



International
Labour
Office



FORCED LABOUR OF ADULTS AND CHILDREN IN THE AGRICULTURE SECTOR OF NEPAL

ILO Country Office for Nepal - Series no. 11

FORCED LABOUR OF ADULTS AND CHILDREN IN THE AGRICULTURE SECTOR OF NEPAL

**FOCUSING ON HARUWA-CHARUWA IN EASTERN TARAI AND HALIYA
IN FAR-WESTERN HILLS**

Bal Kumar KC, Govind Subedi and Bhim Raj Suwal

Central Department of Population Studies

Tribhuvan University, Kathmandu

Copyright © International Labour Organization 2013

First published 2013

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Permissions), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: pubdroit@ilo.org. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered with reproduction rights organizations may make copies in accordance with the licences issued to them for this purpose. Visit www.ifrro.org to find the reproduction rights organization in your country.

ILO Cataloguing in Publication Data

Kumar KC, Bal; Subedi, Govind; Suwal, Bhim Raj

Forced labour of adults and children in the agriculture sector of Nepal: focusing on Haruwa-Charuwa in eastern Tarai and Haliya in far-western hills / Bal Kumar KC, Govind Subedi, Bhim Raj Suwal; International Labour Organization.- Kathmandu : ILO, 2013.

ISBN 9789221274933; 9789221274940 (web pdf)

ILO Country Office for Nepal

forced labour / child labour / agricultural worker / working conditions / agriculture / Nepal

13.01.2

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications and electronic products can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. Catalogues or lists of new publications are available free of charge from the above address, or by email: pubvente@ilo.org

Visit our web site: www.ilo.org/publns

Printed in Nepal

Funding for this ILO research and publication was provided by the Government of Ireland (Irish Aid, SAP-FL project number INT/08/71/IRL) and the United States Department of Labor (USDOL, IPEC project number GLO/06/50/USA). This publication does not necessarily reflect the views or policies of Irish Aid or USDOL, nor does mention of trade names, commercial products, or organizations imply endorsement by the Government of Ireland or the Government of the United States

Foreword

Forced labour, modern day slavery and human trafficking are subjects of widespread international concern and action. The International Labour Organization's two Conventions on forced labour, the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105) are among its most widely ratified instruments. Yet, these problems still persist on an alarming scale, affecting all regions of the world in different forms and to varying extents. The most recent ILO estimates for 2012 indicate that at least 20.9 million people worldwide are victims of forced labour, and the region most affected is Asia-Pacific, with some 11.7 million victims.

Nepal has ratified both ILO forced labour Conventions, and has put in place national policies and programmes to deal with forced labour, particularly as it affects workers in the agricultural sector. The Bonded Labour (Prohibition) Act, 2058 (2002) represents a significant milestone in Nepal's struggle to eliminate all forms of bonded labour, with a particular focus on the *kamaiya* system that was prevalent in the far west of the country. The 2008 government declaration on the liberation of *haliya* was another important step. However, it is widely acknowledged that significant gaps and challenges in implementation remain; action is still needed to ensure the complete and effective rehabilitation of these groups as well as others who may still be subjected to bonded labour and other forced labour practices in agriculture and other sectors of Nepal's economy.

Policies and programmes to combat forced labour need to be based upon solid data on the nature and extent of the problems to be addressed. Unfortunately, such data are lacking in virtually every country in the world. Given the often hidden nature of forced labour, that it may occur in remote regions or isolated locations, and that the victims may themselves be unaware of the fact that they are in forced labour, data collection through household surveys and other means is particularly challenging. The International Labour Office, through the Special Action Programme to combat Forced labour (SAP-FL) and the International Programme on the Elimination of Child Labour (IPEC), therefore embarked on a project between 2008 and 2010 to develop survey methodologies to estimate forced labour of adults and children at country level. The project involved close collaboration with national partners in ten countries: Armenia, Bangladesh, Bolivia, Georgia, Guatemala, Côte d'Ivoire, Mali, Republic of Moldova, Nepal and Niger. The overall results of this project have been reported in the publication "Hard to see, harder to count: Survey guidelines to estimate forced labour of adults and children" (ILO, 2012). This contains detailed methodological guidance on how to conduct such surveys, drawing on the experience gained through implementation in the ten participating countries. A particular focus is on the use of forced labour "indicators" in the design of the survey instrument and data analysis, to enable the detection of forced labour in practice.

The results of the country-based surveys are presented in separate reports. This publication reports the results of the survey conducted in Nepal by the Central Department of Population Studies (CDPS) of Tribhuvan University in 2009, with the technical support of the ILO. As indicated in the title, the survey addresses forced labour of adults and children in agriculture, with a particular focus on the *haruwa-charuwa* in the eastern Tarai and the *haliya* in the Far-Western hills. This survey generated quantitative estimates of the number of people affected by forced labour, but also many important qualitative insights into the nature of the practices and the consequences for the adults and children affected. It also draws comparisons between the situation of the "target groups" (*haruwa-charuwa* and *haliya*) with other households living in the survey districts.

The ILO acknowledges with gratitude the work of the research team in designing, implementing and analysing the survey. The ILO wishes also to express its appreciation to the government of Nepal, in particular the Ministry of Land Reform and Management and the Ministry of Labour and Employment, for its on-going collaboration with the ILO in efforts to improve the situation of this vulnerable population group in Nepal, particularly for the rehabilitation of freed *haliya* in twelve districts of the Mid- and Far-Western hills. We trust that the results of this survey will play an important part in the formulation and implementation of effective policies and programmes to benefit former and current bonded labourers in Nepal in the months and years to come.

José Assalino
Director,
ILO Country Office for Nepal,
Kathmandu

June, 2013

Acknowledgements

The present study on **Forced Labour of Adults and Children in the Agriculture Sector in Nepal**, focusing especially on Haruwa-Charuwa in Eastern Tarai and Haliya in Far-Western Hills, was undertaken during April–December, 2009. The study was undertaken by the Central Department of Population Studies, Tribhuvan University, Kathmandu. It was conducted in two phases. In the first phase, qualitative information was collected followed by quantitative data in the second phase.

I am grateful to Mr Shengjie Li, Director, ILO Office in Nepal, Kathmandu, Nepal for bestowing upon us the responsibility of conducting this study. The whole research has been conducted under the continuous guidance and support of ILO Nepal and ILO Geneva, Special Action Programme to combat Forced Labour (SAP-FL) and International Programme on the Elimination of Child Labour (IPEC). Ms Michaëlle de Cock, Ms Caroline O'Reilly and Mr Bijoy Raychaudhuri of ILO Geneva provided special guidance. Initial guidance from Mr Debi Mondal, then from ILO, New Delhi, India is much appreciated. Ms Caroline O'Reilly undertook extensive final editing of the report, and Ms Caroline Chaigne-Hope was responsible for the report design and layout. This report is the outcome of combined efforts of us all.

Mr Uddhav Raj Poudyal, Mr Hirendra Lal Karna and Ms Sita Devi Gurung of ILO, Kathmandu, deserve special thanks for their unflagging support from beginning to the completion of this study.

I highly appreciate the efforts of Dr Govind Subedi and Dr Bhim Raj Suwal for coordinating the overall execution of the project and for completing the first draft report. Mr Mohan Khajum deserves special thanks for providing his expertise to manage the data for this research. I am also thankful to Mr Shiva Prasad Khanal and Mr Laxman Singh Kunwar for their careful supervision of field operation. All the field surveyors deserve special thanks for their relentless work for collecting data even during the rainy season.

I am also grateful to faculty members and staff of Central Department of Population Studies, Tribhuvan University, who continuously provided administrative and logistic support. Mr Tanka Dhungana, Mr Rabindra Man Shrestha and Mr Giri Raj Dahal deserve special thanks.

I highly appreciate the informants including Haruwa-Charuwa and Haliya, various GOs, NGOs, civil societies and human rights organisations without whose active participation this research would not have been completed. In far-west hills, following persons deserve special thanks: Mr Yadu Lal Shrestha, National Programme Coordinator of LWF-Nepal; Mr Lila Nath Bashyal, Project Manager of Freed Haliya and Kamaiya Empowerment Project, LWF-Nepal, Dadeldhura; Mr Raju Bhul, President, National Haliya Mukti Samaj Federation (RHMSF); Mr Chakra BK, Programme Coordinator of Freed Haliya Empowerment Project Dadeldhura and Mr Bhim Kaini of Dalit NGO Federation. In the Tarai region, special thanks go to Mr Lila Nath Shrestha, Chairperson, Srijana Community Development Centre-Siraha; Mr Raj Narayan Chaudhary, Chairperson, Shreepuraj Community Development Centre, Saptari; Mr Nowal Kishor Yadav, Executive Director Aasaman Nepal, Dhanusha; Mr Dharma Paswan, President, Regional Dalit Network; Mr Ram Binaya Paswan, Secretary, Regional Dalit Network and Mr Rupa Narayan Pasawan, Chairperson, Dalit Network Bara; Mr Pradip Mahato, Lecturer, Janakpur Campus, Tribhuvan University including others who have contributed a great deal for providing information about Haruwa-Charuwa and also facilitated the field operation.

This study was a welcome opportunity to work with the ILO towards eliminating forced labour in agriculture in Nepal, especially among Haruwa-Charuwa and Haliya, and an excellent learning experience for the whole research team.

Dr. Bal Kumar KC,

Project Director

CONTENTS

| | |
|---|-------------|
| Foreword..... | i |
| Acknowledgements | iii |
| Abbreviations | vii |
| Map of Survey Districts | viii |
| Executive Summary..... | ix |
| | |
| Chapter 1 Introduction | 1 |
| | |
| Chapter 2 Survey Methodology | 3 |
| 2.1 Qualitative Phase | 3 |
| 2.2 Quantitative Phase..... | 4 |
| 2.3 Hiring of Human Resources, Training and Data Collection..... | 7 |
| 2.4 Survey Questionnaire | 7 |
| 2.5 Supervision, Monitoring and Data Management | 7 |
| 2.6 Estimation Procedure..... | 8 |
| 2.7 Achieved Sample and Non-Response | 8 |
| | |
| Chapter 3 Concepts, Definitions and Method to identify Forced Labour | 11 |
| 3.1 Definitions | 11 |
| 3.2 Dimensions of Forced Labour..... | 13 |
| 3.3 Methodological and Ethical Challenges | 15 |
| | |
| Chapter 4 Estimates of Forced Labour..... | 19 |
| 4.1 Estimates of Households Affected by Forced labour | 19 |
| 4.2 Estimates of Adults in Forced labour | 25 |
| 4.3 Estimates of Working Children in Forced labour..... | 28 |
| | |
| Chapter 5 Household Socio-Economic Conditions..... | 31 |
| 5.1 Living Conditions..... | 31 |
| 5.2 Food Security Situation..... | 35 |
| 5.3 Demographic characteristics..... | 35 |
| 5.4 Literacy and Education | 37 |
| 5.5 Household Loans | 41 |
| | |
| Chapter 6 Analysis of Adults in Forced Labour..... | 49 |
| 6.1 Dimensions of Forced Labour..... | 49 |
| 6.2 Sector of Activity and Occupation | 52 |
| 6.3 Working Conditions..... | 55 |
| 6.4 Other Labour Rights Violations | 57 |
| | |
| Chapter 7 Analysis of Children in Forced Labour | 59 |
| 7.1 Dimensions of Forced Labour..... | 59 |
| 7.2 Working Conditions..... | 64 |
| 7.3 Impact of Forced Labour on Working Children | 67 |
| 7.4 Impact of the Situation of Parents in Forced Labour on Children's Education and Health .. | 69 |
| 7.5 Parents Perceptions on Working Children | 72 |
| | |
| Chapter 8 Situation of Haruwa-Charuwa | 75 |
| 8.1 Qualitative Survey findings | 75 |
| 8.2 Forced Labour..... | 76 |
| 8.3 Family Situation | 78 |
| 8.4 Working Conditions..... | 83 |

| | |
|---|------------|
| 8.5 Status of Other Labour Rights | 88 |
| 8.6 Reasons for Becoming Haruwa-Charuwa and Initiation of Resistance | 89 |
| Chapter 9 Situation of Haliya | 91 |
| 9.1 Qualitative Survey findings | 91 |
| 9.2 Reasons for Becoming Haliya..... | 92 |
| 9.3 Exploitation and Coercion of Haliya | 93 |
| 9.4 estimated number of Haliya Households | 95 |
| 9.5 Forced Labour of Haliya..... | 95 |
| 9.6 Living Situation of Haliya..... | 97 |
| 9.7 Haliya Household Characteristics | 98 |
| 9.8 Mode of Payment..... | 101 |
| 9.9 Types of Labour Contract | 102 |
| 9.10 Working Time | 102 |
| 9.11 Status of Other Labour Rights | 103 |
| 9.12 Bhage System..... | 103 |
| 9.13 Haliya Liberation: Background Information | 103 |
| 9.14 Knowledge and Perceptions of Haliya about Liberation and Government Declaration... | 106 |
| 9.15 Some Challenges in the Rehabilitation of Freed Haliya..... | 108 |
| ANNEX 1 Research Team..... | 109 |

Abbreviations

| | |
|----------|--|
| CBS | Central Bureau of Statistics |
| CDPS, TU | Central Department of Population Studies, Tribhuvan University |
| CSS-PSS | Circular Systematic Sampling with Probability Population to Size |
| FGD | Focus Group Discussion |
| FL | Forced Labour |
| FSS | First Stage Stratification |
| FSU | First Stage Unit |
| GoN | Government of Nepal |
| H-C/H | Haruwa-Charuwa and Haliya |
| HH | Household |
| KII | Key Informant Interview |
| ILO | International Labour Organization |
| IPEC | International Programme on the Elimination of Child Labour |
| LWF | Lutheran World Federation |
| MOS | Measure of Size |
| NFE | Non-formal Education |
| NLFS | Nepal Labour Force Survey |
| RA | Research Associate |
| RHMSF | Rastriya Haliya Mukti Samaj Federation |
| SAP-FL | Special Action Programme to combat Forced Labour |
| SRS | Simple Random Sampling |
| SSS | Second Stage Stratification |
| USU | Ultimate Stage Stratification |
| VDC | Village Development Committee |

NEPAL
District Map

LEGEND

- INTERNATIONAL BOUNDARY
- DISTRICT BOUNDARIES
- SURVEY DISTRICTS

INDIA

CHINA

Scale: 0 20 40 60 80 100 Km

Executive Summary

This report on “Forced Labour of Adults and Children in the Agricultural Sector in Nepal” presents the results of a survey carried out by a team of experts affiliated to the Central Department of Population Studies (CDPS), Tribhuvan University, Kathmandu between April and December, 2009. The survey was designed and implemented with the technical and financial support of the International Labour Organization (ILO) and was one of a series of ten national studies conducted around the world, to measure the incidence of forced labour. The survey was carried out in two phases. In the first phase, qualitative data were collected to build an understanding of the forced and bonded labour systems under investigation, and to enable the design of survey instruments to collect quantitative data in the second phase. The survey aimed to estimate the number of adults and children in forced labour, especially among those working in the Haruwa-Charuwa and Haliya systems prevalent in Nepal.¹ It examined the situation of agricultural labourers and family members with respect to their living and working conditions, mode of payment, earnings and debt, and whether they were subject to any violence, abuse or restrictions on freedom of movement. The survey also set out to examine the impact of forced labour on children’s lives, in terms of their education and health status.

The survey covered 12 districts – seven in the central and eastern Tarai and five in the far-western hills. The seven Tarai districts were selected based on prior knowledge that the incidence of Haruwa-Charuwa was highest in these Districts. Likewise, the five far-western districts were selected based on the known concentration of Haliya families in these areas. Selection of sample districts was finalized in a national consultation workshop for Government and NGO representatives held in Kathmandu in September 2008. The survey employed a three-stage stratified sampling scheme and included two groups of households:

- i) Haruwa-Charuwa and Haliya, referred to as the “target group” and
- ii) non-Haruwa-Charuwa and non-Haliya households, referred to as the “control group”.

At all stages, samples were selected using a probability method. A total of 6,330 households were sampled from 216 Village Development Committees (VDCs) in 12 survey districts (18 VDCs in each district). Interviews were successfully conducted with 6,295 households in total (2,060 from the target group and 4,235 from the control group).

¹ The terms ‘Haruwa-Charuwa’ and ‘Haliya’ refer to “unfree” agricultural labourers working under traditional agrarian systems in Nepal.

Estimates of Forced Labour

The survey estimated a total of 942,595 households residing in the 12 districts, of which 111,149 households (12%) were affected by forced labour. A household “affected by forced labour” is one in which at least one family member was working under forced labour conditions, whether adult, child or both. An overwhelming majority of Haruwa-Charuwa and Haliya households (94% of each) were affected by forced labour, while five per cent of the control group also suffered from forced labour. Approximately 13 per cent of households in the Tarai districts and five per cent of those in the far-western hills were affected by forced labour². Tarai Dalits accounted for more than half (55%) of all households affected by forced labour.

The survey indicated that, out of an estimated total of 1.6 million working adults in the 12 districts, 143,000 (9%) were in forced labour. Haruwa-Charuwa and Haliya households accounted for the major proportion of adult forced labourers – 72% of the total. Ten per cent of all adult males; six per cent of adult females and one-quarter of the Tarai Dalits were in forced labour.

Due to an error in the implementation of the quantitative survey instrument, it was not possible to estimate the total number of working children or children in forced labour. Based on analysis of a sub-sample of respondents, it can be said that around a third of working children were in forced labour, a significantly higher proportion than among adults. A slightly higher proportion of working girls than boys (36% against 32%) were in forced labour. Within age groups, the highest proportion of forced labourers was found in the 10-14 years category (45%), while the highest absolute number of child forced labourers was in the 15-17 year old group. Tarai Dalit children represented the largest social group of children in forced labour (50 per cent of the total). A higher proportion of working children in the Tarai Districts were in forced labour than in the hill districts (37% and 19% respectively).

Analysis of Households Affected by Forced Labour

Average land holding was considerably lower among target group households (0.11 hectares) than for the control group (0.76 hectares). Slightly more than one-third of households affected by forced labour had at least one head of cattle compared to 76 per cent in households not in a forced labour situation. An overwhelming majority (96%) of target group households did not have family food sufficiency for the whole year compared to 43 per cent for the control group. Food insecurity was most acute for households affected by forced labour in the Tarai region especially among the Tarai Dalits.

Households were in general characterised by large family size, high child dependency ratio and young population. Adult literacy rate was very low among target group households (20%) and especially among women Muslims, Tarai Dalits, and other Hindu caste groups (8-13%). Primary school completion rate was much lower among target group households (9%) than in the control group (34%). The rates were lower among households affected by forced labour, than in those not affected, in both control and target groups (at 14% and 9% primary school completion rates respectively).

² It should be noted that, at the time of the survey, the government had recently declared the Haliyas “free”. Therefore, it is believed that many families who had until recently been working under forced labour conditions were no longer in this situation when the survey was conducted.

Of the 534,600 households which had taken loans, 17% were affected by forced labour. Four out of five households affected by forced labour took loans, compared to 54 per cent of households not affected by forced labour in the control group. More households affected by forced labour had loans of longer duration, borrowed from their landlords and employers and at high interest rates (greater than 36% per annum). Daily household consumption, festivals/marriage and health costs were the main purposes of loans taken by households affected by forced labour; by contrast, households not affected by forced labour took loans for investment in business, livestock, house maintenance or foreign employment rather more often.

Adults in Forced Labour

In order to identify those persons in forced labour, the survey analysis took into account questions related to three forced labour “dimensions”: unfree recruitment, impossibility to leave the employer, and means of coercion. The survey analysis revealed the use of means of coercion to be the most widespread factor behind adult forced labour (affecting 10% of adult workers), followed by unfree recruitment practices (9%) and impossibility to leave the employer (6%).

Four conclusions can be drawn regarding the occupational patterns and the sector of employment of adult forced labourers. First, forced labour prevailed across a range of economic sectors, with the exception of certain professional activities. Second, despite this, persons working in certain occupations like Haruwa-Charuwa and Haliya suffered a higher incidence of forced labour. More than half of all adult forced labourers were engaged in Haruwa-Charuwa and Haliya, and another 42 per cent in ‘elementary occupations’. Third, gender segregation in occupation persisted especially among free workers. Four, forced labourers were employed mainly in agriculture/forestry (85%), and also in construction, transport and manufacturing.

The patterns of mode of payment were more exploitative among forced than free labourers. While more than two-thirds of free labourers were working on a daily wage basis, the forced labourers were more often subject to annual wages in cash or kind (25%), granting of a piece of land (13%), and working in lieu of interest repayment (9%). Earnings of those forced labourers who were paid on a daily/weekly/monthly basis were considerably lower than those of free labourers. Two-thirds of free labourers had a monthly income of Rs. 2,000 and above whereas only about one-third of forced labourers reached this level of income.

Denial of labour rights was more prevalent among adult forced labourers than their free counterparts. More forced labourers had delayed payment of wages (14% vs. 11% for free workers), wage deductions (4% vs. 0.4%) and wages not paid at all (1.4% vs. 0.8%). More than one-fifth of adult forced labourers were compelled to work even when they were seriously sick or injured, compared to only 2% of adult free labourers.

Analysis of Children in Forced Labour

The majority of children were engaged in elementary occupations (68% of forced and 62% of free child labourers). The second major economic activity of children in forced labour was Haruwa-Charuwa and Haliya (27%), while it was craft-related activities for children not in forced labour (30%). Gender segregation in occupation among working children was evident: an overwhelming majority of girls in forced labour (88%) were engaged in elementary occupations while there were only 9% working as Haruwa-Charuwa and Haliya. For boys, in addition to the elementary occupations as the main employment sector (58%), Haruwa-Charuwa/Haliya was also an important occupation (37%).

Children were recruited to work by their parents and in some cases by their relatives/neighbours and recruiting agents. Few children had oral or written employment contracts (17% of forced labourers and 7% of free child labourers). Nearly five per cent of children in forced labour were born into bondage, five per cent were working under an annual agreement, nearly four per cent on a seasonal or less-than-seasonal basis, and another two per cent until a debt was paid off. The average number of working hours per day was around 8.5 hours for both forced and free child labourers. Modes of payment among working children were mainly daily or weekly wages. Some children in forced labour experienced violation of their right to timely payment (31%) and to leave during serious injury or sickness (4%).

Two-thirds of children in forced labour did not have adequate food every day, as compared to 23 per cent of those not in forced labour. Thirty one per cent of children from households affected by forced labour had never attended school, compared to 12 per cent in households not affected by forced labour. Children from Haruwa and Haliya families had low school participation rates - enrolment, regularity and achievement. The impact of being in a Haruwa or Haliya family on children was immense. The health condition of these children was entirely different from other children in the same locality. They suffered mostly from water borne diseases such as diarrhoea and fever, because very few Dalit settlements have safe drinking water or toilet facilities.

Parents reported different reasons for allowing their children to work including to supplement the family income (the main reason), to help pay off the family debt, or to temporarily replace an adult family member. Physical harassment, extreme fatigue, no time to attend school and injury/illness were the major problems perceived by parents for their working children, and more so among forced child labourers.

Situation of Haruwa-Charuwa

Haruwa are persons who plough land for others in exchange for land to cultivate, or to repay a debt owed to them. Charuwa are those people who are mainly employed for herding cattle. High caste, mid-sized and large landowners are employers of Haruwa-Charuwa.

The survey estimated there were about 70,000 Haruwa-Charuwa households in the seven Tarai districts, accounting for 9 per cent of the total number of households. Two-thirds of Haruwa-Charuwa households were Tarai Dalits and 95 per cent were affected by forced labour. The estimated total number of adults working under forced labour in the Haruwa-Charuwa system was 97,000, of whom a large majority (85%) were men.

Analysis of type of residence, landholding, access to safe drinking water, toilet facilities, electricity and food security revealed that Haruwa-Charuwa, particularly those in forced labour, belonged to very poor households. Overall, one-third of Haruwa-Charuwa households resided in places other than their own house, while 37 per cent of households were landless and another 40 per cent near-landless. Very few household members of Haruwa-Charuwa families had received skills training (2%) while only eight per cent had participated in development and social organizations. Adult literacy was very low, especially among women (2%).

The nature of work, working conditions, working hours and mode of payment all revealed that Haruwa-Charuwa were marginalized and compelled to work without remuneration or with low remuneration for the landowners in a wide range of farm activities. Charuwa engaged in four broad types of work: milking animals, cleaning animal sheds, grazing and bathing animals. The average number of working days of Haruwa-Charuwa was 9 days/month and working hours 8.5 hours/day.

Wages paid to Haruwa-Charuwa were far lower than the prevailing rates in the labour market. Forty seven per cent of Haruwa-Charuwa were paid daily, with three kilograms of paddy (equivalent to cash value of Rs. 40 to Rs. 50). Thirty per cent were paid annually in kind, at a rate equivalent to Rs. 10,000 to Rs. 12,000 per annum. In certain locations, Haruwa-Charuwa were provided with a piece of land, but this was often infertile or prone to flooding. More Haruwa-Charuwa in a forced labour situation were working in return for a piece of land for cultivation (10%) than those not in forced labour (2%).

Many Haruwa-Charuwa were employed under different types of oral or written contract agreements, especially among those in forced labour (59%), while 79% of the free Haruwa-Charuwa did not have any contract at all. Some contract agreements, called Laguwa, provided for work in lieu of granting a piece of land, or some proportion of the harvest, or working against an annual payment, or working to pay off interest on a loan. In such systems, the Haruwa's wife and children were obliged also to work for the landowner under various pressures or threats such as to pay off the loan immediately, to withdraw from share-cropping, to lose the house, refusal of loans in crisis, and also of violence.

About one-fifth of the adult forced labourers in Haruwa-Charuwa system were working until they could pay off the debt or until land was utilized or until both debt repaid and land utilized; this proportion was less than one per cent for those not in forced labour.

Situation of Haliya

The Haliya of far-western Nepal are landless agricultural labourers, mostly coming from the Dalit community. Access of Haliya households to resources and opportunities was very limited, with a high degree of dependence upon their high caste landowners, to whom they were traditionally bonded by debt and for access to land.

Over the years, many Haliya left their jobs and found freedom, in large part through the Haliya liberation movement and the resulting declaration of Haliya liberation by the government in 2009. However, despite the liberation, and in the absence of a comprehensive rehabilitation programme for liberated Haliyas, survey estimates indicated that 4,082 Haliya households were present in the five survey districts. Of them, 96 per cent were Dalits, and about 94 per cent were affected by forced labour. Among those still working as Haliya, the main reasons were that they had no alternative livelihood options and that they couldn't repay their loan (45% and 41% respectively); only 8% were unaware of Haliya liberation. Haliya households were dependent on their landlords due to lack of ownership of land, although a majority (87%) owned their house. They worked under different forms of contractual arrangements, and with a wide variety of methods of payment. The Khalo Khane system, reported by 53% of households, is a system whereby Haliya work for one agricultural season and receive a small quantity of food grains in return at harvest time. Daily wage payment was the second most frequent method (at 51%). Three-quarters of households overall reported receiving food as payment, and 22% received land. A vast majority of Haliyas (98%, for both forced and free labourers) did not have year-round food sufficiency; only two per cent had undertaken skills development training.

CHAPTER I

Introduction

Forced labour refers to 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily' (Article 2.1 of the ILO Forced Labour Convention, 1930 (No. 29)). Elements of forced labour are coercion, deception, exploitation and abuse, all of which deny human dignity, freedom and equality. Forced labour also violates the ILO Declaration on Fundamental Principles and Rights at Work adopted in 1998. This Declaration obligates all ILO member states to respect, promote and realize freedom of association and effective recognition of the right to collective bargaining, and the elimination of forced labour, child labour and discrimination in employment and occupation.

In Nepal, slavery was the oldest form of forced labour. The Kamaiya system was another form of forced labour in agriculture. Besides Kamaiya system, there have been reports of forced/bonded labour elsewhere in the agricultural sector in Nepal. The Haruwa-Charuwa in central and eastern Tarai and Haliya in far-western hills/mountain are reported to be unfree agricultural labourers (Dhakal, 2007; LWF, 2007).³

The Government of Nepal (GoN) has ratified a series of ILO Conventions such as Forced Labour Convention 1930 (No. 29), Abolition of Forced Labour Convention, 1957 (No. 105) and Minimum Age Convention, 1973 (No. 138) that obligate state parties to eliminate and suppress forced/bonded and child labour. Similarly, the GoN has ratified the Worst Forms of Child Labour Convention, 1999 (No. 182), which protects children from slavery-like practices such as debt bondage, serfdom, trafficking and forced labour. In conformity with these international conventions, the GoN has made progress in its domestic legal framework to eliminate any form of slavery, serfdom and forced labour. The Interim Constitution of Nepal 2007 is the overarching legal framework in this direction. The GoN has been implementing the principle of the Constitution through adopting different laws like Bonded Labour (Prohibition) Act 2002 and Child Labour Act 1991. On the other hand, the GoN has not yet effectively reached out to this section of population because of limited knowledge on the situation of forced/bonded labour: its magnitude, process of recruitment, living and working conditions, and the means of coercion applied against the bonded labourers

Much of the earlier research on forced/bonded labour has been concentrated on Kamaiya system. There are very few studies on Haruwa-Charuwa and Haliya systems from which a comprehensive understanding of the forced/bonded labour situation in agriculture can be ascertained.

Dhakal's study (2007) on Haruwa-Charuwa in eastern Tarai provides evidence of the existence of forced/bonded labour in agriculture in eastern and central Tarai. Of the 13,621 surveyed households in nine VDCs of Dhanusa, Siraha and Saptari districts, the overall prevalence rate of Haruwa was 12 per cent. Two-thirds of them were Dalits. While the study provides important information about the situation of Haruwa-Charuwa with regard to the process of recruitment, living and working conditions, and survival options and strategies, it only covers three districts of eastern Tarai with no scope for estimating the magnitude of Haruwa-Charuwa even at the district level. This study also left out the perspective of employers, Haruwa-Charuwa organizations, Dalit organizations, and other key stakeholders.

³ Dhakal, S. (2007) 'Haruwa, the Unfree Agricultural Laborer: A Case Study from Eastern Tarai', *Contributions to Nepalese Studies* (CNAS/TU: Kathmandu).

Haliya system is another form of forced/bonded labour in Nepal. It is agrarian bonded labour which is widely prevalent in the far-western hills and mountains with concentration in Darchula, Baitadi, Dadeldhura, Doti, Achham and Bajura districts. Haliya people take loans from landlords or money lenders for their daily needs. In addition to paying back the principal amount, Haliya and their family members are required to work as labourers for the money lenders against the interest. The interest rate is set so high that they cannot repay the principal amount for years. Because of this, they are bound to remain as Haliya. One LWF-Nepal study (2007) showed three types of Haliya: i) Haliya in lieu of interest; ii) Haliya in lieu of granted land for cultivation, and iii) Haliya for generation.

Although the GoN liberated the Haliya on September 6, 2008, there were no scientific studies that provided estimates of Haliya in the region. Almost all Haliya are reported to be hill Dalits. The LWF-Nepal study provided some data on Haliya from three villages of Darchula, Baitadi and Dadeldhura districts. In Uuku of Darchula district, there were 40 Haliya with 291 family members; in Durgasthan VDC of Baitadi district, there were 34 Haliya with 264 family members, and in ward number 8 and 9 of Amargadhi Municipality of Dadeldhura there were 26 Haliya with 129 family members.

The main objective of this study is to understand and quantify forced/bonded labour of adults and children in the agricultural sector in twelve districts in Nepal.

