



South-Eastern Nepal Hotspot 2017 Annual Report

SOUTH-EASTERN NEPAL HOTSPOT OVERVIEW

Program goal and objectives:

Goal:

To help families in agricultural bonded labour advocate for their rights to land, incomes, education and dignity - working for an end to this inter-generational form of modern slavery.

Objectives:

1. Create community-based freedom groups of those in bonded labour and support them to develop independent sources of income.
2. Remove children from hazardous child labour, helping them attend non-formal education and be successfully integrated in village schools.
3. Help survivors cope or recover from the mental and emotional injuries of slavery.

AGRICULTURAL BONDED LABOUR IN SOUTH-EASTERN NEPAL

- An estimated 97,000 adults and 13,000 children are in forced labour, through a system called Harawa-Charawa.
- Most of these families have no assets or land, so when they face financial emergencies their only option for a loan is from a landlord.
- Once a loan is taken, lenders expect families to provide labour to pay off the debt - often indefinitely.

Nepali families trapped in agricultural bonded labour are also at risk of child trafficking and unsafe adult migration.



 SOUTH-EASTERN NEPAL

1. OPERATING CONTEXT



Image: Dan Vexler © The Freedom Fund

Throughout 2017, the south-eastern Nepal hotspot encountered programmatic interruptions as the country experienced significant political and administrative changes. This transition time in Nepal impeded the advancement of strategic policies related to forced labour, including the appropriation of funds to initiate the Harawa-Charawa rehabilitation program.

As part of Nepal's transition to a federalist system, local elections were held in three phases across Nepal. Due to protests and strikes enforced by members of the Madhesi political party over continued dissatisfaction with the Constitution's provisions around citizenship and provincial boundary demarcation, local elections in Province Two were postponed until 18 September 2017. For the first time in 15 years, the elections installed new local officials such as mayors and ward presidents. Following the elections, new government structures at the municipal and rural municipal level were established, granting them authority over local affairs, including local legislation, policy-making, development planning, administration and disbursement of local development funds. In addition to these changes in governance, the election process disrupted project activities as district and local government officials were unavailable due to their preparations for the election.

At first, the roles and responsibilities of new district and local municipal functions were unclear as administrative structures shifted, resulting in delayed program activities, such as cooperative registration. Despite the confusion and in order to begin rapport building, partner organisations met with newly elected officials to present forced labour statistics and introduce their Freedom Fund projects. Local level officials expressed their commitment to support the Harawa-Charawa community with allocated resources.

At the federal level, staffing changes and restructuring impeded the advancement of relevant anti-trafficking legislation. For example, the Ministry of Women, Children and Social Welfare Secretary changed three times within five months. The government announced that departments will continue to restructure and the roles and responsibilities of key ministries will be combined. With this constant change, the passage of drafted bills was slow, illustrated by the Human Trafficking and Transportation Control Bill which was not reviewed. One of the few bills reviewed and passed was the Labour Act 2074, which was passed in September, prohibiting hazardous child labour and establishing protections for informal workers. The Bonded Labour Bill was rejected by the Ministry of Law as it was submitted by the Ministry of Land Reform and Management which cannot submit a criminal bill. The bill will be redrafted by the Ministry of Labour, which does have the power to submit a criminal bill, and will be resubmitted to the Ministry of Law in 2018.

Financial appropriation to fund the Harawa-Charawa rehabilitation program, announced by the Minister of Finance in 2016, was also delayed due to the transition. As a result, the 2017-2018 budget included funds to complete rehabilitation programs for the kamaiya and haliya only. Despite these challenges during the transition period, the local government structure offers the opportunity to access greater resources for the empowerment of the Harawa-Charawa community and promises a more localised response. This is especially important as partner organisations have been successful in accessing local resources to support the Harawa-Charawa community. Greater authority at the local municipal level has the potential to increase the scale and impact of partner organisations' work within the Harawa-Charawa community.

