

Briefing Paper

Consumer's products: Free from Contemporary Slavery

Prepared for

Hearing

on contemporary forms of slavery in third countries

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Presented by

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Distinguished Panellists , delegates, sisters and brothers,

Greetings from National Dalit Movement for Justice!!!

It is a privilege and an honor to be here and have this dialogue with you. I am grateful to the European Parliament's Subcommittee on human Rights and the International Dalit Solidarity Network (IDSN) for giving me this opportunity to speak on behalf of my organization NDMJ and those facing contemporary forms of slavery in India.

Now with this I would like to state that, within the larger framework of Human rights, NDMJ has been focusing on human rights of those who are discriminated or excluded based on caste. It works towards the realization of social, cultural, economic and political rights of Dalits and Adivasis. Having its presence in 22 states of India NDMJ is committed to the elimination of discrimination based on caste and work and towards protection and promotion of human rights of Scheduled Castes (Dalits) and Scheduled Tribes (Adivasis). At the national level, NDMJ engages with relevant human rights, government, parliamentary, judicial and academic institutions. At the international level, NDMJ seeks to effectively work with United Nations (UN) human rights instruments and mechanisms.

- **Despite constitutional and legislative safeguards**¹ Dalits face caste based discrimination and violence and are forced in **caste-based slavery**. Women and girls from caste-affected communities face multiple forms of violence including sexual violence, trafficking, abduction, forced prostitution, **engaged in Devdasi system**, abuse as well as **forced and bonded labour, Begar and slavery. Dalit women and children** are specifically used as **debt slaves in brick kilns, agriculture and textile industries**. Manual scavenging, the removing of human excreta from dry latrines, rail road tracks and sewers by hand, is a caste based and hereditary occupation form of slavery reserved exclusively for Dalits.
- Caste discrimination permeates every aspect of society, and it is thus an issue that companies operating in affected countries must take into account in order to avoid being complicit in discrimination and human rights violations. Due to the systemic nature of caste-based discrimination, it is highly unlikely that workplaces in caste-affected countries are free from it, unless special measures are put in place to ensure equality. Obligations of companies relate to prevention of discrimination within their own operations in caste-affected countries, as well as with suppliers and throughout their supply chains.

¹ **Article 17 of Constitution of India prohibits "Untouchability" practices. Special laws have been enacted for Dalits in India to protect their right to security of life for example – Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Protection of Civil Rights Act, Minimum wages Act, Bonded Labour Act, 'Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, The Child Labour Prohibition and Regulation Act etc.**

- Caste discrimination is directly linked to products that are exported to other countries, including European countries. This link mainly operates through the business partners (e.g. subsidiaries) and suppliers of western companies operating in caste-affected countries, but it can also work through direct investments in those countries. As non-discrimination is a fundamental labour right which also affects other labour rights it is – or should be - a crucial element of corporate responsibility and accountability.

Case Study: Sumangali System (“Sumangali” symbolizes auspicious married woman)

