



South-Eastern Nepal Hotspot 2016 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 harwa-charuwa.
- 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: Jenna Mulhall-Breton © Geneva Global

Despite political turbulence throughout the year, Freedom Fund partner organisations brought greater visibility to harwa-charuwa slavery by securing local media, government, police and political party support for the liberation of the harwa-charuwa community.

Throughout January 2016, strikes within the south-eastern region of Nepal¹ continued as the Madhesi ethnic community protested the constitution's provisional boundaries of the federal republic's seven states, citizenship requirements and Parliament representation, citing that these provisions were discriminatory against the Madhesi community. Facing public pressure within Nepal to discontinue the strike and trade blockages that caused a shortage of essential supplies and imports, the Madhesi political party lifted the strike in the first week of February.

The political environment in Nepal remained stable until the end of June, when Parliament expressed a lack of confidence in Prime Minister KP Sharma Oli. Parliament was concerned with his inability to resolve conflict over the new constitution, improve relations with India and jump start the post-earthquake reconstruction process. Consequently, the Prime Minister resigned in July. Following his resignation, Parliament appointed a Maoist party leader, Pushpa Kamal Dahal, as Prime Minister. His appointment was the result of a deal struck between the Maoist party and the Nepali Congress to share leadership, instating a coalition-led government. Under the coalition-led government, Prime Minister Pushpa Kamal Dahal will oversee local elections, currently scheduled for 14 May 2017. He will then step down, ceding power to Nepali Congress's Sher Bahadur Deuba. The constant change in government leadership will continue to impede legislative development and economic growth in 2017.

¹ Terai districts are those which lie in Nepal's southern belt, bordering India.

Despite the change in political power and promises that the Madhesi communities' demands would be reviewed under the new Maoist leadership, occasional strikes and protests occurred within south-eastern Nepal. The protestors demanded the revision of provisional demarcation to establish two states running east-west along the Indo-Nepal border, aiming to unify the Madhesi ethnic community and to ensure the Madhesi community's interests would shape the states' priorities. To address these demands, a draft Constitution Amendment bill was registered on 29 November 2016, which cited changes in provincial demarcation. Parliament did not approve the bill by the end of 2016 and will likely struggle to garner the two-thirds majority that is required to approve the change.

Political changes and a lack of consensus in Parliament delayed the passage of new laws and policies. Drafted in 2015, the Bonded Labour Bill, which abolishes all forms of bonded labour in Nepal, remained with the Ministry of Law and the Ministry of Land Reform and Management for review throughout 2016, making very little progress. Additionally, despite the Minister of Finance's announcement in May that the national budget would be allocated for a harwa-charuwa rehabilitation program, government funds were not released by the Ministry of Finance to begin the program's first phase of activities. Although the Ministry of Finance's announcement was encouraging as it was the first time the government had acknowledged the forced labour circumstances of the harwa-charuwa community through policy and budgetary commitments, momentum slowed through the end of the year due to political instability.

On a local level, partner organisations' Freedom Fund projects were affected by flooding. Many families lost their homes, clothing and cattle, increasing their susceptibility to greater debt and deepening their involvement in debt bondage. Partner organisations responded by distributing relief materials to flood-affected communities such as cooking supplies, clothing and tarps.

Partner organisations also faced challenges facilitating birth registration campaigns due to a national government initiative established to eliminate open defecation by 2017. Under the open defecation-free (ODF) initiative, if the community did not have a toilet, the government would not provide birth registration or social services to members of that community. This created challenges for impoverished and landless communities, such as the harwa-charuwa community, as they do not have access to the land or materials needed to construct toilets. Partner organisations met with local stakeholders, including Village Development Committee (VDC) Secretaries, to lift enforcement of the ODF policy so that they might facilitate birth registration campaigns. Partner organisations were successfully able to facilitate birth registration campaigns during time periods designated by the VDC. With birth registration in hand, children were able to enrol in school.

Although 2016 was a tumultuous year, partner organisations maintained their commitment to the Freedom Fund hotspot's goals of empowering harwa-charuwa communities, engaging in community mobilisation and advocating for greater government action. Through these efforts, 540 individuals were provided with social and legal services, 419 individuals began new economic activity, 194 individuals were liberated from slavery, and the national government committed funds to assist the harwa-charuwa community.

2. HEADLINE RESULTS



194 slavery victims were liberated with support for recovery

In 2016, 194 people were liberated from situations of slavery and were provided with support for recovery through the efforts of South-Eastern Nepal Hotspot partners. These harwa-charuwa community members were liberated from agricultural bonded labour primarily by gaining access to viable and sustainable sources of income, such as cultivable land and livelihood opportunities. Partner organisations' work to provide community members with access to government resources, rights-based training and income generation opportunities contributed to individuals' ability to exit forced labour scenarios.

