

CATCH OF THE DAY

A Situational Analysis of Trafficking and Forced Labour in the Global Supply Chains of the Garment and Seafood Sector in Bangladesh, India and Philippines

Photo Credit: M. Yousuf Tushar



GLOBAL MARCH

Against Child Labour
Contra el Trabajo Infantil
Contre le Travail des Enfants

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ADVOCACY
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This report has been drafted by Dr. Geeta Sekhon, Consultant for Global March Against Child Labour.

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Global March Against Child Labour
Koningskade 30, 2596 AA, The Hague, The Netherlands

OR

International Secretariat
23, Friends Colony (West), New Delhi-110 065, India
info@globalmarch.org

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Terminologies

The report uses several terminologies, such as, Child Trafficking, Child Labour, Forced Labour and Slavery. These terms are to be understood based on their international definitions as follows –

Trafficking in Persons¹ - “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in this article. A “child” shall mean any person less than eighteen years of age.

Child Labour² - The term ‘child labour’ is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that: is mentally, physically, socially or morally dangerous and harmful to children; interferes with their schooling by depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.

Forced Labour³ - All work or service, which is exacted from any person under the menace of any penalty and for which the said person has not offered voluntarily.

Slavery - It is prohibited under the 1948 Universal Declaration of Human Rights, which states: “No one shall be held in slavery or servitude: slavery and the slave trade shall be prohibited in all their forms.” Definitions of modern-day slavery are mainly taken from the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, which says: “debt bondage, serfdom, forced marriage and the delivery of a child for the exploitation of that child are all slavery-like practices and require criminalisation and abolishment”.

¹ Article 3 - The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, 2000.

² International Programme on the Elimination of Child Labour (IPEC); at: <http://libguides.ilo.org/child-labour-en>

³ ILO (C029)- Forced Labour Convention, 1930

Executive summary

The International Labour Organization (ILO) estimates that in 2016, around 40.3 million people were in modern slavery, including 24.9 million in forced labour, which means that there are 5.4 victims of modern slavery for every 1,000 people in the world. It is also estimated that 1 in 4 victims of modern slavery are children and it is the women and girls who are disproportionately affected by forced labour, accounting for 99% of victims in the commercial sex industry, and 58% in other sectors. It is further estimated that 152 million children worldwide – almost one in ten of the world's children – are engaged in child labour with Africa ranking highest in the absolute number of children in child labour – 72 million and Asia and the Pacific ranking second highest - 62 million children in child labour.

Together, child and forced labour are amongst the most egregious violations of human rights which take different forms such as bonded labour of migrant workers, human trafficking and modern slavery amongst others. These practices are commonly found in the construction, agriculture, apparel manufacturing, and mining industries where there is rampant disregard of labour laws, deplorable working conditions, low wages, and an overall lack of health and safety. In addition to their negative impact on the health, education and general well-being of individuals, child and forced labour harms the very economies developing around them. Complex supply chains and outsourcing of cheap labour to satiate demands for mass consumption has led to exploitation of millions of children, women and men. 'The Bureau of International Labor Affairs' in the US identified the world's top products involving child and forced-labour practices: gold, bricks, cotton, sugarcane, coffee and tobacco. These products, the staples of modern life, much of what we consume each day have the potential to be tainted by slavery and exploitation. In addition to these industries, some countries have an unfortunate history of not regulating against child and forced labour. Many nations across the developing world wear this scar, across the continents of Africa, Asia, Central and South America.

Another facet of the modern forms of slavery is human trafficking which is essentially a gender and age specific phenomenon as it particularly affects women and children. Gender-based differences and attitudes play an important role in both the supply and demand dynamics of trafficking. Globally, 28 per cent of the victims of human trafficking are children, whereas women make the significant share of total trafficking victims. 51 per cent victims of human trafficking are women, with young women aged from 11 to 25. Even though boys and girls are both victims of practices of modern slavery such as forced labour, child labour and trafficking, within this research we reiterate that girls and young women are mostly more hidden within supply chains and being a victim of trafficking and labour exploitation has a different impact on the rest of their lives.

This research sheds light on child labour, forced labour and trafficking in the global supply chains of the garment and seafood industry in Bangladesh, Philippines, and India (*countries that also rank among the lowest on Transparency International's 2016 Corruption Perceptions Index*) in order to identify human trafficking and forced labour of children, girls and young women in international supply chains of these sectors. It also attempts to develop an understanding of how the victims end up in these supply chains and identify the source areas of trafficking and manufacturing and production hubs in the respective countries.

Countries such as Bangladesh and India are source, destination, and transit countries for men, women, and children who are subjected to forced labour and sex trafficking. In India for instance, forced labour constitutes to be country's largest trafficking problem; men, women, and children are forced to work in the textile industries, embroidery factories, fish farms, among others. The Ready Made Garment (RMG) sector in Bangladesh, a key driver of its economy employs around 4 million workers, an estimated 55-60% of whom are women⁴. Labour analysts claim that the RMG industry in Bangladesh was built to a large extent, on the supply of cheap and flexible female labour in the country. Bangladesh has been relatively successful in eliminating child labour in export-oriented garment factories, but it remains a significant concern in the formal and informal sectors that produce through unauthorised sub-contracting. In India the maximum reportage and concern about female workers is about the "Sumangali Scheme"/"Provident Funds" in Tamil Nadu's garment sector, where employers pay young women a lump sum, used for dowry, at the end of multi-year labour contracts.

⁴ http://www.ilo.org/dhaka/Whatwedo/Projects/WCMS_240343/lang-en/index.htm and <http://www.bgmea.com.bd/blog/story/2>

In the seafood sector, estimates from Bangladesh and the Philippines indicate that child labour represents some 2-5 per cent of the total number of child labourers in these countries, and most strikingly, children (up to 91 per cent of whom were boys) constitute 9-12 per cent of the total seafood labour force. Instances of child labour and abuse are rampant in sorting of shrimp, shrimp processing, and swimming and diving in Bangladesh. In Philippines, children are engaged as swimmers and divers in *muroami* (a type of net) fishing, targeting reef fish – an extremely hazardous form of work. Fishing corporations employ children between 12 and 14 years of age, who spend about 10 months a year out at sea. In India, young persons are employed to perform multiple activities on sea and at shore where girl children above the age of seven are also employed in cleaning, salting and drying fish in few districts.

These estimates clearly indicate that the companies are unable to monitor their supply chains to the last link either due to the size of their business or outreach in the procurement countries. They do not have a policy or system of comprehensive risk assessment of the situation of human trafficking/ forced labour/ child labour in the countries where their suppliers/ contractors/ sub-contractors are located. This in turn, leads to uneven understanding of the human trafficking and forced labour, including labour law compliance issues on the part of their supply chains.

Even though there are major legal frameworks vis-à-vis business responsibilities in Bangladesh, India and Philippines to deal with human trafficking and forced/ child labour, the research reflects upon the concerns of the absence of laws, and the lack of strict enforcement of the existing laws to deter those perpetrators who exploit young women, girls and children through trafficking and exploitative work conditions. It also lays out some critical recommendations including comprehensive risk assessment, improving supply chain traceability, transparency by supply chain mapping, social auditing system, certification standards and most importantly engaging with all relevant stakeholders, such as, government, supply chains, other companies, suppliers/ contractors/ subcontractors, trade unions, NGOs/ civil society stakeholders, and workers.

Chapter 1: Introduction

Child Labour, trafficking, forced labour and various other forms of slavery or slavery like working conditions is a reality of major industries' supply chains⁵ and the goods and commodities bought and sold in the globalised economy today. The International Labour Organization (ILO) has estimated that almost 21 million people are victims of forced labour and 152 million children worldwide – almost one in ten of the world's children – are engaged in child labour. These children, according to the United States Department of Labor are part of the workforce for production of some 136 goods from 74 countries—spanning across all major industries and many parts of corporate operations such as agriculture, cosmetics, readymade garments, textiles, diamond, cocoa and cotton to name a few⁶.

Young women and children, in particular migrants and inhabitants of conflict ridden regions are the most vulnerable to being trafficked, sold and forced to work in the leading commercial sectors of the world. In the race to produce cheap commodities, cheap labour from the impoverished rural areas of the world are either lured or forced to work in worst circumstances in formal as well informal sectors amounting to modern day slavery and the worst forms of child and forced labour.

Addressing these impacts of rapid globalisation, its processes and the complexity of global supply chains on the most vulnerable and marginalised sections of the world is a key challenge in building peaceful and strong societies and also one of the most crucial targets envisioned by the new set of Sustainable Development Goals (SDGs). Thus, in working towards these development goals of eliminating and preventing all forms of child labour, slavery and trafficking, the Global March Against Child Labour (Global March), together with the Girls Advocacy Alliance (GAA) programme in the Netherlands has set its focus upon addressing key issues related to human trafficking, forced labour and child labour within global supply chains, among other things. As a part of the intervention, this situational analysis has been made to reflect upon human trafficking, forced and child labour and its subtleties within international supply chains of the leading sectors today-garment and seafood in countries where the major labour force is centred, i.e. Bangladesh, India and Philippines. The recommendations made in this report have the potential to significantly address issues of forced labour, child labour and trafficking and can be seen as part of a broader set of interventions.

Objective

The prime objectives of the situational analysis and developing this report are –

- a. To identify human trafficking and forced labour of children, girls and young women in international supply chains of the garment sector in Bangladesh and India and the seafood industry in Bangladesh and Philippines
- b. To develop an understanding of how the victims end up in these supply chains;
- c. To identify the source areas of trafficking in Bangladesh, India and Philippines and
- d. To target the Dutch industries, businesses, local manufacturers and producers, including supermarkets (procuring and selling fish and garments) for mitigation of trafficking, forced labour and child labour

Focus and Scope

The findings of this research report will support the development of a practical toolkit, which can be used by the target beneficiaries to identify and mitigate human trafficking/ forced labour in their supply chains which can also be used by other stakeholders such as civil society organisations working on similar issues. This report is focused on studying 'trafficking and forced labour in global supply chains with emphases on children, girls and young women to develop a situational understanding of the issue in the sectors and regions where young women and girls are the most vulnerable to being trafficked'. The limited purpose of this secondary research is to study two sectors– the Garment Sector (including textile and apparel) in Bangladesh and India, and the Seafood Industry (primarily fish, but including other sea food) in Bangladesh and Philippines.

⁵ network of organisations, individuals and activities that transform raw materials into finished goods and services for consumers

⁶ <https://www.opendemocracy.net/beyondslavery/genevieve-lebaron/time-to-get-serious-about-forced-labour-in-supply-chains>

This report acknowledges the trafficking and forced labour of men and boys within these two sectors, especially the seafood sector, but the research and its findings are focused on children, girls and young women, due to the cultural views prevailing in many sourcing countries, which often is a result of patriarchal societal systems, favouring investment in development of boys and young men.

Along with understanding the situation of trafficking and forced labour in the two sectors in three countries, the initiatives that could be undertaken by the businesses and companies in the Netherlands to clean their supply chains are recommended in this report.

Chapter 2: Human Trafficking and Forced Labour in the Garment and Sea Food Sector



Source – bluesalt.co

While the agriculture industry has the highest number of forced child labourers, increasingly other industries such as the garment and the seafood sector are attracting more child labourers and trafficked, forced and enslaved labour including young girls, women and men as they expand.

Identifying Risks - In terms of trafficking for forced labour, generally industries that rely heavily on inputs of low-skilled labour are at risk of trafficking in persons⁷. This is particularly true for industries in which low-skilled labour is used to carry out what are referred to as the “3 D” jobs - “dirty, dangerous, and difficult.” Examples of such jobs include those involving dangerous or physically arduous manual labour (mining, farm work, construction, fishing), work involving prolonged periods of repetitive motion (factory assembly jobs, stitching, sewing), and work that is stigmatised or socially devalued (domestic work). As these jobs are undesirable and low paying, in many cases they are performed by individuals with a high level of vulnerability, including immigrants, minorities, and other socially marginalised groups. While human trafficking does occur in other kinds of industries, those that rely centrally on “THREE D” jobs are inherently at risk.

In general, industries that are highly competitive, with continual downward pressure on prices, may be at risk of trafficking⁸. For instance, in garment manufacturing, where brands have a great deal of leverage over their supplier factories, and labour costs comprise the bulk of input costs, many sewing contractors’ only option to retain contracts and become profitable is to pay sub-minimum wages. Low wages do not in themselves equate to labour trafficking, of course, but a “race to the bottom” in wages and prices paid to small producers may be associated with increased vulnerability to human trafficking through debt bondage, forced overtime, or other related consequences of low pay to workers and suppliers.

⁷ Adapted from: <http://www.responsiblesourcingtool.org/understandrisk>

⁸ Ibid.

Country	Goods	Child Labour	Forced Labour
Bangladesh	Dried Fish	✓	✓
	Shrimps	✓	
	Garments	✓	
	Textiles	✓	
India	Garments	✓	✓
	Embellished textiles	✓	✓
	Cotton	✓	✓
	Thread/Yarn	✓	
Indonesia	Fish	✓	✓
Thailand	Fish	✓	
	Shrimps	✓	✓
Phillippines	Fish	✓	
Vietnam	Fish	✓	

Source: U.S DoL

The garment sector throughout the report would include the apparel and textile sector and is broadly clubbed here as such. For purposes of this report, distinction is not made from 'cotton to cloth' and 'stitch plus embellish'; rather the sector is broadly referred to as the garment/ apparel and textile/ readymade garment (RMG) as relevant.

The Netherlands Clothing Industry

The focus of this research is on the Dutch companies procuring the products from Bangladesh and India as almost all items of clothing sold in the Netherlands are produced in the developing countries. In 2015, more than five thousand Dutch companies imported textile clothing from Asia at a total value of approximately 7.2 billion Euros. On top of that, Netherlands imported 5.8 billion Euros worth of clothing from countries outside of Asia. In 2015, Dutch consumers paid a little less for garments than ten years ago. Prices were never lower over the past decade; they declined by nearly 4 per cent over two years' time.

2.1 Trafficking, Forced Labour and Child Labour in the Garment sector

Bangladesh

The Current Situation of Human Trafficking - Bangladesh is primarily a source and, to a lesser extent, a transit and destination country for men, women, and children subjected to forced labour and sex trafficking. Within the country, children and adults are subjected to sex trafficking, domestic servitude, and forced and bonded labour, in which traffickers exploit an initial debt assumed by a worker as part of the employment terms. In some instances, children are sold into a form of bondage by their parents, while others are induced into labour through fraud and physical coercion, including in the domestic fish and some Bangladeshi families are subjected to debt bondage in shrimp farming⁹.

Some Statistics on Trafficking in Women and Children - Although exact figures on the scope of the problem vary widely, and due to the clandestine nature of trafficking and rare prosecutions, crime statistics presents a very low estimate of the incidence of human trafficking. Consequently, figures are estimated and tend to be quoted and cross-quoted in all literature.

⁹ Trafficking in Persons (TIP) Report. June 2016 and 2017. p. 80, 88-89.



Source – Garment Factory Girl

There is no reliable data concerning women and children who have been trafficked from Bangladesh to other countries and within Bangladesh. Estimates regarding the number of women and children being trafficked are not only difficult to collect, but also different sources cite wildly different figures – such as, 200000 Bangladeshi women and children have been taken out of the country in the past decade; at least 20000 Bangladeshi women and children are trafficked to India and Pakistan and to Middle Eastern countries every year; 50000 Bangladeshi girls are trafficked to or through India every year; more than 40000 women from Bangladesh are working in the Gulf States alone and that during the 1990s, 1683 boys were victims of trafficking; domestically estimates are between 10000 - 29000 children in prostitution in Bangladesh¹⁰. However, the official website of the Bangladesh police presents the following break-up of the current figures on human trafficking –

Table 2 - Crime Figures of Human Trafficking in Bangladesh

Period	No. of Cases Recorded	No of Victims Trafficked			No of Victims Recovered			Rehabilitation of Recovered Victims		No. of Persons Arrested	No. of Persons Convicted
		Male	Female	Child	Male	Female	Child	Parents	NGO/Govt. Safe Home		
January.17	61	27	27	14	21	16	10	47	0	130	0
February.17	62	20	11	15	15	7	15	37	0	209	0
March.17	65	25	26	5	17	20	3	40	0	133	0
April.17	64	14	21	11	5	11	5	21	0	138	0
May.17	68	39	28	5	35	19	4	58	0	119	0
June.17	68	26	24	08	20	16	02	38	0	142	0
July.17	77	29	23	6	20	6	6	32	0	129	1
August.16	53	46	17	11	39	10	10	59	0	123	0
September.16	43	38	19	9	26	12	6	44	0	78	0
October.16	61	56	33	7	51	20	6	77	0	94	0
November.16	49	19	28	2	14	16	1	31	0	100	0
December.16	41	21	17	4	16	11	3	30	0	138	0

Source: Bangladesh Police Website¹¹

There is no specific data available with respect to trafficking and forced labour of girls, young women and children for work in the garment sector and seafood sector.

¹⁰ Human Trafficking – A Security Concern for Bangladesh, Issue 9, August 2011; Bangladesh Institute of Peace and Security Studies. At: <https://www.files.ethz.ch/isn/164375/Issue%209.pdf>

¹¹ <http://www.police.gov.bd/Human-Trafficking-Monthly.php?id=324>

Socio-Economic Context to Establish the Relationship between Trafficking; Supply Chains and Gender - The GDP of Bangladesh in 2016 was USD 221.41 billion. According to Asian Development Bank, its GDP growth accelerated to 7.1% in 2016 from 6.6% in 2015. The GDP growth is expected to moderate to 6.9% in 2017 and it remain unchanged in 2018¹². Its clothing exports make up almost 14 per cent of the GDP and 80 per cent of all exports.

Bangladesh, a developing country of South Asia, has an estimated population of 163.9 million by December 2016¹³. Its male population is 50.45% and female population is 49.54%. At the beginning of 2017, the estimated population age distribution was – 34.3 % of population was under 15 years of age (28.12 million males and 27.39 million females); 61.1 % of the population was between 15-64 years (of which 52.27 million were females).

Its population density is one of the highest. Natural disasters such as floods, droughts and cyclones are regular features in the life of Bangladeshis. Though during the last two decades Bangladesh made strong strides in socio-economic developments, nonetheless, Bangladesh still remains one of the least developed countries of the world. About 31 per cent of the people live in extreme poverty, and the incidence of poverty is worst among women. In every respect, ranging from health and education to nutrition and income, women and young girls are the poorest of the poor. Illiteracy, unemployment or low employment opportunities, economic and social disparities, corruption and complicity of officials, social and economic vulnerabilities of women (early marriage, dowry system, polygamy, divorce and desertion) and children are quite high. Recurrent natural disasters make the situation more critical for the entire population. During distress situation, lack of shelter for girls is a great problem. All these factors make women and children especially vulnerable, and make them easy targets of traffickers. Given the size of its population, the ratio of population to arable land, the overall level of economic development and the increased number of women looking for avenues to earn a livelihood, there are ample reasons why various forms of migration - forced and voluntary, internal and international, occurs in Bangladesh, creating a large pool for traffickers to find new victims¹⁴.

The Garment Sector - The RMG sector has become a key driver of the Bangladesh economy and the nation's development, making it the second largest exporter of garments in the world – after China. RMG exports totalled US\$24.5 billion (2013-14) accounting for over 80% of the nation's export earnings and employing around 4 million workers, an estimated 55-60% of whom are women¹⁵. UNICEF reports place the number of female workers at approximately 80 per cent¹⁶.

Female Workers - The majority of women garment workers have migrated from rural to urban areas in search of employment. The RMG industry can provide them with a first opportunity to enter the formal workforce, offering an important source of income, economic independence and greater decision-making power. Studies suggest that nationwide some 15 per cent of women between the ages of 16 and 30 years work in the garment industry. Female workers cannot work in the garment fully for long time because of occupational hazards and the employers do not prefer aged, experienced workers in the factories, may be to reduce cost by employing fresh workers at low remuneration. Both married and unmarried workers are working in the garments factory. Among the female workers surveyed for a study¹⁷, 55 per cent were married and 45 per cent were unmarried. Married women are now increasingly entering into the job market especially in the RMG sector.

In fact, the birth of the industry essentially created the entryway for a “whole generation of young, unmarried females, mainly from rural areas, into the industrial labour force.” Approximately 29.3 per cent of women in this sector are illiterate and many suggest that this is a better alternative to other options they may have, and somehow, use of these women workers is seen as a justification for low wages¹⁸. Among the migrant female workers coming into Dhaka, and those who are in home based garment work, most of them come from - Khulna, Satkhira, Faridpur, Barguna, Chandpur, Narsinghdi, Shariatpur, Patuakhali, Noakhali, etc.¹⁹. The Export Processing Zones (EPZs) are in Dhaka, Karnaphuli and Ishwardi. The top manufacturing cities in Bangladesh are - Dhaka, Chittagong, Narayanganj, and Uttara²⁰.

¹² <https://www.adb.org/countries/bangladesh/economy>

¹³ <http://countrysmeters.info/en/Bangladesh>

¹⁴ <http://www.lawyersnjurists.com/article/36620/causes-and-consequences-of-women-trafficking-bangladesh-2.html>

¹⁵ http://www.ilo.org/dhaka/Whatwedo/Projects/WCMS_240343/lang-en/index.htm and <http://www.bgmea.com.bd/blog/story/2>

¹⁶ UNICEF. 2015. p. 3.

