage debate, so doubling of wages would at the most "prompt only one to three percent increase in the garment products on the global retail market, which is achievable." Furthermore, major competitors such as Mexico, the Philippines, Cambodia, China, Indonesia, India, and the Dominican Republic all have "relatively high labor costs," making Bangladesh competitive even after the wage increase.⁵⁵

At least one major retailer has stated publicly that it will absorb the higher cost of garments from Bangladesh. "H&M will accept the price increase that might arise as a consequence of the salary revision," said CEO Karl-Johan Persson in August.⁵⁶ All brands and retailers should do as much, if not more. The nominal minimum wage increase from 1,662.50 to 3,000 taka is 1,337.5 taka or 80 percent. But in real terms, the increase is much less. Assuming a range of 35 percent to

70 percent increase in cost of living since 2006, garment workers would need between 2,244.38 and 2,826.50 taka in 2010 wages in order to maintain the purchasing power that 1,662.50 taka had in 2006.⁵⁷ The real pay increase for workers is thus between 174 taka (10 percent) and 756 taka (45 percent). The new minimum wage is still a malnutrition wage, and it is still the lowest wage for garment workers in the world.

You can only understand their life of poverty when you visit their home. Typically, four or five workers will share a room just 10 feet by 10 feet in size. The only furniture may be a shared bed made from boards from shipping crates. The mattress is one inch thick, made with hard and lumpy stuffing. Those who do not fit on the bed sleep on the floor on another thin mattress, or have only a sheet separating them from the hard concrete or mud floor. There may be one shared toilet and a shared kitchen for about 20 workers. They have no running water but a well from which they pump their own water by hand.

-Kalpona Akter

Chapter 4: A Portrait of Two Factories

Two factory groups play a central role in this account of persecution of labor rights advocates in Bangladesh. They are two of the largest apparel factory groups in Bangladesh, influential with the government and active in the minimum wage negotiations. Their workers have organized repeated protests inside their factories and in the streets. Upon workers' request, BCWS has assisted them with labor rights education and leadership training.

The Envoy Group is a US\$100 million apparel conglomerate, one of the pioneers in the export-oriented ready-made-garment industry, operating 14 apparel assembly factories and numerous related and unrelated businesses, including information technology, computers, fisheries, real estate, banking, and healthcare. The company's owner and managing director, Abdus Salam Murshedy, is the president of the Bangladesh Garment Manufacturers and Exporters Association (BGMEA). He is managing director of some 30 enterprises, a former star soccer player for Bangladesh, and a "member of all the elite clubs in Dhaka." Current and/or past Envoy buyers include Walmart, JC Penney, Sears, Kohl's, VF Corporation, and Russell Corporation.⁵⁸

The US\$210 million Nassa Group is the second largest factory group in the country with 33 factories.⁵⁹ Nassa has been the top supplier of apparel items to the world's largest retailer, Walmart, and is also a past and/or current apparel supplier to Tesco, JC Penney, H&M, Sears, Asda, Carrefour, and the Boy Scouts of America. While focused on apparel production, Nassa has ventures in various other industries, including cement (Nassa Cement Ltd.), health care (Nassa Hospital Ltd.), technology (Nassatech, Bangladesh, Ltd.), and banking (Exim Bank).⁶⁰

Bangladeshi media describe Envoy as "one of the most violence stricken factories."⁶¹ Envoy workers organized at least half a dozen documented mass protests from August 2009 through August 2010. *The Financial Express* reports the following incidents of protest at Envoy:

- On August 17, 2009, at least 50 people were injured as police charged with batons and fired rubber bullets on hundreds of Envoy workers protesting low salaries and harsh working conditions. These clashes came just a month after four days of violence in the Ashulia industrial area when at least two workers were killed and hundreds were injured.⁶²
- On August 18, 2009, at least 30 Envoy workers were injured in battles with police. Some 60 garment factories suspended production following the unrest as workers issued a 10-point demand, including a call to stop the sexual harassment of female workers, increase the Eid bonuses, and improve working conditions.⁶³
- On November 27, 2009, nearly 8,000 Envoy workers took to the street and disrupted traffic for three hours in protests related to the payment of Eid bonuses.⁶⁴
- On December 2, 2009, Envoy workers demonstrated, damaging a reported 30 million taka worth of machinery and exportable products.⁶⁵
- On January 12, 2010, nine thousand workers from three factories of the Envoy Group—Envoy Fashion, Envoy Design, and Manta Apparels—protested and demanded a wage increase and other benefits that authorities had first promised but then reneged on. Forty workers were injured in clashes with police.⁶⁶
- On June 14, 2010, eight thousand Envoy workers demonstrated against low wages. Thousands of workers from adjacent factories join. At least 40 people, including 10 police, were injured.⁶⁷

Earlier in 2010, Envoy workers had turned to BCWS for support. BCWS conducted ten Uthan Baithak (courtyard meetings). These worker rights awareness programs reached more than 350 workers at a large Envoy facility. The training focused on wage payments, working hours, work leave, benefits, the right to organize, the right to bargain collectively, and other labor rights under the Bangladesh Labor Act of 2006, International Labor Organization conventions, and corporate codes of conduct. BCWS also led a two-day leadership training session for 20 Envoy workers to teach them how to negotiate with management for their legal rights.

On March 8, 2010, more than 1,000 workers participated in BCWS's International Women's Day Celebration, which included an open-stage discussion meeting on worker rights under the theme "Equal Rights, Equal Opportunity: Progress for all." Envoy workers spoke at the event, highlighting the need to raise the minimum wage and respect workers' right to organize.

BCWS also conducted an extensive investigation into working conditions at an Envoy facility based on in-depth interviews with workers. In May 2010, Kalpona sent us a summary of BCWS's findings, including the following serious labor rights violations:

- Compulsory 13-hour daily work shifts.
- Verbal and physical abuse of workers.
- Refusal to allow workers to leave the worksite when they fall ill. If they cannot work, workers sit on the floor by the restroom, but they are not allowed to go home.
- Failure to provide workers legally required compensation for compulsory weekend labor.
- Failure to provide first aid to workers.

- Failure to conduct fire drills and provide fire safety training.

Before auditors visit the factory, the typically dirty toilets are cleaned. Soap and towels are provided for the satisfaction of the auditor's check list. Managers tell workers how to behave and what to tell the auditors in order to pass inspection. When some workers requested a worker participation committee, managers threatened that they would force those workers to resign and not pay them their legally mandated severance pay. If they complained or "raised their voices for their rights," managers warned them, the company would file criminal charges against them. Managers made good on this threat when a security officer of Mantas Apparel, a part of the Envoy Group, filed charges against BCWS Organizer Aminul Islam, accusing him of participating in attacks against the factory and vandalizing property on July 31, 2010.

Labor rights advocates have also documented serious violations at the Nassa Group's facilities. These violations, documented by the Clean Clothes Campaign in 2008, include:⁶⁸

- Compulsory 14-hour shifts, seven days a week.
- Denial of the right to take personal leave or decline to work on legal holidays. Workers may be scolded or harassed by management to withdraw their requests for leave.
- Verbal and physical abuse so frequent that workers described it as a "regular daily matter." When the facility falls behind production targets, senior managers abuse line chiefs and supervisors; these supervisors, in turn, verbally and physically abuse line workers. When workers leave their stations to use the restroom, supervisors yell at them.

Like the Envoy workers, Nassa workers feared that if they were to speak out and demand their

rights the company would retaliate by firing them or by orchestrating their arrest by filing false criminal charges against them. They described a 2007 incident that followed an episode of labor strife at a Nassa factory. Police officers had asked the workers to share their grievances with them, claiming they intended to help negotiate changes with Nassa management. Trusting the police, the workers described a range of abuses at the plant, only to subsequently be arrested on various false criminal charges.

Despite fearing retaliation from management, Nassa workers recently contacted BCWS for technical assistance in organizing a union to improve conditions. BCWS held a series of training workshops with workers from April to June, 2010. But Nassa management told workers to desist and refrain from any interaction with BCWS. Manirul Islam, a worker at Nassa Global Wear who had attended a BCWS training and a gathering organized by the Bangladesh Garment and Industrial Workers Federation, filed a complaint with the International Labor Organization. He testified that on May 8, 2010, managers took away his attendance card when he arrived at the factory where he had worked for three years as a sewing machine operator. At the end of the day's shift a company official announced over the public address system:

“First, those who attended the training with the Bangladesh Center for Worker Solidarity are enemies of the nation and will be fired. Second, these workers will not be allowed to live in the area. They will be forced out. Finally, the Bangladesh Center for Worker Solidarity and the labor federation will be taught a lesson.”⁶⁹

Clearly, Nassa does not support workers' right to unionize. Addressing a gathering of leading garment manufacturers in August 2009, Nazrul Islam Majumdar, Chairman of Nassa Group, said, “[t]rade unionism should not be allowed right at

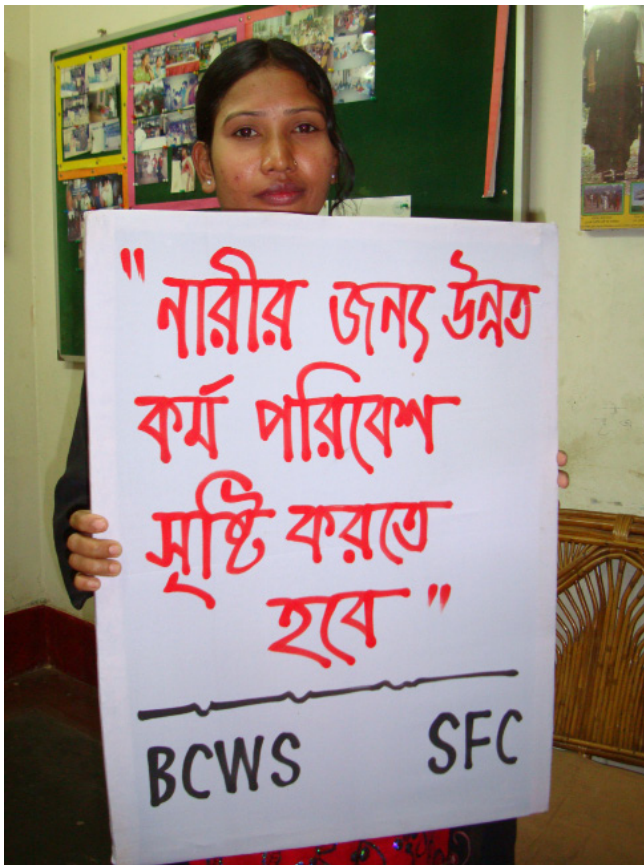
this moment,” apparently fearing trade unions would “destabilize” the garment sector.⁷⁰

