



APWLD¹ Briefing paper on the gender dimension of contemporary form of slavery, its causes and consequence

For the roundtable convened by the UN Special Rapporteur on contemporary forms of slavery, Geneva 11-12 April 2018

1. SITUATION OF WOMEN'S FORCED LABOUR IN ASIA PACIFIC

Contemporary form of slavery disproportionately affects women and girls through patriarchy aggravated by neoliberal globalisation, fundamentalism, militarism and climate change. As of 2016, 71% of the people affected by contemporary form of slavery are women while 50% of all are made up of forced labour imposed by private sectors.² In this briefing paper, we wish to highlight the issues of forced labour and debt bondage in selected sectors as well as key barriers causing them. The information is drawn from our members, partner organisations of the Feminist Participatory Action Research on Labour rights³ (Labour FPAR) and desk research.

Issues of forced labour prevalent among women workers in selected sectors

- Care work and domestic work

There are more than 53 million domestic workers worldwide and almost half come from the Asia Pacific region.⁴ Decreasing public services and increasing demands for care work drives many women workers from the region to become domestic and care workers in predominantly Gulf countries and East Asia. Lack of decent work opportunities and poverty, many low-income women were forced out of necessity to become workers in sectors often devalued and low-paid such as domestic work.

Aside from abusive working condition, sexual violence and death, the issue of debt bondage faced by domestic workers is very much prevalent.⁵ It can be said that for these women, debt bondage already starts since they enter the recruitment process to migrate for work abroad.⁶ Coming from low-income background, having to pay recruitment fee which can range up to \$7,000⁷ is almost impossible. Women in the region faces various legal, cultural and economical barriers to take out formal loans, forcing them to take loans arranged by recruitment agencies with vague and unfair condition. While the workers enter the agreement with consent, they became debt bonded labour as their work does not contribute to paying off debts as it proportionately should.

The fact that domestic work is not recognised in most of the countries means the workers lack of labour rights and protection. Without basic labour protection such as working hours, rest day, rights to unite and minimum wage, domestic workers who work in isolation are even more vulnerable to exploitation. Many domestic workers face issue of excessive working hours sometimes up to 20 hours in a day. The compulsory live-in in many countries such as Hong Kong, Macau and Taiwan have resulted in excessive overtime for the workers. In relations to debt bondage, their documents are often retained by the employers until the debt is being paid off, limiting their rights to move. This makes

¹ APWLD is Asia Pacific's leading feminist, membership driven network. Our 200 members represent organisations and groups of diverse women from 27 countries in the region. We use capacity development, research, advocacy and activism to claim and strengthen women's human rights.

² <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>

³ We would like to thank our Labour FPAR partners from Pakistan, Indonesia, India – namely Home-based Workers Union, PROGRESS, and All Assam Adivasi Women's Association for their contribution to this paper.

⁴ <http://www.ilo.org/asia/areas/domestic-workers/lang--en/index.htm>

⁵ For more detailed findings on the issue of debt bondage and domestic workers, see APWLD's report [The new slave in the kitchen](#)

⁶ <http://apwld.org/wp-content/uploads/2013/09/New-Slave-in-the-Kitchen-Debt-Bondage.pdf>

⁷ <http://www.madenetwork.org/sites/default/files/Policy-Brief-Recruitment-Fees-Migrants-Rights-Violations.pdf>

harder for the women workers to change employees despite facing abuses and violation of their human rights.

The restriction of the rights to communications including mobile phones and internet access presents another barrier for domestic workers in accessing information, connecting with their families, and organising themselves in isolated environment.⁸ In many destination countries especially in the Gulf, employers often restrict the domestic workers' access to phones citing general distrust, privacy concern or productivity.⁹ This aggravates the slavery-like condition as they have no means to voice out their labour rights violation.

- Home-based workers (HBWs) and bonded labour

There are almost 12 million home-based workers in Pakistan, most of whom are women working at home on bangles making, dates cutting, cropping and embroidery. Not defined as formal workers, they are not covered and protected by labour law, resulting in labour rights violations including getting paid merely a quarter of national minimum wage.¹⁰ There is no regulation on working hours or keeping children out of work, resulting in excessive working hours, out-of-school children and early marriage.

