

# Repression of the right to freedom of association and criminal charges against thousands of workers in Bangladesh

The end of 2023 proved particularly fraught for Bangladesh. The minimum wage setting process coincided with the run up to the national election, two significant events for workers across the country. We are concerned about the number of arrests, ongoing detentions, pending court cases, and actions taken against workers in Bangladesh following demonstrations during this period. We are especially concerned by the use of complaints against large groups of workers who are collectively prosecuted for the alleged unlawful activities committed by individuals.

In our understanding of the situation there are several key points to consider:

The right to strike is provided for by [ILO convention No. 87](#), defining the right to freedom of association and the right to organise. The ETI Base Code emphasises that worker representatives should not face discrimination and should have access to carry out their representative functions in the workplace. No form of individual or collective discrimination should be practised against workers or their representatives for exercising their legitimate right to strike and protest.

Due to the nature of the minimum wage setting mechanism in Bangladesh - which involves a small annual uplift and then a wage setting negotiation every five years - the process is a focal point for all stakeholders concerned. In 2023, this process was carried out in the context of a significant cost of living crisis, pressure on costs at factories, and a real decline in the purchasing power of wages for workers. Furthermore, on both occasions this process was held in the run up to national elections, creating a complex political dynamic in the wider context.

Whilst the right to organise, strike, and protest should be respected, this does not legitimise alleged criminal activity, damage to property or violence from any party. It is understandable that where significant damage has been caused, factories closed as a result, and wages lost, this is damaging to workers, factory owners and to the reputation of Bangladesh. Action taken against alleged perpetrators must be evidence based and due process followed through the judicial system to hold people to account.

However, even where alleged criminal damage and violence has occurred, this cannot be used as an excuse to target individual workers, groups of workers, or their representatives without credible evidence of their involvement in such incidents. In this regard, the [ILO's principles of the right to strike](#) states that "*All penalties in respect of illegitimate actions linked to strikes should be proportionate to the offence or fault committed and the authorities should not have recourse to measures of imprisonment for the mere fact of organizing or participating in a peaceful strike.*"

Any allegations or cases, brought against individuals or groups of workers that are not evidence-based or used as a form of collective intimidation, are not in alignment with either international law or responsible business practice.

Therefore, it is important that companies buying from Bangladesh communicate to their suppliers that, whilst allegations of criminal damage and violence are matters for the judicial system, collective intimidation and discrimination of workers and their representatives, more generally, is not an acceptable response.

We urge the Government of Bangladesh to conduct investigations, hold those responsible to account and effectively implement preventative measures. There should also be encouragement that some form of national reconciliation is fostered between factory owners and labour rights organisations to move beyond the current situation and prevent similar problems from arising in the future.

We also note and support the recommendations of the ILO Governing Body, which in its 350th session, emphasised the need for the Government of Bangladesh to remove existing restrictions on freedom of association in all sectors and to facilitate the registration of trade unions and the right to collective bargaining.

Lastly, we are concerned by the global increase of acts of violence against workers, their representatives and, more generally, human rights defenders. These instances are increasing, with recent reports in several countries including Myanmar, Türkiye, and Sri Lanka. We urge all parties to take appropriate steps to ensure that all workers are granted the rights outlined in the Freedom of Association Convention (No. 87), and to protect the right of workers to organise.