

In 2017, Nepal made a moderate advancement in efforts to eliminate the worst forms of child labor. The government passed the Labor Act, which prohibits forced labor and sets penalties for forced labor violations. The government also began implementing a child labor monitoring system in Panauti Municipality and implemented the first nationally representative survey examining forced labor among adult and child workers. However, children in Nepal engage in the worst forms of child labor, including in commercial sexual exploitation. Children also perform dangerous tasks in the production of bricks. The Department of Labor's budget, the number of labor inspectors, and available resources and training are all insufficient for adequately enforcing labor laws, including those related to child labor. Children age 17 are also excluded from the protections of the country's hazardous work list, leaving them vulnerable to the worst forms of 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 engage in the worst forms of child labor, including in commercial sexual exploitation. Children also perform dangerous tasks in the production of bricks. (1; 2; 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	37.2
Attending School (%)	5 to 14	91.7
Combining Work and School (%)	7 to 14	39.1
Primary Completion Rate (%)		112.8

Source for primary completion rate: Data from 2017, published by UNESCO Institute for Statistics, 2018. (4)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Labor Force Survey, 2014. (5)

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>yarsagumba</i>) (6; 7; 8) Herding and feeding livestock (6; 9; 10)
Industry	Producing bricks (11; 6; 10; 12; 13; 14; 15; 16; 1; 17) Quarrying, collecting, and breaking stones, and quarrying and collecting sand (6; 8; 7) Construction,† activities unknown (8; 10; 18; 19) Weaving carpet† (6; 10; 20; 21; 22) Producing embellished textiles (<i>zari</i>)† and embroidery (6; 7; 10; 23; 19) Producing metal crafts (7; 8; 10; 3)
Services	Domestic work (6; 10; 24; 25; 26; 27) Working in transportation,† portering, and collecting recyclable waste (6; 8; 10; 18) Working in hotels,† restaurants,† and tea shops (6; 8; 18)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (6; 2) Forced labor in embellishing textiles (<i>zari</i>), weaving carpets, and domestic work (21; 26; 2; 3; 19) Forced labor in agriculture, producing bricks, quarrying, and breaking stones (2; 7; 14; 28; 29; 3) Use in illicit activities, including the cultivation and trafficking of drugs (8; 3)

† 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.

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Children are trafficked for commercial sexual exploitation both within and outside Nepal, including to India, the Middle East, Asia, and Sub-Saharan Africa. (6; 30; 31; 32; 2; 19) 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)

II. LEGAL FRAMEWORK FOR 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 (Table 4). However, gaps exist in Nepal's legal framework to adequately protect children from the worst forms of child labor, including with the lack of a minimum age for hazardous work that is consistent with international standards.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	15	Section 3(1) of the Child Labor (Prohibition and Regulation) Act (33)
Minimum Age for Hazardous Work	No	17	Section 3(2) of the Child Labor (Prohibition and Regulation) Act (33)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Schedule 1 of the Child Labor (Prohibition and Regulation) Act (33)
Prohibition of Forced Labor	Yes		Section 4 of the Bonded Labor (Prohibition) Act; Section 4 of the Child Labor (Prohibition and Regulation) Act; Sections 2, 3, 4, 15(1), and 15(2) of the Human Trafficking and Transportation Control Act; Section 4 of the Labor Act (33; 34; 35; 36)
Prohibition of Child Trafficking	No		Sections 3, 4, 15(1), and 15(2) of the Human Trafficking and Transportation Control Act (35)
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 (35; 37)
Prohibition of Using Children in Illicit Activities	No		Sections 13 and 16(4) of the Children's Act (37)
Prohibition of Military Recruitment			
State Compulsory	N/A*		
State Voluntary	Yes	18	Section 7 of the Military Service Regulation 2069 (38)
Non-state	No		Article 39(6) of the Constitution (39)
Compulsory Education Age	No	13‡	Article 31(2) of the Constitution (39)
Free Public Education	Yes		Section 16D of the Education Act (40)

* No conscription (39; 41)

‡ Age calculated based on available information (42)

In 2017, the government passed the Labor Act, which prohibits the employment of persons in forced labor. The Act sets penalties for forced labor offenders of up to two years of imprisonment or a fine of up to five hundred thousand rupees (approximately \$4,500) or both. (36; 3; 19)

