

QUESTIONNAIRE

This questionnaire is addressed to stakeholders such as international and regional organisations, national human rights institutions, UN agencies, funds and programmes, non-governmental organisations, trade unions, research institutions, businesses, community initiatives, private individuals, foundations and academia.

Your responses to the below questionnaire will assist the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, to elaborate a comprehensive report on debt bondage that will be presented to the Human Rights Council in September 2016.

Debt bondage, also known as bonded labour, is defined in the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, which is one of the basis of the mandate as per the Human Rights Council resolution 24/3, 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”* (article 1(a)). The Convention provides that State Parties shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of debt bondage.

The responses should be submitted to the Special Rapporteur on contemporary forms of slavery, including its causes and consequences in English, French or Spanish at srslavery@ohchr.org

Please feel free to respond only to questions that pertain to your work/experience. For responses to questions from 2 to 6, please structure them by country/region/project, if relevant.

The deadline for submissions is 31 January 2016.

If not stated otherwise in your submission, the responses received will be published on the website of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences.

This questionnaire has be jointly submitted by the following organisations:

READ: – Rights Education and Development Centre based in Tamil Nadu and working for the eradication of the bonded labour system to enable an effective work place. READ works with the community, government and textile industries with a major focus on dalits.

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DSN–UK: Dalit Solidarity Network United Kingdom campaigns for an end to caste discrimination worldwide. It brings together organisations and individuals in the UK who are concerned with caste-based discrimination and aims to link grassroots priorities with international mechanisms and institutions to make an effective contribution to the liberation of those affected by caste discrimination.

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Question 1

Please provide information as to how/in what capacity you organise activities concerning debt bondage.

READ: – Rights Education and Development Centre based in Tamil Nadu and working for the eradication of the bonded labour system to enable an effective work place. READ works with the community, government and textile industries with a major focus on dalits.

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READ advocates for adolescent girls', from dalit communities rights, who are socially and economically marginalised. These adolescent girl children, affected by the modern bonded labour in the western region of Tamil Nadu in India, are called Sumangali Thittam. READ organises a range of community based interventions for prevention, rescue and rehabilitation of the victims affected by this bonded labour practice. Debt bondage is forced labour and a contemporary form of slavery

READ works with its partner the Dalit Solidarity Network UK (DSN-UK) to address and eliminate this modern form of slavery in the textile mills of South India and as a result can be found in the supply chains of major international retailers and brands across the world.

In Tamil Nadu, South India, textile and garment products for big brands and retailers are being made by girls and young women from low caste backgrounds under exploitative working conditions. The majority are Dalit (outcaste) girls (under 18) from poor families, lured with promises of a decent wage, comfortable accommodation and a lump sum payment upon completion of contract that may be used for their dowry. Trade unions are weak and face enormous opposition. Government enforcement of labour law is not robust.

READ and DSN-UK engage the Tamil Nadu state and India national Government, UK Brands, Indian factories and mills, local and international Trades Unions and NGOS, former Sumangali workers and others to drive real and sustainable change for workers in this sector

Question 2

- a) What is prevalence of debt bondage in your country/the countries that you are working on/globally? Please provide disaggregated data (e.g. by sex/age/region/industry/sector), if available.

In the western region of Tamil Nadu in India, an estimated 300,000 adolescent girls work as bonded labourers under the Sumangali scheme in textile mills and garment factories. The majority of these workers¹ belong to dalit communities. They are between 14 and 18 years. Our area of expertise is in this region in this sector, but throughout India there are forced labour schemes – also known as Camp Coolie and others.

Dalits across South Asia are disproportionately affected by labour rights abuses.

- b) What does debt bondage entail in practice and what forms does it take in your country/the countries that you are working on/globally?

The Sumangali scheme has been practiced for the last 10 years. Adolescent girls are recruited from their villages by brokers/agents, who pay an advance payment and then promise a considerable lump-sum at the end of the contract. However any wage received – either at the end of the ‘contract’ or if paid on a weekly or monthly basis, is exclusive of their living expenses inside work premises. So in addition food and hostel costs are deducted.

