

Human Rights Campaign 2019

For human rights in the textile industry.

What shall we wear? Matthew 6:31



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Introduction

To celebrate Human Rights Day on 10 December 2018, the United Evangelical Mission published a booklet, poster, and postcard, as well as educational material, on the theme, “What shall we wear?” (Matthew 6:31) – For Human Rights in the Textile Industry”. This digital brochure is a collection of the most important texts.

For over twenty years, the UEM has been an advocate for victims of human rights violations. As part of this UEM human rights campaign, the United Evangelical Mission is requesting donations for its human rights work on two projects by UEM member churches in Indonesia and Sri Lanka.

Projects

Indonesia – Empowering trade unions and workers

The textile industry is one of the biggest economic factors in Indonesia. More than 1.5 million people are employed in this field, 90 per cent of whom are women. Eighty per cent of workers have no permanent position: they are temporary workers on short-term contracts, or work out of their homes. There are 5,896 textile mills concentrated on the Indonesian island of Java alone. The working conditions are inhumane. Pressing deadlines from the production labels force workers to put in extremely long hours, often far beyond the legal limit.

The compensation is not enough to cover a family’s basic needs. Unions play an important role in improving this situation. They have a difficult time advocating for the rights of workers: Their work is often hampered by the factory owners. It is not uncommon for management to create its own sympathetic “labour union”.

The Sedane Labour Resource Centre (LIPS) in Jakarta, Indonesia's capital, is researching working conditions in the industry. Their research findings are important for union work. Another area of LIPS is education. Most women workers do not know their rights, and many lack the knowledge of how to build a campaign. LIPS has set up a programme that focuses on the issue of gender-based violence. In learning groups, women workers and women labour union members address various forms of sexual violence – a taboo subject that requires a safe space. As part of this programme, research is being conducted on violence against women in the workplace and materials are being developed for the corresponding campaigns.

The UEM supports the LIPS programme through the Indonesian Council of Churches.

Sri Lanka – Empowering textile workers

The textile industry is a significant economic factor in Sri Lanka. Goods are also produced here for German companies such as C&A, H&M, LIDL, and Adidas. More than 350,000 people work in the textile field, mostly young women. The poor conditions in the factories affect them in a variety of ways: The wages are not enough to support a family. Women workers prostitute themselves in order to

survive. The long working hours are a particular problem. Ananda,¹ who sews children's clothing for a German company, tells of sixteen-hour shifts. The time pressure is high when containers have to be loaded for export, requiring working days of up to 24 continuous hours. Many women work on their feet. A women's organisation analysed the resulting health problems and made concrete suggestions for improvement, but the factory managers were not interested.

The women workers often also complain of breathing difficulties because there is not enough protection against the tiny fibre particles flying around in the air. A decent life is not possible under these conditions.

The Methodist Church in Sri Lanka is especially committed to vulnerable populations. Together with the Sramabimani Kendraya ("Worthy Work") organisation, the church has developed a programme to empower women working in industrial sectors. One focus is on education, because workers often do not know their rights and the laws that pertain to them. A building is being renovated where seminars and workshops will be offered. There will be a small library established, as well as some housing for women in need.

The programme also has an ecumenical note: Sramabimani Kendraya was founded by Sarath Iddamalgoda, a Catholic priest, and Noel Christine Fernando, a Catholic nun. These are the two partners responsible for cooperating with the Methodist Church.

¹ Name changed. The correct name is known to the editors.

INFORMATION

Stitches against exploitation Human and labour rights in the clothing industry

By Theodor Rathgeber

Textile production and cotton cultivation

The largest production countries and regions in textile manufacturing are Bangladesh, Brazil, China, India, Indonesia, Japan, Eastern Europe, Pakistan, South Korea, Sri Lanka, Taiwan, Turkey, the United States, Vietnam, and Western Europe. Textile production in China accounts for about half of all global production. Chinese importers also control large areas of cotton cultivation in Africa. The clothing industry plays a larger role in the countries of the UEM member churches, especially in Indonesia and Sri Lanka. The most important sales markets are in the United States and Europe, especially in the European Union, with Italy, Germany, and the UK at the top.

