

In 2016, Nepal made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government agreed to implement its first nationally representative survey examining forced labor among adult and child workers.

The Nepal Police developed and implemented a training curriculum that included a child labor component, and the Green Flag Movement campaign was expanded to five additional wards. However, children in Nepal perform dangerous tasks in the production of bricks. Children also engage in the worst forms of child labor, including in commercial sexual exploitation. Children ages 16 and 17

are excluded from the protections of the country's hazardous work list, leaving them vulnerable to the worst forms of child labor. The Department of Labor's budget, the number of labor inspectors, and available resources and training are all insufficient for enforcing labor laws, including those related to child labor. In addition, the Government lacks a policy that addresses all relevant forms of child labor, including hazardous child labor, forced child labor, and the use of children in illicit activities.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Nepal perform dangerous tasks in the production of bricks, and also engage in the worst forms of child labor, including in commercial sexual exploitation.(1-3) Table 1 provides key indicators on children's work and education in Nepal.

Table 1. Statistics on Children's Work and Education

| Children | Age | Percent |
|-------------------------------|---------|------------------|
| Working (% and population) | 5 to 14 | 33.7 (6,755,852) |
| Attending School (%) | 5 to 14 | 91.7 |
| Combining Work and School (%) | 7 to 14 | 39.1 |
| Primary Completion Rate (%) | | 110.2 |

Source for primary completion rate: Data from 2016, published by UNESCO Institute for Statistics, 2016.(4)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Labor Force Survey, 2014.(5) Data on working children, school attendance, and children combining work and school are not comparable with data published in the previous version of this report because of differences between surveys used to collect the data.

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

| Sector/Industry | Activity |
|-----------------|---|
| Agriculture | Farming, including harvesting caterpillar fungus (<i>yarchagumba</i>) (6-9) |
| | Herding and feeding livestock (7, 10, 11) |
| Industry | Producing bricks (1, 7, 9, 11-17) |
| | Quarrying, collecting, and breaking stones, and quarrying and collecting sand (7, 9, 18) |
| | Construction,† activities unknown (9, 11, 19) |
| | Weaving carpet† (7, 11, 20, 21) |
| | Producing embellished textiles (<i>zari</i>)† and embroidery (7, 8, 11, 22) |
| | Producing metal crafts (8, 9, 11) |
| Services | Domestic work (7, 11, 23-26) |
| | Working in transportation,† portering, and collecting recyclable waste (7, 9, 11, 19, 27, 28) |
| | Working in hotels,† restaurants,† and tea shops (7, 9, 19) |

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Table 2. Overview of Children’s Work by Sector and Activity (cont)

| Sector/Industry | Activity |
|---|---|
| Categorical Worst Forms of Child Labor [‡] | Commercial sexual exploitation, sometimes as a result of human trafficking (2, 7) |
| | Forced labor in agriculture, producing bricks, quarrying and breaking stones, weaving carpets, embellishing textiles (<i>zari</i>), and domestic work (2, 9, 16, 21, 25, 29-32) |
| | Use in illicit activities, including the cultivation and trafficking of drugs (9) |

[†] Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

[‡] Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.




Children are trafficked for commercial sexual exploitation both within Nepal and outside Nepal, including to India, the Middle East, Asia, and Sub-Saharan Africa.(7, 33-35) Many children in Nepal are engaged in the production of bricks, which exposes them to hazardous working conditions, including carrying heaving loads, using dangerous machinery, and working in extreme heat.(1)

Children face barriers to accessing education, including the lack of secondary schools in some rural villages and fees associated with schooling, such as for books and uniforms.(36) Children with disabilities face additional barriers to accessing education.(37)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Nepal has ratified most key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

| Convention | Ratification |
|--|--------------|
|  ILO C. 138, Minimum Age | ✓ |
| ILO C. 182, Worst Forms of Child Labor | ✓ |
|  UN CRC | ✓ |
| UN CRC Optional Protocol on Armed Conflict | ✓ |
| UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography | ✓ |
|  Palermo Protocol on Trafficking in Persons | |

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in Nepal’s legal framework to adequately protect children from child labor.

