

In 2014, Nepal made a moderate advancement in efforts to eliminate the worst forms of child labor. The Department of Labor increased its number of inspections by 25 percent, and the Nepali Police more than tripled its number of investigations and doubled the number of Women and Children Service Centers. In addition, the Ministry of Education began a pilot project for compulsory basic education, and several local governments funded activities and awareness-raising campaigns against child labor. However, children in Nepal are engaged in child labor, including in agriculture, and in the worst forms of child labor, including 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, including in agriculture.(1-4) Children are also engaged in the worst forms of child labor, including in commercial sexual exploitation.(5-8) Table 1 provides key indicators on children's work and education in Nepal.

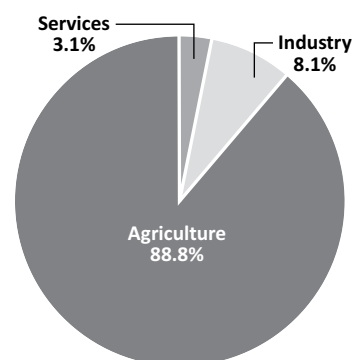
Table 1. Statistics on Children's Work and Education

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, 2015.(9)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Labour Force Survey, 2008.(10)

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	Farming, activities unknown (1-3)
	Herding cattle* (4)
Industry	Production of bricks (11, 12)
	Mining and stone breaking (13, 14)
	Construction, activities unknown† (3, 7)
	Weaving carpet† (13, 15, 16)
	Producing embroidered textiles (zari)† (7, 8, 17)
Services	Domestic service (18-20)
	Work in transportation,† including soliciting passengers, collecting fares, assisting passengers, and cleaning, loading, and repairing vehicles (21)
	Work in hotels, restaurants, and tea shops, including serving, washing dishes, cleaning, and running errands (3, 8, 22)
	Portering (23)
	Rag-picking and recycling (17, 24)

Nepal

MODERATE ADVANCEMENT

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 (5-8)
	Work in leather, garments, domestic service, begging, and in circuses* each as a result of human trafficking (6-8, 13, 25-27)
	Forced labor, including bonded labor, in agriculture, domestic service, brick manufacturing, stone breaking, carpet weaving, embroidery of textiles (zari), and begging (4, 7, 13, 18, 28, 29)

* 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.







Nepali children are trafficked to India to work in various sectors, including the leather and garment industries.(25, 26) 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.(8, 27) Children are trafficked within Nepal and to India, the Middle East, China, Malaysia, Hong Kong, and South Korea for commercial sexual exploitation.(5-8)

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.(30) The costs of teacher fees, books, and uniforms are prohibitive for many families, and some children, often girls, are not sent to school.(31) In addition, a lack of sanitation facilities in schools also deters some girls from attending.(32) Children with disabilities face barriers to education in some cases, including denial of school admission.(33)

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).

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, 2000 (34)
Minimum Age for Hazardous Work	Yes	16	Chapter 2.3.2 of the Child Labor (Prohibition and Regulation) Act, 2000 (34)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Chapter 3.9 and Schedule of the Child Labor (Prohibition and Regulation) Act, 2000 (34)
Prohibition of Forced Labor	Yes		Chapter 2.4 of the Child Labor (Prohibition and Regulation) Act, 2000; Chapter 2.17 of the Children’s Act of 1992; Article 29 of the 2007 Interim Constitution; Human Trafficking and Transportation Control Act of 2007; Bonded Labor Prohibition Act of 2002; Kamaiya Labor (Prohibition) Act, 2002 (34-38)

Table 4. Laws and Regulations Related to Child Labor (cont)

Standard	Yes/No	Age	Related Legislation
Prohibition of Child Trafficking	Yes		Human Trafficking and Transportation Control Act of 2007 (37, 39)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Children's Act of 1992 (35)
Prohibition of Using Children in Illicit Activities	Yes		Human Trafficking and Transportation Control Act of 2007 (37)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	18	Military Service Regulations of 2013 (38, 40)
Compulsory Education Age	No		
Free Public Education	Yes		Education Act of 1971 (41)

* No conscription (40)

During the reporting period, the Ministry of Land Reform and Management drafted a Bonded Labor Bill, which is awaiting finalization by an Inter-Ministerial committee. The draft bill addresses the elimination of all forms of bonded labor in agriculture, including the Haruwa and Charuwa systems.(42)

The Child Labor (Prohibition and Regulation) Act of 2000 establishes a list of occupations prohibited for children.(34) 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.(43) 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.(44)

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 such as commercial sexual exploitation and the sale of drugs.(35) Because 16 and 17 year olds are not considered children under the legal framework, there is no prohibition against employing children in this age group in the production of pornography.

