



## **Statement in support of Jeyasre Kathiravel**

We the undersigned are appalled to hear of the rape and murder of 20 year old Dalit woman who was a garment worker at H&M Supplier Factory – Natchi Apparels, Tamil Nadu. It is alleged that the deceased was raped and brutally murdered by her factory supervisor Thangadurai, who is presently in police custody. The accused has confessed to having committed the murder. Not only this, friends and co-workers of Jeyasre have claimed that the rape and murder are a consequence of multiple incidents of sexual harassment that has happened to her. It is also to be noted that many other women workers have been sexually harassed by Thangadurai over last few months. Sexual harassment at workplace results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

According to the family of the deceased, the deceased went missing on 1<sup>st</sup> January 2021 after she left home to meet her immediate supervisor Thangadurai as she was asked by him to report at the factory. The family filed a police complaint the very next day. Deceased body was found on 5th January in a wasteland, in a nearby village by farmers and cattle-grazers. During the days before the body was found, the region experienced heavy rains and the body was found in a decomposed state. While the family awaits the detailed post-mortem report, given the state the body was found, it is unlikely that we will have conclusive evidence of the rape and physical violence she suffered immediately before her murder. But numerous testimonies given by the women workers state that the factory has had a history of sexual harassment and other forms of gender-based violence (name-calling, slut-shaming, bullying, beating, assault, etc.) committed by male supervisors and managers on women workers who are usually migrant and come from poor families. The cases, however, have gone unchecked.

The testimonies reveal that the Internal Complaints Committee (ICC) exists only on paper and has proved useless for women workers at Natchi Apparels. The women workers aren't provided the needful awareness and education to be able to access right to protection enshrined under Article 21 against sexual harassment at workplace. The fear of demotion and targeting through unfair production targets has led to workers not complaining to ICC. Almost all of the workers spoken to have not made formal complaints to the ICC as they did not know it existed or feared making complaints to it. However, many workers have made verbal complaints to supervisors and other management staff. Despite the existence of the ICC, there has been no change in how male supervisors behave with women workers over the years. The grievance redressal

mechanism has rather protected male employees instead of conducting a proper investigation of the cases and taking a strict action against those proven guilty. Therefore, workers have been rather tactfully discouraged from even using the ICC for their grievances.

Clearly, there is a caste, class and gender-based discrimination in how the women workers are treated at the this Supplier Factory. While something like a CCTV camera should be installed to ensure the safety of the workers, it is rather used here as a monitoring tool to keep an eye on their movement, i.e., monitor the duration of breaks they take, the number of times they use the toilet, whether they are 'loitering' around, etc., to ensure that they do not spend too much time away from work. Placing them in the corridors and at the factory entrance, and not on the factory floor where sexual harassment and other forms of gender-based violence happen to the workers, only reflects the organization's savarna-masculine gaze towards Dalit/Adivasi women workers.

Looking at the gender ratio of the employees in managerial positions, it is clear that women are used as workers available at cheaper wage rates. They are easily replaceable, hence their rights and protection from exploitation never becomes a concern for the organization. There are hardly any women supervisors and managers, while most workers are migrants without any support system. Soaked into poverty, they do not file sexual harassment complaints as they cannot risk losing their source of income. Hence, they are forced to suffer silently and live with this everyday violence. **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** (Referred as POSH in later part) is an Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto but the implementation of the same still remains a major issues which further leads to the severe consequences as it did in the present case.

The COVID-19 pandemic that has led to high levels of unemployment in the last four decades and forced the workers even further to work for partial wages and do unpaid overtime once the factory reopened as the lockdown was lifted.

We stand in solidarity with Tamil Nadu Textile and Common Labour Union (TTCU), a Dalit-women led union that represents both Jayasri and her mother. We support TTCU's demand for fair compensation for the family and protection for all other women workers at Natchi Apparels through an enforceable and binding agreement with brands and their supplier, Eastman Exports, to end the supply chain model relying on systemic gender-based and caste based violence.

We, the **National Campaign on Dalit Human Rights** along with the below mentioned organizations demand from both the state and H&M ensure strict and immediate action on these rampant instances of gender and caste-based violence. Our demands are:

1. That a Special Investigation Team (SIT) to be set up to investigate the rape and murder of Jayeshri

2. That section 3(2)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocity) Act,1989 along with Section 302, Section 376 and Section 354 of Indian Penal Code 1860 shall be imposed
3. That the primary investigation shall be done by a Police Officer not below the rank of Dy. Superintendent of Police
4. That the charge sheet shall be filed within 60 days of the incident, i.e., within next one week to ensure a speedy trial
5. That the family of the deceased shall be provided protection as there are high possibilities that they might be threatened by the perpetrators.
6. That the family shall have access to right to fair trial and hence they shall be provided Special Public Prosecutor of victims choice under Rule 4(5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocity)Rule, 1995
7. That the POSH shall be implemented at the grassroots and hence in regard of the same the state shall ensure to set up an independent and fully operational anti-sexual harassment committee that comprises of members outside of the organization along with representation from the Tamil Nadu Textile and Common Labour Union (TTCU).
  - a. Take action against the employer under section 26 of POSH which includes fine which may extend to 50,000/- rupees or more as he should be held accountable for other incidents that have come to light
8. Ensure the proper functioning of Internal Complaints Committees (ICC), in accordance with Indian law, in preventing this incident, and in the light of other cases of sexual harassment cases
9. That all the pre-existing complaints shall be heard and investigated and the proper enquiry shall be done.
10. Ensure trial of the case in Exclusive Special Court on day to day basis as mandated under Section 14 of the PoA Act.
11. H&M must actively work towards upholding workers' right to freedom of association.
12. H&M must ensure that systems are in place at Natchi Apparels, for prevention and elimination of gender and caste based violence.
13. H&M as members of the Ethical Trading Initiative should apply the actions and recommendations from the ETI Guidance document on [Caste in Global Supply Chains](#)
14. H&M should ensure that their partners, supply chain and networks operating in India and South Asia must adopt the Ambedkar Principles to ensure better and effective mechanisms to address Caste based discrimination in workplaces. [Ambedkar Principles](#)

- 1) **National Campaign on Dalit Human Rights**
- 2) **All India Dalit Mahila Adhikar Manch**
- 3) **National Dalit Movement for Justice**
- 4) **Dalit Arthik Adhikar Andolan**
- 5) **International Dalit Solidarity Network**