The specific objectives of the survey, as stated in the Terms of Reference, are:

1. To provide separate estimates of adults and children in forced labour, disaggregated by sex, according to the typology of forced labour.
2. To examine the profile of workers and their household endowments and entitlements.
3. To examine the process of recruitment.
4. To examine the working and living conditions of adult and child bonded labourers.
5. To examine the impact of the situation of parents in forced labour on their children.
6. To explore the perceptions of the child labourers especially regarding education, health, leisure and future activities.
7. To provide recommendations for prevention and rehabilitation of adults and children trapped in forced labour.

CHAPTER 2

Survey Methodology

This chapter describes the methodology and procedures of conducting the preliminary qualitative study and the main quantitative survey.

2.1 QUALITATIVE PHASE

Qualitative study was carried out in May 2009. The main objective of the qualitative study was to assess the situation of forced labour among Haruwa-Charuwa and Haliya households, and identify relevant issues to be investigated in the quantitative study. Focus Group Discussions (FGDs), Key Informant Interviews (KIIs), case studies, and observation were the main research tools employed. Core Team members carried out the study with the support of Regional Coordinators.

2.1.1 Focus Group Discussions (FGDs)

Three districts in far-west and three districts in the Tarai were selected for FGDs with Haruwa-Charuwa and Haliya men, women and children. They were also conducted with recruiters and land owners. Two FGDs for each group per district were conducted.

A set of guidelines was developed based on the research objectives and indicators proposed by the ILO. Different participatory research tools were employed to conduct and record the FGDs.

2.1.2 Key Informant Interviews (KIIs)

In each district, KIIs were conducted depending upon the availability of different key stakeholders in the district. Different participatory research tools were developed to facilitate the discussions. These included *Chapati* diagram to examine the social network, time-line to examine the life history of forced/bonded labour, seasonal calendar to examine vulnerability, and time allocation exercise to examine working hours. The key informants included:

a. Recruiters, employers, and landowners

b. Civil Society

- LWF-Nepal and other organizations working for the promotion of livelihood and rights of Haruwa-Charuwa and Haliya
- Organizations of landless people and peasants
- Trade unions
- Human rights, child rights and women rights organizations
- Dalit organizations and other caste-based organizations
- Advocates and lawyers
- District level Non-governmental organizations (NGOs)

c. Political Parties and Organizations

d. Government Offices

- District court/appellate courts
- District police offices

- CBS branch offices
- District women development offices
- District Child Welfare Boards
- School teachers

2.1.3 Case Studies

Chronicles of the adults and children in forced/bonded labour were developed to understand the complex process of recruitment, their living and working conditions and impact of parents/families in forced/bondage on children.

In each sampled district, 4 or 5 cases of adults and 4 or 5 cases of children in forced/bonded labour were developed, paying due consideration to gender dimensions.

2.1.4 Observation

The researchers observed the situation of adults/children in forced/bonded labour, particularly focusing on the following aspects:

- Household environment and health - location of the houses (flood area or close to river bank/dams), sanitation - toilet, drinking water, management of sheds for livestock - pigs, closeness to the employer's residence.
- Clothing - sleeping beds and clothes, children's dress and mosquito nets
- Physical appearance of the children and women- nutrition, health, diseases
- Working conditions - nature and intensity of work, health hazards, especially for children
- Abuse - physical or verbal abuses.

2.2 QUANTITATIVE PHASE

The objective of the quantitative study was to generate estimates of forced labour, according to specified socio-economic characteristics of the population. The survey covered a total of 12 districts of Nepal - 7 districts from the Tarai and 5 from Far-western hills. Table 1.1 presents the survey districts according to the target population.

TABLE 2.1: SURVEY REGIONS, DISTRICTS AND TARGET POPULATION

| | Regions | Districts | Target Population |
|---|--|--|--------------------|
| 1 | Central Tarai Eastern Tarai | Bara, Rautahat, Sarlahi, Dhanusa Siraha, Saptari and Sunsari. | Haruwa and Charuwa |
| 2 | Far-western hills Far-western mountains | Doti, Dadeldhura, Baitadi, Achham Bajura | Haliya |

2.2.1 First Stage Sample Selection

Under the guidance of ILO statisticians, a three-stage cluster sample design was adopted. In the first stage, 18 VDCs were selected from each survey district. All the VDCs in each survey district were first grouped into two strata according to the degree of concentration of the target population, namely, Haruwa/Charuwa and Haliya. This was done based on information gathered from local stakeholders during the qualitative phase of the study. Stratification at this stage is called First Stage Stratification (FSS), with VDC as the FSU (First Stage Unit).

Stratum I: VDCs with high concentration of target population: This comprised those VDCs designated as having a high concentration of target population. In the case of Tarai districts, most of the VDCs south of the main Highway fell into this category.

Stratum II: VDCs with low concentration of target population: This stratum comprised those VDCs with a low concentration or zero incidence of target population. In the case of Tarai districts, VDCs north of the Highway were included in this stratum

Municipal areas were included in either stratum according to the degree of concentration of the target population, and were added to the list of VDCs.

2.2.2 Sample Allocation

After stratification of VDCs, sampling of VDCs was undertaken, and double weight was given to the strata with high concentration of the target population. Formula for calculating the number of sample VDCs is given below.

$$n1 = [2*N1 / (2*N1+N2)]*18$$

$$n2 = [N2 / (2*N1+N2)]*18$$

Where, $n1$ = # of sample VDC in stratum I

$n2$ = # of sample VDC in stratum II

$N1$ = total number of VDC in stratum I

$N2$ = total number of VDC in stratum II

The extent of over sampling (weightage) depends on the total number of VDCs and distribution of target population in the stratum. It was preferred to have 2:1 allocation between the different strata which required modifying the distribution. Allocation to a stratum was rounded to the multiple of two.

In each stratum, $n1$ and $n2$ was determined ($n1=2n2$), then sample of VDC was drawn as two sub-samples (SS1 and SS2). In the case of stratum I (target population sample), SS1 is simply given as $n1/2$ and SS2 equivalent to ($n1-SS1$). Different random numbers were used to select two sub-samples. The same procedure was followed in determining the sub-sample for stratum II. VDCs were selected with circular systematic sampling procedure, which is similar to the usual linear systematic sampling except the former requires a random number (R) start between 1 and the total population (S) and when $R+I$ (I =interval) exceeds total population, then the process of $(R+I)-S$ is used to find sample selection number. The sampling scheme followed is called "Circular Systematic Sampling with Probability Proportionate to Size" (CSS-PPS).

With this process, the first VDC chosen is the one whose cumulant is the smallest number exceeding R. The second is selected by adding R to I, and is thus the VDC whose cumulant is the smallest number exceeding R+I and so on.

VDC-wise population from 2001 population census was used as the measure of size (MOS). Core Research Team at district Headquarters selected the sample VDCs.

2.2.3 Second Stage Sample Selection

At the second stage, two wards were selected from each sample VDC. Selection of ward required ward-wise distribution of target population and stratification of wards. Wards were selected with simple random sampling (SRS) procedure. Stratification and selection of wards applied the following rules.

1. If there is a uniform distribution of target population over all wards, then select two wards. No stratification is needed.
2. If there is a high concentration of target population in some wards and no/few cases in others, then stratify wards as follows:

Stratum I: wards with high concentration

Stratum II: wards with low concentration

Stratification at this stage is called Second Stage Stratification (SSS). Selection of the SSS units was done by the Field Team. Before doing the stratification, the Field Team consulted VDC level stakeholders to understand the distribution pattern of target population across wards.

2.2.4 Third Stage Sample Selection

Households were selected at the third stage. Before household selection, all households (HHs) in the sample ward were grouped into two strata. Stratification at this stage is called Ultimate Stage Stratification with HHs as Ultimate Stage Unit (USU).

Stratum I: Target HH (Haruwa-Charuwa and Haliya) – Ultimate Stage Stratification-I (USS1)

Stratum II: Control HH (non-HC/H) – Ultimate Stage Stratification-II (USS2)

The household listing schedule prescribed by ILO experts was used for household stratification. Circular systematic sampling procedure was applied to this list for the final household selection.

2.2.5 Sample Size

After frequent discussion with ILO experts, it was decided to select 10 households from target group (USS1) and 6 households from control group (USS2). If there was a shortfall of households in any group, it was compensated by sampling households from another group. Such compensation was made only up to 14 households rather than 16 households. This plan was expected to give more than 500 sample households for each district.

The field team was responsible for the selection of sample wards and sample households. Field teams were trained in the theory and practice of stratification, and in the process of how to select wards and households. A methodological guide was developed and distributed to each field team for their reference during the field survey.

2.3 HIRING OF HUMAN RESOURCES, TRAINING AND DATA COLLECTION

For the quantitative study, in each of the survey districts, three local enumerators and one Research Associate (RA) were hired for field data collection. Local field personnel were hired as they were better able to probe into the hidden nature of forced/bondage labour, cultural aspects and use the local language. The RAs (Team Leaders) were hired centrally, having MA degree/studying at MA with past experience in field data collection. Two Regional Coordinators were also hired – one for the Tarai and another for Far-western hill region.

All the field personnel participated in a 6-day training course on rapport building, methods of interviewing and completing the interview schedules, contents of the questionnaire, and survey methodology. During the training period, field test of questionnaire and methodology was conducted and feedback was given to enhance the skills of surveyors. Training was conducted in each of the two regions.

After training, Field Teams were deployed to the field with the questionnaires and necessary logistic support, during August-September, 2009.

2.4 SURVEY QUESTIONNAIRE

The survey questionnaire, which was administered at household level, was developed in consultation with ILO experts. It contained five sections:

- Section 1 - Background Information: survey districts, location, type of household
- Section 2 - Socio-Economic Status of Households: family profile, schooling status of children, occupation of household head, living conditions, household amenities and assets, food security, skill oriented training, awareness of Haliya liberation movement, migration and remittances
- Section 3 - Indebtedness and Outstanding Loans
- Section 4 - Employment Status: employment status, process of entry into current work, working conditions, mode of payment and retention of wages, health hazards at work, violence, abuse and restrictions, obligation of family members to work with the employers
- Section 5 - Child Labour, Food, Shelter and Health: labour, health, education and future expectations and parents' perception on their children's lives.

2.5 SUPERVISION, MONITORING AND DATA MANAGEMENT

The core research team members as well as Regional Coordinators regularly supervised and monitored activities of field surveyors and provided feedback to them.

Completed questionnaires from the field were edited and entered in the computer using the Census and Survey Processing System (CSPPro). The data files were transferred to Stata and SPSS/PC+ for data analysis.

2.6 ESTIMATION PROCEDURE

The study aimed to generate district level estimates of forced labour, by selected characteristics of the population. Given the three stage sample design and sampling units at different levels, an unbiased estimate of any parameter 'y' is given as follows:

$$\hat{Y}_{replicate} = \left(\frac{1}{n}\right) \left(\frac{P}{p}\right) \left(\frac{W}{w}\right) \left(\frac{H}{h}\right) y$$

where,

| | | |
|---|---|------------------------------------|
| n | = | number of VDC in sub-sample |
| P | = | VDC total population |
| p | = | population in sample VDC |
| W | = | total number of wards |
| w | = | number of selected VDC |
| H | = | total households in a USS |
| h | = | total households surveyed in a USS |

The estimation procedure requires calculation of multipliers based on the information given above. All the information including respective district, strata and ward codes were managed in a separate file and ward level multipliers for the target and control groups derived separately. The multipliers were then pasted into the data file.

$$\text{Unbiased estimate of standard error} = \frac{\hat{Y}_1 - \hat{Y}_2}{2}$$

where, \hat{Y}_1 = estimate for target group

\hat{Y}_2 = estimate for control group

The data file contained both combined and sub-sample (replicate) weights. While generating combined estimates (that is, sub-samples 1 and 2 combined), the value of 'n' is total number of sample VDCs surveyed in a stratum. The value of 'n' for a combined estimate would normally be double the value of 'n' used for a replicating (sub-sample) estimate. If this point is not taken into account, the estimate would be twice the actual number.

2.7 ACHIEVED SAMPLE AND NON-RESPONSE

A total of 6,295 households were successfully interviewed out of the 6,330 sampled; 35 households could not be interviewed. In 22 households, the adult members were absent for a long time; in 7, interview was refused and 8 households were not found. Non-response was adjusted while calculating the weighting factor (Table 2.2).

TABLE 2.2 DISTRIBUTION OF ACHIEVED SAMPLE BY TYPE OF HOUSEHOLD

| Survey District | Target | | Control group | Total | Non-response rate (%) |
|-----------------|--------------------------------|------------|---------------|--------------|-----------------------|
| | Haruwa/ Charuwa/ Kodarwa | Haliya | | | |
| Sunsari | 130 | 0 | 381 | 511 | 1.4 |
| Saptari | 243 | 0 | 290 | 533 | 0.9 |
| Siraha | 287 | 0 | 258 | 545 | 0.2 |
| Dhanusa | 253 | 0 | 283 | 536 | 0 |
| Sarlahi | 282 | 0 | 260 | 542 | 0.7 |
| Rautahat | 343 | 0 | 225 | 568 | 0 |
| Bara | 264 | 0 | 273 | 537 | 0.6 |
| Bajura | 0 | 107 | 410 | 517 | 0.2 |
| Achham | 0 | 33 | 468 | 501 | 1.0 |
| Doti | 0 | 37 | 455 | 492 | 1.6 |
| Dadeldhura | 0 | 29 | 475 | 504 | 0 |
| Baitadi | 0 | 52 | 457 | 509 | 0.2 |
| Total | 1,802 | 258 | 4,235 | 6,295 | 0.6 |

Sample size for the target group was far below what was expected because of unavailability of target households in the sample clusters (wards). In the far-western hills, the Government's Declaration of Haliya Liberation in September 2008 resulted in many Haliyas leaving their landowners in the hope of securing rehabilitation assistance from the Government and the NGOs working in the region. These liberated Haliya are mostly found in the highway heads and market centres; some of the families have since migrated to India.

CHAPTER 3

Concepts, Definitions and Method to identify Forced Labour

This Chapter presents the various concepts and definitions used in the survey, explaining the dimensions and indicators of forced labour that were used. It also discusses the methodological and ethical challenges encountered in the survey implementation.

3.1 DEFINITIONS

3.1.1 Forced labour

This study uses the concept of forced labour following ILO Conventions (No. 29 and No. 105). According to ILO Convention No. 29 (1930), forced labour refers to 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily' (Article 2(1)). Article 1 of ILO Convention No.105 (1957) states that forced labour can never be used for economic development or as means of political education, discrimination, labour discipline, or punishment for having participated in strikes. According to the ILO, forced labour cannot be equated with low wages or poor working conditions or a situation arising out of pure economic necessity or due to the real or perceived absence of employment alternatives.

The ILO definition of forced labour includes two basic elements: i) the work or service is exacted under the menace of a penalty and ii) it is undertaken involuntarily. The penalty can take different forms including a loss of rights and privileges, and may range from subtle forms of menace like psychological threats, to financial forms linked to debt, non-payment or deduction of wages, to the extreme form of physical or sexual violence or death threats to the victims. Several factors may lead a person into forced labour like birth in bonded/forced labour family, physical abduction, sale of persons, physical confinement in the work location, psychological compulsion, induced indebtedness, deception about type and nature of work, non-payment of wages and retention of personal documents. Similarly, the means of keeping someone in forced labour against their will include the actual presence or threat of physical violence against workers or family members, sexual violence, threat of supernatural retaliation, imprisonment, financial penalties, dismissal, exclusion from future employment, community and social life, deprivation of food, shelter and other basic necessities, a shift to work in even worse conditions and loss of social status.

Forced labour of adults (aged 18 years and above) is operationally defined in this study as work by adults who have been recruited by force or deception or otherwise against their free will, and who are unable to leave their work because of some penalty or threat from their employer (including an outstanding debt with the employer). Forced labour arises not because of the nature of work or type of activity a person performs, but rather because of the nature of the relationship between a worker and an employer. Nor is it related to the legality or otherwise of the economic activity performed. Thus, here, indicators of forced labour have been constructed based on the relationship between employers and workers not the type of work performed. This operational definition allows us to estimate the household affected by forced labour and individuals in forced labour among Haruwa-Charuwa and Haliya households (the target group) and among other households (the control group).

3.1.2 Forced Labour of Children

This study uses the definitions contained in two ILO Conventions (No. 138 and No. 182) to define forced labour of children. The Minimum Age Convention, 1973 (No. 138) states that the minimum age for work shall not be less than the age of completion of compulsory schooling. In any case, workers shall not be less than 15 years (Article 1) and article 3 sets the minimum age for work that is harmful to the health, safety or morals of young persons to be not less than 18 years. The Worst Forms of Child Labour Convention, 1999 (No. 182) defines the worst forms of child labour as including 'all forms of slavery or practices similar to slavery, ...debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict. Children are all persons under the age of 18 years.' Child labour amounts also to forced labour not only when children are forced to work by a third party but also when a child's work is included within the forced labour provided by the family as a whole. Thus, for the purposes of this study, the operational definition of forced labour of children is the work done by children under coercion applied by a third party (other than their parents) to them or to their parents, or when a child's work is the direct result of the parents being in forced labour.

3.1.3 Haruwa-Charuwa and Kodarwa

Haruwa-Charuwa and Kodarwa are local terms used in the central and eastern Tarai in Nepal to denote a type of agricultural labour. They are employed by landlords for ploughing, digging and herding cattle. Haruwa, often males and heads of households, are persons who plough land for other persons in exchange for either land or annual payment in cash or kind or to repay the debt. The term Haruwa refers to a type of agricultural labour quite different from free labour in agriculture. In free labour, a person works willingly for wages to satisfy his/her needs and can leave at any time for better opportunity. Haruwa have laguwa – an oral or written contract agreement that states that the worker will work on the landlord's land until the work is completed. His family members are also sometimes compelled to work for the same landlord. The laguwa system is the same for other types of labour – Charuwa and Kodarwa as well.

Charuwa can be children, women, elderly people or physically weak adults who cannot work as Haruwa or Kodarwa, but work as cattle herders. Charuwa are often the sons or widows of Haruwa. A Charuwa can work either for a single landlord or for multiple landlords. Charuwa are similar to domestic servants living in the landlord's house.

Kodarwa are physically strong males who cultivate landlords' land in exchange for wages in kind or a piece of land or for debt/loan repayment. In many cases, Haruwa are also obliged to work as Charuwa and Kodarwa, for which they are not paid. A few big landlords employ all three types of labourers simultaneously.

3.1.4 Haliya

The term Haliya, a ploughing man, is a derivative of the Nepali term halo connoting the wooden equipment used for ploughing an agricultural field with a pair of bullocks or he-buffalos. In most parts of Nepal, a man who ploughs fields for cash/kind is called a "Hali". Haliya have been exploited in agrarian labour since time immemorial in the mid- and far-western hills of Nepal.

3.1.5 Marginalized Work

In this study, work is categorized into marginalized and non-marginalized categories based on the nature of work, remuneration, working hours and potentially exploitative nature of work.

Marginalized workers include Haruwa-Charuwa/Kodarwa and Haliya, casual agricultural labourers,

casual non-agricultural labourers, domestic workers and traditional occupations. Non-marginalized work includes salaried workers, employers, own account workers in agriculture and non-agricultural sectors as well as foreign labourers. For marginalized workers, the issues regarding process of recruitment, working conditions, mode of payment and retention or deduction of wages, health hazards at work, violence, abuse and restriction are relevant. Information on these issues among non-marginalized workers was not collected.

3.1.6 Working Children

In this study, working children are defined as:

- Children not attending school to work for landowners or employers or
- Children involved for at least one hour in an earning activity for cash or kind in the last 12 months or
- Absentee children working for landlords or employers or working in own house or combining work and schooling or
- Child domestic workers or
- Children working outside home for payment in cash or kind or
- Children working for employers whose parents have taken an advance or loan or
- Children living in employer's house.

3.2 DIMENSIONS OF FORCED LABOUR

Using the indicators identified by stakeholders during a national workshop, the survey questionnaire was designed to identify the “forced labour status” of individual adults and children. Questions relating to these indicators were included in different sections of the questionnaire.

Households affected by forced labour are defined as those household in which at least one family member (adult or child) is working in forced labour.

Forced labour involves three dimensions: unfree recruitment, impossibility to leave, and means of coercion. These dimensions are not overlapping; each carries a distinctive meaning as explained below.

3.2.3 Unfree Recruitment

Unfree recruitment means that a worker is recruited against his/her free will, for example, the person born in a bonded family (working since forefathers), recruited with false promises, children working in lieu of family debt, or a child temporarily replacing an adult family member. Nine indicators have been used in this study to identify unfree recruitment:

3. The child dropped out or has never been to school because of work for an employer who decided that the child should not attend school.
4. The worker has been working since his/her forefathers for same employer/landlord.
5. The contract period of worker is since many generations.
6. The worker's family took a loan or advance from the employer to be repaid through labour.
7. The promises given to the workers by the employers were not fulfilled at all.
8. The worker is working in lieu of interest repayment or his/her children are working as collateral for/to repay debt taken by parents.
9. Family members have obligation to work for employers.

10. Family has borrowed loan or advance in lieu of children's work.
11. The child is working to help pay off family debt or is temporarily replacing an adult unable to work or due to share-cropping/land taken for cultivation or for house.

3.2.4 Impossibility to Leave

Impossibility to leave means that workers are not able to leave their employer. Four indicators have been used to identify the impossibility to leave:

12. The worker has to work until the debt is paid off or until the landlord's land is utilized or until both debt is repaid and land utilized.
13. The worker cannot leave the employer to work for another employer on his/her free will.
14. The worker cannot migrate to any place, at any time for work on his/her own will.
15. The family members can only leave their employer after repayment of loan or cannot leave due to threat by the landlord.

3.2.5 Means of Coercion

Means of coercion covers the aspects of force, threats, fear and abuse at work. Altogether, seventeen indicators were used in this study to identify means of coercion, as follows:

16. The worker's wages have been reduced due to employer's accusation of bad performance or irregular work.
17. The worker has been abused or harassed by the employer.
18. The worker cannot leave the work due to the fear of threat by the employer.
19. The working child suffers emotional or physical harassment or sexual abuse.
20. Family member has to work under threats.
21. The child dropped out or has never been to school because of work for the employer who decides the child should not be in school.
22. The worker's family took a loan or advance from the employer in lieu of labour.
23. The worker works for an employer in lieu of interest repayment or children are working against advance or as collateral for debt taken by parents.
24. Family members have obligation to work with the same employers.
25. Family has taken loan or advance in lieu of children's work.
26. The child is working to help pay off family debt or is temporarily replacing an adult unable to work or due to share-cropping/land taken for cultivation or for house.
27. The worker has to work until the debt is paid off or until the landlord's land is utilized or until both debt is repaid and land utilized.
28. The worker cannot leave to work for another employer on his/her free will.
29. The worker cannot migrate to any place at any time for work on his/her own will.
30. Family members can only leave their employer after repayment of loan or cannot leave due to threat by the landlord.
31. The worker has been compelled to work under serious sickness.
32. The worker has been compelled to work under serious injury.

Individuals in forced labour were identified by combining the three dimensions of forced labour according to the following formula:

*Individuals in forced labour = (Unfree recruitment **or** Impossibility to leave) **and** (Means of coercion)*

3.2.6 Children in Forced Labour

Children in forced labour included the following: i) children identified as individuals in forced labour and ii) children who are working and whose parents are in forced labour.

3.3 METHODOLOGICAL AND ETHICAL CHALLENGES

It was a great challenge to interview Haruwa-Charuwa and Haliya due to five main reasons. First, their employers in the village are relatively well-off, politically influential and enjoy good relations with police and administration. Second, landlords feared that the survey would help the forced labourers to raise their voices and would weaken their patron-client relations which prevailed for years. The landlords claimed that Haruwa-Charuwa and Haliya are not forced to work, but rather are provided with employment, food, and land for cultivation and houses for shelter. Third, it was difficult to interview respondents separately because of lack of space in their houses, especially when there was rainfall and there was no place to sit and interview the families. Fourth, mass illiteracy made it difficult to communicate the objective of the survey clearly; respondents' first priority was to express their immediate needs and they expected financial support from the research team. Finally, respondents were fearful of answering some questions especially those related to exploitation, abuse and confinement.

In this challenging situation, the survey team collected valid and accurate data to the extent possible. In order to minimize the victimisation of Haruwa-Charuwa and Haliya after the interview was completed, interviewers were instructed to take prior consent from employers if possible and talk to the community leaders during the listing of households. Also, the survey teams established good collaboration with the Dalit Network in Tarai and Haliya organisations in far-western hills. These organisations provided advice for conducting interviews and campaigned in villages to encourage participation in the field survey.

Even with these efforts, the survey team still faced several challenges. The conflict situation in the Tarai interfered with field operations. For example, in Saptari, the survey team was initially threatened by an armed group not to enter one village, but the local Tharu team members were later able to secure their permission. In Sarlahi, the survey team was threatened to leave the village as some people found that not all of the households had been interviewed. In Bara, the survey team had problems with a landlord who was worried about whether his land would be confiscated after the survey.

Children were interviewed in the qualitative as well as quantitative surveys. FGDs were conducted separately for boys and girls in order to make the flow of discussion comfortable. It was found that the discussion was frank, open and explicit among the same sex participants. Children were informed about the objectives of the study and that their names and location would not be published. If children were at all worried about the interview or had some doubts to participate, they could refuse to do so. It was explained that this would not reduce their possibility of getting benefits from the study. Privacy and confidentiality of information gathered from children was considered very important so as to avoid their re-victimisation by their employers and parents. Parents and employers were also informed that the research team wished to understand the perceptions of children about their education, health, recreation and labour status. The research teams were usually able to conduct the FGDs separately with children but in some of the places, it was not possible.

In the main survey, the field surveyors were instructed to interview children if they could in each of the sampled household. Much emphasis was placed to fill Section 5 'Child Labour, Food, Shelter and Health' of the questionnaire. If children were not available, parents were asked about their children's situation. Once the child's interview was done, the filled questionnaire was not allowed to be seen by anybody. In case someone wished to read the questionnaire, we provided the blank questionnaire.

3.3.1 Informant Consent

The survey questionnaire contains the instruction for field surveyors to take permission for the interview. The 'informant consent' reads as:

My name is I am working as a Field Research Assistant in the study on HARUWA-CHARUWA AND HALIYA IN NEPAL conducted by Central Department of Population Studies, Tribhuvan University, Kathmandu, in Collaboration with ILO. The objectives of the study are to estimate the number of people working as Haruwa-Charuwa in east and centre Tarai and Haliya in Far west hills in Nepal. The study will also bring out socio-economic conditions of Haruwa-Charuwa and Haliya families including work and health conditions of the Haruwa-Charuwa and Haliya. The study is being conducted through the sampling method. Facts and findings of this study are expected to help to formulate more effective policies and programmes in favour of Haruwa-Charuwa and Haliya in the future.

I would like to inform you that data collection work is going on in the 7 districts of east and central Tarai and 5 districts of far western hills. In this connection, I have to interview the head and/or most knowledgeable member of the selected households as well as people who work as Haruwa-Charuwa and Haliya. The interview will take about 35-40 minutes. You are free to give or not to give answers to all/part of the questions. I hope that you will cooperate with us and make our endeavour a success. Your contribution is highly appreciated. I assure you that all information collected will be kept confidential as per the Nepal Statistics Act 1958 and the results will never be produced on an individual basis.

Thus, the field surveyors were instructed not to force anyone to participate in the research process unwillingly. In a few cases, the respondents refused to participate in the research and in some other cases, some of the questions were not answered.

3.3.2 Lesson Learnt Related to Survey Instruments

The survey team has realised the most relevant and irrelevant questions in our survey instrument. In Bara, the survey team realised that the most relevant questions were related to the reasons for not being able to leave the Haruwa-Charuwa work and reasons for not borrowing from formal lending institutions. In Saptari, it was related to the mode of payment and deduction of wages. In Rautahat, it was related to loans and landholding status of Haruwa-Charuwa households. The responses options given in one question like doctors, engineers, were irrelevant to Haruwa-Charuwa and Haliya families.

The survey team also realised some sensitive questions in terms of difficulty of asking questions. Many of the survey teams had difficulty in asking questions related to perception of parents on their

children's education and position in the future. When these questions were asked, some respondents reacted negatively saying that 'we have no land, no food to eat, no money to pay the school fee and buy the stationery, how do you think that we can send our kids to school?'

In Sangrampur and Pratappur Patuwa VDCs of Rautahat district, the survey team faced an odd situation. With the provocation of local leaders, people in the villages demanded that all the households should be interviewed. They were not convinced about the sampling procedure, and people had the feeling that if they were not interviewed, they would lose out on infrastructural support like toilet facilities. Here, the most sensitive questions related to source of drinking water, toilet facilities and electricity.

This chapter discussed the concepts and definitions used in the survey and presented the dimensions and indicators taken for the analysis/identification of workers in forced labour. Using these concepts, definitions and indicators, the chapters that follow present the results of the survey.

CHAPTER 4

Estimates of Forced Labour

This chapter presents estimates of households affected by forced labour and of the number of individuals in forced labour. For households, the estimates are presented by region, social group and by presence or not of a debt linked to forced labour. For individuals, the estimates are according to survey region, social group, age and sex. The denominator of the estimates of adults in forced labour is the number of persons aged 18 years and above engaged in self-employment (excluding household work) and paid employment as the main occupation for the last 12 months. The denominator of the estimates of children in forced labour is the number of children aged 5-17 years working for remuneration.

Table 4.1 summarises the estimated number of households affected by forced labour, and adults and children in forced labour for the 12 survey districts in Nepal. Of the total number of households of nearly one million (0.94 million), 12 per cent are affected by forced labour. In these households, 1.61 million adults aged 18 years and above are estimated to be working, with 9 per cent in forced labour. Estimates exclude students, those not working, and those engaged in household work. In case of children aged 5-17 years, about one third of those working are in a forced labour situation.⁴

TABLE 4.1: ESTIMATED NUMBER OF HOUSEHOLDS AFFECTED BY FORCED LABOUR AND OF INDIVIDUALS IN FORCED LABOUR

| Categories | Number | | | Per cent | | |
|-----------------------------|---------------------------|-------------------------------|-----------|---------------------------|-------------------------------|-------|
| | Affected by forced labour | Not affected by forced labour | Total | Affected by forced labour | Not affected by forced labour | Total |
| Households | 111,149 | 831,445 | 942,595 | 11.8 | 88.2 | 100 |
| Adults (18 years and above) | 142,830 | 1,471,290 | 1,614,120 | 8.9 | 91.2 | 100 |
| Children (5-17 years) | 29,969 | 59,576 | 89,545 | 33.5 | 66.5 | 100 |

4.1 ESTIMATES OF HOUSEHOLDS AFFECTED BY FORCED LABOUR

The proportion of households affected by forced labour varies between Haruwa-Charuwa, Haliya and control group households. An overwhelming majority of 95 per cent of Haruwa-Charuwa households are estimated to be affected by forced labour (Table 4.2). Similarly, 9 in 10 Haliya households are affected by forced labour. By contrast, only 5 per cent of households in the control group (i.e. non-Haruwa-Charuwa and Haliya) are affected by forced labour.

⁴ Due to errors in the implementation of the quantitative survey instrument, we believe that the estimate of the absolute number of working children, at approximately 90,000, represents a gross underestimate. However, based on analysis of this “sub-sample” of working children, it can nonetheless be said with relative confidence that around a third of working children are in forced labour.

