

Nepal

MODERATE ADVANCEMENT

In 2013, Nepal made a moderate advancement in efforts to eliminate the worst forms of child labor. Despite the lack of a functioning Constituent Assembly for all of 2013, the Government took several actions to address child labor. The Government doubled the number of labor inspectors; set three new directives on how the rescue, rehabilitation, and reintegration of child laborers is conducted; and began reporting on the number and type of inspections it conducts and the resulting sanctions imposed on violators. Additionally, the Government began using the \$4.73 million Central Labor Welfare Fund, which is partially used to rehabilitate former child laborers through support programs, including scholarships and vocational training. The Government participates in several programs to strengthen its national legislation and policies regarding child labor, improve its education system, and withdraw and prevent children from the worst forms of child labor. However, children in Nepal continue to engage in child labor in agriculture and the worst forms of child labor in commercial sexual exploitation. Nepal lacks a compulsory education law and children ages 16 and 17 are excluded from the protections of the country's hazardous work list, leaving children vulnerable to the worst forms of child labor. The number of investigations and convictions for child trafficking is also inadequate given the scope of trafficking in Nepal.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Nepal are engaged in child labor in agriculture and the worst forms of child labor in commercial sexual exploitation.(1-6) More than three-quarters of child laborers work in agriculture.(1, 2, 6) More girls than boys are subjected to hazardous labor, including commercial sexual exploitation, and many children work under informal work arrangements.(2, 7-9) Table 1 provides key indicators on children's work and education in Nepal.

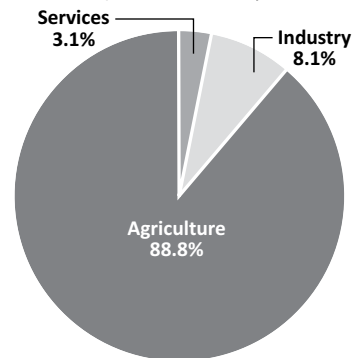
Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	33.7 (2,097,163)
Attending School (%)	5-14 yrs.	89.5
Combining Work and School (%)	7-14 yrs.	35.2
Primary Completion Rate (%)		99.8

Source for primary completion rate: Data from 2013, published by UNESCO Institute for Statistics, 2014.(10)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Labour Force Survey, 2008.(11)

Figure 1. Working Children by Sector, Ages 5-14



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	Activities unknown (1, 2, 6)
	Production of bricks (3, 12-14)
	Mining and stone breaking (3, 15-17)
Industry	Construction, activities unknown† (1, 18)
	Weaving carpet (19, 20)
	Producing embroidered textiles† (3, 21, 22)
Services	Work in transportation,† including soliciting passengers, collecting fares, assisting passengers, and cleaning, loading, and repairing vehicles (3, 18, 23, 24)

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

Sector/Industry	Activity
Services	Rag-picking and recycling (25, 26)
	Portering (13, 27, 28)
	Domestic service (3, 18, 29-32)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation sometimes as a result of human trafficking (3-5, 33)
	Work in leather, garments, embroidered textiles, domestic service, begging, and in circuses* as a result of human trafficking (5, 16, 33-35)
	Forced labor in carpet weaving, domestic service, stone breaking, brick manufacturing, embroidery of textiles (zari), and begging (5, 16, 21, 36, 37)

* Evidence of this activity is limited and/or the extent of the problem is unknown.

† 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.

Forced labor, including bonded labor, exists in Nepal. Some children, called *Kamaiyas*, are born into a family legacy of bonded labor, while other bonded child laborers come from large, landless families.(21, 37) Girls who are forced to work as household servants are sometimes sexually abused.(29, 38, 39)







Nepali children are trafficked to India to work in various sectors, including the embroidery, leather, and garment industries. Some also work in domestic service or are forced to beg.(5, 34, 40) Limited evidence suggests that some children are also trafficked to India to work in circuses—although reports indicate that in recent years the number of children working in circuses has declined significantly.(35) Nepal is also a source country for children trafficked to India and the Middle East for commercial sexual exploitation. Internal trafficking occurs for commercial sexual exploitation and indentured work in domestic service or as factory workers.(5, 16, 33)

Research indicates that not all children in Nepal have access to education, which increases the risk of children engaging in the worst forms of child labor. Some rural villages do not have secondary schools, requiring children to walk for hours to attend classes.(41) The costs of teacher fees, books, and uniforms are prohibitive for many families. Some children, often girls, are not sent to school.(7) In addition, children with disabilities face barriers to education, in some cases, including denial of school admission.(42) A lack of sanitation facilities in schools also deters some girls from attending.(43)

II. LEGAL FRAMEWORK ON 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 relevant laws and regulations related to child labor, including its worst forms (Table 4).

