

HCCRI XII STUDY GUIDE

UNHRC



THE QUESTION OF
DEBT BONDAGE



WELCOME LETTER

Dear Delegates,

Welcome to the United Nations Human Rights Council (UNHRC) at HCCRI 2023! As your chairs, we have the pleasure of facilitating discussion throughout this conference, and we are extremely excited to meet you.

Our council will be focusing on the topic of Debt Bondage, which has become an increasingly pressing issue in recent years. Delegates, on behalf of your country and delegation, will be discussing solutions that aim to resolve this issue. Do remember that you have to maintain your country's stance and interests over your own, regardless of how tempting it is to express your personal opinion.

During the course of the conference, we hope that you will all have an enjoyable and fulfilling experience during council sessions as you work together to further your countries' interests. We hope that this conference is a warm and inviting first introduction for you into the MUN scene, or an opportunity for you to gain MUN experience. Beyond simply providing experience in debate, current affairs knowledge, and resolution-writing, this conference will provide you with a chance to collaborate with others with different perspectives and backgrounds, in a truly unique setting that only MUN can offer.

Best regards,
Dais of UNHRC

DAIS INTRODUCTION

CHAIR: MCROY LIM

When he is not trying to meet council deadlines, McRoy tiredly works towards meeting student council deadlines instead. As a JC2 student with a subject combination his friends claim will lead him to 'no job' (helm), McRoy does his best to enjoy school life while constantly trying to evade the existential crisis of needing to perform well in this do-or-die year.

Nevertheless, McRoy looks forward to chairing this year's edition of HCCRI and hopes that all delegates will have a meaningful, enriching and enjoyable time!

CHAIR: KOH TING JIA

Ting Jia is a J1 student who desperately wishes to reclaim her sleeping schedule. A part of the Humanities Programme, she takes the humouring combination KILHM. (Though it is more of a KILLME combination than anything). When taking time off from her studies, Ting Jia loves to draw, journal and scroll through her Tiktok FYP.

This being her first charing experience, Ting Jia hopes that all delegates can step out of their comfort zones as well and enjoy their HCCRI experience!

I. COUNCIL INTRODUCTION

The United Nations Human Rights Council (UNHRC) was founded on 15 March 2006 by UN General Assembly (GA) resolution 60/251, stating that the council be created in replacement of the Commission on Human Rights. Its member states are elected annually by the UN General Assembly.

The UNHRC is an international body answerable to building up the promotion and protection of international human rights, whilst being aware of situations of human rights violations and making recommendations. The council has tackled thematic human rights issues such as freedom of expression, women's rights, LGBTQ+ rights, and labour rights. In addition, UNHRC oversees and monitors UN member states' adherence to various human rights conventions, most notably the Universal Declaration of Human Rights.

I. COUNCIL INTRODUCTION

The UNHRC works closely with governments, other UN councils, non-governmental organisations (NGOs) and the public. While UNHRC is a non-legally binding organisation, its use of soft laws (i.e. frameworks and resolutions) provides international standards for states to abide by, and enables it to rally the support of compliant states in its dealings with noncompliant states through means such as diplomatic pressure.

UN special procedures and mandates are also another facet of UNHRC. Special procedures comprise special rapporteurs and working groups that work with individual states to investigate alleged human rights violations, as well as provide suggestions to states in the interest of upholding human rights. Special procedures are also able to issue communications to states to express concern regarding past or ongoing human rights violations within their borders, or domestic legislation that runs counter to international human rights standards. Such communications may also include requests for governments to investigate and end the human rights violation in question, punish its perpetrators and ensure that avenues of recourse are open to victims. (OHCHR 2023)

II. TOPIC

INTRODUCTION

Under the 1948 Universal Declaration of Human Rights, “no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”. However, according to the International Labour Organisation (ILO), an estimated 28 million people are in forced labour as of 2021, and around one fifth of this population comprises individuals in situations of debt bondage (ILO, 2022). Hence, a significant proportion of the world’s population resides in these circumstances where their basic human rights have been encroached upon.

Defined as privately imposed forced labour, debt bondage has been described by the UN to be a type of “modern slavery” (OCHR, 2014). Individuals may fall into debt bondage for a multitude of reasons that will be discussed in greater detail below, but a common experience amongst most of such persons is that escaping forced labour is almost impossible. This is because people in debt bondage often work for little to no wages, preventing them from ever fully repaying their debts. In addition, they may also have their debts unjustly manipulated or their wages withheld altogether by their employers, who often use violence and intimidation to coerce individuals into working for them.

