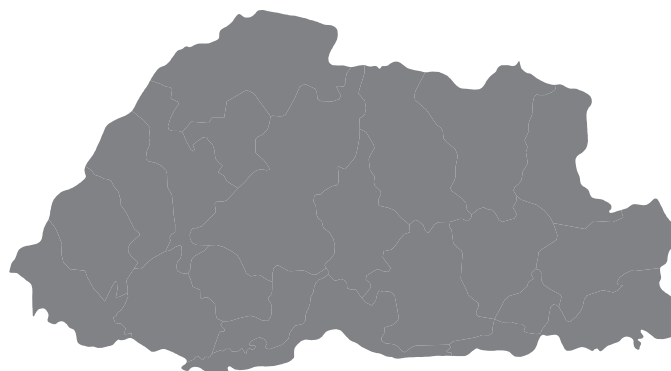


In 2020, Bhutan made moderate advancement in efforts to eliminate the worst forms of child labor. During the reporting period, the Bhutanese Parliament passed the Penal Code (Amendment) Act of Bhutan 2021, which amended the legal definition of human trafficking to make the legislation consistent with international standards for adults, but it still includes the necessity of force, fraud, or coercion in child trafficking cases. The National Commission for Women and Children developed an internal Child Safeguarding and Protection Policy to promote and protect children from abuse and exploitation. However, although research is limited, there is evidence that children in Bhutan are subjected to the worst forms of child labor, including in forced domestic work, sometimes as a result of human trafficking. Bhutan's minimum age for work is inconsistent with international standards, and education is not compulsory. The government has not adopted a national policy to address child labor, including its worst forms. The government did not publicly release information on its labor law enforcement and criminal law enforcement efforts.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Although research is limited, there is evidence that children in Bhutan are subjected to the worst forms of child labor, including in forced domestic work, sometimes as a result of human trafficking. (1-3) Table 1 provides key indicators on children's work and education in Bhutan.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	3.8 (6,338)
Attending School (%)	5 to 14	84.7
Combining Work and School (%)	7 to 14	3.3
Primary Completion Rate (%)		100.0

Source for primary completion rate: Data from 2017, published by UNESCO Institute for Statistics, 2021. (4)

Source for all other data: International Labor Organization's analysis of statistics from Multiple Indicator Cluster Survey 4 (MICS 4), 2010. (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, activities unknown (6)
Industry	Construction,† activities unknown (7)
Services	Domestic work (6,8)
	Work in hospitality services (6,8)
	Work in restaurants and automobile workshops (8)
Categorical Worst Forms of Child Labor‡	Forced domestic work, sometimes as a result of human trafficking (6,8,9)
	Forced labor in karaoke bars, sometimes as a result of human trafficking (8)
	Use in illicit activities, including the smuggling of tobacco (10)

† 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.

There is a lack of current data on child labor in Bhutan. To date, no national survey on child labor has been conducted. Media outlets have reported instances of child labor in Bhutan's restaurants and automobile workshop industries, some of which had indicators of forced labor. Traffickers have also exploited Indian child domestic workers in Bhutan. (8,11)

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The government provides a minimum of 11 years of free education to all Bhutanese citizens and has committed to increasing free education by an additional 2 years. However, children living in remote villages, children from nomadic communities and migrant populations, and children with disabilities face significant difficulties in accessing public schools. (2,9,12,13) Although they have access to primary education, a small number of children who are stateless lack access to the documentation necessary to enroll in higher education, making them more vulnerable to child labor and trafficking. (6,8,11) During the COVID-19 pandemic-related school closures in 2020, the Ministry of Education delivered lessons through television and radio, online learning, and mass distribution of self-instructional materials. (6)

II. LEGAL FRAMEWORK FOR CHILD LABOR

Bhutan has ratified some key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