419 people earned a new income or started a microenterprise

Working to address the root causes of agricultural bonded labour, in 2016, partner organisations supported 419 harwa-charuwa community members to earn a new income or start a microenterprise. This accomplishment is notable as increased income diminishes dependency on landowners for daily subsistence and reduces previously borrowed debt. Partner organisations provided opportunities for community members to enhance their income through participation in a variety of activities, including group farming, the provision of financial support to small businesses such as grocery and vegetable shops, and entrepreneurship training.

126 legal cases were assisted

Over the course of the year, pursuing justice for harwa-charuwa community members, partner organisations supported 126 legal cases. After identifying the need for legal intervention in the community, partner organisations worked alongside community members to file legal cases related to domestic violence, eviction and disputes between landlords and harwa-charuwa bonded labourers. After submitting cases to the relevant District Administration Office (DAO) or district courts, partner organisations continued to follow up on the cases and advocated for positive judgements on behalf of community members. These efforts seek to address impunity of landowners, addressing the conditions that keep haruwa-charuwa in slavery.

155 media stories were generated

Throughout 2016, 155 media stories were generated, describing partner organisations' work to address agricultural bonded labour across Siraha, Saptari and Dhanusa districts. This strong media presence resulted from partner organisations media engagement, hosting media professionals to observe their project activities and connecting journalists to harwa-charuwa leaders. Additionally, technical service provider, Media Advocacy Group (MAG), provided media advocacy trainings to partner organisations and local media professionals to facilitate greater interaction. Through this training, partner organisations gained an understanding of story development and media advocacy, while media professionals increased knowledge about the experiences of the harwa-charuwa community and partner organisations' comprehensive efforts to address such challenges.

One policy change was enacted. In 2016, the South-Eastern Nepal Hotspot achieved one, notable policy change. Through the collective advocacy efforts of partner organisation representatives and members of the harwa-charuwa community, the Ministry of Finance announced the availability of government funding to lay the ground work for a harwa-charuwa rehabilitation program. This budget allocation is particularly notable as it represents the first time the harwa-charuwa community was officially recognised by the government of Nepal through budgetary commitments. For additional details, see Section 3.



Image, above: Jenna Mulhall-Brereton © Geneva Global

3. ADDRESSING SYSTEMIC DRIVERS OF SLAVERY



Image: Jenna Mulhall-Brereton © Geneva Global

In 2016, the government of Nepal announced their commitment to implement a harwa-charuwa rehabilitation program—an unprecedented act considering the government’s refusal to recognise the existence of harwa-charuwa bonded labour just two years ago.

National budget allocation for the harwa-charuwa rehabilitation program

To prove the existence of bonded labour among the harwa-charuwa community and to secure government buy-in on the issue, Freedom Fund partner organisations hosted a field visit for high-ranking officials from the Ministry of Land Reform and Management (MoLRM) and facilitated multiple delegations of harwa-charuwa leaders to Kathmandu. The delegations met with representatives from the Home Ministry, MoLRM, Ministry of Finance (MoF) and National Planning Commission to request budgetary support. These conversations were bolstered by the increased visibility of harwa-charuwa bonded labour in the media as national level news reported the injustices faced by the harwa-charuwa community.

As a result of the Freedom Fund programs’ supportive engagement with government officials, the government of Nepal announced² its commitment to resource a harwa-charuwa rehabilitation program— marking the first time that specialised financial assistance has been committed to the harwa-charuwa community in Nepal’s history. Budget allocations for the 2016-2017 fiscal year will enable a high-level committee to be established that will be responsible for designing the process for identifying harwa-charuwa bonded labourers to receive rehabilitation support.

²The budget was announced in the Honourable Finance Minister’s 2016/17 budget speech on May 28th, 2016.

Following this announcement, partner organisations and advisors supported the MoLRM to draft terms of reference for the establishment of the high-level committee and harwa-charuwa identification process, requesting 5,000,000 Nrs (~\$47,000) from the national budget to accomplish these activities.

Once the budget allocation is approved by the MoF, the high-level committee will be formed and will design the procedures for identifying harwa-charuwa to receive assistance. Then, the committee will establish district-level committees to implement the identification process, which will include evaluating the circumstances of each family and distributing identification cards to harwa-charuwa. These identification cards will serve as the documentation required for families to receive government resources provided through the rehabilitation program, such as land, vocational training and school scholarships.