The minimum age for hazardous work is not consistent with international standards as it does not prohibit 17 year old children from engaging in hazardous work. (33; 43) The types of hazardous work prohibited for children also do not include brick-making, a sector in which there is evidence that work involves carrying heavy loads and exposure to hazardous substances. (11; 33)

Laws related to child trafficking are insufficient because they do not clearly criminalize recruitment, harboring or receipt, or transportation in the absence of force, fraud, or coercion. (44) The legal framework also does not explicitly prohibit the use of a child in the production of child pornography. (37) In addition, 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 or extend to children who are 17 years of age. (37)

While the Constitution prohibits the recruitment of children by non-state armed groups, there is no specific legislation penalizing this practice. (39; 45; 41) Children in Nepal are required to attend school only up to age 13. (39; 42) 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 CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, the exceptionally low number of worksite inspections conducted at the national level in Nepal impeded the enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Department of Labor, Ministry of Labor, Employment, and Social Security (MLESS)	Enforce labor laws, including those involving child labor. Investigate and hold hearings in 10 District Labor Offices. (46) In March 2018, the Ministry of Labor and Employment was re-named as the Ministry of Labor, Employment and Social Security. (47)
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 77 districts. (48) The Nepal Police handle complaints received about child labor in districts without a District Labor Office. (46)
Ministry of Land Reform and Management	Enforce laws that prohibit bonded labor in agriculture. (3)
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. (49; 50)
Monitoring Action Committees, Ministry of Women, Children, and Senior Citizens (MWCS)	Investigate reports of commercial sexual exploitation at the district level, including the exploitation of children in the adult entertainment sector. (51)

Labor Law Enforcement

In 2017, the exceptionally low number of worksite inspections conducted at the national level in Nepal impeded the enforcement of child labor laws (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	\$6,080† (8)	\$4,000‡ (3)
Number of Labor Inspectors	12† (52)	14‡ (3)
Inspectorate Authorized to Assess Penalties	Yes (8)	Yes (3)
Training for Labor Inspectors		
Initial Training for New Employees	Unknown (8)	Unknown (3)

Table 6. Labor Law Enforcement Efforts Related to Child Labor (cont)

Overview of Labor Law Enforcement	2016	2017
Training on New Laws Related to Child Labor	N/A	Unknown (3)
Refresher Courses Provided	Unknown (8)	Unknown (3)
Number of Labor Inspections Conducted	213 [†] (8)	1,857 [‡] (3)
Number Conducted at Worksites	Unknown (8)	Unknown (3)
Number of Child Labor Violations Found	Unknown* (8)	27 (3)
Number of Child Labor Violations for Which Penalties were Imposed	Unknown (8)	Unknown (3)
Number of Child Labor Penalties Imposed that were Collected	Unknown (8)	Unknown (3)
Routine Inspections Conducted	Yes (8)	Yes (3)
Routine Inspections Targeted	Yes (8)	No (41)
Unannounced Inspections Permitted	Yes (8)	Yes (3)
Unannounced Inspections Conducted	Yes (8)	Yes (3)
Complaint Mechanism Exists	Yes (8)	Yes (3)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (8)	Yes (3)

* The government does not publish this data.

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

[‡] Data are from the Government of Nepal for the period from July 2016 to July 2017.

The Gorkha earthquake in 2015 impacted the government's ability to conduct labor inspections among other activities and resulted in a lower number of inspections conducted from July 2015 to July 2016. (3) 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. (8; 3) In addition, the number of labor inspectors is likely insufficient for the size of the country's workforce, which includes over 15.6 million workers. According to the ILO's technical advice of a ratio approaching 1 inspector for every 40,000 workers in developing economies, Nepal would employ roughly 390 inspectors. (53; 54; 55) Although labor inspectors periodically receive training on child labor laws and inspection, this training does not necessarily adhere to any formal schedule. (46) In addition, the government and NGOs agreed that the fines and employer-paid compensation outlined in the Child Labor Act were not adequate as deterrents to child labor violations. (49; 3)

Criminal Law Enforcement

In 2017, criminal law enforcement agencies in Nepal took actions to combat child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including with the enforcement of laws that prohibit bonded labor in agriculture.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2016	2017
Training for Investigators		
Initial Training for New Employees	Unknown (8)	Unknown (3)
Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A
Refresher Courses Provided	Yes (8)	Unknown (3)
Number of Investigations	Unknown* (8)	Unknown (3)
Number of Violations Found	Unknown* (8)	Unknown (3)
Number of Prosecutions Initiated	Unknown* (8)	Unknown (3)
Number of Convictions	Unknown* (8)	Unknown (3)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (8)	Yes (3)

* The government does not publish this data.