TABLE 4.2: ESTIMATED NUMBER OF HOUSEHOLDS AFFECTED BY FORCED LABOUR BY TYPE OF HOUSEHOLD

| Household type | Number | | | % within the group | | | % out of the total | | |
|----------------|---------------------------|-------------------------------|----------------|---------------------------|-------------------------------|-------|---------------------------|-------------------------------|------------|
| | Affected by forced labour | Not affected by forced labour | Total | Affected by forced labour | Not affected by forced labour | Total | Affected by forced labour | Not affected by forced labour | Total |
| Haruwa-Charuwa | 65,970 | 3,768 | 69,738 | 94.6 | 5.4 | 100 | 7.0 | 0.4 | 7.4 |
| Haliya | 3,839 | 243 | 4,082 | 94.0 | 6.0 | 100 | 0.4 | 0.0 | 0.4 |
| Control group | 41,341 | 827,434 | 868,774 | 4.8 | 95.2 | 100 | 4.4 | 87.8 | 92.2 |
| Total | 111,149 | 831,445 | 942,595 | | | | 11.8 | 88.2 | 100 |

Table 4.3 reveals the geographical distribution of households affected by forced labour by survey region, respectively Tarai and hill districts. Tarai districts include Sunsari, Saptari, Siraha, Dhanusa, Sarlahi, Rautahat and Bara. Hill districts include Baitadi, Bajura, Achham, Doti and Dadeldhura. In the central and eastern Tarai region, 13 per cent of the estimated 0.77 million households are estimated to be affected by forced labour while in the hill region, the proportion is about 5 per cent of the 0.17 million households.

TABLE 4.3: ESTIMATED NUMBER OF HOUSEHOLDS AFFECTED BY FORCED LABOUR BY SURVEY REGION

| Region | Number | | | % within the group | | | % out of the total | | |
|-----------------|---------------------------|-------------------------------|----------------|---------------------------|-------------------------------|-------|---------------------------|-------------------------------|------------|
| | Affected by forced labour | Not affected by forced labour | Total | Affected by forced labour | Not affected by forced labour | Total | Affected by forced labour | Not affected by forced labour | Total |
| Tarai districts | 103,285 | 666,786 | 770,071 | 13.4 | 86.6 | 100 | 11.0 | 70.7 | 81.7 |
| Hill districts | 7,864 | 164,660 | 172,524 | 4.6 | 95.4 | 100 | 0.8 | 17.5 | 18.3 |
| Total | 111,149 | 831,445 | 942,595 | | | | 11.8 | 88.2 | 100 |

The survey also estimated the number of households affected by forced labour by social group. For analytical purposes, the population was categorized into seven groups based on the GoN's classification. Those caste/ethnic groups for which a broad category was not available were stated as 'not identified'. The survey identified 70 caste/ethnic groups out of 101 caste/ethnic groups in Nepal identified by the Population Census 2001 (Table 4.4).

TABLE 4.4: CASTE/ETHNIC GROUPS IDENTIFIED IN THE SURVEY DISTRICTS

| | |
|---|---|
| 1. Tarai/Madheshi Dalits | Chamar/Harijan/Ram, Musahar, Dusadh/Paswan/Pasi, Tatma, Khatwe, Dhobi, Bantar, Dom and Halkhor |
| 2. Tarai/Madheshi Janjati | Tharu, Dhanuk, Rajbansi, Danuwar, Santhal/Satar, Dhagar/Ghagar, Rajbhar and Dhimal |
| 3. Muslims | All sub-groups of Muslim religion community |
| 4. Tarai/Madhesh other Hindu caste groups | Yadav, Teli, Koiri, Kurmi, Sonar, Kewat, Brahman-Tarai, Baniya, Mallah, Kalwar, Hajam/Thakur, Kanu, Sudhi, Lohar, Majhi, Nuniya, Kumhar, Haluwai, Rajput, Badhae, Barae, Gangai, Lodha, Bing/Binda, Bhediyar/Gaderi, Mali, Kamar, Brahmu/Baramu, Dhunia and Kusunda |
| 5. Hill Dalits | Kami, Damain/Dholi, Sarki and Badi |
| 6. Hill Janjati | Magar, Tamang, Newar, Rai, Gurung, Limbu, Sherpa, Gharti/Bhujel, Kumal, Sunuwar, Chepang/Praja, Bhote, Adibashi/Janjati and Raute |
| 7. Brahman/Chhetri | Chhetri, Brahman-hill, Thakuri and Sanyasi |

Table 4.5 shows that households affected by forced labour originate from different social groups. Tarai Dalits account for the largest share, more than half (55%), of all households affected by forced labour.

Other Tarai Hindu caste groups account for 26% of households affected by forced labour. Within groups, the highest proportion of households affected by forced labour are found amongst the Tarai dalits, Muslims and hill dalits. There were very few households affected by forced labour among the Brahman/Chhetri.

TABLE 4.5: ESTIMATED NUMBER OF HOUSEHOLDS AFFECTED BY FORCED LABOUR BY SOCIAL GROUP

| Social group | Number | | | % within the group | | | % out of the total | | |
|--------------------------------|---------------------------|-------------------------------|----------------|---------------------------|-------------------------------|-------|---------------------------|-------------------------------|------------|
| | Affected by forced labour | Not affected by forced labour | Total | Affected by forced labour | Not affected by forced labour | Total | Affected by forced labour | Not affected by forced labour | Total |
| Tarai Dalits | 61,454 | 137,394 | 198,848 | 30.9 | 69.1 | 100.0 | 6.5 | 14.6 | 21.1 |
| Tarai Janjati | 7,254 | 143,172 | 150,426 | 4.8 | 95.2 | 100.0 | 0.8 | 15.2 | 16.0 |
| Muslims | 5,926 | 47,038 | 52,963 | 11.2 | 88.8 | 100.0 | 0.6 | 5.0 | 5.6 |
| Other Tarai Hindu caste groups | 28,634 | 312,118 | 340,751 | 8.4 | 91.6 | 100.0 | 3.0 | 33.1 | 36.2 |
| Hill Dalits | 3,797 | 33,487 | 37,285 | 10.2 | 89.8 | 100.0 | 0.4 | 3.6 | 4.0 |
| Hill Janjati | 1,785 | 38,841 | 40,626 | 4.4 | 95.6 | 100.0 | 0.2 | 4.1 | 4.3 |
| Brahman/Chhetri | 1,965 | 113,965 | 115,930 | 1.7 | 98.3 | 100.0 | 0.2 | 12.1 | 12.3 |
| Not identified | 336 | 5,431 | 5,766 | 5.8 | 94.2 | 100.0 | 0.0 | 0.6 | 0.6 |
| Total | 111,149 | 831,445 | 942,595 | | | | 11.8 | 88.2 | 100 |

4.1.1 Estimation of Households Affected by Forced Labour Linked to Debt

About 58 per cent of all households had an outstanding loan at the time of the survey (Table 4.6). Data indicate that the incidence of households affected by forced labour linked to debt persists across all three categories of households, namely, Haruwa-Charuwa, Haliya and control group. The incidence is highest among Haliya (51%), followed by Haruwa-Charuwa (22%). Among the control group, about 9% of the estimated 0.476 million households with debt were affected by forced labour.

TABLE 4.6: ESTIMATED NUMBER OF HOUSEHOLDS WITH DEBT AFFECTED BY FORCED LABOUR

| Household type | Number (in debt) | | | % within the group | | | % out of the total | | |
|---------------------|---------------------------|-------------------------------|----------------|---------------------------|-------------------------------|-------|---------------------------|-------------------------------|------------|
| | Affected by forced labour | Not affected by forced labour | Total | Affected by forced labour | Not affected by forced labour | Total | Affected by forced labour | Not affected by forced labour | Total |
| Haruwa-Charuwa | 15,061 | 54,590 | 69,651 | 21.6 | 78.4 | 100.0 | 2.7 | 9.9 | 12.7 |
| Haliya | 2,088 | 1,984 | 4,072 | 51.3 | 48.7 | 100.0 | 0.4 | 0.4 | 0.7 |
| Control group | 41,967 | 434,136 | 476,103 | 8.8 | 91.2 | 100.0 | 7.6 | 79.0 | 86.6 |
| Total | 59,116 | 490,710 | 549,826 | | | | 10.8 | 89.2 | 100 |
| % of all households | 53.2 | 59.0 | 58.3 | | | | | | |

Table 4.7 shows the distribution of the estimated number of households affected by forced labour linked to debt by survey region. It is estimated that overall, 11 per cent of the total 0.55 million households borrowing loans are affected by forced labour. This proportion is 11 per cent in Tarai region and 8 per cent in far-western hills.

TABLE 4.7: ESTIMATED NUMBER OF HOUSEHOLDS IN DEBT AFFECTED BY FORCED LABOUR BY SURVEY REGION

| Survey region | Number (in debt) | | | % within the group | | | % out of the total | | |
|-----------------|---------------------------|-------------------------------|----------------|---------------------------|-------------------------------|-------|---------------------------|-------------------------------|------------|
| | Affected by forced labour | Not affected by forced labour | Total | Affected by forced labour | Not affected by forced labour | Total | Affected by forced labour | Not affected by forced labour | Total |
| Tarai districts | 53,080 | 417,714 | 470,794 | 11.3 | 88.7 | 100.0 | 9.7 | 76.0 | 85.6 |
| Hill districts | 6,036 | 72,996 | 79,032 | 7.6 | 92.4 | 100.0 | 1.1 | 13.3 | 14.4 |
| Total | 59,116 | 490,710 | 549,826 | | | | 10.8 | 89.2 | 100 |

Households affected by forced labour linked to debt have also been estimated according to social group (Table 4.8). The highest proportion of households in debt affected by forced labour comes from Muslims (14%), followed by hill Dalit (13%), Tarai Janjati (12%), Tarai Dalit (11%), other Tarai Hindu caste groups (11%), hill Janjati (8%) and the least for Brahman/Chhetri (4%). In terms of absolute number, it is the other Tarai Hindu caste groups and Tarai Dalits who come in the first and second ranking respectively.

TABLE 4.8: ESTIMATED NUMBER OF HOUSEHOLDS AFFECTED BY FORCED LABOUR LINKED TO DEBT BY SOCIAL GROUP

| Social group | Number (in debt) | | | % within the group | | | % out of the total | | |
|--------------------------------|---------------------------|-------------------------------|----------------|---------------------------|-------------------------------|-------|---------------------------|-------------------------------|------------|
| | Affected by forced labour | Not affected by forced labour | Total | Affected by forced labour | Not affected by forced labour | Total | Affected by forced labour | Not affected by forced labour | Total |
| Tarai Dalits | 16,540 | 128,240 | 144,780 | 11.4 | 88.6 | 100.0 | 3.0 | 23.3 | 26.3 |
| Tarai Janjati | 9,091 | 66,479 | 75,570 | 12.0 | 88.0 | 100.0 | 1.7 | 12.1 | 13.7 |
| Muslims | 4,444 | 27,194 | 31,638 | 14.1 | 86.0 | 100.0 | 0.8 | 4.9 | 5.8 |
| Other Tarai Hindu caste groups | 21,746 | 181,596 | 203,342 | 10.7 | 89.3 | 100.0 | 4.0 | 33.0 | 37.0 |
| Hill Dalits | 2,631 | 17,564 | 20,195 | 13.0 | 87.0 | 100.0 | 0.5 | 3.2 | 3.7 |
| Hill Janjati | 1,807 | 20,911 | 22,718 | 8.0 | 92.0 | 100.0 | 0.3 | 3.8 | 4.1 |
| Brahman/Chhetri | 2,013 | 46,465 | 48,479 | 4.2 | 95.9 | 100.0 | 0.4 | 8.5 | 8.8 |
| Not identified | 842 | 2,261 | 3,103 | 27.1 | 72.9 | 100.0 | 0.2 | 0.4 | 0.6 |
| Total | 59,116 | 490,710 | 549,826 | | | | 10.8 | 89.2 | 100 |

4.2 ESTIMATES OF ADULTS IN FORCED LABOUR

Having presented the estimates of the number of *households* affected by forced labour, we now turn to the estimates of the numbers of *individuals* working under forced labour conditions. Out of the total estimated 1.61 million adult working population in 12 survey districts, 9 per cent are in forced labour. Within the household categories, 87 per cent of working adult Haruwa-Charuwa, 68 per cent of Haliya and 3 per cent of the control group are in forced labour (Table 4.9). By survey region, around 11% of working adults in the Tarai are in forced labour, compared to 2% of those in the surveyed hill districts.

TABLE 4.9 ESTIMATED NUMBER OF WORKING ADULTS IN FORCED LABOUR BY HOUSEHOLD TYPE AND SURVEY REGION

| Categories | Number | | | % within the group | | | % out of the total | | |
|--------------------------|----------------|------------------|------------------|--------------------|-------------|-------|--------------------|-------------|------------|
| | Forced labour | Free labour | Total | Forced labour | Free labour | Total | Forced labour | Free labour | Total |
| Type of household | | | | | | | | | |
| Haruwa-Charuwa | 97,399 | 15,168 | 112,567 | 86.5 | 13.5 | 100.0 | 6.0 | 0.9 | 7.0 |
| Haliya | 4,902 | 2,285 | 7,187 | 68.2 | 31.8 | 100.0 | 0.3 | 0.1 | 0.4 |
| Control group | 40,529 | 1,453,837 | 1,494,365 | 2.7 | 97.3 | 100.0 | 2.5 | 90.1 | 92.6 |
| Survey region | | | | | | | | | |
| Tarai Districts | 135,724 | 1,161,606 | 1,297,330 | 10.5 | 89.5 | 100.0 | 8.4 | 72.0 | 19.6 |
| Hill Districts | 7,107 | 309,683 | 316,790 | 2.2 | 97.8 | 100.0 | 0.4 | 19.2 | 80.4 |
| Total | 142,830 | 1,471,290 | 1,614,120 | | | | 8.8 | 91.2 | 100 |

The number of working adult men is estimated to be 1.2 million and nearly 400,000 women (Table 4.10). The low number of women is due to the fact that the estimates do not include 'household work' (caring for children, old and sick persons, fetching of water and fodder for animals, cleaning of house and cooking) which most women engage in.

TABLE 4.10: ESTIMATED NUMBER OF WORKING ADULTS IN FORCED LABOUR BY AGE AND SEX

| Sex/Age | Number | | | % within the group | | | % out of the total | | |
|--------------|----------------|------------------|------------------|--------------------|-------------|-------|--------------------|-------------|------------|
| | Forced labour | Free labour | Total | Forced labour | Free labour | Total | Forced labour | Free labour | Total |
| Sex | | | | | | | | | |
| Male | 119,752 | 1,099,001 | 1,218,753 | 9.8 | 90.2 | 100.0 | 7.4 | 68.1 | 75.5 |
| Female | 23,078 | 372,289 | 395,366 | 5.8 | 94.2 | 100.0 | 1.4 | 23.1 | 24.5 |
| Age | | | | | | | | | |
| 18-29 | 34,675 | 380,316 | 414,991 | 8.4 | 91.6 | 100.0 | 2.1 | 23.6 | 25.7 |
| 30-39 | 34,781 | 364,480 | 399,261 | 8.7 | 91.3 | 100.0 | 2.2 | 22.6 | 24.7 |
| 40-49 | 33,503 | 307,665 | 341,168 | 9.8 | 90.2 | 100.0 | 2.1 | 19.1 | 21.1 |
| 50-59 | 24,532 | 234,209 | 258,741 | 9.5 | 90.5 | 100.0 | 1.5 | 14.5 | 16.0 |
| 60 and over | 15,339 | 184,619 | 199,959 | 7.7 | 92.3 | 100.0 | 1.0 | 11.4 | 12.4 |
| Total | 142,830 | 1,471,290 | 1,614,120 | | | | 8.8 | 91.2 | 100 |

Nearly 10 per cent of adult males are in forced labour situation compared to 6 per cent of adult females. The lower percentage of females in forced labour may be due to few women being engaged as Haruwa and Haliya. First, the questionnaire may not have captured the casual work of women with the landowner under the *laguwa* contract. Second, almost all Haruwa are men ploughing fields for others. In Nepalese society, women generally do not plough land. Third, women can be Charuwa and agricultural labourers or *Jana*.

The proportion of adults in forced labour varies somewhat according to age group. It increases from 8 per cent for the young population (<30 years) to nearly 10 per cent for persons in the age group of 40-49 years and slightly declines after 60 years and above.

Table 4.11 shows the incidence of forced labour across the social groups. Around one quarter of the working adult Tarai Dalits are in forced labour, by far the highest proportion among the social groups. The next highest proportion is among Muslims (8%). The lowest proportion of working adults in forced labour is among the Brahman/Chhetri (0.5%). The highest absolute number of adult forced labourers are Tarai Dalits (more than 84,000 or 59% of the total), followed by other Tarai Hindu castes (around 35,400 or 25% of the total number).

TABLE 4.11: ESTIMATED NUMBER OF WORKING ADULTS IN FORCED LABOUR BY SOCIAL GROUP

| Social group | Number | | | % within the group | | | % out of the total | | |
|--------------------------------|----------------|------------------|------------------|--------------------|-------------|-------|--------------------|-------------|------------|
| | Forced labour | Free labour | Total | Forced labour | Free labour | Total | Forced labour | Free labour | Total |
| Tarai Dalits | 84,196 | 255,734 | 339,930 | 24.8 | 75.2 | 100.0 | 5.2 | 15.8 | 21.1 |
| Tarai Janjati | 8,601 | 213,708 | 222,309 | 3.9 | 96.1 | 100.0 | 0.5 | 13.2 | 13.8 |
| Muslims | 7,316 | 88,129 | 95,445 | 7.7 | 92.3 | 100.0 | 0.5 | 5.5 | 5.9 |
| Other Tarai Hindu caste groups | 35,373 | 547,681 | 583,054 | 6.1 | 93.9 | 100.0 | 2.2 | 33.9 | 36.1 |
| Hill Dalits | 4,234 | 61,336 | 65,571 | 6.5 | 93.5 | 100.0 | 0.3 | 3.8 | 4.1 |
| Hill Janjati | 1,905 | 74,809 | 76,713 | 2.5 | 97.5 | 100.0 | 0.1 | 4.6 | 4.8 |
| Brahman/Chhetri | 1,001 | 219,633 | 220,634 | 0.5 | 99.6 | 100.0 | 0.1 | 13.6 | 13.7 |
| Not identified | 204 | 10,260 | 10,464 | 2.0 | 98.1 | 100.0 | 0.0 | 0.6 | 0.6 |
| Total | 142,830 | 1,471,290 | 1,614,120 | | | | 8.8 | 91.2 | 100 |

4.3 ESTIMATES OF WORKING CHILDREN IN FORCED LABOUR

Of working children in the age range of 5-17 years, an estimated one third are in forced labour. Three inferences can be made from the data presented in Table 4.12. First, almost all working children (97-98%) in Haruwa-Charuwa and Haliya households are in a forced labour situation. Second, the incidence of children in forced labour prevails also, but to a lesser extent, in the control group in which one-fifth of working children are in forced labour. Third, the incidence of working children in forced labour is higher in the Tarai (37%) than in the hills (19%).

TABLE 4.12: ESTIMATED NUMBER OF WORKING CHILDREN (AGED 5-17 YEARS) IN FORCED LABOUR BY HOUSEHOLD TYPE AND SURVEY REGION

| Categories | Number | | | % within the group | | | % out of the total | | |
|--------------------------|---------------|---------------|---------------|--------------------|-------------|-------|--------------------|-------------|------------|
| | Forced labour | Free labour | Total | Forced labour | Free labour | Total | Forced labour | Free labour | Total |
| Type of household | | | | | | | | | |
| Haruwa-Charuwa | 13,441 | 286 | 13,727 | 97.9 | 2.1 | 100.0 | 15.0 | 0.3 | 15.3 |
| Haliya | 915 | 29 | 944 | 97.0 | 3.1 | 100.0 | 1.0 | 0.0 | 1.1 |
| Control group | 15,612 | 59,261 | 74,874 | 20.9 | 79.2 | 100.0 | 17.4 | 66.2 | 83.6 |
| Survey region | | | | | | | | | |
| Tarai Districts | 26,512 | 44,627 | 71,139 | 37.3 | 62.7 | 100.0 | 29.6 | 49.8 | 79.4 |
| Hill Districts | 3,457 | 14,949 | 18,405 | 18.8 | 81.2 | 100.0 | 3.9 | 16.7 | 20.6 |
| Total | 29,969 | 59,576 | 89,545 | | | | 33.5 | 66.5 | 100 |

Table 4.13 presents the estimated number of working children in forced labour by age and sex. A higher proportion of working girls than boys are in forced labour (36% vs. 32%), although a higher number of boys than girls are forced to work (boys account for 62% of the total number of forced child labourers). There is curvilinear relationship between age of children and incidence of forced labour. The proportion of working children in forced labour situation increases from 32 per cent for children less than 10 years age to 45 per cent for children aged 10-14 years, and then declines back to 29 per cent for children between the ages 15-17 years. A high proportion of working children are below 10 years of age (12%), and another 25 per cent are between the ages 10-14 years. The Child Labour Act prohibits children less than 15 years of age from working in Nepal.

TABLE 4.13: ESTIMATED NUMBER OF WORKING CHILDREN (5-17 YEARS) IN FORCED LABOUR BY AGE AND SEX

| Age and sex | Number | | | % within the group | | | % out of the total | | |
|--------------|---------------|---------------|---------------|--------------------|-------------|--------|--------------------|-------------|------------|
| | Forced labour | Free labour | Total | Forced labour | Free labour | Total | Forced labour | Free labour | Total |
| Sex | | | | | | | | | |
| Male | 18,625 | 39,152 | 57,777 | 32.2 | 67.8 | 100.00 | 20.8 | 43.7 | 64.5 |
| Female | 11,343 | 20,424 | 31,768 | 35.7 | 64.3 | 100.00 | 12.7 | 22.8 | 35.5 |
| Age | | | | | | | | | |
| <=9 | 3,407 | 7,110 | 10,517 | 32.4 | 67.6 | 100.00 | 3.8 | 7.9 | 11.7 |
| 10-14 | 9,960 | 12,390 | 22,349 | 44.6 | 55.4 | 100.00 | 11.1 | 13.8 | 25.0 |
| 15-17 | 16,602 | 40,076 | 56,678 | 29.3 | 70.7 | 100.00 | 18.5 | 44.8 | 63.3 |
| Total | 29,969 | 59,576 | 89,545 | | | | 33.5 | 66.5 | 100 |

According to social group, Tarai Dalits and Muslims have the highest proportion of children in forced labour (nearly 60%), followed by Tarai Janjati (43%) (Table 4.14). The lowest proportion is among Hill Janjati (4%, but of a very small absolute number).

TABLE 4.14: ESTIMATED NUMBER OF WORKING CHILDREN (5-17 YEARS) IN FORCED LABOUR BY SOCIAL GROUP

| Social group | Number | | | % within the group | | | % out of the total | | |
|--------------------------------|---------------|---------------|---------------|--------------------|-------------|-------|--------------------|-------------|------------|
| | Forced labour | Free labour | Total | Forced labour | Free labour | Total | Forced labour | Free labour | Total |
| Tarai Dalits | 14,919 | 11,040 | 25,959 | 57.5 | 42.5 | 100.0 | 16.7 | 12.3 | 29.0 |
| Tarai Janjati | 2,616 | 3,442 | 6,058 | 43.2 | 56.8 | 100.0 | 2.9 | 3.8 | 6.8 |
| Muslims | 3,906 | 2,745 | 6,650 | 58.7 | 41.3 | 100.0 | 4.4 | 3.1 | 7.4 |
| Other Tarai Hindu caste groups | 5,269 | 21,507 | 26,776 | 19.7 | 80.3 | 100.0 | 5.9 | 24.0 | 29.9 |
| Hill Dalits | 1,215 | 5,132 | 6,347 | 19.1 | 80.9 | 100.0 | 1.4 | 5.7 | 7.1 |
| Hill Janjati | 263 | 7,081 | 7,344 | 3.6 | 96.4 | 100.0 | 0.3 | 7.9 | 8.2 |
| Brahman/Chhetri | 1,514 | 8,030 | 9,544 | 15.9 | 84.1 | 100.0 | 1.7 | 9.0 | 10.7 |
| Not identified | 267 | 599 | 866 | 30.8 | 69.2 | 100.0 | 0.3 | 0.7 | 1.0 |
| Total | 29,969 | 59,576 | 89,545 | | | | 33.5 | 66.5 | 100 |

Drawing on the quantitative survey, this chapter provided the estimates of households affected by forced labour, and of adults and children in forced labour. The next chapter discusses the living conditions of households affected by forced labour vis-à-vis the other households.

CHAPTER 5

Household Socio-Economic Conditions

This chapter examines the living conditions, food security, demographic characteristics and literacy status of households in the survey regions. It presents the survey results for the “target” group (haruwa-charuwa and haliya households) and “control” group separately, according to whether or not the households are affected by forced labour. This enables some conclusions to be drawn regarding the impact of being a haruwa-charuwa or haliya, and in forced labour, on a household’s living conditions.

5.1 LIVING CONDITIONS

5.1.1 Residence Arrangement

Residence arrangement is one of the important indicators for identifying poverty or well-being of households in rural Nepal. Data reveal that residence arrangement varies considerably by type of household. While more than 90 per cent of households in the control group live in their own house, only 66 per cent of the target group households do so (Table 5.1).

For both types of household, the residence arrangement varies by whether or not they are affected by forced labour. A higher proportion of target group households affected by forced labour are dependent upon landlords/employers for their house (8%), than those not affected by forced labour (5%) (Table 5.1). These households are vulnerable, exploited and threatened if they do not work for the interest of their landlords.

More than one-quarter of target group households reside in land called *Ailani Parti* not registered in their names. Only 9 per cent of control group households reside in such places. The Government may confiscate such land or influential persons may register it in their name.

TABLE 5.1: OCCUPANCY STATUS OF HOUSEHOLDS (%)

| Occupancy status | Control group | | | Target group | | |
|--|--------------------------------------|--|----------------|--------------------------------------|--|---------------|
| | Households affected by forced labour | Households not affected by forced labour | Total | Households affected by forced labour | Households not affected by forced labour | Total |
| Living in own house, on own land | 81.8 | 90.5 | 90.1 | 66.6 | 64.1 | 66.5 |
| Living in a house built on other than own land | 18.2 | 9.5 | 9.9 | 33.4 | 35.9 | 33.5 |
| House in landlord's yard | 2.8 | 0.2 | 0.3 | 1.0 | 0.3 | 0.9 |
| House built by self on landlord's land | 0.6 | 0.7 | 0.7 | 3.6 | 4.8 | 3.6 |
| House built by landowner on landlord's land | 0.0 | 0.1 | 0.1 | 3.0 | 0.0 | 2.8 |
| Rented house | 2.1 | 0.2 | 0.3 | 0.0 | 0.0 | 0.1 |
| <i>Aalani Parti</i> | 12.7 | 8.3 | 8.5 | 25.6 | 30.8 | 25.9 |
| Relative's house | 0.0 | 0.0 | 0.0 | 0.3 | 0.0 | 0.2 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.00 |
| Total number of households | 41,341 | 827,434 | 868,775 | 69,809 | 4011 | 73,819 |

Note: It should be recalled that “target group” refers to haruwa/charuwa and Haliya households, while “control group” refers to other households. See chapter 2, section 2.2.

5.1.2 Landholding

Land in rural Nepal can be categorized into i) owned land, including leased-out land, ii) leased-in land and iii) *Ailani/Parti* land (Table 5.2). The first category of land is owned by individuals and can be transferred or disposed of at will; the second is temporarily received for cultivation in exchange for rent in cash or kind or labour, and cannot be transferred or disposed by the user; and the third category is public land. Of the total households, 13 per cent overall were landless, with 24 per cent of households affected by forced labour and 12 per cent of households not affected by forced labour having no land.

TABLE 5.2: AVERAGE AREA OF LANDHOLDING PER HOUSEHOLD (IN HECTARES)

| Type of land | Control group | | | Target group | | |
|---------------------|--------------------------------------|--|---------------|--------------------------------------|--|---------------|
| | Households affected by forced labour | Households not affected by forced labour | Total | Households affected by forced labour | Households not affected by forced labour | Total |
| Owned land | 0.2100 | 0.8911 | 0.8626 | 0.0779 | 0.1154 | 0.0798 |
| Leased-in land | 0.4238 | 0.6624 | 0.6491 | 0.2398 | 0.2261 | 0.2394 |
| <i>Ailani Parti</i> | 0.0132 | 0.2207 | 0.2028 | 0.0186 | 0.0296 | 0.0191 |
| Total | 0.2257 | 0.7910 | 0.7637 | 0.1141 | 0.1182 | 0.1143 |

Land distribution is clearly skewed in favour of households of control group (Table 5.2). This holds for all types of land but it is much sharper in case of owned land, where the average area of owned land by target group households is less than one-tenth that for the control group. Land distribution is also skewed in favour of households not affected by forced labour. The average area of owned land among households of control group, for example, is four times lower for households affected by forced labour than households not affected by forced labour.

5.1.3 Ownership of Livestock

One of the main sources of cash income or livelihood for many households in rural Nepal is livestock. It is found that the proportion of households possessing livestock is much lower for households affected by forced labour than for households not affected. This holds true for all types of livestock. Overall, 28 per cent of households affected by forced labour have at least one animal compared to 44% for households not affected by forced labour. About 76 per cent of households not affected by forced labour have at least one head of cattle while the comparable figure for households affected by forced labour is just 36 per cent (Table 5.3). The average number of livestock is far lower for households affected by forced labour than for households not affected.

TABLE 5.3: LIVESTOCK OWNERSHIP PER HOUSEHOLD

| Type of livestock | Households affected by forced labour | | Households not affected by forced labour | |
|-------------------|--|---|--|---|
| | Households with at least one livestock (%) | Average number of livestock per household | Households with at least one livestock (%) | Average number of livestock per household |
| Cattle | 36.0 | 0.7 | 75.7 | 2.0 |
| He/she buffaloes | 23.4 | 0.3 | 37.7 | 0.6 |
| Goats/Sheep | 52.9 | 1.0 | 61.7 | 1.9 |
| Pigs/Piglets | 1.4 | 0.0 | 2.0 | 0.1 |
| Total | 28.4 | 0.5 | 44.2 | 1.2 |

5.2 FOOD SECURITY SITUATION

Table 5.4 summarises the food sufficiency status of households during the 12 months prior to the survey, by type of households, and by whether or not households were affected by forced labour. Nearly all of the target group households (96%) do not have food sufficiency throughout the year while 43 per cent for households in control group do not have enough food. More than half households of target group have inadequate food for 7-12 months, 37 per cent for 4-6 months and 8 per cent for 1-3 months. For households of control group, only 14 per cent lack food for 7 or more months.

Forced labour also has some influence on food sufficiency status though this is, rather surprisingly, more evident in the control group than in the target group.

TABLE 5.4: HOUSEHOLD FOOD SUFFICIENCY STATUS (%)

| Food sufficiency status | Control group | | | Target group | | |
|--------------------------|--------------------------------------|--|-------|--------------------------------------|--|-------|
| | Households affected by forced labour | Households not affected by forced labour | Total | Households affected by forced labour | Households not affected by forced labour | Total |
| Sufficient all year | 18.4 | 58.6 | 56.6 | 3.9 | 6.3 | 4.0 |
| Not sufficient all year | 81.6 | 41.4 | 43.4 | 96.1 | 93.7 | 96 |
| Not adequate for: | | | | | | |
| 10-12 months | 5.2 | 1.7 | 1.9 | 9.5 | 0.9 | 9.0 |
| 7-9 months | 19.6 | 11.4 | 11.8 | 43.0 | 21.3 | 41.9 |
| 4-6 months | 45.1 | 18.7 | 20.0 | 36.3 | 53.1 | 37.2 |
| 1-3 months | 11.7 | 9.7 | 9.8 | 7.3 | 18.4 | 7.9 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |

5.3 DEMOGRAPHIC CHARACTERISTICS

The demographic indicators presented in Table 5.5 reveal that surveyed households are characterised by large family size and high child dependency ratio. Yet there are distinct demographic differences between the control and target groups.