II. TOPIC INTRODUCTION

Victims of debt bondage or forced labour are often subjected to hazardous working conditions and abuse, including but not limited to long working hours, restrictions on freedom of movement, and sexual or other physical violence. These circumstances make it difficult for individuals trapped in debt bondage to seek help, despite such actions being obvious violations of human rights.

Target 8.7 of UN's Sustainable Development Goals (SDGs) implores societies to "take immediate and effective measures to eradicate forced labour" (United Nations, 2015). Should this problem remain unresolved, cycles of poverty, inequity and marginalisation will continue to be perpetuated, resulting in the sustained suffering and hardship of many individuals.

III. BACKGROUND

KEY DEFINITIONS

Forced labour

Forced labour refers to situations in which a worker is involuntarily performing the job under the threat of undesirable consequences (ILO, 2019).

Bonded labour

Bonded labour, also known as debt bondage, is defined to be privately imposed forced labour.

1 in 5 victims of forced labour are in debt bondage. Statistically, this converts to 9.9 million bonded labourers of the global estimate of 49.6 million people trapped in modern slavery (ILO, 2022). Moreover, the situation has been exacerbated by the COVID-19 pandemic, where the initial months of the pandemic saw widespread reports of forced labour linked to the crisis (ILO, 2022). Due to the pandemic, more workers faced disruptions to their income, leading to increased debt and more workers being enslaved. Even worse, the pandemic has impeded anti-slavery efforts such as funding and counselling, restricting support for victims of debt bondage (ILO, 2022).

III. BACKGROUND

In response to the situation, there have been a number of states, including Germany and Norway, have begun introducing laws mandating enterprises to carry out human rights due diligence, which refers to the assessing of actual and potential risks of human rights abuses within a company's operations and supply chain, and seeking means to improve the situation given these findings (Krajewski et al., 2021). However, much room remains for improvement, especially in the clarity in terms of the specific obligations and expectations placed on businesses, and the focus placed on improving the situation among enterprises further down the supply chain in the informal economy where risks are in fact, typically greater (ILO, 2022).

The practice of debt bondage is especially prevalent in South Asia. It is estimated that at least 84% of bonded labourers worldwide are from South Asia, in sectors including brick kilns and agriculture (Asia Literary Review, n.d.). This debt may be passed down to their children, who commonly become victims of generational debt bondage (End Slavery Now, 2019). There is also a strong correlation between unregulated migration and debt bondage, as there are reports of child migrants falling into debt bondage to repay their travel costs to smugglers, after migrating from Asia or Africa to Europe (ILO, 2022).

III. BACKGROUND

The UN has set out to abolish all forms of slavery, including debt bondage, by 2030. To achieve this vision, there has been the establishment of international conventions including ILO's Protocol of 2014 to the Forced Labour Convention of 1930, which all 187 member states have ratified (Zeldin, 2016). This legally-binding instrument complements existing protocols by providing specific guidance on effective measures to be taken to "eliminate all forms of forced labour". While this is indeed a huge step in the right direction, the sheer number of workers who continue to be trapped in debt bondage today emphasises that insufficient attention has been paid, and more has to be done by international bodies and governments to truly resolve this issue.

IV. KEY ISSUES

HISTORICAL ROOTS

According to the report of the Special Rapporteur on contemporary forms of slavery in 2016, the historically disadvantaged have been found to be disproportionately affected by debt bondage. Such individuals include those belonging to minority groups, indigenous people, women, as well as those of lower caste (Report Everyday Casteism, 2016).

In India, those trapped in debt bondage have been found to be predominantly the 'Dalits', who are those of the lowest caste (Gupta, 2021). Despite the Indian Constitution abolishing "Untouchability", a traditional practice which subjects the Dalits to discrimination and social exclusion, in the 1950s, the Dalits continue to face widespread discrimination and marginalisation in Indian society. It is reported that amongst the adolescent girls working as bonded labourers in textile mills and garment factories in the western and central parts of Tamil Nadu, the majority of these workers belong to Dalit communities, emphasising the continued practice of subjecting the Dalits to low-skilled, low-paying jobs (Report Everyday Casteism, 2016).

