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The Clothing Industry and Human Rights Violations

Consumption, Individuals and the Role of Big Players

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Abstract

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The collapse of the Rana Plaza building in Bangladesh's capital Dhaka on the 24th of April 2014, that led to the death of more than 1.100 workers and many more injured, is a crucial example of connection between the modern clothing business and human rights violations. Security shortcuts, non/late payment, excessive working hours, violence and abuse are frequently happening in a lot of factories and supply chains in developing countries and are the result of the Fast-Fashion Business model that emerged in the last decades. A business model where production costs tried to be kept as low as possible in order to offer more, cheaper and faster goods to the consumer in western society. The mass production of goods led to the emergence of consumerism and to the fact individuals consuming and demanding more. A cycle of endless production and consumption developed in a capitalist economic system and society.

As the Guiding Principles of Business and Human Rights state, it is the duty of states to protect individuals from business violations, but in practice states are often powerless or not willing enough to take effective steps. In addition businesses often fail to respect human rights and to provide individuals with an effective remedy, since they are not legally bound by law to do so. Since much research is done about the responsibility of states and businesses, the individual consumer is often left behind, although it is clear that production and consumption goes hand in hand. The thesis therefore is going to answer the research question: What power does the individual have to prevent human rights violations in the clothing industry by its consumption and what can be done by the two big players, governments and businesses, to increase the power of the individual?

The results show that the individual can be seen as a responsible actor too and not only as a victim of the industry. Consumers have impacts on the market and its interlinked human rights violations with their decision-, investigation-, communication-, and networking power and can make a change while making a change in consumption. To foster this, consumers need the support from Governments and Businesses, since they have an important role too in increasing the power of the individual within consumption. They can take actions to help him/her changing habits and supporting a more sustainable consumption. Only when all actors take responsibility, the industry with its resulting human rights violations can be changed.

Key words: Clothing Industry, Human Rights Violations, Consumption, Individual Responsibility, Business and Human Rights

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1. Introduction

The collapse of the Rana Plaza building in Bangladesh on the 24th of April 2013 marked one of the deadliest tragedies in the clothing industry worldwide. More than 1.100 workers, mainly women, came to death while producing clothes for some well-known retailers like Primark and Walmart. More than 2.000 people were injured and many people went missing. This and the fact that between the years 2016 and 2017, 2.8 million workers died as a consequence of work-related illness and injuries indicate how crucial the modern clothing industry is.¹ An industry led by a western capitalist thinking of producing more products, to lower prices, in a faster way, while exposing thousands of workers, mostly from poor countries, to unsafe working conditions, inhuman treatment and exploitation. While forced to work excessive working hours, earning poor incomes under dangerous working conditions, experiencing violence or sexual harassment, thousands of workers are being violated in their basic human rights every day.

Workplace incidents, the exploitation of workers, farmers and natural resources in pursue of business interests, have become common in the last few decades. The collapse of the Rana Plaza building is just one devastating disaster related to businesses and shows the big failure of governments and businesses to protect individuals from human rights violations, by itself becoming an active violator of human rights. The last decades were marked by a globalisation of the economy, which comprises the emergence and growth of global corporations and thus their increasing power and impact in political, social and economic decision making, while the power of states and governments at the same time eroded. Contemporarily however, in the last years, society and businesses also developed a better understanding of the corporate's social responsibility of business activities for human rights. Especially the adoption of the Guiding Principles on Business and Human

¹Christie Miedema, 'Employment Injury Insurance in Bangladesh: Bridging the Gap' (Clean Clothes Campaign 2018) <<https://cleanclothes.org/resources/publications/employment-injury-insurance-in-bangladesh-bridging-the-gap>> accessed 13 July 2018.

Rights in 2011, by the United Nations Human Rights Council², marked a cornerstone in the field of Business and Human Rights and confirmed the corporate responsibility to respect human rights, the duty of governments to protect human rights and the right of victims for access to an effective remedy.

While in recent time closer attention was given to the production side and the responsibility of the big players (businesses and governments) to protect and respect human rights, the responsibility of an individual was not given much attention. The fact that nowadays consumers buy 400% more than they did 20 years ago and that worldwide 73 million tonnes of textiles are consumed by shoppers every year³, makes it unquestionable that individual consumption practices do have an impact on the market and it's resulting social problems. Like basic economic principles state, only where there is demand, there is offer. Human rights violations which occur, for instance in the whole production process of a T-shirt, therefore, be also ascribed to consumer tendencies to buy more products in a cheaper and faster way, which automatically leads to the production of more goods and the need for cheap resources and cheap labour. The circle of careless production and endless consumption in a capitalist economic system results in human rights violations and the exploitation of resources of our planet.

The following chapters are going to investigate the clothing industry and its human rights violations. This work will point out governments and businesses as responsible big players and will especially put the individual in charge. This will be done by focusing on the responsibility of an individual and his/her powers to prevent human rights violations in the clothing industry, with his/her consumption habits. It will be argued what the big players can do to increase the power of an individual and support the individual in consuming more sustainably.

²UN Human Rights Council, 'Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework', Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, UN Doc. A/HRC/17/31 (21 March 2011).

³Fashion Revolution, 'It's Time For A Fashion Revolution' (2015)

<https://www.fashionrevolution.org/wp-content/uploads/2015/11/FashRev_Whitepaper_Dec2015_screen.pdf> accessed 13 July 2018.

In order to do so first, the case of Rana Plaza will be explained. In a second chapter the human rights violations in the clothing industry will be discussed. This will be done by looking at the development and structure of the clothing industry and by presenting existing international legal state-centric framework and human rights violations happening. The third chapter will talk about the role of the two big players, governments and businesses that are responsible for human rights violations. Existing non-legal framework, dedicated to businesses, like the Guiding Principles of Business and Human Rights will be presented. In a fourth chapter, the individual will come into view by arguing what kind of role and responsibility the individual has when it comes to human rights violations in the clothing industry and by answering the question if the individual can be seen as a responsible actor too or as a victim of the industry. This will be done by focusing on consumerism, individual and consumer responsibility and on powers individuals have to end unsustainable consumption and human rights violations. It will be discussed if consumers care about ethics and what kind of responsibility gets delegated to them. In a fifth chapter, a way forward to the transformation of consumption behaviour and to sustainable consumption will be discussed. It will be shown how governments and businesses with their actions and strategies can increase the power of the individual within consumption and help him/her to move closer towards a sustainable consumption, for instance by being more transparent or engaging consumers more actively. A three-step model will be presented how consumer's human rights consciousness can be activated. The conclusion will summarise the findings and conclude that the individual and consumer have powers to end human rights violations in the clothing industry by reducing consumption or purchasing more sustainably. Businesses and governments in turn have even more responsibility, since they can increase the power of individuals by providing more transparency and information and ethical production options. Only when all responsible actors work together, the system with its resulting human rights violations can be changed.

2. Setting the Stage: The Case of Rana Plaza and Bangladesh

After China, Bangladesh is the second largest producer of textiles and clothing worldwide with over 5.000 factories, where around four million workers produce clothing for people living in mainly developed countries.⁴ Out of those workers, 80% are women who come from poorer backgrounds.⁵ On the 24th of April 2013, the eight-storey factory Rana Plaza in Bangladesh's capital Dhaka collapsed and marked one of the biggest industrial disasters. It killed more than 1.100 workers and injured over 2.000.⁶ The building, which contained five garment factories, supplied clothes to well-known fashion brands like Primark or Walmart. Although large cracks in the wall were already found the day before and the evacuation of the building was ordered, workers were told that the building is safe and those resisting were threatened with displacement and were forced to go back to work. After the building witnessed a power cut and the generators were turned on, the building started to shake and collapsed. An investigation which was carried out after the collapse noticed failures in the construction of the building. Firstly it was not designed for industrial use and secondly, the two top floors were added illegally.⁷ Rana Plaza was not the only case. Five months before, a factory fire killed 112 people in the Tazreen Fashion Factory in Bangladesh.⁸

⁴Juliane Reinecke and Jimmy Donaghey, 'After Rana Plaza: Building Coalitional Power for Labour Rights between Unions and (Consumption-Based) Social Movement Organisations' (2015) 22 *Organization* 720, 5.

⁵Human Rights Watch, 'Whoever Raises Their Head Suffers The Most. Workers' Rights In Bangladesh's Garment Factories' (Human Rights Watch 2015)
<https://www.hrw.org/report/2015/04/22/whoever-raises-their-head-suffers-most/workers-rights-bangladeshs-garment> accessed 14 July 2018.

⁶Justine Nolan, 'Rana Plaza: the Collapse of a Factory in Bangladesh and its Ramifications for the Global Garment Industry' in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights: From Principles To Practice* (Routledge 2016), 27.

⁷Human Rights Watch, 'Whoever Raises Their Head Suffers The Most. Workers' Rights In Bangladesh's Garment Factories' (Human Rights Watch 2015)
<https://www.hrw.org/report/2015/04/22/whoever-raises-their-head-suffers-most/workers-rights-bangladeshs-garment> accessed 14 July 2018.

⁸Ibid.

After those tragedies occurred, more and more attention was given to labour issues in the textile and garment sector.⁹ Some changes happened and Bangladesh came internationally under pressure to reform its industry. The United States suspended trade benefits in 2013 and the European Union threatened to remove its benefits if there would not be a reform in the garment exports. In 2013, Bangladesh together with the European Union launched a ‘Sustainability Compact’¹⁰ with the goal to improve labour rights and working conditions. A special focus was given on collective bargaining, freedom of association, responsible business conduct, employment and factory safety¹¹. Some achievements could be noticed after the above, for instance, the adoption of the labour law of Bangladesh that made it possible for workers to organise trade unions, although the law still needs some changes in order to fully comply with international labour standards.¹² Another initiative, the Accord on Fire and Building Safety¹³, was signed in 2013 and brought with that more than 200 companies, trade unions and NGOs representing the workers, together. The same year a business association, the Alliance for Bangladesh Worker Safety, which oversees working condition improvements, brought 26 companies together.¹⁴ Lastly, there are also the government’s own inspectors, whose task is to inspect and oversee improvements in the factories.¹⁵

⁹Juliane Reinecke and Jimmy Donaghey, ‘After Rana Plaza: Building Coalitional Power for Labour Rights between Unions and (Consumption-Based) Social Movement Organisations’ (2015) 22 *Organization* 720, 5.

¹⁰European Commission, ‘Staying Engaged: A Sustainability Compact for Continuous Improvement in Labour Rights and Factory Safety in the Ready-Made Garment and Knitwear Industry in Bangladesh’ (Joint Statement) https://trade.ec.europa.eu/doclib/docs/2013/july/tradoc_151601.pdf [Compact] accessed 15 July 2018.

¹¹Ibid.

¹²Human Rights Watch, ‘Whoever Raises Their Head Suffers The Most. Workers’ Rights In Bangladesh’s Garment Factories’ (Human Rights Watch 2015) <https://www.hrw.org/report/2015/04/22/whoever-raises-their-head-suffers-most/workers-rights-bangladeshs-garment> accessed 14 July 2018.

¹³Accord on Fire and Building Safety in Bangladesh (13 May 2013) <http://bangladeshaccord.org/> accessed 15 July 2018.

¹⁴Barbara Shailor, ‘Workers’ Rights in the Business and Human Rights Movement’ in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights: From Principles To Practice* (Routledge 2016),197.

¹⁵Human Rights Watch, ‘Whoever Raises Their Head Suffers The Most. Workers’ Rights In Bangladesh’s Garment Factories’ (Human Rights Watch 2015) <https://www.hrw.org/report/2015/04/22/whoever-raises-their-head-suffers-most/workers-rights-bangladeshs-garment> accessed 14 July 2018.

While safety in some garment factories in Bangladesh that are covered by the Accord improved, there are still human rights violations happening and workplace injuries occurring. The Clean Clothes Campaign states that five years after the Rana Plaza tragedy more than 490 people have been injured and 27 people have been killed in Bangladesh due to factory incidents. Since Rana Plaza, no victims affected by those garment factory incidents have received fair and full compensation, even though it is an internationally recognised labour right.¹⁶

¹⁶Christie Miedema, 'Employment Injury Insurance in Bangladesh: Bridging the Gap' (Clean Clothes Campaign 2018) <<https://cleanclothes.org/resources/publications/employment-injury-insurance-in-bangladesh-bridging-the-gap>> accessed 13 July 2018.

3. Human Rights Violations in the Clothing Industry

The tragedy of Rana Plaza presented in the previous chapter showed a side of the clothing industry, which is usually not visible to the consumers buying clothes. The fact that failures were found in the construction of the building and workers were still forced to continue to work shows how human rights were being violated. Although achievements within the Textile and Garment industry were seen after the collapse of Rana Plaza, many workers still face human rights violations every day. Those violations go beyond safe working conditions and further include non-payment of salary, forced overtime, discrimination and abuse and reach to issues farmers in the cotton- picking industry face and environmental problems. This chapter is going to present the clothing industry with its related human rights violations in more detail. By doing this focus is given to the emergence of Fast-Fashion and to the functioning system behind a supply chain. International legal framework will be presented, in order to define worker's rights and to identify human rights violations subsequently.

3.1 The Clothing Industry

The global garment industry can be seen as one of the oldest and biggest industries in the world that was growing in the last decades. While in the year 2000 around 20 million people were working in the textile, clothing and footwear industry, the number increased to between 60 - 75 million people in the year 2014.¹⁷ With the expansion of the industry, also the place of production changed. While until the 1980s many European countries and the United States had flourishing clothing industries and were the biggest exporters of clothing, there was a shift in the 1990s when businesses moved the production from the West to least developed and developing countries. This was done in order for businesses to find cheap labour and cheap production opportunities abroad.¹⁸ Due to globalisation the biggest areas of

¹⁷Lina Stotz and Gillian Kane, Facts On The Global Garment Industry (Clean Clothes Campaign 2015) <<https://cleanclothes.org/resources/publications/factsheets/general-factsheet-garment-industry-february-2015.pdf>> accessed 13 July 2018.

¹⁸ILO, 'Wages and Working Hours in the Textiles, Clothing, Leather and Footwear Industries' (International Labour Organisation 2014)

production nowadays can be found in Asia. According to the World Trade Organisation (WTO) Asia is solely responsible for 58.4% of worldwide clothing and textile exports.¹⁹ After China, Bangladesh is nowadays the second biggest textile and garment exporter, whereas 60% of its produced clothes are going to Europe and 23% to the United States. Bangladesh counts 4 million workers in its 5.000 textile and garment factories.²⁰ Out of those workers, 80% are women.²¹ Globalisation and the shift of production gave developing countries a new possibility to become part of the international market. While the population in Bangladesh profited from a rise in the number of available job opportunities, western countries and businesses profited from a faster production and from cheaper production costs.²²

Although the textile and garment industries are closely connected, it is relevant to make a distinction between them. While the textile industry includes the production of textiles from raw material by using yarn spinning, fabric weaving, dyeing and finishing, the garment industry includes the sewing of the garments and clothes.²³ In the following chapters, both industries will be taken into account since they are closely interlinked. The garment industry can be divided into two, the high-quality fashion market and the mass-production of lower- quality garments. The high-quality fashion is usually located in developed countries and marked by a modern industry with safe working conditions and the close connection of designers with garment workers. In contrast to this stands the mass production of lower-quality garments, a

<http://www.ilo.org/wcmsp5/groups/public/@ed_dialogue/@sector/documents/publication/wcms_300463.pdf> accessed 13 July 2018.