Like their Envoy colleagues, Nassa workers have also actively voiced their demand for higher wages. On June 20, 2010, an uprising of tens of thousands of workers in the Ashulia industrial area began with 7,000 workers at a Nassa factory demonstrating for a 5,000 taka minimum wage. According to newspaper accounts, three hours of sporadic street battles ensued in which workers erected blockades and burned tires and scraps of wood while police “fired rubber bullets, lobbed tear gas shells and used water cannons to disperse unruly workers.”⁷¹

The following day, police filed charges against 3,000 to 4,000 unnamed workers. However, Nassa management brought separate charges against Babul Akhter and Aminul Islam of BCWS and dozens of workers. According to the charges, they supposedly entered a Nassa factory, assaulted officers, vandalized property worth 900,000 taka, and stole motherboards of ten computerized bartek machines.⁷² At the time Aminul was recuperating from being tortured just four days earlier at the hands of National Security Intelligence officers who had demanded he confess that Babul and Kalpona had instigated worker unrest and violence. He was in too much pain to move and too terrified of being detained by police or security forces to even come close to a protest. For their part, Babul and Kalpona were in a meeting with Mr. Israfil Alam, a member of parliament and the chairman of the Standing Committee on Labor and Employment, at the time of the alleged misconduct at Nassa. Nassa was eventually forced to drop the charges.⁷³

A month later, on July 20, Kalpona reported further worker unrest at Nassa. The day before workers had approached management in an apparently fruitless attempt to persuade them to withdraw the criminal charges against them. Instead Nassa

closed the factory early and sent workers home. The following day Nassa workers were locked out. Media reported that “the workers of Nassa Basic Limited, Nassa Global Limited and Nassa Hightech Limited, located in a single building in Ashulia’s Nischintapur area, came to join work only to find the gates closed.”⁷⁴ According to Kalpona, when workers arrived at the factory, “they were beaten by local goons and later they were beaten by police as well.”



This BCWS sign reads: “A better working environment must be created for women workers.” Photo: BCWS.

Chapter 5: Death by Bureaucracy: “A Plan to Vanish Us Forever”

“We have very, very bad news,” Kalpona wrote on June 11, 2010. “The government has cancelled our NGO [non-governmental organization] registration.” So began the Bangladeshi government’s campaign to shut down BCWS and imprison its leaders. Trying to come to grips with the magnitude of the problem, we asked Kalpona to confirm that this was more than just ordinary ongoing government harassment and intimidation. “Yes,” she said, “this time it’s a fight for our survival.”

The Bangladeshi government has frequently used administrative and regulatory measures to stifle and silence human rights defenders. Odhikar, a Bangladeshi human rights organization, and the American Center for International Solidarity have both reported that the Bangladeshi government has attempted to impede their work by cancelling projects or subjecting them to restrictive operating requirements. In August 2009 the government’s NGO Affairs Bureau (NAB) revoked its approval of a human rights training and advocacy project of Odhikar.⁷⁵ From April to July 2010, the NAB shut down 334 foreign-funded nongovernmental organizations for their alleged “involvement in corruption, misuse of foreign funds and patronization of militancy.” This compares to only 56 similar shutdowns in the previous two decades.⁷⁶

On June 3, 2010, the NGO Affairs Bureau cancelled the NGO registration of BCWS, revoked their permit to receive foreign donations, and ordered their property seized and bank account frozen. In justification, the government alleged that BCWS had fomented worker unrest and violence. The NAB’s letter to BCWS asserts that the government “is convinced [of] your organization’s involvement in several wrongful acts,” which,

purportedly, had “been proved.” Those wrongful acts included “inciting [a] riotous situation and assisting in creating labor unrest in the readymade garment sector” and unidentified “anti-state and social activities.”⁷⁷

BCWS staff were never told of any specific evidence against them and were never provided the opportunity to defend themselves before their NGO registration was revoked. The staff was not even notified of the cancellation until five days after the fact.

Surprisingly, BCWS staff first learned that their organizational status might be in jeopardy from Nassa workers. Kalpona reports that on June 6, 2010, a worker leader from Nassa Global Wear “informed us that their director (a retired military officer) told workers inside the factory that Kalpona Akter and Babul Akhter would be losing their jobs and that BCWS would be shut down.” Sounding a note of triumph, management announced to the workers: “BCWS, Kalpona, Babul and their staffs now don’t have any jobs as we have eaten their jobs.” Not being employees of Nassa, BCWS staff assumed Nassa management was in no position to cause them to lose their jobs and did not consider this threat to be serious.

However the following day, June 7, Babul received a call from a Nassa human resources manager who informed him that senior managers of Nassa had told lower level managers that BCWS’s NGO registration was being cancelled. That same evening Babul received a call from a journalist asking, in pretended hypothesis, what BCWS would do if its NGO registration were cancelled. “There is much unrest going in the RMG sector,” the journalist said. “What do you think about it? And if the government cancelled your registration how would you react?” Babul replied that if the government was to cancel the BCWS registration that would be wrong and they would not accept it.

The following day, June 8, the same Nassa human resources manager called BCWS staff again, informing them he now had in his possession a copy of a letter confirming the cancellation of BCWS's NGO registration. He had received the letter from the Nassa Global Wear director and retired military officer who had first told workers that BCWS would be shut down. BCWS still had not received any communication from the government about its NGO registration. However, BCWS was able to verify the cancellation of their NGO registration on the internet.⁷⁸ "It was very surprising for us," Kalpona comments, "because the letter was issued by NAB to BCWS. Yet we had not received it, but Nassa management had!" Later that same night the NGO Affairs Bureau hand-delivered their letter to BCWS.

On June 9 another journalist called BCWS, having received the NGO Affairs Bureau letter to BCWS. He had been instructed to write a story on the subject for the next day's paper. The story, quoting the cancellation letter extensively, did appear the following day. It proclaimed the demise of BCWS and made known that the government was to "prepare a list of [BCWS's] cash foreign donations and the movable /immovable properties procured through foreign donations and take them under government control/possession."⁷⁹

It took two full months until BCWS was able to meet with the NGO Affairs Bureau to discuss their NGO registration status. However, at that time both Kalpona and Babul were in hiding facing false criminal charges, hunted by a formidable alliance of Bangladeshi police and security forces. Neither one of them dared show up for the meeting. Instead, their board president and international affairs secretary attended the meeting. Saifur Hasan, NGO Affairs Bureau Regional Director, represented the NAB.

The meeting unfortunately was fruitless. The government's position was that BCWS had to

"dissociate [Kalpona Akter and Babul Akhter] from the organization in order to carry out its work with goodwill in Bangladesh."⁷⁹ Mr. Hasan followed this line, proposing that BCWS submit a new application for NGO registration. He would then "take care of everything," but on the condition that Kalpona and Babul both leave the organization. BCWS board and staff immediately rejected this proposal. A new application for NGO registration would imply admission of the government's allegations against BCWS. Instead, BCWS maintained that its NGO registration should be restored on the basis of the review petition it submitted to the NGO Affairs Bureau on July 27, 2010, in which BCWS staff rejects the allegations against them.⁸¹

At the time of this meeting, BCWS also had received a threatening letter from the government's Social Welfare Department requesting them to appear for a hearing on the status of their registration with this department. The letter alleged that BCWS conducted operations outside the City of Dhaka without departmental permission. Asked why the department had not told BCWS staff earlier about this alleged infringement, Kalpona says they told her, "We know you are doing a good job and that BCWS and its staff is not involved with anything you're accused of, but now we are getting a lot of pressure from the top to hold the hearing and take action."

Referring to the draining allegations, requests, and threats of the two government bureaucracies—the NGO Affairs Bureau and the Social Welfare Department—an exhausted Kalpona reflected, just days before she was arrested: "We don't know, but it seems that this is the new game plan of government and their allies to vanish us, BCWS, forever." Circumstantial evidence suggests that this was also the game plan of the Nassa Group, a form of retribution for BCWS's lawful activities to assist Nassa workers with labor rights education and union organizing.

Chapter 6: Terror

In a meeting on August 7, 2010, between the Bangladeshi National Human Rights Commission (NHRC) and the Dhaka Metropolitan Police, the NHRC chairman sharply rebuked police for human rights violations by law-enforcement personnel and corruption within the force. Reporting on the meeting, The Daily Star opined that “cops try in vain to justify HR [human rights] violation.” Police officials complained that “policemen themselves do not have human rights” so “how could they ensure human rights of others?” They said they are poorly paid and forced to work overtime without compensation and that is why they take bribes. They also “admitted that police at times torture arrestees to extract information from them as they (police) do not have proper logistics for quizzing.”⁸²

Infamous police and security apparatus

A range of police and security forces are tasked with maintaining order and stability in Bangladesh, but they often do so at the cost of human rights. Bangladeshi human rights defenders, labor rights activists, and government critics have become particular targets of human rights abuses at the hands of forces such as the National Security Intelligence, the Rapid Action Battalion, and the police, which all played a prominent role in the persecution of the BCWS and its staff.

Human Rights Watch reports that National Security Intelligence, the main civilian intelligence agency in Bangladesh, was “involved in the harassment and arbitrary arrest of labor activists” during the two-year state of emergency lifted in December 2008.⁸³ In 2009, labor organizers reported acts of intimidation and abuse and increased scrutiny by the National Security Intelligence Agency, according to the U.S. State Department’s human rights report on Bangladesh. Primarily responsible for monitoring political affairs, National Security Intelligence also employed informers to conduct

surveillance and report on citizens perceived as critical of the government. The Bangladeshi government established a national monitoring center to coordinate phone taps in 2008.⁸⁴

Custody killings have “assumed endemic proportions” since the creation of the Rapid Action Battalion (RAB) in 2004, reports Human Rights Watch. A paramilitary elite force with staff primarily from the armed forces and the police, the RAB started the trend of so-called “crossfire killings” where suspects allegedly die when they resist arrest or are caught in crossfire between the RAB and a criminal group. According to Human Rights Watch, the RAB explains most custodial deaths in identical terms. A criminal is arrested, interrogated, and taken to recover hidden arms at night. Nearing the stash of arms the suspect’s accomplices open fire on the RAB and the suspect is killed in the “crossfire” that ensues when the RAB returns fire. By the end of 2008, the RAB had killed 550 persons illegally.⁸⁵ The police force, widely acknowledged as one of the most corrupt institutions in Bangladesh, adopted crossfire killings soon after the RAB introduced it. According to the U.S. State Department, Bangladeshi law enforcement officials were responsible for 154 deaths in 2009, 129 of which were attributed to crossfire.⁸⁶

Although the Bangladeshi constitution prohibits torture, “security forces including the RAB, military, and police frequently employed severe physical and psychological abuse during arrests and interrogations” the U.S. State Department reported in 2010.⁸⁷ Human Rights Watch terms torture of detainees a “routine” practice of Bangladeshi state officials. Detainees “are subject to severe beatings, sexual violence, electric shocks, having nails hammered into their toes, and being tied to poles and forced to stand for long periods of time.”⁸⁸ Reports of torture in the custody of National Security Intelligence go back to the

1970s.⁸⁹ The Asia Human Rights Commission has documented a series of recent cases in which the Bangladeshi Detective Branch police illegally detained and tortured individuals, extorted money from their relatives, and fabricated evidence.⁹⁰

But threats, intimidation, and torture have not so far been enough to subdue Bangladeshi garment workers. To contain and prevent unrest in the garment sector, the government has tailored a new so-called “industrial police.” “In the face of frequent unrest and protests demanding outstanding wages, unpaid overtime, and decent working conditions,” writes the U.S. State Department, “home minister advocate Sahara Khatun announced [in December 2009] the government would create a 1,580 member ‘industrial police force’ to target apparel sector workers and protect investors’ assets.”⁹¹ On October 5, 2010, Home Minister Sahara Khatun formally inaugurated the training program for this new industrial police, which will soon start patrolling Bangladesh’s four main apparel zones.⁹²

The torture of Aminul

On June 16, two weeks after the government cancelled BCWS’s NGO registration and accused its leaders of inciting riots and labor unrest in the garment sector, Aminul Islam was detained and tortured by officers of the National Security Intelligence, in an effort to extract a confession that BCWS leaders had indeed fomented riots among workers. Until recently Aminul had worked in an export-processing zone garment factory where he was elected president of the worker representation and welfare committee. After he was illegally fired, the Bangladesh Export Processing Zone Authority ordered him reinstated. The factory refused and the court case is pending. He lives with his mother, wife, two sons and daughter. Aminul managed to escape his captors and sent us the following report two days later.

