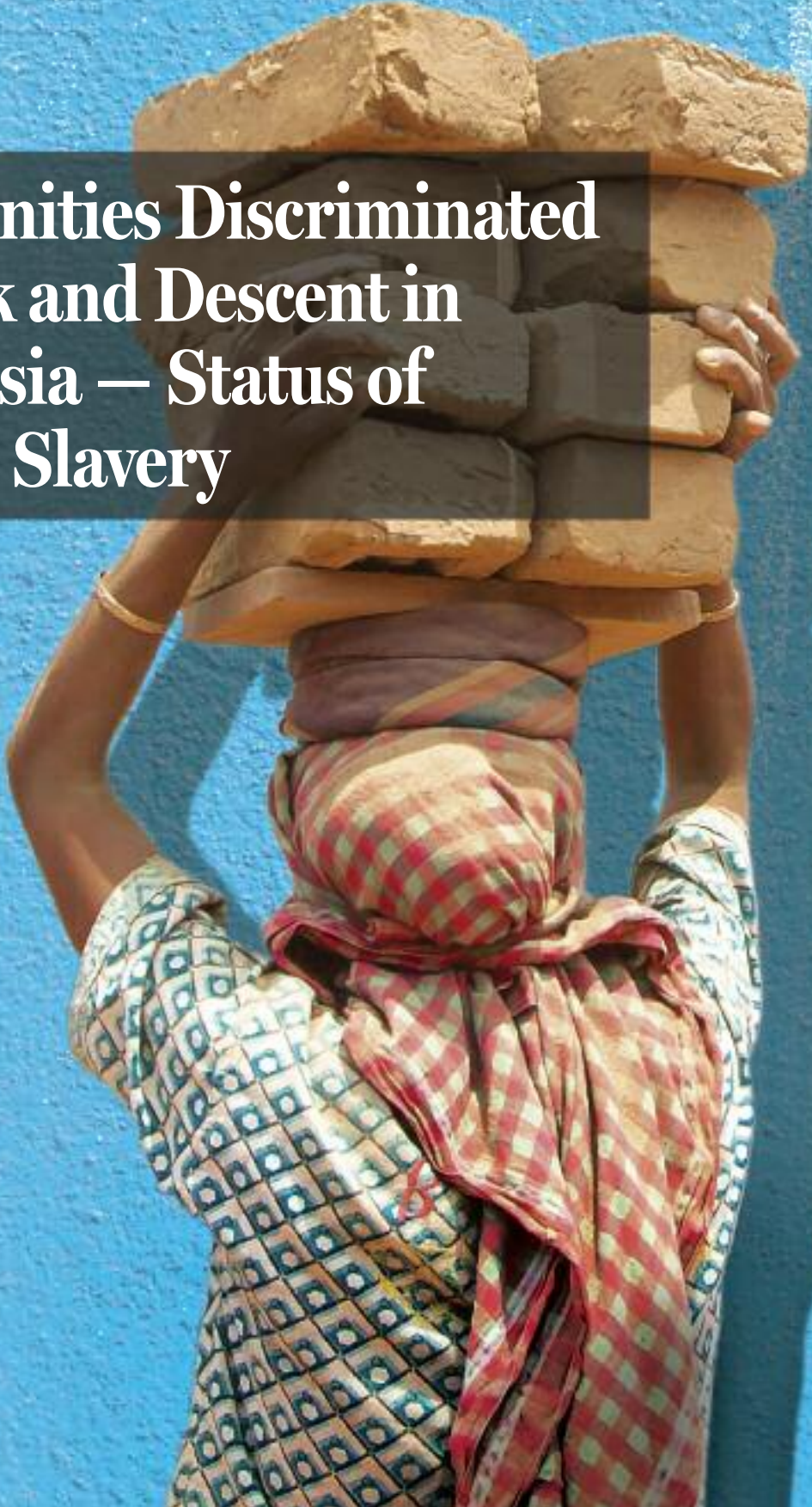


Communities Discriminated on Work and Descent in South Asia – Status of Modern Slavery



ABOUT ASIA DALIT RIGHTS FORUM

Asia Dalit Rights Forum (ADRF), constituted in 2006, is a platform of Dalits, and those working with Dalits in Bangladesh, India, Nepal, Pakistan and Sri Lanka committed to the empowerment and emancipation of communities discriminated on work and descent (CDWD) including caste. ADRF aims at addressing violations of the rights and entitlements of these communities, in particular their women and children, in the respective countries as well as worldwide. It focusses on supporting all the communities, subjected to CDWD and systemic discrimination in any part of the world, in their noble aspirations and courageous struggles to establish an inclusive society that is marked by equity and equality, dignity and self-governance, justice and freedom. ADRF is committed to collaborating with all national, regional and international agencies - civil society organisations and human right agencies, UN bodies and state institutions espousing the cause of eliminating CDWD and building an inclusive, peaceful and egalitarian society in Asia and elsewhere in the world.

ABOUT ROSA LUXEMBURG STIFTUNG

Rosa-Luxemburg-Stiftung (RLS) is a German political foundation that is part of the grassroots movement of democratic socialism. Bearing the name of Rosa Luxemburg (1871-1919), RLS works within the tradition of workers' and women's movements. The foundation serves as a forum for debate and critical thinking about political alternatives, as well as a research centre for progressive social development. It is affiliated to the German left party DIE LINKE.

The RLS office in New Delhi is organising and coordinating the foundation's activities in South Asia. The main areas of our work are Social Transformation, Gender Equality, Labour Rights and Agriculture. RLS provides space for critical discourse. In addition, we publish educational material, offer advice and counseling to our partners and promote North-South as well as South-South dialogue.

For more information please visit our website www.rosalux.in

Communities Discriminated on Work and Descent in South Asia – Status of Modern Slavery

A study of South Asian countries of
Bangladesh, India, Nepal, Pakistan and Sri Lanka
October 2021

© ASIA DALIT RIGHTS FORUM
October 2021

LEAD RESEARCH AND AUTHOR
Reena Tete

RESEARCH CONTRIBUTORS
**Zakir Hossain, Istiaque Mahmud, Beena Pallical,
Naveen Gautam, Bhakta Biswakarma,
Mohan Singh Sunar, Zulfiqar Shah,
P.P. Sivapragasm, Dr. Vinayaraj,
Nayantara Raja and Dipanshu**

CONCEPT & ADVICE
N. Paul Divakar and Aloysius Irudayam

REPORT EDITING
Bijoy Patro

REPORT DESIGN
M P Singh

PUBLISHED BY
ASIA DALIT RIGHTS FORUM
8/1, 2nd Floor, South Patel Nagar
New Delhi, 110008 India
Tel: +91 11 4566 4341

www.asiadalitrightsforum.org
@AsiaDalitRights

DEDICATED TO

All the Communities discriminated on the basis of
Work and Descent in South Asia

who, endowed with inborn dignity and inalienable rights,
are questioning the unjust system of centuries-old bondage;

who, in search of their humanity appropriated by dominant forces,
are fearless in fighting to regain it;

who, aware of the UN Policy of Sustainable Development Goals,
are committed to stake their claims towards accessing them;

who, envisioning a better future for themselves and their
upcoming generations, are hopeful of achieving it;

who, deeply imbued with a sense of solidarity of all human beings,
are keen to forge links with them all to make this world

A HOME OF ALL
A HOME FOR ALL

ACKNOWLEDGEMENTS

I wish to express my sincere gratitude to all those who have helped in the research and writing of this report. The completion of this undertaking could not have been possible without the participation and assistance of many people.

REENA TETE
*Lead Researcher
and Author*

From Bangladesh, the research and assistance by Mr. Zakir Hossain and Mr. Istiaque Mahmud is greatly appreciated. From India, I sincerely thank late Mr. Jai Singh for his valuable insight for this research work. I would also like to thank Ms. Grace Nirmala and Mr. Rahul Singh for their assistance, and Ms. Beena Pallical and Mr. Naveen Gautam for their research contribution to the report. From Nepal, I would like to sincerely thank Ms. Laxmi Luhar, President of Freed Haliya Women Rights Forum, Mr. Ganesh, President of Rastriya Dalit Network and Mr. Lagendra Sada, General Secretary of Harawa Charawa Network, who were willing to speak and contribute their experiences to this report. Additionally, I would like to

acknowledge the research and assistance provided by Mr. Bhakta Biswakarma and Mr. Mohan Singh Sunar. From Pakistan, I thank Mr. Zulfiqar Shah for his research work and contribution and Mr. Akram Ali Khaskheli for his insightful contribution to this work. Finally, from Sri Lanka, I would like to thank Mr. P.P Sivapragasm, Ms. Logeswary and Mr. Priyadarshan for their assistance and valuable additions to the report.

This study and report would not be possible without the efforts of Tauqueer Sabri, Project Manager and the Rosa Luxemburg Stiftung South Asia team. I must thank Mr. Bijoy Patro for his valuable insights and editing of the report alongwith Mr. Mahendra Pal Singh for working with such dedication on the design of this report. Lastly, I wish to express my gratitude to Mr. Paul Divakar, Father Aloysius, Vinayaraj, Nayantara and Dipanshu from Asia Dalit Rights Forum who worked on this report with me and made it possible.

CONTENTS

■ FOREWORD	vii
■ FOREWORD	viii
■ FOREWORD	ix
■ PREFACE	x
■ GLOSSARY	xi
■ EXECUTIVE SUMMARY	xii
Denial of caste as a social group in Sri Lanka and Bangladesh.....	xiii
Contextualising Caste in Modern Slavery and Slavery-like practices.....	xiii
The Dalits of South Asia.....	xiii
The caste-lenses of Modern Slavery and slavery-like practices.....	xiv
HIGHLIGHTS.....	xv
National response mechanisms to end modern slavery and slavery-like practices:.....	xvi
International Human Rights mechanisms to end modern slavery and slavery-like practices:.....	xvi
CRITICAL OBSERVATIONS.....	xvii
Key Recommendations:.....	xviii
I: Key Recommendations for States:.....	xviii
Ib: Specific Recommendations to States-.....	xix
II: Eliminating Modern Slavery in supply chains and industry - a corporate social responsibility and accountability:.....	xix
III: Key recommendations to civil society organisations and international organisations:.....	xix
IV: Key recommendations to international organisations and funding agencies:.....	xix
V: Key recommendations to international human rights mechanisms:.....	xix
■ ABOUT THE STUDY	xx
METHODOLOGY.....	xx
ABOUT THE REPORT.....	xx
LIMITATIONS.....	xxi
■ CHAPTER 1	
SDG 8.7: ENDING MODERN SLAVERY AND SLAVERY-LIKE PRACTICES	1
MODERN SLAVERY, DWD COMMUNITIES AND SDGs.....	2
SLAVERY OF THE FUTURE, IF NOT ADDRESSED URGENTLY.....	2
■ CHAPTER 2	
CONTEXTUALISING CASTE AND CASTE SYSTEM IN MODERN SLAVERY	5
The Dalits of South Asia.....	5
Understanding the Roots of Caste System in South Asian Society.....	9
The Caste System in South Asian Society Today.....	10
Denial Of Caste As A Social Group In Sri Lanka And Bangladesh.....	11
Recognition Of The Prevalence Of ‘Discrimination Based On Work And Descent’ (DWD) By International Human Rights Mechanisms.....	11
Contextualising Caste In Modern Slavery And Slavery Like Practices.....	12
■ CHAPTER 3	
INTERSECTING FACTORS THAT PERPETUATE MODERN SLAVERY IN SOUTH ASIA	13
DEFINITIONS AND TERMINOLOGIES.....	15
TYPOLOGY OF MODERN SLAVERY IN SOUTH ASIA.....	16
What is Forced Labour?.....	17

What is Forced Marriage?.....	17
CONTEXTUALISING CASTE AND INTERSECTING FACTORS IN MODERN SLAVERY	18
CONCLUSION.....	19
■ CHAPTER 4	
FORMS, MANIFESTATIONS AND MAGNITUDE OF MODERN SLAVERY ACROSS SOUTH ASIA.....	20
THE DIMENSIONS OF MODERN SLAVERY	20
FORCED LABOUR OF DALITS IN SOUTH ASIA	20
CASTE-BASED SANITATION WORK, INCLUDING MANUAL SCAVENGING BY DALITS IN SOUTH ASIA	25
HUMAN TRAFFICKING OF DALITS IN SOUTH ASIA	26
SEXUAL SLAVERY OF DALITS IN SOUTH ASIA	29
CHILD LABOUR AND WORST FORMS OF CHILD LABOUR OF DALIT CHILDREN IN SOUTH ASIA	31
FORCED MARRIAGE OF DALITS IN SOUTH ASIA	32
Forced Marriage for commercial sexual exploitation through bride.....	33
Forced marriage for ‘marital relations and progeny’ through Bride trafficking	33
Forced Marriage through ‘forced religious conversions’	33
CRITICAL OBSERVATIONS	34
■ CHAPTER 5	
NATIONAL RESPONSE MECHANISMS.....	35
CONSTITUTIONAL PROVISIONS FOR THE RECOGNITION AND PROTECTION OF DALITS IN SOUTH ASIA.....	35
Governments’ denial to recognise discrimination based on caste as ‘racial discrimination’:.....	36
LEGISLATIVE FRAMEWORK BY SOUTH ASIAN COUNTRIES TO ELIMINATE MODERN SLAVERY AND SLAVERY-LIKE PRACTICES.....	37
■ CHAPTER 6	
INTERNATIONAL RESPONSE MECHANISMS	45
UN HUMAN RIGHTS MECHANISMS AND OBSERVATIONS ON ALL FORMS OF FORCED LABOUR IN SOUTH ASIA.....	45
Observation.....	52
Status of Ratification of International Labour Standards by countries	52
■ CHAPTER 7	
RECOMMENDATIONS	61
I: Key Recommendations for States	61
Ia: General:	61
Ib: Specific Recommendations to States, pertaining to key state-specific issue w.r.t. Caste and Constitutional guarantees	62
II: Eliminating Modern Slavery in supply chains and industry - a corporate social responsibility and accountability	63
Key Recommendations	63
III: Key recommendations to civil society organisations and international organisations	63
IV: Key recommendations to international organisations and funding agencies	63
V: Key recommendations to international human rights mechanisms	63
■ REFERENCES.....	64

FOREWORD

THIS report is an important addition to the discussion around modern forms of slavery. Due to hierarchical and generational discrimination they have faced, communities discriminated on work and descent have been and continue to be subject to forced labour, bonded labour and other contemporary forms of slavery. However, the nexus between these communities and contemporary or modern slavery has rarely been explored. This report looks at the historical and global dimensions of modern slavery and discrimination based on work and descent and its varied forms. While looking at the genealogy of these categories through debates in international conventions and human rights law, the report also tries to give historical and geographical examples across continents and countries. Through a detailed discussion of many common features across the two categories, it argues in the process that modern slavery and discrimination based on work and descent need to create possibilities of a common platform based on common solidarities around oppression and exploitation.

This is the most recent of a number of important research reports that the Paul Divakar and his team



TOMOYA OBOKATA
*Special Rapporteur
on Contemporary
Forms of Slavery,
including its causes
and consequences
United Nations*

have produced since the inception of the Asia Dalit Rights Forum. I believe that readers of this will be offered a comprehensive insight into the various communities discriminated on work a descent that live in Africa, Asia, Europe, and Latin America. While learning about communities such as Dalits, the Burakumin, Osus, Haratine, Quilombola and many more, readers will also gain understanding about the contemporary forms of slavery that prevail within these communities. In addition, this report offers a critique of the legislation and policy at the national, regional and international level that exists in combatting contemporary forms of slavery while accounting for the particular intersection that exists with communities discriminated on work and descent.

I am sure that this will be a stepping stone to further in-depth studies and reports on the connections between contemporary forms of slavery and communities discriminated on work and descent. This report will inform advocacy and inter-governmental engagement action towards highlighting any clandestine forms of discrimination faced by DWD communities falling under the framework of modern slavery.

FOREWORD

THROUGH my career I have been closely associated with the realization of human rights of Communities Discriminated on Work and Descent (CDWD). As Special Rapporteur on “Discrimination based on Work and Descent” at the UN Sub-Commission on the Promotion and Protection of Human Rights, Professor Yozo Yokota and I presented our report (per UN resolution 2005/109) before the UN Human Rights Council where we evolved the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent - a comprehensive legal framework to eliminate this form a discrimination that millions continue to face across the globe. Now, as Member of the Committee on the Elimination of Racial Discrimination, the issues faced by CDWD continues to inform my work. It is therefore my pleasure to introduce this report to its readers.

Societal ostracization and generational discrimination of communities discriminated on work and descent is seen in a number of countries across the world. This report specifically looks at the incidence of modern slavery among these communities, which is a stark reality across the board. The intersectional causes of modern slavery, ‘caste’, ‘descent’ and ‘work’, have rarely been addressed



**PROFESSOR CHIN
SUNG CHUNG**
*Member, Committee
on the Elimination
of Racial
Discrimination
United Nations*

when speaking about contemporary forms of slavery. It is therefore in this specific aspect that this study is unique and path defining.

I believe that readers of this report will be offered a comprehensive insight into the realities of communities discriminated by work and descent that exist. The report takes an in-depth look in to the laws and policies that exist and to what extent they address bondage and communities discriminated on work and descent. Furthermore, this report also offers an analysis of the observations by monitoring frameworks of international human rights mechanisms with regard to slavery like practices that continue to exist. Finally, policy

recommendations have been made to offer a plan for the future and hope to break the shackles of slavery that continue to plague communities discriminate on work and descent.

I am positive that this study will inform advocacy efforts at a national level, regional level, and international level. Not only with respect to combatting modern forms of slavery but also casting out discrimination faced by DWD communities that find themselves fettered by such exploitative practices.

FOREWORD

FOR many years the Asia Dalits Rights Forum and its associated organisations closely worked together with the United Nations and its sister organizations, like the ILO, to fight discrimination based on the simple fact of birth. Millions of persons in South Asia, but also in their diaspora in the US and the UK, are deliberately excluded from leading a life in freedom. They have no perspective to develop their capabilities or follow their dreams simply because they are born into a category of people considered ‘impure’ by the mainstream of their societies. Instead, they end up in what we call contemporary forms of slavery.



COEN KOMPIËR
*Senior Specialist
International
Labour Standards
International
Labour Office*

This report, *Communities Discriminated on Work and Descent in South Asia: Status of Bondage*, offers a harrowing overview how victims of Work and Descent-based discrimination, or caste-based discrimination, are forced to take up fringe tasks which are dirty, dangerous, and demeaning. These tasks have one common objective, to take away people’s dignity by submitting them to a normative system similar to the one which was once defined in South Africa as “apartheid”. In South Asia, this apartheid however is invisible unless one’s eyes are opened to see the harsh and unacceptable realities which evolve around caste.

Evidently, this report opens your eyes. It shows how victims of Work and Descent-based discrimination are excluded through endless practices of untouchability. The logic of untouchability ends however when it comes to Dalit women and sex. Caste sanctioned rape is still the fate of many women born in the wrong category. Patriarchy within their own groups make Dalit women face double discrimination, and violence and sexual violence perpetrated by outsiders make women bear the brunt of triple discrimination. Pain, humiliation and hopelessness characterize their daily lives.

This report is an important addition to the discussion around contemporary forms of slavery in South Asia. It shows there is no normative dearth to counter Work and Descent-based discrimination, but application of laws is slow and often ineffective. This can partly be explained because law enforcers and perpetrators belong to the

same flock of people. In administration and governance, law enforcement, courts, education and media Dalits are barely represented. The report narrates how societal ostracization and generational discrimination of communities discriminated on work and descent is seen in Bangladesh, Nepal, Pakistan and Sri Lanka, with India spanning the crown.

Numbers never tell a story. The report invokes the number of 12 million people involved in forms of contemporary slavery. We do not really know. It could easily be ten times higher, because the term contemporary slavery remains undefined, but more so because governments are reluctant when it comes

to admitting their tolerance of subduing citizens to different forms of forced labour. The report beautifully categorizes intersectional causes of contemporary slavery, ‘caste’, ‘descent’ and ‘work’, which are rarely addressed when speaking about contemporary forms of slavery. **Inequality is the very foundation of the caste system. In politics caste remains, amazingly, the most neglected prism when we talk discrimination. It is this specific aspect which makes this study unique and path breaking.**

Readers of this report will be offered a comprehensive insight into the realities of Dalit communities in South Asia, as well as other similar communities facing discrimination on work and descent. The report also offers an analysis of the observations by monitoring frameworks of international human rights mechanisms with regard to slavery like practices that continue to exist in South Asia. Internationally too, caste has long been neglected as a most devious form of discrimination by the UN and its sister organizations, but since a decade or so international supervision against caste-based discrimination and exclusion gathered steam.

Finally, the report produces policy recommendations offering a plan for the future in the hope of breaking the shackles of slavery that continue to plague communities facing discrimination on work and descent. Let us make sure to put the recommendations in practice, to leave no one behind, and to live up to the promise that all human beings are born in freedom.

PREFACE

FREEDOM is the birthright of every human person and every citizen of any country, irrespective of her/his status and belonging in society. The only limiting condition is the freedom of others which requires respect and acceptance precisely because we humans are social beings and live together in society. This implies that the use of any form of force, or much worse, enslavement of humans, is antithesis to freedom and makes the logic of human dignity and rights absurd. But history is witness to gross violation of human freedom in different parts of the world. We cannot deny the fact that an alarming proportion of the world's population had been subjected to traditional forms of slavery in yesteryears and is today being subdued by modern forms of slavery. This slavery question is not simply about individuals but communities as a whole.

The irony is that although this kind of slavery is present all around us, it always remains hidden. This precisely throws a big challenge to human rights defenders, rights-based researchers and social reformers who find it difficult to bring out the facts about modern slavery in the forefront because it is mostly disguised under the pretext of the 'normal jobs'. In reality, however, those subjected to slavery generally fall into the never-ending abyss of discrimination, poverty, debt traps, social and psychological insecurities; if and when they hold their heads high due to awareness of their dignity and rights, threats and violence follow. Needless to say, several bodies of the United Nations recognize human trafficking, forced labour, debt bondage, bonded labour, descent-based slavery, slavery of children, forced and early marriages as part of the phenomenon of modern slavery. Hence, the abject situation of people under servitude calls for serious research and documentation; their dignity must be upheld; their rights require protection and promotion.

This research project, comprising two studies and commissioned by the Asia Dalit Rights Forum to explore and examine of the manifestations of modern slavery in its varied forms prevalent among the communities



N. PAUL DIVAKAR
Chair, Asia Dalit Rights Forum
Convenor, Global Forum of Communities Discriminated on Work and Descent.

discriminated on work and descent (CDWDs), has looked at the issue in its South Asian as well as global dimensions as evidenced in today's context.

Accordingly, one study has mapped the prevalence of modern slavery and discrimination across the five South Asian countries – Bangladesh, India, Nepal, Pakistan and Sri Lanka. The second study has dealt with the phenomenon of modern slavery at the global level including Africa, Europe and Latin America.

A salient feature of this research project is that, besides giving the broad typology of work and descent, it has also examined the manifestations of discrimination across the five South Asian countries as

well as the national constitutional and legal measures available or yet to be enacted to combat descent and work-based discrimination. Moreover, the international standards set in by several conventions and charter clauses at the UN level also find place as performance assessment indicators as well as pointers towards which the countries have to move forward in eradicating discrimination.

The relevance of this research project cannot be gainsaid. Today millions of children and adults are victims of modern slavery in the world. Majority of this exploitation is happening in the private sectors where millions of people are being trapped in the spheres of domestic work, construction labour, sanitation work and agricultural labour. The hideous nature of this 'normal job' should be discussed and debated openly in the national and international forum and it should be recognized that modern slavery is a horrendous reality requiring dedicated and genuine intervention from all national, regional and UN mechanisms across the world. It is high time that the affected communities come in solidarity to fight against slavery and uphold their dignity. This research project provides a powerful academic platform for initiating policy change and for engaging in further research to combat and eradicate discrimination based on work and descent.

GLOSSARY

ADRF	Asia Dalit Rights Forum
AES	Adult Entertainment Sector
AHTU	Anti Human Trafficking Units (India)
AIDMAM	All India Dalit Mahila Adhikar Manch
CEACR (ILO)	Committee of Experts on the Application of Conventions and Recommendations
CERD	Committee on the Elimination of Racial Discrimination
CEDAW	Committee on the Elimination of Discrimination against Women
CCPR	Covenant on Civil and Political Rights 1966
CESR	Committee on Economic, Social and Cultural Rights
CRC	Committee on the Rights of the Child
CSE	Commercial Sexual Exploitation
CSJ	Centre for Social Justice (Pakistan)
CSO	Civil Society Organisation
DFID	Department for International Development
DVCs	District Vigilance Committees
DWD	Discrimination Based on Work and Descent
ECPAT	End Child Prostitution in Asian Tourism
EMA	Estate Medical Assistants
GSI	Global Slavery Index
GoI	Government of India
GoN	Government of Nepal
GoP	Government of Pakistan
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome
HRC	Human Rights Council
HRW	Human Rights Watch
HWA	Hari Welfare Association
IIDS	Indian Institute of Dalit Studies
ILO	International Labour Organisation
ISDN	International Dalit Solidarity Network
ITUC	International Trade Union Confederation
NCDHR	National Campaign on Dalit Human Rights
NCM	National Commission for Minorities
NCRLM	National Commission for Religious and Linguistic Minorities
NCSC	National Commission for Scheduled Castes
OHCHR	Office of the United Nations High Commissioner for Human Rights
PCMR	People's Commission for Minorities' Rights (Pakistan)
PDSN	Pakistan Dalit Solidarity Network
PILER	Pakistan Institute of Labour Education and Research
RMG	Readymade Garment (RMG) Industry
SC	Scheduled Caste
SDG	Sustainable Development Goals
SECC	Socio Economic and Caste Census
SOPs	Standard Operating Procedures
SR	Special Rapporteur
Tier 2WL	Tier 2 Watch List
TIP	Trafficking in Persons
UNAIDS	United Nations Programme on HIV and AIDS
UNDP	United Nations Development Programme
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on drugs and Crime

EXECUTIVE SUMMARY

Modern Slavery of Communities Discriminated on Work and Descent in South Asia

EQUALITY and non-discrimination are constitutionally enshrined rights for all citizens of Bangladesh, India, Nepal, Pakistan, and Sri Lanka. Yet, a significant population of communities ‘discriminated on work and descent’ (DWD) are the casualties of Modern Slavery and slavery-like practices in South Asia. While most countries have abolished all forms of slavery through national legislations and under the monitoring framework of international human rights mechanisms that countries are party to. Yet, Modern Slavery and slavery-like practices is a reality for **12 million** South Asians who are living in different forms of forced labour in Bangladesh, India, Pakistan, Nepal and Sri Lanka, according to the Global Slavery Index 2018 report by the Walkfree Foundation. The global report has measured the extent of modern slavery in 167 countries and the respective governments’ responses. India has the highest absolute numbers of people living in modern slavery among all the 167 countries surveyed for the report, across the world. India is followed by China and Pakistan.

In 2015, 193 countries worldwide, through the achievement of Target 8.7 of the Sustainable Development Goals (SDG), committed to “*take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms*”.

In the run up to the achievement of SDG 8.7 agenda, Asia Dalit Rights Forum (ADRF), in partnership with the Rosa Luxemburg Stiftung (RLS), has conducted a South Asia study to provide a comprehensive understanding of the recruitment and exploitation of ‘Communities Discriminated on Work and Descent’ (DWD) in various forms of modern slavery and slavery like practices. The study titled **‘Modern Slavery of Communities Discriminated on Work and Descent (DWD) across South Asia’**, covers five countries – Bangladesh, India, Nepal, Pakistan and Sri Lanka.

‘Discrimination based on work and descent’ (DWD) is the UN terminology for caste discrimination. The term has been used by several UN human rights bodies, including by treaty bodies and Special Rapporteurs, reaffirming that this form of discrimination is prohibited under international human rights law. Caste-based discrimination affects over 260 million people globally¹. It has its roots in the centuries-old caste system of India and is prevalent in India, Nepal, Pakistan, Bangladesh, Sri Lanka and the Indian diaspora, owing to shared histories, borders and people. The persons affected directly by caste-based discrimination are officially known as the Scheduled Caste and commonly referred to as *Dalits*².

‘Dalit’ is a Marathi (Indian language) term coined by activist and social reformer of the 1880s, Jyotirao Phule, to denote the extreme exploitation of people directly affected by the Indian caste system. It means ‘*broken*’, ‘*scattered*’ or ‘*downtrodden*’. The term was later popularised by Dr B.R Ambedkar, the chief architect of the Constitution of India. While the term originated in India, the impact of caste is not foreign to the neighbouring countries of Bangladesh, Nepal, Pakistan and Sri Lanka. Nepal, which has Hinduism as the religion of its majority population, has a *varna* system similar to India’s, which divided people along caste lines. Pakistan, Bangladesh and Sri Lanka too experience the impact of the caste system, because of people’s origin and migration.

This study integrates the evidence that points to ‘caste’ being one of the predominant characteristics of Modern Slavery. Other intersectional factors, such as class, gender, religion etc., have also been guided by caste realities. The study also acknowledges that Sri Lanka does not recognise ‘caste’ as a social group and does not categorise caste in its census and any other official documents. Independent research and studies also refer to people belonging to and originating from so-called ‘*lower castes*’ as ‘*Panchamar*’, ‘*depressed castes*’ and ‘*oppressed castes*’. With the international acceptance of the term ‘Discrimination based on work and descent’ (DWD), this study has used the term DWD to refer to the ‘*depressed castes*’ of Sri Lanka. The

1 ADRF

2 Scheduled Caste: Official term for those castes characterised as socially, educationally and economically backward due to the traditional practice of ‘untouchability’, and listed by the Government of India to access special development, protection and affirmative action schemes. (‘SCs’ and ‘Dalits’ are interchangeably used in this document. For much of British rule in the Indian subcontinent, they were known as ‘depressed classes’. For references of Dalits, prior to the abolition of ‘Untouchability’, the term ‘Untouchable’ is used.

study has used the term 'Dalit' for all other countries since the term 'Dalit' is no longer restricted to a social group, but has become a marker for 'identity' and 'assertion'.

Denial of caste as a social group in Sri Lanka and Bangladesh

India, Nepal and Pakistan recognise caste as a social group in their Census and accordingly capture disaggregated data of its Dalit population (albeit many Dalit activists contest these estimates). However, Sri Lanka recognises its population as three ethnic groups and does not recognise 'discrimination based on work and descent' as distinct forms within each of its ethnic groups. On the other hand, Bangladesh recognises its people based on different religious groups; and a common Bengali culture. The impact of such denial of caste as a social group, is the shrouding of caste-based discrimination of the Dalit/DWD communities.

Contextualising Caste in Modern Slavery and Slavery-like practices

Caste-based social stratification continues to persist in South Asia, despite constitutional provisions, anti-discrimination legislations and special measures for the advancement of Dalits. The premise of the caste and caste system is the division of labourers based on their labour (occupation). Dalits continue to be assigned jobs and roles according to their caste. This systemic discrimination in employment and work has impeded the Dalit communities' access to civil, political, social and cultural rights, thus preventing them from improving their situation. The persistent caste-based discrimination increases their vulnerability to modern slavery and slavery-like practices. Disasters and pandemics, like the COVID-19 pandemic, while affecting all persons, disproportionately affects the Dalits, among other marginalised groups, pushing them further into the margins.

Modern slavery and slavery like practices, if not urgently addressed, will have far-reaching consequences in the lives of a significant population of the world in the coming years. With over 90 per cent of the working population of the South Asian countries already engaged in the informal sector today, the employment in the informal sector is bound to rise. 'Slavery-like practices', on the other hand, which exist in the realms of 'exploitative labour' owing to weak or inadequate legislation and monitoring mechanisms, is bound to further exploit the supply of cheap and desperate labour. The Dalits and other marginalised communities of South Asia, who are exploited in various types of modern slavery and slavery like practices, are at further risk in the future ways of working.

The Dalits of South Asia

The Dalits in South Asia comprise a host of sub-caste groups. Although subjected to similar forms of

discrimination across the region, the situation of Dalits in caste-affected countries differs for historical and political reasons. Over 80 per cent of the 260 million DWD communities worldwide, belong to the five countries – Bangladesh, India, Nepal, Pakistan and Sri Lanka.

Bangladesh has an estimated 5.5 to 6.5 million Dalit persons, comprising about 4 per cent of the country's population. In the absence of official statistics, (since Bangladesh does not capture caste as a social group in its Census), various researchers have estimated the Dalit population based on the economic engagement of the people. Three broad categories of Dalits reside in Bangladesh: (i) Bengali Dalits who live in villages all over Bangladesh; (ii) Muslim Dalits who again can be found across the country; and (iii) Dalits who migrated (or were forced to migrate) from India to then East Bengal.³

India is home to **201 million** Scheduled Caste (SC) persons, according to census 2011. The Scheduled Castes or Dalits, as they are popularly called, comprise **16.6 per cent** of India's population. This Census figure does not include Dalits who, because of their religious conversion, have lost their Constitutional status as Scheduled Castes, per the Constitution (Scheduled Castes) Order, 1950. The Dalit Muslims and Dalit Christians comprise this category, and it is estimated that there are at least 42 million Dalit Muslims and 16 million Dalit Christians in India.⁴

Nepal has a Dalit population of **3.5 million** according to census 2011, comprising **13.2 per cent** of Nepal's population. The Census of Nepal categorises Dalits as part of Hindu caste groups⁵, as the Hill Dalits (8.1 per cent of the national population) and Madhesi Dalits (4.5 per cent of the national population). The Newar Dalits are not listed in the 2011 Census as Dalits though they are considered as Dalits in treatment and exclusion, as it applies to the other Nepali Dalits. Civil society organisations estimate Nepal's Dalit population at 5 million.

Pakistan has a Dalit population of **0.85 million**, comprising **0.41 per cent** of the total population, as per the census 2017. Activists estimate a higher representation of Dalit population contrary to official estimates. The Dalits of Pakistan are primarily Hindu Dalits, Christian Dalits, and Dalits categorised separately in the government's 1956 scheduled list. Only the latter are recognised as Dalits by the Census.

Sri Lanka does not recognise caste and the caste system, and as such the census of Sri Lanka does not capture caste disaggregation among Sri Lankan society since 1911. However, communities discriminated on work and descent (DWD) continue to be affected by caste and caste system, despite its denial. The DWD communities are part of all three ethnic groups – The Sinhalese, Sri Lankan

3 Nagorik Udyog BDERM Bangladesh report

4 NCDHR Submission to CERD, 2006

5 Hinduism is a religion and not caste. However, Nepal Census mentions the category as such.

Tamils and Tamil Indians. Various independent researchers estimate that there are over **4.2 million** DWD communities in Sri Lanka, comprising – over-3 million Sinhalese DWD communities⁶, over 0.4 million Sri Lankan Tamils⁷, and over 0.8 million Indian Tamils⁸.

Modern Slavery and Slavery-like practices of the Dalits of South Asia: There are 40 million people living in modern slavery and slavery-like conditions worldwide, according to the latest Global Slavery Index 2018 by Walkfree Foundation. Over **30 per cent** or **12 million** of them are South Asians living in five countries – Bangladesh, India, Pakistan, Nepal and Sri Lanka. In terms of prevalence, India and Pakistan (countries in this study) are among the ten countries worldwide, which constitute 60 per cent of all persons living in Modern Slavery and Slavery conditions. Pakistan ranks 8th (3.2 million persons), India- 53rd (8 million persons), Nepal-55th (0.17 million persons), Bangladesh-92nd (0.6 million persons) and Sri Lanka-130th (44,000 persons), among the 167 countries worldwide in the Global Slavery Index.

This means that in Pakistan, 16 persons out of every 1000 persons are living in Modern Slavery. In India and Nepal, six persons out of every 1000 persons and in Sri Lanka, two persons out of every 1000 persons live in Modern Slavery and Slavery like conditions. Among all the 167 countries worldwide, **India has the highest absolute number of people living in modern slavery worldwide, followed by China and Pakistan.**⁹ For effective policymaking, it is crucial to understand the magnitude of Modern Slavery in South Asian countries in terms of prevalence and absolute numbers. While 'prevalence' makes it easier to compare the Modern Slavery situation between countries, the 'absolute numbers' shows the true scale of the problem within a country. On the other hand, the indicator of prevalence may tend to hide the problem, while there is no hiding from *absolute numbers*. **These numbers are people.**

The caste-lenses of Modern Slavery and slavery-like practices

This study integrates the evidence that points to 'caste' being one of the predominant characteristics of Modern Slavery. Other intersectional factors, such as class, gender, religion etc., have also been guided by caste realities. The study has explored the existence of **caste-factor**, or exploitation of Dalit and DWD communities in various forms of modern slavery.

Typology: Modern Slavery is commonly categorised as – (I) Forced Labour, including distinct forms of slavery and slavery-like practices, and (II) Forced Marriage.

FORCED LABOUR	FORCED MARRIAGE
<ul style="list-style-type: none"> ■ Bonded Labour through debt-bondage and unpaid labour ■ Caste-based Occupational labour: Sanitation Work ■ Human Trafficking, including sex trafficking and child trafficking ■ Sexual Slavery including forced prostitution, ritualistic sexual slavery and fake marriage ■ Child Labour and worst forms of child labour 	<ul style="list-style-type: none"> ■ Forced Marriage through forced religious conversions ■ Forced Marriage through trafficking for commercial sexual exploitation ■ Forced Marriage through trafficking because of a dearth of women for wives.

These forms often overlap with each other yet are categorised as distinct forms so as to present their particular characteristics.

It may be noted that disaggregated data of victims in terms of social groups (caste and ethnicity) is not available for all forms of modern slavery, and for all countries. For Sri Lanka and Bangladesh, where there is no recording of Dalits/DWD communities as per Census, it is a significant challenge to build evidence for the impact of DWD on affected persons. In addition, most researches for all countries, very rarely capture the social group profile of victims for trafficking, commercial sex work, and many other forms of informal sector forced labour. The studies however, do mention that the victims belong to vulnerable and marginalised sections of the society. This study assumes the high probability of Dalits among other marginalised communities, to be victims of human trafficking, forced commercial sex work, and many other forms of forced labour, despite the absence of direct evidence. The assumption is based on two factors – *One* – Dalits, as also the other marginalised communities, show poor human development indicators of socio-economic and political participation, factors which raises their vulnerability at being exploited. *Two* – They are the frontline casualties of other forms of forced labour – such as agriculture sector, brick kiln industry, garment and textiles, child labour among others. Ritualistic sexual slavery, such as Devadasi practice in India, most exclusively engages Dalit women and girls. Similarly, sanitation work and manual scavenging also most exclusively engages Dalit men and women.

6 Between 20-30 per cent of the Sinhalese population are discriminated on work and descent, IIDS-Sri Lanka, 2009.

7 About 18 per cent of the Sri Lankan Tamil population in the pre-civil war period, IIDS Sri Lanka, 2009

8 Calculation About 77-81% of Indian Tamils work in plantations. Plantation population according to Census 2012 is 839,504 persons. (ISI-VR 2019).