- The average family size is higher for households of control group (6.4) than for target group (5.8). This is due to the fact that many rich or middle class peasants' families reside in joint or extended families in the Tarai. The family members may extend to three or four generations. This holds true among Tharu, Muslim and Yadav. If the family is poor, it tends to split once a son gets married, if the family has two or more sons. The average family size in both groups exceeds the average family size of 5.0 in rural Nepal (CBS, 2008)⁵.

⁵ CBS (2009) *Report on the Labour Force Survey 2008* (Kathmandu: Central Bureau of Statistics).

- The child dependency ratio is higher for households of target group (91 per 100 adults aged 15-59 years) than for control group (76 per 100 adults of aged 15-59 years), but with little variation between households affected or not affected by forced labour.
- The median age of population is two years lower for target group than for control group. It is lower for households affected by forced labour than for households not affected by forced labour for both target and control groups.

TABLE 5.5: HOUSEHOLD DEMOGRAPHIC CHARACTERISTICS

| Demographic characteristics | Control group | | | Target group | | |
|-----------------------------|--------------------------------------|--|----------------|--------------------------------------|--|---------------|
| | Households affected by forced labour | Households not affected by forced labour | Total | Households affected by forced labour | Households not affected by forced labour | Total |
| Number of households | 41,341 | 827,434 | 868,775 | 69,809 | 4011 | 73,819 |
| Total number of persons | 243,206 | 5,246,705 | 5,489,911 | 405,543 | 21,593 | 427,136 |
| Average household size | 5.9 | 6.0 | 6.0 | 5.8 | 54 | 5.8 |
| Child dependency ratio | 77.9 | 75.3 | 75.5 | 91.1 | 94.2 | 91.2 |
| Median age (years) | 22.1 | 23.2 | 23.1 | 21.3 | 22.0 | 21.4 |

5.4 LITERACY AND EDUCATION

5.4.1 Adult Literacy

Literacy rates are considerably lower in the target group than the control group, and in households affected by forced labour than for those not affected (Table 5.6).

The overall literacy rate of persons (aged 5 years and above) is 60 per cent for households of control group compared to 35 per cent for the target group. Adult literacy rate (15 years and above) is 51 per cent for households of control group against 20 per cent for the target group. Female literacy rates for households of both target and control groups are considerably lower than that of males, and especially in households affected by forced labour.

TABLE 5.6: LITERACY RATE BY TYPE OF HOUSEHOLD (%)

| Literacy rate | Control group | | | Target group | | |
|--------------------------------|--------------------------------------|--|-------------|--------------------------------------|--|-------------|
| | Households affected by forced labour | Households not affected by forced labour | Total | Households affected by forced labour | Households not affected by forced labour | Total |
| Pop. 5-years and above | | | | | | |
| Males | 52.0 | 73.4 | 72.5 | 42.7 | 44.6 | 42.8 |
| Females | 36.8 | 46.1 | 45.6 | 26.5 | 33.5 | 26.8 |
| Total | 44.6 | 60.5 | 59.8 | 35.0 | 39.4 | 35.2 |
| Pop. 15-years and above | | | | | | |
| Males | 44.3 | 67.8 | 66.8 | 28.1 | 35.6 | 28.5 |
| Females | 15.7 | 33.2 | 32.5 | 9.8 | 14.4 | 10.0 |
| Total | 31.1 | 51.4 | 50.5 | 19.4 | 25.7 | 19.7 |

Table 5.7 shows adult literacy rates by whether or not households were affected by forced labour, controlling for gender. Among households affected by forced labour, adult literacy rates are much lower in Tarai region (23%) than in the hills (41%). It is the female Tarai Dalits, Muslims and other Hindu castes in households affected by forced labour whose literacy rates are the lowest.

Table 5.7: Adult literacy rate by survey region and social group (%)

| Adult literacy rate | Households affected by forced labour | | | Households not affected by forced labour | | |
|---|--------------------------------------|----------------|----------------|--|------------------|------------------|
| | Male | Female | Total | Male | Female | Total |
| Survey region | | | | | | |
| Tarai | 32.9 | 11.2 | 22.7 | 65.5 | 31.9 | 49.7 |
| Hill | 56.4 | 23.6 | 40.8 | 77.4 | 38.1 | 58.1 |
| Social group | | | | | | |
| Tarai Dalits | 29.9 | 8.3 | 19.8 | 46.6 | 17.2 | 32.7 |
| Tarai Janjati | 34.7 | 24.5 | 29.8 | 79.1 | 41.9 | 61.2 |
| Muslims | 32.9 | 10.6 | 23.0 | 47.9 | 17.9 | 34.0 |
| Other Hindu caste | 37.8 | 12.5 | 25.9 | 67.9 | 32.3 | 51.4 |
| Hill Dalits | 43.7 | 19.0 | 32.0 | 63.2 | 26.6 | 44.7 |
| Hill Janjati | 74.8 | 36.5 | 55.4 | 76.3 | 42.9 | 59.4 |
| Brahman/Chhetri | 75.5 | 37.4 | 58.3 | 83.1 | 46.0 | 65.0 |
| Unidentified caste | 81.9 | 32.6 | 62.9 | 82.2 | 35.4 | 60.4 |
| Total | 34.5 | 12.0 | 24.0 | 67.7 | 33.1 | 51.3 |
| Number of persons 15 years and above | 206,560 | 182,525 | 389,085 | 1,769,934 | 1,600,085 | 3,370,019 |

5.4.2 Primary School Completion Rate

Education status of the household population is measured by examining the primary school completion rate. The rate is defined as the number of adults aged 15 years and above who have completed grade five in their life time. In Nepal, primary education is free but not compulsory. Data reveal that there is a clear variation in primary school completion rate between households of target group (9%) and households of control group (34%). These rates are much lower for households affected by forced labour (14% for control group and 9% for target group) and for females in both types of households (Table 5.8).

TABLE 5.8: PERSONS AGED 15 YEARS AND ABOVE WHO HAVE COMPLETED PRIMARY EDUCATION (%)

| | Control group | | | Target group | | |
|--|--------------------------------------|--|------------------|--------------------------------------|--|----------------|
| | Households affected by forced labour | Households not affected by forced labour | Total | Households affected by forced labour | Households not affected by forced labour | Total |
| Males | 18.5 | 48.9 | 47.6 | 13.0 | 18.0 | 13.2 |
| Females | 8.8 | 20.0 | 19.5 | 3.8 | 6.7 | 3.9 |
| Total | 14.0 | 35.2 | 34.3 | 8.6 | 12.8 | 8.8 |
| Persons aged 15 years and above | 151,058 | 3,357,438 | 3,508,496 | 238,027 | 12,581 | 250,607 |

Data presented in Table 5.9 reveal that primary school completion rates are very low among households affected by forced labour in the Tarai region (10%), Muslims (6%), hill Janjati (5%), Tarai Dalits (9%) and hill Dalits (11%). Female primary school completion rates are much lower for the Tarai region, and among Muslims, Tarai Dalits and hill Janjati. The rate ranges from 2 per cent for Muslim and hill Janjati women to 22 per cent for Brahman/Chhetri women. Rates are uniformly and significantly higher in the households not affected by forced labour.

TABLE 5.9: PERSONS AGED 15 YEARS AND ABOVE WHO HAVE COMPLETED PRIMARY EDUCATION, BY SURVEY REGION AND SOCIAL GROUP (%)

| | Households affected by forced labour | | | Households not affected by forced labour | | |
|--|--------------------------------------|----------------|----------------|--|------------------|------------------|
| | Male | Female | Total | Male | Female | Total |
| Survey region | | | | | | |
| Tarai | 14.6 | 5.3 | 10.3 | 49.0 | 20.2 | 35.4 |
| Hill | 22.0 | 10.9 | 16.7 | 47.9 | 18.9 | 33.7 |
| Social group | | | | | | |
| Tarai Dalits | 13.6 | 3.6 | 8.9 | 31.5 | 9.5 | 21.1 |
| Tarai Janjati | 21.1 | 16.0 | 18.6 | 58.8 | 27.6 | 43.8 |
| Muslims | 9.3 | 2.2 | 6.1 | 28.3 | 4.3 | 17.2 |
| Other Hindu caste groups | 17.0 | 7.4 | 12.5 | 54.8 | 22.1 | 39.6 |
| Hill Dalits | 14.4 | 6.9 | 10.8 | 31.1 | 10.8 | 20.8 |
| Hill Janjati | 6.9 | 2.3 | 4.6 | 33.4 | 16.3 | 24.7 |
| Brahman/Chhetri households | 42.8 | 22.4 | 33.6 | 56.8 | 26.3 | 42.0 |
| Unidentified caste | 29.9 | 0.0 | 18.4 | 61.8 | 16.5 | 40.7 |
| Total | 15.1 | 5.7 | 10.7 | 48.8 | 19.9 | 35.1 |
| Total number of persons aged 15 years and above | 206,559 | 182,525 | 389,085 | 1,769,934 | 1,600,085 | 3,370,019 |

5.5 HOUSEHOLD LOANS

5.5.1 Incidence of Loan-taking

Table 5.10 shows that the incidence of loan-taking is almost universal in households of target group (80%), and in households affected by forced labour in both groups. By contrast, 55 per cent of control group households took loans. The qualitative study findings confirm that very poor households only have access to loans from employers or landlords on the condition of providing adult or child labour as collateral. This happens because these households lack property such as land, ornaments or house as collateral for loan. It is also found that in Siraha district, poverty alleviation programmes have failed to organize the very poor women (especially widowed, destitute and physically disabled) in the savings and credit groups, because of the fear that very poor families may not be able to repay the loan.

TABLE 5.10: INCIDENCE OF HOUSEHOLD LOAN-TAKING, BY HOUSEHOLD TYPE

| Incidence | Control group | | | Target group | | |
|--------------------------------|--------------------------------------|--|---------|--------------------------------------|--|--------|
| | Households affected by forced labour | Households not affected by forced labour | Total | Households affected by forced labour | Households not affected by forced labour | Total |
| No. of households taking loans | 32,736 | 443,368 | 476,103 | 57,437 | 1,031 | 58,469 |
| Percentage of households | 79.2 | 54.3 | 55.5 | 82.3 | 26.4 | 79.3 |
| Average no. of loans/household | 1.3 | 1.2 | 1.2 | 1.3 | 1.1 | 1.3 |

5.5.2 Duration of household borrowing

Duration of household borrowing varies between households of target and control groups, and between households affected by forced labour and not affected (Table 5.11). Households borrowing money for more than five years constituted 11.2 per cent of the target group, while for the control group households it was only 5 per cent. Inter-generational loans are found in more than 2 per cent of households in the target group, while the figure is negligible in the control group (0.3%).

Households affected by forced labour in both target and control groups have taken loans for a longer time period than those not affected by forced labour.

TABLE 5.11: HOUSEHOLD LOANS BY DURATION OF BORROWING (%)

| Duration of household borrowing | Control group | | | Target group | | |
|------------------------------------|--------------------------------------|--|----------------|--------------------------------------|--|---------------|
| | Households affected by forced labour | Households not affected by forced labour | Total | Households affected by forced labour | Households not affected by forced labour | Total |
| <1 year | 49.3 | 41.3 | 41.9 | 34.2 | 71.8 | 34.7 |
| 1-3 years | 27.9 | 42.1 | 41.0 | 38.2 | 21.6 | 37.9 |
| 4-5 years | 11.7 | 12.0 | 11.9 | 12.2 | 3.8 | 12.0 |
| >5 years | 9.7 | 4.3 | 4.7 | 11.2 | 0.0 | 11.0 |
| Since father's generation | 0.6 | 0.3 | 0.3 | 2.3 | 0.0 | 2.3 |
| Don't know | 0.7 | 0.2 | 0.3 | 2.0 | 2.8 | 2.0 |
| Total number of loans taken | 42,324 | 534,949 | 577,274 | 73,975 | 1,114 | 75,090 |

5.5.3 Purpose of Loans

The purpose of taking loans shows a variation among households as indicated in Table 5.12. The main purposes for households in the target group are festivals/marriage (32%), health treatment (25%), and daily consumption needs (24%). For the control group, foreign employment (13.5%), trade /business (10%), buying livestock (9%) and buying seeds and fertilizers (8%) are also important, in addition to the purposes listed above.

For households affected by forced labour, around 75 per cent of all loans are for daily consumption needs, health treatment and festivals/marriage, whereas for households not affected by forced labour this percentage is around 44%. In the latter group, around 30 per cent of loans are for buying livestock, seeds/fertilizer or for trade/business, compared to only 11% among the households affected by forced labour. In the Tarai region, the system of dowry – offering a huge sum of money to the bridegroom's family upon marriage of a daughter - is one of the main reasons for household indebtedness. In the FGDs in Dhanusa and Siraha districts, it was found that some of the poor households had to sell off their land to get their daughters married, while others seek foreign employment and others become Haruwa-Charuwa. It is seen that, across all groups, taking new loans to pay off old loans or interest is not at all common (only 1-2% of all loans are taken for this purpose).

TABLE 5.12: PURPOSE OF HOUSEHOLD LOANS (%)

| Purpose of loans | Control group | | | Target group | | |
|------------------------------|--------------------------------------|--|----------------|--------------------------------------|--|---------------|
| | Households affected by forced labour | Households not affected by forced labour | Total | Households affected by forced labour | Households not affected by forced labour | Total |
| Festivals, marriage | 24.7 | 15.9 | 16.5 | 32.4 | 13.7 | 32.1 |
| Health treatment | 18.5 | 11.7 | 12.2 | 25.2 | 12.8 | 25.0 |
| Daily consumption | 24.1 | 17.2 | 17.7 | 24.3 | 16.1 | 24.1 |
| Maintenance of house | 7.9 | 9.2 | 9.1 | 6.4 | 20.9 | 6.6 |
| Foreign employment | 5.7 | 14.1 | 13.5 | 4.5 | 2.8 | 4.5 |
| Buying of livestock | 5.8 | 9.3 | 9.1 | 3.2 | 15.0 | 3.3 |
| Trade/business | 6.5 | 10.2 | 9.9 | 1.8 | 16.7 | 2.0 |
| To pay the debt/interest | 1.9 | 1.4 | 1.5 | 1.1 | 1.6 | 1.1 |
| Buying seed, fertilizer | 3.9 | 8.1 | 7.8 | 0.6 | 0.0 | 0.6 |
| Education | 0.9 | 2.7 | 2.6 | 0.6 | 0.4 | 0.6 |
| Buying of solar panels | 0.0 | 0.2 | 0.2 | - | - | - |
| Don't know | 0.0 | 0.1 | 0.1 | 0.0 | 0.0 | 0.0 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |
| Total number of loans | 42,324 | 534,949 | 577,274 | 73,975 | 1,114 | 75,090 |

Among Tarai Dalits and hill Dalits, loans are mainly used for daily consumption, health treatment and festivals or ritual ceremonies.

5.5.4 Source of Loans

Table 5.13 summarises the distribution of household loans by source. Landlords (56%) are the predominant source of loans for households in the target group, and “employers” for those in the control group (46%). For households affected by forced labour, employers and landlords together account for nearly three-quarters of all loans taken.

TABLE 5.13: SOURCE OF HOUSEHOLD LOANS (%)

| Source of loan | Control group | | | Target group | | |
|----------------------|--------------------------------------|--|-------|--------------------------------------|--|-------|
| | Households affected by forced labour | Households not affected by forced labour | Total | Households affected by forced labour | Households not affected by forced labour | Total |
| Landlord | 10.0 | 2.3 | 2.9 | 56.6 | 0.0 | 55.7 |
| Employer | 52.2 | 45.6 | 46.1 | 24.4 | 2.2 | 24.1 |
| Relatives/neighbours | 9.6 | 17.3 | 16.7 | 9.5 | 0.3 | 9.4 |
| Micro-credit groups | 14.4 | 13.6 | 13.7 | 5.4 | 73.5 | 6.4 |
| Banks | 13.8 | 21.2 | 20.7 | 4.2 | 24.1 | 4.5 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |

Micro-credit groups and commercial banks stand out as the most important source of loans for the small number of households not affected by forced labour in the target group.

Table 5.14 shows the distribution of household loans by region and social group, according to the type of source, whether “formal” or “informal”. The informal category includes landlords, employers, business persons, relatives and neighbours, while the formal category includes saving and credit groups, micro-credit banks, cooperatives and agricultural and commercial banks. These sources differ in terms of their system of repayment, interest rates and type of collateral. Formal institutions have systematic modes of repayment, relatively low interest rates and do not use adult and child labour as collateral. Across all households, whether or not affected by forced labour, formal institutions account for the lower proportion of household loans. This pattern is even more marked in households affected by forced labour, for which informal loans account for an overwhelming 84% of the total. One of the main means of GoN to fight poverty is through social mobilisation, including formation of micro-credit groups, but the study demonstrates that these institutions are yet to serve many of the poorest households.⁶

Among households affected by forced labour, the proportion of loans from formal institutions is lowest in the Tarai region, and among hill Janjati and Tarai Dalits. For households not affected by forced labour, the proportion is quite even (between one-third and one half of all loans are taken from formal sources).

⁶ This analysis is based on number of loans, irrespective of their amount, and thus does not give a complete picture of the relative importance of formal vs. informal loan sources.

TABLE 5.14: HOUSEHOLD LOANS TAKEN FROM FORMAL AND INFORMAL INSTITUTIONS, BY SURVEY REGION AND SOCIAL GROUP (%)

| | Households affected by forced labour | | | Households not affected by forced labour | | |
|--------------------------|--------------------------------------|---------------------|------------|--|---------------------|------------|
| | Informal institutions | Formal institutions | Total | Informal institutions | Formal institutions | Total |
| Survey region | | | | | | |
| Tarai | 84.9 | 15.1 | 100 | 66.4 | 33.6 | 100 |
| Hill | 74.7 | 25.3 | 100 | 64.7 | 35.3 | 100 |
| Social group | | | | | | |
| Tarai Dalits | 86.6 | 13.4 | 100 | 75.1 | 25.0 | 100 |
| Tarai Janjati | 73.3 | 26.8 | 100 | 55.3 | 44.7 | 100 |
| Muslims | 82.4 | 17.6 | 100 | 64.6 | 35.4 | 100 |
| Other Hindu caste groups | 81.4 | 18.6 | 100 | 67.9 | 32.1 | 100 |
| Hill Dalits | 80.4 | 19.6 | 100 | 58.0 | 42.0 | 100 |
| Hill Janjati | 96.4 | 3.6 | 100 | 62.5 | 37.5 | 100 |
| Brahman/Chhetri | 73.2 | 26.8 | 100 | 63.8 | 36.2 | 100 |
| Unidentified caste | 70.6 | 29.4 | 100 | 50.4 | 49.6 | 100 |
| Total | 83.9 | 16.1 | 100 | 66.1 | 33.9 | 100 |

5.5.5 Loan amount and Interest Rate

The average loan amount is about Rs. 23,500 for households in the target group and Rs. 51,000 for households of control group (Table 5.15). The highest interest rates were reported by households affected by forced labour in the target group (44% p.a.). Interest rates from commercial banks range normally range from 12 to 18 per cent; in the savings and credit groups, they can rise to 24 per cent.

TABLE 5.15: AVERAGE LOAN SIZE AND INTEREST RATE

| | Control group | | | Target group | | |
|--|---------------------------------------|--|--------|--------------------------------------|--|--------|
| | Household s affected by forced labour | Households not affected by forced labour | Total | Households affected by forced labour | Households not affected by forced labour | Total |
| Average loan amount (Rs.) | 38,172 | 51,956 | 50,946 | 23,582 | 15,937 | 23,469 |
| Average interest rate (% p.a.) | 36.9 | 33.1 | 33.4 | 43.8 | 19.2 | 43.4 |
| % of loans with more than 36% p.a. interest rate | 62.4 | 58.4 | 58.7 | 85.2 | 6.9 | 84.0 |

Drawing on the discussion with Haruwa-Charuwa in the Tarai region, it was found that the interest rates are much higher for Haruwa-Charuwa and other poor households than for other households in the same locality. Moneylenders/employers take advantage of the miserable condition of these households to impose high interest rates and ensure that the family members stay working as permanent unfree agricultural labourers for them. In many cases, the addition of compound interest each year means that the loan becomes so large that the households are bound to provide adult or child labour or else become indebted for a very long period.

5.5.6 Collateral for Loans

The collateral pattern varies significantly between target and control group households. Table 5.16 shows that taking loans without collateral is more common in the target than the control group (70% and 53% respectively). In the target group, 17 per cent of loans have been taken against collateral of adult labour, compared to only 6 per cent in the control group. Child labour is very rarely used as collateral by either group. Households affected by forced labour use (adult) labour as collateral more than those not affected. In the control group, the use of house/land and group guarantees as loan collateral was much more common than in the target group.

TABLE 5.16: HOUSEHOLD LOANS BY TYPE OF COLLATERAL USED (%)

| Types of collateral | Control group | | | Target group | | |
|-----------------------------------|--------------------------------------|--|----------------|--------------------------------------|--|---------------|
| | Households affected by forced labour | Households not affected by forced labour | Total | Households affected by forced labour | Households not affected by forced labour | Total |
| Adult labour exchange | 11.1 | 5.0 | 5.5 | 16.6 | 6.6 | 16.5 |
| Child labour exchange | 1.2 | 1.1 | 1.1 | 0.6 | 0.0 | 0.6 |
| House/land | 9.8 | 25.6 | 24.5 | 4.1 | 15.1 | 4.2 |
| Gold/ornament | 0.0 | 1.3 | 1.2 | 0.3 | 0.0 | 0.3 |
| Group guarantee | 17.4 | 14.3 | 14.5 | 7.2 | 57.9 | 8.0 |
| No collateral | 60.5 | 52.5 | 53.0 | 71.1 | 20.5 | 70.4 |
| Other | 0.0 | 0.2 | 0.2 | 0.1 | 0.0 | 0.1 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |
| Total number of households | 42,324 | 534,949 | 577,274 | 73,975 | 1,114 | 75,090 |

Table 5.17 summarises the type of collateral used according to social group. Tarai Dalits accounted for the greatest share of “labour exchange” as collateral among households affected by forced labour (56%), whereas among households not affected by forced labour, other Hindu castes accounted for the largest share of “labour exchange” (41%).

TABLE 5.17: TYPE OF LOAN COLLATERAL BY SOCIAL GROUP (%)

| Social group | Households affected by forced labour | | | Households not affected by forced labour | | |
|--------------------|--------------------------------------|------------|------------|--|------------|------------|
| | Adult or child labour exchange | Other | Total | Adult or child labour exchange | Other | Total |
| Tarai Dalits | 50.2 | 57.5 | 56.4 | 14.1 | 19.5 | 19.2 |
| Tarai Janjati | 1.7 | 6.4 | 5.7 | 21.3 | 13.6 | 14.1 |
| Muslims | 6.6 | 4.6 | 4.9 | 10.4 | 5.3 | 5.6 |
| Other Hindu castes | 29.5 | 25.6 | 26.2 | 42.6 | 40.8 | 40.9 |
| Hill Dalits | 6.0 | 2.7 | 3.2 | 1.9 | 4.0 | 3.9 |
| Hill Janjati | 5.6 | 0.5 | 1.3 | 2.0 | 4.5 | 4.4 |
| Brahman/Chhetri | 0.3 | 2.4 | 2.1 | 5.7 | 11.4 | 11.0 |
| Unidentified caste | 0.1 | 0.3 | 0.3 | 2.1 | 0.8 | 0.9 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |

In Table 5.18, four indicators are presented to explore the links between household debt and forced labour. It can be seen that the households affected by forced labour have a greater proportion of loans taken since their forefathers' time, from their employer and to be repaid through labour. The results show that more than half of Haruwa-Charuwa and Haliya households cannot leave their work because they are unable to repay their debt to their employer.

TABLE 5.18: INDICATORS OF LINKS BETWEEN DEBT AND FORCED LABOUR

| Indicators | Control group | | | Target group | | |
|---|--------------------------------------|--|-------|--------------------------------------|--|-------|
| | Households affected by forced labour | Households not affected by forced labour | Total | Households affected by forced labour | Households not affected by forced labour | Total |
| % of household loans borrowed since father/grandfather | 0.9 | 0.5 | 0.5 | 2.7 | 0.0 | 2.7 |
| % of household loans taken from master/employer | 14.4 | 4.4 | 5.3 | 65.7 | 0.0 | 65.7 |
| % of H-C/H who cannot quit due to inability to repay loan | - | - | - | 53.5 | 0.0 | 53.2 |
| % of household loans to be repaid by labour | 27.4 | 1.8 | 6.3 | 49.1 | 0.0 | 48.9 |

This chapter confirmed that the target group households are more highly indebted, have worse living conditions, and lack property and skilled human resources. The situation is more severe among the households affected by forced labour. Household indebtedness was examined in detail, showing that target group households are more likely to pledge their labour as collateral, and to pay higher interest rates on loans.

CHAPTER 6

Analysis of Adults in Forced Labour

This chapter analyzes the situation of adults in forced labour compared to those not in forced labour.

6.1 DIMENSIONS OF FORCED LABOUR

The three dimension of forced labour, namely unfree recruitment, impossibility to leave and means of coercion, have been derived by the combination of several indicators. The estimated number of adults in forced labour has been derived using the formula mentioned in Chapter 3:

Individuals in forced labour = (Unfree recruitment **or** Impossibility to leave) **and** (Means of coercion)

TABLE 6.1: ESTIMATED NUMBER OF ADULTS IN FORCED LABOUR BY DIMENSION OF FORCED LABOUR

| Characteristics | Estimated number of adults affected by each "dimension" of forced labour | | | |
|----------------------------------|--|------------------------|-------------------|----------------|
| | Unfree recruitment | Impossibility to leave | Means of coercion | Total |
| Sex | | | | |
| Male | 115,492 | 79,400 | 131,481 | 119,752 |
| Female | 21,400 | 9,817 | 24,730 | 23,078 |
| Survey region | | | | |
| Tarai districts | 129,230 | 84,620 | 148,474 | 135,724 |
| Hill districts | 7,662 | 4,597 | 7,738 | 7,107 |
| Social group | | | | |
| Tarai Dalits | 84,031 | 51,182 | 89,062 | 84,196 |
| Tarai Janjati | 7,261 | 5,525 | 10,344 | 8,601 |
| Muslims | 9,999 | 3,517 | 7,843 | 7,316 |
| Other Tarai Hindu caste groups | 27,978 | 24,416 | 41,239 | 35,373 |
| Hill Dalits | 4,699 | 3,161 | 4,269 | 4,234 |
| Hill Janjati | 1,745 | 854 | 2,158 | 1,905 |
| Brahman/Chhetri | 1,002 | 392 | 1,093 | 1,001 |
| Unidentified caste | 176 | 170 | 204 | 204 |
| Total | 136,892 | 89,217 | 156,212 | 142,830 |
| % of total working adults | 8.5 | 5.5 | 9.7 | 8.8 |

6.1.1 Unfree Recruitment

Nine indicators were included to construct the 'unfree recruitment' dimension of forced labour. Seven of these are presented in Table 6.2. It is revealed that 'family borrowing loan or advance in lieu of labour' (76%) and 'workers engaging in the same work since forefathers' (26%) are the most important indicators of unfree recruitment. 'Working in lieu of interest reduction or child working for advance taken by parents' and 'contract of work since forefathers' affected around 5-6% of adult forced labourers.

TABLE 6.2: INDICATORS OF UNFREE RECRUITMENT AMONG ADULT FORCED LABOURERS BY SEX (%)

| Indicators of unfree recruitment | % of forced labourers affected | | |
|---|--------------------------------|----------------|---------------|
| | Total | Male | Female |
| 1. % of workers engaging in the same work that forefathers did and the worker is recruited through agents | 25.6 | 28.6 | 9.9 |
| 2. % of workers whose contract period is since forefathers | 4.8 | 4.9 | 4.2 |
| 3. % of workers whose family borrowed loan or advance from the employer in lieu of labour | 76.2 | 76.7 | 73.5 |
| 4. % of workers who have been promised something by the employers which was not fulfilled at all | 1.5 | 1.7 | 0.5 |
| 5. % of workers who have been working in lieu of interest reduction or children working for advance taken by the parents or children working as collateral for debt taken by parents | 6.5 | 7 | 3.5 |
| 6. % of workers who have borrowed loan or advance in lieu of children's work | 1.7 | 1.8 | 1.1 |
| 7. % of workers permitted to work to help pay family debt or temporarily replacing someone unable to work or working in compliance of loan borrowed or due to share-cropping or land taken for cultivation or for house | 1.5 | 1.3 | 2.4 |
| Number of adult workers | 142,830 | 119,752 | 23,078 |

6.1.2 Means of Coercion

The 'means of coercion' dimension was constructed by combining 17 indicators. Among them, 10 indicators are presented in Table 6.3.

Among the 10 indicators, the first seven are related to all adult workers while the last three concern only Haruwa-Charuwa and Haliya households. The indicators demonstrate the different types of coercion experienced, to varying extents, by forced labourers. 'Abuse or harassment by employers' (21%) and the obligation on Haruwa-Charuwa and Haliya family members to work for the employer (17 per cent) are the most prevalent indicators, followed by 'obligation to work until the debt paid or land utilized' (12%), 'worker's children suffer emotional harassment or physical or sexual abuse' (8%) and 'workers forced to work under serious injury or illness (8%).

TABLE 6.3: INDICATORS OF MEANS OF COERCION AMONG ADULT FORCED LABOURERS BY SEX (%)

| Indicators of means of coercion | % of forced labourers affected | | |
|---|--------------------------------|----------------|---------------|
| | Total | Male | Female |
| 1. % of workers whose wages have been reduced due to blaming of bad or regular work | 0.9 | 1.1 | 0.3 |
| 2. % of workers faced abuse or harassed by the employer | 20.8 | 23.0 | 9.7 |
| 3. % of workers forced to work under serious injury | 5.1 | 6.0 | 0.7 |
| 4. % of workers forced to work under serious illness | 6.9 | 7.9 | 1.5 |
| 5. % of workers whose working children faced emotional, physical or sexual abuse/harassment | 8.3 | 9.0 | 4.6 |
| 6. % workers obliged work until debt paid or land utilized | 12.0 | 12.9 | 7.7 |
| 7. % of workers whose children (5-17 years) not attending school as employer decided this | 0.5 | 0.5 | 0.4 |
| 8. % of workers of H-C/H households who have obligation to work with the employer | 16.7 | 10.5 | 9.5 |
| 9. % workers of H-C/H households who cannot leave the work due to the fear of threat by the employer | 0.2 | 0.1 | 1.1 |
| 10. % of workers of H-C/H households who have obligation to work with the employer due to fear of withdrawal of worker, not getting shelter, not getting share-cropping, revenge and not getting food | 3.6 | 2.8 | 7.6 |
| Number of adult workers | 142,830 | 119,752 | 23,078 |

6.1.3 Impossibility to Leave

'Impossibility to leave' is the third major dimension of forced labour, derived by the combination of three indicators: 'workers cannot leave the employer and join another work', 'workers cannot migrate willingly' and 'family members of Haruwa-Charuwa and Haliya forced to work with employer until the debt repaid'. A high proportion of adult workers (58%) reported that they could not leave their employers at will to take another work. The proportion was considerably higher for males (62 per cent) than for females (35 per cent), due to the fact that the majority of Haruwa and Haliya are men. Similarly, 56 per cent of adult workers reported that they could not migrate at any time in a year for work on his/her will (Table 6.4). Such restriction of mobility is common among Haruwa-Charuwa and Haliya, who are obliged to continue to work for their employer once engaged as workers.