The countries with the largest shares of cotton production are India, China, the United States, Brazil, Pakistan, Australia, Turkey, Uzbekistan, Turkmenistan, Mexico, and Burkina Faso. Countries with significant cotton production in the

context of the UEM member churches are Indonesia, the Philippines, Tanzania, and the Democratic Republic of Congo. As indicated, most of the cotton harvest does not end up in the countries where it is ultimately sold, but rather in Pakistan, Bangladesh, Turkey, Vietnam, China, Indonesia, Mexico, India, Thailand, and South Korea. This is where the cotton is processed, and the textiles are subsequently exported to regions with more purchasing power such as North America and Europe.

Much of the costs to humanity and the environment are incurred outside the consumer market. The cultivation and fibre production of cotton are among the dirtiest industries, with broad use of pesticides, high water usage and contamination, and widespread forced labour and child labour. This is what one of the most lucrative consumer industries in the world is based on: an estimated \$USD 3 trillion in value added for textiles, clothing, footwear, and luxury fashion, and the numbers are increasing. The disastrous cultivation and production conditions in these countries are compounded by the fear of losing one's job, as poorly appointed and paid as it may be, amid the international race to the bottom and the danger of slipping into insignificance on the world market. In the consumer countries, debates about the inequality of living conditions often lead to calls to supply everyday basics at low prices, which only cements the exploitation driven by the global market.

Minimum standards under international law

Translated into human rights terms, this represents the inadequate anchoring and implementation of civil liberties such as freedom of expression, freedom of assembly, and freedom of trade union organisation, as well as the violation of labour, social welfare, and environmental laws. These transgressions take the form of child labour and forced labour; unconscionable (starvation) wages; excessive working hours; discrimination and abuse in the workplace; precarious employment conditions; arbitrary redundancies; inadequate occupational safety; incomplete health protection; insufficient protection of pregnant women and young mothers; poor access to legal recourse because of a local, weak, or corrupt judiciary; a lack of procedural safeguards under the constitution; prohibition or obstruction of union organisation; repression of individuals and organisations seeking collective bargaining; land dispossessions; water scarcity or a total lack of access to clean water; and environmental and health damage from the use of agrochemicals in cotton cultivation and chemicals in textile processing.

Added to this are the deficiencies at the state level in the form of corruption, political resolutions that favour companies in cases of conflicts over resources, unjustified tax exemptions for factories, tolerance of business practices that violate human rights, poor pay for governmental positions that control and enforce the law, inadequate transparency, and a lack of corporate due diligence of supply chains.

Applicable to the aforementioned statements of fact are the International Covenant on Civil and Political Rights (the Civil Pact); the International Covenant on Economic, Social and Cultural Rights (the Social Pact); and the Convention on the Rights of the Child, namely the right to life; the prohibition of arbitrary arrest; the

right to freedom of association, assembly, and expression; access to a fair trial; the right to work; fair working conditions; social security; health; the prohibition of child labour; and the child's right to a clean environment as a prerequisite for the development of the child's personality to its fullest potential.

Almost all countries with UEM member churches – the Democratic Republic of Congo, Germany, Indonesia, Cameroon, Namibia, the Philippines, Rwanda, Sri Lanka, South Africa, and Tanzania – have ratified all three of the human rights standards that are particularly relevant here. Botswana has so far only signed the Social Pact. As of August 2018, a total of 172 countries have ratified the Civil Pact, 169 have ratified the Social Pact, and 196 have ratified the Convention on the Rights of the Child. The United States is the only country to have only signed the Convention on the Rights of the Child. Thus we can justifiably speak of internationally recognised standards. As a result of this, in each production country the state is obliged to respect, protect, and effectively implement human and labour rights. This is obviously not the case, however.