Most of the documented cases of bonded/forced labour in South Asia especially Pakistan are in the agricultural sector and the brick kiln industry. Although HBWs are indebted and do occasionally end up in bonded labour situation, the magnitude and nature of bonded labour amongst HBWs is not documented. Bangle workers and other HBWs typically take a small loan of 5 or 10 thousand rupees (USD 50 to 100) and then end up working to pay it off – and often even after the loan plus interest has been paid off.

Most HBWs are already restricted to work in their homes and do not have accesses or knowledge of their employers – they simply interact through the middle man. Usually there is no documentation to show the amount of the loan and calculations of hours worked to pay it off. Since most workers are isolated, the woman is usually alone in dealing with the middle man who grants the loan. Children are also involved in the working to re-pay the loan.

Agriculture, which employs nearly 45 percent of the workforce in Pakistan, is characterized by skewed land ownership and exploitative practices – bonded labour being the most glaring example. Five per cent of the large land-holders own 64 per cent of the total farmland while 88 percent households in Sindh and 74 percent in Punjab own no land. Agriculture is not the only sector where bonded labour is prevalent. From the brick kilns and tanneries of the Punjab heartland to the cotton fields of Sindh, an estimated 2.1 million workers are trapped in bonded labour. Although Pakistan officially banned bonded labour in 1992, enforcement remains weak due to entrenched power structures in the political economy, and an inability of groups to collectively combat this problem.

- Tea plantation workers

As the region is home to countries growing some of the crucial commodity crops, it is also home to many slavery-like working condition for many women workers. In Assam, northern India, tea plantation is the main industry and majority of the workers are women doing the most labour-intensive work. Around a fifth of the Assam population of about 32 million is estimated to be living in tea estates and estimated 700,000 workers are employed in tea plantation. The women workers in tea plantation constitute landless, internal migrant workers including the indigenous population such as

⁸ For more details on the usage of ICT and domestic workers' rights please see our research: The Power to Organise and Engage: The Use of ICT by Women Migrant Domestic Workers' Organisations http://www.gender-is-citizenship.net/sites/default/files/citigen/uploads/DraftTT_cover.pdf

⁹ <https://www.migrant-rights.org/campaign/ensure-access-to-communication-for-domestic-workers/>

¹⁰ http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-islamabad/documents/publication/wcms_554877.pdf

the Adivasi who have mostly migrated due to loss of land and displacement from large scale infrastructure projects.¹¹

Despite various legal stipulation and Corporate Social Responsibility initiatives protecting the rights of the plantation workers, majority of the tea plantation workers still face slavery-like condition. Workers are living in inhuman condition receiving low-quality rations, poor drinking water and sanitation facilities. Lacking maternity benefits, women workers often bring their young children into their fields and exposing them to chemicals while there are no resting places for lactating mothers, any urinal or toilet in between plucking plots, no drinking water facilities except for the garden tanker supplying the most unhygienic salted water supply in fields.

Casual or contract workers constitute of almost half of the workers in tea plantation in Assam and in South India constitute about half of the tea plantation workers, most of whom are migrants or retirees.¹² There is no time limit of their work resulting in unpaid and excessive overtime. The wages are as low as Rs137 (\$2) per day while the legal minimum wage is Rs240 (\$3.7). Workers may face deduction if they cannot meet the set target of plucking around 24kg of tea leaves everyday.

According to one of the national health survey, Upper Assam records 404 maternal deaths for every 100,000 live births, more than double the national average.¹³ The high maternal mortality rate among tea garden workers is due to a combination of poverty, malnourishment, lack of basic sanitation and healthcare facilities. The nutritional intake of girls and women are poor and so most of them suffer from anemia and also due to regular intake of salted tea they develop hypertension.

- Palm oil plantation workers

Indonesia is the world's largest palm oil exporter. Together with Malaysia, these two countries make up of 85% of world's palm oil output.¹⁴ Rapid increase in global demand of palm oil has resulted in deforestation, land concession and myriads of other environmental problems for Indonesia and its neighbouring countries. As palm oil is primarily used in producing household products as well as biofuels, these supply chains which involve labour right abuses are prevalent in many of the large transnational corporations including Nestle, Wilmar, and Unilever.