¹⁹Enrico D'Ambrogio, 'Workers' Conditions in the Textile and Clothing Sector: Just an Asian Affair?' (European Parliament 2014) 10 < <http://www.europarl.europa.eu/EPRS/140841REV1-Workers-conditions-in-the-textile-and-clothing-sector-just-an-Asian-affair-FINAL.pdf>> accessed 13 July 2018.

²⁰Ibid.

²¹Human Rights Watch, 'Whoever Raises Their Head Suffers The Most. Workers' Rights In Bangladesh's Garment Factories' (Human Rights Watch 2015) <https://www.hrw.org/report/2015/04/22/whoever-raises-their-head-suffers-most/workers-rights-bangladeshs-garment> accessed 14 July 2018.

²²ILO, 'Wages and Working Hours in the Textiles, Clothing, Leather and Footwear Industries' (International Labour Organisation 2014)

<http://www.ilo.org/wcmsp5/groups/public/@ed_dialogue/@sector/documents/publication/wcms_300463.pdf> accessed 13 July 2018.

²³Frida Hestad Torkelsen, 'Textile And Garment Industry In India Challenges Of Realising Human Rights And The Impact Of The Ruggie Framework' (Oslo and Akershus University College 2017).

clothing industry usually located in less developed countries and often responsible for human rights violations.²⁴ This thesis will focus on the second industry and will go into more detail in the following subchapter.

3.1.1 The Emergence of Fast-Fashion

Some decades ago the textile and clothing industry was marked by a regional supply base and a predictable production cycle. Two collections each year, autumn/winter and spring/summer, were the norm.²⁵ The form of capitalism that emerged in the 1970s, led to a geographical shift in production. Multinational corporations moved their production from their home base to subcontracted supply chains in less developed countries, in order to profit from low-cost labour and cheap production opportunities. The result was a faster and cheaper production of clothing and with that developed the emergence of Fast-Fashion.²⁶

The change towards Fast-Fashion was increased by the phasing out of the Multi Fibre Agreement (MFA) in 2005, which regulated global trade and ended the quota system that provided protection to manufacturers in the United States and Europe. From now on businesses were exposed to global competition.²⁷ The result of the MFA and the implementation of quotas led to a price increase for consumers. Countries, therefore, started to search for cheaper production in non-quota countries in order to provide consumers with low-cost clothes. While shifting the responsibility of manufacturing to the subcontracting supply chains, corporations could choose the

²⁴Ibid.

²⁵ILO, 'Wages and Working Hours in the Textiles, Clothing, Leather and Footwear Industries' (International Labour Organisation 2014)
<http://www.ilo.org/wcmsp5/groups/public/@ed_dialogue/@sector/documents/publication/wcms_300463.pdf> accessed 13 July 2018.

²⁶Frida Hestad Torkelsen, 'Textile And Garment Industry In India Challenges Of Realising Human Rights And The Impact Of The Ruggie Framework' (Oslo and Akershus University College 2017).

²⁷ILO, 'Wages and Working Hours in the Textiles, Clothing, Leather and Footwear Industries' (International Labour Organisation 2014)
<http://www.ilo.org/wcmsp5/groups/public/@ed_dialogue/@sector/documents/publication/wcms_300463.pdf> accessed 13 July 2018.

production of best quality and price and meanwhile focus on design, brand development and marketing of goods.²⁸

Businesses like Zara or H&M built their success on cheap fashion, by expanding their product range and putting the product (spotted at fashion-shows) immediately on the market, for lower prices.²⁹ With a rapid increase of shops worldwide and a big variety of goods, it is possible for those brands to reach more customers.³⁰ The Fast-Fashion model can further be explained: ‘Stock reasonably inexpensive but fashionable items in limited quantities to encourage frequent purchase and ensure that stock turnaround in stores was ten days or two weeks.’³¹ This leads to a reduction of inventory costs and the permanent variability of goods for sale leads to a regular visit by customers.³² The number of collections offered by this well-known Fast-Fashion brands, change from two collections to twenty collections a year.³³ While customers can look for new items every two to three weeks, Zara calculates that its clothes are not worn more than seven times.³⁴ In order that customers get the newest design in a fast way, Fast-Fashion brands rely on a fast and highly responsive supply chain, which makes sure that deliveries arrive regularly.³⁵ The function and structure of a supply-chain will be presented in the next subchapter.

²⁸Frida Hestad Torkelsen, 'Textile And Garment Industry In India Challenges Of Realising Human Rights And The Impact Of The Ruggie Framework' (Oslo and Akershus University College 2017).

²⁹Nebahat Tokatli, ‘Global Sourcing: Insights from the Global Clothing Industry—the Case of Zara, a Fast Fashion Retailer’ (2007) 8 *Journal of Economic Geography* 21, 4.

³⁰Ibid.

³¹Tsan-Ming Choi, *Fashion Supply Chain Management: Industry and Business Analysis* (Business Science Reference 2012).

³²Ian M. Taplin, ‘Who Is to Blame?: A Re-Examination of Fast Fashion after the 2013 Factory Disaster in Bangladesh’ (2014) 10 *Critical perspectives on international business* 72, 8.

³³ILO, ‘Wages and Working Hours in the Textiles, Clothing, Leather and Footwear Industries’ (International Labour Organisation 2014)

<http://www.ilo.org/wcmsp5/groups/public/@ed_dialogue/@sector/documents/publication/wcms_300463.pdf> accessed 13 July 2018.

³⁴Ian M. Taplin, ‘Who Is to Blame?: A Re-Examination of Fast Fashion after the 2013 Factory Disaster in Bangladesh’ (2014) 10 *Critical perspectives on international business* 72, 8.

³⁵Nebahat Tokatli, ‘Global Sourcing: Insights from the Global Clothing Industry—the Case of Zara, a Fast Fashion Retailer’ (2007) 8 *Journal of Economic Geography* 21, 3.

3.1.2 Supply-chain approach

The current production of garment and textiles is complex and can be seen as a supply chain, since there are many different actors, in different locations involved and numerous steps the production of clothing has to go through.³⁶ The retailer H&M, for instance, has 21 production offices (10 each in Europe and Asia) with more than 700 employees whose task is to lease with around 750 factories, from which 60% are placed in Asia and the rest in Europe.³⁷ In order that the supply chain meets the requests of the retailers, like fast turnover styles and new fashion trends, the different stages have to work efficiently; so do garment manufacturers dependent on the textile manufacturer's products, in order to produce new clothing. While textile manufacturers depend on the access to raw materials. To keep the relationship, multinational manufacturers also started with the provision of "full-package" services, where the subcontractors control all steps below the corporations. In this case, businesses are only responsible to design clothes, while the subcontractors are accountable for all areas in the production of clothes.³⁸ Magretta shows the complexity in the following example of the trade company Li and Fung, Hong Kong's largest export trading company and important actor in supply chain management, who stated:

Say we get an order from a European retailer to produce 10,000 garments. [...] For this customer we might decide to buy yarn from a Korean producer but have it woven and dyed in Taiwan. So we pick the yarn and ship it to Taiwan. The Japanese have the best zippers and buttons, but they manufacture them mostly in China. Okay, so we go to YKK, a big Japanese zipper manufacturer, and we order the right zippers from their Chinese plants. Then we determine that, because of quotas and labor conditions, the best place to make the garments is Thailand. So we ship everything there. And because the customer needs quick delivery, we may divide the order across

³⁶ILO, 'Wages and Working Hours in the Textiles, Clothing, Leather and Footwear Industries' (International Labour Organisation 2014)
<http://www.ilo.org/wcmsp5/groups/public/@ed_dialogue/@sector/documents/publication/wcms_300463.pdf> accessed 13 July 2018.

³⁷Nebahat Tokatli, 'Global Sourcing: Insights from the Global Clothing Industry—the Case of Zara, a Fast Fashion Retailer' (2007) 8 *Journal of Economic Geography* 21, 4.

³⁸Frida Hestad Torkelsen, 'Textile And Garment Industry In India Challenges Of Realising Human Rights And The Impact Of The Ruggie Framework' (Oslo and Akershus University College 2017).

five factories in Thailand. Effectively, we are customizing the value chain to best meet the customer's needs. Five weeks after we have received the order, 10,000 garments arrive on the shelves in Europe, all looking like they came from one factory, with colors, for example, perfectly matched.³⁹

The example shows how a supply-chain is organised, in different locations and the goal behind to ensure the maximum value of the end product, which includes costs, quality, time and reliability of delivery.⁴⁰ The problem that emerges is that this puts pressure on the suppliers to produce faster and cheaper. In order to reach this, work-intensifications and safety shortcuts are the response and human rights violations are the result.⁴¹ Although most businesses which take part in supply-chains do not directly employ forced labour, for instance, they get involved in human rights violations because of their second- or third level suppliers and contractors.⁴² The fact that there are so many actors involved, makes it further difficult to place responsibility on businesses for human rights violations happening and for workers to raise their voice since businesses are not directly responsible for them. Furthermore, protesting over conditions of employment could raise the costs for businesses and this could lead to the risk that contracts are shifted to other locations and jobs could get lost. Although this is not the case for every textile and garment worker, it can be the case, since businesses try to keep the best value for their product and therefore try to keep it as cheap as possible.⁴³

3.2 International Legal Framework: Human Rights and Workers' Rights

Worker's rights and basic economic principles like decent hours and wages, protection against discrimination, prohibitions against child labour, workplace safety, healthcare security, emerged out of worker struggles and out of the motivation within

³⁹Joan Magretta, 'Fast, Global, and Entrepreneurial: Supply Chain Management, Hong Kong Style' (*Harvard Business Review*, 1 September 1998) <<https://hbr.org/1998/09/fast-global-and-entrepreneurial-supply-chain-management-hong-kong-style>> accessed 14 July 2018.

⁴⁰Frida Hestad Torkelsen, 'Textile And Garment Industry In India Challenges Of Realising Human Rights And The Impact Of The Ruggie Framework' (Oslo and Akershus University College 2017).

⁴¹Ian M. Taplin, 'Who Is to Blame?: A Re-Examination of Fast Fashion after the 2013 Factory Disaster in Bangladesh' (2014) 10 *Critical perspectives on international business* 72, 7.

⁴²Richard M. Locke, 'We live in a World of Global Supply Chains' in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 303.

⁴³Frida Hestad Torkelsen, 'Textile And Garment Industry In India Challenges Of Realising Human Rights And The Impact Of The Ruggie Framework' (Oslo and Akershus University College 2017).

the grassroots of society to change working conditions and end human rights violations. Therefore, workers organisations and trade unions were formed and worker's rights were seen as important to deepen democracy. After the horrors of World War One, world leaders knew that universal and lasting peace would only be possible if it's based on social justice and social justice needs the strong presence and voice of workers. This new understanding led to the end of war and the establishment of the International Labour Organisation (ILO) in 1919, which put workers, governments and employers together. Progressively national and international laws emerged and with that the strengthening of worker's rights.⁴⁴

In the following two subchapters, the international law and state-centric focused framework which is related to worker's rights will be presented. This includes relevant human rights treaties and the International Labour Organisation. International non-legal framework, which is dedicated to businesses, will be further discussed in chapter 4.

3.2.1 International Human Rights Treaties

International worker's rights are part of international human rights law. They are grounded in the International Bill of Human Rights, which is composed of the Universal Declaration of Human Rights⁴⁵ (UDHR), the International Covenant on Civil and Political Rights⁴⁶ (ICCPR) and the International Covenant on Economic, Social and Cultural Rights⁴⁷ (ICESCR). Next to this, the Convention on the Elimination of all Forms of Discrimination against Women⁴⁸ (CEDAW) and the

⁴⁴Barbara Shailor, 'Workers' Rights in the Business and Human Rights Movement' in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights: From Principles To Practice* (Routledge 2016) 194-195.

⁴⁵UN General Assembly, *Universal Declaration of Human Rights* (10 December 1948) 217 A (III)

⁴⁶UN General Assembly, *International Convention on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR)

⁴⁷UN General Assembly, *International Convention on Economic, Social and Cultural Rights* (adopted 16 December 1966, entered into force 3 January 1976) 999 UNTS 3 (ICESCR)

⁴⁸UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women* (adopted 18 December 1979, entered into force 3 September 1981) A/RES/34/180 (CEDAW)

Convention on the Rights of the Child⁴⁹ (CRC) have a particular importance in the field of worker's rights.⁵⁰ Core labour rights include freedom from slavery, freedom of assembly and association including organising trade unions, fair wages and equal pay.⁵¹ The Conventions are legally binding on states which ratify them. Although states which ratified them are obliged to comply, there is no enforcement mechanism, except if the state also ratified the optional protocol to the treaty. In many countries there are still no enforcement mechanisms available.⁵²

The UDHR, which was declared by the United Nations General Assembly in 1948, promotes universal rights for every human being and mentions 30 human rights, which are devoted to individuals. Since it is a declaration, it is not legally binding and does not create legal obligations.⁵³ The following articles coming from the UDHR are, amongst others, relevant for dealing with human rights issues of workers in the textile and garment industry:

- Article 7: The Right to Freedom from Discrimination
- Article 19: The Right to Freedom of Opinion and Expression
- Article 20: The Right to Freedom of Peaceful Assembly and Association
- Article 23: The Right to Work and just and favourable conditions of work, which includes the right to equal pay for equal work and the right to form and join trade unions
- Article 24: The Right to Rest and Leisure, which includes a limitation of working hours and regular paid holidays

⁴⁹UN General Assembly, *Convention on the Rights of the Child* (adopted 20 November 1989, entered into force 2 September 1990) A/RES/44/25 (CRC)

⁵⁰Frida Hestad Torkelsen, 'Textile And Garment Industry In India Challenges Of Realising Human Rights And The Impact Of The Ruggie Framework' (Oslo and Akershus University College 2017).

⁵¹Laura Ho, Catherine Powell and Leti Volpp, '(Dis)Assembling Rights of Women Workers Along the Global Assembly Line: Human Rights and the Garment Industry' (1996) *Harvard Civil Rights-Civil Liberties Law Review* 383,397.

⁵²Lina Stotz and Gillian Kane, *Facts On The Global Garment Industry* (Clean Clothes Campaign 2015) <<https://cleanclothes.org/resources/publications/factsheets/general-factsheet-garment-industry-february-2015.pdf>> accessed 13 July 2018.

⁵³Justine Nolan, 'Mapping the Movement: The Business and Human Rights Regulatory Framework' in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 34.

- Article 25: The Right to the highest attainable standards of physical and mental health⁵⁴

The ICCPR was ratified by the General Assembly in 1966 and contains 53 articles. Countries which ratified the convention are committed to respect civil and political rights of individuals, which include: the right to life (Article 6), freedom from slavery and forced labour (Article 8), freedom of speech, freedom of thought, conscience and religion (Article 18), right to hold opinions without interference (Article 19), right of peaceful assembly and freedom of association (Article 21 and 22), electoral rights and the right to a due process and fair trial (Article 25 and 14).⁵⁵ This international treaty translates the rights into legal obligations upon states.⁵⁶

Next to the ICCPR, the ICESCR sets out economic, social and cultural rights to their citizens. The ICESCR was ratified by the General Assembly in 1966 and contains 31 Articles. The core rights of the ICESCR include labour rights (Article 6, 7 and 8), the right to education (Article 13), the right to physical and mental health (Article 12) and the right to an adequate standard of living (Article 11). The labour rights in the convention include the right to work, fair wages, safe working conditions, rest and leisure with reasonable working hours and paid holidays.⁵⁷ It further contains that states have to ensure that people can organise and join workers associations and trade unions, by giving special attention to women and domestic workers, who are getting deprived of this right. Also, the right to strike is grounded in international law for decades and became part of customary international law.⁵⁸

⁵⁴UN General Assembly, *Universal Declaration of Human Rights* (adopted 10 December 1948) 217 A (III) (UDHR).

