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## Joint submission for the Universal Periodic Review of India – 3<sup>rd</sup> cycle. 27<sup>th</sup> Session (May 2017)

### Slavery practices in India

#### I. INTRODUCTION

1. This is a joint submission by Anti-Slavery International, Jan Jagriti Kendra, The National Domestic Workers' Movement, and Volunteers for Social Justice.
2. This submission focuses on **slavery practices in India**. These include **bonded labour**, which occurs across a variety of sectors; **trafficking in persons** within Indian borders; and the **widespread abuse and exploitation of women working as domestic workers, including trafficking of children for domestic servitude**. The submission also focuses on cases of **trafficking and forced labour of workers migrating internationally**. It is based on information gathered through a number of different projects in India by the above named organisations.

#### II. EXECUTIVE SUMMARY

3. Bonded labour remains widespread across India, affecting a variety of sectors. Domestic workers, including child domestic workers, continue to be highly vulnerable to abuse, exploitation, forced labour and trafficking. The majority of those affected by bonded labour and forced labour in India are Dalits, of low caste status or indigenous people, many of whom have migrated internally for work.
4. These modern slavery practices continues to persist in India due to discrimination, social exclusion, poverty and the failure by the Government to implement national laws prohibiting the practice. Laws against bonded labour are not implemented. There are significant gaps in the legal protection of domestic workers as they are not included in the labour law and thus not considered workers and excluded from social protection. Weak rule of law in India poses a significant challenge to the eradication of slavery, as there is also poor implementation of national labour laws which would provide protection against abuse. Furthermore, recent changes to labour laws and child labour laws serve to weaken the protection of vulnerable groups of workers against slavery. India is also a source country for workers migrating internationally, particularly to the Middle East. Yet, deficiencies in the national legal and policy framework for international migration increase their vulnerability to trafficking and forced labour.

5. During the second cycle Universal Periodic Review of India in 2012, there were no recommendations which specifically mentioned forced labour, bonded labour or domestic servitude. However a number of recommendations were made to ratify ILO conventions on the minimum age for employment (no. 138), the worst forms of child labour (no. 182) and decent work for domestic workers (no. 189).<sup>1</sup> Regrettably, these recommendations did not enjoy the support of the Government of India. The Government similarly did not accept the majority of recommendations made on child labour, supporting only the recommendation to “Continue the implementation of the national child labour project aiming at the rehabilitation of child labourers<sup>2</sup> However, India did support three recommendations relating to its efforts to combat and monitor trafficking and protect and rehabilitate victims of trafficking.<sup>3</sup> New draft legislation on trafficking has recently been introduced, which has some positive aspects, but is weak in other areas, and should be amended in line with international standards on trafficking.

### **III. THE INTERNATIONAL FRAMEWORK ON SLAVERY (THEME 2.1 ACCEPTANCE OF INTERNATIONAL NORMS AND 3.2 COOPERATION WITH SPECIAL PROCEDURES)**

6. India has ratified ILO Conventions No.29 and No.105 on Forced Labour, but has not ratified the 2014 Protocol to the ILO Forced Labour Convention. India has not ratified ILO Convention No. 138 on the Minimum Age of Employment or Convention No.182 on the Worst Forms of Child Labour. Nor has it ratified ILO Convention No. 189 on Decent Work for Domestic Workers.

### **IV. THEME 12.7 PROHIBITION OF SLAVERY, TRAFFICKING**

#### **A. BONDED LABOUR**

##### **1. Bonded labour is widespread in India**

7. Bonded labour remains widespread throughout India, in a variety of sectors including brick kilns, agriculture, quarries, mining, textile and garment factories, cotton production, the silk industry, and domestic work. While estimates vary immensely, it is certain that millions of people are affected.

8. Bonded labour in India is the product of poverty, discrimination, social exclusion and the failure of the government to implement laws prohibiting the practice. The majority are initially trapped in debt bondage because they have no other way of subsisting apart from taking a loan from a landlord or employer. Once taken, they lose control over their conditions of employment, and what, if anything, they are paid. The debt is often inflated through charges, making it impossible to repay and trapping the worker in a cycle of debt.

