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Joint submission for the Universal Periodic Review of Nepal
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1. INTRODUCTION

This is a joint submission by Anti-Slavery International, Children-Women in Social Service and Human Rights (CWISH), Nepal National Dalit Social Welfare Organization (NNDWSO), and Samrakshak Samuha Nepal (SASANE).

This submission focuses on:

- Child sexual exploitation and trafficking of children for sexual purposes
- Forced and bonded labour
- The impact of Covid-19 on people in slavery and on slavery risk

The evidence in this submission was gathered through projects delivered in Nepal by the above-named organisations; one project addressing child sexual exploitation and trafficking of children for sexual purposes, and the other tackling bonded labour, particularly those affected by the *Haliya* system of bonded agricultural labour.

2. EXECUTIVE SUMMARY

Child sexual exploitation and trafficking of children for sexual purposes

The prevalence of child sexual exploitation and trafficking of children for sexual purposes remains alarmingly high in Nepal. Girls as young as eight are sexually exploited, with those from the age of 12 years most susceptible to trafficking. Girls from disadvantaged groups, such as socially marginalised caste groups like Dalits, Tamang, Kumal and Chepang, and from rural backgrounds, are particularly affected. Poverty, gender discrimination, lack of education and employment opportunities, peer pressure, and social prejudices increase the vulnerability of children, particularly girls, to sexual exploitation.

Child survivors of sexual exploitation and trafficking for sexual purposes are overwhelmingly unable to access justice, remedy, and protection. The reporting of cases is very low, with estimates that approximately five in 100 cases are reported. Survivors face numerous barriers in being able to report the crime, including cultural barriers such as shame and

stigma, alongside administrative barriers. Those who do manage to report face significant barriers from the police and judicial system, including the influencing of the judicial process by suspected perpetrators. Along with the financial costs of bringing a case, those seeking justice can be forced to abandon the legal route and turn back to community-level negotiations for a solution. Multiple forms of discrimination, including caste discrimination and a rural background, also interact to prevent survivors from accessing justice.

In the past decade, the Government has engaged in efforts to tackle child sexual exploitation and trafficking. It supported several second cycle Universal Periodic Review (UPR) recommendations relevant to the protection of children from sexual exploitation and trafficking.¹ At the national level, new laws, policies and action plans have been put in place, as well as revisions to existing child safeguarding provisions. In March 2020, Nepal's Parliament approved the ratification of the UN Protocol to Prevent, Suppress and Punishing Trafficking in Persons to the UN Convention on Transnational Organized Crime 2000 (the Palermo Protocol).

However, these efforts are yet to yield results. The Government is urged to improve the reporting of child sexual exploitation and trafficking cases, enhance the capacity of frontline law enforcement, make the judicial process more child-friendly, and improve justice delivery by the courts. The Government should advance institutional reform surrounding child sexual exploitation and trafficking, prioritise measures to reduce the stigmatisation of survivors, and act to eliminate discrimination against children and gender-based discrimination. The current school curriculum coverage of child sexual exploitation and trafficking should be enhanced in order to reach at-risk children.

Bonded labour

Bonded labour exists in different forms and different sectors in Nepal, despite its prohibition in law. Poverty, landlessness, discrimination, and social exclusion underpin bonded labour, and the majority affected are Dalits or members of other traditionally marginalised communities.

The Government has taken important steps to tackle bonded labour including passing the 2002 Bonded Labour (Prohibition) Act and declaring in 2008 that the *Haliya* system of bonded agricultural labour was abolished. It has drafted a new Bonded Labour Act which would supersede previous laws. The Government supported relevant second cycle UPR recommendations on bonded labour and the rehabilitation of freed bonded labourers;² child labour³; and caste discrimination⁴.

¹ Recommendation 121.8 (Timor Leste); Recommendation 121.5 (Slovakia); Recommendation 121.25 (Japan); Recommendation 122.46 (Netherlands); Recommendation 122.58 (Slovenia); Recommendation 122.59 (Czech Republic); Recommendation 122.47 (Belgium), Recommendation 122.51 (Russia); Recommendation 122.50 (Djibouti)

² Recommendation 122.82 (Finland)

³ Recommendation 121.6 (Slovakia); Recommendation 122.51 (Russian Federation); Recommendation 122.49 (Slovenia); Recommendation 122.48 (Brazil); Recommendation 122.50 (Djibouti)

⁴ Recommendation 122.36 (Switzerland); Recommendation 122.20 (United Arab Emirates); Recommendation 122.33 (Paraguay); Recommendation 122.35 (Denmark); Recommendation 122.41 (Namibia); 122.55 (Denmark).