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) within the Ministry of Labor and Employment (MoLE)	Enforce child labor laws, with inspectors having jurisdiction in both the formal and informal sectors and includes 10 District Labor Offices, which carry out investigations and hearings.(3, 24)
Central Child Welfare Board (CCWB) within the Ministry of Women, Children, and Social Welfare (MWCSW)	Monitor the enforcement of laws related to child protection, including exploitation, abuse, and neglect, at the national level. Coordinate with the MoLE and civil society to formulate and implement child protection and child labor-related policies.(3)
District Child Welfare Boards (DCWB) under the CCWB	Enforce child labor laws at the local level and lead coordination in child labor cases involving identification, rescues, and reintegration. The DCWBs include several types of members, such as Chief District Officers (CDOs), Child Welfare Officers, Child Rights Officers (CROs), and will include the newly authorized Child Protection Officers and Child Protection Inspectors.(3) Complaints received about child labor in districts without a District Labor Office can be handled by CDOs. Currently, the CROs in all 75 districts are funded by the NGOs.(3)
The Women's and Children's Service Directorate of the Nepal Police under the Ministry of Home Affairs	Investigate cases of hazardous labor involving women and children, including trafficking. Commonly known as the Women's Cell. Conduct work through the Nepal Police Women and Children Service Centers located in all 75 districts.(24) Complaints received about child labor in districts without a District Labor Office can be handled by Nepal Police.(3)
Office of the Attorney General within the Ministry of Law	Prosecute trafficking-related cases from the district level to the Supreme Court.(24)

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

Organization/Agency	Role
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.(24)
Monitoring Action Committees under the MWCSW	Investigate reports of commercial sexual exploitation at the district level, including the exploitation of children specifically in the adult entertainment sector.(45)
Ministry of Land Reform and Management	Enforce laws that prohibit bonded labor in agriculture.(46)

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

Labor Law Enforcement

In 2014, the Department of Labor (DOL) had 26 labor inspection positions, including 12 Factory Inspectors, three Senior Factory Inspectors, six Labor Officers, and five Senior Labor Officers; however, staff turnover continues to be high, and many positions were unfilled.(3) Inspectors receive periodic training on all areas of labor law, but the training is inadequate.(3) In the absence of an official DOL inspector, Chief District Officers and Nepal Police Officers have the authority to act on child labor issues.(24) During the reporting period, the Ministry of Women, Children, and Social Welfare (MWCSW) approved the creation and budgeted funds for one case manager position at each of the 75 District Child Welfare Boards (DCWB). The case manager positions include 22 Child Protection Officers and 53 Child Protection Inspectors.(3) The Ministry of Land Reform and Management is tasked with enforcement of laws that prohibit bonded labor in agriculture but lacks capacity to do so.(38)

DOL reports that funding for inspections was inadequate and that its operating budget was decreased during the reporting period.(3)

From July 2013 to July 2014, DOL conducted 1,037 site visit inspections, including unannounced inspections, which was an increase from 800 inspections the previous fiscal year. Over 90 percent of the inspections were in the formal sector, and 92 inspections were focused exclusively on child labor.(3)

From July 2013 to July 2014, DOL found 55 violations of child labor laws, occurring primarily in the informal sector, including domestic service. DOL imposed fines for all 55 violations, totaling approximately \$1,450, and ordered employers to pay compensation to the child laborers that totaled approximately \$3,450.(3)

Criminal Law Enforcement

In 2014, the number of Nepal Police Women and Children Service Centers, commonly called Women's Cells, increased to 240 from 110, and the number of investigators in the Women's Cells increased to 1,344 from 387.(3) During the reporting period, the MWCSW began developing a plan to reactivate Monitoring Action Committees (MAC), which had previously been dormant or ineffective, in order to obtain systematic data on the adult entertainment industry, including police raids and inspections.(45)

