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**PERMANENT MISSION OF INDIA TO THE UN, GENEVA**

**HUMAN RIGHTS COUNCIL**

**12<sup>TH</sup> SESSION (14 Sep-02 Oct 2009)**

**Report of the Special Rapporteur on Contemporary Forms of Slavery,  
Its Causes and Consequences, Ms Gulnara Shahinian**

**(16 Sep 2009)**

**Statement by India**

Mr. President,

We thank the two Special Rapporteurs for their reports but would like to confine our remarks to the Special Rapporteur on Contemporary Forms of Slavery, Ms Gulnara Shahinian, who has, for her second report, focused on the issue of forced labour that, in her view, is the most widely used method of enslaving people and is a global problem affecting almost every country. In doing so, she has paid special attention to the issue of bonded labour that she regards as one of the most traditional and widespread forms of forced labour.

Mr President, as estimated by the ILO in its 2005 study on the subject, on which the Special Rapporteur too has drawn in good measure for her report, the bulk of global forced labour is in the Asia-Pacific region and the pre-dominant form of such forced labour in all regions of the world is privately-imposed economic exploitation, except for the industrialized economies where the pre-dominant form of forced labour is commercial sexual exploitation. The same study also estimated that nearly 20% of all forced labour victims were as a result of trafficking, and that the highest number of trafficked people ended up in Asia-Pacific, followed by the industrialized economies, with Africa and Transition Economies being important sources of origin. It is, therefore, important to keep in mind that the underlying nature of the entire problem is economic. It is for this reason, Mr President, that while we welcome the Special Rapporteur's recommendations in her report, that are essentially a prescriptive mix of stronger legislative measures and enforcement of the same and awareness and rehabilitation programmes, we would tend to lay greater emphasis on addressing poverty, employment generation and development.

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For, there are obvious limits to the extent to which such a rights-based legal approach can counter the problem at its source. In fact, experience has shown that economic growth and inclusive development have a much greater capacity in empowering the disadvantaged to break through regressive social patterns and attitudes.

Mr President, since the Special Rapporteur has made some references to India in her report, including her appreciation for the successful enforcement of laws against bonded labour in India, we would like to inform that the Government of India remains deeply concerned over the problem of bonded labour and continues to make concerted efforts to eliminate it, while recognizing that, despite the progress, a lot still remains to be done. As had been noted by another ILO study in 2005, India was the first country in South Asia to enact legislation against bonded labour in 1976. Since then, the Government has taken many more important measures, including the establishment of a special group to *monitor* the implementation of the legislation against bonded labour, and has also been assisted in its endeavours by the investigations done by the National Human Rights Commission of India and the judgments by the Supreme Court of India. As a result of these actions, the number of identified bonded labourers has gone down substantially. The Government has also rehabilitated over a quarter of a million bonded labourers so far and remains vigilant about any new forms of bondage that may emerge in different sectors of the economy that is undergoing a rapid transformation owing to globalisation. Further, as was noted in the 2005 ILO study, the more traditional forms of agrarian labour attachment in India have declined substantially. Lastly, Mr President, as regards the two communications cited by the Special Rapporteur in her report – and jointly issued with the Special Rapporteur on the Sale of Children – while the Government of India has already sent a reply to the Special Rapporteurs regarding one of the cases over two months ago, the reply to the remaining case would be sent once the investigation is complete.

Thank you, Mr President.