Bonded labour bill

The Bonded Labour Bill, which was drafted in 2015, was submitted by the MoLRM to the Ministry of Law (MoL) in 2016. The Bonded Labour Bill seeks to abolish all forms of bonded labour across the country. Although the Bonded Labour (Prohibition) Act, 2002 technically abolishes all forms of bonded labour, including harwa-charuwa bonded labour, in practice, the government has leveraged this legislation to prioritise the liberation of bonded labourers from other communities in Nepal, such as the Kamaiya and Haliya. During the period of time that the Bonded Labour Bill remained with the MoLRM in 2016, partner organisation representatives met with the MoLRM to describe the conditions of harwa-charuwa bonded labour and advocate for the swift passage of the bill. Following the MoL's review, the bill will return to the MoLRM, at which time, Freedom Fund partners will have another opportunity to submit feedback and contribute to the bill's improvement and refinement. After the MoLRM's review, the bill will be submitted to the Cabinet and then Parliament for approval.

Securing local influence, resources and land rights

Freedom Fund partner organisations have also achieved strong results from district and local advocacy efforts, ensuring the representation of harwa-charuwa on key committees and advocating for the allocation of local government resources to the harwa-charuwa community. For example, partner organisations were successful in supporting the appointment of harwa-charuwa community members to Village Development Committee (VDC) councils. Through their participation on the VDC councils, harwa-charuwa community members have the opportunity to provide input into VDC policies, programs and budget allocations, ensuring that the harwa-charuwa community and other disadvantaged groups receive support from the VDC and can access available government resources. As a result of harwa-charuwa representation on VDC councils and partner organisations' ongoing advocacy efforts, local VDCs have provided increased support to the harwa-charuwa community, including vocational and skills training and monetary support to harwa-charuwa groups and child clubs. This support has enabled house construction, capacity development and community mobilisation among the harwa-charuwa.

Through technical service provider, Community Rural Development Society's (CRDS) and effective local advocacy efforts with VDC Secretaries, 1,556 land inhabitant certificates were issued to harwa-charuwa families. Land inhabitant certificates provide families residential rights to land, eliminating local landowners' ability to force harwa-charuwa to work by using threats of eviction. Because of CRDS's and partner organisations' work, VDC officials are now aware of the process to provide residential land rights and are willing to cooperate with these efforts.

Due to increased visibility of the program, partner organisations have been invited to participate in workshops aimed at increasing access to social services and education for harwa-charuwa populations. For example, partner organisation JDS was invited to attend the Regional Planning meeting for out-of-school children in Dhanusa, which was also attended by government officials and NGO representatives from five districts. JDS presented the circumstances of the harwa-charuwa community, establishing a foundation for future collaboration with the District Education Offices and UNICEF to ensure that Dalit children receive school scholarships and quality education.

Establishing district and national platforms for government engagement, policy input and community mobilisation

In 2015, district-level harwa-charuwa networks were established in Siraha and Saptari. At the beginning of 2016, a district-level network in Dhanusa was established. The goal of these district-level networks was to unite harwa-charuwa community members and establish a mechanism for collective advocacy efforts. In October 2016, the district-level networks came together to form a national harwa-charuwa network and steering committee. The steering committee, comprised of 11 members representing all nine districts in which harwa-charuwa bonded labour is present, will lead and guide the advocacy initiatives as informed by the district-level networks. The formation of the national-level network creates a platform to develop coordinated, survivor-led advocacy and government engagement.

Throughout 2016, harwa-charuwa leaders met with leaders from other communities facing intergenerational bonded labour in Nepal, including the kamaiya, kamalari and haliya. These meetings cast a vision for the peaceful pursuit of the liberation of all forced labour communities in Nepal. Representatives from the harwa-charuwa national network and the kamaiya, kamalari and haliya communities will continue to coordinate advocacy agendas together, ensuring equal and sufficient support to all bonded labour groups in the country.

Efforts of Freedom Fund partner organisations, advocates and social activists generated incredible achievements in 2016. These accomplishments include increased visibility of harwa-charuwa bonded labour, unprecedented backing by the government, and expanded community mobilisation, promising even greater support for the harwa-charuwa communities in the years to come.

4. ENHANCING CIVIL SOCIETY CAPACITY



Image, above: Jenna Mulhall-Brereton © Geneva Global

Throughout 2016, partner organisations across the South-Eastern Nepal Hotspot continued to benefit from a variety of capacity building opportunities focused on improving organisational practices and program implementation. These opportunities were organised by Freedom Fund and a number of contracted technical assistance providers with specific areas of expertise.