¹⁷ SikdarHasanMehedi Md., SarkarKabirSujahangir Md., SadekaSumaiya. “Socio-Economic Conditions of the Female Garment Workers in the Capital City of Bangladesh” in International Journal of Humanities and Social Science. (Vol. 4, No. 3, February 2014).

¹⁸ Uddin, Mohammad Nazim. “Role of Ready-Made Garment Sector in Economic Development of Bangladesh” in Journal of Accounting, Business & Management (Vol. 21 No. 2, 2014), p. 21.

¹⁹ WIEGO. 2013. p. 11.

²⁰ <http://www.worldbank.org/en/news/feature/2017/02/07/in-bangladesh-empowering-and-employing-women-in-the-garments-sector>

Much of the tremendous growth of the sector and its role as an economic powerhouse for the country is attributed to the availability of “cheap” labour. Sub-contracting is a major component of the RMG industry. Many foreign companies contract different factories, only requesting that certain quotas be met at certain times. Companies prefer sub-contracting because the degree of separation presumably removes them of liability of wage and labour violations. It also makes it easier to distribute production across a variety of sources. Traditionally, the participation of women in Bangladesh’s formal economy was minimal. The RMG industry, however, with female labour accounting for almost 80-90 per cent of the work force, was “built to a large extent, on the supply of cheap and flexible female labour in the country”²¹.

No instances of foreign migrant women workers have been reported in the garment sector in Bangladesh.

Child Labour – UNICEF report of 2015²², suggests that Bangladesh has been relatively successful in eliminating child labour in export-oriented garment factories. However, a survey report²³ conducted in a Dhaka slums of 2700 households, found that child labourers living in slums worked an average of 64 hours each week – many in supply chains connected to the world’s most popular brands. Two-thirds of girls from slum areas who were working full-time were employed in the garment factories. Among some of the reasons why girls worked at a younger age are to - supplement family income, could not afford school fees, help pay family debt, and were not interested in school and to learn employment skills. The survey also found that the formal garment sector is reported as a major employer: age profile of 10–14 year-old children reporting work in the formal garment sector. This survey and other newspaper reports are thus at variance with the UNICEF report of 2015 quoted earlier. Other sources²⁴ (post 2015) also confirm that child labour continues to exist in the RMG factories in Bangladesh in dissent with the UNICEF report of 2015.

The majority of young girls working in RMG (formal and informal) are from poor families. Although recent initiatives have lowered the cost of schooling for girls (through cash stipends and the elimination of school fees), many young women still

drop out of secondary school, even without the opportunity to engage in paid work. That often leaves girls with one option: marriage. In a country where minimum marriage-age laws are rarely implemented, earning a pay check is the best way to avoid a premature wedding day²⁵.

Child labour remains a particularly acute problem in home-based activities and informal, unregistered workshops. Typical activities carried out by children related to the RMG industry can include embroidery, cutting/ trimming and button stitching, among many others. Report from one of Dhaka’s major garment hubs, which predominantly produces for the domestic market, found that out of the estimated 185000 workers, 59 per cent were below the age of 18 years. While the majority of the children were above the legal minimum age for work, many did not attend school. In some cases, they were found to be working up to 17 hours per day during peak production²⁶.

No instances of foreign child workers have been reported in the garment sector in Bangladesh.

Working Conditions - Many textile factories in Bangladesh often compromise worker health and safety because of the tough pressure from the ordering companies to meet tight deadlines. This poses a problem as workers have almost no avenues for filing complaints. Almost none of the factories have any sort of human resources department and local officials often turn a blind eye to violations. Moreover, most of the workers are poor women, and without any structure like a formalised union, many lack the ability to speak of injustices either from lack of knowledge or fear of losing economic security²⁷.

²¹ Rahim, Mia. “Legal Regulation of ‘Decent Work’: Evidence from Two Big Industries” in Australian Journal of Asian Law (Vol. 14, No. 1, 2013), p. 1–18.
At: http://apo.org.au/files/Resource/regulation_of_decent_work_evidence_from_two_big_industries_in_the_world.pdf

²² UNICEF. November 2015. The Ready-Made Garment Sector and Children in Bangladesh. p. 10.

²³ Quattri Maria and Watkins Kevin. “Child labour and education - A survey of slum settlements in Dhaka”. Overseas Development Institute. December 2016.
At: <https://www.odi.org/sites/odi.org.uk/files/resource-documents/11145.pdf>

²⁴ <https://www.apparelresources.com/business-news/trade/bangladesh-rmg-factories-employ-child-labour-claims-western-media/>; <https://thehimalayan.com/opinion/bangladeshs-garment-industry-child-labour-options/>; <http://www.npr.org/sections/goatsandsoda/2016/12/07/504681046/study-child-labourers-in-bangladesh-are-working-64-hours-a-week>; <http://www.dw.com/en/why-child-labour-is-rampant-in-dhaka-slums/a-36694551>; <https://www.project-syndicate.org/commentary/bangladesh-garment-industry-child-labour-by-m-niaz-asadullah-and-zaki-wahhaj-2017-05>

²⁵ <https://www.project-syndicate.org/commentary/bangladesh-garment-industry-child-labour-by-m-niaz-asadullah-and-zaki-wahhaj-2017-05>

²⁶ UNICEF. 2015. p. 10.

²⁷ Dhooge, Lucien J. “The Shirts on Our Backs: Teleological Perspectives On Factory Safety In Bangladesh” in *Journal Of Legal Studies Education* (Vol. 33 No. 2, 2016), p. 379-413.

Volume of Bilateral Trade between Bangladesh and the Netherlands - Bilateral Trade Statistics between Bangladesh-Netherlands prepared by the Dhaka Chamber of Commerce²⁸ reveals that in 2013-14, the total export from Bangladesh to the Netherlands was USD 858.13 million. The break-up of the major export items in 2013-14 (Value in million US\$) for the apparel and textile sector was: Woven garments (294.52), Knitwear (385.481), and Home Textile (27.439).

Key European Union (EU) brand retailers from Bangladesh are Zara, HandM, Carrefour, Auchan, and Takko. The list of big buyers of garments from Bangladesh and the Netherlands have been searched from various sources on the internet and are placed at Annexure 1 (scribd.com), Annexure 2 (List of Fashion Industry Trade Associations), Annexure 3 (List of importers from Indonesia, would also be importing from Bangladesh). MODINT is the Dutch trade association for fashion, interior design, carpets and textiles. The membership totals over 800 companies, active in the production of and trade in clothing, fashion accessories and (interior) textiles. They generate a joint annual turnover of EUR 9 billion in the Netherlands and EUR 2.5 billion on export markets²⁹. MODINT would be an important stakeholder to work as many of the companies in this association would be importers of garments from Bangladesh.

India



Source – Sustainable Cotton

The Current Situation of Human Trafficking - India is a source, destination, and transit country for men, women, and children subjected to forced labour and sex trafficking. Forced labour constitutes India's largest trafficking problem; men, women, and children are forced to work, among other sectors, in the textile industries, embroidery factories and fish farms. The majority of India's trafficking problem is internal, and those from the most disadvantaged social strata - lowest caste *Dalits*, members of tribal communities, religious minorities, and women and girls from excluded groups, are most vulnerable.

Some Statistics on Trafficking in Women and Children - For long, the only government data available to provide some insights on the situation of trafficking are the crime statistics relating to human trafficking and missing and kidnapped children available in the Crime in India Reports brought out by the National Crime Records Bureau (NCRB), under the Ministry of Home Affairs, Government of India. In 2015, total crimes of child trafficking were 3490, leading to 384 convictions; whereas,

²⁸ Source: Import Payment, Bangladesh Bank and Export Statistics, Export Promotion Bureau. At: <https://www.dhakachamber.com/Bilateral/Netherlands.pdf>

²⁹ <http://modint.nl>

specifically under the Child Labour (Prohibition and Regulation) Act, 1986 – there were 109 cases and 07 were convicted. The figure below shows that child trafficking dominates all human trafficking³⁰. In 2227 cases out of 8800 cases of rape against children, or 25.3 per cent, the offenders were found to be employers or co-workers³¹.

Table 3: Child Trafficking Dominates all Human Trafficking

State	All TIP Cases	Child Trafficking	Percentage
West Bengal	1255	1119	89
Assam	1494	1317	88
Bihar	381	332	87
Haryana	275	200	73
All India	6877	3490	51

Source: Crime in India Report, 2015³²

In 2016³³, almost 20000 women and children were victims of human trafficking, a rise of nearly 25 per cent from the previous year, with the highest number of victims recorded in West Bengal, figures show that there were 9104 trafficked children in 2016, a 27 per cent increase from the previous year. The number of women trafficked rose by 22 per cent to 10119 in 2016. Rajasthan recorded the second highest number of trafficked children in 2016 (for labour), while Maharashtra showed the second highest number of trafficked women (for commercial sexual exploitation)³⁴. For trafficking crimes against women, the Crime in India Report provides data under commercial sexual exploitation cases only (under the Indian Penal Code and the Immoral Traffic (Prevention) Act, 1956) and does not provide any segregated data for trafficking for forced labour.

There is no specific data available with respect to trafficking and forced labour of girls, young women and children for work in the garment sector and seafood sector.

Socio-Economic Context to Establish the Relationship between Trafficking; Supply Chains and Gender - The GDP of India in 2016 was USD 2.26 trillion. India has emerged as the fastest growing major economy in the world as per the Central Statistics Organisation (CSO) and International Monetary Fund (IMF). According to IMF World Economic Outlook Update (January 2017), Indian economy is expected to grow at 7.2 per cent during 2016-17 and further accelerate to 7.7 per cent during 2017-18. India's labour force is expected to touch 160-170 million by 2020, based on rate of population growth, increased labour force participation, and higher education enrolment, among other factors. In one of the biggest moves the Government of India had announced demonetisation of high denomination bank notes of Rs 1000 and Rs 500, in November 2016, in order to eliminate black money and the growing menace of fake Indian currency notes, thereby creating opportunities for improvement in economic growth³⁵.

India's current population stands at 1.34 billion, with male population at 51.6% and female population at 48.4% of the total population³⁶. At the beginning of 2017, the estimated population age distribution was – 29.7 % of population was under 15 years of age (21.57 million males and 18.30 million females); 64.9 % of the population was between 15-64 years (of which 41.84 million were females).

India has witnessed a large-scale internal migration trend of men, women/ girls and children, from rural areas to the cities, through private recruiting agents, or other organisations for work. There has also been an increased number of "independent migrations" without a formal recruiter but through relatives, neighbours, etc. Girls in this migration process are more vulnerable to trafficking and abused physically, psychologically and sexually by employers and agents. They may also be exploited through long hours of work and sometimes in conditions of forced labour – isolated, coerced and totally dependent on the employer³⁷.

³⁰ All figures are from the Crime in India Report, 2015; at: <http://ncrb.nic.in/StatPublications/CII/CII2015/Chapters.htm>

³¹ Table 6.8 of the Crime in India Report, 2015 at <http://ncrb.gov.in/StatPublications/CII/CII2015/FILES/Table%206.8.pdf>

³² <http://ncrb.nic.in/StatPublications/CII/CII2015/>

³³ The Crime in India Report, 2016 has not been published on the date of writing this report.

³⁴ <http://timesofindia.indiatimes.com/india/almost-20000-women-children-trafficked-in-india-in-2016-govt-report/articleshow/57569145.cms>

³⁵ <https://www.ibef.org/economy/indian-economy-overview>

³⁶ <http://countrymeters.info/en/india>

³⁷ Mehrotra S. 2010. A Report on Domestic Workers: Conditions, Rights and Responsibilities - A study of part-time Domestic Workers in Delhi (Jagori). p. 2, 17.

Overall, the compelling factors increase vulnerability of young women and children to trafficking can be summed up as –

- Poverty (India accounted for the largest number of people living below international poverty line in 2013, with 30 per cent of its population under the \$1.90-a-day poverty measure)³⁸ and lack of livelihood options lead to girls'/ child's "need" to contribute to the family income;
- Droughts, floods and other natural disasters, and family indebtedness;
- Rural poverty and urban migration (internal migrants in India were expected to touch 400 million in the 2011 census, over half the global figure of 740 million; about 30% of the migrants are youth aged 15-29 years and another 15 million are children; the intensity of migration is likely to increase in future in response to economic crises, political instability and global environment change³⁹, either with or without families) exposing girls/ children to being trafficked for work;
- Girls/ children are also in 'demand' for employment, because they can be paid very minimal amounts, are pliable to the demands of the employer and are ignorant of asserting their rights.

Both in Bangladesh and India, the patriarchal manifestation of the asymmetrical roles and relationship for men and women in the society, plays a crucial role in creating a vulnerable situation for women in a changing socio-economic setting. In rural communities, early marriage, dowry system, and polygamy (especially in Bangladesh) are commonly practiced phenomena. Girls and women are often the victims of gender oppression due to their low status in society. Dowry is also a common practice.

Parents are often unable to marry off their daughters, because of their inability to pay a dowry, and young women or girls often set out to work to collect money for their dowry.

The Garment Sector - The garment industry is a sub-sector of the textile industry, which is labour intensive and is one of the largest employers, with two broad segments; the unorganised sector (handloom, handicrafts and sericulture, which are operated on a small scale and through traditional tools and methods), and the organised sector (spinning, apparel and garments segment which apply modern machinery and techniques, such as, economies of scale).

The garment industry employs about 40 million workers (includes textile workers) and 60 million indirectly⁴⁰ and is the second largest provider of employment after agriculture⁴¹. India's overall textile exports during 2015-16 stood at US\$ 40 billion. The Indian textiles industry, currently estimated at around US\$ 108 billion, is expected to reach US\$ 223 billion by 2021; and contributes approximately 5 per cent to India's Gross Domestic Product (GDP), and 14 per cent to overall Index of Industrial Production (IIP).

Major garment industries are located in Mumbai, Coimbatore, Tirupur, Ahmedabad, Ludhiana, Bangalore, Mumbai, Indore and the National Capital Region (NCR) Delhi⁴². Highest number of contract labour is used in the garment sector⁴³.

To take an example of supply chains⁴⁴ from garment production in Tirupur, also known as "T-shirt city," on India's southernmost tip, which, accounts for approximately 80 per cent of India's total production of knitwear for export. At the top of the supply chain are a small number of large factories, employing 1000 workers or more per unit, with smaller enterprises employing

³⁸ Source: World Bank Report on Poverty and Shared Prosperity, 2016 at: <https://openknowledge.worldbank.org/bitstream/handle/10986/25078/9781464809583.pdf#page=55>

³⁹ Source: UNESCO Report on Social Inclusion of Internal Migrants in India, 2013, at: <http://unesdoc.unesco.org/images/0022/002237/223702e.pdf>

⁴⁰ <https://www.ibef.org/industry/textiles.aspx>

⁴¹ Tirupur People's Forum for Protection of Environment and Labour Rights. 2011. *Research and Documentation*. At: <http://www.tpforum.in/research.html>

⁴² Garment production units in India are spread across the country but mainly concentrated in manufacturing clusters. The clusters are also specialized in terms (a) types of garments manufactured (either woven or knitted) and (b) variety of products produced (i.e. Men's Women's of Children's). Major manufacturing centres (19) are Kolkata, Mumbai, Tirupur, Indore, Bangalore, Chennai, Okhla, Gurgaon, Noida, Jaipur, Ludhiana, Bellary, Kanpur, Ahmedabad, Jabalpur, Salem, Erode, Madurai and Nagpur. Source: The Ambekar Institute for Labour Studies. 2012. *Capacity Building for the Promotion of Labour Rights for Vulnerable Groups of Workers: Study Report on Workers in the Ready Made Garment Industry* (Mumbai). p.9. At: http://www.labour-rights-india.eu/studies/3_AILS_study_II.pdf.

⁴³ ChanM. 2013. Contract Labour in Global Garment Supply Chains - Key Characteristics and Recent Trends (Women in Informal Employment: Globalizing and Organizing). p. 17.

⁴⁴ Verite. 2010. p. 5.

between 100-250 workers just below. These businesses contract to a large and complicated network of sub-contractors that include small factory and home-based workers. The movement of product between these units, and often the supervision of workers within units, is overseen by a variety of labour brokers.

The garment sector of the National Capital Region (NCR) in North India is extremely fragmented, which makes monitoring of the supply chain difficult. Exporters own multiple production units and use numerous sub-contractors. Migrant contract workers are the preferred work-force, with non-permanent workers comprising some 80 per cent of all factory employees in the NCR.

Although, male migrants predominate in garment factories, women and children mostly work at the lowest end in the supply chain, particularly for highly labour intensive and specialised functions, such as embroidery; and child labour is pervasive with children being trafficked by brokers from other states and being held captive in clear situations of forced labour.

The Popular brands sourcing from India include Zara, Next, GAP, Marks and Spencer, Ann Taylor, Ralph Lauren, Abercrombie and Fitch, Wal-Mart, Marks and Spencer, Tesco Decathlon, Uniqlo, HandM, Tommy Hilfiger, and possibly more.

Female Workers - Regarding employment of young women in the garment sector, the maximum reportage is about the “*Sumangali Scheme*” or the “*Provident Funds*” in Tamil Nadu, in which employers pay young women a lump sum, used for a dowry, at the end of multi-year labour contracts. Female workers engage in the Scheme out of economic necessity, on the basis of false promises or misleading and deceptive information, and are coerced and threatened to remain in employment. They are often almost always subjected to high levels of control, including restrictions on freedom of movement and on family visits, confinement and surveillance, with sexual, physical, verbal and mental harassment. These elements make the *Sumangali Scheme* a form of modern forced labour in Tamil Nadu⁴⁵.

Under the *Sumangali Scheme*,⁴⁶ adolescent girls (14-18 years) are recruited to work in Tirupur. The girls are typically from Tamil Nadu (Tirunelveli, Virudhunagar, Theni, Sivaganga, Karur, Cuddalore, Dharmapuri, Krishnagiri, Madurai, Tiruvannamala, Virudhunagar, Aranthangi, Krishnagiri, Viluppuram, Jeyangondan, Ariyalur, Kulithalai, Pudukottai, Trichy, Tanjore, Hosur, Dindigul, Nilgiris, Thanjavur); and the neighbouring States of Kerala and Andhra Pradesh, and sometimes from more distant areas, such as Uttar Pradesh, Orissa, and Gujarat⁴⁷.

There are no firm numbers of the total number of women workers working in the garment sector in India. However, some numbers are available from piecemeal studies. It is estimated that in Bangalore there are an approximately 400000 garment workers, out of whom 80 per cent are women⁴⁸. In Tirupur, it is estimated that nearly 350000 workers are regularly employed in the sector and the seasonal workforce even moves up to 500000 additional workers⁴⁹. An NGO report suggests that in Tamil Nadu, 60% of girls working under *Sumangali* or similar arrangements are *dalits*⁵⁰.

No instances of foreign migrant women workers have been reported in the garment sector in India.

Child Labour - In India, over the years, there has been a shift in the nature of the garment units that employ child labour. Earlier, child labour was extensively used in the garment-exporting units, accounting for nearly 60 per cent of the child labour employed in Tirupur, Tamil Nadu. The pressure from the international buyers in the form of social compliance has rendered

⁴⁵ International Federation for Human Rights (FIDH). 2014. Behind the showroom: The hidden reality of India's garment workers; and TIP Report. 2017. p.208.

⁴⁶ Narayanaswamy, K. & Sachithanandam, M.: A Study to understand the situation of Arunthathiyars girls employed under the “Sumangali Thittam” Scheme in Erode, Coimbatore, Tirupur, Virudhunagar & Dindigul districts of Tamil Nadu, India (Arunthathiyar Human Rights Forum (AHRF), Tamil Nadu, 2009-2010).

⁴⁷ Verite. 2010. p. 11.

⁴⁸ Bageshree S. 2014. “Garment Workers: Numerically Strong, but with Weak Bargaining Powers as Voters”, in The Hindu, 15 April 2014. At: <http://www.thehindu.com/todays-paper/tp-national/garment-workers-numerically-strong-but-with-weak-bargaining-powers-as-voters/article5913165.ece>

⁴⁹ Tirupur People's Forum for Protection of Environment and Labour Rights. 2011. Research and Documentation. At <http://www.tpforum.in/research.html>

⁵⁰ FNV Mondiaal and ICN. Small steps-Big challenges-Update on tackling exploitation of women workers in the garment industry of South India. March 2014.

a large number of the garment-exporting units free from child labour over a period of time. All studies and reports indicate that there is no *a priori* evidence pointing to the existence of children (aged less than 15 years) working in the formal sector garment factories. Child labour is however, found in the vendor units of the garment exporters. A number of garment exporters sub-contract orders to other smaller units, which do not display high standards of social responsibility. One of the most controversial sectors that thrive on child labour is sequins or *Zari* work, intricate embroidery that has become immensely popular in American and European fashion stores.