	Convention	Ratification
	ILO C. 138, Minimum Age	N/A
	ILO C. 182, Worst Forms of Child Labor	N/A
	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 Bhutan's legal framework to adequately protect children from the worst forms of child labor, including the minimum age for work.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No	13	Sections 170–171 of the Labor and Employment Act; Regulation on Working Conditions 2012: Acceptable Forms of Child Labor (14,15)
Minimum Age for Hazardous Work	Yes	18	Sections 170–171 of the Labor and Employment Act (14)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Section 9(e) of the Labor and Employment Act; Section 9 of the Regulation on Acceptable Forms of Child Labor (14,15)
Prohibition of Forced Labor	Yes		Sections 6 and 9(a) of the Labor and Employment Act; Sections 154 and 379 of the Penal Code; Section 221 of the Child Care and Protection Act (14,16,17)
Prohibition of Child Trafficking	No		Section 9(a) of the Labor and Employment Act; Sections 221 and 224 of the Child Care and Protection Act; Sections 154 and 379–380 of the Penal Code (14,16-18)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Section 9(b) of the Labor and Employment Act; Sections 222–224 of the Child Care and Protection Act; Sections 225 and 375–380 of the Penal Code (14,16,17)
Prohibition of Using Children in Illicit Activities	Yes		Section 9(c) of the Labor and Employment Act; Sections 216 and 220 of the Child Care and Protection Act (14,16)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Defense Service Rules and Regulations (19)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		

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

Standard	Meets International Standards	Age	Legislation
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Section 9(a) of the Labor and Employment Act (14)
Compulsory Education Age	No		
Free Public Education	Yes		Article 9.16 of the Constitution of the Kingdom of Bhutan (20)

* No conscription (19)

During the reporting period, the Bhutanese Parliament passed the Penal Code (Amendment) Act of Bhutan 2021, which amended the legal definition of human trafficking to make the legislation consistent with international standards for adults, but it still includes the necessity of force, fraud, or coercion in child trafficking cases. (6,18,21-23)

The minimum age for work is not compliant with international standards because the Labor and Employment Act allows children under age 14 to work. (14) Education is not compulsory in Bhutan, which may increase the risk of children's involvement in child labor. (6,24)

Although the Government of Bhutan reports that the minimum age for voluntary recruitment into Bhutan's military is age 18, the relevant Defense Service Rules and Regulations were not available for public review. (19,25)

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, gaps exist within the operations of enforcement agencies that may hinder adequate enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Department of Labor, Ministry of Labor and Human Resources	Investigates child labor complaints and ensures that employers comply with child labor laws. Refers cases involving the worst forms of child labor to the police. (6) Regularly inspects companies for compliance with the Labor and Employment Act. Regulations on working conditions cover issues related to child labor, wages, worker compensation, the recruitment process for foreign workers, grievance procedures, penalties, and hours of work. (21) Foreign workers are required to pay fees for work permits and medical checkups. The regulation of work conditions is currently under review with technical support from the World Bank. (21)
Royal Bhutan Police	Investigate and enforce criminal laws relating to the worst forms of child labor. Include 3 Women and Child Protection Units and 10 Women and Child Protection Desks to enforce laws protecting women and children. (6,9) Refer abused and exploited children to child welfare officers and the National Commission for Women and Children. (6,17)
Child Justice Court	Adjudicates criminal and civil cases involving child labor. (6,17)

Labor Law Enforcement

In 2020, labor law enforcement agencies in Bhutan took actions to combat child labor (Table 6). However, gaps exist within the operations of the Ministry of Labor and Human Resources that may hinder adequate labor law enforcement, including limited resources.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2019	2020
Labor Inspectorate Funding	Unknown (2)	Unknown (6)
Number of Labor Inspectors	35 (2)	Unknown (6)
Inspectorate Authorized to Assess Penalties	Yes (14)	Yes (14)