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<sup>1</sup> Recommendations 138.10 (Uruguay), 138.26 (Ghana), 138.28 (Sweden), 138.128 (Hungary). Taken from OHCHR Thematic list of recommendations UPR of India (2<sup>nd</sup> cycle – 13<sup>th</sup> session) in the NGO Submission Matrix India

<sup>2</sup> Recommendation 138.114 (Angola), in OHCHR Thematic list of recommendations UPR of India (2<sup>nd</sup> cycle – 13<sup>th</sup> session) in the NGO Submission Matrix India

<sup>3</sup> Recommendations 138.107 (Iran), 138.108 (Ukraine), 138.110 (Holy See) in OHCHR Thematic list of recommendations UPR of India (2<sup>nd</sup> cycle – 13<sup>th</sup> session) in the NGO Submission Matrix India

9. Bonded labour does not affect the population of India equally. The vast majority of people who are in debt bondage are Dalits, of low caste status, or indigenous people – also referred to as members of the Scheduled Castes and Scheduled Tribes, and Other Backward Classes. The risk of bondage is massively exacerbated when the chronically poor are simultaneously subjected to extensive social discrimination arising from their membership of a particular caste, ethnic group or religious minority.

## **2. Bonded labour is particularly prevalent in brick kilns**

10. The brick kiln sector is particularly vulnerable to debt bondage. This is due to the employment of a work-force that has predominantly migrated internally from the poorer states in India, the majority of whom are from socially excluded and economically marginalised communities; the use of advances and loans to secure and control workers; exploitative recruitment practices; and a payment system which often treats the entire family as the wage unit rather than each individual worker therefore resulting in low wages. This is combined with a failure by the Government to implement relevant laws and prosecute offenders, a lack of sustained action targeting the root causes of bonded labour, proposed changes to laws which would heighten vulnerability, and an environment in which workers experience threats and violence when seeking to organise and act collectively.

11. Each year, labour contractors (or brokers) secure the employment of workers, often through the use of the payment of an advance or loan. In the brick kiln, the worker will labour against the advance that he has taken, or where no advance is taken, on the promise of getting wages at the end of a season of approximately 8 months. While a verbal agreement is made with the male head of household about wage and work agreements, and it is the male head of the household who receives the advance payment and a weekly or fortnightly payment for expenses, the whole family are considered part of the agreement. In many cases, women work long hours in the kilns, but are not recognised as workers in their own right and do not receive any payment directly.

12. The remuneration for most activities in a brick kiln is on a piece rate basis (paid per brick). Brick kiln workers do not receive a regular wage, instead, they receive a weekly or fortnightly payment for food and other necessities which is added to their debt. At the end of the brick making season, their earnings are calculated and adjusted against the amount of advance taken and total received for expenses. In some cases, workers do not know until the end of the season how much they are entitled to receive, or if they still owe the brick kiln owner. Although required under the law, there is often no official employment records maintained and in many cases there is no transparent and verifiable process of wage determination and wage settlement against advances. If the advance payment is not considered by the employer to have been cleared, the worker may be tied to return to the same brick kiln the following season. Some workers take new loans to clear past debts, leading to perpetual bondage.

13. The working and living conditions in brick kilns can be extremely harsh. The average working day consists of 15-16 hours. As workers usually live within the kiln, there are high levels of hazardous substances such as arsenic, burnt plastic and dust. Workers, including children, are frequently injured at work. The accommodation is usually overcrowded, sometimes with several families living together in one single room. Access to drinking water can be limited, with extremely limited or non-existent provision of toilet facilities. Violence

against the workers, including beatings and abductions of family members, is common, especially when labourers seek help for their situations of abuse, exploitation and forced labour. Women are particularly vulnerable to abuse and sexual violence.

14. Children of all ages work in brick kilns, working long hours and undertaking arduous work. The great majority do not attend school, despite this being compulsory for children 14 years and under according to the Right to Education Act 2006. Although nursery services ('Anganwadi') should be provided by the state government for the young children, these services are usually not provided and Anganwadi workers, as well as other relevant welfare officers such as health officers, often refuse to come to the brick kilns. It is quite common for children working in brick kilns to suffer from malnutrition and stunted growth as a result of the living and working conditions, and to fail to obtain immunisations.