Most of the women workers in palm oil plantation are in maintenance unit. They are in charge for spraying fertilizers and chemicals in the plantation according to their arbitrarily set targets. While being exposed to the toxics and dangerous pesticides, they do not receive adequate protections and equipment from employers and some were reported having to purchase these protective gears themselves. The use of highly dangerous chemicals such as Paraquat in the plantation is also well documented in Indonesia and the Philippines.¹⁵ While this pesticide has been banned in Europe and Wilmar committed to stop using Paraquat by 2015, its use is still prevalent in various plantation in Indonesia.¹⁶

The target imposed by the palm oil company is also the source of other labour rights abuses. Workers are required to reach certain target of the amount of fruit collected in order to receive minimum wage. If not, they will need to work overtime while often requiring family members, the workers' wives and children, to help with the palm fruit collection. This also leads to the issue of unpaid and excessive overtime and slavery-like condition for children who are exposed to hazardous environment.

¹¹ <https://www.opendemocracy.net/beyondslavery/alf-gunvald-nilsen/adivasis-in-india-modern-day-slaves-or-modern-day-workers>

¹² <https://www.reuters.com/article/us-india-labour-tea/sustainability-certified-india-tea-estates-violate-worker-rights-report-idUSKCN1150CH>

¹³ <https://www.opendemocracy.net/sukti-dhital-francesca-feruglio/from-colonials-to-corporates-maternal-mortality-in-assam-s-tea-garde>

¹⁴ <https://www.reuters.com/article/us-indonesia-malaysia-eu-palmoil/indonesia-malaysia-launch-efforts-to-counter-eu-palm-oil-resolution-idUSKBN17E094>

¹⁵ <https://www.amnesty.org/download/Documents/ASA2152432016ENGLISH.PDF>

¹⁶ Ibid.

In the Philippines, the use of child labour, often children of the palm oil workers, is prevalent and well documented.¹⁷ As the industry began, it was the cause of land grabbing, displacement of indigenous and local people, and slave-wages for the workers as well as invisible and unpaid labour of child labour. Later on, child labour still remains prevalent in palm oil plantation including in oil mills. It is common that workers are without any social protection while receiving sub-standard wages, resulting in ongoing poverty and inability for children to lack schooling.

- Export processing zones

To attract foreign direct investment, many countries are increasing the presence of Special Economic Zones and Export Processing Zones. The number of SEZs/EPZs, has dramatically increased from 79 in 29 countries in 1975, to 500 in 73 countries in 1995, and further to 3,500 in 130 countries in 2006, fortyfold increase in the span of three decades. The management of SEZs/ EPZs are characterised by an anti-union policy, ban on unionisation, limit on the right to collective bargaining and strike,

Case study 1: Burmese women workers in garment factory campaign for their labour rights

Burma has undergone a major political transformation in the past decade that has brought with it an influx in foreign investment and development project. However, national labour and development policies that fail to uphold and protect the rights of poor workers and reinforce the marginalization of women in general. Estimated 90% of workers in garment factories in Yangon industrial zone are women. Workers suffer from the intersecting problems of political exclusion, discriminatory work environment, labour exploitation and violence against women.

They faced negative impact of a minimum wage. In 2015, the government implemented a minimum wage of 3600 Kyat (approx. \$3.00 USD) per day for 8 hours of work. It is still not appropriate or enough for workers especially women workers for household food and family support. After the implementation of minimum wage, accommodation fee run up about 3 times, food and transportation fees were also raised.

Poor working condition is one of the big violations against workers. Conditions inside the factories are deplorable. Hundreds of women are made to share very few toilets. For example, in the Myanmar Solamoda Garment Factory, there are 900 workers but only 11 toilets for women and 2 for man. Workers are often into confined rows and forced to work in close quarters at hot temperatures with no fresh air, no clean drinking water and get sick by the provided water. The worst rule of the factory is there are only two queues for toilet in a day and the workers would get verbal abuse by superiors. Worker also faced lack of health care services with limited access to health clinics and medical services with the support of few unskilled health workers. There are safety issues for women workers since they often get off late at night walk home in the dark, exposing them to the threat of sexual harassment and robbery.