⁵⁵UN General Assembly, *International Covenant on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

⁵⁶Justine Nolan, 'Mapping the Movement: the Business and Human Rights Regulatory Framework' in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 34.

⁵⁷UN General Assembly, *International Covenant on Economic, Social and Cultural Rights* (adopted 16 December 1966, entered into force 3 January 1976) 999 UNTS 3 (ICESCR).

⁵⁸UN Human Rights Council, *Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association*, 21 May 2012, A/HRC/20/27.

Next to the International Bill of Human Rights, the CEDAW includes important rights, where states are obliged to take measures to end discrimination against women and to protect them from violence and discrimination.⁵⁹ The CRC promotes civil, political, economic, social, cultural and health rights of children, which also can be seen as an important instrument for the protection of children's rights in the textile and garment sector and which provides protection from violations, like economic exploitation.⁶⁰

3.2.2 Labour Standards and Labour Rights

The International Labour Organisation (ILO) as the only global tripartite organisation is made up of trade unions, governments and companies and takes an important function in defining and setting international minimum labour standards on fundamental rights at work. This is done through conventions, recommendations, supervision of implementation, provision of information and technical support and enforcement through the requirements of reporting.⁶¹ In 1998 the ILO defined with its adoption of the Declaration on Fundamental Principles and Rights at Work⁶², four workplace human rights as core labour standards:

- Freedom of Association and the effective recognition of the right to Collective Bargaining (Convention 87 & 98)
- Elimination of Discrimination in Respect of Employment and Occupation (Convention 100 & 111)
- Elimination of all Forms of Forced and Compulsory Labour (Convention 29 & 105)

⁵⁹Human Rights Watch, 'Whoever Raises Their Head Suffers The Most. Workers' Rights In Bangladesh's Garment Factories' (Human Rights Watch 2015) <https://www.hrw.org/report/2015/04/22/whoever-raises-their-head-suffers-most/workers-rights-bangladeshs-garment> accessed 14 July 2018.

⁶⁰Frida Hestad Torkelsen, 'Textile And Garment Industry In India Challenges Of Realising Human Rights And The Impact Of The Ruggie Framework' (Oslo and Akershus University College 2017).

⁶¹Laura Ho, Catherine Powell and Leti Volpp, '(Dis)Assembling Rights of Women Workers Along the Global Assembly Line: Human Rights and the Garment Industry' (1996) Harvard Civil Rights-Civil Liberties Law Review 397.

⁶²ILO, *Declaration on Fundamental Principles and Rights at Work* (International Labour Organisation 18 June 1988) CIT/1998/PR20A.

- Effective Abolition of Child Labour (Convention 138 & 182)⁶³

Those standards are laid out in eight conventions. Similar to the human rights treaties, the ILO conventions legally bind states which ratified them, not businesses. Other important internationally recognised labour rights to name are: the right to a safe and healthy workplace, the right to a living wage based on a regular working week that does not pass 48 hours, the right to humane working conditions with no forced overtime and employment with labour and social protection.⁶⁴

3.3 Human Rights and Labour- Violations

The case of Rana Plaza and the years after the tragedy showed, that human rights violations in the textile and garment factories are still happening, although there is international legislation setting standards for the protection of worker's rights. With outsourcing of all tasks except design to supply chains, the operational separation became bigger and the knowledge of businesses about the work conditions and human rights violations happening in their supply chains, shrink.⁶⁵ In order to maximise profits, pressure is put on supply chains to produce faster and cheaper. This dilemma often results in safety shortcuts, work intensifications and human rights violations of workers.⁶⁶ While more focus after Rana Plaza was given to factory safety, not much has been done to improve the working conditions of Bangladesh's garment industry, since national laws and standards often get breached. Human Rights Watch (HRW) asked 88 workers from 38 factories about their working conditions, all of the reports raised serious concerns. The concerns reach

⁶³Barbara Shailor, 'Workers' Rights in the Business and Human Rights Movement' in Dorothée Baumann-Pauly and Justine Nolan, *Business And Human Rights: From Principles To Practice* (Routledge 2016) 196.

⁶⁴Clean Clothes Campaign, 'What Are ILO Conventions And Core Labour Standards?' (2013) <<https://cleanclothes.org/issues/faq/ilo>> accessed 12 June 2018.

⁶⁵Frida Hestad Torkelsen, 'Textile And Garment Industry In India Challenges Of Realising Human Rights And The Impact Of The Ruggie Framework' (Oslo and Akershus University College 2017).

⁶⁶Ian M. Taplin, 'Who Is to Blame?: A Re-Examination of Fast Fashion after the 2013 Factory Disaster in Bangladesh' (2014) 10 *Critical perspectives on international business* 72, 3.

from inadequate pay and benefits, inhumane and abusive treatment by their factory managers and supervisors, to unsanitary conditions in the working place.⁶⁷

Another issue in the clothing industry is that a lot of workers work in the informal sector. Those workers are especially vulnerable to discrimination and human rights violations, since they are not protected by labour laws and the risk of getting fired is even higher. For many workers in the informal sector, it is more important to have work than to have a healthy and safe working environment, since their primary goal is to earn money for themselves and their families.⁶⁸

The following subchapters are going to mention in more detail main human rights issues workers in the textile and garment industry face. Information will be taken amongst others from a 2015 report by HRW, which specifically talks about the situation in Bangladesh. Due to the word count limit of the thesis, environmental effects and issues farmers in the cotton industry face will only shortly be mentioned.

3.3.1 Living Wage, Non/late-payment and Forced Overtime

In many countries, the legal minimum wage in the garment industry does not amount to a living wage. Workers in Bangladesh are often getting exploited economically since their wages can be counted as one of the lowest worldwide. The minimum wage converted counts 54€ per month.⁶⁹ HRW states that often workers in Bangladesh are not getting paid their wages and benefits fully, sometimes also late. This includes the payment of overtime, maternity benefits and compensation during holidays. Workers are often under big pressure to finish their orders. Not complying

⁶⁷Human Rights Watch, 'Whoever Raises Their Head Suffers The Most. Workers' Rights In Bangladesh's Garment Factories' (Human Rights Watch 2015) <https://www.hrw.org/report/2015/04/22/whoever-raises-their-head-suffers-most/workers-rights-bangladeshs-garment> accessed 14 July 2018.

⁶⁸Frida Hestad Torkelsen, 'Textile And Garment Industry In India Challenges Of Realising Human Rights And The Impact Of The Ruggie Framework' (Oslo and Akershus University College 2017).

⁶⁹Lina Stotz and Gillian Kane, Facts On The Global Garment Industry (Clean Clothes Campaign 2015) <<https://cleanclothes.org/resources/publications/factsheets/general-factsheet-garment-industry-february-2015.pdf>> accessed 13 July 2018.

in time, often leads to cuts in their salaries.⁷⁰ Additionally, they find themselves frequently working for long hours and overtime, especially in the production stage, in order to reach the production target. Bangladesh's workers have to work 14 to 16-hour shifts per day, six days per week.⁷¹ It is not unusual that they are forced to work late at night or on holidays, which they are not getting paid.⁷² A study of the ILO found out that factory workers on average have to work more than 60 hours per week, in 88% of the cases more than six days in a row.⁷³

3.3.2 Discrimination and the Situation of Women

Next to migrant workers, people from lower social status, members of trade unions and especially women are targets of workplace discrimination. The majority of workers are women and they often face discrimination and sexual harassment.⁷⁴ A further problem for pregnant women working in the garment industry in Bangladesh is that they often get denied their maternity leave. Although the Bangladesh Labour Act states that women are entitled to 16 weeks maternity benefit, in reality this is often not the case. There are cases reported where women were forced to resign before giving birth, in order to not get maternity benefits. The Labour Act further includes that women should not do 'any work which is of an arduous nature'⁷⁵.

⁷⁰Human Rights Watch, 'Whoever Raises Their Head Suffers The Most. Workers' Rights In Bangladesh's Garment Factories' (Human Rights Watch 2015) <https://www.hrw.org/report/2015/04/22/whoever-raises-their-head-suffers-most/workers-rights-bangladeshs-garment> accessed 14 July 2018.

⁷¹Lina Stotz and Gillian Kane, Facts On The Global Garment Industry (Clean Clothes Campaign 2015) <<https://cleanclothes.org/resources/publications/factsheets/general-factsheet-garment-industry-february-2015.pdf>> accessed 13 July 2018.

⁷²Human Rights Watch, 'Whoever Raises Their Head Suffers The Most. Workers' Rights In Bangladesh's Garment Factories' (Human Rights Watch 2015) <https://www.hrw.org/report/2015/04/22/whoever-raises-their-head-suffers-most/workers-rights-bangladeshs-garment> accessed 14 July 2018.

⁷³ILO, 'Wages and Working Hours in the Textiles, Clothing, Leather and Footwear Industries' (International Labour Organisation 2014) <http://www.ilo.org/wcmsp5/groups/public/@ed_dialogue/@sector/documents/publication/wcms_300463.pdf> accessed 13 July 2018.

⁷⁴Lina Stotz and Gillian Kane, Facts On The Global Garment Industry (Clean Clothes Campaign 2015) <<https://cleanclothes.org/resources/publications/factsheets/general-factsheet-garment-industry-february-2015.pdf>> accessed 13 July 2018.

⁷⁵Human Rights Watch, 'Whoever Raises Their Head Suffers The Most. Workers' Rights In Bangladesh's Garment Factories' (Human Rights Watch 2015) <https://www.hrw.org/report/2015/04/22/whoever-raises-their-head-suffers-most/workers-rights-bangladeshs-garment>

Pregnant women reported that they were given heavy work and by not fulfilling, they would have been fired.⁷⁶ In many cases, women still often get paid less than men for the same work.⁷⁷

3.3.3 Verbal and Physical Abuse

In its report, HRW states that workers reported verbally and physical abuses by supervisors when they do not meet the production targets. Next to sexual abuses of women, workers also report that they are denied using the toilet and to drink during the day. Some workers even try to avoid drinking water, in order to not take breaks and subsequently not fall behind the target. Breaks or medical leave are often denied.⁷⁸ A lot of workers who are engaged in trade unions, which is a fundamental right and grounded in the UDHR, face threats and violence and risk to lose their job.⁷⁹

3.3.4 Unsafe Working Conditions and Unsanitary Facilities

The collapse of the Rana Plaza building brought the issue of safety in the garment sector more into focus. Not only in Bangladesh, but in many other developing countries unsafe working conditions still continue to be a problem. In those cases, workers face unsafe and hazardous conditions at work, which can lead to health issues and to dangerous situations in the factories, like collapses and fires. Some

bangladeshs-garment accessed 14 July 2018. <https://www.hrw.org/report/2015/04/22/whoever-raises-their-head-suffers-most/workers-rights-bangladeshs-garment> accessed 14 July 2018.

⁷⁶Ibid.

⁷⁷Lina Stotz and Gillian Kane, Facts On The Global Garment Industry (Clean Clothes Campaign 2015) <<https://cleanclothes.org/resources/publications/factsheets/general-factsheet-garment-industry-february-2015.pdf>> accessed 13 July 2018.

⁷⁸Ibid.

⁷⁹Human Rights Watch, 'Whoever Raises Their Head Suffers The Most. Workers' Rights In Bangladesh's Garment Factories' (Human Rights Watch 2015) <https://www.hrw.org/report/2015/04/22/whoever-raises-their-head-suffers-most/workers-rights-bangladeshs-garment> accessed 14 July 2018.

special fashion styles also require workers to take part in dangerous techniques.⁸⁰ Further HRW states that workers complain about factories in Bangladesh that do not provide them with clean drinking water.⁸¹

3.3.5 Forced Labour and Child Labour

Forced Labour can be found in some areas of the supply chain, for instance in the cotton-picking industry or in the weaving and spinning stage of the chain. Another issue of great concern in the garment industry is Child Labour, which is difficult to solve because many workers do not maintain birth certificates and therefore it can be difficult to find out the real age.⁸² The minimum legal age of employment in Bangladesh is 14. Since 93% of the children work in the informal sector, an enforcement of labour law is practically not possible. Children in the clothing industry are at special risk since they are particularly vulnerable to discrimination and violence and get paid low or no wages. Dangers at work can lead to mental and physical health problems.⁸³

3.3.6 Freedom of Association and Collective Bargaining

The right to freedom of association is often faced with issues by garment workers. Workers report arbitrary dismissal of trade union members and leaders. If strikes are held, they are often violently crushed down by police forces. In some countries like China and Laos, there is a tense government control of unions where freedom of association is not more than an illusion. However in cases where the right exists,

⁸⁰Lina Stotz and Gillian Kane, Facts On The Global Garment Industry (Clean Clothes Campaign 2015) <<https://cleanclothes.org/resources/publications/factsheets/general-factsheet-garment-industry-february-2015.pdf>> accessed 13 July 2018.

⁸¹Human Rights Watch, 'Whoever Raises Their Head Suffers The Most. Workers' Rights In Bangladesh's Garment Factories' (Human Rights Watch 2015) <https://www.hrw.org/report/2015/04/22/whoever-raises-their-head-suffers-most/workers-rights-bangladeshs-garment> accessed 14 July 2018.

⁸²Lina Stotz and Gillian Kane, Facts On The Global Garment Industry (Clean Clothes Campaign 2015) <<https://cleanclothes.org/resources/publications/factsheets/general-factsheet-garment-industry-february-2015.pdf>> accessed 13 July 2018.

⁸³UNICEF Bangladesh, 'The Children- Child Labour' (2018) <https://www.unicef.org/bangladesh/children_4863.html> accessed 14 June 2018.

workers sometimes do not join unions because they are afraid of getting displaced. Although trade unions in Bangladesh are legal, workers often face violent obstacles if they want to join them. In 2012, a labour activist, for instance, was kidnapped, tortured and killed. Although international pressure after Rana Plaza helped to improve the situation, only 10% of the garment factories in Bangladesh count unions.⁸⁴

3.3.7 Effects on Farmers in the Cotton Industry

Next to the production of textiles and garments, human rights violations are also widespread happening in the stage of the raw material sector. One of those cases is the problem farmers in the cotton industry face with Genetically Modified Crops (GMCs). The cotton industry in Texas is with 3.6 million acres the biggest cotton patch in the world. In the last 10 years, 80% of the cotton in the industry changed to GMCs. Most of these seeds are round-up ready, which means that farmers are not eliminating weeds occasionally anymore, but instead of this spraying the fields widespread with pesticides. The last years were driving towards an industrialisation of agriculture and Monsanto became the largest seed and chemical-corporation with its patenting of seeds. While creating a monopoly of seeds, farmers are forced to buy those expensive seeds and with it its necessary pesticides. This leads to the dilemma that farmers cannot pay their debts anymore and often end their life. In the last 16 years, more than 250.000 farmer suicides in India have been recorded.⁸⁵

3.3.8 Environmental Effects

The clothing industry, with its extraction of natural resources in the raw material sector, has dangerous effects on the environment. Due to the use of a huge amount of natural resources like water and soil, water shortages and destruction of fertile land

⁸⁴Ibid.

⁸⁵Andrew Morgan, 'The True Cost' Documentary (Life is my Movie Entertainment 2015).

are often the results.⁸⁶ It is estimated that the clothing industry, after the oil industry, is the second most polluting industry on earth. Chemicals and pesticides which are used, lead to toxic pollution and have impacts on the local community. Whole rivers, drinking water and soil are getting polluted and with that having effects on the human health of the local communities. In regions where a lot of pesticides are used, people suffer from birth defects, cancer and physical handicaps. Next to this, the clothing industry is producing a lot of textile waste. It is calculated that an average American is throwing away 82 pounds of textile waste every year. The most part of the waste is non-biodegradable and often sits in landfills for 200 and more years while releasing harmful emissions in the air.⁸⁷

⁸⁶Stefan Gilium, 'Overconsumption? Our Use Of The World's Natural Resources' (Sustainable Europe Research Institute (SERI) 2009
<<https://friendsoftheearth.uk/sites/default/files/downloads/overconsumption.pdf>> accessed 14 June 2018.

⁸⁷Andrew Morgan, 'The True Cost' Documentary (Life is my Movie Entertainment 2015).

4. Big Players as Responsible Actors- A System of Endless Production

As seen in the previous chapters, the clothing industry is involved in different human rights violations and many workers are still facing violations in their human and worker's rights regularly. The question about responsibility arises. Who are the main players that are responsible for human rights violations happening in the clothing industry? Traditionally the responsibility for the protection of human rights was supposed to be the duty of the state, which was regulated in rules coming from international treaties. As a response of globalisation, the growth of businesses and their involvement in human rights violations, focus expanded to the responsibility of companies and with this the dilemma of how to regulate business activity. The following chapter will point out the two big players, governments and businesses and their responsibility in human rights violations in the clothing industry. It will be shown which roles they have, under which legal framework they act and if they comply with it.

4.1 The Role of Governments

Governments have the obligation under public international law, to make sure human rights and the rights of workers are protected and when abuses occur to give access to redress. International human rights treaties and ILO conventions, which were already explained in chapter 3.2, set legal obligations on states. Those treaties do not create direct obligations for businesses but require states to regulate the actions of businesses, in order to fulfil their obligation to protect human rights.⁸⁸ The states obligation to protect against violations from businesses is also grounded in the Maastricht Guidelines, which state the following:

The obligation to protect includes the State's responsibility to ensure that private entities or individuals, including transnational corporations over

⁸⁸Justine Nolan, 'Mapping the Movement: the Business and Human Rights Regulatory Framework' in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 38.

which they exercise jurisdiction, do not deprive individuals of their economic, social and cultural rights. States are responsible for violations of economic, social and cultural rights that result from their failure to exercise due diligence in controlling the behaviour of such non-State actor.⁸⁹

A state, therefore, needs to take serious steps to prevent and respond to abuses by businesses, this includes investigating and providing suitable remedies.⁹⁰ Next to the international human rights treaties and ILO instruments, national laws on the state level regulate business activities that can affect human rights. National laws can target businesses directly as subjects of law, although this domestic jurisdiction does not apply extraterritorially. Another way how states can regulate business activity which is taking place outside their territory is to mandate for transparency in the global business activities. Obligations of reporting are an important first step to link transparency with accountability. In those cases, it also depends on the quality of reports. However, both national and international laws are only as strong as their enforcement ability is. In some countries, for instance, labour laws are blocked by the unwillingness or incapacity of states to enforce them. For instance the government in Bangladesh identified in the year 2013 that 800 more additional labour inspectors would have been in need to hire, in order to conduct factory inspections. Almost two years later the government only filled 50% of these positions. Reporting regulations with no sanctions as a response in case of non-compliance result in partial compliance. In order to fill these enforcement gaps, tools by non-state actors developed to monitor and report on working conditions.⁹¹

4.2 The Role of Businesses and International non-legal Framework

With the emergence of businesses and their power, state-centric framework which was already discussed in the previous chapter, seemed not adequate enough anymore to compensate business violations in the human rights field, protection gaps were the

⁸⁹Maasstricht Guidelines on Violations of Economic, Social and Cultural Rights (1997).

⁹⁰SD Kamga and OO Ajoku, 'Reflections On How To Address The Violations Of Human Rights By Extractive Industries In Africa: A Comparative Analysis Of Nigeria And South Africa' (2014) 17 Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad.

⁹¹Justine Nolan, 'Mapping the movement: the business and human rights regulatory framework' in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 38.

result. UN Special Representative for Business and Human Rights, John Ruggie, stated in 2008 ‘The root cause of the business and human rights predicament today lies in the governance gaps created by globalisation- between the scope and impact of economic forces and actors, and the capacity of societies to manage their adverse consequences.’⁹²

While international human rights law entails that the state has the primary obligation to respect, protect and fulfil human rights, businesses have human rights responsibilities as well.⁹³ Since there is no specific international human rights law framework available yet which accommodates corporate liability and could hold thousands of corporations accountable for violations, there have been some actions since the 1970s to regulate business practices which have an impact on human rights, by using soft law regulations. This soft law includes multi-stakeholder guidelines, declarations and codes of conduct. The goal of these initiatives is not primarily to act as a legal tool to hold businesses accountable but to assist them to understand which kind of responsibilities they have and to promote ethical leadership in human rights.⁹⁴ In the following, some of these initiatives will be discussed, including the UN Guiding Principles of Business and Human Rights in more detail.

4.2.1 OECD Guidelines for Multinational Enterprises

The OECD Guidelines for Multinational Enterprises⁹⁵ are recommendations addressed by governments to multinational corporations and were first started in 1976 and updated with the Guiding Principles in 2011. The guidelines are voluntary

⁹²Human Rights Council, ‘Protect, Respect and Remedy: A Framework for Business and Human Rights’, Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, John Ruggie, UN Doc. A/HRC/8/5.

⁹³Human Rights Watch, ‘Work Faster Or Get Out" Labor Rights Abuses In Cambodia's Garment Industry’ (2015) <<https://www.hrw.org/report/2015/03/11/work-faster-or-get-out/labor-rights-abuses-cambodias-garment-industry>> accessed 14 June 2018.

⁹⁴Justine Nolan, ‘Mapping the movement: the business and human rights regulatory framework’ in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 38-39.

⁹⁵OECD, *OECD Guidelines for Multinational Enterprises (2011)*.

and OECD members have to set up National Contact Points (NCPs) in order to promote them. In case businesses are members, they have to implement the guidelines into their business actions. In the year 2000, a new complaint procedure was introduced, which allows NGOs to submit complaints to NCPs if they witness breaches for instance. The guidelines have been criticised because of the uncertain way they have been applied by NCPs. They are one of the few initiatives that contain a dispute resolution mechanism.⁹⁶

4.2.2 UN Global Compact

The UN established in the year 2000 the Global Compact, which asks companies to voluntarily enact 10 principles, which are related to human rights, labour rights, environment and anti-corruption. If companies decide to participate they have to include the principles into their daily operations. The Global Compact counts more than 12.000 participants and includes over 8.000 businesses. It was also criticised, due to their universality of provisions, their businesses lack of commitment and their limited accountability participation. The UN Global Compact stands as an educational action which raises awareness about business and human rights issues.⁹⁷ What was missing though, were clear guidelines for the actors responsible concerning social standards.⁹⁸

4.2.3 UN Norms on the Responsibilities of Transnational Corporations and other Business Enterprises with regard to Human Rights

In 1998 the Sub-Commission on the Promotion and Protection of Human Rights set up a working group to draft the 'Norms on the responsibilities of transnational

⁹⁶Ibid, 39.

⁹⁷Ibid, 40.

⁹⁸Frida Hestad Torkelsen, 'Textile And Garment Industry In India Challenges Of Realising Human Rights And The Impact Of The Ruggie Framework' (Oslo and Akershus University College 2017).

corporations and other business enterprises with regard to human rights'.⁹⁹ Diverse groups including representatives from NGOs, governments, businesses and the UN were involved. In the year 2003, the working group presented the draft to the Sub-Commission. The norms were based on the following idea:

[Even] though States have the primary responsibility to promote, secure the fulfilment of, respect, ensure respect of, and protect human rights, transnational corporations and other business enterprises, as organs of society, are also responsible for promoting and securing the human rights set forth in the Universal Declaration of Human Rights.¹⁰⁰

The norms led to a heated debate. While many businesses strongly lobbied against them, many NGOs welcomed them. Those who criticised the norms argued that the norms placed more legal responsibilities on businesses than on states. While those who welcomed them argued that the norms could fill a gap where states are not able to protect human rights and don't have legislation.¹⁰¹

The Commission did not adopt the document but requested the UN Secretary-General in 2005 to nominate a Special Representative of the Secretary-General (SRSG) on Human Rights and Transnational Corporations and other Business Enterprises, in order to define standards of corporate responsibility. The SRSG, later on, announced the ending of the norms.¹⁰²

4.3 UN 'Protect, Respect, Remedy' Framework and the Guiding Principles

In the year 2005, UN Secretary-General Kofi Annan, nominated Harvard Professor John Ruggie, as Special Representative of the Secretary-General on Human Rights and Transnational Corporations and other Enterprises. In 2008, he presented to the

⁹⁹UN Sub-Commission on the Promotion and Protection of Human Rights, *Economic, Social and Cultural Rights: Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights*, 26 August 2003, E/CN.4/Sub.2/2003/12/Rev.2.

¹⁰⁰Ibid.

¹⁰¹Justine Nolan, 'Mapping the movement: The Business and Human Rights Regulatory Framework' in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 41.

¹⁰²Frida Hestad Torkelsen, 'Textile And Garment Industry In India Challenges Of Realising Human Rights And The Impact Of The Ruggie Framework' (Oslo and Akershus University College 2017).

Human Rights Council a Framework (Protect, Respect, Remedy) which clarified the roles of states and businesses and rests on the following pillars:

The state duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulations, and adjudication; the corporate responsibility to respect human rights, which means to act with due diligence to avoid infringing on the rights of others and to address adverse impacts that occur; and greater access by victims to effective remedy, both judicial and non-judicial.¹⁰³

The ‘Guiding Principles on Business and Human Rights’¹⁰⁴, which were approved by the UN Human Rights Council in 2011, implement the framework. The intention of these principles was not to develop new legally binding obligations, but a tool to give guidance to companies to not violate human rights in their business actions. The Framework and the Guiding Principles accomplished a consensus for states duties to protect and business responsibilities to respect human rights, which previous efforts did not achieve. After the approval of the Guiding Principles, a working group to oversee the implementation was created.¹⁰⁵

4.3.1 The State Duty to Protect

‘The state duty to protect against human rights abuses committed by third parties, including business, through appropriate policies, regulation and adjudication’¹⁰⁶ is the first pillar of the UN Framework and points out that the state has the main duty to prevent and address business-related human rights violations. Even though states

¹⁰³Ibid.

¹⁰⁴UN Human Rights Council, ‘Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework’, Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, UN Doc. A/HRC/17/31 (21 March 2011).

¹⁰⁵Enrico D’Ambrogio, ‘Workers’ Conditions in the Textile and Clothing Sector: Just an Asian Affair?’ (European Parliament 2014) 10 < <http://www.europarl.europa.eu/EPRS/140841REV1-Workers-conditions-in-the-textile-and-clothing-sector-just-an-Asian-affair-FINAL.pdf>> accessed 13 July 2018.

¹⁰⁶UN Human Rights Council, ‘Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework’, Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, UN Doc. A/HRC/17/31 (21 March 2011).

collaborate with businesses in different ways they often lack adequate policies, which often has effects on victims, companies and states as well. The most frequent gap is the failure to implement and enforce existing law.¹⁰⁷ UN Special Representative John Ruggie gave five suggestions in his report of 2010 to the UN Human Rights Council, in which states can promote corporate respect for human rights and with that prevent from business violations. These include the striving towards better policy efficiency across agencies working with businesses, promoting respect for human rights when states are doing business with businesses, promoting business cultures which respect human rights in their home place and abroad, Corporate Social Responsibility policies (CSR), reporting requirements, arrange new policies to support companies that are operating in areas affected by conflict and analysing the issue of extraterritoriality.¹⁰⁸

4.3.2 The Corporate Responsibility to Respect

Corporate Responsibility to respect human rights means acting with due diligence in order to avoid violating human rights and address harms which occur. In comparison to the word “duty”, the word “responsibility” indicates that respecting rights cannot currently be seen as an obligation which international human rights law sets on businesses but as a standard of expected conduct. The corporate responsibility to respect covers all business activities and relationships with value chains, business partners, non-state actors and state agents and applies to all internationally recognised rights, as set forth in the UDHR, ICCPR, ICESCR and ILO conventions, since businesses activities are affecting all of them. Since many businesses say that they are respecting human rights, it is important that they show how they fulfil their responsibility with a due diligence process, with which they can realise, prevent and address their human rights impacts. The UN Framework explains the main elements

¹⁰⁷Human Rights Council, ‘Protect, Respect and Remedy: A Framework for Business and Human Rights’, Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, John Ruggie, UN Doc. A/HRC/8/5 (7 April 2008).

¹⁰⁸UN General Assembly, ‘Report of the Special Representative of the Secretary General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, John Ruggie’, A/HRC/14/27 (9 April 2010).

of human rights due diligence while pointing out well-established due diligence proceedings and connect them with what is particular to human rights. Those main elements of human rights due diligence are based on a statement of commitment to respect rights and support policies, further should include assessing human rights impacts, integrating respect for human rights across internal processes and functions, tracking and communicating performance.¹⁰⁹

4.3.3 Access to Effective Remedy

The third pillar of the Framework and Guiding Principles is the access to effective remedies, which for a lot of victims still remains far from reality. While the state has a duty to ensure that effective remedies are provided to those affected (via judicial, legislative and administrative means), businesses have the responsibility to remedy impacts and violations in which they are involved. States often fail to implement their duty to provide effective remedies, because of a lack of will or resources. While businesses are responsible to remedy violations which they caused or in which they are involved.¹¹⁰ Effective complaint mechanisms play an important role in the state duty to protect and corporate responsibility to respect. Access to judicial mechanisms is generally the most difficult due to legal and practical difficulties, although the need would be the greatest. Currently, there are more non-judicial mechanisms, mechanisms at the company and national level (National Human Rights Institutions, National Contact Points), and at the international level (Compliance Advisor Ombudsman for the International Finance Corporation), available. Next to the cooperation with judicial mechanisms, it is expected that businesses establish and participate in ‘legitimate’ (accessible, transparent, fair) ‘operational-level non-judicial grievance mechanisms.’¹¹¹ For now, the adequacy of those mechanisms

¹⁰⁹Ibid.

¹¹⁰Chip Pitts, ‘The United Nations ‘Protect, Respect, Remedy’ Framework and Guiding Principles in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 56.

¹¹¹UN General Assembly, ‘Report of the Special Representative of the Secretary General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie’, A/HRC/14/27 (9 April 2010).

remains debated and many victims and NGOs are sceptical that this will ever change.¹¹²

4.4 Corporate Social Responsibility and Voluntary Compliance Mechanisms

Before the development of the Guiding Principles, NGOs and companies were already creating private and public-private initiatives in order to improve respect for human rights, since states were often unwilling or not able to protect human rights in the workplace.¹¹³ This started especially in the beginning of the 1990s when large protests and movements against neo-liberal capitalism took place. Their aim was to change the use of subcontractors of big companies and cheap labour in the textile and clothing industry. This pressure from below led to the fact that social and environmental responsibility became an important issue for businesses, especially because businesses depend on their consumers and therefore have to follow their demands. Out of the recognition that businesses are responsible for their workers in their supply chain, Corporate Social Responsibility (CSR) developed. It can be seen as regulations for corporations and their suppliers, which standards come in the form of a code of conduct and which they have to follow.¹¹⁴

CSR can be seen as a multimillion-dollar industry, which was created by global businesses to oversee compliance with industry human rights standards across supply chains. Although companies benefit from it while getting good public relations images, CSR had for instance only little impacts in the promotion of assembly and association rights, due to their voluntary non-binding nature.¹¹⁵ Even if most companies adopted codes of conduct and get inspected annually, there are still violations happening and poor working conditions can be found. The Clean Clothes Campaign (CCC) developed a model Code of Conduct, which includes all relevant

¹¹²Chip Pitts, 'The United Nations 'Protect, Respect, Remedy' Framework and Guiding Principles in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 56.

¹¹³Ibid, 45.

¹¹⁴Frida Hestad Torkelsen, 'Textile And Garment Industry In India Challenges Of Realising Human Rights And The Impact Of The Ruggie Framework' (Oslo and Akershus University College 2017).

¹¹⁵UN Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, 21 May 2012, A/HRC/20/27.

human rights. The idea behind this is that all brands should commit to these standards and take part in serious monitoring of present conditions, resolving issues and adopting new systems which ensure that suppliers and factory owners provide a living wage and decent working conditions. The CCC's Code of Conduct includes the following four steps:

- The Adoption of a complete, reliable and transparent Code of Conduct: that should contain all important human rights that are defined in the UDHR and the ILO standards.
- Implementation of the Code of Conduct: the real challenge begins with the implementation of the Code of Conduct and with the assurance of decent working conditions. Businesses should be aware of human rights violations happening in the countries from which they source from and should, therefore, monitor workplace conditions. In order to minimise violations, brands should work closely together with other stakeholders, like unions and national governments. Brands should arrange their buying practices in order to further advance working conditions.
- Participation in a reliable multi-stakeholder initiative: the issue that sweatshop conditions remain a widespread problem in the textile and garment sector cannot be changed by one company itself. To tackle this and to improve working conditions, companies need to work together by involving production sites, NGOs, unions and governments. A Multi-Stakeholder Initiative can improve garment factory working conditions.
- Adoption of a proactive and positive approach towards freedom of association and collective bargaining: only by the involvement of workers, conditions can be improved. Businesses should, therefore, develop a positive approach towards unions and proactively engage them. This enables workers to speak up and to bargain collectively with factory management about different issues, like decent working conditions and wages.¹¹⁶

¹¹⁶Clean Clothes Campaign, 'Brands: What Companies (Should) Do' (2012) <<https://cleanclothes.org/issues/brands>> accessed 14 June 2018.

5. Sub-Conclusion

The previous chapters showed how the textile and clothing industry is linked to human rights violations and which responsibilities states and governments have. Although the shift of clothing production from the West to less developed countries created new jobs, the main winners were businesses and brands gaining cheap production costs and cheap labour. The Fast- Fashion model that emerged led to systematic human rights violations happening throughout the supply chains, since supply chains are under pressure to deliver faster and cheaper. Violations reach from non/late payment, forced overtime, discrimination and abuse, to safety shortcuts in the factories which lead to tragedies like the Rana Plaza collapse. Those were made visible via the presentation of existing international human rights frameworks and labour standards, coming from international human rights treaties and ILO conventions.

Since those mechanisms only bind states and not businesses it was relevant to take a closer look at the responsibility of states in relation to businesses and to one of the businesses itself. Under international law states have obligations to protect individuals against their human rights violations by businesses and have to take steps to prevent and respond to violations by businesses that includes investigation and the provision of remedies. The growth of power of businesses and their impact on human rights violations, led to the development of different soft law mechanisms, in order to help businesses understand their responsibilities and impact. Since these mechanisms don't set legal obligations on businesses and the Draft Norms of Responsibilities of Transnational Corporations and Businesses were not implemented, the UN Guiding Principles under Special Representative John Ruggie emerged: 'the state duty to protect, the corporate responsibility to respect and the access to remedies'. This defined that all businesses should respect all relevant human rights treaties and labour standards. Although changes in the industry were noticed, Corporate Social Responsibility emerged and many businesses set codes of conduct, there are still human rights violations systematically happening, due to the absence of legally binding obligations on businesses.

6. The Individual as Responsible Actor

The previous chapters pointed out the main role and responsibility of governments and businesses in human rights violations happening in the clothing industry. The following chapter is going to look at the end of the supply chain and puts the individual in the centre of the viewpoint. For now there cannot be found much research about what kind of role, impact and power the individual has to influence and prevent human rights violations in the clothing industry. The fact that today consumers buy 400% more than 20 years ago and that 73 million tonnes of textiles are consumed by shoppers every year, makes it unquestionable that individual consumption practice do have an impact on the market and its resulting violations. The tendencies of consumers to buy more products in a cheaper and faster way leads to a production of more and faster goods and to cheap labour and human rights violations as a result.¹¹⁷

The dilemma of the circle of careless production and endless consumption will therefore be given a look and it will be discussed if the individual is only a victim of the clothing industry or if he is a responsible actor too. This will be done by looking at consumerism, the development of the consumer society and its relation to the clothing industry. Furthermore consumer responsibility, sustainable consumption will be discussed and a short look will be taken at the individual's role in international law in order to discuss if the individual has a legal responsibility. In the next step, the power and influence of the individual consumer in affecting the production of clothing and with it also an effect in contributing to the ending of human rights violations in the textile and clothing industry, will be presented. Finally, it will be discussed if consumers care about ethical/sustainable consumption and which responsibility is being delegated to them.

¹¹⁷Fashion Revolution, 'Why Do We Need A Fashion Revolution?' (2018) <<https://www.fashionrevolution.org/about/why-do-we-need-a-fashion-revolution/>> accessed 5 June 2018.

6.1 Consumerism

Although the want to consume exists since millennia and people have to consume in order to survive, consumption itself changed with time as people found new ways to live simpler and use their resources more efficiently.¹¹⁸ For Karl Marx, consumption is closely connected to production, since the process of production includes consumption. With the globalisation of the market, the production of goods has been outsourced from wealthier ‘consumer societies’ to non-developed ‘producer societies’ and a distancing between producers and consumers was the result. Marx further states that a product becomes a product only through its consumption, which promotes production by its use. Through the act of consuming, therefore, consumption creates the demand for new production. Production stimulates consumption by creating and supporting needs, desires and wishes, by creating the consumer and by influencing how the products are being consumed. Out of the hub of production and consumption, a new way of life, ‘consumerism’, developed globally, which is marked by a desire for more and more things.¹¹⁹

6.1.1 The Making of the Consumer

While consumption as a term exists since a long time, consumerism and consumer culture can be seen as a modern aspect which largely expanded in the 20th century. In countries like the United States, United Kingdom and other European countries it emerged already in the late 17th and early 18th centuries, although at that time consumption was based on necessities and spending money on luxuries was more concentrated on the wealthy elite. The wealth that came from the colonised countries led to a big industrial revolution in England and in other parts of Europe. Due to wealth and technological improvements, more goods were produced. The crisis of

¹¹⁸Anup Shah, 'Creating The Consumer' (*Globalissues.org*, 2003)
<<http://www.globalissues.org/article/236/creating-the-consumer>> accessed 26 June 2018.

¹¹⁹Barry Smart, *Consumer Society: Critical Issues & Environmental Consequences* (SAGE Publications 2010) 4.

overproduction in the 19th century created a stage where consumption could grow and as an output promoted mass consumerism.¹²⁰ Robbins describes it as following:

[T]he consumer revolution of the late nineteenth and early twentieth centuries was caused in large part by a crisis in production; new technologies had resulted in production of more goods, but there were not enough people to buy them. Since production is such an essential part of the culture of capitalism, society quickly adapted to the crisis by convincing people to buy things, by altering basic institutions and even generating a new ideology of pleasure. The economic crisis of the late nineteenth century was solved, but at considerable expense to the environment in the additional waste that was created and resources that were consumed.¹²¹

Mass production led to a parallel growth in consumer demand and consumption was seen 'as compensation for a deterioration in the work experience [...] as a bribe .. for accepting intensive rationalization, alienation and utter lack of control .. over work life'.¹²² Due to the crisis of overproduction, it was necessary to encourage society to consume more, which was done by changing attitudes and thoughts of society and changing standards of living. A commercialisation of society was the result. In order to change buying habits and turning luxuries into necessities, goods were presented and displayed in various ways.¹²³ Advertisements provoked the desire for new things and built a world controlled by things. Global brands like Nike or Adidas created marketing messages such as 'Just do it' or 'Impossible is nothing'.¹²⁴ As an example in the year 1880, the United States spent \$30 million for advertisement, while in the year 1910 big companies spent \$600 million and nowadays over \$120 billion are spent for advertisement in the US alone. Department stores emerged and presented goods in a way that inspired people to buy them. People were told how to dress and what to buy and the idea of fashion led people to buy not out of need but out of style. 'The customer is always right' attitude developed and main institutions of society

¹²⁰Anup Shah, 'Creating The Consumer' (*Globalissues.org*, 2003)

<<http://www.globalissues.org/article/236/creating-the-consumer>> accessed 26 June 2018.

¹²¹Richard Robbins, *Global Problems and the Culture of Capitalism*, (Allyn and Bacon, 1999), p.210.

¹²²Barry Smart, *Consumer Society: Critical Issues & Environmental Consequences* (SAGE Publications 2010) 9.

¹²³Anup Shah, 'Creating The Consumer' (*Globalissues.org*, 2003)

<<http://www.globalissues.org/article/236/creating-the-consumer>> accessed 26 June 2018.

¹²⁴Barry Smart, *Consumer Society: Critical Issues & Environmental Consequences* (SAGE Publications 2010) 8.

started to include the promotion of consumption. Education, for instance, started to expand from production knowledge to areas like sales, accounting and marketing. The U.S. Commerce Department, which was set up, is another example of how the government started to promote consumption.¹²⁵

In order to give consumers buying power, wages were raised and consumer credits expanded. There had to be a change in spiritual and intellectual values as well, satisfaction was started to be found in things. Psychology played an important role in increasing individualism after World War II. The activism in the US in the 1960s that came from students and civil rights movements against the exploitative power of corporations and mass-consumerism led to a threat of political stability for authorities and had economic impacts on some industries. In order to stabilise the economy, corporations carried out psychological research to understand people into expected behaviour and to find out which products they would need in order to express their individuality. The American economy rise and on the political side individualism was supported, with the underlying intention to gain social control over society by individualising people and by letting them lose their strong political and social activism. A group of society that was once concerned about social issues was now transformed into a society which cared for the fulfilment of their individual desires, through the gain of material things. In order to meet the desires of its citizens political parties changed too. The pressure and power came from big companies while states power became less. Although businesses were influencing individuals and governments, the change to individualism made people feel unique and not driven by businesses or governments. On the one hand people's desires were listened to and on the other hand, their rights being undermined. This led to the development of the consumer society, where consumption and consumerism became a core of modern society.¹²⁶

¹²⁵Anup Shah, 'Creating The Consumer' (*Globalissues.org*, 2003)

<<http://www.globalissues.org/article/236/creating-the-consumer>> accessed 26 June 2018.

¹²⁶Ibid.

When looking at numbers, the United States and Canada (5% of the world's population) control almost one third, 31.5% of the world's private consumption expenses. Western Europe (6.4% of the world's population) controls almost 29% of expenditures. Thus it can be concluded that 11.5% of the world's population control over 60% of the world's consumption spending. Sub-Saharan Africa in compare (11% of the world population) controls only 1.2% of consumption expenditures.¹²⁷ Although consumerism drives most areas of our life today and helps to define who we are, it does not make people happier. Studies found out that individuals who care more about their money and possessions are often more depressed and have lower self-confidence. To make a connection between consumerism, inequality and human rights violations, Robbins states:

Thus by the 1930s, the consumer was well entrenched in the United States, complete with a spiritual framework and an intellectual rationalization that glorified the continued consumption of commodities as personally fulfilling and economically desirable, and a moral imperative that would end poverty and injustice. ... Since that time the institutions of our society, particularly those of corporate America, have become increasingly more adept at ... hiding the negative consequences of our patterns of behavior, consequences such as labor exploitation, environmental damage, poverty and growing inequalities in the distribution of wealth.¹²⁸

6.1.2 Consumption and the Clothing Industry

Consumers are one of the most overlooked but important actors, which have a big influence on the global supply chain. In order to improve working conditions for textile and garment workers, it is important to 'recognize that the dynamics of the buyer-driven apparel chain result in systematic cost pressures on suppliers that are conducive to violations of worker's rights.'¹²⁹ Although consumers do not have access to the factories they have an indirect effect on the production and its

¹²⁷Benjamin R Barber, *Consumed: How Markets Corrupt Children, Infantilize Adults, and Swallow Citizens Whole* (W W Norton & Company 2008) 30.

¹²⁸Anup Shah, 'Creating The Consumer' (*Globalissues.org*, 2003)

<<http://www.globalissues.org/article/236/creating-the-consumer>> accessed 26 June 2018.

¹²⁹Katie Hoselton, 'The Tragedy of Textiles: Exploring the Actors Responsible for the Exploitation of Workers in the Global Garment Industry' (2014) 1 *Paideia*, 16.

violations through their actions and purchasing.¹³⁰ The roles and powers consumers have to prevent human rights violations in the clothing industry with their consumption will be discussed in chapter 6.3.

The consumer revolution led not only to people wanting more but also to consumers demanding more and fashion brands to deliver this. Adorno and Horkheimer blame this as the ‘culture industry’ where clothes can be seen as the opiate of the masses. While consumers are demanding more variety, retailers mandate speed and low-cost production to supply chains. While sub-contractors are in competition to get new orders, working conditions are intensified and wages depressed. Fast-Fashion has become the norm, although abuses happen within the industry and although they are also well documented and communicated, western consumers are still buying Fast-Fashion clothes.¹³¹ Consumer decisions are therefore strongly connected to the problems happening in the factories.¹³²

In a business model where consumers get prioritised over worker’s rights, tragedies like the Rana Plaza collapse can happen again. By demanding goods of Fast-Fashion, consumers carry some responsibility for its consequences. The want of consumers for inexpensive clothes and the unwillingness to pay higher prices which could lead to better working conditions leads to business as usual for retailers. A business strategy which was originally created to speed production, decrease inventory and lower operational costs became a choice of lifestyle for many consumers, especially for those with restricted income. Asking consumers about giving up or restricting

¹³⁰Katie Hoselton, ‘The Tragedy of Textiles: Exploring the Actors Responsible for the Exploitation of Workers in the Global Garment Industry’ (2014) 1 *Paideia*, 15.

¹³¹Ian M. Taplin, ‘Who Is to Blame?: A Re-Examination of Fast Fashion after the 2013 Factory Disaster in Bangladesh’ (2014) 10 *Critical perspectives on international business* 72, 9.