### **3. The Government is failing to fully implement bonded labour laws**

#### ***The National framework prohibiting bonded labour***

15. India has a national legislative framework prohibiting the use of bonded labour. Article 23 of the Constitution prohibits trafficking, bonded labour and forced labour. The 1976 Bonded Labour System (Abolition) Act and the 1976 Bonded Labour (Abolition) Rules outlawed debt bondage and were intended to free all bonded labourers, cancel their debts, establish economic rehabilitation measures, and punish (through fines and imprisonment) those who employ bonded labourers. Implementation of the Bonded Labour System (Abolition) Act is the responsibility of state governments which are charged with empowering District Magistrates with the means of enforcement. Vigilance Committees were to be established at each district and sub-division level, with a duty to provide for the "economic and social rehabilitation" of bonded labourers. In 1997, the Supreme Court empowered the National Human Rights Commission (NHRC) to monitor implementation of the 1976 Act. In 2016, the Central Sector Scheme for rehabilitation of bonded labourers replaced the 1978 the Centrally Sponsored Rehabilitation Scheme.

#### ***Failure to identify, release and rehabilitate bonded labourers***

16. Despite the existence of national legal and policy framework, the process of identification, release and rehabilitation of bonded labourers has effectively stagnated.

17. Although structures to identify and officially release bonded labourers are in place, they are simply not functioning effectively. While large numbers of Vigilance Committees were formed throughout India, and are powerful under the law, they are generally inactive and ineffective in practice. Some members of these committees already have major responsibilities in other government agencies or departments, and may not be able therefore to give priority to bonded labour. Corruption has also reduced the effectiveness of identification, release and rehabilitation programmes. District-level authorities often succumb to pressure from local landlords and employers who are, in many cases, powerful local politicians, and refuse to act on cases of bonded labourers.

18. In practice, bonded labourers are often identified by grass-roots civil society organisations working in the local area. Often such civil society organisations must lobby for the district administration to conduct an inquiry. Even when they do, in most cases the district administration finds that there is no case of bonded labour. Civil society organisations then have to challenge the finding using legal mechanisms, and push to ensure that the workers are

recognised as being bonded, and are provided with an official release certificate. This process can take 18 months or longer.

19. Even once former bonded labourers have obtained their official release certificate, they encounter many difficulties in obtaining payment of the rehabilitation amount they are entitled to as an officially recognised bonded labourer. With limited alternative employment options, this greatly increases the risk of freed bonded labourers falling back into bonded labour.

20. Migrant workers experience particular difficulties in accessing rehabilitation assistance. Labourers rescued in destination states are often denied their rights to effective rehabilitation in their home state, since whilst the destination state provides the official release certificate, the payment of rehabilitation falls on the sending/home district.

21. Rehabilitation assistance has not always proved very effective. This is usually because it does not offer the individuals affected a sustainable livelihood. Some states have implemented rehabilitation packages for bonded labourers in conjunction with other anti-poverty programmes, and these seem to have had better results in securing improved standards of living for those affected and their permanent removal from bonded labour.

22. In 2016, the Government of India introduced the Central Sector Scheme (CSS) for the rehabilitation of bonded labourers, which replaces the current rehabilitation scheme that provided 20,000INR (approximately US\$312) once they had received an official release certificate. The new scheme significantly increases the rehabilitation payment for released bonded labourers. However, crucially, released bonded labourers are only able to access the full amount provided for in the policy upon a court conviction for bonded labour of the perpetrator. This is problematic as it can take many years for court processes to finalise in India. Such a delay in the release of the full rehabilitation payment makes it more likely that those removed from bonded labour be forced to take another loan for survival means and therefore return to bonded labour.