Through Feminist Participatory Action Research, the Burmese Women's Union (BWU) were able to document their labour rights violation and conduct campaigns with evidenced-based research. [The video documentary](#) that BWU produced on the working condition of the women workers led to a news coverage by a Swedish magazine; it prompts a formal response from the clothing brand H&M to address the working conditions in their supply chains. Soon after, the Ministry of Finance and Revenue of Myanmar has promised to upgrade the standard of social welfare clinics.

¹⁷ <https://www.laborrights.org/sites/default/files/publications-and-resources/Children%20of%20the%20Sunshine%20Industry.pdf>

abusive working condition and gender-based discrimination. According to ILO estimates, 66 million people, mostly young women migrants (internal and cross border), work in such zones.

In the industrial zones of the Philippines, Valenzuela City, excessive overtime is also documented with workers working as many as 12 hours per day, 7 days a week in order to receive minimum wage. Contractual workers constitute majority of the workers while some were reported to have wage deduction as cash bonds from their agencies.¹⁸

2. STRUCTURAL BARRIERS CONTRIBUTING TO WOMEN'S CONTEMPORARY FORM OF SLAVERY

- **Neoliberal globalisation**

Decades of neoliberal globalization has resulted in erosion of public provision, social protection, and safety net that guarantees dignity of the people. Never before have we seen the rise of corporate power and wealth inequality between the rich and the poor globally. Currently, 1% of the world's population owns 99% of the world's wealth while 69 of the 100 biggest economies are corporations. Eighty per cent of the world's supply chain in trade and services are controlled by transnational corporations. Decades of deregulation and liberalization have allowed corporate to seek out the cheapest labour possible to feed into the production in their supply chains. In Asia Pacific, export-led incentivise governments to lower labour protection and drive down wages especially of women workers to make the labour force most competitive to foreign investment.

To ensure labour remains precarious and unorganized, corporations and states have employed various tactics including union busting, intimidation and violence against trade unionists, and flexibilisation of work. Together with militarism and fundamentalism, women's human and labour rights are undermined. In Indonesia, various cases of workers' struggles for labour rights in palm oil plantation were met with paramilitary forces resulting in death and suppression by the private and state actors.¹⁹

¹⁸ Reports on workers' condition and standard: June-July 2016. Center for Trade Union and Human Rights

¹⁹ For example, recent case on 18 December 2017 in Tangar village East Kotawaringin District Central Kalimantan, 2 protesters were shot by the police when they block the road to protest in disputed land. Five protesters, including two protestors who were shot in their legs are imprisoned. In early March, the villagers from Pondok Damar village in East Kotawaringin District Central Kalimantan who also led road blockage in protest of disputed land were met by violence from the paramilitary force. Details of the case were documented by local organisations [here](#).

Case study 2: Burmese migrants farm workers face lawsuit for reporting abusive working condition

In September 2016, 14 Burmese migrant workers in Thailand bravely filed a lawsuit against a company called Betagro, for violation of labour rights at the labour court. Thirteen workers are poultry farm workers and one is a housekeeper of Thammakaset Farm. The worker claimed that they were mistreated by the employers that constituted forced labour (22 hours shift without extra pay and proper breaks), restriction on movement, passport confiscation, unlawful salary reductions, and paid below the minimum wage.

Soon after, they filed a lawsuit to revoke the labour inspector's order on the compensation calculation; minimum wages, off-day holiday pays, annual holiday pays, traditional holiday pays, overtime pays and expenses deducted from wage payment. The department of Labour Protection and Welfare ordered Thammakaset to pay the past wages of the 14 workers for an amount of 1.7 million Thai Baht (about \$52,000) to compensate for the wage theft.

The 14 workers, represented by Migrant Workers Rights Network, also filed a complaint with the National Human Rights Commission (NHRC) to investigate the violation of labour rights among poultry farm workers as workers allegedly claimed about. As a result, the NHRC released an investigation report that called out the labour rights violation occurring in chicken farm industry.

However, the company filed a defamation litigation against the workers saying their communications to the NHRC has defamed the company's reputation. The company did not only refuse to pay the workers of compensation but also sued fourteen workers for giving a false statement to state officials. If found guilty, the workers may face up 1.5-year imprisonment. The Don Muang District Court began defamation its first trial against 14 Burmese migrant workers on 7th February 2018.