¹³²Guido Palazzo, Felicitas Morhart and Judith Schrempf-Stirling, ‘Shopping for a better world: how consumer decisions can help to promote sustainability and human rights’ in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 200.

their consumption behaviour would somehow question their freedom of choice, which is deeply rooted in western consumer society.¹³³

In order to overcome the problem, a ‘responsibilisation’ of consumer habits could be an important factor in the debate on business and human rights. By demanding regular acknowledgement in the form of the newest fashion, for the lowest price, consumers turn fashion into a replaceable good and buy with this into an environmentally and socially dangerous throwaway attitude. At the same time, consumers ignore bad working conditions in developing countries and with this their potential impact on these conditions. As already mentioned, the discussion about the consumer in the field of business and human rights was not given much attention and relevance. Somehow the consumer has been seen as someone who only reacts to CSR actions of businesses, according to a simple stimulus-response exemplary. Although responsible consumers do exist, consumers make rational decisions that are based on available information and only few make decisions out of ethical beliefs. Although debates about a better and fairer global production exist, responsible consumption seems still to be an exception. The sustainability awareness which is growing has not yet reached many changes in behaviour. As an example, although the United Kingdom has the world’s biggest fair-trade market, only 4% of consumers regularly take part in responsible consumption. The assumption that consumption is a key driver of human rights violations leads to the fact that it is important to not only change production conditions but to transform consumer mind-sets as well.¹³⁴

6.2 Individual and Consumer Responsibility

As the issue of corporate social responsibility (CSR) of companies arose and businesses were encouraged to practice CSR, the question about consumer responsibility for ethical, social and environmental impacts of consumption decisions

¹³³Ian M. Taplin, ‘Who Is to Blame?: A Re-Examination of Fast Fashion after the 2013 Factory Disaster in Bangladesh’ (2014) 10 *Critical perspectives on international business* 72, 9.

¹³⁴Guido Palazzo, Felicitas Morhart and Judith Schrempf-Stirling, ‘Shopping for a better world: how consumer decisions can help to promote sustainability and human rights’ in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 201.

came to debate. Hence consumers got the responsibility to use their ‘purchase vote’ to result in positive social outcome. In order to further talk about consumer responsibility, it is important to define what responsible consumption means. Different types of consumption can be distinguished, reaching from political consumerism, to ethical consumption, to sustainable consumption, consumer citizenship and voluntary simplicity. Citizens are concerned about different issues like social justice, child labour and climate change, which concerns they translate into individual consumption behaviour. Therefore, the term consumer responsibility entails that citizens ‘are concerned with the effects that a purchasing choice has, not only on themselves but also on the external world around them.’¹³⁵ Consumer responsibility is therefore not only about self-interest, it includes wider political and social dimensions. Most discussions about consumer responsibility talk about the traditional consumer sovereignty model of markets that see the consumer as a powerful, autonomous representative that can realise with his consumption behaviour positive societal outcome. Therefore, market choices of consumers can be understood as votes for socially desirable outcome with which consumer show businesses what kind of products they want and also the way how they should be produced. For Hetz, consumer responsibility is an effective way to achieve political goals: ‘The most effective way to be political today is not to cast your vote at the ballot box but to do so at the supermarket or at a shareholder’s meeting. Why? Because corporations respond.’¹³⁶

6.2.1 Sustainable Consumption

Current attempts to change consumption behaviour are more based on the idea that the provision of information on a company’s CSR performance will bring consumers to reward the company with preference and loyalty. Non-governmental organisations were thinking for years that the pressure on businesses to change production conditions will automatically lead to the change of consumer habits since their

¹³⁵Rob Harrison, *Introduction in the Ethical Consumer* (Sage Publications 2005).

¹³⁶Robert Caruana and Andrew Crane, ‘Constructing Consumer Responsibility: Exploring The Role Of Corporate Communications’ (2008) 29 *Organization Studies*, 201.

campaigns hardly question the habits of consumers but rather encourage them to punish companies. Businesses on the other hand which take part in protecting human rights throughout their activities, provide information to customers and think that customers will award them for their effort. Since consumers are in general willing to acknowledge responsibility criteria, consumers are moreover consumers of CSR. Although they are not actively engaged, they have a reactive role. In practice, the problem is that in most situations of decision making, a lot of customers do not have the possibility, willingness and time to get the required information to consider human rights in their consumption habits. Although often necessary information about the impact of consumer behaviour in the clothing industry is not available or incomplete, also detailed information would not automatically lead to a different behaviour. Several studies about responsible consumption behaviour show that the attempt to use information in order to breach existing consumption habits promoted by marketing strategies, has been unsuccessful.¹³⁷

6.2.2 Individual Responsibility under International Law

Traditionally states are seen as subjects of international law that have rights and obligations and can create legal norms, implement and enforce them. The status of other bodies as subjects of international law stands long into discussion, especially the position of individuals as subjects of international law. In those discussions, scholars traditionally argue for the importance to recognise individuals as subjects of international law. Affirming legal personality to individuals is connected to the development of human rights law. Peters investigated the status of individuals as subjects of international law besides the fields of human rights law and international criminal law. She argues that individuals have subjective rights which are present in different parts of international law. States have the power to make law. Even if individuals have rights, the relevance of those rights depends on the will and behaviour of states. In the perspective of public law, an individual becomes a full member of a community with its citizenship and is therefore also able to form the

¹³⁷Ibid, 201.

content of law. Balibar states that the role of individuals should go beyond the simple claim for rights. Except for being only objects of protection, there is a need to engage individuals actively with international law issues, outside the delegation by states.¹³⁸

6.3 Role and Power of Individuals

Consumers have an indirect effect on human rights violations in the textile and clothing production with their consumption habits. Therefore, they are no longer passive receivers in getting corporate information. Sustainable consumption is a way how consumers can purchase ethically. As the last subchapter 6.2 showed, individual responsibility under international law is not defined. Therefore, it can be deducted that there is no clear legal obligation for the individual consumer to consume sustainably. Still, there are different powers individuals within consumption have how they can distance themselves from supporting human rights violations and how they can support sustainable consumption. The following powers can be outlined:

6.3.1 Decision Power

The internet makes immense consumption choices available to consumers, not like in the pre-internet era when consumers were mainly depending on physical stores. Now consumers can buy products from different providers from around the world. This shows a big shift from a seller's to a buyer's market, where businesses have to battle for consumers favour. Since consumers have a big purchasing freedom, they have a strong position with their demand in deciding which kind of goods and services the market should offer to them. Consumer power is exercised through choice, for instance when a consumer takes the decision to pick sustainably sourced clothing over Fast-Fashion or to consume less.¹³⁹ Plenty of sustainable consumption options

¹³⁸Ekaterina Yahyaoui Krivenko, 'Exploring the Future of Individuals as Subjects of International Law: Example of the Canadian Private Sponsorship of Refugees Programme' in James Summers & Alex Gough (eds) *Non-state Actors and International Obligations*, Brill forthcoming.'

¹³⁹Guido Palazzo, Felicitas Morhart and Judith Schrempf-Stirling, 'Shopping for a better world: how consumer decisions can help to promote sustainability and human rights' in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 202.

are available, for example the online store ‘Honest Buy’ offers a transparent purchasing option as every good comes with information about the materials used and about the process of manufacturing. The brand ‘Nudie Jeans’ offers a production guide about the business’ entire supply chains.¹⁴⁰

6.3.2 Investigation Power

The Internet also provides transparency concerning business behaviour. Next to polished websites of companies, consumers can also inform themselves by experiences of other customers, through discussion forums and blogs by employees. Initiatives like ‘Codecheck’ and ‘Behind the Brand’ from Oxfam make it possible for consumers to check and compare responsibility performance of businesses. ‘Codecheck’ for instance uses the product’s barcode to inform about the social and environmental performance of their producers. Out of this, companies lose their control over what is being said about them.¹⁴¹ ‘Fashion Revolution’ is one of the biggest movements that raises awareness about unfair working conditions and negative impacts in the garment and textile industry by featuring workshops, discussions and film screenings about this issue. Every March 24, the campaign ‘#WhoMadeMyClothes’ can be found in social media platforms like Instagram and Twitter, where concerned consumers post photos of their clothing labels and demand to know where and how the clothes are being made.¹⁴²

6.3.3 Communication Power

¹⁴⁰Yermi Brenner, 'Greenwashing: Consumers Confronted By Dubiously 'Conscious' Fashion' (*Aljazeera America*, 2014) <<http://america.aljazeera.com/articles/2014/5/19/consumers-greenwashingfashion.html>> accessed 10 July 2018.

¹⁴¹Guido Palazzo, Felicitas Morhart and Judith Schrempf-Stirling, ‘Shopping for a better world: how consumer decisions can help to promote sustainability and human rights’ in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 203.

¹⁴²Hannah Koh and Vaidehi Shah, 'Five Years On From Rana Plaza, Has The Fashion Industry Changed Its Ways?' (*Eco-Business* 2018) <<http://www.eco-business.com/news/five-years-on-from-rana-plaza-has-the-fashion-industry-changed-its-ways/>> accessed 10 July 2018.

The internet has made it difficult and risky for businesses to tell lies or hide negative aspects of their business from the public. Consumers stepped out of their inactive role and social media platforms like Facebook and Youtube made it possible to put consumer content providers in direct touch with a global crowd. This media exposure motivates consumers to share their content. The power of investigation and communication makes consumer activism possible and gives them a strong weapon to hold businesses for wrongdoing accountable.¹⁴³

The Nike scandal of the 1990s is a well-known example of consumer's impact in the textile and garment industry and shows how consumers can affect the industry indirectly by using their voices. Scholars at the University of California, Berkely stated that during this time there was an increase of international concern about globalisation and labour standards. Consequently, activism took place in forms of campaigns in newspapers, grassroots organisations, media exposes and pressure of governments. An effective strategy used by consumers was the mass publication of articles on topics like working conditions and labour standards in the garment industry. This consumer activism led to some concrete results at the national and international level; for instance, threats from the United States to increase tariff barriers in Indonesia led to a 25% increase of real wages for unskilled workers. While organising a grassroots movement, consumers were able to pressure the U.S government, which in return pressured the Indonesian government and finally led to changes in the minimum wage. While the reforms by Nike did not bring many changes in the life of workers, the normal citizens and consumers were the ones who caused the effect on the industry.¹⁴⁴

Likewise activists can also take part in reward campaigns which actively promote businesses that show good practice and with that create demand for their products. An example of this is the 'slow fashion movement' which supports brands with

¹⁴³Guido Palazzo, Felicitas Morhart and Judith Schrempf-Stirling, 'Shopping for a better world: how consumer decisions can help to promote sustainability and human rights' in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 203.

¹⁴⁴Katie Hoselton, 'The Tragedy of Textiles: Exploring the Actors Responsible for the Exploitation of Workers in the Global Garment Industry' (2014) 1 *Paideia*, 15.

responsible production practices and promotes consumer habits that decrease the pressure on businesses to produce goods in a fast way.¹⁴⁵

6.3.4 Networking Power

Another power consumers have is the possibility to organise large groups of peers. Via social media platforms, consumers are able to organise and mobilise like-minded people worldwide. An example for this is the Occupy Wall Street (OWS) movement that is inspired ‘by popular uprisings in Egypt and Tunisia, and aims to fight back against the richest 1% of people that are writing the rules of an unfair global economy’¹⁴⁶. The movement started in Manhattan in the year 2011 due to a call for action by the anti-consumerist magazine ‘Adbusters’. The movement reached out to more than 100 different cities in the United States and started actions in over 1.500 cities worldwide, which range from protests to concrete actions where members took their money from commercial banks in order to put it in on cooperative banks and supporting private debtors with a peer to peer financial support.¹⁴⁷

Consumers can also reward businesses for their engagement in human rights. An example of rewarding business behaviour is the development of the ‘Carrotmob’. Individuals and groups can organise ‘buycott’ campaigns that reward business commitments to socially responsible change. Those issues include human rights, fair trade, climate change, food, health and safety, job and workplace security and social justice. In a ‘Carrotmob buycott’, businesses compete to be the most responsible business in one of these issues. A network of consumers then spends money to support the winner. Networking power can also lead to the drawback from traditional consumer markets by developing alternative forms of consumption. This includes, for instance, clothing swaps and circles, where participants meet in person or online

¹⁴⁵Guido Palazzo, Felicitas Morhart and Judith Schrempf-Stirling, ‘Shopping for a better world: how consumer decisions can help to promote sustainability and human rights’ in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 203.

¹⁴⁶Occupy Wallstreet <http://occupywallst.org/about/> accessed 15 July 2018.

¹⁴⁷Guido Palazzo, Felicitas Morhart and Judith Schrempf-Stirling, ‘Shopping for a better world: how consumer decisions can help to promote sustainability and human rights’ in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 203.

to exchange clothes, without supporting the dangerous consequences of the Fast-Fashion business.¹⁴⁸

6.4 Do Consumers care about Ethical Fashion?

Consumers have an important role with their purchasing power, in deciding which goods and brands they want to buy. Walsh argues that it is doubtful that customers are willing to pay more for goods that are produced ethically. While holding interviews about the motivation to stop buying cheap clothes that have been produced by sweatshop labour, a 21-year-old student stated that it bothers her and businesses should definitely improve working conditions but on the other hand she still wants to shop there because it is so cheap. Walsh is afraid that this response could represent the opinion of most consumers. Harvard scholars on the other hand state that consumers are interested in buying humanely produced goods and would pay higher prices for such items, if companies would improve working conditions and advertise it on labels, in order that consumers can be aware of it. The scholars add that if the additional profit that could be earned with this would be used for raising labour standards, everyone would win.¹⁴⁹

However, several studies showed that price, quality and value for money are stronger motivations for consumers to buy than ethical reasons. Although consumers say that they wish to see business behaving ethically, they state that this can be compromised when they want to purchase a special good. This can be seen more as a conflict of the consumer and not as a disregard for ethics. The want for lower prices or branded fashion is often stronger and out of this in conflict with the desire to buy ethically.¹⁵⁰ In a study from 2009, 56.7% of consumers fully and 36.3% to some extent agreed, that as a consumer it is difficult to find information about the ethicality of products. Since consumers are often not able to find this relevant information, they are

¹⁴⁸Ibid, 204.

¹⁴⁹Katie Hoselton, 'The Tragedy of Textiles: Exploring the Actors Responsible for the Exploitation of Workers in the Global Garment Industry' (2014) 1 *Paideia*, 15.

¹⁵⁰Guido Palazzo, Felicitas Morhart and Judith Schrempf-Stirling, 'Shopping for a better world: how consumer decisions can help to promote sustainability and human rights' in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 202.

choosing products on the base of price, design, appearance and functionality. Also, the expectations some consumers have about ethical products seem somehow unrealistic since they prefer sustainable products available for the same price as the other products. 58.8% of consumers additionally stated that ethical consumption is too expensive. When asking about how much they would spend for sustainable clothing 29.7% said they would be ready to pay 10-14% more, 19.9% would pay 5-9% more, 3.7% of consumers would not pay more at all and 9.3% stated that they would be ready to pay more than 25% for sustainability.¹⁵¹

Fashion retailers respond to the demand of consumers and increasingly produce clothing lines which are socially and environmentally friendly. However, these offers bring only a small improvement in the international demand of clothing, since according to the report of 'Pulse of the Fashion Industry', the global consumption of apparel and footwear is assumed to grow from 62 million tons to 102 million in 2030. Since consumers are used to buying cheap clothes, they see them as a given and think that ethical clothing is expensive, while in reality, it is not if compared to clothing prices some years ago. But the problem as a whole cannot be solved by only buying sustainable produced goods alone. Laura Francois from 'Fashion Revolution' states that the production of clothing, although if they are ethical made, is still using resources, responsible methods for disposal like recycling still need time and energy. She insists that instead of buying better, the message about sustainability should be to buy fewer and to understand what someone is buying. This would mean that instead of purchasing many ethically made T-Shirts it would be better to buy only one T-Shirt instead, which is used for a longer time. Clothes swapping, where people donate old clothes in exchange for other people's clothes or clothes rental services can be a good alternative option to consume less.¹⁵²

¹⁵¹Marileena Koskela and Markus Vinnari, 'Future Of The Consumer Society- Proceedings Of The Conference', *Future of the Consumer Society* (Finland Futures Research Centre, Turku School of Economics 2009) 7.