It is estimated that 100000 children work for more than 14 hours a day in the illegal sweatshops in and around Delhi⁵¹; between 50000-70000 work in the Jaipur⁵² workshops doing embroidery (*aari-taari*, *gota-patti*, and *zari*). Children in these workshops are mainly brought from Bihar, Uttar Pradesh, Jharkhand, Chhattisgarh and West Bengal.

Research studies⁵³ and interviews with NGOs and Trade Union Organisations⁵⁴ have indicated that child labourers are at potential risk for broker-induced forced labour in Tirupur, NCR Delhi, and Mumbai. Moreover, the presence of child labourers is indicated at all levels of the garment supply chains, working in various settings, either alongside their parents or independently. The practice of parents taking an advance from the child's employer or broker is common and creates a dynamic of debt bondage. The children are forced to work long hours in poor working conditions and are subject to verbal, physical, and sometimes sexual abuse.

No instances of foreign child workers have been reported in the garment sector in India.

Working Conditions - Major issues in India's garment industry pertain to the prevalence of factories operating in the informal sector leading to lack of legally binding employer relationships, no proper contractual agreements, no access to legal protection for workers, lack of trade union protection, collective bargaining, and grievance mechanisms; no payment of minimum or living wage, and other employment related benefits and a complete lack of transparency regarding buyers, supply chains etc.

Volume of Bilateral Trade between India and the Netherlands - The Indian Trade Portal⁵⁵ provides details of India's exports to the Netherlands (listing the top 25 commodities imported by the Netherlands) as follows –

Table 4 – Volume of Garment Trade between India and the Netherlands

Article	India's Export to Netherlands (Values in US billions)				% Growth (2016 over 2015)
	2013	2014	2015	2016	
Articles of apparel, accessories, knit or crochet	0.15	0.18	0.17	0.29	72.84
Articles of apparel, accessories, not knit or crochet	0.22	0.20	0.17	0.30	77.30

Indian garment/ textile exports to Netherlands based on shipping bills and bills of entry filed at Indian customs is shown as follows⁵⁶–

⁵¹ Global March Against Child Labour. Snapshot of Initiatives to Combat Child Labour in Garment Supply Chain.p. 3.

⁵² Praxis, Partners in Change. 2016. Feasibility Study: Combating Child Trafficking and Bonded Labour in Rajasthan. (not in public circulation)

⁵³ Verite. 2010; TheAmbekar Institute for Labour Studies. 2012; UNICEF. 2011. *The Situation of Children in India - A Profile*(India); Ministry of Statistics and Programme Implementation. 2012. *Children in India 2012: A Statistical Appraisal*.

⁵⁴ Information received during earlier interviews with Bachpan Bachao Andolan, and Global March against Child Labour, and All India Trade Union Congress on 08 April 2014.

⁵⁵ <http://www.indiantradeportal.in/vs.jsp?lang=1&id=0,25,45,916,6270,6969>

⁵⁶ <http://www.infodriveindia.com/india-trading-partners/netherlands-exports.aspx>

Table 5 – Volume of Garment Trade between India and the Netherlands

Article	Jan-Dec 2014	Jan-Dec 2015	Jan-Oct 2016
T-shirts, singlet's and other vests, knitted or crocheted	\$150.45 Mn	\$139.07 Mn	\$109.60 Mn

In 2016, Textile and Clothing (TandC) output sales decreased by 1.5%, due in large part to moderate average global growth below the +3% mark and a protracted, lower-than-tolerated demand. Thus, TandC producer prices decreased in every country barring China, for which they remained just stable. The Producer Price Index (PPI) thus, shed 1.2% for the United States and 1.8% for India. Consequently, international trade, which accounts for a third of total TandC output, lost USD 40bn worth of business. The value of Indian exports to Denmark has declined between 2011 and 2016, and especially the value of Danish textile and clothing imports from India has declined from well over DKK 2 billion in 2011 to just over DKK 1.6 billion in 2016. The main issues identified amongst others for the declining figures of exports of Indian textile and clothing to Denmark - include a lack of awareness by Indian exporters about the demands of the Danish market, poor quality of Indian goods and most importantly the cost of Indian goods, given a very price elastic market⁵⁷.

2.2 Human Trafficking and Forced Labour in the Seafood Sector



Source – IB Times UK

Victims of human trafficking or forced labour on board fishing vessels are primarily men and boys ranging from 15-50 years. Performing preparatory work, such as mending nets, post-harvest, processing and marketing is mostly done by women and girls. "The agricultural sector accounts for by far the largest share of child labour. The sector accounts for 71 per cent of all those in child labour and for 108 million children in absolute terms. Child labour in agriculture relates primarily to subsistence and commercial farming, livestock herding, including fisheries and aquaculture, forestry and livestock. It is often hazardous in its nature and in the circumstances in which it is carried out."⁵⁸

⁵⁷ Ministry of External Affairs, Government of India. *Boosting Indian Exports of Textiles & Clothing to Denmark – A Roadmap*. March 2017. At: http://www.indian-embassy.dk/demo/Report_Boosting_Textiles_DK.pdf

⁵⁸ Global estimates of child labour: Results and trends 2012-2016

⁵⁹ Food and Agriculture Organization (FAO) of the United Nations and the International Labour Organization. 2013. *Guidance on Addressing Child Labour in Fisheries and Aquaculture*. p. 1.

However, a breakdown by sub-sector is not available, though urgently needed, so that policy makers can take informed decisions. In fisheries and aquaculture, children engage in all types of activities, from catching fish to repairing nets or processing fish, often in a way that is incompatible with school attendance and hazardous to their health⁵⁹. In line with common gender division of labour among adults, boys tend to be involved more in fishing and girls in post-harvest activities. Boys and girls help build fishing boats. Among other safety and health considerations women and girls are particularly vulnerable to sexual abuse. Lack of security at fish landing and processing sites, where children and youth may spend a large part of both their work and leisure time, lack of security risks translate into early involvement in sex and violence⁶⁰.

Migration is a common livelihood strategy in many fishing communities and child labour “hotspots” are often linked to situations with high levels of migration. Boys and girls of all ages participate in migration, already working or training to become fishers or fish workers, often leading to disruption in education. In poorer fishing communities, deprived of education and alternative employment opportunities, sons following their fathers into fishing – and girls following their mothers into fish processing and marketing – may be perceived as the only viable options for professional training⁶¹. Children are sent to work in this sector for all the reasons that are applicable to child labour in general, but also sometimes due to cultural attitudes in remote fishing communities. In many communities, there is a low level of awareness of what constitutes child labour as opposed to legally acceptable work. In some cases, the quality of education may not be seen as relevant and useful and in other cases there may be no schools or parents may not be able to afford the cost of schooling.

Bangladesh

The Seafood Sector - Frozen food (includes meat, fish, fruit and vegetables) export in Bangladesh is the second largest exporting sector of the country's economy. Frozen and live fish is an important component of the export sector, which includes shrimp, frozen and live fish and marine fisheries. Shrimp is the third most important source of foreign exchange, and out of total frozen food export; shrimp alone contributes nearly 90 per cent. Export Promotion Bureau data shows that, Bangladesh earned US\$ 638 million by exporting 55,074 tonnes of frozen foods, including shrimp in fiscal year 2013-14. In 2013-14, total export trade in shrimp and fish was of USD 355 million. Shrimp industry does not only employ thousands of women as labourers in the processing factories but also provides huge opportunities to be involved as shrimp farmers⁶².

Shrimp culture is of central importance to the fisheries sector in Bangladesh particularly in the context of export earnings. The shrimp industry also provides direct employment to over 1 million people who in turn support well over 3.5 million dependents in about 20 districts. There are 162 fish processing plants in the country of which 96 plants are government licensed. Out of 96 plants, 78 plants are European Union compliant and 30 Plants are (USFDA) United States Food and Drug Administration Green ticketed⁶³.

Shrimp farms are mostly concentrated in the south-western districts of Khulna, Satkhira and Bagerhat and the south-eastern district of Cox's Bazar. Other major shrimp farming districts include Jessore, Pirojpur, Chittagong, Bhola, Patuakhali, Narial and Barguna⁶⁴



Source- Bangladesh Shishu Adhikar Forum

⁶⁰ FAO. 2013. p. 21.

⁶¹ FAO. 2013. p. 30, 31.

⁶² KabirHumayun S. *Sea Food Export from Bangladesh and Current Status of Traceability*. At: <https://www.unescap.org/sites/default/files/6-%20%20Sea%20Food%20Export%20from%20Bangladesh-Kabir.pdf>

⁶³ KabirHumayun S. *Sea Food Export from Bangladesh and Current Status of Traceability*.

⁶⁴ Islam Serajul Md. 2008. *Towards Certification and Ecolabelling: A Compliance Study of Bangladesh Shrimp Aquaculture*. At: https://www.academia.edu/12344798/Certification_and_Ecolabelling_of_Bangladesh_Shrimp_A_Compliance_Study

Case study:

Dry Fish Industry in Cox's Bazar

In December 2015, following a visit under the arrangement of Bangladesh Shishu Adhikar Forum (BSAF) to the Shutki Mahal (dry fish producing and wholesale area/market) of Cox's Bazar, Sadique Rahman - a Journalist of the daily New Age, reveals how child working at the dried fish processing yards, alongside adult workers, are increasingly affected by diseases due to unscrupulous practices of some shutki traders in the area. His report titled "A Hazardous Profession" was published in New Age on 18 December 2015. He wrote- Marzina (10) of Nazirtek, Cox's Bazar never attended school in her life. She is one of six siblings, who lost their father several years ago due to illness related to dried fish (shutki) processing. The absence of the only earning member in the family, forced all members of the family, including her, to engage in income-generating activities.

Regrettably, some money-mongering shutki (dry fish) traders want the fish to remain moist so that they weigh more, indirectly affecting the health of workers. Also, the traders encourage the application of toxic pesticides on dried fish stocks to keep the product bacteria and insect-free, which further threatens the workers' health. Like Marzina, hundreds of local children, deprived of education and healthcare, their basic needs, are forced to engage in these hazardous sectors. Pushed by extreme poverty, those engaged in dried fish processing are susceptible to diseases like pneumonia, diarrhoea, asthma, scabies, eczema and others, according to physicians. They say that some of these diseases can be fatal for children and adult workers alike at the shutki yards, if patients are not treated in time.

Nazirtek is the largest shutki mahal of the country on the beach at the confluence of the Bay of Bengal near Cox's Bazar airport. According to shutki mahal insiders, around 20000 workers, mostly women and children, work in around 500 yards in the Nazirtek shutki mahal during the production season. Insiders inform New Age Xtra that all the workers of shutki yards have to work from early morning (06:00am) till evening (9:00 pm), or nearly 15 hours with a short break during lunch.

Marzina shares, 'The owner of the yard pays Tk 200 daily and provides complementary snacks (puffed rice, boiled gram or bread and tea) as lunch.'

The process of manufacturing dried fish generally starts around October in Nazirtek of Sadar upazila, Kutubjom and Sonadia in Maheshkhali upazila, Teknaf, Shamlapur, Sundaripara in Pekua upazila, St Martin's Island and Baro Ghop in Kutubdia upazila under Cox's Bazar district. If the weather remains favourable for drying fish, the process continues till March of the following year.

Shutki yard worker Siraji Begum's (45) husband Jainal Abedin, who also used to work in a shutki yard in Cox's Bazar, died of liver disease six years ago. Siraji tells New Age Xtra, 'Three of my children had to stop their primary education after their father's death. My only son now drives an auto-rickshaw in Cox's Bazar town and two daughters are engaged in shutki processing.'

Source – Bangladesh Shishu Adhikari Forum

New Age Xtra also found that poor children at the Ghatibhanga Charpara of Maheshkhali are engaged in dried fish processing to earn an income to support their families. Sakhina Begum, mother of three children, informs New Age Xtra that her children go to school once in three months when school authority pays stipend. 'Otherwise, they visit school when they have no work in the shutki yard,' she says. District primary education office sources inform that children from extremely poor families hardly seek admission to schools. Even if they do enroll, they can hardly continue their academic year due to work. According to the primary education office statistics, the current dropout rate of the district [grade 1 to 5] is 14.68 per cent.

Siddiqur Rahman, the district primary education officer, observes that poor parents are more likely to engage their kids in earning rather than educating them. He says, 'Cox's Bazar is a tourist zone. Moreover, there are many export-oriented industries here, where there is always demand for cheap labour. Hence, the parents engage their children in such hard work rather than sending them to school.' President of Nazirtek Shutki Traders Multipurpose Cooperative Society Shahadat Ullah shares that their business association always encourage child education. 'But the impoverished Rohingya community, who dominates the workforce in the shutki mahal, care more about their daily bread than education,' says Shahadat. Shahadat's statement could not be verified as the workers in the yard did not want to share any information or show any national identification cards to this correspondent.

Additionally, hundreds of children along with elders are also facing serious health hazards at the shutki yards due to illegal use of pesticides to preserve dried fish. During a visit, New Age Xtra found that some workers were tossing Celcron 50 ec, a highly toxic pesticide on the raw fishes in the Nazirtek shutki mahal. The label on the bottles caution users from spraying the content on food items and also strongly prohibits spraying near children. But these warnings are hardly heeded in the mahal where such contents are sprayed on the shutki by children. Shahadat Ullah, initially denied applying pesticide on dry fish but on seeing photographs, he admitted its use. He says, 'Some of us use pesticide when the weather does not favour fish drying.' According to Shahadat, around 50-60 lakh tones of dried fish worth around Tk 200 crore are produced from Nazirtek shutki mahal annually. Physicians of the Cox's Bazar Sadar Hospital inform New Age Xtra that most of the child patients coming from the shutki processing areas suffer from pneumonia, diarrhoea, asthma, scabies, eczema and Taeniasis. Duty doctor Md. Selim says, 'As they work for hours in environment of the yards, full of gaseous substances, these children are easily infected with the diseases.'

Amitosh Sen, the district fisheries officer, tells New Age Xtra that vested group of dry fish traders illegally apply pesticides while violating food compliance despite prohibition and health concern raised by the government, over the years. He also says that district administration with the fisheries department regularly conduct drives against these groups. According to the government rule, a mobile court can fine Tk five to fifty thousand or award imprisonment for applying pesticides on food items. The fisheries officer adds that whenever a magistrate initiates the process of fining the traders, they usually show that they are extremely poor and are helpless. Amitosh regrets, 'It has been difficult for us to tackle the crisis with a limited manpower from the department.'

Source – Bangladesh Shishu Adhikari Forum

Child Labour - Estimates from Bangladesh and the Philippines indicate that child labour in fisheries represents some 2-5 per cent of the total number of child labourers in those countries, and, most strikingly, children (up to 91 per cent of whom were boys) constituted 9-12 per cent of the total fisheries labour force⁶⁵. Instances of child labour and abuse include the sorting of shrimp and small fish species and children engaged as swimmers and divers. Child labourers in shrimp processing (de-heading) depots in Bangladesh tend to work hours that prevent them from attending school. They often work for nine hours without a break in extremely unsanitary conditions, and are frequently cheated of their pay. Cuts to hands and feet are common and can become badly infected, abscessed or swollen. Sexual abuse, including rape, is also reportedly common.

There are reported cases of indentured children below the age of 15 years being employed to unload fish from vessels operating fixed bag nets in Sundarbans, and in sorting, loading and drying them⁶⁶.

Hundreds of children could be working on a protected World Heritage Site in Bangladesh, according to a researcher who discovered five previously unknown labour camps using satellite technology. Two fish processing plants located on the Sundarbans National Park in the south west of Bangladesh were already suspected of using forced labour, including, it is claimed, children as young as nine, and working for up to 40 hours straight⁶⁷. Children have reported harsh conditions including sleeping in the open with little food, disease and, in some cases, sexual abuse.



Source – Bangladesh Shishu Adhikari Forum

There are also reports of children working in the processing plants and a substantial amount of work is performed by children at shrimp processing, freezing, and packaging factories. Sometimes they work long hours, do not attend school, and are paid significantly less for their work⁶⁸.

Child slavery in the dry-fish industry on Dublar Char, a large, remote, silt island in the Sundarbans forest area was reported as early as 2001. According to a survey by ILO and the Bangladesh Bureau of Statistics (BBS) there are 54980 people working in the dry fish industry in Bangladesh, of whom 7719 are children; 6228 boys and 1491 girls. Twenty-six per cent of the boys and 14.4% of the girls were reported as forced labour⁶⁹.

No instances of foreign migrant women or child workers have been reported in the fisheries sector in Bangladesh.

Women Workers - Although, shrimp farms and hatcheries are male oriented and women are rarely involved in farming process, they are mostly employed in processing plants and depots engaged in cleaning and de-heading of the shrimps. In changing trends, in Bangladesh, women now make up about 60% of fish farmers, and many are successful entrepreneurs. But much of women's contribution to fisheries is "invisible". Gender discrimination stems from the low value attached to women's work and is perpetuated in their being paid lower than male workers, in their limited access to credit, processing technology, storage facilities and training⁷⁰.

⁶⁵ FAO. 2013. p. 13.

⁶⁶ Mahmud, K.H. Hasan F.F. 2002. DublaDulabhanga: Forced Labour in Fishing Industry. Action Aid, Bangladesh.

⁶⁷ McGoogan Cara and Rashid, Muktadir. October 2016. "Satellites reveal 'child slave camps' in Unesco-protected Park in Bangladesh" in The Telegraph. At: <http://www.telegraph.co.uk/technology/2016/10/23/satellites-reveal-child-slave-camps-in-unesco-protected-park-in/>

⁶⁸ Islam Serajul Md. 2008.

⁶⁹ ILO and BBS. 2011. Pilot Survey 2010: Working Children in Dry Fish Industry in Bangladesh. At: http://www.ilo.org/wcmsp5/groups/public/asia/ro-bangkok/ilo-dhaka/documents/publication/wcms_173352.pdf

⁷⁰ <http://www.fao.org/gender/gender-home/gender-programme/gender-fisheries/en/>

Volume of Trade - The Netherlands is among the top 10 and third largest importing country of shrimp and fish from Bangladesh. Bangladesh Frozen Food Exporters Association (BFFEA) data reveals that in 2013-14, The Netherlands exported shrimp and fish worth USD 8.36 million, of which frozen shrimp was valued at USD 8.0 million. According to the Bangladesh Export Promotion Bureau around 10 per cent of exports in 2013 were made up of various seafood items including fish, crustaceans, shrimps, prawns, and molluscs⁷¹.

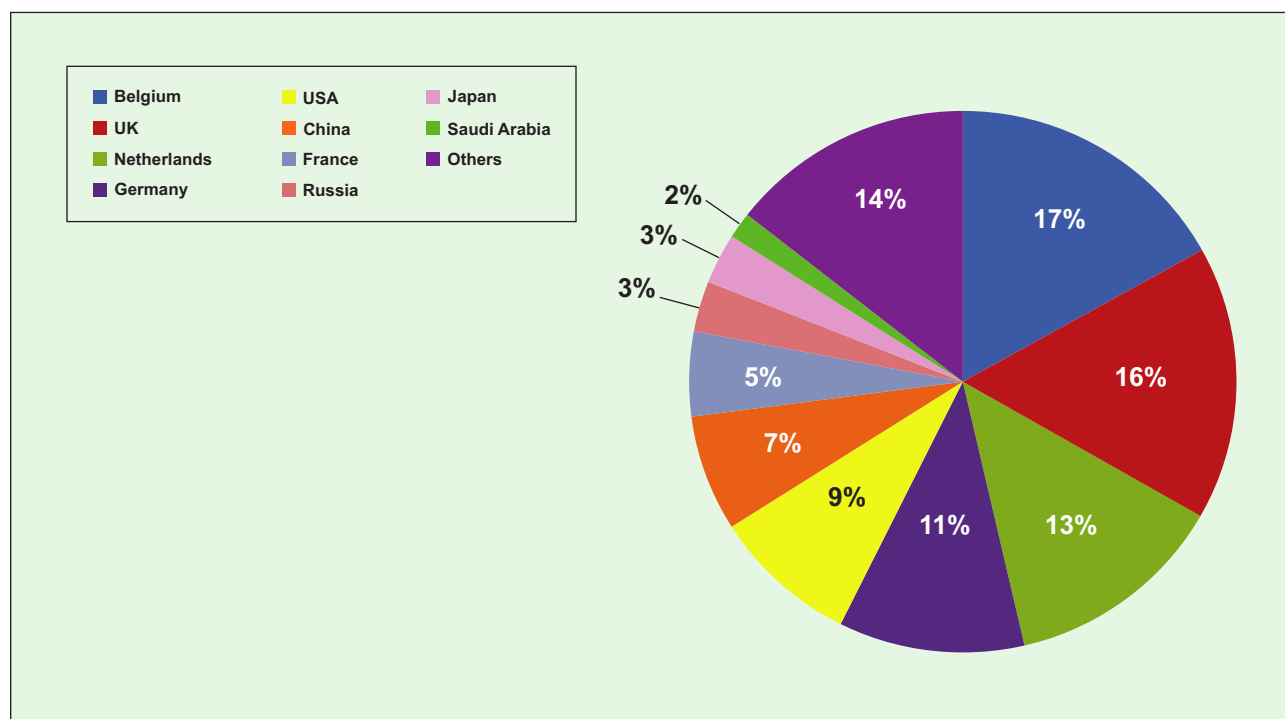


Figure 1 - Total 10 importing countries of Bangladeshi frozen shrimp and fish (2013-14)⁷²

Philippines

The Current Situation of Human Trafficking - The Philippines is a source country and, to a lesser extent, a destination and transit country for men, women, and children subjected to sex trafficking and forced labour. An estimated 10 million Filipinos work abroad, and a significant number of these migrant workers are subjected to sex trafficking and forced labour - predominantly via debt bondage - in the fishing, shipping, construction, education, nursing, and agricultural industries, as well as in domestic work, janitorial service, and other hospitality-related jobs, particularly across the Middle East, Asia, and North America⁷³.

