**Submission from POURAKHI Nepal**

1. Is there evidence of minorities being subjected to contemporary forms of slavery (e.g. forced labour, bonded labour, forced/child marriage, descent/caste-based slavery and related practices) in your country/community? If so, please provide information relating to the profiles of victims and the nature and extent of their exploitation and abuse. What additional traits and characteristics, including gender, age, sexual orientation and disabilities, have made them more vulnerable?

Historical forms of bonded labor persist in agriculture and cattle rearing, and forced labor in brick kilns, stone breaking, night entertainment, domestic works, restaurant and embroidered textiles are prevalent. These exploitations are complex human rights challenges in our context where legal enforcement is weak and impunity is high, without much economic opportunities. Throughout Nepal there are minorities’ communities of agricultural bonded labourers who have traditionally been forced to work another person’s land under the pretext of repaying an ever-increasing debt.  Similarly, As Dalits – members of heavily discriminated “untouchable” caste – they have been severely marginalized for decades. Most of them are unaware of their rights, and do not have the skills to organize. They do not receive equal pay, face harassment and abuse in the workplace, and they are excluded from decision-making at home. Women cannot access the land that is supposed to be made available as part of the government rehabilitation package, which further dents the chances for the rehabilitation process to succeed. Although most of these communities’ children do enroll in formal schools, many are forced to drop-out in order to work and help support their families or start their own families, with girls often forced to marry particularly early. Poor, malnourished and illiterate women and girls face gender discrimination on top of social exclusion as untouchable caste and bonded labourers.

1. What types of personal, situational and structural factors push minorities into contemporary forms of slavery in your country/community?

Slavery has ancient roots but it continues today in different forms in Nepal. Modern slavery is used to describe situations where someone is forced to work or marry and cannot refuse or leave because of threats, coercion, violence, deception, etc. The most common forms of modern slavery are forced labor, bonded labor, human trafficking, descent-based slavery, child slavery, child soldier and forced and early marriage. A number of studies have shown that people who live in poverty and have limited opportunities for decent work are trapped in modern slavery. In addition to economic constraints, a lack of education, discriminatory social hierarchies and, social norms and religious practices are also the contributing factors. Nepal is considered a source, transit and destination country for men, women and children in modern slavery. The extent of poverty and lack opportunity, reliance on risky migration for work, discrimination against minorities on the basis of caste, religion, class and gender based violence and discrimination, insufficient political will and support mechanisms, inefficient implementation of positive discrimination provision and traditional mindsets are the major factors that push minorities into contemporary forms of slavery in Nepal.

1. Are there wider political, economic, social, religious and cultural factors making persons belonging to minorities vulnerable to these practices?

In the context of Nepal, there are many factors making persons belonging to minorities vulnerable, of which political and social factors are the major. Political parties and their declarations do not give priority to this issue except during the election period. They make a commitment to raise voices for the rights of minorities only for their benefits and fulfilling their current needs. Political parties used students for political movements such as strike, mass movement, hiring the peoples from remote areas for movement against the government. Similarly, discrimination on the based caste, gender and religion, social prestige, poverty, lack of opportunities are social factors that are contributing to minorities be more vulnerable.  Due to believed that when daughter get married early age under 16, heaven door open, child marriage, Polygamy marriage system, bandaged labor system are other factors that increasing vulnerable condition to the minorities .

1. What has your government done at the local, national, or regional levels to protect minorities from being subjected to contemporary forms of slavery in your country? Please share examples.

The structures and mechanisms for holding government officials and slave holders accountable under Nepali law are often missing or weak. Vulnerable communities lack an understanding of their rights and how to avoid the risks that lead to slavery. However, the government at different levels are now taking this issue and working for policy improvements and program implementation such as rescue and repatriation of victims, social mobilization and economic development to prevent modern slavery. In addition to that, government mechanism are doing monitoring and inspection of the night entertainment sector and brick industrial and construction line to protect minorities from being subjected to contemporary forms of slavery. Government has taken initiatives to operate a local safer migration desk, information booth, public outreach and education program about trafficking and forced labor, operating shelter homes, Providing Security Health support and right to identity of survivors, family re-integration and support. At the same time the government is increasing skills, resources and access to expertise of relevant offices. Government of Nepal ratified the UN Protocol and started budget allocation and giving priority   protect minorities from being subjected to contemporary forms of slavery.

1. What have non-governmental entities, including businesses and educational institutions, done to provide equal access to decent work and quality education in your country? Please share examples.

The non-governmental entities, including businesses and educational institutions are taking initiatives to raise this issue on a national level, prevention and protection activities are being implemented. In addition to that, combining advocacy to provide equal access to decent work and quality education, access to health and other rights including policy review and effective implementation of existing law and regulation are the major activities that have been done.

1. What has been the role of civil society organizations, faith-based organizations, trade unions, and human rights defenders in protecting minorities from being subjected to contemporary forms of slavery? Please share examples.

Civil society organizations, faith-based organizations, trade unions, and human rights defenders can play a vital role in protecting minorities Community minorities from being subjected to contemporary forms of slavery. For instance; these organizations can reinforce a grassroots movement on empowerment and safe migration education in the most affected communities to bring trafficked children home and find ways to end trafficking in villages. These organizations can spread awareness of trafficking and slavery risks and human rights, challenged harmful norms within the community, and assisted in rescues, returns and reintegration of slaves.