¹⁵²Hannah Koh and Vaidehi Shah, 'Five Years On From Rana Plaza, Has The Fashion Industry Changed Its Ways?' (Eco-Business 2018) <<http://www.eco-business.com/news/five-years-on-from-rana-plaza-has-the-fashion-industry-changed-its-ways/>> accessed 10 July 2018.

6.4.1 Greenwashing and Delegation of Responsibility to the Individual

A challenge for consumers who want to shop responsibly is to differentiate the companies which are seriously engaged in decreasing social and environmental effects of fashion and those who can be named as so-called 'greenwashers'. Perkins, member of the non-profit organization 'Cradle to Cradle', states that there exist a lot of different initiatives that are called 'green', 'eco' or 'sustainable', that can be often difficult for the consumers to understand. Identifying who 'greenwashers' are, is often more difficult than just identifying abusive labour conditions. Greenpeace has created a 'Greenwashers list', in order to shame brands that are failing in following their promise to remove toxic chemicals from their supply chain. For Livia Firth from 'Eco Age', Fast-Fashion and sustainability are contradictory. She states: 'It is admirable that H&M is doing so much work in sustainability, but all these brands- H&M, Zara, whatever- they are still producing in such volumes and such ridiculous prices.'¹⁵³ Only by changing the business model it is possible to contribute to sustainability efforts. A major challenge for the clothing industry, therefore, is to increase the knowledge of the consumer about the impact of the production of clothes.¹⁵⁴

Public authorities once believed that by increasing information about sustainable products, consumers will automatically buy wisely and it would automatically decrease unsustainable consumption. Further, this would lead to an increase of ethical products on the market. A key responsibility was moved to the individual consumer and authorities gave too much power, and with that responsibility, to the individual consumer.¹⁵⁵ Out of this, individuals often find themselves in a dilemma when consuming. Zizek describes that the individual is called on to 'decide, but at

¹⁵³Yermi Brenner, 'Greenwashing: Consumers Confronted By Dubiously 'Conscious' Fashion' (*Aljazeera America*, 2014) <<http://america.aljazeera.com/articles/2014/5/19/consumers-greenwashingfashion.html>> accessed 10 July 2018.

¹⁵⁴Ibid.

¹⁵⁵Marileena Koskela and Markus Vinnari, 'Future Of The Consumer Society- Proceedings Of The Conference', *Future of the Consumer Society* (Finland Futures Research Centre, Turku School of Economics 2009).

the same time he receives a message that he is in no actual position to decide'.¹⁵⁶ In a study from 2009, consumers were asked what they would wish in regard to an environmental optimisation of a product. 73.4% of the asked consumers stated that it would be good if products would be automatically optimised, in order that special environmental labelling would not be in need anymore. Some consumers added that they want producers and public authorities to take more responsibility, by providing only ethical and ecological clothing and by not bringing them into the dilemma to end up in separately demanding ethicalness and ecologicalness.¹⁵⁷ Some studies make visible the risk that consumers 'may run when faced with the impasse of making choices and being held accountable for something that is beyond his capacity to understand and act on, as a result of such exhaustion.'¹⁵⁸

Evidence sustains that consumers can make a difference when they act as a large group of people together. Change driven by consumers can be real and impactful, but in the end, they are not the players with the most influence over the textile and garment industry and therefore cannot be the primary accused of tragedies like Rana Plaza.¹⁵⁹ Although consumers want to keep their power in individual decision making for purchasing, they would like to have help from producers, authorities and legislation.¹⁶⁰ The following chapter will point out strategies for businesses and governments can increase the power of an individual within consumption and how they can help consumers to purchase more ethically.

¹⁵⁶Isleide Arruda Fontenelle, 'Global Responsibility Through Consumption? Resistance And Assimilation In The Anti-Brand Movement' (2010) 6 Critical perspectives on international business.

¹⁵⁷Marileena Koskela and Markus Vinnari, 'Future Of The Consumer Society- Proceedings Of The Conference', *Future of the Consumer Society* (Finland Futures Research Centre, Turku School of Economics 2009).

¹⁵⁸Isleide Arruda Fontenelle, 'Global Responsibility Through Consumption? Resistance And Assimilation In The Anti-Brand Movement' (2010) 6 Critical perspectives on international business.

¹⁵⁹Katie Hoselton, 'The Tragedy of Textiles: Exploring the Actors Responsible for the Exploitation of Workers in the Global Garment Industry' (2014) 1 *Paideia*, 15.

¹⁶⁰Marileena Koskela and Markus Vinnari, 'Future Of The Consumer Society- Proceedings Of The Conference', *Future of the Consumer Society* (Finland Futures Research Centre, Turku School of Economics 2009).

7. A Way forward to more Sustainable Consumption while transforming Consumption Behaviour

Although consumers as responsible actors are often left behind, it is important to point out that individuals as consumers have an impact on human rights violations happening in the textile and clothing industry and that they can make a difference. Next to governments and businesses they can, therefore, be seen as a responsible player too. Consumers are no longer passive collectors of corporate information, but they gained different powers how they can distance themselves from supporting human rights violations in the textile and clothing industry. With their decision-, investigation-, communication-, and networking power individuals are getting active actors in the production and consumption cycle of the industry and cannot be seen as victims of the industry. Sustainable or responsible consumption is a way how consumers can purchase ethically. Although consumers do care about ethically made products and want to know how the products are being produced, they are often within a conflict and still tend to buy cheap Fast-Fashion clothing. Often consumers do not know enough about the ethicality of products, out of a miss of information. Much responsibility is given to the consumers where they should be the ones deciding to buy sustainable clothing or not. But consumers are not the players with the biggest power and influence in decision making and do want more help from businesses, governments and legislation.

The following chapter will point out actions and strategies businesses and governments can undertake in order to increase the power of the individual within consumption while helping him to transform his consumption behaviour to a more sustainable consumption that is not supporting human rights violations. A three-step model how to activate consumer's human rights consciousness will conclude the chapter.

7.1 Key Actors

Consumers share responsibility for human rights violations in the textile and clothing industry. Since consumers have the ability to use their market power likely for responsible business practices or against irresponsible forms of business practices, it is important to know how consumers can be stimulated to use this power. Three key actors play a significant role in transforming consumer behaviour and can influence what and how individuals consume; those include civil society, governments and businesses.¹⁶¹

7.1.1 Civil Society

Civil society has a strong influence on the consumption of individual consumers, as it can organise campaigns to which consumers react. Those campaigns can on the one hand pressure businesses to more responsible production conditions and on the other hand activate self-reflection of consumers about their contribution to human rights violations while consuming. Consumer decisions were always a powerful way of political resistance against oppressive systems, reaching from the boycotts of American colonies to Gandhi's boycott of English goods. Consumers are in power to shop for a better world and can either 'buycott' or 'boycott' companies. The organisation 'Addiopizzo' in Sicily is a good example of how powerful civil society can be. In Sicily, a place with a strong organised crime presence and where the government has difficulties to protect its citizens against violence, shop-owners had to pay protection money to the Mafia for many years. A group of students developed the organisation Addiopizzo (farewell protection) and convinced many shop-owners to stop the payments. This became possible because the organisation could motivate consumers to buy products at shops who have the Anti-Mafia label on their windows.

¹⁶¹Guido Palazzo, Felicitas Morhart and Judith Schrempf-Stirling, 'Shopping for a better world: how consumer decisions can help to promote sustainability and human rights' in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 204.

Out of this many Sicilian consumers became Anti-Mafia activists and their consuming decisions became a vote against the organised crime.¹⁶²

7.1.2 Governments

Governments have the power to encourage consumers to take part in more sustainable consumption practices. An example of how governments can influence consumer habits is the combat against the tobacco industry. Due to anti-tobacco communications and by restricting smoking in public areas, especially younger people in Europe and the US, reduced smoking to a reasonable amount.¹⁶³ By raising taxes on unsustainable goods and by the provision of subsidies, governments can lead consumers to buy more sustainable products. Governments are often the biggest buyers of products and services. With the amount of their purchase, they can influence the market towards a more sustainable consumption.¹⁶⁴ Strategies how governments can encourage consumers to more sustainable consumption will be further discussed in subchapter 7.2.

7.1.3 Businesses

Businesses should identify, prevent and solve negative impacts in their supply chain as the UN Guiding Principles on Business and Human Rights state. Therefore, companies should investigate and address proactively for human rights risks in their activities. Due diligence asks businesses to show respect for human rights with their policies and actions. This further includes communication and providing transparency and accountability.¹⁶⁵ A goal of businesses and part of their own CSR

¹⁶² Ibid, 205.

¹⁶³ Ibid.

¹⁶⁴ OECD, 'Promoting Sustainable Consumption: Good Practices In OECD Countries' (2008) <<http://www.oecd.org/greengrowth/40317373.pdf>> accessed 11 July 2018.

¹⁶⁵ André Campos, Mariëtte Van Huijstee and Martje Theuws, 'From Moral Responsibility To Legal Liability? Modern Day Slavery Conditions In The Global Garment Supply Chain And The Need To Strengthen Regulatory Frameworks: The Case Of Inditex-Zara In Brazil' (SOMO 2015) <<https://cleanclothes.org/resources/national-cccs/from-moral-responsibility-to-legal-liability>> accessed 11 July 2018.

strategy should be to change consumer habits. Due to their marketing strategy businesses have an impact on the consumer's purchase behaviour. Although it goes out of the scope of corporate responsibility if attention gets shifted from production to consumption, it can also be interesting for businesses itself, because this kind of actions can increase their brand loyalty.¹⁶⁶ By providing transparency about the production of clothing throughout the supply chain, for instance by corporate sustainability reporting and by sustainability campaigns, businesses can engage consumers into more sustainable consumption. Those strategies will be further explained in the next subchapter.

7.2 Actions and Strategies

As pointed out in the previous subchapter, relevant key actors can influence individual consumption behaviour. The following subchapter will present those actions and strategies businesses and governments can undertake in order to transform consumption behaviour and help consumers to buy more sustainable products.

7.2.1 Transparency and Traceability

Because of the complexity of the industry, not everything behind it is visible to the consumer. Consumers don't have an overview of how the system works, where the clothing gets produced (from fibre to end product) and what happens with it when consumers get rid of it. The 'Behind the Barcode' report showed that only 20% of the 219 analysed fashion brands which are selling clothing to the market in Australia communicated their first-tier suppliers, factories which do cutting, making and trimming, also called CMT, to the public. Half of the brands control all of their CMT suppliers. Even if businesses have a direct relationship with their CMT suppliers, they often don't know if the suppliers mandate production out to other factories.

¹⁶⁶Guido Palazzo, Felicitas Morhart and Judith Schrempf-Stirling, 'Shopping for a better world: how consumer decisions can help to promote sustainability and human rights' in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 205.

Furthermore, only 25% of the brands know their second-tier suppliers and where pieces like zippers, fabric and threads are coming from. 9% of the brands know where the raw material is coming from. While looking at the biggest apparel companies worldwide, only three of them (Adidas, Nike and H&M) publish the full list of their direct suppliers, whereas only Adidas and H&M publish their subcontractors.¹⁶⁷

It is important that businesses further investigate and map their whole supply chain and provide transparency on it.¹⁶⁸ For some larger businesses with large supply chains, it can be difficult to track how the clothing has been made. In 2011, Nike, the Gap and Target joined together with the U.S. Environmental Protection Agency and other industry stakeholders, the ‘Sustainable Apparel Coalition’ with the goal to reduce social and environmental impacts of the clothing industry. The Coalition created the ‘Higg Index’ that measures factors such as labour conditions, water use, waste, carbon emission and chemical constituents across the production of a clothing product. It gives an insight into the whole supply chain of every single product.¹⁶⁹

Although most fashion businesses monitor and audit factories they work with, there are only a few which publish the results, information that would give an important insight to consumers how the fashion factories look like in reality. Within the top ten apparel companies, only five (Nike, Adidas, H&M, Hugo Boss and Uniqlo) publish a yearly Corporate Sustainability Report, nevertheless, most of them tell little about the social and environmental impacts further down the tiers of the supply chain.¹⁷⁰ It

¹⁶⁷Fashion Revolution, ‘It’s Time For A Fashion Revolution’ (2015)

<https://www.fashionrevolution.org/wp-content/uploads/2015/11/FashRev_Whitepaper_Dec2015_screen.pdf> accessed 13 July 2018.

¹⁶⁸André Campos, Mariëtte Van Huijstee and Martje Theuws, ‘From Moral Responsibility To Legal Liability? Modern Day Slavery Conditions In The Global Garment Supply Chain And The Need To Strengthen Regulatory Frameworks: The Case Of Inditex-Zara In Brazil’ (SOMO 2015)

<<https://cleanclothes.org/resources/national-cccs/from-moral-responsibility-to-legal-liability>> accessed 11 July 2018.

¹⁶⁹Yermi Brenner, ‘Greenwashing: Consumers Confronted By Dubiously ‘Conscious’ Fashion’ (*Aljazeera America*, 2014) <<http://america.aljazeera.com/articles/2014/5/19/consumers-greenwashingfashion.html>> accessed 10 July 2018.

¹⁷⁰Fashion Revolution, ‘It’s Time For A Fashion Revolution’ (2015)

<https://www.fashionrevolution.org/wp-content/uploads/2015/11/FashRev_Whitepaper_Dec2015_screen.pdf> accessed 13 July 2018.

is important that businesses provide transparency to their consumers, which includes openness, communication and accountability, in order that consumers can understand the system and where the products are coming from.¹⁷¹

Corporate Sustainability Reporting (CSR) is a mechanism with which consumers can get information about the social and environmental conditions of the production of the goods. Companies report about topics like health and safety of employees, environmental performance, supply chain management, corporate governance and community contributions. Hereby the role of the government reaches from raising consumer awareness, protecting them from false information to the requiring of reporting in special cases. Still, many reports miss information about how the business' products support sustainable consumption. Although some businesses have a good record in reporting, it does not automatically comply with actual sustainability practices. Although in some countries like France, Netherlands, Norway, Denmark and Belgium CSR is a legal obligation, it is voluntary in most OECD countries. Nowadays more than half of the biggest businesses worldwide provide reports on social, environmental and ethical conduct, still, the credibility of reporting can be questioned and consumers can be fooled whether the producers and sub-contractors match with the objectives related to worker conditions and ecological impacts.¹⁷²

7.2.2 Consumer Engagement

Businesses have the opportunity to engage the consumer and encourage sustainable behaviour through sustainability education. By informing and educating consumers, businesses can promote the awareness and willingness to buy sustainable goods. This can be for instance done by campaigns; hereby worth to mention is the Corporate Sustainability Campaign of Patagonia, which was published in 2011 in the New York Times. The advertisement showed a black Patagonia jacket and included the saying: 'Don't buy what you don't need. Think twice before you buy anything.' Another

¹⁷¹Ibid.

