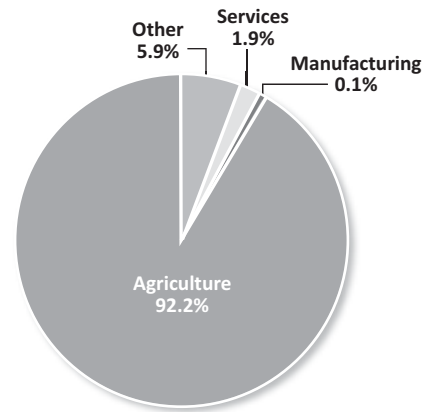
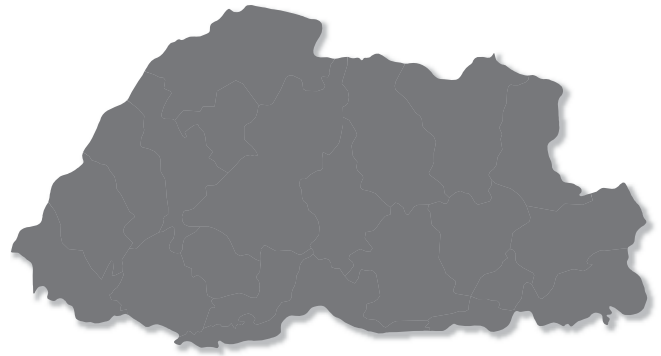


Bhutan

The Government of Bhutan took an initial step toward addressing the problem of child labor during 2010 by holding a seminar to discuss the issue. However, children continue to engage in the worst forms of child labor in agriculture and domestic service. The Government has yet to fully establish policies and programs to address worst forms of child labor in these sectors.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	19.6
Attending School	5-14 yrs.	69.0
Combining Work and School	10-14 yrs.	0.3



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Bhutan are engaged in the worst forms of child labor,⁵⁹¹ especially in agriculture and domestic service.⁵⁹² Children in agriculture often work long hours, use dangerous tools, work unsupervised in dangerous environments and perform physically difficult tasks. Girls are more likely to be employed as child domestic workers in homes where they may be subjected to abuse and exploitation.⁵⁹³

Some children in Bhutan work in unregulated activities such as rag picking.⁵⁹⁴ Others are involved in construction and mining or quarrying, sectors in which their health may be endangered through long working hours and in which they face an increased likelihood of accidents and physical harm from dangerous machinery and tools.⁵⁹⁵ Urban children sometimes work as street vendors.⁵⁹⁶ Children working on the streets may

be involved in vehicle accidents or exposed to dangers including severe weather and criminal elements.






Girls younger than age 18 are also reported to be involved in commercial sexual exploitation.⁵⁹⁷

Laws and Regulations on the Worst Forms of Child Labor

The 2007 Labor and Employment Act of Bhutan sets the minimum age for work at age 18. However, children ages 13 to 17 can work provided they are not exposed to physical harm, dangerous machinery or an unhealthy working environment.⁵⁹⁸ This exception appears to effectively lower the legal working age to 13, which is below the international standard of 14.

The Regulation on Acceptable Forms of Child Labor outlines the list of work prohibited for

those younger than age 18.⁵⁹⁹ Domestic service is not prohibited under the regulation, and does not appear to be addressed elsewhere in the legal framework.

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	18
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

The Penal Code stipulates that anyone who subjects a child to economic exploitation or hazardous work will be guilty of child abuse, a misdemeanor carrying a minimum punishment of one year imprisonment.⁶⁰⁰

The Labor and Employment Act of Bhutan also protects children younger than age 18 from forced or compulsory labor, trafficking, use in armed conflict, prostitution, pornography, use by adults in illicit drug-related activities and any labor that endangers their health, safety or morals.⁶⁰¹ The Penal Code prohibits commercial sexual exploitation and trafficking of children for prostitution and lays out penalties for these offenses.⁶⁰²

There is no age to which education is compulsory.⁶⁰³ The lack of standards in this area

may increase the risk of children's involvement in the worst forms of child labor as young children are not required to be in school but are unable to legally work. Education is offered free by the government, but some children may have trouble accessing educational services due to informal fees. For example, children often have to pay enrollment fees and contribute to the school feeding program.⁶⁰⁴

Institutional Mechanisms for Coordination and Enforcement

The National Commission for Women and Children (NCWC) is the lead agency to coordinating the promotion and protection of women and children.⁶⁰⁵ The NCWC monitors issues of child labor nationwide.⁶⁰⁶ The NCWC includes representatives from government agencies, law enforcement, the judiciary, civil society, media and business.⁶⁰⁷