Programmatic capacity building trainings enabled partner organisations to build expertise across key areas of project implementation, such as: community mediation, media advocacy, non-formal education for adolescents and adults, mental health, land rights, and legal provisions and frameworks to support program participants. These opportunities were identified to provide partner organisations with skills needed to deliver effective, comprehensive anti-slavery services to program participants.

In 2016, a financial management consultant conducted financial reviews with each of the hotspot partners. These reviews sought to understand the status of partners' accounting systems, financial management and internal controls. In an effort to build understanding of best practices, the financial management consultant shared gaps identified in partner organisations' existing practices and provided recommendations for improvement. Partner organisations worked throughout the last month of the year to integrate these recommendations into their standard practice.

In addition to capacity building delivered by technical service providers, partner organisations benefitted from participation in exposure visits. For instance, partners' staff learned best practices for registering and managing cooperatives after visiting and observing functioning cooperatives. These learnings will be integrated into partner organisations' projects in 2017.

5. LEARNING

2016 was a year of growth and learning for the South-Eastern Nepal Hotspot. This year saw an increased level of government engagement and refinement of project strategies, furthering the progress made toward the hotspot's objectives.

Local advocacy efforts for medical services

Women within the program's target communities identified family health needs as the primary source of urgent, unforeseen and costly expenses that contribute to the cycle of debt. As a result, the program identified the need to advocate with the District Health Office to improve the availability of free medicines and free consultations at local village health posts, enabling community members to access free health care and avoid the need to pay for private care. The village health posts are responsible for providing certain medicines for free, but often have long stock shortages. The Freedom Fund program plans to increase advocacy efforts with the District Health Offices to ensure that medicines are available at the Village Health Posts, that clinicians are available during the hours that women are most likely to access services, and that a referral system is in place for cases that are not treatable at the village health post.

Women are unaware of the debt that they are marrying into, a key factor that determines if their family will be engaged in bonded labour

Through interviews with women involved in the programs' savings and credit groups, it became apparent that women do not know the amount of debt they are marrying into when a marriage proposal is made. Within the program's target communities, many unmarried young men take loans from landowners to migrate for employment. Due to exploitation and poor wages abroad, many young men return to their home communities with no savings and tremendous debt that they cannot repay. During dowry negotiations, the young man's family hides the debt that remains, meaning that the woman's family is unaware of the debt, and the bonded labour scenario that she will be marrying into. Additionally, although parents want their daughters to avoid marrying into debt, women interviewed explained that they would not ask about a family's debt amount because it is impolite to do so. Leveraging this learning, the program will aim to break the silence around loans and debt by discussing these issues in savings and credit groups to ensure that community members have the knowledge needed to make decisions which impact generation after generation.

Ongoing learning from the kamaiya movement—long-term support is necessary for sustainable liberation

Meetings with kamaiya leaders throughout the year illustrated the need for dedicated, long-term financial support to bonded labour communities, including the harwa-charuwa, to ensure their sustainable freedom.

Initially, the kamaiya community received significant financial support from international funders, but after the government of Nepal announced a government-sponsored rehabilitation program for the kamaiya, international private funding declined. Because the government rehabilitation program was implemented slowly, over 15 years, and was poorly distributed, the kamaiya community continues to struggle to find livelihoods and meet their basic needs. This is further exacerbated by landowners' refusal to hire liberated kamaiya labourers to work in the fields, hiring Indian migrant workers instead. As a result of their inability to find livelihoods, many members of the kamaiya community have migrated to India or moved to urban areas for employment, where they remain susceptible to exploitation due to their vulnerability.

In a year when the government announced its budget commitment to the harwa-charuwa, the Freedom Fund program recognises the need to be involved in the harwa-charuwa rehabilitation program, ensuring its swift implementation and fair distribution. Further, the Freedom Fund realises that the harwa-charuwa's sustainable freedom will be a slow process and will require the long-term commitment of public and private funding to ensure the harwa-charuwa community has access to economic opportunities for current and future generations.



6. LOOKING AHEAD

Capacity strengthening of the national harwa-charuwa network

Throughout 2017, significant efforts will be made to strengthen the capacity of the newly formed national harwa-charuwa network. Comprised of representatives from nine districts known to contain slavery among harwa-charuwa communities, the network has elected 11 steering committee members. The program will support elected steering committee members to strengthen their leadership and communication skills, hone messages to policy makers, and establish structures to ensure flow of communication between the national network, district networks, and the local communities themselves. Capacity building opportunities will include trainings, exposure visits and delegation visits to Kathmandu. Early in 2017, the national network will advocate with the Ministry of Land Reform and Management and the Ministry of Finance for budget approval to begin activities that will lay the foundation for a government sponsored rehabilitation program.