“The Chief Inspectorate of Factories, Mr. Aminul

Haque, called Babul Akhter by cell phone to arrange a meeting among workers and the Director of Labor to address recent worker unrest at the Envoy Group, owned by Mr. Abdus Salam Murschedy, the current President of the Bangladesh Garment Manufacturers and Exporters Association (BGMEA).⁹³

“The meeting was set for June 16. Envoy workers, owners, and representatives of the BGMEA, and the BCWS were to gather at the Department of Labor in the presence of the Chief Inspectorate of Factories. Thirty workers had been invited to the meeting, but the situation in the Savar Ashulia⁹⁴ was so tense that only 18 of the workers came. I arrived with them.

“When I was going up the stairs to the Labor Office with the workers, Mr. Amin from the National Security Intelligence (NSI) and 30 to 35 of his secret NSI members detained me and three of the Envoy workers. The workers who were detained were Hira, Alam, and one more, but I can’t remember his name. The NSI members imprisoned us in a vehicle and waited for 30 minutes for Babul, Kalpona, and others from BCWS to show up for the meeting.

“They blindfolded me with jute and a towel, handcuffed my hands, and put me in Mr. Amin’s car. I sat in the back seat between two NSI officers. One officer was in the front seat next to the driver. Amin⁹⁵ sat in another vehicle with the other workers. After waiting for a long time without anybody from BCWS showing up, they started the vehicle and headed to the NSI office on Belly Road. I guessed as much from their conversation.

“At the NSI office Amin took me and the other three workers to the ground floor of the office. They untied my blindfold but kept me handcuffed. Amin asked me, ‘Why did you summon these workers here?’ I said that Babul had called

the workers to the Department of Labor for the meeting. Then he asked, 'Who would be at the meeting?' I told him that owners, workers, BCWS representatives, BGMEA representatives, and the Chief Inspectorate of Factories would be there. Then he demanded, 'Who gave authority to Babul to call the meeting? Who gave him power? BCWS is an NGO. Who give them this power? They don't have any right to work with the workers. They will be punished.'

"Amin and another NSI officer, Rafiqul Islam, then asked, 'Why did you stop the work at the garment factories? Who ordered you to stop the work? Why? Tell us his name. Tell us if Babul asked you to stop the work at factories. The persons who told you to stop the work at factories should be punished. If you just say that Babul and Kalpona asked you to stop the work at the factories we will set you free. We will arrest them in a moment and take them here.'

"They addressed me with the inferior pronoun 'you,' without showing respect. They ordered: 'You must listen to our instruction and submit a written statement to us against Babul and Kalpona.'

"Amin and Rafiq were saying all these things. I told them that we never told workers to stop their work. Neither Babul nor Kalpona ever supported any illegal task or unlawful demand. But when I told them this, Amin and Rafiq started beating me with a wooden stick, a thick, hard stick. They were hurting my joints, targeting my arm, knee, and ball-joints. Rafiq ordered me to do what his boss said and provide a written statement according to their demands. 'Otherwise we will kill you,' he yelled. The three workers were crying out loud, seeing what Amin and Rafiq were doing to me.

"Then they gave me a white piece of paper with a carbon copy and a pen. Amin told me, 'You just write Babul's name. We will fix it with Babul and

leave you forever.'

"I sat down to write, but I didn't follow their orders. Instead, I wrote the truth. When they understood what I had written, they started beating me again with the wooden stick. Suddenly one of them kicked my head and I lost consciousness. How long I was unconscious I can't remember. When I became conscious they again ordered me to give them a written statement against BCWS. They beat me when I refused them. This continued for a long time.

"They kept threatening they would kill me by crossfire,⁹⁶ or beat me until I bleed to death. They showed me a bloodied carpet and said that they would injure me like Mahmudur Rahman.⁹⁷ At one point they told me, 'If you don't answer us, we will take you to the Kapashia jungle'⁹⁸ and take you down by cross fire. No one will find you. No one even knows you are with us.'

"They played a surveillance tape with a recording of my recent conversations. They said that they have all BCWS staff members on surveillance tape. Then they called Kalpona bad names and said that the BCWS is a poisonous insect. They also told the three Envoy workers that 'these insects are the main problem of yours.'

"I still didn't follow their orders. When they found out they beat me again. They told me, 'Ok. You write as you wish, but now write what I say, that you have made a mistake, and that by agitating workers you have committed a crime and for that you beg pardon of us.' Then I gave in, telling them that I am not involved in any workers' unrest but if they feel I have made mistakes I apologize for that. They gave me some conditions, as follows:

1. For the next two months I could not meet or talk with Babul and Kalpona.
2. I couldn't work for BCWS anymore.

3. If I met Babul or Kalpona, or worked at BCWS then I and my wife would be killed in a crossfire incident and my children would become orphans.

4. I would have to live at my father-in-law's house at Serpur or I would have to live in Chitagong and I would have to present myself at the NSI office twice daily and keep communicating with Amin.

“At 5:20 p.m. the NSI officers let the three workers go. At 5:30 p.m. they took me in a Pajero Jeep to the Momenshing-Serpur-Tangail bus stand.

“They bought a ticket from Shopna Transport for the Momenshing route. Around 5:40pm the bus left Dhaka towards Serpur. I asked them many times where they were taking me, but they didn't answer me. They called me bad names and threatened me. They placed me in a seat in the middle of the bus and one of them sat next to me. Two of them sat in front of me. When I asked to talk to my wife they didn't let me. When I cried and asked over and over again to talk to my wife they finally gave me the driver's cell phone and let me talk to her.

“I talked to my wife. By trickery I also talked with one of my colleagues. I told him, ‘Tell Kalpona and Babul to hide.’ I was worried they would arrest Babul and Kalpona. But then they suddenly took the cell phone away from me and I couldn't have any further contact with my office or my family. When I asked to use the toilet at a stop outside they were rude with me and said to do it on the bus.

“It was late at night, about 11:00 p.m., when the bus reached the Momenshing bus stand. I told them I was so hungry and needed food. They let me get off the bus to buy food but one of them escorted me.

“I went to a fruit shop and pretended to buy fruit.



Aminul's shoulder and back show bruises from torture. Photo: BCWS.

The man who came with me was sitting on a chair in the fruit shop smoking. Suddenly I ran away and hid. They were shouting, ‘Thief, thief’ and, ‘Catch him, catch him.’ But they couldn't catch me.

“I entered a house and requested the people to hide me. First they hesitated, but they let me in and helped me hide. The following morning, at 5:30 a.m., I got a ride to a train towards Dhaka. I sat down and asked to use the cell phone of another traveler who sat next to me. I reached Kalpona. With her help I came back to Dhaka and went to the airport railway station. My colleagues rescued me from the airport railway station, but by that time I was in too much pain to move.

“Now I'm living in extreme anxiety. I don't even

know what I should do now. I can't walk. I can't even move because of the pain that I got from the beating. I have nightmares about torture that won't let me sleep."

Diary of subterfuge and persecution

When the minimum wage board finally announced its recommendations for a new wage structure for the nation's 3.4 million garment workers on July 29, 2010, workers immediately took to the streets in the tens of thousands, protesting six days straight against the low wages.⁹⁹ On July 31, Kalpona started sending nearly daily updates, each report describing heightening tension and increasing pressure as the government sought scapegoats for the escalating protests. The following is a chronicle of Kalpona's movements and experiences in the weeks after the minimum wage board announcement.

July 31: BCWS leaders said to be responsible for "rampaging workers"

Kalpona sent an article from *The Daily Star* reporting on a case filed against ten labor leaders who, according to newspaper accounts, were responsible for the "rampaging workers" who "vandalized over 200 business establishments and several factories."¹⁰⁰ Two of the leaders named were Kalpona and Babul.

Kalpona was alarmed. "Now the situation is like this that we could be arrested any moment. And we just heard Montu Ghosh [adviser to the Garment Sramik Trade Union Kendra and the Garment Workers Trade Union Center, and one of the ten labor leaders named in *The Daily Star*] has been arrested last night," she wrote. "We need your URGENT support."

August 1: "Reporters" look for BCWS leaders

"Worker leaders in the Rampura area held a meeting at our Rampura office to discuss the new

minimum wage structure and the cases that have been filed against us. Special Branch, National Security Intelligence, and Khilgone and Rampura Police Station officers were present at the meeting. A lady who identified herself as Synthia Rahman and said she worked as a crime reporter for the Daily Jugantor (a Bangla newspaper) also attended the meeting. She called me afterwards explaining she recently joined the Jugantor, was impressed with our work, and would write a positive report about us. She requested a meeting with me as soon as possible. After we talked, she called our Accounts and Administration Officer, Mr. Jahangir, and asked for my address. But he said he didn't know where I lived. Then she sent me a text message requesting a meeting and also called one of our worker leaders to ask when she could meet me. But when I called the Jugantor office, asking for this crime reporter, Ms. Synthia Rahman, the person who answered, a Mr. Kollol, informed me, after checking all the department records, that there is no crime or other type of reporter named Synthia Rahman.