The Department of Labor investigates child labor during routine and special inspections of workplaces. The Ministry of Labor and Human Resources is empowered to investigate child labor complaints and require employers to comply with child labor laws throughout the country.⁶⁰⁸ Its Labor Protection Division is responsible for public awareness and enforcement of labor laws. Labor inspectors are based in Thimpu and in two regional offices.⁶⁰⁹ The ministry has 4 labor inspectors in Thimpu and 2 inspectors in each region of Bhutan; it has requested 37 more labor inspectors over the next four years.⁶¹⁰ The labor inspectors investigate general working conditions, including child labor violations.⁶¹¹ There is no information on the number of labor inspections, their findings, or resulting actions taken.

Child labor laws are also enforced by the Home Ministry's Royal Bhutan Police.⁶¹² The police's Woman and Child Protection Unit (WCPU) protects the rights of children and women in Bhutan. The WCPU also provides

counseling services and refers victims to NGOs for assistance.⁶¹³ There is no information on the number of criminal worst forms of child labor investigations, prosecutions or victims assisted.

Government Policies on the Worst Forms of Child Labor

The Government's Tenth Five Year Plan (2008-2012) addresses the issues of poverty reduction and education. The plan proposes reducing poverty through income and employment generation, expanding rural access to markets and improving living conditions for the rural poor.⁶¹⁴ It also aims to increase school enrollment by establishing and improving local primary schools.⁶¹⁵ The question of whether this policy has an impact on child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In October 2010, the NCWC took an initial step toward addressing the issue of child labor by holding a seminar to discuss the problem. Representatives from the Ministries of Home and Cultural Affairs, Labor and Human Resources, Education and Health as well as the police, NGOs and student leaders were in attendance, and the participants compiled a list of recommendations that included developing awareness campaigns, compiling data and developing a child labor hotline to report cases of exploitation.⁶¹⁶

The NCWC manages a program called Project Hope, which provides residential shelters for

children at risk of exploitative child labor.⁶¹⁷

This program does not appear to be sufficient to provide services to many of the children vulnerable to or involved in the worst forms of child labor in Bhutan, such as those involved in agriculture, domestic labor, construction, rag picking, and mining and quarrying.

A number of projects address issues of poverty reduction and education not specifically targeted to child laborers. During 2010, the UNDP worked with the Ministry of Agriculture and Forests on a \$267,550 project to enhance rural income and livelihoods. The project mobilized communities into microenterprise groups and provided cash loans as well as start-up supplies.⁶¹⁸

UNICEF works with the Government on education issues by providing nonformal education, printing textbooks and assisting with the establishment of new schools.⁶¹⁹ The question of whether these programs have an impact on child labor does not appear to have been addressed.

Children must have proof of birth registration to attend school. However, those born in remote areas and those born to ethnic minorities are less likely to be registered.⁶²⁰ As a result, and despite the efforts described above, some children are denied access to education. Furthermore, children of Nepali descent are unable to receive an education in their native language.⁶²¹ Research found no evidence of programs to address the need for improved birth registrations and for education in the Nepali language.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Bhutan:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Labor Law to comply with international standards of minimum age for work.
- Enact laws to provide protections for children working in domestic service.
- Make primary education compulsory to ensure children are attending school and are therefore less vulnerable to the worst forms of child labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Publish data on the number of labor investigations, child labor violations, criminal cases of the worst forms of child labor and child victims assisted.
- Monitor schools to ensure that children are not required to pay informal educational fees.

IN THE AREA OF POLICY:

- Assess the impact that the Tenth Five Year Plan may have on child labor.

IN THE AREA OF PROGRAMS:

- Expand social programs for children at risk of engaging in child labor to target children who work in agriculture, domestic labor, construction, rag picking and mining and quarrying.
- Assess the impact that existing programs may have on child labor.
- Assist rural families to apply for birth registration as a precursor to school enrollment.
- Provide educational services in Nepali to encourage Nepali children to attend school and not enter into the worst forms of child labor.

⁵⁹¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵⁹² UNICEF, *Situation of Child Labour in Bhutan, 2010*, 4. See also UNICEF, *A Situation Analysis of Children and Women in Bhutan*, National Commission for Women and Children, Thimphu, 2006, 69; available from http://www.ncwcbhutan.org/ncwc/publications/SITAN_Bhutan-2006.pdf. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties under*

Article 44 of the Convention: Convention on the Rights of the Child: Second Periodic Reports of States Parties due in 1997: Bhutan, March 21, 2007; available from <http://www.unhcr.org/refworld/country,,CRC,,BTN,,46d411e02,0.html>. See also Lucky Wangmo, "When Children Abandon Books to Earn a Living", *Business Bhutan*, [online], January 20, 2010 [cited May 11, 2011]; available from <http://www.apfanews.com/human-rights-monitor/when-children-abandon-books-to-earn-a-living/>.