Table 4. Laws and Regulations on Child Labor

| Standard | Meets International Standards: Yes/No | Age | Legislation |
|---|---------------------------------------|-----|---|
| Minimum Age for Work | Yes | 14 | Section 3(1) of the Child Labor (Prohibition and Regulation) Act (38) |
| Minimum Age for Hazardous Work | No | 16 | Section 3(2) of the Child Labor (Prohibition and Regulation) Act (38) |
| Identification of Hazardous Occupations or Activities Prohibited for Children | Yes | | Schedule 1 of the Child Labor (Prohibition and Regulation) Act (38) |
| Prohibition of Forced Labor | Yes | | Section 4 of the Bonded Labor (Prohibition) Act; Section 4 of the Child Labor (Prohibition and Regulation) Act; Sections 3, 4, 15(1), and 15(2) of the Human Trafficking and Transportation Control Act (38-40) |
| Prohibition of Child Trafficking | No | | Sections 3, 4, 15(1), and 15(2) of the Human Trafficking and Transportation Control Act (40) |

Table 4. Laws and Regulations on Child Labor (cont)

| Standard | Meets International Standards: Yes/No | Age | Legislation |
|---|---------------------------------------|-----------------|--|
| Prohibition of Commercial Sexual Exploitation of Children | No | | Sections 3, 4, 15(1), and 15(2) of the Human Trafficking and Transportation Control Act; Sections 16(2) and 16(3) of the Children's Act (40, 41) |
| Prohibition of Using Children in Illicit Activities | No | | Section 16(4) of the Children's Act (41) |
| Minimum Age for Military Recruitment | | | |
| State Compulsory | N/A* | | |
| State Voluntary | Yes | 18 | Military Service Regulations (42) |
| Non-state Compulsory | No | | Article 39(6) of the Constitution (43) |
| Compulsory Education Age | No | 13 [‡] | Article 31(2) of the Constitution (43) |
| Free Public Education | Yes | | Section 16D of the Education Act (44) |

* No conscription (45)

‡ Age calculated based on available information (46)

The minimum age for hazardous work is not consistent with international standards as it does not prohibit children ages 16 and 17 from engaging in hazardous work.(38, 47) The types of hazardous work prohibited for children do not include brickmaking, a sector in which there is evidence that work involves carrying heavy loads and exposure to hazardous substances.(1, 38)

While the Human Trafficking and Transportation Control Act increases penalties in cases of child trafficking for prostitution, the legal framework does not include increased penalties for cases involving child trafficking for forced labor.(40) The legal framework also does not explicitly prohibit the use of a child in the production of child pornography.(41) The legal framework prohibiting the use of children in illicit activities is insufficient as it does not prohibit the use of children in the production of drugs and it does not extend to children who are 17 years of age.(41)

While the Constitution prohibits the recruitment of children by non-state armed groups, there is no specific legislation penalizing this practice.(43, 48)

Children in Nepal are required to attend school only up to age 13.(43, 46) This standard makes children age 13 vulnerable to child labor as they are not required to attend school but are not legally permitted to work.

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

Table 5. Agencies Responsible for Child Labor Law Enforcement

| Organization/Agency | Role |
|---|---|
| Department of Labor, Ministry of Labor and Employment (MoLE) | Enforce labor laws, including those involving child labor. Investigate and hold hearings in 10 District Labor Offices.(49) |
| Nepal Police Women and Children Service Directorate | Investigate crimes involving women and children, including human trafficking. Conduct work through the Nepal Police Women and Children Service Centers in all 75 districts.(50) The Nepal Police handle complaints received about child labor in districts without a District Labor Office.(49) |
| Ministry of Land Reform and Management | Enforce laws that prohibit bonded labor in agriculture.(51) |
| Child Protection Officers and Investigators, Department of Women and Children | Investigate and manage cases involving violations of children's rights through 22 child protection officers and 53 child protection inspectors.(52, 53) |

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Table 5. Agencies Responsible for Child Labor Law Enforcement (cont)

| Organization/Agency | Role |
|---|--|
| Monitoring Action Committees, Ministry of Women, Children, and Social Welfare (MWCSW) | Investigate reports of commercial sexual exploitation at the district level, including the exploitation of children in the adult entertainment sector.(54) |