9 GSI 2018

HIGHLIGHTS

- Bonded Labour of Dalits exists both in agricultural and non-agricultural sector, ie., informal and unorganised sector. While, bonded labour in agriculture has persisted through traditional to newer trends, the incidence of bonded labour is perhaps the highest in the unorganised and informal sector in South Asia.
- **Agriculture Sector:** The *Siri*, *Jeetam*, *Bitti-Chakri* and *Kamia-Malik* systems in India are traditional agricultural bonded labour systems that include farm-related activities and almost exclusively engage Dalit families. Similar systems in Nepal (*Haruwa*, *Charuwa*, *Kodarwa* and *Bhude*) too engage Dalit people. The *Haris* system in Pakistan too engages bonded labour from both, Dalit and non-Dalit backgrounds.
- **Plantations/Agriculture Sector:** The Indian origin Tamils of Sri Lanka, who roughly constitute about 80 per cent of the country's plantation workforce, were originally immigrated from South India's Tamil Nadu region as indentured slaves to work in the plantations and to do sanitation work in urban areas. The descendants of these Indian origin bonded labourers continue to work in exploitative labour situations in Sri Lanka's plantation sector.
- **Garment and Textiles:** The textile mills in South India almost exclusively engage Dalit women and girls through the *Sumangali scheme* system. The system is a form of forced labour of primarily Dalit women and girls from poor families, using the enticement of collating dowry money through bulk payments at the end of 3-year contract term.
- Of the estimated 4 million workers in Bangladesh's Readymade Garment Industry (RGM), about 80 per cent are women (3.2 million workers), and work in extremely exploitative working conditions akin to forced labour. Evidence indicates recruitment through debt-bondage, trafficking and child labour. Restrictions on movement, threats and intimidation, wage withholding are commonly reported. A recent ILO-UNIFEM 2020 study found that most women are from impoverished or economically disadvantaged backgrounds, pointing to the possibility of a significant proportion of women in the garment industry of Bangladesh being Dalits.
- **Brick Kilns:** Over 80 per cent of brick kiln bonded labourers in India are Dalits. Some studies put the number of Dalit bonded labourers in brick kilns at 88 per cent. In Pakistan, a 2018 study estimates that over 1.3 million persons, including men, women and children in the brick kiln sector are working under conditions of debt bondage. About 60 per cent of workers living and working in brick kilns of Punjab province are Christians, who are mostly Dalits. (Dalit Christians are recorded as per religion and not caste-social group, as per Census of Pakistan).
- **Quarries:** In India estimates over 77 per cent of quarry labourers working in debt-bondage or highly exploitative conditions in South India are Dalits though some studies peg this incidence at 87 per cent.
- **Carpet Industry:** The carpet industry of Pakistan engages both Hindu and Muslim Dalits in Sindh's Thar region.
- **Sanitation work** in all the countries is almost exclusively linked with caste. Estimates point to nearly 5 million full-time equivalents of sanitation workers in India, and almost all of them belong to Dalit communities. About 71 per cent and 100 per cent Dalits are recruited in two urban sanitation departments respectively of Lahore, Pakistan.
- **Sex Trafficking, including child trafficking:** Despite the high prevalence of sex trafficking and child trafficking, there is a lack of comprehensive estimates of victims for any country. Nepal has estimated around 35,000 persons to have been trafficked and around 1.5 million persons are at risk of being trafficked. Reports and reportage do not document the caste-disaggregates to provide direct evidence for caste-induced vulnerability for trafficking.
- **Child sex tourism:** Sri Lanka has become a hotspot for child sex tourists and a destination for child sex tourism. Boys and girls are reported to be trafficked for child sex tourism, including in coastal areas and during annual festivals.
- **Forced commercial sexual exploitation:** Child sexual exploitation through registered and unregistered brothels, and other places, as well as child sex tourism is rampant in Bangladesh. Disaggregated data of victim profile is not available. In India, there are approximately 3 million women in the sex trade, out of which 40 per cent are children. In Pakistan, an estimated 229,441 persons are in commercial sex work, while there are an estimated 253,738 sex workers in Nepal. These estimates do not provide disaggregated data on the castes of the victims, making it difficult to establish the otherwise anecdotal evidence of Dalit girls and women being victimised for forced commercial sexual exploitation. The *Bedias* of India and the

Badis of Nepal, both Dalit communities, were traditionally entertainers, musicians and dancers, who have now shifted to commercial sex-work as 'family businesses'.

- **Ritualistic Sexual Slavery:** The practice of ritualistic sexual slavery of *Devadasis* of India and *Deukis* in Nepal continue to exist, albeit on a decline. Over 85 per cent of girls and women engaged in *Devadasi* practice in India are Dalits. Some studies peg this at over 95 per cent. The *Deuki* system is known to dedicate pre-pubescent girls from Dalit as well as dominant caste groups.
- **Child Labour:** In India, 10.1 million children are engaged in child labour. Evidence from few states shows that up to 90 per cent of the child labourers in Telangana state are from Dalit and Tribal communities. According to one study, over 60 per cent of girls and women in Tamil Nadu's spinning mills were Dalits, of whom 80 per cent were under 18 years of age. Over 3.7 million children in the 10-17 years age group in Pakistan are engaged in child labour according to government estimates that do not give disaggregated data of Dalit children in child labour. In Nepal, over 1.1 million children between 5-17 years are engaged in child labour, of which 19.4 per cent are Dalit child labourers. In Sri Lanka, there are 43,714 children engaged in child labour, constituting one per cent of the total 4.57 million children's population in the 5-17 years age group. In Bangladesh, the estimated number of working children is 7.4 million, of whom 3.2 million children are child labourers. Over 1.3 million children among the child labourers are engaged in hazardous

labour. Disaggregated data for Dalit children/ ethnic groups are not available for Bangladesh and Sri Lanka.

- **Forced Marriage for (i) forced commercial sex work and (ii) wives for marital relations and progeny:** In India, 'purchasing wives' for marital relations and progeny are reported as an inter-state phenomenon. A recent study identified 130,000 brides purchased from other states into Haryana. The gateway of such forms of sexual slavery is trafficking. In India, these reports and reportages do not mention the caste or ethnic profile of trafficked victims. However, considering that the source states of Assam, West Bengal, Jharkhand, Bihar and Odisha have high Tribal and Dalit populations and there is evidence of victims of other forms of forced labour from these states, there is a high probability of victimisation of Dalit girls from these states for bride trafficking.
- **Forced Marriage through forced conversions:** There are recent reports of Dalit Christian girls being forced into commercial sex work following their sham marriages with Chinese nationals in Pakistan. Over 629 incidents have been reported. Forced marriages, through forced conversions in Pakistan, is another type of sexual slavery that disproportionately affects Pakistan's Christian and Hindu population, particularly Dalits. A recent analysis of 162 cases from verified media reports, court orders and police reports, found two crucial evidences – (a) *The minority religion is mostly impacted, and (b) minor girls are significantly impacted.*

National response mechanisms to end modern slavery and slavery-like practices:

Untouchability is abolished by the Constitutions of India and Nepal. All countries guarantee the right to equality and non-discrimination on various grounds including caste. However, only India and Nepal have enacted specific legislation to protect Dalit and Tribal communities from caste-based atrocities. Bangladesh's anti-discrimination draft law is awaiting the Law Ministry's approval since 2014. India and Nepal also have special measures or affirmative action policies in education, employment in public services and public office. The Constitutions of Bangladesh, India, Nepal and Pakistan prohibit forced labour. The Constitutions of India, Nepal and Pakistan also prohibit trafficking and employment of children in factories and in hazardous work. Nepal's new Constitution specifically provides for the identification and rehabilitation of freed bonded labour.

The Constitution (Scheduled Caste) Presidential Order 1950 of India, contradicts the constitutional right to

profess, practice and propagate religion (Article 25) by making religion a criterion for determining the Scheduled Caste status of Dalit Christians and Dalit Muslims. Despite the recommendations of government-sanctioned commissions to delink Caste status from religion and make it religion-neutral, the Constitution of India does not recognise the caste status of Dalit Christians and Dalit Muslims.

The governments of Bangladesh and India interpret 'descent' solely with race or ethnic or national origin and not 'caste', despite continued reaffirmations by the International Convention on Elimination of Racial Discrimination (ICERD). As a consequence, Bangladesh and India fail to submit information to relevant monitoring bodies on the situation of Dalits. While Sri Lanka's Constitution guarantees non-discrimination based on 'caste', it does not acknowledge caste as a social group, that requires special measures for the advancement of persons affected by caste-based discrimination.

Bonded Labour legislations: India, Pakistan and Nepal, have specific legislation for abolishing Bonded Labour system. Bangladesh and Sri Lanka do not have specific legislations that abolish bonded labour. The Penal Codes however prohibit forced labour and bonded labour. There has been a consistent failure to implement the Act.

Manual Scavenging: There are no laws in Bangladesh, Nepal, Pakistan and Sri Lanka prohibiting manual scavenging.

Anti-human trafficking legislation: The anti-human trafficking legislation of Bangladesh covers all forms of forced labour and exploitation, while India's legislation is more centred on sex trafficking. Pakistan's recent legislations on anti-human trafficking and preventing smuggling of migrants, recognises and distinguishes between human trafficking and smuggling, thus addressing the needs of smuggled migrants, respectively. Nepal's anti-human trafficking legislation focuses on sex trafficking and organ trade and is not specific about forced labour, trafficking of children including sex trafficking, and other forms.

Child Labour continues to exist in all countries (albeit with lesser prevalence in Sri Lanka), despite the national policies and international compliances. This indicates the weak enforcement of child labour legislations, including lack of training and resources, minor penalties in legislations and corruption, etc.

Commercial sex work: Legislations related to sex trade or sex work or prostitution vary across the five South Asian countries. Prostitution is legal in Bangladesh, in terms of legal buying and selling of sex, but criminalisation of associated activities; India does not abolish prostitution *per se* and prostitution is criminalised in Nepal, Pakistan and Sri Lanka.

The practice of *Devadasi* is outlawed in India, where girls/women are dedicated to idol/deity of worship, which ultimately results in their sexual exploitation. There is no central legislation in India, but the states (including Andhra Pradesh, Karnataka, Tamil Nadu and Maharashtra) where the practice is prevalent have their own state laws.

International Human Rights mechanisms to end modern slavery and slavery-like practices:

All the five South Asian countries are party to the core international human rights treaty bodies and their supplementary optional protocols that are relevant for eliminating all forms of forced labour constituting modern slavery and slavery like practices among the Dalits of the country. The countries are also party to fundamental ILO conventions on Forced Labour and Child Labour. Together, these instruments and standards provide the basis for national legislations and international observations facilitating the countries'

commitment for eliminating all forms of modern slavery among the Dalits, along with other affected persons. All five countries are yet to ratify relevant convention on the protection of migrant workers and their families, and some relevant optional protocols and standards on eliminating forced and bonded labour.

ICERD has constantly reaffirmed to Bangladesh and India, that caste falls within the purview of the Convention. All committees through their concluding observations have constantly recommended the countries to provide all reporting disaggregated by caste, among other intersections. The committees have raised concerns on the prevalence of bonded labour, caste-based discrimination and occupation, harmful practices, on inadequate enforcement of anti-discrimination legislations, existence of hate speech, violence against Dalit women and their barriers in accessing justice, among other concerns.

CRITICAL OBSERVATIONS

- 1. Crucial to view Modern slavery from lenses of caste:** While poverty is one of the leading causes of modern slavery, the predominant cause is more profound than mere poverty. The dominant cause of modern slavery is 'Caste', which in South Asian society controls the 'descent' and 'work' of many affected persons. When most persons affected by Modern Slavery in South Asia are the Dalits, it is imperative to view Modern Slavery from the lenses of Caste and discrimination based on work and descent, not just class.
- 2. Denial of caste will not lead to its natural death:** The systemic discrimination on work and descent (caste) violates people's right to education, housing, water, land, employment and equal treatment, resulting in further exclusion and marginalisation. In countries where it is provided, a few decades of affirmative action has not been sufficient to eliminate the centuries-old discrimination. In this light, for countries where the existence of discrimination, particularly discrimination based on caste, and its resulting exclusion is not institutionally recognised, its denial will not lead to its elimination, but only its consolidation. No fruitful action can thus be effectively taken.
- 3. Evidence Building:** It is crucial to continue building the evidence of caste regarding people exploited in modern forms of slavery and slavery-like conditions. This is a challenge for countries, especially Sri Lanka and Bangladesh, where the Census does not record the caste disaggregation of its population at all.
- 4. Business mandate and accountability, not just social responsibility:** Modern Slavery and slavery-like practices include business practices that are the most extreme form of labour exploitation and violations. There can often be overlapping or a fragile line between slavery-like practices and violation of labour laws. In

this context, it is not a matter of social responsibility of businesses but the absolute accountability of businesses to ensure that modern slavery and slavery-like practices are not encouraged and engaged.

Key Recommendations

Ending modern slavery will require a multi-faceted and multi-pronged response that addresses the plethora of factors including, social, economic, cultural, political and legal that contribute to the vulnerability and marginalisation of persons. At the core of it all, is caste-based discrimination that has systematically and for hundreds of years, eroded the right to equality, dignity and freedom, for the Dalits and other marginalised population. While the principles have to be uniform and common, the national, regional and international responses need to be adapted to the diverse environment in which modern slavery and slavery-like conditions exist and prosper.

I: Key Recommendations for States

Ia: General:

- 1. Formal recognition of caste and the emanating caste based discrimination and its relevance to modern slavery:** To formally recognise caste and caste-based discrimination as the prominent factor that leads to economic, social, cultural and political exclusion and isolation, of Dalits, making them extremely vulnerable to modern slavery and slavery-like practices.
- 2. Need for delinking caste status of citizens from one's religion:** To delink Caste status from religion and make it religion-neutral.
- 3. Need to be a party to all core conventions and standards:** To ratify all core conventions and other relevant protocols and conventions related to eliminating Forced Labour.
- 4. Disaggregated data and Policymaking:** Ensure that all data collected through national surveys and studies, that has a bearing on the identification of people who are most marginalised and affected, should be disaggregated by caste among other relevant factors.
5. Continuous and concerted **mass communication and social messaging** for awareness raising of all-citizens on the consumption of modern slavery at-risk goods and services in daily lives, and the role and responsibility of all citizens in ending all forms of modern slavery.
- 6. On legislations and Frameworks:** Ensure alignment of legislations with relevant international human rights conventions and standards and between existing legislation so as to avoid contradiction and/or ambiguity. Revise or amend legislation in keeping with the changing trends. Design/disseminate and implement standard operating procedures for victim identification and referral.
- 7. On Plans, Policies and Programmes:** Design, update and revise national plans for all types of modern slavery backed by sufficient personnel and funds. Increase efforts in effective implementation of policies, schemes and programmes related to poverty alleviation, education, gender empowerment programmes among others and ensure social security and pension benefits for the most vulnerable and poor. To ensure through policy and regulations, that industries would invest and use technology that would reduce drudgery of work but not replace labour. To increase efforts for better rural infrastructure including education, health, locally-relevant and sustainable livelihood generation plans, mobility, easy access to higher education, among others.
- 8. On Monitoring Mechanisms by Labour Inspectorate:** Ensure that there are monitoring mechanisms in place. Where in place, ensure effective enforcement of monitoring mechanisms, adequate trainings of labour inspectorate and monitoring of effectiveness of their inspections, actions taken, and remedies incorporated.
- 9. On enforcement of legislation:** Ensure effective and timely; victim-centric and human rights oriented, enforcement of legislation, including reporting and investigation of complaints related to all forms of modern slavery. Ensure appropriate invoking of provisions across different legislations so that awarded penalty will commensurate with the gravity of the offence. Ensure perspective building and sensitisation through adequate judicial trainings on caste and related human rights issues, including modern slavery.
- 10. On Prosecution and Convictions:** Ensure speedy trials, victim and witness protection and appropriate awarding of penalty that will commensurate the gravity of offence committed. Ensure good quality free legal aid to victims. Ensure perspective building and sensitisation through adequate judicial trainings on caste and related human rights issues, including modern slavery.
- 11. On official complicity in perpetuating the different forms of modern slavery:** Investigate allegations of official complicity in the different forms of modern slavery and accordingly take appropriate measures.
- 12. On Prevention and Rehabilitation of survivors:** To ensure effective implementation of rehabilitation and reparation services for the survivors of modern slavery and slavery-like practices. To ensure safety in internal and cross border migration in terms of access and ease of information, procedures and complaint-remedies.

13. Immediately and absolutely invest in redesigning sanitation related technologies and infrastructure which would eliminate the use of manual scavenging: To invest and ensure through policy and regulations, re-designing of urban-rural sanitation infrastructure that will absolutely not allow municipalities and extended outsourced services to use any form of manual scavenging. To invest and ensure through policy and regulations that easy and affordable technologies are available and used by housing societies and townships for decentralised waste management.

Ib: Specific Recommendations to States

14. Bangladesh: The state is urged to prioritise enactment of anti-discrimination law for protection of rights of Dalits and other excluded and marginalised communities and formulate appropriate affirmative policies and programs with required funds allotment for improving their status in life. To effectively enforce the Vested Properties Repeal (Return) Act, 2001. The earlier Vested Property Act, now repealed, has had devastating consequences on citizens, who were declared as enemies of the state, and consequently their properties were confiscated. The Dalits, who constitute 90 per cent of Bangladeshi minorities, have been severely affected by this.

15. India: The state is requested to amend paragraph 3 of the Constitution (Scheduled Castes) Order 1950 to include Christians and Muslims, in order to comply with the right to Freedom of Religion or Belief as enshrined in article 18 of the ICCPR, and to comply with article 26 of the ICCPR which prohibits discrimination on any ground including religion and national or social origin.

16. Nepal: The state is urged to abolish all kinds of bonded labour established by the feudal land-use system such as Haruwa, Charuwa, Baligharey, Doli, Bhunde among other forms and undertake necessary arrangements to rehabilitate the freed bonded labourers and landless Dalits. Design affirmative action for employment of caste groups in bureaucracy and armed forces. Encourage political participation of caste groups.

17. Pakistan: The state is requested to enact the anti-discrimination law for protection of rights of Dalits and other excluded and marginalised communities and formulate appropriate affirmative policies and programs with required funds allotment for improving their status in life. To address the issue of caste denial and identify caste groups within each religion, and accordingly design and implement special measures/affirmative actions for Dalits in Pakistan.

18. Sri Lanka: The state is requested to enact the anti-discrimination law for protection of rights of Dalits and other excluded and marginalised communities and formulate appropriate affirmative policies and programs with required funds allotment for improving their status in life. To recognise the role of caste in discrimination against communities, and re-design strategies to identify the DWD communities, so that appropriate special measures for their advancement can be designed.

II: Eliminating Modern Slavery in supply chains and industry – a corporate social responsibility and accountability

The businesses are requested to develop Ethical Business Policy in accordance to decent-work international standards so as to ensure that business practices and supply chains do not engage practices, procedures and products resulting from the modern slavery and slavery-like conditions. To invest in labour-friendly and drudgery-reducing technology. To build perspective within companies on existence, scale and forms of caste-based discrimination and its long-lasting effect on communities inclusion, empowerment, bargaining power and occupational mobility.

III: Key recommendations to civil society organisations and international organisations

The civil society organisations are urged to continue building evidence on caste based discrimination for each type of forced labour with caste disaggregation, and also through case laws and litigations. To continue to build rightsholder cadre of human rights defenders, with special focus on youth and women.

IV: Key recommendations to international organisations and funding agencies

The international and funding organisations are requested to ensure through their supported partners, that disaggregated data on caste profile of victims is captured to enable evidence building on linkage of caste and modern slavery. The institutions are also urged to support and build capacities of national organisations for building evidence and precedents through case laws and PILs.

V: Key recommendations to international human rights mechanisms

The international human rights mechanisms are requested to internalise the elimination of caste-based discrimination in all its observations that affect marginalised communities. The mechanisms are also requested to develop common platforms for discourse and knowledge sharing of good practices leading to joint advocacy on different forms of modern slavery and slavery-like conditions.

ABOUT THE REPORT

RESearch on forms and manifestations of modern slavery and DWD is inadequate and under-developed. While it is particularly inadequate outside of the South Asia context, evidence-based research linking DWD and all forms of modern slavery is virtually absent even for South Asia. This lack of disaggregated data poses a challenge for providing a comprehensive overview of the issue.

The Asia Dalit Rights Forum (ADRF), in partnership with the Rosa Luxemburg Stiftung (RLS), has conducted a South Asia study on **‘Modern Slavery of Communities Discriminated on Work and Descent (DWD)’** so as to provide a comprehensive understanding of the engagement of DWD communities in various forms of modern slavery and slavery like practices. The countries covered in the study are – India, Pakistan, Nepal, Bangladesh and Sri Lanka.

METHODOLOGY

This report collates evidence gathered through desk research, interviews with network partners Asia Dalit Rights Forum (ADRF) from all countries in study. Perspective of activists from human rights organisations from the region working on eliminating caste-based discrimination was taken through interviews. The estimates of Modern Slavery presented in the study is derived from various secondary research, including UN agencies, academic research, CSO submissions to UN human rights mechanisms, country reports submitted to UN mechanisms and the Observations made by the relevant Committees of human rights mechanisms. News reports, videos and blogs were also included in review.

ABOUT THE REPORT

This report is an initial part of a larger study that will be unveiled in the coming days that elaborates on the practice of modern slavery and slavery-like conditions prevailing in Bangladesh, India, Nepal Pakistan and Sri Lanka, all of which comprise the bulk of South Asia’s population.

The situation arising out of the COVID-19 pandemic hindered travel for primary research. The five countries studied, together make up for a substantial part of the global population.

In this current report, we share the key findings of the nature and scale of modern slavery in the five South Asian countries in the study, the response by governments in addressing the various forms of slavery and the initiatives of international human rights mechanisms in highlighting the concerns with the respective govern-

ments. The study also contains our recommendations for the region.

The next section places the issue of modern slavery and slavery-like practices in the context of caste and discrimination experienced by Dalit communities based on their work and descent.

Chapter 1: *Ending Modern Slavery and Slavery-Like Practices*, discusses the purpose of the study.

Chapter 2: *Contextualising Caste System in Modern Slavery*, traces the roots of the caste system that affects the South Asian population in the five countries included in the study. The chapter also discusses the recognition placed by international human rights mechanisms, specifically the Committee on Elimination of Racial Discrimination (CERD) and Special Rapporteur on minority rights, on caste and discrimination based on work and descent.

Chapter 3: *Intersecting Factors that Perpetuate Modern Slavery in South Asia* introduces the typology of modern slavery in South Asia, definitions of typologies of modern slavery and contextualises caste and intersecting factors in modern slavery. The chapter gives an overall scale of the prevalence of modern slavery in the five countries under study and maps their position worldwide.

Chapter 4: *Forms, Manifestations and Magnitude of Modern Slavery across South Asia*, gives an overview of the nature and scale of different types of modern slavery in each country under study. It explores the recruitment and exploitation of Dalits in various forms of modern slavery.

Chapter 5: *National Response Mechanisms*, explores South Asian governments’ response in eliminating modern slavery and slavery-like practices. It gives a brief overview of the constitutional provisions that safeguard the rights of Dalits and provides special measures for their advancement, the relevant national legislations for different forms of forced labour and forced marriage, and gaps thereof.

Chapter 6: *International Response Mechanisms*, gives a brief overview of concerns raised by the UN treaty and charter based bodies and the international labour standards and their recommendations.

Chapter 7: *Recommendations*, shares key recommendations for various stakeholders for a joint and concerted effort in eliminating modern slavery and slavery-like practices.

The complete study in the coming days will elaborate on individual country findings and details the findings.

LIMITATIONS

The study has relied primarily on desk review of secondary research. The COVID-19 travel restrictions during the initial part of the study made it difficult to collect survivor perspectives. Attempts at interacting with survivors via online interviews were not possible for all the regions. The state of despair that the pandemic brought for many persons, especially the already marginalised Dalit families who constitute the survivors of modern slavery, did not encourage the researchers in interacting with the survivors for this study since their immediate need was survival.

Limited data is available on modern slavery for all

countries in South Asia. Studies on bonded labour, manual scavenging, and other forms of forced labour were available more for India than others. Evidence-based research linking caste and trafficking, commercial sex work etc. are not adequately available. While experience and anecdotal evidence link caste and all forms of modern slavery as covered in the study, the available researches for some forms identified the affected persons from class lenses and mentioned them as 'vulnerable' and 'marginalised', and not by caste disaggregation.

The study has identified some industries that recruit forced labour. It, however, does not discuss the business side of such industries. The study could also not cover the allocated budget by states for countering the modern slavery situation and their respective utilisations.

SDG 8.7: ENDING MODERN SLAVERY AND SLAVERY-LIKE PRACTICES

The rise in extreme poverty and inequality resulting from the COVID-19 pandemic is likely to reinforce disparities, magnify social and economic tensions and generate more migration flows. These are well-known factors which increase peoples' vulnerability to slavery, including trafficking in persons, debt bondage, forced labour, worst forms of child labour, forced marriage and other contemporary forms of slavery.

—**Tomoya Obokata**, Special Rapporteur, Contemporary forms of slavery, including its causes and consequences, HRC, 45th session, 4 August

THERE are an estimated 40 million people worldwide who live in situations of modern slavery and slavery-like practices. A quarter of them are children in child labour, and the worst forms of child labour (10 million). 71 per cent of these people are women and girls (28 million).¹⁰ Of this population of 40 million persons living in situations of modern slavery, 21 per cent are victims of forced sexual exploitation, and 18 per cent of them are subjected to forced labour exploitation.¹¹

Although Modern Slavery is not defined by law, it is used as an umbrella term that includes forced, unpaid, exploitative or unlawful recruitment or harbouring of people in various forms of forced labour and also forced marriage. Essentially it refers to exploitative and/or unlawful situations which restrict the mobility of persons because of threat, violence, coercion, abuse of power, deception etc.

In 2015, 193 countries worldwide, through the achievement of Target 8.7 of the Sustainable Development Goals (SDG), committed to “*take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms*”.

The scale and proportion of modern slavery that affects people worldwide present a massive challenge in achieving the SDGs.

According to the Tomoya Obokata, Special Rapporteur on contemporary forms of slavery, including its causes and consequences, 2020, “*states have been slow in fulfilling their anti-slavery obligations and honouring the global commitments made to meet target 8.7 of the SDGs to end modern slavery and eradicate forced labour by 2030 and to end child labour in all its forms by 2025. COVID-19 is likely to further stall this process and reverse the progress that has already been made, if States fail to take genuine and decisive steps to accelerate their anti-slavery efforts without further delay. The socioeconomic impacts of the pandemic have already exposed the gaps in national responses to contemporary forms of slavery, causing further deterioration of the precarious situations of the victims, survivors and those at risk of being subjected to such practices*”.¹²

In the South Asia context, modern slavery significantly affects the Scheduled Caste communities, or *Dalits* as they are commonly called. While the unprecedented crisis caused by COVID-19 has affected all persons worldwide, it has disproportionately affected the Dalits and other marginalised populations worldwide, who were already in vulnerable situations before the COVID-19 crisis.

¹⁰ ILO-Walkfree Foundation 2017

¹¹ Ibid

¹² HRC-SR on Slavery 2020, Para 86

MODERN SLAVERY, DWD COMMUNITIES AND SDGs

The Dalits are victims of age-old caste-based social stratification that divided people based on their work and descent. Despite constitutional provisions, anti-discrimination legislations, prohibition of certain harmful practices, and special measures for the advancement of Dalits, caste-based allocation of occupations continue to persist in South Asian countries, primarily in India, Nepal, Pakistan, Bangladesh and Sri Lanka.

For instance, in these countries, sanitation jobs are almost exclusively done by Dalits; various forms of agricultural bonded labour, including unpaid labour, continue to engage Dalit families exclusively; and ritualistic sexual slavery practices such as *Devadasis* in India have exclusively engaged Dalit women.

This systemic discrimination in employment and work has impeded the Dalit communities' access to civil, political, social and cultural rights, thus preventing them from improving their situation. A few decades of well-intended affirmative actions for the emancipation of Dalits is not enough for doing away with centuries-old historical disadvantage.

The caste-based discrimination or Discrimination based on Work and Descent (DWD) is deeply entrenched in the culture and tradition of South Asian societies. It has resulted in the social and economic exclusion of the Dalits or DWD communities. They are particularly subjected to discrimination in accessing land and water, markets, education, health services, employment or opportunities for entrepreneurship. This exclusion and discrimination precludes them from meaningful participation in public life and often leads to a high incidence of poverty.

Modern slavery is generally seen as the by-product of 'poverty' along with other intersectional causes. *While poverty is one of the main causes of modern slavery, the predominant cause of modern slavery is 'caste', which in South Asian society controls the 'descent' and 'work' of many affected persons. When most persons affected by modern slavery in South Asia are the Dalits, it is imperative to view Modern Slavery from the lenses of caste and discrimination based on work and descent, and not just class.*

SLAVERY OF THE FUTURE, IF NOT ADDRESSED URGENTLY

Modern slavery and slavery like practices, if not urgently addressed, will have far-reaching consequences in the lives of a significant population of the world in the coming years. According to Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola¹³, trends in the future of work and in social protection schemes are thus highly relevant to any understanding of how slavery may change

in the future. The informal sector is characterized by low productivity and low-skilled jobs without stable sources of income.

Today, more than 60 per cent of the world's employed population are in informal employment. Over 90 per cent of the working population of developing countries are engaged in the informal sector, and the employment in the informal sector is on the rise. If technological and social changes in the world of work are not human-centred and trends towards decent work deficits are not tackled, precariousness in the labour markets could increase, along with rise in slavery risks. Limited access to jobs, an increase in income inequality, climate change and the lack of economic opportunities, will further push labourers to migrate for informal sector work. South Asian countries that are already burdened with the highest absolute numbers of people living in modern slavery situations will be further burdened with economic shifts and climate change.

Emerging trends – whether of children's online sexual exploitation; for-profit orphanages; a resurgence of enslavement of women and children in armed conflict areas; or the disproportionate gender ratios resulting in demand for women and girls for servile and forced marriage – all put women and children at increased risk of sexual slavery. Conflict induced displacement and use of schools for military purposes put children and their families at further risk of various forms of slavery.

The Dalits and other marginalised communities of South Asia and worldwide, who are exploited in various types of modern slavery and slavery like practices, are at further risk in the future ways of working.

Thus, the analysis by UN agencies and others, of the efforts undertaken by countries to eliminate all forms of modern slavery and slavery like practices by 2030, in fulfilment of SDG 8.7, requires the understanding and recognition of significant impact of modern slavery on the DWD communities as it exists today.

193 countries have pledged to take immediate and effective steps to eradicate modern Slavery by 2030 and child labour by 2025.

SDG 8	Inclusive, Full and Productive Employment and Decent Work for all
	Target 8.7 Eradicate forced labour, end Modern Slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms

13 HRC-SR on Slavery 2019

Other Relevant SGDs for eliminating Modern Slavery	
	<p>Target 8.5 Full and productive employment, decent work, equal pay for work of equal value for all women and men, including young people and persons with disabilities</p>
	<p>Target 8.8 Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular, women migrants, and those in precarious employment</p>
SDG 1: No Poverty for All	<p>Target 1.3 National social protection systems and measures for all</p>
	<p>Target 1.4 Access to basic services, appropriate new technology and financial services, including microfinance by all, particularly the poor and vulnerable</p>
	<p>Target 1.b Pro-poor and gender-sensitive policies at the national, regional and international levels to support accelerated investment in poverty eradication actions</p>
SDG 3: Health and Well Being	<p>Target 3.9 Substantial reduction of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination</p>
SDG 4: Quality Education for all	<p>Target 4.1 Girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes</p>
	<p>Target 4.2 Access to all girls and boys to quality early childhood development, care and pre-primary education</p>
	<p>Target 4.4 Substantial increase in the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship</p>
	<p>Target 4.5 Eliminate gender disparities in education and ensure equal access for all</p>

	<p>vulnerable groups to all levels of education and vocational training</p>
SDG 5: Gender Equality	<p>Target 5.1 End all forms of discrimination against all women and girls everywhere</p>
	<p>Target 5.2 Eliminate all forms of violence against all women and girls in public and private spheres, including trafficking and sexual and other types of exploitation</p>
	<p>Target 5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation</p>
	<p>Target 5.a Equal rights and access to women for economic resources, ownership and control over land and other forms of property etc.</p>
	<p>Target 5.c Enforce pro-gender policies and legislations for gender equality and empowerment of women and girls</p>
SDG 6: Clean Water and Sanitation	<p>Target 6.2 Adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations</p>
SDG 10: Reduce Inequality	<p>Target 10.1 Income growth of the bottom 40 per cent of the population at a rate higher than the national average</p>
	<p>Target 10.2 Empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status</p>
	<p>Target 10.3 Eliminate discriminatory laws, policies and practices and promote appropriate legislation, policies and action for reducing inequality and ensuring equal opportunity</p>
	<p>Target 10.4 Adopt fiscal, wage and social protection policies for greater equality</p>

	<p>Target 10.7 Ensure safe, regular and responsible migration through effective migration policies</p>		<p>Target 16.3 Ensure equal access to justice for all through national and international law</p>
<p>SDG 13: Climate Action</p>	<p>Target 13.3 Take urgent action to combat climate change and its impacts</p>		<p>Target 16.b Promote and enforce non-discriminatory laws and policies for sustainable development</p>
<p>SDG 16: Peace and Justice for all</p>	<p>Target 16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children</p>		<p><i>Source: SDGs 2030 Agenda</i></p>

CONTEXTUALISING CASTE AND CASTE SYSTEM IN MODERN SLAVERY

The caste system is not just about division of labour among the people of the country but also the division of labourer as it sets a hierarchy to the type of tasks assigned to each caste.

– Dr B.R. Ambedkar

CASTE-BASED discrimination affects over 260 million people globally¹⁴. It has its roots in the centuries-old caste system of India and is prevalent in India, Nepal, Pakistan, Bangladesh, Sri Lanka and the Indian diaspora, owing to shared histories, borders and people. The persons affected directly by caste-based discrimination are officially known as the Scheduled Caste and commonly referred to as *Dalits*¹⁵.

The historical discrimination of Dalits in the South Asian countries, based on religious sanction of the Hindu *varna* system, has systematically excluded the Dalits from enjoying their social, economic and political rights, thus contributing to a continued state of inequality and deprivation. Disasters and pandemics like the ongoing COVID-19 further compound their marginalisation.

The Dalits of South Asia

The Dalits in South Asia comprise a host of sub-caste groups. Although subjected to similar forms of discrimination across the region, the situation of Dalits in caste-affected countries differs for historical and political reasons. They represent the poorest and marginalised populations of their countries and are victims of grave forms of discrimination and violence.

Bangladesh is estimated to have a Dalit population of 5.5 to 6.5 million people, comprising about 4 per cent of the country's population. The country does not record the

caste identity of its population, and as such, there is no census or other official data available on the demographic or social aspects of people discriminated based on their work and descent. Three broad categories of Dalits reside in Bangladesh:

- Bengali Dalits who live in villages all over Bangladesh;
- Muslim Dalits who again can be found across the country; and,
- Dalits who migrated (or were forced to migrate) from India to then East Bengal – now mainly living in urban areas and tea plantations.¹⁶

As per the Census 2011, the Muslims represent 90.4 per cent majority, and non-Muslims constitute the remaining 9.6 per cent of the Bangladesh population. Among the non-Muslims, Hindus are the dominant group with a population of about 8.5 per cent of total Bangladesh's population, and Buddhists and Christians constitute 1 per cent and others 0.1 per cent. The Dalits of Bangladesh are present among all these religious groups. The Census of Bangladesh does not capture the caste data of its citizens, and as such, there is no official statistics on Dalits. However, as a society, the Dalits are mostly identified through their traditional occupations such as fishermen, sweepers, barber, washermen, blacksmiths, goldsmiths, cobblers and oil-pressers. In the absence of official statistics, various researchers have estimated the Dalit

14 ADRF

15 Scheduled Caste: Official term for those castes characterised as socially, educationally and economically backward due to the traditional practice of 'untouchability', and listed by the Government of India to access special development, protection and affirmative action schemes. ('SCs' and 'Dalits' are interchangeably used in this document. For much of British rule in the Indian subcontinent, they were known as 'depressed classes'. For references of Dalits, prior to the abolition of 'Untouchability', the term 'Untouchable' is used.

16 Nagorik Udyog BDERM Bangladesh report

population based on the economic engagement of the people. For instance, the *Beday* (river gypsy), who are Muslim Dalits, constituted about 0.4-1.1 million of Bangladesh's population in 2003, while the fishermen, weavers, blacksmiths, potters, goldsmiths constituted 1.11 per cent of the country's population in 2003 and the like.¹⁷

Based on the Hindu *varna* system, the Hindu Dalits are divided into similar caste lines as their Indian counterparts. The bottom-most social rung is occupied by the earlier known 'outcastes', defined by their particular hereditary occupation. These include agriculturist caste (Hakil, Gopes and Baruis), artisan caste (goldsmiths, blacksmiths, potters, carpenters, dyers, oil-men, confectioners, spice-dealers, cotton weavers, silk weavers). The most despised castes include the hunters, boat-men, barbers, sawyers, fishermen, date-palm juice collectors, watchmen, and so-called 'untouchables' like *Harijans/Methors/Domer* (Sweeper and cleaner), *Dom* (curing of diseased spleens), the *Muchi/Chamar* (cobbler) and so on.

Islam, too has its social stratification based on lineage, which is evident in their social life, viz marriage. The early twentieth-century Bengal Muslims divided Muslim society into three broad divisions: 1) *Sharif or Ashraf* (i.e., noble-born/foreign Moslems), 2) *Atraf* (low-born) and 3) *Ajlaf or Arzal* (lowest of all). The *Arzals* consisted of the lowest caste such as *Helalkhor* (sweepers, latrine and garbage cleaners), *Lalbegi*, *Abdal* and *Bediya* with whom no other Muslim would associate. The *Jolaha* or weaver class among the Muslims occupied the lowest social position within their own community. In contemporary Bangladesh, the Muslims are broadly divided into *Khandan* (high-status Muslims), *Girhasta* (low-status Muslims) and *Kamla* (labourers/lowest status Muslims). The major Muslim Dalits include *Tele* (oil presser), *Napit* (barber), *Tati* (weaver from Pakistan and speak Urdu), *Darji* (tailor), *Hajam* (quack for circumcision), *Mazi/Khottra* (boatmen), *Bhera* (carrier of bride carriage), *Kasai* (butcher), *Bede* (river gipsy), *Hijra* (transvestites deal with entertainment with dance/songs/sex worker), *Bihari* (refugees from Bihar, India), *Rohinga* (ethnic minority/refugees from Myanmar) and so on¹⁸.

India is home to **201 million** Scheduled Caste (SC) persons, according to census 2011. The Scheduled Castes or Dalits, as they are popularly called, comprise **16.6 per cent** of India's population.

This Census figure does not include Dalits who, because of their religious conversion, have lost their Constitutional status as Scheduled Castes, per the Constitution (Scheduled Castes) Order, 1950. The Dalit Muslims and Dalit Christians comprise this category, and it is estimated that there are at least 42 million Dalit Muslims and 16 million Dalit Christians in India¹⁹. There are over 1208 listed sub-castes as per the government of India.²⁰ The sub-castes comprising the highest numbers of the Dalit population in India are – *Jatav* (22.5 million), *Madiga* (7.66 million), *Mahar* (5.7 million), *Valmiki/Bhanga* (5.5 million), *Mazhabi Sikhs* (2.8 million), *Chamar* (2 million), *Mang* (2 million) and *Bhambi* (1.2 million) among other sub-castes.

The Dalit literacy rate is **66 per cent** at a national level, compared to all India rate of **74 per cent**.²¹ Dalits, as also Adivasis and OBCs, have significantly lower health indicators, such as mortality rate, anaemia, body weight, both in adults and children, indicating severe malnutrition and lack of other medical services for both the mother and child among the marginalised groups.²² The work participation rate (WPR) for the total working population (15 years & above) is 47 per cent, with a significant gender gap at 22 per cent for all women compared to men (71.2%). In terms of the type of employment, **41.2 per cent** of working Dalits work as casual labourers, compared to India average of **24.9 per cent** and **13.7 per cent** among the working dominant caste groups.²³ The Agricultural Census, 2015-16 shows that only **11.84 per cent** of the country's Dalit population owns operational agricultural land as opposed to **79.33 per cent** of agricultural land owned by the dominant castes.²⁴

Nepal has a Dalit population of **3.5 million** according to census 2011, comprising **13.2 per cent** of Nepal's population. The Census of Nepal categorises Dalits as part of Hindu caste groups²⁵, as the Hill Dalits (8.1 per cent of the national population) and Madhesi Dalits (4.5 per cent of the national population). The Newar Dalits are not listed in the 2011 Census as Dalits though they are considered as Dalits in treatment and exclusion, as it applies to the other Nepali Dalits. Civil society organisations estimate Nepal's Dalit population at 5 million.

