

DALITS, FORCED AND BONDED LABOUR

Despite being prohibited in many countries, slave-like working conditions are widespread in South Asia. Forced and bonded labour is often interlinked with the caste system and related types of customary feudal agricultural relationships. Those who are employed as bonded labourers in South Asia are predominantly Dalits, also known as 'untouchables'. Anti Slavery International estimates that the vast majority of bonded labourers (80%-98%) are either from communities designated as "untouchable" or from indigenous communities.



The weak economic status of Dalits and a lack of access to resources increase their dependence on wage labour. Extreme poverty forces Dalits to take up loans and they hold no other assets to lever their debt other than their labour. In addition to poverty, practices of social exclusion of Dalits push them into bondage. When Dalits try to exercise their rights or resist abuse and exploitation, they are faced with extremely hostile and sometimes brutal resistance by the higher caste villagers that uphold the hierarchy. Consequently, when Dalits resist oppression, they risk complete boycott, cutting them off from their land and employment. Other forms of retaliation against Dalit assertion include killings, gang rapes, looting and arsoning.

Forced and bonded labour is conjoined with caste in the form of caste-based occupations. Two of the most degrading forms of caste-based and forced labour occupations in India are manual scavenging and the systems of forced prostitution.

While the governments of India, Nepal, Pakistan, Bangladesh and Sri Lanka have enacted their own legal framework to eradicate bonded labour, implementation remains weak and access to remedies for victims is lacking.

Caste-based slavery

Caste-based slavery is a form of bondage based on work and descent, which is carried on for generations by members of the same occupational caste. In South Asia this form of slavery affects Dalits as a social group, and is closely linked to religious, cultural, and caste-based social relationships, as well as skewed land-ownership patterns. In some African countries similar forms of caste-based slavery exist e.g. in Mauritania, Niger, Mali and Chad. As reported by the UN Special Rapporteur on contemporary forms of slavery, Ms. Gulnara Shahinian, these old forms of slavery are embedded in traditional beliefs and customs as a result of long-standing discrimination against the most vulnerable groups in societies such as: those regarded as being of low caste, tribal minorities and indigenous peoples (A/HRC/9/20).

A range of ILO studies on bonded labour relations reveal the link between the social hierarchies of caste and relationships of bondage, which leaves Dalits, tribal groups, women and children the main targets of exploitation. Bondage is usually passed on from one generation to another and Dalits are often deprived of other options. Other reports by Anti-Slavery International show how caste-based occupations include degrading practices such as manual scavenging and certain systems of forced prostitution, especially in India and Nepal. Dalits risk discrimination, abuse and economic and social ostracism if they refuse to subjugate. For Dalits, bonded labour is an entrapment with little chance of escape.

The UN Special Rapporteur on contemporary forms of slavery referred to these links in a 2009 report to the Human Rights Council stating that "ILO research shows a clear link in Asian countries between forced labour and long-standing patterns of discrimination. In India, the overwhelming majority of bonded labour victims in agriculture, brick making, mining and other sectors are from Scheduled Castes and Scheduled Tribes" (A/HRC/12/21).

UN treaty bodies and the Universal Periodic Review have also on numerous occasions expressed concern about the persistence of bonded and child labour in caste-affected countries.¹

Slavery, forced and bonded labour

Forced labour falls under the definition of slavery and slavery-like practices as defined by the UN and the ILO. Article 1 (1) of the UN Slavery Convention defines slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”. The Convention obliges States to abolish certain institutions and practices analogous to slavery, including debt bondage and forced labour (SR 2008).

The ILO defines forced labour as work or service undertaken involuntarily and under threat or penalty (ILO 2001a:9). Bonded labour is usually a result of economic necessity and other external constraints such as poverty, social exclusion and denial of human rights (ILO 2009:5, ILO 2005:7-8, ILO 2004a:3). Bonded labour is often reinforced by various customs and coercion and can also be enforced onto other family members, for instance children and marital family members. Often, labourers are not aware of the value of their work and the status of their debt, which is one of the reasons that lead to life-long bondage. Under such circumstances the bondage can be characterized as forced labour.

The two fundamental ILO conventions are the Forced Labour Convention (no. 29) and the Abolition of Forced Labour Convention (No. 105). Both of these, as well as the UN Convention on Slavery, have been ratified by India, Nepal, Bangladesh, Sri Lanka and Pakistan and the countries are all obliged to report to the ILO on an annual basis. The ILO’s Worst Forms of Child Labour Convention, 1999 (No. 182) and Trafficking Protocol of 2000 also specifically include forced labour and debt bondage.

Forced and bonded labourers in numbers

There is no accurate number on the global scale of bonded labour, partly because it typically occurs in the informal sector and thereby escapes official statistics and recording (ILO 2004a). According to the ILO, the global number of forced labourers is at least 12.3 million (ILO 2005: 10). Out of this total number, the Asia and Pacific Region accounts for 9.5 million persons. The ILO stresses that due to the uncertainty of sources and means of measurement, these are minimum estimates.

UNESCO studies set the number of slaves in bonded labour in India, Pakistan, Bangladesh and Nepal combined at 15-20 million (UNESCO 2008:46). Anti Slavery International points to an estimated 20 million bonded labourers in South Asia (ASI 2000). There is a wide consensus that bonded labour is on the rise globally, and that there is a need for developing measures and providing accurate figures.

KEY REPORTS ON BONDED LABOUR AND CASTE DISCRIMINATION

- [“Maid in India - Young Dalit Women Continue to Suffer Exploitative Conditions in India’s Garment Industry” \(April 2012\)](#)
- [ICN/ SOMO report ‘Captured by Cotton’ >>](#) Study of Dalit girls working under slave like conditions in India’s garment industry. India Committee of the Netherlands (ICN) and the Centre for Research on Multinational Corporations (SOMO). (May 2011)
- [India’s Childhood in the “Pits”](#) by Dhaatri Resource Centre for Women and Children - Samata, HAQ: Centre for Child Rights, March 2010
- [Bonded Labour in India: Its incidence and Pattern](#) by Ravi S. Srivastava, published by the International Labour Office, Geneva, June 2005
- [Poverty, Discrimination and Slavery: The reality of bonded labour in India, Nepal and Pakistan](#) Anti-Slavery International, 2008
- [A Global Alliance against Forced Labour](#) Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, 2005 INTERNATIONAL LABOUR CONFERENCE published by the ILO

¹ A comprehensive overview of references to caste by UN human rights bodies can be found in this compilation (regularly updated by IDSN): www.idsn.org/uncompilation