However, the process of identification, release and rehabilitation of people affected by the *Haliya* system of bonded agricultural labour has been very problematic. There was a significant gap between the numbers officially identified by the Government and the actual number affected, meaning that many missed out on release and rehabilitation assistance, including provision of identification cards. Rehabilitation programmes have reached about one-third of those affected, and their content is not sufficient to ensure economic empowerment and access to decent work opportunities. Former bonded labourers experience significant barriers in access to identity cards, land, social benefit entitlements, and sustainable alternative livelihoods, and their children experience barriers in access to education.

The Government is urged to ensure the prompt, full and sustainable rehabilitation of the *Haliya* community, ensuring the participation of the *Haliya* community in the design and monitoring. It should ensure that those *Haliya* who were not officially identified as such by the Government process⁵ and therefore missed out on access to identity cards and rehabilitation measures, are now given these. It should put in place measures to ensure the economic empowerment of released bonded labourers in order to reduce vulnerability to return to exploitation. It should ensure that marginalised and socially excluded communities, including former bonded labourers and Dalits, can realise their rights to education, health, housing, land, and other social entitlements, and access Government initiatives on these areas. The Government should adopt the *Bonded Labour (Prohibition, Prevention and Rehabilitation) Act* as soon as possible.

The impact of Covid-19 on people in slavery and slavery risk

People in slavery and vulnerable to slavery are from the poorest and most marginalised communities. These communities have been disproportionately affected by Covid-19, struggling with food scarcity, difficulties in access to healthcare and sanitation, stigmatisation, loss of work and income, barriers or exclusion from social and financial protection measures, and increased vulnerability to exploitation. Migrant workers, informal sector workers and children have been particularly severely affected. Slavery risk, including forced labour, debt bondage, trafficking, and child labour, has grown as existing vulnerabilities have been heightened to critical level by the economic and labour market shocks of the pandemic.

The Government is urged to take action to mitigate against the risk of a growth in all forms of contemporary slavery as a consequence of the Covid-19 pandemic. Policy responses to Covid-19 and its impact must reach and include people in and vulnerable to slavery, including social and financial protection measures. The Government must ensure that actions to identify, release, rehabilitate people in slavery, including work-place inspections, continue to be prioritised, resourced, and implemented. It should consult with anti-slavery organisations and survivors to ensure that policy measures are inclusive and effective in practice.

⁵ which particularly affected women, but also men who did not have the relevant documentation or were working in India

3. CHILD SEXUAL EXPLOITATION AND TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES

RELEVANT THEME: PROHIBITION OF SLAVERY, TRAFFICKING (12); AND CHILDREN: PROTECTION AGAINST EXPLOITATION (30)

3.1 Child sexual exploitation and trafficking of children for sexual purposes in Nepal

Nepal has alarmingly high levels of child sexual exploitation and trafficking of children for sexual purposes. Nepalese children are sexually exploited and trafficked in multiple ways: through the adult entertainment sector, street sex work, child sex tourism, pocket money sex, child pornography, online abuse, debt bondage and international trafficking for commercial sexual exploitation. While the numbers of children affected are difficult to establish due to the clandestine nature of such activity, organisations working with child survivors from these sectors report that the number of children becoming involved appears to be increasing, with rising demand for access to relevant shelters.

Research indicates the existence of sexual exploitation of girls as young as eight years, with girls from the age of 12 years most susceptible to trafficking for sexual purposes. Girls from disadvantaged groups, such as socially marginalised caste groups like Dalits, Tamang, Kumal and Chepang, are particularly vulnerable to child sexual exploitation and trafficking. There is a heightened vulnerability for girls from a rural background, who continue to be particularly affected by poverty, burdensome household chores, child marriage, disability and caste-based discrimination and difficulties in accessing education.