- **Labour-export policies**

While many countries in the region are promoting labour export policies, they have outsourced various functions to private actors such as middle men, labour brokers, money lenders and recruitment agencies, leaving migrant workers vulnerable to exploitation and lack of accountability on these actors. With increasing global demands for care work, women constitute the majority of these labour forces and mostly work in 3D jobs – dirty, dangerous and devalued – such as domestic work, manufacturing or agriculture.

The social cost of migration, although rarely discussed in the migration for development narrative, is well documented especially for women migrants. This includes various forms of discrimination, sexual abuses, isolation, withholding of payment and documents, and debt bondage. As countries spends resources in facilitating labour-export industry, they diverge the resources that could have been potentially invested in creating decent work which could prevent workers' vulnerability and risks into modern slavery abroad.

- **Land grabbing**

In the origin countries, communities directly dependent on land and natural resources face increasing threats to their land and livelihoods from land concessions awarded to corporations, large scale infrastructure projects. Sources estimate that 50 million people have been displaced due to "development projects" over 50 years in India.²⁰ Transnational corporations and powerful foreign

²⁰ <https://www.oxfamindia.org/sites/default/files/PB-land-acquisition-ordinance-2014-dismissiong-democracy-displacing-safeguards-260215-EN.pdf>

governments have increasingly acquired vast amounts of land in Asia that led to massive losses of land for rural and indigenous people, resulting in internal and international migration.

Research shows that of all the purposes for the land use, biofuel production, commercial food crops, and extractive industries make up the majority of land acquisition in Asia and Africa.²¹ Without land access, women and communities are driven to urban centres or into external migration only to become cheap labour to power global growth. Loss of land also means loss of food security and livelihood for women and their families. An ILO study found that people originating from food insecure households or households that face sharp decline in income are much more likely to end up in situation of forced labour than others.²²

For example, in Indonesia, deforestation and land grabbing for big scale of palm oil plantation have been increasing every year. With technical assistance from World Bank and ADB, various regulations were passed in the past decades to promote large investments in palm oil industry while disregarding human rights and environmental concern.²³

Central Kalimantan is the second largest province in Indonesia with 15.8 million hectares. Most of land or around 85% of coverage area take by big concession. The main purposes of land use are palm oil plantation (4.4 million hectares), mining - gold and coal - (4.3 million hectares); logging concession (4.7 million hectares), with Wilmar Group being the biggest palm oil plantation owner in Central Kalimantan.

- **Climate change**

Climate change is a gendered issue. Impacts of climate change, such as drought, floods, extreme weather events and reduced food and water security, affect women and men differently with the poorest being the most vulnerable. It is the women in low-income communities in the Asia Pacific who bear the brunt of climate change while contributing to it the least. Lack of decent policies, resources and finance in climate adaptation policies has led the most vulnerable to employ adaptation strategies which may cause harmful consequences including falling into forms of contemporary slavery.

In the Philippines, after the typhoon Haiyan - the largest one ever recorded – caused widespread devastation and displacement in 2013, around 4.1 million people were forced to flee their homes to live in the shelter far away from the cities. The conditions of living are harsh: hunger and poverty was prevalent and people live with the threat of an eviction from their temporary shelters. The tent cities are very far from city centres. As a result, they live isolated and their access to jobs, services, and other urban resources are restricted.

Many of these women, unable to provide food for their families or find income opportunities, were forced into trafficking to survive after the typhoon. Trafficking rates in Leyte province in the Visayas Island has increased after Haiyan. Many women have to continue to make payments to landowners, even though their land and crops were destroyed by the typhoon. Typhoon Haiyan is reported to have killed over 6,300 people. An estimated 64% were women.

In Bangladesh, tides are rising 10 times faster than the global average yet the country only produces 0.3% of the emissions driving climate change. Bangladesh experienced large-scale displacement due to disasters exacerbated by climate change. In 2013, cyclone Mahasen, the Brahmanbaria tornado and floods displaced 1.1 million, 37,000 and 22,000 people, respectively. This includes women from religious minorities and increases communal based conflicts, resulting in women being victims of sexual violence. In the past, child marriage has also been used as a survival strategies during the time of extreme climate events and armed conflicts in Asia and Africa.²⁴

²¹ <http://www.actionaid.org/eu/campaign/eu-biofuels-policy-fuelling-land-grabs>

²² http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_243391/lang--en/index.htm

