**Forced and Child Labour: An Interactive Workshop with Tripartite Constituents**

**26 – 27 September, 2018**

**Kathmandu, Nepal**

**Context:**

Nepal is moving towards full-fledged implementation of its inclusive constitution with Federal Set-up which has guaranteed fundamental rights. Article 29 of Nepal’s constitution guarantees the rights against exploitation that includes forced labour and trafficking. Three tier of governance (Federal, Province and Local) is in operation to meet its commitment in international standards and norms which supplement the smooth implementation of the constitution of Nepal. It has ratified 7 out of 8 core conventions that includes two forced labour conventions (No.29 and No.105). The Ministry of Labour, Employment and Social Security (MoLESS) is the key ministry to regulate decent work agenda that are parts of implementing labour standards in Nepal.

Despite these efforts from the government, the problem of forced/child labour and trafficking is still persisting in Nepal. In addition to MoLESS, there are several other Ministries (Ministry of Land Reform, Ministry of Women and Children, Ministry of Home Affairs) and government institutes that work on the issues of forced labour/child labour. Collaboration and exchange of information and coordination between these government ministries is crucial for drafting appropriate laws and their effective enforcements. Although issues related to forced/child labour and trafficking fall within different ministry portfolios, implementation and application as well as monitoring of the progress for the purpose of reporting to ILO supervisory bodies, lies with the MoLESS. Without proper coordination and collaboration between these ministries, it is difficult to fulfill implementation obligations under the Convention and ensure timely, comprehensive reporting.

The ILO, as a specialized agency of the United Nations adopted a Protocol to the Forced Labour Convention No. 29 in 2014. Nepal government and delegates have played a key role in the adoption of this Protocol. It is also equally committed in eliminating child labour from Nepal for which the government has already passed the National Master Plan (2018 – 2028) to eliminate child labour. Clear understanding about these international standards, the synergies and connections between efforts to combat child labour and efforts to effectively suppress forced and compulsory labour as well as their international definitions can contribute to the Nepal government’s ongoing efforts to speed up the process of drafting and reviewing its laws and create effective mechanisms in collaboration and coordination between different ministries and government institutes.

A two day workshop, in which key representatives from relevant ministries and other government institutes are expected to participate, will also draft a way out for forced and child labour elimination from Nepal. The ILO can provide technical support in meeting these long term goals.

**Objectives:**

The two-day workshop is expected to contribute to

1. Creation of a common understanding amongst key ILO constituents about the substantive content of ILO Forced Labour Protocol of 2014 to Convention No. 29 (P.29 to C.29)
2. Strengthened inter-ministerial coordination and collaboration in fighting forced labour

**Outputs:**

1. The representatives of ILO constituents are conversant about ILO and its mandate on forced labour,
2. Sharing of ILO Forced Labour Protocol and its relevance in Nepal,
3. Sharing of on-going activities to fight forced labour amongst key constituents of the ILO

**Participants:**

The following participants are expected:

1. MoLESS – 8
2. DOL – 1
3. DOFE – 1
4. FEPB – 1
5. Kathmandu Labour Office – 1
6. Officer Prime Minister’s Office – 1
7. MoWCSC – 2
8. MoLMC- 2
9. Office of Attorney General – 1
10. Nepal Police – 1
11. CBS – 1
12. NHRC – 1
13. CCWB – 1
14. Workers Organizations (ANTUF, GEFONT & NTUC) – 3
15. Employers Organizations (FNCCI, FNCSI, CNI) – 3
16. ILO Officials – 4
17. Exerts/Resource persons – 3

Total – 35

**Time Frame:**

The workshop will be organized on 26 – 27 September, 2018 in Kathmandu

**Tentative Budget:**

USD 1300 The Bridge Project will meet the cost of the workshop (Intervention 2.1.1.6)

**Workshop details:**

The workshop will be organized by the ILO in collaboration with the MoLESS. ILO Standard Specialist will be a key resource person to facilitate the sessions. In addition to the Standard Specialist from the ILO/DWT New Delhi, other resource persons will also be hired jointly by the ILO Bridge Project and the MoLESS.

The following contents will be covered in two day’s workshop:

1. Introduction to ILO, its mandate and structure
2. ILO supervisory mechanisms and reporting
3. ILS, particularly relating to forced and child Labour and Convention Nos.29 and 182 and Protocol No. 29
4. Introduction to the Bridge Project and up-coming activities
5. Information sharing between government agencies on tackling forced and child labour.