Similarly, Self-help groups can be strengthened and united women and girls to find jobs/works where they would be safe, properly paid, and treated with respect, filed cases with the police, helped women collectively save money in a revolving fund, and gained access to health care, counseling, and educational support. These organizations is operation Hotline services, working at border, providing shelter, , access to schools or informal education, research on slavery, vocational training, medical cares for victims, advocacy with National Government, formation of community groups against slavery, awareness raising  activities.

In addition to that, Anti-slavery organizations can raise voice in the national and regional level to adopt a common agenda that focuses the advocacy of the anti-slavery movement on tangible steps collectively and advocates for stronger anti-slavery policies, organizes women against domestic violence, and provides vocational training, access to education, and counseling to girls returning from slavery in India and local children held in domestic slavery.

1. What has been the impact of the COVID-19 pandemic on minorities, including the related adopted measures and its social or economic effects with regard to contemporary forms of slavery? What actions has your government taken to protect them?

Direct and indirect discrimination overwhelmingly framed the question of access to health services and other rights for minorities during the pandemic. Although the Nepal government offered testing for everyone, access to testing, treatment and relief was very difficult for them from different aspects. Many struggled with lockdown measures which impeded cultural and religious gatherings that were deemed to be integral to the community. Cultural and social practices led to many suffering on their own as discussion of mental health was still deemed a taboo within many communities.  Access and adherence to government guidelines and information was an issue for many due to language and digital barriers. Many could not afford or have access to masks and sanitizers. Many have lost their jobs, work and are forced to work long hours, without paying, without proper accommodation. Government is less effective in protecting the rights of minorities during this pandemic.

1. What are persisting obstacles/challenges in preventing minorities from being subjected to contemporary forms of slavery? What mechanisms exist in your country to report instances of contemporary forms of slavery as affecting members of minorities? How actively are such mechanisms used by members of minorities and to what extent have they been able to access justice and remedies? What are the main obstacles/challenges in this regard?

In the context of Nepal, we need a clear and specific policy that address in preventing minorities from being subjected to contemporary forms of slavery. However government has already ratified some international instruments and some needs to be ratified, national act and polices that are already in place but not effectively implemented and not reviewed to address emerging trend of slavery. The reporting mechanisms are already placed but access on the mechanisms and awareness on the reporting system is major challenges aspect to reduce slavery conditions. The legal process of case registration, expenses to get justice while filing the follow up cases are other challenges for minorities.

On the other hand, the minorities’ communities themselves are not adequately active to deal and address their cases. Most of the cases of modern slavery in these communities will be solved in negotiation and communication with victims in their village. Most of the cases do not come in the government mechanisms and if some cases come, victims will be hostile to the system and elite of communities under the influence of criminals.

Communities are often atomized and lacking both community-based anti-slavery organizations and non-governmental agencies that serve as protectors and advocates. There has been inadequate investment in building the capacity of local civil society organizations that can work on behalf of enslaved or at-risk communities. Very few cases are able to reach concerned authorities and get access to justice and remedies.

1. What mechanisms exist in your country to report instances of contemporary forms of slavery as affecting members of minorities? How actively are such mechanisms used by members of minorities and to what extent have they been able to access justice and remedies? What are the main obstacles/challenges in this regard?

In Nepal, we do have register case mechanisms where victims can register the cases from the local government office, Chief District Office in coordination with any Police Departments. Third person (Victims’ relatives) can also register the cases against Perpetrator. However, the minority communities seem to have less actively used these mechanisms to access justice and remedies due to the access and awareness of these systems.

There are many challenges in this regard as some laws have overlapping provision and there is some confusion over who should be implementing measures. There is a lack of practical accountability mechanisms for police action on the relevant crimes and police do not have a victim friendly approach. The lack of a centralized police database system for collecting data on all related crimes and Poor investigation techniques are other challenges. In addition to that, officials attempting to carry out enforcement are often faced with bribery or threats as well as with interference by political party leaders. The lack of knowledge regarding trafficking and forced labor policies along with agents being more powerful than victims are major concerns to deal with this issue in the context of Nepal.

1. What recommendations do you wish to propose in order to effectively address these ongoing challenges and protect minorities from contemporary forms of slavery?

We wish to purpose following recommendation in order to effectively address these ongoing challenges and protect minorities from contemporary forms of slavery;

* Strengthen legal framework, and ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Convention on the Rights of Migrant Workers and their families, and the ILO Domestic Workers Convention.
* Improve performance of law enforcement officials with regards to investigations and treatment of victims. As well, ensure access to legal aid and compensation for victims.
* Raise awareness, provide training to religious leaders and faith healers, and strengthen local NGOs, child clubs and adolescent groups to prevent child marriage and child trafficking, and safer migration.
* Provide transitional support packages for families coming out of bonded labor (such as Haliya, Kamaiya, Haruwa/Charuwa, children from brick kiln etc) and individuals with commercial sexual exploitations, with educational opportunities, housing and alternative sources of income to prevent negative coping strategies.
* Engage business associations and businesses to create code of conduct for their members and staff.
* Improve research and disaggregated database of people in modern slavery, and include informed plans and programs in local government operation.
* Improve Inter Governmental Cooperation, performance of law enforcement officials with   regards to Investigation and victims
* Ensures access to legal and compensation for victims
* Use Mass media to alert Key Public services workers and to remove children from harmful child labour
* Improve existing shelters and develop alternative practices and Promote consumer demand for slavery free practice in key sectors