#### ***Failure to prosecute perpetrators of bonded labour***

23. Enforcement of the penalty provisions of the 1976 Act has been poor, and there have been few successful prosecutions compared to the widespread prevalence of bonded labour. In many cases this is because employers belong to powerful local elites. Generally, if employers are prosecuted at all, the charges are not under the 1976 Act, but instead on charges of abuse or non-payment of minimum wages. Where a conviction is obtained, a minor fine is considered adequate in most cases and imprisonment is extremely rare.

#### **4. Poor implementation of national labour laws**

24. Weak rule of law in India poses a huge challenge to the eradication of slavery. There is poor implementation of national labour laws which, if implemented, would provide protection to workers who are in, or vulnerable to, forced and bonded labour.

25. There is little to no compliance with both the central government Minimum Wages Act and the relevant state legislation governing minimum wages. Low wages, and consequent low income, are a major cause of bonded labour. In order to ensure minimum wages are paid, the Labour Department must inspect worksites. Although India has ratified ILO Convention 81 on labour inspections and there is domestic law in place regarding this, in practice, Anti-

Slavery International and its partners have found that very few brick kilns are inspected. Almost all brick kilns fail to keep official employment records, meaning that it is impossible to determine what workers are being paid.

26. The Interstate Migrant Workman Act of 1979 has failed to regulate and facilitate safe and protected migration. The Act has yet to see the development of a system to register labour contractors and labourers, who are recruited at the source area. The provision in the law for registration of migrant workers at their place of work is often not implemented.

## **B. ABUSE, EXPLOITATION, TRAFFICKING AND FORCED LABOUR OF DOMESTIC WORKERS**

### **1. Abuse, exploitation, trafficking and forced labour of domestic workers**

27. Part of the informal and unregulated working sector, domestic workers in India face abuse, exploitation, trafficking and forced labour. Low wages, long hours, poor working conditions, gender and caste discrimination, and confinement inside the house are the norm; many experience physical and psychological abuse, and some are sexually abused. Domestic workers have limited access to social benefits and entitlements as they are excluded from the national Labour Law, which fails to recognise domestic work as work. This lack of protection under labour laws, their isolation in private homes, a lack of awareness about their rights, and the difficulties in organising them in Unions or workers groups, make domestic workers one of the most vulnerable category of workers in the country.

28. Domestic work is the largest source of occupation for women in urban India, with estimates ranging between 10 million to over 50 million, according to the ILO and other unofficial estimates. The majority of these women belong to scheduled castes and other backwards castes, including tribal castes, are very poor, illiterate, and consequently have very limited alternative employment options. Domestic work is frequently not perceived as 'employment' as a result of the unequal status of women in society and the low value given to women's work, in particular care work. The work is undervalued, considered low-skilled, and as a result is poorly paid. Despite often working seven days a week without rest days or paid holidays, the average salary ranges between INR 2000 and 4000 per month (approximately US\$ 30 to 50).

29. The employment of child domestic workers is still common practice in India, despite the inclusion of domestic work in the list of hazardous child labour that is prohibited for under 18s. A large number of child domestic workers, predominantly girls, have migrated internally and live with their employers. As they live and work inside a private home, out of sight, they are particularly vulnerable to abuse, exploitation and situations amounting to trafficking and forced labour. Many report long hours, difficult and arduous work, denied contact with their families, confined to the workplace, and being scolded and beaten by their employers.

30. The vast majority of domestic workers in India migrate internally from rural or tribal areas, where employment opportunities are limited, to cities. Within this process of migration, there are risks of deceptive recruitment practices. Many domestic workers receive very little information prior to departure. Unscrupulous labour agents not only earn by charging employers large placement fees, but also demand travel costs from the workers and

make deceitful deductions from their salaries. As a consequence, many domestic workers meet international definitions of trafficking and bonded labour.