Sumangali Thittam is considered to be a form of modern slavery and bonded labour, which has been a particularly regular practice in the textile industry in Tamil Nadu. The practice is also likened to soft trafficking, a less explicit form of human trafficking. In the scheme, an adolescent girl is hired on contract for three to five years, during which she is paid a wage – which does not even meet state Minimum Wage standards and promised a lump sum at the end of the contract, often used for a dowry. However, no payments are made if the worker is unable to complete the ‘contract’ for any reason.

- c) Who are the individuals and/or groups most affected by debt bondage in your country/the countries that you are working on/globally? Please provide information as to how debt bondage might affect individuals (e.g. men/women, boys/girls) or groups in different ways.

The Sumangali scheme mostly affects adolescent girls, of which the majority (60-70%) are dalits living in remote rural locations.

Below is a summary of some of the exploitative practices used by the employers on the Sumangali Scheme workers:

- A blank contract is signed on behalf of the girls either by brokers/agents or parents for a period of 3 to 4 ½ years, depending on the mill. The parents are often unaware of the contract content and neither they nor the girls receive a copy of the contract.
- A large number of girls migrate from the eastern part of India to the western districts of Tamil Nadu where large scale textile mills are located.

¹ <http://www.indianet.nl/CapturedByCotton.html>

- Young girls between the ages 10 and 18 are recruited as so-called 'apprentices'. Physical fitness certificates from medical officers have been used as proof of age, passing children as young as 10 as fit and old enough to join the scheme.
- Children often either stay in the mill premises or live with their parents and travel to the mill. The food provided to the workers has been reported of poor quality. The accommodation in the mills is frequently not hygienic and overcrowded.
- The scheme is a major violation of labour rights, it includes compulsory overtime over and above the statutory 8 hours per day. The employers often insist on regular overtime of 12 hours a day. Moreover, if there is not enough manpower, girls are often forced to work two shifts continuously – so could be working a 16 hour day.
- Monthly wages paid to the girls are less than the minimum wages stipulated by the government. The wages also vary from mill to mill and over a period of time. The average wage is Rs.120 per day for the scheme workers. Minimum wage in Tamil Nadu is around Rs.235
- A lump sum of Rs.25000 to 65000 is promised at the end of the contract period but is not paid in many cases.
- Girls in the scheme lack freedom of movement and freedom of expression. They are not allowed to go home even for an emergency visit, including mother's funeral, a festival or a family celebration. The girls are isolated from their family and not allowed to speak to them in private. They are kept under the close supervision by wardens and do not get a chance to disclose any of the difficulties they face inside the mill to their parents.
- They are not allowed any casual leave, such as weekly leave after a pay day. Only once a year, 5 days in total, are provided to the girls to go home and return to the mill.
- The Sumangali workers were not provided with any society security measures including National insurance and Pension provision.
- Due to excessive overwork headaches, stomach aches, sleeplessness and tiredness are common symptoms among the girls. The Sumangali scheme workers may also experience potential occupational health problems during their employment and often continuing afterwards. It includes problems in menstruation cycle, infertility, miscarriages, lung infections, and problems with respiratory and nervous system.
- In the mills accidents happen frequently. The mills workers lack training and instructions to work the machinery. The workers often have trouble operating the machines that are placed beyond their reach.
- The absence of enforcement and monitoring of various protection laws

d) Based on the evidence available to you, how common is the situation when children are put into debt bondage by their parents in exchange for a loan or other benefits? And how common was it in 2014-15 for children to inherit a debt from a parent and be obliged to continue working off a loan taken by a parent?

Our experience reveals that:

- The prevalence of large scale poverty and very low levels of education amongst the rural dalit population results in large scale exploitation that is actually increasing every year.
- Families in these communities are often single parent and are extremely poor. The benefits of the scheme as presented by brokers are compelling as the family is guaranteed an income, a lump sum payment and safe and secure hostel conditions for their daughters.
- 300,000 adolescent girls are denied education due to the failure of the educational system, which allows Dalits to be discriminated against even in the classroom
- The absence of enforcement and monitoring of various protection laws

- An ever increasing demand for labour in the textile industry maintains the need for recruitment and expands to new locations.

Question 3

- a) What are the main root causes of debt bondage in your country/the countries that you are working on/globally? What measures have proved most effective in dealing with these root causes?

