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DOES SRI LANKA'S GARMENT INDUSTRY DEPEND ON GSP PLUS?

HAVE WORKERS' CONDITIONS CHANGED DURING 3 YEARS OF GSP?

With reference to our press release of 22 October 2008 titled: "**Does Sri Lanka meet the criteria for GSP plus?**", we would like to clarify further points for the EU decision makers to take into account when considering whether Sri Lanka meets the criteria.

1 – According to the 'Commission Decision' of 14 October 2008, published in the Official Journal of the European Union on 18 October 2008, paragraph one states as follows : "*Reports, statements and information of the United Nations (UN) available to the Commission, including **the report of the Special Rapporteur on Extrajudicial Executions of 27 March 2006, the statement of the Special Advisor to the Special Representative for Children and Armed Conflict of 13 November 2006 and the statement of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment, of 29 October 2007, as well as other publicly available reports and information from other relevant sources, including non-governmental organisations, indicate that the national legislation of the Democratic Socialist Republic of Sri Lanka incorporating international human rights conventions, in particular the International Covenant on Civil and Political Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, is not being effectively implemented.***"

The Commission states its **Sole Article**: "*The Commission shall initiate an investigation in order to establish whether the national legislation of the Democratic Socialist Republic of Sri Lanka incorporating the International Covenant on Civil and Political Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child is effectively implemented.*"

Even though the 'Commission Decision' is specific about UN Special Rapporteurs on Extrajudicial Executions and Torture and other cruel treatment, there are other **latest UN reports** which have not been taken into consideration. For example, the Working Group on Enforced or Involuntary Disappearances; Special Raporteur on Freedom of religion or belief – Mission to Sri Lanka; Special Raporteur on the right to freedom of opinion and expression; the report of the representative of the Secretary-General on the situation of human rights on internally displaced persons and the reports and the recommendations of other Treaty bodies.

Furthermore, it must be noted that Sri Lanka has not agreed for an investigation to be carried out as outlined in the Commission Decision of 14 October 2008.

2 – The latest soft talk of some VIPs and EU partners is that: "if GSP plus is not granted to Sri Lanka, nearly 200,000 workers in the garment industry will be effected!"

This is not a true statement. When Sri Lanka liberalised its economy in 1977 with 'Free Trade Zones', the Garment industry in Sri Lanka started to blossom. The statistics of the Garments export industry are given below:

GARMENTS EXPORTS INDUSTRY (MILLIONS USD)

Year	Millions USD	Year	Millions USD
1996	1695	1997	2046
1998	2194	1999	2199
2000	2722	2001	2333
2002	2240	2003	2395
2004	2643	2005	2744
2006	2970		

http://www.srilankabusiness.com/trade_info/srilankaproduct/apparel.htm

The figures clearly indicate that the Garments industry in Sri Lanka has never depended on the GSP plus which was granted to Sri Lanka only in mid-2005.

Sri Lanka's Central Bank Governor Ajith Nivard Cabraal said the government would provide \$150 million to the garment industry in 2009 to offset any potential shocks from losing the preference. **"Our garment industry has a 30-year history and GSP Plus has been only for three years. We should not depend on trade concessions always. We should get rid of this dependency syndrome,"** he said. **(Excerpt, Reuters - 20 October 2008)**

3 – Even though Sri Lanka was benefiting from GSP plus for the last three years, the workers' conditions have never changed - many workers do not receive living wages; factories are crowded; hot with no air-conditioning even in the cutting section; very dark and no natural light inside the factories and noisy in the sewing sections. The workers had to deal with a lot of stress and tension to reach their targets on time. Compulsory overtime which is not paid at the legal rate, excessive fines, and sexual harassment are also commonly reported by the workers.

November 2007 - In an interview with **"MisFortune 500"**, Padmini Chandrakanthi of the Women's Centre, a member of ALaRM, stated that 90% of the garment workers are women and are working for companies such as GAP, Nike, Columbia and Tommy Hilfiger. The workers do not receive living wages, and also face "unjust and poor working conditions, health problems, lack of holiday and leave and unrealistic production targets," Chandrakanthi said. **(Excerpt)**

<http://www.misfortune500.org/company/Show.aspx?articleid=97>

Also please see, the "Fashion Files" visits Sri Lanka - 17, December 2003

<http://www.cleanclothes.org/news/newsletter17-05.htm>

4 – Last year the EU withdrew the GSP trade preferences to **Republic of Belarus**, because it had not respected repeated calls by the EU to take concrete measures to respect trade union rights. Belarus' failure to comply with its International Labour Organisation (ILO) obligations relating to freedom of association for workers, was the reason for the withdrawal of GSP.

If that is the case with the Republic of Belarus, what would be the situation with Sri Lanka?

In October 2006, the EU tabled a 'Draft Decision' (A/HRC/2/L.37-3 October 2006) in the Human Rights Council, expressing its concern at the escalation of violence in Sri Lanka. But this draft decision never came for discussion in the Human Rights Council, due to Sri Lanka's pretext that a new body was about to take up its work of observing investigations and inquiries into serious human rights violations. This body, the International Independent Group of Eminent Persons – IIGEP, unfortunately terminated its operation last March, unable to fulfil its mandate.

Furthermore, Sri Lanka arbitrarily abrogated the Ceasefire Agreement of 2002 (between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam) with effect from 16 January 2008.

5 – It is risible that an individual (MEP from UK), supposedly having an inadequate knowledge of the law, is trying to mislead a group of people depending on him, and wants to satisfy the Sri Lanka government for his own material benefit. He finds fault with the EU regulations, especially the term "investigation" and even finds fault with the French to English translation recognised by the EU, and applicable to many countries. This individual expects special regulations and 'soft' terminologies for the benefit of Sri Lanka.

We doubt whether any other government in the world would find so many excuses for avoiding international monitoring of its adherence to the human rights instruments it has ratified.

The present human rights situation in Sri Lanka is not only worse than in October 2006, but also Sri Lanka has openly refused to comply with an EU investigation, and it has not implemented many recommendations of the UN Special rapporteurs and Treaty bodies.