



Northern India Hotspot 2016 Annual Report

NORTHERN INDIA HOTSPOT OVERVIEW

Program goal and objectives:

Goal:

To reduce the prevalence of forms of bonded labour and trafficking in Bihar and Uttar Pradesh.

Objectives:

1. Reduce prevalence in the specific communities in which our partners are working, through direct prevention, protection and prosecution interventions.
2. Enable our partners to improve the effectiveness of government anti-trafficking structures across these districts.
3. Strengthen the ability of each partner to sustain its work and fully address the root causes of bonded labour and trafficking.
4. Rigorously document and learn from the most promising models, so we can expand their reach and adapt them for use elsewhere.

BONDED LABOUR AND TRAFFICKING IN NORTHERN INDIA

- Despite India's strong laws, high levels of bonded labour are still documented in a range of industries, such as agriculture, stone quarries and brick kilns.
- Debt bondage is the main mechanism, in which workers take out loans or inherit inter-generational debts at extortionate rates.
- Families are then forced to work for that same employer to pay off the debt.



1. OPERATING CONTEXT



Image: BMVS

A Community Vigilance Committee formed by Freedom Fund partner, BMVS.

Building on past work supported by one of the Freedom Fund's founding investors, the Legatum Foundation, the Northern India Hotspot now works with 19 NGO partners, within 27 districts of the states of Bihar and Uttar Pradesh.

During 2016, our community-based partners continued to work with 1,257 community freedom groups. Through these groups, participants take on increasing responsibility for eliminating bonded labour and trafficking. They share information with others, engage in collective action, and assist trafficking survivors to rebuild their lives. Partners directly liberated 2,895 individuals from bonded labour and trafficking situations, ensuring on-going support for recovery.

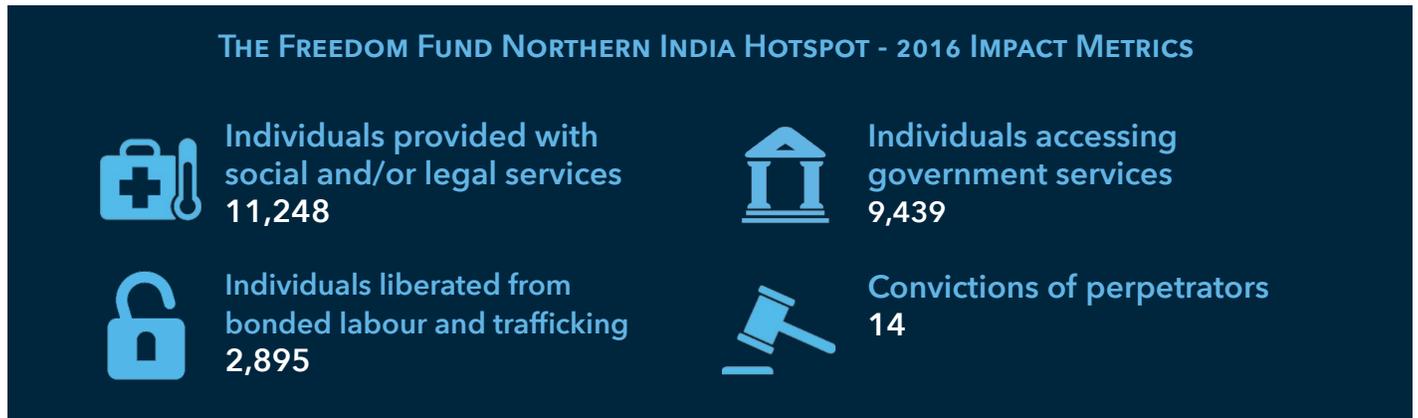
Partners' programs focus on many different contexts of bonded labour, including in brick kilns and stone quarries; traditional agricultural debt bondage; child trafficking for multiple types of harmful labour; and commercial sexual exploitation.

Throughout 2016, the Indian government reviewed important legislation and regulatory frameworks related to trafficking and bonded labour. In May 2016, the government released the Trafficking of Persons (Prevention, Protection, and Rehabilitation) Bill 2016, draft legislation aiming to address all forms of modern slavery. In addition to this new legislation, the government developed the Draft Model Rules under the Juvenile Justice (Care and Protection of Children) Act, established the Central Sector Scheme for Rehabilitation of Bonded Labour, 2016, and amended the Child Labour (Prohibition and Regulation) Act. During the development of these key pieces of legislation, the Human Liberty Network (HLN), a network set up by our partner organisations, played an essential role in working alongside the government to ensure the bills contained provisions to increase support to survivors, clarify the role of district, state and central anti-trafficking bodies, and improve the legal mechanisms to protect human rights.