The Hill Dalits include five caste groups, namely *Kami*, *Damai/Dholi*, *Sarki*, *Gaine* and *Badi*. The Madhesi or Tarai Dalits include 16 caste groups – *Bantar*, *Chamar/Ram/Harijan*, *Dhobi*, *Dom*, *Dushad/Paswan/Pasi*, *Halkor*, *Khatwe*,

17 IIDS Bangladesh 2009 (sourced estimates from BBS (2003), Maksud (2006) and Rahnuma and Chowdhury (2003))

18 IIDS Bangladesh 2009

19 NCDHR Submission to CERD, 2006

20 <https://socialjustice.nic.in/UserView/index?mid=76664>

21 AIDMAM 2021 (sourced from NSSO 75th round on Education)

22 AIDMAM 2021 (sourced from NFHS 4, 2015-16)

23 AIDMAM 2021, sourced from PLFS 75th round, 2017

24 AIDMAM 2021, sourced from Agriculture Census 2015-16

25 Hinduism is a religion and not caste. However, Nepal Census mentions the category as such.

Musahar, Tatma, Chidmar, Kalar, Kori, Sarbhanga (Sarbaria), Natuwa, Dhankar/Dharikar and Dhandi). The Newar Dalits are not listed in the 2011 Census as Dalits though they are considered as Dalits in treatment and exclusion, as it applies to the other Nepali Dalits. The Hill Dalits were traditionally engaged in occupations of blacksmithy, gold smithy, shoemaking, tailoring, entertainment (professional singing, dancing), etc. The Madhesi or Tarai Dalits, on the other hand, were engaged in occupations of mat weaving, leatherwork, playing musical instruments during functions, selling liquor, palanquin bearing, cleaning/sweeping, picking carcasses, etc.

Pakistan has a Dalit population of **0.85 million**, comprising 0.41 per cent of the total population, as per the census 2017. Local groups estimate a higher representation of Dalit population contrary to official estimates, owing to reasons of – (1) reported accounts SC/Dalit Hindus categorising themselves as Hindus and not as Scheduled Caste²⁶ (2) The figures of the Hindu population, which has clubbed SC/Dalit estimates, itself is underestimated in Census²⁷ (3) The Punjabi Christian population of Pakistan are mainly Dalit converts from the so-called ‘lower caste’ of Hindu Dalits.

The Dalits of Pakistan are primarily Hindu Dalits, Christian Dalits, and Dalits categorised separately in the government’s 1956 scheduled list. **The Census includes Dalits as per the scheduled list.**

- **Hindu Dalits:** According to activists, almost 70 per cent of people constitutionally identified as ‘Hindu and Scheduled Castes’ are actually Scheduled Castes.²⁸
- **Dalits as per Pakistan’s 1956 scheduled list:** The 1956 scheduled list declared 32 castes and tribes, the majority of them Hindus, to be scheduled caste (or *Dalits*). The list included *Kohli, Meghwar, Bheel, Bagri, Balmaki, Jogi, Oad* etc. The Census 2017, which estimates Dalit population comprising 0.41 per cent of the population, or 0.85 million of total Pakistan’s population, is the population as per the 1956 scheduled list. Of all the Dalits as per the scheduled list, 97.9 per cent of them live in Sindh, comprising 1.74 per cent of total Sindh’s population; while Balochistan (0.03 per cent), Punjab (0.01 per cent) and Islamabad Capital Territory (0.01 per cent) have a lower concentration of Dalits within their total population.²⁹

- **Christian Dalits:** Over 75 per cent of the Pakistani Christians are Punjabi Christians (with the rest including Goan Christians and Anglo-Indians). Among all Christians of Pakistan, 80.8 per cent are located in Punjab province, comprising 1.88 per cent of the total Punjab’s population. The **Punjabi Christians are mainly Dalit Christians**, who are descendants of so-called ‘lower-caste Hindus who converted during the colonial era in India.³⁰

In terms of the literacy rate of Dalits, 87 per cent of Dalit women are illiterate, while 63.5 per cent of Dalit men are illiterate against national illiteracy of 58 per cent for all-women and 35 per cent for all-men.³¹ The Dalit population in Pakistan is overwhelmingly rural in nature. According to the 2017 Census, 84 per cent of all Dalit population resides in rural areas, and 71 per cent of all Hindu population, which would have Dalit population overlaps (*as per reasons mentioned earlier*), also resides in rural areas. Among the Christian population, however, the majority (65 per cent) reside in urban areas. A 2007 IIDS-IDSN study focussed on Hindu Dalits of Sindh province found that 83 per cent of the Dalits were landless, and the rest owned land between one and five acres. Currently, there is no affirmative action in employment for the Scheduled Castes of Pakistan. A 6 per cent quota for government services was partially implemented from 1956 till 1998 but removed in 1998.³²

Sri Lanka does not recognise caste and the caste system, and as such the census of Sri Lanka does not capture caste disaggregation among Sri Lankan society since 1911. However, communities discriminated on work and descent (DWD) continue to be affected by caste and caste system, despite its denial. The DWD communities are part of all three ethnic groups – The Sinhalese, Sri Lankan Tamils and Tamil Indians. Owing to the absence of caste documentation in census, the DWD population numbers are rough estimates based on a few ethnographic researches. The estimated DWD communities’ population among the three ethnic groups are:

- **DWD among the Sinhalese:** The Sinhalese comprise 74.9 per cent of the country’s population. About **3 million in total** (Between 20–30 per cent³³ of the Sinhalese population are discriminated on work and descent.(DWD).
- **DWD among the Sri Lankan Tamils:** About **0.4 million in total** are discriminated on work and descent (about 18 per cent of the population in the

26 The News 2017

27 PHC 2021

28 IIDS-IDSN 2007

29 Census 2017

30 Census-Religion 2017, UNDP 2008

31 PDSN 2015

32 IIDS-IDSN, 2007

33 IIDS Sri Lanka 2009

pre-civil war period³⁴). The Sri Lankan Tamils comprise 11.2 per cent of the country's population.

- **DWD among the Indian Tamils: 0.8 million in total** (About 4.1 per cent of the country's population. 100 per cent of the Indian Tamils are DWD communities. About 0.7 million are plantation workers³⁵ while 0.1 million are outside plantations)

The Sinhalese DWD: The Sinhalese comprise the majority (74.9%) of Sri Lanka's population. Most of them follow Buddhism, a religion that condemns caste and social differences. However, caste has developed among the Sinhalese society under the mantle of Buddhism. The highest percentages of Sinhalese population are reported from Southern province (95.0%). The Sinhalese society since before colonial rule comprised three categories – *first*, a ruling elite; *second* – the 'Goyigama', who constituted the bulk of the Sinhalese population and who either served the ruling elite or were lower-order peasants; and *third* – the caste-groups who occupied the lowest social order. These caste groups performed a range of menial and non-menial work in service of the elite and the peasantry and roughly comprised **20-30 per cent of the Sinhalese population**. Amongst the caste groups, the sub-castes who performed non-menial work included the *Vahumpura* (domestic servants of Goigama), *Padu* (farmworkers of Goigama), *Kumbal* (potters), *Berava* (drummers and dancers), *Rada* (washermen) and *Nawandanna* (smiths). Those who performed 'menial' and 'unclean' services included *Rodis* (removing of dead animals and dirt), *Gahala* (public execution of criminals) and *Kinnara* (making mats and other artefacts using material from the jungle). The sub-caste groups who performed the non-menial services lived in isolation in congested villages and comprised about one per cent of the total Sinhalese population.³⁶ Such divisions on lines of class and caste continue, with the 'Goyigama' as the dominant class and caste³⁷. Many Sinhalese DWD communities have benefitted from the Sri Lankan government's welfare measures, including free education. These schemes, however, have not reached all caste groups. They continue to maintain low educational achievement, extreme poverty, over-crowdedness, poor asset ownership, and continued pressure to pursue hereditary caste occupations, despite the younger generation's dislike to continue with such occupations, and manifestations of social marginalisation such as alcoholism and other social pathologies. The IIDS 2009 study found that about 70 per cent of Sinhalese DWD communities in the study continued their traditional craft; 29 per cent of them (primarily women) sought overseas domestic work employment in Middle-east countries.

The Sri Lankan Tamil DWD: The Sri Lankan Tamils live or originate primarily from the northern and eastern regions of the country. The caste system among Sri Lankan Tamils in Jaffna can be seen through patterns of inequality, discrimination and social rejection driven by the notion of untouchability. Among the Sri Lankan Tamils, the land-owning Vellâlar caste is the dominant caste wielding power, influence and high status. The 'Panchamar' were traditionally treated as 'Untouchables' and were required to perform jobs in service of the dominant castes. They included - *Vannâr* (Dhobi, i.e. Washerman), *Ampattar* (Barber), *Pallar* (Landless labourers), *Nalavar* (Toddy tappers) and *Parayar* (Funeral drummers). Traditionally, they made up about 18 per cent of the Jaffna population compared to nearly 50 per cent of the Vellâlar population in the country in the pre-civil war period. Discrimination against the Panchamar 'outcasts' ranged from prohibitions against any kind of respectable clothing to denial of access to public transport, drinking water, temples, tea shops and the like. The *Panchamar* uprising against the Vellalar elite, in protest of the various human rights violations, had begun in the 1920s and continued till the 1970s. These were – 'Campaign for equality in seating and eating for school children' in the 1920s, 'Teashop Entry Movement' in the 1950s and 'Temple Entry Movement' in the 1960s. These caste struggle movements were aborted and appropriated by the Tamil identity politics and Ealam struggle (Sri Lankan Tamil identity struggle for a separate Tamil homeland) through the 1970s and '80s. The Tamil identity political struggle sought to unify all Tamils irrespective of caste, class and other divisions in a struggle against Sinhala dominated state and enabled the non-Vellâlar groups in Jaffna society to assert themselves politically. However, the Ealam struggle, which officially banned caste within its philosophy and ranks, did not even recognise and address the caste discrimination faced by some Tamil communities, thus serving to silence the caste struggle in the interest of Tamil-identity struggle. The *Panchamar* groups among the Sri Lankan Tamils were also the worst affected in years of civil war, as is seen through their overrepresentation and longer stay in Internally Displaced Persons (IDP) camps. A lack of ownership of land and other resources, lack of social support other than state-supported benefits, lack of resources to buy land or resources to rebuild their homes, etc., were some indicators that reflected the dire situation of the Panchamar Sri Lankan Tamils. These were perhaps reasons for their continued stay in IDP camps. The caste discrimination within Sri Lankan Tamils is indicated by the exclusion they faced in the IDP camps regarding access to water, education, and facilities.³⁸ Apart from the dominant caste Vellalar, the Mukkuvar and Kurukkal also have traditionally controlled land ownership, office,

34 IIDS Sri Lanka 2009

35 Calculation About 77-81% of Indian Tamils work in plantations, ISI-VR 2019

36 IIDS Sri Lanka 2009

37 Jiggins 1979

38 IIDS Sri Lanka 2009

administration of high caste temples, and extracted household service (kutimai) castes such as washermen, barbers and drummers.³⁹

The Indian Tamil DWD: The Indian Tamils in Sri Lanka are predominantly Indian Dalit immigrant descendants who were brought to Sri Lanka as indentured slaves during British rule. They were primarily brought from South India's Tamil region from poor, landless Dalit communities from *Pallan*, *Parayan* and *Chakkiliar*. The group was officially classified as 'Indian Tamil' in 1911. The group is also referred to as Hill Country Tamils or Mahaiyamas. Between 1911 and 2001, between 77 per cent and 81 per cent of the plantation population consisted of the Indian Tamils. As per the most recent census data in 2012, the Indian Tamil population for the whole of Sri Lanka comprised 839,504 persons. Thus, approximately 0.7 million Indian Tamils work in the plantations. The Indian Tamils were stateless till 2003 and were granted citizenship after decades of national, inter-governmental and international advocacy since Sri Lanka's independence in 1948. The Indian Tamils in Sri Lanka, because of their perception as 'outsiders', have found little solidarity from the Sinhalese DWD communities and Sri Lankan Tamil DWD communities. The Indian Tamils are among the most disadvantaged and politically unrepresented and least articulated among the various ethnic groups in the country. The Sri Lankan welfare measures for all citizens and the depressed castes have not reached the Indian Tamils, keeping them in the continuum of ethnic marginalisation, low socio-economic class and discrimination based on caste. As an ethnic minority in post-independence Sri Lanka, the Indian Tamils lost their citizenship rights. A programme for repatriation of a significant number of them back to India was initiated in the 1960s. As in the case of Sinhalese and Sri Lanka Tamils, increased ethnic mobilisation has served to silence caste in the public domain and political articulation among the Indian Tamils.⁴⁰ After 1948, the responsibility for the Indian Tamil communities working at the plantations was left largely to private plantation companies. These services included - plantation hospitals, maternity services and dispensaries, childcare services (staffed by plantation employees) within the boundaries of the plantation. The Plantation companies continue to provide certain welfare facilities to plantation workers while the extension of welfare services to communities outside the plantation is typically through government institutions, with welfare viewed as among the key entitlements of citizens. There is a marked variation between national healthcare indicators and those of the Indian Tamils at the plantations. Since the 1990s, successive Sri Lankan governments have gradually taken over the management of plantation hospitals and maternity facilities.

39 IIDS Sri Lanka 2009

40 IIDS Sri Lanka 2009

41 ISI-VR 2019

42 ISI-VR 2019

43 Britannica

In contrast, many plantations continue to maintain basic health facilities (such as dispensaries and child development centres) and employ Estate Medical Assistants (EMAs). Owing to the statelessness of Indian Tamils till 2003, the community could not benefit from the states' education policies. The states' intervention in education in the plantation sector post-1970s has ensured some progress in the education status of plantation sector children. However, the educational attainment in the plantation sector shows slow progress as compared to Sri Lanka's urban and rural sectors. Living on plantations is also associated with a reduction in the probability of pre-schooling by more than 36 percentage points for children aged four, relative to living in urban areas.⁴¹ The continued provision of socio-economic welfare by plantation companies distances the state from the Indian Tamils and their corresponding dependence on the companies. While services for workers at Plantations should be viewed as corporate social responsibility and good practices, these services inadvertently situate the community as beneficiaries of privately organised welfare offered as part of plantation companies' 'bargain' with their workers.⁴²

Understanding the Roots of Caste System in South Asian Society

Caste or '*jaati*' is an endogamous system of social stratification that divides people based on their occupation/work and birth/descent. The caste of a person is considered to be the same from birth to death. Unlike class, caste mobility is not allowed under the caste system.

The 2000-plus years of the Hindu caste system divided society and people into four *varnas* or social groups and assigned them their respective occupations based on their hierarchical supremacy or inferiority. The *Brahmins*, who were at the top of the hierarchy, were considered the purest and were assigned roles of priests and teachers, followed by *Kshatriyas* as rulers and warriors; *Vaishyas* as merchants and traders and *Shudras* as labourers, artisans and servants. A fifth category, '*Panchmas*' were considered to be so impure, polluted and '*Untouchable*' that they were not even included in the *varna* system. Ritually impure jobs in service of other castes were assigned to them. These included jobs that involved (1) killing or disposing of dead cattle or working with their hides for a living, for example, occupational groups of shoemakers, etc. (2) taking life for a living, for example, fishermen, butchers etc. (3) activities that brought them in contact with bodily waste such as faeces, urine, sweat, spittle, for example, occupational groups of sweepers, laundry workers etc. (4) eating the flesh of cattle, domestic pigs, etc.⁴³ *Brahmins* were considered the embodiment of purity, and *Untouchables*, the embodiment of pollution.

The latter were prohibited from making any physical contact with others, were forbidden entry to religious and public places, use water from the same water source as other castes, and so on. A *Brahmin* would feel obliged to bathe if the shadow of the 'Untouchable' would fall across him.⁴⁴ Some of the 'Untouchables' were driven to lead a nocturnal existence. So extreme was their ostracisation that many of the so-called *Untouchables* sought emancipation through religious conversions to Christianity, Islam and Buddhism.

While the caste system originated in India, Nepal, with its Hindu majority population, is known to adopt the Hindu *varna* system in the 14th century. The society was divided into three groups/ethnicities, including *Khas/Parbatiya* and *Newars* in the hills and *Madhesis* in the plains. The Hindu *varna* system with variations was present in each of these social groups. The 1854 Nepal's Civil Code *Muluki Ain*, in its attempt to bring all Hindu and non-Hindu Nepalis into a single hierarchic civil code, distinctly categorised the 'so-called lower caste' communities based on their occupation and drinking behaviour. The two distinct groups of – (1) "*Pani Na Chalne Chhoichhito Haalnu Naparne*" (meaning, water unacceptable but touchable) and (2) "*Pani Na Chalne Chhoichhito Haalnu Parne*" (meaning, water unacceptable and untouchable).⁴⁵

The shared cultural roots of India, Pakistan and Bangladesh, through its feudalism and partition, separated people but not their caste origins. The oppression faced by 'Untouchables' in undivided 'India-Pakistan-Bangladesh', carried forward in the respective countries after the respective partitions.

In Sri Lanka, the descendants of Indian Dalits from South India, who were immigrated to Sri Lanka as indentured slaves in the 19th century, constitute the majority of DWD (or Dalit) population of Sri Lanka. The DWD communities among the Sinhalese and Sri Lankan Tamils are known to have been in the country for many centuries.

The Caste System in South Asian Society Today

Constitutional provisions and laws prohibit 'untouchability and discrimination' on the grounds of caste in India and Nepal and 'discrimination' on the grounds of caste in Pakistan. Varying positive discrimination measures are enforced for the emancipation and advancement of the communities who were earlier ostracised by religious sanction (India), 'erstwhile' civil code (Nepal). The extreme ostracisation of the erstwhile 'Untouchables' was acknowledged, and they were officially designated as the "Scheduled Castes"

(SCs) by the Constitution of India, 1950. Recognition of 'caste' by prohibiting discrimination on the grounds of 'caste' is constitutionally provided by Nepal (new 2015 Constitution) and Pakistan (1973). The Census of Nepal and Pakistan also recognise and categorise the SC population.

The Scheduled Castes are widely known as 'Dalits', a term coined by activist and social reformer of the 1880s, Jyotirao Phule. 'Dalit' is a Marathi word and means 'broken', 'scattered' or 'down-trodden'. The term was later popularised by Dr B.R Ambedkar, the chief architect of the Indian Constitution. Today, while referring to the Scheduled Caste social group, the term Dalit has also become the identity of the South Asia regions' oppressed castes and a marker of their resistance and assertion.

Social stratification and the inequality that comes with it continue to exist in the region today, despite constitutional provisions, legislation, and positive discrimination measures. The pervasiveness of caste discrimination contributes to the exclusion of Dalits from their meaningful enjoyment of social, cultural, civil and political rights. Caste divisions dominate in housing, marriage, employment, and general social interaction – divisions that are reinforced through the practice and threat of social ostracism, economic boycotts, and physical violence⁴⁶. Dalit students are discriminated against and discouraged by teachers and fellow non-Dalit students. Health indicators reveal Dalits to be in the poorest condition of all. Access to basic health services is sometimes blocked by health staff, who deny them proper treatment or refuse to touch their bodies.⁴⁷

Caste has a distinct role to play in instances of violence against Dalit women and girls. Dalit women's bodies are more often than not a tool for dominant caste communities to further subjugate and oppress the Dalit community as a whole. Any assertion of rights by the Dalit communities, be it for resources, entitlements, legal recourse, among other reasons, is seen as a challenge to the 'perceived supremacy' of the dominant caste communities. Sexual violence of Dalit women and girls is more often than not the price Dalit communities have to pay for attempting to dismantle the status quo.⁴⁸

The caste system which is the primary driver for the violence and discrimination against Dalits, is intolerant of the growing assertion and resistance of Dalits in their struggle to stand up against it. Such assertion by Dalits which is seen as reasons for discrimination and violence against them are -

44 AIDMAM 2021

45 ILO 2005

46 HRW to CERD 2007

47 PDSN - IDSN Submission to CEDAW 2013

48 AIDMAM 2021

- Assertion for Access to common resources such as water and land
- Assertion of Right to Work, Wages or Payment of Services
- Assertion for Access to Education
- Assertion of their right to Self-Dignity Ease of Preying on Dalit Women Owing to their Lack of Sanitation Facilities
- Assertion to their Right to Legal Recourse
- Dalit participation in Local Self-Governance
- Dalit Assertion of Right to Cultural Freedom
- Retaliation over Unsolved Disputes
- Nexus and collusion of perpetrators with state authorities
- Lack of Awareness of Basic Human Rights, Legal and Fundamental Rights and relevant legislations⁴⁹
- Ethno-nationalist mobilisations subsumed caste among the Sinhalese and Tamils that gained momentum since the 1930s. These mobilisations aimed for a unified Tamil ethnic identity and imposed censorship on caste, viewing it as a political obstacle to their struggle. Caste was perceived as a social institution that would lead to natural death for the greater common good of achievement of identity and homeland. Caste was seen as a potentially divisive force within each ethnic group. As a result, caste articulation has been virtually silenced among all ethnic groups.
- Caste is a taboo subject and is virtually absent from public debate and discussion.

Denial Of Caste As A Social Group In Sri Lanka And Bangladesh

India, Nepal and Pakistan recognise caste as a social group in their Census, and accordingly capture disaggregated data of its Dalit population (albeit estimates are contested by many Dalit activists). However, Sri Lanka recognises its population as three ethnic groups and does not recognise 'discrimination based on work and descent' as distinct forms within each of its ethnic groups. Bangladesh on the other hand, recognises its people based on different religious groups, and with a common Bengali culture. The impact of such denial of caste as a social group, is the shrouding of caste-based discrimination of the Dalit/DWD communities.

In **Sri Lanka**, caste and caste-based discrimination remains invisible and largely undiscussed in contemporary Sri Lankan society, likely for the following reasons:⁵⁰

- Sri Lanka does not have an affirmative action policy for the so-called 'lower castes' like India and Nepal, and caste has not been included in an official census since 1911. Personal identity documents such as birth certificates ceased to register the caste background of persons concerned from the early 20th century.
- The post-independence state committed to a universal social welfare regime inclusive of free education and health care turned a blind eye towards caste. It was assumed that universal coverage policies would benefit all groups irrespective of caste, creed, gender, ethnicity and religion.

Bangladesh, on the other hand, does not interpret 'descent' to include 'caste', as noted by CERD in its concluding observations, 2001, para 11, "*with regard to the interpretation of the definition of racial discrimination contained in article 1 of the Convention, the Committee considers that the term "descent" does not refer solely to race or ethnic or national origin, and is of the view that the situation with respect to castes falls within the scope of the Convention*".⁵¹

Bangladesh in response maintained that (para 3) "*race itself as an issue does not impinge on the consciousness or outlook of the Bangladeshi people in their intrasocial relations as they seek to find homogeneity in their identity through common language, tradition, culture, norms and harmony in tolerance and coexistence. (.....)*". The country report further notes in para 11 "*racially, socially and politically Bangladeshis are one people of whom more than 99.5 per cent are homogenous, while only 0.45 per cent represent a tribal population which is unique in Bangladeshi society in terms of distinct tribal, cultural and social norms and traditions*".⁵²

Recognition Of The Prevalence Of 'Discrimination Based On Work And Descent' (DWD) By International Human Rights Mechanisms

According to The Committee on the Elimination of Racial Discrimination (CERD), "*discrimination based on "descent" includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights*".⁵³

CERD confirms that that "*the term "descent" in article 1, paragraph 1, the Convention does not solely refer to "race" and has a meaning and application which complement the other prohibited grounds of discrimination*".⁵⁴

49 AIDMAM 2021

50 ISI-VR 2021, Jiggins 1979, IIDS Sri Lanka 2009

51 Concluding Observations of CERD for Bangladesh, 2001

52 Eleventh periodic report of Bangladesh submitted to ICERD

53 CERD 29; CERD, General Recommendation No. 29, Sixty-first session (2002), Art 1, para 1.

54 CERD 29; CERD, General Recommendation No. 29, Sixty-first session (2002), Art 1, para 1.

According to CERD, General Recommendation 29⁵⁵, the existence of communities affected by discrimination based on caste and analogous systems of inherited status may be recognized based on various factors, including some or all of the following:

- inability or restricted ability to alter inherited status;
- socially enforced restrictions on marriage outside the community;
- private and public segregation, including in housing and education, access to public spaces, places of worship, and public sources of food and water;
- subjection to dehumanizing discourses referring to pollution or untouchability;
- limitation of freedom to renounce inherited occupations or degrading or hazardous work;
- subjection to debt bondage;
- generalized lack of respect for their human dignity and equality

The Special Rapporteur on minority issues, Human Rights Council, has noted that “**“caste”** refers to a strict hierarchical social system that is often based on the **notions of purity and pollution**, in which individuals placed at the bottom of the system may face exclusion and discrimination in a wide range of areas.”⁵⁶.

The Special Rapporteur has recognised the **existence of caste-system in the South Asian region** and noted that “the concept of “caste system” is primarily associated with the South Asian region, where its existence is linked to the religiously sanctioned social structure of Hinduism, which identified four original and endogamous groups, or castes, called varnas”.⁵⁷

The Special Rapporteur has further noted the **relation between caste and religion** and has indicated that “At present, the term “caste” has broadened in meaning, transcending religious affiliation. Caste and caste-like systems may be based on either a religious or a secular background and can be found within diverse religious and/or ethnic groups in all geographical regions, including within diaspora communities.”⁵⁸

Recognising that ‘one’s caste can be determinative of one’s occupation’, the Special Rapporteur on minority issues, has defined ‘**Discrimination based on Work and Descent**’, “any distinction, exclusion, restriction or preference based on inherited status such as caste, including present or ancestral occupation, family, community or social origin, name, birthplace, place of residence, dialect and accent that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”⁵⁹.

Contextualising Caste In Modern Slavery And Slavery Like Practices

Caste-based social stratification continues to persist in South Asia, despite constitutional provisions, anti-discrimination legislations and special measures for the advancement of Dalits. The premise of the caste and caste system is the division of labourers based on their labour (occupation). Dalits continue to be assigned jobs and roles according to their caste. For instance, in South Asian countries, sanitation jobs are almost exclusively done by Dalits, various forms of agricultural bonded labour exclusively engaged, and continue to engage, Dalit families, and ritualistic sexual slavery practices such as *Devadasis* of India solely engaged Dalit women.

This systemic discrimination in employment and work has impeded their access to civil, political, social and cultural rights, thus preventing them from improving their situation. A few decades of affirmative action for the emancipation of Dalits is not enough for correcting the historical disadvantage.

The persistent caste-based discrimination increases their vulnerability to contemporary forms of slavery and slavery-like practices. Disasters and pandemics, like the COVID-19 pandemic, while affecting all persons, disproportionately affects the Dalits, among other marginalised groups, pushing them further into the margins.

In the following few chapters, we have discussed the scale, forms and manifestations of modern slavery and slavery-like practices and the continuance of traditional forms of slavery to modern forms.

55 Sourced from OHCHR, Minority Rights, 2017

56 Special Rapporteur on minority issues, Human Rights Council, Thirty-first session, 28 January 2016, para 26, (A/HRC/31/56)

57 *Ibid*

58 *Ibid* (para 27)

59 *Ibid* (para 25)

INTERSECTING FACTORS THAT PERPETUATE MODERN SLAVERY IN SOUTH ASIA

Scale, Typology, Meaning and Intersecting Factors that perpetuate Modern Slavery

When most persons affected by Modern Slavery in South Asia are the Dalits, it is imperative to view Modern Slavery from the lenses of Caste and discrimination based on work and descent, not just class.

MODERN Slavery is a reality for **12 million** South Asians who live in different forms of forced labour in countries of five countries of Bangladesh, India, Pakistan, Nepal and Sri Lanka, according to the latest Global Slavery Index 2018 report of Walkfree Foundation.⁶⁰ The global report has measured the extent of modern slavery in each of 167 countries and the

respective governments' responses. Among all the 167 countries worldwide, **India has the highest absolute number of people⁶¹ living in modern slavery worldwide, followed by China and Pakistan.** Worldwide, ten countries, including India and Pakistan (countries in this study), constitute 60 per cent of all persons living in Modern Slavery and Slavery conditions.⁶²

Worldwide Ranking as per Prevalence of Modern Slavery in Country

Countries under Study	World Rank in % country population (Prevalence)	Estimated prevalence (per 1,000 population)	% population living in modern slavery in the country	Estimated Absolute number of victims	World Rank in Absolute numbers	Country Population
Pakistan	8 th	16.8	1.68%	31,86,000	2 nd	18,93,81,000
India	53 rd	6.1	0.61%	79,89,000	1 st	1,30,90,54,000
Nepal	55 th	6.0	0.60%	1,71,000	-	2,86,56,000
Bangladesh	92 nd	3.7	0.37%	5,92,000	-	16,12,01,000
Sri Lanka	130 th	2.1	0.21%	44,000	-	2,07,14,000
				119,82,000		

Source: Global Slavery Index 2018, p178

This means that in Pakistan, 16 persons out of every 1000 persons are living in Modern Slavery. In India and Nepal, six persons out of every 1000 persons and in Sri Lanka,

two persons out of every 1000 persons live in Modern Slavery and Slavery like conditions

⁶⁰ About 24.9 million persons are estimated to live in modern slavery in whole of Asia and Pacific countries (GSI 2018). The estimate for five countries of Bangladesh, India, Nepal, Pakistan and Sri Lanka is arrived at by adding the 'estimated absolute number of victims' as given in table above, and derived from the GSI 2018 report.

⁶¹ For effective policymaking, it is crucial to understand the magnitude of Modern Slavery in South Asian countries in terms of Prevalence and Absolute numbers. While 'prevalence' makes it easier to compare the Modern Slavery situation between countries, the 'absolute numbers' shows the true scale of the problem within a country. On the other hand, the indicator of prevalence may tend to hide the problem, while there is no hiding from absolute numbers.

⁶² GSI 2018

Worldwide Ranking as per Absolute Numbers of Persons living in Modern Slavery

Countries under Study	World Rank in Absolute numbers	Estimated Absolute number of victims	Estimated prevalence (per 1,000 population)	% population living in modern slavery in country	World Rank in % country population (Prevalence)	Country Population
India	1 st	79,89,000	6.1	0.61%	53 rd	1,30,90,54,000
China	2 nd	38,64,000	2.8	0.28%	111 th	1,39,70,29,000
Pakistan	3 rd	31,86,000	16.8	1.68%	8 th	18,93,81,000
North Korea	4 th	26,40,000	104.6	10.46%	1 st	2,52,44,000
Nigeria	5 th	13,86,000	7.7	0.76%	32 nd	18,11,82,000
Iran	6 th	12,89,000	16.2	1.62%	10 th	7,93,60,000
Indonesia	7 th	12,20,000	4.7	0.47%	74 th	25,81,62,000
DRC	8 th	10,45,000	13.7	1.37%	12 th	7,61,97,000
Russia	9 th	7,94,000	5.5	0.55%	64 th	14,38,88,000
Philippines	10 th	7,84,000	7.7	0.77%	30 th	10,17,16,000

Source: Global Slavery Index 2018, p178

Before we delve into the typology, scale of modern slavery and persons so enslaved, let us understand what modern slavery is. Is slavery different from modern slavery? Does it mean that old practices are eliminated, and new forms of slavery have taken over?

The 1926 Slavery Convention defines Slavery as – Article 1(1) “*Slavery is 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 defines slave trade to include capturing, acquiring or disposing of a person with the intent to reduce him to slavery and/or selling or exchanging him. The Convention aimed at (2a) preventing and suppressing slave trade and (2b) complete abolition of slavery in all its forms.

By and large, slavery of the earlier centuries in terms of ‘legal right of ownership of persons have changed to ‘illegal means of control’. People continue to be bought and sold, they continue to be enslaved through coercive or subtle means, and they continue to face loss of freedom, again through coercive or subtle means. What has changed 20th century onwards is the ‘**illegality of slavery**’.

Most countries have abolished all forms of slavery through national legislation and under the monitoring framework of international human rights mechanisms to which countries are a party. ‘Slavery like practices’, on the other hand, continue to exist in the realms of ‘exploitative labour’ owing to weak or inadequate legislation and monitoring mechanisms. For South Asian countries where about 80 per cent of the labour market is unorganised and informal, cheap labour is in abundance resulting in

In Pakistan, 16 persons out of every 1000 persons live in Modern Slavery and Slavery like conditions. In India & Nepal, six persons out of every 1000 persons and in Sri Lanka, two persons out of every 1000 persons live in Modern Slavery and Slavery like conditions.

exploitative labour practices, which often mirrors ‘slavery-like practices’.

Modern slavery is not defined by international law, other than being used as an umbrella term that focuses attention on commonalities across the legal concepts.⁶³ Essentially, it refers to situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power.

Modern Slavery is generally seen as the by-product of ‘poverty’ along with other intersectional causes. **This study claims that while poverty is one of the main causes of modern slavery, the predominant cause is deeper than mere poverty. The predominant cause of**

modern slavery, based on our experience, is ‘Caste’, which in South Asian society controls the ‘descent’ and ‘work’ of many affected persons. When most persons affected by modern slavery in South Asia are the Dalits, it is imperative to view modern slavery from the lenses of caste and discrimination based on work and descent, not just class.

The Dalits are officially known as Scheduled castes as per Indian Constitution, and the impact of caste is felt in neighbouring South Asian countries as well, by reason of their origin or migration as in the case of Pakistan, Bangladesh and Sri Lanka, or influence of the Hindu caste system, as in case of Nepal. In this study, we have integrated the evidence that ‘caste’ is one of the predominant characteristics of modern slavery, and other intersectional factors of class, gender, religion etc., is also guided by the caste realities.

63 Currently United Kingdom has a specific legislation on Modern Slavery (The Modern Slavery Act, 2015).

DEFINITIONS AND TERMINOLOGIES

Slavery and Slavery Like Practices

The **Slavery Convention**, 1926 under Article 1, 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”.⁶⁴

The 1956 Supplementary Convention on the Abolition

of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery under Article 1, expanded the definition of 1926 Slavery Convention to include ‘Institutions and practices similar to slavery’ comprising debt bondage, serfdom, forced or servile marriage and sale or exploitation of children.⁶⁵

Debt Bondage

The **Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956** under Article 1 (a), defines **Debt bondage** as – “the status or condition arising from a pledge by a debtor of his personal services

or of 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.”⁶⁶

Caste based Sanitation Work and Manual Scavenging

Sanitation work broadly includes (i) sweeping of streets under municipality (ii) municipal solid waste collection, segregation and disposal (ii) faecal matter and sludge cleaning, collection and disposal (iii) toilet cleaning including insanitary toilets and (iv) sewage treatment. Not all sanitation work is manual scavenging. Not all sanitation work is manual scavenging.⁶⁷

The International Labour Organisation (ILO) describes Manual Scavenging as – (the) “occupation consists in the removal of human excreta by hand in public streets, septic tanks or closed gutters and sewage. It is characterized by the dramatically unhealthy and unsafe working conditions, which continue to exacerbate the practice of untouchability and marginalization of Dalits”.⁶⁸

Human Trafficking of Persons

The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, 2000, under Article 3(a), defines Trafficking in persons as, (a) “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of

exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”. The protocol provides that the consent of trafficked victim regarding mentioned forms of exploitation, is irrelevant (Article 3b). In the case of child (under 18 years, Art 3(d)), his/her recruitment, transportation, transfer, harbouring or receipt for the mentioned forms of exploitation shall be considered “trafficking in persons”, even if this does not involve the mentioned means(Article 3(c)).⁶⁹

Sexual Slavery

According to Special Rapporteur on Systemic rape, sexual slavery and slavery like practices during armed conflict, 1998, “Sexual slavery also encompasses situations where women and girls are forced into “marriage”, domestic servitude or other forced labour that ultimately involves forced sexual activity, including rape by their captors.” (Para 30). “Sexual slavery also encompasses most, if not

all forms of forced prostitution. The terms “forced prostitution” or “enforced prostitution” appear in international and humanitarian conventions but have been insufficiently understood and inconsistently applied. “Forced prostitution” generally refers to conditions of control over a person who is coerced by another to engage in sexual activity.” (Para 31).⁷⁰

64 Slavery Convention, 1926

65 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956

66 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956

67 Dalberg 2017

68 ILO- Manual Scavenging

69 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956

70 Special Rapporteur on Systemic rape, sexual slavery and slavery like practices during armed conflict, 1998

(E/CN.4/Sub.2/1998/13)

Child Labour and Worst Forms of Child Labour

The **Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956** under Article 1 (d), includes institution or practice whereby – “a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour”.⁷¹

The Worst Forms of Child Labour Convention, 1999 (C-182), under Article 3, includes ‘worst forms of child labour’ as (a) sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict) (b) use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances (c) the use, procuring or offering of a child for illicit activities, in particular for the production and traffick-

ing of drugs as defined in the relevant international treaties and (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.⁷² The Convention defines child as person under 18 years of age (Article 2). However, Article 4 provides that the types of work that is considered as harmful to the health, safety or morals of children, shall be determined by determined by national laws or regulations.

The **Convention on Rights of Child (1989)** defines child as a person below the age of eighteen years, unless the law applicable to the child, majority is attained earlier. The **Minimum Age Convention, 1973** (No. 138) states that the minimum age for work shall not be less than the age of completion of compulsory schooling. In any case, workers shall not be less than 15 years (Article 1) and article 3 sets the minimum age for work that is harmful to the health, safety or morals of young persons to be not less than 18 years.

TYPOLOGY OF MODERN SLAVERY IN SOUTH ASIA

Modern Slavery is commonly categorised as – (I)

Forced Labour, including distinct forms of slavery and slavery-like practices, and (II) Forced Marriage.

FORCED LABOUR	FORCED MARRIAGE
<ul style="list-style-type: none"> ■ Bonded Labour through debt-bondage and unpaid labour ■ Caste-based Occupational labour: Sanitation Work ■ Human Trafficking, including sex trafficking and child trafficking ■ Sexual Slavery including forced prostitution, ritualistic sexual slavery and fake marriage ■ Child Labour and worst forms of child labour 	<ul style="list-style-type: none"> ■ Forced Marriage through forced religious conversions ■ Forced Marriage through trafficking for commercial sexual exploitation ■ Forced Marriage through trafficking because of a dearth of women for wives.

These forms often overlap with each other yet are categorised as distinct forms so as to present their

particular characteristics.

What is Forced Labour?	What is Forced Marriage?
<p>What does it entail? Who are the persons affected by Forced Labour?</p> <p>Forced Labour Convention, 1930 (No. 29), under Article 2(1) defines Forced Labour or compulsory labour as – “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.</p> <p>It does not include compulsory military service,</p>	<p>What does it entail? Who are the persons affected by Forced Labour?</p> <p>The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956 under Article 1 (c), includes institution or practice whereby:</p> <p>(i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person</p>

⁷¹ Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956

⁷² C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)

What is Forced Labour?

civic obligations of the citizens, work or service exacted from any person as a consequence of a conviction in a court of law (with stipulations), or cases of emergency such as war calamity etc.

The elements of '*menace of penalty* and '*involuntariness*' denote three dimensions across all forms of Forced Labour, across all regions.

One: Use of Compulsion to perform work or service or Unfree Recruitment;

Two: Use of Coercive Tactics; and

Three: Loss of Freedom.

Use of Compulsion: Compulsion to perform a particular type of service, or work for a particular employer, or under particular conditions can be coerced or subtle. It is based on customary or social obligations or results from a low socio-economic status that does not allow for better alternatives for work. Working under compulsion or involuntarily agreeing to perform certain services implies that a person may voluntarily agree to perform certain services because of lack of choice and certain circumstances'. Compulsion and Involuntariness are also described as 'Unfree Recruitment' since it includes situations of debt-bondage inheritance, recruitment under false promises, and/or providing labour in lieu of advances taken, etc.⁷³

Use of Coercive Tactics: Penalty is exacted from a person using coercive tactics so that the person is compelled to perform certain work or services. The coercive tactics may range from subtle forms of menace like financial forms linked to debt, non-payment of wages, deduction of wages; to physical forms such as beatings; to psychological forms such as verbal insults, gross and demeaning insults like urinating on them, or forcing to eat excreta, threat or actual act of selling off female family members for commercial sexual exploitation; to extreme physical forms like murder and sexual abuse.

Loss of Freedom: Loss of freedom implies restrictions to search for alternate employment or migrate; at times, there is no freedom to even move out of work vicinity, loss of privileges, etc. It may also include being physically bound and restrictions on interacting with people outside the work area, including family members, etc. At times there are restrictions to even move out of work area to buy daily needs items from anywhere but the provisions made within work area by the employer. This 'impossibility to leave' is ensured through coercive tactics.

What is Forced Marriage?

or group; or

- (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or
- (iii) A woman on the death of her husband is liable to be inherited by another person.⁷⁴

The study understands such situations as "forced and servile marriage".