The root causes of debt bondage:

- Extreme and widespread poverty
- Prevalence of caste system and resulting discrimination and caste based occupations
- Lack of educational opportunities and learning new skills for Dalits and Tribals in particular
- Lack of alternative livelihoods in the locality

Most effective measures in dealing with these root causes?

- Ensuring education for all up to the age of 16
- Ensuring no-one under the age of 18 is subjected to hazardous work (as in the mills)
- Ensuring effective implementation of legislation to protect all vulnerable workers and their families
- Addressing discrimination and inequality
- Positive action measures

- b) What are the main consequences of debt bondage in your country/ the countries that you are working on/globally?

- In Sumangali scheme girls' health is affected negatively, as mentioned in Q2c.
- Families then increase their debt as the earnings are spent on medical treatments to treat illness caused by poor work conditions

Question 4

- a) What is your assessment of the legal and policy framework on debt bondage and the effectiveness of its implementation in your country/the countries that you are working on? In particular, are the methods used for protecting and assisting people who have been in debt bondage sustainable, or do you have evidence that significant numbers of people who have previously been assisted in leaving debt bondage have subsequently returned to debt bondage?

In India we have following laws:

- The Bonded Labour System Abolition Act 1976
- The Inter-state Migrant Workmen (Regulation of Employment) and (Conditions of Service) Act, 1979
- Human Trafficking Section 370 IPC
- The SC/ST (Prevention of Atrocities) Act, 1989 and Rules 1995

The last 2 are of particular relevance as the trend is now to target Dalit communities from out of state – mostly from the poorest states in India including Bihar, Jharkhand and Orissa.

The SC/ST Act is rarely invoked in these circumstances even though the deaths and other forms violence that take place are due to a person's scheduled caste status

Additional laws which should serve to protect:

- The Child Labour (Regulation and Prohibition) Act, 1986
- The Children (Pledging of Labour) Act, 1933
- The Juvenile Justice Act, 2000 (amended in 2005 and 2006)
- The Right to Free and Compulsory Education Act 2009
- Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act, 2014
- The Equal Remuneration Act, 1976
- The Protection of Human Rights Act 1993
- The Immoral Traffic Prevention Act 1956
- TN Prohibition of Harassment of Women Act 1998
- Women's Compensation Act 1923
- Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013
- The Apprentices Act, 1961
- The Factories Act, 1948
- The Industrial Dispute Act, 1947
- The Minimum Wages Act, 1948
- The Payment of Bonus Act, 1965
- The Weekly Holidays Act, 1942
- The Contract Labour (Regulation and Abolition) Act
- The Employees State Insurance Act, 1948
- The Workman's Compensation Act, 1923
- The Fatal Accident Act, 1955
- The Personal Injuries (Emergency) Provisions Act, 1962
- The Personal Injuries (Compensation and Insurance) Act, 1963
- The Protection of Children from Sexual Offences Act 2012

The issues associated with the effective implementation of these laws are listed below;

- a. Implementation and monitoring is not happening as established in the norms
 - b. Lack of political and judicial will to follow up caste-based crimes
 - c. Lack of coordination among the various government departments and personnel
 - d. Lack of awareness of the laws
 - e. Judicial remedy is a costly affair in the Indian context and often takes decades.
- b) What particular methods or strategies have you/has your organisation used to combat or reduce debt bondage or to assist people in debt bondage and with what effects? What lessons have you learned about methods that you consider to be effective?
- a. Community level prevention interventions and raising awareness.
 - b. Family Forums - addressing the issue directly with the poorer families in the communities
 - c. Individual rescue and rehabilitation initiatives, including reintegration into education, support to continue education and skills training for an alternative employment;
 - d. Life Skills and Psycho Social Care Training to overcome the trauma
 - e. Engagement with Local Bodies, Government Departments and Media for advocacy and lobbying for policy changes
 - f. Filing petitions in respective courts

- g. Research and Documentation of bonded and forced labour cases under the Sumangali scheme
- h. Working with state, national and international networks for policy, advocacy and lobbying

The key effects of READ/DSN programme 2013 to date

- The recruitment of adolescent girls for the scheme has been reduced in 5 blocks of Erode District in Tamil Nadu
- Rescued while working – 78 adolescent girls
- Alternative livelihoods – 115 adolescent girls
- Re-union with education – 65 adolescent girls
- Life Skills and Psycho Social Care – 117 adolescent girls

The key learnings:

- It is very difficult to get the government to make policy changes
- The prevalence of high rate of poverty and ignorance forces people into bonded labour

Question 5

Based on your knowledge and experience, are bonded labourers ensured access to justice and the right to an effective remedy, including the right to a full and effective reparation?² Please provide concrete examples from your country/the countries that you are working on/globally.