Some Statistics on Trafficking in Women and Children - There is lack of credible data from government sources on trafficking in young women and children in the Philippines. The U.S. Department of State estimates that between 300000 and 400000 women and 60000 to 100000 children are trafficked annually⁷⁴. UNICEF lists Philippines as one of the seven worst countries for child trafficking in Asia, reporting that there are between 60000 and 100000 children in prostitution in the Philippines; and estimating that 70000 to 100000 children are trafficked yearly for sex⁷⁵. However, there is also a large problem with domestic trafficking as many Filipinos are moved from rural to urban areas. These include metro Manila, Cebu, and Quezon City.

⁷¹ <https://www.bffea.net/export.php>

⁷² Source: Bangladesh Frozen Foods Exporters Association at - <https://www.bffea.net/export.php>

⁷³ TIP Report. 2017. p. 324.

⁷⁴ Bureau of Democracy, Human Rights and Labour, 2006. Human Rights Report, Philippines. 2007; at: <http://www.state.gov/g/drl/rls/hrrpt/2006/78788.htm>.

⁷⁵ UNICEF. Reversing the Trend: Child Trafficking in East and South East Asia. 2009. At: http://www.unicef.org/eapro/Unicef_EA_SEA_Trafficking_Report_Aug_2009_low_res.pdf.

There are very high rates of trafficking of women and children in the Philippines, especially for the commercial sex industries. The Philippine National Police, 2015 Annual Report⁷⁶ provides figures for child abuse cases; since the country is now a top destination for child sex tourists from Australia, Japan, United States, and European countries, among others. However, there is no data on forced labour or trafficking of girls and young women provided by any police or government report. From 2015 to 2016, the Philippine government convicted 42 traffickers, including five for online child sex trafficking and two for forced labour, the report noted. It also convicted two immigration officers and charged five officials allegedly complicit in trafficking⁷⁷.

There is no specific data available with respect to trafficking and forced labour of girls, young women and children for work in the seafood sector.

Socio-Economic Context to Establish the Relationship between Trafficking/ Supply Chains and Gender - The current population of Philippines stands at 103.3 million⁷⁸. Its male population is 50.1% and female population is 49.9%. At the beginning of 2017, the estimated population age distribution was – 34.6 % of population was under 15 years of age (18.36 million males and 17.81 million females); 61.1 % of the population was between 15-64 years (of which 31.03 million were females).

The Philippines GDP growth accelerated from 5.9 % in 2015 to 6.8 % in 2016 and its GDP in 2016 was USD 304.90 billion. A major contribution to the economy comes from the large remittances from about 10 million overseas Filipino workers and migrants. The unemployment rate remains high, at around 6.5%; at least 40% of the employed work in the informal sector. Poverty afflicts about a quarter of the population. The poverty incidence among Filipinos dropped to 21.6 per cent in 2015 from 25.2 per cent in 2012, directly reducing the vulnerability of this population towards trafficking and forced labour⁷⁹.

Many factors contribute to the high levels of human trafficking, particularly of women and children, in the Philippines. Poverty is a significant factor, compounded by the lack of economic development and available jobs in poor, and often rural, areas. A girl child in the Philippines is discriminated upon early in life due to culture-based and family reinforced gender biases. There are also gender inequalities that make women and girls more vulnerable than men or boys to being trafficked, though boys are affected by child sex and forced labour trafficking. The pejorative expectations that Filipino society has on women and children are compounded by problems of extreme poverty; massive labour export; globalisation; porous borders; aggressive tourism campaigns; negative portrayal of women by mass media; pornography on-line and internet chat-rooms; the practice of mail-order brides; inter-country adoption; and joint military exercises in the country with visiting forces from abroad. These factors cause women to become easy victims of sex-trafficking and other forms of sexual exploitation either in the Philippines or in countries of destination⁸⁰.

Last year alone, Philippine Statistics Authority numbers showed more female than male Overseas Filipino Workers - 51.1 per cent of the total being female. Significantly, these women are generally younger than men. More than half (55 per cent) are labourers and unskilled workers - worrisome, since they are particularly vulnerable to various abuses, from forced prostitution to sexual tourism. A particularly disturbing fact is that many human traffickers are women - many of them mothers - posing as recruiters⁸¹.

The Seafood Sector - In 2014, Philippines ranked 8th among the top fish producing countries in the world with its total production of 4.7 million metric tons of fish, crustaceans, molluscs, and aquatic plants (including seaweeds). The production constitutes 2.4% of the total world production of 195.7 million metric tons⁸². The three major export commodities (tuna, shrimp and prawns, and seaweeds) accounted together for US\$ 1.386 million of fisheries exports. Among the main destination countries for Philippine seafood exports are the U.S., Japan, Germany, France, the UK, Hong Kong, Spain, Canada, Taiwan and China⁸³.

⁷⁶ http://www.pnp.gov.ph/images/publications/PNPAnnualReport2015_opt_opt.pdf

⁷⁷ <http://cnnphilippines.com/news/2016/09/23/Philippines-fight-against-trafficking.html>

⁷⁸ <http://countrymeters.info/en/philippines>

⁷⁹ http://www.theodora.com/wfbccurrent/philippines/philippines_economy.html AND <http://www.worldbank.org/en/news/feature/2017/05/04/philippines-economic-update-april-2017>

⁸⁰ <http://www.protectionproject.org/wp-content/uploads/2010/09/Philippines.pdf>

⁸¹ <http://www.philstar.com/opinion/2016/06/13/1592871/why-persistence-human-trafficking>

⁸² <http://www.bfar.da.gov.ph/publication>

⁸³ Philippines Profile. At: http://www.seafish.org/media/publications/PhilippinesEthicsProfile_201509.pdf



Source: FAO 2013

The EU is one of the most important trading partners of Philippines. Total two-way trade in 2015 amounted to €12.9 billion, or 11 per cent of the total, making the EU the Philippines' fourth-largest trading partner. In terms of exports, the EU is the third-largest market of the Philippines with exports of €5.7 billion in 2015. Within the EU, 90 per cent of EU-Philippine trade is concentrated among eight EU member states—Germany, France, the Netherlands, the United Kingdom, Italy, Spain, Belgium and Denmark⁸⁵.

Interestingly, the Philippines Government website⁸⁶ (which shows trade data between Philippines and the Netherlands only up to 2009), does not mention seafood at all; but makes special mention of the Filipino workers on Dutch and other ships as seafarers.

The World Bank data⁸⁷ shows the product exports figures from Philippines to the Netherlands in 2015, but does not provide any figures on seafood. However, the data refers to exports of 'food products' (without giving a breakup of the food items) to the tune of USD 52,840 thousand. The Canadian government website⁸⁸ also provides a wealth of information and statistics regarding imports and exports to and from Netherlands in seafood, but does not mention Philippines at all.

Women Workers - There are multiple reports on trafficking of men in the Philippines fishing industry, but no specific instances of trafficking of women and children in the fish industry. Women in Philippines are generally located in segments at the lower ends of aquatic agricultural value chains, as home-based producers or small-scale processors and traders in local value chains. Women are predominant in marketing segments of aquatic products as collectors or assemblers, intermediaries and retailers in Philippines.

⁸⁴ Source: FAO . 2013.

⁸⁵ <http://www.dti.gov.ph/exports/27-main-content/emb-news/9877-the-european-union-a-strong-economic-partner-of-the-philippines> - Department of Trade and Industry, Philippines

⁸⁶ <http://www.thehaguepe.dfa.gov.ph/2014-02-04-04-54-45/2014-03-12-02-51-44>

⁸⁷ <http://wits.worldbank.org/CountryProfile/en/Country/PHL/Year/2015/TradeFlow/Export/Partner/NLD/Product/All-Groups>

⁸⁸ <http://www.agr.gc.ca/eng/industry-markets-and-trade/foreign-market-information-by-region/europe/market-intelligence/inside-the-netherlands-the-fish-and-seafood-trade/?id=1442329190271>

Women's role in the fishing industry focuses not on fishing itself, but fish marketing or vending, fish processing, gear preparation, and net mending. Women face problems of workplace hygiene, social and sexual abuse, and the payment of sub-minimum wages. Although there are harsh conditions including long hours of standing, canning jobs are considered a desirable option for formal sector employment, and they are often among the only formal sector jobs available to women, who make up the majority of the workforce, and are often the wives or female family members of the fishers⁸⁹.

Child Labour - The *List of Goods Produced by Child Labor or Forced Labor 2016*⁹⁰, identified the use of child labour in the fishing industry of Philippines (refer Fig. 1 above). Children are engaged as swimmers and divers in *muroami* (a type of net) fishing, targeting reef fish – an extremely hazardous form of work. Child labourers are reportedly at risk of ear damage, injuries from falls, shark attacks, snakebites and drowning⁹¹. According to the ILO, fishing corporations employ children between 12 and 14 years of age, who spend 10 months a year out at sea⁹².

No instances of foreign migrant women or child workers have been reported in the fisheries sector in Philippines.

Working Conditions - Canning facilities have shifted to hiring nearly all of their workers through labour cooperatives which provides them with a highly flexible labour pool and allows them to avoid a direct employment relationship and the ensuing benefits for workers that relationship would entail.

The growing casualisation of the canning work force has had a particular impact on women who make up the bulk of the canning workforce and are often the wives or female family members of the fishers. Most workers migrated to the General Santos City (which is known as the Tuna Capital of the Philippines) from areas of Mindanao (primarily the Visayas and Bicol region) to seek work in the tuna sector⁹³.

Volume of Trade - In 2010, the agriculture and fishery sector contributed 17% to the GDP. Germany is the Philippines' largest trading partner within the EU, followed by the Netherlands, France, the UK, Italy, Spain, and Belgium. Together these countries account for almost 90% of EU-Philippines trade⁹⁴. The total volume of exports from Philippines to the Netherlands in 2015 amounted to USD 1771990.

In 2012, Philippines had more than 100 seafood processing firms, of which 90 were EU certified in 2004. However, in 2012, only 37 processing factories were approved for exports to the EU⁹⁵.

⁸⁹ CGIAR. 2012.

⁹⁰ Required by the Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA), 7th edition.

⁹¹ FAO. 2013. p. 27.

⁹² U.S. Department of Labour. Bureau of International Labour Affairs. *The Philippines*. At: <http://www.dol.gov/ILAB/media/reports/iclp/sweat/philippines.htm>.

⁹³ Verite. 2012. p. 61.

⁹⁴ EU-Philippine Trade and Investment at: https://eeas.europa.eu/sites/eeas/files/eu_trade_and_investment_booklet_2016_0.pdf

⁹⁵ CBI, Ministry of Foreign Affairs of Netherlands. March 2012. The Philippine seafood sector-A value chain analysis.p. 10.

India



Source – Truth 4 Youth

The Seafood Sector - India has emerged as one of the top exporters of seafood globally⁹⁶. India's seafood exports registered strong growth during 2016-17 and touched an all-time high at US\$ 5.78 billion. India's top four exports markets for seafood are USA, South East Asia, European Union and Japan. European Union is the third largest market for Indian seafood exports and in terms of products, frozen shrimp is the top item of export, accounting for 64.50 per cent in value terms. Frozen fish was the second largest export item registering a growth of 26.92 per cent in terms of value.

Child Labour - In India, more than 14 million fishermen and fish farmers, living mainly in 3937 coastal villages along major river basins and reservoirs, depend on fisheries and aquaculture for their livelihood. According to a government study, around 40 per cent of fisher population are children. Experiences reveal that many children belonging to fishers' families work in fishery sector as child labour. The main activities in fishery sector apart from active fishing are sorting and grading, curing and drying, peeling work, processing work fish meal work, fish trading and value addition.

The children working in the fishery sector and engaged in some of the above works are mostly from poor and vulnerable households in terms of their economic and social status. However, children belonging to higher age group 12-14 also work at fish processing centres. Many girls are engaged in the practice of collection of shrimp seeds in brackish water, which is highly hazardous as the local water bodies which are highly contaminated due to discharges of polluted effluences from nearby aquaculture farms. Another NGO study claims that many girls aged between 12 and 16 are engaged as workers in fish processing units in various coastal states of India, where there are poor working conditions, they live on premises, poor quality food is given by employer, there are serious health hazards, and no legal minimal wages are paid. Presently, one of the most pressing problems to address child labour in fishery and aquaculture is lack of adequate data regarding child labour engaged in this sector⁹⁷.

⁹⁶ <https://www.ibef.org/blogs/indian-seafood-exports-touch-a-new-high>

⁹⁷ Halim Ujjaini. Child Labour in Fishery and Aquaculture: Need for a Perspective-In the Light of Experiences from India. Presented in the Expert Consultation on Child Labour in Fisheries Organised by FAO & ILO. 2010. At: http://www.faoilo.org/fileadmin/user_upload/fao_ilo/pdf/WorkshopFisheries2010/WFPapers/UjjainiHalimWFFChildLabourFishery_Aquaculture.pdf

In India, young persons, until recently, were employed in canoe-based purse-seine fishing in inshore waters of Kerala. They were employed in jumping into the sea from the canoes to drive sardines into a pursing net. They were also employed as cooks on board multi-day fishing vessels in Tamil Nadu as part of training in sea endurance in preparation for multi-day fishing. Young persons are also employed to guard fishing vessels in fishing docks, piers and harbours and in loading and unloading fish. Girl children above the age of seven are employed in cleaning, salting and drying fish in Ganjam District, in the state of Odisha. The employment of children in marine fishing seems to be declining in India as a result of growing importance attached to regular schooling and education amongst coastal fishing communities, at least in the states of Kerala and Tamil Nadu⁹⁸. This paper presented at the same FAO-ILO Conference of 2010 is in direct variance with the claim that there is a large number of children working in the fisheries sector. No other reports were found from any sources to validate one claim versus the other.

No instances of foreign migrant women or child workers have been reported in the fisheries sector in India.

Bilateral Trade between India and The Netherlands - India frozen food/ fish exports to the Netherlands based on shipping bills and bills of entry filed at Indian customs is shown as follows⁹⁹ -

Table 7 – Volume of Seafood Trade between India and Netherlands

Article	Jan-Dec 2014	Jan-Dec 2015	Jan-Oct 2016
Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; smoked crustaceans, whether in shell or not, whether or not cooked before or during the smoking process; crustaceans, in shell, cooked by steaming or by boiling	\$93.88 Mn	\$114.89 Mn	\$90.88mn

The Netherlands Fish Industry

The Asian region is a major supplier of fish products to the EU market. In the Dutch fishing industry a quarter of all fish is landed by the national fleet. The remaining three-quarters are imports. Eighty per cent of all fish is sold abroad. Imports are currently some 2.2 billion euro, whereas exports generate over 2.5 billion euro, going mostly to European countries. The Netherlands has approximately 600 companies involved in such processing and further trading¹⁰⁰. Netherlands exported \$872.4 million (4%) worth of frozen fish during 2016¹⁰¹. Nearly 450000 tons of frozen and fresh fish and fish products travel through the port of Rotterdam annually, making it one of the largest fishing ports, which can supply products from throughout the world¹⁰².



Source – NOAA Fisheries

⁹⁸ FAO Workshop, Rome. 2010. *Child Labour in Fisheries and Aquaculture*. At: http://www.fao-ilo.org/fileadmin/user_upload/fao_ilo/pdf/WorkshopFisheries2010/WFPapers/MathewICSFChildLabourFisheriesFinalNote.pdf

⁹⁹ <http://www.infodriveindia.com/india-trading-partners/netherlands-exports.aspx>

¹⁰⁰ <http://www.dutchfish.nl/uk/default.asp>

¹⁰¹ <http://www.worldstopexports.com/frozen-fish-exports-country/>

¹⁰² http://www.dutchfish.nl/uk/persinfo_seafood.asp

Certification of Seafood - The Dutch Fish website gives a list of all registered importers and exporters in fish; full details of the companies are given under each name, with all requisite details¹⁰³. A cursory research of the websites of these listed companies provides almost no information on the countries from where fish is procured or imported, and only provides list of countries, where the fish is exported from Netherlands. The company websites also provide no information on certification of fish and the contractors from whom the fish is procured.

For the most part, certification standards in the seafood industry (such as the Marine Stewardship Council) certify responsibly managed fisheries have been focused on improving transparency and ecological sustainability, with no associated human rights or labour standards. In addition, many organisations that do focus on fair labour practices (such as, the Fair Labor Association) do not certify fisheries production or processing operations, but instead focus on other industries (such as, electronics, textiles, and agriculture)¹⁰⁴.

For shrimp exporters, the ASC standard is the leading aquaculture sustainability standard at a global level, with ASC-certified products being preferred by buyers in the EU and North America. ASC enables the traceability of the seafood in question through a concept known as 'chain of custody' where every link in the supply chain is certified; this allows end consumers to know where the seafood comes from and assures them that their consumption is not impacting the environment or society in a detrimental manner¹⁰⁵.

¹⁰³ <http://www.dutchfish.nl/uk/az.asp>

¹⁰⁴ Fishwise. 2013. *Trafficked: Human Rights Abuses in the Seafood Industry*. p. 26. At: https://www.fishwise.org/images/pdfs/fishwise_human_rights_seafood_white_paper_nov_2013.pdf

¹⁰⁵ <http://www.thehindubusinessline.com/opinion/towards-a-stronger-seafood-sector/article9638040.ece>

Chapter 3: The Complexities of Global Supply Chains

Global supply chains have transformed many lives for the better - but not always without costs. Clothes, food, smart phones, jewellery and other consumer goods may bear, wittingly or unwittingly, the traces of exploitation. Gleaming new skyscrapers may owe some of their shine to the sweat of bonded labourers.” – Antonio Guterres, United Nations Secretary General (US TIP Report 2017)

In the global marketplace, major corporations and manufacturers frequently utilise third-party suppliers and manufacturers located throughout the world to produce a wide range of products. Despite growing awareness regarding the problems related to forced labour, and good-faith efforts on the part of many companies to stem such abuses, the diversity and complexity of today's global supply chains can challenge even the most well-intentioned companies¹⁰⁶. While political instability and corruption in emerging economies pose great risks to multinationals, forced labour lurks as an obscured risk in complex supply chains. Even well-intentioned companies with Corporate Social Responsibility (CSR) initiatives and supply chain monitoring protocols in place may be unintentionally partnering with suppliers and recruitment agencies that use forced labour.

Unfortunately, the failure to adequately address this challenge and implement systems to prevent the occurrence of abusive labour practices by contractors and subcontractors can lead to disastrous personal consequences for workers and inflict significant damage on a company's brand reputation among buyers and consumers. The scope and magnitude of human rights abuses in the global workplace, combined with the complex nature of international supply chains, means that many companies who rely on third-party suppliers and manufacturers may unintentionally aid and abet forced labour and human trafficking practices.

Businesses create jobs and find workers to perform the jobs; they bear a responsibility to ensure that these working relationships respect national laws and fundamental labour rights. Some businesses and industry groups have long taken this responsibility seriously, through robust voluntary standards, due diligence, remediation, transparency, and engagement with stakeholders. Now, the combination of increased pressure from stakeholders and incentives to develop stronger responses is driving more businesses to acknowledge and address labour abuses in their supply chains. Whether motivated by regulation, risk of reputational damage, stakeholder and peer pressure, the sincere desire to do the right thing, or a combination of these factors, businesses today have heightened incentives to pay attention to child and forced labour issues. It is important to recognise the multiple stakeholders and it is only by mapping them in the supply chain, relevant to the sector of work that the understanding of complexities can begin.

3.1 The Garment Sector Supply Chain

Overview of the Supply Chain of the Textile and Apparel Manufacturing Sector

Industries in the textile-manufacturing sector convert basic fiber into usable items. Textile mills use natural or synthetic material such as, cotton or polyester to produce items such as fiber, yarn, or thread. Yarn is produced through spinning short fibers together. Weaving produces fabric or knitting yarn-using hand looms or automated machines. Fabric may undergo finishing processes to improve the look and feel. Dyeing gives colour to fabric and can be done at any stage of textile manufacturing. Garment or apparel making involves multiple steps including cutting, sewing, pressing and finishing. Value addition includes embroidering, printing, and other embellishments.