"On the same day another person called me, identifying himself as Mr. Bashir, a reporter with Bhorer Kagoj (a Bangla-language newspaper). He asked what we think about the new minimum wage, what information we are giving the workers, and how the workers are reacting. I made our position clear to him and he requested that I keep in touch with him if there is any news. Then last night I called the Bhorer Kagoj to find this Mr. Bashir. They said they don't have a reporter named Bashir and that the number he used when calling me is not their number. Today when I called his land line I found that it goes to a National Security Intelligence office."¹⁰¹

August 2: A "telephone company worker" and a "garment worker" look for BCWS leaders

"Today someone called my brother-in-law's cell phone and asked for detailed information about

me. The person who called said that he was calling from the Grameenphone Center and that they need information regarding my SIM card as I am the subscriber of Grameenphone. Jakir, my brother-in-law, checked the number that was calling and saw that it was not a Grameen number. He said that I was not home. The person said, 'Ok, I'll call you after a while because we need more information about other family members.' After that Jakir switched off his cell phone and called me from another number and gave me the number that had called him. I called that number and found it is the number of the Dhaka Metropolitan Police. Later my mother, brother, and Babul's wife received calls from this same number.

"At noon today a person called me claiming to be a garment worker. He said he had some problems and wanted to meet me. When I asked him which garment factory employs him and where he works, he couldn't answer me. Suddenly he shouted at me: 'How long can you and your colleague hide from us?' Then he just cut the line and switched off."

August 3: Raids

"Today our lawyer informed us that there are six cases filed against us and other leaders. You may know that Mr. Montu Ghosh was arrested last Friday night as he was accused in the same cases. Today he was remanded for 11 days. Police are looking madly for me and Babul, and if they arrest us they will make our situation worse than for Mr. Ghosh.

"We also learned that on Saturday, July 31, factory managers went to the Ashulia Police Station to file a case against the workers who vandalized their factory. But the officer in charge suggested they should accuse me, Babul, and Aminul in the case. As we were not involved, the managers disagreed. But the officer would not accept the case if the managers did not accuse us. Again the managers

refused to file a case against us. The officer then told them to wait and after a conversation with top level government officials he accepted the case without charging us. So, it is clear that the government intends to blame us as much as they can.

"The last three days some people in civilian dress went to my house where I used to live (I have recently moved) and where my sisters and their families live. They were looking for me. They said they were from the Detective Branch and local police. When my sisters and their husbands said they don't know where I was, they threatened them, saying, 'When we start beating you then you will remember everything.' Then they asked about my brother—Jashim Ahmed: he is also an activist and working for BCWS as a paralegal officer—and also about Babul and his family.

"When my sisters and their families didn't tell them where I was those people said that if they couldn't find me they would come back soon again and arrest my sisters and their husbands.

"Just an hour ago, Dokhinkhan Police Station officers and Detective Branch police raided my two sisters' houses again, looking for me, Babul and my brother. They were very lucky that they managed to hide. They are still under cover. My sisters are unsafe and insecure in their house with their little kids. I, Babul, my other colleagues, and our family members are passing every minute in extreme anxiety. We can be arrested any moment.

"In addition to all this, we are getting calls from the Special Branch, National Security Intelligence, local police stations, and other security intelligence officers. They also visit our office many times every day."

August 5: Hunted at day, moving at night

"Yesterday morning, around 7 a.m., a person came to my house at Uttara where I live with my mom, brother, and my youngest sister. The person

told our caretaker and guard that he is my relative and wanted to know whether or not I was at home and if he could meet me. While they were talking, my brother came out of the house but didn't recognize this person. So our caretaker understood that something was wrong and informed him that I wasn't home and had gone out about an hour ago. The person left his cell number with the caretaker and told him to call when I returned.

"In the evening I came to my house to collect something on my way to a safe place. The same person came to our house again a little later, but our caretaker didn't tell him I had just come home. We (me, my brother and Babul) then ran away.

"Later I called the person who claimed to be my relative and asked him why he was looking for me. At first he didn't answer me directly. He said he knew me from my old place. I told him that this is all a lie and requested that he tell me which security department he is from. Then he started threatening me. He said, 'We want you in front of us. We will keep you in our custody and will make your life hell. You don't know about us and our power. Now we know where you and your family live and we know how to get you in custody.'

"Afterwards this person called our caretaker, shouting at him, threatening him, and demanding to know why he gave me his cell number and why he didn't tell him I was home.

"My mom told me that the police and the Detective Branch surrounded my house overnight looking for me, but they didn't go inside. Now my mom and youngest sister are at home and they are in extreme fear that those people can come again and torture them if they don't find me there at home.

"During the day we can stay at a safe location (up

to now) but the problem is overnight. We have to move two or three times each night. The security is still harassing our family and since yesterday they have started to harass other BCWS staff members, who are still coming to the office to work, in order to locate us."

August 6: The RAB arrests workers

The headline news of the day in newspapers and on television was that the Rapid Action Battalion (RAB), the anti-crime and anti-terrorism Bangladeshi elite force, had arrested nine workers on charges of causing violence in the Mohakhali, Gulshan, and Tejgaon areas on July 30. Parading them in front of television cameras, RAB officials said that these workers were "criminals posing as workers," linked to workers' organizations that RAB claimed were being funded to instigate violence.¹⁰²

Kalpona worried that the RAB "had received very important information regarding the supposed agitators from the nine arrested workers" and that "RAB was now in the field trying to capture those people." We could be among them, she said. "Now we are sure the risk is going to be high and the situation could become even worse."

"There is more bad news," she continues.

"Mahidul and Shawpan, two of the worker leaders who work for CIPL (a factory of the Epic Group) have been captured by security forces. They could have been from the Rapid Action Battalion, the Detective Branch, the Special Branch, National Security Intelligence, the Directorate General of Intelligence Forces, or other security forces. They were captured at 3 a.m. this morning from their house.

"Shawpan is the vice chairman and Mahidul the secretary of the worker participation committee at CIPL. Management has not filed any complaint against him or against any other workers in the

factory. We are working with management to find him but we don't know where he is or who has taken him. We are really worried now because we have been working with these factory workers for the last three years and with other Epic factory workers for many years. Maybe the government is playing some game here with us, trying to get Mahidul and Shawpan to accuse us of crimes.

"I should mention that the owner and workers in this factory have a very good relation. If we rank factories here in Bangladesh then this factory would be number one."

August 7: The RAB surrounds Kalpona's house

"This morning 16 cops from the RAB and local police surrounded my house again. They were there about four hours while my mom was alone at home. They demanded our caretaker tell them whether I or any male member of my family was home. He told them that except for my mom no one was home.

"About 4 p.m. this afternoon, another group of cops (two male and two female) went by my old living place, looking for me, my brother, and brothers-in-law. Some of my brother's friends misdirected the cops and helped my brothers-in-law to escape. The cops said they were looking for us because they were also NGO workers and had an NGO matter to discuss with us.

"Our staff members, who are still working at our offices, tell us that security forces are visiting our offices, asking about us and where we are. When they respond that they don't know where we are, the security people threaten them. Ms. Taslim Zahan, Program Coordinator, and Mr. Jahangir Alam, Accounts and Administration, have been threatened. They told them if they do not cooperate they would have the same problem as we have very soon."

August 8: More raids

Kalpona says she does not have "much of an update," constant harassment becoming part of her taken-for-granted reality. She "only has two things to say." First, the night before the Detective Branch, the Rapid Action Battalion, and local police "raided my old house, my new house, and my sisters' house, looking for me and male members of my family, including my brother and my brothers-in-law." They would torture them, Kalpona said, in order to identify her location and capture her. Second, they found Mahidul and Shawpan at the CIPL factory. They had been captured by the RAB, who handed them over to the Ashulia Police Station. Managers have hired a lawyer and posted bail for them.

August 13: Kalpona and Babul arrested

Kalpona and Babul were arrested on Friday, August 13, at the start of Ramadan, a month of healing and purification. At 2 a.m., under the cover of night, 20 uniformed and plainclothes police entered their hiding place, rousing them from their sleep, and confiscated computers and paperwork belonging to BCWS.

By evening the first online news reports of their arrests appear. The story is that six female workers, arrested on August 9, identified Kalpona and Babul "as the two leaders who provoked them to resort to violence, demanding 5,000 taka as minimum wage." In addition to instigating violence against certain factories, Detective Branch police officials claimed that Kalpona and Babul took bribes from the owners in order to "settle the agitations."¹⁰³ However, these six workers were earlier said to have identified "two factory workers who prompted their fellows to vandalism" at the Floret Fashion Wear factory as the instigators of violence.¹⁰⁴ Neither Kalpona nor Babul is a factory worker and neither has ever worked at Floret Fashion Wear.

Thus, the first time that any evidence against the BCWS leaders is made public it is of a highly dubious nature. We still do not know what evidence, if any, the government had for first making allegations against BCWS when the NGO Affairs Bureau revoked their NGO registration on June 3, 2010. As for the Detective Branch's claim that Kalpona and Babul not only instigated workers to riot, but also accepted owners' bribes to quiet the workers, is it reasonable that they can so deftly manipulate the workers as to turn them on and off like a light switch?

Babul's story

Babul sent us the following testimony of his imprisonment following his arrest on August 13.

"My name is Babul Akhter. I am Secretary of the Bangladesh Garments and Industrial Workers Federation and Director of the Bangladesh Center for Worker Solidarity.

"Because the minimum wage of garments workers is lower than market price of their basic necessities, the garment workers in the areas of Ashulia, Savar, Adabor, Mohakhali, Gulshan, and Tejgaon¹⁰⁵ started a movement to increase the minimum wage to 5,000 taka per month. The workers took the streets, but some people, disguised as workers, started destroying cars, shops and offices. I was blamed for several of these incidents and charged with two cases in Ashulia, two cases in Adabor, one case in Gulshan, and three cases in Tejgaon: eight cases in total. These cases were filed on the 29th and 30th of July 2010. Following the filing of these cases, the Detective Branch of the police searched my office and home and even started following my relatives. The detectives tapped their cell phones. That is why I went into hiding. At first I stayed at my cousin's place. I stayed at another hiding place with Kalpona from the 6th of August.



Kalpona, escorted to court from prison, while in detention. Photo: BCWS.

"We never got out of this hiding place. On the 13th of August the Detective Branch police climbed up the walls to get in. They intimidated the security officers to hand over the keys, which they used to get into the office to arrest Kalpona and me. At that time I was wearing trousers and a T-shirt. I wanted to change my clothes but they didn't let me. When I insisted, they handcuffed me. I was taken to a Detective Branch police car, Kalpona to another car, and we were taken to the Detective Branch office.

"At the Detective Branch office, one officer wanted to take me to the torture room to beat me up. But the AC (Additional Commissioner) Sadia told them that no torture was necessary; rather they should keep us locked up. I was taken to a lock-up that was 12 feet by 12 feet where there were already six inmates. Kalpona was taken to a room opposite mine, where she was made to sit on a dirty blanket under a table which gave her a space of only two feet by four feet. Although she was only a few feet away from me, we were not allowed to talk to each other.

