

EVIDENCE

The situation regarding Dalits and modern 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. There are however no comprehensive studies on the number of bonded labourers that have a scheduled caste (Dalit) background.

Those who are employed as bonded labourers in South Asia are predominantly Dalits, also known as 'untouchables'. According to Anti Slavery International, the vast majority of bonded labourers in India and Pakistan (around 90%) are predominantly from scheduled castes. Weak economic positions and lack of access to resources increase Dalits 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 'dominant' caste villagers that uphold the hierarchy. Consequently, when Dalits resist their oppression, they risk complete boycott, cutting them off from land use, access to markets and employment. Other retaliations against Dalit assertion include killings, gang rapes, looting and arson.

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 in 2008, 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 a perceived '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. 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.

Applicable international law and standards, monitoring bodies

Forced and bonded labour are contemporary forms of slavery, and they are prohibited under international law, including the UN Slavery Conventions of 1926 and 1956, and ILO Conventions.

Bonded labour is defined in the 1956 UN Supplementary Convention on Slavery as “the status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.”

The two fundamental ILO conventions are the **Forced Labour Convention (No. 29)**, 1930 and the **Abolition of Forced Labour Convention (No. 105)**, 1957. 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 every two years. 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.

In June 2014, the ILO adopted the **ILO Forced Labour Protocol 2014** to the Forced Labour Convention (No. 29), 1930 to give new impetus to the global fight against forced labour, including trafficking in persons and slavery-like practices and provide specific guidance on effective measures to be taken to eliminate all forms of forced labour. The ILO defines forced labour as work or service undertaken involuntarily and under threat or penalty. Bonded labour is usually a result of economic necessity and other external constraints such as poverty, social exclusion and denial of human rights. Bonded labour is 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 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](#)).

Country information

Caste-based Slavery in India

The Indian Bonded Labour System Abolition Act of 1976 prohibits any service arising out of debt, including forced labour and bonded labour. The legal definition of ‘the bonded labour system’ recognizes force as including not only physical or legal elements, but also including deprivation of alternative choices, economic circumstances and a derived compulsion to choose a particular course of action, such as providing underpaid or unpaid labour.

In spite of the encompassing and seemingly progressive legislative framework, the use and abuse of Dalit bonded labourers in India remains endemic within a range of occupations and branches, both rural and urban, such as agriculture, forestry, fishing, domestic work and

cleaning. A report by Anti-Slavery International in 2008, revealed that Dalit bonded labourers are employed to carry out the most physically straining and menial types of work in industries such as silk farms, rice mills, salt pans, fisheries, quarries and mines, tea and spice farming, brick-kilns, textile and domestic work.

The report *Sowing Hope*, examining child labour and wages in cotton and vegetable seed production in India, demonstrates that children under 14 years old account for over 18% of the workforce in the cottonseed farms surveyed. Over 50% of the child labourers in the sector are Dalits or Adivasis. The majority of the child labourers do not attend school. While still too high, the total amount of child labourers has, in fact, declined since 2015, due to initiatives by companies and NGOs. The report, however, does find that wages across the sector are still far from the minimum wage, a figure which has not significantly improved. The prevailing wage rates were found to be 24-41 percent below minimum wage in some Indian states. The researchers also found differential treatment of Dalits in the workplace with reports of Dalit workers being treated differently to dominant castes. Dalits were not given the same privileges in relation to taking breaks during work hours or being treated with respect and dignity. 613 sample farms were surveyed, showing a direct correlation between the decline of child labour in companies who have implemented special programmes to address this issue in relation to those who have not yet tackled the problem.

Lack of implementation of the legislative frameworks, failure of the authorities to observe the laws, and impunity of perpetrators are the most common obstacles to eliminating forced and bonded labour in India.

- Forced labour in agriculture

Agriculture accounts for approximately 64 percent of the entire population's workforce and employs far more bonded labourers than all other industries and services in India together, according to a Human Rights Watch report. Conditions for bonded agricultural labourers are among the harshest. The work is gruelling, days are extremely long and payment is nominal and may consist of two sole meals a day with a yearly set of clothing.