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

Overview of Labor Law Enforcement	2019	2020
Initial Training for New Labor Inspectors	Yes (2)	Yes (6)
Training on New Laws Related to Child Labor	N/A	N/A
Refresher Courses Provided	Unknown (2)	Unknown (6)
Number of Labor Inspections Conducted	2,711 (2)	Unknown (6)
Number Conducted at Worksite	2,711 (2)	2,350 (26)
Number of Child Labor Violations Found	0 (2)	Unknown (6)
Number of Child Labor Violations for Which Penalties Were Imposed	0 (2)	Unknown (6)
Number of Child Labor Penalties Imposed that Were Collected	0 (2)	Unknown (6)
Routine Inspections Conducted	Yes (2)	Yes (6)
Routine Inspections Targeted	Yes (2)	Yes (6)
Unannounced Inspections Permitted	Yes (14)	Yes (14)
Unannounced Inspections Conducted	Yes (2)	Yes (6)
Complaint Mechanism Exists	Yes (2)	Yes (6)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (2)	Yes (6)

The Department of Labor has not released its annual report with labor law enforcement information for the reporting period. (26) Although improvement notices and penalty memoranda were issued based on inspections, no child labor violations were reported because data were not disaggregated by child labor offenses. (6) Department of Labor officials acknowledged that limited financial and human resources place constraints on the number of inspections conducted and inspectors employed. (2)

While the number of labor inspectors is unknown, according to the ILO's technical advice of a ratio approaching 1 inspector for every 40,000 workers in less developed economies, Bhutan would need to employ roughly 10 labor inspectors as its workforce consists of over 397,900.

According to a Bhutanese Government official, additional training is needed for labor inspectors, in addition to the initial training for all new labor inspectors. (6)

Criminal Law Enforcement

In 2020, criminal law enforcement agencies in Bhutan 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 a lack of data on criminal law enforcement efforts.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2019	2020
Initial Training for New Criminal Investigators	Unknown (2)	Unknown (6)
Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A
Refresher Courses Provided	Unknown (2)	Unknown (6)
Number of Investigations	Unknown (2)	Unknown (6)
Number of Violations Found	2 (2)	Unknown (6)
Number of Prosecutions Initiated	1 (2)	0 (26)
Number of Convictions	2 (2)	1 (25)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	Unknown (2)	Yes (6)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (2)	Yes (6)

A woman who brought a child to Bhutan from India as a domestic worker was convicted in 2019 of illegal transportation; however, the Bumthang Dzongkhag Court dismissed the child trafficking charges. During the reporting period, the Office of the Attorney General, in collaboration with the Royal Bhutan Police, National Commission of Women and Children, and local NGO Respect, Educate, Nurture, and Empower Women, appealed the case to be prosecuted as a human trafficking and child abuse case. (6)

The government does not publicly release information on criminal law enforcement efforts. (6)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including efficacy in accomplishing mandates.

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

Coordinating Body	Role & Description
Child Labor Task Force	Coordinates government efforts on child labor across multiple government agencies and ministries. Led by the Department of Labor, Ministry of Labor and Human Resources, and comprises representatives from government, international organizations, civil society, and the private sector. (27,28) Research was unable to determine whether the Child Labor Task Force was active during the reporting period.
National Commission for Women and Children	Coordinates the implementation of laws and policies that promote and protect the rights of women and children. Comprises a chairperson at the cabinet level and high-level officials who represent relevant government agencies, NGOs, and the private sector. (29) During the reporting period, the Commission developed an internal Child Safeguarding and Protection Policy to promote and protect children of Bhutan from abuse and exploitation, and held a 1-day orientation program in Thimphu on the policy to relevant stakeholders, including the Royal Bhutan Police. (30)
Trafficking in Persons Special Task Force	Coordinates anti-trafficking in persons efforts, including monitoring human trafficking trends in Bhutan and advising national policy on human trafficking. Headed by the Department of Law and Order, with participation from other relevant government agencies and civil society organizations. (2) Research found that the Task Force was unable to meet during the reporting period because of government shutdowns and the secondment (a job rotation from one organization to another) of some members to national pandemic response operations. (21)

V. GOVERNMENT POLICIES ON CHILD LABOR

Research found no evidence that the government has established policies to address child labor. (6)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2020, the government funded and participated in programs that may contribute to the prevention or elimination of child labor (Table 9). However, gaps exist in these social programs, including adequacy of programs to address the problem in all sectors.

