

**Call for inputs to report on contemporary forms of slavery as affecting persons belonging to ethnic, religious and linguistic minority communities**

Submission by the International Dalit Solidarity Network (IDSN), February 2022.

- 1. Is there evidence of minorities being subjected to contemporary forms of slavery (e.g. forced labour, bonded labour, forced/child marriage, descent/caste-based slavery and related practices) in your country/community? If so, please provide information relating to the profiles of victims and the nature and extent of their exploitation and abuse. What additional traits and characteristics, including gender, age, sexual orientation and disabilities, have made them more vulnerable?**

In South Asia, populations affected by caste-based discrimination are particularly vulnerable to contemporary forms of slavery. Despite being prohibited in many countries; slavery is widespread in South Asia. Forced and bonded labour, resulting in a loss of control over labour conditions and terms of work, is often interlinked with the caste system and related types of customary feudal agricultural relationships.

Those sustaining bonded labour in South Asia are predominantly Dalits, also known as 'untouchables'. According to an Anti-Slavery International [report](#), the vast majority of bonded labourers (around 90%) are predominantly from scheduled castes and minority groups. Weak economic positions and lack of access to resources increase Dalits' dependence on wage labour. Extreme poverty forces Dalits to take on loans and they hold no other assets to lever their debts, other than their labour. In addition to poverty, practices of social exclusion push Dalits 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 dominant caste villagers that uphold the hierarchy. Consequently, when Dalits resist their oppression, they risk being boycotted, cutting them off from land use, access to markets and employment. Other retaliations against Dalit assertion include killings, gang rapes, looting and arson.

The figures are staggering. 80% of those working in bonded labour in India, Pakistan and Nepal

are Dalits or indigenous people.<sup>1</sup> 85% of bonded labourers in the world are found in India, Pakistan, Bangladesh and Nepal.<sup>2</sup> Every single child labourer that has been documented belongs to a low-caste or minority community.<sup>3</sup>

## 2. What types of personal, situational and structural factors push minorities into contemporary forms of slavery in your country/community?

The socially enforced caste discrimination imposes an idea of superiority with severely negative impacts on decent work standards. Dalits are particularly vulnerable to bonded labour, because of their socio-economic status, but bonded labour is also intertwined with caste discrimination in the form of caste-based occupations.

Among its worst forms, **manual scavenging**, the removing of human excreta from dry latrines, railroad tracks and sewers by hand, is a caste-based and hereditary occupation that is a form of slavery reserved exclusively for Dalits. It is estimated that around 1.3 million Dalits in India, mostly women, make their living through manual scavenging. Manual scavengers earn as little as one rupee a day. They are rarely able to take up another occupation due to discrimination related to their caste and occupational status and are thus forced to remain scavengers. Manual scavengers are paid less than minimum wage and are often forced to borrow money from dominant-caste neighbours in order to survive. This traps them in the relationship of bondage. Though this vile and inhumane practice was abolished by law in India in 1993 the practice is deeply entrenched in South Asian societies.

Thousands of Dalit girls are **forced into prostitution** every year. The link between caste and forced prostitution is apparent in the *Devadasi* and *Jogini* systems practiced in [India](#). In India, these systems are a form of religiously sanctioned sexual abuse. Originally a sacred, religious practice, the *Devadasi* dedication of girls to temples has turned into a systematic abuse of young Dalit girls serving as prostitutes for dominant caste community members. In 2007, Anti-Slavery International published a [study](#) on this practice of ritual sexual slavery or forced religious 'marriage'. It found that 93% of *Devadasi* were from Scheduled Castes (Dalits) and 7% from Scheduled Tribes (indigenous) in India. Additionally, most girls and women in India's urban brothels come from Dalit, lower-caste, tribal or minority communities.

Keeping [Dalit women](#) as prostitutes and tying prostitution to bondage is a means of subjugation by dominant castes seeking to enforce their social status and economic superiority. Girls who become *Devadasi* and *Jogini* are prohibited from marrying and are stigmatized by the community. The children of *Devadasi* and *Jogini* also suffer from [discrimination](#) because they do not have a recognized father.

