

Forced Labour in Asia

OVERVIEW

The Asia and Pacific region is struggling against both traditional and newer forms of forced labour. Bonded labour remains a tragic reality for many of the poorest women, men and children in some South Asian countries. Trafficking for forced commercial sexual exploitation is growing.

Older manifestations of forced labour are transmuting into newer ones, as with bonded labour which, although still widespread in its traditional stronghold of agriculture, is increasingly found in other sectors such as domestic service, brick-kilns, rice-mills, mining and quarrying and carpet-weaving. The region is also home to the notorious contemporary case of state-imposed forced labour by an ILO member State: Myanmar.

Poverty and discrimination breed the conditions in which forced labour practices persist, while forced and bonded labour systems also lock vulnerable groups into extreme poverty. Despite the existence of strong legislation against various forms of forced labour in some countries in the region, because of inadequate law enforcement the vast majority of perpetrators go unpunished.

KEY STATISTICS

- An estimated 9.5 million people are victims of forced labour in the Asia-Pacific region, representing more than three-quarters of the global total of 12.3 million people;
- The majority of forced labourers in the region - almost two-thirds or 6 million people - are coerced to work by private individuals for the purpose of economic exploitation in agriculture and other economic sectors. Forced commercial sexual exploitation makes up less than 10% of the total. About 20% of forced labour (affecting approximately 1.9 million people) is state-imposed, and concentrated in a few countries;
- Some 1.4 million people in Asia and the Pacific are victims of trafficking into forced labour - or around 55% of the global total of trafficked victims. This means that the remaining 8.1 million people are trapped in forced labour by means other than trafficking, primarily through debt bondage;
- Annual profit generated by trafficked forced labour in the Asia-Pacific region is estimated at US\$ 9.7 billion;

WHAT IS THE SITUATION

- Bonded labour is the main form of forced labour in the region, affecting mainly the South Asian countries of India, Nepal and Pakistan. It usually begins when poor people have no

option but to take a loan or wage advance from their employer, to cover emergency or major social expenditures. They subsequently find it impossible to repay for a combination of reasons, including high interest rates, low pay and over-inflated prices for agricultural or other essential production inputs provided by the landlord or employer. Illiteracy compounds the problem, as debtors are unable to keep or verify records of the loan repayments they have made, and in most cases no written contract exists in the first place. Violence and threats of violence can be used to enforce the bond, or more subtle strategies such as exclusion from future employment. In worst cases, children can be bonded independently of their families, or can inherit debts taken by their parents.

- The economic disparities in the Mekong sub-region fuel the trafficking of women and children from Myanmar, Laos and Cambodia towards Thailand. Women and children from Indonesia and the Philippines are trafficked into forced commercial sex work in destination countries such as Australia, China, Hong Kong SAR, Japan, South Korea and Taiwan, China. The incidence of forced labour among domestic workers trafficked from these countries to Malaysia, Singapore and Hong Kong is high. In Japan and Australia, for example, women have entered the country legally under "entertainment" visas, in the expectation of working in dance clubs, only to be forced into providing sexual services.
- Root causes of trafficking and irregular migration include poverty, indebtedness, and limited educational and employment opportunities in rural communities of origin, social exclusion and the lure of the big cities. Some women and children are sold into the sex trade, while others are trafficked for domestic or seasonal agricultural work, or begging and soliciting. ILO research in the Mekong delta region shows that most forced labour occurs as an outcome of voluntary, if ill-prepared and uninformed, migration.
- Migrant workers from Sri Lanka, the Philippines and Indonesia have died in unclear circumstances in several Middle Eastern countries, and others have been subjected to severe punishments. In Hong Kong and Singapore, several cases of severe ill treatment of migrant domestic workers by employers have been prosecuted since 2000.
- In China, massive internal migration from rural to urban areas puts many young women and girls, in particular, at high risk of labour and sexual exploitation. Many Chinese migrants are also susceptible to smuggling and trafficking into ethnic business enclaves in Europe and North America, where they become trapped in slavery-like conditions in sweatshops, restaurants and domestic work.
- Domestic workers are facing new forms of coercion. Sometimes, an initially freely-chosen job later becomes an exploitative trap, while in other cases, women and girls are trafficked into forced domestic service overseas. Forced labour situations can develop when workers are confined to the employer's home, subjected to physical, verbal or sexual abuse, and their freedom to leave the job is denied - particularly when passports and other identity documents are confiscated.
- In Myanmar, labour is required on a large scale from villagers (men, women, children and the elderly) for a range of purposes, including cultivation, portering, sentry duty and road

or bridge construction and repairs. If villagers refuse to comply with orders, they can be subject to threats, imprisonment and violence.