- Apparel and textiles play a key role in India’s economy and global trade, contributing five per cent of GDP and 11 per cent of total exports. Tamil Nadu is at its centre. The state of Tamil Nadu is the largest producer of cotton yarn in India and a global sourcing hub for readymade garments in recent years. The spinning mill industry is of major importance to the state and to the national economy.
- India is the world largest cotton yarn producer after China, responsible for a little over one-fifth of yarn production worldwide. 35 to 40% of this yarn is produced in Tamil Nadu which is home to approximately 1,600 mills employing between 200,000 and 400,000 workers.
- Approximately 30% of this yarn is used in the export factories in Tamil Nadu, who produce for brands like C&A, H&M, Marks and Spencer, Primark, Walmart, Zara and a lot of other brands.
- From spinning mills to finished garments, Tamil Nadu exports worldwide and counts many global brands and retailers among its clients. Tamil Nadu’s contribution to India’s total exports of ready-made garments is 20%. 58% percentage of India’s textile mills present in Tamil Nadu. 1.02 million workers employed in Tamil Nadu’s garment sector.
- Predominantly established in the Coimbatore, Dindigul, Erode, Tirupur, Theni and Viruthunagar Districts of Tamil Nadu. Globalization encourages contract-validation and in formalization of production and economy leading to severe exploitation of the workers. The textile and clothing industry is one of the worst affected in this respect.
- **Spinning mill owners invented Sumangali system** primarily to secure a steady labour supply of submissive adolescent female labourers. In Tamil Nadu majority of the textile and garment workforce is women and children. Almost 60% of the Sumangali workers belong to the so-called ‘Scheduled Castes’ or ‘untouchables’, the lowest group in the Indian caste hierarchy. These girls are mostly from the Dalit caste groups, predominantly Arunthaiyars community. Among them women workers are about 65% mostly unskilled workers.²
- **Child Labour:** There are various indications that girls under the age of 14 are recruited to work in the factories. An academic estimate says that 10 to 20% of Sumangali workers are child labourers, aged between 11 and 14. At Bannari Amman, for instance, the researchers found a 13-year old girl among the workers. Nearly all girl children were forced to work and faced verbal and physical abuse³. The central legislature of India had promulgated a legislation Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 to regulate the child labour practices in India. The central legislature has made substantial changes in the provisions of the Act in the year 2016. The amendment has introduced the concept of adolescent labour. An adolescent has been defined as a person between the ages of 14-18 years. The amendment permit employment of adolescent labour except in hazardous processes or occupation. The number of hazardous occupations and processes has been reduced from 83 to only 3. Considering that majority of child labor activities happen in economically weaker section of the society which is highly unregulated, no proper mechanism has been provided to keep the same in check with the new amendments. Further, the list of hazardous industries has been drastically decreased, this may allow the employers in industries like chemical mixing units, cotton farms, battery recycling units, and brick kilns etc. (which are actually hazardous) to employ adolescent labour, which they may even get at a much cheaper price. **According to the ILO Convention on the Worst Forms of Child Labour workers** under 18 who perform work that is likely to harm their ‘health, safety or morals’ are child labourers. The UNCRC also defines a child as any human being under the

² Documentary series of issues faced by the victims of the scheme in the form of snap shot stories, R. Karuppusamy, READ

³ Captured by Cotton, Exploited Dalit girls produce garments in India for European and US markets, SOMO - Centre for Research on Multinational Corporations ICN - India Committee of the Netherlands.

age of eighteen. India ratified UNCRC on 11 December 1992. The laws on child labour are inconsistent with the International Standards.

- **Migrated to unhygienic accommodations:** The girls have migrated for work and are housed in dormitories located on the factory complex. Majority stays in the dormitories. According to the AHRF and the ECJ study, the Hostels are usually cramped and have poor ventilation and have poor hygiene. Each dormitory is shared by an average of 12-15 girls at a time and is reused by different girls after each shift. The walls of these factories are barricaded and it is impossible for anybody without permission to enter or exit this walled complex and leave is restricted to a few days a year when the girls are allowed to visit their families.⁴
- **Inadequately Paid:** Part of the workers' wages is deducted to save up for the lump sum payment. The workers do not have access to these savings, which are only paid out after they have completed the three-year contract. Workers receive a daily wage, which generally starts at around 60 Rupees (€0.88) per day during the first six months, with a gradual increase of ten rupees every six months, up to a maximum of Rs. 110 on average. Costs for food and boarding, approximately 15 Rupees a day, are deducted from the daily wages.⁵
- **Forced to work overtime:** On a regular basis the women work 12 hours per day, to complete one and a half shifts. This means that they work 72 hours per week. During peak season they even have to work on Sundays. For overwork, workers are legally entitled to receive overtime payment, but more often than not workers do not receive any compensation. When a worker refuses to work more than one shift, she is often verbally abused and threats are made to withhold a month's pay.⁶
- **Abuse and violence:** Majority of the workers were reported on verbal abuse, shouting and verbal lashing by the employers. Due to overtime work and lack of sleep the workers become exhausted.⁷
- **Poor food quality:** In March 2009, 24 girls working at the Sathyamangalam unit were admitted to the hospital for food poisoning. Three girls later died.⁸
- **No social benefits:** Sumangali workers do not enjoy the legal benefits that other workers enjoy. Many clothing companies do not remit employers' and employees' contributions to the Employees' State Insurance (ESI) Scheme, and workers are denied the benefits of the scheme.⁹
- **Health Hazards:** Due to the harsh working and living conditions some of the workers don't make the three-year mark and leave the factory earlier due to health reasons.¹⁰
- **No employment letter and false promises:** Because the workers don't receive an employment contract only an appointment letter -it is difficult to check, what exactly has been promised to them and to undertake action.¹¹
- **Forced to leave their job early:** In some cases the girls do not receive the money they have built up so far because they are forced to leave the work before the stipulated period.¹²
- **Psychological impact:** According to the AHRF study, 61% of the girls had a stressful living environment thereby experiencing a psychological tension during their period of employment in textile industries. Further, 10% of the girl labourers had skin problems. More than 1/3rd of the girls had gynecological issues and most was anemic.¹³