73 ILO Nepal, 2013

74 *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956*

Forced marriage generally refers to situations where persons have been forced to marry without their consent regardless of their age. A person might be forced to marry through physical, emotional, or financial duress, deception by family members, the spouse, or others, or the use of force, threats, or severe pressure. Forced marriage is prohibited through the prohibitions on slavery and slavery-like practices, including servile marriage^{75,76}

However, the present study **has not included child marriage and arranged marriages, when it is not under the guise of ritualistic sexual slavery or is a case of trafficking for purposes of sexual exploitation.** The present study has included estimates and indications of Forced Marriage as those emerging out of three situations

One: When girls or women are forcibly married off for purposes of commercial sexual exploitation, and marriage is the excuse to gain control of the person. Trafficking is the mode to gain control of the person;

Two: When girls or women are forcibly married off to persons from places with a dearth of women for wives. Such marriages are entered into to maintain a marital relationship and the progeny of the man's family. Trafficking is the mode to gain control of the person; and,

Three: When girls or women are forcibly married off for converting them into another religion.

CONTEXTUALISING CASTE AND INTERSECTING FACTORS IN MODERN SLAVERY

Patriarchy in South Asian society is a well-known social hierarchy of men over women, and associates 'dignity' with women in general, and, treats them as objects to be kept under the safety and scrutiny of men. The intersectionality of caste, class and gender makes Dalit women victims of triple fold violence, including economic deprivation, gender bias and bias because of their Dalit identity, making them a highly vulnerable section of society. Among women in the working population in the respective countries, Dalit women are engaged in agricultural labour and casual labour

Modern Slavery, Caste and Gender

more than women from other social groups. The nature of work in agricultural labour and informal sector work leaves them open to violence and exploitation.

The basis of caste system in India and Nepal is religious sanction through the Hindu varna system. Caste is dismissed in Pakistan and Bangladesh in the majoritarian belief that Islam and Quran does not establish and condone a caste system. Similarly, Sri Lanka with Buddhism as its religion of the majority, does not recognise caste, since Buddhism condemns caste and social differences Caste also does not even feature in the Census of Sri Lanka.

Historically and traditionally, most individuals and families that have converted to other faiths – mainly to Buddhism, Islam and Christianity – in the Indian subcontinent hail from the Dalit community.⁷⁷ In India, the Dalit Buddhists and Dalit Christians are primarily converts from Dalit Hindus. In Pakistan, the Dalit community in Sindh and Punjab are the ones who generally convert to other faiths, including Islam⁷⁸.

Modern Slavery, Caste and Religion

Migration is voluntary, and citizens have the right to move freely. However, migration is also recognised as a result of landlessness, deprivation, lack of livelihood opportunities and escape mechanisms from exploitation. Dalits rarely own land and they have to work as agricultural labourers in the farms of landed dominant caste communities and seek other labour work in the informal sector during non-farming seasons. Large scale migration of Dalit families from rural areas to city slums and pavements for low paid, unskilled jobs in the informal sector is a growing reality.

Modern Slavery, Caste and Migration

75 ILO-Walkfree, 2017, which has sourced from OHCHR, and notes, "The Office of the High Commissioner for Human Rights has noted, "Women and girls in situations of child and forced marriage may experience conditions inside a marriage which meet 'international legal definitions of slavery and slavery-like practices' including servile marriage, sexual slavery, child servitude, child trafficking and forced labour" United Nations General Assembly, Preventing and Eliminating Child, Early and Forced Marriage, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/26/22, 2 April 2014".

76 ILO-Walkfree, 2017

77 Pluto Journals 2020 (which originally sourced from Gyanendra Pandey, "The Time of the Dalit Conversion," Economic and Political Weekly 41, no. 18 (2006)

78 *Ibid*

Migration is often a two-way phenomenon, with in-migration matching the out-migration, pointing to the preference of migrant labourers over local workers since migrants are less likely to assert rights and entitlements.⁷⁹ Migration is not necessarily a result of labour scarcity in one area, met through labour abundance of another.

Modern Slavery, Caste and Migration

Dalits communities are often located in the outskirts of rural and urban areas and are the first to be impacted by developmental projects, private housing and city expansions⁸⁰. Owing to livelihood patterns, they often live in areas that are first affected by natural disasters (such as fishing communities in coastal regions). They also experience discrimination in accessing relief and rehabilitative benefits owing to displacement. Violence against Dalit communities is often led by dominant caste persons as intolerance of Dalits' resistance, or mobility is often followed by forced eviction and displacement of Dalits.

Modern Slavery, Caste and Displacement

The caste system is an economic order, and denial of the right to own property is at its very core. Land and asset ownership of Dalits in South Asian countries is very minimal. Landowning coincides with being dominant caste communities, as is landlessness with Dalits and other oppressed communities. Dalits' landlessness is further perpetuated through forced evictions.⁸¹

Modern Slavery, Caste and Landlessness

While poverty, among other intersecting factors, is the factor for perpetuating modern slavery, caste is a major and prominent factor that perpetuates poverty itself, thereby making a person more vulnerable to modern slavery. This has also been acknowledged by Special Rapporteur on minority issues, (para 23) "*caste and analogous forms of discrimination are a major cause of poverty and perpetuate poverty in affected communities*"⁸².

Modern Slavery, Caste and Poverty

CONCLUSION

The gap between the human development indicators between the general population and Dalit communities, among other marginalised communities, across South Asia provides substantial evidence of the ongoing economic inequality faced by the community. The role of caste in defining and allocating work of Dalit persons for generations together, with various perpetuating factors restricting occupational mobility of the Dalit persons, is evidenced through the significant prevalence of Dalit communities in different forms of Modern Slavery and slavery-like practices.

"Slavery does not merely mean a legalized form of subjection. It means a state of society in which some men are forced to accept from others the purposes which control their conduct."

- B.R. Ambedkar,
Writings And Speeches

A discussion on the prevalence, magnitude and manifestations of modern slavery on Dalit communities in each of the countries points to the prevalence of discrimination based on work and descent since the last few decades. International human rights institutions, governments and civil society organizations have adopted few measures to eliminate the abominable practice of DWD for equality and justice for all. In the following chapter, we have discussed the various national legislations by respective governments to eliminate modern slavery and slavery-like practices.

79 ILO India 2005

80 The Hindu 2013

81 HRW 1999

82 HRC 2016, SR on Minority Issues

FORMS, MANIFESTATIONS AND MAGNITUDE OF MODERN SLAVERY ACROSS SOUTH ASIA

Modern Slavery of Communities Discriminated on Work and Descent in South Asia

MODERN Slavery is a reality for 12 million South Asians who are living in different forms of forced labour in Bangladesh, India, Pakistan, Nepal and Sri Lanka, according to the Global Slavery Index 2018 report released by the Walkfree Foundation. The global report has measured the extent of modern slavery in 167 countries and the respective governments' responses. India has the highest absolute numbers of people living in modern slavery among all the 167 countries surveyed for the report, across the world. India is followed by China and Pakistan.

Most countries have abolished all forms of slavery through national legislations and under the monitoring framework of international human rights mechanisms that countries are party to. 'Slavery like practices', on the other hand, continue to exist in the realms of 'exploitative labour' owing to weak or inadequate

legislation and monitoring mechanisms.

Modern Slavery is generally seen as the by-product of 'Poverty' along with other intersectional causes. ***This study claims that while poverty is one of the main causes of modern slavery, the predominant cause is deeper than mere poverty. The predominant cause of modern slavery, based on our experience, is 'caste', which in South Asian society controls the 'descent' and 'work' of many affected persons. When most persons affected by Modern Slavery in South Asia are the Dalits, it is imperative to view Modern Slavery from the lenses of caste and discrimination based on work and descent, not just class.***

THE DIMENSIONS OF MODERN SLAVERY

Modern Slavery is commonly categorised as – (I) Forced Labour, including distinct forms of slavery and slavery-like practices, and (II) Forced Marriage.

FORCED LABOUR	FORCED MARRIAGE
<ol style="list-style-type: none"> 1. Bonded Labour through debt-bondage and unpaid labour 2. Caste-based Occupational labour: Sanitation Work 3. Human Trafficking, including sex trafficking and child trafficking 4. Sexual Slavery including forced prostitution, ritualistic sexual slavery and fake marriage 5. Child Labour and worst forms of child labour 	<ul style="list-style-type: none"> ■ Forced Marriage for commercial sexual exploitation through trafficking ■ Forced Marriage because of a dearth of women for wives and progeny, through trafficking ■ Forced Marriage through forced religious conversions

These forms often overlap with each other yet are categorised as distinct forms so as to present their particular characteristics.

FORCED LABOUR OF DALITS IN SOUTH ASIA BONDED LABOUR OF DALITS IN SOUTH ASIA IN AGRICULTURE AND NON-AGRICULTURE SECTOR

Bonded Labour system in South Asia is a form of forced (or partly forced) labour, where compulsion into

servitude is derived from debt, coercion and/or trafficking. Empirical studies and the experiences of many civil society organisations (CSOs) indicate that a majority of persons thrust into bondage or the bonded labour system are persons from Scheduled Caste, Scheduled Tribes and Most Backward Caste communities. Bonded Labour of Dalits exists **in the agricultural and non-agricultural sectors, i.e., informal and unorganised sectors**. While bonded labour in agriculture has persisted

through traditional to newer trends, the incidence of bonded labour is perhaps the highest in the unorganised and informal sector in South Asian countries.

COMMON CHARACTERISTICS ACROSS BONDED LABOURERS CAN BE CATEGORISED IN TERMS OF

- Relationships, including social relationship, creditor-debtor relationship and informal contractual relationships;
- Informal credit as advance payments and for subsistence
- Cycle of Debt
- Recruitment Intermediaries
- Profile of Bonded Labourers
- Exploitative payments and exaggerated deductions
- Exploitative labour practices, including uncondusive working and living arrangements
- Violence against Bonded Labourers
- Distress-based Acceptance of Situation by Bonded Labourers

Bonded Labour of Dalits in Agricultural sector in South Asia

Forced and bonded labour is most prevalent in the agricultural sector across all countries. It is also the most widespread form of human trafficking for all countries. In **India**, early researches estimated over 2.62 million bonded labourers, with 6 per cent of all agricultural labourers comprising bonded labourers⁸³. Over 89 per cent of employers of bonded labourers were from the agriculture sector. Subsequent studies have estimated over 475,000 bonded labourers in Tamil Nadu⁸⁴ and over 100,000 bonded agricultural labourers in Punjab⁸⁵. Over three-fourth of these agricultural bonded labourers of Punjab are *Mazhabi Sikhs*, or Dalits, locally known as '*Siris*'. Another follow up study in Punjab⁸⁶ found that 90 per cent of agricultural bonded labourers were Dalits. Some of the traditional agricultural bonded labour systems, often with the added role of farm/domestic servitude, continue to exist even today. For instance, the system of bonded *farm-servants* of Karnataka and Andhra Pradesh, known as the *Jeetam* system, involves pledging of labour of an adult and his spouse or a child against a loan taken from the landlord/employer. *Bitti-Chakri*, a customary form of an unpaid farm and domestic labour system, continues to bind Madiga (85 per cent) and

Holeya (15 per cent) (sub-caste among Dalits) families to dominant Lingayat families in north-western Karnataka. This system engages 100 per cent Dalits and has been abolished by notification very recently in 2020 by the government of Karnataka⁸⁷. The Dalit (75%) and non-Dalit (25%) 'agricultural bonded labourers of Punjab, locally known as '*Siri*', '*sanjhi*' or '*sepi*', are in a perpetual debt trap, with high-interest rates. Children or '*Pali*' are found to assist their families in farm labour work, while the women perform unpaid domestic or farm labour work. Similar practice in Chhatisgarh, known as '*Kamia-Malik*', though on the decline, continues to exist. Here, the entire family is known to provide bonded domestic and farm-related labour in lieu of debt taken.

In **Pakistan**, the Agriculture sector employed an estimated 1.7 million⁸⁸ to 1.8 million⁸⁹ persons as bonded sharecroppers, known as *haris*, across all of Pakistan in 2000. These estimates included both Dalits and non-Dalit *Haris* and are a conservative and crude estimate, given the absence of specific, official or other surveys. According to a 2004 ILO study, about 0.1 to 0.8 million Dalit *Haris* are estimated to be in debt bondage in rural Sindh. *Haris* are sharecroppers or tenants under the sharecropping tenure arrangement of the agriculture sector.

***Haris* may be Muslims or non-Muslims, and Dalits comprise the non-Muslim population. In Sindh, an estimated 0.7 million *haris* are Muslim, and 0.1 million are non-Muslims.** The non-Muslim *haris* are scheduled caste Hindus from the Thar desert and are often referred to as '*nomadic haris*'. Most of them are Kolhi, Bheel, Menghwar and Oad castes and live in Umerkot, Mirpur Khas, Sanghar, Tharparkar and Badin districts of Sindh province. From among these districts, **most bonded Dalit *haris* are located in the Eastern part of Mirpurkhas (including Umerkot) and Sanghar districts, while Dalit *haris* in other parts of Sindh may be in debt and but are not bonded.**

These nomadic *haris* do not own their housing and depend entirely on their landlords' for consumption and production requirements.⁹⁰ The ILO 2004 study also found that *zamindars* (landlords) often sell indebted *haris* to other *zamindars*, with or without their consent, if they need money or want to get rid of *haris* for some reason. The indebted *haris* themselves were found to organise for their own sale to other *zamindars*. In such instances, they secure advances from new *zamindar*, in addition to existing debt to their current *zamindar*, thereby multiplying their indebtedness. Once sold, they cannot secure

83 ILO, 2005

84 ILO 2005 (sourced from earlier studies)

85 CEC 2007

86 Ibid

87 GoK notification 2020

88 IIDS-IDSN 2007

89 ILO 2001

90 ILO- Hussein, Saleemi, Malik, Hussain, 2004

their freedom unless they repay their debt in a similar manner or alternate sources. This debt cycle can continue forever. The sale price is fixed for the entire household of the hari and is equivalent to the outstanding debt.⁹¹

Haris also render '**Seri**' or unpaid work (*begar*) wherein they are expected to cultivate the zamindars land for free, without any reward or payment. In this sharecropping method, Zamindars with large landholdings set aside some land for themselves while letting out other holdings among one or more haris. Women and children are mostly engaged in rendering *Seri*. Various farming chores are divided between the different haris, working in the landlord's land. The kamdars (supervisors) are also known to ask haris to cultivate their land for free (often, three to four acres). Such unpaid labour is not accounted for while settling the accounts.⁹²

A study published in 2019 has documented the release of 5,639 bonded labourers from the agriculture sector from Sindh province between 2013-2019. Of the released bonded labourers, children comprise 38 per cent (2,115), and both women and men comprise 31 per cent each (1,769 women and 1755 men)⁹³.

In **Nepal**, the traditional-turned modern forms of bonded labour in the agriculture sector are primarily – the *Kamaiya-Kamlari*, *Haliya*, *Haruwa-Charuwa*, *Bhunde* and *Balighare* systems. The *Kamaiya* system, prevalent in mid-western Tarai districts, is a form of debt bondage. *Kamlaris* are the womenfolk of the same families, wherein they provide unpaid work for clearing off the debt. Both systems have been abolished by government notification in 2000 and 2006, respectively. The *Haliya* system engages Dalit men, known as *Hali*, for ploughing fields of dominant caste landlords as paid or unpaid bonded labourers. Over 97 per cent of the individuals involved in this system are Dalits (men), and despite its ban in 2008, it continues to exist in the mid-and-far western hills of Nepal.

In the Haruwa-Charuwa system, Dalit men are predominantly employed by dominant caste landlords for ploughing, digging and herding cattle. The *Charuwas*, who are generally the women, children and elderly from the same family, work as cattle herders, grazers and domestic workers in the landlord's household. The *Kodarwa* are similar types of agricultural bonded labourers and cultivate the dominant caste landlords' land in exchange for wages in kind or a piece of land or for debt/loan

repayment. All three (*Haruwa-Charuwa-Kodarwa*) are bound by '*laguwa*', an oral or written contract agreement that states that the worker will work on the landlord's land until the work is completed. The system is largely prevalent in the central and eastern Tarai region. According to government estimates⁹⁴, there are **16,953** Dalit Haliya families. Local groups, however, claim that there are over 22,000 Haliya families⁹⁵. The Haruwa-Charuwa, Kodarwa system of forced agrarian labour is not abolished as of date.

The Bhude system, which is largely prevalent in the Bhajura district, engages Dalits to work as shepherds and agricultural labourers in lieu of debt-bondage. The system is not banned. The Balighare system is another form of bonded labour that is prevalent throughout Nepal. While not being a form of agricultural labour, this system engages *Kami/Bishwakarma* Dalits for door to door services such as tailoring and working as blacksmiths in return for crops as wages for the services rendered. The system is not banned. The Dalits who are primarily exploited in these forms of agricultural bonded labour are Hill Dalits belong to the *Kami/Bishwakarma*, *Sarki*, *Badi* and *Damai* castes; and Madhesi (Tarai) Dalits who are *Chamars* and *Musahars*. A 2013 ILO study found that among 0.94 million households (HHs) in affected districts, 12 per cent (1,12,800) households are affected by forced labour (*agricultural bonded labour*), including both Dalit and non-Dalits. Over 72 per cent of these households comprised the Haruwa-Charuwa and Haliya. Of the 1.6 million working adults in the survey from these 12 districts, 9 per cent (143,000 persons) are in forced/bonded agricultural labour. Of these, 67 per cent (97,000 persons) are Haruwa Charuwa.⁹⁶

In **Sri Lanka**, the premise of the plantation labour force in Sri Lanka was caste-based slavery and bonded labour, since Dalit labourers were brought in from South India's Tamil region in the 1820s as indentured slaves to work in plantations and for sanitation work in urban areas. The plantation workers came to be known as Indian origin Tamils or Indian Tamils. The descendants of the Indian origin Dalits comprise the bulk of Indian Tamils (or Indian Tamil DWD communities) in the plantation sector. Today, forced and exploitative labour continues to be widespread in tea plantations in Sri Lanka. The Indian Tamil DWD communities constitute approximately 81 per cent⁹⁷ of the total plantation workers, i.e. about 0.7 million persons⁹⁸. Labour recruitment was through the '*kangany*' system wherein the '*kanganis*' or labour

91 ILO- Hussein, Saleemi, Malik, Hussain, 2004

92 HWA 2019, ILO- Hussein, Saleemi, Malik, Hussain, 2004

93 HWA 2019; These releases were done by police upon court orders, as per media reports. The reports do not document the proportion of Dalits among the released labourers.

94 The Freed Haliyas rehabilitation and livelihood program 2071/2072, government of Nepal, Ministry of Land reform and management

95 International Trade Union Confederation (ITUC)- Nepal, Submission to CEACR – C-29 (Forced Labour Convention), 2018

96 ILO 2013, Forced Labour of Adults and Children in Agriculture Sector of Nepal

97 ISI-VR 2019

98 Derived as 81% (as per ISI-VR 2019 estimate) of 2012 Census figure of 839,504 Indian Tamils

recruiters were responsible for sourcing bonded labourers from India, managing and supervising their work, and distributing food rations. The power and control of *kanganis* over the bonded Indian Tamil labourers was immense. The system also applied the *tundu* system, wherein *kanganis* could sell or transfer the bonded labourers to another plantation.

Other exploitative laws also applied for the bonded labourers, which punished them for neglect of duty, misconduct, and quitting without providing one month's notice. With the abolition of the *tundu* system in 1921, enactment of the Minimum Wages Ordinance in 1927 ensured that wages be paid directly to the labourers, the control of *kanganis* over the labourers somewhat declined. Post-independence, the Sri Lankan government failed to recognise the Indian Tamils (DWD communities) as Sri Lankan citizens, thus alienating the DWD communities further from welfare policies that applied for the remainder of the population in the island nation. However, the DWD communities have some respite for better access to health, maternal health, education and other human development indicators with the granting of citizenship in 2003 to the Indian Tamils. Yet, the DWD communities continue to work and live in extremely exploitative conditions. The private ownership of many plantations (and change in management) makes the terms and conditions for their employee benefits at-risk.

Bonded Labour of Dalits in Informal and Unorganised Sector in South Asia

Bonded Labour in the unorganised sector across South Asia is rife in sectors including brick kilns, textile and garments, mining and quarry, construction, carpet making, domestic servitude, power looms, handlooms, sericulture, fish processing, among other industries.

The forced labour situation of **Bangladesh's Readymade Garment (RMG) Industry** came to the international spotlight through the horrific Rana Plaza factory collapse in April 2013, in which 1,136 people died, and 2,525 were severely injured. The 2012 Tarzeen Fashions Fire killed over 100 workers. The RMG industry in Bangladesh is rife with extreme labour exploitation, unsafe factories, prone to building collapse and subject to anti-union discrimination and violence.⁹⁹ According to the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), the industry employs an estimated 4 million workers, of whom 80 per cent are women workers (3.2 million workers). Other studies put the figure to 58 per cent or 64 per cent.¹⁰⁰ Despite the varying

estimates, it is evident that women occupy a significant proportion of the garment industry labour force. The industry is also known to recruit child labour widely.¹⁰¹ The deprivation of labour rights and extremely exploitative working conditions in Bangladesh's garment supply chains are akin to forced labour. The evidence indicates recruitment through debt-bondage, trafficking and child labour. The withholding of wages, long working hours with production targets, threats, intimidation and abuse are commonly reported. In January 2019, workers in a supply chain were reported to have fainted and fallen sick following beatings and the threat of murder. Restriction of movement through locked doors in factories and hostels are common. In fact, 'hostels' for workers are a way to control the movement of workers—reports of withholding passports and threat of deportation point to the presence of trafficked workers in the sweatshops. Further violations include a lack of occupational health and safety and poor structural integrity of buildings. The studies do not capture the caste profile of women and men working in the sector, nor religion which can be an indicator of caste, considering that over 90 per cent of Hindus in Bangladesh are Dalits and comprise the poorest of the poor of the country. The recent ILO-UNIFEM 2020 study found that most women are from impoverished or economically disadvantaged backgrounds, pointing to the possibility of a significant proportion of women in the garment industry of Bangladesh being Dalits.

In **India's textile and garment industry**, Tamil Nadu produces between 40 and 65¹⁰³ per cent of India's yarns using the bonded labour of women and girls recruited through a system called 'Sumangali scheme'. The **system is a form of forced labour of primarily Dalit women and girls from poor families, using the enticement of collating dowry¹⁰⁴ money through bulk payments at the end of a three-year contract term.** The system is extremely exploitative since women workers are employed as apprentices (trainees) rather than regular workers, thus cheating them on various employee benefits. The system is also commonly referred to as 'camp labour' or 'camp coolie' since workers live in company-controlled hostels with restricted mobility. A 2016 study¹⁰⁵ found that **over 60 per cent of women and girls in the spinning mills under study were Dalits, and 80 per cent of total women workers were under 18 years of age.** The practice is known to continue despite the state judiciary directions to the state to abolish the system and regularise the female workers' service and pay wages as per law.

99 Peake & Kenner 2020

100 ILO-UNIFEM 2020

101 Peake & Kenner 2020

102 IIDS Bangladesh 2009

103 A recent ICN 2016 study found the presence of 35-40% spinning mills in Tamil Nadu, while the earlier 2012 study by Solidaridad-FLO found more than half, i.e., 65% of India's spinning mills located in Tamil Nadu. (ICN 2016 and Solidaridad-FLO 2012)

104 A prohibited practice of giving property and/or money from bride's family to groom's family at the time of marriage

Brick kilns across South Asia

The brick kiln industry across South Asia is characterised by debt-bondage through advances and subsistence loans, withholding of wages, underpayments with exaggerated deductions. The bondage also expresses itself in the form of restrictions on mobility, often through intimidation, and coercive means, rampant sexual exploitation of women and girls, including coercion for sexual favours and/or commercial sexual exploitation, and poor working and living conditions.

India's brick industry is predominantly driven by Dalit, OBC and Adivasi migrants from rural and poorer districts of India. There are varying estimates of labour employment in the brick kiln industry in India, ranging from 2.1 million workers (as reported in the NSS 68th round, 2011-12) to over 10 million workers, according to the Global Slavery Index in 2018. According to Indian governments' estimates, Dalits comprise half (48.7%) of all migrant brick kiln workers, followed by OBCs (30.1%) and Adivasis (16.1%). Other studies estimate about **80-88 per cent of labourers in brick kilns are Dalits and Adivasis and work in bonded labour situations.**¹⁰⁸ Over **1.7 million children, i.e. half of child labourers employed in brick kilns worldwide, are engaged in India.**

In **Pakistan**, Christians comprise about 60 per cent of workers living and working in brick kilns of Punjab province. **Considering that the Pakistani Christians are primarily Dalits, thus the link of caste and debt-bondage in the brick industry in Pakistan can be seen.** It is estimated that the sector employs about 4.5 million persons¹⁰⁹, of whom about 2 million are informal, casual and seasonal labourers¹¹⁰. Nearly half of them are women, and including about 1 million children.¹¹¹ A study by National Commission for Human Rights Pakistan estimates that over **1.3 million persons, including men, women and children in the brick kiln sector in Pakistan, are working under conditions of debt bondage.**¹¹² An earlier 2004 survey of brick kilns in Punjab by the Federal Bureau of Statistics (that works under the aegis of the Government of Pakistan) found that nearly 90 per cent of workers took advances from the kiln owners.¹¹³

In the Sindh province, labour contractors or *jamadars* employ people from poverty-stricken Hindu Dalit families from the Thar region for working in brick kilns, against *peshgi* or advance ranging for 1 lakh to 2 lakh of rupees. Such advances are very attractive for poor labourers, thus becoming a constant source of cheap labour for the brick kilns. 2,309 bonded labourers, including 743 women and 819 children, were reportedly released from the agriculture and brick kiln sectors in 2019. Of these, 587 bonded labourers were from brick kilns.¹¹⁴ Once recruited against a *peshgi*, the labourers are bonded to the kiln sites since they are expected to pay off their repayments with labour which ranges from 20-40 per cent of their weekly wages.¹¹⁵ Further deductions for repayments against subsistence loans, deductions for the meagre facilities at kiln sites, and deductions for damages to the bricks made add to the burden of debt, keeping the brick kiln labourers in a state of perpetual debt.

Forced Labour in Domestic Work

In **Bangladesh**, forced labour of women and children in Domestic work is widespread. About 200 Bangladeshi women working as domestic workers in Saudi Arabia are reported to return every month with complaints of forced labour. Traffickers force children younger than 14 into domestic work, including through torture and restricting their movement. In 2018, a survey by an international organization found more than 400,000 children in domestic work in Bangladesh.¹¹⁶

Forced Labour in Fisheries Industry

The Fisheries industry in **Bangladesh** rampantly employs child labourers. A 2010 pilot survey by the Bangladesh Bureau of Statistics and ILO found the prevalence of forced labour of 23.9 per cent of children in the Fisheries industry¹¹⁷. Of the estimated working population in fisheries, 14 per cent (7719 numbers) were working children. Of the total employed persons, 26 per cent were females. Employers were found to employ children because children are "suitable for the work" (61.1%). Children were working in forced labour because of debt taken by parents (23.6% of the working children) or advance taken by parents (20.1%). The children were evidently paying off the debt through their labour. As such, the children were not allowed to leave the work till the parent's paid off the debt. Children were required to

105 ICN 2016 study surveyed 743 mills of the approximately 1600 spinning mills of Tamil Nadu. About 2,286 workers employed in small, large and export-oriented spinning mills were surveyed across four districts.

106 GSI 2018, p 233

107 MoHUA 2017

108 ILO 2005; Kara 2014

109 Al Jazeera 2019

110 PILER 2010

111 UCA News, 2021

112 NCHR Pakistan

113 PILER 2010

114 HWA 2019

115 PILER 2010

116 TIP 2021

117 BBS-ILO 2011 (597 dry fish establishments of total of 2112 establishments from five districts were studied)

work for hours (9 hours), six days a week and forced to carry a heavy load (22%). Deductions to wages are common owing to absenteeism, even during illnesses, or damage to the product (33.6% reported). Children were often subjected to beatings, threats and verbal abuse. Children also reported being sexually abused (7%). Disaggregated data on caste and other identities are not recorded by national and international studies.

The mining and Quarry industry of South Asia

The mining and the quarry industry of South Asia is infamous for various human rights violations and environmental degradation. The human casualties in the process are the Dalits, Adivasis and other marginalised groups. Various studies and media reports have documented the debt bondage, child labour and exploitative work conditions that characterise the mining and quarry industry in South Asia, particularly in India. Recruitment of labour by providing wage advances and binding loans with high-interest rates is a widely prevalent labour hiring practice in the granite quarrying industry.

India's mining and quarry industry employs a major bulk of its labourers from OBC and Dalit communities in the southern states of India. **OBCs and Dalits** comprise over 77 per cent of the mining labour force in Tamil Nadu and over 87 per cent of the labour force in Karnataka.¹¹⁸ Some studies have found a decline in child labour in the mining and quarry industry in the last decade, though not absent completely.¹¹⁹

Carpet Industry of South Asia

In **Pakistan**, the industry engages different communities as labourers in debt-bondage across the four provinces of Punjab, Khyber Pakhtunkhwa (KP)¹²⁰, Sindh and Balochistan. Both Hindu and Muslim Dalits are engaged in **Sindh in the Thar desert region**. Children bear the brunt of this exploitation and are the worst affected. In Thar, about 40 per cent of weavers are children under 15 years, while women comprise 25 per cent of the carpet weaving labour force. Parents are known to let their children work for many years till their debt is repaid or they pay off the balance debt, only to take a further advance against their children's labour.¹²¹

CASTE-BASED SANITATION WORK, INCLUDING MANUAL SCAVENGING BY DALITS IN SOUTH ASIA

In **Bangladesh**, Dalit men are predominantly involved in the handling of human excreta, using their bare hands or

basic tools, such as bucket, rope and spade. As a result of their limited access to employment, Dalits are almost exclusively working in 'the service sector' performing unclean jobs in urban areas such as street sweeping, manual scavenging and burying the dead. The sanitation workers and manual scavengers are not able to access alternate livelihood owing to the entrenched stigma linked to identity, occupation and place of residence, and bribery, nepotism and corruption. In addition, the lack of education and training inhibit workers from transitioning to other jobs or start a mechanical emptying business. With the introduction of machines and mechanical trucks etc., for pit cleaning in a few municipalities and corporations, the Dalit men also fear a job loss. Despite being forced into the work owing to their caste—identity and socio-economic conditions, according to the workers, this job is easy to get since they are known as 'sweepers'. It also pays more than the odd jobs they otherwise have to do.¹²² According to a report, since 2014, an estimated 156 people have died in septic tanks in Bangladesh.¹²³

In **India**, Sanitation work in India is almost exclusively linked with caste. Almost all (98%) sanitation workers across India belong to the Dalit communities, whether permanent or contractual. Sanitation work in India varies across urban and rural areas and men and women. It also varies according to the contractual status of the workers. The more hazardous form of sanitation work is concentrated in urban areas. Amongst the sanitation workers, the more hazardous forms are allocated to outsourced contractual workers. Not all sanitation work is manual scavenging. **'Manual Scavenging'** is the banned practice of 'manually cleaning, carrying, disposing or handling human excreta'. The excreta could be from an insanitary toilet, open drain, sewer, septic tank or pit. Despite the ban, employing human labour to clean human excreta is widely prevalent in India and plain sight.

Estimates point to nearly 5 million full-time equivalents of sanitation workers in India, and almost all of them belong to Dalit communities. According to the Government of India's Socio-Economic and Caste Census, 2011, there are about 0.18 million (182,000 households) manual scavenger households in India. In contrast, CSOs suggest that there are about 2 million manual scavengers in India. About 50% of urban sanitation workers are women, mostly engaged in municipal solid waste collection, sweeping of roads and cleaning school toilets.¹²⁵ While almost all sanitation workers, including

118 ICN-SCL 2014

119 *Ibid*

120 Khyber Pakhtunkhwa was called NWFP during the study, i.e., North-West Frontier Province

121 ILO, Nasir 2004; HRW/Asia, 1995

122 WaterAid Blog 2020, FemLab2021

123 FemLab Co. 2021

124 Safai Karmachari website

125 Dalberg 2017 (Estimate of 0.18 manual scavengers -sourced from Gol's Social Economic and Caste Census 2011; Estimate of 2 million manual scavengers, sourced from Jan Sahas, an organisation which works on the rights of sanitation workers in India)

manual scavengers, are Dalits, all Dalits sub-castes are not engaged in the occupation. The Dalit sub-castes engaged in sanitation work include¹²⁶ *Valmiki Bhangi Mehtar Lalbegi Chooda Shaikh* in North India; *Mehtar Bhangi Baasfor Dom Ghaasi* in Eastern India; *Thotti Arunthathiyar Madiga Chekkilyar Halalkhor Lalbegi* in the country's South; and, the *Bhangi Valmiki Mehtar Chooda Hela* castes in West and Central India.

Members of these Dalit sub-caste groups occupy jobs across the sanitation value chain; there are no patterns of social mobility across job types. The association of sanitation work with the mentioned Dalit sub-castes exclude them from the larger Dalit community, adding to their endless layers of discrimination. Deaths are under-reported or misreported as deaths due to negligence of workers or because of their drunkenness. According to the Ministry of Social Justice and Empowerment, there were 68 death in 2018 and 110 in 2019¹²⁷ and a total of 941 deaths since 1993, when manual scavenging was banned.¹²⁸ In contrast, according to Safai Karmachari Andolan, 472 manual scavengers died between 2016 and 2020. 2021 witnessed 26 deaths up to July 2021.¹²⁹

In **Pakistan**, a 2019 study found evidence of caste-based occupation assigned by the state, where Christians are considered to be 'born' for the janitorial service, owing to their descent from Hindu '*Chuhras*' or '*Bhangis*', who were historically assigned manual scavenging and sweeping work. The urban sanitation and waste management departments, Water and Sanitation Agency of Lahore (WASA) and Lahore Waste Management Company (LWMC)¹³⁰ were found to engage **71.8 per cent** of the 2,240 sanitation workers in WASA and **100 per cent** of 9,000 sanitation workers in LWMC. This proportion of employment of Dalit Christians is significantly high since Christians comprise only 4 per cent of Lahore's population (and 1.27 per cent of the total population according to Census 2017). Till September 2016, before it was struck down, Punjab Health Department's policy clearly stated that only non-Muslims would be recruited for sanitation work.¹³¹ The sanitation workers work in dire conditions, with inadequate protective equipment (83% of workers experienced) and many inhale poisonous gases (40% of workers experienced). They are required to enter into open manholes and sewage pits (38% of workers experienced) despite the knowledge of poisonous gases in said pits (25% experienced). **At least 250 sanitation workers have been reported dead while at work.** About 57 per cent of workers in the study were second-generation sanitation workers.¹³²

126 Dalberg 2017

127 The Hindu, 2020

128 The Hindustan Times 2021

129 The Indian Express 2021

130 The Water and Sanitation Agency of Lahore (WASA) is responsible for drinking water supply and sewage cleaning and drainage, and Lahore Waste Management Company (LWMC) is responsible for solid waste collection, disposal and treatment.

131 CLJ 2019

132 CLJ 2019

In **Sri Lanka**, The **Mahaiyawa** community is a living example of **caste-based or descent-based occupation** handed down over generations. The Mahaiyawas are the descendants of Indian origin Dalits from South India's Tamil region, who were specially brought from India in the 1920s by the British to clean the town's streets and toilets. These DWD families primarily came from the *Parayan* (caste allocated for sweeper jobs) and *Chakkiliyan* (caste allocated for toilet cleaning jobs) castes. They settled in a ghetto-like establishment as urban sanitary workers in a part of Kandy, known as MC (for Municipal Council quarters). Over 94 per cent of Indian Tamil families (DWD communities) live in the MC households. This 'import' of sanitation workers from India, based on their (i) particular caste for cleaning and sweeping (ii) for sanitation work in Sri Lanka, and (iii) their settlement in 'outcaste' type of ghettos; is a clear indication of caste discrimination and caste-based allocation of work, which also restricts occupational mobility.

Sanitation work in South Asia is almost exclusively linked with caste and is more or less similar in Bangladesh, India and Pakistan. It varies across urban and rural areas, and also across men and women. It also varies according to the contractual status of the workers. The more hazardous form of sanitation work is concentrated in urban areas. Amongst the sanitation workers, the more hazardous forms are allocated to outsourced contractual workers. Sanitation work broadly includes (i) sweeping of streets under municipality (ii) municipal solid waste collection, segregation and disposal (ii) faecal matter and sludge cleaning, collection and disposal (iii) toilet cleaning including insanitary toilets and (iv) sewage treatment. Not all sanitation work is manual scavenging. 'Manual Scavenging' is the banned practice in India and includes 'manually cleaning, carrying, disposing or handling of human excreta. The excreta could be from an insanitary toilet, open drain, sewer, septic tank or pit.

HUMAN TRAFFICKING OF DALITS IN SOUTH ASIA

The latest Trafficking in Persons Report by US State Department, 2021, found that Labour Trafficking through debt-based coercion amounting to forced labour constitutes a significant proportion of South Asia's

human trafficking, particularly in India, Pakistan and Nepal. The report notes that it is widespread in sectors of agriculture, brick kilns, rice mills, embroidery textile factories and stone quarries.

Most country and global reports do not mention the profile of the trafficking victims and just document the profiles of trafficking victims as persons for disadvantaged and marginalised strata. **The absence of such disaggregated data in terms of social groups (caste and ethnicity) makes it a challenge to build statistical evidence on the link between trafficking victims and caste. Owing to the lack of disaggregated data for Dalits impacted by human trafficking, and considering that Dalits and other marginalised communities are the frontline casualties of other forms of forced labour, this study assumes the high probability of Dalits as victims of human trafficking.**

Bangladesh is a source, transit and destination country for human trafficking, particularly for forced/bonded labour and sex trafficking. Cross border labour trafficking of Bangladeshi men, women and children are to countries including the Middle East and Southeast Asia (especially Brunei, Malaysia, and Maldives), South Asia, Southern and Eastern Africa, Europe, and the United States. While labour migration is through legal and illegal channels, widespread exploitation by traffickers exist. The industries that employ Bangladeshis through forced labour include construction, shrimp and fish processing industries, aluminium, tea, and garment factories, brick kilns, dry fish production, and shipbreaking, among other industries. Forced labour of Bangladeshis in these countries includes elements of debt-based coercion, non-payment of wages, contract switching, fraudulent recruitment, undocumented labour force, retention of passports. Bangladesh is also a transit country for labour trafficking of women from other countries through Bangladeshi recruitment agencies to Lebanon or Jordan for domestic work.

Child Trafficking is widespread in Bangladesh and includes trafficking for child labour and commercial sexual exploitation. Children are trafficked and exploited in forced labour in tanneries, begging and criminality. They are also trafficked for producing and transporting drugs, particularly yaba. Sex trafficking of children includes child sex tourism and commercial sexual exploitation in registered and unregistered brothels and in hotels and streets.

Sex Trafficking in Bangladesh includes both internal and cross border trafficking. With Bangladesh as a source for sex trafficking, women and girls are trafficked to India, Pakistan and Gulf countries.

India is a source, transit and destination country for human trafficking, particularly for forced/bonded labour and sex trafficking. **Sex Trafficking in India** includes both internal and cross border trafficking. Girls and young women from Nepal, Bangladesh, Central Asia, Europe, and African countries are trafficked into India for commercial sexual exploitation. In such cases, which are huge in numbers, India is a destination country for trafficking. While internal sex trafficking is across the country, women and girls from poorer states are more vulnerable and trafficked into more prosperous states. With India as a source for cross border sex trafficking, girls are trafficked to Kuwait, Saudi Arabia, UAE, Malaysia, Armenia, Portugal, Gabon, and Zambia, and Kenya. With India as a transit country, girls are trafficked through India to many countries, including Gulf countries. India is also a source for child sex tourists and a destination for child sex tourism. **Child trafficking** in India is reported for forced labour of children in agriculture, construction, domestic service, garment, steel, begging; criminality, food-processing factories, floriculture, cotton, ship breaking and manufacturing.¹³³

Pakistan is a source, transit and destination country for human trafficking, particularly for forced/bonded labour and sex trafficking. The evidence of **Sex trafficking** in Pakistan is seen through reportage of bride trafficking of Christian (Dalit) girls and women from Pakistan to China. The girls so trafficked through marriage are pushed into sexual slavery of their so-called husbands and other clients. Though known to exist, there is less documented evidence of external and domestic sex trafficking. **Child Trafficking** within Pakistan was found to be increasing. Children were found to be largely trafficked from rural and other poorer areas to medium and large-sized towns. Child sex trafficking to the Gulf States involves girls as young as 10. Child sex trafficking of boys providing massage services and paid sex is hardly reported because of its linkage with homosexuality.¹³⁴ The estimates of high-risk groups (including the Dalit community) in sex and child trafficking is not known owing to a lack of understanding and research¹³⁵ and most researches/reports document victim profiles as belonging to poor families from rural settings.

