**Forced Labour, Bonded Labour and Trafficking in Nepalese Context**

**An interaction with Human Rights Activists in Nepal**

**Brief Report**

The program begun with a welcome remark by Richard Howard, ILO Country Director for Nepal. He welcomed all participants, appreciated for their presence and whished for successful interaction. In his remarks he stress on the need of comprehensive laws to fight forced labour that will have provisions to protect the victims through alternative livelihood supports.

Following welcome remarks from Richard, a round of self-introduction was made by the participants.

**Participants:**

1. Dr. Shiva Sharma – National Labour Academy
2. Mr. Umesh Upadhyaya – GEFONT Trade Union Policy Institute
3. Mr. Ramesh Badal – GEFONT Secretary, International Department
4. Mr. Rammani Pokhrel – NTUC, Coordinator
5. Mr. Tej Prasad Rijal – NTUC (President of Embroidery Workers’ Union)
6. Ms. Niyama Rai – NPC of ILO FAIR Project
7. Mr. Hari Singh Bohora – Freed Haliya Association
8. Mr. Anand Bhatta – Project Coordinator of RMHSF-N
9. Mr. Pashupati Chanduary – Kamaiya Liberation Front
10. Mr. Raju Ram Bhul – President of RMHSF-N
11. Mr. Hari Shripaili – Forced Labour Expert
12. Mr. Ganesh BK – RDN Nepal
13. Mr. Ras Lal Ram – Representative of Haruwa-Charuwa
14. Ms. Manju Gurung – Paurakhi Nepal
15. Ms. Namuna Bhusal – CCWB
16. Ms. Chadani Rana – Paurakhi Nepal
17. Mr. Dinesh Regmi – Kantipur Daily
18. Mr. Dipendra Bhandari – Adventure Nepal
19. Mr. Milan Dharel – Swatantrata Aviyan
20. Ms. Benu Maya Gurung – ATTWIN
21. Mr. Bishwa Khadka – Maiti Nepal
22. Mr. Jaya Nepali – US Embassy
23. Mr. Madhav Pradhan - CWIN
24. Mr. Madhu Dawadi – CWIN
25. Ms. Dipa Bhardwaj – Class Nepal
26. Ms. Usha Devkota – ANTUF
27. Ms. Chari Maya Tamang – Shakti Samuha
28. Ms. Sirjana Pun – WOFOWON
29. Mr. Krishna Subedi – CWIS
30. Ms. Samjhana Pradhan – GoodWeave Nepal
31. Ms. Kusum Sharma – GoodWeave Nepal
32. Mr. Shom Luintel – Resource Person
33. Ms. Sujata Yonzon – ILO Bridge Project
34. Dr. Richard Howard – ILO Director/Nepal
35. Mr. Narayan Bhattarai – ILO Bridge Project

**Presentation Highlights:**

1. **Protocol 2014 to the ILO Convention 29: Contents and Importance in Nepalese Context – Narayan Bhattarai, NPC of the ILO Bridge Project**:

* 21 million people in forced labour conditions as per ILO estimates, out of whom majority (68%) are in forced labour exploitation in business followed by forced sexual exploitation (22%) and (10%) forced labour imposed by the states
* Interlinks of forced labour with trafficking, smuggling and child labour (Forced Labour as effects of trafficking, child labour and smuggling)
* Key provisions of the ILO Forced Labour Protocol 2014 – Prevention (awareness and education), Protection (support for rehabilitation and livelihood) and Prosecution (legal remedies and punishment to the culprits considering the forced labour as penal offence)
* Nepal has ratified both forced labour conventions (No. 29 and No. 105), but application seems challenging, particularly large number of workers in the informal economy in decent work deficit conditions.
* Although some progress is made in fighting traditional bonded labour (Kamaiya, Kamlhari and Haliya) practices, a comprehensive laws, policies to prevent forced labour is lacking in Nepal.

1. **Laws and Policies to fight forced labour in Nepal – Shom Luitel, Advocate**

* Nepal’s constitution 2015 includes provisions to refrain oneself from exploitation, forced labour child labour etc.
* Kamaiya Labour prohibition act 2007 – ban on bonded labour in the name of Kamaiya, Haliya, etc.
* Child labour (regulation and prohibition) Act, 2007 – defines children’s working age and bans child labour below 14 and regulates 14 – 16 years of children’s work
* Labour Act 2017 – defines forced labour and have penalty of 2 year’s imprisonment and fine of NPR 500,000 or both to the perpetrators of forced labour
* Civil code – bans slavery and servitude or like practices with a provision of imprisonment for 2 to 10 years to the culprits.
* Other laws (Human Trafficking and Transportation Act, 2007, Foreign Employment Act 2007) also have clauses that can discourage forced labour practices indirectly.
* The gaps in FL Laws are – lack of clarify in definition (separate laws have separate definitions), punishment provisions to the culprit are weak, weak provisions to provide compensation and protection to the victims, different acts have different procedures to file the case against forced labour and laws define forced labour and criminal offence but government is not a plaintiff except in trafficking cases.
* Key recommendations include passing a comprehensive and integrated law to fight forced labour with provisions to protect victims and punish the culprits, forced labour to be defined as a criminal offence and the government to be the plaintiff for forced labour cases.

**Key Issues Raised during Interaction:**

After the two presentations, the floor was opened for views and comments from the participants. In general the views expressed were:

1. Most of the participants appreciated the ILO for such a round table discussion on forced/bonded/child labour bringing together the trade unions and other civil society organizations.
2. Comprehensive laws is a good idea but further discussion to be carried out on whether forced labour to be considered as a state or civil offence.
3. Labour agenda – who is responsible? Local/Province or Federal government? Further discussion needed together with the government representatives.
4. Free and compulsory education to be one of the measures to fight forced labour
5. Nepal is facing labour shortage inside the country but at the same time people are trapped into forced labour conditions in foreign employment – how to resolve this paradox?
6. Weak justice mechanism for victims, people do not know where to go and report?
7. The Kamaiya Labour Prohibition Act covers other forms of debt bondage like Haruwa-charuwa in its definition but government has yet not started any action to protect Haruwa-Charuwas
8. Integrated law to be developed in consultation with all concerned groups
9. Ban of one or another name of bonded/forced labour will not solve the problem, focus should be on promoting decent work conditions in all kinds of work and sectors and hitting the root-causes to be in priority in addition to the demand-side interventions.

**Sum-up:**

After the views and comments from the participants, the program concluded with recommendations to organize follow-up meetings in the future. The foremost issue to be discussed was on **integrated laws and policies to fight forced labour**. The participants proposed this group to name as **Forced Labour Elimination Advocacy Group (FLEAG)** and every organization/person present will be a founding member of the **FLEAG**. At the same time, it was also suggested to invite others (if left or not represented in this meeting) to join the group to fight forced labour in a holistic and integrated ways in the future.

The program concluded with vote of thanks to the participants for their valuable time and suggestions by the NPC of the ILO/Bridge Project.

**Photos from the workshop:**

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