IV. KEY ISSUES

According to the International Labour Organisation, field research in the rural areas of Bolivia, Paraguay and Peru in Latin America has shown that indigenous people are also particularly vulnerable to debt bondage (ILO, 2008). Indigenous workers, with little access to education, are often more likely to be recruited by labour intermediaries, and induced into an artificial debt that they are unable to repay, through wage advances and other manipulations (ILO, n.d.). Such manipulation has been recorded in Bolivia for nut collection, in the Amazon region of Peru for illegal logging, and in Paraguay for cattle farms (ILO, 2008).

POVERTY

Victims of bonded labour are forced to work to repay lofty debts that they have accrued due to, more often than not, being in situations of poverty. Individuals in such plights might choose to take on loans from from undesirable lenders to finance any major social expenditures they may have, or approach unscrupulous employers in search of work opportunities so that they can earn an income to sustain their basic living needs. Often, those in need of jobs are enticed by false promises of work prospects made by recruiters and employers, but once their services have been engaged these individuals are likely to find that they have been deceived - incurring debts in the forms of recruitment fees, transportation fees, etc (ILO, 2009).

IV. KEY ISSUES

Once bonded to work for those who provided their loans or employment, victims of forced labour will realise that their debts are almost impossible to repay. This may be due to reasons such as exorbitant interest rates, extremely low pay, and unreasonable prices of essential goods or production inputs set by their employers (ILO, 2005). Additionally, the costs of said goods and inputs are often way higher than the pay received by workers, causing them to involuntarily sustain greater amounts of debt.

Usually, individuals in situations of poverty are often unaware that the choices they make will lead to the consequences of them becoming debt-bonded labourers. These people often have low education levels and literacy skills, and hence become vulnerable to exploitation (ILO, 2005). Unable to keep records of the loan payments they have made or check through the terms of the contracts they sign, this gives employers the opportunity to easily manipulate debts, interest rates, and wages as they please.

POLITICAL CORRUPTION

Bureaucratic corruption also plays a prominent role in exacerbating bonded labour. According to the 2022 Corruption Perception Index, hotspots for bonded labour like Myanmar, Philippines and Libya are in the top 30 corrupt states. (Transparency International, 2022)

IV. KEY ISSUES

There is a nexus between political corruption and bonded labour, and in relation labour trafficking. Such corruption manifests in forms including bribery and sexual services provided to local authorities (ie. judges, government officials, police, immigration officers), many of whom are involved in the foreign labour supply chain. Such bribes work as these corrupt officials are motivated by money, pleasure and greed. They facilitate transnational labour trafficking by interfering with customs as well as paperwork, easing the trafficking process.(ILO, 2022) Since local authorities serve as the middlemen in the trade, labour brokers would work with corrupt officials to streamline the process, allowing these migrants to go overseas easily.

Political corruption is omnipresent, and would need to be addressed in order to prevent further exploitation. The UNHRC is advised to engage in risk assessment to mitigate corruption. This entails public and private companies tracing their supply chains to ensure that their labourers are not bonded.

LACK OF POLITICAL WILL

The lack of political will to enforce pre-existing laws and charters due to the government benefiting off these labourers worsens the issue. Forced labour makes countries more competitive within global supply chains, allowing domestic industries to stay relevant and competitive. There is therefore incentive to turn a blind eye to the plight of these labourers, a show of negligence and repression. This prevents labourers from receiving the aid they deserve.

V. SCOPE OF DEBATE

COMBATING SYSTEMIC EXPLOITATION OF WORKERS BY COMPANIES

The exploitation of workers by companies is primarily done through the manipulation of debt, pay and working conditions, as well as reducing employee freedoms. Migrant workers are especially susceptible to manipulation, due to language barriers and their unfamiliarity with foreign laws and systems. (ILO, 2022) For some, debt is created when employees are made to pay exorbitant transportation costs. For others, after taking a loan from a third-party, they work tirelessly under their employers with zero autonomy over their pay until their debt is accounted for. (ILO, 2022) Employers capitalise on this by manipulating their pay – deducting for food and miscellaneous costs, deferring payments and underpaying workers. Third-party lenders may also increase the interest rate of loans to cause a snowball effect where the amount due grows exponentially, trapping the victim in debt. (ILO, 2022) Other common practices such as the confiscation of passports and other official documents restrict the movements of employees. (ITUC, 2009)

V. SCOPE OF DEBATE

There are a myriad of reasons why victims remain exploited unchecked. Apart from the smaller scope of aid, employers capitalise on the vulnerable nature of victims, given their lack of education and their fear complex. Since they are bonded by debt, employers choose to withhold wages or threaten to employ the rest of the family. (ITUC 2009) The threat of deportation, namely for migrant workers, is also hung over their heads. It is a threat as they would lose their income, especially since many of these workers are the sole breadwinners of their family. Lastly, it is advantageous for larger companies to retain bonded labourers as they are cheap and lower production costs. Therefore, they would choose to turn a blind eye to their plight, incentivised by cheap labour costs.