Agricultural labour is especially linked to caste as the caste structures are deeply entrenched in rural areas. Realities reveal that landlords are high caste, small landowners are of lower castes and the landless and bonded laborers are almost exclusively Dalits. According to Human Rights Watch, caste hierarchies are not only confined to land, but also permeate every aspect of village life.

- Gender and bonded labour

Patriarchal systems confine women to certain types of occupations, such as domestic work, silk farming, carpet making and weaving. Young girls are commonly recruited to work in spinning mills in India in return for the cost of their marriage or a dowry payment. The parents often wait several years before receiving the money, which is usually less than initially agreed upon.

Dalit women are at the absolute bottom of the social hierarchy. They face discrimination as Dalits, as poor people and as women, making them the most vulnerable group. A study by

the ILO reveals that women are restricted in decision making concerning household resources and control over money. Furthermore, the respondent women suffer food deprivation and malnutrition to a greater extent than the men. Having so-called feminized duties doesn't relieve the women of other chores. Being women simply adds to their workload. The women express that they find caste discrimination from their landlords to be the most distressing.

- Child bonded labour

Children are particularly vulnerable to forced and bonded labour. Even when in the care of guardians, they are pursued as targets for bonded labour. Various reports and studies have identified bonded child labour in a number of occupations including agriculture, brick kilns, stone quarries, carpet weaving, bidi (cigarette) rolling, rearing of silk cocoons, production of silk sarees, production of silver jewellery, gem cutting, diamond cutting, manufacture of leather products, in circuses, fisheries, shops and tailoring establishments, and domestic work.

A Human Rights Watch report from 2003 estimates that 350,000 children work in bonded labour in India's child silk thread and weaving industry in the Karnataka and Varanasi districts alone. Reflecting national tendencies, the majority of the children are Dalit, Scheduled Caste/Scheduled Tribe (SC/ST) or Muslims. These children report working nearly 12 hours a day. As a result of poor and hazardous working conditions the children suffer health problems and diseases, as well as verbal and physical abuse from their employers. They report that they never receive the agreed wages, instead often getting just a small portion of the amount agreed upon.

- Bonded labour in brick kilns

Further evidence: State Human Rights Commission begins inquiry [Bonded labour at brick kiln: State Human Rights Commission begins inquiry- The New Indian Express](#)

- Caste-based forms of bonded labour

Dalits are particularly vulnerable to bonded labour, because of their socio-economic status, but bonded labour is also conjoined with caste in the form of caste-based occupations.

- Bonded labour exported to other countries such as the US

[BAPS, a prominent sect, faces accusations of exploiting low-caste laborers from India to run massive temples around the country.](#)

Caste-based Slavery in Nepal

Bonded labour is widespread in Nepal despite national legislation prohibiting the practice. Predominant in agriculture, bonded labour is also found in domestic work and brick kilns. It is also believed to exist in sectors such as embroidery workshops, tea shops and small restaurants.

- Bonded labour in agriculture

The *haliya* or “tiller” system is an agricultural bonded labour practice in the Western hills of Nepal. According to the ILO, it affects an estimated 20,000 people in far western Nepal. Haliya bonded labourers are indebted to their landlords and receive little or no pay in return for their agricultural work and domestic work for their landlord. Generally, haliya bonded labourers are from low caste or minority ethnic groups. The National Dalit Welfare Organisation estimates that one fifth of haliya bonded labourers are Dalits.

The *kamaiya* system under which thousands of agricultural labourers were bonded was abolished by law in 2002 and thousands of kamaiya bonded labourers were released. Under this system, which mainly affected Tharu indigenous people of Western Nepal, an agricultural labourer became bonded by a loan (saunki) given to them by their landlord at the beginning of their working relationship. Usurious interest rates and low-income levels made certain that a worker would almost never be able to escape this bond.

Despite its prohibition in law, there may be some traces of the kamaiya system remaining, particularly in interior parts of the country where Government action to identify, release and rehabilitate kamaiya bonded labourers has not reached those affected.