"It was the month of Ramadan, so they served food before dawn. The meal was composed of vegetables, lentils, and rice, but the vegetables

and rice did not seem edible so we did not eat it. We got no meals in the morning or during the day. In the evening, we were served some puffed rice along with some mashed potato and boiled chickpeas. The water was brought straight from the bathroom, which was certainly not safe to drink.

“All the lock-ups were dirty and reeked foully, and no one seemed to clean them. We had no pillows to sleep on. We used the blanket as pillow, and slept on the floor. The bathroom was always dirty and wet. It was never cleaned and there was no light. It was half-open and without any locks. There was no place to take a shower. I used a two-liter bottle of water to take a shower after two days.

“We had been arrested and taken to a lock-up on a Thursday night. On Friday morning, at about 9 a.m., Kalpona and I were taken to the room of AC Molla Nazrul. We were interrogated together. Then the same thing kept happening again and again. The same set of questions, only the people asking them changed.

“On the 16th of August Kalpona was questioned first. Then I was questioned separately by Dhaka Metropolitan Police Commissioner Shahidul Haq. He asked for my name, my father’s name, why I became a labor leader, from where I got money, why I got money, and if I was involved with the riots. If not, then who were involved? I was questioned like this for 30 minutes. I told him how I became a labor leader and from where I get money in great detail. Then Kalpona was questioned again for six straight hours.

“On the 19th of August, I was taken to the central jail after the court proceedings. After collecting some personal information, they searched my body and took me inside. I was taken to a hall-room cell, where I was asked to stay. There was no water in the room and no place to sit. There was

not even a place to wash. My body was searched again. Then we were served a meal. There were no plates, so one lid became the plate for five people. The food was so bad that we threw out one-fourth of the meal. When night fell I used a towel to sit on.

“At around 8:30 p.m. some other inmates and I were taken to the foyer space of the hall-room, where we were asked to freshen up at the nearby water facility. Then we were told to sit in a line, which in court terms is called a “file.” We sat there until 7:30 a.m. the following morning. In the meantime, they again collected personal information from me. At around 8 a.m., the jailor came to inspect the inmates. He spoke to other jail officials and guards and then left. We got no breakfast and were taken back to the cell in the hall-room.

“In the evening, they were preparing to take me to another room, but because those rooms were not suitable to stay in and did not have a water facility, I requested that they let me stay in the hall-room cell. The next day I was taken to another hall-room cell named “Padma 3.” There were about 400 inmates there, which is seven or eight times the capacity of the cell. I could barely sleep straight, but cigarettes relieved me a bit. Next morning I told my plight to the jail official in-charge, and for 3,000 taka I was allowed to stay in another room named “Jamuna 3.” They also made arrangements so that I could get a shower.

“On Friday the 28th of August, at around 3:15 p.m., I was taken to a court-approved two-day remand at the Ashulia police station for case number 88.¹⁰⁶ The investigating officer was Mr. Rafiqul. The Ashulia police station lock-up was 12 feet by 12 feet. The room was dirty and had a half-open bathroom, and there was also a dirty blanket there. No food was provided. At 10:30 p.m., one of my office colleagues brought food for me from her home, but the police did not allow her to give

it to me. Only after paying 200 taka was she allowed give it to me. My colleague also brought a bed sheet and a new blanket, but they didn't allow the sheet. I had dinner at 11 p.m. and stayed in that cell. I was not questioned that day.

“On Saturday the 29th of August my sister came to visit me, but she was not allowed to see me. Only after paying some cash could she see me. I was not questioned that day.

“In the evening I was taken to the room of the officer in charge. Also present in the room was Investigating Officer Mr. Rafiqul and, from the Ashulia area, Syed Ali Master's son, Sumon Bhuiyan, a leader of the Jubo League, the youth front of the ruling party, the Awami League. I was introduced to him and someone beside him in civilian clothing took a picture of me using his cell phone. I was wearing handcuffs at that time. I was taken back to the lock-up and again brought to the room of the officer in charge at around 9:30 p.m. Present in the room was Officer in Charge Siraj, one RAB-1 (Rapid Action Battalion) member, and Sub-inspector Saiful. I was introduced to the RAB officer, but he did not come to the police station for me. Someone in civilian clothing asked me, “What does your father do? And how educated are you?” I replied that my father is a farmer and I studied until the Secondary School Curriculum. Someone next to the officer in charge made some derogatory remarks and said “uneducated but a leader.” He used abusive language and said that we are the ones who are destroying the country's garment industry. He also said that we should be exiled by the government. I was taken back to my lock-up, and in the meantime dinner was brought to me after payment of cash. I spent the whole night sitting up.

“On Sunday morning, August 30th, my sister came to visit me but she was barred from entering the police station by the officer on duty who said no one would be allowed to see me. I spent the

whole morning inside the cell. At around 2 p.m., a man in civilian clothing, the body guard of the officer in charge, approached the officer on duty, Amir, and asked him to unlock my cell and take me out. When the cell was opened and I came out, he blindfolded me but I could see a little underneath the blindfold. I was taken to the room of the officer in charge. I could hear three or four people talking in that room. Once inside, I was not questioned but beaten on the back and the lower abdomen by something like a thick stick. I screamed in pain and fell on the floor. I was made to lie down on my stomach with my legs and hands spread out. They pressed their feet on me with shoes on, and someone else started beating me demanding, “Will you help the workers anymore?” “When will you move your office away from this area?” “We will take you out today in the name of recovering illegal weapons and shoot you in the legs to kill you.”

“One of them said, “We'll make you a scapegoat in another murder case so that you get a life sentence, and we'll make your wife a prostitute.” They also used other horribly abusive words. I kept on saying that I was innocent and had committed no crime and only Allah can help me and I started crying. Someone may have been recording this incident with their cell phone camera. They beat me up like this until 2:30 p.m. Afterwards they took me to the lock-up still blindfolded. In that cell there was another inmate, named Kohinoor, who was arrested three days earlier. Later he was also accused in case number 88. I couldn't sit or sleep when I returned to the cell. Four or five other persons were placed in the cell, and they were taken to the room of the officer in charge for questioning. When they returned they said the police would take Babul at night to recover illegal arms. They also said the officer in charge is receiving many calls for Babul, which is keeping the police station busy.

“Kohinoor shared his fear that I was in danger that night. Strict entrance policy to the police station was followed, and no one was allowed to see me. I was certain that I would be shot in a police “crossfire” incident or that I would lose both my legs that night. I was numb thinking about it for hours. At one moment I thought that because I had committed no crime, why should I be afraid, come what may? Then I got freshened up and got ready to go join the drama of the crossfire or of losing two legs in the name of recovering arms. I gave Kohinoor my sister’s and wife’s phone numbers, and requested of him that whatever the danger I may face he lets them know. I shared the same information with another inmate, Omar Farook, a garment worker, so that he could send my news. I could see flashes of my family, close friends, thousands of garment workers, and the Rampura office (of the Bangladesh Center for Worker Solidarity). During the iftar (evening breakfast during Ramadan) time, my iftar was not served. It was only served to me in exchange for some cash. At around 8 p.m., dinner arrived for me from my home. Again they were not allowed to see me and deliver food without paying some cash.

“At around 8:45 p.m. the district police super arrived and I was taken to the room of the officer in charge in handcuffs. For the first time in this police station I was asked my name, my father’s name, how I came to Dhaka, which factories I worked for, and how I became a labor leader. After 45 minutes of questioning, the officer in charge told Sub-inspector Saiful that it was no use accusing me, that they are not the only ones to blame, that they are just victims of circumstance. “There is no need for further questioning; send them to the court tomorrow,” he said. Then I was taken back to the lock-up. I breathed a sigh of relief. I stood there for one hour with my eyes closed thinking of what could have happened: death or losing two legs.



Babul in detention. Photo: BCWS.

“On Monday September 1st, I was taken to court with other inmates, and then back to the central jail.

“On the morning of September 5th, the jailor searched for me. When he couldn’t find me, the deputy jailor called me. He asked me in which room I was staying, and if I was facing any inconvenience staying there. Then he orders the security guards: “From today, Babul and Aminul will stay in cell number 90.” From that day, Aminul and I were in cell 90, room 31.

“In total there were five inmates in cell number 90, including me and Aminul. The room was very quiet and had a black and white TV. The room was for two people, but five of us were living there. At one corner of the room was a half-open bathroom. We had to enter the room by 5 p.m.

and the room was locked after that and opened again at 6 a.m. in the morning. There was no water inside the room, and even the tap outside did not have water for showers. Water only flowed at night. With exchange of cash, I could manage 10 liters of water a day for a shower.

“When I was first taken to the jail, I was charged in three cases. Once inside, the number of cases in which I was charged increased to eight. I was taken to the court for bail hearings in those cases. The bus that took us to court could seat 20 people and had a total capacity of 35 passengers. “However, 50 to 55 of us were transported, all standing. There were no windows, and any healthy person would become sick in that bus. According to the Bangladeshi jail code, anyone charged in three cases or more must be placed in shackles to go to court. So I was shackled while transported from jail to court. I requested the deputy jailor not to shackle me. But since it was the jail code, they had to do it. That’s why I was taken to the court on the 23rd of August in shackles. Everyone who saw me in shackles were emotionally hurt. After that day, whenever I was taken to the court I paid the guards 500 taka to not place me in shackles.

“On Thursday September 9th, the magistrate court allowed bail in all my cases. Bail orders go to the jail authority from the courts at around 5 p.m. But since it was already time to return to the rooms and be locked up, I was not released that day. On Friday morning, I was told I had received bail and was taken to the office at around 9 a.m. After two hours, Aminul was also brought to the office to start his release proceedings. A few minutes later, Kalpona was brought to the room next to us. We waited for a long time. When I asked why everyone else who were there were being released and not us, the jail officer replied that they had not received the bail order for Kalpona for Adabor case 30, and my bail orders for Gulshan case 89 and Savar case 88. When our colleagues



Labor activists rally in front of the Bangladeshi Embassy in Washington, DC, in support of the Bangladesh Center for Worker Solidarity. Photo: Michelle Petrotta.

and lawyers learned about this, they got all the bail orders from the court to the jail office by 3:30 p.m. Even after receiving all necessary papers they did not release us. When we asked why we were not being released, the deputy jailor replied that we would be released later. But I was still not sure we would be released.

“When I asked for specific reasons for the delay, the deputy jailor said that he needed clearance from the Bangladesh Garment Manufacturers and Exporters Association. I asked him, “Why would you need their clearance? They are an association, we are an association, so why would there be any need of clearance from them?” The deputy jailor was silent. Then he said that he needed clearance from the Special Branch of Police, the National Security Intelligence, and the Directorate General of Forces Intelligence. I asked him if these clearances were an official policy or just his whim. He

replied that that's how government instructed him.