Given that the UNHRC is non-legally binding and that extending influence over international corporations is challenging, delegates would need to consider what appropriate measures need to be taken in order to mitigate bonded labour.

V. SCOPE OF DEBATE

ESTABLISHMENT OF EFFECTIVE REGULATION AGAINST BONDED LABOUR

The ILO has introduced various instruments since 1930, namely the Forced Labour Convention, the Abolition of Forced Labour Convention and the Forced Labour Protocol, to condemn and prohibit the use of forced labour in any form (with certain exceptions such as compulsory military service). Despite both of the abovementioned conventions enjoying nearly universal ratification, forced labour (and often by extension, bonded labour) remains prevalent in many countries (ILO, 2019).

Various countries have implemented different measures to prevent bonded labour. For example, countries such as India and Nepal have added provisions relating to debt bondage into their constitutions where the practice of forced labour is made illegal by law (United Nations, 2016). On the other hand, many others have introduced specific legislation aimed at combating debt bondage if it occurs. In Australia, perpetrators of debt bondage are sentenced to 4 years in prison, and task forces have been set up to tackle incidents of illegal work and the exploitation of workers (United Nations, 2016). However, often due to reasons such as poor enforcement of legislation, lack of information and data to identify debt labourers and the absence of actual measures specifically targeting the factors that result in and propagate debt bondage, measures introduced by countries may be ineffective in alleviating the situation (Decker Sparks & Hasche, 2019). Vulnerable individuals remain at risk of being lured into debt slavery and those who have already become bonded labourers often have little chance of breaking free.

V. SCOPE OF DEBATE

As for the UNHRC, its most substantial initiative targeted towards forced labour is the creation of the Special Rapporteur on contemporary forms of slavery. However, due to reasons such as the lack of political will among governments who benefit from bonded labour or the existence of rampant poverty that perpetuate the continued conditions for individuals to be exploited, recommendations made to combat bonded labour have largely proved to be ineffective.

Hence, delegates should examine the shortcomings of current infrastructure in place and find innovative ways to improve present-day solutions, taking into consideration the various factors that drive debt bondage as mentioned. Thus, allowing for the establishment of effective regulation against bonded labour.

V. SCOPE OF DEBATE

ALLEVIATING THE IMPACT OF DEBT BONDAGE

Debt bondage leaves a profound and long-lasting effect on both individuals and communities, physically and mentally. Physically, workers exploited through debt bondage are often forced to toil for long hours in undesirable working conditions(OHCHR, 2016). Individuals also often suffer psychologically due to the loss of freedom and autonomy, with some reporting their passports and other identification documents seized by their employees(Anti-Slavery International, n.d.). Moreover, the debt can even be inherited by their children, who are then held in slavery and exploited due to a loan that was taken by the previous generations, leaving an intergenerational impact on the families of those affected(Anti-Slavery International, n.d.). This can lead to a vicious cycle of intergenerational poverty for these families as their children are deprived of educational opportunities and forced to work to repay the previous generation's debts from a young age (Genicot, n.d.).

V. SCOPE OF DEBATE

After their release from debt bondage, victims often need to be rehabilitated and reintegrated into society to aid their transition back to a normal life, and to prevent them from falling back into debt bondage. As workers who have just been released from debt bondage may lack means to sustain their basic needs, they may end up worse both financially and psychologically than they were before, thus once again sliding back into debt bondage even in the absence of coercion (OHCHR, n.d.). This makes it essential for governments to offer proper rehabilitation, which can include psychological care, legal and social services, as well as livelihood support (IOM, 2018). In India, under the Centrally Sponsored Scheme for Rehabilitation of Bonded Labour 1978, financial assistance is provided to past victims of bonded labour to aid their successful rehabilitation into society (PIB Delhi, 2019). However, the implementation has been weak and restricted to merely 18 states, coupled with a lack of regular monitoring and slow proceedings of court cases, leading to a lack of effectiveness of the scheme (Khan, 2019). Hence, while such schemes may be viable, there will need to be measures which would ensure effective implementation put in place.