TABLE 6.4: INDICATORS OF IMPOSSIBILITY TO LEAVE AMONG ADULT FORCED LABOURERS BY SEX (%)

| Indicators of impossibility to leave the employer | % of forced labourers affected | | |
|---|--------------------------------|----------------|---------------|
| | Total | Male | Female |
| 1. % of workers who cannot leave the employer and work for another employer on his/her free will | 57.6 | 61.9 | 35.3 |
| 2. % of workers who cannot migrate to any place at any time for work on his/her own will | 55.7 | 59.6 | 35.0 |
| 3. % of family members of the H-C/H who can only leave the employer after repayment of loan or cannot leave due to the fear of threat by the landlord | 6.3 | 6.2 | 6.9 |
| Number of adult workers | 142,830 | 119,752 | 23,078 |

6.2 SECTOR OF ACTIVITY AND OCCUPATION

Table 6.5 summarises the occupational breakdown of the adult workers, in forced and in free labour. The occupation has been classified according to National Standard Classification of Occupation (NSCO) used by Nepal Labour Force Survey 2008 (NLFS 2008).

Three inferences can be made from the data. First, the incidence of forced labour prevails across a variety of economic activities. Second, occupational patterns differ by the labour status of workers. Haruwa-Charuwa and Haliya is the occupational category with the largest number of forced labourers (52 per cent of forced workers) followed by 'elementary occupations' (including agricultural labourers) which constitute the second major occupation (42%). Among adults not in forced labour, 'subsistence agriculture' is the major occupation (66%), followed by 'elementary occupation' (12%), and 'crafts and related trade' (6%).

Third, there is gender segregation in occupational patterns, especially among free labourers. A higher proportion of adult women than adult men are working in the agricultural sector. Relatively more men than women are involved in remunerated activities like craft and related trade workers, plant and machine operations, and service workers. In the case of forced labour, the category of 'Haruwa-Charuwa and Haliya' accounts for 60% of men while among women, the majority work in 'elementary occupations' (85%).

TABLE 6.5: MAIN OCCUPATION (FOR LAST 12 MONTHS) OF ADULT POPULATION BY SEX (%)

| Occupation | Forced labour | | | Free labour | | |
|-----------------------------------|----------------|----------------|---------------|------------------|------------------|----------------|
| | Total | Male | Female | Total | Male | Female |
| Legislator, senior officials | 0.0 | 0.0 | 0.0 | 0.2 | 0.3 | |
| Professionals | 0.0 | 0.0 | 0.0 | 2.5 | 2.9 | 1.5 |
| Technician and associate profess. | 0.4 | 0.5 | 0.2 | 1.6 | 1.8 | 1 |
| Clerk or office assistants | 0.0 | 0.0 | 0.0 | 0.4 | 0.5 | 0.1 |
| Service workers | 0.4 | 0.2 | 1.0 | 4.2 | 4.7 | 2.8 |
| Market agriculture | 0.4 | 0.4 | 0.3 | 5.3 | 5.7 | 4 |
| Subsistence agriculture | 0.3 | 0.1 | 1.0 | 66.1 | 62.5 | 76.6 |
| Crafts and related trade workers | 2.6 | 2.5 | 3.1 | 5.7 | 7 | 2 |
| Plant and machine operators | 1.7 | 2 | 0.0 | 1.6 | 2.1 | 0.2 |
| Elementary occupations | 42.4 | 34.3 | 84.5 | 11.8 | 11.9 | 11.7 |
| Armed forces | 0.0 | 0.0 | 0.0 | 0.1 | 0.1 | |
| Haruwa-Charuwa/Haliya | 51.8 | 59.9 | 10.0 | 0.3 | 0.4 | 0.1 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |
| Number of adults | 142,830 | 119,752 | 23,078 | 1,471,290 | 1,099,001 | 372,289 |
| % | 8.8 | 7.4 | 1.4 | 91.2 | 68.1 | 23.1 |

Persons engaged in economic activities have also been classified by industry (Table 6.6). Industry refers to the main goods and services produced at the work place where the person carries out his/her economic activity. Major sectors in which forced labourers are employed are agriculture and forestry (85%) and construction (9%). Among free labourers, agriculture and forestry account for 81%, manufacturing for 5% and construction, education and real estate each for around 3%.

The industrial sector of employment varies by sex of labourers. A much higher proportion of women than men are engaged in the agriculture and forestry sector. Nine in 10 working adult women are engaged in agriculture and forestry, compared to 8 in 10 men, whereas men's involvement in other sectors is higher than women's.

TABLE 6.6: INDUSTRIAL SECTOR OF ADULT WORKERS BY SEX (%)

| Industry | Forced labour | | | Free labour | | |
|--|----------------|----------------|---------------|------------------|------------------|----------------|
| | Total | Male | Female | Total | Male | Female |
| Agriculture and forestry | 85.0 | 83.8 | 91.3 | 80.5 | 76.8 | 91.5 |
| Fishing | 0.0 | 0.0 | 0.0 | 0.1 | 0.1 | |
| Mining and quarrying | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.1 |
| Manufacturing | 2.3 | 2.7 | 0.0 | 5.1 | 6.3 | 1.8 |
| Electricity, gas and water | 0.0 | 0.0 | 0.0 | 0.2 | 0.3 | |
| Construction | 9.0 | 9.3 | 7.4 | 3.3 | 4.1 | 1.0 |
| Wholesale, retail & trade | 0.0 | 0.0 | 0.0 | 0.8 | 1.0 | 0.3 |
| Hotels and restaurants | 0.1 | 0.0 | 0.9 | 0.5 | 0.5 | 0.4 |
| Transport and communication | 3.0 | 3.5 | 0.3 | 1.5 | 2.0 | 0.1 |
| Financial intermediation | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | |
| Real estate, renting and business activities | 0.0 | 0.0 | 0.0 | 2.8 | 3.2 | 1.8 |
| Public administration and defence | 0.0 | 0.0 | 0.0 | 0.3 | 0.4 | |
| Education | 0.0 | 0.0 | 0.0 | 2.8 | 3.2 | 1.6 |
| Health and social work | 0.0 | 0.0 | 0.0 | 1.0 | 1.0 | 0.9 |
| Other community, social work and personal service activities | 0.6 | 0.7 | | 0.7 | 0.8 | 0.3 |
| Private households with employed persons | 0.0 | | 0.1 | 0.2 | 0.3 | 0.1 |
| Extraterritorial organisations and bodies | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | |
| Foreign labourers | 0.0 | 0.0 | 0.0 | 0.0 | 0.1 | |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |
| Number of adults | 142,830 | 119,752 | 23,078 | 1,471,290 | 1,099,001 | 372,289 |

6.2.1 Marginalized and non-Marginalized Workers

The study also explored how many workers were in marginalized and non-marginalized work (Table 6.7). Marginalized workers include those engaged as Haruwa-Charuwa/Haliya, casual agricultural and non-agricultural labourers, traditional workers, domestic workers and those working as apprentices. Non-marginalized workers are salaried workers, employers, own account workers and those engaged in foreign employment.

Virtually all forced labourers were marginalized workers whereas only about 11 per cent of free labourers were marginalized.

TABLE 6.7: CATEGORY OF WORK OF ADULT WORKERS (%)

| Category | Forced labour | | | Free labour | | |
|--------------------------|---------------|------------|------------|-------------|------------|------------|
| | Total | Male | Female | Total | Male | Female |
| Non-marginalized workers | 0.3 | 0.1 | 1.0 | 89.5 | 89.2 | 90.4 |
| Marginalized workers | 99.7 | 99.9 | 99.0 | 10.5 | 10.8 | 9.6 |
| Total per cent | 100 | 100 | 100 | 100 | 100 | 100 |

In the survey, only marginalized workers were questioned about the process of recruitment, working conditions, modes of payment, violence, abuse and health hazards at work.

6.3 WORKING CONDITIONS

6.3.1 Working Time

The mean number of working days (during the 30 days prior to the survey implementation) was 9 for those workers who were in forced labour and just over 8 for those not in forced labour (Table 6.8). Average working hours were a little higher for forced labourers (8.3 hours/day) than for free labourers (7.9 hours).

TABLE 6.8: AVERAGE NUMBER OF WORKING DAYS/MONTH WORKED AND WORKING HOURS/DAY

| | Forced labour | | | Free labour | | |
|-----------------------|---------------|------|--------|-------------|------|--------|
| | Total | Male | Female | Total | Male | Female |
| Average working days | 8.9 | 9.0 | 8.5 | 8.3 | 8.3 | 8.1 |
| Average working hours | 8.3 | 8.3 | 7.8 | 7.9 | 8.0 | 7.8 |

6.3.2 Payment System and Wages

Both forced and free labourers are paid on a daily, weekly or monthly basis (Table 6.9). Annual payment in cash or kind is much more prevalent among forced than free labourers, as is granting of a piece of land for cultivation and provision of food.

TABLE 6.9: MODE OF PAYMENT OF ADULT WORKERS (%)

| Mode of payment (Rs) | Forced labour | | | Free labour | | |
|--|---------------|------|--------|-------------|------|--------|
| | Total | Male | Female | Total | Male | Female |
| Daily basis | 58.3 | 54.1 | 79.8 | 68.7 | 62.5 | 89.4 |
| Weekly | 26.5 | 24.7 | 35.5 | 31.8 | 35.6 | 19.2 |
| Monthly | 7.2 | 7.1 | 7.4 | 16.3 | 20.7 | 1.8 |
| Some portion of the produce | 1.5 | 1.6 | 0.8 | 0.3 | 0.4 | |
| <i>Khalo Kane</i> | 2.1 | 2 | 2.6 | 0.9 | 1.2 | 0.1 |
| Annual wages (cash or kind) | 24.9 | 28.6 | 5.6 | 2.1 | 2.6 | 0.4 |
| Share-cropping | 4.7 | 5.3 | 1.2 | 0.1 | 0.2 | |
| Granting a piece of land for cultivation | 12.5 | 14.5 | 2.1 | 0.2 | 0.2 | 0.1 |
| In lieu of interest on loan | 8.7 | 9.8 | 3.2 | 0.0 | 0.0 | 0.0 |
| Granting a piece of land for shelter | 0.4 | 0.5 | | 0.0 | 0.0 | 0.0 |
| Providing food | 44.6 | 48.7 | 23.5 | 19.3 | 19.5 | 18.8 |
| Children working because of advance | 0.1 | 0.2 | | | | |
| Other | 0.1 | 0.1 | | 0.5 | 0.6 | |

The average monthly income has been calculated for those labourers working on a daily, weekly or monthly basis (Table 6.10). Earnings of 28 per cent of forced labourers are less than Rs. 1,000 monthly while only 9 per cent of free labourers have such low earnings. Conversely, two-thirds of free labourers have a monthly income of Rs. 2,000 or more, while only one third of all forced labourers earn this amount (and only 19% of women in forced labour).

TABLE 6.10: AVERAGE MONTHLY EARNINGS OF ADULT LABOURERS WITH DAILY, WEEKLY OR MONTHLY PAYMENT (%)

| Average monthly earnings | Forced labour | | | Free labour | | |
|--------------------------|---------------|------------|------------|-------------|------------|------------|
| | Total | Male | Female | Total | Male | Female |
| Less than Rs.1,000 | 28.2 | 28.4 | 27.6 | 9.4 | 8.1 | 13.8 |
| Rs. 1,000 - 2,000 | 39.8 | 36.0 | 53.7 | 24.1 | 18.7 | 41.6 |
| More than Rs. 2,000 | 32.0 | 35.6 | 18.6 | 66.4 | 73.3 | 44.6 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |

6.3.3 Deduction or Retention of Wages

Three questions were asked to examine the extent of deduction or retention of wages. They include i) whether payment was delayed, ii) whether wages were deducted and iii) whether payment was not made at all. All of these indicators reveal that there are a higher proportion of forced labourers whose payments were delayed, deducted or not made at all compared to free labourers (Table 6.11).

TABLE 6.11: DEDUCTION OR RETENTION OF PAYMENT (%)

| Wage payment | Forced labour | | | Free labour | | |
|--|---------------|------|--------|-------------|------|--------|
| | Total | Male | Female | Total | Male | Female |
| % of workers whose payment was delayed during the last 12 months | 14.2 | 15.0 | 10.5 | 11.2 | 10.0 | 15.3 |
| % of workers whose wages were deducted during the last 12 months | 3.7 | 4.1 | 1.7 | 0.4 | 0.5 | 0.3 |
| % of workers who were not paid at all during the last 12 months | 1.4 | 1.6 | 0.5 | 0.8 | 0.7 | 1.2 |

Respondents whose wages were deducted were asked about the amount of the deduction and reasons for it. About 70 per cent of adults in forced labour (and suffering wage deductions) reported that these deductions were less than 25 per cent of wages, while around one-quarter reported deductions between 25 and 50 per cent. The reasons cited included low production, bad performance and irregular work.

6.4 OTHER LABOUR RIGHTS VIOLATIONS

More than one-fifth of the forced labourers were compelled to work during serious sickness or injury, while very few (less than 2%) of free labourers had to do so (Table 6.12). Many more men than women were compelled to work when sick or injured. Similarly, more forced labourers suffered wage deductions or non-payment when sick or injured (21% compared to only 3% of free labourers).

TABLE 6.12: OTHER LABOUR RIGHTS VIOLATIONS (%)

| | Forced labour | | | Free labour | | |
|---|---------------|------|--------|-------------|------|--------|
| | Total | Male | Female | Total | Male | Female |
| % of workers who were compelled to work during serious injury or sickness during the last 12 months | 20.7 | 21.4 | 8.8 | 1.6 | 1.1 | 3.7 |
| % of workers who were not paid/wages deducted when sick or injured | 21.3 | 23.0 | 5.9 | 3.3 | 3.7 | 2.2 |

This chapter analyzed the three dimensions of forced labour of adults, and discussed working conditions of forced labourers vis-à-vis those not in forced labour. The key findings can be

summarised as follows: i) means of coercion and unfree recruitment are the two principal dimensions of forced labour in agriculture in Nepal; ii) forced labour is found in various occupations but it is most prevalent among Haruwa-Charuwa and Haliya workers and iii) the working conditions of adults in forced labour are more abusive and exploitative than those not in forced labour, in relation to working hours, wages and other conditions.

CHAPTER 7

Analysis of Children in Forced Labour

Drawing on both qualitative and quantitative information, this chapter analyzes the dimensions of forced labour of children. It explores the conditions of working children with respect to earnings, working hours, mode of payment and abuse or harassment. It also examines the impact of their own or their parents' forced labour situation on children's lives in relation to their education and health.

Due to an error in implementation of the survey instrument, details about the process of recruitment, working conditions and abuse and harassment of children were collected from only a sub-sample of surveyed households. As a consequence of this error, the estimates presented below of the absolute number of children working and in forced labour are known to be significantly understated.

7.1 DIMENSIONS OF FORCED LABOUR

The estimated number of working children aged 5-17 years, in the sub-sample, was 89,545. Among them, 29,969 (33.5%) were in forced labour. In this study, working children are defined as:

- Children not attending school because of work for the landowner or employer, or
- Children involved for at least one hour in work for payment in cash or kind during the last 12 months, or
- Absentee children working with landlords or employers or working in own house or combining work and schooling, or
- Child domestic workers, or
- Children working outside household for cash or kind, or
- Children working for an employer from whom his/her parents took an advance or loan, or
- Children living in the employer's home.

Children in forced labour are individuals under the age of 18 years who have either been identified as being in forced labour themselves, or whose parents are in a forced labour situation.

Table 7.1 presents the breakdown of the total estimated number of forced child labourers (aged 5-17 years) according to various characteristics, and by the dimension(s) of forced labour they experienced. It should first be noted that there were significantly more boys (62%) than girls (38%) in forced labour. Regarding the dimensions of forced labour, 'means of coercion' is dominant, experienced by more than three-quarters (77%) of all working children, and girls suffered this more frequently than boys.

TABLE 7.1: ESTIMATED NUMBER OF CHILDREN (AGED 5-17 YEARS) IN FORCED LABOUR BY DIMENSION OF FORCED LABOUR

| Characteristic | "Dimension" of forced labour | | | |
|----------------------------------|------------------------------|------------------------|-------------------|---------------|
| | Unfree recruitment | Impossibility to leave | Means of coercion | Total |
| Boys | 11,471 | 3,009 | 37,204 | 18,625 |
| Girls | 7,666 | 1,589 | 31,836 | 11,343 |
| Survey region | | | | |
| Tarai districts | 16,711 | 4,545 | 62,233 | 26,512 |
| Hill districts | 2,425 | 53 | 6,807 | 3,457 |
| Social group | | | | |
| Tarai Dalits | 9,861 | 2,992 | 21,903 | 14,919 |
| Tarai Janjati | 2,043 | 79 | 9,526 | 2,616 |
| Muslims | 2,163 | 115 | 8,026 | 3,906 |
| Other Tarai Hindu caste groups | 2,813 | 1,364 | 16,001 | 5,269 |
| Hill Dalits | 669 | 31 | 3,216 | 1,215 |
| Hill Janjati | 88 | 16 | 3,419 | 263 |
| Brahman/Chhetri | 1,233 | 0 | 6,479 | 1,514 |
| Unidentified caste | 267 | 0 | 470 | 267 |
| Total | 19,137 | 4,598 | 69,040 | 29,969 |
| % of all working children | 21.4 | 5.1 | 77.1 | 33.5 |

'Unfree recruitment' is the second major dimension of forced labour, affecting 21%, or one fifth, of all working children. Finally, 'impossibility to leave' is a weak dimension, affecting only 5 per cent of working children.

7.1.1 Unfree Recruitment

Nine indicators were taken to derive unfree recruitment as a dimension of forced labour. They are presented in Table 7.2. Pronounced indicators of unfree recruitment of children are related with the family borrowing loans or advances in lieu of labour (69%) or in lieu of child work (46%), obligation of children of Haruwa-Charuwa families to work with their parents' employers (36%) and children born into a bonded family i.e. children working since forefathers (34%). Other indicators like "children not in school due to work at employer" and "parents permitting the child to work to help pay the family debt" are also important, reported by around 20% of the working children.

By gender, more girls are not attending school and are obliged to work for their parents' employer than boys, whereas more boys than girls appear to be working due to their family's loan or advance. The general pattern of child workers in the Tarai region in the agricultural sector is that the boys can reside in landowners' houses to work as domestic workers or Charuwa. On the other hand, parents prefer girls to reside in their own house and work for the landowner or employer once they reach their late teens.

TABLE 7.2: CHILDREN AGED 5-17 YEARS BY INDICATOR OF UNFREE RECRUITMENT (MULTIPLE ANSWERS ALLOWED) (%)

| Indicator of unfree recruitment | Boys | Girls | Total |
|--|------|-------|-------|
| 1. % of children not attending school due to work at employer and employer deciding they should not attend school | 11.7 | 32.3 | 20.1 |
| 2. % of working children doing the same work as forefathers did and the worker is recruited through agents | 8.9 | 0.9 | 6.2 |
| 3. % of working children where contract period of worker is since forefathers | 45.4 | 13.2 | 34.0 |
| 4. % of working children whose family borrowed loan or advance from the employer in lieu of adult labour | 77.8 | 51.9 | 69.0 |
| 5. % of working children promised something by the employers which was not fulfilled at all | 10.3 | 13.4 | 12.0 |
| 6. % of working children working in lieu of interest reduction or advance taken or as collateral for debt taken by parents | 10.6 | 0.0 | 7.0 |
| 7. % of working children of Haruwa-Charuwa and Haliya with obligation to work with the employer | 29.8 | 44.1 | 35.5 |
| 8. % of working children whose family has borrowed loan or advance in lieu of child's labour | 46.3 | 45.2 | 45.9 |
| 9. % of working children permitted to work to help pay family debt or temporarily replacing someone unable to work or working due to loan borrowed or share-cropping/land taken for cultivation or for house | 24.7 | 16.2 | 21.3 |

7.1.2 Impossibility to Leave

For constructing the 'impossibility to leave' dimension of forced labour, four indicators presented in Table 7.3 were considered. Indicators like working children who 'cannot the leave the employer on his/her free will (84%)', 'cannot migrate for work on his/her free will' (67%) and 'children of Haruwa-Charuwa families who can only leave the employer after repayment of loan' (63%) reveal the extent of restricted freedom among working children.

TABLE 7.3: CHILDREN AGED 5-17 YEARS BY INDICATOR OF IMPOSSIBILITY TO LEAVE (%)

| Indicators of impossibility to leave | Boys | Girls | Total |
|---|------|-------|-------|
| 1. % of working children working until debt paid off or until land of the landowner is utilized or until debt paid and land utilized | 6.4 | 16.3 | 9.7 |
| 2. % of working children who cannot change the employer freely | 84.4 | 84.5 | 84.4 |
| 3. % of working children who cannot migrate freely | 80.2 | 40.6 | 67.1 |
| 4. % of children in Haruwa-Charuwa and Haliya families who can only leave the employer after repayment of loan or cannot leave due to threat by the landowner | 68.0 | 55.2 | 62.5 |

7.1.3 Means of Coercion

Indicators of means of coercion of working children are presented in Table 7.4. Some types of coercion are experienced more frequently than others, , such as ‘abuse or harassment by the employer’ (26%), ‘physical, emotional or sexual harassment at work’ (27%), ‘threats against children of Haruwa-Charuwa and Haliya families’ (23%), and ‘children who cannot leave the employer to join another employer’ (25%).

TABLE 7.4: CHILDREN IN FORCED LABOUR BY INDICATOR OF MEANS OF COERCION (%)

| Indicators of means of coercion | Boys | Girls | Total |
|---|------|-------|-------|
| 1. % of working children whose wages reduced because blamed for bad performance or irregular work | 0.3 | 1.4 | 0.7 |
| 2. % of working children who have been abused or harassed by the employer | 33.4 | 11.6 | 26.1 |
| 3. % of working children who cannot leave the work due to the fear of threat by the employer | 11.4 | 12.6 | 12.0 |
| 4. % of working children who have experienced emotional or physical harassment or sexual abuse | 31.3 | 18.6 | 26.5 |
| 5. % of working children of Haruwa-Charuwa and Haliya families who have to work under threat | 15.6 | 33.6 | 22.6 |
| 6. % of workers whose contract period is until debt paid off or land utilized or both debt paid and land utilized | 1.9 | 4.7 | 2.8 |
| 7. % of workers who cannot leave the employer and engage with another employer on his/her free will | 24.9 | 24.2 | 24.7 |
| 8. % of workers who cannot migrate to any place at any time in a year for work on his/her own free will | 23.6 | 11.7 | 19.6 |
| 9. % of family members of the H-C/H who can only leave employer after repayment of loan or cannot leave due to the fear of threat by the landlord | 22.9 | 21.9 | 22.5 |
| 10. % of workers who have been compelled to work under serious sickness | 19.2 | 22.1 | 19.5 |
| 11. % of workers who have been compelled to work under serious injury | 2.1 | 0.0 | 2.0 |

There are some gender differences in the indicators. For example, 34% of girls have to work under threat because they are in Haruwa-Charuwa and Haliya families, while this is the case for only 16% of boys; whereas more boys than girls cannot migrate freely (24% compared to 12% of girls), and more boys are subject to abuse or harassment (33% compared to 12% of girls). .

7.2 WORKING CONDITIONS

It should be recalled, as mentioned earlier, that the analysis of working conditions of children is based on responses from only a sub-set of all working children (Table 7.5).

TABLE 7.5: ESTIMATED NUMBER OF CHILDREN FOR WHOM WORKING CONDITIONS WERE ASSESSED

| Category | Total estimated no. working children | Estimated no. of children for whom working conditions were assessed | % of group |
|-------------------------------|--------------------------------------|---|-------------|
| Children in forced labour | 29,969 | 10,982 | 36.6 |
| Children not in forced labour | 59,576 | 3,853 | 6.5 |
| Total | 89,545 | 14,835 | 16.6 |

The results presented below should be reviewed with this in mind.

7.2.1 Nature of Work

Child labourers are employed in different sectors of the economy like technical and associate professions; service work like domestic workers, hotel/restaurant workers; market agriculture; crafts and related trade like plant and machine operators; and elementary occupations like agricultural labourers and Haruwa-Charuwa (Table 7.6). Similar occupational patterns have been found among economically active children aged 5-14 years by the NLFS 2008. However, the NLFS classification does not include Haruwa-Charuwa. This study found that a considerable proportion of children are engaged in Haruwa-Charuwa and Haliya work in rural Nepal.

TABLE 7.6: OCCUPATIONAL CATEGORY OF WORKING CHILDREN BY FORCED LABOUR STATUS (%)

| Occupation | Forced labour | | | Free labour | | |
|---|---------------|------------|------------|-------------|------------|------------|
| | Boys | Girls | Total | Boys | Girls | Total |
| Technician and associates professionals | - | - | - | 0.0 | 8.4 | 2.1 |
| Service workers | 2.8 | 1.4 | 2.3 | 6.1 | 6.4 | 6.2 |
| Market agriculture | - | - | - | 0.0 | 4.9 | 1.2 |
| Crafts and trade related work | 2.7 | 1.5 | 2.3 | 29.8 | 7.7 | 24.3 |
| Elementary occupation | 57.6 | 88.2 | 68.3 | 61.9 | 66.5 | 63.1 |
| Haruwa-Charuwa/Haliya | 36.9 | 8.9 | 27.1 | 2.2 | 6.1 | 3.1 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |

A variation in occupational pattern among working children by labour status prevails. For working children not in forced labour, there are diverse employment sectors including technical and professional economic activities which are generally remunerated, unionized, prestigious and safe. Among children in forced labour, 'elementary occupation' is the major sector, followed by Haruwa-Charuwa. These are unorganised sectors and tend to violate the rights of workers. According to one informant in the qualitative survey, there are hundreds of children of Dalit and Haruwa-Charuwa families who miss school. They are "idle" children or are engaged as domestic workers, Charuwa,

hotel boys/girls, labourers in brick kilns and other informal sectors. Traffickers take advantage of the miserable condition of such working children, transporting them to New Delhi, Mumbai, Kolkata and other big cities of India for labour and sexual exploitation. Their parents do not know the whereabouts of these children.

An overwhelming majority of girls in forced labour (88%) are engaged in elementary occupations whereas for boys in forced labour, Haruwa-Charuwa/Haliya (37%) is also important.

7.2.2 Typology of Contract

How are children engaged in work? The qualitative survey confirms that the majority of children from Haruwa-Charuwa and Haliya families are working either on the landowner's land or in their houses as domestic workers, working in brick kilns in the Tarai and in hotel and restaurants along the Highways. They are recruited by their parents and sometimes by their relatives or neighbours and agents. These children often do not have any contract agreement with their employers.

TABLE 7.7: WORKING CHILDREN BY TYPE OF CONTRACT AND LABOUR STATUS (%)

| Type of contract | Forced labour | | | Free labour | | |
|---|---------------|------------|------------|-------------|------------|------------|
| | Boys | Girls | Total | Boys | Girls | Total |
| No contract | 86.3 | 77.1 | 83.2 | 92.1 | 100.0 | 93.0 |
| Some type of contract | 13.7 | 22.9 | 16.8 | 7.9 | 0.0 | 7.0 |
| Generational | 5.9 | 1.9 | 4.5 | 0.0 | 0.0 | 0.0 |
| Annual | 3.1 | 9.7 | 5.3 | 7.7 | 0.0 | 6.8 |
| Seasonal | 0.8 | 3.3 | 1.6 | 0.0 | 0.0 | 0.0 |
| Less than one agricultural season | 1.2 | 3.6 | 2.0 | 0.0 | 0.0 | 0.0 |
| Until debt is paid off | 0.5 | 4.5 | 1.9 | 0.0 | 0.0 | 0.0 |
| Until land of landowner cultivated by the parents | 0.9 | 0.0 | 0.6 | 0.2 | 0.0 | 0.2 |
| Until debt paid & land of landowner utilized by the parents | 1.3 | 0.0 | 0.9 | 0.0 | 0.0 | 0.0 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |

Table 7.7 shows that the large majority of working children, in both forced and free labour, had no contract. Among children in forced labour, 17 per cent had some type of contract whereas this was the case for only 7% of those in free labour.

For children in forced labour, contracts were mostly generational or annual (around 5% each), whereas only annual contracts were found among free child labourers (7%).

7.2.3 Working Hours

The Nepal Child Labour Act 1992 prohibits children aged 5-14 years working for more than 6 hours/day, and from doing night work and hazardous work. For children aged 15-17 years, it prohibits forced labour, hazardous work and other worst forms of child labour. In the survey, the average number of working hours per day is more than 8 hours – which is two hours more than the

legal limit for children of working age (Table 7.8). Boys work longer than girls, in both forced and free labour situations. The working hours of children are even higher in Haruwa-Charuwa and Haliya families. In FGDs with children engaged as Charuwa in Saptari and Siraha districts, their working hours were from 6 a.m. to 8 p.m – 14 hours per day - and were longest for those who reside within the yards of landowners or are domestic workers. Working hours of Charuwa are two to three hours more than Haruwa.

TABLE 7.8: WORKING HOURS OF CHILDREN AGED 5-17 YEARS BY SEX AND LABOUR STATUS

| | Forced labour | | | Free labour | | |
|---------------------------------|---------------|-------|-------|-------------|-------|-------|
| | Boys | Girls | Total | Boys | Girls | Total |
| Average working hours/day | 8.7 | 8.1 | 8.5 | 8.4 | 7.9 | 8.3 |
| Std. Deviation of working hours | 1.9 | 1.2 | 1.7 | 1.2 | 0.3 | 1.2 |

The NLFS 2008 found that average working hours **per week** were around 18 hours for working children, providing further evidence that children in Haruwa-Charuwa and Haliya families suffer greater deprivation than children in general.

7.2.4 Mode of Payment and Earnings

Different modes of payment of working children are identified in the survey including annual payment, granting of a piece of land for shelter or cultivation for parents, and providing only food for work (Table 7.9).

TABLE 7.9: MODE OF PAYMENT OF WORKING CHILDREN AGED 5-17 YEARS BY SEX AND LABOUR STATUS (%)

| Mode of payment | Forced labour | | | Free labour | | |
|---------------------------|---------------|------------|------------|-------------|------------|------------|
| | Boys | Girls | Total | Boys | Girls | Total |
| Daily | 63.0 | 76.1 | 67.3 | 68.0 | 100.0 | 71.4 |
| Weekly | 30.2 | 3.6 | 21.3 | 21.5 | 0.0 | 19.3 |
| Monthly | 3.5 | 14.8 | 7.3 | 0.0 | 0.0 | 0.0 |
| <i>Khola Khane</i> | 0.0 | 1.1 | 0.4 | 0.0 | 0.0 | 0.0 |
| Annual wages in cash/kind | 0.9 | 0.0 | 0.6 | 0.0 | 0.0 | 0.0 |
| Granting a piece of land | 0.4 | 3.9 | 1.6 | 0.0 | 0.0 | 0.0 |
| Providing food | 1.3 | 0.5 | 1.0 | 0.0 | 0.0 | 0.0 |
| Not stated | 0.6 | 0.0 | 0.4 | 10.5 | 0.0 | 9.4 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |

Daily payment is by far the most common system for both forced and free child labourers, followed by weekly. “Atypical” payment modes like granting of land and provision of food were found only amongst forced child labourers. In the qualitative study, it was found that these modes of payment

are exploitative and abusive as the children are paid very little relative to their volume of work. In the surveyed districts in the Tarai, it was reported that Charuwa are paid from 250 Kg. to 300 Kg. of rice (approximately Rs. 3,750 to Rs. 4,500) annually. The daily wages in the agricultural sector were merely 2 to 3 Kg. rice (approximately Rs. 30 to Rs. 45). The monthly payment ranged from Rs. 500 to Rs. 800. In hotels/restaurants, children are provided two meals and sometimes pocket money, and in craft related work, children are mainly found in apprenticeship systems. Girls' remuneration is around three-quarters that of boys in both agricultural and non-agricultural sectors.