"Time passed, and the deputy jailor got clearance from the Special Branch of Police, the National Security Intelligence, and the local Kotoali police station—for which of course we had to pay a heavy sum of money. The Directorate General of Forces Intelligence gave their clearance after 9 p.m. Then he said he needed permission from the jail super. When the jail super arrived and gave his permission, we were told we needed permission from the Deputy Inspector General for prisons. When he gave his permission, it was written on the back-page of the bail order that we were released following clearance received from the Special Branch of Police, the National Security Intelligence, the Directorate General of Forces Intelligence, and the local police station. At last we were released at around 10:10 p.m. on September 10th."

Released but not restored

Only days before a magistrate judge unexpectedly held a special hearing for Kalpona, Babul, and Aminul, granting them bail on all charges and ordering their release, it had appeared increasingly likely that they would remain in jail indefinitely until their cases were heard. Even after being granted release, they had to wait in a jail office room for seven long hours to receive clearance from the Special Branch of the police, National Security Intelligence, and the Directorate General of Forces Intelligence. The deputy jailor told them he even needed permission from the Bangladesh Garment Manufacturers and Exporters Association to let them go. But on Friday, September 10, at 10 p.m., the start of the Eid Festival which marks the end of Ramadan, they were finally released on bail.

After the first week of freedom, Kalpona reported that Babul had pain in his knees and back and could not sit down for extended periods. They

were both exhausted and suffered from stress.

"Whenever I close my eyes and try to sleep I just see the jail, the police, the interrogation, and the court," Kalpona said. "Babul sees the people torturing him." Aminul was in better condition though he suffered from pain in his ears, a lingering effect of the beating he received from National Security Intelligence personnel on June 16. After the second week of freedom, Kalpona received a medical report that she was suffering from Panic Disorder, an anxiety disorder characterized by recurring episodes of intense fear and apprehension. Months later they were still reporting serious physical ailments since their release, including skin and respiratory infections, back pain, gastrointestinal problems, and difficulty sleeping.

Despite their release on bail, all charges remained against them: seven against Kalpona, eight against Babul, and four against Aminul who had surrendered to the judge on August 29. The government continued to claim it had evidence against all three of them.

Three of the cases were filed under the Speedy Tribunal Act. Those cases must reach a verdict within sixty days of the beginning of trial. The trials for the other charges could take anywhere from one to five years to reach a verdict. If convicted on any of the charges against them, Kalpona, Babul, and Aminul could face years in prison.

Their experience with the judicial system thus far does not inspire confidence that the courts will treat their cases consistent with international standards of due process. The government has not presumed them innocent until proven guilty. The cases against them appear to be instigated by factory owners or directors to prevent them from conducting legitimate work in defense of workers' rights. Aminul had been compelled under torture to testify against himself and confess his and BCWS's supposed guilt in provoking worker unrest and violence. At the time of this writing,

there appears to be every reason to fear that they will not get a fair hearing by an impartial tribunal and that they could be convicted based on unsubstantiated or insufficient evidence.

Most worrisome is that Kalpona, Babul, and Aminul will again be subjected to torture or other cruel, inhuman, or degrading forms of treatment and punishment. Babul was severely beaten the afternoon of August 30 while remanded for interrogation at the Ashulia police station. He was assaulted by several non-uniformed persons who entered his holding cell, blindfolded him, and beat him with a thick wooden stick, inflicting injuries on his leg, hip, and groin. His assailants also threatened Babul that he would be taken from the police station and shot by police during a staged incident, the same threat that was made against Aminul when he was detained by National Security Intelligence on June 16.

Such death threats are not idle. Odhikar, a Bangladeshi human rights organization, has recorded the killings of 40 jailed Bangladeshis and another two persons who died in court custody and Rapid Action Battalion custody within the last seven months. Ain O Shalish Kendra, another Bangladeshi human rights organization, reports that 61 people have died in law enforcement custody, including in “[staged] crossfire incidents,” in the first six months of 2010. The Bangladeshi High Court has issued directives to stop such incidents, but legal experts and human rights activists continue to express deep concern custodial deaths.¹⁰⁷



Kalpona and Babul send their thanks to everyone who took action to help secure their release from prison. But the struggle continues. Photo: BCWS, September 2010.

Chapter 7: The Stigmatization and Criminalization of BCWS

*Unfortunately, a few so-called labor leaders, to serve their selfish parochial self interests and ulterior motive created tension, spread rumors and propaganda to agitate the people. Being duped into believing the rumors few workers became agitated.*¹⁰⁸

--Embassy of Bangladesh in the United States

If silencing labor rights activists is the goal, creating doubts about their legitimacy as reliable and honest advocates serving workers' interests is a critical strategy. The government and Bangladeshi mainstream media have sought to undermine the legitimacy of worker demands by depicting workers in both words and pictures as violent, angry, and out of control. Articles are filled with phrases such as "angry workers rampaging through the streets;" "unruly workers;" and "workers go berserk again." Similar to the Embassy statement quoted above, several members of the Bangladeshi government have advanced the notion that the protesting workers are being manipulated and that they are but pliable tools of other interests that do not have the best interest of the nation at heart. Consequently, the government has focused on containing and controlling so-called "provocateurs" and "saboteurs," including the leaders of BCWS, rather than addressing legitimate worker grievances. This is an injustice both to the labor rights leaders, who have been unfairly accused of crimes they have not committed, and to the workers, whose grievances are ignored because they are supposedly just "duped" into protesting low wages and poor working conditions.

Who are the so-called "provocateurs" and "saboteurs?"

Sometimes so-called "provocateurs" and "saboteurs" are unidentified nebulous outsiders. On

July 30, on the first day of the protests against the new minimum wage, Dhaka Metropolitan Police Commissioner AKM Shahidul Haque urged garment workers not to fall into "traps of the conspirators," who are trying to ruin the industry. "A quarter will want to take advantage of the situation, for that we cannot rule out the chances of sabotages," he said.¹⁰⁹ The following day he announced that cases will be filed "against the garment workers' leaders who instigated the violence in the city," adding: "We are left with no other choice but to deal with the situation with an iron hand."¹¹⁰

Similarly, after nearly 8,000 workers of the Envoy Group, staged a demonstration for the 5,000 taka minimum wage, the Bangladesh Garment Manufacturers and Exporters Association alleged that certain people were hatching a conspiracy to destroy the country's highest foreign currency earning sector. "As part of their conspiracy, they have targeted the big apparel factories which have good labor practices," a BGMEA official told *The Financial Express*.¹¹¹ On August 9, the Rapid Action Battalion (RAB) chief, Hassan Mahmood Khandker, similarly told reporters that "[o]utsiders conspire to devastate the sector. Some of them have been arrested. RAB is after the others."¹¹²

In another version of the government's conspiracy theory of worker protest, the provocateurs are agents of the main political opposition party. On July 31, 2010, in the midst of the garment worker uprising, Prime Minister Sheikh Hasina made the case against the opposition party, the Bangladesh Nationalist Party (BNP). In five years, she said, they had resorted to plundering, corruption, extortion, hooliganism, killings, nepotism and repression of political figures, women and children to create wealth for themselves. But after losing the last election "they are now unable to make money through corruption and exploitation." As a result, Hasina said, BNP leader Khaleda Zia

“is conspiring to oust the government.”¹¹³ Part of this strategy involves instigating unrest in the garment industry. “They (the opposition) are provoking the garment workers to create chaos with an evil design to gain political benefit out of it,” she explained.¹¹⁴ According to Hasina, these activities are aimed at destroying the country’s highest foreign exchange earning sector.¹¹⁵ The only appropriate response, the prime minister said, is to “identify, catch and punish” the provocateurs, whom she called “enemies of the nation.”¹¹⁶ Hasina added: “We will not spare anyone who is behind this. We will find out the provocateurs and try them.”¹¹⁷

In yet another theory, the conspirators are foreign countries, presumably those that compete with Bangladesh’s garment industry. When the Rapid Action Battalion (RAB) arrested nine workers on charges of causing violence in several industrial areas on July 30 and paraded them in front of television cameras, RAB officials explained that “some neighboring countries [are] trying to create unrest in the garment sector through workers movement,” perhaps through some 10 to 15 workers’ organizations that RAB claimed were being funded to instigate violence.¹¹⁸

Finally, nongovernmental organizations are sometimes equated with the “external forces” seeking to undermine the nation’s garment industry. At an August 10 roundtable on “strategies to minimize labor unrest in the RMG sector” held at the Dhaka Sheraton Hotel, Labor and Employment Minister Khandaker Mosharraf Hossain, claimed that some nongovernmental organizations were involved in the latest labor unrest in the readymade garment sector. In the name of protecting human

rights, they (some NGOs which he did not name) are violating human rights, he said. “Some external forces were involved in the violence,” Hossain added.¹¹⁹ Shipping Minister Shajahan Khan accused “some non-governmental organizations [of] instigat[ing] violence in the name of awareness programs.”¹²¹ And after the June 20 uprising of tens of thousands of workers in the Ashulia industrial area that began with 7,000 workers at a Nassa Group factory demonstrating for the 5,000 taka minimum, BGMEA president Abdus Salam Murshedy claimed that it really was “not a protest.” Instead, he said, “[i]t’s pre-planned violence aimed at destroying our main industry.” Who is responsible? Unidentified garment manufacturers alleged that the workers were provoked by “union leaders and non-governmental organizations.”¹²²

Labeled “external forces,” “enemies of the nation” or “provocateurs,” BCWS leaders can be formally charged with criminal activities without provok-

ing widespread concern or protest. The charge against them is that they are supposed to have participated in and/or fomented worker violence, including using explosives to damage garment factories, destroying parked cars, attacking shops,

assaulting managers and police officers, stealing wireless communication devices from police and motherboards of computerized machines in factories, provoking work stoppages, and erecting road barricades. Despite lack of evidence, the charges can further shame and disgrace BCWS in the eyes of the public and contribute to undermining the organization’s legitimacy as a labor rights and worker advocacy organization.

The response of a Bangladeshi religious leader to a request for assistance for BCWS illustrates this

The government had earlier assured us of giving new wage before Ramadan. But it says the new wage will be effective three months later to please owners. Although the new minimum wage is lower than our demand, we would have accepted it if we got hiked salaries immediately.

--Habibur Rahman, garment worker¹²⁰

gradual undermining of BCWS's credibility and legitimacy: "I have received your email regarding the Bangladesh Center for Worker Solidarity," he writes. "It seems there are some problems such as they have registered with the NGO bureau but have not renewed it for the last couple of years, and they played a role behind the destructive activities of the garment workers. The Garments Owners Association recently increased the minimum salary for garments workers from 1,500 taka to 2,500 taka. In our context it is not bad at all, but some of them are still involved in the destructive activities in the garments factories. Presently the ruling party thinks they are influenced by the opposition to create a problem in the country. Thus it is not an easy matter. [We] can't play any role in this critical situation. Because we don't know what the truth is."