Delegates should discuss relevant means to alleviate the impact of debt bondage on bonded labourers, as well as appropriate measures which can be taken to reintegrate them back into society, both emotionally and financially. Solutions should take reference to, and appropriately target the key issues identified above.

VI. KEY STAKEHOLDERS

SOURCES OF BONDED LABOURERS

Countries in South Asia and Sub-Saharan Africa, including India, Nepal and Nigeria, are typically the main sources of bonded labour. Poverty, a lack of better alternative employment opportunities, and a weak rule of law, serves as a breeding ground for debt bondage.

Globally, Sub-Saharan Africa and South Asia have the highest and second-highest proportion of people residing in extreme poverty, with 50.7% and 33.4% of the world's extreme poor living in these two regions respectively (Islam et al., 2022). These workers, in the face of a lack of better alternative employment opportunities, often turn to debt bondage, which provides immediate relief to their financial needs (Roberts, 2022). This leaves the poor especially vulnerable to exploitation as they can easily be coerced into debt bondage by labour intermediaries. Moreover, a weak rule of law in these regions also means that there is either non-existence of laws specific to prohibiting debt bondage, or unenforced regulation, which leaves perpetrators free to escape the law, further compelling companies to take advantage of these workers (UNHRC, 2016). A combination of the aforementioned factors hence leads to these regions being a hotbed for debt bondage.

VI. KEY STAKEHOLDERS

In Europe and Central Asia, there have also been multiple reports of debt bondage, with the global estimates for 2016 indicating a total of about 3.6 million victims of modern slavery, on any given day in 2016 (ILO, 2017). This is especially prevalent in less-economically developed countries including Albania, where Albanians crossing the English Channel have been forced into debt bondage by criminal gangs to pay for their crossings, or due to the debt they accumulated from arranging a trip themselves. They often end up working in drug farms, especially cannabis farms, which have been found to be staffed with illegal migrants in debt bondage (Albanian Daily News, 2022). This lends them in a similar predicament to those in Sub-Saharan Africa and South Asia.

These countries rely heavily on bonded labourers for their workforce, which may result in a lack of political will to enforce effective regulation to improve the situation. Rather, politicians may be more concerned with the economic benefits that these low-cost workers can bring to the country's economy, hence indirectly contributing to the exploitation of these workers.

VI. KEY STAKEHOLDERS

COUNTRIES COMBATING DEBT BONDAGE

Countries have been combating debt bondage by introducing legislation and frameworks to rehabilitate bonded labourers. Both developed and developing countries have been contributing to the cause, with countries such as the United Kingdom spearheading efforts tackling debt bondage. The 2019 Global Slavery Index placed the United Kingdom as the country taking the most action to respond to modern slavery, with countries such as France, the Netherlands and Australia also introducing legislation targeting slavery in the last 10 years (Haynes, 2019).

India was the first country in South Asia to enact legislation through the Bonded Labour System (Abolition) Act of 1976 which prohibits debt bondage, providing clear criteria for the identification of bonded labourers, and including a mechanism for their release and rehabilitation, as well as penal action for offenders (ILO, 2008). However, India continues to face the issue of debt bondage, mainly due to the lack of effective enforcement of these policies. The implementation of enacted policies has been weak, and little concrete action has been taken. Countries including Nepal and Pakistan have also enacted legislation to outlaw debt bondage, though also met with limited effectiveness due to similar reasons (ILO, 2005).

VI. KEY STAKEHOLDERS

COMPANIES

Companies often perpetuate the issue of debt bondage, either directly or indirectly. Directly, companies may engage in the practices of debt bondage, by employing workers directly through such means. This is especially true for the agriculture industry. Clock House, a farm in the United Kingdom, employs 1,200 workers on average every season to pick their fruits, including raspberries, strawberries, blackberries and plums. They have been reported to have issued zero-hours contracts to their migrant workers initially, though that was later changed to guarantee a minimum of 20 hours a week (Dugan, 2022). However, labourers often end up working far fewer hours than what is stated and making less than £300 a week, inhibiting their ability to repay their debts, partly due to the lack of commitment from companies to ensure the living wage of their workers (Dugan, 2022).