The 2015 earthquake affected nearly a third of Nepal's population, occasioning a spike in orphaned children and a significant increase in violence against women and girls, including indicators that child earthquake survivors have been targeted by traffickers for commercial sexual exploitation abroad. Emerging cultural trends (liberalisation, pornography, and the rising influence of foreign media) and changing migratory phenomena (increased urbanisation and displacement) have both contributed to the rising commodification of Nepalese children for sex.

Child survivors are subject to overlapping forms of discrimination that combine to render them vulnerable to exploitation and trafficking. Poverty, gender discrimination, lack of education and employment opportunities, peer pressure, and social prejudices increase the vulnerability of children, particularly girls, to sexual exploitation. These forms of discrimination – including issues of caste discrimination and a rural background – also often interact to prevent them from accessing justice.

3.2 The experiences of survivors of child sexual exploitation and trafficking seeking to access justice

In the past decade, the Government has engaged in efforts to tackle child sexual exploitation and trafficking of children for sexual purposes. However, the prevalence

remains alarmingly high, and reporting of cases is very low, with estimates that approximately five in 100 cases are reported. Child survivors are still overwhelmingly unable to access the Nepalese justice system and thus in reality remain effectively unprotected.

A study conducted in 2019 by Anti-Slavery International and its partners in Nepal, CWISH and SASANE, on the experiences of child survivors seeking to access justice found that:

- A huge majority of survivors of child sexual exploitation have no chance of seeing justice. Survivors face multiple barriers in being able to report the crime, both cultural barriers such as shame and stigma, alongside administrative barriers.
- Those who do manage to report their abuse and exploitation face significant barriers from the police and judicial system. Including the crime being dismissed due to a lack of awareness; a lack of resources and coordination; and the influencing of the judicial process by suspected perpetrators who often stand much higher in the societal hierarchy than the child survivors.

Barriers to reporting

Only a fraction of child sexual exploitation or child trafficking for sexual purposes cases are ever reported to the police, with untold numbers of survivors never telling anyone.

The stigmatisation of survivors is a key driver of non-reporting, alongside a lack of awareness about the illegality of child sexual exploitation, and a lack of awareness about how to report it. Social stigma particularly silences Nepalese girls, who are viewed as responsible for a family's honour, meaning that family members can be unsupportive or even hostile to attempts to access justice. Issues of perceived agency in some child exploitation case can further entrench issues of stigma – a matter readily weaponised by perpetrators to silence survivors.

Fear of perpetrators, including of threats and actual retributive violence, is another key obstacle preventing survivors from reporting offences. Perpetrators often have higher political reach and influence within the police and local community, and are generally socially, economically, and politically higher in the power hierarchy than survivors. Perpetrators use their positions and political ties to not only influence law enforcement and the judicial system, but also to turn families against survivors.

There is a perception among survivors that access to justice is available only to those with access and reach and is impossible for the poor. Even where cases are reported, most remain unregistered due to the politicisation of the police, and perpetrators generally enjoy impunity. Survivors note that perpetrators are quickly released, raising serious questions about their safety. This lack of trust in the justice system means that even where survivors and their families want to take action, there is a tendency to try and resolve cases informally. Geographical isolation is a major challenge to accessing justice, with survivors in rural communities facing higher logistical and resource burdens in filling a case.

Experiences with frontline law enforcement

While there are examples of good practice, in general, the police do not recognise child sexual exploitation and trafficking as serious crimes needing prioritisation. This makes case registration and the investigation process slow, which increases trauma and expense for survivors.

Survivors experience challenges in registering a First Information Report (FIR) with the police. The police are often reluctant to register cases and sometimes either ask survivors to write the FIR themselves or refer them to third parties whom they must pay to write it for them. Children often find it difficult to understand what is being asked during a FIR, and survivors remain generally unaware that they can safeguard their identities.

Perpetrators place pressure on the police and survivors throughout investigations, with repeated calls to the police station, or loitering outside to menace survivors, which sometimes disrupts the police's ability to work.

Investigations into child sexual exploitation and trafficking are significantly hampered by: limited police personnel with technical expertise in collecting evidence; a lack of clarity on the types of good quality evidence needed to support a case; a lack of necessary resources and equipment required to investigate effectively; inadequate commitment among some police officers to ensure a thorough investigation. The allocation of only 28 days to investigate a case is insufficient to enable a proper enquiry, and when investigation reports are submitted to the public prosecutor there is reportedly a tendency for them to be neglected, as well as a failure to coordinate with police thereafter.