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Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	14	Chapter 2.3.1 of the Child Labor Prohibition and Regulation Act of 2000 (44)
Minimum Age for Hazardous Work	Yes	16	Chapter 2.3.2 of the Child Labor Prohibition and Regulation Act of 2000 (44)
List of Hazardous Occupations Prohibited for Children	Yes		Schedule of the Child Labor Prohibition and Regulation Act of 2000 (44)
Prohibition of Forced Labor	Yes		Child Labor Prohibition and Regulation Act of 2000; Children's Act of 1992; Kamaiya Labor Prohibition Act of 2002; Article 29 of the 2007 Interim Constitution; Human Trafficking and Transportation Control Act of 2007 (44-47)
Prohibition of Child Trafficking	Yes		Human Trafficking and Transportation Control Act of 2007 (35, 47)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Children's Act of 1992 (45)
Prohibition of Using Children in Illicit Activities	Yes		Human Trafficking and Transportation Control Act of 2007 (47)
Minimum Age for Compulsory Military Recruitment	N/A*		Basic Principles for Appointment and Promotion to Military Service 2007 (1, 48)
Minimum Age for Voluntary Military Service	Yes	18	Basic Principles for Appointment and Promotion to Military Service 2007 (1, 48)
Compulsory Education Age	No		
Free Public Education	Yes		Education Act of 2009 (49)

* No conscription or no standing military.

During the reporting period, the Government finalized amendments to the Child Labor Prohibition and Regulation Act of 2000; however, it has not yet been submitted to the Constituent Assembly. If the amendments become law, they will raise the maximum age to be considered a child from 16 to 18 years to be in line with international standards regarding working in hazardous conditions and activities; increase the maximum fine for illegally employing a child, including in hazardous activities and conditions; and provide protections for informants and witnesses involved in criminal investigations of child labor.(1)

In June 2013, the Government outlawed *kamlari* bonded labor, a form of bonded labor specific to female child domestic servants.(50) However, evidence suggests that as of December 2013, the practice is still occurring in western districts of Nepal and Kathmandu.(51)

The Child Labor Prohibition and Regulation Act of 2000 establishes a list of occupations prohibited for children, such as working in the tourism industry, workshops, laboratories, slaughterhouses, cold storage facilities, public transportation, construction, manufacturing, and energy production.(44) However, the minimum age of 16 for hazardous work, as stated in Chapters 1.2.a and 2.3.2, is not consistent with international standards and fails to protect children ages 16 and 17 from work that could jeopardize their health and safety.(52) During the reporting period, the Government of Nepal began a Decent Work Country Program with the ILO, which intends to create a revised list of hazardous occupations prohibited to children.(53)

Children ages 16 and 17 are not covered under the Children's Act, as stated in Chapter 1.2.a, and therefore may face criminal penalties if found participating in activities, including commercial sexual exploitation and the sale of drugs. Because 16 and 17 year olds are not consider children under the legal framework, there is no prohibition against employing children ages 16 and 17 in the production of pornography.(45)

Education is not compulsory in Nepal; this may make children vulnerable to child labor.(1, 54)