Indirectly, global corporations engage with intermediaries at various levels within their supply chains, and the complexity of their supply chains make it difficult for them to sieve out specific instances of debt bondage (Viederman, n.d.). Hence, such corporations may be perpetuating debt bondage in parts of their supply chain unknowingly, should their suppliers and subcontractors employ workers through debt bondage. In a report by Procurious and Ivalua “Procurement Under Pressure”, nearly a third (32%) of procurement leaders admitted to not adhering to their own sourcing standards in an attempt to secure supplies of products (Wollenhaupt, 2022). This is especially because companies are set on maximising profits, and would likely prioritise cost efficiency over ensuring ethical practices.

VII. POTENTIAL SOLUTIONS

The issue of reducing bonded labour is multifaceted and difficult to resolve due to the multitude of stakeholders involved, namely countries, companies and victims, and their conflicting interests. Bearing this in mind, delegates should work together to think of solutions that are palatable to all stakeholders and that can be implemented on an international scale.

INTERNATIONAL REGULATION

The enactment of international regulations is crucial in combating debt bondage, as it sets international standards for countries and companies to abide by. Given the non-binding nature of UNHRC, delegates can utilise soft laws such as conventions and resolutions, with reference to previous such documents made under the ambit of the United Nations. These include the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203) and the UN Convention on Transnational Organized Crime Supplementary Protocol. Delegates are also encouraged to expand on the definition of bonded labour, while ensuring that laws are victim-centred. This ensures that more victims are included, and that the victims receive the aid they deserve.

Delegates can also utilise Special Procedures to provide recommendations on how to reduce debt bondage in affected countries.

VII. POTENTIAL SOLUTIONS

BILATERAL AGREEMENTS BETWEEN PUBLIC AND PRIVATE SECTORS

Ultimately, it is difficult to manage employment terms within companies as they are separated from the state. Thus, the council would need to work with governments, MNCs as well as trade unions to ensure that international agreements are upheld. This could come in the form of partnerships to ensure the continuity of support for victims of bonded labour, namely for countries sourcing and receiving bonded labourers. Delegates should consider if it is corporate social responsibility to promote fair and ethical recruitment, and base recommendations off that. (ITUC 2009)

Collective change can be made when the public sector partners with employees and trade unions. Given that trade unions are imperative in fostering good relations between employee, employer and the government, they can raise awareness of the ground situation, providing reports on labour numbers, the severity of the situation and encouraging the workers to exercise their freedom of speech on the matter more, as many have been more silent. (ITUC, 2009)

VII. POTENTIAL SOLUTIONS

INCREASING PROTECTION OF VICTIMS

The council should consider increasing the protection of victims via a two-pronged approach: Prevention and extended protection. The solutions should address short-term and long-term measures in order to prevent re-victimisation.

Prevention programmes should entail risk assessment, as well as elements of awareness. In the Philippines, the Trade Union Congress of Philippines (TUCP) hosts multiple platforms to reach out to populus vulnerable to being in bonded labour. (ITUC 2009) Some include their hotlines, helpdesks at transport terminals as well as their website which contains information on telltale signs of being bonded as well as human trafficking. Once bonded, it is difficult for victims to speak up due to employers withholding documents and pay. Thus, it is paramount that the council prevents such cases as it is easier than rehabilitation.

Rehabilitation frameworks should include elements such as counselling, accommodation and financing, in order to release victims from the poverty cycle. Via group counselling, victims are able to bond over their shared experiences and form a support group, where they can work to end the bondage cycle. Financing services would facilitate saving strategies that would reduce poverty. Such frameworks should also consider expanding the scope of social protection, through the increase of manpower. Labour inspectors would need to have greater access to affected areas, to increase ease of detection of bonded labourers. In planning such frameworks, delegates should consider the costs as well as where to procure funding and manpower.

VIII. CASE STUDIES

INDIA

The practice of debt bondage and forced labour is extremely prevalent in the Asia-Pacific region, with ILO estimates showing that it hosts by far the most number of people in forced labour at around 15.1 million (ILO, 2022). Out of the many countries located within the Asia-Pacific where debt bondage is prevalent, India is one where such practices are especially commonplace.