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<sup>1</sup> Anti-Slavery International

<sup>2</sup> The Harvard Center for Human Rights Policy – Siddharth Kara

<sup>3</sup> Id.

In [Nepal](#), the *Badi* caste is a Dalit 'sub-caste'. Many *Badi* women are forced into prostitution and end up being trafficked to Mumbai's sex industry. The traditional ties of the *Badi* community to the sex trade may make girls and women in this community particularly vulnerable to exploitation. *Badi* girls are frequently pressured by their families to start work as a prostitute at an early age to help with the household income. Lack of [education](#) and discrimination means that other job opportunities are rare. Their 'customers' are frequently dominant caste men – local businessmen, politicians etc. – who shun them in public.

In Pakistan, Hindu girls are particularly vulnerable to forced conversion under the guise of a marriage of choice. The worst victims are Scheduled Caste girls who are kidnapped or lured into conversion, sexually exploited and then abandoned. Typically, girls are abducted, raped and kept in custody, where they are forced to sign marriage certificates and claim that they have converted to Islam.

Bonded labour is also widespread in the **tea plantations** in [Sri Lanka](#). Oppressed castes constitute 83 percent of the 3.6 million workers that live in the plantation communities. Most of them are Tamil-speaking Hindus and descendants of plantation workers from South [India](#) brought to the country in the 19th century by British colonizers. The estimated number of Indian origin Tamils in Sri Lanka is 1.3 million, and nearly 80 percent of them are concentrated in the plantation sector. The majority of these initial Indian immigrants to Sri Lanka were Tamils from the most impoverished regions in South India, where they were predominantly landless and poverty-stricken agricultural workers occupying the lowest position in the existing caste hierarchy. Studies have revealed that the prevailing caste system of the Tamil plantation community in Sri Lanka is more or less a continuation of the South Indian caste system adapted to suit the situation in the plantations. It is usually dominant caste people who supervise the oppressed caste workers in the estates.

### **3. Are there wider political, economic, social, religious and cultural factors making persons belonging to minorities vulnerable to these practices?**

Although there are several forms of legislation in countries affected by caste-based discrimination, bonded or other forms of contemporary labour are socially accepted, in view of the social stigmas and prejudices against Dalits.

### **4. What has your government done at the local, national, or regional levels to protect minorities from being subjected to contemporary forms of slavery in your country? Please share examples.**

In 2013, the Indian Parliament enacted The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act (the 2013 Act) outlawing all manual excrement cleaning. The 2013 Act also recognized a constitutional obligation to correct the historical injustice and indignity suffered by these communities by providing alternate livelihoods and other assistance. In March 2014, the Supreme Court of India ruled that manual scavenging violates international human rights law and called for effective remedy. The new Indian government has pledged to address

the needs of India's marginalized communities but has yet to take any new measures to end manual scavenging.

**5. What have non-governmental entities, including businesses and educational institutions, done to provide equal access to decent work and quality education in your country? Please share examples.**

Business communities have started trying to counter caste-based discrimination in labour relations. For instance, the Ethical Trade Initiative, in partnership with the IDSN member, Dalit Solidarity Network UK, has launched the "Base Code Guidance: Caste in Global Supply Chains"<sup>4</sup>, explaining why caste is relevant for international business; mapping the main sector affected by caste; and providing recommendations to eliminate caste discrimination in businesses and supply chains, namely:

- Assess human rights risks
- Identify leverage, responsibility and actions
- Take action by mitigating risk and providing remedy for workers
- Monitor, review, report and improve<sup>5</sup>

**6. What has been the role of civil society organisations, faith-based organisations, trade unions, and human rights defenders in protecting minorities from being subjected to contemporary forms of slavery? Please share examples.**

A number of civil society entities, including the ones organized by Dalits and victims themselves, have raised their voices against contemporary forms of slavery. Among those, Safai Karma Chariandolan (SKA) is a leading organization fighting against manual scavenging.<sup>6</sup>

Similarly, Dalit Solidarity Network UK's FOUL PLAY campaign was launched in solidarity with the SKA and made a number of recommendations to the Indian and the UK Governments, as well as the Commonwealth Secretariat which they are expected to fulfil before hosting the 2010 games. DSN-UK supported SKA in its demands including the release of over Rs. 800 crores for the rehabilitation of manual scavengers.