From July 2013 to July 2014, 185 human trafficking cases involving 296 victims, including 99 victims ages 11-16 and 37 victims ages 17-18, were registered with the police. The majority of the cases involved sex trafficking to India.(3)

The Office of Attorney General (OAG) had 213 newly brought prosecution cases from July 2013 to July 2014, which was a 29 percent increase from the previous fiscal year. Additionally, the OAG reported 105 convictions involving 203 defendants.(45) However, data available on prosecutions and convictions do not indicate the ages of the victims.(45)

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.(3) Officials acknowledge that enforcement efforts are underfunded and that Nepali Police investigators have insufficient resources to investigate all trafficking cases reported.(3, 47) Nepal does not have a centralized database on trafficking victims or a coordinated approach to gather and store data.(45)

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.(48) Headed by the MoLE and comprised of other government departments, NGOs, employers, trade unions, and donors.(49)
Child Labor Elimination Section	Coordinate, monitor, and report on child labor in Nepal. Operates under the MoLE.(48)
National Network Against Child Labor	Serve as a referral mechanism for children who are found in child labor to access services.(50) Consists of District Labor Officers, District Women and Children Officers, officers from the Nepal Police Women and Children Service Centers, CDOs, NGOs, and thousands of youth clubs.(24)
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.(51)
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.(24) Serve as the lead agency involved in policy to control human trafficking.(24) Enhance coordination between central and district-level officials and NGOs through regular meetings and trainings with officials from District Committees for Controlling Human Trafficking and newly created Village Committees.(45)

In 2014, a special task force under the National Network Against Child Labor was active in drafting and finalizing three sets of directives concerning child laborers for DOL.(3) The directives are guidelines that address child labor inspection and monitoring; the rescue, reintegration, and rehabilitation of child laborers; and the litigation and prosecution of cases. They are currently being reviewed by the Ministry of Labor and Employment (MoLE).(3)

In September 2014, the National Coordination Committee on Human Trafficking (NCCHT) released an Implementation Plan for the National Plan of Action to Combat Human Trafficking (2012 – 2022). The NCCHT also established a steering committee and technical committee to conduct the first comprehensive survey to identify populations and areas most vulnerable to trafficking and to assess trafficking trends.(45)

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.(52) 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.(24, 53) A review conducted in 2010 produced the Master Plan on Child Labor (2015 – 2025), which is awaiting approval by the MoLE.(3, 48)
School Sector Reform Plan (2009 – 2015)	Targets children out of school and at risk of entering the worst forms of child labor. Aims to expand access to education and to provide alternative schooling and non-formal education to vulnerable populations.(24, 54) Overseen by the Ministry of Education.(24, 54)
National Planning Commission's Three-Year Plan (2013 – 2015)†	Aims to create an enabling environment for the protection and promotion of children's rights, including elimination of child labor and child abuse in all sectors. During the reporting period, the updated plan was approved.(3)
National Plan of Action against Trafficking in Persons (2011 – 2016)	Promotes and protects the rights of trafficking victims and survivors, and outlines policies for providing justice and punishing perpetrators.(55)

† Policy was approved during the reporting period.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government of Nepal funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms. The Government has other programs that may have an impact on child labor, including its worst forms (Table 8).

