

Special Rapporteur on contemporary forms of slavery, including its causes and consequences - Ms. Urmila Bhoola (Ms. Gulnara Shahinian until 2014)	
<p>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, Ms. Urmila Bhoola</p> <p>A/HRC/27/53</p> <p>27th session of the Human Rights Council, September 2014)</p> <p>July 22 2014</p>	<p>III. Priorities of the Special Rapporteur for the period 2014-2017</p> <p>18. During her tenure, the Special Rapporteur will continue to address the different forms of contemporary slavery, including subtler forms of slavery that deserve specific attention, such as bonded labour, domestic servitude, early and forced marriage, child slave work, servile marriages and caste-based forms of slavery, which affect the lives of many and are not confined to developing and poor countries. She will also continue to work on the remaining challenges to the eradication of contemporary forms of slavery, as highlighted by her predecessor in her report to the Human Rights Council at its twenty-fourth session (A/HRC/24/43).</p>
<p>Thematic report on challenges and lessons in combating contemporary forms of slavery</p> <p>A/HRC/24/43</p> <p>(24th session of the Human Rights Council, September 2013)</p>	<p>Challenges and lessons in combating contemporary forms of slavery</p> <p>15. Discrimination based on race, ethnicity and caste also plays a role in increasing vulnerability to contemporary forms of slavery. Bonded labour in Asia, for example, disproportionately affects people with disadvantaged social statuses such as a low caste and the majority of forced labour victims in South America were from indigenous cultures, while strict social hierarchies in West Africa can dictate a person's status as a slave. In many societies, racism is very common and typically the darker the skin, the more abuse that follows. (p.5)</p> <p>16. In Nepal, a debt bondage system, the labourers of which are known as Haliyas, can be found in the agricultural sector. Haliya means "one who ploughs". Ploughing land is considered to be dirty and unskilled work that only lower-class citizens should perform, making it the work of "untouchables" or Dalits. Haliyas are either paid very little for their work or paid only in small amounts of food. Debt quickly accrues as workers take out loans for personal expenses, while landowners take advantage of them by charging exorbitant interest rates. According to a Centre for Human Rights and Global Justice report, "such discrimination is intentionally designed to keep alive a system of debt bondage". (p.5)</p> <p>17. In September 2008, the Government of Nepal officially liberated all Haliyas and pardoned their debts to landowners. However, in 2010, the Asia Human Rights Commission reported that most Haliyas were still working for their landlords, despite formal liberation. It is very difficult for former Haliyas to integrate into the labour force as they have little to no education or technical skills and 97 per cent do not own land. Approximately 150,000 people were estimated to be affected by the Haliya system in 2010. All Haliyas are male because females are not allowed to plough and cannot get loans to own land of their own. However, women still assist their husbands' landlords by collecting food for the animals or carrying manure to the farms. Children of Haliyas are often involved in the work as cattle herders, and therefore miss out on educational opportunities. (p.5)</p> <p>Institutional and implementation challenges</p> <p>38. In many countries in which slavery occurs, victims are poor, have few political connections and have little power to voice their grievances. These communities are normally marginalized and discriminated against as a result of their caste, race, gender and/or their origin as migrants or indigenous populations. In contrast, perpetrators</p>