Like other South Asian countries, Nepal is also a host to internal and cross border human trafficking and is an origin, transit, and destination country. The main forms of human trafficking in Nepal are for purposes of sex trafficking, including children, forced labour and removal of organs¹³⁶. A 2019 report by the National Human Rights Commission of Nepal, estimated around 35,000 persons to have been trafficked and around 1.5 million at risk¹³⁷. This constitutes approximately six per cent of the

133 TIP 2021

134 ECPAT, 2014

135 DFID DAI, 2019

136 UNODC 2021

137 NHRC 2019

country's population. The government report states that the exact figures about the situation of human trafficking in Nepal are not available as yet. **The disaggregated data on the human trafficking of Dalits is also not available.** The adult entertainment sector (AES) like dance bars, *dohori* (*male-female duets*), and discos are the most affected areas for trafficking within Nepal¹³⁸, with 13 to 20 per cent of women and child workers in the sector at risk of sex trafficking. Over 1,700 children work in Nepal's adult entertainment industry and have been subjected to trafficking and sexual exploitation¹³⁹. Over 17 per cent of workers in the adult entertainment sector (AES) are minors, and 62 per cent of adult women in the sector had commenced work when they were minors, some while they were as young as seven years old¹⁴⁰.

Sri Lanka is a source, transit and destination country for human trafficking, particularly for sex trafficking and forced/bonded labour. Within Sri Lanka, men, women,

and children are trafficked for forced labour and sex trafficking, mostly from rural areas, amounting to **internal trafficking**. In terms of cross **border trafficking**, Sri Lankan men, women, and children are trafficked for forced labour to the countries in the Middle East, Asia, Europe, and the United States in the construction, garment, and domestic service sectors. Trafficking of Sri Lanka's war widows to Middle Eastern countries such as Saudi Arabia, Qatar, Bahrain and Oman is commonly reported. An estimated 90,000 women who now head their households after the death or disappearance of menfolk in the Sri Lankan civil war are especially vulnerable to trafficking. As a transit country for trafficking, Sri Lanka is also a transit point for Nepali women subjected to forced labour in the Middle East.¹⁴¹

The global Trafficking in Persons report by the US State department monitors the trafficking situation worldwide, the trafficking trends and action taken by respective governments.

Country Rankings since 2012										
	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
Bangladesh	Tier 2	Tier 2 WL	Tier 2 WL	Tier 2 WL	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2	Bangladesh
India	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2
Pakistan	Tier 2 WL	Tier 2 WL	Tier 2	Tier 2	Tier 2 WL	Tier 2 WL	Tier 2 WL	Tier 2 WL	Tier 2	Tier 2
Nepal		Tier 2	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2
Sri Lanka	Tier 2 WL	Tier 2 WL	Tier 2 WL	Tier 2	Tier 2	Tier 2 WL	Tier 2 WL	Tier 2 WL	Tier 2 WL	Tier 2

*US State Department, *Trafficking in Persons Reports, 2012-2021*
WL represents the country being on the Tier 2 Watchlist

A look at the last 10-years country rankings shows that Pakistan and Sri Lanka have often been on Watch Tier 2 list, denoting that Pakistan and Sri Lanka do not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so.

In the last decade, **Bangladesh** has declined from Tier2 (2012-2017) to Tier 2WL (2018-2020) and back again to Tier 2 (2021). The country's positive efforts include initiating more prosecutions, particularly of labour traffickers; beginning to operate its trafficking tribunals; collaborating with foreign governments on a transnational trafficking case, and funding a national action plan to fight human trafficking. However, the overall anti-trafficking efforts remained inadequate. This included – decrease in the number of convictions, little efforts in victim identification and no action by law enforcement on credible reports of official complicity in

trafficking, forced labour and sex trafficking of Rohingya, and child sex trafficking.

India's consistent Tier 2 denotes positive efforts, including a comparative increase in numbers of victim identification, investigation and prosecution of trafficking crimes, establishing support services for victims, etc. However, its overall anti-trafficking efforts, especially against bonded labour, remained inadequate.¹⁴²

Nepal has consistently been ranked in Tier 2, which means some positive efforts have been made in convicting state officials, awareness on trafficking initiatives and lifting a ban on overseas migration of women. However, Nepal's anti-trafficking law, which criminalises slavery and bonded labour, is inconsistent with international law by not criminalising all forms of child sex trafficking and forced labour.

138 NHRC 2019
139 Freedom Fund 2018
140 TIP Report 2020
141 TIP 2021
142 TIP 2021

Pakistan's positive efforts include the finalisation of 2018 Rules for Prevention of Trafficking in Persons Act (PTPA); adopting a new five-year national action plan to combat trafficking in persons and migrant smuggling crimes; and, referring more potential trafficking victims for care than the previous reporting period. However, investigations and prosecutions of sex trafficking have decreased and law enforcement efforts against labour trafficking are inadequate compared to the scale of the problem. There is also inadequacy of action taken against credible reports of official complicity in trafficking. The government continued to lack adequate resources for victim care.

Sri Lanka's positive efforts include action towards increased prosecution and investigation of an allegation of sexual exploitation of children at a state-run orphanage. However, the overall anti-trafficking efforts, especially against investigating allegations of official complicity, fewer convictions and efforts to identify forced labour victims abroad, remained inadequate.

SEXUAL SLAVERY OF DALITS IN SOUTH ASIA

Exploitation to extract sexual work or sexual service through coercive means of intimidation, violence or subtle means of tradition, culture and manipulated debt, and through the 'involuntariness' of the act, is recognised **as forced labour through sexual slavery**. 'Involuntariness' refers to the loss of freedom to leave at any time, and/or the '*seemingly free and informed consent of person*', which is exacted because of circumstances of custom, or obligation or socio-economic status, among other factors. Trafficking is a recognisable gateway to sexual slavery by virtue of its apparent illegality. However, the intersectionality of caste, gender, class, religion, race, disability, etc. are subtle, especially considering how these factors push vulnerable people and communities towards such form of forced labour. The social acceptance of certain norms in the name of tradition provides a perceived legitimacy. Dalit women and girls in South Asia, among other marginalised communities, are at the middle of such intersections.

The forced labour through sexual slavery in South Asia is manifested through –

- a. *Forced commercial sexual exploitation (CSE)*
- b. *Ritualistic sexual slavery*
- c. *Other forms.*

Note: Bride trafficking for CSE or for forced marriage overlaps with phenomena of 'Forced Marriage' and has been

discussed under the section 'Forced Marriage'.

There is less research and data on the newer forms of sexual slavery such as sex tourism, cybersex trafficking, child pornography etc., and particularly on the entrapment of Dalit communities in these crimes.

Forced Commercial Sexual Exploitation of Dalit women and girls in South Asia

In Bangladesh, the sex trade is legal and regulated. A woman is permitted to sell sex upon registering as a sex worker, which requires payment of a fee and swearing an affidavit stating her inability to find any alternate employment and is exercising free choice. This registration confers no social, economic, civil or political rights or access to health services. Registered women mainly work in large brothel complexes. Buying sex is not illegal. Police complicity in Bangladesh's registered brothels is widely reported.¹⁴³ The HIV/AIDS prevention programme in Bangladesh has identified 139,961 sex workers in the country.¹⁴⁴ As per a 2018 media report, there are about 102,260 female sex workers operating through brothels, hotels, residences and street-based sex work. Among them, about 4000 work in ten registered brothels, 41,350 work as floating ones, about 17,976 work in hotels, and about 29,078 work at homes, residences or what they call 'mini brothels'.¹⁴⁵

Child prostitution is rampant in Bangladesh. About 20,000 child sex workers are estimated to be based in brothels, while a smaller number are exploited in the hotels, streets, bus/train stations and rented accommodation. Street children are exploited widely by traffickers for sex work. Among the child sex workers in brothels, a majority of them are the next-generation children of sex workers and are forced into sex work by brothel owners. Others include those trafficked because of their vulnerable positions, such as fleeing from abusive child marriages.¹⁴⁶ The complicity of law enforcement officials in ignoring the age of minors in the sex trade is widely reported.¹⁴⁷ Disaggregated data on victims is not recorded by national and international studies.

In **India**, there are varying estimates on the number of women and children in the commercial sex trade. According to government records, there are approximately 3 million women engaged in sex trade. Of these, 40 per cent are children.¹⁴⁸ In India alone, an estimated that 1.2 million children are exploited in the sex trade¹⁴⁹. The deep-rooted social-cultural-economic and political marginalisation of Dalit and other communities leads to their commercial sexual

143 SPL Programme 2021

144 UNAIDS 2017

145 Dhaka Tribune 2018

146 TIP 2021

147 TIP 2021

148 UNODC 2008

149 ECPAT 2016

exploitation, as in the case of the Bedias¹⁵⁰ who are known for engaging young girls into sex work as soon as they reach puberty, while the male members serve as pimps. Bereft of government benefits, despite being in the reserved category, sex work has become the major source of income for the community. The lucrative trade, with high fetching price for ‘teenage virgins’, keeps the community in the ‘family business of sex’¹⁵¹. In India, a vast majority of Dalit women and children are exploited for sex work (or prostitution). (ECPAT 2014).

In **Pakistan**¹⁵², the sex trade is illegal but exists as an open secret. Sex workers in Pakistan include males, females and transgender people (also referred to as *hijras*)¹⁵³ and an estimated 229,441 persons are in commercial sex work.¹⁵⁴ Non-marital sex, same-sex relations and unnatural sex (the penal code term of sodomy) are offences in Pakistan, thereby criminalising sex work. The Prostitution Ordinance 1961¹⁵⁵, specifically defines and criminalises prostitution and sex workers. Sex trade by foreigners is known to operate through massage services. These engage women from China, Russia, Turkey etc., in the cities of Islamabad, Rawalpindi and Lahore.¹⁵⁶ There is a prevalence of commercial child sexual exploitation among both boys and girls. While girls on the verge of puberty are found to be pushed into the sex trade by family or third parties and are housed in brothels or as dancing girls, commercial sex work of boys, as *malish* boys (massage) is generally in public places. *Bacha Bazi*, a traditional practice of keeping boys for sexual gratification by rich and influential men, continues to exist. Victims are usually teenage boys from impoverished families, who may be dressed up as girls and taken as ‘mistresses’. (ECPAT, 2014). Reports and studies identify caste, as a prominent factor in the commercial sexual exploitation of children, along with other intersectional factors.

In **Nepal**, the women and girls from the Badi community of the Hill Dalits, who were traditionally, professional musicians, singers and dancers, have, over time, owing to low socio-economic status and lack of livelihood opportunities, been pushed into sex work. The

community is known to initiate their young daughters to the occupation and are also vulnerable to internal and cross border sex trafficking.¹⁵⁷ The National Centre for AIDS and STD control estimates that there are between 202,781 – 253,738 sex workers in Nepal.¹⁵⁸

Ritualistic Sexual Slavery of Dalit women and girls in South Asia

The *Devadasi* practice in India involves dedicating pre-pubescent girls to temple deities, who upon such dedication are symbolically married to the deity and are expected to lead a life of worship and celibacy. Upon reaching puberty, the girls so dedicated are introduced to sexual intercourse with the temple patrons, priests or others. **Over 85 per cent (and even up to 95.3 per cent) of girls and women engaged in the Devadasi practice are found to be Dalits**, followed by 5 – 15 per cent from Backward Classes and Tribal communities¹⁵⁹. A majority (70 to 80 per cent) of Devadasis in all surveys were minors at the time of dedication. Over 70 per cent of Devadasi have had their first partner before/at the age of 17 years¹⁶⁰.

There are no official statistics on the number of Devadasis in India. The National Human Rights Commission, in a UN review in 2008, reported the number of Devadasis in India as 450,000¹⁶¹. The practice is recorded in ancient and medieval Indian history and is deeply entrenched in religion, rituals, tradition and mythology. The Devadasi practice is prohibited in India, and dedication of girls and women are declared unlawful and void, with penalties for dedication, abetting dedication and propagation of the practice. Despite the ban, the practice persists in specific pockets of north Karnataka, Telangana, Andhra Pradesh, Tamil Nadu and Maharashtra. The practice is known by many names across the states where the practice is prevalent, such as—*Mathangis, Basvis, Mathamma, Jogini, Parvathi, Mathangi, Murali, Devaradiar, Dasis, Joginis and so on*. The practice engages Dalit girls from communities including *Mala, Mang, Madiga, Mathika, Arunthathiyar, Isaivellalar, Holey, Mythiri, Kamble, Dasar, Magar, Sambar, Salvade, Isaivellalar, Arunthathiyar and Chakkiliyar*.

150 The National Commission for Denotified Nomadic and Semi-nomadic tribes and the Ministry of Social Justice & Empowerment of the Government of India has included Bedias in the Scheduled Caste category according to the Indian Constitution Scheduled Castes Order 1950 (30 June 2008) (IJA 2020).

151 India Today, 2013

152 As mentioned earlier, the victim profile and push–pull factors of forced commercial sexual exploitation converges with the vulnerabilities experienced by Dalit communities. Research directly linking caste and forced sexual exploitation is not available.

153 In South Asia, a eunuch is known as Hijra, i.e. person whose birth sex is male but who identifies as female or as neither male nor female.

154 UNDP-GoP 2016

155 The Punjab Suppression of Prostitution Ordinance, 1961

156 Dawn 2007

157 IDSN-Nepal

158 THT 2017

159 Government, academic and non-government studies including KEA-GoK, 2016, Sampark-ILO, 2015, Ashray, 2015.

160 Sampark-ILO, 2015

161 Sampark-ILO 2015

While the roots may be religious, the banned system as practiced today is 'commercial sex work' in the guise of religion, rituals and tradition. Sex work is the major source of income for most Devadasis (94 per cent in Karnataka government study¹⁶²) when they are young. Once old, they either beg for their livelihood, or they dedicate their daughters if they have any¹⁶³.

In Nepal, the Deuki system is an ancient custom where young girls were offered to deities by parents or sold to wealthy families, who would, in turn, offer the girls to temples in the hope of good fortune and health. The system was largely prevalent in the far-western region of Nepal, particularly in Doti, Baitadi and Dadeldhura, and following its ban under the 1990 Constitution of the Himalayan kingdom and later, the Constitution of Nepal of 2015 (after the country's transition to a democracy), though the system is on the decline, it is still practiced in some pockets. Though similar to the Devadasi practice of dedication of pre-pubescent girls to deities, idols and temples, and similar in sexual exploitation of girls and women in the name of tradition, the Deuki system of Nepal has one major difference. In this system, girls from the dominant caste (Brahmin and Kshatriya) were also dedicated, along with the Dalits¹⁶⁴. There is very little information available on the system.

Other forms of Sexual Slavery of Dalit girls and women in South Asia

The recent TIP 2021 report has indicated the existence of sexual slavery of women through means of trafficking for conceiving and delivering babies for sale in India. In the absence of clear legislation in India, the gap provides a wide field for exploitation of the health, reproductive and sexual rights of women, as well as being rife for child trafficking. The issue is negligibly researched in South Asia in all aspects of the surrogate profile, impact and extent of violations. Experience shows that women and girls at the intersections of caste, class, religion, race, disabilities etc., are often victims of forced labour. In this scenario, the trafficking of Dalit women and girls from South Asian countries for surrogacy is not an improbability. **This issue needs urgent research.** The TIP report for India also indicates practices indicative of sexual slavery of women and girls in non-state actor resistant groups, such as Maoist camps in India. Again, the profile of victims is not explicitly known and needs research.

CHILD LABOUR AND WORST FORMS OF CHILD LABOUR OF DALIT CHILDREN IN SOUTH ASIA

In **Bangladesh**, the sex trade is legal and regulated. A woman is permitted to sell sex upon registering as a sex worker, which requires payment of a fee and swearing an affidavit stating her inability to find any alternate employment and is exercising free choice. This registration confers no social, economic, civil or political rights or access to health services. Registered women mainly work in large brothel complexes. Buying sex is not illegal. Police complicity in Bangladesh's registered brothels is widely reported.¹⁶⁵ The HIV AIDs prevention programme in Bangladesh has identified 139,961 sex workers in the country.¹⁶⁶ As per a 2018 media report, there are about 102,260 female sex workers operating through brothels, hotels, residences and street-based sex work. Among them, about 4000 work in ten registered brothels, 41,350 work as floating ones, about 17,976 work in hotels, and about 29,078 work at homes, residences or what they call 'mini brothels'.¹⁶⁷

Child prostitution is rampant in Bangladesh. About 20,000 child sex workers are estimated to be based in brothels, while a smaller number are exploited in the hotels, streets, bus/train stations and rented accommodation. Street children are exploited widely by traffickers for sex work. Among the child sex workers in brothels, a majority of them are the next-generation children of sex workers and are forced into sex work by brothel owners. Others include those trafficked because of their vulnerable positions, such as fleeing from abusive child marriages.¹⁶⁸ The complicity of law enforcement officials in ignoring the age of minors in the sex trade is widely reported.¹⁶⁹ Disaggregated data on victims is not recorded by national and international studies.

In **India**, there are varying estimates on the number of women and children in the commercial sex trade. There are **10.1 million child labourers** in the age group 5-14 years. The total child population of India in this age group according to the 2011 Census was 259.6 million.¹⁷⁰ Child workers, therefore, comprise 3.9 per cent of the country's total child population. These children work either as 'main workers' or 'marginal workers'. Child labour is most prevalent **in the agricultural sector, which employed 5.99 million child labourers** across India, comprising **58.9 per cent** of all child labourers. Child labour in other sectors included household industry workers (0.52 million, or 5.2 per cent of total child

162 KEA, GoK, 2016

163 Harishankar and Priyamvada, 2016

164 Tribhuvan University, 2020

165 SPL Programme 2021

166 UNAIDS 2017

167 Dhaka Tribune 2018

168 TIP 2021

169 TIP 2021

170 ILO Child Labour- India

labourers) and other workers (3.62 million, or 35.8 per cent of total child labourers).

While poverty and other factors drive child labour in India, the endemic caste-based discrimination exacerbates their condition, in turn affecting a significant population of Dalit families, whose social identity is a prominent factor for their economic deprivation. Of the total Dalit households in rural India, 54.71 per cent are landless and derive their main income from manual casual labour¹⁷¹. This low socio-economic indicator among rural Dalit households is a driver for pushing the Dalit children into child labour and engage in the worst forms of child labour. A recent sample survey by the Telangana labour department found that 80-90 per cent of the child labourers in the state are from SC/ST communities.¹⁷² Another recent 2016 study of almost half of Tamil Nadu's spinning mills¹⁷³, showed that of the 743 mills under survey, over 60 per cent of women and girls were Dalits, and 80 per cent of total women workers were under 18 years of age.

In **Nepal**, over **1.1 million children** (15.3 per cent of the children's population, between 5-17 years) are engaged in child labour. While the child labour situation has declined since the 2008 estimate of 1.6 million children in child labour, the prevalence is still high. There are an estimated **222,493 children engaged in hazardous work**. Among the total children engaged in child labour, about 87 per cent are engaged in the agriculture sector while 13 per cent are in other sectors. While it is prevalent across most social groups, **19.4 per cent** of Dalit children are child labourers, followed by children from the Janajati or Tribal communities (18.1 per cent) among other groups.¹⁷⁴ Child labour is prevalent in all sectors, including the agricultural, informal and service sectors. The worst forms of child labour include children in commercial sexual exploitation, the adult entertainment sector, child pornography and other forms of forced labour.

In **Pakistan**, **3.7 million children are engaged in child labour**, in the age group 10-17 years. Of these, 2 million (55%) come from the 10-14 years age group, and the

remaining 1.6 million (45%) from the 15-17 years age group. Among the children aged 15-17 years, 89 per cent (1.47 million) are boys engaged in hazardous work.¹⁷⁵

An earlier national-level survey of 1996¹⁷⁶, estimated **3.3 million children engaged in child labour**, in the age group **5-14 years**, constituting 30 per cent of Pakistan's children¹⁷⁷. Child labourers are more among boys, both in rural and urban areas, comprising 2.4 million (73 per cent) boys and 0.9 million (27 per cent) girls. Geographically, it is most prevalent in Punjab province, which has 60 per cent of the country's child labourers (1.9 million child labourers), followed by NWFP, which engages about 1 million child labourers. The 1996 study found that child labour is most prevalent in the agricultural sector, which employs 67 per cent of all child labourers. Among the boys in child labour, most are employed in agriculture (63%), and similarly, among the girl child labourers, most are employed in agriculture (77%). Most children work as unpaid family helpers (70%), with more girls as unpaid helpers (78%) than boys (67%). (GoP-ILO-IPEC, 1996). These government studies do not give disaggregated data of Dalit children in child labour.

In **Sri Lanka**, the 2016 nationwide Child Activity Survey (CAS), which covered an estimated 4.57 million children¹⁷⁹ in age group 5-17 years identified **43,714 children** in child labour constituting **one per cent** of total 4.57 million children's population in age group 5-17 years. Of these children in child labour, **39,007 children** were engaged in a **hazardous** form of work, comprising 0.9 per cent of the total child population. The 2016 survey has distinguished between **child labour, hazardous labour by children and working children**, in consultation with ILO. In terms of working children, i.e., children *who are engaged in economic activity for at least one hour during a reference period*, the survey identified **103,704 children** as '**working children**'. This figure comprises **2.3 per cent** of the total children's population.

FORCED MARRIAGE OF DALITS IN SOUTH ASIA

Forced Marriage of girls and women in South Asia is understood as –

171 SECC SC Rural Household Survey, GoI

172 The Wire 2019, The first phase of the survey across ten districts in 56 mandals identified 9,724 child labourers

173 The ICN 2016 study surveyed 743 mills of the approximately 1600 spinning mills of Tamil Nadu. About 2,286 workers employed in small, large and export-oriented spinning mills were surveyed across four districts.

174 ILO-GoN 2021

175 C-182, Observations by CEACR, Pakistan

176 The 1996 survey was conducted by the Federal Bureau of Statistics (FBS), Statistics Division Ministry of Labour, Manpower and Overseas Pakistanis International Labour Organization (ILO) and International Programme on the Elimination of Child Labour (IPEC) in four provinces of Pakistan as defined in the 1981 population census. The excluded areas constituted about 3 per cent of the total population.

177 40 million children aged 5-14 years old in Pakistan, as of 1 January 1996, GoP-ILO-IPEC, 1996

178 Other sectors engaging child labourers- manufacturing (11%), wholesale & retail (9%), community & personal services (8%), others (5%). Other sectors engaging boys in child labour- wholesale & retail (12%), manufacturing (10%), community & personal services (7%) and transport storage etc. (5%). Other sectors engaging girls in child labour- manufacturing (12%), community & personal services (10%). GoP-ILO-IPEC, 1996

179 Majority, 3,553,550 (77.7%) children reside in the rural areas, 777,283 (17%) children in urban areas and 240,608 (5.3 %) children in Estates (CAS 2016).

- a. Fake or sham marriage for commercial sexual exploitation of girls and women through bride trafficking;
- b. Forced marriage by 'purchasing wives' for purposes of 'marital relation and progeny' through bride trafficking; and,
- c. Forced Marriage through forced religious conversions.

Trafficking is often the gateway for forced marriage of girls and women. Commonly known as *Bride Trafficking*, this crime is a reality, particularly in India and Pakistan and continues to affect thousands of women and girls every year. There is very little evidence through research, other than media reports, for these forms of Forced Marriage in the five countries. Prevalence of forced marriage for CSE and through religious conversions can be found in India and Pakistan. Prevalence of forced marriage by 'purchasing wives' for purposes of 'marital relation and progeny' can be found in India. It may be noted that all these instances of prevalence of forced marriage overlap with each other, depending on the lenses from which it is being studied.

Forced Marriage for commercial sexual exploitation through bride

In **Pakistan, forced marriage for CSE through bride trafficking** is evidenced through recent media reports of **Dalit Christian girls** being forced into commercial sex work after their sham marriages. Over 629 girls and women from Pakistan were reported sold as brides to 'well-settled' Chinese men and taken to China, who upon reaching China, were isolated, tortured sexually and physically, and forced into prostitution, either in their so-called homes or hotels. Bride trafficking networks, including Chinese nationals, Pakistani brokers and some Pakistani pastors, have been busted, people have also been arrested and are facing trafficking charges (AP News 2019). The skewed sex ratio of China, with more men than women, has created a demand for bride trafficking from Pakistan, where girls from impoverished Christian families are targeted through fake marriages to Chinese men. Brokers offer cash to such families with the promise of a better life with

The extent of violence faced by victims of Bride Trafficking for forced marriage is appalling. They are treated as sexual slaves, domestic servants, labourers for farm-related/other chores, and 'wombs' for progeny. Some are further sold off for commercial sexual exploitation (CSE)

Chinese husbands. (TIP 2021).

Forced marriage for 'marital relations and progeny' through Bride trafficking

In **India, forced marriage for 'marital relations and progeny'** through Bride trafficking is an interstate phenomenon wherein minor girls are purchased from poorer states and sold for marriage in states with skewed sex ratios. Various reports and studies have found such instances of forced marriages in states such as Haryana, Punjab and Western Uttar Pradesh, where it is difficult to find 'wives' for all 'men' and where the number of boys is much more than girls. Purchasing wives, thus, is a solution for such states. Minor girls are trafficked for such forced marriages (with or without parental complicity) from poorer districts of Assam, West Bengal, Bihar, Jharkhand, Orissa, Madhya Pradesh, Chhattisgarh, Andhra Pradesh, Tamil Nadu, Maharashtra and Gujarat. A recent 2019 study in Haryana identified 130,000 brides purchased from other states into Haryana¹⁸⁰. Another study in Haryana covering over 10,000 households across 92 villages, revealed that over 9,000 married women in Haryana were bought from other states, including Assam, West Bengal, Jharkhand, Bihar and Odisha¹⁸¹. Such wives are pejoratively called 'Paros' or 'Molkis', meaning 'someone from far off land' and 'someone who has a price', respectively. While media reports and academic studies have been highlighting this state of slavery in India, these reports, barring a few, do not explicitly mention the caste or ethnic profile of trafficked victims. **In the absence of any specific profiling, considering that the source states have high Tribal and Dalit populations and other evidenced forms of forced labour, it is safe to assume that the probability of victimisation of Dalit or Tribal girls for Bride Trafficking is high.**

Forced Marriage through 'forced religious conversions'

This study acknowledges and distinguishes between *forced faith conversion and voluntary faith conversion*, as well as other factors.¹⁸². It also distinctly recognises that the situation of conversion of girls from minority religion to religion of the majority population, intersecting with factors including age, poor socio-economic status, caste, coercion and/or violence, immediate marriage after religion conversion, and hindrances for parents to interact with the girl (and vice versa), are strong and suspicious grounds of forced conversion. Marriage is generally the gateway for such religious conversions.

In **Pakistan, forced marriages through forced conversions** disproportionately affects the Hindu and Christian population, particularly Dalits. Reported cases

180 The study was conducted by Jind based CSO in Haryana called Selfie-With-Daughter Foundation, which conducted the survey in 2017-2019 (TOI 2019)

181 UNODC 2013

182 This study makes a distinction between forced faith conversion and voluntary faith conversion, as well as push-pull factors for conversion. It also gives credence to women's agency and choice and situations of love marriages. It also understands that girls' parents being part of the same society may also be guided by patriarchal mindsets in some situations.

indicate that minority girls, especially Dalit families, are kidnapped or lured into conversion, sexually exploited, and abandoned. There are also accounts that, once kidnapped and forcibly converted, women and girls are raped, sold off, and forced into sex work or human trafficking, particularly among the most deprived populations, as in the Sanghar, Ghotki and Jacobabad regions.¹⁸³ A 2015 report by the South Asia Partnership-Pakistan in collaboration with Aurat Foundation found that at least 1,000 girls are forcibly converted to Islam in Pakistan every year. Dalit Hindus from poor families are often the victims of forcibly conversion.

A 2019 publication by Peoples Commission for Minorities' Rights (PCMR) and Centre for Social Justice (CSJ) analysed 162 cases from verified media reports, court orders and police reports. These cases were from seven years reportage of 2013 to 2019, and found two crucial indications – (a) *The minority religion is mostly impacted* and (b) *minor girls are significantly impacted*. Among the minorities in Pakistan, **Hindu girls (54.3 per cent)** and **Christian girls (44.44 per cent)** were largely victimised by forced conversion and forced marriage. The study does not mention the caste identity of the girls. For reasons mentioned earlier, the study has assumed the high probability of the victims being Dalits.¹⁸⁴ Over **46.3 per cent** of the victims of forced conversion were **minors**, while the exact age of over 37 per cent of the victims was not mentioned in the reportage. Only **16.67 per cent** of the victims were above 18 years, though the lower courts did not always verify the claim through school records, etc. The highest incidents of alleged forced conversions (**51.85 per cent**) were reported in Punjab, followed by Sindh (**43.83 per cent**).¹⁸⁵ Both the lower and higher courts of Pakistan have failed to follow proper procedures in cases that involve accusations of forced marriage and forced conversions.¹⁸⁶

It is evident through the studies that the minor status (age) of the victim who is converted and married, *allegedly forcibly*, takes a secondary role in upholding her new religious status as a Muslim. The court proceedings are known to uphold Islamic Marriage law over Child Marriage Restraint Act, thus focussing on religion and not age. Addressing forced marriage through child marriage lenses is also tricky since the minimum age for marriage

is not uniform across all the provinces.

CRITICAL OBSERVATIONS

- 1. Crucial to view Modern slavery from lenses of caste:** While poverty is one of the leading causes of modern slavery, the predominant cause is more profound than mere poverty. The dominant cause of modern slavery is 'Caste', which in South Asian society controls the 'descent' and 'work' of many affected persons. When most persons affected by Modern Slavery in South Asia are the Dalits, it is imperative to view Modern Slavery from the lenses of Caste and discrimination based on work and descent, not just class.
- 2. Denial of caste will not lead to its natural death:** The systemic discrimination on work and descent (caste) violates people's right to education, housing, water, land, employment and equal treatment, resulting in further exclusion and marginalisation. In countries where it is provided, a few decades of affirmative action has not been sufficient to eliminate the centuries-old discrimination. In this light, for countries where the existence of caste and its resulting exclusion is not institutionally recognised, its denial will not lead to its elimination, but only its consolidation. No fruitful action can thus be effectively taken.
- 3. Evidence Building:** It is crucial to continue building the evidence of caste regarding people exploited in modern forms of slavery and slavery-like conditions. This is a challenge for countries, especially Sri Lanka and Bangladesh, where the Census does not record the caste disaggregation of its population at all.
- 4. Business mandate and accountability, not just social responsibility:** Modern Slavery and slavery-like practices include business practices that are the most extreme form of labour exploitation and violations. There can often be overlapping or a fragile line between slavery-like practices and violation of labour laws. In this context, it is not a matter of social responsibility of businesses but the absolute accountability of businesses to ensure that modern slavery and slavery-like practices are not encouraged and engaged.

183 IDSN Submission to HRC-2018

184 The PCMR-CSJ 2019 study titled 'Silence of the Lamb' has compiled 162 reported forced conversion incidents during 2013 and 2019. The study does not specifically mention caste; however, the convergence of poor socio-economic status with location and religion makes it highly probable that the Hindus and Christians who are impacted are Dalits.

185 PCMR-CSJ, 2019

186 HRCP, 2014

NATIONAL RESPONSE MECHANISMS

South Asian Governments' Response in Eliminating Various Forms of Modern Slavery and Slavery like Practices

ALL five South Asian governments prohibit all forms of Forced Slavery, including bonded labour, human trafficking, commercial sexual exploitation and child labour. The governments have demonstrated this commitment by making Constitutional provisions for equality and non-discrimination of all citizens and by promulgating, enacting and amending relevant legislation, policies and programmes. India and Nepal have recognised Scheduled Castes in the Constitution and have accordingly enacted specific anti-discrimination legislation to protect Scheduled Castes and Scheduled Tribes communities against untouchability and discrimination.

CONSTITUTIONAL PROVISIONS FOR THE RECOGNITION AND PROTECTION OF DALITS IN SOUTH ASIA

- **Abolition of Untouchability:** The Constitutions of India and Nepal have abolished Untouchability through Articles 17 and 24, respectively.
- **Non Discrimination:** The Constitutions of Bangladesh (Article 28), India (Article 15), Nepal (Article 24), Pakistan (Articles 26, 27) and Sri Lanka (12(2,3)) guarantees non-discrimination against all citizens. The grounds of non-discrimination across countries are as-
 - **Bangladesh:** on grounds of religion, race, **caste**, sex or place of birth;
 - **India:** on grounds of religion, race, **caste**, sex or place of birth;
 - **Nepal:** on grounds of sex, origin, **caste**, tribe, community, profession, occupation or physical condition;
 - **Pakistan:** on grounds of race, religion, **caste**, sex, residence or place of birth (with respect to access to public places and appointment in service of country);
 - **Sri Lanka:** race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds

- All countries guarantee for all citizens – equality before law and entitled to equal protection of law.

- **Prohibition on forced labour, trafficking of persons, bonded labour and child labour:** The respective Constitutions constitutionally prohibit the following forms of modern slavery -

- **Forced Labour:** Bangladesh (Article 34), India (Article 23), Pakistan (Article 11(2)) and Nepal (Article 29(3)).

- **Trafficking:** India (Article 23), Pakistan (Article 11(2)) and Nepal (Article 29(3)).

- **Prohibition of employment of children in factories/ hazardous work:** India (Article 24), Nepal (39(4)), Pakistan (Article 11(3)).

- **Other Constitutional provisions for relevant to bonded and forced labour:**

- **Right to peaceful assembly and form associations:** India (Article 19(1b), Pakistan (Article 17(1) and Nepal (Article 17(2d)).

- **Identification and rehabilitation of freed bonded labour:** Nepal's (Article (51)(j)(6))

- Emancipation of peasants, workers and backward sections of the people from all forms of exploitation.
 - Bangladesh (Article 14).

- **Constitutional special measures for the advancement of the Scheduled Castes and other marginalised communities:** The Indian and Nepali Constitutions have provided special measures for the advancement of the Dalits and other historically and structurally repressed castes and classes. The Constitution of Pakistan has special measures for minorities but does not mention Scheduled Caste and Tribes.

Sri Lanka's Constitution does not make any special measures for the Indian origin Tamils (DWD communities) who were originally enslaved as indentured slaves and brought to Sri Lanka from India

in the early 19th century. From 1948, when Sri Lanka became an independent state, till 2003, the Indian origin Tamils were not granted citizenship, and the community remained stateless. Citizenship was granted in 2003 after decades of advocacy to over 90,000 Tamils of Indian origin with the enactment of the Grant of Citizenship to Persons of Indian Origin Act, No. 35 of 2003 (GCPIO Act).

Though progressive, Nepal's new Constitution promulgated in 2015 is observed to have been rushed and has diluted commitments made by Peace Agreements and interim Constitution in redressing the structural discrimination based on ethnic, religious, gender identity.

- **Constitutional recognition of some-Dalits (Scheduled Castes) and de-recognition of some:** In India, the Constitution (Scheduled Caste) Presidential Order 1950 contradicts the constitutional right to profess, practice and propagate religion (Article 25) by making religion a criterion for determining the Scheduled Caste status of a citizen. Paragraph 3 of this 1950 order¹⁸⁷, stipulates that *'no person who professes a religion different from Hinduism, Sikhism and Buddhism shall be deemed a member of a Scheduled Caste.'* This order discriminates against the Dalits by making their religion a criterion for determining their Scheduled Caste status. By doing so, the Indian Constitution de-recognises Dalit Christians and Dalit Muslims as 'Scheduled Castes'. The Christians and Muslims of Scheduled Caste origin thereby lose their access to benefits available to Scheduled Castes. The government-appointed commissions including, National Commission for Religious and Linguistic Minorities (NCRLM) or Ranganath Commission report 2007, the National Commission for Scheduled Castes (NCSC), Sachar Commission 2006, and National Commission for Minorities (NCM) 2008, have documented the existence of caste-based discrimination despite religious conversions and have proposed to delink Caste status from religion and make it religion-neutral. Despite these recommendations, the caste status of Dalit Christians and Dalit Muslims is not recognised.

Governments' denial to recognise discrimination based on caste as 'racial discrimination':

Bangladesh, as mentioned in earlier chapter, *interprets 'descent' solely with race or ethnic or national origin and not 'caste'*. In its submission to CERD, it maintains that (para 3) *"race itself as an issue does not impinge on the consciousness or outlook of the Bangladeshi people in their intrasocial relations as they seek to find homogeneity in their identity through common language, tradition, culture, norms and harmony in tolerance and coexistence. (.....)"*.

The country report further notes in para 11 *"racially, socially and politically Bangladeshis are one people of whom more than 99.5 per cent are homogenous, while only 0.45 per cent represent a tribal population which is unique in Bangladeshi society in terms of distinct tribal, cultural and social norms and traditions"*.¹⁸⁸

The Indian government has regularly contended that discrimination based on caste cannot be considered racial discrimination. This is despite the consistent position of the Committee on CERD (International Convention for Elimination of Racial Discrimination) and UN Special Procedures and by the OHCHR, along with documentation of caste-based discrimination by various government-appointed commissions.

As a consequence, Bangladesh and India fail to submit information to relevant monitoring bodies on the situation of Dalits.

Sri Lanka's Constitution references 'caste', acknowledging the existence and impact of the caste system. However, Sri Lanka does not have an affirmative action policy for Dalits, like those provided constitutionally and by legislation in India and Nepal. Caste has not been included in an official census since the mid-19th century.

Late enactment of legislation for combatting human trafficking and forced labour, despite Constitutional provisions:

- The Constitutions of Nepal, Indian and Pakistan ban trafficking in human beings and forced labour. However, legislations abolishing bonded labour were enacted decades after respective Constitutional provisions, with Nepal in 2002¹⁸⁹, India's legislation in 1976, and Pakistan in 1992. (Provincial legislations for Punjab (2012), Sindh (2015) and Khyber Pakhtunkhwa (2015) have been enacted recently).
- Bangladesh and Sri Lanka do not have specific legislations abolishing forced labour. The Labour Act (2006) and Penal Code provisions are applicable for Bangladesh. Its earlier anti-human trafficking legislation was enacted in 1993, which stands repealed and replaced with the 2012 anti-trafficking legislation. Sri Lanka's Constitution does not mention forced labour, child labour, trafficking, among other forms of modern slavery. Its legislations related to plantation workers (*pertaining to discussion on forced labour in study*), is more than 130 years old and requires revision to factor in the current situation. Sri Lanka's Penal Code was amended in 2006 to include the provisions prohibiting debt-bondage, serfdom; forced or compulsory labour.

187 1950 Order; Constitution (Scheduled Castes) Order (Aug. 10, 1950)

188 Eleventh periodic report of Bangladesh submitted to ICERD (CERD/C/379/Add.1)

189 Nepal's new Constitution was enacted in 2015. Prior to the new 2015 Constitution in Nepal, the 1990 Constitution prevailed.

■ **Anti-conversion legislations in violation of Constitutional provisions:** Anti conversion laws violate the constitutional provision of freedom to profess, practice and propagate religion. **Freedom of Religion and Anti-conversions laws are relevant to understanding the forced labour situation since religion is conflated with caste status and its resultant discrimination, particularly in India and Pakistan.** In *India*, eight states¹⁹⁰ have enacted anti-conversion laws that make the religious conversion by force or allurements a punishable offence. While all these states have banned religious conversions, three states (Himachal Pradesh, Uttarakhand and Uttar Pradesh) place a ban on conversion through marriage.¹⁹¹

Nepal's new constitution prohibits a person from converting someone else's religion. Article 26 ensures freedom to profess, practice and protect religion but further stipulates under Article 26(3) that no one shall convert a person from one religion to another. Article 4(1) also specifies 'protection of religion and culture handed down from time immemorial', *implying the protection of the dominant Hindu religion.*

LEGISLATIVE FRAMEWORK BY SOUTH ASIAN COUNTRIES TO ELIMINATE MODERN SLAVERY AND SLAVERY-LIKE PRACTICES

In recent years, the South Asian governments have amended and enacted several legislations to address various forms of forced labour. Few legislations are in the process of approvals. The absolute numbers of forced labour is huge, particularly in India and Pakistan. There is an urgent need for all governments to ensure the implementation of existing legislations. The governments also need to invest in preventive measures and enact new legislation and policies as needed.