7.2.5 Denial of Other Labour Rights

Table 7.10 summarises denial of some labour rights in relation to payment, not working under injury or sickness and payment during sickness or injury. More than 30 per cent of children in forced labour did not receive timely payment (compared to 10% of free working children) and 4 per cent had to work when they were seriously sick or injured.

TABLE 7.10: DENIAL OF OTHER LABOUR RIGHTS OF WORKING CHILDREN (%)

| Labour rights violation | Forced labour | | | Free labour | | |
|--|---------------|-------|-------|-------------|-------|-------|
| | Boys | Girls | Total | Boys | Girls | Total |
| % of working children whose payment was delayed during the last 12 months | 25.8 | 41.3 | 30.8 | 11.8 | 0.0 | 10.4 |
| % of working children whose wages were deducted during the last 12 months | 0.3 | 3.3 | 1.3 | - | - | - |
| % of working children who were not paid at all during the last 12 months | 1.1 | 1.4 | 1.2 | - | - | - |
| % of working children who were compelled to work during serious injury or sickness during the last 12 months | 5.9 | 1.4 | 4.4 | - | - | - |

7.3 IMPACT OF FORCED LABOUR ON WORKING CHILDREN

A comparison is made between children in forced labour and not in forced labour in terms of their schooling status, food and living arrangements and perception of parents on their children's lives (Table 7.11).

TABLE 7.11: IMPACT OF FORCED LABOUR ON WORKING CHILDREN (%)

| Indicator of impact | Forced labour | | | Free labour | | |
|---|---------------|-------|-------|-------------|-------|-------|
| | Boys | Girls | Total | Boys | Girls | Total |
| % of children not going school | 75.3 | 77.4 | 76.1 | 73.4 | 70.6 | 72.5 |
| % of children not getting adequate food every day | 67.2 | 62.5 | 65.4 | 21.7 | 25.7 | 23.0 |
| % of children not living with family | 25.4 | 23.1 | 24.6 | 57.8 | 3.3 | 45.5 |

An overwhelming majority (around three-quarters) of working children miss schooling in both groups. Yet a slightly higher proportion of children in forced labour miss schooling and this holds true for both boys and girls. The cases of Delip and Phulmani from a village of Saptari district show how children in forced labour miss out on schooling.

***Delip, aged 12.** Delip has worked as a Charuwa for one year for the same employer for whom his father works as Haruwa. Before that, his parents could not send him to school because of extreme poverty and his parents' lack of awareness on the importance of education. Delip has been admitted in a NFE centre in his village but his attendance is irregular because of his work for his employer.*

***Phulmani, aged 11.** She is the eldest child in the family, and has never been to school. She explained: "My father works as Haruwa and my mother goes for agricultural labour. I go to take care of the cattle of my father's employer. Where is the time for going to school?"*

Drawing on the findings of the FGDs, the quality of the child's education is very poor among children in forced labour. They often do not regularly attend school as they have to work. Their parents do not realise the long-term benefits of education, due to the lack of role models in their community and their pressing needs for food and cash income. Teachers also discriminate against them in the classroom, since they do not have stationery and uniforms, and this leads to a low level of achievement. Working children not in forced labour tend to have better school performance, because their financial situation is better than children of Haruwa-Charuwa and Haliya families.

Regarding food, data reveal that nearly two-thirds of children in forced labour lack adequate food every day while for children not in forced labour it is only one quarter. Here, 'adequacy of food' is defined as children having three meals a day (morning, midday and dinner) with sufficient amount of food. The definition does not take into account the nutritional quality of the food; in this case, almost all children in forced labour would have been recorded without having adequate food, as was revealed in the qualitative study. It was found in FGDs that many of the children in Haruwa-Charuwa families do not get adequate food three times a day. They do not eat meat, ghee, milk and fruit once a week, either in their own houses or in employers' houses. Working children who ate in the employers' house also reported that they only get left-overs and were hungry. They also said that their food is different from the food taken by their employers.

Regarding living arrangements, while one-quarter of children in forced labour have been living with persons other than their family, this is the case for almost twice as many (45 per cent) working children not in forced labour. In Haruwa-Charuwa families, children reside with their parents at night but work for landlords throughout the day. It was reported in the qualitative study that parents prefer that girl children stay at home and work for employers in the day time. Many of the working children not in forced labour work far away from their home in brick kilns, hotels and restaurants, transport, street vending and industries, while most of the children in forced labour are working in the agricultural sector and often reside at home in the village.

7.4 IMPACT OF THE SITUATION OF PARENTS IN FORCED LABOUR ON CHILDREN'S EDUCATION AND HEALTH

7.4.1 Impact on Children's Education

More children from households affected by forced labour miss school than children from households not so affected (Table 7.12). In households not affected by forced labour, more than four-fifths (84%) of children currently attend school, compared to 60 per cent of children in households affected by forced labour. This pattern holds true for both girls and boys. The proportion of children never attending school is nearly three times higher in households affected by forced labour than those not affected (31% vs. 12%). Drop-out rates are also higher among children in households affected by forced labour.

TABLE 7.12: SCHOOL ATTENDANCE OF CHILDREN BY SEX AND FORCED LABOUR STATUS OF HOUSEHOLD (%)

| Schooling status | Household affected by forced labour | | | Household not affected by forced labour | | |
|----------------------------|-------------------------------------|------------|------------|---|------------|------------|
| | Boys | Girls | Total | Boys | Girls | Total |
| Currently attending school | 63.6 | 57.1 | 60.4 | 87.6 | 79.3 | 83.8 |
| Drop-out | 8.5 | 8.0 | 8.2 | 3.6 | 4.6 | 4.0 |
| Never attended | 27.7 | 34.6 | 31.0 | 8.8 | 16.1 | 12.1 |
| Currently attending NFE | 0.3 | 0.3 | 0.3 | 0.1 | 0.1 | 0.1 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |

Many reasons for not attending school were recorded in the survey (Table 7.13). These can be categorized into reasons related to i) poverty, ii) education system, iii) child marriage, disability and lack of birth registration, iv) parents' attitudes and v) children's own wishes.

TABLE 7.13: REASONS FOR NOT ATTENDING SCHOOL BY CHILDREN AGED 5-17 YEARS (%)

| Reasons for not attending school | Household affected by forced labour | | | Household not affected by forced labour | | |
|---|-------------------------------------|-------------|-------------|---|-------------|-------------|
| | Boys | Girls | Total | Boys | Girls | Total |
| Poverty-related | 55.7 | 54.1 | 54.9 | 31.0 | 31.6 | 31.4 |
| Work for employer | 7.3 | 8.1 | 7.7 | 0.7 | 2.6 | 1.8 |
| Work at home | 10.6 | 12.8 | 11.8 | 10.8 | 15.7 | 13.7 |
| Weak economic condition | 37.8 | 33.2 | 35.4 | 19.5 | 13.3 | 15.9 |
| Education system | 12.7 | 12.5 | 12.7 | 17.1 | 13 | 14.6 |
| Costly | 6.9 | 5.5 | 6.2 | 6.7 | 5.2 | 5.8 |
| School is too far | 1.7 | 3.9 | 2.8 | 1.8 | 3.4 | 2.7 |
| Failed in school | 2.5 | 2.8 | 2.7 | 8.5 | 2.3 | 4.8 |
| Bad school environment | 1.6 | 0.3 | 1.0 | 0.1 | 2.1 | 1.3 |
| Child marriage, disability and no birth registration | 3.4 | 5.5 | 4.5 | 3.0 | 8.2 | 6.0 |
| Child marriage | 1.4 | 3.5 | 2.5 | 0.4 | 6.6 | 4.0 |
| No birth registration | 1.2 | 0.9 | 1.1 | 0.0 | 0.0 | 0.0 |
| Handicapped/illness | 0.8 | 1.1 | 0.9 | 2.6 | 1.6 | 2.0 |
| Parental attitudes | 28.1 | 27.8 | 27.9 | 48.1 | 47.3 | 47.6 |
| Not desired by parents | 8.2 | 7.5 | 7.8 | 10.5 | 13.8 | 12.4 |
| Too young | 19.9 | 20.3 | 20.1 | 37.6 | 33.5 | 35.2 |
| Children's own wishes | 0.1 | 0.1 | 0.2 | 0.8 | 0.0 | 0.3 |
| Not desired by self | 0.0 | 0.1 | 0.1 | 0.0 | 0.0 | 0.0 |
| Prefer vocational training | 0.1 | 0.0 | 0.1 | 0.8 | 0.0 | 0.3 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |

The reasons for not attending schools vary somewhat according to whether or not households were affected by forced labour. Poverty related reasons predominate among households in forced labour whereas parental attitudes seem more important in households not affected by forced labour. Reasons related to the education system are of less importance for both groups, but are still significant, particularly the cost.

The impact of being in a Haruwa family on children's education is immense. School attendance is very irregular because of having to take care of siblings and manage household chores in the absence of parents. In some locations, schools are far from Dalit settlements and many Haruwa families cannot afford to buy stationery and uniforms. The children of Haruwa suffer discrimination; in some of the schools in Rautahat and Bara districts, it is reported that a Dalit child still cannot sit next to non-Dalit children. Parents/guardians see no benefit from sending their children to school. To counter these trends, the GoN has opened Dalit Primary Schools in Rautahat (nine schools) and Bara (three schools) districts.

The following cases from FGDs with Haruwa children in Saptari and Siraha districts illustrate the problems.

***Prithu, aged 13**, has never been to school because her father works as Haruwa and mother as an agricultural labourer.*

***Bechani, aged 14**, missed school because of her heavy workload at home. She comes from a large family of 10 with many children under 14 years. She has to take full responsibility for taking care of her younger siblings, fetching water and fuel wood and even cooking, as her father works as Haruwa and mother is obliged to work in the landowner's house.*

***Santol, aged 15**, comes from a family of 8 members. He missed school because of both household work and the obligation of family members to work as Haruwa-Charuwa.*

In the case of Haliya children, school enrolment has considerably improved in recent years, and there is no gender discrimination in enrolment. However, due to their poor socioeconomic condition, all of the children are enrolled in government schools, as they cannot afford to attend the English schools where non-Dalit/non-Haliya children go.

School performance of Haliya children is generally poor. Class failure, drop out, and irregular school attendance seem to be common among them.

7.4.2 Impact on Children's Health

Qualitative study confirms that the health condition of children in households affected by forced labour is worse than other children in the same locality. Children of Haruwa families play in the mud, swim in the dirty water and walk without clothes. Malnutrition is a big problem, causing them to be frequently sick. Children suffer from illnesses such as diarrhoea, fever and flu because they lack access to safe drinking water and toilet facilities. In Siraha district, for example, it is reported that on average only two tube-wells are available for 50 households, and almost all Dalit families use toilets in open-places, often close to houses. Pigs are kept in front of the house because there is no place to make a pen for the pigs.

The health status of Haliya children is also poor. The average number of births per woman is higher than in other population groups, and there is strong caste-based discrimination against Dalits and Haliyas in the community health care system. The Village Health Workers do not visit Dalit and Haliya communities and the use of contraception among married Haliya women is very low.

Many children of Haliya are without clothes, not to mention about cleanliness. An extreme case was witnessed in Kalena where Haliya families live in a filthy environment in close contact with domestic animals. Most children are stunted, thin and physically weak due to the low level of child nutrition.

7.5 PARENTS PERCEPTIONS ON WORKING CHILDREN

7.5.1 Reasons for Allowing Children to Work

A range of reasons were given in the main survey for allowing children to work (Table 7.14). An overwhelming majority (89%) of working children not in forced labour were working to supplement family income, whereas this was the case for two-thirds of children in forced labour. To 'help pay family debt' was the second most important reason to work for children in forced labour (14%).

TABLE 7.14: MAIN REASON FOR CHILDREN WORKING (%)

| Main reason | Forced labour | | | Free labour | | |
|---|---------------|------------|------------|-------------|------------|------------|
| | Boys | Girls | Total | Boys | Girls | Total |
| Supplement family income | 70.6 | 61.8 | 67.4 | 92.1 | 79.3 | 89.2 |
| Help pay family debt | 18.7 | 6.4 | 14.2 | | | |
| Helping in household work | 0.7 | 3.2 | 1.6 | 4.1 | 9.1 | 5.2 |
| Learn skills | 0.7 | 3.8 | 1.8 | 1.2 | 0.0 | 0.9 |
| Schooling not useful for future | 1.6 | 9.6 | 4.5 | | | |
| Cannot afford schooling | 1.7 | 2.0 | 1.8 | 2.5 | 11.6 | 4.6 |
| Child not interested | 0.3 | 0.0 | 0.2 | 0.1 | 0.0 | 0.1 |
| Temporarily replacing someone unable to work | 2.8 | 6.5 | 4.2 | - | - | - |
| Child labour imposed | 0.6 | 0.8 | 0.7 | - | - | - |
| Compelled to work due to loan | 1.5 | 2.4 | 1.8 | - | - | - |
| Compelled to work due to land utilization by the family | 0.9 | 3.5 | 1.9 | - | - | - |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |

7.5.2 Parents Perceptions of What is Best for their Children

More parents of children in forced labour perceive that it is best for their children to work for an income (25%) as against 17 per cent for parents of working children not in forced labour (Table 7.15). Yet in both groups, there are substantial numbers of parents (65-70%) who perceive that their children should attend school or combine work and study. Among children in forced labour, one third of the parents expect their sons to 'work for income' while for the parents of girls, this is just 11 per cent. This pattern also holds true for children not in forced labour; in Nepalese society, many parents consider the sons as the permanent members of the family and so they are expected to contribute to household income, whereas girls are only "transient" members of the family and their economic contribution is grossly undervalued.

TABLE 7.15: PARENTS' PERCEPTIONS OF WHAT IS BEST FOR CHILDREN (%)

| | Forced labour | | | Free labour | | |
|--------------------------|---------------|------------|------------|-------------|------------|------------|
| | Boys | Girls | Total | Boys | Girls | Total |
| Work for income | 33.0 | 11.2 | 24.7 | 21.5 | 9.5 | 17.4 |
| Assist family business | 0.7 | 1.4 | 1.0 | 11.5 | 13.7 | 12.3 |
| Assist in household work | 2.6 | 7.1 | 4.3 | 3.8 | 10.4 | 6.0 |
| Attend school | 43.5 | 41.6 | 42.8 | 50.4 | 44.6 | 48.4 |
| Attend school and work | 20.3 | 38.4 | 27.2 | 12.9 | 21.9 | 16.0 |
| Not stated | 0.0 | 0.3 | 0.1 | | | |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |

7.5.3 Problems Perceived by Parents of Working Children

A range of problems were perceived by parents about their working children as presented in Table 7.16. Findings indicate that a somewhat higher proportion of parents of children in forced labour perceive some adverse consequences of work on children's lives. For example, one-fifth considers extreme tiredness as a problem, and another one-fifth mention physical harassment. Boys are perceived to be more affected than girls by these problems, as well as by injury at work. For free child workers, the major problem cited was physical harassment (23%), again affecting boys more than girls.

TABLE 7.16: PARENTS' PERCEPTION OF PROBLEMS ASSOCIATED WITH CHILDREN'S WORK (%)

| Parents' perception of the impact of work on children | Forced labour | | | Free labour | | |
|---|---------------|------------|------------|-------------|------------|------------|
| | Boys | Girls | Total | Boys | Girls | Total |
| No problem | 18.2 | 20.0 | 18.9 | 28.0 | 31.4 | 29.3 |
| Some problem | 81.8 | 80 | 81.1 | 72 | 68.6 | 70.7 |
| Injury/illness | 16.3 | 7.5 | 13.1 | 10.6 | 9.9 | 10.3 |
| Poor grades in school | 7.2 | 14.4 | 9.9 | 5.7 | 15.2 | 9.2 |
| Emotional harassment | 0.6 | 0.2 | 0.5 | 0.2 | 0.2 | 0.2 |
| Physical harassment | 23.5 | 15.2 | 20.4 | 28.0 | 13.5 | 22.7 |
| Sexual abuse | 1.8 | 0.8 | 1.4 | 0.5 | 0.0 | 0.3 |
| Extreme fatigue | 25.1 | 13.4 | 20.8 | 19.8 | 5.7 | 14.7 |
| No play time | 1.2 | 0.4 | 0.9 | 0.1 | 0.0 | 0.1 |
| No time to go to school | 6.0 | 28.1 | 14.2 | 7.1 | 24.1 | 13.3 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |

This chapter explored the dimensions of forced labour of children and analyzed their working conditions. It further examined the impact of forced labour on working children and the impact of the parents' situation in forced labour on children's education and health. Key findings to emerge are: i) means of coercion and unfree recruitment are the most important dimensions of forced child labour; ii) the working conditions of children in forced labour are inhumane and exploitative, and iii) parents being in a forced labour situation has a clear impact on their children's schooling and health status..

CHAPTER 8

Situation of Haruwa-Charuwa

This chapter discusses the situation of Haruwa-Charuwa living in the central and eastern Tarai districts in Nepal, drawing on both qualitative and quantitative survey results. The chapter explores the situation of Haruwa in terms of their numbers, nature of work and working hours, mode of payment, earnings and causes of being Haruwa. The analysis compares the situation of Haruwa who are in forced labour (the large majority) vis-à-vis those not in forced labour.

8.1 QUALITATIVE SURVEY FINDINGS

Haruwa are persons who plough land for another person, either in exchange for use of land or to repay a debt; Charuwa are those who are mainly employed for herding cattle. The qualitative study confirms that Haruwa-Charuwa are not evenly distributed throughout the survey districts; a high concentration is reported south of the East-West Highway in all the districts. In this area, a majority of households depend on agriculture, there are a relatively large number of landlords, no alternative local employment opportunities, foreign labour migration is low and there is a mass illiteracy.

Even within the VDCs of the southern part of the East-West Highway, the distribution of Haruwa-Charuwa is not even in all the wards⁷. This is because of settlement patterns in nucleated villages, in which all the dwellings are clustered. Many settlements exclude certain caste or religious groups, and so households from the same clan/religion/caste group are gathered together in one place. Thus, the Dalit population and others working as Haruwa-Charuwa, is not evenly distributed in all the wards of a VDC. This complexity was addressed in the design of the quantitative survey sample.

8.1.1 Process of Recruitment/Employment of Haruwa-Charuwa

Haruwa are usually employed by high caste landlords who are middle-income or wealthy farmers. There are also service holders with a small plot of land, and some very rare cases of employers from Dalit families. Traditionally, Haruwa were employed from *Sripanchami* - a Hindu religious day in which the Goddess of Education is worshipped. It falls in mid-February and is the day from which the farming season is supposed to start. However, there are now few landowners employing Haruwa following this tradition. Now, Haruwa are employed for the period of planting of paddy and wheat and for the harvesting season (i.e. May - August and November - January). Haruwa are usually directly employed by landowners. There are few cases in which agents like *Munsi*, *Patawari* or *Hatwe*⁸ recruit Haruwa, when the employer owns a lot of land. Once the male adult member becomes *Laguwa*, his family members - women and children - are obliged also to work for the employer. They receive little pay and cannot work outside the employer's house until their work is completed. In this case, women are called *Jaan* (agricultural labourers).

⁷ Ward is the lowest political unit delineated geographically in Nepal. There are nine wards in a VDC.

⁸ *Munsi*, *Patawari* and *Hatwe* are the 'white collar' employees of the landlord. *Munsi* supervises the work of Haruwa-Charuwa and other casual labourers. *Patawari* is responsible to maintain records of loan disbursement and repayment. *Hatwe* is responsible for weighing the paddy to provide it to the labourers as wages or loan.

8.2 FORCED LABOUR

8.2.1 Estimates of Haruwa-Charuwa Households

This study estimated a total of 69,738 Haruwa-Charuwa households in seven Tarai districts - Sunsari, Saptari, Siraha, Dhanusa, Sarlahi, Rautahat and Bara. This represents 9 per cent of the total estimated households in the seven districts. Haruwa-Charuwa households come from across the caste/ethnic groups of the Tarai region, though the proportion varies by social group. About two-thirds of Haruwa-Charuwa are Tarai Dalits, and one-fifth are from other Tarai Hindu caste groups (Table 8.1). Within the social groups, 23 per cent of Tarai Dalit households are Haruwa-Charuwa and around 7 per cent of Muslim households.

TABLE 8.1: ESTIMATED NUMBER OF HARUWA-CHARUWA HOUSEHOLDS IN THE TARAI DISTRICTS, BY SOCIAL GROUP

| Social group | Estimated total number of households | Estimated number of Haruwa-Charuwa households | % of Haruwa-Charuwa households | % of Haruwa-Charuwa households within the group |
|--------------------------------|--------------------------------------|---|--------------------------------|---|
| Tarai Dalits | 196,014 | 45,941 | 65.9 | 23.4 |
| Tarai Janjati | 149,191 | 4,607 | 6.6 | 3.1 |
| Muslims | 52,717 | 3,509 | 5.0 | 6.7 |
| Other Tarai Hindu caste groups | 315,593 | 14,265 | 20.5 | 4.5 |
| Hill groups | 54,168 | 1,416 | 2.0 | 2.6 |
| Unidentified caste | 2,388 | 0 | - | - |
| Total | 770,071 | 69,738 | 100 | 9.1 |

8.2.2 Haruwa-Charuwa Households Affected by Forced Labour

Table 8.2 presents the estimated number of Haruwa-Charuwa households affected by forced labour, according to social group. Of the total Haruwa-Charuwa households, 95 per cent or 66,000 are affected by forced labour. Among them, the majority (66%) are Tarai Dalits. Within the Tarai Dalit households, 95 per cent are affected by forced labour. For other social groups, the proportion of households affected by forced labour ranges from 83 per cent for hill groups to 95 per cent for other Tarai Hindu caste groups.

TABLE 8.2: ESTIMATED NUMBER OF HARUWA-CHARUWA HOUSEHOLDS AFFECTED BY FORCED LABOUR ACCORDING TO SOCIAL GROUP

| Social group | Number | | | % within the social group | | | % of households affected by forced labour across the social groups |
|--------------------------------|---------------------------|-------------------------------|---------------|---------------------------|-------------------------------|------------|--|
| | Affected by forced labour | Not affected by forced labour | Total | Affected by forced labour | Not affected by forced labour | Total | |
| Tarai Dalits | 43,845 | 2,096 | 45,941 | 95.4 | 4.6 | 100 | 65.9 |
| Tarai Janjati | 4,126 | 482 | 4,607 | 89.6 | 10.5 | 100 | 6.6 |
| Muslims | 3,276 | 234 | 3,509 | 93.3 | 6.7 | 100 | 5.0 |
| Other Tarai Hindu caste groups | 13,555 | 710 | 14,265 | 95.0 | 5.0 | 100 | 20.5 |
| Other hill groups | 1,169 | 247 | 1,416 | 82.6 | 17.4 | 100 | 2.0 |
| Total | 65,970 | 3,768 | 69,738 | 94.6 | 5.4 | 100 | 100 |

8.2.3 Adult Haruwa-Charuwa in Forced Labour

Table 8.3 presents the distribution of Haruwa-Charuwa adults in forced labour according to the dimensions of forced labour that they experience. The study estimated a total of 97,000 adults in forced labour among Haruwa-Charuwa households. Males account for more than six times the number of females in forced labour (82,000 men vs. 15,000 women). In Nepal, it is the men who plough the land; women can be Charuwa, who herd the landowner's cattle. Among social groups, an overwhelming majority are from Tarai Dalits (67,000), followed by other Hindu caste groups (19,000), Tarai Janjati (5,500) and Muslims (4,000).

Among the three dimensions of forced labour, 'means of coercion' and 'unfree recruitment' stand out as the most important. 'Impossibility to leave' is a weaker dimension, affecting fewer adults.

TABLE 8.3: ESTIMATED NUMBER OF HARUWA-CHARUWA ADULTS, ACCORDING TO SOCIAL GROUP, BY DIMENSION OF FORCED LABOUR

| | Dimension of forced labour | | | |
|--------------------------------|----------------------------|------------------------|-------------------|---------------|
| | Unfree recruitment | Impossibility to leave | Means of coercion | Total |
| Sex | | | | |
| Male | 77,460 | 59,910 | 84,078 | 82,359 |
| Female | 23,453 | 10,506 | 24,087 | 15,041 |
| Social group | | | | |
| Tarai Dalits | 71,345 | 48,667 | 75,047 | 67,233 |
| Tarai Janjati | 4,885 | 4,338 | 6,062 | 5,475 |
| Muslims | 4,072 | 3,340 | 4,505 | 4,192 |
| Other Tarai Hindu caste groups | 19,314 | 12,898 | 20,956 | 19,076 |
| Hill groups | 1,298 | 1,173 | 1,596 | 1,424 |
| Total | 100,914 | 70,416 | 108,165 | 97,399 |

8.3 FAMILY SITUATION

8.3.1 Residential Arrangements

The study found six types of residential arrangements among Haruwa-Charuwa: i) living in own house, ii) living in landlord's yard, iii) living in landlord's land and house built by Haruwa-Charuwa, iv) living in landlord's land and house built by landlord, v) living in public land and vi) living in relatives' land or house. About one-third of all Haruwa-Charuwa households have their residence in other than their own house, thus increasing their vulnerability to exploitation. A quite high proportion of households reside in public land (27%).

Data reveal that the residence arrangement varies, to some extent, by whether or not the household is affected by forced labour (Table 8.4). For example, while more than 7 per cent of households affected by forced labour have residence arrangement in the landowner's land (in house built by

Haruwa-Charuwa or by the landlord), the figure for households not affected by forced labour is only 3 per cent.

TABLE 8.4: RESIDENCE ARRANGEMENTS OF HARUWA-CHARUWA HOUSEHOLDS (%)

| Residence arrangement | Household affected by forced labour | Household not affected by forced labour | Total |
|--|-------------------------------------|---|------------|
| Living in own house | 65.3 | 64.1 | 65.3 |
| Living in other than own house | 34.7 | 36.9 | 34.7 |
| Living in landlord's yard | 1.0 | 0.3 | 1.0 |
| Living in landlord's land, and house built by Haruwa-Charuwa | 3.3 | 3.3 | 3.3 |
| Living in landlord's land, and house built by the landlord | 3.1 | 0.0 | 3.0 |
| Living in <i>Ailani Parti</i> land | 27.0 | 32.3 | 27.3 |
| Living in relatives' house/rented | 0.2 | 0.0 | 0.2 |
| Total | 100 | 100 | 100 |

The living conditions of Haruwa-Charuwa families are very different from other families in the same area, as illustrated by the case of Madanpur VDC, Rautahat district.

*In Madanpur VDC, the living condition of **Chamar and Pasawan** is very miserable. They have only small huts built in less than 50 square feet. There is no road connected with the village; the road was full of mud; no toilets at all in the entire village of 50-60 households and the many families depend upon Haruwa as their main livelihood strategy.*

8.3.2 Land Holding

Land is the main source of survival as well as income in rural Nepal. Possession of land also provides prestige and social status in society. In this context, landlessness means extreme deprivation of social and economic rights – to shelter, adequate food, education and health. More than one-third of the Haruwa-Charuwa households (37%) are landless and 40 per cent are nearly landless with less than one *Kattha* land. Among Haruwa-Charuwa households, the proportion of landless and nearly landless is higher for households affected by forced labour than those not affected (Table 8.5).

TABLE 8.5: LANDHOLDING STATUS OF HARUWA-CHARUWA HOUSEHOLDS (%)

| Landholding status | Households affected by forced labour | Households not affected by forced labour | Total |
|--|--------------------------------------|--|------------|
| Landless | 38.9 | 34.6 | 36.6 |
| Nearly landless (less than one <i>Kattha</i>) | 43.3 | 37.6 | 40.3 |
| Above one <i>kattha</i> | 17.8 | 27.8 | 23.0 |
| Total | 100 | 100 | 100 |

Note: one Kattha equals 3,645 square feet.

8.3.3 Food Security

The food security situation among Haruwa-Charuwa households is poor, as most do not have food sufficiency from their own production for the whole year. Overall, just 12% of households are self-sufficient or lack food for less than 3 months of the year, whereas 9% lack food for 10-12 months. The remainder (79%) lack food for between 4 and 9 months. Among households affected by forced labour, the situation is more acute than in those not affected. As the data below show, 51% of households affected by forced labour lack food for more than 6 months in the year, whereas for households not affected, the figure is just 20% (Table 8.6).

TABLE 8.6: FOOD SUFFICIENCY STATUS OF HARUWA-CHARUWA HOUSEHOLDS

| Food sufficiency status | Household affected by forced labour | | Household not affected by forced labour | | All households | |
|---------------------------------|-------------------------------------|--------------|---|--------------|----------------|--------------|
| | Per cent | Cumulative % | Per cent | Cumulative % | Per cent | Cumulative % |
| Food sufficiency for whole year | 4.0 | 100 | 6.5 | 100 | 4.1 | 100 |
| Not sufficient for: | | | | | | |
| 01-03 months | 7.7 | 96.1 | 18.9 | 93.5 | 8.3 | 95.9 |
| 04-06 months | 37.5 | 88.4 | 54.3 | 74.6 | 38.4 | 87.6 |
| 07-09 months | 41.7 | 50.9 | 19.4 | 20.3 | 40.5 | 49.2 |
| 10-12 months | 9.2 | 9.2 | 0.9 | 0.9 | 8.7 | 8.7 |
| Total | 100 | | 100 | | 100 | |

8.3.4 Family Size and Child Dependency

Haruwa-Charuwa households have an average family size of 5.8, almost one person more than the national average. They have a high child dependency ratio of 90 – meaning for every 100 persons of working age (15-59 years), there are 90 children of 14 years or less. There are slight differences between households affected and not affected by forced labour as shown in Table 8.7.

TABLE 8.7: AVERAGE FAMILY SIZE AND CHILD DEPENDENCY RATIO

| Sex of the household head | Households affected by forced labour | Households not affected by forced labour | Overall average |
|---------------------------|--------------------------------------|--|-----------------|
| Average household size | 5.8 | 5.4 | 5.8 |
| Child dependency ratio | 90.3 | 92.9 | 90.4 |

8.3.5 Household Amenities and Productive Assets

Haruwa-Charuwa households lack access to safe drinking water, toilet facilities, electricity, and liquid propane gas for cooking. The proportion of households having these facilities is very low relative to the national average (Table 8.8). NLFS 2008 shows that the national averages are 56 per cent households with access to electricity, 45 per cent with piped water, 49 per cent with access to toilet facility (ordinary and flush toilet) and 12 per cent using LP gas as cooking fuel. The rates for survey households are very much lower than these, as shown in Table 8.8, and generally lower still for households affected by forced labour than those not affected.