Experiences of the judicial process

Patriarchal attitudes, a deeply entrenched apathy to child sexual exploitation and trafficking, incompetence and corruption can see survivors' cases prolonged for years, delaying justice, and creating a widespread distrust of the judicial system. Along with the financial costs of bringing a case, those seeking justice can be forced to abandon the legal route and turn back to community-level negotiations for a solution instead.

In court, legal provisions intended to support survivors, such as in-camera hearings, victim protection, case fast tracking and interpretation, are often not implemented. While the law requires that survivors should be kept informed about their case progress, it does not happen in practice.

There are often safeguarding failings. Judges and Prosecutors are rarely present during a survivor's testimony, enabling more pressure to be exerted by perpetrators. Male-dominated court rooms, insensitive and harassing questioning by lawyers, the close proximity of perpetrators inside the courtroom and outside, further traumatises victims.

The complex process of applying for compensation, long delays in it being awarded, a failure or inability to inform survivors about the conclusion of their case, and the low value of compensation awards, deter victims from seeking restorative justice.

3.3 The Government's response to child sexual exploitation and trafficking of children for sexual purposes

Nepal's Constitution aims to protect children from all forms of sexual exploitation. Nepal has ratified numerous international human rights instruments aimed at preventing the sexual exploitation and trafficking of children. At the national level, new laws, policies, and action plans, as well as revisions to existing child safeguarding provisions, have been put in place.

Nepal's definition of what constitutes trafficking of children for sexual purposes differs from international accepted standards. Trafficking is more narrowly defined in Nepalese law; for a child to be recognised as trafficked for sexual purposes under the Human Trafficking and Transportation (Control) Act 2007 (the 2007 Trafficking Act), they need to have been prostituted, bought or sold, or moved/taken away from somewhere for the immediate or ultimate purpose of their sexual exploitation.⁶ Therefore, while some types of child sexual exploitation fall under its scope, other forms are excluded. Nepal's anti-trafficking legislation is also vague, poorly implemented, and criminalises many survivors of child trafficking for sexual purposes.

Survivors of forms of child sexual exploitation that do not currently fall within the remit of anti-trafficking legislation must turn to other relevant laws, such as child protection and criminal laws. While relatively new, these laws are also vague, often overlapping, and subject to a one-year statute of limitations. The one-year statute of limitations particularly acts as an obstacle in access to justice for survivors given reporting barriers.

Therefore, the legal landscape in Nepal for prohibiting and protecting children against child sexual exploitation and trafficking is patchwork, complex and uneven, with offences spreading across multiple laws. This approach causes confusion for survivors as well as judicial system actors. It also has implications for the Government's ability to effectively monitor and record data on child sexual exploitation and trafficking.

In March 2020, Nepal's Parliament approved the ratification of the UN Protocol to Prevent, Suppress and Punishing Trafficking in Persons to the UN Convention on Transnational Organized Crime 2000 (the Palermo Protocol), which is very welcome. The Government should now bring domestic law on child sexual exploitation and trafficking in line with the Palermo Protocol and amend the definition of trafficking in the Human Trafficking and Transportation (Control) Act 2007 accordingly.

3.4 RECOMMENDATIONS

The Government is urged to improve the reporting of child sexual exploitation and trafficking cases, enhance the capacity of frontline law enforcement, improve justice

⁶ Article 4 of the Human Trafficking and Transportation (Control) Act defines trafficking as, inter alia, buying or selling a person for any purpose or forcing someone into prostitution with or without financial benefit, while defining human transportation as including taking "anyone from his/her home, place of residence or from a person by any means such as enticement, inducement, misinformation, forgery, tricks, coercion, abduction, hostility, allurements, influence, threat, abuse of power and keep him/her into one's possession or take to any place within Nepal or abroad or handover him/her to somebody else for the purpose of prostitution and exploitation".

delivery by the courts, and advance institutional reform surrounding child sexual exploitation and trafficking in Nepal. Particularly:

- **Awareness raising:** Disseminate information for at-risk children by enhancing the current school curriculum coverage of child sexual exploitation and trafficking. In order to reduce stigma, relevant government bodies and specialised NGOs, working with survivors, should lead on awareness raising of the issue in communities.
- **Access to justice:** Improve access to justice for survivors of child sexual exploitation and trafficking by ensuring adequate allocation of resources to police forces; developing a First Information Report template that is specific to child sexual exploitation and trafficking; providing cost-free assistance to write the report; developing Standard Operation Procedures (SOP) for the handling of such cases; and enhancing the sensitivity of police and judicial personnel through intensive awareness raising training.
- **Protection of survivors:** Ensure that existing protections for testifying survivors of child sexual exploitation and trafficking are implemented in practice by juridical personnel. The Government should legislate and implement financial penalties for individuals and groups that try to interfere in the justice process and put in place procedures to monitor case progression.
- **Compensation:** Develop a compensation award matrix for child sexual exploitation and trafficking cases and ensure that compensation is awarded to survivors from the government interim fund instead of requiring them to seek it directly from perpetrators.
- **Legal framework:** Bring domestic law on child sexual exploitation and trafficking in line with the Palermo Protocol and amend the definition of trafficking in the Human Trafficking and Transportation (Control) Act 2007. The Government should consider the introduction of an independent representative advocating on behalf of a child survivor.

4. FORCED AND BONDED LABOUR

RELEVANT THEME: PROHIBITION OF SLAVERY, TRAFFICKING (12)

4.1 Forced and bonded labour

Bonded labour exists in different forms and different sectors in Nepal, despite its prohibition in law. Poverty, landlessness, discrimination, and social exclusion underpin bonded labour and the majority affected are Dalits or members of other traditionally marginalised communities.

The *Haliya* system of bonded agricultural labour is predominantly found in the geographically isolated Far-Western Region (FWR). *Haliya* labourers are landless agricultural labourers, mostly Dalits, who are indebted to their landlords and as such receive no pay in return for the agricultural and domestic work that they carry out. Some are indebted to

their landlords working in lieu of interest on loans taken and others will have inherited debt, passed down through generations in their family. Children of *Haliya* can also be taken as collateral for debt, living with the landlord to work full-time as domestic workers. *Haliya* are usually paid with food, a small amount of grain in the harvest season (Khalo Kane) or with daily wages; few of them achieve reductions of their debt.

4.2 The Government response to bonded labour

The Government of Nepal has taken important steps to tackle bonded labour including passing the 2002 Bonded Labour (Prohibition) Act. In response to the *Haliya* form of bonded agricultural labour, the Government declared in 2008 that it was abolished, although the draft *Haliya* System (Abolition) Bill of 2008 was never passed into law. Five years later, in 2013, the Government prepared the freed *Haliya* Rehabilitation Action Plan. Freed *Haliya* were categorised into four classes with different levels of rehabilitation assistance for each. In 2019, the Federal Government of Nepal assigned rural municipalities to complete any outstanding tasks.

In 2016, the Government reported to the International Labour Organization (ILO) that it had drafted a new law on bonded labour, the Bonded Labour (Prohibition, Prevention and Rehabilitation) Act, which will repeal the previous Bonded Labour Act as well as the un-adopted draft *Haliya* Bill and abolish all forms of bonded and forced labour. At the time of writing, the draft has not passed into law.

Bonded labour primarily affects Dalits and other marginalized caste groups. In response to caste discrimination, the 2015 Constitution has made specific provisions about the rights of Dalits under Article 40. It made the state responsible to provide land to landless Dalits for one time (40.5) and provide housing for Dalits who do not have housing of their own (40.6).

The Constitution also mandates the local government bodies (province and municipalities) to take actions for Dalits, marginalized people, unemployed and disadvantaged groups, in the areas of social security and employment, poverty alleviation, unemployment aid, education and health, and landlessness.⁷ However, the local government bodies have not developed any policies and programs to implement these constitutional mandates.

4.3 Obstacles to the release and rehabilitation of freed *Haliya* bonded labourers

The process of identification, release, and rehabilitation of *Haliya* bonded labourers has been very problematic, creating a vulnerability to further exploitation.