Legal claim and legal reality

Many of those working in cotton fields or clothing industry factories are neither aware of their rights nor have the means to assert them politically or legally. In order to claim their rights or to sue in court, they need local support and encouragement from unions, non-governmental organisations, and church facilities. Human rights and specific labour rights can be claimed at many levels; below are some pointers in keywords.

Within the United Nations, several bodies and institutions are concerned with business and human rights. These are also always used as a public platform for relevant standard development, for example the former sub-commission begun in the 1980s on the rights of minorities. In the area of the Human Rights Council, Special Representative of the UN Secretary-General John Ruggie has been involved with corporate responsibility issues related to human rights since 2005. His work has generated guidelines (Guiding Principles on Business and Human Rights) as well as working groups based on these principles. One of the two working groups has been collecting examples of good practice since 2011 and is systematically developing them further (Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises). The other (Open-Ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights) has been drafting an internationally binding instrument since 2014. Many of the results have already been incorporated into the national action plans of individual states or agreements on voluntary corporate responsibility for human rights.

John Ruggie's UN Guiding Principles on Business and Human Rights, in turn, build on the Guidelines for Multinational Enterprises from the OECD (Organisation for Economic Co-operation and Development). The latter standards call on companies based in OECD countries to carry out human rights due diligence, incorporate human rights into their corporate policies, identify and remediate adverse human rights impacts, and submit to a complaint procedure established with a government agency, but they contain no possibilities for sanctions.

The assessments (Concluding Observations) by the specialised committees of the UN treaty bodies are legally binding under international law. Each State Party to an international human rights treaty is periodically reviewed and evaluated for compliance. Some of these specialised committees have already dealt with human rights violations in the context of business activity in the past. Among the UEM member countries, Cameroon faced this process in 2005, 2013, and 2016; the Philippines in 2003 and 2007; and Sri Lanka in 2005.

Times are changing.

The idea of being able to outsource the consequences of our consumption and wash our hands of them is no longer viable.

In all of these cases, the government was not applying the Civil Pact in the standard way: complaints over breach of contract caused arbitrary arrests, legal proceedings were delayed, or inaction by the state on calls for compensation led to death threats. The Committee on the Rights of the Child and the Specialist Committee on the Treaty on the Elimination of Racism have highlighted the right to clean water and clean air in early childhood development and the right to a genuine natural environment, which was considered a core element of the local aboriginal community in Australia. Although there is no international administrative authority in this area, these evaluations and comments set standards that help to form a benchmark for human rights due diligence and human rights-compatible behaviour on the part of the state as well as indirectly in the business world. The direct participation of non-state actors was and is a fundamental element of standards development at all the levels of the United Nations mentioned above.

Some initiatives also derive human rights responsibility for the economy through so-called extraterritorial human rights protection, meaning that the state's duty to protect extends to business activity across borders. Thus corporate responsibility can also be demanded through legal action in the country where the company's head office is located. Proving human rights violations abroad is costly, however, and replete with hurdles because of complex corporate structures and trade chains, for example in the textile sector. Under German corporate law, a parent company cannot be held liable for the practices of its subsidiaries because of the so-called separation principle (*Trennungsprinzip*). Without going into further legal details here, it should be noted that initiatives such as the European Center for Constitutional and Human Rights (ECCHR) and medico international support legal actions in Germany all the same, in order to achieve a legal reassessment of court decisions, for example the lawsuit brought by the survivors and the families of the victims of the fire disaster in Karachi.

How effective and usable are human rights treaties, ILO conventions, and guidelines, given the many ifs and buts? The international conventions include auditing bodies and reporting and complaints procedures that determine the extent to which states are fulfilling their human rights obligations. Non-state actors are always involved in these auditing and evaluation procedures, and they have also had a significant influence on setting standards in the business and human rights field. Those affected can also work at the local level and, if appropriate, make use of

(legal) assistance from abroad, submit complaints to the UN bodies, and explore and exploit opportunities for lawsuits in countries where head offices are located.

