

**Mandate of the Special Rapporteur on contemporary forms of slavery.**

REFERENCE: UA Slavery (2007-2)  
IND 2/2014

17 January 2014

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on contemporary forms of slavery pursuant to Human Rights Council resolution 24/3.

In this connection, I would like to draw the attention of your Excellency's Government to information I have received regarding alleged cases of bonded labour in Odisha. The cases concern Mr. **Nilambar Dhangada Majhi** and Mr. **Jialu Nial**, two labourers from the Kalahandi district, whose hands were reportedly chopped off by a labour contractor after having tried to escape.

According to the information received:

Mr. Nilambar Dhangada Majhi and Mr. Jialu Nial were part of a group of 12 labourers, who were brought from their villages beginning of December 2013 to work in a brick kiln in Andhra Pradesh. It is reported that the contractor instead forcibly tried to take the labourers to another state, i.e. to Raipur in Chhatisgarh. All of them got off the train at Gondia and Nagpur and managed to escape with the exception of Mr. Nilambar and Mr. Jialu who were reportedly caught at Raipur on 9 December 2013. Allegedly, on 13 December 2013, the family of Mr. Nilambar Dhangada Majhi went to the nearby Bhawanipatna police station in Kalahandi district of Odisha state, to lodge a complaint, but police officers refused to register their complaint. According to the information received, they were brought back to Kalahandi on 15 December 2013 and the contractors demanded them to repay the advance payment of all the labourers. When they pleaded their inability to do so, their right hands were allegedly chopped off and they were dumped on the road.

While I do not wish to prejudge the accuracy of these allegations, I wish to draw your Excellency's Government's attention to the Slavery Convention of 1926 which calls for the complete abolition of slavery and all its forms as well as article 1(a) of the 1956 Supplementary Slavery Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, which provides that all practicable and necessary legislative and other measures shall be taken to bring about

progressively and as soon as possible the complete abolition or abandonment of debt bondage. I also wish to recall article 6 of the Convention that refers to article 1 and which stipulates that “the act of enslaving another person or of inducing another person to give himself or a person dependent upon him into slavery, or of attempting these acts, or being accessory thereto, or being a party to a conspiracy to accomplish any such acts, shall be a criminal offence under the laws of the States Parties to this Convention and persons convicted thereof shall be liable to punishment.”

As bonded labour is one of the most traditional and widespread forms of forced labour, I would also like to draw your Excellency’s Government’s attention to the ILO Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105).

Moreover, I would like to recall article 4 of the Universal Declaration of Human Rights, which states that “no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”, as well as article 8 of the International Covenant on Civil and Political Rights which prohibits slavery, the slave trade, servitude and forced labour and articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights which protects the right to just and favourable conditions of work.

In this connection, I would also like to make reference to my report to the twelfth session of the Human Rights Council (A/HRC/12/21), which explores the issue of forced labour, including bonded labour, and the recommendations made therein.

Moreover, it is my responsibility under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention. Since I am expected to report on these cases to the Human Rights Council, I would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the new facts alleged in the summary of the cases accurate?
2. Have complaints been lodged by or on behalf of the alleged victim(s)?
3. Please provide any information, and possibly any outcome of investigations, judicial investigations conducted and other related facts. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide details of protection measures and assistance provided to the victims of mutilation, namely Mr. Nilambar Dhangada Majhi and Mr. Jialu Nial.
5. Please provide details on current preventive and awareness raising measures on causes and consequences of bonded labour in Odisha.
6. Please indicate whether the victims or the families of the victims have access to adequate procedures of compensation for damages from those legally responsible for the crime of bonded labour.

I undertake to ensure that your Excellency's Government's response will be available in the report I will submit to the Human Rights Council for its consideration.

While waiting for your response, I urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. I also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of my highest consideration.

Gulnara Shahinian  
Special Rapporteur on contemporary forms of slavery