TABLE 8.8: HARUWA-CHARUWA HOUSEHOLDS' AMENITIES AND FACILITIES (%)

| Amenities and facilities | Households affected by forced labour | Households not affected by forced labour | Total |
|---|--------------------------------------|--|-------|
| % of households having access to piped water | 3.9 | 2.3 | 3.8 |
| % of households with toilet facility | 1.8 | 3.2 | 1.9 |
| % of households with access to electricity | 16.5 | 17.4 | 16.5 |
| % of household using bio-gas, LP gas and kerosene | 0.1 | 0.0 | 0.1 |
| % of households having radio | 22.9 | 25.7 | 23.0 |
| % of households having TV | 5.8 | 8.0 | 5.9 |

In rural Nepal, bullock or buffalo carts, ploughs, spades and sickles are essential agricultural implements, and a household without these is less likely to receive land for share-cropping and sometimes will even not be accepted for agricultural labour. Among Haruwa-Charuwa households, there are very few with a bullock or buffalo cart (2%) and plough (6%). However, a large majority have at least one spade (81%) and sickle (95%). None of the Haruwa-Charuwa has modern agricultural implements like thresher machine, tractor and pump set – which are increasingly used by middle or rich peasants in Tarai region of Nepal (Table 8.9).

TABLE 8.9: HOUSEHOLD OWNERSHIP OF AGRICULTURAL IMPLEMENTS (%)

| Agricultural implements | Households affected by forced labour | Households not affected by forced labour | Overall average |
|---|--------------------------------------|--|-----------------|
| % of households having bullock or buffalo carts | 2.1 | 0.3 | 2.0 |
| % of households having plough | 6.3 | 7.7 | 6.4 |
| % of households having spades | 81.1 | 86.0 | 81.4 |
| % of households having sickles | 94.5 | 90.9 | 94.3 |

8.3.6 Socio-economic Empowerment

In only 2 per cent of Haruwa-Charuwa households had at least one family member received skills training (Table 8.10). In a context of widespread landlessness, the lack of alternative skills amongst Haruwa-Charuwa increases their probability of ending up in an exploitative bonded labour regime. Despite the fact that many NGOs, including micro-finance institutions, have expanded throughout Nepal, most Haruwa-Charuwa households have yet to be supported by such welfare-oriented or rights-based organisations. Nonetheless, on average, around 8% do have some such involvement in groups like saving and credit groups, users' groups, mothers' groups, youth clubs, and management committees of schools/health facilities, Haruwa-Charuwa organisations and caste-based organisations.

TABLE 8.10: SKILLS-ORIENTED TRAINING AND MEMBERSHIP IN A SOCIAL OR DEVELOPMENT ORGANISATION (%)

| Empowerment indicator | Households affected by forced labour | Households not affected by forced labour | Total |
|--|--------------------------------------|--|-------|
| % of households in which at least one family member has received skills- oriented training | 2.3 | 2.0 | 2.3 |
| % of households in which any family member is involved in a social or development organisation | 8.4 | 7.1 | 8.4 |

Building social capital is one of the major means for enhancing livelihoods and securing rights of the voiceless and dispossessed in developing countries. Engagement in social or development organizations can increase poor people's economic and social security through collectively raising and promoting their interests.

In the qualitative phase of this study in Bastipur in Siraha district, Haruwa-Charuwa reported that they are reluctant to organize around the Poverty Alleviation Fund because it takes almost six months to receive the loan, and the Fund requires 10 per cent of the loan amount to be deposited up front. One of the participants reported that he wanted to borrow Rs. 20,000 from the PAF to buy a milking buffalo. So he borrowed Rs. 2,000 at an annual interest rate of 36 per cent, to deposit with PAF. Six months later, he had still not received the loan, and was worried by the mounting interest on his debt. . This was one of the main reasons why he has been working as Haruwa.

8.3.7 Literacy and Primary School Completion Rate

Adult literacy rates are very low in both groups of households of Haruwa-Charuwa (Table 8.11), though slightly higher among households not affected by forced labour (16%) than households affected by it (12%). Almost all adult females are illiterate. About 11 per cent of households not affected by forced labour have at least one member who has completed primary education while it is only 8 per cent for households affected by forced labour. No adult women have completed primary education in either group of households.

TABLE 8.11: LITERACY RATE AND PRIMARY EDUCATION STATUS OF ADULT HARUWA-CHARUWA BY SEX (%)

| Literacy/education | Households affected by forced labour | | | Households not affected by forced labour | | |
|---|--------------------------------------|--------|-------|--|--------|-------|
| | Male | Female | Total | Male | Female | Total |
| Adult literacy rate (15 years and above) | 12.6 | 2.0 | 12.3 | 17.0 | 0.0 | 16.0 |
| % of 15+year olds who completed primary education | 7.8 | 0.0 | 7.6 | 11.5 | 0.0 | 10.8 |

8.4 WORKING CONDITIONS

8.4.1 Conditions of Work and Working Hours

Working hours of Haruwa are not fixed. In the peak agricultural season, they work from early morning to dusk. As well as ploughing the land, they have to engage in many chores in the landlord's farm and house, including preparing firewood (cutting logs, splitting and fetching); cutting grass for fodder; carrying and spreading fertilizer in the fields; transplanting paddy; harvesting (and bundling the stalk, carrying it to the threshing yard, threshing, preparing threshing yard); winnowing; beating the hay to remove remains of paddy; husking paddy and carrying it to the landlord's house; night watching of ripe fields of corn; fencing (cutting bamboos, bundling); cleaning homestead yards; watering the crops; taking care of oxen and other cattle; care of paddy fields (irrigation, weeding); driving the bullock-carts; carrying the paddy to and from the rice mills, and carrying landlord's gift to his/her guest's house.

Children working as Charuwa have to work from early morning to the evening and cannot attend school. Charuwa have four broad types of work: milking animals, cleaning out animal sheds, grazing and bathing animals. The case of Ram Lakha, a 14 year-old boy working as Charuwa for three years for a landowner in Saptari district, illustrates the working schedule of Charuwa in the survey region.

***Ram Lakhan** gets up at 5:00 a.m., cleans the animal shed and dumps the dung in storage pits. Then, he cleans the house and yard, milks the cows and carries the milk to a shop. He comes back from the shop around 7 a.m., and then goes to collect fodder in the farm and returns by 10 a.m. He takes food and cleans utensils. After taking one hour rest, he takes the 20 cattle to graze and stays there till 5 p.m. He comes back with cattle, settles them, feeds them and removes their dung to the field. He eats only once all family members of his landowner have finished eating and then cleans utensils. By the time he goes to bed it is often 9 p.m.*

Quantitative survey results reveal that the average working days in the month prior to the survey was 9 days (Table 8.12). The average working hours per day is approximately 8 hours. Regarding rest hours, more than two-thirds of Haruwa-Charuwa reported two hours rest per day, including the time for afternoon meal.

TABLE 8.12: WORKING DAYS/MONTH AND HOURS/DAY OF HARUWA-CHARUWA (%)

| | Forced labour | Free labour | Total |
|------------------------------|---------------|-------------|-------|
| Average working days/month | 9.3 | 9.0 | 9.2 |
| Average working hours/day | 8.5 | 8.4 | 8.5 |
| 2 hours rest per working day | 72.2 | 42.5 | 69.1 |
| 3 hours rest per working day | 27.8 | 57.5 | 30.9 |

8.4.2 Mode of Payment and Earnings

In the Haruwa-Charuwa system, the mode of payment is different from the norm in any public or private sphere in Nepal (Table 8.13). It involves annual wages in cash/kind, granting a piece of land, share-cropping, granting a fixed proportion of produce, payment in lieu of interest reduction or providing food. The wages paid are low compared to the regular agricultural labour market.

TABLE 8.13: MODE OF PAYMENT OF HARUWA-CHARUWA (%)

| Mode of Payment | Forced labour | Free labour | Total |
|----------------------------------|---------------|-------------|------------|
| Daily | 45.7 | 61.8 | 47.4 |
| Weekly | 5.3 | 10.9 | 5.9 |
| Monthly | 2.9 | 9.6 | 3.6 |
| Some portion of produce | 0.9 | 3.0 | 1.1 |
| Annual wages in cash and in-kind | 32.3 | 12.4 | 30.2 |
| Share-cropping | 1.9 | 0.7 | 1.8 |
| Granting a piece of land | 9.5 | 1.8 | 8.7 |
| Deduction of interest | 1.0 | 0.0 | 0.9 |
| Granting a piece of land | 0.1 | 0.0 | 0.1 |
| Food | 0.2 | 0.0 | 0.2 |
| Not stated | 0.3 | 0.0 | 0.3 |
| Total | 100 | 100 | 100 |

Almost one-half Haruwa-Charuwa are paid daily, with a daily wage of three Kilograms of paddy (equivalent to Rs. 40 to Rs. 50). The wage is two Kilograms less than in the normal labour market. More than thirty per cent are paid annually in cash or kind, with wages ranging from 10 to 12

quintals paddy (equivalent to Rs. 10,000 to Rs. 12,000). In some locations, Haruwa-Charuwa are paid by granting a piece of land for one season, while they have to work throughout the year. The granted land is often infertile with no irrigation facility and prone to flooding as is the case in Sarlahi.

In Gadauta VDC of Sarlahi district, there is a village of Pasawan and Chamars. Their houses are built on the banks of a river. The Haruwa-Charuwa families were provided a piece of land in exchange for their labour. Last year, the river flooded all the land and the Haruwa-Charuwa did not produce anything from the land granted by landowners in the village.

Results reveal that more Haruwa-Charuwa in forced labour are either working for daily wages or in exchange for a piece of land for cultivation compared to those not in forced labour.

Table 8.14 presents earnings data of Haruwa-Charuwa for the 30 days prior to the survey. Payment in kind was converted into a cash equivalent at the prevailing market price. The study estimated an average monthly income of Rs. 600, with the average earnings of those in forced labour being about 60% of those not in forced labour. More than 70% of the forced labour households earned less than Rs.1,000 over the preceding month. For both groups of labourers, however, the average monthly income is extremely low out of which they cannot afford schooling for children and medical expenses. This is why they keep taking loans from landowners/employers or moneylenders and the indebtedness and forced labour cycle continues for years.

TABLE 8.14 EARNINGS (IN RS.) FROM THE LAST 30 DAYS OF HARUWA-CHARUWA INVOLVED IN DAILY, WEEKLY AND MONTHLY PAYMENT SYSTEMS (%)

| Earnings in Rs. | Forced labour | Free labour | Total |
|---|---------------|-------------|------------|
| Less than 500 | 61.2 | 44.6 | 60.2 |
| 500-1000 | 10.6 | 9.0 | 10.5 |
| 1000-1500 | 9.5 | 6.5 | 9.3 |
| 1500-2000 | 8.7 | 16.4 | 9.1 |
| 2000 and over | 10.1 | 23.6 | 10.9 |
| Total | 100 | 100 | 100 |
| Average monthly earning (in Rs.) | 578 | 985 | 603 |

8.4.3 Types of Contract

Landowners employ Haruwa-Charuwa through different types of contractual agreement. The contract can be oral or written, or there may be no contract at all. Where the Haruwa-Charuwa have an agreement (which is not usually the case when they are paid daily, weekly or monthly wages), it is known as *Laguwa*. Once *Laguwa* is concluded, not only is the Haruwa obliged to work on the landowner's farm but his whole family has also to work. The restriction remains in place until the work of the landowner is completed. Changing employers is not possible even if the Haruwa gets offered a better opportunity.

The obligation of family members to work with landowners comes from the pressure to repay the loan, threats to lose share-cropping rights or the house or future loans in case of crisis. There are

also cases of violence against the Haruwa-Charuwa families by the landowner if they do not work as expected or he is not satisfied with their performance.

The survey found seven types of contract agreement:

- i) work for the same landlord for generations;
- ii) annual contract;
- iii) seasonal contract for one farming season;
- iv) less than one agricultural season;
- v) work until the debt is paid off;
- vi) work until the land of the landlord has been utilized and
- vii) work until the land is used and the debt repaid.

The proportion of Haruwa-Charuwa working under some type of contract is almost three times higher for those in forced labour (at 59%) as those not in forced labour (21%) (Table 8.15). Of the total estimated number of adult Haruwa-Charuwa workers, 5 per cent have been working through generations; 21 per cent under annual contract agreement; 8 per cent under seasonal contract; 11 per cent until the debt is repaid and 2 per cent until the land is used and debt repaid. Mahadev Pasawan of Dhanusa district is a case of a long-term Haruwa.

Mahadev has been working as Haruwa for more than 50 years in his village. He initially took a loan for his daughter's marriage, and has since worked for five different landowners, including for the current employer for the last 10 years. He is now 73 years old and still continues working as Haruwa.

Interestingly, nearly 4 per cent of Haruwa-Charuwa in "free labour" have been working for the same landowner through generations. This could be explained by the fact that they may not perceive that they are being exploited or coerced.

TABLE 8.15: TYPE OF CONTRACT OF HARUWA-CHARUWA (%)

| Type of contract | Forced labour | Free labour | Total |
|-----------------------------------|---------------|-------------|------------|
| No contract | 40.8 | 79.0 | 45.9 |
| Some type of contract | 59.2 | 21.0 | 54.1 |
| Generational | 5.3 | 3.6 | 5.1 |
| Annual | 23.0 | 5.0 | 20.6 |
| Seasonal | 8.0 | 9.5 | 8.2 |
| Less than one agricultural season | 2.1 | 2.3 | 2.2 |
| Until debt is repaid | 12.4 | 0.0 | 10.7 |
| Until land of landowner utilized | 6.3 | 0.5 | 5.5 |
| Until debt paid & land utilized | 2.1 | 0.0 | 1.8 |
| Total | 100 | 100 | 100 |

8.4.4 Dependency

There is a strong patron-client relationship under the Haruwa system. Working as Haruwa not only provides economic security to Haruwa families, at least during the agricultural season, but also social and political security. There are very few Dalits and Haruwas in local positions of power such as school teachers, health workers and members of political parties, meaning they become highly dependent on their landowners for many aspects of their lives.

Four indicators of dependency of the workers on their employers are presented in Table 8.16.

TABLE 8.16: DEPENDENCY OF HARUWA-CHARUWA ON LANDOWNERS (%)

| Indicators of dependency | Forced labour | Free labour | Total |
|---|---------------|-------------|-------|
| % of workers who were promised schooling for children | 14.6 | 2.1 | 13.3 |
| % of workers who are living with landlord's family | 1.0 | 0.0 | 0.9 |
| % of workers who are paid on the basis of granting a piece of land for cultivation or for shelter or providing food | 9.6 | 1.7 | 8.8 |
| % of workers whose working children's food is provided by the employer | 57.0 | 42.9 | 52.4 |

Fifteen per cent of Haruwa-Charuwa adult workers in forced labour have been promised that their children would be provided education by their employer compared to only 2% of free labourers. One per cent of the forced labourers have their residence in the landowner's house where they work as domestic servants. About 10 per cent of the Haruwa-Charuwa workers in forced labour were paid on the basis of granting a piece of land for cultivation or for shelter. Among the forced labour households, in 57% of cases the working children were provided food by the landowners, compared to only 43% of "free" households.

8.5 STATUS OF OTHER LABOUR RIGHTS

Four indicators have been used to examine the denial of labour rights among Haruwa-Charuwa. About 88 per cent of the Haruwa-Charuwa reported that their wages have been deducted by landowners (100% for free labour and 88 per cent for forced labour); and wages have been deducted in the range of 25 to 50 per cent (Table 8.17).

About 10 per cent of Haruwa-Charuwa have been compelled to work during serious injury or sickness, especially those in forced labour. About 22 per cent of the Haruwa-Charuwa in forced labour reported that their family members were compelled to work for the landowner either with no remuneration or for little remuneration.

TABLE 8.17: STATUS OF OTHER LABOUR RIGHTS OF HARUWA-CHARUWA (%)

| Labour rights indicator | Forced labour | Free labour | Total |
|--|---------------|-------------|-------|
| % of Haruwa-Charuwa whose wages have been deducted due to his/her sickness | 87.7 | 100.0 | 88.0 |
| % of Haruwa-Charuwa who were compelled to work during serious injury or sickness during the last 12 months | 10.2 | 3.9 | 9.5 |
| % of Haruwa-Charuwa who have not been paid at all or deducted remuneration when he/she was seriously injured or sick | 2.3 | 0.4 | 2.1 |
| % of Haruwa-Charuwa with family members who were obliged to work for Haruwa-Charuwa owner | 21.9 | 0.0 | 7.6 |

If the Haruwa has no adult son to replace him when he is sick, he has to look for another labourer from the village whom he must pay. If the Haruwa cannot find such a replacement, the landowner would deduct 5 Kilograms of paddy per day as compensation.

The following cases illustrate violations of the rights of the Haruwa-Charuwa:

*In Pratapur Paltuwa VDC, **Rautahat**, a landlord severely beat a Haruwa whom he believed to want to change employer. The Haruwa was threatened that he had first to pay off the loan he had borrowed. In Pato, Saptari, Thutadi Pasawan reported that he has been frequently abused by his landlord without reason. He says, 'Malik (Master) never counts us as a human being; he feels that he is above the law. I could not leave him because I have borrowed loan from him'.*

*In Duhabi, Sunsari, the landowner always scolds **Kapil Dev Paswan** to make him work longer hours in his farm and house. Kapil says, 'even if he scolds me I cannot leave him as he provides me loan when I need it'. In a VDC of Rautahat, Sundash Pasawan attempted to leave his landowner two years ago. But the landowner forced him to repay the loan as soon as possible and used the police to compel him either to pay the loan or to work in his farm.*

8.6 REASONS FOR BECOMING HARUWA-CHARUWA AND INITIATION OF RESISTANCE

The research team found various reasons for people slipping into or staying in Haruwa system. The main reasons are landlessness, large family size, caste discrimination, indebtedness, lack of information and education and alternative employment opportunities, and the fact that people are unorganised and unaware of their exploitation. Working as Haruwa-Charuwa also provides some social security to the workers in the absence of official social security and protection. It was reported that some of the Dalit families remained as Haruwa-Charuwa because of the dowry system, as they had taken out loans from landowners which they could not pay off on time due to the very high interest rate coupled with low wages.

*In Lahan, Siraha, **Bishnu Pasawan** had borrowed Rs. 4,000 from the local landowner for the medical treatment of his wife five years earlier. Unfortunately, his wife died and he had to manage her funeral costs from the loan. The annual interest rate was 60 per cent. For this reason, Bishnu is working as Haruwa for the landlord for the last five years.*

*In Pratappur, **Rautahat, Teju Ram Chamar** borrowed Rs. 6,000 from a landowner for his daughter's marriage three years ago. In the same village, **Motilal Pasawan** has also been working as Haruwa in exchange of interest on the loan he borrowed for his daughter's marriage from a landlord in the village.*

In this context, in some locations, resistance against exploitation and coercion has been on the increase. In each survey district, a Dalit Network has been formed and in Siraha, Saptari and Dhanusa, there are also Haruwa-Charuwa rights forums. One good example of resistance is from Bastipur of Siraha district. In mid-2008, Haruwa-Charuwa went on strike for about three weeks in the planting season, demanding 8 working hours per day, a raise in daily wages from 3 Kilograms to 5 Kilograms of paddy, and a prohibition on compulsion to work with the employers. The resistance was supported by Dalit Networks, human rights organisations and trade unions, and eventually was successful in bringing about a wage increase. Now, the impact of the movement has spread into other villages of Saptari and Siraha districts.

The traditional rigid system of Haruwa has been eroding in the villages especially due to the opening up of foreign employment opportunities, off-farm activities in the districts, fragmentation of land and commercialisation of agriculture. The 10 years of armed conflict and the growth of civil society, human rights and Dalit organisations are other broader processes leading to a reduction in the prevalence of Haruwa working for generations. But as long as landlessness, lack of tenancy rights, mass illiteracy, lack of skills and training, exclusionary caste discrimination systems and other related problems persist, so will the seasonal and annual Haruwa-Charuwa system.

CHAPTER 9

Situation of Haliya

This final chapter analyses the living and working situation of households under the Haliya system, based on both qualitative and quantitative survey findings.

9.1 QUALITATIVE SURVEY FINDINGS

The term Haliya derives from the Nepali term *halo* that refers to the wooden plough drawn by a pair of bullocks or he-buffalos. Haliya refers to “a man who ploughs fields (plough-man)”. In most parts of Nepal, a man who ploughs for cash/kind payment is called “Hali”. But the term Haliya has a different connotation, referring to an exploitative agrarian, feudalistic labour relation practiced traditionally in the hills of mid- and far- western Nepal.

It is claimed that an overwhelming majority (about 95%) of the Haliya belong to “untouchable” castes (Dalits).⁹ Haliya are one of the socially and economically deprived communities. Most are landless or near-landless and their access to education, employment, and decision-making is very low. For generations, so-called high caste people have exerted strong domination and control over Haliya by various means. High-caste people still consider themselves as the bread-providers of Haliya families. Haliya, subservient for generations, call their landlords *Malik* (lord), and landlords in some localities use insulting words to address Dalits and Haliya, such as *Dom* and *Kamara Kamari* (male and female slave). Caste-based discrimination against Dalits and Dalit Haliya is still widely prevalent. Haliya are widely recognized as bonded agricultural labourers. Our field-work identified the following types of bondage and obligation of Haliya to work for their landowners.

Debt Bondage: Haliya have taken loans (in cash or kind) from landlords and work in lieu of interest each agricultural season from planting through to harvest.

Bondage by Debt and Land: Haliya are obliged to work in lieu of debt as well as land taken from landlords. Landlords provide a small piece of land to the Haliya family for residence and cultivation. In some cases, Haliya are entitled to keep all the produce. An overwhelming majority of the Haliya in this category are landless.

Bondage by Tradition: Haliya are working in lieu of interest on a loan or land taken by their forefathers, which is transferred to children who must work until repayment is made. It has been pointed out that, in this case, landlords expect greater respect and gratefulness from the Haliya, because of the support provided to their forefathers.

Children as Collateral for Debt Taken by Parents: Children of Dalit Haliya are not recruited as collateral for debt. However, a few cases of non-Dalit Haliya children recruited as collateral for debt were reported in Doti district. Such children live with the landlord’s family and work full-time in domestic chores. We suspect that a system of complete bondage similar to the *Kamlari* under the *Kamaiya* system may exist under the Haliya system as well.

⁹ During field work, roughly 5 percent of the Haliya are said to be from non-Dalit castes. It is also reported that non-Dalit Haliya hesitate to identify themselves as Haliya as they fear that by doing so, they will be considered as Dalit.

Obligation of Haliya to Migrate with Landlords: Some Haliya are obliged to migrate with landlords (in Dadeldhura). If landlords are planning to move away, Haliya are forced to repay debt and those who cannot must migrate with landlord. But this is reportedly very rare. A seasonal transfer of Haliya family to work in the landlord's farm was also found. During the farming season, Haliya families must move to the farm and stay there until after the harvest (Belapur VDC of Dadeldhura district). Giving of Haliya as Daijo (gift) to a newly married bride was reported in Bhajang and Bajura, but the real extent of this practice is not known.

Obligation of Children to Work: Use of children under the Haliya system is widespread. In Aula (Baitadi district), the research team observed two boys ploughing the landowner's field. Children generally assist adult family members, but also have to work when adults are unable to perform specific activities e.g. due to old age, migration or injury.

Obligation of Women to Work: If Haliya owe debt, then it is the responsibility of the whole family to provide all labour needed by the landlord. As agricultural activities have to be accomplished within a fixed time period, if the Haliya family members do not provide labour, then landlords have to hire in other labourers at greater expense. If Haliya family members do not undertake specific activities, they are subject to abuse and threats.

Obligation of Migrant Haliya to Return Home: Landlords generally do not impose restrictions on Haliya moving elsewhere for work (e.g. to India), once the farm work is accomplished. However, these migrant Haliya are bound to return home before the next agricultural season begins. Generally, Haliya migrate to India in mid-December and return in mid-April (when the farming season begins). If the Haliya is unable to get back home for some reason, and there is no-one to replace him in the family, his wife/children are obliged to hire other ploughers in the village.

Bhage System: Bhage is a system to assign a particular Dalit Haliya to a particular family of the landlord, made at the time of *Ansa Banda*. In *Ansa Banda* the forefathers' property is divided up among sons, upon which they establish a separate family. A Haliya allocated to a particular landlord is known as "his Bhage". A Bhage is bound to perform a wide range of activities for landlords such as *Dolee Bokne* (bride carrier in a sedan chair in a wedding), *Sino Phalne* (throwing out of dead animals) and *Olak Dine* (offering barley seedling to landlords during the Hindu festival *Dashain*). Other traditional jobs include repair of agricultural implements, tailoring and cobbling.

Following a period of intense campaigning, the Nepal government freed all Haliya through a declaration on September 6, 2008 and prohibited recruiting any new person as Haliya. The effect of the government declaration is positive but not even across the districts, and many Haliya are still at work. In some locations, Haliya work in a freer environment. For example, in Aula of Dasarath Chan Municipality (Baitadi district), family members of Haliya are not obliged to work on the landlords' farm. If they do, they receive cash wages. Similarly, if Haliya perform work other than ploughing, they also get paid.

9.2 REASONS FOR BECOMING HALIYA

It was reported that the economic hardship of poor families, compulsion to take debt (cash/land) and inability to repay debt / interest are the major factors leading poor families to become Haliya. In this situation, they borrow from landlords on the condition that they will plough their fields and perform related activities in return.

Social norms towards untouchability and cultural taboos on high-caste people ploughing fields reinforced and perpetuated the Haliya system. Failure of the state to protect marginalized communities, landlessness, ignorance/illiteracy, and the lack of alternative livelihood options were also indicated as causal factors.

9.3 EXPLOITATION AND COERCION OF HALIYA

Though there is no system of making formal labour contracts, the Haliya system operates according to well-established traditions on terms and conditions of work, which do not vary much across the survey districts.

Almost all Haliya work in lieu of interest on loans and land taken for cultivation. Annual rates of interest range up to 60 per cent, which Haliya have to accept due to their low bargaining power. Haliya do not receive cash wages. On working days, Haliya and his family members get three meals if they work from morning to evening but only two meals if they work only during the day-time. In addition to this, they get some food grains at the end of each agricultural season. In local terms, this is called *Khalo Khane*. They get about 8-10 kilograms of unprocessed grains and there are complaints that landlords mix in husk as well as of low quality food. Working hours are generally flexible and, depending upon the amount of work, they are free to manage their time as long as they accomplish the work in the right period.

Many Haliya work for more than one landlord and must be sure to finish the work of each landlord in the right time of the season.

In addition to ploughing, Haliya and his family have to undertake weeding and harvesting of crops. Family members of Haliya generally get one half kg of food grain for the work-day, but do not get any extra remuneration. It is reported that each year, a Haliya/Haliya family has to work up to one month for a landlord with a moderate size of plot of 18-20 *ropanis*.

Generally, landlords do not properly take into account the number of working days and reduction of interest in consultation with Haliya and his family, who never manage to reduce the outstanding principal of the loan. Each year, landlords prepare details of annual financial transactions, interest, etc. on the day of Bashanta Panchami. The inability to repay debt sometimes leads to seizing of the property of Haliya as well as of money they received from development organisations.

The relation between landlords and Haliya goes smoothly as long as the Haliya works obediently and faithfully. But any small mistake is not tolerated and may lead to verbal and physical abuse, threats of severe beatings and losing food and land.

The involvement of Haliya in the freedom movement in recent times has created resentment among landlords, which may have a devastating effect on the lives of Haliya.

How Mr Tika saved the livelihood of his family

Mr Tika (Baitadi) heard about the liberation movement in year 2062 and felt that it was jeopardising the Haliya. His landlord also got angry with the movement and told him "We have not employed you as Haliya; you return our money and go wherever you want". Mr Tika feared that if the landlord fires him, the livelihood of his family will be in crisis. He did not have money to pay back the loan. So, he

requested for the landlord's kindness and explained "we will be serving you, trust us". Then, the landlord did not fire him from the job.

Children get involved in ploughing the fields, sometimes replacing adult family members. It is reported that when a Haliya's son reaches 15 or 16 years of age, the landlord starts convincing the father to allow him to work. Some landlords prevent children from going to school, depending on the age of the children.

Table 9.1 shows the work and schooling status of two children in Baitadi district.

TABLE 9.1: WORK AND SCHOOLING STATUS OF TWO CHILDREN

| Name | Age | School enrolment | School Regularity | Frequency of class failure | Ploughing work | Maximum duration of work | Reasons for ploughing |
|-------|-----|------------------|-------------------|----------------------------|--------------------------------|--------------------------|------------------------------|
| Janak | 15 | Yes, grade 5 | Highly irregular | 3 times | Most of the time in the season | 8-12 hrs./day | Father unable due to old age |
| Tek | 13 | Yes, grade 6 | Regular | 1 time | Occasional | 1-2 hrs. | Father unable due to old age |

Evidence suggests that complete bondage of Haliya is rare since they are generally given freedom in many respects. However, the extent of coercion and exploitation of Haliya varies from one place to another. We feel that our qualitative survey field-sites - Aula in Baitadi district and Kolti in Bajura district - represent two extremes. Haliya in Aula work in a relatively free environment whereas those in Kolti areas experience extreme coercion and exploitation, as there is a feudalistic control over Dalits and Haliya who are addressed as slaves.

9.4 ESTIMATED NUMBER OF HALIYA HOUSEHOLDS

The survey estimated a total of 4,082 Haliya households in the five districts of far-western Nepal, amounting to 2.4 per cent of all households in these districts (Table 9.2). These are households in which at least one member was at work as Haliya at the time of survey. Incidence of Haliya is confined to three caste groups - Dalits, Brahmin/Chhetri¹⁰ and “unidentified castes”. Within groups, dalit castes have the highest proportion of Haliya households (6%). Similarly, the overwhelming majority of Haliya households belong to the Dalit castes (96%).

TABLE 9.2: ESTIMATED NUMBER OF HALIYA HOUSEHOLDS BY CASTE AND ETHNICITY

| Social Group | Number of households | | |
|---------------------|-----------------------------------|------------------------------------|-------------------------------|
| | Estimated total no. of households | Estimated no. of haliya households | Per cent of haliya households |
| Dalits | 63,370 | 3,907 | 95.7 |
| Chhetri/Brahmin | 101,472 | 88 | 2.2 |
| Tarai Janajati | 1,234 | - | - |
| Muslims | 246 | - | - |
| Hill Janajati | 2,822 | - | - |
| Unidentified castes | 3,378 | 87 | 2.1 |
| Total | 172,524 | 4,082 | 100 |

9.5 FORCED LABOUR OF HALIYA

9.5.1 Households Affected by Forced Labour

It is estimated that 3,839 Haliya households are affected by forced labour, or 94 per cent of all Haliya households, virtually all (95%) Dalits. (Table 9.3).

TABLE 9.3: ESTIMATED NUMBER OF HALIYA HOUSEHOLDS AFFECTED BY FORCED LABOUR ACCORDING TO SOCIAL GROUP

| Social Group | Number | | | % within the social group | | |
|---------------------|--------------------------------------|--|--------------|--------------------------------------|--|------------|
| | Households affected by forced labour | Households not affected by forced labour | Total | Households affected by forced labour | Households not affected by forced labour | Total |
| Dalits | 3,664 | 233 | 3,896 | 94.0 | 6.0 | 100 |
| Chhetri | 88 | | 88 | 100.0 | | 100 |
| Unidentified castes | 87 | | 87 | 100.0 | | 100 |
| Total | 3,839 | 233 | 4,072 | 94.3 | 5.7 | 100 |

* Total number of Haliya households is only 4,072 here due to the exclusion of non-responses.

¹⁰ Chhetri/Brahmin are put together on the basis of their cultural similarities, but Brahmin people never work as Haliya because ploughing is culturally prohibited in this group. A few Haliya households from Chhetri castes were found in this study.

9.5.2 Forced labour Linked to Debt

Table 9.4 shows that a total of 2,088 Haliya households are indebted, of which 1,780 are in forced labour (85%).