Furthermore, since the kamaiya system was abolished in 2002, a system called *Zirayat* is re-emerging, which is a practice of share-cropping under which produce is divided between landlords and tenants, and tenants are required to till additional land for the landlords without any wages.

- Legislative Framework

Nepal has ratified a number of international conventions against forced labour, debt bondage and slavery. The current interim Constitution of Nepal prohibits slavery, serfdom or forced labour in any form. In 2000, the Government declared that the system of kamaiya was illegal and all kamaiya bonded labourers were to be liberated, and in 2002 the Kamaiya Labour (Prohibition) Act was introduced, which prohibited bonded labour among kamaiyas, declared all loans taken as null and void, and declared all persons working as kamaiya labourers free.

Though intended primarily for the kamaiya bonded labourers, by prohibiting labour or services provided by a person to his creditor without any wages or at low wages to repay loans, the 2002 Act has the potential to include in its scope other forms of bonded labour. In September 2008, the Government announced that it had abolished the haliya system and cancelled the debts of haliya bonded labourers.

- Adverse effects of prohibition – the need for rehabilitation schemes

In 2000 and in 2002, when the Government of Nepal announced the Bonded Labour (Prohibition) Act and The Kamaiya Labour (Prohibition) Act respectively, thousands of bonded labourers were evicted from their homes and their landlords deprived them of access to land and work, leaving them to starve. The absence of any government support

meant that many were forced to live in the fields with no means of livelihood. Refused work by their landlords they became internally displaced and homeless.

Weaknesses in the rehabilitation process has left former kamaiya bonded labourers vulnerable to entering into new forms of exploitative working practices including bonded labour.

Caste-based Slavery in Pakistan

Pakistan has ratified a number of international covenants and conventions which proscribe slavery, forced labour and debt-bondage. The Constitution of Pakistan forbids slavery and forced labour, and the Bonded Labour System (Abolition) Act of 1992 along with the Bonded Labour System (Abolition) Rules of 1995 completely outlaw bonded labour. They also cancel all existing bonded debts and forbid lawsuits for the recovery of such debts.

- Worst forms of modern-day slavery

Yet bonded labour in Pakistan is widespread. The ILO assesses the problem of debt bondage in Pakistan as one of the worst in the world. Bonded labour is particularly common in the areas of agriculture, brick-making, carpet-weaving, mining, tanning, cotton seed production, handicraft production, production of glass bangles and domestic work, reports another [ILO working paper](#) ([A Rapid Assessment of Bonded Labour in Hazardous Industries in Pakistan: Glass Bangle-Making, Tanneries and Construction \(idsn.org\)](#)).

There is no exact calculation of the number of bonded labourers. Research by the Pakistan Institute of Labour Education and Research (PILER) in 2000 estimated that the total number of sharecroppers (haris) in debt bondage across the whole of Pakistan was over 1.8 million people. Furthermore, surveys showed that more than 6.7 million people are involved in the practice of begar, which refers to a traditional system of family labour which is unpaid, compulsory, and amounts to debt bondage. Hence the calculated number of people kept in bondage based on the PILER study amounts to more than 8.6 million. The Human Rights Commission of Pakistan in 1994 estimated that approximately 20 million are kept in forced labour.

The majority of the bonded labour community belongs to marginalized and excluded groups such as the scheduled caste Hindus, Christians and Muslim Sheikhs.

- Agriculture and brick kilns

The two most prominent sectors characterized by a significant use of bonded labour are agriculture and brick kilns. Research carried out by PILER in Pakistan in 2000 indicates that up to 1 million brick kiln workers in Pakistan are bonded. A 2004 survey of brick kilns in the Punjab district in Pakistan by the Federal Bureau of Statistics found that nearly 90 per cent of brick kiln workers were bonded. Also, surveys suggest that agriculture and brick kiln work are of the worst and harshest kinds due to the physical strain, social discrimination and hazardous working conditions. Human Rights Watch interviews with brick kiln forced

labourers reveal consistent cruel, inhumane and degrading treatment, including physical punishment, detainment and denial of the right to organise.