When it declared the abolition of the *Haliya* system, the Government identified that there were an estimated 16,953 *Haliya* families in bonded labour. However civil society organisations estimated that the number was more likely to be around 20,000 to 22,000, meaning that many would have missed out on release and rehabilitation assistance, including provision of identification cards.

⁷ Article 51 calls for action “to identify the freed bonded labours, Kamlari, Harawa, Charawa, tillers, landless, squatters and rehabilitate them by providing housing, housing plot for residence and cultivable land or employment for their livelihoods”. Section 51(J.6) of the 2015 Constitution of Nepal

Freed *Haliya* were categorised into four classes, with different levels of rehabilitation for the different classes. However, there were many cases in which families were inaccurately classified. In some cases, freed *Haliya* labourers reported that their former landlords continued to demand they repaid their debt with interest, even though all debts were supposed to be nullified when the system was declared abolished.

There was also a large gap in the number of families officially identified as *Haliya* by the Government (itself an under-estimate) and the number which actually received rehabilitation packages and identification cards. Of the Government's official estimate of 16,953 *Haliya* families, it reported to the ILO that only 10,622 were enlisted for rehabilitation and identification cards were issued to 7,898 families.⁸ Without identity cards, families remain unregistered with the local authorities and are unable to access entitlements and benefits, such as compensation and land, which would alleviate poverty.

In 2019, participatory monitoring organised by Anti-Slavery International and Nepal National Dalit Social Welfare Organization (NNDWSO) and conducted by trained freed *haliya* volunteers and leaders, was undertaken in five districts of the Far-West. Of the 7,667 freed *Haliya* families surveyed, only 34% (2,594 families) had been officially identified by the Government. This means that 66% (5,073 families) had been excluded from access to the rehabilitation process and were landless or homeless or living in poor conditions, with no entitlement to any of the government services that were outlined in the *Haliya* rehabilitation plan.

The rehabilitation measures set out for freed *Haliya* bonded labourers have therefore only reached a very small percentage of affected families. The most disadvantaged and marginalised *Haliya* families experience the greatest barriers in access to rehabilitation packages as they are less likely to be able to access support and representation to do so.

The content of rehabilitation packages is insufficient. The amount of financial compensation money has not been adjusted to reflect inflation. The work-skills training and education measures are limited. While the 2013 *Haliya* Rehabilitation Action Plan identified economic empowerment of the freed *Haliya* as a major strategic step, this has not happened effectively. The Action Plan included provision of \$100 support for skills development training but there was no clear mechanism to access it and the amount was not enough to cover the expenses of training if they had to go outside of their towns or villages. The Action Plan provisioned a bank loan for freed *Haliya* to establish a business but, in the absence, of collateral, they were systematically excluded from the loan process.

Demonstrating the importance of sufficient rehabilitation and employment empowerment to prevent a return to exploitation, 28% of the 7,667 freed *Haliya* families surveyed (2,164 families) by Anti-Slavery International and NNDWSO are now engaged in exploitative sharecropping. Others were working as unskilled agricultural or construction labourers or had migrated to India for work. Around 10,000 adults from the families surveyed were in

⁸ Observation (CEACR) - adopted 2016, published 106th ILC session (2017), [Forced Labour Convention, 1930 \(No. 29\)](#) - Nepal (Ratification: 2002)

unskilled daily wage work either in Nepal or India. There are many reports of freed *Haliya* returning to take loans from landlords for survival means. To improve the effectiveness of the rehabilitation process, the Government should ensure participation and monitoring process by the *Haliya* community in the future.

4.4 Access to education for children of former and bonded labourers

Children of former and bonded labourers struggle to obtain an education due to a failure to distribute scholarships properly, scholarships which do not cover all costs involved, and caste-based discrimination and segregation within schools. Children may enrol in school, but attendance is irregular and dropout rates are high. Without access to education, the children of former bonded labourers are vulnerable to child and forced labour.

Anti-Slavery International and NNDWSO's research in Far Western Province found that while 91% of children in the freed *Haliya* families surveyed were attending primary school, only 760 had completed 12 years of school education and had graduated from high school, representing a huge drop out from the education system. Only 10% of those who had completed 12 years of school education and graduated from high school had gone on to find full-time employment.