The practice of debt bondage has a long history in India dating back to the time when the nation was under colonial rule and its people were often made to serve as indentured slaves in countries such as France or Australia (Alessandro Stanziani, 2016). In addition, many policies created by India's colonial government had the detrimental effect of worsening social stratification within the country. This increased inequality between social classes, thus steering members of the lower caste towards taking on loans from their wealthier counterparts where they were, as a result, forced into labour to pay off the debts they had incurred. Such practices have persisted over time, causing the majority of people who are in debt bondage in present-day to be the Dalits, of "low" caste (United Nations, 2016).

VIII. CASE STUDIES

Even though bonded labour has been made illegal in India since 1976, the issue still remains prevalent. According to a survey conducted by the Gandhi Peace Foundation and the National Labour Institute in 10 States in 1978 and 1979, the estimated number of bonded labourers working in the agriculture sector stood at around 2.62 million (United Nations 2016).

There have been organisations within India, such as the Bonded Labour Liberation Front, and outside of India with aims to free bonded labourers. Still, global developments in recent years, mainly the COVID-19 pandemic, have made the situation much worse. With the flow of migrant workers being disrupted due to travel restrictions, many factories scrambling to find sources of cheap labour have capitalised on the increasing poverty of citizens by luring them into debt-bonded labour with false promises of job prospects (Quallen, 2021).

VIII. CASE STUDIES

BRAZIL

Brazil is another country where high levels of bonded labour are reported. According to estimates by the Global Slavery Index, on any given day in 2016 in Brazil, 369 thousand people were subjugated to acts of modern slavery (Global Slavery Index, 2019).

Similar to the case of India, the roots of slave labour in Brazil can be traced back to the period of colonialism. And even though the 1888 'Golden Law' (Lei Áurea) abolished the right for an individual to gain ownership of another, practices of slavery and bonded labour have persisted till today because policies such as the 1850 Land Act (Lei de Terras) have increased the economic divide in the country (ILO, 2009). These inequalities have been passed down and worsened from generation to generation, hence providing the breeding ground for the continued exploitation of vulnerable individuals.

Since 1995, the Brazilian government has recognised the significance of the issue and has implemented an array of measures to eliminate bonded labour in the country. As a result, more than 35000 individuals have been saved from situations of slave labour between 2003 and 2017 (ILO, 2018).

VIII. CASE STUDIES

For example, the Ministry of Labour and Employment has created the ‘Special Mobile Inspection Groups’ (GEFM) to investigate complaints where individuals are held in conditions analogous to slavery such that they can then free these workers and prosecute their employers. In addition, to allow the public to gain awareness of individuals who violate the labour legislation, the names of employers caught doing so are placed on a register known as the ‘dirty list’ (ILO, 2009). These measures have proven to be successful in achieving the goal of alleviating debt bondage. From 1995 to 2008, there was a steady increase in the number of mobile inspection operations conducted by GEFM and the number of workers freed as a result of these operations. Moreover, employers that find themselves on the ‘dirty list’ are subjected to fines, penalties and experience a greater difficulty in securing credit and other banking benefits as a result of the initiatives taken by organisations who are committed to eradicate bonded labour. Hence, impeding their exploit-driven operations and production (Medeiros, 2018).

VIII. CASE STUDIES

Apart from the government, other stakeholders in Brazilian society have stepped up in support of the cause to reduce slave labour as well. The ‘National Pact for the Eradication of Slave Labour’ is a voluntary commitment undertaken by more than 200 enterprises to ensure that their supply chains do not include workers in forced labour and to support the social reintegration of said workers trapped in slave-like labour conditions (ILO, 2009). Since the signing of the pact in 2005, there have been numerous cases reported of enterprises cutting their commercial ties with suppliers and other producers that employ the use of forced and bonded labour.

Bonded labour remains an issue that is far from being resolved in Brazil, as factors such as economic inequality continue to persist. Albeit only to a small extent, measures like the ones mentioned above have helped to alleviate the situation, demonstrating that Brazilian society is taking the right steps towards hopefully resolving the issue in the future.

QUESTIONS A RESOLUTION MUST ANSWER

1. How can debt bondage be mitigated?
2. How can the issues that bonded labourers currently face be resolved?
3. How can the various stakeholders involved be compelled to solve this issue?
4. What are the flaws within existing frameworks, and how can they be resolved or improved upon?

CONCLUSION

Resolving the question of bonded labour is a matter that requires precarious decision-making as well as problem solving skills, given the scale of impact the issue has. With globalisation and the expansion of supply chains, the issue is ever more pressing. Delegates need to ensure that the labour rights of workers are not compromised and that all stakeholders work together when approaching the matter.

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