The government reported 89 victims of child trafficking from July 2016 to July 2017 and at least one current pending case of a child labor law violation. (3; 41) The government does not have the capacity to enforce laws prohibiting crimes related to the worst forms of child labor and does not maintain a centralized database of cases involving the worst forms of child labor, including child trafficking. (56; 8)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8).

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

Coordinating Body	Role and Description
Labor Relations, Child Labor Prevention, and Information Section	Coordinate policy-making on child labor inspection guidelines and monitor implementation of guidelines. (52; 57) Consists of a senior factory inspector, two labor officers, and a senior assistant in MLESS. Confers with MWCSC, Central Child Welfare Board, Department of Labor, and district labor offices. (52)
National Network Against Child Labor	Coordinate the referral of children who are found in child labor to social services. (58) 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. (48) Research was unable to determine whether this coordinating body was active during the reporting period.
National Coordination Committee on Human Trafficking	Coordinate the implementation of anti-human trafficking laws, policies, and programs at the central, district, and local levels of government. Led by MWCSC and consists of government officials and representatives of NGOs. (48; 51) Research was unable to determine whether this coordinating body was active during the reporting period.
National Human Rights Commission	Monitor and receive complaints on child rights violations. (50) Report on the status of human trafficking victims and coordinate with civil society organizations through the Office of the Special Rapporteur on Trafficking. (48; 50) Research was unable to determine whether this coordinating body was active during the reporting period.
Central Child Welfare Board, MWCSC	Coordinate with MOLESP and civil society to formulate and implement child protection and child labor-related policies. (50; 46) Receive and document complaints via national hotline, in coordination with NGOs. Maintain Central Emergency Fund intended for use in humanitarian support for children. (59)
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 mechanisms to refer children to social services. Consists of social workers, medical practitioners, and government officials. (50; 60)

V. GOVERNMENT POLICIES ON CHILD LABOR

The Government of Nepal has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including with the lack of a policy designed to address other worst forms of child labor.

Table 9. Key Policies Related to Child Labor[‡]

Policy	Description
School Sector Development Plan (2016/17–2022/23)	Aims to expand access to education and provide alternative schooling and non-formal education to vulnerable populations, including children who are out of school and at risk of entering the worst forms of child labor. Overseen by the Ministry of Education, Science and Technology. (3) In 2017, the government increased interventions in the five most disadvantaged districts in Nepal to provide education for out of school children. (47)
National Plan of Action Against Trafficking in Persons (2011–2022)	Promotes and protects the rights of human trafficking victims and survivors, and outlines policies for providing justice and punishing perpetrators. (61) In 2017, MWCSC completed a mid-term review of the plan, highlighting the need to revise the plan to better address forced labor and align with broader government efforts and structures. (41)

[‡] The government had other policies that may have addressed child labor issues or had an impact on child labor. (3)

In 2017, Nepal made a pledge at the IV Global Conference on the Sustained Eradication of Child Labor held in Argentina to take initiatives on adopting the National Master Plan on the Elimination of Child Labor, amending the Child Labor (Prohibition and Regulation) Act, and conducting research on child labor and forced labor. (62) Although the government has a policy to address human trafficking, it does not have a policy to address other worst forms of child labor. In 2017, the National Planning Commission approved the National Master Plan on the Elimination of Child Labor and forwarded it the Cabinet, where it remains waiting for endorsement. (63; 3)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, the Government of Nepal funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs including with barriers to education.