In November, the government instituted a "demonetisation" policy, declaring that all 500 INR and 1,000 INR banknotes in circulation would no longer be considered legal tender. The policy was intended to address challenges of corruption but prolonged cash shortages created significant economic disruption. In the Northern India hotspot many project activities were delayed while partner organisations and community members dealt with the unavailability of legal tender at local banks.

Additionally, the Bihar state government's alcohol prohibition initiated on April 1, 2016 affected the local context. While the prohibition appeared to reduce domestic violence and crime across Bihar, partner organisations also observed women and children from Indo-Nepal border districts being hired or forced to smuggle liquor across the border, leading to increased exploitation as they engaged in illegal activity.

2. HEADLINE RESULTS



11,248 individuals were provided with social and/or legal services through partner organisations

These services included legal support through Legal Aid Centres, repatriation and reintegration assistance, and counselling support. Partner organisations' abilities to understand and respond to community members' needs displays a high level of adaptability and a commitment to providing relevant and timely services.

9,439 individuals gained access to a wide array of government services

With the aim of decreasing dependency on land owners for loans and vulnerability to traffickers, partner organisations connected program participants to government resources to which they were entitled. This included securing individuals' access to a vital documentation, including birth and marriage registration, access to the government's employment guarantee scheme, widow and old age pensions. Partners had increased success in assisting participants to access land rights with several of them enabling 235 to gain their rights to land. Through these efforts, partners addressed some of the root causes of bonded labour and trafficking such as lack of opportunities to pursue an education, and lack of affordable healthcare.

45 additional communities made up of 6,503 community members achieved bonded labour and trafficking-free status

This outcome was largely measured and verified through the application of the Community Maturity Tool (CMT), with many other communities on the way to achieving this goal, often in contexts where many people have been in inter-generational bonded labour. The CMT, developed by Free the Slaves "is a self-assessment used by community groups and partner organisations to measure the capacity of the community to sustainably resist slavery¹." In these communities, partner organisations have supported the development of community members' skills in reducing vulnerability to bonded labour and trafficking, such as human rights awareness and collective bargaining. As partner organisations have continued to collaborate with community members, they have witnessed an increased motivation to act collectively to assist one another in avoiding situations of trafficking and bonded labour.

¹ <http://www.freetheslaves.net/our-model-for-freedom/research-monitoring-evaluation/>

14 convictions were obtained in cases prosecuting perpetrators of trafficking

Partner NGOs achieved this through providing evidence to courts, facilitating witness protection and preparation, and providing social and legal support to survivors as they navigated the legal system. Achieved largely through the efforts of partner organisations Guria (8), MSEMVS (1), NIRDESH (1), and TSN (4), several of the convictions represent years of perseverance.

At least 5 significant changes to policies and policy implementation resulted from the efforts of partner organisations

- The Uttar Pradesh State Commission for Protection of Child Rights appointing members of key government departments on to a working group to take forward recommendations for a state-wide action plan against trafficking proposed by our partners.
- Our partners providing intensive support to District Child Protection Units as they implemented the new practice of preparing individual comprehensive care plans for survivors of slavery.
- Launch of the Bihar government's online Child Labour Tracking System (partly attributed to Human Liberty Network support).
- The Bihar government establishing new shelter and reintegration services, modelled on our partners', and funding three of our partners to open five new shelters.
- Reopening of 137 unresolved bonded labour cases through collaboration with the Uttar Pradesh Labour Department. Through this process, partner organizations offered evidence required to secure release certificates in order for the government to distribute victim compensation to former bonded labourers.



Image, above: Jenna Mulhall-Brereton © Geneva Global

3. ADDRESSING SYSTEMIC DRIVERS OF SLAVERY



Image: Human Liberty Network

Panelists at the training for investigating officers in Uttar Pradesh.