On 13 August 2017, heavy rains resulted in flooding across Nepal's terai region. The rains cut off communication, electricity and roads, and devastated homes and crops. According to the Nepali government,¹ the floods killed approximately 120 people, destroyed 7,000 homes and displaced 18,000 families. Emergency relief was spearheaded by the District Disaster Relief Committee. Partner organisations Tapeshwori and Community Improvement Centre (CIC) responded by providing flood relief support such as tarpaulin, blankets, buckets, rice, oil, and noodles to flood-affected families. Technical assistance provider CMC also provided psychosocial counselling to affected families.

¹ <https://reliefweb.int/sites/reliefweb.int/files/resources/Nepal%20Flood%20Sitrep%2016%20August%202017.pdf>

2. HEADLINE RESULTS



3,165 previously out-of-school children enrolled in formal or non-formal education

The south-eastern Nepal program aims to interrupt intergenerational bonded labour through a multi-faceted approach, including increasing access to children's education. Throughout the year, partner organisations provided support to children, enabling them to access non-formal and formal schooling through enrolment campaigns, tutoring classes and stationary support. As a result of these initiatives, many dalit students not only participated in school for the first time, but scored first, second and third in their class, evidence of the program's impact. Adolescent girls, who traditionally are not allowed to continue their studies, were educated through bridge courses, enabling them to re-enrol in formal school and access important skills trainings. Through the south-eastern Nepal program, children who had no access to education are now empowered to learn and excel in school, increasing their prospects for a brighter future.

2,441 individuals gain access to government services

Our partners facilitated procedures for vital registration and advocated for resources for Harawa-Charawa community members, which led to the new provision of government services such as residential rights to land, skills trainings, citizenship registration, house construction, medical services and stationary support for school. These key services reduce the impact of illness and poverty, addressing key drivers of slavery in the Harawa-Charawa communities. Partner organisations empowered community members to contact government officials and to engage in the process, bolstering community members' confidence to advocate for their community.

3,154 adult non-formal education group members supported

In 2017, 3,154 community freedom group members participated in regular group meetings and trainings, and through this process they became empowered and unified. Whereas previously Harawa-Charawa community members would not challenge landowners, in 2017 they began defending themselves in court and in discussions with police and government officials. These community members entered district offices, such as the District Administration Office, District Police Headquarters and District Development Committee Office, to defend their rights and address false claims lodged against them. They articulated grievances such as inadequate wages, illegal interest rates charged on their loans and lack of access to public places. In 2018, the program will seek to connect community members to provincial and national stakeholders to ensure their voices are heard beyond the local level.

9 arrests

Arrests and convictions are important for establishing disincentives for human rights perpetrators. In 2017, partner organisations supported the police to arrest perpetrators of sexual assault and file legal cases to win compensation for survivors.

92 media stories generated

With the increased visibility of Harawa-Charawa bonded labour, journalists continued to cover Harawa-Charawa slavery throughout 2017. Partner organisations facilitated media visits to their projects to highlight the status of bonded labour in the south-eastern region of Nepal and to demonstrate the positive impact of project activities on Harawa-Charawa community members. Meetings with popular television stations, radio and newspaper journalists ensured that the public remains aware of Harawa-Charawa slavery and called the government of Nepal to respond with resources and legislative action.



Image, above: Pauline Aaron © The Freedom Fund

3. ADDRESSING SYSTEMIC DRIVERS OF SLAVERY



Image: Jenna Mulhall-Brereton © Geneva Global

Significant strides were made in 2017 to address Harawa-Charawa bonded labour as the issue became nationally recognised. Harawa-Charawa forced labour considerations were integrated into national conversations about labour, land, and dalit rights, and Harawa-Charawa network leaders delivered their call for rights and justice from the local to the national level.