²³ http://www.cao-ombudsman.org/uploads/case_documents/Combined%20Document%201_2_3_4_5_6_7.pdf

²⁴ https://cfrd8-files.cfr.org/sites/default/files/pdf/2014/06/WP_Fragile_States.pdf

- **Lack of corporate accountability**

Initiatives occurred to hold corporations accountable for slavery-like labour practices have so far been voluntary and self-regulated. As elaborated in the beginning, corporate power has increased as fast as it accumulates its wealth. Armed with various mechanisms to protect its interests such as the Investor-State Dispute Settlement, private actors are equipped with “investors’ rights” to ensure that they can prioritise their profits over the protection of public interests by the state. While states also lack the political will and resources to implement national accountability mechanism against forced labour, it is also geared towards attract foreign investment regardless of the human rights and labour rights principles.

Currently, global governance in regards to corporate accountability and human rights merely exists as guidelines,²⁵ which clearly is not enough to ensure transparency and accountability in the current complex supply chains in the transnational corporations. Current non-governmental initiatives such as Fairtrade, Rainforest Alliance, or the Roundtable on Sustainable Palm Oil (RSPO) have proven that their auditing processes are not effective enough to tackle the root causes of forced labour.²⁶ Amnesty International investigation found that three of the palm oil plantation in Indonesia certified by RSPO were found to have extensive use of child labour and elements of forced labour.²⁷

3. RECOMMENDATIONS TO THE STATES

1. Recognise that the neoliberal economic model has been a main driver for contemporary forms of slavery for women especially in realms of forced labour, debt bondage, abusive working condition as well as other labour rights violation.
2. Ensure just and favourable conditions of work, including non-discrimination, equal remuneration for work of equal value, living wage, right to secure work with regular hours, overtime rates, recreational, suck, parental paid leaves for all workers including agricultural workers and home-based workers.
3. Review and revise national legislation and enforcement mechanism to ensure labour rights and social protection for all workers including those in informal sectors.
4. Guarantee the rights to assembly and freedom of association for workers including migrant workers in all sectors to ensure they can organise together in trade unions to ensure their labour protection and favourable working condition
5. Invest in social and public infrastructure as well as redistributing paid and unpaid care work done by women, including by ratifying and implementing ILO Convention 189
6. Support and promote feminist, women's rights organizations and workers' movements as the key strategy to strengthen their capacity to influence policy, legislation and governance framework that advance women's labour rights. Support the Feminist Participatory Action Research to grassroots workers' groups to document labour rights violation and involve them in national policy discussion.
7. Refrain from threatening, harassing and criticising women human rights defenders and trade unionists while develop policies to protect them from attacks from state and non-state actors. State must independently investigate violence against WHRDs and trade unionists by all perpetrators and provide access for remedies and reparation.
8. Implement land tenure reforms in gender-equitable manner, ensuring that women have recognised equal rights with men for on private or household lands and properties rights. Women must also have representation in community decision-making bodies for such lands.

²⁵ The UN Guiding Principles on Business and Human Rights, ILO's Protocol of the 2014 to the Forced Labour Convention, 1930, and the revised OECD Guidelines for Multinational Enterprises

²⁶ <https://www.opendemocracy.net/beyondslavery/genevieve-lebaron-neil-howard-cameron-thibos-penelope-kyritsis/confronting-root-caus-8>

²⁷ <https://www.amnesty.org/en/latest/news/2016/11/palm-oil-global-brands-profitng-from-child-and-forced-labour/>

9. Commit to the elaboration of international legally binding instrument on Transnational Corporations and Other Business Enterprises with respect to human rights to address corporate abuse and impunity.
10. Conduct ex-ante, periodic and ex-post gender, human rights and environmental impact assessment on trade and investment agreements. Regulate international financial markets and foreign trade agreements to protect against land and water grabbing by corporations and individuals.
11. Guarantee people's free, prior and informed consent for any development programmes and policies
12. Support global tax cooperation through establishment of a Global Tax Body which facilitates tax cooperation in tax and financial transfer data, works to close tax havens and establishes a global corporate tax for to end tax competition. With the right policies in place, states can utilise the tax revenue to invest in public services and infrastructure.