All of the above activities tackled systemic causes of vulnerability. In addition, the hotspot program worked to affect the wider environment and help eliminate bonded labour:

Providing feedback on draft national legislation and new government schemes

In May 2016, the government released the draft Trafficking of Persons (Prevention, Protection, and Rehabilitation) Bill 2016, and invited civil society to provide comments. Partner representatives from northern and southern India came together to discuss the bill, and provided detailed recommendations based on their direct work with communities vulnerable to trafficking. In response to feedback from civil society and experts, the most recent draft of the bill includes greater conceptual clarity, delineated roles and responsibilities, and it recognises victims' rights to comprehensive support for recovery and justice.

In addition to this new legislation, the Ministry of Labour and Employment developed the Central Sector Scheme for Rehabilitation of Bonded Labour. The scheme increased the level of compensation provided to victims of bonded labour from 20,000 INR (\$300 USD) to a minimum of 100,000 INR (\$1,515 USD). Originally, the scheme required that victim compensation be distributed upon the conviction of the perpetrator which can take many years. Through efforts of civil society, including partner organisation Prayas, the scheme was revised and now allows an initial 20,000 INR to be distributed in cases where a trial has not yet concluded, after submission of a release certificate confirming evidence of bonded labour.

Promoting an anti-trafficking Plan of Action for Uttar Pradesh

The partners' Human Liberty Network (HLN) worked with the Centre for Health, Education, Training, and Nutrition Awareness (CHETNA) to gather feedback on the State Plan of Action that HLN had submitted to government the previous year, integrating comments from relevant INGOs and government departments. The revised PoA² was formally presented in October at an event coordinated by the HLN. The event was attended by 42 key officials and led to an announcement by the UP State Commission for Protection of Child Rights (UPSCPCR) that they would set up a working group to finalise the Plan of Action. HLN supported the UPSCPCR to include key government departments in the working group. In 2017, the HLN will facilitate the convening of the group.

Supporting local police and AHTU officials in Uttar Pradesh through training and resource development

The Director General of the State Human Rights Commission requested that HLN be an official partner of the Mahila Samman Prakoshtah (MSP)—a special unit of the UP police that oversees enforcement agencies responding to human trafficking³. Through this partnership, HLN coordinated training for 173 high-ranking police officers facilitated by Dr. P.M. Nair, a renowned anti-human trafficking champion and eminent former police officer. Additionally, the HLN was requested to lead human trafficking-related trainings to over 300 police officers in 2017 and to develop Standard Operating Procedures for Anti-Human Trafficking Units (AHTU), outlining basic steps for responding to human trafficking cases. Guidance materials from HLN have been distributed to each AHTU in the state, 35 in total.

Resolving earlier cases of bonded labour and extending protections to current workers

Partner organisations also collaborated with the Uttar Pradesh Labour Department to reopen 137 unresolved bonded labour cases. Partner organizations offered evidence required to secure release certificates in order to distribute victim compensation to former bonded labourers. As a result, the Labour Department sent instructions to district Labour officials to get these cases completed, and give attention to future cases brought forward. Additionally, partner organisations, such as ROSA, worked with employers and Labour Department officials to register labourers working in the unorganised sector so that they could access relevant government schemes such as insurance and other benefits provided through the Building and Construction Workers Act, 1996.

²The draft state action plan is available on the UP Home Ministry website here: <http://uphome.gov.in/writereaddata/Portal/Images/pdf/HLN-Consultation-Report-and-Draft-Action-Plan-2015.pdf>. Additionally, the state action plan is referenced in the 2016 US TIP report here: <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258784.htm>.

³This includes including Anti-Human Trafficking Units (AHTUs), Special Juvenile Police Units, and women related cases.

Under these schemes, after the completion of 90-days of work, employers are required to provide labourers with a written certificate of employment, which, when submitted to the Labour Department, entitles each labourer to a variety of benefits, including a bicycle as well as medical, disability, and maternity benefits. Labour Department officials have agreed to organise registration camps to facilitate increased benefit registration of labourers in the hotspot.

Increasing the Bihar state government's tools for tackling trafficking

In 2014-2016, Prayas facilitated the withdrawal of 478 child labours from factories in Jaipur, Rajasthan and coordinated the repatriation of those children back to Bihar. They then used these cases to demonstrate the pattern of children trafficked from Bihar to other states, and encouraged the Bihar Social Welfare Department to set up an investigation team to address this challenge. This team was formed and on a single visit to Jaipur, the investigation team identified 65 children from Bihar living in the city's shelter homes. As a result, the Bihar Social Welfare Department announced the inauguration of a "Child Labour Tracking System (CLTS)". This system aims to monitor and ensure increased rehabilitation and financial assistance to children who have exited situations of child labour. Through this initiative, each rescued child labourer registered in the system will be provided 25,000 INR (\$385 USD).⁴

Collaborating with government to increase resource allocation to shelter homes

The Bihar government also created an initiative to increase shelter and rehabilitation services for former child labourers. As a result, funds have been provided and responsibility has been delegated to selected NGOs to spearhead shelter, rehabilitation, and restoration activities in their districts of operation. Three partner organisations, NIRDESH, Centre DIRECT, and Prayas, have been selected by the Bihar government in five targeted districts.

