



NGO
SHIPBREAKING
PLATFORM

International Maritime Organisation

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Current situation in the shipbreaking yards in Chittagong / Bangladesh

Serious concerns regarding basic labour rights, most hazardous forms of child labour and total lack of hazardous waste management

Brussels, 26 January 2015

Dear Secretary-General,

The NGO Shipbreaking Platform represents 19 environmental, human and labour rights organisations from Europe, North America and the shipbreaking countries India, Bangladesh and Pakistan. The overarching goal of the NGO Shipbreaking Platform is to promote clean and safe solutions for ship recycling and to prevent end-of-life ships from being beached in developing countries where hazardous wastes on board ships cannot be properly managed, causing pollution and the exposure of workers and local communities to health threats. To this day, the majority of vessels are unfortunately still scrapped in substandard facilities on the beaches of South Asia.

We have been closely following the debates on the international level, including the IMO, and have been involved in the negotiations of the Hong Kong Convention in 2009, and, more recently, the adoption of the EU Ship Recycling Regulation. In June 2014, we have sent you a letter regarding the NORAD-funded project “Safe and Environmentally Sound Ship Recycling in Bangladesh – Phase 1” for which the International Maritime Organisation (IMO) has signed an agreement with the Government of Bangladesh in April. We have been following the development of this project over several years, including discussion with IMO staff and several meetings with NORAD and the Bangladesh Ministry of Industry. Last but not least, some of our members from Bangladesh were part of an Advisory Committee that was active in an earlier phase during the development of the project.

We have constantly expressed our concerns that no substantial improvements in the shipbreaking yards of South Asia have been achieved so far and have emphasized that any claim that shipbreaking in India or Bangladesh is “green” or “Hong Kong compliant” is misleading and only based on self-certification of certain yards without any external review, certification, audits or the implementation of the Convention by the authorities in India and Bangladesh. In September and October 2014, I have visited shipbreaking yards in Chittagong/Bangladesh and Mumbai/India, which has only reinforced our position that real improvements are not yet under way. I have visited the areas without official invitations and have obtained a clear picture of the reality beyond arranged visits at two selected yards in India (Leela) and Bangladesh (PHP) where all visitors are taken. I would like to use the opportunity and share some of my impressions with you.

General working conditions and basic labour rights

The working conditions in the shipbreaking yards in Chittagong are known to be especially harsh: long working hours, overtime and night shifts, extremely heavy work due to the lack of lifting equipment, inadequate or no personal protection equipment, exposure to hazardous waste and fumes and a high accident rate. The existing working conditions do not provide sustainable livelihoods to workers and their families, on the contrary working as a shipbreaker shortens the workers' life expectancy and perpetuates poverty. This become particularly obvious when workers are severely injured: the yard owners refuse to pay for the medical expenses, families become indebted and workers do not receive the necessary treatment, thus often loose their ability to contribute to their families' income.

I found the following aspects of particular concern when discussing with shipbreaking workers in Bangladesh in September 2014:

- excessive working hours up to 16 hours a day, which is illegal in Bangladesh;
- some jobs extremely poorly paid, for instance, one group of migrant workers reported daily wages of less than BDT 200 (EUR 2,20), which is less then the income of a rickshaw puller and less than the minimum wage of textile workers;
- the yard owners actively suppress the development of trade unions: the small yard-based trade unions try to unite in a trade union federation, which the industry seeks to stop, thus, there is no freedom of assembly and no trade union acting as a bargaining body;
- most workers I have seen in the yards work in plastic sandals, the only PPEs used by some workers are helmets and simple leather gloves, which they need to buy themselves;
- there is no proper accommodation for migrant workers provided by the industry.

Injuries, deaths and compensation claims

For the South Asian shipbreaking industries in 2014, the NGO Shipbreaking Platform has reported the death of a least 10 workers killed and 24 injured due to tank explosions or intoxication following explosions of cylinders. Seven more workers were killed and four severely injured by falling steel plates, under which the men were crushed. Another 4 workers fell to their death due to the lack of safety equipment, 2 workers were severely injured. 20 workers were reported injured and 2 killed due to accidents of an unknown nature - it has been impossible for the Platform to get further information to determine the cause of death and injury. The total death toll due to accidents for 2014 was 23 shipbreaking workers – as accidents are not always reported, and many more workers also die of deceases such as cancer, the actual number is expected to be higher.



Platform Director with injured worker Taslim; illegal child labour, Chittagong, September 2014.