Table 9. Key Social Programs to Address Child Labor

Program	Description
Shelters for Vulnerable Women and Children†	Includes Project Hope, a National Commission for Women and Children program that provides residential shelters for children at risk of labor exploitation. In 2019, the program was transferred to Respect, Educate, Nurture, and Empower Women (RENEW) as part of its shelter program. RENEW, a Thimphu-based NGO that receives government funding, provides shelter, counseling, and rehabilitation for women and children who have been victims of human trafficking. (2) The Nazhoen Lamtoen Children HalfWay Home also provides shelter, counseling, and support services to children, in part through government funding. (26,31) During the reporting period, RENEW provided housing and counseling to a child who was allegedly a victim of human trafficking from India to Bhutan as a domestic worker, and supported the appeal of her case in court. (6)
Promoting Rights-Based Multi-Sectoral Responses to Prevent Trafficking in Persons in Bhutan (2019–2022)	\$750,000 program funded by the USDOS Trafficking in Persons Office and implemented by UNODC to improve Bhutanese police investigation skills regarding human trafficking cases, improve information sharing, and implement the government's Standard Operating Procedure for Multi-Sectoral Response to Address Trafficking in Persons in Bhutan (TIP SOP). (2) During the reporting period, UNODC conducted two trainings on the TIP SOP with immigration officials. (6)

† Program is funded by the Government of Bhutan.

Although the Government of Bhutan has implemented programs that target children at risk of labor exploitation, research found that these programs do not adequately target children working in agriculture or domestic service, or children involved in the worst forms of child labor, including in forced domestic work.

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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 Bhutan (Table 10).

Table 10. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the Palermo Protocol on Trafficking in Persons.	2013 – 2020
	Ensure that laws on child labor comply with the international standard for the minimum age for work.	2010 – 2020
	Make primary education compulsory and ensure that the compulsory age for education extends to the minimum age for employment.	2010 – 2020
	Criminally prohibit child trafficking without needing proof of the use of force, fraud, or coercion.	2018 – 2020
	Make publicly available the legal statute that prohibits the recruitment of children under age 18 into Bhutan's military.	2018 – 2020
Enforcement	Publish labor law enforcement data, including the amount of funding for the labor inspectorate, the number of labor inspectors, whether labor inspectors received training on new laws related to child labor, whether new and veteran labor inspectors received refresher training, the number of labor inspections conducted in total and at worksites, the number of violations found, the number of violations for which penalties were imposed, and the number of penalties imposed that were collected.	2017 – 2020
	Ensure that the Department of Labor has the resources necessary to enforce labor laws and combat child labor.	2014 – 2020
	Ensure that labor inspectors receive adequate training to carry out their duties.	2020
	Ensure the number of labor inspectors in Bhutan meets the ILO's technical guidance.	2020
	Ensure that labor law enforcement investigation data are disaggregated by labor violation type to better target, prevent, and eliminate child labor.	2019 – 2020
	Publish criminal law enforcement information, including initial training for new criminal investigators, training on new laws related to the worst forms of child labor, refresher courses provided to criminal investigators, the number of investigations conducted, and the number of violations found.	2010 – 2020
Coordination	Ensure that all coordinating bodies to combat child labor are active and able to fulfill their mandate.	2019 – 2020
Government Policies	Adopt a comprehensive policy or national action plan that eliminates the worst forms of child labor and includes child labor prevention strategies.	2014 – 2020
Social Programs	Conduct a national child labor survey, including research to determine child labor activities in farming and construction, and publish the results.	2013 – 2020
	Implement programs to make education more accessible for children living in remote locations, children from nomadic communities and migrant populations, children with disabilities, and children who are stateless.	2014 – 2020
	Create social programs targeting working children, particularly in agriculture, and children engaged in the worst forms of child labor, including commercial sexual exploitation and forced domestic work.	2009 – 2020

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