TABLE 9.4: HALIYA HOUSEHOLDS IN DEBT BY SOCIAL GROUP

| Social group | Number | | | per cent | | |
|---------------------|----------------------------------|--------------------------------------|--------------|----------------------------------|--------------------------------------|------------|
| | Haliya households affected by FL | Haliya households not affected by FL | Total | Haliya households affected by FL | Haliya households not affected by FL | Total |
| Dalits | 1,667 | 308 | 1,975 | 84.4 | 15.6 | 100 |
| Chhetri | 71 | | 71 | 100.0 | | 100 |
| Unidentified castes | 42 | | 42 | 100.0 | | 100 |
| Total | 1,780 | 308 | 2,088 | 85.3 | 14.7 | 100 |

9.5.3 Adult Haliya in Forced Labour

The number of adult Haliya aged 18 years and above is estimated at 4,023 (Table 9.5). This figure is lower than the total number of Haliya households (i.e. 4,082) mainly due to non-response, and exclusion of child as well as migrant Haliya from the analysis.

The estimated number of adult Haliya in forced labour is 3,782 all of whom are male. All the adult Haliya of Chhetri and unidentified castes and 94 per cent of Dalit castes are in forced labour.

TABLE 9.5: ADULTS IN FORCED LABOUR IN HALIYA HOUSEHOLDS, BY SOCIAL CHARACTERISTICS

| Social Characteristics | Number of adults | | | Per cent | | |
|------------------------|------------------|-------------|--------------|---------------|-------------|------------|
| | Forced labour | Free labour | Total | Forced labour | Free labour | Total |
| Sex | | | | | | |
| Male | 3,782 | 241 | 4,023 | 94.0 | 6.0 | 100 |
| Female | - | - | - | - | - | - |
| Social Group | | | | | | |
| Dalits | 3,607 | 241 | 3,848 | 93.7 | 6.3 | 100 |
| Chhetri | 88 | - | 88 | 100.0 | - | 100 |
| Unidentified castes | 87 | - | 87 | 100.0 | - | 100 |
| Total | 3,782 | 241 | 4,023 | 94.0 | 6.0 | 100 |

9.5.4 Dimensions of Forced Labour of Adult Haliya

All three dimensions of forced labour were found among adult haliya, with unfree recruitment and means of coercion being most widespread (Table 9.6).

TABLE 9.6: DIMENSIONS OF FORCED LABOUR OF ADULT HALIYA

| Social Characteristics | Unfree recruitment | Impossibility to leave | Means of coercion | Total number in forced labour |
|-------------------------------|--------------------|------------------------|-------------------|-------------------------------|
| Sex | | | | |
| Male | 3,901 | 3,201 | 3,782 | 3,782 |
| Female | - | - | - | - |
| Social group | | | | |
| Dalits | 3,725 | 3,033 | 3,607 | 3,607 |
| Chhetri | 88 | 88 | 88 | 88 |
| Unidentified castes | 87 | 79 | 87 | 87 |
| Total | 3,901 | 3,201 | 3,782 | 3,782 |

9.6 LIVING SITUATION OF HALIYA

9.6.1 Ownership of House

The overwhelming majority of Haliya households (87%) have their own house (Table 9.7). This was the case for about 89 per cent of the households affected by forced labour and 65 per cent of those not affected. Some 8 per cent of the households affected by forced labour and 29 per cent of those not affected have built their own house in their landlord's land, and a few others are residing in the landlord's courtyard, house or unregistered land.

TABLE 9.7: RESIDENCE ARRANGEMENT OF HALIYA (%)

| Occupancy | Haliya households affected by FL | Haliya households not affected by FL | Total |
|---|----------------------------------|--------------------------------------|------------|
| Own house | 88.7 | 64.9 | 87.4 |
| Landlord's yard or house | 0.3 | - | 0.3 |
| Built own house in landlord's land | 7.6 | 28.7 | 8.8 |
| Landowners' house in landlord's land | 0.6 | - | 0.6 |
| <i>Ailani parti</i> (unregistered land) | 1.2 | 6.4 | 1.5 |
| Relatives house | 1.5 | - | 1.5 |
| Total | 100 | 100 | 100 |

9.6.2 Ownership of Land

The survey found that 17 per cent of Haliya households are landless (Table 9.8). Another 44 per cent of the households have less than one ropani of land the remaining 38 per cent have above one ropani. Compared to the households who are not affected by forced labour (36%), households affected by forced labour have a higher proportion of nearly landless households (45%).

TABLE 9.8: LANDHOLDINGS OF HALIYA HOUSEHOLDS (%)

| Land-holding size | Households affected by forced labour | Households not affected by forced labour | Total |
|--|--------------------------------------|--|------------|
| Landless | 17.4 | 16.7 | 17.4 |
| Nearly landless (up to one <i>Ropani</i>) | 44.9 | 36.0 | 44.4 |
| More than one <i>Ropani</i> | 37.7 | 47.3 | 38.2 |
| Total | 100 | 100 | 100 |

Note: One Ropani equals 5476 square feet.

9.6.3 Food Sufficiency Status

Table 9.9 reveals that only 2 per cent of the Haliya households have year-round food sufficiency. Eighty per cent of the households faced food shortage for more than 6 months during the previous one year period. Forced labour households are worst affected by food shortage (82% lacked food for 7-12 months).

TABLE 9.9: FOOD SUFFICIENCY STATUS (%)

| Food sufficiency status | Households affected by forced labour | Households not affected by forced labour | Total |
|------------------------------|--------------------------------------|--|------------|
| Insufficient up to 6 months | 15.7 | 45.0 | 17.4 |
| Insufficient for 7-12 months | 81.9 | 52.4 | 80.2 |
| Sufficient for whole year | 2.4 | 2.6 | 2.4 |
| Total | 100 | 100 | 100 |

9.7 HALIYA HOUSEHOLD CHARACTERISTICS

Average family size for Haliya households is 6 persons (Table 9.10). The average child dependency ratio is 81.5, and is slightly higher for the households who are not affected by forced labour.

TABLE 9.10: AVERAGE FAMILY SIZE AND CHILD DEPENDENCY RATIO OF HALIYA

| | Households affected by forced labour | Households not affected by forced labour | Total |
|------------------------|--------------------------------------|--|-------|
| Average household size | 6.3 | 6.8 | 6.3 |
| Child dependency ratio | 81.2 | 85.3 | 81.5 |

9.7.1 Literacy and Education

Adult literacy rate is about 31 per cent (Table 9.11). This is the population aged 15 years and above who can read and write in any language.

A large discrepancy in the adult literacy rate is observed, with a much lower rate for the households who are affected by forced labour. About 60 per cent of the adult population is literate among households who are not in forced labour in contrast to just 29 per cent among those who are affected by forced labour. However, there is little variation in the proportion of people completing primary level of education.

Gender differences in literacy rate as well as attainment of primary level education are clearly evident.

TABLE 9.11 LITERACY RATE AND EDUCATION AMONG ADULTS OF HALIYA HOUSEHOLDS (%)

| | Households affected by forced labour | | | Households not affected by forced labour | | | Total | | |
|--|--------------------------------------|--------|-------|--|--------|-------|-------|--------|-------|
| | Male | Female | Total | Male | Female | Total | Male | Female | Total |
| Adult literacy rate (aged 15-years and above) | 40.6 | 17.1 | 29.4 | 75.6 | 41.0 | 59.6 | 42.7 | 18.5 | 31.2 |
| % of population aged 15-years and above completing primary education | 28.3 | 10.1 | 19.6 | 25.5 | 9.2 | 18.0 | 28.1 | 10.1 | 19.5 |

9.7.2 Household Amenities

Table 9.12 indicates that about half of the Haliya households have access to piped water (48%), mainly due to the expansion of safe-drinking water projects around the rural areas in recent years. However, access of Haliya households to toilet facilities is limited (19% on average) and only 10 per cent have access to electricity. None of the Haliya households reported using bio-gas/LP gas, and kerosene for cooking purposes.

TABLE 9.12: HOUSEHOLD AMENITIES AND FACILITIES OF HALIYA (%)

| Amenities and facilities | Households affected by forced labour | Households not affected by forced labour | Total |
|---|--------------------------------------|--|-------|
| % of households having access to piped water | 48.2 | 42.7 | 47.9 |
| % of households with toilet facility | 16.9 | 54.9 | 19.1 |
| % of households with access to electricity | 8.9 | 31.6 | 10.2 |
| % of household using bio-gas, LP gas and kerosene | - | - | - |
| % of households having radio | 26.3 | 33.8 | 26.7 |
| % of households having TV | 1.9 | 6.4 | 2.1 |

The survey also solicited information on ownership of basic agricultural implements (Table 9.13). The great majority of the households affected by forced labour own a plough (89%) as against 79 per cent of households not affected. Almost all households, irrespective of forced labour status, own basic agricultural implements like spades and sickles (97-100%).

TABLE 9.13: HALIYA HOUSEHOLDS' AGRICULTURAL IMPLEMENTS

| Agricultural implements | Households affected by forced labour | Households not affected by forced labour | Total |
|--------------------------------|--------------------------------------|--|-------|
| % of households having plough | 89.1 | 79.0 | 88.5 |
| % of households having spades | 99.1 | 100.0 | 99.1 |
| % of households having sickles | 99.0 | 97.4 | 98.9 |

9.8.3 Socio-economic Empowerment

Table 9.14 reveals that the proportion of households with at least one member receiving skill training is very low among Haliya (1.8%). A few have received training under the Freed Haliya Empowerment Program run by the Rastriya Haliya Mukti Samaj Federation (RHMSF) and by the Poverty Alleviation Fund and Programme. Affiliation of the Haliya households to social and developmental organisations is much lower among the households who are affected by forced labour (at 36%) and is mainly confined to the CBOs (Community-Based Organisations) under the Freed Haliya Empowerment Program and PAF.

TABLE 9.14: SKILLS ORIENTED TRAINING AND MEMBERSHIP IN SOCIAL OR DEVELOPMENT ORGANISATION (%)

| Empowerment indicator | Households affected by forced labour | Households not affected by forced labour | Total |
|--|--------------------------------------|--|-------|
| % of households in which a family member has received a skills oriented training | 1.9 | 0.0 | 1.8 |
| % of households in which any family member is involved in a social or development organisation | 36.1 | 63.1 | 37.7 |

9.8 MODE OF PAYMENT

Haliya are paid through a variety of methods (Table 9.15). Food, Khalo Khane, payment on daily basis, and deduction of interest are the most common methods. The highest proportion (75%) reported that they get food, followed by Khalo Khane (53%), payment on daily basis (51%), deduction of interest (36%) and granting a piece of land for cultivation (22%).

TABLE 9.15: MODE OF PAYMENT OF HALIYA (%)

| Mode of Payment | Forced labour | Free labour | Total |
|--|---------------|-------------|-------|
| Daily | 52.5 | 23.8 | 50.8 |
| Weekly | 4.4 | 11.7 | 4.9 |
| Monthly | 5.7 | 11.7 | 6.0 |
| Some portion of production | 5.8 | 15.6 | 6.4 |
| Khalo Khane | 53.1 | 53.1 | 53.1 |
| Cash and in-kind | 1.4 | 3.6 | 1.6 |
| Share-cropping | 8.2 | 22.3 | 9.0 |
| Granting a piece of land for cultivation | 22.2 | 15.8 | 21.8 |
| Deduction of interest | 38.6 | - | 36.3 |
| Granting a piece of land for shelter | 3.0 | 3.1 | 3.0 |
| Food | 76.3 | 46.0 | 74.5 |
| Children working for advance taken by parent | 0.5 | | 0.5 |

9.9 TYPES OF LABOUR CONTRACT

No written contract is made for the labour of Haliya. Only an oral agreement is made, and Haliya then have to work in accordance with the traditional practice and they do not feel any need for a labour contract.

Table 9.16 reveals many Haliya, both in and not in forced labour, see no need for a labour contract. Seventeen per cent of those who are in forced labour and some 10 per cent of those who are not in forced labour have made a labour contract for a generation. These households feel it is not possible to escape the situation of working for the landlords. With reduced dependency on their landlords (for land, shelter and loans), Haliya may get more freedom and secure less exploitative labour contract with their landlords.

TABLE 9.16: TYPE OF CONTRACT OF HALIYA (%)

| Type of contract | Forced labour | Free labour | Total |
|----------------------------------|---------------|-------------|------------|
| Generation | 17.3 | 9.7 | 16.8 |
| Annual | 4.1 | - | 3.9 |
| Seasonal | 0.3 | - | 0.3 |
| Until debt is paid | 16.5 | - | 15.5 |
| Until land of landowner utilized | 7.2 | 3.1 | 7.0 |
| Until debt paid & land utilized | 5.2 | - | 4.9 |
| No contract needed | 49.2 | 87.2 | 51.5 |
| Others | 0.1 | - | 0.1 |
| Total | 100 | 100 | 100 |

9.10 WORKING TIME

Table 9.17 summarizes the working days and hours of Haliya labourers. The average working day is 7 hours, while around 1 in 5 in both categories of worker (forced and free) reported working more than 8 hours per day. The number of working days per month largely depends on the size of the landlord's farm as well as the number of landlords the Haliya works for. Those working with big landlords and for multiple owners have to work more than those who do not. Haliya generally work under pressure during the agricultural season (planting, weeding & harvest) and during off-season they enjoy freedom, depending also on the extent of their dependency on the landlord. The average working days in the prior month is around 8 days for the haliya in forced labour, and a little less for the free haliya.

TABLE 9.17: WORKING TIME OF HALIYA

| Working hours and days | Forced labour | Free labour | Total |
|----------------------------|---------------|-------------|-------|
| Average working days/month | 7.7 | 7.2 | 7.7 |
| Average working hours/day | 7.3 | 6.4 | 7.3 |

9.11 STATUS OF OTHER LABOUR RIGHTS

Haliya in forced labour reported various violations of labour rights - wage deductions in case of serious sickness or injury (45 and 53%); compulsion to work when sick or injured (82%) and family members obliged to work for the landlord (36%) (Table 9.18). None of these violations was apparent among free Haliya.

TABLE 9.18 OTHER LABOUR RIGHTS VIOLATIONS OF HALIYA (%)

| Labour rights indicators | Forced labour | Free labour |
|---|---------------|-------------|
| % of Haliya whose wages have been deducted or not paid at all due to his/her sickness during the last 12 months | 45.1 | 0.0 |
| % of Haliya whose wages have been deducted or not paid at all due to his/her injury during the last 12 months | 53.3 | 0.0 |
| % of Haliya who were compelled to work during the serious injury or sickness during the last 12 months | 81.8 | 0.0 |
| % of Haliya family members who were obliged to work for Haliya owner | 35.9 | 0.0 |

9.12 BHAGE SYSTEM

The quantitative survey findings confirm the prevalence of the Bhage system (by 50% of the Haliya households affected by forced labour). Households who are not affected by forced labour report a somewhat lower prevalence of Bhage.

TABLE 9.19: INVOLVEMENT IN BHAGE SYSTEM BY HALIYA HOUSEHOLDS (%)

| Bhage status | Affected by forced labour | Not affected by forced labour | Total |
|--------------|---------------------------|-------------------------------|------------|
| Yes | 49.9 | 42.4 | 49.4 |
| No | 50.1 | 57.6 | 50.6 |
| Total | 100 | 100 | 100 |

9.13 HALIYA LIBERATION: BACKGROUND INFORMATION

The traditional practices of Haliya system are deeply-rooted across the 15 districts of mid and far-west region of Nepal, but this problem only came to public attention around 2002. A team from the Lutheran World Federation (LWF)/Nepal first studied the issue in 2002 in Uku VDC of Darchula district and, as a result, in 2003, an umbrella organisation of Haliya, the Rastriya Haliya Mukti Samaj Federation (RHMSF) was set up. The broad objective of RHMSF is to organize and lead the Haliya movement, empower them and work for liberating and rehabilitating Haliya. It works in coordination with other stakeholders including political parties, Land Rights Forum, Dalit movement, and different NGOs and INGOs.

Following advocacy and protests, including in Kathmandu, a 5-point agreement was concluded between the RHMSF and the then Nepal government, regarding a declaration of Haliya liberation,

formation of working committee to study the problems of Haliya, liquidation of loans taken, conducting a census of Haliya households for rehabilitation purpose, and so on. As per the agreement, Nepal government formally declared the liberation of Haliya on September 6, 2008.

There are no reliable statistics on the total number of Haliya prior to their liberation; however, it was estimated that there could have been as many as 18,000-20,000 Haliya households in the 15 districts of mid and Far-west region.

The impact of Haliya liberation has been positive and has contributed to the breakdown of the exploitative practices of the system. In the hope of rehabilitation support, many Haliya left their jobs and started enjoying their freedom. But the declaration also created fear and anger among landlords, some of whom fired their Haliya. Landlords generally do not now want to retain Haliya using the traditional payment system; instead, they pay them a cash wage, or use contract labour, or sharecropping.

Despite the declaration, this study found a relatively large number of Haliya still at work (4,082 households). In some areas, little change has been realized in the exploitative practices like feudalistic control, dependency on landlords, low wages, coercion, etc. (e.g. in Kolti areas of Bajura, Belapur VDC of Dadeldhura). Stakeholders pointed out that effectiveness of the declaration to liberate Haliya should be considered primarily in the wider context of alternative livelihood support for the freed labourers and their families. But in the absence of immediate and long-term relief programmes, many Haliya became discouraged to leave their job and freed Haliya lived in miserable conditions without adequate food, shelter and income. So it may be said that Haliya who have not left their landlord “could get nothing” from the declaration so far, and those who did, could get their “freedom” but at the “risk of losing their livelihood”.

Getting released from the Haliya job becomes very difficult in many instances, especially for those bonded by debt or land (especially for housing). They get intense pressure from the landlord for repayment of loan before they leave the job, and abuse and threats are common. There are many Haliya who have been freed through legal proceedings¹¹, with the assistance of RHMSF. But going to court creates conflict with the landlords and threatens the Haliya’s security. So many Haliya still struggle hard to escape the control of landlords.

*How **Mr Ramesh** filed case against landlord*

The grandfather of Mr Ramesh (Doti) had taken loan of Rs. 3,000 and worked as Haliya for 14 years, but got old and could not work anymore. At that time, total amount of loan was Rs. 14,000. He requested to be released from Haliya without repaying the loan amount, but the landlord did not consent. So in 2005, he filed a case against landlord, won the case and got released from the Haliya job.

***Mr Kiran** freed, but is threatened even after liberation*

Mr Kiran’s family (Kanchanpur) was involved in Haliya profession since generations. He has been using his landlord’s land for housing purpose. After the government declaration, he left the Haliya

¹¹ No specific legal instruments have been designed so far to settle disputes between Haliya and landlords. In this regard, the Kamaiya Labour Prohibition Act, Muluki Ain and the government declaration of Haliya liberation provide the basis to file cases against landlords.

job and started rickshaw pulling in Kanchanpur. But since he is using landlord's land for shelter, the landlord often threatens to evict him from the land.

A few partner organisations, primarily LWF, are providing support to the RHMSF to implement the Freed Haliya Empowerment Program (FHEP) in seven districts. Alternative livelihood strategies adopted by the liberated Haliya may be outlined as follows:¹²

a. Wage labour in agriculture

Landlords retain the labour of the same Haliya but with payment in cash at the local wage rate. Generally, daily wage rate in agricultural sector in the Far West is up to Rs. 250 rupees (or if labourer uses own pair of oxen, it goes up to Rs. 800).¹³ This provides only seasonal employment to the liberated Haliya but is accepted by many as the most feasible alternative livelihood strategy.

b. Wage labour in non-agriculture sector

These liberated Haliya go to nearby areas to seek menial jobs in construction, mining, pottering, masonry, carpentry and so on. As such employment opportunities are rare in rural Nepal, labourers migrate to urban areas in search of such work. Daily wage rate is similar to the agriculture sector.

c. Seasonal contract labour

Contract is generally made with landlords for one agricultural season. Such liberated Haliya generally take an advance payment and depending upon the amount of agricultural land, can earn Rs. 2,000-4,000 in one season.

d. Share-cropping

Sharecropping provides both a livelihood to the liberated Haliya and an assurance for landlords that their lands will be cultivated.

e. Migration

Liberated Haliya either migrate to India or to towns/cities elsewhere in Nepal in search of work. As they no longer have an obligation to return home to their landlords, they can stay in the place of work for a longer period.

f. Return to the Haliya job

There are reports that some of the liberated Haliya have returned to their previous job, because of their inability to earn a livelihood through alternative means.

¹² This is based on field observation during qualitative and quantitative phases of the study.

¹³ This represents an increased wage rate, mainly due to RHMSF activism.

9.14 KNOWLEDGE AND PERCEPTIONS OF HALIYA ABOUT LIBERATION AND GOVERNMENT DECLARATION

9.14.1 Knowledge about Haliya Liberation Movement

Table 9.20 indicates that only slightly more than half of the Haliya households have heard about the Haliya liberation movement (51%) with substantial variation between districts. Bajura district has the lowest rate of knowledge (13%) and Baitadi district the highest (88%).

TABLE 9.20: KNOWLEDGE OF HALIYA LIBERATION MOVEMENT AMONG HALIYA BY SURVEY DISTRICT (%)

| | Knowledge of Haliya Liberation Movement | | | |
|--------------|---|---------------------|------------|--------------|
| | Know about it | Don't know about it | Total | Number |
| Bajura | 13.3 | 86.7 | 100 | 1,348 |
| Achham | 36.1 | 63.9 | 100 | 298 |
| Doti | 37.8 | 62.2 | 100 | 484 |
| Dadeldhura | 34.7 | 65.3 | 100 | 174 |
| Baitadi | 88.2 | 11.8 | 100 | 1,768 |
| Total | 51.3 | 48.7 | 100 | 4,072 |

9.14.2 Reasons for Not Leaving the Job

About 45 per cent of Haliya are still at work due to the lack of alternative livelihood opportunities, and another 41 per cent due to their inability to repay loan. The picture varies somewhat by survey district. In Baitadi, 80 per cent of Haliya mentioned their inability to repay loan as the major barrier whereas lack of alternative livelihoods was more often cited in the other districts. Some 3 to 9 per cent of Haliya in could not leave due to fear of threats from landlords (in Bajura, Achham and Baitadi), or dependence on them for shelter (in Doti, which also had a low rate of knowledge about liberation) (Table 9.21).

TABLE 9.21: REASONS FOR STILL WORKING AS HALIYA (%)

| Main reason | District | | | | | Total |
|---|------------|------------|------------|------------|------------|------------|
| | Bajura | Achham | Doti | Dadeldhura | Baitadi | |
| Couldn't repay loan/credit | 3.0 | 5.0 | 32.6 | 12.2 | 80.2 | 40.6 |
| Do not know about liberation | 7.6 | 5.0 | 15.9 | 2.9 | 7.1 | 8.0 |
| No alternative livelihood | 86.0 | 84.2 | 42.6 | 84.9 | 4.3 | 45.2 |
| Living in the landlord's land | 0.6 | 2.9 | 8.8 | | 5.1 | 3.7 |
| Possibility of threats from the landlords | 2.5 | 2.9 | | | 2.6 | 2.2 |
| Threats to withdraw share cropping | 0.3 | | | | 0.7 | 0.4 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |

9.14.3 Perception of Possible Ways of Liberating Haliya

Guarantee of shelter was most often mentioned as the best way to liberate Haliya, by more than 90% of Haliya across the five survey districts. Nearly three-quarters of Haliya stressed the need for skills-training, while release from the loan appears as the third major possible way (52%) Cash compensation was also frequently mentioned in most districts (particularly popular in Doti), as well as support for children's education (Table 9.22).

TABLE 9.22: POSSIBLE WAYS OF LIBERATING HALIYA (%)

| Possible Ways of liberating Haliya | Bajura | Achham | Doti | Dadeldhura | Baitadi | Total |
|--|--------|--------|------|------------|---------|-------|
| Guarantee of shelter | 94.8 | 62.9 | 88.6 | 75.8 | 97.2 | 92.0 |
| Guaranteeing tenancy rights | 14.6 | 7.5 | 3.7 | 6.5 | 6.5 | 8.9 |
| Release from the loan | 15.5 | 5.6 | 50.0 | 40.6 | 89.0 | 51.9 |
| Skills training | 81.3 | 76.3 | 47.6 | 51.0 | 77.2 | 73.8 |
| Financial support for foreign employment | 4.7 | 28.5 | 8.9 | 24.7 | 0.6 | 6.0 |
| Support for children's education | 66.8 | 54.6 | 4.9 | 26.7 | 23.5 | 38.0 |
| Cash compensation | 21.1 | 64.7 | 85.7 | 66.8 | 2.3 | 25.8 |
| Others | | | | | 3.8 | 1.6 |

9.14.4 Knowledge about Government Declaration

Table 9.23 reveals that knowledge about the government declaration on Haliya liberation is not widespread or uniform among the Haliya who are still at work. Less than half of them have heard about the government declaration, with the rate being highest in Baitadi district (79%) and lowest in Bajura (18%).

TABLE 9.23: KNOWLEDGE OF GOVERNMENT DECLARATION AMONG HALIYA (%)

| District | Knowledge of government declaration | | | | Number |
|--------------|-------------------------------------|---------------------|-------------|------------|--------------|
| | Know about it | Don't know about it | No Response | Total | |
| Bajura | 18.1 | 79.0 | 2.9 | 100 | 1,348 |
| Achham | 37.5 | 60.0 | 2.5 | 100 | 298 |
| Doti | 22.3 | 77.7 | | 100 | 484 |
| Dadeldhura | 24.4 | 62.3 | 13.3 | 100 | 174 |
| Baitadi | 79.4 | 14.7 | 6.0 | 100 | 1,768 |
| Total | 46.9 | 48.8 | 4.3 | 100 | 4,072 |

9.14.5 Perceptions of Impact of Government Declaration

Among those Haliya who know about the government declaration (around 1,900 households), more than 80% positively assessed its impact on the lives of freed Haliya (Table 9.24). Only 18 per cent said that no improvement had resulted or could not respond. There are some significant differences between districts. More than half of the Haliya in Bajura and Doti districts reported no improvement, while in Achham, Dadeldhura and Baitadi a large majority reported some improvement. This could reflect that the implementation of the declaration and the support provided to free Haliya has been patchy.

TABLE 9.24: PERCEPTIONS OF IMPACT OF GOVERNMENT DECLARATION ON LIVING CONDITIONS OF FREED HALIYA (%)

| | Good improvement | Some improvement | No improvement | Can't say | Total | Number |
|--------------|------------------|------------------|----------------|------------|------------|-------------|
| Bajura | | 32.5 | 52.2 | 15.3 | 100 | 244 |
| Achham | 3.9 | 96.1 | | | 100 | 112 |
| Doti | 29.2 | 7.3 | 63.5 | | 100 | 108 |
| Dadeldhura | | 65.7 | 14.6 | 19.6 | 100 | 42 |
| Baitadi | 2.1 | 90.8 | 4.9 | 2.3 | 100 | 1403 |
| Total | 3.4 | 78.4 | 14.2 | 4.1 | 100 | 1909 |

9.15 SOME CHALLENGES IN THE REHABILITATION OF FREED HALIYA

Unfortunately, conflict has developed between Haliya and non-Haliya communities in recent years, especially after the government announced that Haliya would be granted tenant rights. Landlords are aware of this decision, which is controversial; even RHMSF has not fully accepted the decision because of questions about its implementation and possible adverse impact on the Haliya communities concerned.¹⁴ The situation has negatively affected social harmony and created a barrier to the full rehabilitation of freed Haliya in future.

In practice, government has failed to implement its decision regarding rehabilitation programmes for freed Haliya. They remain in dire need of land and employment on a long term basis, and only the government can provide this. There is also a legal gap in dealing with disputes between Haliya and their landlords as well as with the rehabilitation of the freed Haliya.

Given the poor access of Haliya families to education, skills and resources, they have very limited employment opportunities outside agriculture. Many remain totally dependent on their landlords for their livelihood and shelter. Distribution of land is the main demand of Haliya communities.¹⁵ However, there is a tendency to link the issue of land distribution to Haliya families with the broader context of land distribution to all sukumbasis (landless people) in Nepal, and this is an impediment to the prompt rehabilitation of the freed Haliya.¹⁶

¹⁴ Based on discussions with RHMSF authority in Dadeldhura.

¹⁵ As revealed in our field work as well as views expressed in RHMSF seminars.

¹⁶ RHMSF official stated that the government Sukumbasi Commission is considering land distribution to Haliya along with another 1,668,000 Sukumbasis. RHMSF is opposed to this because they believe it will delay rehabilitation of Haliya.

ANNEX 1

RESEARCH TEAM

Core Research Team

Dr. Bal Kumar KC
Dr. Govind Subedi
Dr. Bhim Raj Suwal

Project Director
Principal Investigator
Co-Principal Investigator

Regional Coordinators

Mr Shiva Prasad Khanal
Mr Laxman Singh Kunwar

Field Coordinator, Far-west hills
Field Coordinator, Tarai region

Data Management Expert

Mr Mohan Khajum

Field Surveyors

Tarai Region

Local Training Facilitator

1 Mr Pradip Mahato

Supervisors

2 Mr Amiri Yadav

3 Mr Arjun Bhattarai

4 Mr Auran Kumar Shah

5 Mr Dinesh Prasad Shah

6 Mr Lok Nath Limbu

7 Mrs. Radha Dhungana

8 Mr Tank Limbu

Enumerators

9 Mr Bal Ram Shrestha

10 Mr Balendra Pasawan

11 Mr Chandra Kumar Chaudhary

12 Mr Dilip Das

13 Mr Jeetendra Pasawan

14 Mr Kapil Dev Yadav

15 Mr Kula Nanda Mandal

16 Mr Ram Babu Pasawan

17 Mr Ram Bilash Dhanikar

18 Mr Ram Kumar Chaudhary

19 Mr Ram Narayan Chaudhary

20 Mr Rupa Narayan Paswan

21 Mr Santa Lal Ram

22 Mr Shankar Ram Chamar

23 Mr Sukhadi Baitha

24 Mr Sunesh Pasawan

25 Mr Tika Ram Bishowkarma

Far-west hills

Local Training Facilitator

1 Mr Raju Bhul

Supervisors

2 Mr Dhruba Saud

3 Mr Ganesh Hamal

4 Ms Nirmala Bum

5 Mr Ramesh Bhatta

6 Mr Tek Raj Bhatta

Enumerators

7 Mr Chet Raj Bhatta

8 Mr Daya Krishna Bhatta

9 Mr Ganesh Deuba

10 Mr Harihar Shah

11 Mr Janga B. BK

12 Mr Keshab Mahata

13 Mr Mohan Bum

14 Mr Naresh Thagunna

15 Mr Prakash Bista

16 Mr Pushpa Raj Shahi

17 Mr Rajendra Lohar

18 Mr Ram Pariyar

19 Mr Ser Kaini

20 Mr Shyam BK

21 Mr Suraj Soni

This report presents the results of a survey on the working and living conditions of adult and child labourers under the *haruwa*, *charuwa* and *haliya* systems in agriculture, prevalent in certain rural Districts of Nepal. It investigates, in particular, how many of them are working under conditions of forced labour, using three categories of forced labour indicators: “unfree recruitment”, “impossibility to leave the employer”, and “means of coercion”. The study aims to inform future policy and programme development to benefit this particularly vulnerable group of Nepal’s population.



Governance and Tripartism Department
Special Action Programme to combat Forced Labour
forcedlabour@ilo.org
www.ilo.org/forcedlabour

International Programme on the Elimination of Child Labour
ipec@ilo.org
www.ilo.org/ipec

International Labour Office, route des Morillons 4, 1211 Geneva 22, Switzerland