⁵⁹³ UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 1997: Bhutan*. See also U.S. Department of State, "Bhutan," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7.d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/>.

⁵⁹⁴ UNICEF, *Situation of Child Labour in Bhutan*, 17.

⁵⁹⁵ *Ibid.*, 17 and 31.

⁵⁹⁶ UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 1997: Bhutan*, para. 406.

⁵⁹⁷ *Ibid.*, para. 433.

- ⁵⁹⁸ *Labour and Employment Act of Bhutan 2007*, (2007), para. 170-171; available from <http://www.molhr.gov.bt/labouract.pdf>. See also UNICEF, *Situation of Child Labour in Bhutan*, 29.
- ⁵⁹⁹ *Regulation: Acceptable Forms of Child Labour*, (November 10, 2009), 2; available from <http://labournet.molhr.gov.bt>.
- ⁶⁰⁰ Bhutan Embassy- New Delhi official, Letter to U.S. Embassy- New Dehli official, June 8, 2009.
- ⁶⁰¹ *Labour and Employment Act of Bhutan 2007*, para. 6 and 9.
- ⁶⁰² *Penal Code of Bhutan*; available from www.asianlii.org/bt/legis/laws/pcob2004145.
- ⁶⁰³ U.S. Department of State, “Country Reports- 2010: Bhutan,” section 6.
- ⁶⁰⁴ U.S. Department of State, “Bhutan,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136086.htm>. See also UNICEF, *Analysis of Children and Women in Bhutan*, 48-49.
- ⁶⁰⁵ UNICEF, *Situation of Child Labour in Bhutan*, 3.
- ⁶⁰⁶ U.S. Embassy- New Dehli, *reporting, April 1, 2009*.
- ⁶⁰⁷ UN Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the seventh periodic report: Bhutan*, CEDAW/C/BTN/Q/7/Add.1, Geneva, May 10, 2009, 10.
- ⁶⁰⁸ Bhutan Embassy- New Delhi official, Letter, March 15, 2009.
- ⁶⁰⁹ US Embassy- New Delhi official, E-mail communication to USDOL official, June 29, 2011.
- ⁶¹⁰ *Ibid.*
- ⁶¹¹ Bhutan Embassy- New Delhi official, Letter, March 15, 2009.
- ⁶¹² U.S. Embassy- New Delhi, *reporting, April 1, 2009*.
- ⁶¹³ UN Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions*, 9.
- ⁶¹⁴ Gross National Happiness Commission, *Tenth Five Year Plan 2008-2013*, 2009, 24; available from <https://max.omb.gov/maxportal/home.do>.
- ⁶¹⁵ *Ibid.*, 109-110.
- ⁶¹⁶ National Commission for Women and Children, *Report of the Seminar on Child Labour*, Serbithang, Bhutan, October 6, 2010.
- ⁶¹⁷ Lucky Wangmo, “When Children Abandon Books to Earn a Living”.
- ⁶¹⁸ Tarayana Foundation and Ministry of Agriculture and forests, *Best Practices for the Project for Enhancing Rural Income and Livelihoods Through Sustainable Agricultural Development and Micro-Enterprise in Bhutan*, Thimphu, Bhutan, December 2010, v-1; available from <http://www.undp.org/bt/Best-Practices-for-the-Project-for-Enhancing-Rural-Income-and-Livelihoods.htm>.
- ⁶¹⁹ UNICEF, *Getting out of the gloom*, [online] [cited April 1, 2011]; available from www.unicef.org/bhutan/nonform.htm. See also UNICEF, *Second chance at literacy*, [online] [cited April 1, 2011]; available from www.unicef.org/bhutan/educat.htm. See also UNICEF, *Shortening the long trek to school*, [online] [cited April 1, 2011]; available from www.unicef.org/bhutan/commsch.htm.
- ⁶²⁰ U.S. Department of State, “Country Reports- 2010: Bhutan,” section 6.
- ⁶²¹ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Convention on the Rights of the Child: concluding observations: Bhutan*, October 8, 2008, para. 62; available from <http://www.unhcr.org/refworld/country,,CRC,,BTN,,48f7164c2,0.html>.