Supporting institutional mechanisms of addressing slavery

Throughout 2016, partner organisations established and mobilised Child Protection Committees (CPCs) under the government's Integrated Child Protection Scheme. These committees are responsible for identifying vulnerable children and ensuring their protection, facilitating access to government services, and responding to cases of exploitation. In addition to activating CPCs, partner organisations collaborated with district and Bihar state Legal Service Authorities (LSAs). Our partner, Justice Ventures International (JVI), connected LSAs with partner organisations to improve the provision of free legal aid in the state. JVI provided training related to human trafficking to 107 judicial officers and 287 legal interns and lawyers. Including guidance on adopting a victim-centred approach to managing cases of human trafficking and providing legal services to survivors. Efforts made to work alongside the Bihar government and judiciary creates a positive climate to effectively address systemic drivers of bonded labour and trafficking.

⁴<http://www.thehindu.com/news/national/other-states/Nitish-announces-Rs.-25000-for-every-rescued-child-labour/article14418514.ece>.

4. ENHANCING CIVIL SOCIETY CAPACITY



Partner organisations identified several areas in which they wanted to improve their work. As a result, we arranged for training and on-site support related to topics such as: assessing market demand and improving livelihood strategies; assessing “community maturity” (identifying when a participating community has sustainably eliminated bonded labour and trafficking); improving access to health to reduce vulnerability to bonded labour; and extending the reach of legal services. Seven partner organisations benefitted from financial reviews and on-site support for financial management. Similarly, we provided support to strengthen child protection policies and reporting skills.

5. LEARNING

During 2016, the hotspot took further steps to convert field-level research into more effective evidence-based programming:

Need for health-related activities in partner organisations' working areas

As an outcome of the 2015 life story-based research facilitated by the Institute for Development Studies (IDS) and Praxis India, partner organisations recognised the need to develop and strengthen health knowledge, systems, and services within working areas. The research concluded that debt bondage often originated from loans taken arising from health crises. Partners expressed a desire to strengthen existing government health services, ensure access to free medicines, and increase prevention efforts. A gap analysis of health services was conducted in two partners' working districts by Healing Fields Foundation. This analysis identified that local community health workers provided sporadic immunizations, hospitals were poorly managed with inadequate supplies, and the local health referral mechanisms were weak, leading to higher expenses in accessing medical care. These partners are now adapting their interventions to create local demand to close these gaps.

Tackling the most difficult challenges through Action Research

The role of health crises in triggering debt bondage was also taken up through partners' community-based action research groups. Through the 2015 research, partners had identified this issue, as well as several others (for example, inter-generational debt bondage, and discriminatory education for dalit children) as crucial obstacles to reducing trafficking and bonded labour. The action research groups are now providing an opportunity for a more diverse group of local stakeholders to focus on just one issue and experiment with practical ways to overcome the problem. As these efforts, successes and challenges are carefully documented, the learning becomes available to other anti-trafficking organisations that face the same fundamental problems. Importantly, the emerging evidence can be immediately integrated by the NGOs into their practical work, so for example, after learning from community members that in northern Bihar it is often the oldest sons in families who are sent away with traffickers, partners are organising events in 2017 titled, "Save the Eldest Child". By improving community members' understanding of this family dynamic and offering tangible alternatives, including income generation, the events may encourage families to keep their children in school and avoid letting them go into hazardous working conditions.

Participatory prevalence study

By early 2016, the Institute of Development Studies had also assisted our partners to complete a participatory prevalence study in a random sample of 82 of the intervention communities, with 3,466 households, with on-site support and validation by Praxis India.

The study found that within the intervention communities of these partners, 53% of households had at least one family member in bonded labour, whether within the local area or outside the area. The prevalence results are not intended to provide an estimate beyond the targeted intervention communities. The study will be repeated in approximately 2.5 years' time to see whether these levels of bonded labour have reduced.