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).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Department of Labor (DOL)	Enforce child labor laws, with inspectors having jurisdiction in both the formal and informal sectors. Located within the Ministry of Labor and Employment (MoLE).(1)
Office of Attorney General	Prosecute trafficking-related cases from the district level to the Supreme Court. Located within the Ministry of Law.(1)
The Women's and Children's Service Directorate of the Nepal Police	Investigate crimes against women and children, including trafficking. Conduct work through the Nepal Police Women and Children Service Centers (WCSCs), commonly called the Women's Cell, located in all 75 districts. Nepal Police operate under the Ministry of Home Affairs.(1)
The Office of the Special Rapporteur on Trafficking	Monitor the enforcement of laws related to trafficking in persons, including the commercial sexual exploitation of children, at the national level. Part of the National Human Rights Commission.(1)
Central Child Welfare Board (CCWB)	Monitor the enforcement of laws related to child exploitation, including the commercial sexual exploitation of children, at the national level. Located within the Ministry of Women, Children and Social Welfare (MWCSW).(1)
District Child Welfare Boards (DCWB)	Enforce child labor laws at the local level. Manage interagency coordination and the levying of civil fines to address child labor issues. Governed by a CCWB located within the MWCSW.(1)
Chief District Offices (CDO) and Women Development Offices	Monitor the enforcement of laws related to the commercial sexual exploitation of children at the district level. Located within the Ministry of Home Affairs.(1)
National Network Against Child Labor (NNACL)	Serve as a referral mechanism for children who are found in child labor to access services.(55) Consists of district labor officers, district women and children officers, officers from the Nepal Police Women and Children Service Center, CDOs, NGOs, and thousands of youth clubs.(1)
National Coordination Committee on Human Trafficking	Implement laws and counter trafficking efforts, including working with NGOs to link children to proper services. Formed by the MWCSW and made up of senior officials from the MWCSW and other ministries, as well as representatives of NGOs and intergovernmental agencies and victims. Serve as the lead agency involved in policy to control human trafficking.(1)
Kathmandu Child Labor Committee	Address reports of bonded child labor in Kathmandu. Comprised of the CDO, three assistant CDOs, the Child Welfare Officer, and others as needed.(1)
Monitoring Action Committee	Investigate reports of commercial sexual exploitation, including the exploitation of children specifically in the adult entertainment sector.(3)
Ministry of Land Reform and Management	Enforce laws that prohibit bonded labor in agriculture.(36)

Law enforcement agencies in Nepal took actions to combat child labor, including its worst forms.

Labor Law Enforcement

In 2013, DOL reported that it revamped its inspection program, adding 11 new inspector positions, bringing the total to 21. In contrast to previous years, all positions were filled in 2013.(1) In the absence of an official DOL inspector, Chief District Offices (CDO) and Nepal Police officers have the authority to act on child labor issues.(1) Additionally, DOL and NGOs provided funding, support and basic training for child rights offices in each of Nepal's 75 districts under their District Child Welfare Boards (DCWB). In fiscal year 2013–2014, DOL operated on a budget of approximately \$246,000.(1, 55)

Labor inspectors received routine training on laws and enforcement relating to child labor.(1) CDOs and Nepal Police officers received training on laws and enforcement related to child labor in their introductory training programs. The CCWB provided child rights training to Child Rights and Child Welfare Officers in all 75 districts.(1)

In 2013, DOL reported that it conducted 800 inspections, a 33 percent increase from the previous year. The majority of inspections were in the informal sector, particularly in brick making and carpet weaving, which are known to employ child laborers.(1) As a result of inspections, DOL issued 35 violations for minor child labor infractions. The maximum fine was \$100 and employers were made to forgive any loans the child may have been paying off, the

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maximum loan amount being \$500.(1) Ten employers caught violating child labor laws absconded and are believed to be in India.(1) DOL rescued 179 children from situations involving the worst forms of child labor. DOL has also started checking in on rescued children periodically to ensure they do not re-engage in the worst forms of child labor.(1) While funding and support from the Government greatly increased in 2013, NGOs report that the number of inspections was still inadequate to meet the child labor problem in Nepal, and the number of citations was low compared to the size of the problem.(1)

In June 2013, the CCWB, DOL, Nepal Police and NGOs raided 10 embroidery factories in the Kathmandu Valley, rescuing 39 children, 30 of whom were under the age of 14.(4)

During the reporting period, the DOL formed the National Network Against Child Labor (NNACL) as a referral mechanism to ensure coordination between enforcement agencies and NGOs providing rehabilitation services to children removed from child labor.(55) Its coordination committee met once a month.(1)

Criminal Law Enforcement

In 2013, DOL issued three new directives concerning child laborers. The first addresses the rescue, reintegration, and the rehabilitation of child laborers; the second establishes operating procedures for rescues; and the third sets out operating procedures for child labor transit homes.(1) In addition, the Kathmandu CDO formed a committee to address reports of bonded child labor in Kathmandu. As of December 2013, the CDO's office had rescued four girls working as domestic laborers. Two of the girls were under 18 years of age, and two had been working in the third-party homes since they were 10 or 11 years old.(1) However, no charges were filed and the employers received a warning.(55)

There are 110 WCSCs and 387 investigators throughout Nepal's 75 districts. The Government has called for a total of 240 WCSCs and reports that they are in the process of opening the remaining 130 centers.(1) From July 2012 through July 2013, at least 144 human trafficking cases were registered with police, although it is unclear how many of the victims were children. During the same period, the Office of the Attorney General reported that 120 people were convicted for trafficking and 165 new cases involving 376 alleged perpetrators were filed and were awaiting trial, though the data do not indicate the ages of the victims.(1) Despite these increased efforts, officials and NGOs indicate that the number of investigations and convictions for child trafficking is inadequate relative to the scope of the problem.(1, 56) Officials acknowledge enforcement efforts are underfunded and that investigators have insufficient resources to investigate all trafficking cases.(1, 57)

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 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
The National Steering Committee	Implement the National Master Plan on Child Labor (2004–2014) and coordinate child labor eradication efforts.(9) Headed by the MoLE and comprised of other government departments, NGOs, employers, trade unions, and donors.(58)
Child Labor Elimination Section	Coordinate, monitor, and report on child labor in Nepal. Operates under MoLE.(9)
Inter-Agency Coordination Group	Collaborate with the Government in assessing and mapping child protection in Nepal. Comprised of UNICEF, Plan Nepal, Save the Children International, Terres des homes, World Vision, and World Education International.(59)

The National Steering Committee has not met in the past two years.(56, 59) However, during the reporting period, the Committee was active in drafting a revised list of hazardous occupations prohibited for children, initiating processes for the amendment of the Child Labor Prohibition and Regulation Act, and developing policy on child labor elimination in support of the revised national Master Plan on Child Labor (2011–2020).(59)

According to both NGOs and DOL, official coordination mechanisms between agencies and NGOs to address child labor issues have been strengthened during the reporting period. NGOs report that official coordination is strongest at the local level, but still remains relatively weak at the central level.(1) Both the Government and NGOs report that increased government funding and local government activism had a significant positive impact on the reduction of child labor, particularly in Bhaktapur and Sindupalchok districts.(1, 59)

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 7).

Table 7. Policies Related to Child Labor

Policy	Description
National Master Plan on Child Labor 2004–2014	Aims to eliminate the worst forms of child labor by 2009 and all forms of child labor by 2014.(60) Identifies bonded child labor, rag-picking, portering, child domestic service, mining, carpet weaving, and child trafficking as the worst forms of child labor to be addressed. Overseen by DOL.(1, 61) Review in 2010 produced the Master Plan on Child Labor (2011–2020), which is awaiting parliamentary approval.(1, 9)
School Sector Reform Plan (2009–2015)	Targets children out of school and at risk of entering the worst forms of child labor.(1) Aims to expand access to education and to provide alternative schooling and non-formal education to vulnerable populations.(25) Overseen by the Ministry of Education.(1, 62)
National Planning Commission's Three-Year Interim Plan (2010–2013)	Aims to improve lives through broad-based, employment-oriented, economic growth that helps alleviate poverty and establish sustainable peace. Includes objectives to eradicate all forms of child labor.(63) During the reporting period, an updated plan was finalized and is awaiting parliamentary approval.(1) Revised Plan adopts the strategy and approaches of the revised National Master Plan, including establishing and strengthening institutional capacity of community-based organizations to prevent and respond to issues on child protection, and updating goals on the elimination of the worst forms of child labor by 2016 and all child labor by 2020.(59)
National Plan of Action to Combat Trafficking (2011–2016)	Promotes and protects the rights of trafficking victims and survivors and outlines policies for providing justice and punishing perpetrators.(64)

The Government reports that implementation of child labor-related policies has improved in the past year.(1) However, NGOs characterized it as still insufficient. Implementation was significantly impacted by the lack of resources allocated and the lack of a functioning parliament in 2013.(1)

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of Nepal funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
Central Labor Welfare Fund‡	DOL fund partially used to rehabilitate former child laborers through various support programs, including scholarships and vocational training. Managed by the CCWB.(1) In 2013, the Government began using the fund which holds \$4.73 million and was previously unused.(1)
Support for schools‡	DOL program to support five schools in the Kathmandu Valley for approximately 500 children ages 5 to 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.(1)
Towards Achieving the Elimination of the Worst Forms of Child Labour as Priority (ACHIEVE)†	\$582,000 Government of Denmark-funded, 3-year program implemented by ILO-IPEC, aims to strengthen national-level capacity and to 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. Projected outcomes include: (1) creating child labor-free communities through replicable and scalable models; and (2) strengthening the policy environment and the capacity of institutions that can contribute toward child labor elimination.(65)
Project for the Prevention and Reduction of Child Labor in Restaurants in the Kathmandu Valley†	Japanese-funded project increases capacity-building of municipal and ward child protection committees, grants certificate awards for 'child labor-free' restaurants and tea shops, and continues an awareness raising campaign that includes workshops with the MWCSW, the Ministry of Federal Affairs and Local Development, and other stakeholders.(66)