31. An ILO study published in 2015 examined the migration of female domestic workers from the state of Jharkhand to New Delhi. The majority of migrants were young women, some still below the age of 16, who left mainly because of lack of work opportunities locally and for financial needs. The majority were live-in workers, and many reported physical abuse, use of abusive language, restriction of movement, long hours of work and lack of clarity regarding actual wages – conditions that denote deception, abuse and forced labour. Living conditions were also poor, very few had their own room, with most required to sleep on the balcony, on the kitchen floor, in the store room, or in the room of an old parent or the children. Some could use a toilet in the house while others had to go outside to common toilets and did not have access to them at night. Incidents of exploitation and forced labour were more common amongst workers below eighteen years of age. The study found that labour agents deceived workers about their conditions of work and bound workers to the employer for a period of eleven months, during which they were not allowed to leave the employer under any circumstances.<sup>4</sup>

## **2. Absence of legal protection for domestic workers**

32. Domestic workers in India remain largely outside of the protection of law. Although several laws refer to domestic workers, including the Minimum Wages Act and the Sexual Harassment Act, there is no law on domestic work. The absence of comprehensive national legislation on domestic work deprives domestic workers of protection from abuse and exploitation, and the Government should take urgent action to rectify this gap.

33. Despite the absence of a national law on domestic work, there have been some positive developments to the legal and policy framework. A few State governments have established a Minimum Wage Commission for Unorganized Workers and included domestic workers as occupational category. Some States have created Welfare Boards for Unorganized Workers, including domestic workers, whereby domestic workers who are able to register can access welfare benefits. However, as the majority of domestic workers are migrants, they are often not able to register in the State where they work as their ID card gives the right to access social security benefits only in their state of origin.

34. The Ministry of Labour and Employment recently developed a National Policy for Domestic Workers which is awaiting Cabinet approval. This policy is a first step towards improving rights for domestic workers and giving them access to social security. The draft policy has been reviewed by domestic worker organisations, under the leadership of the ILO, and the government has been given a revised version containing provisions that they considered non-negotiable to include in the policy. While we welcome the initiative to adopt a policy regulating the domestic work sector, a specific law on domestic work, or the inclusion of the sector in the Labour Law, would be much more valuable as while the policy will provide guidance, it is not legally binding. In August 2016, a private members bill on domestic work was introduced to parliament by the MP Shashi Tharoor. If passed by the Indian parliament, this measure would give legal protection to domestic work as an occupational sector and guarantee better protection and rights to domestic workers.

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<sup>4</sup> *Indispensable yet unprotected: Working conditions of Indian Domestic Workers at Home and Abroad.* International Labour Office, Fundamental Principles and Rights at Work Branch (FUNDAMENTALS) – Geneva: ILO, 2015

35. There are inconsistencies in the legal framework applicable to child domestic workers. While domestic work is included in the list of hazardous work prohibited for under 18s in 2006, the Child Labour Act included domestic workers in prohibited employment only for children under the age of 14. Recent changes to India's child labour laws have reduced the legal protection of child domestic workers as the law allows children under 14 to work in family business without defining under which circumstances and what is considered by 'family'. This will increase the invisible work done by children in the domestic sphere.

### **C. TRAFFICKING AND FORCED LABOUR OF WORKERS MIGRATING INTERNATIONALLY**

#### **1. International migration for construction work**

36. Despite the risks involved and the difficulties faced, many men migrate internationally from India for work in construction and related industries, particularly in the Middle East. In almost all cases migrant workers are exploited in some way, in some cases this amounts to trafficking and forced labour.

37. Before leaving India, migrants are usually exploited by 'sub-agents' who are not registered. These sub-agents usually charge illegal recruitment fees, often forcing potential migrants to take loans, do not provide proper documentation (perhaps a one page contract in Arabic) and do not explain insurance and other aspects of migration to the worker. Upon arrival in the destination state, workers often end up being forced to work in a different sector to what they were promised in India, for a much lower wage or in some cases no wage, passports are taken and sometimes residence permits are not provided (meaning that they are not allowed to leave the worksite), and living and working conditions can be harsh.

38. The current legal and policy framework in India only regulates and registers a relatively small number of registered agents. Due to high demand these registered agents work with networks of unregulated sub-agents, who are not accountable.

