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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Nepal: The Haliya bonded labour slavery system must be abolished without further delay

1. In view of the interactive dialogue with the Special Rapporteur on contemporary forms of slavery during the 15th Session of the Human Rights Council (HRC), the Asian Legal Resource Centre (ALRC) and Nepalese NGO the Jagaran Media Center, wish to highlight the situation of bonded labour that persists in Nepal to date. This modern form of slavery, known as the Haliya system, currently affects an estimated 150'000 people in the country and has persisted for hundreds of years. The Haliya system, which must be viewed as a form of slavery, is especially prevalent in the western part of Nepal, more specifically in the districts of Dhangadi, Dadeldhura, Doti, Bajura, and Bajhang.
2. The Haliya, which literally means “one who tills land,” are enslaved within a system of bonded labour, and are forced by a landlord or “master” to execute various hard labour duties (usually agricultural) for many years, often for an entire lifetime. Other than the agricultural work, Haliyas fulfil a range of duties, including making tools (such as spades, knives, and sickles) out of iron, grazing animals, sewing clothes, making utensils and pots, and so forth. The labourers are not paid a wage for their extensive work; often they are only provided with a small amount of food. Extreme poverty and debt in the western and far western regions of Nepal has relegated many members of the lower castes, known as Dalits, to Haliya status.
3. Haliyas are forced to till a small patch of land in order to repay a debt, and are often held captive with their entire families. The enslaved Haliyas typically have no direct association with any debts; in the overwhelming majority of cases, the laborers are held because of debts accumulated by their ancestors over many generations. Such debts are often so excessive that a Haliya’s work over an entire lifetime will not generate sufficient revenue to even marginally reduce the interest incurred on the debts.
4. This abusive pattern is willfully perpetuated by the landlords, many of whom provide a meager food ration rather than money to the Haliyas as compensation for their services. Deprived of a source of monetary income, Haliyas are forced turn to their masters to borrow funds in the event of a personal or family emergency. As such, their debt continues to aggrandize and incur additional interest, condemning future generations of Haliyas to the same fate.
5. Landlords are known to force such laborers to work exhausting shifts in dehumanizing circumstances, in hazardous environments and with virtually no food. Despite being malnourished, Haliyas are expected to perform extraordinarily demanding labor duties. According to a custom known as Doli, they must carry exorbitantly heavy wooden carriages on their shoulders for hours at a time. Another custom (Khali) dictates that Haliyas are entitled to no fresh food at all—only leftover goods from the harvest. Despite working excessively long hours to fulfill grueling tasks, Haliyas typically receive only a bowl of white rice per day for their labor.
6. Haliyas have historically been subjected to a wide range of egregious human rights abuses, including severe beatings, forced starvation and water deprivation as punishment, and various forms of humiliating treatment. In addition, female Haliya labourers, as well as their children, are often sexually abused by their masters.
7. The overwhelming majority of Haliyas are Dalits. In fact, Nepal’s system of caste discrimination remains a direct factor leading to both the origins and continuation of the Haliya system. Persistent, widespread beliefs surrounding “untouchability”, and the corresponding inability of Dalits to pursue gainful employment due to their alleged “contamination” effects, have historically pushed the majority of the Dalit community to

the margins of society. As a direct result of such conditions, hundreds of thousands of Dalits throughout the country have been forced into a life of servitude. Government agencies and nongovernmental organizations are hampered by a lack of official data about Haliyas. The national census greatly under-estimates even the number of Dalits in Nepal.

8. Although the Nepalese government declared the official liberation of all Haliyas on September 6, 2008, and pardoned their debts owed to landowners, there has been very little follow-up or enforcement. A lack of proper legal mechanisms and of specifically designed rehabilitation policies has rendered the process far from effective. The Office of the High Commissioner for Human Rights in Nepal (OHCHR-Nepal) reports that while the steps taken by the government are important, many Haliyas are facing new problems with their landlords, with some being increasingly under threat to repay loans or to continue working in debt-bonded labour. Most Haliya labourers do not have formal education or technical skills, which hampers their integration into the labour market.¹ NGO reports indicate that around 97% of Haliyas do not possess land which they could cultivate for their own benefit. The liberation of this workforce without adequate training or financial assistance to help them make a new start is likely to undermine the implementation of the government's emancipation policy. Two years after their formal liberation, most Haliyas are still working for their landlords.²

9. The National Haliya Liberation Federation (NHLF) estimates that there are currently 150,000 bonded agricultural labourers in Nepal's far western region, and that only 450 Haliyas from the Dadeldhura district have been freed thus far. This illustrates a clear lack of will by the government to effectively fulfil its promise to liberate all Haliyas. For example, the government has not ensured that there are any specific punishments under law for those who still practice the Haliya system.

10. In addition, as a result of the new policy, however, landowners lashed back and stopped lending money to the Haliyas as a whole. This rendered Haliyas completely dependent on their masters for food and other day-to-day necessities, and caused their situation to become all the more precarious. They now had virtually no access to money in the event of an emergency. In addition, the landowners acted in direct defiance of the new government policy by continuing to demand payment from Haliyas, despite (or perhaps in spite of) being legally ordered to forgive the debts owed to them.

11. Nepal, which has been a signatory to UN Slavery Convention since 1963, has a duty to ensure that its citizens are free from bonded labour practices. This will require rigorous research and resolute laws and their implementation. But the government of Nepal must also address the root causes of such practices, particularly caste discrimination. The Haliya system is deeply rooted in the caste system, which relegates Dalits to a marginalized, servile status in society.

12. Nepal's Haliya slavery system should be promptly abolished, and the persons affected by this practice must be given training, financial support, education and rehabilitation, enabling them to survive and flourish in society. In particular, land that had been promised to such persons following their liberation should be granted without delay. Ethical micro-credit programmes could be useful to get persons on their feet economically.

¹ Labour Pain, The Kathmandu Post, 26 April 2010, URL: <http://www.ekantipur.com/the-kathmandu-post/2010/04/26/Editorial/Labour-pain/207651/>

² Policy spoke in Haliya rehab wheel, The Kathmandu Post, 25 April 2009, URL: <http://www.ekantipur.com/the-kathmandu-post/2010/04/25/top-stories/Policy-spoke-in-Haliya-rehab-wheel/207593/>

13. The Asian Legal Resource Centre and the Jagaran Media Center urge the Special Rapporteur to request a country visit to Nepal in order to document and report back to the Council concerning this practice. The Human Rights Council must take all necessary measures to ensure that the government of Nepal ensures the end of the Haliya system and takes all necessary steps to assist Haliyas back into society and punish those responsible for enslaving these persons under the bonded labour system.