	<p>may be wealthy, well-connected individuals who are able to influence policy and enforcement. This can result in corruption and a system in which there is little pressure on authorities to take action to combat exploitation. In Peru, gold generates tremendous profits and breeds corruption at every level, making it extremely difficult to combat labour abuses in illegal gold mining, including significant indicators of slavery. Such corruption facilitates the continued operation of illegal mines and gold-laundering and frustrates government enforcement efforts. In many cases, even when authorities have the will to carry out enforcement, they lack the training and resources to adequately do so. (p.11)</p> <p>Conclusions and recommendations</p> <p>82. Slavery and slavery-like practices are often clandestine. The majority of those affected are from the poorest, most vulnerable and marginalized social groups in society such as indigenous and caste-based groups. In order to effectively eradicate such exploitation in all its forms, Governments and other stakeholders must address the root causes of poverty, social exclusion and all forms of discrimination. At the heart of these campaigns, poverty reduction, the promotion of the Millennium Development Goals, the protection of human dignity and the establishment of robust protections against human and labour rights abuses, including effective access to remedy, should guide national and international strategies. (p.20)</p>
<p>Report on mission to Madagascar in 2012</p> <p>A/HRC/24/43/Add.2</p> <p>(24th session of the Human Rights Council, September 2013)</p>	<p>III. History of slavery</p> <p>7. Most Malagasy are descendants of Indonesian and African settlers. There are 18 main tribes in Madagascar, some of which have their own caste system. The Special Rapporteur mainly met with those from the Merina (which mainly inhabit Antananarivo and the surrounding highlands) and Bara tribes (based in the south), which both have a caste system. The Merina ruled Madagascar before French colonization and were the main group to benefit during French colonial rule. Ethnic tensions persist, largely due to the fact that the Merina consider themselves the descendants of kings and rulers, and consequently of higher social status than the other ethnic groups.</p> <p>8. There are four main castes within the Merina tribe. First there are the Andriana, who consider themselves nobles and the descendants of royalty. The second, the Hova or “free people”, are commoners whose role is to serve in the army and be businessmen and farmers. The third caste is the Mainty, who occupied the highland long before the importing of Masombika; unlike the Andevo, they lived freely and benefited from some royal advantages. Most of the Mainty served in the Merina army. The fourth caste is the Andevo, who are the descendants of slaves and mainly work for the other two castes. The Andevo were composed mainly of people brought by the Andriana from South and Eastern Africa (who were called Masombika referring to Mozambique country), and people from other regions of Madagascar taken to Antananarivo as prisoners after a military expedition.</p> <p>9. The nobles and commoners are generally light-skinned, whereas those in the latter two castes are dark-skinned. Many of them served and were sold in Antananarivo until French colonization, when slavery was abolished.</p> <p>10. The Masombika are former slaves who have no ancestral land. Many of them live on the western coast of Madagascar.</p> <p>11. Discrimination against the slave caste continues to exist, especially in marriages, where those in the first two castes are not allowed to marry someone from the slave caste. The Andevo live in slums located in the low villages, below the villages on the</p>

hill where the nobles and commoners settled. In the rural areas, the Andevo work the employer's land (someone from a higher caste), tend livestock and sometimes act as guards.

12. The Andevo and the Masombika do not have the same access to schooling and jobs as those from the light-skinned castes. Consequently, most Andevo and Mosambika are illiterate and are more vulnerable to working in exploitative employment. In towns, they are mainly hawkers or employed in cleaning streets or hospitals. The overwhelming majority of professionals (such as lawyers and doctors) are either Andriana or Hova. Some from the lower caste who are able to obtain an education and some degree of economic security do not want to be associated with their communities. In some protestant churches, those considered of lower caste are seated separately from the higher caste.

13. The Special Rapporteur noted that, although poverty and extreme poverty affect the majority of Malagasy, those in the lowest castes have the additional burden of being discriminated against, and they are the most vulnerable to poverty and slavery-like practices.

14. Although mixed couples from different castes are on the increase, such marriages are not supported and still face exclusion from their families, while their children are regarded as unclean.

a) Arranged marriages (Valifoho)

129. In places like Ihorombe, in the Bara community, when a girl reaches the age of 10, she is separated from other family members and can receive male visitors without need for approval from her male relatives. Indeed, her father and brothers no longer have any contact with her.

130. In the Bara community, when a girl is born, she is betrothed and the parents receive 10 oxen (oxen are a sign of wealth and prestige). Parents try to marry off their daughters to a man with many cattle. The man can take the girl from the age of 7 years or ask her parents to raise her until she is 12, at which time she will be taken to the husband's home.

131. Betrothed children accept marriage as they do not want to be excluded from the family (such exclusion would otherwise result in the girl being left destitute). Only the children of male offspring are allowed to marry in order to ensure that the wealth (oxen) stays within the family. Those betrothed are usually of the same age and start to live together from the age of 13 years.