¹⁰⁶ UL. 2015. *Addressing Human Rights Issues in Global Supply Chains*. At: http://library.ul.com/wp-content/uploads/sites/40/2015/02/UL_WP_Final_Adressing-Human-Rights-Issues-in-Global-Supply-Chains_v7-HR.pdf

Multiple Levels of Suppliers - Supply chains of apparel brands have many tiers beneath the first level garment manufacturers that secure orders from buying houses representing apparel retailers. These tiers comprise of sub-contractors and more often than not stretch out to the last end in the community and home based garment-working set up. The first tier manufacturers in order to accommodate more business subcontract the order at hand to sub-contractors down the supply chain which they in turn send out to home workers especially for jobs like embroidery, sequin work and embellishment. These lower tiers of supply chains are usually unregistered and are beyond the surveillance of law enforcement machinery. This segment consisting of 'garment sweatshops' is infamously marred with human and labour rights violations including rampant child labour often in its worst forms¹⁰⁷.

3.2 The Seafood Sector Supply Chain

Overview of the Supply Chain of the Seafood Sector¹⁰⁸ - Fish and shellfish are harvested in open waters or raised via aquaculture in ponds, tanks, or bounded coastal waters. After harvest, fish are packed and transported to processing facilities or wholesalers. Processors convert the fish to consumer products such as canned, frozen, or smoked products, and fillets or other fresh products. Some fish may pass through multiple levels of processing, while others, such as certain kinds of shellfish, are transported live. Wholesalers receive both processed products, as well as more minimally processed fresh fish, from both foreign and domestic sources. The wholesalers then distribute the products to retailers and restaurants.

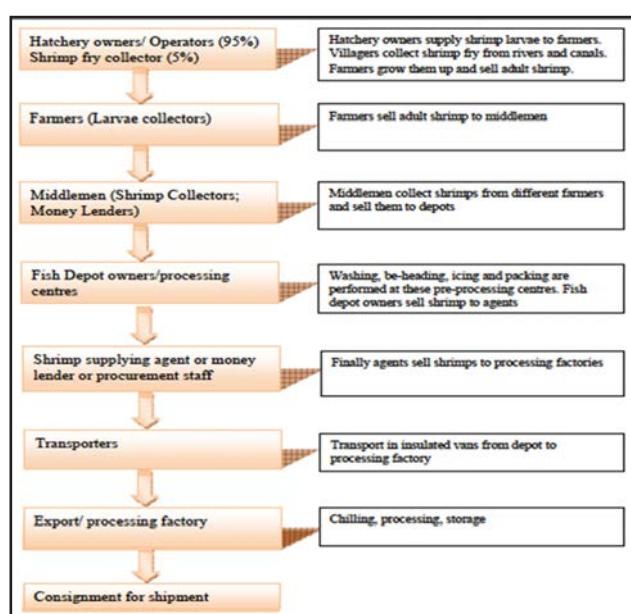


Figure 2 - Supply Chain of Shrimp in Bangladesh¹⁰⁹

In the Philippines shrimp value chain, four main categories of operators can be distinguished: input suppliers (hatcheries, feed suppliers, medicines and chemicals suppliers and equipment suppliers); Farmers (traditional and semi-intensive); the Luzon fish market and middlemen; and the processors/exporters.

¹⁰⁷ Global March Against Child Labour. 2013. Not Made By Children – A Toolkit For Understanding The Realities, Responses And Responsibilities Of Stakeholders.

¹⁰⁸ Verite. 2012. p. 75.

¹⁰⁹ Islam Serajul Md. 2008.

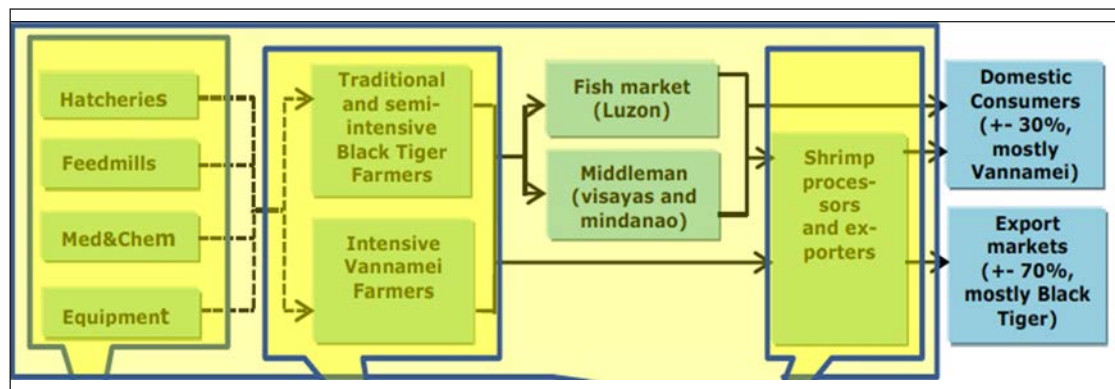


Figure 3 - Value Chain of Shrimp Industry in Philippines

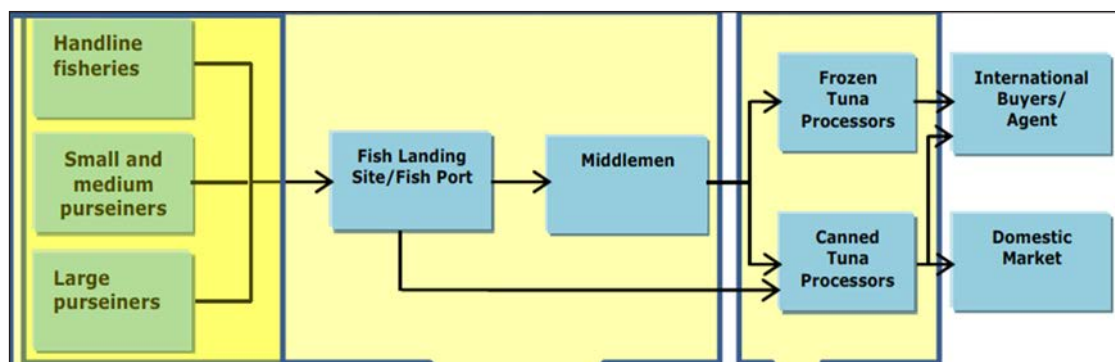


Figure 4 - Value Chain of Tuna Fish Industry in Philippines

The above figures are only an indication of the several layers of supply chains in the different countries, and these would almost always be the same, in other countries too, barring some local exceptions.

3.3 Complexities and Challenges to Clean Supply Chains

1. Multiple Layers and Suppliers vis-à-vis Lack of Transparency - It is clear from a depiction of the supply chains of the garment and fisheries sector above, that there are multiple tiers of production facilities that vary in size from large factories to home-based units, which are extremely fragmented making the monitoring of the supply chain truly challenging. The fragmented nature of the supply chain means that there is little transparency in the production process. At the top of the pyramid, exporter companies are most transparent as they are subject to scrutiny by international buyers. However, along the supply chain production becomes increasingly informal. Exporters are careful to distance themselves from the labour force (for instance, in the Verite study of 2010, exporters in Delhi, when asked about their manufacturing capacity, provide the number of stitching machines they own, and almost never the number of workers).

Companies are looking deeper into their supply chains, and at more issues, than ever before. However, the fragmented nature of global supply chains makes it difficult for businesses to know enough about, much less control, each link, experts say. The increasing complexity of products, the sheer number of suppliers and the multiple tiers involved present significant challenges for companies trying to act ethically.

In the garment sector, for instance, the irregular production process further hampers transparency: core production stages could go to an on-site factory, but also to an off-site factory or fabrication unit where entirely different conditions prevail. Embroidery or other embellishments will most likely be done by a home-based worker, but it will be divided between dozens if not hundreds of homes. Finally, the system is irregular in that it varies largely from one order to the next, making it extremely hard to track even a single order and even harder to apply any enforcement of existing labour regulations.

Many companies have developed CSR (Corporate Social Responsibility) programmes and Codes of Conduct; others are adopting technologies to increase transparency, such as using radio-frequency tags that store information on the provenance of a product. But the consequences of failure can be high: bad news about a company's supply chain can damage reputation, depress sales and alienate investors—and the negative reviews can spread quickly in today's hyperkinetic information environment. There is a more basic problem: Few academics, industry experts and company executives agree on what an "ethical" supply chain is. Initially, ethics referred to "sweatshop" conditions and to environmental issues such as, pollution or energy conservation, but the term has gradually expanded to encompass a range of social issues, including human rights, animal rights, and how food is grown and harvested. Sometimes, companies must balance one ethical consideration against another. If working conditions are poor because the government in a developing country either doesn't have health and safety regulations or doesn't enforce them, what's the most ethical stance for a company? Should it pull out and leave thousands jobless, or stays put and work with subcontractors, the government and workers to improve the situation¹¹⁰?

2. Different Categories and Types of Work-Force - Whether it is the garment sector or the seafood sector, the several levels of supply chains employ different categories of workers – ranging from the permanent to the contractual (who work permanently on the work sites) to the migrant seasonal workers, to home based workers who work on a piece rate basis. Then there are the contractors, sub-contractors, brokers (who are also known as "contractors") that are integral to the functioning of the supply chain, as they serve various roles, including as managers of temporary "contracted" workforces on-site at large, first tier factories; owner-sub-contractors of second and third-tier production units; recruiters of child bonded labourers; and contractors for networks of home-based embroidery or embellishment workers.

Although the permanent workers do enjoy the protection and compliance of all the labour and other laws by the employers, it is the contract workers and the home based workers who work under serious exploitative conditions with no or very little compliance of the national labour laws by the employers or contractors. Where employers are compliant with labour regulations and international labour standards, this enhances decent work in global supply chains. However, there are also ample examples where global supply chains lead to deficits in decent work. For the lead company located far away from these supply chains, to find out if indeed trafficking or forced labour conditions are prevailing or that child labour is being used, is a very challenging prospect. Added to this are the challenges related to the severity of bondage, which can be very heterogeneous, with a continuum running from relatively 'mild' forms to practices which are much more brutal.

This makes forced labour, when it occurs, difficult to identify definitively – particularly in a supply chain as opaque and dispersed as that of the garment sector, whether in Bangladesh or India.

3. Failure to Monitor Supply Chains and to Identify Root Causes of Non-Compliance - Most often companies are unable either due to the size of their business or outreach in the procurement countries to monitor their supply chains to the last link. They do not have a policy or system of comprehensive risk assessment of the situation of human trafficking, forced labour or child labour in the countries where their suppliers, contractors or sub-contractors are located. This in turn, leads to uneven understanding of the human trafficking and forced labour, including labour law compliance issues on the part of their supply chains. A consistent and timely response to supply chain non-compliance can be compromised by focusing only on the symptoms of non-compliance and failing to identify the root cause issues. Although, such an approach may temporarily suffice to address a problem; in a crisis it seldom provides the fundamental fix that permanently prevents that problem from recurring in the future.

Challenges may arise when lead firms make investment and sourcing decisions that affect working conditions in their global supply chains without being directly responsible for employment. There is a risk that global pressures on producer prices and delivery times and intense competition between suppliers may place downward pressure on wages, working conditions and respect for the fundamental rights of the workers participating in the chains. In subcontracted tiers of global supply chains, suppliers – often large or small actors operating informally – may cope with such pressures through the use of forms

¹¹⁰ Harbert Tam. Ethics and the Supply Chain - Can businesses police the behavior of global suppliers? 2016. At: businessresearcher.sagepub.com/sbr-1775-99621.../ethics-and-the-supply-chain

of employment which may not comply with labour regulations, in some extreme cases resorting to forced and child labour. In a report by the Economist Intelligence Unit for Standard Chartered¹¹¹, just 22% of companies address child labour in supply chains and 28% of those surveyed are addressing gender equality in their supply chains.

Fair Price for RMG – Foreign buyers, retailers and brands buyers are continuously pushing to reduce the costs and have not increased the prices of RMG, whereby the current business model forces suppliers to squeeze their workers as much as they can because they do not receive fair price. The Dutch Foreign Trade and Development Co-operation Minister also identified ‘fair prices of products’ as one of the three challenges for RMG sector of Bangladesh, the other two ‘unauthorised sub-contracting’ and ‘rights of workers’. The other factors affecting fair price are - the non-payment of living wages or income as mandated by laws and uncertain peak demands by exporters.

4. Enforcement of National Laws by the Duty Bearers - There are often serious challenges with respect to enforcement and compliance of national laws in the supply chain countries by the very institutions, which are duty bound to ensure the compliance of all national laws. For instance, the enforcement of all applicable labour laws is done through labour inspection systems. The labour departments are mostly understaffed, often complicit, and do not have many resources to carry out inspections.

Another example could be with respect to contracts given to workers. There are often no standard or model contracts prescribed for garment sector or seafood workers. In these sectors there is often a deficit of clear, written contracts of employment especially for contract workers. Legally, all jurisdictions provide that all workers are entitled to receive a copy of any signed contracts in their own language; however, in practice workers are asked to sign multiple documents in English, do not receive a personal copy, and have a limited understanding of their contents. In such situations, even if the labour department or the company conducts social audits or monitoring; the contracts would all seem fine whereas, the reality as per law would be completely at variance.

5. Challenges to the Creation of Decent Work for Adolescent Girls and Young Women - Apart from the systemic and cultural challenges of gender gaps and discrimination, the subcontractors are a key stakeholder for elimination of child labour in the supply chains, but one that are often not addressed adequately. Often, the end of a long supply chain, the subcontractors are unregistered, informal and non-compliant and engage child labourers, trafficked workers in hazardous conditions.

The solution lies in making a strategic engagement with the subcontractors to sensitise them on decent working conditions, the supporting laws - including minimum wages, non-discrimination of female workers, zero tolerance for child labour, mechanism to establish true age of child labour, and their social and legal responsibilities.

In probably the most striking example of the growing realisation of their rights and self-advocacy, on 18 April 2016, the southern Indian city of Bangalore saw thousands of women working in the city's garment sector with around 1200 factories, blocked the arterial roads in protest against change of government rules regarding their savings¹¹².

6. Corruption and Complicity of Public Officials - A high degree of corruption is also associated with a risk of human trafficking. General disregard for the rule of law and lack of adherence to laws by government officials opens the door to trafficking of workers in many ways. Officials may be paid bribes to look the other way when faced with practices associated with human trafficking. The US Trafficking in Persons Report 2016 and 2017 mentions about corruption and official complicity in human trafficking at varying levels of government in Bangladesh¹¹³, India¹¹⁴ and Philippines¹¹⁵. In Bangladesh, the Rana Plaza facility collapse, which killed 1,129 workers, has been largely attributed to corruption and negligence on the part of the government and factory owners¹¹⁶.

¹¹¹ 100 respondents from 8 countries interviewed. Global Trade Review, 17 July 2017. At: <https://www.gtreview.com/news/global/>

¹¹² India's garment workers continue to fight against exploitation. 22 November 2016. At: <https://www.equaltimes.org/>

¹¹³ TIP Report. 2017. p. 80.

¹¹⁴ *Ibid.* p. 205.

¹¹⁵ *Ibid.* p. 324.

¹¹⁶ <http://www.responsiblesourcingtool.org/visualizerisk>

Bangladesh, India and the Philippines also rank among the lowest on Transparency International's 2016 Corruption Perceptions Index. The lower-ranked countries in the Index are plagued by untrustworthy and badly functioning public institutions like the police and judiciary. Even where anti-corruption laws are on the books, in practice they're often skirted or ignored. India's score of 40 and rank of 79/176 countries, reiterates the impact of corruption on poverty, illiteracy and shows that not only the economy is growing – but also inequality. Bangladesh scored 26 points and ranks 145; whilst Philippines scored 35 points and ranks 101¹¹⁷.

From a global perspective, the United Nations Office on Drugs and Crime states unequivocally that, “trafficking in persons and corruption are closely linked criminal activities”¹¹⁸. The presence of corruption in a country is a significantly stronger predictor of human trafficking than other poverty-related causes. Perceived corruption is used by traffickers and employers in the process of recruitment of victims and also later in the process of controlling them as a very effective threatening mechanism.

In countries and regions where the rule of law is not guaranteed and access to justice is a problem for ordinary people, the levels of corruption seem to be high and also the prevalence of crime, including organised crime such as trafficking. Furthermore, in countries where the rule of law is not a strong principle, victims of crime (including corruption) are unlikely to come forward and report cases, because of the negative and in some cases even punitive reaction of the authorities. In such contexts, the reluctance to report is due to fear of reprisals from the side of traffickers as well as lack of trust that reporting may have any consequence for the perpetrators.

7. Corporate Social Responsibility (CSR) - CSR is commonly a broad term for enterprises' voluntarily self-regulating initiatives to assess and take responsibility for the company's effects on environmental, economic and social wellbeing. CSR programmes are an essential aspect in the business model of many global and national businesses. The use of global supply chains introduces a number of complexities and challenges to the ethical and human rights oriented business model of the lead company. Aside from the effort needed to manage a more complex functional structure, global supply chains can also require significant investments of time and money to ensure complete transparency and traceability. Even when social performance goals are clearly presented to a supplier, contractor or a subcontractor as a requirement for doing business (for instance, no use of child labour policy), companies often fail to adequately monitor supply chain activities for compliance with those goals. The lack of adequate oversight can send a message to the suppliers that compliance with stated social performance requirements is optional.

3.4 Consequences of failure to detect and address human rights abuses in supply chains

There can be significant negative consequences for companies, whose supply chains are tainted with human trafficking or forced labour, including some or all of the following¹¹⁹:

Enforcement Action by Government Authorities - At a minimum, a company whose suppliers utilise forced labour are violating national laws and regulations, exposes the company and its representatives to sanctions, financial penalties or imprisonment; in addition to being excluded from trade missions, no access to trade subsidies and losing government contracts.

Exposure to Legal Action - Forced labour practices by suppliers can result in legal actions brought by workers, for unpaid minimum/ or fair wages, recruitment practices, or for consequences related to adverse work conditions, including injuries, illnesses and death.

Damage to Brand Reputation - Media coverage of human rights abuses by supply chains can adversely affect a company's standing with current and potential customers, damage hard earned brand reputation and impact sales.

Interruption in Supply Chain Activities - The abuse of human rights of workers can result in the suspension or shutdown of work by local authorities, or lead to labour actions such as strikes, work slowdowns and job site protests.

Conflicts with Company Mission and Values - Many companies actively promote their commitment to core values, including preserving and protecting the human rights of workers. The discovery of forced labour practices anywhere in a company's supply chain can undermine stakeholders' trust in a company's commitment to those values.

¹¹⁷ https://www.transparency.org/news/feature/corruption_perceptions_index_2016

¹¹⁸ UNDOC. 2011. Issue Paper – The Role of Corruption in Trafficking in Persons.

¹¹⁹ Adapted from:UL. 2015

Chapter 4: The Legal Framework vis-à-vis Business Responsibility

This segment deals with the legal framework in Bangladesh, India and Philippines with respect to human trafficking and forced labour, as relevant to businesses and their compliance with the laws and regulations, specifically prevention and mitigation.

The International Framework

The issue of human trafficking and forced labour is primarily guided by the following main United Nations (UN) and International Labour Organization (ILO) Conventions: -

- ❖ ILO Convention No. 29 Concerning the Suppression of Forced or Compulsory Labour in all its Forms (1930); and the Protocol of 2014 to the Forced Labour Convention which, came into force in November 2016, to include additional provisions on human trafficking related to prevention, protection, and provision of victim remediation including compensation for material and physical harm;
- ❖ ILO Convention No. 138 Concerning Minimum Age for Admission to Employment and Recommendation No. 146 (1973);
- ❖ ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and Recommendation No. 190 (1999);
- ❖ UN Convention against Transnational Organised Crime of 2000;
- ❖ UN Trafficking Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of 2000;
- ❖ UN Protocol against the Smuggling of Migrants by Land, Sea and Air of 2000.

Other relevant international instruments are

- UN Convention on the Rights of the Child of 1999;
- the ILO Declaration of Fundamental Principles and Rights at Work of 1998;
- the UN Office of the High Commissioner for Human Rights, Guiding Principles on Business and Human Rights of 2011 (providing a standard that identifies the adverse impacts on human rights stemming from forced labour and human trafficking in business activities, and details a set of corporate principles to protect human rights); and
- the UN Framework and the Global Compact: Guiding Principles on Business and Human Rights of 2011.

Instruments relevant to the seafood sector would be:

- the International Convention on Standards of Training,
- Certification and Watch-keeping for Fishing Vessel Personnel of 1995;
- the FAO Code of Conduct for Responsible Fisheries, 1995; and
- the FAO Technical Guidelines on Aquaculture Certification of 2011 (to guide the development, organisation and implementation of credible aquaculture certification schemes, which states that - “child labour should not be used in a manner inconsistent with ILO Conventions and international standards”).

The Sustainable Development Goals (SDG) of “inclusive and sustainable economic growth full and productive employment, and decent work for all” (Goal 8), and to take “immediate and effective measure to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour (Target 8.7) cannot be achieved without sustained commitment from the businesses that mine, produce, manufacture, distribute, and sell goods around the world.

4.1 Bangladesh

The Constitution of Bangladesh prohibits all forms of forced labour [Article 34 (1)]. *The Prevention and Suppression of Human Trafficking Act* (PSHTA) of 2012 is the leading anti-human trafficking law in Bangladesh. Bangladesh is not a party to the 2000 UN TIP Protocol. The PSHTA provides definitions of ‘debt bondage’, ‘forced labour or service’, ‘slavery’, ‘victims of human trafficking’, ‘exploitation or oppression’, ‘servitude’ and others. The law provides for human trafficking and ancillary offences with penalties. The Act in Chapter V provides for assistance, protection, and rehabilitation of victims of human trafficking. Sec. 44 of the PSHTA is relevant to companies or firms, both domestic and foreign including their representatives.