#### **2. Policies which increase the vulnerability of domestic workers migrating internationally**

39. Many women are driven to migrate internationally from India for domestic work, particularly to the Middle East, and many fall victim to trafficking and forced labour. The legal and policy framework governing international migration increases the vulnerability of this group of workers to abuse. Under an order by the Ministry of Overseas Indian Affairs, women under the age of 30 are banned from migrating abroad for employment for a variety of occupations, including domestic work. This forces many migrant domestic workers to use irregular channels, increasing their vulnerability to abuse and exploitation. The attitude of Indian embassies towards domestic workers in host countries has been described as passive or reluctant to confront local influential families in the Gulf who employ migrant domestic workers.

### **D. CHANGES TO LAWS WHICH REDUCE PROTECTION AGAINST BONDED LABOUR, FORCED LABOUR, CHILD LABOUR AND TRAFFICKING**

## **1. Child Labour Law Amendment**

40. An Amendment to the Child Labour (Prohibition and Regulation) Act was passed by Parliament in July 2016. It purports to prohibit children under 14 years of age from working, but yet exempts children who help family or family enterprises after school hours. In practice, this may allow children under the age of 14 to labour in domestic work, agricultural work, and so-called “family enterprises”, which generally refers to industries such as carpet-weaving, *beedi* (cigarette) rolling and gem polishing.

41. The Amendment sets a dangerous precedent by considering that work performed in the family is not work. It does not define what is considered by ‘family’ and will also be extremely difficult for the government to monitor. Agriculture can be an extremely hazardous sector for children in terms of work-related fatalities, accidents and occupational diseases. This is also the case with domestic work, where children perform arduous work, using toxic chemicals, carrying heavy loads and handling dangerous items such as knives and hot pans.

42. India’s Minister of Labour and Employment has argued that the exemption for children working in “family enterprises” will help impoverished families earn a living. Yet there is no proof that allowing children to work will alleviate poverty. Instead, it removes protections from vulnerable children, damaging their chances of obtaining an education and increasing their likelihood of entry into poorly paid work.

## **2. New draft law on Trafficking**

43. In 2016, the Ministry of Women and Child Development released the ‘Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, to supersede the current Immoral Trafficking in Persons Act. There are positive aspects to the draft. For example, it sets up Special Courts to deal with trafficking offences and identified special public prosecutors, and would require registration of all ‘Placement Agencies’ which commonly place domestic workers in jobs. However in other areas the draft is relatively weak. It does not provide a definition of trafficking and each State government is allowed to determine how different aspects of the law will be implemented in their State. It does not fully address trafficking for labour exploitation.

## **3. Reforms to Labour Laws**

44. The Union government has announced that it is initiating major reforms to labour laws, and is proposing four new bills; on wages, industrial relations, social security, and working conditions and safety of workers.

45. The proposed draft Wages Code is not sufficient to address the current widespread violations of minimum wage legislation. It does not adequately specify what is meant by ‘normal working hours’ and ‘maximum overtime’. There are no provisions to regulate advance payments, which are a major factor by which workers become trapped in bonded labour. It lacks a robust and meaningful inspection mechanism. The definition of employee excludes some categories of workers including agricultural labourers, domestic workers, plantation workers, horticulture workers, and sharecroppers. While it provides minimum wages for piece rate work and minimum wages for ‘time work’, the risk remains that the piece rate value does not take into account the time required, thereby maintaining the current

problem of low wages in piece rate professions causing a vulnerability to bonded labour. There is no provision to ensure that all workers in a family are recognised and paid individually for their work.

#### **4. Proposed change to labour inspection scheme**

46. The Government has also announced a plan to change the labour inspection scheme so that employers self-report on compliance, and that inspections are determined arbitrarily through a computerised system. Such a change is likely to mean that an even smaller number of work places are inspected per year, and that failures to keep employment records, pay the minimum wage and meet working condition requirements (safe drinking water, proper sanitation) will not be addressed.

### **E. DIFFICULTIES FACED BY WORKERS IN ORGANISING AND CLAIMING RIGHTS**

47. Workers in India, particularly in sectors such as brick kilns and domestic work, experience significant obstacles in organising and acting collectively to claim their rights, which heightens their vulnerability to abuse, exploitation and forced labour. In the brick kilns, some of those who have sought to organise to demand minimum wages, improved working conditions, or to protest against abuse, have reported violence and intimidation from brick kiln owners. Workers lodging complaints of bonded labour and filing for release risk retaliation by employers. Domestic workers also report unfair dismissal when asking for better living and working conditions to employers.