The European Parliament has been at the forefront of the international community in addressing caste discrimination through various initiatives including reports and resolutions. My organization truly appreciates Members of the European Parliament's

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efforts in this regard and we encourage you today to take more steps to prioritize addressing the issue of caste discrimination in global supply chains. In particular, we urge you to use every opportunity to relay the following recommendations to Indian authorities, the European Commission and EU Member States and to international buyers/brands.

Recommendations

To the Indian Government:

- Ratify all relevant ILO Conventions, in particular ILO Conventions with regard to freedom of association and collective bargaining & child labour and the protocol to the forced labour convention.
- Declare that below 18 years children should be considered a child, according to UNCRC Act 1989.
- Improve accessibility and credibility of existing grievance redressal mechanisms for labourers.
- To incorporate UN Guiding Principles on Business and Human Rights in its factories and mills as these guidelines are a set for States and companies to prevent, address and remedy human rights abuses committed in business operations.

To The Office of the United Nations High Commissioner for Human Rights (OHCHR):

- Recommend UN Human Rights Council to ratify the draft U.N Guidelines on Elimination of Discrimination based on Work and Descent and hold a international Convention on Elimination of all forms of Discrimination based on work and Descent (Caste).

To the European Commission and governments in importing EU countries:

- Both the German and Dutch governments have brought about innovative initiatives in which government, business and civil society cooperate to address labour rights violations in the garment supply chain: The Partnership for Sustainable Textiles and the Covenant on Sustainable Garments and Textiles. Both initiatives aim to curb violations in South Indian spinning mills. **We urge those initiatives to focus on implementing improvements at the core of the matter: the work floor. In addition, they should cooperate with local stakeholders with a background in labour rights in a multi-stakeholder setting**
- EU Member States and the European Commission should prioritise forced labour in the South Indian textile industry in their bilateral relations with India
- EU Member States and the European Commission should support credible initiatives by national and State governments in India and/or multi-stakeholder initiatives that aim to improve monitoring and implementation of labour laws.
- **The European Commission should immediately move on the European Parliament's recommendation to introduce EU legislation establishing mandatory human due diligence in business supply chains and operations, including a specific focus on modern slavery including child labour**

To international buyers/brands:

- Map the supply chain beyond the first tier and increase supply chain transparency by publishing production locations of mills, their 'labour rights status' (backed up by information), audits etc.
- Conduct human rights due diligence in the full supply chain and publicly report about it
- Increase leverage by cooperating with other buyers Include hostels in monitoring programs. The presence of a factory-run hostel is a red flag Improve current monitoring practices by involving workers' rights organisations and trade unions, have offside workers
- Interviews, check with workers if workers have any proof of employment, countercheck wage administration by for example checking the Provident Fund registrations at the PF office, check registration of migrant workers, check if Internal Complaints Committees are active and genuine, and stimulate participation in these committees by NGOs that have a proven track record on labour rights.

- Support mills in improving labour conditions, and reward mills that do take serious steps for improvements as preferred suppliers, increasing procurement prices and guarantee a minimum volume of orders.
- Support and participate in the establishment of a local, credible grievance mechanism and a local multi-stakeholder initiative.
- Since the few successful interventions at workplace level involve local civil society organizations, brands and buyers should involve civil society organizations and trade unions in any initiative taken to address labour rights violations in spinning mills.