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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. (64) In 2017, ILO provided assistance to six municipalities to assist in promotion of the Green Flag Movement. (65)
Child Helpline – 1098 [†]	MWCS- and Child Workers in Nepal-funded helpline operated by the Nepal Telecommunications Authority. (49) Responds to calls about missing children, child abuse, child labor, child trafficking, and child sexual abuse in 13 districts and municipalities in Nepal, as well as in Bangladesh, Bhutan, India, Maldives, Pakistan, and Sri Lanka. (66; 49; 46) In 2017, the helpline remained active and received 1,857 calls, including 160 related to child labor. (3; 67)
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 the local and national capacity of the government to address child labor. (63) During the reporting period, the program partnered with the government to train labor inspectors, prosecutors, and government personnel on child labor cases, and began implementing a Child Labor Monitoring System in the Panauti Municipality. (63) Additional Information is available on the USDOL website.
From Protocol to Practice: A Bridge to Global Action on Forced Labor (The Bridge Project) (2015–2019)	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. (68) During the reporting period, the project supported the implementation of the first nationally representative survey examining forced labor among adult and child workers. (68) Additional Information is available on the USDOL website.
Decent Work Country Program, Nepal (2013–2017)	ILO, MLESS, Federation of Nepalese Chambers of Commerce and Industry, and Nepal Trade Union Congress-implemented program. (69) Provide technical and financial assistance to implement the provisions of ratified conventions on child labor, strengthen MLESS'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. (69) In 2017, project assisted the government in the passage of the recent Labor Act among other activities. (65)
Combating Trafficking in Persons (CTIP) Project (2010–2017)	\$9.1 million, USAID-funded 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 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. (8; 49; 70) In 2017, undertook efforts to address a range of areas from assistance in the launching of the fifth national trafficking in persons report to judicial outreach programs and the digitization of court cases. (3)
Support for Schools [†]	MLESS program that supports schools 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. (8) In 2017, MLESS provided support to five schools in the Kathmandu area for children at risk of child labor. (56)
Hamro Samman (Our Respect)* (2017–2022)	USAID-funded project, implemented by Winrock International, to strengthen national and local efforts to combat trafficking in persons, improve civil society advocacy and engagement, and increase private sector partnerships to empower survivors. (3) During the reporting period, the project continued to work with the government to establish formal agreements to enable implementation of the project. (71; 72)
UNICEF Nepal Country Program (2013–2017)	UNICEF-funded program that supports the government's efforts to ensure children's access to education, health care, nutrition, sanitation, hygiene, safe water, and protection among other services. (73; 74) In 2017, an evaluation was undertaken to identify the lessons learned in order to apply those to the 2018-2022 UNICEF Country Program. (73)

* Program was launched during the reporting period.

[†] Program is funded by the Government of Nepal.

Some children, particularly girls, face barriers to accessing education due to lack of sanitation facilities, geographic distance, and costs associated with schooling. (75; 3) Children with disabilities face additional barriers to accessing education. (76; 3)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

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

Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the Palermo Protocol on Trafficking in Persons.	2013 – 2017
	Ensure that laws are in line with ILO C. 182 by raising the minimum age for entry into hazardous work to 18.	2009 – 2017
	Ensure that the types of hazardous work prohibited for children are comprehensive and include sectors where there is evidence of child labor, including brickmaking.	2015 – 2017
	Ensure that the legal framework comprehensively criminally prohibits the trafficking of children in accordance with international standards.	2015 – 2017
	Ensure that the law explicitly criminalizes the use of children in the production of child pornography.	2015 – 2017
	Ensure that the law criminally prohibits the use of children through age 17 in the production and trafficking of drugs.	2015 – 2017
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016 – 2017
	Ensure that the age up to which education is compulsory is the same as the minimum age for work.	2009 – 2017
Enforcement	Provide sufficient resources for the collection, storage, and publication of data on labor and criminal law enforcement actions including the number of violations, prosecutions, and convictions related to child labor, in addition to a centralized database to track and monitor cases of the worst forms of child labor.	2009 – 2017
	Ensure that the Department of Labor's budget is sufficient to adequately enforce child labor laws.	2016 – 2017
	Increase the number of labor inspectors trained and responsible for providing enforcement of child labor laws.	2010 – 2017
	Increase penalties to ensure sufficient deterrence of child labor law violations.	2015 – 2017
	Provide additional resources to criminal law enforcement agencies so that they are able to enforce laws prohibiting crimes related to the worst forms of child labor.	2011 – 2017
	Strengthen the Labor Inspectorate by initiating routine inspections rather than performing inspections solely based on complaints received.	2017
Coordination	Publish information on activities undertaken by coordinating bodies.	2017
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 – 2017
Social Programs	Eliminate barriers to education, especially for children with disabilities, including the lack of sanitation facilities at schools, long distances to schools, and fees associated with schooling.	2013 – 2017

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