## **V. RECOMMENDATIONS TO THE GOVERNMENT OF INDIA**

### **The international framework on slavery**

- Ratify ILO Conventions No. 138 on the Minimum Age of Employment and ILO Convention No. 182 on the Worst Forms of Child Labour.
- Ratify the 2014 Protocol to the Forced Labour Convention, No. 29.
- Ratify ILO Convention No. 189 on Decent Work for Domestic Workers.
- Facilitate as a matter of priority a country visit by the UN Special Rapporteur on contemporary forms of slavery, its causes and consequences.

### **Bonded Labour**

- Conduct a nationwide statistical survey on bonded labour, in cooperation with the ILO, the National Human Rights Commission, and NGOs.
- Take immediate action to fully implement bonded labour legislation, ensuring the identification, release and rehabilitation of bonded labourers, and the prosecution of those responsible.
- Amend the new bonded labour rehabilitation policy, so that an initial rehabilitation payment of at least 50,000 INR (US\$750 approximately) is made to bonded labourers immediately upon release. Further rehabilitation funds can be provided upon a conviction.
- Strengthen the ability of the National Human Rights Commission to oversee state mechanisms that are mandated to address bonded labour, ensuring that District officials and

Vigilance Committee are discharging their responsibilities under the law effectively, including issuing release certificates and ensuring fulfilment of rehabilitation packages.

### **Domestic work**

- Amend the current draft policy on domestic work in line with comments provided by the ILO and national domestic workers organisations, and accelerate the adoption of the Policy.
- Draft and adopt a national law on domestic work, the provisions of which should be in line with ILO Convention No. 189 on domestic work.
- Include domestic work in the National Minimum Wage Act and ensure each State implement the provisions of the Act.

### **Addressing the causes of slavery**

- Put in place programmes targeted to tackle social exclusion and caste discrimination. The Government must also ensure that programmes targeted to poor and marginalised communities reach them, especially women and girls.
- Recognise education (both early childhood and school education) as a fundamental strategy to help keep children away from exploitative work including bonded labour and ensure that all children are able to attend schools in accordance with the Right to Education Act 2006.

### **Facilitating safe overseas labour migration**

- Review the registration and oversight of international migration agents, and improve systems so that sub-agents are also accountable.
- Improve consular services in countries with a high number of Indian migrant workers, particularly in the Middle East.
- Amend international migration policies which increase the vulnerability of domestic workers to trafficking and forced labour, such as the ban on the migration abroad of women under the age of 30 for domestic work, which forces many to use irregular channels of migration.

### **Child Labour Laws**

- Repeal the exemption from protection of the recently passed Child Labour (Prohibition and Regulation) Act for children who “(a) helps his family or family enterprise, which is other than any hazardous occupations or processes set forth in the Schedule, after his school hours or during vacations”.

### **Proposed Trafficking Law**

- Amend the draft trafficking law in line with international standards to ensure a human rights based approach with provisions for the identification, protection and rehabilitation of trafficked people, prosecution of perpetrators, and prevention of trafficking. The draft law should cover all forms of trafficking, including trafficking for labour exploitation.

### **Proposed changes to labour laws**

- Amend the current draft Wages Code to: define ‘normal working hours’ and ‘maximum overtime’; amend the definition of employee to include domestic workers, agricultural labourers, plantation workers, horticulture workers, and sharecroppers; regulate advance payments; and include a robust inspection mechanism.
- Ensure that the draft Wages Code guarantees the option of a time based wage for workers and includes a provision to ensure that all workers in a family are recognised and paid individually for their work.

- Ensure the labour inspection scheme is not amended to a ‘self-reporting’ scheme and that regular inspection of work sites are carried out – including discussion with workers, trade unions and non-government organisations operating in the area.

**The ability to organise and access rights**

- Ensure that all workers are safely able to associate freely and become members of trade unions. Investigate and hold accountable employers threatening workers that are trying to peacefully assemble and claim legal rights.