As an example, human rights standards underpin the preferential tariff system of the European Union (EU), the Generalised Scheme of Preferences Plus (GSP+), which includes Sri Lanka and the Philippines. Preferential tariffs have so far only been withdrawn from Sri Lanka, however, from 2010-2017, and less for gross human rights abuses than for suspected war crimes. A second area of application within the EU is human rights clauses, which have been part of bilateral agreements since 1992. Even in cases of gross violations, such as in Mexico, no commercial contract has been suspended. Conversely, this system excludes European companies that may be responsible for and benefit from human rights violations.

What can we do?

First of all, it is important to shed light on the working and farming conditions in the countries of production. Only if the information is widely disseminated, the human rights consequences trenchantly stated and a different, sustainable means of consumption demonstrated can there be hope of solidarity for those suffering in the production countries, and for changes in our own actions. Distributing information also means campaigning and lobbying in policy and society so that the protection of human rights and the goal of sustainability are not left to individual responsibility alone.

Dr Theodor Rathgeber,
Journalist and human rights expert

Labour conditions in global textile production Labour rights are human rights

By Sabine Ferenschild

Let us take the example of Indonesia: Indonesia is one of the ten most important clothing exporters in the world. The athletics wear industry (Adidas, Nike, Puma, etc.) is very strongly represented there, and clothing is also produced locally for mass merchandisers such as H&M and C&A, along with high-priced goods from labels like Seidensticker and Gerry Weber. There are only a few production sites owned by the clothing labels themselves. H&M and others generally commission Indonesian subcontractors to use a given design to produce a specified quantity of clothing and deliver it on time.

The over one million employees in the Indonesian textile and clothing industry who do sewing, weaving, packaging, etc., usually work at a subcontractor filling orders from German and other European companies. The subcontractor therefore bears direct responsibility for the working conditions. If these working conditions violate human rights for labour, i.e., minimum wages are not paid, overtime is forced, children are involved in the work, women are paid worse than men, or no unions are allowed at the company – then the companies ordering these services are at least

indirectly responsible, given the large amount of competition in the clothing market. Anyone wishing to compete in this market not only has to offer good and fashionable products, but also must cut costs wherever possible. What this means in the case of an athletic shoe, for example, is that the Indonesian labour cost of a pair of trainers sold in Europe was calculated over fifteen years ago to be around 0.6 per cent of their retail price. Although the cost calculations of the contracting companies are not public, we can assume that for all items of clothing, cheap or expensive, the labour cost of an item as a percentage of its price remains in the low single digits today.

In many cases, the prices that subcontractors receive from the ordering companies have fallen further in recent years. Supplier companies can only survive economically if they lower their own costs: unpaid or poorly compensated overtime, freezes in wage increases, layoffs without the (legally required in Indonesia) severance pay, and hindrances to the formation of unions.

If, despite all the cost-cutting measures, the supplier company cannot fulfil the price expectations of the contracting party or meet the desired deadlines, for example because the subcontractor does not require illegal workdays of 14 to 16 hours, then the customers quickly move on to cheaper suppliers or even to cheaper production countries. The competition between countries is also increasing, especially in Asia. One often powerful counterargument to raising the minimum wage is that to do so would make it impossible to compete with nearby countries where labour costs less.

HUMAN RIGHTS FOR LABOUR

The core labour standards of the International Labour Organization (ILO) are recognised globally as human rights conventions for labour. The ILO member states must work towards their implementation, regardless of whether or not those states have ratified the eight conventions that form the standards.

The eight core labour standards are:

- No. 29 and no. 105 Abolition of forced or compulsory labour
- No. 87 and no. 98 Freedom of association and collective bargaining
- No. 100 and no. 111 Elimination of discrimination in employment and occupation
- No. 138 and no. 182 Abolition of child labour

In addition, one of the principles of the original ILO Constitution from 1919 is "the provision of an adequate living wage", which has been taken up by campaigns for a living wage.

“Democratisation of knowledge”

In conversation with Dina Septi Utami, staff member at the Sedane Labour Resource Centre (LIPS) in the Indonesian capital city of Jakarta

Ms Septi Utami, what are the working conditions like in the factories?

Excessive working hours are the rule, a result of high quotas. This is especially true during “export days”, when workers often have to spend the night in the factory in order to meet their quotas. This overtime is often not reimbursed as required. There is a well-known saying, “You work until you meet your quota, until you die”. The women workers don’t have time to pray [most are of Muslim faith – editor’s note]. They don’t even have the time to go to the toilet. This again has to do with the high quotas. Sometimes your own co-workers will keep you from praying or going to the toilet because it would stall the assembly line. Some even work during lunchtime or early in the morning, before the official start of the day. They will wolf down lunch for lack of time. Sometimes they will even forgo food, often resulting in a stomach ulcer. When they don’t take the time to visit the toilet, they can end up diagnosed with serious consequences such as urinary tract infections. Workers sometimes have to ask for extra permission to use the toilet. Sometimes they have to prove the permission in writing. If they spend “too long” in the toilet, the supervisors will bang on the door. Some factories do not have enough toilets available. Many also do not provide any prayer rooms. In many textile factories, the workers are not sufficiently protected. Chemicals are used, the long-term health effects of which are unknown. In addition, the lighting conditions, temperature, and ventilation are often insufficient. Workers report that they experience violence routinely. LIPS has registered the following forms of abuse, among others: beatings, insults, intimidation, humiliation, harassment, sexual harassment, and demands for sexual services as a requirement for a permanent position.

Wages have an impact on the lives of women workers.

Women working in the textile industry are entitled to the legal minimum wage. Companies try to circumvent this rule, however, by applying for exceptions from regional governments. Of 949 such applications in 2013, 669 were granted. The legal minimum wage varies by province or district. In Tangerang, for example, where Adidas and H&M subcontract production, it is currently 207 euros a month; in Sragen (East Java), however, it is only 90 euros. This minimum wage is not enough for one person to live on, let alone a family.

Research has shown that people need at least 245 euros a month. A decent life is not possible with this minimum wage. It isn’t sufficient to buy learning materials and school uniforms for children, or to pay for adequate housing. A rented room in workers’ accommodation is no place to raise children, so many workers leave their children with grandparents.

What can women workers do to improve their situation?

Three things: First, workers and unions can use social dialogue. There are institutions at various levels that they can use to fight for better labour policy, meaning protection against arbitrary dismissal or improvement in the calculation and agreement of a minimum wage. Second, they can develop their organisational

capabilities and negotiating skills. The important thing is to formulate the needs and demands of the workers well and to bring these to the negotiating table. Finally, they can work for processes of democratisation within the unions. Renewal and rejuvenation of the union leadership are important, as are educational measures, in order to improve the ability to negotiate within a social dialogue.

What can we contribute from here – from Europe, from Germany?

Promote a better working environment! Strengthen unions through education. Knowledge must be given to the grass roots. European countries are involved in multilateral and bilateral trade agreements. This is an opportunity to promote better labour policy. European labour unions can provide knowledge and exchange experiences with Indonesian labour unions. This usually happens between established unions at the national level and in international networks. But there is also an urgent need for a “democratisation of knowledge” from below, at the factory level, because that’s where the problems are.

What can companies and consumers do?

The percentage of a blouse that goes to wages is only 0.6 per cent, as an example. One thing is clear: The contracting customers have to pay the producers more to make better wages possible. The clothing labels are at the top of the global textile supply chain. They are powerful and make the biggest profits. They must implement their own code of conduct to guarantee decent conditions for the workers. They must look at more than just increasing their own profits. For consumers, it is important that they have information about the products they buy. Who made them? Where were they produced? What are the working conditions like there? Consumers can put pressure on clothing labels to pay women workers better.

Thank you for the interview!

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