132. In some cases, an elderly man, although already married, may become betrothed to an infant and marry her when she turns 10. A girl in these circumstances is usually pregnant by the time she is 12, and the man may die while she is still a teenager. It is difficult for the widowed girl to remarry; she is often cast out by the first wife from her husband's home, and is not entitled to any of her late husband's possessions.

133. **Girls are forbidden to marry anyone from the slave caste.** The Special Rapporteur spoke with a woman who had been ostracized by her family and faced stigma in the community because she had married someone from the slave caste. The pressure put on her husband by her own family was so great that he eventually left the household, leaving her to raise the children on her own. Her family was now trying to force her to marry a man from the same caste in the Bara community.

Conclusions and recommendations

	<p>164. The issue of caste discrimination should be addressed openly, not as a taboo; in this way, issues relating to vulnerability to poverty and slavery-like practices may also be dealt with in a comprehensive manner. The Government, civil society organizations and the international community must work with local communities to eradicate the stigma that the descendants of slaves experience, by means of programmes, technical expertise and the funding of projects to combat caste discrimination.</p>
<p>Press statement following country visit to Madagascar, 10-20 December 2012</p>	<p>Madagascar: “Poverty and impunity have increased contemporary forms of slavery,” warns UN Expert (Geneva, 19 December 2012)</p> <p>In addition, the Special Rapporteur was informed of the deeply rooted discrimination based on caste. In a country where over 70 percent are poor and over 50 percent are extremely poor, the slave descendants are the most vulnerable as they suffer from social, economic and political discrimination.</p> <p>“The Government, as well as civil society and international organisations cannot continue to ignore this issue. All actors must work with local communities in order to eradicate the stigma that slave descends experience,” she stressed. “The country cannot effectively move forward until these old wounds are recognised and addressed. The government must work at all levels -particularly through community leaders such as the fokotany and lunaka in order to tackle such discrimination.”</p> <p>The independent expert also urged the authorities to prioritise and devote sufficient resources to address the phenomena. “During my field visits, I met with local authorities and civil society organisations who were working to combat slavery with limited resources,” she said. “Amongst my other recommendations, I urge the government to develop urgent measures and fully resourced programmes with local authorities and work closely with civil society and international organisations in order secure funding and combat contemporary forms of slavery.”</p> <p>The full mission report will be presented at the 24th session of the Human Rights Council in September 2013.</p>
<p>Thematic report on servile marriage A/HRC/21/41 (21th session of the Human Rights Council, September 2012)</p>	<p>6. The Special Rapporteur participated in an international consultation on good practices and strategies to eliminate caste-based discrimination held in Kathmandu from 29 November to 1 December 2011. The consultation was organized by the International Dalit Solidarity Network in cooperation with the Feminist Dalit Organization, the Nepal National Dalit Social Welfare Organization, the Dalit NGO Foundation and the Samata Foundation. Its aim was to enhance engagement among countries, constituencies and institutions with a view to sharing good practices and strategies to eliminate caste-based discrimination. The Special Rapporteur was a keynote speaker and also facilitated a working group session on forced and bonded labour and discrimination issues in employment.</p> <p>V. Root causes of servile marriage</p> <p>B. Family honour</p> <p>47. Honour-related killings are practised by some communities in their countries of origin or in the countries to which they have immigrated. Honour-related killings occur in Asia, the Middle East and Europe, where first-generation immigrants have passed the practice on to their children and grandchildren. Among some Asian communities, to guard the honour of a clan, marriages take place within the biradari system, a social caste system that divides people into separate communities and combines caste and honour with notions of total loyalty to the clan.</p>