- No, our experience reveals that the follow-up process, which includes filing the case under the respective legislation for judicial follow up is stagnant.
- Victim protection is a high risk process as local mafia often targets the families and those that help them
- There is a lack of strong follow-up to initiate the rehabilitation process

Question 6

a) Does debt bondage in your country/the countries that you are working on/globally also occur in business' supply chains?³

In Tamil Nadu, South India, textile and garment products for big brands and retailers are being made by girls and young women from low caste backgrounds under exploitative working conditions. The majority are Dalit (outcaste) girls (under 18) from poor families, lured with promises of a decent wage, comfortable accommodation and a lump sum payment upon completion of contract that may be used for their dowry. Trade unions are weak and face enormous opposition. Government enforcement of labour law is not robust.

The issue is gaining momentum in a much wider context. The industry is part of a supply chain linking workers to international brands who follow labour standards and norms in Europe, US and the domestic market in India

² For victims of gross violations of international human rights law, such as slavery and slavery-like practices, full and effective reparation may take the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.²

³ See the 2015 report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences to the Human Rights Council (A/HRC/30/35)

- b) If so, please provide concrete examples and details, including on how debt bondage in domestic and/or international business' supply chains is being addressed by the authorities.

We are only aware of civil society efforts to address the issue through multi-stakeholders' approach, where all supply chain parties are involved, including the international brands.

Government authorities seem to lack commitment to address the issue.

Efforts are being made to address this but the results of those efforts are not encouraging as the issue is seen as a regional (Tamil Nadu) issue which has no impact on other parts of the country. In reality it is totally different as the labour force is drawn from all the parts of the country. There is huge migration of the labour force drawn from the eastern and central part of India to work as camp coolies – not freely chosen - which is forced labour.

Our programme aims at engagement with mills and factories to apply best practice guidelines for ethical recruitment and retention of workforce, and international brands to ensure they have information to effectively implement due diligence across their supply chain

Question 7

- a) What are in your view the necessary components of a comprehensive human rights-based approach to tackling debt bondage and its root causes?

Components of comprehensive Human Rights Based approach:

- Improved law implementation
- Mainstream Human Rights Culture
- Evolve Business and Human Rights guidelines and increase the required mandatory accountability of business for their supply chains

- b) Please provide good practice examples of debt bondage eradication, including those designed with meaningful participation of those affected, in terms of prevention, rehabilitation and reintegration.

- Our rescue operations have been successful in rescuing 78 girls from the forced labour conditions and now work with them as part of the Sumangali Survivors' Forum where the women themselves lead and educate their peers and family members
- The rehabilitation process was designed to secure the rights and interests of the affected and the course of rehabilitation is led by the affected and supported by the READ team. Filing of the cases in courts is based on the evidence and statements given by the affected.
- We sponsor young women to be reintegrated into the educational process – either back at school or through more vocational training.

Question 8

What are in your view the main challenges in eradicating debt bondage? How could they be overcome?

- One of the challenges we encountered was convincing the victims to file a case against the mills' management. We managed to succeed by having continuous discussions, confidence building and support and involvements of various local stakeholders.
- Another challenge was a reluctance of a police department to register the cases and file the first report. The issue was taken to the district level officials where by continuous pressure and raising the issue in media, the police department became active.
- There needs to be long term protection and access to compensation for the victims. More engagement at the community level with the local networks and community based organisations would help to ensure this support and advice

Question 9

What role, if any, could the 2030 Agenda for Sustainable Development and the Sustainable Development Goals in your view play in eradicating debt bondage?⁴

The Zero draft Outcome of Post 2015 Sustainable Development Goals has called for reducing inequality and giving equal rights to all, adopting the motto of 'Leave No One Behind'. However, caste-based exclusion has failed to get recognition in the final draft.