44. Offences by companies or firms.—Where any offence under this Act is committed by a company or firm, whether incorporated or not in Bangladesh, the persons who were the proprietors, directors, managers, secretaries or agents of the company or firm at the time of the commission of the offence, shall be deemed to have committed the offence, unless the accused may prove that the offence has been committed beyond his knowledge and has tried his best to prevent it.

Other miscellaneous legislations relevant to trafficking and forced labour, especially with respect to companies are as hereunder: -

Table 8- Legislations relevant to trafficking and forced labour

Legislation	Section	Provision
Penal Code, 1860	374	Unlawful compulsory labour
Children Act, 1974	44	Penalty for exploitation of child employees
Extradition Act, 1974	Para 4 of Schedule of Act	Procuring or trafficking in women or young persons for immoral purposes
Employment Of Women, Young Persons, And Children Act, 1956	20 A	Prohibition against persons under 18 years of age being employed in hazardous occupations
Bangladesh Labour Law, 2006	All provisions	The law consolidates and updates 25 separate Acts, covering conditions of service and employment, youth employment, maternity benefit, health and hygiene, safety, welfare, working hours and leave, wages and payment, workers’ compensation for injury, trade unions and industrial relations, disputes, labour court, workers’ participation in companies’ profits, regulation of employment and safety of dock workers, provident funds, apprenticeship, penalty and procedure, administration, inspection, etc.

Laws Pertaining to the Seafood Sector

Bangladesh has several laws¹²⁰ dealing with the seafood sector, such as –Pond Development Act, 1939; Fish Feed Rules, 2011; Fisheries Hatchery Rules, 2011; Fisheries Hatchery Act, 2010; Fish Feed and Animal Feed Act, 2010; Shrimp Culture Tax Rules, 1993; and the Shrimp Culture Tax Act, 1992. However, these laws do not contain elements of human trafficking or forced labour, and hence, are not being analysed for purposes of this report.

In 2011, the Ministry of Fisheries and Livestock, Bangladesh adopted nine sets of Codes of Conduct for nine important segments of the shrimp based industry value chain. The main points of concern in the Codes of Conduct relate to: Environmental stewardship; Social: Legal and Community; Food safety; and Traceability. Among the social issues – ‘Using child labour’, has been specifically addressed¹²¹.

¹²⁰ <http://www.mofl.gov.bd/site/view/law/Law>

¹²¹ http://shrimpfoundation.org/wp-content/uploads/2016/09/Code-of-Conduct_July_2011.pdf

4.2 India

The Constitution of India prohibits trafficking in human beings and all forms of forced labour (Article 23), and prohibits employment of children below 14 years of age in factories, mines or other hazardous employment (Article 24). In the absence of a special comprehensive law on human trafficking, those who traffic men, women and children for forced labour are prosecuted under different laws as highlighted in the table below.

Table 9 – Legislations for prosecution under different laws for trafficking

Legislation	Section	Provision
Indian Penal Code, 1860	370	Trafficking of person
	370 A	Employing of a trafficked person.
	374	Unlawful compulsory labour against any person's will.
Bonded Labour System (Abolition) Act, 1976		An Act to provide for the abolition of bonded labour system for preventing the economic and physical exploitation of people.
	23	Offences by companies
Child Labour (Prohibition and Regulation) Act, 1986		An Act to prohibit the engagement of children in certain employments and regulating their conditions of work in certain other employments.
Juvenile Justice (Care and Protection of Children) Act, 2015		Provides for penalizing offences of cruelty against child; keeping a child in bondage and withholding earnings; sale and procurement of children for any purpose.
Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redress) Act, 2013		An Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment.

Other applicable laws to forced labour, including safety and labour welfare measures are –

- Inter State Migrant Workmen (Regulation and Conditions of Service) Act of 1979;
- Minimum Wages Act of 1948;
- Contract Labour (Regulation and Abolition) Act of 1970;
- Factories Act of 1958;
- Employees' Provident Fund
- Miscellaneous Provisions Act of 1952;
- Maternity Benefit Act of 1961; and
- Payment of Gratuity Act of 1972.

Available evidence indicates that the use of contract labour, rather than employees, in the export garment sector is widespread in Bangladesh and India, and also that child labourers are found at all levels of the garment supply chains, outside the formal factories, in sub-contracted home-based work. Permanent garment sector workers enjoy protection of all labour laws reducing the vulnerability to forced labour, including: equitable working conditions; limited working hours per week; weekly and annual paid rest; special compensation given to workers on injury and accident, illness and emergencies arising out of the nature of the work; special condition for the employment of women; equal pay for equal work; and free trade unions organisation. However, the contract workers (in this case, female garment worker in factory settings and those in home-based works, including children) are devoid of protection of almost all the labour welfare laws. Social security benefits as are available to permanent workers are not fully applied to contract workers with much malfeasance reported on the part of employers.

4.3 Philippines

The Constitution of Philippines affords full protection to labour, local and overseas, organised and unorganised, and promote full employment and equality of employment opportunities for all; including guaranteeing all other rights (Article XIII, Section 3). The comprehensive Anti-Trafficking in Persons Act of 2003 (Republic Act 9208), and the Expanded Anti-Trafficking in Persons Act of 2012, provide definitions of 'debt bondage', 'forced labour or service', 'slavery', 'exploitation or oppression', 'involuntary servitude' and others. Trafficking for forced labour and slavery is prohibited under the Anti-Trafficking Act, which prohibits the extraction of work or services from any person by means of enticement, violence, intimidation, threat, use of force or coercion, debt-bondage, or deception.

Other miscellaneous legislations relevant to trafficking and forced labour, especially with respect to companies are as hereunder: -

Table 10 - Legislations relevant to trafficking and forced labour, with respect to companies

Legislation	Section	Provision
Revised Penal Code	272 & 274	Slavery and forced labour are prohibited.
Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (Republic Act No. 9231)		Mandates the Government to protect and remove children from the worst forms of child labour, including forced labour, child trafficking, prostitution, pornography and the use of a child for illicit activities.
Philippine Labour Code		<div> Sets the minimum age for work at 15 and the minimum age for hazardous work at 18, but allows younger children to work in non-hazardous activities when under the responsibility of their parents or guardians. </div> <div> In November 2010, the Department of Labour and Employment issued Department Circular No. 3, which provides guidelines for the closure of establishments for violating this Act. </div>
Anti-Sexual Harassment Law (Republic Act 7877)		Sexual harassment in employment is illegal between supervisors and their subordinates.
Department Order No. 18-02		Spells out the government policy allowing contracting and sub-contracting arrangements subject to regulations for the promotion of employment and the observance of the rights of workers to just and humane conditions of work, security of tenure, self-organisation, and collective bargaining.

Two national laws provide the national fisheries policy framework of the Philippines:

- The Fisheries Code of 1998,
- the Agriculture and Fisheries Modernization Act (AFMA) of 1997 and
- Philippine Fisheries Code of 1998 (Republic Act 8550) is the law dealing with development, management and conservation of the fisheries and aquatic resources. Section 61 of the law provides rules on the import and export of fishery products.

Chapter 5: Role of Businesses in Cleaning their Supply Chains

Global supply chains have become a common way of organising investment, production and trade in the global economy. There is also evidence, however, that the dynamics of production and employment relations within the global economy, including in some global supply chains, can have negative implications for working conditions. Decent work emphasises on four main elements work and employment, social protection, rights at work and social dialogue. Challenges for decent work existed in Bangladesh, India and also Philippines before they engaged in global supply chains. In some instances, the operation of the chains has perpetuated or intensified them, or created new ones.

Decent work and the Sustainable Development Goals

Decent work is an important component of the 2030 Agenda for Sustainable Development. The promotion of decent work in global supply chains would contribute to several of the Agenda's goals and targets, including the global goals of promoting sustainable economic growth and productive employment (Goal 8), building inclusive and sustainable industries (Goal 9), reducing inequalities (Goal 10), ensuring sustainable production and consumption (Goal 12), and strengthening partnerships for sustainable development (Goal 17).

This segment highlights some of the government and private initiatives being undertaken in Bangladesh, India and Philippines to deal with clean and transparent supply chains. In addition, examples from other countries and businesses are being mentioned for a better perspective on dealing with supply chains tainted with human trafficking and forced labour of women and children.

5.1 Innovative Global Initiatives

Close attention to the application of core labour standards in the garment sector has also seen the emergence of a range of important international social and business compliance initiatives, such as the Clean Clothes Campaign, the Ethical Trade Initiative, Social Accountability International, the Business Social Compliance Initiative, and many others.

1. New Legislation¹²² - Laws governing anti-trafficking in global supply chains – such as the California Transparency in Supply Chains Act of 2012, and the UK Modern Slavery Act of 2015 - have so far taken the form of transparency and disclosure requirements to shed light on human trafficking risks within the supply chain. Newly emerging laws now require companies to disclose a number of things, including efforts to: identify conditions of human trafficking, evaluate risk of human trafficking through audits and other monitoring activities, and mechanisms within the organisation to train employees and internal accountability and reporting procedures.

The Brazilian Government in 2004 enacted a law providing for a registry of names of employers caught using forced labour in their supply chains. The registry, known as the *Lista Suja*, or “Dirty List,” included the company’s name, the owner’s name, the location of the offense, the product sourced, and the estimated number of workers subjected to forced labour conditions. Companies that landed on the *Lista Suja* were publicly shamed and risked denial of government funding and tax subsidies. Even though the law suffered a major setback in 2015 when the Brazilian Supreme Court ordered the Labour Ministry to suspend publication of the *Lista Suja*; similar laws are worthy of consideration by other governments.

The French Government tried introducing a bill, *Devoir de Vigilance*, which would have required certain companies to disclose anti-trafficking efforts and hold corporations liable for violating the law, which was rejected by the Senate in November 2015. Even the US government has not been able to introduce a federal law on the lines of the California Transparency law, but other countries can try out similar legislations in their own jurisdictions.

¹²² Adapted from: OECD. 2016. The Ever-Changing Compliance Landscape: What is the Next Wave? At: <http://www.oecd.org/cleangovbiz/Integrity-Forum-16-Pamela-Davis-Lily-Becker.pdf>

In February 2017¹²³, the Dutch Parliament adopted a bill (Child Labour Due Diligence Law) that, if enacted, would require covered companies to investigate the existence of child labour within their operations or supply chains. The companies covered by the bill include not only those registered in the Netherlands, but also companies selling products to Dutch consumers—including online retailers. If a company's investigation reveals that child labour may have contributed to its products or services, the company must develop an action plan to address and remedy these labour violations. If enacted, the bill would become effective in January 2020.

Directive 2014/95/EU¹²⁴ of the European Parliament on disclosure of non-financial and diversity information by certain large undertakings and groups entered into force on 6th December 2014. The aim of the non-binding guidelines is to help companies disclose high quality, relevant, useful, consistent and more comparable non-financial (environmental, social and governance-related) information in a way that fosters resilient and sustainable growth and employment, and provides transparency to stakeholders.

2. Supply Chains Transparency¹²⁵ - There is a growing trend of global apparel companies adopting supply chain transparency - starting with publishing the names, addresses, and other important information about factories manufacturing their branded products. Such transparency is a powerful tool for promoting corporate accountability for garment workers' rights in global supply chains. Publishing supply chain information builds the trust of workers, consumers, labour advocates, and investors, and sends a strong message that the apparel company does not fear being held accountable when labour rights abuses are found in its supply chain. It makes a company's assertion that it is concerned about labour practices in its supplier factories more credible. A system of corporate accountability that requires ordinary people to struggle for information on the brand labels is the antithesis of "transparency." Among the global apparel companies - Adidas, Levi Strauss, Nike, Patagonia, and Puma - have been publishing information on their websites about factories that manufacture their branded products.

As of December 2016, the following apparel companies were among those that published some supply chain information about their branded products¹²⁶: -

Adidas, CandA, Columbia Sportswear, Cotton On Group, Disney, Esprit, Forever New, Fruit of the Loom, Gap Inc., G-Star RAW, Hanes brands, HandM Group, Hudson's Bay Company, Jeans west, Levi Strauss, Lindex, Marks and Spencer, Mountain Equipment Co-op, New Balance, Nike, Pacific Brands, PAS Group, Patagonia, Puma, Specialty Fashion Group, Target USA, VF Corporation, Wesfarmers Group (Kmart and Target Australia, and Coles), and Woolworths.

Among the many advantages of publishing information in the public domain on the supply chains are -

- Makes it possible to determine whether a brand has sufficient leverage or influence in a particular factory or country to achieve remediation of worker rights abuses.
- Helps check unauthorised subcontracting, often to smaller, less regulated factories, workshops or home-based work where labour rights abuses are common and child labour is frequently used.
- Removes difficulty facing companies to continually identify persistent labour rights problems in specific supplier factories, to detect unauthorised subcontracting, and to regularly verify progress toward corrective action if they limit their sources of information to purely business-led human rights due diligence procedures.
- Brand inspectors and third-party monitors (engaged by the companies) can at best give periodic reports. Factory disclosure makes it possible for apparel companies to receive credible information from workers and worker rights advocates between periodic factory audits.

¹²³ <http://www.lexology.com/library/detail.aspx?g=153b6746-8734-43b0-8462-4bfd9dc25f5a>

¹²⁴ [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017XC0705\(01\)#ntr1-C_2017215EN.01000101-E0001](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017XC0705(01)#ntr1-C_2017215EN.01000101-E0001)

¹²⁵ Adapted from: Human Rights Watch. April 2017. Follow the Thread - The Need for Supply Chain Transparency in the Garment and Footwear Industry.

¹²⁶ Human Rights Watch. 2017. p. 3.

Publishing supply chain information is consistent with a company's responsibilities under the UN Guiding Principles on Business and Human Rights. However, despite the obvious benefits to companies, specifically with a view to protection of harm to the brand name, other companies refuse to publish supplier factory information at all, or divulge only scant information. Some companies attempt to justify non-disclosure on commercial grounds. But their explanations are belied by the experiences of other similarly situated companies that do publish and have shown that the benefits of disclosure outweigh perceived risks.

3. Compliance of Existing Legal Frameworks¹²⁷ - Along with addressing the compliance requirements for the other national laws (of the lead firm or the supply chain countries) companies can consider leveraging existing compliance frameworks within the CSR (Corporate Social Responsibility) and anti-bribery contexts. Compliance programmes that are tailored to effectively prevent, detect, and monitor conduct related to anti-corruption law issues can be broadened to incorporate supply chain integrity issues. Companies can play a key role in fighting human trafficking in supply chains by instituting policies, due diligence and compliance programmes, disclosure programmes, and training for employees as laws governing supply chain integrity continue to emerge.

4. Use of Technology - To quote an example, Adidas¹²⁸ is tackling the issue of supply chains in various ways by collaborating with other companies, NGOs and governments, and training suppliers about the risks of bonded labour and the impact of recruitment fees on workers. Adidas is using technology to give workers a voice by encouraging them to speak up and use this information to eradicate slavery and improve workers' conditions. The company already has "worker hotlines" giving 300,000 factory workers in China, Indonesia, Vietnam and Cambodia the opportunity to anonymously ask questions, make suggestions or express concerns via text messages and smart phone applications. Adidas has also run a pilot project in China with apps for workers to anonymously report issues – data that is collected and then analysed. The move did face resistance from suppliers, but the company worked with them to demonstrate how this could help them in the long run by improving supply chain transparency, communication, and productivity and worker retention.

5. Corporate Social Responsibility - India in 2013 (Companies Act) and Philippines in 2011 (Corporate Social Responsibility Act), enshrined corporate giving into law, institutionalising CSR (Corporate Social Responsibility) of both domestic and foreign corporations. In Bangladesh, no law makes CSR mandatory for companies however, the only instance that can be found of a formalised CSR approach is in the Bangladesh Bank Guideline of 2008, which, advised the banks to involve in CSR in a more organised way¹²⁹. The EU's Green Paper Promoting a European Framework for Corporate Social Responsibility (2001) defined CSR as "a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis." However, in Asia, CSR is understood differently than the EU concept, and companies spend monies in areas unrelated to their business (such as, poverty, hunger, education, health, etc). The Dutch companies could collaborate with their supply chains in the three countries under this study, to direct their CSR towards promoting gender equality and empowering women and eliminating child labour in their supply chains.

5.2 EU initiatives

Some of the initiatives for mitigating trafficking, forced labour and child labour by the European Union are:

1. European Parliament resolution of 14 June 2017 on the state of play of the implementation of the Sustainability Compact in Bangladesh.
2. Bangladesh Sustainability Compact.
3. Corporate Social Responsibility: accountable, transparent and responsible business behaviour and sustainable growth, and on Corporate Social Responsibility: promoting society's interests and a route to sustainable and inclusive recovery of 6 February 2013.
4. Sustainable garment value chains through EU development action of 24 April 2017.
5. Sustainability Compact for Continuous Improvements in Labour Rights and Factory Safety in the Ready-Made Garment and Knitwear Industry in Bangladesh.

¹²⁷ United Nations Human Rights Office of the High Commissioner, 2012. *Human Trafficking & Global Supply Chains; A Background Paper*. At: <http://www.ohchr.org/Documents/Issues/Trafficking/Consultation/2012/BackgroundPaper.pdf>

¹²⁸ Thomson Reuters Foundation. 29 May 2017. "Adidas' slavery buster hopes apps can help give workers a voice". At: <http://stream3.beritasatimedia.com/international/adidas-slavery-buster-hopes-technology-can-give-workers-voice/>

¹²⁹ Roy Ishita, Sarker Amit Kumar, Chowdhury Swapna. *Corporate Social Responsibility Practices in Bangladesh: A Statistical Analysis on State-Owned & Private Commercial Banks*. At: <https://www.davidpublisher.org/Public/uploads/Contribute/58a270bdc1f84.pdf>

6. Public Procurement Directive (Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014) addresses the inclusion of social provisions in the technical specifications of the tender.
7. The Directive makes it compulsory for contracting authorities to reject abnormally low tenders if the low price is due to non-compliance with EU legislation or international labour standards, particularly the use of child labour. (Article 69(2)(d) and (e).) Additionally, a contracting authority may exclude a tender if it is aware of labour law violations. (Article 57(4)(a).)
8. The Directive establishes minimal requirements to be transposed into national legislation. European initiatives such as the LANDMARK and Responsibility in Procurement (RESPIRO) projects have promoted the use of public procurement at the local level in Europe to achieve decent work in global supply chains¹³⁰.

The EU system for fisheries controls seeks to enforce common-fisheries-policy rules, through a control system, which is designed among other things to ensure that fisheries products can be traced back and checked throughout the supply chain, from net to plate¹³¹.

5.3 Country Specific Initiatives

Bangladesh

Safety Accord - The first ever legally binding supply chain agreement to address critical building safety concerns – the Bangladesh Accord on Fire and Building Safety, 2013 – was signed between global trade unions and some of the world's most powerful fashion brands in the aftermath of the Rana Plaza tragedy. The Accord is signed by more than 200 companies, 1600 factories affecting 2 million workers, and is designed to build a safe and healthy Bangladeshi RMG Industry¹³².

This Accord could serve as the benchmark for signing similar agreements to eliminate child labour in the garment and seafood sectors and to ensure labour law compliances for all female workers.

Such efforts are also yet to be extended to other Bangladeshi industries and exports such as shrimp, fish, and tobacco, jute and leather goods¹³³. A detailed report by Verite¹³⁴ lists several Government initiatives in the Bangladeshi shrimp sector, which have historically focused on improving environmental and market conditions, with a lesser focus on labour or human rights issues. There are no special initiatives for trafficking, child labour of girls and young women in the fisheries sector.

Fair Pricing - Although, it is the responsibility of the government and industry owners to ensure factory safety and workers' rights; but it is also the responsibility of buyers, retailers and consumers to come up with true and fair pricing. The Governments of Bangladesh and the Netherlands, the industry and other partners are trying to work out solutions to the problems highlighted by the factories that they have invested huge amounts to ensure fire safety, building safety, and structural integrity, but the product prices had not correspondingly increased in the international market. Ministers of both governments underscored that "fair pricing should also reflect, among others, the cost of fire, structural, and electrical safety, and reasonable working hours in order to avoid workers having to pay the ultimate price through poor working conditions"¹³⁵.

¹³⁰ ILO. 2016. Decent work in global supply chains. p. 46.

¹³¹ <https://ec.europa.eu/fisheries/cfp/control/>

¹³² <http://bangladeshaccord.org>

¹³³ <http://accountabilityhub.org/country/bangladesh/>

¹³⁴ Verite. 2012. Research on Indicators of Forced Labour in the Supply Chain of Shrimp in Bangladesh.

¹³⁵ Netherlands to work for fair price for Bangladesh's clothes in international market. 14 June 2015. At: <http://bdnews24.com/business/2015/06/14/netherlands-to-work-for-fair-price-for-bangladeshs-clothes-in-international-market>

India

The government in June 2016 announced a Rs. 6000 crore special package for the textile and apparel sector, aiming to help create 10million new jobs, mostly for women, in the next three years, expected to lead to an increase in exports by USD 30 billion¹³⁶. To ensure increased earnings for workers, the package specifies that overtime hours for workers shall not to exceed eight hours per week in line with ILO norms. Taking note of the seasonal nature of the garment industry, fixed term employment will be introduced for the sector, which will be considered at par with permanent workman in terms of working hours, wages, allowances and other statutory dues. The government is also planning to introduce a new National Textile Policy soon.