	<p>48. Reports also indicate that relentless pressure and emotional blackmail are used by parents and families to force young girls into unwanted marriages. More extreme forms of pressure can involve threatening behaviour, abduction, imprisonment, physical violence, rape and, in some cases, murder.</p> <p>C. Poverty</p> <p>53. To help to reduce servile marriage, the Government of India launched conditional cash transfer initiatives to provide incentives to families to delay their daughters' marriages. The "Apni beti apna dhan" ("Our daughter, our wealth") programme was established by the local government of Haryana to issue long-term savings bonds redeemable on a girl's eighteenth birthday, provided that she is unmarried.</p> <p>E. Cultural and religious practices</p> <p>57. In Sindh, a province of Pakistan, the custom of <i>swara</i> is practised, by which women are used as commodities to settle disputes between clans and tribes. They are either forced to marry the men from the receiving tribe or used by them as sex slaves. This form of servile marriage continues to occur even in the face of legislation prohibiting this practice and the upholding of that legislation by the Supreme Court of Pakistan (see EGM/GPLHP/2009/EP.14).</p> <p>61. There are several practices in which girls are forced into marriage under the guise of religious rites. For example, the Committee on the Elimination of Racial Discrimination has noted the existence in India of devadasi, whereby a girl, usually a Dalit, is forced to marry a deity and forced to have sex with members of the temple (CERD/C/IND/CO/19, para. 18). The Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination have addressed the <i>deuki</i> system in Nepal, under which girls may be offered to deities by their families or by wealthy people who buy girls from their parents to be granted wishes or heavenly favours. The girl is then called a <i>deuki</i> and engages in prostitution (CRC/C/15/Add.261, para. 67, and CEDAW/C/NPL/CO/4-5, para. 17).</p> <p>B. Sexual slavery</p> <p>75. Sexual slavery is a situation in which absolute control over one person is imposed on another, either by the use or threat of force. Servile marriage results in sexual slavery. As mentioned previously, girls in ritual slavery are forced to have sex with the priest who consummates the marriage between the girl and the deity. A ritually enslaved girl may also be forced to have sex with multiple sexual partners who believe that they become cleansed by having sex with her. The girls are also rendered physically weak by the pregnancies, births and, on occasion, abortions that they undergo. As a result of having multiple sexual partners the girls suffer from reproductive tract infections and sexually transmitted diseases. Unable to leave or seek help, they are often socially marginalized, with few support systems. This contributes to a lack of confidence and low self-esteem, perpetuating subordination.</p>
<p>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms. Gulnara Shahinian</p> <p>A/HRC/18/30 (HRC 18th session – 2011)</p>	<p>J. Discrimination</p> <p>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.¹⁶ This makes them doubly vulnerable to abuses.</p>
<p>Report by the Special Rapporteur on contemporary forms of</p>	<p>Ms Gulnara Shahinian presented her report on domestic servitude to the 15th session of the Human Rights Council (A/HRC/15/20). The report underlined the intrinsic link between domestic servitude and caste discrimination:</p>