Labor Law Enforcement

In 2016, labor law enforcement agencies in Nepal took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

| Overview of Labor Law Enforcement | 2015 | 2016 |
|--|---------------------------|--------------------------|
| Labor Inspectorate Funding | \$7,520 [†] (52) | \$6,080 [‡] (9) |
| Number of Labor Inspectors | 7 [†] (52) | 12 [‡] (55) |
| Inspectorate Authorized to Assess Penalties | Yes (49) | Yes (9) |
| Training for Labor Inspectors | | |
| Initial Training for New Employees | Unknown (9) | Unknown (9) |
| Training on New Laws Related to Child Labor | N/A | N/A |
| Refresher Courses Provided | Unknown (9) | Unknown (9) |
| Number of Labor Inspections | 1,437 [†] (52) | 213 [‡] (9) |
| Number Conducted at Worksite | Unknown (9) | Unknown (9) |
| Number Conducted by Desk Reviews | Unknown (9) | Unknown (9) |
| Number of Child Labor Violations Found | Unknown* (9) | Unknown* (9) |
| Number of Child Labor Violations for Which Penalties Were Imposed | Unknown (52) | Unknown (9) |
| Number of Penalties Imposed that Were Collected | Unknown (52) | Unknown (9) |
| Routine Inspections Conducted | Yes (52) | Yes (9) |
| Routine Inspections Targeted | Yes (52) | Yes (9) |
| Unannounced Inspections Permitted | Yes (52) | Yes (9) |
| Unannounced Inspections Conducted | Yes (9) | Yes (9) |
| Complaint Mechanism Exists | Yes (52) | Yes (9) |
| Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services | Yes (52) | Yes (9) |

* The Government does not publish this data.

[†] Data are from the Government of Nepal for the period from July 2014 to July 2015.

[‡] Data are from the Government of Nepal for the period from July 2015 to July 2016.

Department of Labor officials noted that they lacked the resources to collect and publish data on child labor law violations. They also noted that the budget was insufficient and had been decreased from the previous year. In addition, they noted that the number of inspectors is insufficient.(9) The number of labor inspectors is insufficient for the size of the country's workforce, which includes over 15.2 million workers. According to the ILO's recommendation of 1 inspector for every 40,000 workers in developing economies, Nepal should employ roughly 380 inspectors.(56-58) Inspectors periodically receive training on child labor laws and inspection, although this training does not necessarily coincide with the beginning of employment.(49) In addition, the size of fines and employer-paid compensation imposed by Labor Officers was not sufficient to deter child labor violations.(52)

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in Nepal took actions to combat child labor, including its worst forms (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

| Overview of Criminal Law Enforcement | 2015 | 2016 |
|---|--------------|--------------|
| Training for Investigators | | |
| Initial Training for New Employees | Unknown (9) | Unknown (9) |
| Training on New Laws Related to the Worst Forms of Child Labor | N/A | N/A |
| Refresher Courses Provided | Yes (52, 59) | Yes (9) |
| Number of Investigations | 181† (52) | Unknown* (9) |
| Number of Violations Found | Unknown (52) | Unknown* (9) |
| Number of Prosecutions Initiated | Unknown (52) | Unknown* (9) |
| Number of Convictions | Unknown (52) | Unknown* (9) |
| Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services | Yes (52) | Yes (9) |

* The Government does not publish this data.

† Data are from the Government of Nepal for the period from July 2014 to July 2015.

In 2016, the Women and Children Services Directorate of the Nepal Police developed and implemented a training curriculum that included child labor and child protection components.(9) The Government does not have the capacity to maintain a centralized database of cases involving the worst forms of child labor, including child trafficking. The Government lacks the capacity to enforce laws prohibiting the worst forms of child labor.(9) The Ministry of Land Reform and Management lacks the capacity to enforce laws that prohibit bonded labor in the agricultural sector.(42)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

| Coordinating Body | Role & Description |
|--|---|
| Central Child Welfare Board, MWCSW | Monitor and report on the enforcement of laws and the implementation of policies related to child protection in coordination with District Child Welfare Boards.(53) Coordinate with MoLE and civil society to formulate and implement child protection and child labor-related policies.(49) |
| District Child Welfare Boards | Report on child welfare activities, monitor child care homes, mobilize resources for children at risk, receive and respond to child protection cases, and establish referral mechanisms. Consists of social workers, medical practitioners, and government officials.(53) |
| Labor Relations, Child Labor Prevention, and Information Section, MoLE | Coordinate policy-making on child labor inspection guidelines and monitor implementation of guidelines.(55, 60) Consists of a senior factory inspector, two labor officers, and a senior assistant in MoLE. Confers with MWCSW, Central Child Welfare Board, Department of Labor, and district labor offices.(55) |
| National Network Against Child Labor | Serve as a referral mechanism to assist children who are found in child labor in accessing services.(61) Consists of District Labor Officers, District Women and Children Officers, officers from the Nepal Police Women and Children Service Centers, Chief District Officers, NGOs, and thousands of youth clubs.(50) |
| National Coordination Committee on Human Trafficking | Coordinate the implementation of anti-human trafficking laws, policies, and programs. Led by MWCSW and consists of Government officials and representatives of NGOs.(50) Enhance coordination between central, district, and local government officials working to counter human trafficking.(54) |
| National Human Rights Commission | Monitor and receive complaints on child rights violations.(53) Report on the status of human trafficking victims and coordinate with civil society organizations through the Office of the Special Rapporteur on Trafficking.(50, 53) |

Since the expiration of the National Master Plan on Child Labor (2004–2014), Nepal does not have a mechanism, such as a national steering committee, to coordinate efforts to eliminate child labor across government ministries.(52)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Nepal has established policies related to child labor, including its worst forms (Table 9).

Table 9. Key Policies Related to Child Labor

| Policy | Description |
|--|--|
| School Sector Reform Plan (2009–2016) | Targets children who are out of school and at risk of entering the worst forms of child labor. Aims to expand access to education and provide alternative schooling and non-formal education to vulnerable populations.(50, 62, 63) Overseen by the Ministry of Education.(50, 62) |
| National Plan of Action Against Trafficking in Persons (2011–2016) | Promotes and protects the rights of human trafficking victims and survivors, and outlines policies for providing justice and punishing perpetrators.(64) |

Although the Government of Nepal has adopted the National Plan of Action Against Trafficking in Persons, research found no evidence of a policy designed to address other worst forms of child labor.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government of Nepal funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Key Social Programs to Address Child Labor

| Program | Description |
|---|---|
| Green Flag Movement (2014–2017)† | ILO-funded, municipal government campaign to eliminate child labor. Includes child labor monitoring and awareness-raising activities.(65) In 2016, the campaign was expanded to five additional wards in Lalitpur Sub-metropolitan City, and over 100 children working in domestic service have been rescued under the program.(66) |
| Child Helpline – 1098† | MWCSW- and Child Workers in Nepal-funded helpline operated by the Nepal Telecommunications Authority.(52) Responds to calls about missing children, child abuse, child labor exploitation, child trafficking, and child sexual abuse.(67) Currently operates in 13 districts and municipalities.(52, 68) Also operates in Bangladesh, Bhutan, India, Maldives, Pakistan, and Sri Lanka to ensure access for children who have been trafficked in this region.(49) |
| <u>Country-Level Engagement and Assistance to Reduce Child Labor II (CLEAR II) (2014–2018)</u> | USDOL-funded capacity-building project implemented by Winrock International and partners Verité and Lawyers Without Borders in at least eight countries to build the local and national capacity of the Government to address child labor.(69) During the reporting period, the program convened a consultation workshop for government and non-government stakeholders on the draft National Master Plan on Child Labor Elimination.(69) For additional information, please see our Web site . |
| <u>From Protocol to Practice: A Bridge to Global Action on Forced Labor (The Bridge Project)</u> | USDOL-funded global project implemented by the ILO to support global and national efforts aimed at combating forced labor of adults and children under the 2014 ILO Protocol and supporting Recommendation to ILO C. 29 on Forced Labor. Includes Mauritania, Nepal, and Peru as priority countries.(70) For additional information, please see our Web site . |
| Towards Achieving the Elimination of the Worst Forms of Child Labor as Priority (ACHIEVE) (2013–2016) | \$582,000 Government of Denmark-funded, 3-year program implemented by ILO-IPEC that aims to strengthen national-level capacity and support the policy environment. Includes the development and testing of a training program and the preparation of a national child labor policy, a revised hazardous work list, and recommendations for upgrading national legislation related to child labor.(71) |
| Decent Work Country Program, Nepal (2013–2017) | ILO, MoLE, Federation of Nepalese Chambers of Commerce and Industry, and Nepal Trade Union Congress-implemented program.(72) Provide technical and financial assistance to implement the provisions of ratified conventions on child labor, strengthen MoLE's child labor monitoring and reporting systems for prevention and early detection, support the mapping of community service providers, and assist the Government in revising a hazardous child labor list.(72) |
| Combating Trafficking in Persons (CTIP) Project (2010–2017) | \$9.1 million USAID-funded, 6-year project to reduce human trafficking and protect the rights of victims. Strengthen protection services for survivors of human trafficking, build the capacity of the judiciary and law enforcement agencies to effectively enforce legal measures and increase prosecutions, and prevent human trafficking by building awareness among groups that are vulnerable to human trafficking for purposes of labor and sexual exploitation.(9, 52, 73) |
| Support for Schools† | MoLE program that supports five schools in the Kathmandu Valley for children ages 5–16 who are at risk of working in the worst forms of child labor. Provides scholarships to cover associated schooling costs for children outside the Kathmandu Valley to attend a local public school, and works with local NGOs to verify that children are attending class.(9) |

† Program is funded by the Government of Nepal.

In 2016, the Government agreed to implement its first nationally representative survey examining forced labor among adult and child workers. The survey will be implemented with the Nepal Labor Force Survey during 2017–2018 and cover 18,000 households. It will be the first endeavor undertaken by any country to systematically collect national data on populations experiencing forced labor.(74)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Nepal (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including Its Worst Forms

| Area | Suggested Action | Year(s) Suggested |
|---------------------|---|-------------------|
| Legal Framework | Ratify the Palermo Protocol on Trafficking in Persons. | 2013 – 2016 |
| | Ensure that laws are in line with ILO C. 182 by raising the minimum age for entry into hazardous work to 18. | 2009 – 2016 |
| | Ensure that the types of hazardous work prohibited for children are comprehensive. | 2015 – 2016 |
| | Ensure that the legal framework criminally prohibits the trafficking of children for the purposes of forced labor. | 2015 – 2016 |
| | Ensure that the law explicitly criminalizes the use of children in the production of child pornography. | 2015 – 2016 |
| | Ensure that the law criminally prohibits the use of children through age 17 in the production of drugs and other illicit activities. | 2015 – 2016 |
| | Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups. | 2016 |
| | Ensure that the age up to which education is compulsory is the same as the minimum age for work. | 2009 – 2016 |
| Enforcement | Provide sufficient resources for the collection and publication of data on labor law enforcement actions, including the number of child labor law violations. Collect and publish data on criminal law enforcement actions, including the number of violations, prosecutions, and convictions involving child trafficking and other worst forms of child labor. | 2015 – 2016 |
| | Ensure that the Department of Labor’s budget is sufficient to effectively enforce child labor laws. | 2016 |
| | Increase the number of labor inspectors trained and responsible for providing enforcement of child labor laws to meet international standards. | 2010 – 2016 |
| | Ensure that penalties are sufficient to deter child labor law violations. | 2015 – 2016 |
| | Increase the capacity to gather, store, and report on data related to human trafficking, including the ability to disaggregate data to identify the number of child trafficking victims. | 2009 – 2015 |
| | Provide additional resources to law enforcement agencies so that they are able to enforce laws prohibiting crimes against children, including the worst forms of child labor. | 2011 – 2016 |
| | Increase the capacity of the Ministry of Land Reform and Management to effectively enforce laws that prohibit bonded labor in agriculture. | 2014 – 2016 |
| Coordination | Ensure that there is a mechanism to coordinate efforts to eliminate child labor across government ministries. | 2016 |
| Government Policies | Adopt a policy that addresses all relevant worst forms of child labor, such as commercial sexual exploitation of children, forced labor of children, and use of children in illicit activities. | 2016 |
| Social Programs | Eliminate barriers to education, including lack of schools and fees associated with schooling. Eliminate barriers to education for children with disabilities. | 2013 – 2016 |

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