Improved understanding of migrant population's needs and effective solutions

An exposure visit by partners to Aajeevika Bureau, an NGO with safer migration expertise in Rajasthan, increased their understanding of activities to promote safer migration. During this visit, partners discussed the vulnerabilities of migrant labourers and how these are exacerbated by migrants' lack of identity documents. In response to this challenge, Aajeevika pioneered an approach to create photo identification cards for migrant workers, capturing demographic, location, and occupational information, which can provide access to social services. Partner organisations now intend to implement a similar approach, and they are systematically collecting basic information from workers intending to migrate - helping to promote higher levels of responsibility by local individuals facilitating this labour migration.

Increased collaboration with government bodies

Partners are continuing to observe the transformative impact of working jointly alongside the government in these two states. As described above, the partners' network (HLN) was encouraged by the positive response and supportive attitude of government officials, as well as the strong outcomes achieved through these collaborations.



Image, above: Ginny Baumann © The Freedom Fund

6. LOOKING AHEAD

Building on this progress, in 2017 the hotspot will emphasise several key issues:

Stronger focus on the goals of community-based work

With continued assistance from Free the Slaves, additional partner organisations will build skills in measuring the progress of communities towards sustainable resistance to bonded labour and trafficking through trainings and on-site support. These organisations will use the Community Maturity Tool to work toward communities becoming bonded labour and trafficking-free.

Coordinated work with government systems

The partners' Human Liberty Network will continue its emphasis on state-specific collaboration with government mechanisms against trafficking in both Bihar and Uttar Pradesh. HLN members will also contribute ground-level expertise within the wider network of organisations working together in support of the government's proposed Trafficking of Persons Bill, 2016. Partner organisation, Prayas, will work directly with a range of national government bodies, especially on issues of child labour.

Organisational capacity assessment and support

In 2017, partner organisations will begin to use the Freedom Fund's Organisational Capacity Assessment Tool to identify strengths and areas for growth, as well as ways to ensure that their work is more sustainable. We will help them develop NGO capacity building plans focused on the quality of their systems, policies, and/or efforts to support local communities.

Interstate collaboration with other networks to assist individuals and strengthen activities

At a time when local organisations are becoming much more visible and connected with each other across India, partner organisations will collaborate with organisations addressing trafficking in neighbouring states such as Jharkhand and West Bengal to help with inter-state repatriation efforts and sharing best practices. HLN will also follow up on the expressed willingness of state authorities and Nepalese officials to spell out and then collectively implement more efficient rescue, repatriation and reintegration arrangements, especially between Bihar and Nepal.

Further implementing evidence-based programs

Partners will continue to participate in the action research groups described above, as well as integrating what has been learned through the earlier life story research, alongside Institute of Development Studies and Praxis India.



7. CASE STUDY

Rajesh's story

When Rajesh's family members couldn't feed themselves, they sent their 15-year-old son with a trafficker to Kerala, a state in southern India. He was put to work in a garment factory. Not only was he not paid, but Rajesh was forced to work 12 hours a day and live in a one-room hut with eight other workers. He developed serious health issues due to lack of good food, and he wasn't allowed to leave the property. He wasn't even permitted to talk to his family. When one of the Freedom Fund's NGO partners, FSS, started work in Rajesh's home village in 2015, his parents quickly became involved, learning about the dangers of children migrating for work.

Rajesh's desperate parents as well as NGO staff and members of the FSS-supported community vigilance group put pressure on the trafficker until he brought Rajesh home in May 2015. Back home, Rajesh joined a training course in mobile phone repairs, and FSS assisted him to find a job. He was also recently admitted to a Bachelor of Arts program.

Rajesh, now 18, began to notice that many children in his village were not attending school and those who did attend were not receiving a quality education. He shared his concern with a friend, and they decided to open a tutoring centre for local children to supplement their education. FSS and the community group agreed that a tutoring centre should be opened, and 56 students enrolled. Rajesh has become a leader and an inspiration to his community.



Ginny Baumann

Senior Program Officer

The Freedom Fund

London

+44 203 077 2122

gbaumann@freedomfund.org

The Freedom Fund (UK)

Lighterman House
26-36 Wharfdale Road,
London, N1 9RY
United Kingdom
+ 44 203 077 2222

The Freedom Fund (U.S.)

33 Irving Place
New York, NY 10003
USA
+1 (929) 244-9722

freedomfund.org