<p>slavery, with a particular focus on the manifestations and causes of domestic servitude</p> <p>A/HRC/15/20</p> <p>(15th HRC session, September 2010)</p>	<p>51. Physical and psychological abuses reinforce dependency and, in extreme cases, become the very cause of domestic servitude (rather than a mere consequence). A domestic worker may, for instance, be subjected to abuse so severe that a psychological dependency on the perpetrator ensues (a phenomenon known as the “battered women syndrome” in the domestic violence context). The victim may be systematically beaten, insulted, humiliated and belittled to force her to submit to excessive working hours, unpaid overtime on rest days, etc.. Such abuse can reinforce other patterns of learned submission based on caste, ethnic or gender discrimination. Sexual violence, ranging from sexual harassment to repeated rape or the threat of trafficking into forced prostitution, is also employed as a tool of subjugation. The Special Rapporteur also received numerous reports of domestic workers being threatened with denunciation for crimes they did not commit if they complained about exploitative working conditions.</p> <p>2. Discrimination based on ethnicity, race, skin tone or caste</p> <p>69. Domestic servitude is intrinsically linked to discrimination based on ethnicity, race, skin tone or caste. Imagined distinctions in human worth and dignity, derived from meaningless differences in outward appearance or lineage, set the ground for ruthless exploitation. Patterns of discrimination are internalized by both perpetrators and victims, who more or less consciously envisage themselves as “masters” or “servants”.</p> <p>72. Caste-based discrimination, found in various cultural contexts, and domestic servitude are linked. In South Asia, so-called “untouchables” (<i>dalits</i>) and certain indigenous communities make up the vast majority of people in domestic bonded labour, which is a form of domestic servitude. Moreover, specific types of degrading domestic chores are specifically associated with lower castes and linked to exploitative conditions. In certain States in India, despite a long-standing Government campaign to eradicate the practice, many <i>dalit</i> women reportedly still have to engage in “manual scavenging”: because of their caste they are expected to take care of scraping human excrement from dry toilets in private households or public places.</p> <p>99. Domestic servitude is rooted in entrenched patterns of gender discrimination and discrimination on the basis of race, ethnicity and caste. At the heart of the problem is the fact that work in or for the household, whether paid or unpaid, is undervalued.</p> <ul style="list-style-type: none"> • States should reinforce their efforts to implement the commitments agreed at the Fourth World Conference on Women in Beijing and the Durban Review Conference. • Senior Government officials, religious and community leaders should publicly acknowledge the value of domestic work to society and emphasize the equal dignity and autonomy of domestic workers.
<p>Report by the Special Rapporteur on contemporary forms of slavery on her mission to Mauritania</p> <p>A/HRC/15/20/Add.2</p> <p>(24 Oct-4 Nov 2009)</p>	<p>Ms Gulnara Shahinian presented the report from her country visit to Mauritania at the 15th session of the Human Rights Council. The report mentions numerous examples of caste-based slavery in Mauritanian society:</p> <p>9. Mauritanian society is highly stratified along ethnic and racial lines. In the black African communities, noble and freemen are at the top, followed by “casted” groups (usually occupational and endogamous groups such as blacksmiths and musicians), with slaves and their descendants coming at the very bottom.</p> <p>10. The Special Rapporteur heard reports that the black African slaves, depending on the economic status of their masters, have de facto equal access to basic services such as education, even though when it comes to social ceremonies such as worship, marriage and burial, the black African slaves must keep within their caste. For example, among the Soninke, slaves are not allowed to be in the first row at the mosque and cannot be buried in the same cemeteries as their masters.</p>

	<p>12. The elite white Moors (Berber Arabs) control the economy and the vast majority of the administrative State, including the Government, the military and the police. Historically they raided, enslaved and assimilated people from sedentary black ethnic groups along the Senegal River. Today this assimilated group of people is also called the black Moors. Following the 1905 law abolishing slavery in Mauritania, the black Moors gradually started being freed and were commonly referred to as Haratine. The word “Haratine” is derived from the Arabic word for freedom, as they are perceived by the rest of society as freed slaves. The Haratine continue to suffer discrimination, marginalization and exclusion due to their membership of a “slave caste” and are the ethnic group most associated with slavery in Mauritania today. In many cases, the Haratine, even if freed, continue to serve their masters because they are economically, culturally and psychologically attached to them and they see no other viable option. Whether freed or still enslaved (<i>abid</i>), black Moors are referred to as Haratine.</p> <p>17. Several treaty bodies have issued observations and recommendations related to slavery in Mauritania, the most recent of which has been the Committee on the Rights of the Child. In its concluding observations, the Committee expressed concerns about the high number of children engaged in labour, particularly in the agricultural sector, and the continued existence of caste-based slavery, which has a particular impact on girls in domestic service and boys forced to beg by <i>marabouts</i> (Islamic religious leaders or teachers).</p> <p>51. While the practice of slavery is illegal, deeply embedded discriminatory attitudes form part of the basis of slavery in Mauritania. The country’s stratified, caste-based society means that even those who are former slaves or descendants of former slaves still live under the shroud of their “slave class” and are ostracized from society. As a result of discriminatory practices, former slaves often end up in service and manual labour positions in urban areas. When they rise above their strata, former slaves still experience discrimination. The Special Rapporteur heard of a situation where a minister, who happened to be from a lower caste in the Soninke community, was appointed and yet the people from his own community refused to recognize him. This shows that, even where the Government has used positive discrimination, such persons have faced setbacks, as certain communities have refused to let go of old traditional beliefs in caste-based slavery. The person appointed to a senior position is not respected.</p> <p>105. As the Minister of Justice reviews the effectiveness of the 2007 Slavery Act, the Special Rapporteur urges him to consider incorporating the following:</p> <ul style="list-style-type: none"> – Introduction of a law against discrimination practices based on caste or ethnic slavery;
<p>Thematic report by the Special Rapporteur on contemporary forms of slavery</p> <p>A/HRC/12/21</p> <p>(12th HRC session, September 2009)</p>	<p>Ms. Gulnara Shahinian presented her first thematic report on debt bondage before the 12th session of the Human Rights Council (A/HRC/12/21). In the report she underlines the link between forced labour and caste discrimination, and describes how sexual exploitation can also be linked to forced prostitution:</p> <p>51. 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.</p> <p>53. Bonded labour can also be linked to sexual exploitation. According to information gathered from NGOs, in some countries multiple wives are bonded into prostitution, a practice that is embedded within the system of polygamy and bride procurement. Men take a number of loans to procure several wives. Women may then be sent to work in brothels, or alternatively “loaned” to brothel owners, where their earnings are shared between the brothel owner and the husband. The bonded woman is not allowed to leave the brothel until the debt of her husband has been cleared. Men</p>