This would be the best time for importing companies to leverage with their supply chains in India, that the governments 'Make in India Programme' could be seriously jeopardised if child labour persists, whether in manufacturing or in the supply chains; and if the relevant laws and their enforcement thereof is weak in comparison to international standards. This is the right time for foreign brands to make a very strong push to brand the 'Make in India Programme' as the most-child friendly programme.

On the *Sumangali* Scheme, the Tirupur Stakeholder Forum (TSF), initiated by the Tirupur Exporters Association (TEA), the Brands Ethical Working Group (BEWG), trade unions and NGOs are working together. The TSF has brought out - "Guidance for Migrant Women Workers in Hostel and the Recruitment Process-Spinning/Garmenting Factories"; and the South India Mills Association (SIMA), has made "Recruitment Guidelines and Code of Discipline for Women Employment in Textile Industry". As of today, despite the multiplication of initiatives, these have yielded little improvements and the Sumangali Scheme continues as *Kanmani* or *Mangalya* Scheme, while the lump sum has in some cases been paid under the names of Provident Fund, Savings or Gratuity.

Philippines

The Government has two main policy instruments to prevent and eliminate child labour. The Philippines National Strategic Framework for Plan Development for Children 2000-2025, also known as the 'Child 21', sets out goals to achieve improved quality of life for Filipino children by 2025; and the Philippines Program against Child Labour (PPACL) Strategic Framework 2007-2015 laid the blueprint for reducing the incidence of child labour. In 2015 the Philippines-Netherlands Business Council was revived for future strengthening of economic ties and trade between business people and other stakeholders. Consequently, a Department Order was signed to ensure safe working and living conditions of fishermen¹³⁷.

In April 2011, the Zamboanga fishing industry, facilitated by the Department of Labour and Employment, adopted the Voluntary Code of Good Practice on Decent Work in the Fishing and Canning Industries in Zamboanga Peninsula. The Confederation of Philippine Tuna Industry and the National Tuna Industry Council, was created specifically through DA Special Order 659 in 2000, to formulate a strategic Action Plan for the industry. There is no code for the General Santos City area¹³⁸.

5.4 Opportunities for Multi-Stakeholder Approach and Engagement

It is recognised that there are practical limitations to the ability of enterprises to influence the conduct of their business partners. The extent of these limitations depends on sectoral, enterprise and product characteristics such as the number of suppliers or other business partners, the structure and complexity of the supply chain and the market position of the enterprise vis-à-vis its suppliers or other business partners. The influence enterprises may have on their suppliers or business partners is normally restricted to the category of products or services they are sourcing, rather than to the full range of activities of suppliers or business partners. Thus, the scope for influencing business partners and the supply chain is greater in some instances than in others. Much also depends on the volume of business and trade in that country and therefore, negotiation power with governments and the industry.

¹³⁶ <http://www.thehindu.com/news/national/Rs.-6000-crore-special-package-for-textiles/article14395226.ece>

¹³⁷ EU-Philippines Trade and Investment. At: https://eeas.europa.eu/sites/eeas/files/eu_trade_and_investment_booklet_2016_0.pdf

¹³⁸ Verite. 2012. p. 15.

The OECD Guidelines for Multinational Enterprises of 2008, which are applicable to The Netherlands, provides that, enterprises should, within the framework of applicable law, regulations and prevailing labour relations and employment practices, contribute to the elimination of all forms of forced or compulsory labour and child labour. Through their labour management practices, their creation of high quality, well-paid jobs and their contribution to economic growth, multinational enterprises can play a positive role in helping to address the root causes of poverty in general and of child labour in particular.

5.5 Initiatives by The Netherlands

i. Government

Dutch Agreement on Sustainable Garments and Textile – [International Responsible Business Conduct (IRBC) Agreements]¹³⁹

In 2014, with broad support in political circles and from the Dutch Government, Dutch employers and employees began to negotiate IRBC agreements at sector level. Such agreements give businesses the opportunity to extend their influence by collaborating with government, trade unions and NGOs in structured, problem-solving approaches to complex issues.

In 2016, facilitated by the Social and Economic Council of the Netherlands (SER), a broad coalition (VGT, Modint and IN retail, trade unions FNV and CNV, the National Government of the Netherlands, NGOs Solidaridad, UNICEF Netherlands, the India Committee of the Netherlands, the Stop Child Labour Coalition and Four Paws Netherlands) of industry organisations, trade unions, civil society organisations and the Dutch government concluded the 'Agreement on a Sustainable Garment and Textile Sector'. The aim is for at least 50% of the Dutch garments and textile sector to support the agreement by 2018 and 80% by 2021 and businesses to investigate the extent to which they could be implicated in human rights, environmental or animal welfare violations. Participating companies provide a list of production locations¹⁴⁰ used in the previous year. These are published annually at an aggregated level. This publication is an important step towards further transparency of the supply chain. By July 2016, 75 signatures had endorsed this Agreement¹⁴¹.

Dutch Ministry of Foreign Affairs in collaboration with the Bangladesh Garment Manufacturers' and Exporters' Association (BGMEA) and the CBI (Centre for the Promotion of Imports) is an initiative of the Dutch Foreign Ministry for improving import from developing countries. The apparel companies receive training from the CBI on merchandising, design and sample development and the fashion trend¹⁴². This platform could be used by the Dutch garment exporters to work through the CBI to obtain leverage with their supply chain partners on cleaning their human rights abuses records, especially, with respect to women and children.

Dutch Fisheries Policy

Professional coastal and inland fisheries are mainly bound by Dutch fisheries policy. The government works with the fishing industry to develop sustainable fishing methods. Although currently targeted at consumers, that can support sustainable fishing practices by buying fish that has been caught or farmed using certified sustainable methods, it has the potential to be applied to human rights practices within the fishing industry.

ii. Private Sector - The Dutch clothing sector is also taking up the fight against child labour, poor working conditions and low wages in developing countries like Bangladesh. This initiative is intended to reassure Dutch consumers that their clothing has been made responsibly. Issues like child labour, forced labour, a liveable wage, and safe working conditions will be addressed. In fact, the Netherlands is the coordinator of donor efforts to improve working conditions in the Bangladesh textile sector.¹⁴³

¹³⁹ <http://www.internationalrbc.org>

¹⁴⁰ http://www.internationalrbc.org/garments-textile/factories?sc_lang=en

¹⁴¹ <http://www.ser.nl/en/publications/news/20160704-sustainable-garment-textile-sector.aspx>

¹⁴² <https://www.fashionatingworld.com/new1-2/bangladesh-rmg-makers-urged-to-increase-value-added-items-to-attract-buyers> 13 JULY 2017

¹⁴³ <https://www.fashionatingworld.com/new1-2/netherlands-helping-bangladesh-rmg-makers-in-compliance-issues>

iii. Consumer Awareness and Participation - According to Denmark's Statistics, a household of two adults without children spends approximately USD \$2,400 on clothing, while a household with at least one child spends approximately USD \$4,200 per year. Following the greater trend for men's cosmetics and fashion, men are also spending a greater proportion of their income on clothing¹⁴⁴.

It has been found¹⁴⁵ that three in four Dutch consumers willing to pay more for clothing produced in safe conditions by creating a safer working environment for the people who produce them. On average, people consider a 9% price increase acceptable; (€4.50 on a pair of trousers costing (€50) provided the difference is indeed used to improve working conditions. Over half (56%) would be prepared to pay 10% more (€5) if this would ensure that the garment is produced in safe working conditions. Fewer than one in five (17%) say that they would not be willing to pay more to guarantee safety. Dutch consumers would be most inclined to pay more for their clothing if there was a guarantee that it had not been produced by children under 12. People are willing to pay an average of 13% more (€6.50 over and above the original price of (€50) for this assurance¹⁴⁶.

How much extra would you be prepared to pay for a pair of trousers currently priced at 50 Euros?¹⁴⁷

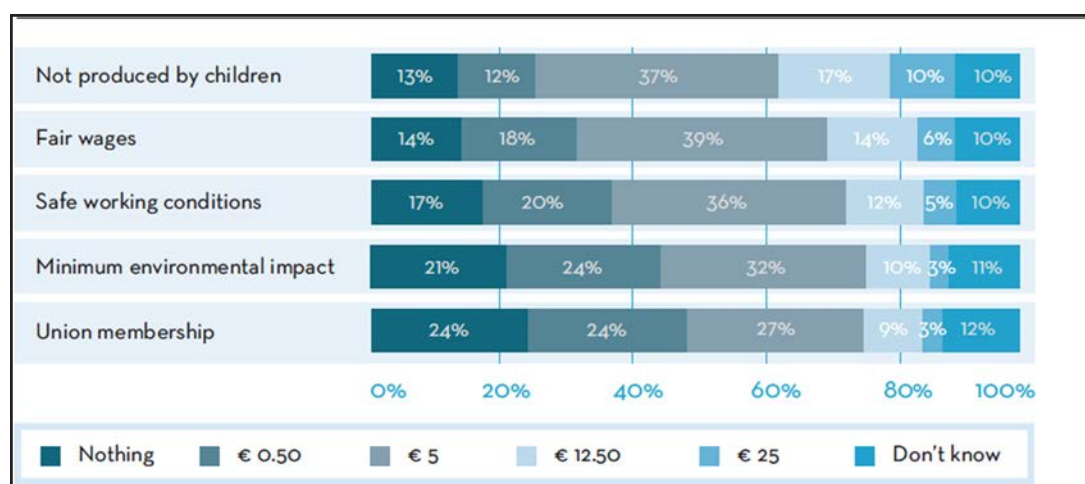


Figure 5 – A survey on consumer awareness and understanding of goods made by child labour

The consumer's own financial situation is an important factor in his or her willingness to pay a higher price for clothes. A number of respondents expressly state that they are unable to afford fair-trade garments, which are generally more expensive than high street equivalents. Over one in four people in this survey feel some responsibility for the safety of factory workers in Bangladesh. Almost a third of the Dutch public can be said to be aware that individual consumer choices influence working conditions elsewhere. Some respondents suggest that there should be a logo, vignette or other means of identifying garments, which have been produced in a fair and responsible manner. In general, the Dutch public is not adequately familiar with fair-trade or environmentally responsible clothing. They do not know where to find it. Although almost half of respondents state that they have purchased some form of fair-trade food product within the past year, only 20% have purchased a fair-trade garment.

It calls for action on the part of the brands and retail chains themselves. If they substantially increase the number of environmentally and socially responsible garments they offer in their stores, the consumer is likely to buy more such garments. Precisely the same effect was seen in fair-trade food products. The number of households which deliberately select fair-trade products has risen significantly in recent years, from 46% in 2009 to 60% in 2012. If the large clothing retailers expand their selection of fair-trade garments, it is likely that a similar mechanism will be seen.

¹⁴⁴ Ministry of External Affairs, Government of India. Boosting Indian Exports of Textiles & Clothing to Denmark – A Roadmap. March 2017. p. 18. At: http://www.indian-embassy.dk/demo/Report_Boosting_Textiles_DK.pdf

¹⁴⁵ Boonstoppel E. and Carabain C.L. 2013. Dutch Consumers and the Bangladesh Garment Industry'. At: <http://www.kaleidosresearch.nl/.../2013-Dutch-consumers-and-the-Bangladeshi-garment-industry> and <http://www.ncdo.nl/sites/default/files/NCDO%20Research%20English.pdf> (The survey on which this factsheet is based was conducted during the first week of May 2013 by NCDO in association with TNS NIPO).

¹⁴⁶ Boonstoppel E. and Carabain C.L. 2013.

¹⁴⁷ Ibid.

Dutch companies and businesses that import from Bangladesh, India and Philippines apart from collaborating directly with the governments could also collaborate with the following stakeholders to ensure decent work, and transparent supply chains free from human trafficking, forced and child labour. Local NGOs and Community Based Organisations (CBOs) are currently not part of this mapping, as they would have to be identified based on the geographical focus of the work with the Dutch businesses using supply chains in the three countries under study.

Table 11 - Stakeholder Mapping for Dutch Companies and Businesses

Garment Sector			
Bangladesh	India	Netherlands	
Bangladesh Garment Manufacturers and Exporters Association (BGMEA), is one of the largest trade associations in the country representing the RMG industry, particularly the woven garments, knitwear and sweater sub-sectors ¹⁴⁸ .	Apparel Export Promotion Council (AEPC) is the official body of apparel exporters that provides assistance to Indian exporters, as well as to importers/international buyers choosing India as their preferred sourcing destination for garments ¹⁴⁹ .	MODINT, Dutch trade association for fashion, textiles, etc. with over 800 member companies, with annual turnover of EUR 9 billion in the Netherlands ¹⁵⁰ .	
Trade Unions ¹⁵¹ - Bangladesh Garment and Industrial Workers Federation (BGIWF); Bangladesh Apparel Workers Federation (BAWF); Bangladesh Garments, Textiles and Leather Worker's Federation (BGTLWF); Bangladesh Independent Garment Workers Union Federation (BIGUF); Bangladesh Revolutionary Garment Workers Federation (BRGWF); Federation of Garment Workers (FGW); United Federation of Garment Workers (UFGW).	Trade Unions - Garment and Textile Workers Union (GATWU); Garment and Fashion Workers Union (GAFWU); Mazdoor Ekta Manch (MEM); Garment Mahila Karmikara Munnade (Garment Women Workers March Ahead), Bangalore; Women led Garment Labour Union (GLU), Bangalore;		
Seafood Sector			
Bangladesh	Philippines	India	Netherlands
The Bangladesh Frozen Foods Exporters Association (BFFEA) issues Export Certificate for export of fish ¹⁵² . Dutch companies should collaborate with the BFFEA and insist on certification with respect to forced and child labour.	The Seafood Industry Employer's Association (SFFAI) ¹⁵³ .	Seafood Exporters Association of India (SEAI) ¹⁵⁴ .	Dutch Fish Marketing Board ¹⁵⁵ , is the obvious point of contact and communication centre of and for businesses in the Dutch fishery industry.
	Philippine Exporters Confederation (PHILEXPORT) is only one overarching association for SMEs.		
	Confederation of Philippine Tuna Industry.		
	National Tuna Industry Council.		
No information is available with respect to trade unions in the seafood industry of Bangladesh.	SENTRO Trade Union ¹⁵⁶ .	All India Fisheries Worker's Federation; National Fish workers Forum	

¹⁴⁸ <http://www.bgmea.com.bd>

¹⁴⁹ <http://www.aepcindia.com/node>

¹⁵⁰ <http://modint.nl>

¹⁵¹ <http://www.industriall-union.org/affiliates/bangladesh>

¹⁵³ <http://www.sffaii.com>

¹⁵⁴ <http://seai.in/history/>

¹⁵⁵ <http://www.dutchfish.nl/uk/press.asp>

¹⁵⁶ <http://www.sentro.org>

Findings – Export Processing Zones and Production Units in the Garment and Seafood Sector in Bangladesh, India and Philippines

The Garment Sector– Bangladesh

The Ready Made Garment (RMG) sector has made Bangladesh the second largest exporter of garments in the world-after China. RMG exports totalled US\$24.5 billion (2013-14) accounting for over 80% of the nation's export earnings and employing around 4 million workers, an estimated 55-60% of whom are women. UNICEF reports places the number of female workers at approximately 80 per cent.

The Export Processing Zones (EPZs) are in Dhaka, Karnaphuli and Ishwardi. The top manufacturing cities in Bangladesh are Dhaka, Chittagong, Narayanganj, and Uttara. Among the migrant female workers coming into Dhaka, and those who are in home based garment work, most of them come from - Khulna, Satkhira, Faridpur, Barguna, Chandpur, Narsinghdi, Shariatpur, Patuakhali, Noakhali, etc.

Bangladesh has been relatively successful in eliminating child labour in export-oriented garment factories, but it remains a significant concern in the formal and informal sectors that produce through unauthorised sub-contracting.

Key EU brand retailers from Bangladesh are Zara, HandM, Carrefour, and Auchan, Takko.

The Garment Sector – India

India's overall textile exports during FY 2015-16 stood at US\$ 40 billion. Major garment industries are located in Mumbai, Coimbatore, Tirupur, Ahmedabad, Ludhiana, Bangalore, Mumbai, Indore and the National Capital Region (NCR) Delhi. The maximum reportage and concern about female workers is about the "*Sumangali* Scheme"/ or the "Provident Funds" in Tamil Nadu, where employers pay young women a lump sum, used for dowry, at the end of multi-year labour contracts. Girls are recruited to work in Tirupur, coming from Tirunelveli, Virudhunagar, Theni, Sivaganga, Karur, Cuddalore, Dharmapuri, Krishnagiri, Madurai, Tiruvannamala, Virudhunagar, Aranthangi, Krishnagiri, Viluppuram, Jeyangondan, Ariyalur, Kulithalai, Pudukottai, Trichy, Tanjore, Hosur, Dindigul, Nilgiris, Thanjavur, Tirunelveli, Virudhunagar, Theni, Sivaganga and Karur in Tamil Nadu; and Kerala, Andhra Pradesh, Uttar Pradesh, Orissa, and Gujarat.

All studies and reports indicate that there is no *a priori* evidence pointing to the existence of children (aged less than 15 years) working in the formal sector garment factories. Child labourers are at potential risk for broker-induced forced labour in Tirupur, NCR Delhi, and Mumbai. Estimates suggest that 100,000 children work for more than 14 hours a day in the illegal sweatshops in and around Delhi; and between 50,000-70,000 work in the Jaipur workshops doing embroidery (*aari-taari*, *gota-patti*, and *zari*).

Children in these workshops are mainly brought from Bihar, Uttar Pradesh, Jharkhand, Chhattisgarh and West Bengal. The popular brands sourcing from India include Zara, Next, GAP, Marks and Spencer, Ann Taylor, Ralph Lauren, Abercrombie and Fitch, Wal-Mart, Marks and Spencer, Tesco, Decathlon, Uniqlo, HandM, Tommy Hilfiger, and possibly more. Both in Bangladesh and in India's garment sector, challenges pertain to the prevalence of factories operating in the informal sector leading to lack of legally binding employer relationships, no access to legal protection for workers, lack of trade union protection, collective bargaining, and grievance mechanisms; no payment of minimum or living wage, and other employment related benefits and a complete lack of transparency regarding buyers, supply chains, etc.

The Seafood Sector– Bangladesh

Bangladesh earned US\$ 638 million in frozen foods export, including shrimp in 2013-14. There are 162 fish processing plants of which 96 plants are government licensed, of which 78 plants are European Union compliant. Shrimp farms are mostly concentrated in the south-western districts of Khulna, Satkhira and Bagerhat and the south-eastern district of Cox's Bazar. Other major shrimp farming districts include, Jessore, Pirojpur, Chittagong, Bhola, Patuakhali, Narial and Barguna.

Estimates from Bangladesh and the Philippines indicate that child labour in fisheries represents some 2-5 per cent of the total number of child labourers in those countries, and, most strikingly, children (up to 91 per cent of whom were boys) constituted 9-12 per cent of the total fisheries labour force. In line with common gender division of labour among adults, boys tend to be involved more in fishing and girls in post-harvest activities. Boys and girls help build fishing boats. Instances of child labour and abuse is rampant in sorting of shrimp, shrimp processing, and swimming and diving in Dublar Char, and Sunderbans. More than 60 per cent of the shrimp workers in processing plants are women.

The Seafood Sector– Philippines

- a. 'Food products' exports from Philippines to Netherlands in 2015 amounted to USD 52,840.
- b. Philippines has more than 100 seafood processing firms, of which 90 were EU certified in 2004; however, in 2012, only 37 processing factories were approved for exports to the EU.
- c. Children are engaged as swimmers and divers in *muroami* (a type of net) fishing, targeting reef fish – an extremely hazardous form of work. Fishing corporations employ children between 12 and 14 years of age, who spend 10 months a year out at sea.
- d. Women's role in the fishing industry focuses not on fishing itself, but fish marketing or vending, fish processing, gear preparation, and net mending.
- e. Most workers migrated to the General Santos City (which is known as the Tuna Capital of the Philippines) from areas of Mindanao (primarily the Visayas and Bicol region) to seek work in the tuna sector.

The Seafood Sector– India

India's seafood exports in 2016-17 were worth US\$ 5.78 billion. Young persons are employed to perform multiple activities on sea and at shore. Girl children above the age of seven are employed in cleaning, salting and drying fish in Ganjam District, Orissa.

The Fish Industry – The Netherlands

A quarter of all fish is landed by the national fleet. The remaining three-quarters are imports. Eighty per cent of all fish is sold abroad. There are about 600 companies involved in such processing and further trading. The company websites provide no information on certification of fish and the contractors from whom the fish is procured. There are no global certification standards in the seafood industry apart from improving transparency and ecological sustainability, with no associated human rights or labour standards.