Specific Legislation for the protection of Dalits in the country

Only **India and Nepal**, among the other South Asian countries, have enacted anti-discrimination legislation, which specifically prevents the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes. The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, as amended in 2015 and 2018 (SC/ST PoA Act), provides a slew of instances of atrocities against SC/ST members by non-SC and ST members. *Atrocities concerning modern slavery include compelling the SC/ST persons to (3h) perform begar (unpaid labour) or other forms of forced or bonded*

labour¹⁹²; (3i) dispose or carry human or animal carcasses, or to dig graves; (3j) to do manual scavenging or employ or permit the employment of such member for such purpose; (3k) performs, or promotes dedicating SC/ST woman to a deity, idol, object of worship, temple, or other religious institution as a devadasi or any other similar practice; (3(w)(i)) intentionally touches SC/ST woman, sexually and without the woman's consent; (3(w)(ii)) uses words, acts or gestures of a sexual nature towards SC/ST woman knowing that she is SC/ST.

Nepal's Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2068 (2011) prohibits untouchability and discrimination as well as abetment of such offences on the grounds of custom, tradition, religion, culture, rituals, origin, caste, race, descent, community, occupation or business or physical condition (section 3).

Pakistan does not have any anti-discrimination legislation for the protection of religious minorities or marginalised groups including, Dalits and Tribals etc.

Bangladesh and Sri Lanka do not have any specific anti-discrimination legislation for the protection of the rights of Dalits (DWD communities).

Specific Legislations for abolishing Bonded Labour

India, Pakistan and Nepal, have specific legislation for abolishing Bonded Labour system. The Bonded Labour System (Abolition) Act in 1976 of India (BLSA); the recent Provincial-specific Acts of Pakistan¹⁹³; The Bonded Labour (Prohibition) Act, 2058 (2002) of Nepal, abolish the bonded labour system. Upon its commencement, the legislation freed all bonded labourers from any outstanding obligation to render services, declared all customary **obligations** and **agreements**/presumed agreement for bonded labour as **void** and **prohibited** any further **employment** of labourers under the bonded labour system.

All legislations recognise the relationship as a debtor-creditor relationship, wherein bonded labourer/family members render service for free or nominal pay or labour in lieu of advances taken or some other obligatory reasons. The legislations also consider the loss of freedom to move freely, search for alternate employment, and sell/appropriate property or produce at market value. The Indian, Pakistani, and Nepali legislations also provide for Rehabilitation and Monitoring Committees.

190 Odisha (1967), Madhya Pradesh (1968), Arunachal Pradesh (1978), Chhattisgarh (2000 and 2006), Gujarat (2003), Himachal Pradesh (2006 and 2019), Jharkhand (2017), and Uttarakhand (2018).

191 India Today 2020

192 other than any compulsory service for public purposes imposed by the Government.

193 (including the Punjab Bonded Labour System (Abolition) (Amendment) Act 2012, applicable for Punjab province; Sindh Bonded Labour System (Abolition) Act, 2015, applicable for Sindh province; and Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act, 2015 applicable for KPK

India additionally considers the aspect of ‘being born in a particular caste or community’. The Indian legislation also lists certain traditional bonded labour systems¹⁹⁴, which serves to highlight the illegitimacy of the particular practice. In addition, state notifications have also prohibited certain bonded labour systems like the *Jeetam* system prohibited by Karnataka (India) state by government notification.

In **Pakistan**, in addition to the central legislation abolishing bonded labour system, there are other provincial laws in aid of agricultural peasants that also apply to agricultural bonded labourers. The Sindh Tenancy Act, 1950 (STA, 1950) regulates the relationship between *zamindar* (landlord) and *hari* (sharecropper/tenant). It establishes the rights and obligations of each party, delineating the cost share of each party in the tenancy arrangement. The newly enacted Sindh Women Agriculture Workers Act (SWAWA) in 2019 recognises women’s labour in the agricultural sector, including farming, livestock, fisheries and related activities. It recognises the rights of women workers in terms of equal pay as men for the same work, the right to unionize, have a written contract, and receive social security and welfare benefits.

In addition to specific legislation prohibiting bonded labour, Nepal has abolished the particular forms of bonded labour, namely the Kamaiya system in 2000, the Kamlari system in 2006 and the Haliya system in 2008. This emancipation is through a government notification. The legislation lists out bonded labour system that it abolishes, including the ‘*Bhaisawar, Gaiwar, Bardikar, Chhekarwar, Haruwa, Charuwa, Hali, Gothlo kamalariya or by any other similar name*’. The Labour Act, 2017 (2074), in addition to the specific Act, prohibits the employment of forced labourers, either directly or indirectly, including children. The Act also prohibits caste-based discrimination.

Bangladesh and **Sri Lanka** do not have specific legislations that abolish bonded labour. The Penal Codes however prohibit forced labour and bonded labour.

In **Bangladesh**, the Bangladesh Penal Code 1860, under section 374, penalises unlawfully compelling a person to labour against the will of that person, with imprisonment of up to one year, or with a fine, or with both. The Prevention and Suppression of Human Trafficking Act, 2012, under section 9, penalises offences

of forced labour and debt-bondage with imprisonment ranging from five years-12 years and a fine of 50,000 Bangladeshi rupees.

Sri Lanka’s Penal Code under (section 358A(1)) penalises a person for subjecting someone to debt-bondage, serfdom; forced or compulsory labour, subjects or causes someone to slavery; engages a child for armed conflict. The penalty prescribed for the offence under Section 358A(2) is imprisonment for a term not exceeding 20 years and a fine. If the victim is a child or is engaged in armed conflict, the imprisonment is for a term not exceeding 30 years and a fine. It does not have a specific legislation that abolishes bonded labour.

Despite the specific legislations in the countries, there are significant gaps and challenges in its implementation. More efforts are needed for the complete and effective rehabilitation of released bonded labourers and others who may still be subjected to various forms of forced labour practices.

In **India**, there is a consistent failure to implement the Bonded Labour System (Abolition) Act, 1976. The district officials and the police regularly refuse to recognize bonded labour cases and fail to take appropriate action to release workers and prosecute offenders.¹⁹⁵ According to the Ministry of Labour and Employment of the Government of India, the shortcomings of the bonded labour rehabilitation scheme formed the basis for the scheme’s revision in 2016. Lack of monitoring, inadequate mechanism for monitoring court cases and benefits, inadequate rehabilitation package, and awareness made the rehabilitation scheme ineffective.¹⁹⁶

In **Pakistan**, there has been little action to implement the Sindh Bonded Labour System (Abolition) Act, 2015, since its enactment in 2015. District Vigilance Committees (DVCs) have been formed only in seven of the 29 districts, contrary to the provision of the Act¹⁹⁷. Owing to lack of alternative employment or housing, the released labourers were reported to have returned to brick kilns or farms and assumed more debt. Police did not initiate criminal investigations despite rescue of bonded labourers. Traffickers escaped stringent sentences owing to the booking of crime only under labour laws and not under other applicable legislation. The rate of prosecutions and fines for non-compliance with labour laws decreased significantly in Punjab province in 2020.¹⁹⁸

194 Adiyamar, Baramasia, Basahya, Bethu, Bhagela, Cherumar, Garru-galu, Hali, Hari, Harwai, Holya, Jana, Jeetha, Kamiya, Khundit-Mundit, Kuthia, Lakhari, Munjhi, Mat, Munish system, Nit-Majoor, Paleru, Padiyal, Pannayilal, Sagri, Sanji, Sanjawat, Sewak, Sewakia, Seri, Vetti (The Bonded Labour System (Abolition) Act, 1976)

194 Adiyamar, Baramasia, Basahya, Bethu, Bhagela, Cherumar, Garru-galu, Hali, Hari, Harwai, Holya, Jana, Jeetha, Kamiya, Khundit-Mundit, Kuthia, Lakhari, Munjhi, Mat, Munish system, Nit-Majoor, Paleru, Padiyal, Pannayilal, Sagri, Sanji, Sanjawat, Sewak, Sewakia, Seri, Vetti (The Bonded Labour System (Abolition) Act, 1976)

195 ITUC 2018 Submission to C-29, Published 108th ILC session (2019)

196 BL Rehabilitation Scheme 2016, MOLE

197 HWA 2019

198 TIP 2021

Specific Legislations for Abolishing Manual Scavenging

India has specific legislation prohibiting manual scavenging, enacted in 1993, and amended in 2013. The late enactments also indicate the lack of seriousness on the part of governments to recognise manual scavenging as a dehumanising practice. The Indian Act includes the prohibition of both construction and use of dry toilets and manual scavenging.

There are no laws in Bangladesh, Nepal, Pakistan and Sri Lanka prohibiting manual scavenging.

Specific Legislations for Combatting Trafficking of persons

All countries have enacted anti-trafficking legislation.

In **Bangladesh**, the **Prevention and Suppression of Human Trafficking Act, 2012** prohibits the trafficking of persons for sexual exploitation, oppression, labour exploitation, or any other form of exploitation, using force, threats, deception, abuse of vulnerability of the victim and through an exchange of money. The provisions of the Act also applies to all persons outside Bangladesh if committed against Bangladeshi citizens (section 4(5)). The Act under section 6(2) imposes a penalty ranging from five years to life imprisonment and fine not less than 50,000 Bangladeshi rupees. The Act under section 9 penalises offences of forced labour and debt-bondage with imprisonment ranging from five years-12 years and a fine of 50,000 Bangladeshi rupees. The Act also penalises importing or transferring for prostitution or any other sexual exploitation or oppression (section 11), keeping a brothel or allowing a place to be used as a brothel (section 12) and soliciting for prostitution (section 13). The Act does not have any provisions targeting local fraudulent recruiters. As a result, they charge exorbitant recruitment fees, which may be as high as a year's salary. These agencies also illegally charge additional costs to the migrating workers' bills. As a result, the workers have to borrow money from family and friends to pay these expenses, and they arrive in the receiving country enormously indebted, practically forced to work as debt-bonded labour.¹⁹⁹

The **Bangladesh Penal Code** under sections 372 and 373, as mentioned earlier, is also applicable.

Additionally, the **Oppression of Women and Children (Special Enactment) Act, 1995**, under section 8, imposes a penalty for trafficking of women for purposes of prostitution with life imprisonment and fine. The Act under section 9 imposes a penalty for the abduction of a woman for purposes of prostitution, any other unlawful or immoral activity, forced marriage, or forced or seduced

or allured to sexual intercourse. The Act under section 12 penalises for trafficking of children with death penalty or life imprisonment.

The government has made limited efforts in victim identification and referral. However, the police authority has developed a criminal database that is based on integrated software with information about crimes, prosecution, and criminals.²⁰⁰

In **India**, the Immoral Traffic (Prevention) Act, 1956 (amended 1986) (ITPA), and specific Indian Penal Code (IPC) sections prohibit human trafficking. While ITPA focuses on prohibiting human trafficking for purposes of sexual exploitation, the amended IPC sections include the prohibition of trafficking for purposes of sexual exploitation, slavery or practices similar to slavery, servitude and forced removal of organs. The Bonded Labour System (Abolition) Act, 1976 and Juvenile Justice (Care and Protection of Children) Act, 2015 include prohibition for sale and procurement of persons for labour and children, respectively, among other relevant legislation.

The relevant IPC sections have varying results since it is used more for sex and child trafficking and less for bonded labour cases. The labour trafficking cases use the BLSA provisions and are generally not booked as trafficking crimes. The Anti Human Trafficking units, which are supposed to be established as per provisions of Immoral Traffic (Prevention) Act 1956 (ITPA), are not set up in all districts as required, and only 27 per cent of 332 Anti Human Trafficking Units (AHTU) (half of what is supposed to be established) are functional²⁰¹. SOPs on trafficking victim identification and repatriation is not finalised²⁰².

The draft anti-trafficking bill 2021 that awaits Cabinet approval fails to harmonise all existing acts that address the trafficking of persons for various purposes. The provisions and definitions in the draft bill already exist across various specific legislations.

Pakistan recently enacted two relevant laws addressing human trafficking and smuggling in 2018. These new legislations, **Prevention of Trafficking in Persons Act, 2018** and Prevention of Smuggling of Migrants Act, 2018, recognise and distinguish between human trafficking and smuggling, thus addressing the needs of smuggled migrants, respectively. Until 2018, human trafficking crimes were dealt with under the **Prevention and Control of Human Trafficking Ordinance, 2002**. The new legislations have a strong gender focus since they are victim-centric and decriminalises the victims, and includes internal

199 Nagorik Udyog-BDERM Bangladesh Report

200 Nagorik Udyog-BDERM Bangladesh Report

201 Sanjog-Tafteesh 2019

202 TIP 2021

trafficking²⁰³. According to UNODC 2018, the laws align with international standards and are based on United Nations model laws on Trafficking in Persons (TIP) and Smuggling of Migrants (SOM).

In **Nepal**, the Human Trafficking and Transportation (Control) Act, 2008 (2064) criminalises acts of human trafficking through buying and selling of persons for prostitution, organ trade and ‘any purpose’. The legislation is not specific about other forms of human trafficking, including internal and external forced labour, trafficking of children including sex trafficking, and other forms. The law and relevant rules are not comprehensive and do not comply with the international standard set by the Palermo Protocol 2000. The legislations have not undergone timely revisions and have not been able to address the situation holistically. The provisions in the law do not encompass the measures of prevention, mitigation of possible risks, and protection of human rights and dignity of the affected persons and survivors.

Sri Lanka’s Penal Code criminalises the trafficking of persons, including children. Sections 360C(1a) criminalises buying, selling, facilitating such buying and selling of persons; 360(1b) criminalises trafficking to secure forced or compulsory labour or services, slavery, servitude, the removal of organs, prostitution or other forms of sexual exploitation or any other act which constitutes an offence under any law. Section 360(1c) and s360(1d) criminalise the same act against children.

Despite the policies and international compliances, trafficking is highly prevalent in and out of the five countries, indicating the weak enforcement of legislations.

Legislations related to child labour and worst forms of child labour

The countries have varying definitions of child labour, and within countries themselves, the legislations have varying ‘age criteria’ for child labour, age of hazardous child labour and age for marriage. Nepal, India and Pakistan’s definitions are not in keeping with the international convention on child rights. In general, the legislations related to forced and exploitative labour of children include for :

- a. child labour and worst forms of child labour
- b. child trafficking for various purposes
- c. child sexual abuse, including commercial sexual exploitation, and
- d. prohibition of child marriage.

Below, we discuss legislations related to child labour in the South Asian countries studied.

203 DFID, DAI 2019

204 Bangladesh 2013 Hazardous Work List

In **Bangladesh**, the **Bangladesh Labour Act 2006**, under section 34, prohibits child labour under 14 years. A certificate of fitness is required for working adolescents (section(34b)). The Act under section 44 allows children above 12 years to perform light work for a few hours a day, provided it does not interfere with their education and health. The Act under section 79(b) further prohibits or restricts the employment of women, adolescents or children in ‘dangerous’ operations. A government order issued on 13 March 2013 identifies 38 processes/activities hazardous for children.²⁰⁴ The Act under section 35 prohibits parents/guardians to make an agreement for their child’s employment in contravention to the provisions of the Act.

The Children’s Act 2013 (Act No. 24 of 2013) defines the legal age of a child as anyone under the age of 18 years. It penalises offences of cruelty inflicted on children (section 70), for employing children in begging (section 71), giving intoxicating/ dangerous drugs to a child (section 73), allowing a child to be in a brothel (section 77), seducing a child (section 78). The Act under section 80 penalises exploitation, confinement or living off the earnings of children when such child is employed in domestic household services or employed under Bangladesh Labour Act, 2006. Guardians and persons keeping the child in such employment is liable to imprisonment up to two years or a fine up to 50,000 Bangladeshi rupees.

The age of a child varies between the two primary Acts. While Bangladesh Labour Act, 2006 defines a child as 14 years (section 2, Lxiii), the Children’s Act 2013 defines a child as 18 years (section 4).

The Penal Code of Bangladesh under sections 372 and 373 criminalises selling, hiring, disposing of, buying or obtaining possession of any person under the age of 18 years with intent or knowledge that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose. The punishment for the offence may extend to 10 years and be liable to a fine.

In **India**, the recently enacted Child Labour (Prohibition and Regulation) Amendment Act, 2016 (CLPRA 2016), has two age criteria for child labour. Child labour for children below 14 years is completely prohibited, in any occupation or profession, whether hazardous or not, except in non-hazardous family enterprise and in the audio-visual entertainment industry (with stipulations). However, the Act allows adolescent labour, i.e., children above 14 years but below 18 years are allowed to work in non-hazardous occupations and professions. However, CLPRA 2016 is silent on trafficking, though labour trafficking, including children, is one of the largest reasons for trafficking. Considering that most child labour

activities happen in economically weaker sections of the society, which is highly unregulated, the permission for adolescents to work in non-hazardous family enterprises makes monitoring a challenge²⁰⁵. Some of the occupations and processes mentioned in the non-hazardous list for adolescents are, in fact, hazardous.

In **Pakistan**, the provinces have specific legislation focusing on eliminating child labour. The Punjab Restriction on Employment of Children Ordinance, 2016, applicable in the Punjab province, protects children and adolescents against any form of slavery or practices such as their sale and trafficking, debt bondage, forced or compulsory labour. The Punjab Prohibition of Child Labour at Brick Kilns Act, 2016 prohibits and penalizes child labour in the brick kiln sector.

In KPK province, the KP Prohibition of Employment of Children Act, 2015 and Khyber Pakhtunkhwa Child Labour Policy 2018 prohibits the employment of children below 14 years in hazardous work and below 12 years in any form of employment other than 'light work' alongside family.

The Sindh Prohibition of Employment of Children Act, 2017 applicable in the Sindh province, bans engagement of children below 14 years. The Islamabad government has outlawed child domestic labour by adding it to the list of occupations defined as hazardous work under the 1991 Employment of Children Act. The Balochistan government has banned the employment of children younger than the age of 15 in coal mines²⁰⁶.

Despite the policies and international compliances, the enforcement of child labour legislations are weak. (The four provinces of Punjab, Sindh, KPK and Balochistan are conducting child labour survey along with UNICEF²⁰⁷.) The reasons include lack of capacities of labour inspectorate in terms of their training and resources, minor penalties in legislations and corruption. Child labour has increased even in the formal sector due to the abolition of the labour inspection system, the imposition of restrictions on inspections and due to the inspections being conditioned on the employer's permission²⁰⁸.

In **Nepal**, sections 3 and 4 of the Child Labour (Prohibition and Regulation) Act, 2000, prohibit the employment of children who have not completed 14 years of age in any employment/labour. The legislation does not protect children above 17 from hazardous work, making it inconsistent with international mechanisms Child Rights Convention and Minimum Age Convention, which

specifies minimum age as 18 years. The list of hazardous work does not include all hazardous forms, such as brick kiln work. The anti-trafficking legislation does not explicitly mention child pornography and sex trafficking. It does not prohibit children above 17 years from being used in illicit drug cultivation and trafficking. There is no penalty for recruiting children by non-state armed groups, though the act is prohibited. Inadequate staffing and training of Labour officials at the Department of Labour hamper the inspection of child labour law violations. The compensation provided in legislation is not adequate as a deterrence. The National Master Plan (NMP)-II on Child Labour (2018 – 2028) though a positive initiative, but in the absence of child labour data disaggregated by age/caste/religion/class, the reach of policies for the relevant audience will be challenging.

Sri Lanka's The Hazardous Occupations Regulations 2010 includes a new Section 20A prohibiting the employment of children under eighteen years of age in hazardous occupations. This regulation lists the 51 categories of work for which children may not be employed. The Labour Ministry has recently proposed to raise the minimum age for employment to 18 years to stop the exploitation of children.²⁰⁹ It is also in the process of expanding the list of jobs considered to be hazardous to children between 16 and 18. (The list is to be increased from 51 to 76 hazardous jobs for children.²¹⁰)

Sri Lanka has recently amended The Employment of Women, Young Persons and Children Act, No. 2 of 2021, which prohibits employment of children under 16 years of age. The earlier amended Employment of Women, Young Persons and Children Act No. 47 of 1956 had prohibited children up to 14 years of age from working.²¹¹ The Penal Code of Sri Lanka provides a slew of provisions for the protection of children against soliciting for prostitution (360E), sexual offences (s288A(1), 286A, 286B, 286C), trafficking (288B(1), 360D), procuring for begging (s288(1)).

Child Labour continues to exist in all countries (albeit with lesser prevalence in Sri Lanka), despite the national policies and international compliances. This indicates the weak enforcement of child labour legislations, including lack of training and resources, minor penalties in legislations and corruption, etc.

Legislations related to Sex trade or Prostitution

Legislations related to sex trade or sex work or prostitution vary across the five South Asian countries.

205 Singhania 2017

206 TIP 2021

207 ILO 138 Observation for Pakistan, 2021; PBS, GoP 2021

208 The Pakistan Workers Federation (PWF) in its submission to C182 in October 2017

209 The Week 2021

210 The Week 2021

211 Amendment Act 2021 and The Sunday Morning 2021

Prostitution is legal in Bangladesh, in terms of legal buying and selling of sex, but criminalisation of associated activities; India does not abolish prostitution per se and prostitution is criminalised in Nepal, Pakistan and Sri Lanka.

In **Bangladesh**, Selling and buying of sex is legal but associated activities are criminalised. A woman is permitted to sell sex upon registering as a sex worker, which requires payment of a fee and swearing an affidavit stating her inability to find any alternate employment and is exercising free choice. This registration confers no social, economic, civil or political rights or access to health services.²¹² The study could not find the registration procedure and terms and conditions directly from government records. The associated activities of prostitution that are criminalised under the Prevention and Suppression of Human Trafficking Act, 2012 include – keeping a brothel or allowing a place to be used as a brothel (section 12) and soliciting for prostitution (section 13). The Penal Code of Bangladesh under sections 372 and 373 criminalises prostitution of children under 18 years with imprisonment extending to 10 years and fine. Trafficking for prostitution is prohibited under all the mentioned legislations.

India does not prohibit prostitution or sex work per se when it is practiced individually, independently and voluntarily by a woman. Indian law, however, prohibits and penalises the individual practicing prostitution if it is practiced in the vicinity of public places (section 7) or results from seducing or soliciting for prostitution (section 8). The Indian law prohibits and penalises other persons gaining out of prostitution, ie. brothel owners (section 3), living off earnings (section 4, with stipulations), customers (section 5), procuring, inducing or taking a person for prostitution with or without the person's consent for prostitution (section 5), detaining a person in premises where prostitution is carried out (section 6), prostitution in the vicinity of public places (section 7) and seduction of a person in custody (section 9). The Act defines child as a person who has not completed the age of 16 years.

Pakistan – Prostitution is illegal in Pakistan through its Constitutional provision and legislations. **Article 37(g)** of the Constitution provides that for the promotion of social justice and eradication of social evils, the state shall prevent **prostitution**, along with other activities of gambling, substance abuse, production and circulation of obscene literature and advertisements. The legislations that criminalise and prohibit commercial sex work and sex workers and other facilitators are through the application of – (1) Hudood Ordinance 1979, which is applicable for the whole of Pakistan and imposes severe punishment as per the Holy Quran and Sunnah. The offence of “Zina” criminalises wilful sexual intercourse

between a man and woman who are not married to each other. With the condition of marriage for sex, this offence therefore also applies to sex work/prostitution and commercial sex workers in the entire country (2) Prostitution Ordinance 1961, which is applicable for Punjab province (3) Section 377 under Pakistan Penal Code that prohibits same-sex relations and (4) Sections 371A and 371B of the Pakistan Penal Code that prescribes punishments for selling and buying persons for prostitution or immoral purposes.

Nepal criminalises prostitution as an offence of human trafficking under the Human Trafficking and Transportation (Control) Act, 2064 (2008). The anti-trafficking legislation is not victim-centric since it penalises the victim who is trafficked for prostitution. Like the other accused, the victim is by law also required to provide proof of her innocence (section 9). The Act needs a perspective review to redefine prostitution as a result of exploitation and not just trafficking. The Act conflates trafficking and prostitution, but in its failure to mention child trafficking, it remains silent about forced prostitution of children. However, the offences against children pertaining to pornography, commercial sexual exploitation and prostitution, sexual exploitation and abuse are covered under section 66(3) of the Act Related to Children, 2018.

In **Sri Lanka**, prostitution or commercial sex work is illegal through two legislations, the Vagrants Ordinance, 1842 and Brothels Ordinance, 1889. The Penal provision of section 360C(1b) criminalises trafficking for prostitution (mentioned in the anti-trafficking legislation section).

Legislations related to Ritualistic Sexual Slavery

The practice of *Devadasi* is outlawed in **India**, where girls/women are dedicated to idol/deity of worship, which ultimately results in their sexual exploitation. There is no central legislation in India, but the states (including Andhra Pradesh, Karnataka, Tamil Nadu and Maharashtra) where the practice is prevalent have their own state laws. The lack of official statistics on the number of Devadasis has led to insufficient rehabilitative government measures. The enforcement of legislation is weak in all four states. The reasons include failure of police to take *suo moto* cognisance of the case, linking the crime with trafficking, child labour, child marriage, sexual abuse etc., failing to invoke other applicable legislations, such as IPC sections, ITPA, JJ Act, Child Marriage Restraint Act, PWDVA etc. The convictions range from nil to almost negligible in these states. Only Andhra Pradesh and Maharashtra have framed the supporting Rules. States have not implemented the recommendations from government-sanctioned studies. The Joint Women Programme, National Commission of Women, found that Devadasi rehabilitation programs do not address the

212 SPL Programme 2021

whole range of problems faced by Devadasis and do not target the intended population.

Legislations related to Forced Marriage

The study discusses Forced Marriage through forced conversions, only from its relation to the risk faced by Dalit girls and women. In so far as this risk for Dalit girls and women are concerned, the study discusses the prevalence in two scenarios, and accordingly, relevant legislations, in these two scenarios.

Scenario One – Forced marriage through Bride Trafficking. These are forced marriage for (a) commercial sexual exploitation and (b) for ‘purchasing wives for marital relation and progeny’ through bride trafficking. Evidence for (a) is found for all five countries, and the offence is covered under anti-trafficking legislations and Penal Code of respective countries. Evidence for (b) has been found in India, and the offence is covered under the specific anti-trafficking legislations and Penal Code of India.

Scenario Two – Evidence of forced marriage for the forced conversion of Dalit girls and women in Pakistan has been covered in the country report, and relevant legislation is discussed here.

Legislations on forced marriage for forced conversion are from (a) women’s rights lenses (b) age criteria, covered under child marriage restraint acts.

In **Pakistan**, The **Pakistan Penal Code, 1860** prohibits forced marriage under Chapter XX-A, Offences against Women, Section 498-B and makes it an offence, punishable with imprisonment from three to seven years and liable to fine. The **Sindh Hindu Marriage Act, 2016**, applies to Hindus living in Sindh province. It provides for marriage registration under the Act, and fixes the minimum marriageable age for both males and females as 18 years. The **Hindu Marriages Act, 2017** applies to Hindus living in ICT, Balochistan, KPK and Punjab Provinces. It provides for official registration of Hindu marriages. However, these laws do not apply for inter-province marriages, nor does any other law exist that allows for inter-province marriage registrations. The registration of Hindu marriages is a progressive step, particularly given the risk of Hindu women and girls being accused of adultery through the *Zina* judgments. However, this law authorizes the unilateral right to divorce by one of the parties in case of conversion of the other party. This clause is problematic since it impacts an individual’s marital position and poses a risk for women in terms of forced conversions, annulment of marriages and also in legitimizing abduction and forced marriages²¹³.

Pakistan’s Sindh and Punjab provinces have recently enacted their own legislation prohibiting child marriage, whereas the other provinces and territories continue to follow the colonial 1929 Child Marriage Restraint Act. The

Child Marriage Restraint Act, 1929 is applicable in Balochistan, KPK and Islamabad Capital Territory (ICT) and prohibits marriage of females under 16 and males under 18. The Act makes it a punishable offence for adult males contracting marriage with a child, person solemnizing marriage and parent or guardian who do not prevent the marriage, with a minor and un-detering sentence of one month and a fine of Rs. 1000, or both. Amendment to the Child Marriage Restraint Act, 1929, for standardising minimum legal age for marriage as 18, is declared un-Islamic by the Council of Islamic Ideology. The provincial child marriage restraint Acts include – The **Sindh Marriages Restraint Act, 2013**, which applies to Sindh province. The Act has fixed the minimum marriageable age of both females and males as 18 years, making the offence of child marriage cognizable, non-bailable, and non-compoundable. The **Punjab Marriages Restraint (Amendment) Act, 2015** applies to Punjab province and has fixed the minimum marriageable age as 16 years for females and 18 years for males.

Child marriages remain a problematic area to legislate in Pakistan. There is no uniformity in the minimum marriageable age of females across all provincial acts and Islamic law. Under **Islamic law, the age of maturity is puberty**, while the minimum marriageable age varies as 16 and 18 in the federal and provincial legislations. The Child Restraint Act of 1929 penalizes those involved in different aspects of child marriages, including parents and husband etc. However, **it fails to declare the marriages null**, allowing them to continue with minimal, outdated punishment. Access to justice for girls and women subjected to forced marriage through forced conversions offers a massive challenge due to the influence of patriarchal prejudices and religious sanctions in Pakistan. In practice, Islamic law prevails over women’s rights and child rights.

The study does not comment on the need for an anti-conversion law. It recognises the distinction between forced faith conversion and voluntary faith conversion, the agency of women and their freedom of choice for a marriage partner, and other factors. The study, however, also recognises the violence and intimidation surrounding the protection of religion and the danger it poses for women and girls.

For all countries where applicable, an **analysis of case laws** is required to study the application of anti-trafficking laws, relevant Penal Code provisions, marriage laws and child marriage restraint Acts to determine how the judiciary interprets forced marriage of all forms.

Specific schemes for rehabilitation of different forms of Forced Labour

India has rehabilitation schemes for bonded labourers (Central sector scheme for rehabilitation of bonded

213 IDSN in its submission to HRC, 2018

labourers); manual scavengers (Self-Employment Scheme for the Rehabilitation of Manual Scavengers (SRMS)); trafficked survivors of commercial sexual exploitation (Ujjwala scheme); former Devadasis (state-specific schemes); and various schemes for mainstreaming child labourers (Sarva Shiksha Abhiyan, universal compulsory education etc.). All these schemes provide one-time cash support at the time of rescue and release, training and support for entrepreneurship development, support for entrepreneurship for livelihood, among other provisions.

India's bonded labour rehabilitation scheme also provides funds for conducting district level surveys. The government-sanctioned evaluation survey indicates that bonded labour rehabilitation schemes lack regular monitoring, lack of a mechanism to monitor court cases, inadequate rehabilitation packages, etc.

In **Nepal**, the rehabilitation package for freed bonded labourers is inadequate, and many Haliya families from the far-western region have not benefitted from the rehabilitation. They are at risk of returning to bondage for survival. Moreover, the rehabilitation package should include more work-skills training and education so that the freed bonded labourers can access decent work opportunities.

Missing Legislations

None of the countries have any specific legislation for the protection of domestic workers. The Islamabad government, Pakistan, has outlawed child domestic labour by adding it to the list of occupations defined as hazardous work under the 1991 Employment of Children Act²¹⁴. In its 2017 Labour Act, Nepal has included domestic workers in its purview (section 88) by providing for government to fix minimum wages and leave etc. However, despite this progressive inclusion, in the absence of clear mechanisms for registration of domestic

workers in Nepal, implementation of this provision will be challenging.

Sri Lanka included 'domestic worker' in the definition of a 'worker' in the Industrial Disputes Act and the Employees' Provident Fund and Employees' Trust Fund Act, thus recognizing 'domestic workers' as a 'worker' category in 2018. The government is in the process of enacting a specific legislation to protect the rights of domestic workers on 6 March 2018²¹⁵.

For all countries, the nature of domestic work in private households does not fit under the general understanding of the employer-employee relationship, which governs most of the labour laws and keeps the domestic workers out of the ambit of existing labour laws. The Domestic Workers Convention, 2011 (No. 189), which provides for the protection of rights of domestic workers, is not ratified by any of the South Asian countries. Since women are the most affected population in domestic work, the continued absence of ratification and national legislations shows the gender-insensitive and apathetic attitude of all the governments.

Absence of minimum wage standards

India has no national minimum wage standard, and the prescribed minimum wages vary from state to state. In Nepal, the government in May 2021 fixed a national minimum remuneration, applicable to all sectors, except tea estate. In addition to the minimum payment, the employees are also entitled to provident funds, gratuity and other benefits under Labour Act and other prevailing laws²¹⁶. However, the national minimum wages have a fixed slab across all types of labour (other than for tea estate workers). This provision is under the Labour Act, 2017, section 106, which provides for fixing a minimum remuneration, applicable either for the whole of Nepal or sector-specific, and revised every two years (section 107(2)).

214 TIP 2021

215 ILO-Domestic Workers 2020

216 MOLESS 2021

INTERNATIONAL RESPONSE MECHANISMS

International Human Rights Mechanisms and Standards to Eliminate all Forms of Forced Labour in South Asia, constituting Modern Slavery and Slavery like Practices

ALL the five South Asian countries are party to the core international human rights treaty bodies and their supplementary optional protocols that are relevant for eliminating all forms of forced labour constituting modern slavery and slavery like practices among the Dalits of the country. The countries are also party to fundamental ILO conventions on Forced Labour and Child Labour. Together, these instruments and standards provide the basis for national legislations and international observations facilitating the countries' commitment for eliminating all forms of modern slavery among the Dalits, along with other affected persons. All five countries are yet to ratify relevant convention on the

protection of migrant workers and their families, and some relevant optional protocols and standards on eliminating forced and bonded labour.

UN HUMAN RIGHTS MECHANISMS AND OBSERVATIONS ON ALL FORMS OF FORCED LABOUR IN SOUTH ASIA

The practice of Modern Slavery in the five countries through various forms of forced labour violates the following International Human Rights Conventions where the countries are a party to, and as such are legally bound to comply with the terms of international human rights laws. They are:

Treaties/ UN Human Rights Mechanisms	Bangladesh	India	Nepal	Pakistan	Sri Lanka
Convention on Elimination of Racial Discrimination 1965 (CERD)	Accession (1979)	Ratified (1968)	Accession (1971)	Ratified (1966)	Accession 1982
Covenant on Civil and Political Rights 1966 (CCPR)	Accession ²¹⁷ (2000)	Accession (1979)	Accession (1991)	Ratified (2010)	Ratified 1980
Covenant on Economic, Social and Cultural Rights (CESR) 1966	Accession (1998)	Accession (1979)	Accession (1991)	Ratified (2008)	Accession 1980
Convention on the Elimination of all Forms of Discrimination Against Women 1979 (CEDAW)	Accession (1984)	Ratified (1993)	Ratified (1991)	Accession (1996)	Ratified 1981
Convention on the Rights of the Child 1990 (CRC)	Ratified (1990)	Accession (1992)	Ratified (1990)	Ratified (1990)	Ratified (1991)
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Ratified (2011)	Not Signed/ Not Ratified	Not Signed/ Not Ratified	Not Signed/ Not Ratified	Ratified (1996)
Relevant Protocols/ Optional Protocols					
Optional Protocol to the International Covenant on Civil and Political Rights	Not Signed/ Not Ratified	Not Signed/ Not Ratified	Ratified (1991)	Not Signed/ Not Ratified	Ratified (1997)
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	Not Signed/ Not Ratified	Not Signed/ Not Ratified	Not Signed/ Not Ratified	Not Signed/ Not Ratified	Not Signed/ Not Ratified
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	Ratified (2000)	Not Signed/ Not Ratified	Ratified (2007)	Not Signed/ Not Ratified	Ratified (2002)

²¹⁷ "Accession" is the act whereby a state accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other states. It has the same legal effect as ratification. Accession usually occurs after the treaty has entered into force (https://treaties.un.org/pages/overview.aspx?path=overview/glossary/page1_en.xml)

Treaties/ UN Human Rights Mechanisms	Bangladesh	India	Nepal	Pakistan	Sri Lanka
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Ratified (2000)	Ratified (2005)	Ratified (2006)	Ratified (2016)	Ratified (2000)
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	Ratified (2000)	Ratified (2005)	Ratified (2006)	Ratified (2011)	Ratified (2006)
UN Convention against Transnational Organized Crime 2000	Accession (2011)	Ratified (2011)	Ratified (2011)	Ratified (2010)	Ratified (2006)
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000 ("Palermo Protocol").	Accession (2019)	Ratified (2011)	Accession (2020)	Not Ratified	Ratified (2015)
Convention on Slavery 1926	Signed (1985)	Signed (1954)	Accession (1963)	Accession (1955)	Accession (1958)
Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery Trade, 1956	Accession (1985)	Ratified (1960)	Accession (1963)	Accession (1958)	Ratified (1958)

The UN Treaty Bodies and UN Charter based bodies as well as ILO have made key observations particular to the forced labour situation of Dalits, and for all-affected persons in sectors that engage Dalits in large

numbers. Some of the concerns and recommendations of UN Treaty and Charter Bodies are discussed here. Additionally, the ILO observations are discussed in country chapters.

