

Asia Pacific Forum of National Human Rights Institutions

## Towards Sustaining the Voice of Civil Society

By A H Monjurul Kabir

The meeting ended with a fervent call on members of the Asia Pacific Forum to actively recognize principles of the Declaration on Human Rights Defenders. Protecting the rights of human rights defenders, many of whom place their lives and their freedom at risk in the cause of human rights must be a part of the engagement by National Institutions with NGOs.

THE Fourth Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions (The Forum) consisting of representatives of the National Human Rights Commission of the Asia-Pacific region was concluded in Manila, the Philippines, on 8 September 1999. It was inaugurated on 6 September.

The third annual meeting of the Asia Pacific Forum of National Human Rights Institutions was held in Jakarta, Indonesia, from 7 to 9 September 1998. The Asia Pacific Forum was established in 1996 following the inaugural Regional Workshop of National Human Rights Institutions which was held in Darwin, Australia from 8-10 July 1996. The second Regional Workshop was held in New Delhi, India from 10 to 12 September 1997.

The meeting was co-sponsored by the United Nations Office of the High Commissioner for Human Rights (OHCHR), hosted by the Philippine Commission on Human Rights and organised in conjunction with the APF Secretariat.

This meeting brought together Members of the Forum and the OHCHR, to discuss regional issues of common concern and joint activities of cooperation. The Members are national human rights institutions from the Philippines, Australia, Indonesia, India, New Zealand, and Sri Lanka. The attendance of representatives from the newly established Human Rights Commission of Fiji were warmly welcomed.

Regional governments and non-government and non-government organisations attended the meeting as observers. Governments represented include Bangladesh, Cambodia, Jordan, Nepal, Korea, Thailand, Burma, Iran, Laos, Pakistan, Mongolia, Vietnam, Australia, Philippines, New Zealand, Indonesia, China, Singapore, Japan and Yemen. In addition, other relevant institutions from Canada, Mexico, Iran and Hong Kong joined the meeting as observers.

International, regional and national non-government organisations were represented at the meeting. Among them included Amnesty International, the Asia Pacific Human Rights NGO Facilitating Team and the Philippine Alliance of Human Rights Advocates.

### The Summary of the Meeting

In accordance with the decision of its Third Annual Meeting, the Meeting took place over three full days, beginning with a one day closed business session of its member institutions which provided an opportunity for extended discussion of Forum management, functioning and future needs.

The meeting affirmed that the status and responsibilities of national institutions should be consistent with the Principles Relating to the Status of National Institutions adopted by the United Nations General Assembly (Resolution 48/134) commonly referred to as the 'Paris Principles'. The Forum stressed that national institutions should conform to the Principles and be independent, pluralistic and based on universal human rights standards.

The keynote speakers, and the discussion which followed, drew attention to the need to maintain a holistic approach to all human rights. It was noted that economic, social and cultural rights continue to be accorded a lower level of priority than civil and political rights by many governments.

The meeting called on governments, both in the region and outside, to give explicit effect to their commitment to the realisation of economic, social and cultural rights through all feasible means, including through their input into the policies and actions of international financial institutions.

The meeting considered a background paper prepared by the Secretariat on 'The role of national human rights institutions in advancing the human rights of women'. Forum members committed themselves to continue to give a high priority to addressing violations of the human rights of women. Specifically, the Secretariat to prepare a pa-

law, in economic activity, in the political system and in prevailing cultural attitudes which deny women's human rights. The meeting once again urged all countries of the region to ratify the Convention on the Elimination of All Forms of Discrimination Against Women and urged all parties to take steps to eliminate reservations to it. The agreed to hold a workshop in 2000 on the advancement of women's human rights and asked the Secretariat to take appropriate steps to prepare for the workshop, in consultation with the NGO community. The meeting requested the Secretariat to prepare a pa-

rate of wages as he or she is being paid by the owners. It is tough for them to rent an accommodation even in a shanty where a single room costs more than Tk 300 to Tk 400 per month. Payment of minimum wage can prevent this exploitation of the workers. But, as a matter of fact, such exploitation of the workers has long been taking place in a massive scale in the Ready Made Garment sectors, which is the highest contributor to the export earning (67%) and which employs over 15 million workers of whom 85% are women.

**4. Ensuring social security:** When a worker becomes economically stronger, his or her social security tightens. In this case also, minimum wage stands as a custodian of the social security of the workers. Though not entirely, it can partially assuage their sufferings.

**5. Obey the dictates of justice:** It is pertinent for a developing economy like ours to have maintained equitable rights of the working segments of the society. It is not at all tenable that the employers gain huge profit by using the labour of the workers and deprive them of their right of a certain amount of wages. For, it gives rise to labour unrest, violation of the fundamental rights of the workers and above all defies the dictates of justice, economic social as well as political.

While the RMG sector has been established as the pillar of our national export economy and the major source of our foreign revenue, at the same time it has turned into a den of sheer violation of the rights of the workers, with particular reference to the issue of enforcement of minimum wage. To take a closer look, let's focus on to a good occasion that took place in the year 1994 torching a light of a good hope for the garment

**3. Enabling workers meet their basic needs:** In a market where goods and commodities cost exorbitant price, it is too hard there for a worker to meet the basic needs with such low

workers of Bangladesh.