	<p>who are unable to pay their debts to landowners are also reported to have bonded their wives into prostitution.</p> <p>In the interactive dialogue at the 12th HRC session, the Special Rapporteur said in her presentation that 'slavery exists all over the world', and that 'the majority of public information and awareness on bonded labour refers to its traditional manifestation which is widely reported in Africa, Asia and South America.' She also said that the 'causes of bonded labour have, disheartingly, not changed with the times. Factors such as poverty, migration, discrimination on the basis of race, caste, social status and gender are still the main causes of bonded labour.'</p>
<p>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms. Gulnara Shahinian</p> <p>A/HRC/9/20 (9th HRC session, September 2008)</p>	<p>This report (A/HRC/9/20) of 29 July 2008 is the first by the Special Rapporteur, whose mandate was created pursuant to Human Rights Council resolution 6/14. This new mandate replaces the Working Group on Contemporary Forms of Slavery. The report explains the definition of the mandate, the scope of the mandate, the legal framework, methods of work, and activities carried out by the Special Rapporteur.</p> <p>II. SCOPE OF THE MANDATE</p> <p>11. As one of the oldest forms of human relationship, slavery has evolved and manifested itself in different ways throughout history. Today some old traditional forms of slavery still persist in their earlier forms, others transmute into new ones. Analysis of worldwide annual applications to the United Nations Trust Fund on Slavery, reports of the Working Group on Contemporary Forms of Slavery, as well as reports written by United Nations bodies and non-governmental organizations, document the persistence of the old forms of slavery that are embedded in traditional beliefs and customs. These forms of slavery are 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.</p> <p>Focus areas:</p> <p>Forced labour</p> <p>Child labour</p> <p>Domestic work</p> <p>IV. METHODS OF WORK</p> <p>In the discharge of the above functions, the Special Rapporteur will:</p> <p>Carry out country visits in order to obtain firsthand information on the situation from officials, members of the civil society, and UN agencies. A report of these visits, highlighting findings, conclusions and recommendations, will be submitted to the Human Rights Council.</p> <p>Act upon reliable information submitted on human rights violations, whether they have occurred or are deemed imminent,</p> <p>undertake research on a specific theme / phenomenon in relation to the mandate and provide the Human Rights Council with advise and specific recommendations in this regard</p> <p>Conduct advocacy and awareness raising to promote human rights with regard to slavery and to prevent slavery like practices from taking place.</p> <p>33. In carrying out her duties, the Special Rapporteur will work at the national, regional and international levels in order to ensure the effective fulfilment of her mandate. She will work to collate, promote and distribute examples of best practice at the national, regional and international levels in order to eliminate slavery.</p>

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