Committee	Key Concerns	Key Recommendations
CERD	<ul style="list-style-type: none"> - Bangladesh: Racial discrimination is not explicitly and adequately prohibited and penalized in criminal law; Castes falls within the scope of the Convention. - India: DWD is not considered as within the ambit of 'racial discrimination by Indian government; On information related to enforcement of anti-discrimination legislation; On persistence of social norms, harmful practices, de facto untouchability, continued caste based discrimination. - Pakistan: On definition of racial discrimination, anti-discrimination law, absence of Disaggregated statistical data, Persistence of bonded labour practices particularly in the brick kiln and textile industries and among the scheduled castes, on 	<ul style="list-style-type: none"> ✓ Bangladesh: (1) ensure penalization of acts of racial discrimination, and ensure access to effective protection and remedies through competent national tribunals and State institutions besides the High Court Division of the Supreme Court, in respect of acts of racial discrimination (2) Implement effective measures to guarantee the right to security of person and protection by the State against violence or bodily harm and include in report relevant information about the enjoyment of the rights by all groups, including castes. ✓ India: (1) CERD reaffirms that caste based discrimination falls within the ambit of Convention, general recommendation 29 (2) Provide information on anti-discrimination measures and affirmative action (3) Ensure effective enforcement of legislation, including reporting, investigation and prosecution (4) Undertake preventive measures including trainings, awareness campaigns (5) Provide victim rehabilitation and assistance (6) Restore affirmative benefits to all Dalit converts. ✓ Pakistan: (1) Ensure definition of racial discrimination in domestic legislations in conformity to Convention and improve its understanding and relevance among public officials and general public (2) Adopt a comprehensive anti-discrimination law, which prohibits and criminalizes all acts of racial discrimination aligned with the Convention (3) To conduct a national census including disaggregated information on the ethnic composition of the population and statistical data on their socioeconomic situation

Committee	Key Concerns	Key Recommendations
CERD	<p>reporting of absence of any caste-based discrimination, High incidence of hate crimes and hate speech, Violence against minorities, particularly Ahmadis, Hazaras and Dalits, and their de facto segregation in isolated, Access to justice of scheduled castes and other marginalised groups, Ambiguity regarding NHRC's status and mandate.</p> <p>- Nepal: On enforcement of anti-discrimination legislation; On existence of bonded labour systems despite prohibition; On caste based occupation; Violence against Dalit women</p> <p>- Sri Lanka: On definition of racial discrimination and complaints regarding it; hate speech and enticement; poor human development indicators of Plantation Tamils; on internally displaced persons</p>	<p>(4) Undertake measures to fully implement the Bonded Labour System (Abolition) Act, 1982 and publicize its provisions and remedies (5) To intensify labour inspections into high-risk workplaces (6) Undertake measures to end discrimination against Dalits, particularly in accessing employment and education. Undertake immediate action to end the forced conversion and forced marriage of Christian and Hindu Dalit women and to prosecute and punish the abductors with penalties commensurate with the gravity of the crime (7) Enhance reporting, investigation and prosecution of racist hate speech and hate crimes; reinforce victims' trust in the police and prosecutors (8) End violence against and segregation of Dalits and other minority groups (9) Effectively implement the free legal assistance programmes (10) Strengthen the independence and effectiveness of the Human Rights Commission of Pakistan in compliance the Paris Principles. Allocate adequate resources.</p> <p>✓ Nepal: (1) Amend anti-discrimination legislation, by defining and criminalising all forms of racial discrimination, increasing statute of limitation for filing complaints. Ensure effective enforcement of anti-discrimination legislation through increased reporting, investigation and prosecution of offences under Act. (2) To intensify efforts for preventing trafficking in persons, slavery, sexual exploitation and forced labour, ensure safe migration; pro actively identify victims of slavery; provide disaggregated data on victims (3) To promote occupational mobility of Dalits. (4) Intensify efforts to eradicate violence against Dalit women, through increased awareness campaign, increased reporting and prosecution, end child marriage, increased political participation.</p> <p>✓ Sri Lanka: (1) Ensure that the prohibition of racial discrimination in the Constitution is in line with the Convention and includes direct and indirect discrimination on the basis of all grounds for discrimination (2) Take measures to ensure that existing laws and policies, including customary laws, are in line with the Convention (3) Undertake public education campaigns on the methods for filing complaints on racial discrimination, and hate crimes (4) Strengthen the mandate of National Human Rights Commission and provide it with adequate resources to fulfil its mandate effectively and independently (5) protect the safety and security of ethnic and ethno-religious minorities and their places of worship (6) ensure that its criminal legislation defines racial motivation as an aggravating circumstance; Enforce legislative provisions to prosecute perpetrators of hate speech, incitement to violence and hate crimes to deter further crimes and prevent impunity of perpetrators (7) Develop special measures for the plantation community, and ensure that the affected community is consulted in the development and implementation of plans on matters that concern them (8) Undertake awareness-raising campaigns with the assistance of community leaders in the relevant communities to change attitudes and reject caste</p>

Committee	Key Concerns	Key Recommendations
CCPR	<ul style="list-style-type: none"> - Bangladesh: Persistence of a caste-based system resulting in limited employment and housing opportunities for people from so-called lower castes - India: Severe violations, discrimination against Dalits, high prevalence of child prostitution, trafficking of women and children, harmful practices, despite legislations; ineffective enforcement of legislations. - Pakistan: No Observations - Nepal: No observation - Sri Lanka: On victim protection, compensation and rehabilitation.; Restrictions and conditions placed on the enjoyment of cultural, linguistic and religious freedoms of minorities 	<ul style="list-style-type: none"> ✓ Bangladesh: (1) Ensure that the Anti-discrimination Bill, 2015, protects against direct and indirect discrimination in the public and private sphere based on a comprehensive list of grounds for discrimination, including caste (2) Take measures to end the de facto caste systems and ensure that individuals from so-called 'lower castes' are not relegated to caste-based employment and have equal access to all rights guaranteed under the Covenant, without discrimination. ✓ India: (1) Adopt measures to combat all forms of discrimination against vulnerable groups (2) Repeal IT(P)A application that criminalises CSE victims (3) Protect and rehabilitate trafficked women and children (4) Undertake measures eradicate Devadasi practice (5) To remove all children from hazardous occupations. ✓ Pakistan: No Observations ✓ Nepal: No Observations ✓ Sri Lanka: (1) Ensure effective reporting, investigation and prosecution of trafficking crimes; if convicted, punish those responsible and provide compensation to victims (2) Ensure that all members of ethnic, religious and linguistic minorities enjoy effective protection against discrimination and are able to enjoy their own religion, language and culture
CESR	<ul style="list-style-type: none"> - Bangladesh: Constitution (Art 28) prohibits discrimination on limited grounds; delay in adoption of anti-discrimination legislation; Caste based occupation; Limited access to affordable health-care - India: On discrimination and violence against Dalits, access to justice, ineffective enforcement of labour legislations, On lack of progress in eliminating harmful traditional practices, On trafficking of Dalit women and girls, On poverty among Dalits. - Pakistan: Absence of comprehensive anti-discrimination legislation, caste based discrimination and segregation of Dalits, Prevalence of bonded labour 	<ul style="list-style-type: none"> ✓ Bangladesh: (1) Expedite the adoption of comprehensive anti-discrimination legislation (2) Eliminate discrimination against Dalits in employment and facilitate their employment outside their traditional job categories (3) Improve the availability, affordability and quality of health-care services for all people ✓ India: (1) Strengthen existing legislations, enact comprehensive civil/administrative measures guaranteeing equal treatment and protection against discrimination (2) Strengthen reporting, investigation and prosecution of crimes against Dalits and expand preventive measures (3) Ensure right to decent work and resources for monitoring mechanism (4) Ensure minimum wages across country (5) Ensure social security of informal sector workers (6) Enforce legislations prohibiting harmful practices against women and girls. ✓ Pakistan: (1) Consider revising articles 25, 27 of the Constitution for ensuring that the Constitution prohibits discrimination on all grounds (2) Adopt comprehensive antidiscrimination legislation prohibiting all direct, indirect and multiple forms of discrimination, on any ground (3) Conduct a study on the situation of Dalits, with the

Committee	Key Concerns	Key Recommendations
CESR	<p>despite adoption of the Bonded Labour System (Abolition) Act, 1992, particularly in the brick kiln and agriculture sectors, Forced conversion and forced marriage of non-Muslim women continues to be prevalent practices. Amendment to the Child Marriage Restraint Act, 1929, at high risk of sexual and economic exploitation, particularly those working in agriculture sector, brick kilns, coal mining, and others, Exploitation of landless farmers and small-scale landholders though the feudal tenancy arrangements, despite the land reform efforts</p> <ul style="list-style-type: none"> - Nepal: Multiple discrimination of Dalit women, Resources for monitoring institutions; harmful practices against women; absence of social security for marginalised and poor working conditions; situation of former bonded labourers; Child Labour; Trafficking of persons. - Sri Lanka: No comprehensive anti-discrimination law; Constitution prohibits discrimination but not on all grounds; Discrimination faced by plantation Tamils; Low wages. 	<p>participation of Dalits themselves and relevant experts (4) Take effective measures to eradicate stigma and prejudice against Dalits (5) Tackle the root causes of bonded labour (6) Provide victims of bonded labour with a sustainable means of living; Prohibit the forced conversion of a person from his/her belief without his/her consent (7) Strengthen its legislation prohibiting child labour (8) Adopt all appropriate measures to facilitate the recovery of working children and their access to educational opportunities (9) Strengthen its agrarian reform programme with a view to benefiting landless farmers and small-scale landholders and that it promote their security of tenure and access to land.</p> <ul style="list-style-type: none"> ✓ Nepal: (1) Effective implementation of anti-discrimination legislation, Provision of adequate resources to National Dalit Commission, strict action against perpetrators of violence against Dalit women (2) Effective measure for eradicating harmful practices, awareness campaigns, ensure victim protection and rehabilitation (3) ensure just wages and favourable working conditions and equitable wages, and extend social security to informal sector workers (4) ensure full rehabilitation and reintegration of former bonded labourers (5) ensure effective enforcement of child labour and related legislation, increase public awareness, undertake preventive measures, ensure reintegration of freed bonded labourers (6) Effective enforcement of relevant legislation, increased reporting, investigation and prosecution of trafficking crimes, sensitise civil society on trafficking, develop cooperation with neighbouring countries to prevent cross border trafficking. ✓ Sri Lanka: (1) Adopt a comprehensive anti-discrimination law in accordance with Convention (2) prioritize the implementation of the National Plan of Action for the Social Development of the Plantation Community, in particular, to eradicate poverty, ensuring adequate water and sanitation, health (3) Review the national minimum wage.
CRC	<ul style="list-style-type: none"> - Bangladesh: Discrimination, violence and lack of quality education of Dalit children among others 	<ul style="list-style-type: none"> ✓ Bangladesh: (1) Adopt a comprehensive strategy to eliminate de facto discrimination against all groups of children in marginalized and disadvantaged situations (2) Undertake measures to protect minority and indigenous children from discrimination and violence (3) Establish a standardized system for the data collection and analysis on minority and indigenous children (3) Adopt comprehensive measures, including affirmative measures to ensure that minority and indigenous children enjoy all their rights.

Committee	Key Concerns	Key Recommendations
CRC	<ul style="list-style-type: none"> - India: Non-compliance of child related legislations with CRC; scarcity of data on 15-18 year old children; Independence of monitoring mechanisms; Disparity among children in accessing education; On prevalence of child marriage, harmful practices, child labour. - Pakistan: No Observations - Nepal: Existing legislations insufficient to address the root cause of child labour and worst forms of child labour, harmful practices; compliance with CRC; caste based discrimination, - Sri Lanka: Negative impact of private domestic and foreign business and industries on children, including on tea plantations and in the construction, textiles and tourism industries 	<ul style="list-style-type: none"> ✓ India: (1) Review child related legislations and ensure harmonization with CRC (2) Improve data collection on children, disaggregated by age, sex, geographic location, ethnic, national and socioeconomic background (3) Ensure independence of NCPCR and other relevant commissions, also in terms of funding and mandate (4) Adopt a comprehensive strategy to address multiple forms of discrimination, against marginalised children (5) Ensure effective implementation of legislations prohibiting harmful practices against women and girls, like child marriage, Devadasi dedication etc. (6) Develop a comprehensive strategy to prevent and eliminate all forms of child labour, including a establishing a database on capturing all types and extent of child labour. ✓ Pakistan: No Observations ✓ Nepal: (1) Effectively enforce anti-discrimination legislation and promote equality of marginalised children (2) undertake urgent measures for eradicating all practices harmful to the physical and psychological well-being of children (3) Ensure legislations are in compliance with CRC, establish better monitoring mechanisms, integrate action plans into one comprehensive National Action Plan, prioritize budgetary allocations (4) strengthen efforts to combat discrimination and exclusion of Dalit children, ensure non-discriminatory access to education of Dalit children (5) pay particular attention to traditionally excluded groups, such as the Madhesi, Dalit and Janajati. ✓ Sri Lanka: (1) Establish legal regulations for domestic and foreign businesses, so that they are not in contravention to human rights, environmental and other standards, especially those relating to children’s rights (2) Undertake awareness on preventing child sex tourism (3) Strengthen information technology based trainings for police for investigating and identifying online child abuse and child sex tourism (4) Adopt a comprehensive strategy, including affirmative action to eliminate discrimination against children in marginalized or vulnerable situations
CEDAW	<ul style="list-style-type: none"> - Bangladesh: Abductions, sexual harassment, rape and intimidation of Dalit women, as well as their lack of access to public services and resources - India: On absence of comprehensive law addressing all forms of discrimination against women; On increase in crimes against women; On persistence of harmful practices, trafficking; On women in informal sector 	<ul style="list-style-type: none"> ✓ Bangladesh: (1) Enact a comprehensive law and take immediate measures, to eliminate all forms of discrimination against women and girls from vulnerable groups; including gender-based violence and abuse (2) Promptly investigate and prosecute cases of gender-based violence targeting ethnic minority women and girls, and ensure appropriate punishment (3) Ensure access to basic services, including education, employment and health care, without discrimination. ✓ India: (1) Adopt a comprehensive anti-discrimination legislation for prohibiting all forms of discrimination against women (2) Ensure marital rape is criminalised (3) Develop national campaign to address patriarchy (4) Review anti-trafficking legislation, ensure victim identification and rehabilitative services, victim-witness protection services (5) Narrow and close gender pay-gap (6) To review legislation related to sexual harassment at workplace and ensure that

Committee	Key Concerns	Key Recommendations
CEDAW	<p>work; On barriers to justice faced by Dalit women.</p> <p>- Pakistan: No Observations</p> <p>- Nepal: Harmful practices against women and girls,</p> <p>- Sri Lanka: Discrimination against women; Low education level among women from marginalised, low income groups, including plantation workers and fishers; Access to health care services for women in plantations and conflict-affected areas and psycho-social supportive services for war-affected women.</p>	<p>domestic workers are covered under it (7) To ratify the Home Work Convention, 1996 (No. 177), and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization and to amend the relevant national legislation accordingly (8) To ensure legal literacy of Dalit women and girls.</p> <p>✓ Pakistan: No Observations</p> <p>✓ Nepal: recognise the specific needs of all women and girls facing intersectional and multiple forms of discrimination (2) prohibit all forms of harmful traditional practice and impose adequate penalties and ensure victim compensation (3) effective enforcement of anti-discrimination legislation.</p>

Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata

Human Rights Council Forty-fifth session²¹⁸, 4 August 2020

The Special Rapporteur has noted that unprecedented crisis caused by COVID-19 has affected all persons globally, but the social and economic consequences of the outbreak have been particularly detrimental to those who were already in vulnerable situations before the crisis. This includes people trapped in **slavery-like situations**, among others subjected to discrimination, marginalization, limited or no social and labour protection, etc. The pandemic exposed pre-existing systemic gaps in social protection and justice systems, including with regard to identification and prosecution of contemporary forms of slavery, despite commitments made by States to meet target 8.7 of the Sustainable Development Goals. The Special Rapporteur has also recognised the close interconnection between the rising levels of poverty, the unprecedented unemployment rates and deepening inequalities and the vulnerability to exploitation and abuse.

²¹⁸ HRC-SR on Slavery 2020

²¹⁹ HRC-SR on Slavery 2019

Recommendations that are relevant for South Asian countries under study

Wider measures to mitigate the impacts of COVID-19 (para 95): States should provide those at risk of contemporary forms of slavery with tailored support to mitigate the impacts of COVID-19, such as income support, debt relief, tax credits and wider social security benefits.

Upholding and enforcing labour laws (para 98): States should uphold labour laws and ensure their enforcement, including through self-reporting, in order to maintain workers' rights and prevent businesses and employers from exploiting their employees. Para 100. States should ensure the effective implementation of the Guiding Principles on Business and Human Rights.

Report of the Special Rapporteur, on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola

Human Rights Council Forty-second session²¹⁹, 25 July 2019

The 2019 report holds the States as the main duty bearers in ensuring the realization of the human right to be free

from slavery and servitude. The action of States remain central to the struggle to eradicate slavery, not only because of their duty to protect through regulation, accountability and victim support, but also because of their essential role in mobilizing and shaping strategic policy response. All countries with prevalence of modern slavery need to comply with international definitions and obligations related to various forms of modern slavery into domestic law, increase convictions of perpetrators of modern slavery, and identify and tackle the barriers to national, transnational and clandestine nature of the crime.

Recommendations that are relevant for South Asian countries under study

Para 61: To effectively address the slavery of tomorrow today, the Special Rapporteur recommends that States adopt the approach outlined above by taking the following actions:

- (a) Develop national anti-slavery action plans, which would include social protection, public health, public procurement, financial oversight and market regulatory mechanisms for identifying, responding and prevent modern slavery
- (b) Incorporate analysis of businesses and products perpetuating slavery into trade agreements
- (c) Strengthen regional and international arrangements for labour migration to reduce the risks of slavery
- (d) Effectively implement the Guiding Principles on Business and Human Rights through relevant legislative, regulatory and administrative action
- (e) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention on Transnational Organized Crime, the Protocol of 2014 to the ILO Forced Labour Convention, 1930 and the ILO Violence and Harassment Convention, 2019 (No. 190)
- (f) Establish equality in the workplace to reduce vulnerability to slavery
- (g) Address the particular effects of slavery on women and girls
- (h) Strengthen anti-slavery policy and programming by developing and sharing basic data on the incidence and characteristics of slavery
- (i) Cooperate to ensure that regional and national

policies and programming reflect the latest scientific insights on what constitutes “effective measures” to achieve Sustainable Development Goal target 8.7

- (j) Review existing official development assistance reporting codes to facilitate analysis of development spending to achieve target 8.7
- (k) Work towards a shared global strategy;
- (l) Strengthen the strategic framework for international action to combat slavery, by supporting international cooperative efforts
- (m) Ensure that anti-slavery efforts are survivor-informed and victim centred, inter alia by incorporating victim-survivor identification, protection and support provisions
- (n) Make anti-slavery smart by working with the global technology sector in developing scientific anti-slavery policy and practice;
- (o) Raise concerns around progress of other States towards target 8.7 during universal periodic review processes;
- (p) Develop a human-centred agenda to address decent work gaps as well as current and emerging forms of slavery, through dialogue with trade unions and business.

Observation

- The lessons for South Asian countries, under study, from the action taken by some other countries to address modern slavery would be: to actively adopt criminal justice responses to forced marriage; to investigate forced labour in private or public supply chains; to effectively adopt civil and administrative provisions to report on slavery risks in supply chains; and to adopt provisions excluding suppliers with slavery risks in their supply chains from winning public contracts, among other steps.
- **The GoN in 2020 finally ratified the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 2000 (Palermo Protocol).** Till this time, the GoN, was among the 17 countries that had not ratified the Protocol. With this ratification, the GoN will now be legally bound to amend its inadequate definition of human trafficking to include all forms of trafficking, as well as incorporate observations made by UN human rights mechanisms.

Status of Ratification of International Labour Standards by countries

Conventions (Ratified/ Not Ratified)	India	Pakistan	Nepal	Bangladesh	Sri Lanka
Forced Labour Convention, 1930 (C-29)	Yes	Yes	Yes	Yes	Yes
Freedom of Association and Protection of the Right to Organise Convention, 1948 (C-087)	No	Yes	No	Yes	Yes
Right to Organise and Collective Bargaining Convention, 1949 (C-98)	No	Yes	Yes	Yes	Yes
Equal Remuneration Convention, 1951 (C-100)	Yes	Yes	Yes	Yes	Yes
Abolition of Forced Labour Convention, 1957 (C-105)	Yes	Yes	Yes	Yes	Yes
Discrimination (Employment and Occupation) Convention, 1958 (C-111)	Yes	Yes	Yes	Yes	Yes
Minimum Age Convention, 1973 (C-138)	Yes	Yes	Yes	No	Yes
Worst Forms of Child Labour Convention, 1999 (C-182)	Yes	Yes	Yes	Yes	Yes
The Protocol of 2014 to the Forced Labour Convention, 1930 (P029)	No	No	No	No	Yes
Labour Inspection Convention, 1947 (C-81)	Yes	Yes	No	Yes	Yes
Rural Workers' Organisations Convention, 1975 (C-141)	Yes	No	No	No	No
Home Work Convention, 1996 (No. 177)	No	No	No	No	No
Domestic Workers Convention, 2011 (No. 189)	No	No	No	No	No

²²⁰List of Ratifications

ILO Observations for Bangladesh Committee		
Observations by CEACR	Key Concerns	Key Recommendations
Labour Inspection Convention, 1947 (No. 81)	Status and conditions of service of labour inspectors; Confidentiality of inspection; Measures taken or envisaged to ensure that penalties for labour law violations; Reporting of industrial accidents and cases of occupational disease	<ul style="list-style-type: none"> - Provide information on high attrition rate and continue recruitment of adequate number of qualified labour inspectors, including filling up of posts approved in 2014. Provide up-to-date information on the budget, equipment and transport facilities available and the training provided to labour inspectors. - Strengthen inspections and provide information on the number of inspection visits that were unannounced and those that were undertaken with prior notice, disaggregated by RMG factory, shop, establishment, and other factories, and outcome of inspection visits disaggregated in the same manner. - Provide information on number of complaints submitted, conciliation and mediation procedures undertaken against these complaints and time taken for it. Provide information on outcome of the cases referred to the labour courts (such as the imposition of fines and also sentences of imprisonment). Provide an assessment on the reasons for the underreporting of industrial accidents and the lack of reporting of any cases of occupational disease. Provide information on measures undertaken for maintaining confidentiality of source of complaints and measures to ensure sufficiently dissuasive penalties for labour law violations. - Take steps to improve system for notification of industrial accidents and occupational disease, at the labour inspection services. Provide relevant information on awareness-raising among of employers on their obligations to notify about industrial accidents and occupational disease, incentives or penalties for their lack of reporting etc.

ILO Observations for Bangladesh Committee		
Observations by CEACR	Key Concerns	Key Recommendations
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	<ul style="list-style-type: none"> - Adequate protection against acts of anti-union discrimination, Penalties envisaged for unfair labour practices; Dismissal of workers following participation in minimum wage protests 	<ul style="list-style-type: none"> - Continue to provide detailed statistics on complaints of anti-union discrimination received, follow-up, including time taken to resolve the disputes, remedies imposed, complaints settled amicably compared to referrals to labour courts, results thereof and sanctions imposed. - Continue to provide trainings to labour officials on dealing with anti-union and unfair labour practices complaints with a view to ensuring their efficient and credible handling. Online database on anti-union complaints to be fully operational so as to ensure transparency, and data protection workers concerned. - To clarify governments' involvement in the ongoing investigations into the massive dismissals of workers following the 2018-2019 minimum wage protests and to provide information whether independent investigation had taken place. - To ensure that investigations regarding anti-union discrimination allegations would independent. To ensure prevention of repeated and institutionalized acts of anti-union discrimination. - Reinstatement measures should be an option in case of dismissal or workers by reason of trade union membership or legitimate trade union activities. Compensation or fines should be sufficiently dissuasive. To provide information on remedies applied for cases of termination of workers as a result of anti-union activities. Upon consultation with social partners, to increase the fine amount of the fine impossible for acts of anti-union discrimination.
Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)	<ul style="list-style-type: none"> - Violent suppression by police of several workers' protests 	<ul style="list-style-type: none"> - Recalled that a truly free and independent trade union movement can only develop in a climate free from violence, pressure and threats of any kind against the leaders and members of such organizations. - To provide information on the allegations of violence and repression of workers for trade union activities, and pending allegations of their mass retaliation, criminalization continued surveillance and intimidation, investigations and prosecutions initiated and the results thereof. - Continue to provide sensitization trainings to the police and other State agents on trade union rights and civil liberties, so as to avoid use of excessive force. To undertake measures to prevent incidents of violence and repression of the workers protesting for their rights.

ILO Observations for India		
Observations	Key Concerns by CEACR	Key Recommendations
Forced Labour Convention, 1930 (C 29)	Bonded Labourers <ul style="list-style-type: none"> - Prevalence - Law enforcement - Sumangali scheme in Garment industry - Reporting 	<ul style="list-style-type: none"> - To provide information on the measures taken, number of prosecutions, convictions and penalties applied to perpetrators of bonded labour; number of bonded labourers withdrawn and rehabilitated; functioning and effectiveness of the vigilance committees; to collate state survey information and provide information on national level magnitude of problem.

ILO Observations for Bangladesh Committee

Observations by CEACR	Key Concerns	Key Recommendations
	<p>On Manual Scavenging</p>	<ul style="list-style-type: none"> - Undertake measures to ensure that women and young girls are protected from practices amounting to forced labour in textile mills in Tamil Nadu. - Undertake measure to ensure freedom in occupational mobility of manual scavengers; Full protection of manual scavengers from direct/indirect forced labour; Provide information on survey findings on manual scavengers, including those still working as manual scavengers; Provide information on number of manual scavengers rehabilitated through applicable scheme; Ensure effective implementation of the Manual Scavenging Act and SC/ST Act.
	<p>On Human Trafficking - <i>Magnitude</i></p>	<ul style="list-style-type: none"> - Strengthen efforts to prevent and combat trafficking in persons: Ensure effective investigations, prosecutions and dissuasive penalties; Undertake measures for victim protection and assistance; Update on anti-trafficking bill; Update on implementation and impact of rehabilitation scheme for at-risk and trafficked survivors (Ujjawala scheme).
	<p>On Sexual Slavery - <i>Persistence of Devadasi practice involving sexual exploitation.</i></p>	<ul style="list-style-type: none"> - Undertake measures to end Devadasi system, through effective enforcement of state legislations; Provide information on measures taken for withdrawal and rehabilitation of women and girls from the practice, and results thereof; Provide information on investigations, prosecutions, convictions, penalties imposed; Provide information on preventive measures, and law enforcement measures focusing on the link between 'Devadasi' system and trafficking of girls and women for commercial sexual exploitation.
	<p>On Child Labour</p>	<ul style="list-style-type: none"> - Provide information on implementation of Child Labour (Prohibition and Regulation) Act, 2016; About NCLP scheme; Ensure that children working in cotton production are not engaged in hazardous work in Gujarat, Andhra Pradesh, Maharashtra, Tamil Nadu and other states concerned; Provide information on prosecutions initiated, convictions and penalties imposed; Provide information on the number of children rescued from forced labour in cotton production, and rehabilitated and socially integrated. - Ensure that children can only be employed in hazardous work from the age of 16 years subject to the conditions laid down under Article 3, paragraph 3 of the Convention; Provide information on Rules if issued for CLPRA 2016; Provide information on other measures taken or envisaged to protect children between 16 and 18 years who are working in hazardous occupations.
<p>Worst Forms of Child Labour Convention, 1999 (C-182)</p>	<p>Human Trafficking - <i>Magnitude</i></p>	<ul style="list-style-type: none"> - Ensure effective implementation of provisions of s81, Juvenile Justice Act and Section 370 of Indian Penal Code concerning the sale and trafficking of children; Ensure effective investigations, dissuasive penalties, and provide this information.
<p>Minimum Age Convention, 1973 (No. 138)</p>	<p>Child Labour - <i>Admission to hazardous types of work from the age of 16 years</i></p>	<ul style="list-style-type: none"> - Identify and combat child labour through strengthening capacities and reach of labour inspectors and District Nodal Officers to areas where child labour is more prevalent; Provide number and nature of child labour violations detected by labour inspectors and penalties applied; Provide information on number of complaints of child labour received through PENCIL Portal and disposed by the District Nodal Officers.

ILO Observations for Nepal		
Observations by CEACR	Key Concerns	Key Recommendations
Forced Labour Convention, 1930 (C 29)	On Bonded Labour of Dalits	<ul style="list-style-type: none"> - Ensuring rehabilitation and social reintegration of all freed bonded labourers and undertake measures for ensuring the reach of rehabilitation programme to the Haliya families in the far-western region.
	On Trafficking of Persons, including Children	<ul style="list-style-type: none"> - To strengthen efforts to prevent, suppress and combat trafficking in persons and to ensure the effective implementation of the Human Trafficking and Transportation (Control) Act of 2007 in practice.
Worst Forms of Child Labour Convention, 1999 (No. 182)	On Trafficking of Persons, including Children	<ul style="list-style-type: none"> - To strengthen efforts to prevent, suppress and combat trafficking of children and victim identification - To ensure thorough investigations and prosecutions of trafficking crimes, along with imposition of effective and dissuasive penalties. - To ensure effective implementation of the Human Trafficking and Transportation (Control) Act of 2007 and provide information on its application - To strengthen the capacities of law enforcement bodies and the National and District Committees on Controlling Human Trafficking, the Human Trafficking and Control Unit and the Nepal Police
	On Child Labour	<ul style="list-style-type: none"> - To strengthen efforts for ensuring elimination of bonded labour of children under 18 years of age and ensure their rehabilitation and social integration, including access to education.
Observations by CEACR, Minimum Age Convention, 1973 (No. 138)	On Child Labour	<ul style="list-style-type: none"> - To ensure the elimination of child labour, including through the adoption and implementation of National Master Plan. - To provide information on the inspections carried out by the labour and occupational safety and health inspectors, and on the number and nature of violations concerning the employment of children recorded and the penalties imposed. - To provide information on the findings of the National Labour Force Survey pertaining to child labour, disaggregated by age and gender for children working in informal economy - To strengthen the capacity and expand the reach of the labour inspectorate so as to better monitor child labour, including in the informal economy.
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	On Caste- Based Discrimination in Employment	<ul style="list-style-type: none"> - To take proactive measures to ensure the effective implementation of the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act of 2011, including by raising awareness among the general public, as well as law enforcement officials, of the prohibition of caste-based discrimination in the national legislation, the remedies and procedures available, and provide information on measures implemented - To provide information on the activities of the National Dalit Commission, as well as on the number, nature and outcome of any complaints of caste-based discrimination dealt with by labour inspectors, the courts or any other competent authority.

ILO Observations for Pakistan

Observations by CEACR	Key Concerns	Key Recommendations
Forced Labour Convention, 1930 (C 29)	Bonded Labour of Dalits <ul style="list-style-type: none"> - Persistence of practice in brick kilns - Weak enforcement of laws - National level survey not done 	<ul style="list-style-type: none"> - Take effective measures to eliminate bonded labour in all its provinces, including through the effective implementation of the newly enacted provincial laws; - Continue adopting measures aimed at supporting freed bonded labourers; - Strengthen the DVCs - Provide information on reporting, investigation, prosecution and penalties applied - Conduct national level surveys
	On Trafficking of Persons, including Children <ul style="list-style-type: none"> - Significantly low convictions compared to numbers of investigations and prosecution 	<ul style="list-style-type: none"> - Strengthen its efforts to ensure that effective prosecution of trafficking crimes, with adequate and dissuasive penalties (ii) Provide statistics on trafficking cases, in terms of numbers of registrations, prosecutions, convictions with specific penalties imposed.
Worst Forms of Child Labour Convention, 1999 (No. 182)	On Bonded Labour: <ul style="list-style-type: none"> - Despite efforts by the Government and civil society, Pakistan remains a country with a large number of its workforce trapped in the systemic cycle of bondage. 	<ul style="list-style-type: none"> - Intensify efforts to eliminate child debt bondage, including through the effective implementation of the laws abolishing bonded labour and by establishing DVCs in all the provinces and strengthening their capacity as well as the capacity of the law enforcement officials responsible for the monitoring of child bonded labour - Provide information on the measures taken in this regard and on the results achieved, including the number of child bonded labourers identified by the DVCs and other law enforcement officials, the number of violations reported, investigations conducted, prosecutions, convictions and penal sanctions imposed.
	On Trafficking of Persons, including Children: <ul style="list-style-type: none"> - Evidence of internal child trafficking based on UNODC reports, despite national legislations and provisions. 	<ul style="list-style-type: none"> - Strengthen its efforts to ensure that effective prosecution of trafficking crimes, with adequate and dissuasive penalties - Provide statistics on trafficking cases, in terms of numbers of registrations, prosecutions, convictions with specific penalties imposed.
	On Child Labour <ul style="list-style-type: none"> - High number of children engaged in hazardous 	<ul style="list-style-type: none"> - Intensify efforts to eliminate the worst forms of child labour, particularly hazardous types of work - Provide information regarding the child labour surveys organized in

ILO Observations for Pakistan		
Observations by CEACR	Key Concerns	Key Recommendations
	<i>work in Pakistan</i>	<p>the provinces, including information on the nature, extent and trends of the worst forms of child labour, and the number of children protected. The survey should capture to the extent possible, disaggregated information by age and gender, and nature of the work performed</p> <ul style="list-style-type: none"> - Eliminate child debt bondage and strengthen the capacity of DVCs and law enforcement officials responsible for the monitoring of bonded labour.
<p>Minimum Age Convention, 1973 (No. 138)</p> <p>-</p>	<p>On Child Labour:</p> <ul style="list-style-type: none"> - <i>Child labour in formal sector</i> - <i>abolition of labour inspection system leading to increase in child labour in formal sector</i> - <i>significant number of child labourers, including in hazardous work</i> 	<ul style="list-style-type: none"> - Strengthen the capacity of the labour inspectorate - Provide information on the number and nature of violations detected and penalties imposed relating to the employment of children - Strengthen measures to ensure prosecution of perpetrators, with dissuasive penalties imposed - Ensure the progressive elimination of child labour - <i>Provide child labour survey results at the provincial levels once available</i>

ILO Observations for Sri Lanka		
Observations by CEACR	Key Concerns	Key Recommendations
<p>Forced Labour Convention, 1930 (C 29)</p>	<p>On Trafficking in persons</p> <ul style="list-style-type: none"> - <i>Penalties and law enforcement</i> - <i>Identification and protection of victims</i> - <i>Programme of action and coordinating body</i> <p>Vulnerable situation of migrant workers with regard to the exaction of forced labour</p>	<ul style="list-style-type: none"> - Continue efforts to for effective prosecution of perpetrators and that dissuasive penalties are imposed - Provide information on any cooperation initiatives between law enforcement authorities, including the Anti-Human Trafficking Unit and the special unit established under the Sri Lanka Bureau of Foreign Employment (SLBFE). - Pursue efforts to ensure victim-protection and assistance; Provide information on victim-identification rehabilitation; Provide information on the impact of the SOPs on the identification, referral and protection of victims of trafficking in persons - Pursue efforts to combat trafficking in persons and provide information on the activities carried out, including results achieved within the framework of the National Strategy Plan to Monitor and Combat Human Trafficking 2015–19 and its renewal. - Pursue efforts to ensure that migrant workers are not exposed to practices that might increase their vulnerability to the exaction of forced labour, and to provide information on the results achieved in this regard. - Undertake measures to enhance the protection of migrant workers during the recruitment process by private recruitment agencies, and to provide information in this respect

ILO Observations for Sri Lanka

Observations by CEACR	Key Concerns	Key Recommendations
		<ul style="list-style-type: none"> - Pursue efforts to sensitize migrant workers on their rights, including pre-departure training programme, and to provide information regarding the return and reintegration of migrant workers, especially within the framework of the Sub Policy and National Action Plan on Return and Reintegration of Migrant Workers.
<p>Worst Forms of Child Labour Convention, 1999 (No. 182)</p>	<p>On Sale and Trafficking of children</p> <p>On child prostitution, pornography</p> <ul style="list-style-type: none"> - low prosecution rates and a high number of pending cases - official complicity <p>On Child Labour:</p> <ul style="list-style-type: none"> - hazardous work and revision of the list of hazardous work 	<ul style="list-style-type: none"> - To take necessary measures to ensure that perpetrators of trafficking of children are effectively prosecuted and that sufficiently effective and dissuasive penalties are imposed on them in practice. - To provide information on the number of child victims of trafficking identified by the special unit in the Police established for this purpose. - To provide information on number of trafficking victims identified and who have benefited from the services provided by the safe houses, certified schools and national training and counselling centres. - To take measures to combat child prostitution and child pornography, by ensuring that sections 286A, 288A, 360A and 360B of the Penal Code are effectively applied through investigations and prosecutions of persons suspected of using, procuring or offering children for prostitution, the production of pornography or pornographic performances, including State officials suspected of complicity. - To provide information on the application of these sections in practice, indicating the number of investigations, prosecutions and convictions, as well as the specific penalties applied. - To provide direct assistance for the removal, rehabilitation and social integration of child victims of commercial sexual exploitation; To provide information on children rescued, rehabilitated and socially integrated.
<p>Minimum Age Convention, 1973 (No. 138)</p>	<ul style="list-style-type: none"> - Raising minimum age for employment - Compulsory education - Application of the Convention in practice and the labour inspectorate 	<ul style="list-style-type: none"> - To pursue efforts to ensure the protection of children from hazardous types of work, including in the informal economy, and to provide information on the adoption of the new list of hazardous types of work. - To align minimum age of employment with the age of completion of compulsory schooling, in conformity with the Convention - To continue ensuring the progressive elimination of child labour in the country, with a focus on the informal economy - Provide information on measures and results achieved, including within the framework of the National Policy on Elimination of Child Labour of 2017 - Continue to provide information on measures taken to strengthen the capacity and reach of the labour inspectorate regarding children working in the informal sector and on the number of child labourers identified.
<p>Labour Inspection Convention, 1947 (No. 81)</p>	<ul style="list-style-type: none"> - Labour inspection - Additional duties 	<ul style="list-style-type: none"> - To provide information on progress related to adoption of Occupational Safety and Health Act; provide information on the implementation of the Wages Board (Amendment) Act 2019.

ILO Observations for Sri Lanka		
Observations by CEACR	Key Concerns	Key Recommendations
		<ul style="list-style-type: none"> - To ensure that additional duties assigned to labour inspectors do not interfere with their primary duties; to provide information on restructuring of Labour Inspectorate and their employee benefits. - Provide information on number of disputes resolved through conciliation before labour inspectors, in comparison to number of inspection visits; to provide information on the legislative developments related to penalties for violations of the legal provisions enforceable by labour inspectors and amendments adopted. - Provide information on impact of specific monitoring frameworks (LISA) on the effectiveness of the work of the labour inspectorate, both with regard to the number and quality of inspections and the collection of statistics
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	<ul style="list-style-type: none"> - Adequate protection against acts of anti-union discrimination; Promotion of collective bargaining 	<ul style="list-style-type: none"> - Undertake measures for ensuring that union members can complain in courts related to anti-union discrimination issues - Amend Industrial Disputes Act which will grant trade unions the right to bring anti-union discrimination cases directly before the courts - Provide information on the number of cases of anti-union discrimination examined by the courts ad time taken, remedies awarded - Provide information on the number of collective agreements.

Observations

- **Absence of ratification for conventions related to domestic workers:** India has not ratified the Home Work Convention, 1996 (No. 177), and the Domestic Workers Convention, 2011 (No. 189), of the

International Labour Organization. Doing so will make it obligatory for India to abide by the convention and amend the relevant national legislations accordingly, thus bringing the domestic workers in the ambit of protective legislations.

RECOMMENDATIONS

ENDING modern slavery will require a multi-faceted and multi-pronged response that addresses the plethora of factors including, social, economic, cultural, political and legal that contribute to the vulnerability and marginalisation of persons. At the core of it all, it is caste-based discrimination that has systematically and for hundreds of years, eroded the right to equality, dignity and freedom, for the Dalits and other marginalised population. While the principles have to be uniform and common, the national, regional and international responses need to be adapted to the diverse environment in which modern slavery and slavery-like conditions exist and prosper.

I: Key Recommendations for States

Ia: General

19. **Formal recognition of caste and the emanating caste based discrimination and its relevance to modern slavery:** To formally recognise caste and caste-based discrimination as the prominent factor that leads to economic, social, cultural and political exclusion and isolation, of Dalits, making them extremely vulnerable to modern slavery and slavery-like practices. Viewing the issue from caste-lenses will facilitate meaningful policymaking that will reach to appropriate persons in need.
20. **Need for delinking caste status of citizens from one's religion:** The existence of caste-based discrimination despite religious conversions are well documented through government-sanctioned commissions (India) and CSO experiential documentation. There is a need to delink caste status from religion and make it religion-neutral.
21. **Need to be a party to all core conventions and standards:** To ratify (*as applicable*) core conventions related to eliminating Forced Labour – Right to Organise and Collective Bargaining Convention, 1949 (C-98) (*not ratified by India*), Freedom of Association and Protection of the Right to Organise Convention, 1948 (C-087) (*not ratified by India and Nepal*), Minimum Age Convention, 1973 (C-138) (*not ratified by Bangladesh*). The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990 (*not ratified by India, Nepal and Pakistan*). Other relevant protocols and conventions include – The Protocol of 2014 to the Forced Labour Convention, 1930 (P029) (*not ratified by India, Nepal, Pakistan, Bangladesh*) and Domestic Workers Convention, 2011 (No. 189) (*not ratified by any country in study in South Asia*), among other relevant conventions.
22. **Disaggregated data and Policymaking:** Ensure that all data capturing the demography, socio-economic-cultural-political, all labour related, crime related, victim identification related, among a few, should be disaggregated by caste among other relevant factors.
23. Continuous and concerted **mass communication and social messaging** for awareness raising of all-citizens on the consumption of modern slavery at-risk goods and services in daily lives, and also for sensitising on minimum wage payments to domestic workers, for which currently there is no legislation in any of the countries under study.
24. **On legislations:** Ensure all labour related legislations in alignment with the relevant international human rights conventions and standards. Ensure alignment between existing legislations so as to avoid contradiction and /or ambiguity. Revise or amend legislations in keeping with the changing trends, and to standardise provisions (eg. of minimum age) across legislations.
25. **On Plans, Policies and Programmes:** Design, update and revise national plans for all types of modern slavery, and design/update/revise relevant programmes accordingly, backed by sufficient personnel, funds and implementing infrastructures.
26. **On SOPs and Frameworks:** Design/ disseminate and implement standard operating procedures for victim identification and referral.
27. **On Monitoring Mechanisms by Labour Inspectorate:** Ensure that there are monitoring mechanisms in place. Where in place, ensure effective enforcement of monitoring mechanisms, adequate trainings of labour inspectorate and monitoring of effectiveness of their inspections, actions taken, and remedies incorporated.
28. **On enforcement of legislation by law enforcement officials:** Ensure effective and timely, victim-centric and human rights oriented, enforcement of legislation, including reporting and investigation of

complaints related to all forms of modern slavery. Ensure appropriate invoking of provisions across different legislations so that awarded penalty will commensurate with the gravity of the offence.

