

PART VII

Social Hierarchy

In some nations a strict social hierarchy creates a marginalized population that is immensely vulnerable to exploitation, including human trafficking. In other nations the social hierarchy subjects people to hereditary slavery wherein a person faces indentured servitude or slavery upon birth. To be clear, slavery is human trafficking; the exploitation included in the definition of human trafficking is “at a minimum, the exploitation of prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs” (United Nations Convention Against Transnational Organized Crime, 2004).

In India, where the law prohibits slavery, the Scheduled Castes (formerly the Untouchables) and Scheduled Tribes face the majority of caste prejudice and social and economic marginalization. Religion plays a significant role in this hierarchy: under Hinduism all persons are not created equal. Between slavery and debt bondage, NGOs estimate that tens of millions of Indian citizens are affected by human trafficking in India, the majority of whom are members of the Scheduled Castes. At least 2 million persons of the Scheduled Castes are bonded laborers. Unlike the debt bondage that occurs in most of the world, where a person’s debt is a result of exorbitant fees that he himself has been charged, in India a person is born into a position of debt bondage and indentured servitude. Children are forced to work off debts that were incurred even generations ago. In other cases an exchange is made between parents and a trafficker. The trafficker gives the parents a financial advance, sometimes with the false assurance that the child will receive an education

and learn a trade. The child is then bonded to the trafficker and must work off the advance. In a study of children in two rehabilitation centers, those most susceptible to trafficking were children of the Scheduled Castes and the Other Backward Classes; the most vulnerable population was female children of the Scheduled Castes. The children were forced to work in a variety of industries such as domestic labor, brick kilns, stone quarries, and agriculture. Children of the slave castes are subjected not just to hereditary slavery and bonded labor but also to sex trafficking. The caste system assures discrimination and marginalization—inferior education, position, and status—of the “low castes” and makes social and economic mobility nearly impossible. As a result even victims who manage to escape a scenario of human trafficking are vulnerable to re-victimization and other forms of exploitation and abuse.

As in India, traditional slavery and practices analogous to slavery are illegal but continue to be real problems in Niger, where an estimated 8,800 to 43,000 persons are subjected to traditional slavery. Although the Nigerien government acknowledges that slavery does exist, it denies the prevalence of the practice and claims that NGO estimates are exaggerated. Within minority ethnic groups a caste system exists in which slavery is ascribed at birth; slaves are forced to work as agricultural workers, shepherds, domestic servants, and sexual servants. Some female slaves are a fifth wife or sadaka and are forced to work as domestic laborers and sex servants. The few victims of hereditary slavery who have turned to Niger’s judicial system have found no redress there; offenders continue to receive suspended sentences and reduced fines.

In China, the household registration (hukou) system, which establishes permanent legal residence, has created a legal two-tier caste structure in which people are defined by the place they were born and whether they are rural or urban. The upper caste is the urban nonagricultural population, and the lower caste is the rural agricultural population. Before 1998 children inherited the hukou of the head of household; today children can choose to inherit the hukou of either parent. The workers who move to cities but cannot fulfill the requirements to attain permanent residence have a status similar to that of illegal migrant workers in other nations; they face discrimination; are without the free compulsory education, urban employment, public housing, free medical services, and retirement benefits granted to holders of urban hukou registration; and have minimal protection against unsafe working conditions and exploitative employers. There are at least 200 million Chinese migrant workers throughout China. Although these migrant workers can obtain temporary

work permits, they often face long work hours and the threat of nonpayment. Their children also face discrimination and inequality; in Beijing alone 400,000 children between the ages of 6 and 18 are without Beijing hukou and face restrictions on registering for most public schools. The incentive to maintain the hukou system is that it is economically beneficial for local governments; it creates a low-cost labor force that by law does not have to be afforded equal access to public services. Though there is widespread pressure on the government to abolish the system or at least equalize all citizens' ability to change residence and eliminate rules that bond access to public services to urban hukou status, those who speak out publicly face job discipline and expulsion.

CHAPTER 13

India

When we got hungry we would ask for some food, like biscuits, but they would always refuse it. If we would ask for money they would say "there is no money." They said if we didn't work they would beat us.

—A FORCED-LABOR VICTIM

Generally speaking, persons from the most disadvantaged socioeconomic strata are most vulnerable to exploitation, including human trafficking. In India these differences are exacerbated by a strict caste system, leaving many persons born into indentured servitude and slavery. According to Dr. Joseph D'souza of the Dalit Freedom Network, trafficking is a huge problem, both in terms of its negative impact on communities and in terms of the massive size of slavery today: "With all the general information coming from the UN, the U.S. State Department, and various non-profit organizations, I know it is easy to miss a particular issue like the nexus of caste and slavery. India may appear to be simply another poor country. But it is a very complex culture with a root issue of caste discrimination behind some of our social ills" (Human Trafficking Project, 2010).

India's constitution explicitly prohibits discrimination on the basis of religion, race, caste, sex, or place of birth; yet prejudice persists. In what is called the silent apartheid, those most marginalized by the caste system are persons of the Dalit/Scheduled Castes (SC), formerly known as the Untouchables; the Scheduled Tribes (ST); and the Other Backward Classes (OBC). "Together these groups are classically known as the Sudras or the slave/vassal castes," D'souza explained in an article on Dalit emancipation:

Scheduled means they are listed in a special index appended to the Constitution. Backward Castes are those whose rank and