¹⁷²OECD, 'Promoting Sustainable Consumption: Good Practices In OECD Countries' (2008) <<http://www.oecd.org/greengrowth/40317373.pdf>> accessed 11 July 2018.

example of how to raise consumer awareness by communication is the Selfridges' Material World initiative which states the phrase 'What on earth are you wearing?' The campaign provides consumers in stores with tags that provide information about the materials sustainability. The brand states that out of the 1.000 interviewed customers, 83% responded that it changed their awareness about the topic.¹⁷³

Another way how to inform consumers and encourage them into sustainable consumption is by establishing information labels. By providing information about the environmental and social impacts of the products, consumers can learn about the facts behind purchasing.¹⁷⁴ Those labels can be multi-criteria ones that compare goods with other goods about their impacts, or single-issue labels that mention a special social or environmental feature of a product, for instance, organic cotton. These kind of labels can be powerful when they explain information about sustainability to the consumers in an understandable way and provide transparency about the product.¹⁷⁵ Whereas increasingly more companies are making environmental impact assessments, this is not the case for social impact assessments, although regulated labels on working conditions in textile and garment factories would help consumers to understand their impact in purchasing.¹⁷⁶ Belgium is a good example, as it is promoting a social label that focuses at social aspects of production and includes criteria based on ILO conventions like working conditions, freedom to form unions, salaries, non-discrimination and banning of forced and child labour.¹⁷⁷

Advertising in television and radio commercials, magazines and flyers can be a powerful tool for promoting sustainable consumption. Originally the main idea behind advertising was to motivate consumers to buy more. Advertisements have the

¹⁷³Global Fashion Agenda and the Boston Consulting Group, 'Pulse Of The Fashion Industry' (2017) <http://globalfashionagenda.com/wp-content/uploads/2017/05/Pulse-of-the-Fashion-Industry_2017.pdf> accessed 11 July 2018.

¹⁷⁴Ibid.

¹⁷⁵OECD, 'Promoting Sustainable Consumption: Good Practices In OECD Countries' (2008) <<http://www.oecd.org/greengrowth/40317373.pdf>> accessed 11 July 2018.

¹⁷⁶Global Fashion Agenda and the Boston Consulting Group, 'Pulse Of The Fashion Industry' (2017) <http://globalfashionagenda.com/wp-content/uploads/2017/05/Pulse-of-the-Fashion-Industry_2017.pdf> accessed 11 July 2018.

¹⁷⁷OECD, 'Promoting Sustainable Consumption: Good Practices In OECD Countries' (2008) <<http://www.oecd.org/greengrowth/40317373.pdf>> accessed 11 July 2018.

power to make the sustainability of products visible to the consumers and with this the power to convince them to buy these products. In OECD countries regulations in advertising are an important instrument to protect consumers.¹⁷⁸

7.2.3 Full Utilisation of Fashion Products

Some recently emerged business models in the fashion industry include the idea of extending the life of clothing, on the one hand by reuse and on the other hand by increased durability. One model next to purchasing could be to rent clothes, for instance for 10 to 15% of their purchasing amount. This could take the form of a 'Netflix of Clothing Model', where consumers can get unlimited items while holding three at one time and paying a subscription fee. This kind of subscription business model pleases the consumers demand for novelty while it reduces production. A problem with this model could be the lack of consumer demand since 90% of the consumers in the European Union countries do not engage in buying second-hand clothing. A good practice of an innovative business model is the brand 'Filippa K' which promotes the idea of reducing, repairing, reusing and recycling. With the operation of a second-hand store in Stockholm, the brand ensures that all its goods get a second life. Through a special lease concept, the company tries to lease clothing to stores in order that customers do not take part and contribute to increased consumption.¹⁷⁹

7.2.4 Taxes and Subsidies

37.4% of consumers that were asked about how to change consumption behaviour responded that next to the provision of more information, increasing taxation and other public authorities controlling actions would be an effective way to make a

¹⁷⁸Ibid.

¹⁷⁹Global Fashion Agenda and the Boston Consulting Group, 'Pulse Of The Fashion Industry' (2017) <http://globalfashionagenda.com/wp-content/uploads/2017/05/Pulse-of-the-Fashion-Industry_2017.pdf> accessed 11 July 2018.

change.¹⁸⁰ Raising prices on less unsustainable goods can be an effective method in moving consumers closer to sustainability. In this way, the market can change purchase behaviour and taxes can be more lucrative than regulations as they do not require such a comprehensive monitoring efforts.¹⁸¹

Subsidies and incentives given by some countries can be an effective method to motivate consumers to choose more sustainable products. It includes monetary assistance, donation of goods or fiscal incentives like tax reductions. Overall tax incentives and subsidies only function if they close the price gap for more sustainable goods or lead to tax refunds for their use. By making sustainable products less expensive these tools have an influence on consumption behaviour. Tax reductions and small subsidies do not create demand for more sustainable goods by themselves and some of them which are difficult to apply for or have a long payment time, are possibly not effective.¹⁸²

7.2.5 Public Procurement

Governments are often the biggest consumer of products and services and therefore have a lot of power in influencing markets towards a more sustainable consumption, especially through the amount of their purchases and by providing examples of good sustainable consumption to the individual consumers. Some OECD countries are actively engaged in sustainable procurement that considers social aspects like human rights, fair trade and labour conditions. In countries like Austria, Belgium, France, Switzerland, Poland and Germany legal frameworks for sustainable procurement exist, which thematise ethical, social and environmental forms of purchasing. Belgium is a good example as a leader in supporting fair trade products that respect labour and human rights, by naming a legal definition of fair trade, putting it into

¹⁸⁰Marileena Koskela and Markus Vinnari, 'Future Of The Consumer Society- Proceedings Of The Conference', *Future of the Consumer Society* (Finland Futures Research Centre, Turku School of Economics 2009).

¹⁸¹OECD, 'Promoting Sustainable Consumption: Good Practices In OECD Countries' (2008) <<http://www.oecd.org/greengrowth/40317373.pdf>> accessed 11 July 2018.

¹⁸²Ibid.

public procurement mandates and providing guidelines to powers at national, regional and local level.¹⁸³

7.3 Activating Consumers Human Rights Consciousness

The previous subchapter presented actions and strategies businesses and governments can undertake in order to motivate consumers to purchase more sustainably. In order to transform consumer behaviour, it is important to look behind the motivation of those consumer habits. Those routinized practices are in general created and driven by values and beliefs. When those practices transform into habits, the values and beliefs behind them tend to fade away from the concern of the consumer. For transforming habits there are two main ways. One is to directly influence those habits, for instance by forbidding certain practices, like smoking in restaurants. Another way how habits can be changed is by focusing on values because of those consumers are concerned.¹⁸⁴ Values stand as ‘desirable, trans-situational goals, varying in importance, that serve as guiding principles in people’s lives’¹⁸⁵ and are at the centre of people’s identity which can be activated and manipulated since different values of a person can be in clash with each other. Changing values can be more consistent than external prohibitions. This means for instance by presenting something as bad or uncool can be more effective than just simply prohibiting it. Products and brands are loaded with meaning and values, further, they can stand as a way of self-definition. Consumers tend to purchase goods from those businesses which values correspond with their own. Therefore, it can be important to look at consumer values in order to shift consumption towards those brands that operate in a sustainable way.

¹⁸³Ibid.

¹⁸⁴Guido Palazzo, Felicitas Morhart and Judith Schrempf-Stirling, ‘Shopping for a better world: how consumer decisions can help to promote sustainability and human rights’ in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 206

¹⁸⁵S H Schwartz, ‘Value Priorities and Behavior: Applying a Theory of Integrated Value Systems’ in J.O.C. Seligman and M. Zanna (eds), *The Psychology of Values: The Ontario Symposium, Vol. 8* (Mahwah, NJ: Lawrence Erlbaum, 1996) 1-24.

Consumer's consciousness about human rights can be activated in a three-step model while focusing on consumer values. The first step would be to activate intrinsic values of consumers that include responsible consumption and human rights. The goal is that consumers understand the meaning of those values and make them part of their identity. People that have strong intrinsic values are more socially and ecologically responsible and consume less. Since many consumers make decisions based on their habits it can be important to interrupt those old consumption habits and provide new opportunities for more sustainable consumption. Therefore, businesses that want to promote more sustainable consumption need to provide the right environment for new and different behaviours. The third and last step would be to create a larger human rights movement and a greater vision of a society where decent production conditions are the norm. A good example is the development of the 'slow food movement' in 1989, which was organised as a response to the social and environmental difficulties of the industrialised food production. By addressing values such as solidarity and respect, the movement's goal is to change the consumer's way of food consumption by changing the habit of prioritising price over sustainability.¹⁸⁶

Although consumers take an active part in a globalised system of production which often results in human rights violations, consumers did not respond enough in shifting their habits to a more sustainable consumption. In order to make a change in the economic system while making it more sustainable and with that to end human rights violations, it is not enough by only on the conditions of production. It is necessary to transform consumption habits as well.¹⁸⁷ Although consumers should question more their purchasing decisions further and change them for instance by paying more for better quality clothing and purchase less, the responsibility lies not only on customers alone. In order to make a bigger change, binding rules are required that apply to companies, in order that they cannot further make profit by

¹⁸⁶Guido Palazzo, Felicitas Morhart and Judith Schrempf-Stirling, 'Shopping for a better world: how consumer decisions can help to promote sustainability and human rights' in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 207.

¹⁸⁷Ibid, 205.

exploiting workers and violating human rights.¹⁸⁸ Therefore shopping for human rights cannot solve the problem alone, political advocacy which targets companies and governments is crucial too.¹⁸⁹

¹⁸⁸Hannah Koh and Vaidehi Shah, 'Five Years On From Rana Plaza, Has The Fashion Industry Changed Its Ways?' (Eco-Business 2018) <<http://www.eco-business.com/news/five-years-on-from-rana-plaza-has-the-fashion-industry-changed-its-ways/>> accessed 10 July 2018.

¹⁸⁹Guido Palazzo, Felicitas Morhart and Judith Schrempf-Stirling, 'Shopping for a better world: how consumer decisions can help to promote sustainability and human rights' in Dorothee Baumann-Pauly and Justine Nolan, *Business And Human Rights- From Principles To Practice* (Routledge 2016) 208.

8. Conclusion

The collapse of the Rana Plaza building on the 24th of April 2013 in Bangladesh, which resulted in the death of more than 1.100 workers and many more injured, is a tragic example of how the clothing industry is connected to human rights violations. Exploitation of farmers in the raw material sector, unsafe working conditions, forced overtime, discrimination and abuse in the production sector and environmental effects are just some examples of how workers and human rights are being violated, although international human rights frameworks and ILO standards exist. Behind these violations stands the capitalist industry of Fast-Fashion, based on supply chains in less developed countries and with the goal to make a profit out of the production of lower-quality garments in a faster and cheaper way. Although much research is done on the production side of the industry and governments and businesses responsibility in human rights violations, the consumption side of the industry is often left on the side line. Since producers and brands depend on customers, it can be assumed that the individual consumer is part of the endless system of production and consumption as well. Therefore, the goal of this thesis was to focus on the individual and to find out if he is a responsible actor too or just a victim of the exploitative Fast-Fashion industry. This led to the research question what power the individual has to prevent human rights violations in the clothing industry with its consumption behaviour and what can be done by the big players, governments and businesses, to increase the power of the individual within consumption and support him to change his consumption behaviour towards a more sustainable consumption behaviour, not leading to human rights violations.

Before focusing on the individual, it was important to look at the role of the two big players, governments and businesses, and with this to their responsibility in human rights violations happening throughout the supply chain. States under international law have obligations to protect against violations from businesses, including investigation and the provision of remedies. Due to the businesses growth of power and participation in human rights violations soft law mechanisms, like the UN Guiding Principles emerged but did not set legal obligations on businesses to protect

human rights. Although changes were noticed, Corporate Social Responsibility (CSR) developed and businesses set codes of conduct, this did not lead to the end of violations in the clothing industry.

Out of this, it seemed necessary to look at the role of the individual as a responsible actor since the development of mass production of garments in the last decades led to a parallel growth in consumer demand for more, cheaper and faster clothes. A system of endless production and consumption emerged. A society which was once concerned about social issues transformed into a consumer society, driven by individual desires and the gain for material things. This purchasing behaviour had negative effects on working conditions of workers in the textile and clothing industry. As pointed out, sustainable consumption is a way of consuming more ethically but is still an exception. Since international law does not provide legally binding frameworks, for individuals to consume more sustainably, the individual consumer is not obliged to do so. Still, individuals have different powers how they can take part in consumption practices that are not leading to human rights violations. With their decision-, investigation-, communication- and networking power individuals have strong tools to change their consumption practices and with that also an active role in influencing production and its conditions. Consumers can decide to consume sustainably or to consume less, they can inform themselves about sustainable practices and can communicate this to the outside world. By networking with other same minded people, they can engage in activism and different campaigns. The individual can, therefore, be seen as a responsible actor too and not only as a passive victim of the industry.

Still, governments and businesses tend to hide while not taking enough responsibility to change conditions but delegating most of the responsibility to the consumer. Although consumers do care about ethics and don't want to support human rights violations, there are some obstacles that keep them from purchasing sustainably. Consumers do wish to get more help from the producing brands and governments. Therefore, it was necessary to look at the way forward and to possibilities and

powers that the two big players, governments and businesses, have to increase the power of the individual within consumption and to help him/her to purchase more sustainably. Consumers often miss information; therefore it is important that businesses are transparent and provide the consumer with relevant information about social and environmental conditions of its industry and of its working conditions. This can be done by an effective Corporate Sustainability Reporting or by labelling their goods. Advertisements can be a powerful tool to engage consumers in a more sustainable consumption. Supporting new fashion industry business models that focus on the idea of reusing and recycling clothing can be another good way. By raising taxes on less sustainable goods or providing subsidies governments have a powerful tool too. Further, governments can influence the market towards a more sustainable consumption with their purchase, for instance by buying and supporting fair trade products. These strategies can help the consumer to engage in a more sustainable consumption.

Next to the powers of individuals and the two big players, in order to transform individual consumer behaviour, it is also important to look behind the motivation of consumption. In general purchasing practices are driven by beliefs and values. When practices transform into habits, the values can fade away from the concern of the consumer. Habits can be transformed for instance by forbidding something or by focusing on the values. Therefore, intrinsic values of consumers which include responsible consumption and human rights should be activated. In order to interrupt old consumption habits new opportunities for consumers to engage in a more sustainable consumption should be created. Organising a larger human rights movement and a greater vision of society could also support a change in consumption and society.

Concluding it can be said that in order to end human rights violations in the textile and clothing industry it is not only enough to look at the production side, it is necessary to transform consumption habits as well, since both acts are related to each other. Consumers do take an active role and have the power to engage in a more

sustainable consumption and thereby not supporting human rights violations with their purchase behaviour. To support the consumer in doing this, businesses and governments have even a more important role, and power to increase the influence of the individual and engage him/her into a more sustainable consumption. It is probably not possible to eliminate consumerism since individuals are identifying themselves with fashion and it has an important role in the modern western consumer society, but still, there are ways how individuals, governments and businesses can act in order to support a more sustainable consumption which does not result in human rights violations. Only when all big players (governments, businesses and individuals) involved take responsibility and work close together, the exploitative industry and its violations can be changed. Binding rules for businesses to comply with standards could be a first step to engage them in more responsible practices and could be elaborated in further researches.

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