The Complexities of Global Supply Chains

Supply chains of the garment and fisheries sector have multiple tiers of production/ manufacturing/ processing facilities that vary in size from large factories to home-based units, which are extremely fragmented, with little transparency, making the monitoring of the supply chains truly challenging.

Whether it is the garment sector or the seafood sector, the several levels of supply chains employ different categories of workers – ranging from the permanent to the contractual (who work permanently on the work sites) to the migrant seasonal workers, to home based workers who work on a piece rate basis. Although the permanent workers do enjoy the protection and compliance of all the labour and other laws by the employers, it is the contract workers and the home based workers who work under serious exploitative conditions with no or very little compliance of the national labour laws by the employers or contractors. Most often companies are unable either due to the size of their business or outreach in the procurement countries to monitor their supply chains to the last link. They do not have a policy or system of comprehensive risk assessment of the situation of human trafficking, forced labour, child labour in the countries where their suppliers, contractors or sub-contractors are located. This in turn, leads to uneven understanding of the human trafficking and forced labour, including labour law compliance issues on the part of their supply chains.

There are often serious challenges with respect to enforcement and compliance of national laws in the supply chain countries by the very institutions, which are duty bound to ensure the compliance of all national laws. Apart from the systemic and cultural challenges of gender gaps and discrimination, the subcontractors are a key stakeholder for elimination of child labour in the supply chains, but one that are often not addressed adequately. Often, themselves at the end of a long supply chain, the subcontractors are unregistered, informal and non-compliant engaging child labourers, trafficked workers working in hazardous conditions.

A high degree of corruption and official complicity is also associated with a risk of human trafficking, forced and child labour. Bangladesh, India and the Philippines also rank among the lowest on Transparency International's 2016 Corruption Perceptions Index. There can be significant negative consequences for companies whose supply chains are tainted with human trafficking, forced and child labour.

The Legal Framework vis-à-vis Business Responsibility

There are strong international and national legal frameworks in Bangladesh, India and Philippines to deal with human trafficking and forced and child labour. The concern is not the absence of laws, but the strict enforcement of the existing laws for it to deter those perpetrators who exploit young women, girls and children through trafficking and exploitative work conditions.

Role of Businesses in Cleaning their Supply Chains

Challenges for decent work existed in Bangladesh, India and also Philippines before they engaged in global supply chains. In some instances, the operation of the chains has perpetuated or intensified them, or created new ones. There are ample global initiatives available to businesses in the form of new legislations being made by their governments; ensuring more meaningful and effective supply chain transparency; strict compliance of existing legal frameworks and leveraging it within the corporate social responsibility and anti-bribery contexts; the effective use of technology to ensure worker involvement and participation for reporting abuses; and using corporate social responsibility of the supply chain companies to eliminate human trafficking, forced and child labour, and exploitative work conditions.

There are several opportunities for multi-stakeholder approach and engagement by lead companies, but there needs to be recognition of the practical limitations of the ability of enterprises to influence the conduct of their supply chain business partners, as much depending on the volume and duration of the contract. There is consumer awareness in the Netherlands and willingness to pay more for clothing produced in safe conditions by creating a safer working environment for the people who produce them. There is a lot of scope to make consumers active stakeholders in guiding lead companies to ensure cleaner supply chains in countries where they are susceptible to exploitative work conditions.

Chapter 6: Way Forward

Conclusion

One of the biggest challenges in tackling human trafficking, forced labour, slavery and child labour in the global supply chains of the garment and seafood sector is the complexity of supply chains. Even though brands have strict guidelines in place for suppliers, work often gets sub-contracted to other factories that the buyer and the businesses themselves may not even know about. Companies that sell their products in Europe and the US often have no clue where the textiles come from. For instance in the lower tiers it is very difficult to understand where the cotton comes from.

With almost 21 million victims of forced labour and 152 million children engaged in child labour today, most of the leading multinationals have come to recognise the risks associated with ever-expanding supply networks as there is hardly any industry or region fully insulated from these human rights violations and social injustice. However, for businesses to be able to address this social deficit and adequately identify and address the issue of trafficking of children, women and men, the foremost step is to build the understanding to plug the knowledge gaps of human trafficking, forced and gender related issues of the geographical region of the workforce.

A close co-operation with local stakeholders, such as NGOs and other civil society actors, is of crucial importance to understand where millions of young boys, girls, women and men are forced to work and why the conditions lend themselves to human trafficking in the first place. Understanding the local complexities of the geographically fragmented garment and seafood industry, where cultural notions may also be used to justify the curtailment of women and child rights, the local stakeholders, along with the government organisations in order to have a multispectral approach which can also play a major role in mainstreaming gender in the prevention strategies of trafficking, focusing on the protection of girls and young women. In order to strengthen the process of seeking closure on what can be done to mitigate the risks that lead to practices like trafficking and forced labour, some recommendations have been given below:

Recommendations for Lead Global Companies

Measures that could be recommended for action by the lead global companies (for purposes of this report, restricted to Dutch companies) to prevent and reduce the risks of human trafficking or forced labour, in their supply chains are as follows –

Legal compliance of laws and policies

1. Create a Corporate Policy/ Code of Conduct on Human Rights – The starting point to ensure legal compliance of laws and policies, both of the lead company and the suppliers, is to create a company policy on human rights. Companies that have found great success in improving their supply chain practices have been transparent about their efforts to improve with the first step being a public policy on human rights and ethical sourcing.

2. Conduct a Comprehensive Risk Assessment – As with all supply chain improvement efforts, it is important to quantify risk using objective criteria, and then address the areas of highest risk first. This risk assessment can be conducted at the same time as an assessment of product at risk of being illegal or mislabelled. A tailored risk assessment is the first step to build understanding and plug the knowledge gaps of the specific human trafficking, forced and child labour, and the gender related issues of that geographical region. Helpful indicators are available from international reports (UNODC, ILO, US TIP), government and NGO field studies - on countries at high risk for trafficking and forced labour and those with a significant reputation of corruption. Ideally such risk assessments should be a pre-condition of any contractual relationship with the contractor, supplier, producer, etc.

3. Work to Improve Supply Chain Traceability and Transparency - Supply chain accountability for companies with extended global supply chains is becoming increasingly important as consumers, stakeholders and governments demand details of the systems and sources that deliver goods and services.

3A. Supply Chain Mapping - traceability and transparency begins with companies publishing the names, addresses, and other important information about factories, workshops, contractors, subcontractors supplying their branded products. Readily available detailed information promotes corporate accountability, builds trust of workers, consumers, labour advocates, and investors.

3B. Social Auditing System – should be the focus of global brands for its constant improvement and efficacy, in collaboration with governments and suppliers. The limits and insufficiencies of social audits to thoroughly assess legal compliance within and outside factories, and to analyse complex supply chains with their inherent gender disparities in the context of local dynamics have consistently been highlighted. Nevertheless, stringent social audit checks supplemented with field reports from local NGOs still remain one of the best bets as a starting point to verify human rights abuses within geographically extended and fragmented supply chains. Exporters Associations in the respective countries should be involved in these processes.

3C. Certification Standards - considering the absence of global certification standards in the seafood industry on human rights or labour, the Dutch fishing industry or the Dutch Fish Marketing Board, could create human, gender and child rights oriented certification standards for procuring/ importing seafood, at least from Bangladesh, Philippines and India. The ASC certification standards for shrimp could form the basis for traceability of the seafood through 'chain of custody' where every link in the supply chain is certified, and the information is publicly available.

Good Practice Model

Although it is notoriously difficult to regulate the activities of vessels fishing in Indonesia's vast territorial waters and Exclusive Economic Zone, the government adopted a firm zero-tolerance stance toward forced labour in the fishing industry. In December 2015, the Ministry of Marine Affairs and Fisheries (MMAF) enacted a regulation on human rights certification in the fishing industry that requires fisheries, businesses with MMAF permits and fish processing unit owners to implement a comprehensive system to prevent human rights violations from occurring in their operations. (*Source: US Department of Labor. 2016. List of Goods Produced by Child Labor or Forced Labor p.38.*)

Using the example from Indonesia, Dutch fishing industry may through their government and through their own efforts, collaborate with the governments of Bangladesh, Philippines and India for similar certifications by the suppliers.

3D. Voluntary Disclosure by Companies – and their suppliers or contractors of verification of their supply chains to identify and address risks; audits of suppliers to evaluate compliance with company policies; certifying that materials used in products comply with national laws regarding trafficking and labour; maintaining internal standards and procedures to deal with non-compliance; training and capacity building of employees and management on strategies to mitigate the risk of trafficking and slavery in supply chains.

3E. Management Systems Approach for Social Responsibility in Practice¹⁵⁷ - Some of the global companies are now using a management systems approach for achieving and sustaining socially responsible practices among supply chain partners and suppliers, as a tool in managing performance related to product quality, the environment, energy usage, health and safety practices, and socially responsible behaviour. This approach consists of the following four steps:

Plan – Identify and define a specific problem.

Do – Implement the plan or process to address the problem.

Check - Evaluate the plan or process to determine its appropriateness to the stated improvement objective.

Act - Evaluate any gaps between the planned and actual performance, and modify the plan to close the performance gap.

The management system for social responsibility/ ensuring clean supply chains may not be an appropriate solution in every case. The implementation and maintenance of an effective management system involves a significant commitment

¹⁵⁷ UL. 2015. *Using Management Systems for Socially Responsible Practices in Supply Chains*. At: http://library.ul.com/wp-content/uploads/sites/40/2015/02/UL_SupplyChainMgmt_Whitepaper_v6.pdf

of time and resources. Depending on a supplier's importance in the supply chain, routine audits and other mechanisms for assessing social compliance may be sufficient. Accordingly, management systems should be viewed as one of several options available to help suppliers achieve the goals of clean and transparent supply chains.

4. Consequences for Non-compliance in the Supply Chain - The contract must provide clearly stated consequences for each tier of the supply chain, whose practices are found to be in violation of the national laws and the company's principles regarding human rights. Buyers should refrain from discontinuing relations with suppliers on the basis of non-compliance. To 'cut and run' is not an effective way of impressing upon suppliers that they should improve labour conditions. It is preferable for a company to first use available leverage, either as an individual company or, if necessary, together with other companies, to ensure compliance¹⁵⁸.

Engage with all relevant stakeholders

1. Government - The Netherlands being one of the largest buyers of garments from Bangladesh, the two governments are already engaging with each other and the industry to ensure decent work and non-exploitative work conditions, including fair pricing. Associations of Dutch businesses should also engage more directly with the governments of the three countries to achieve the said objectives in the garments and the seafood sectors.

2. The Supply Chains - Collaborative efforts with all stakeholders of the supply chains are recommended, with contractors or suppliers of every tier; other businesses from the home country; trade unions; NGOs, both from the home country and the supply chain countries; and the workers themselves.

i. Collaborate with Other Dutch Businesses – of both the garment and seafood sectors towards -

- A pricing policy that takes into account the social and environmental quality of sourced products, enabling suppliers to avoid using child labour and to employ adults instead, offering them a living wage and decent working conditions.
- Building long-term, stable buyer-supplier relationships, such that will give them increased leverage vis-à-vis short-term contracts, making monitoring compliance and enforcing changes in employment practices a bad investment for lead firms; whereas for suppliers, the unpredictability of the future of its business relationship with the lead firm is a disincentive to investing in systems for compliance with different codes of conduct for contracts with different buyers.
- Good 'labour rights sensitive' production planning, including reasonable supply lead times, predictability of orders and minimising last-minute changes.
- Effective communication with suppliers about specific orders, including required technical skills and capacity.

ii. Collaborate with the Suppliers, Contractors or Sub-Contractors - The lead companies, should ensure that like buyers, manufacturers/ suppliers should gain a full understanding of their supply chains, by rigorously mapping them down to the informal sector. Manufacturers/suppliers should apply supply chain transparency and publicly share information about their corporate structures, including the precise location of different units, human resource policies, including information on the size of the workforce, the methods by which workers are recruited, by which brokers, etc. Trade union rights should be genuinely extended and enjoyed; and all labour laws should be fully complied. Ongoing training and education of employees and supply chain partners is a powerful tool for communication of human trafficking and forced labour issues of the country where the supply chain is operational, and for continuously reinforcing the lead company's human right and labour principles.

iii. Work with Trade Unions - Although majority of the labour force is in the unorganised, informal garment sector and seafood industry, the strength of the local and federal trade unions should be leveraged in working with the workers directly and in monitoring non-compliance of labour laws.

Good Practice Model

Local trade unions were involved in India, to train and educate the female garment workers on decent work standards, collective bargaining, right to freedom of association, various problems related to health and safety, and all incidental issues pertaining to their work.

(Source: Global March against Child Labour. 2013. Not Made by Children).

¹⁵⁸ SOMO-Centre for Research on Multinational Corporations and ICN-India Committee of the Netherlands. October 2014. Flawed Fabrics The abuse of girls and women workers in the South Indian textile industry.

iv. Collaborate with NGOs and Civil Society Stakeholders - In order to be able to adequately identify and address human rights and labour rights risks, close co-operation with local stakeholders, such as NGOs and CSOs, is of crucial importance. The local complexities of the geographically fragmented garment and seafood industry, where cultural notions may also be

used to justify the curtailment of women and child rights, are best understood by local stakeholders. Connections should also be made with the NGOs in the lead companies' country, who can then liaise with the local NGOs of the supplier's countries. Collectively, the NGOs can assist in social auditing along with the independent auditor and can assist the lead companies in remediation and mitigation when human rights abuses are found in their supply chains.

v. Workers - Lead companies should work together with local suppliers and NGOs to provide remediation and mitigation to female workers, young girls and children who are rescued from forced labour situations. Before instances of identified forced or child labour are brought forth during social auditing or through NGO, media or other reports, lead companies should have in place remediation and mitigation programmes for women and child workers, which should include, assistance with access to education, transitional schooling or vocational training; if possible replacing a child labourer with an adult family member to compensate for the family's loss of income; and all other services as per the laws, policies, plans and schemes of the country. Lead companies in their CSR components can keep aside some funding especially for remediation and rehabilitation of forced/ child labourers in their supply chains.

Recommendations for Governments

Recommendations for Governments Where Lead Companies are incorporated

1. New Legislations - Governments on buying end of the supply chains should in the first place ensure that they have legislations on the lines of the California Transparency in Supply Chains Act of 2012, and the UK Modern Slavery Act of 2015 to ensure transparency and mandatory disclosure requirements by companies incorporated in their jurisdictions. This should include both the garment and the fishing sectors.

- 1.1 Develop regulations that oblige companies to be transparent about their supply chain and report about their due diligence procedures.
- 1.2 The legislation and regulations should hold companies domiciled in their territory or jurisdiction accountable for human rights violations throughout their supply chains.
- 1.3 Undertake legal and policy measures to ensure that victims of forced labour and other human rights abuses linked to brands headquartered in their territory and/or under their jurisdiction can have access to effective judicial remedy before national courts.

2. Work with Governments at the Supply End of the Chain - The Government of The Netherlands should work with the Governments of Bangladesh, India, and Philippines in bilateral contacts, to raise concerns regarding human trafficking and forced and child labour in the supply chains; and that the rights of workers should be protected – through appropriate policies, regulation and adjudication. At least for the garment sector in Bangladesh, the Government of the Netherlands would have a better leverage, considering the volume of the trade.

The Government of the Netherlands should advocate with the three countries for ratifying all the relevant UN and ILO international instruments to convey their binding obligations on dealing with human trafficking and forced labour. For instance, Bangladesh is not yet a signatory to the UN Trafficking in Persons Protocol, 2000 and the ILO Minimum Age Convention of 1973; or that India has not yet ratified the ILO Freedom of Association and Protection of the Right to Organize Convention of 1948, and the Right to Organize and Collective Bargaining Convention of 1949.

Recommendations for Governments Where Supply Chains are incorporated

1. Ratify All Relevant UN Protocols and ILO Conventions - The Government of Bangladesh should ratify the Trafficking Protocol, 2000 and the Minimum Age Convention of 1973; whereas the Indian government should ratify ILO Conventions with regard to freedom of association and collective bargaining.

2. Better Enforcement of Labour and Welfare Laws - The Governments of Bangladesh, India and Philippines should seek to better enforce the labour and welfare laws for protection of rights of female workers and ensure elimination of child labour. Special attention to be focused on effective steps to eliminate all recruitment fees charged to workers by labour recruiters. Existing laws should be utilised to prosecute fraudulent labour recruiters and employers of child labour.

3. Tackling Corruption and Complicity of Officials - The Governments of Bangladesh, India and Philippines should thoroughly investigate credible allegations of official complicity in trafficking, forced and child labour, and prosecute officials to break the impunity of perpetrators.

Annexure 1

Some importers of RMG from Bangladesh in The Netherlands

Name of the Importer	Item
Bosman B.V.	Knitwear and sweaters, t-shirts
Charles Goffin sportswear B.V.	Knitwear and sweater, sportswear
Coltex Holland B.V.	Apparel, clothing and knitwear
Ehco Klm Kleding N.V.	Apparel, clothing and knitwear
Flucom (Werkmij Hillvast B.V.)	Apparel, clothing and knitwear
Intime Trading B.V.	Apparel (men's) apparel (women's)
Luxor B.V.	Apparel (men's) apparel (women's)
Mohair B.V.	Apparel (men's) knitwear and sweaters
Case supply Prinsenland	Shirt, sweaters, pullovers, jeans, t-shirts, jackets
Coosbos Motorhome B.V.	Jackets, vests, wallets and pants
Toptextile B.V.	Textile and readymade garments from Bangladesh

Source – scribd.com

Annexure 2

List of Fashion Industry Trade Associations

Name	Description
Entrepreneur Organisation for Vogue and Interior	A trade body serving the fashion, interior designing and textiles industry in Netherlands. More than 825 companies engaged in the production of clothing, fashion accessories and interior textiles are its members. The association always works in a direction to protect the interests of its members.
Dutch Fashion Foundation	Dutch Fashion Foundation aims to strengthen the Cultural, economic and social role of Dutch fashion both on a national and international scale. This body is based in Amsterdam and has a strong network of the most talented Dutch fashion designers, photographers and fashion artists of the country.
European Design Centre	European Design Centre was formed in 1988 and since then it is leading the way in designing and technology. This body comprises of a number of experts in the field of design, design management, and virtual and augmented reality solutions. EDC also organises Dutch Design Awards and European Design Management Awards.
Fair Wear Foundation	Fair Wear Foundation is an association which undertakes the promotion of good working environment in the garment industry. The FWF was founded in 1999. It verifies and certifies the member companies which are working for the betterment of labour conditions in the factories all around the world. The members of FWF include trade unions, NGO's and business associations related to the garment industry.
Elsewear	Elsewear is a Dutch organisation which undertakes the promotion of environment friendly clothing and textile production. This body ensures better living conditions for the people working in the garment industry. Else wear works in coordination with a large number of Dutch clothing companies, trade associations, and NGO's and training institutes.
Dutch Cosmetics Association	Association dedicated to manufacturers and importers of cosmetics and personal care products. The NCV publishes an annual report of the Dutch market for cosmetics and personal care products. The NCV also takes care of the ingredients being used in these cosmetics and personal care products and the effect they have on the environment.

Source - Fashion Industry trade Association Netherland

Annexure 3

Netherlands' companies importing garments from Indonesia, who may also be importing from Bangladesh

Name	Description
Action Wear BV	Leisure-, sports-, and casualwear
Ameringen en Zn, BV	Men's knitwear, leisurewear, sportswear
Bemontex BV	Casualwear and jeans
Besanger and Co. BV	Sports-, leisure-, and casualwear
Bogaard Donovan	Casualwear and jeans
Van den Broek BV	Children's wear
Busax International	Knitwear (sweatshirts, pullovers, t-shirts, jogging suits)
Emerald Trading BV	Leisure and casualwear
Emergo Fashion/Elmi	Casualwear including shirts
Fair Trade	T-shirts
Goutex International BV	Sportswear and casualwear
Van Happen BV	Babies' and children's wear
Heijzoo BV	Sweatshirts, t-shirts
Hendriks Textielgroothandel BV	Casualwear
HMZ Fashion Group BV	Sportswear and casualwear
IBO Textiles BV	Sportswear and casualwear
Luxor BV	Casualwear, sportswear
Mellone Handelsmij. BV	Casual shirts, blouses, trousers, jogging suits
Vadotex	Leisurewear, sportswear
Verburgt Import BV	Babies' and children's knitted wear
Wieske's Textielagenturen BV	Children's and teenagers' clothing
Jomo Int. Holding BV	Casualwear
Lobatto Fashion BV	Lobatto fashion bv
Mexx Nederland BV	Casual and leisure wear for men, women, children and babies

Source - Centre for Promotion of Imports from Developing Countries



A glimpse from a garment sweatshop in Delhi
where child labourers were rescued



GLOBAL MARCH

Against Child Labour
Contra el Trabajo Infantil
Contre le Travail des Enfants

Global March Against Child Labour
Koningskade 30, 2596 AA The Hague, The Netherlands

International Secretariat
23, Friends Colony (West), New Delhi-110 065, India
Tel: +91 11 47511111

Registered Address
L-6, Kalkaji, New Delhi-110 019, India
Tel: +91 11 49211111-12
Website - www.globalmarch.org