During my visit in Bangladesh, we spoke to several workers – including children – who were severely injured in the shipbreaking yards. All these workers suffer immensely as the yard owners refuse to pay for the medical expenses to get operations and other necessary treatment. Many workers remain permanently disabled or unable to work. It is the yard owners' legal obligation to cover medical costs caused by work-related accidents; however, the yard owners completely ignore the fate of their workers. In the case of Taslim, a young man who was injured in June 2014, the Platform and its local members fought hard for his right to compensation. Only after the intervention of the Ministry of Industry, which reacted to Platform member BELA's pressure, the yard management finally paid for Taslim's operation in January 2015 – more than six months after the severe injury. Taslim is only one of many injured workers, and all the others are still waiting for help. You can read a case study about Taslim in our South Asia Quarterly Update #3 and #4:

<http://www.shipbreakingplatform.org/newsletter-archive/>

BSBA hospital totally dysfunctional

In the shipbreaking yards, accidents happen every day: small cuts and burn wounds, bone fractures, suffocation, but also fatal injuries due to falls, explosions or dropping steel plates. For more severe injuries the workers have to be taken from Sitakund, the shipbreaking area, to the Medical College in Chittagong. Depending on traffic, this is a one to two hour drive. Usually there is no ambulance available (even if yard managers claim there is), forcing fellow workers to organise for local transport on a "CNG" (motor rickshaws). According to a doctor at the Medical College, workers arrive in the hospital 6 to 10 hours after the accident occurred. Injured workers often die on their way to the hospital. Once at Chittagong Medical College, injured shipbreaking workers often only receive basic treatment, as nobody is willing to pay for the necessary treatment. As a consequence, workers may suffer for many months, even life-long, although better treatment would be possible.



Over-crowded Chittagong Medical College Hospital, September 2014; injured child worker Ebrahim (15), October 2015.

Already six years ago, the Bangladesh Shipbreakers' Association (BSBA) built a hospital in Sitakund, close to the shipbreaking yards. When Platform members visited the hospital in September 2014, not a single doctor was present. The six-floor building was void of any activity and not a single patient was treated although accidents occur daily and the local community is desperately in need of health care facilities. The entrance way to the shiny glass building was blocked, so that no ambulance can reach the entrance directly. The members of the BSBA had agreed to raise the funds for building the hospital, but have so far not shown any willingness to jointly provide the financial means to run the hospital. The BSBA should either hand the hospital over to the government or find another way to render it operational – in any case, the BSBA must stop claiming it is providing health care services to the shipbreaking workers, while workers suffer without treatment outside hospitals.

Most hazardous forms of child labour

The report “Child breaking yards” published by our members FIDH and YPSA in 2008 found that according to various interlocutors, children and young workers below 18 accounted for up to 25% of the work force on the yards in Chittagong. Many children were only 12 or 13 years old, but also children as young as 9 or 10 were found working in the yards. Regular media reports as well as the tragic fatal accident of 16 year old worker Khorshed Alam during night shift in 2013 repeatedly showed that child labour at the shipbreaking yards is still a reality in Bangladesh – even if the yard owners and the Government loudly deny the fact.

There is a clear international consensus that the worst forms of child labour must be eradicated immediately. This includes work at dangerous heights or in confined spaces, with dangerous machinery, equipment and tools, the manual handling or transport of heavy loads, work in an unhealthy environment which may expose children to hazardous substances damaging to their health, and finally work under particularly difficult conditions such as work for long hours or during the night. The Bangladesh Labour Act prohibits children and adolescent workers in hazardous industries. We strongly recommend that the IMO raises the issue when discussing with Bangladeshi authorities.

Our local member organisation YPSA has recently checked several shipbreaking yards in Bangladesh for child labour and found up to 20 – 30% of the workforce still consisting of under age workers, i.e. children and adolescents, who are not allowed to work in a hazardous industry according the Bangladesh Labour Act. Child workers reported to the Platform that they often work in night shifts between 8 pm and 8 am – a clever tactic to hide them from controls. Moreover, yard owners seem to focus on adolescent workers between 14 and 17 years: the boys do not have ID cards and the yard management will just claim they are already adults. According to the law, a doctor would have to confirm the age – a practice never demanded by the labour inspection.