At the beginning of the Freedom Fund’s south-eastern Nepal program in 2014, Harawa-Charawa slavery was unrecognised by national government leaders and unreported by media. When speaking of forced labour, government leaders only recognised the presence of forced labour among the kamaiya and haliya communities, located in western Nepal. After concerted efforts by the program to raise the profile of the Harawa-Charawa community, this changed in May 2016 when the Ministry of Finance announced its commitment to resource a Harawa-Charawa rehabilitation program, establishing the issue at the national level. In 2017, Harawa-Charawa slavery continued to receive national attention by the Minister of Land Reform and Management and the newly elected Prime Minister. In a 8 May 2017 speech, the Minister of Land Reform and Management, Gopal Dahit, emphasised his commitment to complete the rehabilitation of the kamaiya community and “solve the issues of the haliya, kamalari, and Harawa-Charawa” within his tenure. Furthermore, in Prime Minister Sher Bahadur Deuba’s first address to the country on 7 June 2017, he referenced Nepal’s commitment to establish a “government for the poor,” specifically citing the government’s promise, “to address challenges faced by landless, slum dwelling, Harawa-Charawa, haliya and freed kamaiya communities across the country.”

In 2017, the Harawa-Charawa National Federation, a network comprised of Harawa-Charawa leaders from each district containing Harawa-Charawa slavery, continued to strengthen its messages to government stakeholders and the general public. During a delegation visit early in the year, network leaders met with the Ministry of Finance, the Ministry of Land Reform and Management and the Ministry of Law to discuss the development of the Bonded Labour Bill, a draft law intended to address all forms of forced labour within the country and to criminalise the practice. The delegation also petitioned the Ministry of Finance to appropriate the rehabilitation funds allocated for the Harawa-Charawa community in 2016 which were not released due to political restructuring and the transition to federalism. In the inauguration session of the 11th Dalit Parliament hosted in Kathmandu, Darshan Mandal, Chairman of the Harawa-Charawa National Federation, addressed a gathering of 200 people. This included former Prime Minister Madhav Kumar Nepal and former Finance Minister Varshaman Pun. In his remarks, Darshan Mandal encouraged policy makers, government duty bearers and national leaders to respond to the forced labour conditions experienced by the Harawa-Charawa community by providing Harawa-Charawa community members with compensation and resources. Darshan Mandal challenged the government and society for the indifference, inattention and unresponsiveness to the exploitation of the Harawa-Charawa community. The former Prime Minister and former Finance Minister responded with their commitment to support the Harawa-Charawa community.

The Harawa-Charawa National Federation leaders' calls for recognition, compensation and resources aligned the network with other actors responsible for addressing forced labour in Nepal. Ongoing relationship-building with haliya, kamaiya and dalit rights leaders ensured that the Harawa-Charawa issue was integrated into advocacy conversations across the country. For example, the kamaiya and haliya leaders now invite Harawa-Charawa leaders to be involved in provincial-level advocacy meetings. Additionally, increased collaboration between the Harawa-Charawa network and other forced labour groups led to an invitation for the Freedom Fund program to engage in an International Labour Organisation (ILO)-led initiative. This initiative ensured that forced labour indicators were included in the National Labour Survey. Prior to its implementation, Freedom Fund Program Advisor Bala Ram Bhattarai attended a planning meeting with the ILO and the Central Bureau of Statistics to review the forced labour indicators and survey questionnaire. Conducted in the latter half of 2017 by the Central Bureau of Statistics, survey results were collected from 18,000 households across 74 districts of Nepal. Additionally, Harawa-Charawa representatives, such as Darsan Mandal, were asked to participate in meetings held by the ILO to advocate for the Ministry of Land Reform and Management's support of the kamaiya, haliya, and Harawa-Charawa communities.

Through partner organisations' advocacy efforts, Harawa-Charawa issues garnered additional support from the National Human Rights Commission (NRHC) and its regional chapters.²

²Within Nepal, the NHRC is responsible for monitoring and investigating any potential violations of human rights, conducting research related to human rights, and providing human rights education and general awareness raising through conferences and seminars. The commission was established to hold the government accountable to its human rights commitments and can make policy recommendations to the government to address any injustices identified.

Freedom Fund representatives and partner organisations met with the NHRC regional coordinator in Dhanusa district to discuss human rights infractions experienced by the Harawa-Charawa community and encouraged the NHRC to visit project areas. Through this regional-level coordination, the central-level NHRC also became interested in the issue. As a result, Mr. Baldev Ram, a Harawa-Charawa leader and chairman of JDS, was invited to present at an NHRC event on 29 May 2017. During the ceremony, Baldev Ram was honoured for his efforts to promote dalit and Harawa-Charawa rights. The NHRC's support was further evidenced by their involvement in the case of Mr. Liladhar Das Tatma, who was beaten upon entering a local temple in an act of caste discrimination. As a result of the NHRC's recommendation, Mr. Liladhar Das Tatma received free medical treatment. Collaboration with stakeholders such as the NHRC can assist the Harawa-Charawa community with access to justice.

Harawa-Charawa leaders' advocacy was not only focused on the national and regional level, but also on the local level. Following orientation programs about their rights and available local government resources, group members submitted proposals and plans to the local government and met with political parties, local health professionals and teachers. Harawa-Charawa leaders requested scholarships for dalit children; wage uniformity in the agricultural and informal labour market; and improved availability of health services at local-level health institutions. They also requested information about how the funds allocated for women, impoverished communities, the disabled and marginalised groups were spent at the local level. Such work has increased the Harawa-Charawa's participation in local development planning and implementation.

Advocacy efforts have been further bolstered by ongoing media coverage, raising the public profile of Harawa-Charawa slavery and creating pressure on policy makers. Throughout the year, partner organisations hosted journalists in their working areas to highlight the human rights infractions faced by the Harawa-Charawa community and to show the on-going work to empower the community. A joint press conference with Harawa-Charawa, haliya, and kamaiya leaders, provided the opportunity to share a unified message and allowed haliya and kamaiya leaders to advocate for the Harawa-Charawa community - the only group affected by forced labour yet to receive resource appropriation at the national level. The program garnered attention among national media houses and further united the forced labour groups of Nepal as they began to advocate for one another. Additionally, delegates were able to respond to the media's questions without hesitation, evidence of the successful efforts to empower members from the Harawa-Charawa community to lead advocacy dialogues.

With this momentum, continued leadership from the Harawa-Charawa community and access to influential stakeholders, there is reason to believe that 2018 may bring tangible outcomes related to increased resource allocation and legislation and policy development to address all forms of slavery in Nepal.

4. ENHANCING CIVIL SOCIETY CAPACITY

Throughout 2017, capacity strengthening of partner organisations focused on improving institutional effectiveness and operations. Trainings on financial and governance best practices, human resource management and program monitoring were provided. Partner organisations were offered on-site technical assistance to strengthen their internal processes related to recruitment, governance, transparency, accounting, procurement and internal controls. Improvements that have been made as a result of these trainings and technical assistance will enable partner organisations to access additional funding from international donors, retain and recruit capable staff and effectively manage operations to achieve strong programmatic outcomes.

Two partner organisations were also provided with the opportunity to increase capacity to address mental illness by working alongside technical assistance provider Centre for Mental Health and Counselling Nepal (CMC). CMC trained partner organisations' staff on topics such as psychosocial awareness, well-being and mindfulness. Facilitators were also trained on a mental health curriculum that encourages community members to talk about their emotional state, challenges and struggles, aiming to improve their social connectedness and access to available resources. Two psychosocial counsellors employed by partner organisations completed intensive training and were mobilised to counsel community members facing emotional distress and symptoms related to trauma, depression and anxiety. Severe cases were referred by these counsellors to local hospitals for treatment. Through this increased capacity, community members had access to local psychosocial support, which previously was unavailable.

Increasing partners' legal capacity was also a priority for 2017. The program commissioned technical assistance providers Justice for All and Justice Ventures International to finalise a legal toolkit and standard operating procedure which describes the international and national legal instruments to ensure community members' access to justice. It also includes a description of the roles and responsibilities of judiciary, lawyers and civil society members. Additionally, at the end of the year, three lawyers were contracted, one per program district, who received referrals from partner organisations for legal cases to be registered in district courts. A joint training was provided for these lawyers and partner organisations to designate roles and responsibilities for case management and survivor support.

Finally, the Institute for Development Studies (IDS) and Action Aid Nepal provided training to partner organisations on action research methods. Partner organisations will begin action research in 2018, seeking to identify creative approaches to address loans, illness, child labour and dowry by engaging a range of relevant stakeholders.

5. LEARNING



Bonded labour prevalence measured within partner organisations' working areas

An IDS facilitated prevalence study conducted through partner organisations in 2016 revealed that in 17% of the households within partner organisations' working areas, all working family members were in bonded labour, and in 12% of households at least one family member was enslaved. Amongst partner organisations, there was a wide spread of prevalence rates - 15% to 72%. Analysis of the data collected indicated that in the areas where partner organisations work close to a highway or a road, the prevalence rate was lower. For those organisations working in more remote areas, the prevalence rates were higher. IDS recommended that partner organisations consider reducing the level of support to communities where the prevalence rates are lower and expand into new, higher prevalence areas. The prevalence study also highlighted that child labour and unsafe migration are present within the target working districts and should continue to be addressed through the program strategy.

Gender inequality and dowry persist

As uncovered through the Institute for Development Study action research, increased conversations around child marriage and gender inequality need to occur. As a result of the

cultural preference for boys, families continue to have children until they have a boy, which often results in larger families and increased dowry expenses. As an ILO report suggests, dowry is a significant driver of increased debt burden within Harawa-Charawa families. Furthermore, women obtain lower wages than men even if involved in the same work. Following work in the field, men are able to take rest; however, women are required to continue to work at the landlord's house. This overexertion is particularly dangerous during pregnancy and pre- and post-natal periods. Women also face sexual harassment, domestic violence and accusations of theft. Taking loans to enable men to migrate, women are often left behind to provide for the family, becoming trapped in debt bondage.

Additionally, prevailing gender norms, lack of toilets and poverty within the terai communities result in girls dropping out of school. If a family is able to bear the cost of sending a child to school, they will select the boys within the family. Girls are expected to get married and to fulfil the traditional gender role, taking care of the house and the family. As a result, girls often do not have the opportunity to attend school, increasing their vulnerability to the cycle of bonded labour. In addition to current program strategies which ensure women's active participation in savings and credit groups, and the provision of school stationary support and bridge classes to both girls and boys, deeply ingrained cultural norms require that the program develop new strategies to incite behaviour change and further empower women and girls.

Disaster preparedness needs strengthening

Severe flooding occurred throughout Nepal's southern terai region in August 2017. Due to constraints on partner organisation's capacity to conduct and produce a swift needs assessment, the program was unable to mobilise relief through partner organisations. Efforts should be made in 2018 to train partner organisations and community members on disaster preparedness and response.

Contextual challenges slowed implementation

Known as one of the most difficult regions in Nepal to operate, the cultural and operational context in the south-eastern terai region presented challenges to program implementation. These challenges included numerous political strikes that blocked the east-west highway to protest elections, circulation of unsubstantiated allegations within the program and lack of governance transparency amongst hotspot partners. Contextual challenges led to program management attention and effort spent focused on ensuring operational sustainability. Significant time was spent with partner organisations, government stakeholders and technical assistance providers to build trust and an environment for collaboration and cooperation. Regular partner sharing meetings were initiated, communication channels remained open, and clear standards for governance, transparency and whistle blowing were established to ensure the contextual risks are mitigated and the strong programmatic work can continue, empowering the community to effect change in the region.

6. LOOKING AHEAD

Capacity strengthening of the National Harawa-Charawa Federation

Throughout 2018, significant efforts will be made to strengthen the capacity of the National Harawa-Charawa Federation. A technical assistance provider will be contracted to train and strengthen network members' leadership, negotiation and collective bargaining skills. The project will seek to expand network recruitment, decision-making, information sharing and collective action planning. Training on human rights, leadership development skills, and collective bargaining methods will enable network members to effectively implement strategic action plans and communicate common messaging and positions. In 2018, the network will continue in their lead role to pursue the liberation of the Harawa-Charawa community and call the Nepal government to action.

Increased advocacy coordination

To strengthen partner organisations' and Harawa-Charawa network members' advocacy skills and approaches, an advocacy technical assistance provider will be commissioned. The project will seek to facilitate partner organisations and network members to develop a collective advocacy strategy and to build linkages with key policymaking agencies, influential actors, and decision makers. Approaches will seek to align with other efforts working to address other forms of forced labour, trafficking and slavery in Nepal.