- Dalit Hindu minorities the main target

Bondage both in agriculture and in brick-kilns includes severe forms of oppression. This ranges from physical restraints upon the movement of the workers and their families to beatings and sexual abuse of female workers. Dalits and other low caste Hindus bear the brunt of these abuses because of their minority status. The multiple disempowerment of being poor, low caste or Dalit as well as non-Muslim are the main contributing factors to the oppressive conditions of bonded labour in Pakistan claims a PILER report.

Violations against sharecroppers are particularly acute in lower Sindh and in southern Punjab bordering India. The latter is also considered to be the main geographical area of severe oppression against brick-kiln workers and their families. PILER estimates that these sharecroppers will be subjected to increased excesses of bondage because landlords in recent times have been facing adverse economic pressures.

The sharecroppers often live in camps, where they are also subjected to incarceration, and some report of being shackled and raped. As with the general scenario, children are even more vulnerable than their adult counterparts. Children in brick kilns report being beaten with sticks and whipped to the point of injury. They do not receive compensation for their work, and are also sometimes kept as insurance to prevent the escape of adult family members, reports Human Rights Watch ([Slavery in Pakistan HRW \(idsn.org\)](#)).

- Ineffective Legislation

The Bonded Labour (System) Abolition Act 1992, created to eradicate this practice was initially considered a major intervention on the part of the State. However, 15 years down the road, bonded labour is far from abolished.

A recent report from Anti-Slavery International prepared in association with PILER in July 2008 stated that the Government had failed to implement the National Policy and Plan of Action (2001) for the abolition of Bonded Labour and Rehabilitation of freed bonded labourers (an extension of the 1992 Bonded Labour System Abolition Act).

In 2002, a Bonded Labour Fund was established as part of the law for the welfare of the children of released bonded labourers, the majority of whom are scheduled castes. Six years later a substantial portion of the funds remain unused and held by government and the released bonded labourers continue to live in subhuman conditions in temporary camps on the outskirts of Hyderabad according to a joint NGO alternative report for CERD ([Joint NGO report to the UN Committee on the Elimination of Racial Discrimination \(CERD\) \(idsn.org\)](#)).

- UN Treaty body recommendations

In its review of Pakistan during its 74th session in February 2009, the UN Committee on the Elimination of Racial Discrimination (CERD) addressed the persistence of bonded labour in the country. Some of its recommendations on this topic were:

1. The government should ensure that ethnic and religious minorities are adequately represented in all government services, especially the armed forces, superior civil services and judiciary.
2. The Bonded Labour System (Abolition) Act. 1992 should be applied and amended further to penalize land lords maintaining bonded labour.
3. The jurisdiction of labour officer should be extended to agriculture sector and their number should be increased for effective monitoring. Moreover the Vigilance committees given in the law should be formed and a transparent functioning should be ensured.
4. The Government should restore the six percent quota for religious minorities and scheduled castes in government services. A monitoring desk should be established to oversee the implementation of quota.

Caste-based Slavery in Sri Lanka

Bonded labour is widespread in tea plantations in Sri Lanka. Dalits constitute 83 percent of the total of 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.

A 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 higher caste people who supervise the lower caste workers in the estates.

Many present-day plantation workers are descendants of indentured labourers from the colonial era. For generations, they have lived on plantations, relatively isolated from the rest of society. Today, they are still largely dependent on their employer not only for their income but also for various services such as housing, childcare and health care. These services, offered by the employer as in-kind benefits, are often substandard. They are neither sufficient to cover the workers' needs nor to lift them out of poverty.

Sri Lanka's first tea plantations were established in the 1860s. During the British colonial era, plantation workers were brought from India, especially the state of Tamil Nadu, as indentured labour (a form of forced labour) to work in the plantations. The majority of them were from Scheduled Castes. Today, their descendants form approximately 4.4 percent of Sri Lanka's population and the vast majority of plantation labour force. Plantation workers and their families who live on the estates are known as the plantation community in Sri Lanka. They are socially, economically and politically isolated from the rest of the population for historical, cultural and geographical reasons.

Plantation workers' current daily wage of 1000. LKR is inadequate for household needs; especially as work is not always offered or undertaken for 25 days per month. With the privatization of plantations in 1992, plantation companies have the authority to decide the salaries of the workers. There is also the recruitment of older workers, and workers on a part-time basis; they work for low wages, with no bargaining power, and no formal protection.

Tomoya Obokata, the UN Special Rapporteur on contemporary forms of slavery, following a visit to Sri Lanka in November/December 2021 said he was concerned about links between labour exploitation and discrimination based on gender, age, ethnicity, caste, class and other grounds.

"Sri Lanka has a robust legal framework to tackle contemporary forms of slavery and been making progress in other areas, such as increasing minimum age of employment from 14 to 16 and the establishment of a child-labour free zone. However, Sri Lanka must become more inclusive and embrace all sectors of society if it is to overcome major issues such as caste-based discrimination and labour exploitation which in some cases may amount to forced labour and servitude. It is high time to end the persisting discriminatory attitudes and practices which are at the core of forced labour, child labour and other exploitative practices. A society needs to be inclusive to thrive and access to quality education, training and decent work is essential to end contemporary forms of slavery for all. The Government must listen to the people, including the most marginalized ones, and the silence on sensitive issues such as caste-based discrimination must be broken in order to trigger positive change."

Obokata received reports about instances of child labour in domestic work and in other areas of the informal economy and the services industry. He also voiced concerns over persistent gender inequality and discrimination affecting women. The Special Rapporteur said microfinance schemes which disproportionately target women living in poverty in rural areas and often lead to high levels of indebtedness are a major concern. He also said low wages are not keeping up with the rising cost of living in Sri Lanka.

Caste-based Slavery in Mauritania

Bonded labour based on caste and descent also exists outside of South Asia. Recent reports reveal its spread in the countries of Mauritania and Madagascar, where existent social hierarchies and exploitation are rooted in the former slave trade.

Whilst there has been no definitive research on the extent of slavery in Mauritania, a local human rights organisation, SOS Esclaves estimate that approximately 18 per cent of Mauritania's population (which amounts to over half a million people) live in slavery today.

Slavery has existed in Mauritania for hundreds of years and is deeply rooted within the society. Slavery status is inherited from generation to generation. Historically the white moors raided and enslaved people from the indigenous black population, who are today called the Haratine or the Black Maures. Virtually all cases of slavery in Mauritania today involve Haratine born into slavery.

This age-old distinction underpins the very nature of slavery in Mauritania whereby individuals are assigned to a 'slave caste' which is ascribed at birth. They are forced to work for their masters throughout their lives and are never paid for their work. They do what their masters tell them to do, or they are threatened and abused. Deeply embedded discriminatory attitudes not only contribute to the persistence of slavery in Mauritania but provide the context for further marginalization and social exclusion. Mauritania's stratified society means that those who are former slaves or descendants of slaves still live under the stigma of their 'slave-class' and are ostracized by society.

Upon his visit in 2008, the Special Rapporteur on contemporary forms of racism concluded that Mauritanian society has been deeply marked by continuing discriminatory practices of an ethnic and racial nature. These are rooted in cultural traditions and are pervasive in social structures, attitudes and principal institutions of the State, in particular the armed forces and justice system.

In October 2009, the Special Rapporteur on contemporary forms of slavery visited Mauritania. Speaking at the end of her fact-finding mission, she stated that there are all forms of slavery in Mauritania – child labour, domestic labour, child marriages and human trafficking.

Legal provisions against slavery do exist, such as the 2007 Act No. 2007-042, which criminalizes slavery and slavery-like practices and makes it punishable with prison sentences of between five and ten years and a fine of between half a million and one million ouguiya (US\$2,100 – 4,201). However, the UN Committee on the Rights of the Child (CRC) expressed concern over the lack of implementation of the law, at its 51st session in May 2009. The Committee is seriously concerned over reports indicating the continued existence of caste-based slavery, which has a particular impact on girls in domestic service and boys forced to beg by marabouts.

The UN Committee on the Elimination of Racial Discrimination (CERD) also took note of the rampant caste-based slavery when reviewing the State Party in 2004.