In our South Asia Quarterly Update #3 you will find the case study of the 16 year old child worker Kader and the sad story why he has to work in a shipbreaking yard after his father has been jailed on false charges: <http://www.shipbreakingplatform.org/newsletter-archive/>

Kader’s case was portrayed by German state TV ZDF. German international broadcasting service Deutsche Welle interviewed more adolescent workers in the shipbreaking yards in Bangladesh, including the 15 year old Ibrahim who was severely injured and is still waiting for help: <http://www.dw.de/shipbreaking-accidents-safety/a-18155299>

Total lack of environmental protection and management of hazardous materials

Shipbreaking on beaches is a practice harmful to the environment. The full containment of pollutants is not possible - hazardous substances are released into the sea and the sediments as the tides washes toxics from the beach back into the sea. Shipbreaking activities in Chittagong have already killed and devastated dozens of aquatic species, destroying livelihoods of surrounding fishing communities. The European Commission estimates that 40.000 to 1.3 million tons of toxics (including 3.000 tons of asbestos) on board end-of-life vessels are exported each year to South Asia from the EU alone.

During my recent trip to Chittagong, I found the following aspects of particular concern:

- “hazardous waste storages facilities” were found completely empty, either locked or with plants growing out of the doors: these store rooms are inappropriate and dysfunctional;
- so called “asbestos removal areas” are located outside the shipbreaking yards and there are no mobile asbestos removal areas which can be brought next to the ship; in case these areas outside the yards are used, asbestos-containing pieces need to be carried all across the yards and outside the yards; however, the areas seemed unused and not functional as the rooms are very small and were not equipped with a negative pressure facility;
- there is no asbestos landfill available;
- Bangladesh does not have a PCB destruction incinerator;
- there is no central waste treatment and disposal facility;
- the yards do not have water treatment plants.

As a summary: the Bangladeshi shipbreaking yards still face a total lack of hazardous waste management, and even if the waste was removed and stored properly it could not be treated, disposed or destroyed due to the lack of adequate facilities. Any claim of environmentally sound management of hazardous waste is thus wrong.



Picture to the left: so called “hazardous waste storage rooms”, the writing says “bio medical waste” and “battery and rubber waste” – the first door is locked, the second room grows a green bush; the third tiny room reads “PPE store room” – the tiny room is locked while workers in the same yard walk around in sandals or bare feet. Picture to the right: dysfunctional “asbestos removal unit” outside the yards: what kind of asbestos-contaminated pieces can be brought here and treated safely in the small room? September 2014.

Bangladesh shipbreakers challenged in the Supreme Court

Platform member organisation Bangladesh Environmental Lawyers Association (BELA) has submitted a new affidavit to the ongoing court case in Bangladesh which in 2009 forced all shipbreaking yards in Chittagong to close down due to lack of necessary environmental permits. BELA has been challenging the shipbreaking industry’s lack of compliance with environmental law over many years. In the latest affidavit dated July 2014 – the case is still pending – BELA argues that the yard owners continue to circumvent their legal obligations and have not provided any report or other proof that would substantiate their claim of having improved their operations. Amongst others, BELA asserts that:

- in absence of an approved training manual and curriculum for the workers as demanded by the court and the lack of a participants list or training certificates, the shipbreakers’ claim to have trained more than 5.000 workers can not be ascertained;

- shipbreakers still employ child and adolescent workers, independent monitoring is thus necessary to halt this especially unscrupulous illegal practice;
- the 150 bed hospital built by the BSBA in Sitakund is completely dysfunctional; and
- the inspection reports of the Department of Environment (DoE) on hazardous substances found in the yards prove that the “toxic-free certificates” for the imported ships are all false.

BELA asks the Court to shut down all yards until they can prove to fulfil the requirements given by the law and previous court rulings.



“Hazardous waste management” in the shipbreaking yards: oil spills instead of impermeable floors and containment; workers without helmets wearing sandals; both September 2014.

Transition towards safer methods

Ten years ago, the State Parties to the Basel Convention adopted the “Technical guidelines for the environmentally sound management of the full and partial dismantling of ships”, which outline transitional measures to allow a shift towards clean and safe ship recycling on an impermeable surface. More recently UNEP published a “Feasibility Study For Ship Dismantling” where cost effective and environmentally sound alternatives to beaching, namely the pier breaking, landing and slipway method, have been identified. We strongly recommend the IMO to also take on-board these recommendations when discussing with authorities in South Asian shipbreaking countries where the substandard beaching method is still predominant.

We are looking forward to your response.

Yours sincerely,
Patrizia Heidegger - Executive Director