Table 8. Social Programs to Address Child Labor (cont)

Program	Description
New Path New Steps	\$4.75 million USDOL-funded, 4-year project provided new learning and employment opportunities for exploited and at-risk children. Project ended in April 2013 and resulted in the withdrawal of 10,202 children and the prevention of 9,831 children from work in commercial sexual exploitation, domestic service, brick factories, mining, portering, and the embroidered textile sectors.(3, 67)
Decent Work Country Program, Nepal†	ILO, the MoLE, Federation of Nepalese Chambers of Commerce and Industry, and the Nepal Trade Union Congress signed a memorandum of understanding on February 21, 2014 to collaborate in the implementation of the Decent Work Country Program (DWCP).(53) Key objectives are to 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 to revise a hazardous child labor list. It will also conduct policy research and studies on the priority areas of child labor as specified in the National Master Plan.(53)
Child Helpline - 1098‡	MWCSW and Nepal Telecom funded helpline operated by CWIN. Responds to calls about missing children, child abuse, child labor exploitation, trafficking, and child sexual abuse.(68) Currently operates in Kathmandu, Biratnagar, Pokhara, Hetauda, and Nepalgunj, with plans to expand into other parts of the country.(69) Also operates in India, Bangladesh, and Bhutan to ensure access for children that have been trafficked in this region.(70)
School Sector Reform Program	World Bank-financed, 7-year, investment loan program to support the School Sector Reform Plan (2009–2016). Objective is to increase access to and improve quality of school education, particularly basic education (grades 1–8), especially for children from marginalized groups.(71)
Combating Trafficking in Persons (CTIP) Project	\$6.79 million USAID-funded, 5-year project to reduce trafficking in persons and protect the rights of victims. Aims to strengthen protection services for TIP survivors, build capacity of the judiciary and law enforcement agencies to effectively enforce legal measures and increase prosecutions, and prevent trafficking by building awareness among groups that are vulnerable to sex and labor trafficking.(72)

† Program was launched during the reporting period.

‡ Program is funded by the Government of Nepal.

All 75 districts have a DCWB and a women's development office, and both have small budgets for programs, some of which address child labor. DOL also provided over 100 small grants to local NGOs to conduct various programs on child labor, but they do not track the programs.(1) The Government conducted five awareness programs about child labor in the central region of Nepal and continued ongoing awareness and media outreach programs regarding the worst forms of child labor.(1)

The MoLE manages a Child Labor Elimination Fund; however, the fund is inactive because the Child Labor Elimination Commission has yet to be formulated.(56, 59)

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 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Laws	Make primary education compulsory and at minimum, harmonized with the minimum age for work to ensure children are attending school and are therefore less vulnerable to child labor.	2009 – 2013
	Amend laws so that they are in line with ILO C. 182 by	
	■ Raising the minimum age for entry into hazardous work from 16 to 18.	2009 – 2013
	■ Defining a child for purposes of hazardous work as any person younger than age 18 to ensure that all children are equally protected under laws that prohibit the worst forms of child labor.	2009 – 2013
	Ratify the Palermo Protocol on Trafficking in Persons.	2013
Enforcement	Increase the number of labor inspectors to enforce child labor laws.	2010 – 2013
	Enhance data collection to include disaggregated data on trafficking in persons cases to identify the number of child trafficking victims.	2009 – 2013
	Provide additional resources for the Nepal Police so that they are able to pursue the perpetrators of child trafficking violations.	2011 – 2013

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

Area	Suggested Action	Year(s) Suggested
Government Policies	Finalize the draft National Master Plan on Child Labor 2011–2020.	2010 – 2013
	Allocate sufficient resources to the implementation of policies related to child labor.	2013
Social Programs	Put in place the Child Labor Elimination Commission to manage programs under the Child Labor Elimination Fund.	2012 – 2013
	Conduct research to determine the activities carried out by children working in agriculture and construction to inform policies and programs.	2013
	Eliminate barriers to education including lack of schools, inadequate facilities, and fees.	2013

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