



Human Rights Defenders Alert – India

National Coordination Office

No. 6 Vallabai Road, Chokkikulam, Madurai-625002, Tamil Nadu, INDIA

Tel: +91-9994368540 Email: hrda.india@gmail.com

17th May, 2016

To

Shri A. K. Parashar

National Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

Manav Adhikar Bhawan, Block-C, GPO Complex, INA,

New Delhi – 110 023

Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action Karnataka: Unarmed garment industry workers both men and women badly beaten and arrested by Bangalore city police and denied their rights to freedom of peaceful assembly and association to register their protest on April 18, 2016 in Karnataka – Regarding

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our grave concern over the brutal beating of the protesters mainly women in Bangalore by the Bangalore City police on April 18, 2016. Men and women garment industry workers were protesting to seek justice after the government's order to withdraw Provident fund. Unarmed protestors especially women were targeted and brutally beaten by the police and some of them were arrested.

Status of Human Rights Defender:

Women workers belong to the garment factories in Bangalore, Karnataka.

Source of Information on the Incident:

- Media Reports

Date of incident:

April 18, 2016

Place of incident:

Bommanahalli area, Bangalore City, Karnataka

The Perpetrators:

Bangalore City Police, Karnataka

Details of the Incident:

According to sources, on April 18, 2016, the protesting garment industry workers were mercilessly beaten with lathis (batons) injuring many women workers. The garment factory workers were protesting against the Central Government's new policy on provident fund (PF) withdrawal. According to sources, the protest began on April 18, 2016, from Shahi Exports Pt. Ltd., a garment factory at Hosur Road after a photo-copied news report of a Kannada daily on the new norms for PF withdrawal was distributed by some workers. The news spread to the cluster of garment factories in the area and around 10,000 women garment workers, employees of Shahi Exports Pvt Ltd and K Mohan and Co Exports Pvt Ltd, came onto the busy Hosur Road between Hulimavu and Arkere signals resulting in a "massive flash strike".

The protesters marched to the Employees' Provident Fund Organisation office at Singasandra, near Bengaluru-Hosur national highway to submit a memorandum. As they reached the highway, they decided to block the road, bringing traffic to a grinding halt for more than three hours as vehicles were stranded from Silk Board junction to Attibele Gate. Police fired tear gas shells and decided to call for additional forces to deal with the protest and used force to disperse the protestors.

According to sources, the joint action forum of unions had already planned a campaign from April 26, 2016. The garment labourers work in extremely stressful conditions and are not allowed to unionise to voice their demands against exploitation. Garment workers for the past few months were in deep fears with

rumours about the possibility of “losing PF” and as they could be able to withdraw only “single PF” (employee contribution alone) after the new government policy.

Hundreds of protestors mainly women were injured in the violence by policemen who were brutal and had come prepared with helmets and fibre lathis. Journalists were also attacked by the policeman for clicking pictures of the brutal lathi-charge on women protesters. The police claimed that the protests turned violent and that is the reason they had used force. The workers said that certain vested interests had joined the protest but the industry with 85 per cent women workers got beaten up by the police. They said men who were burning buses were certainly not garment workers and did not rule out the involvement of political persons.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Commissioner of Police, the Deputy Commissioner and District Magistrate of Bangalore City:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of brutal beating of protestors mainly women;
- Takes immediate legal action on the perpetrators in this case personnel of Bangalore City police for the brutal assault and denial of the right to assemble and associate freely to all the women workers who participated in the peaceful assembly and protest;
- Ensures provision of reparation, compensation, apology to each of the workers especially the women workers for the physical and psychological sufferings they underwent because of the use of brutal force, ill - treatment and arrest and provide a re-assurance of not engaging in such acts against the workers especially the women workers;
- Take steps to withdraw the cases filed on the workers enabling them to come back to work to earn for themselves and their families instead of visiting courts to further harass them;

- Put an end to all acts of attack and harassment against all human rights defenders in Karnataka to ensure that in all circumstances they carry out their activities without any hindrances;
- Take steps to ensure the provisions contained in the Code of Conduct for Police In India under Sec 4 which says, 'In securing the observance of law or in maintaining order, the police should as far as practicable, use the methods of persuasion, advice and warning. When the application of force becomes inevitable, only the irreducible minimum of force required in the circumstances should be used.' The provisions should also be ensured in conformity with Art 4 and 5 of the UN Basic Principles on the use of force and firearms;
- Take steps to ensure the provisions contained in the Human Rights Council resolution 15/21 adopted in October 2010 which reaffirms that everyone has the rights to freedom of peaceful assembly and of association free of restrictions that is subject only to the limitations permitted by international law, in particular international human rights law;
- Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels;
 - Article 12.2, which provides that ""the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration";
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Karnataka to also take necessary steps to establish a focal point for HRDs in Karnataka in order to ensure that HRDs in Karnataka have a new protection mechanism for them;

- Recommend urgently and speedily during the pendency of this complaint, the NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs, etc.] to ensure that a coordinated strategy is developed within the State of Karnataka for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the Government of Karnataka in collaboration with the NHRC Focal Point on HRDs to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
- Recommend urgently and speedily during the pendency of this complaint, the Government of Karnataka, to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);
- More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Karnataka.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary