



South-Eastern Nepal Hotspot Annual Report

2018

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Table of contents

	PAGE
1. Operating context	2
2. Progress towards systems change	3
3. Hotspot outputs & outcomes	5
3.1 Headline results	5
3.2 Progress towards hotspot objectives	5
4. Supporting a Community of Practice	9
5. Case Study	10

1. Operating Context

In 2018, the Government of Nepal worked to complete the process of drafting and amending laws to protect the fundamental human rights of all citizens as outlined in the new constitution, promulgated in 2015. According to article 47 of the Constitution, the government had 3 years to ensure these fundamental human rights provisions were in place. This resulted in a raft of bills being passed as the deadline approached. Most relevant to the hotspot, this included the revised criminal and civil codes, Labour Act and the Land Act. Some human rights groups criticised the process, claiming the rush to pass laws before the deadline reduced the time for consultation with civil society and parliamentary scrutiny. Despite this, there has been a positive reception to the new legislation as it provides much greater protection for Nepal's citizens and in particular, vulnerable groups.

The government has now completed its transition to a federal political system with three tiers: central, provincial and local municipality government. Local government is an important new structure under the decentralised system which now has devolved responsibility for managing budgets to deliver local services. Provincial government bridges between local and central government and is responsible for developing and implementing policy on areas such as education, health and livelihoods. The central level government commands a higher level of oversight in relation to legislation and policy as well as providing budget down to provincial and local levels.

There are opportunities for the hotspot to engage with all three levels of government on bonded and forced labour issues. At the central and provincial levels, as the government works to finalise legislation and subsequently introduce by-laws there are opportunities for program partners to ensure the Harawa-Charawa's rights are protected, and their needs are met. The Freedom Fund's partners are playing an active role in drafting amendments to the Bonded Labour Act 2002, currently under revision. If successfully passed by parliament, the new Act will prohibit all forms of bonded and forced labour for all groups and would be a milestone for the Harawa-Charawa community.

However, the greatest opportunities for the program's implementing partners may come at the local level. Under the new structure, local municipalities receive grant funding from the central government and also have tax raising powers. They are relatively autonomous in their decision-making processes and can set the priorities for development and service delivery in their areas.

Local level political leaders and bureaucrats are new to their positions and still getting to grips with the needs and demands of their communities. Our partners alongside the Harawa-Charawa Network are engaging with local officials to build their understanding of the exploitation experienced by Harawa-Charawa bonded labourers and the needs of their communities. Some local leaders have shown an openness to work with our local partners and are eager to tackle the Harawa-Charawa's issues.

2. Progress Towards Systems Change

Government Will, Performance and Engagement

High level recognition of Harawa-Charawa bonded labour

One of the hotspots greatest achievements has been bringing the plight of the Harawa-Charawa to the national agenda. The process of introducing new laws to protect fundamental human rights in the new constitution drew attention to gaps in legal protection and our hotspot partners have seized this opportunity to highlight the issue of bonded labour. Throughout 2018, the Harawa-Charawa Network has been engaging with government and MPs through workshops, meetings and rallies to raise awareness of their issues and present their demands. They have been coordinating their engagement with other bonded labour groups such as the Kamaiya, Haliya and Kamalari as well as through the ILO's Forced Labour Elimination Action Group (FLEAG), creating a more powerful pressure group.

The efforts of the Network alongside their technical assistance capacity builder, RDN, and the program's advocacy partner, CSRC culminated in positive engagements with the Ministries of Labour and Land Management. The Minister of Labour, Employment and Social Security then invited the Harawa-Charawa Network to host a meeting at the Ministry so that they could formally discuss their issues. The Freedom Fund invited representatives from other bonded labour and Dalit rights groups to make sure the problem is viewed holistically. The next day, the Network were invited to meet with the Minister of Land Management, Cooperatives and Poverty Alleviation to present a list of their demands. The Minister responded positively and committed to allocating a budget to tackle their issues.

Local government engagement

The Freedom Fund partners have successfully engaged the local level government to direct services to the Harawa-Charawa community members. Many of the newly formed local governments have begun a process of data collection to understand the profile and needs of their constituents. Freedom Fund partners have successfully advocated for local government to gather specific data on the number of Harawa-Charawa living in their constituencies to enable better service delivery. The Freedom Fund will be providing technical assistance to guide the methodology of gathering data on the harawa-charwa. In other areas, our partners have mobilised local government to provide vital documents such as birth certificates and deliver education to Harawa-Charawa children.

While positive shifts have taken place, civil society and the Harawa-Charawa Network will need to keep up the pressure at all levels of government to make sure commitments are acted upon. A declaration from the government announcing that the Harawa-Charawa are liberated from bonded labour, much like what happened for the Kamaiya, would be a critical turning point in the movement to eliminate bonded and forced labour in Nepal.

Policy/Legislative Developments

In 2018 the government introduced a number of new laws to meet the requirements of fundamental rights protected by the Constitution. The hotspot has targeted key pieces of legislation to strengthen the legal framework to tackle bonded labour and to improve protection and services for lower caste groups.

Revised Criminal and Civil Codes: Following advocacy efforts from our partners, the criminal code now specifically prohibits forced and bonded labour and states that the employment of anyone against their will or other slave-like behaviour will receive punishment ranging from 3-months imprisonment or a fine of up to NPR 5,000 to 5-10 years imprisonment and a fine between NPR 50-100,000.

Labour Act (2017): The revised Labour Act which came into force in September 2018 also includes an article prohibiting forced labour, where 'forced labour means any work or service performed by any worker against his/her will as a result of a threat of taking any action having financial, physical or mental impact if he/she does not perform such work'. It also prohibits bonded labour with a penalty of 2 years imprisonment or a fine up to 500,000 or both. The labour court can require the perpetrator to provide the victim with remuneration, allowance and other facilities.

Land Act (2018): The revised Land Act includes an amendment stating all landless Dalits will be provided with land (size not yet confirmed) within 3 years. As many Harawa-Charawa are Dalit and landless, this piece of legislation could have a significant impact on Harawa-Charawa communities. However, the allocation of land is a contentious issue in Nepal and government programs to allocate land to other bonded labour groups such as the Kamiya, have been problematic.

Empowering Dalit Women: The new constitution now requires that Dalit women must be elected in the local government in every ward. This provision should enable Harawa-Charawa women, many of whom are Dalit, to represent their communities in positions of authority. Women and girls in the Harawa-Charawa communities are particularly vulnerable to exploitation, discrimination and face difficulties accessing rights and services.

There are now a range of legal instruments that should protect people and groups like the Harawa-Charawa from bonded and forced labour. However, in practice, there is still a long way to go to enforce legislation. Nepal has never had a bonded labour legal case because the legal threshold within the Bonded Labour act of 2002 was so high it was deemed unwinnable. We hope the new integrated bonded labour act will change this. Our partners will focus on getting the act passed and working with the Harawa-Charawa communities to bring forward legal challenges.

3. Hotspot Outputs & Outcomes

3.1 Headline Results

9,207 individuals are members of community groups

In 2018, the hotspot supported 9,207 members of community groups across the 11 program partners. There was a significant increase in new group members, (5,940 in 2018) due to five new partners joining the Freedom Fund program in 2018. Group members are organised into 324 different community groups including community freedom groups, savings and credit groups, youth groups and child clubs. Community groups remain an important platform for mobilising the Harawa-Charawa community and providing information about rights and services. Through collective bargaining, some community freedom groups have successfully negotiated higher wages and have gained new access to services and registration documents from local government.

149 Harawa-Charawa liberated from bonded labour

Our partners reported 149 Harawa-Charawa were liberated from bonded labour in 2018. Throughout the year the Freedom Fund helped program partners to develop their understanding of the criteria which must be met before a bonded labourer is considered liberated. This requires a nuanced understanding of a household's labour contract, working conditions and loan agreements. Through improving partner knowledge, we have seen an increase in the number of liberations being reported this year compared with 12 in 2017.

2,085 individuals gained access to government services

The increased engagement by program partners and the community groups with local government has led to more community members gaining access to government services. Many Harawa-Charawa lack official documentation and as such, cannot access government services and resources. For example, children cannot enrol in school if they do not have birth certificates. Our partners have supported community members to obtain citizenship and birth certificates enabling them to claim entitlements and access government services.

2,468 children enrolled in education

The program partners have continued their annual drives to enrol Harawa-Charawa children in school and provide support to help them stay in school. Education is a key strategy to break the cycle of poverty and vulnerability to bonded labour through providing opportunities for a better future. Our partners provide support through child clubs and scholarship programs to encourage children to stay in school. This year all hotspot partners delivered a nine-month bridging course targeting children who have been out of school for a long time and face difficulties returning to mainstream education. We expect to see an increase in school enrolment figures in 2019 as these students complete the bridging course and enrol in the new school year.

3.2 Progress towards hotspot objectives

Hotspot Objective 1

Sustained liberation of Harawa-Charawa community members

The hotspot works towards liberated Harawa-Charawa bonded labourers through legal and policy changes listed above, as well as through the direct work of the NGO partners working directly with communities in south-eastern Nepal. At a community level, we have supported 756 liberations since the beginning of the program, 149 of which were recorded in 2018. Freedom Fund partner, CDF, based in Siraha district, reported

18 liberation this year which they achieved by training Harawa-Charawa community members about their rights, helping them secure government resources and providing access to alternative livelihood opportunities.

Savings and Credit Groups

Harawa-Charawa saving and credit group members, the majority of whom are women, frequently report that the groups have made a tangible difference to their daily lives. The groups allow them to access credit which means they do not have to rely on landlords for loans. Freedom Fund partner, HURYC, have supported communities in Saptari district to set up 6 savings and credit groups which each saved NPRs 60-80,000 (£730) in 2018. The funds have been used to cover medical treatment, education, and other day to day costs.

Alternative Livelihoods

Alternative livelihoods provide opportunities for people to increase their household income and avoid becoming trapped in bonded labour through solely relying on landlords for work and credit. The Freedom Fund contracted technical assistance provider, Manakamana, to provide skills training to 75 participants in 2018, selected in collaboration with local NGO partners DJKYC, BIDC, Samriddha, CDF. Participants learned trade skills such as furniture making, tailoring, building electrics and brick laying. After the training, Manakamana supported participants to find employment and negotiate wages. On average participants were able to double their income through these jobs, which are in demand from local employment markets. It remains difficult for women to access the labour markets because of prevailing cultural norms which prevent women from working outside the home. However, our partners are working to challenge these norms through rights-based education and supporting women to access home-based livelihoods opportunities.

Mental Health

Research conducted by the Freedom Fund in 2016 discovered high rates of depression and anxiety among the Harawa-Charawa community. Accessing mental health support is an important tool in the liberation process as it can help individuals overcome the physical, mental and social trauma they have experienced and build their confidence and resilience to fight for their freedom. Throughout 2018, the Freedom Fund worked with mental health specialist, CMC to deliver a community based mental health intervention with local partners JDS, TSWO, HURYC, and DDF. CMC trained Community Facilitators to conduct group sessions using Bharosa, a training program specifically designed to address the mental health needs of the harawa-charwa. To complement the peer support work, CMC supervised the work of three psychosocial counsellor who received referrals from NGO partners for cases that required one to one counselling support. In 2018, NGO partners referred 417 cases to the psychosocial counsellors, a significant increase from 2017, largely attributed to the communities growing awareness of mental health issues. For more severe cases, clients are referred to a psychiatrist at the local hospital. Local government has become aware of our mental health program being delivered by CMC and is impressed by the results. In 2019, the partners will start to advocate for local government to invest in community level mental health services.

Hotspot Objective 2

Wider social mobilisation and government action against Harawa-Charawa bonded labour

In 2018, our hotspot partners successfully raised the profile of Harawa-Charawa bonded labour at central, provincial and local levels of government. Much of this success is a result of the hotspot's increased focus on advocacy. The Freedom Fund invested in technical assistance providers to develop a collective advocacy strategy for the hotspot and build the capacity of the Harawa-Charawa Network. This helped program partners to focus on key policies and laws, have a coordinated approach to messaging and target influential stakeholders outside the program.

Empowered Survivor Network

The growth and empowerment of the Harawa-Charawa Network in 2018, has been instrumental in mobilising the grassroots movement and bringing the issue of Harawa-Charawa bonded labour to the highest levels of government. In 2018, the Freedom Fund contracted RDN to provide mentoring and coaching to the network; develop their leadership skills and defining the networks' objectives and strategies.

The network structure has a national level committee and district level chapters in the three areas where the hotspot operates (Dhanusha, Siraha and Saptari). The national level committee has successfully engaged with the ministries of labour and land management at central and provincial levels, inputting to the revised bonded labour bill and outlining their demands for a rehabilitation program. The district level chapters, working closely with the NGO partners have had some success advocating for local government to provide services for Harawa-Charawa communities.

Creating a unified bonded labour movement

This year, we have supported the Harawa-Charawa Network to develop close alliances with other bonded labour groups in Nepal, notably the Kamaiya, Haliya and Kamalari who have similar advocacy demands. In July, the Network joined a Kamaiya Liberation Day event and in December they joined a workshop reviewing the Kamaiya rehabilitation program with the government, providing them important lessons learned in the event of a government led Harawa-Charawa rehabilitation program. The Network also joined the ILO's Forced Labour Elimination Action Group (FLEAG). They reported that this exposure to other bonded labour groups and stakeholders helped to build their confidence and has developed their ability to communicate their demands.

Collective Advocacy Strategy

The hotspot contracted technical assistance provider, CSRC to work with NGO partners and the Harawa-Charawa Network to develop a comprehensive advocacy strategy. Drawing from the experiences and lessons of other bonded labour movements, CSRC, hosted a workshop which included the Harawa-Charawa Network members, Freedom Fund NGO partners, and representatives from the Freed Kamaiya Society, National Haliya Freedom Society Federation, and Freed Kamalari Development Forum. From the workshop, an advocacy strategy was developed, including a list of demands for the central, provincial and local government which all program partners will now work towards. The primary objective of the strategy is to secure the liberation of the Harawa-Charawa from bonded labour through a revised bonded labour bill and for the government to provide rehabilitation packages for affected households.

Local government action

Local governments' increased understanding of the Harawa-Charawa and their vulnerability has enabled partners to advocate for appropriate services to support their particular needs. Several partners have assisted community members to access registration documents and essential services through their local ward offices. Partners have also helped community members to mobilise and advocate with the local government on issues which affect their communities. DJKYC supported a community to contest a local government decision to build a road through their village. The government granted the community permission to stay on the land and also provided them with an electricity supply.

Hotspot Objective 3

Increase civil society's capacity

In 2018, the Freedom Fund continued to invest in local NGO partners to build their program, finance and governance capabilities. Areas in need of improvement were identified by the partners themselves, the

Freedom Fund team and an independent financial reviewer. As the capacity building requirements across the 11 program partners overlapped in many cases, it was possible to deliver collective training programs.

Strengthening financial systems

Following on from financial reviews carried out in 2017, the Freedom Fund has been supporting partners to strengthen their financial and governance systems. A financial audit company was contracted to provide three months of capacity building support to all partners before carrying out an assessment of their systems against the Freedom Fund's minimum standards. Ten out of our 11 partners made sufficient progress to meet our compliance standards and continue our partnership into 2019.

Improving Disaster Preparedness

This year, the Freedom Fund provided disaster management training to help partners to better respond to environmental events such as flooding, which happens frequently in the Terai. In 2017, flooding in south-eastern Nepal severely affected many Harawa-Charawa communities with many losing their homes. The training focused on enabling the partners to coordinate with government disaster management systems so that resources can be quickly delivered to affected communities.

Hotspot Objective 4

Support rigorous research and evaluation

In 2018, the Institute for Development Studies and Action Aid continued to work with the program partners to carry out action research in their target communities. The partners formed working groups in their target areas used participatory tools to identify the most pressing issues facing their communities. As a second stage, the groups then collected evidence to ascertain the scale of the selected problems, perceived to be most pressing. The groups then devised interventions to try and tackle the problems. Five partners took part in the Action Research (BIDC, CIC, CDF, JDS Tapeshwori) in 2018, identifying the issues of unemployment, alcoholism, safe drinking water and child marriage to target through their work. The groups' interventions and results will be shared in 2019.

In 2019, IDS will conclude a program evaluation to understand the program's impact since its inception in 2014. IDS together with Action Aid will be interviewing different stakeholders to gather their feedback on the program's progress, successes and challenges. Within the program, NGO partners, Freedom Fund staff, the Harawa-Charawa Network and community participants will be interviewed. Externally, stakeholders from the central, provincial and local level government in addition to local education, health, child protection and other government officers will be interviewed.

4. Supporting a Community of Practice

This year, the hotspot worked to strengthen the community of practice between partners and improve collaboration between partners and technical assistance providers. We increased the frequency of partner community of practice meeting from quarterly to monthly, with technical assistance providers joining quarterly.

The partners have reported that the increased number of meetings has significantly improved coordination and reduced overlap in their work as well as providing a platform where the partners can engage and learn more about the Freedom Fund's systems and processes, such as due diligence and reporting.

Increasing Harawa-Charawa participation in program design and implementation

Following a consultation meeting between the Freedom Fund team and the Harawa-Charawa Network, we agreed that the network should join the partners' community of practice meetings. This means they will be directly involved in planning activities and can contribute to discussions about program implementation. It will also give the Network an opportunity to give feedback on the program and gather information to relay directly to communities. In 2019, there will be an increased effort to integrate the network into all aspects of the hotspot's work.

5. Case Study



Arhuliya has returned to school; seven years after she left to go and work in a landlord's fields. As a young girl, she loved learning at the local school her family sent her to. However, Arhuliya was married at the age of 15 and within five years she had two children. Following her marriage, she began to work for a landlord with her husband to support their family.

Arhuliya and her husband were not making enough money to live by working for the landlord, so they decided to go and work in a brick kiln, but even the wages in the kiln were not enough to provide for her family. Then Aruhuliya heard about the local Harawa-Charawa Network and after attending some meetings she joined it. She also joined a savings and credit group in her village, saving 100 NPR per month, and progressed to become the coordinator of a childcare committee. As the coordinator, she used to take children to school and through this her interest in education came back and so she decided to join tuition classes.

After taking the tuition classes for some time, the SCDC program coordinator encouraged Arhuliya to resume her studies. Initially, Arhuliya was hesitant because she was a married woman. But the SCDC coordinator

talked with her family and the school and they all agreed that she should go back to school. Arhuliya is now in class eight and has taken the half yearly examinations.

Arhuliya is hopeful for the future. She hopes she can find good work after her studies and be able to support the education of her own children. Her husband has been convinced by the need and benefits of education and is supporting Arhuliya to pursue her studies. He was also initially hesitant about the idea but after seeing her progress, he is supporting her development and future.



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