This religious leader's response reflects a curious blend of confidence in his detailed knowledge (he claims to know that BCWS has not renewed NGO registration in the last two years) and stark ignorance (the minimum wage was raised to 3,000 taka, not 2,500 taka, and company owners do not, officially at least, set the minimum wage). But he has enough confidence in his knowledge not to take action in support of BCWS. He doubts their credibility. "We don't know what the truth is." From the point of view of those who have instigated this campaign against BCWS, this religious leader's statement signifies "mission accomplished."

Workers, however, were not so easily fooled. According to a *Daily Star* survey more than three of every four garment workers believe garment workers, not outside "provocateurs" or "saboteurs," were the main force behind the protests demanding a wage increase to 5,000 taka. Many workers explained to *The Daily Star* that the government could still have avoided the massive protests after the announcement of the 3,000 taka minimum

wage if the government had but made the new wage effect immediately in August, as promised, and not on November 1. The delayed minimum wage implementation meant that garment workers would have to look forward to spending "the year's biggest religious festivals and spending season... with only a meager survival wage."¹²³

Conclusion: Who Is Responsible?

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

--Article 10, the United Nations Declaration on Human Rights Defenders

The Bangladeshi government bears the major responsibility for protecting human rights defenders in Bangladesh, but anyone who has the power to help make BCWS and other defenders of human rights and labor rights whole should also take action. This includes owners of large factories, primarily the Nassa Group and the Envoy Group. They can withdraw the cases against BCWS they have filed and pressure the government to withdraw other cases.

It also includes the major brands and retailers, the lynchpins of the Bangladeshi export economy which, in addition to demanding justice for BCWS in return for continued business, should themselves reevaluate their lethal “low-price-at-any-cost” business model. This model ignites a race to the bottom which sparks factory fires and fosters malnutrition wages in Bangladesh, the global “ground zero” in working conditions.

We call on the Bangladeshi government to move quickly to:

- Drop all charges against BCWS staff members and other labor rights advocates who are falsely accused of crimes as retribution for their advocacy for a 5,000 taka minimum wage, union rights, and other labor rights.
- Unconditionally restore BCWS’s nongovernmental organization registration with the NGO

Affairs Bureau.

- Return computers, paperwork, and other property of BCWS to the organization, and instruct BCWS’s bank to reopen BCWS’s account.
- Investigate and hold accountable those responsible for the torture and mistreatment of Babul Akhter and Aminul Islam to ensure there is no impunity for such acts.
- Provide human rights training to police and security forces, and enforce sanctions against those who violate such rights.
- Refrain from stigmatizing human rights defenders and instead publicly recognize the value of their work, including the work of BCWS.
- Raise the minimum wage of garment workers to at least 5,000 taka per month.

We call on the owners of the Nassa Group, the Envoy Group, and other garment factories to move quickly to:

- Pressure the government to drop all charges against BCWS staff and other labor rights advocates.
- Publicly support a 5,000 taka minimum wage and workers’ right to form unions.
- Make clear to their own workers that they will not retaliate against anyone who exercises his or her associational rights or complains about labor practices or working conditions.

We call on brands and retailers that purchase apparel made in Bangladesh to move quickly to:

- Insist that the Envoy Group and the Nassa Group use their influence with the Bangladeshi government to drop all charges against BCWS staff members and other labor rights advocates.

- Insist that the Bangladeshi government unconditionally restore BCWS's nongovernmental organization registration with the NGO Affairs Bureau.
- Publicly commit to a sustainable business model in which factories that comply with labor law and core labor standards receive predictable and sustainable orders at prices that allow them to pay at least a 5,000 taka minimum wage and negotiate agreements with a union that go beyond the minimally required labor standards.

But the responsibility for defending human rights and people's fundamental freedoms does not end with those institutions, public or private, that are directly responsible for human rights abuses or have the power to immediately rectify those abuses. According to the United Nations Declaration on Human Rights Defenders, we can all be defenders of human rights. Everyone has the right, whether acting individually or in association with others, to promote human rights, whether nationally or internationally. Anyone who wants to make it his or her work to help restore BCWS and ensure freedom of human rights defenders in Bangladesh can do so. We welcome your help.

Endnotes

1. Mahmud, Arshad, "Can the garment workers be subdued?" *The Daily Star* (Dhaka), August 4, 2010, www.thedailystar.net.
2. Letter from Helga Ying, Director, Government Affairs and Public Policy, Levi Strauss & Co. to Mr. Akramul Qader, ambassador of Bangladesh to the United States, July 2, 2010. On file with the International Labor Rights Forum.
3. Both the Congressional letter (of August 30, 2010) and the letter from the American Apparel and Footwear Association (of September 1, 2010) are on file with the International Labor Rights Forum.
4. Letter from Abdus Salam Murshedy, Managing Director, Envoy Group, to members of the U.S. Congress, September 9, 2010. On file with the International Labor Rights Forum.
5. Letter from Ambassador Akramul Qader to Congressman Phil Hare, September 7, 2010, on file with the International Labor Rights Forum.
6. Human Rights Council, "Human rights violations committed against defenders, and other difficulties they confront," in "Special Rapporteur on the situation of human rights defenders," available at www2.ohchr.org (accessed October 3, 2010).
7. Human Rights Council, "Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya," December 30, 2009, available at www2.ohchr.org (accessed October 3, 2010).
8. Most of the following account is a transcription of a video interview with Kalpona Akter conducted by the Clean Clothes Campaign in June 2009. The video title is "You can safely invest in Bangladesh' - Interviews with Kalpona Akter." See www.vimeo.com/12425670.
9. Writ Petition No. 4930 of 2010, filed with the Supreme Court of Bangladesh, June 10, 2010, in the matter of the Bangladesh Center of Worker Solidarity, represented by Kalpona Akter, General Secretary, versus the Director General, N.G.O. Bureau, Prime Minister's Secretariat. On file with the International Labor Rights Forum.
10. See, for example, "Bangladesh factory rioting ends," *BBC News*, May 24, 2006, available at news.bbc.co.uk/2/hi/business/5011982.stm (accessed October 19, 2010).
11. Alamgir, Mohiuddin, "Exploiting the economy builders," *New Age Extra*, August 13-19, 2010, www.newagebd.com
12. Hussain, Zahid, "Financing Living Wage in Bangladesh's Garment Industry," *End Poverty in South Asia Blog*, August 3, 2010, available at blogs.worldbank.org/endpovertyinsouthasia (accessed September 4, 2010).
13. The exchange rate used in this report is US\$1 = 69 Bangladeshi taka.
14. Eusuf, M. Abu, ABM Omor Faruque, and Atiur Rahman, "Institutions for Facilitating FDI: Issues for BEPZA, Bangladesh," *IPPG Briefing Paper No. Ten*, March 2007, available at www.ippg.org.uk/publications.html, (accessed October 7, 2010).
15. International Trade Union Confederation, "Annual survey of violations of trade union rights 2009: Bangladesh," available at survey09.ituc-csi.org/survey.php?IDContinent=3&IDCountry=BGD&Lang=EN (accessed October 12, 2010).
16. See Sections 24, 37, 80, 81, 83, and 88 of the EPZ Workers Welfare Society and Industrial Relations Act of 2010.
17. Committee of Experts on the Application of Conventions and Recommendations, "Individual Observation concerning Freedom of Associa-

- tion and Protection of the Right to Organise Convention, 1948 (No. 87) Bangladesh (ratification: 1972),” 2010, available at www.ilo.org/ilolex/gbe/ceacr2010.htm (accessed October 7, 2010).
18. Ibid.
 19. “Workers’ welfare body in every RMG planned,” *The Financial Express* (Dhaka), July 9, 2010, www.thefinancialexpress-bd.com.
 20. Ibid.
 21. “RMG owners favor minimum wage of workers at Tk 2,000,” *The Financial Express*, May 29, 2010, www.thefinancialexpress-bd.com.
 22. International Trade Union Confederation, “Annual Survey of Trade Union Rights 2010: Bangladesh,” available at survey.ituc-csi.org/+Bangladesh-.html (accessed October 7, 2010).
 23. “OSHE Survey Report on Workplace Accident and Violation: Period, January – June 2010,” available at www.oshebd.org/news/ctg_seminar.html (accessed October 12, 2010).
 24. See “Gas chamber,” February 26, 2010, *BD News 24*, and Worker Rights Consortium, “Recent Tragedies and Fire Safety in Bangladesh,” April 2, 2010, available at www.workersrights.org/university/memo/040210.html (accessed October 12, 2010).
 25. Quoted in Swedish online newspaper article: “Låst i H&M-fabrik som brann?” *Dagens Nyheter* (Stockholm), February 26, 2010, available at www.dn.se/nyheter/varlden/last-i-hm-fabrik-som-brann-1.1053033 (accessed October 13, 2010).
 26. “Major RMG Fires Since ‘90,” *The Daily Star*, February 27, 2010, www.thedailystar.net.
 27. Hossain, Jakir, “Good intentions hardly enough,” July 27, 2010, *New Age*, www.newagebd.com.
 28. “RMG wages too low to even buy minimum amount of food,” *New Age*, July 7, 2010, www.newagebd.com.
 29. See *supra* note 27.
 30. Ibid.
 31. “Labor leaders demand wage board for workers,” *The Financial Express*, November 1, 2009, www.thefinancialexpress-bd.com.
 32. “Operation of wage board for RMG workers in limbo,” *The Financial Express*, March 6, 2010, www.thefinancialexpress-bd.com.
 33. “RMG owners favor minimum wage of workers at Tk 2,000,” *The Financial Express*, May 29, 2010, www.thefinancialexpress-bd.com.
 34. “Garment Workers Riot in Bangladesh,” *Wall Street Journal*, July 31, 2010.
 35. “Apparel workers’ call for wage-hike movement worries manufacturers,” *The Financial Express*, June 19, 2010, www.thefinancialexpress-bd.com.
 36. “Minimum wages for garment workers,” *The Financial Express*, July 30, 2010, www.thefinancialexpress-bd.com.
 37. Quoted in “Dhaka garment workers in violent protests over low pay,” *The Guardian*, July 30, 2010, www.guardian.co.uk.
 38. Quoted in “RMG wage sparks violent protests,” *The Daily Star*, July 31, 2010, www.thedailystar.net.
 39. “Meet on workers’ wages ends inconclusively,” *The Financial Express*, July 9, 2010, www.thefinancialexpress-bd.com.
 40. “RMG workers’ pay meagre, says PM,” *New Age*, July 22, 2010, www.newagebd.com.
 41. “Garment workers’ minimum wage fixed at Tk 3,000,” *The Daily Star*, July 30, 2010, www.thedailystar.net.