Partner organisational development support

The hotspot will continue to support partners to develop their operational policies and systems. After facilitating organisational capacity analyses with partner organisations, they will identify priorities for internal strengthening. Technical assistance will be provided based upon the priorities established and may include the development of policies, procedures and systems as well as support for marketing, development, and project monitoring, evaluation and learning.

Alignment with INGOs working in the region

The south-eastern Nepal program will seek to develop relationships with INGOs working in the south-eastern terai to align programs and establish funding collaboration.

6. CASE STUDY



In south-eastern Nepal, modern slavery continues in the form of agricultural bonded labour. A traditional system known as Harawa-Charawa targets an impoverished and marginalised population group whose members are at constant risk of taking on high-interest debt when faced with a financial crisis. These loans are often impossible to repay and get frequently passed on from generation to generation.

Once in debt, Harawa-Charawa are forced to work on their lenders' land as tillers, cattle herders or domestic servants under threats of demanding immediate and full repayment of the loan and expelling the workers from share-cropping, taking away their housing and exerting physical abuse. While the Harawa-Charawa are not the only people in Nepal who have struggled with life in forced labour, until recently their existence was barely acknowledged by policymakers.

Over the past three years, the Freedom Fund has seen the beginning of great change for the Harawa-Charawa in Nepal. Efforts by our partner organisations, advocates and social activists have generated historic achievements, including the increased visibility of Harawa-Charawa bonded labour, unprecedented backing by the government and expanded community mobilisation. Some of the most remarkable achievements include:

Promise of potential financial assistance to survivors

In 2016, the government of Nepal finally announced their commitment to implement a Harawa-Charawa rehabilitation program, marking the first time that specialised financial assistance was

committed to the Harawa-Charawa community in Nepal's history.

Imminent legal changes outlawing all forms of bonded labour across Nepal

A new and more inclusive Bonded Labour Bill encompassing all forms of bonded labour, including Harawa-Charawa, has been submitted to the Ministry of Law and is awaiting ratification with a new government.

Increased local influence, access to local resources, and claiming of land rights

Active participation in local governance structures has created more access to resources and local development decision making for the Harawa-Charawa in those communities. In 2017, at least 25 Harawa-Charawa were elected to as representatives in local governments.

The establishment of district and national platforms for government engagement, policy input and community mobilisation

A national level Harawa-Charawa network has been formed and is due to be registered in the coming months. This is the first time the Harawa-Charawa have a formal body that represents their specific needs and advocates on their behalf. The formation of the national level network creates a platform to develop coordinated, survivor-led advocacy and government engagement.

These first achievements present a significant step in the Harawa-Charawa's journey to sustainable liberation, and the Freedom Fund has directly contributed to these changes. Our work has funded local civil society to engage Harawa-Charawa in support groups where greater understanding and self-awareness of their own situation and peer support have proven critical to empower Harawa-Charawa to take control of their own lives and identify possible solutions to finally claiming their rights. In this effort, the Freedom Fund has also provided strategic legal support, so survivors are able to pursue legal remedies to the exploitation they have endured, seeking not only liberation but also legal access to land which they have inhabited for decades.

We have also facilitated high level delegation visits to Kathmandu for Harawa-Charawa leaders to raise their issues with relevant policymakers, and we brought together major Nepali media houses and Harawa-Charawa representatives to raise their profile in the mainstream media. Critically, the Freedom Fund has been providing strategic technical support to facilitate the creation of a fledgling Harawa-Charawa network and will, going forward, continue to provide further technical assistance to build the network's organisational capacity and help it develop a comprehensive advocacy strategy.

While the complete eradication of agricultural bonded labour is not yet a reality in south-eastern Nepal, the Freedom Fund's frontline partners in this region have already shown their power to bring significant change locally and nationally when provided with the right resources. Continued support that raises self-awareness among those directly affected and provides the tools and systems to claim their rights will inevitably see lasting change in the future.



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