WHAT IS BEING DONE

The governments of India, Nepal and Pakistan have all enacted legislation to outlaw bonded labour systems, and have had varying degrees of success. Around 18,000 identified former "Kamaiyas" in Nepal have received some rehabilitation, including land and housing materials for the poorest, as well as a range of other support such as vocational skills training and access to micro-credit. At the moment, however, the political situation in Nepal is an impediment to ILO programmes there.

In India, the government's "centrally sponsored scheme" provides financial or in-kind grants to released bonded labourers and their family members: over 285,000 people have benefited to date. Almost 5,000 prosecutions have been recorded so far under the Bonded Labour System (Abolition) Act of 1976. Pakistan adopted, in 2001, its National Policy and Plan of Action for the Abolition of Bonded Labour which provides the framework for attacking the problem, mostly in agriculture and brick-kilns in Sindh and Punjab Provinces.

In Asian countries, domestic workers are not recognized as workers and deprived of labour rights. To remedy this situation, both the Philippines and Indonesia now have bills that provide for a minimum wage for domestic workers and for working hours and benefits similar to those for workers in other sectors. Japan has recently embarked on a series of measures to eradicate the exploitation of migrant and trafficked women, including strict enforcement of the rules for entertainment visas, financial assistance for victims to return home, and intensified cooperation with origin countries.

The "Bali Process" was initiated by the governments of Australia and Indonesia to develop practical measures at a regional level against trafficking and smuggling. The process has thus moved from one of enunciating principles to more practical measures, while there has also been a recent change of focus from the interception of smuggling towards the prevention of trafficking and protection of victims.

In China, there have been well-publicized arrests and prosecutions of leaders of trafficking networks, and a toughening of penalties. Between 2001 and 2003, the government investigated over 20,000 cases, in which 43,215 women and children were rescued and 22,018 traffickers arrested. Government action is also underway to prevent illegal emigration for work abroad, by cracking down on hundreds of unregistered labour intermediary agencies.

EXAMPLES OF ACTION BY THE ILO

The Special Action Programme to combat Forced Labour (SAP-FL) undertakes research on forced labour, awareness raising and advocacy, training and capacity building in ILO member States as well as community-based prevention and rehabilitation, in close collaboration with national governments and social partners.

Through technical cooperation projects in India, Pakistan and Nepal, the ILO is addressing bonded labour and assisting the governments in providing effective rehabilitation for released bonded families and targeting specific needs of the poorest-of-the-poor, especially women, who

are most vulnerable to debt traps. An important aspect is work with microfinance institutions to help them develop and offer specially adapted savings, loans and other financial services like life insurance so that families no longer need turn to their employers or landlords for loans. The current political situation in Nepal, however, is a serious impediment to effective action.

The ILO is helping Indonesia and the Philippines strengthen the outreach of domestic workers' organizations and creating linkages with organizations of migrant workers in the neighboring destination countries of Malaysia and Hong Kong SAR.

In the Melong Delta region, the ILO Mekong Trafficking project is working to prevent ill prepared migration of vulnerable groups like women and children who are easier to steer into forced labour through human trafficking.

A major ILO initiative to prevent trafficking in women and girls between Cambodia, Yunan Province of China, Vietnam, Lao PDR and Thailand has contributed towards reducing the vulnerability of girls and young women to trafficking by warning them of the dangers of ill-informed migration. It encourages them to participate actively in developing solutions to the problems in their communities of origin that give rise to this migration.

In China, a new ILO project aims to enhance the capacity of the government and labour institutions to address the law enforcement aspects of trafficking. The project includes data-gathering, victim identification, and law and policy-related activities in selected provinces of high out-migration.

In Vietnam, the ILO has provided technical support to an Inter-Ministerial Task Force on forced labour, established to review forced labour concerns in law and practice, and to oversee a comprehensive review of forced labour in the country. The process has succeeded in mobilizing a wide range of government departments under the leadership of the Ministry of Labour, Invalids and Social Affairs, building consensus on forced labour and of the relevance to Vietnam of eliminating forced labour.

In Mongolia, possible forced labour practices have been examined, including forced overtime in manufacturing and placing prisoners at the disposal of private companies in the textile and garment industries.