42. "Workers agree on new wage," *The Daily Star*, August 2, 2010, www.thedailystar.net.
43. "13 RMG rights groups reject tripartite meet outcome," *New Age*, August 3, 2010, www.thenewage-bd.com.
44. "Objections to new RMG wage galore," *The Financial Express*, August 20, 2010, www.thefinancialexpress-bd.com.
45. Letter from the Bangladesh Garment Manufacturers and Exporters Association to members of the U.S. Congress, September 8, 2010. On file with the International Labor Rights Forum.
46. Alamgir, Mohiuddin, "Exploiting the economy builders," *New Age Extra*, August 13-19, 2010, www.newagebd.com.
47. See *supra* note 22.
48. Alam, Korshed, Alternative Movement for Resources and Freedom Society (AMRF), "Recent unrest in garment sector in Bangladesh," available at epo-mediawatch.blogspot.com/2010/07/recent-unrest-in-garment-sector-in.html (accessed July 29, 2010).
49. See, for example, "Garment workers protest in Bangladesh," *The Guardian*, June 30, 2010, www.guardian.co.uk.
50. "Unrest rolls into 5th day: Garment workers take to streets, say pay hike still too small," *The Daily Star*, August 4, 2010, www.thedailystar.net.
51. "50 injured as police, garment workers clash in Rupganj," *New Age*, August 15, 2010, www.newagebd.com.
52. "25 hurt in RMG worker-cop clash in N'ganj," *The Daily Star*, August 22, 2010, www.thedailystar.net.
53. "Clear wages, bonuses, other payments before Eid," *The Financial Express*, August 30, 2010, www.thefinancialexpress-bd.com.
54. "Ashulia RMG workers stage protest, withdraw after four hours," *The Financial Express*, September 2, 2010, www.thefinancialexpress-bd.com.
55. "Wage increase won't hurt RMG profit: WB economist," *New Age*, August 6, 2010, www.newagebd.com.
56. Karl-Johan Persson, Chief Executive Officer, H & M Hennes & Mauritz, AB, Letter to the Honorable Prime Minister Sheikh Hasina, August 18, 2010.
57. See *supra* note 46.
58. See www.envoy-group.com.
59. "Top garment group splits after months of ownership discord," *Financial Express*, July 8, 2010, www.thefinancialexpress-bd.com.
60. Clean Clothes Campaign, 2008, unpublished report on the Nassa Group. On file with the International Labor Rights Forum.
61. "RMG units in Ashulia, N'ganj resume production amid tight security," *The Financial Express*, August 2, 2010, www.thefinancialexpress-bd.com.
62. "50 hurt as police fire rubber bullets at garment workers," *The Financial Express*, August 17, 2009, www.thefinancialexpress-bd.com.
63. "30 more garment workers hurt in fresh violence," *The Financial Express*, August 18, 2009, www.thefinancialexpress-bd.com.
64. "Garment workers block road to get wages," *The Financial Express*, November 27, 2009, www.thefinancialexpress-bd.com.
65. "Envoy Group resumes production December 5," *The Financial Express*, December 2, 2009, www.thefinancialexpress-bd.com.
66. "RMG unrest leaves 40 hurt at Ashulia," *The Financial Express*, January 12, 2010, www.thefinancialexpress-bd.com.

67. “RMG workers clash with police over wage hike: 40 hurt,” *The Financial Express*, June 14, 2010, www.thefinancialexpress-bd.com.
68. See *supra* note 60.
69. Manirul Islam’s testimony is on file with the International Labor Rights Forum.
70. “Apparel makers fear trade unions in factories to destabilise RMG sector,” *The Financial Express*, August 5, 2009, www.thefinancialexpress-bd.com.
71. “76 factories closed, 100 injured in police-workers clash in Ashulia,” *The Financial Express*, June 20, 2010, www.thefinancialexpress-bd.com.
72. “Case filed against 4,000 workers,” *The Financial Express*, June 21, 2010, www.thefinancialexpress-bd.com.
73. At the time of writing, Nassa has claimed publicly, and to brands and retailers, that they are dropping the charges relating to the June 20, 2010, uprising. However, BCWS has yet to see evidence in court documents that they have actually done so.
74. “Nassa Group resumes production today” *The Financial Express*, July 26, 2010, www.thefinancialexpress-bd.com.
75. U.S. Department of State, Bureau of Democracy, Human Rights, and Labor. “2009 Human Rights Report: Bangladesh,” March 11, 2010, available at www.state.gov/g/drl/rls/hrrpt/2009/sca/136085.htm (accessed October 18, 2010).
76. “334 NGOs shut in four months,” *The Daily Star*, August 5, 2010, www.thedailystar.net.
77. Letter “Regarding Cancellation of Registration of Bangladesh Center for Workers Solidarity (BCWS),” from Government of the People’s Republic of Bangladesh, NGO Affairs Bureau, to BCWS, June 3, 2010. On file with the International Labor Rights Forum.
78. See: www.ngoab.gov.bd/Files/CANCELLED_NGOs.pdf.
79. Altab Hossain, “Registration of one NGO is cancelled,” *Daily Samakal*, June 10, 2010.
80. Bangladesh Government Non-Paper, “Briefing note on BCWS’s Registration and Arrest of two leaders.” On file with the International Labor Rights Forum.
81. “BCWS Review Petition to NGO Affair Bureau,” July 27, 2010. On file with the International Labor Rights Forum.
82. “Cops try in vain to justify HR violation,” *The Daily Star*, August 8, 2010, www.thedailystar.net.
83. Human Rights Watch, “Ignoring Executions and Torture: Impunity for Bangladesh’s Security Forces,” May 18, 2009, available at www.hrw.org/en/reports/2009/05/18/ignoring-executions-and-torture-0 (accessed October 18, 2010).
84. See *supra* note 75.
85. See *supra* note 83.
86. See *supra* note 75.
87. *Ibid.*
88. See *supra* note 83.
89. *Ibid.*
90. In a July 2010 case “officers arbitrarily arrested a man from his home and detained him illegally at a police post for ransom, while threatening to file fabricated charges against him. After his family refused to pay, the man was reportedly tortured, remanded and charged with fabricated crimes, regardless of contrary evidence.” See Asian Human Rights Commission, “Detective branch police illegally arrest a man and fabricate an arms case against him after his family fail to pay a bribe,” July 6, 2010, available at www.ahrchk.net/ua/mainfile.php/2010/3496 (accessed

October 10, 2010).

91. See *supra* note 75.
92. “Industrial police to start working soon,” *The Financial Express*, October 5, 2010, www.thefinancialexpress-bd.com.
93. Because the meeting was to take place after the government had revoked BCWS’s NGO registration, the Chief Inspector of Factories had reportedly received special permission from the Labor Minister to hold the meeting.
94. Savar Ashulia is an industrial hub in Dhaka where Envoy Garments is located.
95. He refers to Amin throughout the testimony as “Amin boss.”
96. In other words, they threatened to kill him but to cover up the killing in staged crossfire incident. See the beginning of this chapter for an explanation of crossfire killings.
97. On June 2, 2010, Mahmudur Rahman, the chief editor of the opposition daily *Amar Desh*, was arrested on charges of sedition after the government shut down the newspaper. The human rights organization Odhikar reports that on the night of June 10 at around 2 a.m., five or six men entered Mr. Rahman’s cell, removed his clothes, and jabbed him with their elbows in his chest and back until he lost consciousness. See Asian Forum for Human Rights and Development, “Bangladesh: Torture of Mahmudur Rahman, acting editor of an opposition daily,” June 15, 2010, available at www.forum-asia.org/index.php?option=com_content&task=view&id=2582&Itemid=130 (accessed October 10, 2010). Reporters Without Borders also called on the Bangladeshi government to guarantee the physical integrity of Mahmudur Rahman, fearing he may have been mistreated in detention. See www.ifex.org/bangladesh/2010/06/10/rahman_sedition_charge.
98. A lowland, waterlogged jungle area.
99. “Dhaka garment workers in violent protests over low pay,” *The Guardian*, July 30, 2010, www.guardian.co.uk.
100. “RMG wage sparks violent protests,” *The Daily Star*, July 31, 2010, www.thedailystar.net.
101. The telephone numbers used by Bashir and other impostors are on file with the International Labor Rights Forum.
102. “9 workers held for RMG unrest,” *The Daily Star*, August 7, 2010, www.thedailystar.net.
103. See “2 garment workers’ leaders arrested,” *BDNews 24*, August 13, 2010, www.bdnews24.com; “Two workers’ leaders held,” *The Daily Star*, August 14, 2010, www.thedailystar.net; “RMG leaders held for instigating rampage,” *The New Nation*, August 14, 2010, www.nation.ittefaq.com; “2 RMG leaders arrested,” *New Age*, August 14, 2010, www.newagebd.com.
104. “Six female workers arrested,” *The Daily Star*, August 10, 2010, www.thedailystar.net.
105. These are industrial areas in the capital of Dhaka where most of the worker protests against the low minimum wage took place and where the cases against workers and labor leaders were filed.
106. Babul, Aminul, and 60 others are accused of creating a barricade on the road, destroying properties and snatching pistol and wireless communication sets from the police.
107. “Uphold HC ruling against custodial deaths,” September 3, 2010, *The New Nation*, www.ittefaq.com.
108. Email from Shafiqul Islam, Commercial Counselor, Embassy of Bangladesh, Washington, D.C., August 16, 2010. On file with the International Labor Rights Forum.

109. "Police Warn Demonstrating Garment Workers," *The Daily Star*, July 30, 2010, www.thedailystar.net.
110. "RMG wage sparks violent protest," *The Daily Star*, July 31, www.thedailystar.net.
111. "RMG workers clash with police over wage hike: 40 hurt," *The Financial Express*, June 14, 2010, www.thefinancialexpress-bd.com.
112. "Another group tied to RMG unrest: RAB," *BDNews 24*, August 9, 2010, www.bdnews24.com/corr/lh/saa/ha/ost/2240h.
113. "PM warns against anarchy, violence," *The Daily Star*, August 1, 2010, www.thedailystar.net.
114. "PM warns stern action against anarchy," *New Age*, August 1, 2010, www.newagebd.com.
115. See *supra* note 113.
116. See *supra* note 114.
117. See *supra* note 113.
118. "9 workers held for RMG unrest," *The Daily Star*, August 7, 2010, www.thedailystar.net.
119. "RMG labour unrest: Minister smells NGOs' involvement," *The Daily Star*, August 10, 2010, www.thedailystar.net.
120. "From RMG workers' mouths," *The Daily Star*, August 18, 2010, www.thedailystar.net.
121. "Workers agree on new wage," *The Daily Star*, August 2, 2010, www.thedailystar.net.
122. "76 factories closed, 100 injured in police-workers clash in Ashulia," *The Financial Express*, June 20, 2010, www.thefinancialexpress-bd.com.
123. See *supra* note 120.