**Tentative Program Schedule:**

**Day 1 (Wednesday, 26th September 2018)**

Time Topics/Responsible Officials

09:30 – 10:30 Registration and Opening Session (Chair by Mr. Mahesh Dahal, Secretary of the Ministry of Labour, Employment and Social Security, Welcome Remarks by Dr. Richard Howard, Director for ILO office in Nepal)

10:30 – 11:30 Tea/Coffee Break

11:30 – 12:00 Overview on ILO and ILS on forced labour – Ms. Miranda Fajerman, Standard Specialist

12:00 – 13:00 ILO Protocol of 2014 to C.29 and Recommendation 203– obligations and what P.29 calls for the member states – Miranda Fajerman

13:00 – 14:00 Lunch Break

14:00 – 15:00 Sharing Progress on fighting Forced and Child Labour in Nepal (MoLESS - Child Labour, MoWCSC - Trafficking and MoLMC - on Forced/Bonded labour)

15:00 – 15:30 Tea/Coffee Break

15:30 – 17:00 Definitions and indicators of Forced Labour and the Worst forms of Child Labour – Narayan Bhattarai, ILO/Nepal

**Day 2 (Thursday, 27th September 2019)**

09:30 – 10:30 ILS on child labour and worst forms of child labour

10:30 – 11:00 Tea/coffee Break

11:00 – 11:45 ILS on WFCL sharing other country examples on formulation of list of hazardous occupations and ILS on forced labour C.29 (sharing of CEACR observations and identify areas where child labour action plans and forced labour actions plans need to converge) – Ms. Miranda Fajerman

11:45 – 13:00 Group work/discussion (P.29 and C.29 and C.182) matrix to identify roles and responsibilities of participants in application of the substantive provisions of the instruments (with focus on P.29), identify areas where there are gaps and where coordination and collaboration are needed

13:00 – 14:00 Lunch Break

14:00 – 15:30 Presentation on ILO+MoLESS Road Map on forced and child labour (Brief about NMP-II on Child Labour, Bridge Project and ILO Child Labour Project linked with Alliance 8.7)

15:30 – 16:00 Tea/Coffee Break

16:00 – 16:30 The way forward and closing

**Key Achievements:**

The workshop had a brief opening session in which the ILO Country Director, Richard Howard welcomed all the participants, guests and ILO Standard Specialist, Ms. Miranda Fajerman. The Joint Secretary of the MoLESS, Dr. Ram Prasad Ghimire highlighted on the objectives of the workshop and expressed the commitment of the government of Nepal to end all kinds of exploitative works that includes forced and child labour.

Ms. Miranda Fajerman, ILO Standard Specialist, made presentations during technical sessions. She highlighted on the key provisions of the ILO Forced Labour Protocol, and shared country examples of the identifying and monitoring the worst forms of child labour in south Asian region. The NPC of the Bridge Project Mr. Narayan Bhattarai highlighted on the definition and indicators of forced labour.

The representatives, Mr. Sujan Jojiju Undersecretary of MoLESS and Mr. Gopal Giri Undersecretary of MoLMCPA, made presentations on the activities that two ministries are conducting to fight Child Labour and Bonded Labour respectively. The MoLESS focused on drafting of laws and adoption of the National Master Plan (NMP-II 2018 – 2028) on Child Labour while the MoLMCPA focused on the progress made on resettlement of the ex-bonded labours. The sessions were held with discussion and interactions and sharing their learnings on forced and child labour issues.

**Follow-up actions:**

Mr. Jojiju expressed the commitment of the MoLESS in drafting an implementation plan (3 years) of the NMP-II soon that will include the activities to fight child labour with special focus to the worst forms. Mr Giri shared the commitment of MoLMCPA to complete the resettlement of the bonded labour (Kamaiya and Haliya) within this fiscal year (Mid-July 2019). The ILO proposed to conduct a gap analysis on forced labour laws and action plans in collaboration with the MoLESS. Other areas of future collaboration were identified as special training to the labour inspectors on monitoring the forced and child labour as well as supporting the MoLESS in drafting the three years implementation plan of the NMP-II on child labour.