Cooperative registration

The Freedom Fund program will aim to establish and register cooperatives throughout 2017. Comprised of Freedom Fund savings and credit group members, these cooperatives, once registered, will offer more robust credit and financing options, reducing the need to borrow from landowners and money lenders. The establishment of cooperatives offers the promise of sustained liberation within the project districts as they will continue to operate even if philanthropic and government funds are reduced in harwa-charuwa communities. They also provide a platform to ensure that the harwa-charuwa community, itself, owns and manages the resources required to improve their livelihoods, health, education and other opportunities.

Greater legal aid and mediation services

Partner organisations have reported the need for increased access to legal aid and mediation services within the target districts. Because harwa-charuwa leaders have become increasingly empowered, harwa-charuwa themselves are submitting complaints to landowners and filing cases of abuse, violence and inadequate wages to district administration and police. Landowners also submitted cases requesting harwa-charuwas' eviction from land, in retaliation against the harwa-charuwa's resistance to forced labour. In 2016, Justice for All, a legal services NGO based in Kathmandu, provided support for these cases, but due to their distance from the project area, they were not able to effectively support and follow up with the cases. In 2017, the program will seek to establish dedicated legal support for partner organisations available within the districts to ensure that harwa-charuwa's rights are protected through legal action.

Vocational training, entrepreneurship trainings and livelihood promotion

Recognising that a key to freedom for the harwa-charuwa is the availability of alternative livelihoods, the program will aim to establish increased alternatives for harwa-charuwa families. This will include scaling up the number of microenterprises and group farming initiatives supported through the program. The program will also pilot vocational trainings, such as masonry, electrical work and banana farming, with 45 participants.

Cross border trafficking interventions

In 2016, partner organisation DSAM supported the repatriation efforts of seven children from Muzzaffarpur, Bihar in India back to their homes in Siraha. This event sparked interest in developing coordination between the Freedom Fund Northern India Hotspot and the South-Eastern Nepal Hotspot to effectively repatriate child victims of trafficking back to their home communities. In 2017, partner organisations from both hotspots will work together with representatives from Nepal's Central Child Welfare Board (CCWB) and Bihar's Social Welfare Department to develop streamlined protocols for repatriating children and following up with them after their reintegration.

Research and pilot interventions

Throughout 2017, partner organisations will continue to participate in academic research, as facilitated by academic partners the Institute for Development Studies (IDS) and Action Aid. IDS plans to present the prevalence research findings concluded from the data collected in 2016. Additionally, partner organisations will analyse causal accounts and individual stories of community members to identify common themes that contribute to victims' entrance into slavery. Finally, partner organisations will begin to address the themes identified through the analysis of the causal accounts by revising existing and integrating new approaches into their project strategies.

In 2015, research conducted on the mental health needs of the harwa-charuwa community identified high levels of suicidal ideation and distress within project communities. In response to this finding, two partner organisations will participate in a pilot approach to establish psychosocial counselling interventions within the Freedom Fund South-Eastern Nepal Hotspot to increase and promote mental health wellness. One staff member from each of the two organisations will receive training on psychosocial counselling, while the rest of the staff will be trained to effectively facilitate community freedom group discussions on mental health illness, depression and the development of social support.



7. CASE STUDY

Sunita's story

Sunita and her husband worked as harwa-charuwa labourers for a local landlord. They were expected to carry out all the work on the land for 12 hours every day. Despite her hard labour, only Sunita's husband received wages and, even then, it was only 15kg of rice per month. Sunita recalls, "We never had enough to eat, the children grew up with their stomachs half-filled." Neither Sunita or her husband were allowed to work elsewhere to supplement their income. It was especially challenging for Sunita when the children were small, and she was expected to carry her baby as she worked in the landlord's fields. If her baby cried, Sunita would be scolded for taking time to comfort her.

With the help of DSAM, one of the Freedom Fund's local partners, Sunita and other landless women started a group farming business by saving Rs. 100 (\$1) per month. Sunita and 11 other women have successfully leased land to begin vegetable farming. As a result of their hard work, and DSAM's support, Sunita and other women in her community have enough income to feed their families and have been able to leave their work as harwa-charuwa labourers. These women have been highly motivated by their success and are committed to achieving even greater income for their families so they will no longer need to take loans from landlords.



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