Rashtriya Garima Abhiyan – Jan Sahas is a national level movement which works for the total eradication of manual scavenging and the empowerment of Dalits and other vulnerable sections of society. It is a partner of the ILO in India.

In December 2021, during the Sanitation Workers' Forum, participants discussed the links between caste and hazardous forms of sanitation. Participants at the Forum urged that immediate steps are taken to ensure the safety and dignity of millions of sanitation workers

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<sup>4</sup>[https://www.ethicaltrade.org/sites/default/files/shared\\_resources/ETI%20Base%20Code%20guidance%2C%20caste%20in%20global%20supply%20chains.pdf](https://www.ethicaltrade.org/sites/default/files/shared_resources/ETI%20Base%20Code%20guidance%2C%20caste%20in%20global%20supply%20chains.pdf)

<sup>5</sup> <https://idsn.org/no-more-silence-companies-must-address-caste-in-their-global-supply-chains/>

<sup>6</sup> <https://safaikarmachariandolan.org/>

worldwide – and ensure social protections. The living and working conditions of sanitation workers and manual scavengers are being taken up by more research, policy and best practice agendas. However, despite this recognition, dangerous and demeaning types of sanitation work continue to be practiced. Sanitation workers and manual scavengers are frequently discriminated against, subject to social stigma, exposed to health risks and paid sporadically (if at all), all with insufficient protective equipment. The Forum, organised with support from partners such as WaterAid, ILO, SNV, World Bank and WHO, brought activists, researchers, labour unions, policy makers and institutions together to address these challenges and demand increased resources to promote decent work, alternative skill development and improved conditions.<sup>7</sup>

IDSN consistently advocates at the UN and the EU for the eradication of contemporary forms of slavery that affects disproportionately Dalits.<sup>8</sup>

**7. What has been the impact of the COVID-19 pandemic on minorities, including the related adopted measures and its social or economic effects with regard to contemporary forms of slavery? What actions has your government taken to protect them?**

As COVID-19 sweeps across the world it is crucial that we ensure that relief, health services and awareness raising efforts are inclusive and accessible to all irrespective of caste, ethnicity, race, religion, sexual orientation, disability, or other factors. While time is of the essence in response to COVID-19, taking a moment to ensure that high risk communities, such as Dalits, are included and addressed in global, national and local responses to COVID-19, can save millions of lives. COVID-19 disproportionately affected Dalits, in many ways. During the general lockdown in India, Dalits had to walk for days back to the countryside, suffering from hunger and increasing their exposure to the virus. They were also assigned to the worst forms of rescue work during the pandemic, including carrying bodies of COVID-19 victims and manual scavenging without the necessary safety gear and equipment, which has considerably increased the contagion within this community.

The organization Jan Sahas has released a report detailing their support to the most vulnerable in the lockdown period. The compilation of stories in the report, provide a glimpse into the deep trauma, anxiety and humiliation people have faced during lockdown and the work that has been done to address this.<sup>9</sup> The Feminist Dalit Organisation (FEDO) has released a newsletter documenting their work in awareness raising and relief, targeting Dalits during the COVID-19 lockdown. The newsletter also looks at caste and gender violence under the lockdown and the results of a rapid assessment survey on the situation of Dalits. In September 2020, FEDO released an additional newsletter on their ongoing work.<sup>10</sup>

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<sup>7</sup> <https://idsn.org/global-forum-addresses-the-caste-and-sanitation-work-nexus/>