Nepal

MODERATE ADVANCEMENT

Table 8. Social Programs to Address Child Labor

Program	Description
Support for schools‡	MoLE program that supports five schools in the Kathmandu Valley for 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.(3)
Compulsory Education Pilot Program†‡	Ministry of Education program under the School Sector Reform Plan to provide compulsory basic education, including free tuition and books, in 13 districts for children ages 5 to 12.(3)
Green Flag Movement (2014 – 2017)†‡	Lalitpur and Hetauda municipal governments and CWISH jointly organized 3-year monitoring and awareness-raising campaign to eliminate child labor. Homes and businesses display a green flag to indicate that it is a child labor-free zone.(3, 56) In 2014, 47 children in Lalitpur and four in Hetauda were rescued and reintegrated.(3)
Child Helpline - 1098‡	MWCSW and Nepal Telecom-funded helpline operated by Child Workers in Nepal (CWIN). Responds to calls about missing children, child abuse, child labor exploitation, trafficking, and child sexual abuse.(57) Currently operates in Bardia, Biratnagar, Chitwan, Dailekh, Hetauda, Kailali, Kapilvastu, Kathmandu, Lamjung, Nepalgunj, Pokhara, Surkhet, and Udaypur, with plans to expand into other parts of the country.(3, 58) Also operates in Bangladesh, Bhutan, India, Maldives, Pakistan, and Sri Lanka to ensure access for children who have been trafficked in this region.(3, 59)
Country Level Engagement and Assistance to Reduce Child Labor II (CLEAR II)† (2014 – 2018)	USDOL-funded capacity-building project implemented by Winrock International and partners Verité and Lawyers Without Borders in at least eight countries to build local and national capacity of the Government to address child labor. Aims to improve legislation addressing child labor issues, including by bringing local or national laws into compliance with international standards; improve monitoring and enforcement of laws and policies related to child labor; implement a National Action Plan on the elimination of child labor; and enhance the implementation of national and local policies and programs aimed at reducing and preventing child labor in Nepal.(60)
Towards Achieving the Elimination of the Worst Forms of Child Labour as Priority (ACHIEVE) (2013 – 2016)	Government of Denmark-funded \$582,000, 3-year program implemented by ILO-IPEC that 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.(61) Projected outcomes include creating child labor-free communities through replicable and scalable models and strengthening the policy environment and the capacity of institutions that can contribute toward child labor elimination.(61) In 2014, ACHIEVE began testing models for eliminating the worst forms of child labor in Panauti and Dhulikilel municipalities at the request of the DCWB in Kavre district. These activities are partially funded by the local governments.(3)
Comprehensive Child Labor Program (2011 – 2015)	UNICEF National Committee-funded program, implemented by UNICEF and municipal governments in collaboration with NGOs, that provides rehabilitation and reintegration services for children rescued from the worst forms of child labor. In 2014, 457 children were rescued and reunited with their families, and received services.(3)
Project for the Prevention and Reduction of Child Labor in Restaurants in the Kathmandu Valley (PRE-CLOR) (2011 – 2015)†	Japanese-funded project implemented by CWIN that 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.(62)
Decent Work Country Program, Nepal (2013 – 2017)†	ILO, the MoLE, Federation of Nepalese Chambers of Commerce and Industry, and the Nepal Trade Union Congress signed a memorandum of understanding on January 21, 2014 to collaborate in the implementation of the Decent Work Country Program (DWCP).(44) 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. The program will also conduct policy research and studies on the priority areas of child labor as specified in the National Master Plan.(44)
School Sector Reform Program (2009 – 2016)	World Bank-financed, 7-year investment loan program to support the School Sector Reform Plan (2009 – 2016). Seeks to increase access to and improve quality of school education, particularly basic education (grades one to eight), especially for children from marginalized groups.(63)
Combating Trafficking in Persons (CTIP) Project (2010 – 2016)	A \$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 survivors of trafficking, build the 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.(64)

† Program was launched during the reporting period.

‡ Program is funded by the Government of Nepal.

The MoLE manages a Child Labor Elimination Fund; however, no funds have been reported as having been disbursed. (51, 65)

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
Legal Framework	Ratify the Palermo Protocol on Trafficking in Persons.	2013 – 2014
	Make primary education compulsory and, at a minimum, harmonized with the minimum age for work and international standards, to ensure children are attending school and are therefore less vulnerable to child labor.	2009 – 2014
	Ensure that the laws are in line with ILO C. 182 by:	
	■ Raising the minimum age for entry into hazardous work from 16 to 18.	2009 – 2014
	■ 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 – 2014
Enforcement	Increase the number of labor inspectors and provide sufficient resources for the enforcement of child labor laws to address the full scope of the problem.	2010 – 2014
	Increase capacity of the Ministry of Land Reform and Management to effectively enforce laws that prohibit bonded labor in agriculture.	2014
	Provide additional resources for the Nepal Police so that they are able to pursue the perpetrators of child trafficking violations.	2011 – 2014
	Increase capacity to gather, store, and report on data related to trafficking in persons, including the ability to disaggregate data to identify the number of child trafficking victims.	2009 – 2014
Social Programs	Put a mechanism in place to disperse and use resources in the Child Labor Elimination Fund.	2012 – 2014
	Conduct research to determine the activities carried out by children working in agriculture and construction, in order to inform policies and programs.	2013 – 2014
	Eliminate barriers to education, including lack of schools, inadequate facilities, and fees.	2013 – 2014

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