29. **On Prosecution and Convictions:** Ensure speedy trials, victim and witness protection and appropriate awarding of penalty that will commensurate the gravity of offence committed. Ensure good quality and free legal aid to victims.
30. **On trainings of law enforcement officers, judiciary and all relevant departments working on various forms of modern slavery:** Ensure adequate trainings to all enforcement officials on understanding and sensitisation related to caste and related issues, on technical aspects of different forms of modern slavery, including SOPs and on perspectives related to human rights.
31. **On official complicity in perpetuating the different forms of modern slavery:** Investigate allegations of official complicity in the different forms of modern slavery and accordingly take appropriate measures.
32. **On Rehabilitation of survivors:** To ensure effective implementation of rehabilitation and reparation services for the survivors of modern slavery and slavery-like practices.
33. **On Prevention:** Increase efforts in effective implementation of policies, schemes and programmes related to poverty alleviation, education, gender empowerment programmes among others and ensure social security and pension benefits for the most vulnerable and poor.
34. **On rural infrastructure:** Invest more in services for rural infrastructure, including education, health, locally-relevant and sustainable livelihood generation plans, mobility, easy access to higher education, among others.
35. **Safe Migration:** Ensure safety in internal and cross border migration in terms of access and ease of information, procedures and complaint-remedies.
36. **Immediately and absolutely invest in redesigning sanitation related technologies and infrastructure which would eliminate the use of manual scavenging:** To invest and ensure through policy and regulations, re-designing of urban-rural sanitation infrastructure that will absolutely not allow municipalities and extended outsourced services to use any form of manual scavenging. To invest and ensure through policy and regulations that easy and affordable technologies are available and used by housing societies and townships for decentralised waste management.

37. Ensure through policy **and regulations, that industries would invest and use technology that would reduce drudgery** of work but not replace labour. For instance, easy technologies for brick moulding and for loading and unloading bricks in brick kilns; easy technology for garbage collection, disposal, and disposal, among others.

Ib: Specific Recommendations to States, pertaining to key state-specific issue w.r.t. Caste and Constitutional guarantees

The state is urged to -

38. **Bangladesh:** The state is urged to prioritise enactment of anti-discrimination law for protection of rights of Dalits and other excluded and marginalised communities and formulate appropriate affirmative policies and programs with required funds allotment for improving their status in life. To effectively enforce the Vested Properties Repeal (Return) Act, 2001. The earlier Vested Property Act, now repealed, has had devastating consequences on citizens, who were declared as enemies of the state, and consequently their properties were confiscated. The Dalits, who constitute 90 per cent of Bangladeshi minorities, have been severely affected by this.
39. **India:** The state is urged to amend paragraph 3 of the Constitution (Scheduled Castes) Order 1950 to include Christians and Muslims, in order to comply with the right to Freedom of Religion or Belief as enshrined in article 18 of the ICCPR, and to comply with article 26 of the ICCPR which prohibits discrimination on any ground including religion and national or social origin.
40. **Nepal:** The state is urged to abolish all kinds of bonded labour established by the feudal land-use system such as Haruwa, Charuwa, Baligharey, Doli, Bhunde among other forms and undertake necessary arrangements to rehabilitate the freed bonded labourers and landless Dalits. Design affirmative action for employment of caste groups in bureaucracy and armed forces. Encourage political participation of caste groups.
41. **Pakistan:** The state is urged to enact the anti-discrimination law for protection of rights of Dalits and other excluded and marginalised communities and formulate appropriate affirmative policies and programs with required funds allotment for improving their status in life. To address the issue of caste denial and identify caste groups within each religion, and accordingly design and implement special measures/ affirmative actions for Dalits in Pakistan.

42. **Sri Lanka:** The state is urged to enact the anti-discrimination law for protection of rights of Dalits and other excluded and marginalised communities and formulate appropriate affirmative policies and programs with required funds allotment for improving their status in life. To recognise the role of caste in discrimination against communities, and re-design strategies to identify the DWD communities, so that appropriate special measures for their advancement can be designed.

II: Eliminating Modern Slavery in supply chains and industry - a corporate social responsibility and accountability

Caste-based discrimination comes in many layers and forms and may be difficult to detect in supply chains. Nevertheless, it is the social responsibility and accountability of businesses to ensure that their policies and business practices do not perpetuate caste-based discrimination and other intersectional factors that result in modern slavery and slavery-like practices.

Key Recommendations

1. Develop Ethical Business Policy in accordance to decent-work international standards so as to ensure that business practices and supply chains do not engage practices, procedures and products resulting from the modern slavery and slavery-like conditions.
2. To ensure and undertake due diligence process and steps to assess the presence of modern slavery in supply chains, including debt-bondage, human trafficking, child labour, among others risks.
3. Invest in modern technology to assist labour force by reducing drudgery of labourers while not replacing the labour force.
4. To build perspective within companies on existence, scale and forms of caste-based discrimination and its long-lasting effect on communities inclusion, empowerment, bargaining power and occupational mobility.

III: Key recommendations to civil society organisations and international organisations

1. Continue to build evidence on caste based discrimination highlighting changing trends. To start building evidence for each type of forced labour with caste disaggregation. Currently, apart from agriculture, sanitation, ritualistic sexual slavery, and few other forms of non-agricultural sectors, there is absence of caste identity of affected persons. Such 'linkage' is present in CSO's work experience and anecdotal evidence and needs to be built and captured through scientific data.
2. Continue to build rightsholder cadre of human rights defenders, with special focus on youth and women.
3. Build evidence through case laws.

IV: Key recommendations to international organisations and funding agencies

1. Ensure that disaggregated data on caste profile of victims is captured through the supported partners in respective countries, so as to enable evidence building on linkage of caste and modern slavery.
2. Support and build capacities of national organisations for building evidence and precedents through case laws and PILs.

V: Key recommendations to international human rights mechanisms

1. Internalise the elimination of caste-based discrimination in all its observations that affect marginalised communities.
2. Develop common platforms for discourse and knowledge sharing leading to joint advocacy on different forms of modern slavery and slavery-like conditions, so that intersecting issues of bonded labour, caste-based sanitation work, human trafficking, sexual slavery and child labour are identified and addressed collaboratively and not in isolation.

REFERENCES

■ EXECUTIVE SUMMARY

- ADRF** N Paul Divakar & Juno Varghese, Asia Dalit Rights Forum, *Towards a Unifying Global Identity: A Framework on Discrimination Based on Work and Descent, Including Caste* [accessed 5 February 2021]
- Nagorik Udyog BDERM Bangladesh report** Mohammad Nasir Uddin, Nagorik Udyog - Bangladesh Dalit and Excluded Rights Movement (BDERM), *Benchmarking the Draft UN Principles and Guidelines on Elimination of (Caste) Discrimination based on Work and Descent* [accessed 11 October 2021]
- NCDHR Submission to CERD, 2006** National Campaign on Dalit Human Rights (NCDHR) India, 2006, *Alternate Report To the joint 15th to 19th Periodic Report of the State Party (Republic of India) Submitted to CERD, 2006* [accessed 5 February 2021]
- IIDS Sri Lanka, 2009** Kalinga Tudor Silva, P.P. Sivapragasam, Paramsothy Thanges, Working Paper Series, Indian Institute of Dalit Studies, New Delhi, India, *Caste Discrimination and Social Justice in Sri Lanka: An Overview* [accessed 9 October 2021]
- ISI-VR 2019** Institute of Statelessness and Inclusion- Veriteř Research, August 2019, *Hill Country Tamils of Sri Lanka Towards Meaningful Citizenship* [accessed 4 October 2021]
- GSJ 2018** Walkfree Foundation, 2018, *The Global Slavery Index 2018* [accessed 5 February 2021]

■ SDG 8.7: ENDING MODERN SLAVERY AND SLAVERY-LIKE PRACTICES

- ILO-Walkfree Foundation 2017** International Labour Organisation -Walkfree Foundation-International Organisation for Migration, ILO-Geneva, 2017, *Global estimates of modern slavery: Forced labour and forced marriage* [accessed 5 February 2021]
- HRC-SR on Slavery 2020** Human Rights Council Forty-fifth session 14 September–2 October 2020, A/HRC/45/8, 4 August 2020, Impact of the coronavirus disease pandemic on contemporary forms of slavery and slavery-like practices, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences** [accessed 9 October 2021]
- HRC-SR on Slavery 2019** Human Rights Council Forty-second session 9–27 September 2019, A/HRC/42/44, 25 July 2019, Current and emerging forms of slavery, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences** [accessed 9 October 2021]
- SDGs 2030 Agenda;** United Nations, Department of Economic and Social Affairs Sustainable Development, *Sustainable Development Goals* [accessed 5 February 2021]

■ CONTEXTUALISING CASTE AND CASTE SYSTEM IN MODERN SLAVERY

- ADRF** Asia Dalit Rights Forum, *Towards a Unifying Global Identity: A Framework on Discrimination Based on Work and Descent, including Caste* [accessed 5 February 2021]
- Nagorik Udyog BDERM Bangladesh report** Mohammad Nasir Uddin, Nagorik Udyog - Bangladesh Dalit and Excluded Rights Movement (BDERM), *Benchmarking the Draft UN Principles and Guidelines on Elimination of (Caste) Discrimination based on Work and Descent* [accessed 11 October 2021]
- IIDS Bangladesh 2009** Iftekhar Uddin Chowdhury, Indian Institute of Dalit Studies, Working Paper series, vol. III, No. 07 (2009), *Caste-based discrimination in South Asia: a study of Bangladesh* [accessed 11 October 2021]
- NCDHR Submission to CERD, 2006** National Campaign on Dalit Human Rights (NCDHR) India, 2006, *Alternate Report To the joint 15th to 19th Periodic Report of the State Party (Republic of India) Submitted to CERD, 2006* [accessed 5 February 2021]
- <https://socialjustice.nic.in/UserView/index?mid=76664>
- AIDMAM 2021** AIDMAM-NCDHR, 2021, *Dalit Women Rise for Justice-Status Report 2021* [accessed 12 September 2021]

- The News 2017** Zia Ur Rehman, The News, April 10, 2017, *Scheduled castes have a separate box for them, but only if anybody knew* [accessed 15 July 2021]
- PHC 2021** Pakistan Hindu Council, <https://pakistanhinducouncil.org.pk/hinduism/hindu-population-pk/> [accessed 15 July 2021]
- IIDS-IDSN 2007** Zulfiqar Shah, Indian Institute of Dalit Studies-International Dalit Solidarity Network, 2007, *Long Behind Schedule* [accessed on 2 July 2021]
- Census 2017** *Salient Features of Final Results, Census 2017* [accessed 2 July 2021]
- Census-Religion 2017** *Population by Sex, Religion, Rural Urban* [accessed 15 July 2021]
- UNDP 2008** United Nations Development Programme, Kathmandu, September 2008, A Resource on the Situation of Dalits in Nepal, their Demands and the Implications for a new Constitution, *The Dalits of Nepal and a New Constitution* [accessed 30 March 2021]
- PDSN 2015** Purbhu Lal Satyani, *Presentation*, International Commission for Dalit Rights in the High Level Conference at the US State Department, Pakistan Dalit Solidarity Network, 22 July 2015 [accessed 2 July 2021]
- IIDS-IDSN, 2007** Zulfiqar Shah, Indian Institute of Dalit Studies-International Dalit Solidarity Network, 2007, *Long Behind Schedule* [accessed on 2 July 2021]
- IIDS Sri Lanka 2009** Kalinga Tudor Silva, P.P. Sivapragasam, Paramsothy Thanges, Working Paper Series, Indian Institute of Dalit Studies, New Delhi, India, *Caste Discrimination and Social Justice in Sri Lanka: An Overview* [accessed 9 October 2021]
- Jiggins 1979** Janice Jiggins, Cambridge University Press, 1979, Caste and Family in the politics of the Sinhalese, 1947-1976 [accessed 9 October 2021]
- ISI-VR 2019** Institute of Statelessness and Inclusion- Verite Research, August 2019, *Hill Country Tamils of Sri Lanka Towards Meaningful Citizenship* [accessed 4 October 2021]
- Britannica** Untouchable, Social Class, India, <https://www.britannica.com/topic/untouchable> [accessed 29 September 2021]
- ILO 2005** Ravi S. Srivastava, Working Paper ILO, June 2005, *Bonded Labour in India: its Incidence and Pattern*, [accessed 2 August 2021]
- HRW Submission to CERD 2007
- PDSN - IDSN Submission to CEDAW 2013** Submission by Pakistan Dalit Solidarity Network in association with the International Dalit Solidarity Network, Submitted to CEDAW, January 2013, *Alternative Report submitted to the CEDAW Committee for the examination of the 4th periodic report of Pakistan at the 54th CEDAW session in February 2013: SCHEDULED CASTE WOMEN IN PAKISTAN - Denied a life in dignity and respect* [accessed 2 July 2021]
- Concluding Observations of CERD for Bangladesh, 2001** Committee on the Elimination of Racial Discrimination, Fifty-eighth session 6-23 March 2001, CERD/C/304/Add.118, 27 April 2001, Concluding observations of the Committee on the Elimination of Racial Discrimination-BANGLADESH [accessed 10 October 2021]
- Eleventh periodic report of Bangladesh submitted to ICERD** Committee on the Elimination of Racial Discrimination, Reports submitted by State Parties under Article 9 of the Convention, Eleventh periodic reports of States parties due in 2000, 30 May 2000, CERD/C/379/Add.1
- CERD 29; CERD, General Recommendation No. 29, Sixty-first session (2002), Art 1, para 1.
- OHCHR, Minority Rights, 2017** OHCHR-Minority Rights, United Nations Network on Racial Discrimination and Protection of Minorities, 2017, *Guidance Tool on Descent-Based Discrimination, Key Challenges and Strategic Approaches to Combat Caste-Based and Analogous Forms of Discrimination* [accessed 29 September 2021]
- Special Rapporteur on minority issues, Human Rights Council, Thirty-first session, 28 January 2016 (A/HRC/31/56)

■ INTERSECTING FACTORS THAT PERPETUATE MODERN SLAVERY

- GSJ 2018** Walkfree Foundation, 2018, *The Global Slavery Index 2018* [accessed 5 February 2021]
- Slavery Convention, 1926 [accessed 12 October 2021]

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956 [accessed 12 October 2021]

- Dalberg 2017** Dalberg, sanitationworkers.org; Dalberg, 21 November 2017, Sanitation worker safety and livelihoods in India: A blueprint for action [accessed 1 October 2021]
ILO- Manual Scavenging [accessed 12 October 2021]
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956 [accessed 12 October 2021]
Special Rapporteur on Systemic rape, sexual slavery and slavery like practices during armed conflict, 1998 (E/CN.4/Sub.2/1998/13)
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956 [accessed 12 October 2021]
C182 - Worst Forms of Child Labour Convention, 1999 (No. 182) [accessed 12 October 2021]
- ILO Nepal, 2013** Bal Kumar KC, Govind Subedi and Bhim Raj Suwal, Central Department of Population Studies, Tribhuvan University, Kathmandu and ILO Country Office for Nepal - Series no. 11, Forced Labour of Adults and Children in the Agricultural Sector of Nepal – Focusing on Haruwa-Charuwa in Eastern Tarai and Haliya in Far Western Hills [accessed 6 June 2021]
- ILO-Walkfree, 2017** Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, <https://www.ohchr.org/en/professionalinterest/pages/supplementaryconventionabolitionofslavery.aspx> [accessed 12 October 2021]
International Labour Organisation -Walkfree Foundation-International Organisation for Migration, ILO-Geneva, 2017, Global estimates of modern slavery: Forced labour and forced marriage [accessed 5 February 2021]
- Pluto Journals 2020** Ghulam Hussain, Policy Perspectives, 2020, Vol. 17, No. 2 (2020), Pluto Journals, 2020, Faith Conversions in Pakistan: Projections and Interpretations
- ILO India 2005** Ravi S. Srivastava, Working Paper ILO, June 2005, Bonded Labour in India: its Incidence and Pattern, [accessed 2 August 2021]
- The Hindu 2013** D Kartikeyan, 23 May 2013, Threat of displacement looms over Dalit families
- HRW 1999** HRW, 1 March 1999, Human Rights Watch, Broken People
- HRC 2016, SR on Minority Issues** A/HRC/31/56, Human Rights Council Thirty-first session, 28 January 2016, Report of the Special Rapporteur on minority issues
- **FORMS, MANIFESTATION AND MAGNITUDE OF MODERN SLAVERY AND SLAVERY LIKE-PRACTICES**
- ILO 2005** Ravi S. Srivastava, Working Paper ILO, June 2005, Bonded Labour in India: its Incidence and Pattern, [accessed 2 August 2021]
- CEC 2007** Manjit Singh, Centre for Education and Communication (CEC), 2007, Report On Bonded Labour in Punjab Analysing the Effectiveness of the Programmes for the Eradication of the Bonded Labour System [accessed 10 September 2021]
- GoK notification 2020** 18 November 2020, Karnataka Government Secretariat, Notification for Abolition of Bitti Chakri in Karnataka under the Bonded Labour System (Abolition) Act, 1976 [accessed 12 September 2021]
- IIDS-IDSN 2007** Zulfiqar Shah, Indian Institute of Dalit Studies-International Dalit Solidarity Network, 2007, Long Behind Schedule [accessed on 2 July 2021]
- ILO 2001** Aly Ercelawn and Muhammad Nauman, PILER, 2001, Bonded Labour in Pakistan [accessed 2 July 2021]
- ILO- Hussein, Saleemi, Malik, Hussain, 2004** Maliha H. Hussein Abdul Razzaq, Saleemi Saira, Malik Shazreh Hussain, International Labour Office, Geneva, March 2004, Bonded labour in agriculture: a rapid assessment in Sindh and Balochistan, Pakistan [accessed 6 July 2021]
- HWA 2019** Khosko Abdullah and Khaskheli Akram, Hari Welfare Association, 2019, State of Peasants Rights in Sindh [accessed 13 June 2021]
International Trade Union Confederation (ITUC)- Nepal, Submission to CEACR – C-29 (Forced Labour Convention), 2018

- ILO 2013** International Programme on the Elimination of Child Labour, ILO 2013; *Business and fight against child labour: experience from India, Brazil and South Africa* [accessed 3 August 2021]
- Peake & Kenner 2020** Katrina Peake and Jeff Kenner, European Labour Law Journal, Sage Publications, 2020, 'Slaves to Fashion' in Bangladesh and the EU: Promoting decent work? [accessed 11 October 2021]
- IIDS Bangladesh, 2009** Iftekhar Uddin Chowdhury, Indian Institute of Dalit Studies, Working Paper series, vol. III, No. 07 (2009), p2, 2009, *Caste-based discrimination in South Asia: a study of Bangladesh* [accessed 11 October 2021]
- ILO-UNIFEM 2020** Aya Matsuura, Carly Teng, International Labour Organization, UNWomen, 2020, *Understanding the Gender Composition and Experience of Ready-Made Garment (RMG) Workers in Bangladesh* [accessed 11 October 2021]
- ICN 2016** *India Committee of the Netherlands, 2016, Fabric of Slavery, Large scale forced (child) labour in South India's spinning mills* [accessed 4 September 2021]
- Solidaridad-FLO 2012** Solidaridad & Fair Labor Association, May 2012, *Understanding the Characteristics of the Sumangali Scheme in Tamil Nadu Textile & Garment Industry and Supply Chain Linkages* [accessed 5 September 2021]
- GSi 2018, MoHUA 2017** Walkfree Foundation, 2018, *The Global Slavery Index 2018* [accessed 5 February 2021]
Ministry of Housing and Urban Poverty Alleviation, GoI January 2017, *Report of the Working Group on Migration* [accessed 8 September 2021]
- Kara 2014** Siddharth Kara, Columbia University Press, 5 June 2014, Bonded labor: Tackling the system of slavery in South Asia [accessed 2 August 2021]
- Al Jazeera 2019** Faras Ghani, Aljazeera, October 21, 2019, *The spiraling debt trapping Pakistan's brick kiln workers* [accessed 13 June 2021]
- PILER 2010** Pakistan Institute of Labour Education & Research (PILER), July 2010, *Labour Rights in Pakistan Declining Decent Work and Emerging Struggles, A Report*
- UCA News, 2021 NCHR Pakistan** Kamran Chaudhry, UCA News, 27 May 2021, *The Brick Slaves of Pakistan* [accessed 13 June 2021]
Democracy Reporting International, National Commission Human Rights of Pakistan, *Towards Abolishing Bonded Labour in Pakistan* [accessed 13 June 2021]
- PILER 2010** Pakistan Institute of Labour Education & Research (PILER), July 2010, *Labour Rights in Pakistan Declining Decent Work and Emerging Struggles, A Report*
- HWA 2019** Khosko Abdullah and Khaskheli Akram, Hari Welfare Association, 2019, *State of Peasants Rights in Sindh* [accessed 13 June 2021]
- TIP 2021** US Department of State, June 2021 *Trafficking in Persons Report, June 2021* [accessed 5 February 2021]
- BBS-ILO 2011** Bangladesh Bureau of Statistics – ILO, December 2011, *Pilot Survey 2020: Working Children in dry fish industry in Bangladesh* [accessed 12 October 2021]
- ICN-SCL 2015** India Committee of the Netherlands, Stop Child labour, May 2015, *Rock Bottom, Modern Slavery and Child Labour in South Indian Granite Quarries* [accessed 2 August 2021]
- ILO, Nasir 2004** ILO – Nasir, 2004; Zafar Mueen Nasir Pakistan Institute of Development Economics, Islamabad, 2004, *A rapid assessment of bonded labour in the carpet industry of Pakistan* [accessed 2 July 2021]
- HRW/ Asia, 1995** Human Rights Watch, 1995, *Contemporary Forms of Slavery in Pakistan* [accessed 2 July 2021]
- WaterAid Blog 2020** Mariam Zaqout on 27 January 2020, *Will pit emptiers escape the inheritance burden of their jobs for good?* [accessed 12 October 2021]
- FemLab. Co 2021** Ally Cawood, Amita Bhakta, FemLab Co., 19 March, 2021, *Man or machine? Eliminating manual scavenging in India and Bangladesh* [accessed 12 October 2021]
Safai Karmachari website <https://www.safaikarmachariandolan.org/>
- Dalberg 2017** Dalberg, sanitationworkers.org; Dalberg, 21 November 2017, *Sanitation worker safety and livelihoods in India: A blueprint for action* [accessed 1 October 2021]
- The Hindu, 2020** The Hindu, Damini Nath, 12 February 2020, *110 deaths by cleaning sewers, septic tanks in 2019* [accessed 1 October 2021]

The Hindustan Times 2021	Dhrubo Jyoti, The Hindustan Times, 5 August 2021, <i>No manual scavenging deaths, 941 died while cleaning sewers: Govt</i> [accessed 1 October 2021]
The Indian Express 2021	Ashna Butani, The Indian Express, 31 July 2021, <i>Centre's claim on manual scavenging deaths rings hollow for those who lost relatives</i> [accessed 1 October 2021]
CLJ 2019	Asif Aqeel and Mary Gill, Center for Law and Justice (CLJ), 2019, Shame and Stigma in Sanitation [accessed 10 July 2021]
TIP 2021	US Department of State, June 2021 Trafficking in Persons Report, June 2021 [accessed 5 February 2021]
ECPAT, 2014	ECPAT, November 2014, <i>The Commercial Sexual Exploitation of Children in South Asia. Developments, progress, challenges and recommended strategies for civil society</i> [accessed 5 July 2021]
DFID DAI, 2019	Dr Murray F., Themini S., Dharel M., Shresta BT, DFID –DAI, 2019, <i>Scoping Study on Modern Slavery Nepal. Final Report AUGUST 2019</i> [accessed 24 September 2021]
UNODC 2021	United Nations Office on Drugs and Crime, Vienna, 2020, <i>Global Report on Trafficking in Persons 2020</i> [accessed 16 June 2021]
NHRC 2019	National Human Rights Commission (NHRC), 2019, National report on Trafficking in Persons in Nepal [accessed 16 June 2021]
Freedom Fund 2018	Freedom Fund, April 2019, <i>Central Nepal Hotspot Annual report 2018</i> [accessed 20 June 2021]
TIP Report 2020	US Department of State, June 2021 <i>Trafficking in Persons Report, June 2021</i> [accessed 5 February 2021]
SPL Programme 2021	Sexuality, Poverty and Law Programme, 2021, <i>Bangladesh</i> [accessed 11 October 2021]
UNAIDS 2017	<i>UNAIDS data 2017</i> [accessed 27 September 2021]
Dhaka Tribune 2018	Nawaz Farhin, Dhaka Tribune, 12 May 2018, Sex workers still struggling for their rights [accessed 11 October 2021]
TIP 2021	US Department of State, June 2021 <i>Trafficking in Persons Report, June 2021</i> [accessed 5 February 2021]
TIP 2021	US Department of State, June 2021 <i>Trafficking in Persons Report, June 2021</i> [accessed 5 February 2021]
UNODC 2008	UNODC, Government of India, Haq –Centre for Child Rights, 2008, <i>Compendium of Best Practices on Anti-Human Trafficking by Non Governmental Organizations</i> [accessed 13 June 2021]
ECPAT 2016	Executive ECPAT, Summary- India, https://www.ecpat.org/wp-content/uploads/2016/04/EXSUM_A4A_EAP_INDIA.pdf [accessed 13 June 2021]
IJAE 2020	Usha Rana, Diwakar Sharma, Debrati Ghosh, <i>International Journal of Anthropology and Ethnology</i> , 3 March 2020, <i>Prostitution in northern Central India: an ethnographical study of Bedia community</i> [accessed 30 August 2021]
India Today, 2013	Asit Jolly, India Today, 28 October 2013; <i>Sex as trade and tradition: For Bedia families, sex is a family business where young girls engage in prostitution with the consent of the community</i> [accessed 30 August 2021]
UNDP-GoP 2016	UNDP-UNAIDS-GoP-NACP- Report of the National <i>Consultation on law and policies affecting human rights, discrimination and access to HIV and health services by key populations in Pakistan</i> [accessed 27 September 2021] The Punjab Suppression of Prostitution Ordinance, 1961
Dawn 2007	Dawn, 28 June 2007, <i>Over 100 Chinese women flee to Lahore</i> [accessed 27 September 2021]
IDSN-Nepal	https://idsn.org/key-issues/forced-prostitution/
THT 2017	The Himalayan Times, 17 February 2021, <i>Number of sex workers increasing</i> [accessed 10 October 2021]
KEA-GoK, 2016	M/s Hyderabad Karnataka Centre For Advanced Learning, Karnataka Evaluation Authority & Karnataka State Women's Development Corporation Ltd., Government of Karnataka, March 2017, <i>Evaluation of Rehabilitation of Devadasi Program, implemented by the Karnataka State Women's Development Corporation, Bengaluru 2016</i> [accessed 29 August 2021]

- Sampark-ILO, 2015** Sampark – ILO, 2015, *Gender based Violence on Scheduled Caste Girls: A Rapid Assessment of the Devadasi Practice in India* [accessed 26 August 2021]
- Ashray, 2015** Ashray, Society for Elimination of Rural Poverty (SERP), 2015, *Study on Aasara Social Security Net Accessing the benefits by Jogins in Telangana State* [accessed 26 August 2021]
- Harishankar & Priyamvadha, 2016** Dr. V. B. Harishankar, Dr. M. Priyamvada, University of Madras, 2016; *Exploitation of Women as Devadasis and its Associated Evils – Volume II* [accessed 26 August 2021]
- Tribhuvan University 2020** Dipendra Bahadur K.C., Tribhuvan University, Journal Vol. 35, No. 2: 89-102, December, 2020, Deuki Pratha in Nepal: Problems and Changing Beliefs [accessed 24 September 2021]
- SPL Programme 2021** Sexuality, Poverty and Law Programme, 2021, *Bangladesh* [accessed 11 October 2021]
- UNAIDS 2017** *UNAIDS data 2017* [accessed 27 September 2021]
- Dhaka Tribune 2018** Nawaz Farhin, Dhaka Tribune, 12 May 2018, *Sex workers still struggling for their rights* [accessed 11 October 2021]
- TIP 2021** US Department of State, June 2021 *Trafficking in Persons Report*, June 2021 [accessed 5 February 2021]
- ILO Child Labour-India** ILO Child Labour-India; ILO Factsheet *Child Labour in India* [accessed 9 October 2021]
- SECC SC Rural Household Survey, Gol** Socio Economic and Caste Census-2011, Govt. Of India, <https://secc.gov.in/stateSummaryReport> [accessed 9 October 2021]
- The Wire 2019** The Wire, 16 February 2019, *80-90% of Child Labourers in Telangana Belong to SC, ST Communities: Survey* [accessed 9 October 2021]
- ILO-GoN 2021** ILO-Central Bureau of Statistics, Government of Nepal, 2021, *Nepal Child Labour Report 2021* [accessed 25 September 2021]
- C-182, Observations by CEACR, Pakistan** *Observation (CEACR) - adopted 2020, published 109th ILC session (2021)*, Worst Forms of Child Labour Convention, 1999 (No. 182) - Pakistan (Ratification: 2001)
- GoP-ILO-IPEC, 1996** Federal Bureau of Statistics (FBS), Statistics Division Ministry of Labour, Manpower and Overseas Pakistanis International, Labour Organization (ILO) and International Programme on the Elimination of Child Labour (IPEC), 9 October 1996, *Summary results of Child Labour Survey in Pakistan* (1996) [accessed 27 September 2021]
- CAS 2016** ILO and Department of Census & Statistics, Ministry of National Policies and Economic, *Report on Child Activity Survey 2016 Sri Lanka* [accessed 5 October 2021]
- TOI 2019** Sat Singh, The Times of India, 30 Nov. 2019, *1.30 lakh Haryana brides 'bought' from other states: Survey* [accessed 5 August 2021]
- UNODC 2013** UNODC 2013, *India Country Assessment Report Current Status of Victim Service Providers and Criminal Justice Actors in India on Anti Human Trafficking* [accessed 5 August 2021]
- IDSN Submission to HRC-2018** International Dalit Solidarity Network, 2018, Forced Conversions and Forced Marriages in Pakistan, Submission on Early Childhood and Forced Marriage in the Context of Humanitarian Settings, Pursuant to the Resolution 35/16 of the Human Rights Council (WRGS/COW/Res 35/16), 10 September 2018 [accessed 2 July 2021]
- PCMR-CSJ, 2019** Peoples Commission for Minorities' Rights - Centre for Social Justice, 2019, *Silence of the Lamb –II, A Working Paper on Forced Conversions- Tackling the Uncomfortable Truth of Forced Conversions* [accessed 27 September 2021]
- HRCP, 2014** Human Rights Commission of Pakistan, 2014, *Belief and relief access to justice for religious minorities* [accessed 27 September 2021]
- **NATIONAL RESPONSE MECHANISMS**
- 1950 Order** *Constitution (Scheduled Castes) Order (Aug. 10, 1950)* [accessed 11 September 2021]
- MERGE** Eleventh periodic report of Bangladesh submitted to ICERD (CERD/C/379/Add.1)
NCDHR, IDSN Submission to CERD, July 2021
- India Today 2020** Aneesha Mathur, India Today, 23 December 2020, *Anti-conversion laws in India: How states deal with religious conversion* [accessed 15 September 2021]

ITUC 2018 Submission to C-29	<i>Observation (CEACR) - adopted 2018, published 108th ILC session (2019), Forced Labour Convention, 1930 (No. 29) - India (Ratification: 1954) [accessed 2 August 2021]</i>
BL Rehabilitation Scheme 2016, MOLE	Ministry of Labour & Employment, Government of India, May 18, 2016, <i>Central Sector Scheme for Rehabilitation of Bonded Labourer – 2016</i> [accessed 2 August 2021]
HWA 2019	<i>Khosko Abdullah and Khaskheli Akram, Hari Welfare Association, 2019, State of Peasants Rights in Sindh</i> [accessed 13 June 2021]
TIP 2021	US Department of State, June 2021 <i>Trafficking in Persons Report, June 2021</i> [accessed 5 February 2021]
Nagorik Udyog- BDERM Bangladesh Report	Mohammad Nasir Uddin, Nagorik Udyog - Bangladesh Dalit and Excluded Rights Movement (BDERM), <i>Benchmarking the Draft UN Principles and Guidelines on Elimination of (Caste) Discrimination based on Work and Descent</i> [accessed 11 October 2021]
Sanjog-Taftesh 2019	<i>AHTU Watch – A National Study on status of Anti Human Trafficking Units in India (2010-2019)</i> [accessed 24 August 2021]
TIP 2021	US Department of State, June 2021 <i>Trafficking in Persons Report, June 2021</i> [accessed 5 February 2021]
DFID, DAI 2019	Dr Murray F., Theminiulle S., Dharel M., Shresta BT, DFID –DAI, 2019, <i>Scoping Study on Modern Slavery Nepal, Final Report AUGUST 2019</i> [accessed 24 September 2021] <i>Bangladesh 2013 Hazardous Work List</i> [accessed 10 October 2021]
Singhania 2017	Singhania & Partners LLP, Solicitors and Advocates, 15 June 2017, <i>India: Child Labour (Prohibition And Regulation) Amendment Act, 2016 of India</i> [accessed 25 August 2021]
ILO 138 Observation for Pakistan, 2021	<i>Observation (CEACR) - adopted 2020, published 109th ILC session (2021) Minimum Age Convention, 1973 (No. 138) - Pakistan (Ratification: 2006)</i>
PBS, GoP 2021	Pakistan Bureau of Statistics, <i>Agriculture statistics</i> The Pakistan Workers Federation (PWF) in its submission to C182 on 19 October 2017
The Week 2021	PTI, 26 July 2021, The Week, <i>Sri Lanka to toughen child labour laws</i> [accessed 5 October 2021]
Amendment Act 2021	<i>Employment of Women, Young Persons and Children (Amendment) Act, No. 2 of 2021</i> [accessed 8 October 2021]
The Sunday Morning 2021	Sumudu Chamara, 14 June 2021; <i>Minimum age for employment in Sri Lanka raised from 14 to 16</i> [accessed 8 October 2021]
SPL Programme 2021	Sexuality, Poverty and Law Programme, 2021, <i>Bangladesh</i> [accessed 11 October 2021] IDSN in its submission to HRC, 2018
ILO-Domestic Workers 2020	International Labour Organization Country Office for Sri Lanka and the Maldives, 2020, <i>Domestic Workers and Decent Work in Sri Lanka</i> [accessed 9 October 2021]
MOLESS 2021	Ministry of Labor, Employment and Social Security, Official Gazette, 3 May 2021, <i>Revision of Minimum Wages 2021</i>

■ INTERNATIONAL RESPONSE MECHANISMS

HRC-SR on Slavery 2020	A/HRC/45/8, Human Rights Council Forty-fifth session, 4 August 2020, <i>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences</i>
HRC-SR on Slavery 2019	A/HRC/42/44, Human Rights Council, Forty-second session, 25 July 2019, <i>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences</i> <i>Ratifications by Country</i>
C-81, Observations by CEACR, Bangladesh	<i>Observation (CEACR) - adopted 2020, published 109th ILC session (2021), Labour Inspection Convention, 1947 (No. 81) - Bangladesh (Ratification: 1972) [accessed 1 October 2021]</i>
C-98, Observations by CEACR, Bangladesh	<i>Observation (CEACR) - adopted 2020, published 109th ILC session (2021) Right to Organise and Collective Bargaining Convention, 1949 (No. 98) - Bangladesh (Ratification: 1972) [accessed 1 October 2021]</i>
C-87, Observations by CEACR, Bangladesh	<i>Observation (CEACR) - adopted 2020, published 109th ILC session (2021) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Bangladesh (Ratification: 1972) [accessed 1 October 2021]</i>

- C-29, Observations by CEACR, India** *Observation (CEACR) - adopted 2018, published 108th ILC session (2019)* Forced Labour Convention, 1930 (No. 29) - India (Ratification: 1954) [accessed 1 October 2021]
- C-182, Observations by CEACR, India** *Direct Request (CEACR) - adopted 2020, published 109th ILC session (2021)*
Worst Forms of Child Labour Convention, 1999 (No. 182) - India (Ratification: 2017)
- C-138, Observations by CEACR, India** *Direct Request (CEACR) - adopted 2020, published 109th ILC session (2021)* Minimum Age Convention, 1973 (No. 138) - India (Ratification: 2017) [accessed 1 October 2021]
- C-29, Observations by CEACR, Pakistan** *Observation (CEACR) - adopted 2020, published 109th ILC session (2021)* Forced Labour Convention, 1930 (No. 29) - Pakistan (Ratification: 1957) [accessed 1 October 2021]
- C-182, Observations by CEACR, Pakistan** *Observation (CEACR) - adopted 2020, published 109th ILC session (2021)*, Worst Forms of Child Labour Convention, 1999 (No. 182) - Pakistan (Ratification: 2001)
- C-138, Observations by CEACR, Pakistan** *Observation (CEACR) - adopted 2020, published 109th ILC session (2021)* Minimum Age Convention, 1973 (No. 138) - Pakistan (Ratification: 2006) [accessed 1 October 2021]
- C-29, Observations by CEACR** *Observation (CEACR) - adopted 2018, published 108th ILC session (2019)* Forced Labour Convention, 1930 (No. 29) - Nepal (Ratification: 2002) [accessed 1 October 2021]
- C-182, Observations by CEACR, Nepal** *Observation (CEACR) - adopted 2018, published 108th ILC session (2019)* Worst Forms of Child Labour Convention, 1999 (No. 182) - Nepal (Ratification: 2002) [accessed 1 October 2021]
- C-138 Observations by CEACR, Nepal** *Observation (CEACR) - adopted 2018, published 108th ILC session (2019)* Minimum Age Convention, 1973 (No. 138) - Nepal (Ratification: 1997) [accessed 1 October 2021]
- C-111, Observations by CEACR, Nepal** *Observation (CEACR) - adopted 2019, published 109th ILC session (2021)* Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Nepal (Ratification: 1974) [accessed 1 October 2021]
- C-29, Observations by CEACR, Sri Lanka** *Observation (CEACR) - adopted 2019, published 109th ILC session (2021)* Forced Labour Convention, 1930 (No. 29) - Sri Lanka (Ratification: 1950) [accessed 1 October 2021]
- C-182, Observations by CEACR, Sri Lanka** *Observation (CEACR) - adopted 2020, published 109th ILC session (2021)* Worst Forms of Child Labour Convention, 1999 (No. 182) - Sri Lanka (Ratification: 2001) [accessed 1 October 2021]
- C-138, Observations by CEACR, Sri Lanka** *Observation (CEACR) - adopted 2020, published 109th ILC session (2021)* Minimum Age Convention, 1973 (No. 138) - Sri Lanka (Ratification: 2000) [accessed 1 October 2021]
- C-81, Observations by CEACR, Sri Lanka** *Observation (CEACR) - adopted 2020, published 109th ILC session (2021)* Labour Inspection Convention, 1947 (No. 81) - Sri Lanka (Ratification: 1956) [accessed 1 October 2021]
- C-98, Observations by CEACR, Sri Lanka** *Observation (CEACR) - adopted 2020, published 109th ILC session (2021)* Right to Organise and Collective Bargaining Convention, 1949 (No. 98) - Sri Lanka (Ratification: 1972) [accessed 1 October 2021]

This publication is sponsored by the Rosa-Luxemburg-Stiftung with funds of the Federal Ministry for Economic Cooperation and Development of the Federal Republic of Germany. This publication or parts of it can be used by others for free as long as they provide a proper reference to the original publication.

The content of the publication is the sole responsibility of the author/publisher and does not necessarily reflect a position of Rosa-Luxemburg-Stiftung.

ADRF
8/1, South Patel Nagar, Second Floor,
New Delhi – 110 008, INDIA

Communities Discriminated on Work and Descent in South Asia — Status of Modern Slavery

The gap between the human development indicators between the general population and Dalit communities, among other marginalised communities, across South Asia provides substantial evidence of the ongoing economic inequality faced by the community. The role of caste in defining and allocating work of Dalit persons for generations together, with various perpetuating factors restricting occupational mobility of the Dalit persons, is evidenced through the significant prevalence of Dalit communities in different forms of Modern Slavery and slavery-like practices.



Asia Dalit Rights Forum

