

IDSN recommendations on the thematic report by UN Special Rapporteur on contemporary forms of slavery at the 18th session of the Human Rights Council (12-30 September 2011)

The situation of South Asia's Dalits – in the mining sector

Item 3: Reports by UN Special Procedures

Special Rapporteur on contemporary forms of slavery, Ms. Gulnara Shahinian

In her thematic report to the Human Rights Council (A/HRC/18/30) the Special Rapporteur focuses on child slavery in the artisanal mining and quarrying sector. The Rapporteur states in her report that children working in artisanal mines and quarries are subject to a series of violations of human rights, social exclusion and discrimination. Furthermore, the Rapporteur explores root causes, manifestations and aggravating factors that lead to child slavery in the mining and quarrying sector. In paragraph 46 under "Discrimination", the Rapporteur underlines that some children are assigned to work in the mining sector because they belong to a certain social status, such as caste.

"46. Many children who work also come from groups that have been discriminated against and/or marginalized, for example, indigenous peoples, migrants or those given a certain social status such as caste. For example, countries may have a highly stratified society which in many communities dictates the kind of work one does. This means that a family from a particular stratum can only perform certain jobs. The lower you are in this stratified society the lower paid the jobs that one can perform. Consequently, one finds that many children who work are those from the lower strata. This makes them doubly vulnerable to abuses."

Dalit and tribal children in the mines

Studies show that it is the poorest and most marginalised sections of society that tend to be occupied in the mining sector. In South Asia the so-called "Dalits", formerly known as the "untouchables", and tribal groups represent a large majority of those who work in mines. Reports released by Indian NGOs reveal the desperate situation for children and adults living and working in mining areas in India. Among them Dalits, Adivasi (tribal groups) and women are the main victims.

Dalit and tribal children are particularly vulnerable to exploitation in the mining sector. A national study called "India's Childhood in the 'Pits'", which was published in 2010 by HAQ, SAMATA and mines, minerals and People (mmP), shows that districts, which are entirely dependent on mining, have a lower literacy rate than the national average. The mortality rate of children under five years of age is higher, and child labour is rampant. It also found that Dalit and Adivasi children are further marginalized as an indirect impact of mining in India. Large-scale mining projects are mainly in Adivasi areas, and the Adivasi child is losing his/her constitutional rights due to displacement, land alienation and migration by mining projects. As with Adivasi children, it is the mining Dalit children who are displaced, forced out of school and employed in the mines. The study shows that the impact of mining on children is not limited to child labour and the violation of their right to education. Children are also more prone to illness and are faced with increased morbidity. They are often displaced migrants, living in huts and tents and as a result they are very vulnerable for other forms of exploitation and abuses, including getting involved in illegal activities by the mafia and trafficking.

Dalit and tribal women in the mines

Women are also working under severe, slave-like conditions in the mines. A report called "Women Miners in Rajasthan, India", released in 2010 by a development organisation called GRAVIS, found that nearly 86% of the women workers interviewed for the GRAVIS report are from Dalit or tribal communities. They join the labour force in quarries and mines to increase their low family income, to be able to repay debts, or to replace their husbands who are bedridden or have passed away. Women are paid far less than men, because they are only allowed to undertake unskilled labour (e.g. handpicking, loading and crushing the stone). Hence, women are paid far less than men, and not even half of the official minimum wage for

unskilled labour. With this very meager income the women are unable to get out of the situation of poverty. Added to that is the constant risk for women to be sexually harassed by mine owners and contractors.

It is impossible to give an accurate figure of exactly how many children are working in the mining sector, because of the remoteness of quarries and mines and the informal character of the sector. The ILO estimates that more than one million children worldwide are involved in mining. However, this might be a huge underestimation. Organizations working in Rajasthan alone, estimate that in that state alone 375,000 children work in the mines and quarries across that state. In the state of Karnataka at least 200,000 children are said to be working.

According to the ILO (2005 a), bonded labourers in mines also tend for the most part to belong to the Scheduled Castes and Scheduled Tribes in India. An example is the mineral-rich state of Rajasthan, where mining provides work for more than 3 million people, some 95 per cent of these from the abovementioned social groups. Here the mines tend to be small-scale enterprises, operated on leases from the Government, and worked entirely by manual labour with rudimentary technology. A small percentage of the workers come from villages in the mining area, but the vast majority are migrants who retain links with their areas of origin.