<sup>8</sup> <https://idsn.org/key-issues/caste-based-slavery/>

<sup>9</sup> [https://jansahasindia.org/wp-content/uploads/2020/07/JAN-SAHAS\\_COVID19-Relief-Response\\_-Stories-of-Resilience-Hope\\_July2020.pdf](https://jansahasindia.org/wp-content/uploads/2020/07/JAN-SAHAS_COVID19-Relief-Response_-Stories-of-Resilience-Hope_July2020.pdf)

<sup>10</sup> <https://idsn.org/wp-content/uploads/2020/11/FEDO-Covid-19-Work-and-more-July-Sept-2020.pdf>

UN experts spoke out about the links between discrimination and slavery at a webinar<sup>11</sup> raising concern over caste discrimination and caste-based occupations as well as the disproportionate impact of COVID-19 on vulnerable groups. The UN Special Rapporteur on contemporary forms of slavery, Tomoya Obokata stressed that:

“In India, many of the more than 100 million internal migrant workers who were forced to return home due to the pandemic were reportedly subjected to police brutality and stigmatised as virus carriers. If these workers get sick, there is no social safety net to ensure they don’t fall deeper into poverty. Poverty makes lower castes more vulnerable during emergencies and activists fear that the coronavirus will once again reinforce this inequality in many parts of the world.”

“In addition, people from marginalised racial and ethnic minority groups, including those affected by caste-based discrimination, have been employed in high numbers in transport, health and cleaning sectors that carry an increased risk of contracting COVID-19, particularly when employers fail to provide protective equipment or introduce adequate safety measures.”

Tina Stavriniaki, a Member of the CERD, noted the importance of implementation, as many countries have domestic laws which prohibit forced or bonded labour but these “practices persist in reality and affect marginalised castes.” Those suffering from slavery are dehumanised to such an extent that they are essentially invisible to national authorities. She also commented that discrimination plays an important role as a “persistent indicator that justifies coercion and exploitation of specific groups by the rest of the population, here we find deeply rooted discrimination against specific groups.”

**8. What are persisting obstacles/challenges in preventing minorities from being subjected to contemporary forms of slavery? What mechanisms exist in your country to report instances of contemporary forms of slavery as affecting members of minorities? How actively are such mechanisms used by members of minorities and to what extent have they been able to access justice and remedies? What are the main obstacles/challenges in this regard?**

There are persisting obstacles for Dalits to seek justice for abuses related to bonded and slave-like labour in countries affected by caste-based discrimination. These obstacles include a deficiency in labour inspections, discrimination by enforcement authorities and the judiciary, low political representation of Dalits in parliament and decision-making posts and the very low social cost of engaging Dalits in slave-labour conditions.

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<sup>11</sup> “Contemporary Slavery & Racial Discrimination: Civil Society Support to Survivors during the Pandemic”, organised by the International Day for the Abolition of Slavery, the UN Voluntary Trust Fund on Contemporary Forms of Slavery, the Geneva Human Rights Platform, and the UK Mission in Geneva, on 2 December. <https://youtu.be/f4GuM1tH3vw>

**9. What recommendations do you wish to propose in order to effectively address these ongoing challenges and protect minorities from contemporary forms of slavery?**

States should speak more strongly about the links between caste and slavery. For instance, the European Parliament, in January 2022, called on the EU to intensify efforts at the UN to eliminate caste discrimination, noting “with great concern the scale and consequences of caste hierarchies, caste-based discrimination and the perpetuation of caste-based human rights violations, including the denial of access to the legal system or employment, continued segregation, poverty and stigmatisation, and caste-related barriers to the exercise of basic human rights and the facilitation of human development.”<sup>12</sup> This commendable call could also be articulated in the specific context of caste and slavery.

An intersectional approach should be reinforced in this upcoming study, with a thorough analysis of concrete instances in which women belonging to minorities are victims of slave-like practices and what are the relevant consequences. From our experiences, mostly women are engaged in manual scavenging, in a scenario of both victimization and leadership in fighting against this form of violation.

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<sup>12</sup> <https://idsn.org/european-parliament-calls-for-the-eu-to-intensify-efforts-at-the-un-to-eliminate-caste-discrimination/>