### The Tripartite Consensus of 1994

Labour movement in the early nineties became stronger and effective enough to create much pressure on the garment owners as well as the government to determine minimum wages for workers employed in this sector. There were much outcry and agitation on the part of the workers. Consequently, the government along with the BGMEA (the apex body of the garment owners association) took the trade unionists to the table for negotiation. Finally, after much bargaining, they entered into an agreement by way of a tripartite consensus. It was undersigned by Engineer MA Taher as the owners representative, Mr Nazrul Islam Khan and Mr Md Khurshid Alam on behalf of the workers, and Mr ASM Hidayet Hossain on behalf of the government.

Professor Mumtaj Uddin Ahmed also signed there as an independent party. This Tripartite Consensus took place under the ambit of the Minimum Wages Ordinance, 1961.

Following the above-mentioned agreement, the Ministry of Labour and Employment published an Official Gazette Notification. The Gazette Notification, dated 12-1-1994, lays down clear provision-

"The Trainees/Apprentices will get an allowance of Tk 500/- The maximum period of their training shall be 3 (three) months. After completion of the training they will be absorbed in Grade-VII in the re-

spective departments."

This is the most important provision of the said gazette notification. As per its directives, the newly appointed workers shall be termed as Trainees or Apprentices. The apprenticeship is for three months during which they are entitled to pay of Tk 500/- per month as allowance. After the training period is over, they are to be absorbed into the seventh grade, which is basically divided into various classifications of helpers/apprentices. It is worth mentioning here that the Gazette Notification has categorized garment workers into seven distinct grades (from Grade-I to Grade-VII). Of the grades, the seventh or the lowest one is preserved for the freshers who have been termed as trainees or apprentices, and the minimum wage of this grade is Tk 930/- Since this grade is the doorstep of the workers into the garment industry, it is clearly drawn from the provision that no worker in the garment sectors can be paid wages below Tk 930/- per month.

Thus, after thirty-three years of promulgation of the Minimum Wages Ordinance, the workers in the garment sectors of Bangladesh got the stipulation of their minimum wage at Tk 930/- per month (without overtime). The amount, taken nine hundred and thirty only, is indeed a very scanty one. Yet, it is better than the worse that the owners actually pay them in practice.

**What's Happening in Practice**

It is important to enact good laws but it is more important to

enforce them properly by ensuring strict compliance. The cumbersome legal system of Bangladesh clearly negates this proposition in almost every aspect. The much talked about Minimum Wages Ordinance, 1961 is no exception to this ridiculous practice. It has set forth provisions for minimum wage, an agreement has been reached upon under its jurisdiction that has been notified in the official gazette and the minimum wage in the garment sector has been determined accordingly. It is being observed that many of the garment factories in Bangladesh are not complying with its provisions. A considerable number of owners even don't know the law. Some of them, though know the law, don't go for its compliance taking the benefit of ignorance on the part of the workers. Resultantly, the poor garment workers are yet staying far away from getting the scanty amount of minimum wage as has been determined by the Gazette Notification. Except for a few, most of the garment factories are paying the newly appointed workers, who later on are absorbed into Grade-VII, wages that range around Tk 400/- to Tk 600/- per month on an average.

Poor freshers who start with such a minimal rate of wages hardly see the face of an increment. In this way, hundreds of thousands of workers are being deprived of their legitimate right to minimum wage worth Tk 930/- as endowed to them by the law of the land.

**Conclusion**

## law watch

### Step Towards Another Draconian Law

By Adilur Rahman Khan

THE cabinet of the present Awami League government has recently endorsed in principle the draft Public Security (Special Provision) Act 1999 to deal with some heinous crimes and to ensure speedy trial against the perpetrators. The cabinet also discussed the punishment of the media for publishing 'false reports' against the VIPs (?).

This is only the beginning.

The subsequent martial law regimes of Ziaur Rahman and HM Ershad continued to use the Special Powers Act, 1974 for their own benefits and thousands of people belonging to the opposition groups languished in prisons under this draconian law during their regimes.

The downfall of the Ershad regime in December 1990, brought a scope for repealing all the draconian and repressive laws to protect themselves from the wrath of the masses.

Historically it has been proven that although governments enact draconian or repressive laws in the name of people's security, ultimately these laws are always used to suppress the legitimate and democratic voice of the common people and the opposition movements.

Although Pakistan inherited some of these draconian laws from the British Raj, no such law was made part of the

Shorborha Party, was killed on 2nd January 1975, while he was in the custody of the law-enforcing agencies. As claimed by the opposition, about thirty thousand people, mostly belonging to the radical left camp, were killed at the time of first Awami League government.

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The promulgation of the 'Anti-terrorist Act' in 1992 by the BNP government created a sense of insecurity again in the minds of the common people, who viewed it as an undemocratic act to suppress the voice of the opposition. The 'Anti-terrorist Act' under which several thousand people suffered, died a natural death in 1994, leaving a deep scar in the politi-

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Bangladesh national legal system since the birth of its Constitution in December 1972.

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