Regional perspective

This situation is not limited to one particular country, but applies to many South Asian countries including Nepal and Pakistan. A survey carried out in Nepal showed that social discrimination, poor economic status and lack of compulsory education are the major causes that force families and their children into mine work. Sixty per cent of the child labourers in the survey come from underprivileged Janajati and Dalits castes. These children also start to work at a younger age (ILO study, 2005 b).

Debt bondage and forced prostitution of Dalits

The report of the special rapporteur further demonstrates that the work carried out by children in the mining and quarrying sector, by its very nature and the conditions in which it is performed, qualifies as a contemporary form of slavery due to the debt bondage, forced labour and economic exploitation of the child and particularly so with regard to unaccompanied children working in artisanal mining and quarries (para. 19). The Dalit community in South Asia is particularly affected by this phenomenon. An ILO report describes how people from lower castes and indigenous tribes are shut out from legitimate work and enter into bonded labour arrangements believing it may provide some relief from acute poverty. But when they are induced into debt and are then paid so little, if anything, they can never repay their debts no matter how hard they work or for how long. Debts are then passed on from one family member to another and from one generation to the next, condemning children and grandchildren to lives of continual scarcity. Women in these situations are particularly vulnerable to ruthless employers. A form of coerced prostitution in Bangladesh, Nepal and India, for instance, burdens a young prostitute with a "debt" to the brothel owner for food, clothes, make-up, and living expenses. To pay this supposed debt, she must work without pay for one year or longer.

Suggestions for questions to be raised with the Special Rapporteur:

- Which positive measures does the Special Rapporteur recommend governments to take in order to prevent particularly vulnerable children, including those who come from a certain social status such as caste, from being exploited in the mining sector?
- Has the Special Rapporteur encountered any good practices by state or non-state actors in tackling discrimination based on caste in the mining sector?
- To what extent does the Special Rapporteur think that a comprehensive framework, such as the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, could provide a useful tool for governments to enhance the promotion and protection of human rights for children from caste-affected communities?
- What is the responsibility of companies to prevent that children from the most vulnerable groups become engaged in mining? What positive measures can they take to protect the most vulnerable groups?

Key references

The summary "Mining and its effects on children, women, Adivasi and Dalits" by the India Committee of the Netherlands, 2010 (supported by IDSN) can be found here:

<http://www.dalits.nl/pdf/MiningAndItsEffectOnChildren.pdf>

The report India's Childhood in the "Pits" from 2010 can be found here:

<http://www.indianet.nl/pdf/ChildrenAndMiningIndia.pdf>

The report "Women Miners in Rajasthan, India" from 2010 can be found here:

<http://www.indianet.nl/pdf/WomenMinersInRajasthan.pdf>

The ILO report "A global alliance against forced labour" from 2005 (a) can be found here:

<http://www.ilo.org/public/english/standards/relm/ilc/ilc93/pdf/rep-i-b.pdf>

The ILO study "Eliminating Child Labour in Mining and Quarrying" from 2005 (b) can be found here:

<http://www.ilo.org/public/portugue/region/eurpro/lisbon/pdf/minas.pdf>

ILO Magazine "WORLD OF WORK", No. 54, August 2005 (Forced Labour Today):

http://www.ilo.org/wcmstp5/groups/public/@dgreports/@dcomm/documents/publication/dwcms_080601.pdf

More information

Read the [draft UN principles and guidelines](#) on the effective elimination of discrimination based on work and descent. Paragraph 38 of the guidelines on "Forced, bonded and child labour" read:

"National and local governments, corporations, labour groups, and international labour, financial, and development organizations should collaborate to ensure concrete mechanisms for the prevention, identification and eradication of exploitative labour arrangements and the implementation of rehabilitation schemes for forced, bonded and child labourers with special attention to affected communities."

Read IDSN's key issue paper on Bonded Labour and Dalits here:

<http://idsn.org/caste-discrimination/key-issues/bonded-labour/>