4.5 RECOMMENDATIONS

- Undertake a comprehensive national survey and identification of bonded labourers, across all industries and in conjunction with relevant stakeholders in order to fully understand the scope of the problem.
- Adopt the *Bonded Labour (Prohibition, Prevention and Rehabilitation) Act* as soon as possible.
- Require national, provincial and local governments to put in place programmes and policies to implement their constitutional mandate to identify and rehabilitate freed bonded labours, and take actions for Dalits, marginalized people, unemployed and disadvantaged groups in the areas of social security and employment, poverty alleviation, unemployment aid, education and health, and landlessness
- Ensure prompt, full, and sustainable rehabilitation of the *Haliya* community. The Government should put in place processes to ensure the participation of the *Haliya* community in the design of rehabilitation packages and the monitoring of the implementation of rehabilitation, to ensure rigour, value and effectiveness of the programme in the future.
- Put in place measures to ensure that released bonded labourers can access work-skills training and education to enable economic empowerment and access to decent work opportunities so as to achieve sustainable freedom and reduce vulnerability to a return to forced and bonded labour or other forms of exploitation.
- Address the current barriers in access to identification documents and ensure that marginalised and socially excluded communities, including former bonded labourers, can realise their rights to education, health, housing, land, and other social entitlements, and access Government initiatives on these areas.

5. THE IMPACT OF COVID-19 ON SLAVERY

People in slavery and vulnerable to slavery have been disproportionately affected by Covid-19 and slavery risk has significantly increased as a result of the economic and labour market shocks.

In Nepal, the pandemic has fallen particularly hard on communities in and vulnerable to slavery, many of whom belong to the Dalit or caste-affected groups, who face systemic discrimination and stigmatisation. As a result, little of the state provision of support to mitigate the impact of Covid-19 has reached these communities. Given that many rely on daily wage labour to make a living, this lack of support is likely to drive them further into poverty. The extended lockdown has decimated the vast majority of opportunities for income-generation, and has acted as a significant poverty driver, with most unable to earn a living and lacking savings or other assets.

The pandemic has exacerbated many of the existing underlying vulnerabilities of those communities most at risk of debt bondage, forced labour, and trafficking. Extreme economic distress brings increased slavery risks as families find themselves with limited choices and must take considerable risks to support their own survival. As parents' access to work and particularly decent work opportunities decreases, the risk of child labour and child marriage increases due to family poverty.

As lockdown eases, there will be significant competition for those jobs which do open up, with those unable to find work likely to be drawn into labour exploitation and, particularly for women and girls, sexual exploitation and forced marriage. We are already witnessing widespread disempowerment of women through increased prevalence of gender-based violence in the home, weakened access to essential services as a result of restrictions on movement, and an inability to draw on their usual support networks within local communities.

The lockdown in neighbouring India has also led to thousands of migrants returning to Nepal from India. As a result, household incomes have fallen, with no remittances to rely on, while there is increased pressure on the job market and greater household expenditure is required to support returnees. The number of Covid-19 cases in India is still, as of July 2020, on an upward trajectory, which means that it is unlikely to be possible for Nepalese workers to migrate to India in search of jobs. In the longer term, the economic impact of Covid-19 is likely to be significant, given Nepal's heavy reliance on the tourist industry, and a likely continuation of at least some degree of travel restrictions for the near future. Unless major preventative action is taken, the economic and labour market impacts of Covid-19 will lead to an increase in trafficking, debt bondage, forced labour, child labour and child marriage as coping mechanisms for poverty in the absence of access to decent work opportunities.

RECOMMENDATIONS

While recognising the grave challenges posed by the Covid-19 pandemic, we urge the Government to prioritise slavery prevention measures. Including:

- Policy responses to Covid-19 that are inclusive of the needs of people affected by and vulnerable to slavery and mitigate against increased slavery risk. This includes social protection, and financial support equivalent to the living wage to all workers who have lost their income during the crisis, ensuring this support reaches migrant workers and informal sector workers. National minimum wages must be increased to meet living income levels.
- National anti-slavery measures, which have been disrupted during the pandemic, must be prioritised and resourced so that they are able to continue to function, including identification, release, victim care and support measures, and work-place inspections.
- The voices, knowledge and perspectives of people affected by slavery must be at the centre of policy responses to Covid-19 to ensure that they are inclusive and effective in practice.