'Leave no one behind' encapsulates a holistic development framework. However this framework needs to take into account the situation of Dalits as some of the most vulnerable peoples and affected disproportionately by intergenerational poverty due to inherent systems of hierarchy and exclusion that discriminate and prevent access to development and rule of law. Dalits have been victims of discrimination and hate crimes for centuries and have been considered as impure and polluting.

The significance of caste in social exclusion is indeed recognized by Post 2015 development agenda (working committee) but seems to have failed to make into either the Sustainable Development Goals (SDGs) or its Targets.

We make the following recommendations for Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

Alternative 8.4: By 2030 achieve full, productive, decent employment and livelihood for all women and men, including for the poorest and those excluded on the basis of religion, [**caste**], etc., the most vulnerable such as those displaced due to natural disaster or conflicts, young people and persons with disabilities with the guarantee of equal pay for work of equal value

8.5 By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, [**eliminating unhygienic works**] and equal pay for work of equal value

*New 8.6: Guarantee access to employment opportunities by enacting equal opportunity laws that prohibit discrimination along the lines of gender, religion, ethnicity and [**caste**] in capital markets, hiring decisions and processes at the work place*

⁴ A set of Sustainable Development Goals was adopted by the United Nations General Assembly in September 2015. Goal 8 requires the international community to "Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all" and Target 8.7 states that the international community will "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".

8.8: Protect labour rights, promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, sex workers and those in precarious employment, **and abolish livelihoods of extreme injustice such as [manual scavenging] and ensure the rehabilitation of those engaged in such occupations into decent work.**

We recommend that Caste should be recognized as the major discriminatory and exclusionary factor in development, thus the importance of elimination of caste-based exclusion should be represented in the document.

For the SDGs to be transformational to 260 million Dalits across the world, it is essential that the goals, targets and the Outcome document takes into account the current realities in many parts of the world and include descent (caste) based discrimination.

Question 10

Please provide information on any recent research/studies undertaken on debt bondage either by your organisation, if applicable, or by some other entity, whether the research focused on patterns of debt bondage and exploitation or rather on the effectiveness and impact of measures to reduce debt bondage. Please attach a copy/copies or a link to the webpage where it can be accessed.

- Challenges And Responses In Renewal Of Wage Accord In Tirupur Garment Industry Paper provided by Save, Abbreviated and completed with some recent press clippings
- A Study To Understand The Situation Of Arunthathiyars Girls Employed Under The “Sumangali Thittam” Scheme In Erode, Coimbatore, Tirupur, Viruthunagar & Dindigul Districts Of Tamil Nadu, India – AHRF And Every Child 2009 – 2010
- Indian Workers In Domestic Textile Production And Middle East Based Manufacturing Infrastructure And Construction – Regional Report – June 2010:
- Fair Wear Foundation – September 2010 - Sumangali Scheme And Bonded Labour In India
- Captured By Cotton – Exploited Dalit Girls Produce Garments In India For European And Us Markets: May 2011 - SOMO And ICN
- Maid In India - Young Dalit Women Continue To Suffer Exploitative Conditions In India’s Garment Industry April 2012 - SOMO And India Committee of the Netherlands
- Understanding The Characteristics Of The Sumangali Scheme Tamil Nadu Textile & Garment Industry And Supply Chain Linkages -Prepared By Solidaridad-South & South East Asia – - Fair Labour Association, USA. May 2012
- Slavery on the high street forced labour in the manufacture of garments for international brands - Anti Slavery International June 2012
- Advocacy Study On The Impact Of Sumangali Scheme On The Adolescent Girls From Rural Areas Of Southern Tamil Nadu - Vaan Muhil – 2012
- Sumangali Thittam – New Age Bonded Labor – 2013 Research By Soco Trust Madurai
- Sumangali Scheme In Tamil Nadu - Issues and Legal Remedies - Miles To Go – 2014. READ and DSN UK.

Thank you for your cooperation and please feel free to provide any additional information relevant to debt bondage that may be informative to the work of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences.