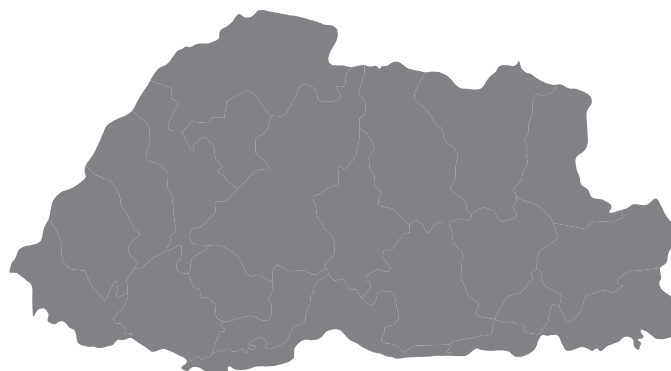


In 2019, Bhutan made a moderate advancement in efforts to eliminate the worst forms of child labor. The government charged one defendant with child trafficking for the purpose of forced labor and adopted the Standard Operating Procedure for Multi-Sectoral Response to Address Trafficking in Persons in Bhutan, which defines the roles and responsibilities of each government agency in preventing and responding to trafficking in persons. In addition, the government hired 11 additional labor inspectors. However, although research is limited, there is evidence that children in Bhutan engage in the worst forms of child labor, including in forced domestic work and commercial sexual exploitation, each sometimes as a result of human trafficking. Bhutan's minimum age for work is inconsistent with international standards and education is not compulsory. In addition, the government has not adopted a national policy to address child labor, including its worst forms.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Although research is limited, there is evidence that children in Bhutan engage in the worst forms of child labor, including in forced domestic work and commercial sexual exploitation, each 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, 2020. (4)

Source for all other data: International Labor Organization's analysis of statistics from Multiple Indicator Cluster Survey 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 (2,6,7)
Industry	Construction,† activities unknown (8)
Services	Domestic work (2,6,7)
	Work in hospitality services (2,7)
Categorical Worst Forms of Child Labor‡	Forced domestic work, sometimes as a result of human trafficking (3)
	Forced labor in karaoke bars, sometimes as a result of human trafficking (3)
	Commercial sexual exploitation, sometimes as a result of human trafficking (1)
	Use in illicit activities, including the smuggling of tobacco (9)

† 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.

Bhutan

MODERATE ADVANCEMENT







Media outlets have reported instances of child labor within 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. (10)

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 of nomadic communities and migrant populations, and children with disabilities face significant difficulties in accessing public schools. (2,6,7,11,12) Additionally, Bhutan's stateless children lack access to documentation necessary to attend school, making them more vulnerable to child labor and trafficking. (10)

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; Section 7 of the Regulation on Acceptable Forms of Child Labor (13,14)
Minimum Age for Hazardous Work	Yes	18	Sections 170–171 of the Labor and Employment Act (13)
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 (13,14)
Prohibition of Forced Labor	Yes		Sections 6 and 9(a) of the Labor and Employment Act; Sections 154, 227, and 379 of the Penal Code; Section 221 of the Child Care and Protection Act (13,15,16)
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 227, 379, and 380 of the Penal Code (13,15,16)
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 (13,15,16)
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 (13,15)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Defense Service Rules and Regulations (17)
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 (13)
Compulsory Education Age	No		
Free Public Education	Yes		Article 9.16 of the Constitution of the Kingdom of Bhutan (18)

* No conscription (17)

The minimum age for work is not compliant with international standards because the Labor and Employment Act allows children under age 14 to work. (13) In addition, Bhutan has no compulsory age for education, which may increase the risk of children's involvement in child labor. (19)

Bhutan's criminal prohibitions against child trafficking do not adhere to international standards because Bhutan's laws require proof of use of force, fraud, or coercion to criminalize child trafficking. (13,15) However, the Bhutanese Parliament is in the process of amending trafficking legislation to make it consistent with international standards. (10)

Although the Government of Bhutan reports that the minimum age for voluntary recruitment into Bhutan's military is age 18, a public version of the Defense Service Rules and Regulations was not available. (17)

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).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Department of Labor, Ministry of Labor and Human Resources (MOLHR)	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. (2,7)
Royal Bhutan Police	Investigates and enforces criminal laws relating to the worst forms of child labor. (2,7) Includes 3 Women and Child Protection Units and 10 Women and Child Protection Desks to enforce laws protecting women and children. (7,20) Refers abused and exploited children to child welfare officers and the National Commission for Women and Children. (2,16)
Child Welfare Officers	Protect and assist children in difficult circumstances, including children abused and exploited for illegal purposes. (2,7,16)
Child Justice Court	Adjudicates cases involving child labor. (2,16)

Labor Law Enforcement

In 2019, labor law enforcement agencies in Bhutan took actions to combat child labor (Table 6). However, gaps exist within the operations of the MOLHR that may hinder adequate labor law enforcement, including inadequate resources.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2018	2019
Labor Inspectorate Funding	Unknown (7)	Unknown (2)
Number of Labor Inspectors	24 (7)	35 (2)
Inspectorate Authorized to Assess Penalties	Yes (7)	Yes (2)
Initial Training for New Labor Inspectors	Unknown (7)	Yes (2)
Training on New Laws Related to Child Labor	N/A	N/A
Refresher Courses Provided	Unknown (7)	Unknown (2)
Number of Labor Inspections Conducted	2,256 (7)	2,711 (2)

Bhutan

MODERATE ADVANCEMENT

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

Overview of Labor Law Enforcement	2018	2019
Number Conducted at Worksite	2,256 (7)	2,711 (2)
Number of Child Labor Violations Found	0 (7)	0 (2)
Number of Child Labor Violations for Which Penalties Were Imposed	0 (7)	0 (2)
Number of Child Labor Penalties Imposed that Were Collected	0 (7)	0 (2)
Routine Inspections Conducted	Yes (7)	Yes (2)
Routine Inspections Targeted	Yes (7)	Yes (2)
Unannounced Inspections Permitted	Yes (21)	Yes (2)
Unannounced Inspections Conducted	Yes (7)	Yes (2)
Complaint Mechanism Exists	Yes (7)	Yes (2)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (7)	Yes (2)

The government did not provide information on its labor inspectorate funding or whether refresher courses were provided to labor inspectors. (2)

During the reporting period, the government increased the number of labor inspectors from 24 to 35. According to a Bhutan government official, although all new labor inspectors received initial training, additional training is needed. (2) Also in 2019, a total of 2,711 labor inspections were conducted, a 20.2 percent increase from 2018. (2) The highest number of inspections were conducted in the service sector, followed by hotels and restaurants. A total of 150 improvement notices and 12 penalty memoranda were issued based on inspections; however, no child labor violations were reported as data was not disaggregated by child labor offenses. (2) Department of Labor officials acknowledged that limited financial and human resources place constraints on the number of inspections conducted and inspectors employed. (2)

Criminal Law Enforcement

In 2019, 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 training for criminal investigators.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2018	2019
Initial Training for New Criminal Investigators	Unknown (7)	Unknown (2)
Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A
Refresher Courses Provided	Unknown (7)	Unknown (2)
Number of Investigations	Unknown (7)	Unknown (2)
Number of Violations Found	Unknown (7)	2 (2)
Number of Prosecutions Initiated	Unknown (7)	1 (2)
Number of Convictions	Unknown (7)	2 (2)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Unknown (7)	Unknown (2)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (7)	Yes (2)

In 2019, a woman who brought a child to Bhutan from India as a domestic worker was found guilty of illegal transportation of a child. The woman was fined and ordered to pay compensation to the child's family. (2) The Attorney General's Office has appealed the case to the High Court for reinstatement of human trafficking and child abuse charges. In a separate case, a man charged in August 2018 with employing a minor in a karaoke bar was convicted on January 6, 2020. (2,10,22)

Also during the reporting period, 82 law enforcement officers and 95 prosecutors attended training on implementing the Government of Bhutan's new Trafficking in Persons Standard Operating Procedure. (10)

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 mandate implementation.

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 MOLHR and comprised of representatives from the government, international organizations, civil society, and the private sector. (23,24) Research was unable to determine whether the Child Labor Task Force undertook activities 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. (25) In 2019, established the Dzongkhag Women and Children Committee, a district-level committee, which held a meeting and conducted an awareness program on issues faced by women and children with district leaders. (2)
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)

* Mechanism to coordinate efforts to address child labor was created during the reporting period.

In 2019, the government adopted the Standard Operating Procedure for Multi-Sectoral Response to Address Trafficking in Persons in Bhutan, which defines the roles and responsibilities of each government agency in preventing and responding to trafficking in persons. The Standard Operating Procedure was developed by Bhutan's Department of Law and Order in coordination with UNODC, U.S. Department of State's Trafficking in Persons Office, and Bhutan's law enforcement and social services agencies. (2,10)

V. GOVERNMENT POLICIES ON CHILD LABOR

Research found no evidence that the government has established policies to address child labor. Additionally, while the government may have had policies that indirectly impact child labor, research did not find child labor elimination and prevention strategies to have been integrated into these policies. (2)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2019, 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 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 project 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)
Promoting Rights-Based Multi-Sectoral Responses to Prevent Trafficking in Persons in Bhutan (2019–2022)*	\$750,000 program funded by the U.S. Department of State's 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 new Standard Operating Procedure for Multi-Sectoral Response to Address Trafficking in Persons in Bhutan (TIP SOP). In 2019, UNODC and the Department of Labor held trainings for 16 journalists, 82 law enforcement officers, and 95 prosecutors on trafficking in persons and how to implement the TIP SOP, and a separate training for people going overseas to work to protect themselves from becoming victims of human trafficking. (2)

* Program was launched during the reporting period.

† Program is funded by the Government of Bhutan.

Bhutan

MODERATE ADVANCEMENT

Although the Government of Bhutan has implemented programs that target children at risk of labor exploitation, research found no evidence that these programs target children working in agriculture or domestic service, or children involved in the worst forms of child labor, including in commercial sexual exploitation and forced domestic work.

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	Accede to the Palermo Protocol on Trafficking in Persons.	2013 – 2019
	Ensure that laws on child labor comply with the international standard for the minimum age for work.	2010 – 2019
	Make primary education compulsory and ensure that the compulsory age extends to the minimum age for employment.	2010 – 2019
	Criminally prohibit child trafficking without needing proof of the use of force, fraud, or coercion.	2018 – 2019
	Make publicly available the legal statute that prohibits the recruitment of children under age 18 into Bhutan's military.	2018 – 2019
Enforcement	Publish labor law enforcement data, including the amount of funding for the labor inspectorate, and whether new and veteran labor inspectors received refresher training.	2017 – 2019
	Ensure that the Department of Labor has the resources necessary to enforce labor laws and combat child labor.	2014 – 2019
	Ensure that labor law enforcement investigation data are disaggregated by labor violation type to better target, prevent, and eliminate child labor.	2019
	Publish information on training provided to criminal investigators, the number of investigations conducted, and the number of penalties imposed for violations related to the worst forms of child labor.	2010 – 2019
Coordination	Ensure that all coordinating bodies to combat child labor are active and able to fulfill their mandate, including the Child Labor Task Force.	2019
Government Policies	Adopt a policy to address child labor, including its worst forms.	2016 – 2019
	Integrate child labor elimination and prevention strategies into existing relevant policies.	2014 – 2019
Social Programs	Conduct a national child labor survey and publish the results.	2013 – 2019
	Implement programs to make education more accessible for children living in remote locations, children of nomadic communities and migrant populations, children with disabilities, and stateless children.	2014 – 2019
	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 – 2019

REFERENCES

- Government of Bhutan and UNICEF National Commission for Women and Children. Study on Violence Against Children in Bhutan. May 2016. Source on file.
- U.S. Embassy- New Delhi. Reporting. January 9, 2020.
- U.S. Department of State. Trafficking in Persons Report- 2019: Bhutan. Washington, DC, June 24, 2019. <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/bhutan/>.
- UNESCO Institute for Statistics. Gross intake ratio to the last grade of primary education, both sexes (%). Accessed March 1, 2020. For more information, please see the "Children's Work and Education Statistics: Sources and Definitions" in the Reference Materials section of this report. <http://data.uis.unesco.org/>.
- ILO. Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys. Original data from Multiple Indicator Cluster Survey 4, 2010. Analysis received March 2020. For more information, please see the "Children's Work and Education Statistics: Sources and Definitions" in the Reference Materials section of this report.
- UN Human Rights Council. Report of the Special Rapporteur on the right to education: Mission to Bhutan. Prepared by Kishore Singh. A/HRC/29/30/Add.1. June 3, 2015. <http://www.refworld.org/country,,,BTN,,5583f1b64,0.html>.
- U.S. Embassy- New Delhi. Reporting. April 8, 2019.
- U.S. Department of State official. E-mail communication to USDOL official. June 6, 2018.
- U.S. Embassy- New Delhi. Reporting. January 22, 2016.
- U.S. Department of State official. Email communication with USDOL official. July 8, 2020.

- 11 Government of Bhutan. Address by the Honorable Prime Minister of Bhutan. March 12, 2019.
<https://www.cabinet.gov.bt/address-by-the-honorable-prime-minister-of-bhutan-his-excellency-lyonchhen-dr-lotay-tshering-at-the-inaugural-session-of-the-14th-round-table-meeting/>.
- 12 Government of Bhutan. National Education Policy. August 2, 2019.
[http://www.education.gov.bt/wp-content/downloads/publications/publication/National Education Policy 2019 \(Draft\).pdf](http://www.education.gov.bt/wp-content/downloads/publications/publication/National%20Education%20Policy%202019%20(Draft).pdf).
- 13 Government of Bhutan. Labour and Employment Act of Bhutan. Enacted: 2007.
[http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/80218/86462/F1162145166/BTN80218 English.pdf](http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/80218/86462/F1162145166/BTN80218%20English.pdf).
- 14 Government of Bhutan. Regulation: Acceptable Forms of Child Labour. Enacted: 2009. Source on file.
- 15 Government of Bhutan. Penal Code of Bhutan. Enacted: 2004.
[http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/87826/100246/F1820522728/BTN87826 English.pdf](http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/87826/100246/F1820522728/BTN87826%20English.pdf).
- 16 Government of Bhutan. Child Care and Protection Act. Enacted: 2011.
http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/genericdocument/wcms_300620.pdf.
- 17 UN Committee on the Rights of the Child. Periodic Reports of States Parties due in 2011: Bhutan. Prepared by Government of Bhutan, Article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. August 29, 2016: CRC/C/OPAC/BTN/1.
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/OPAC/BTN/1&Lang=en.
- 18 Government of Bhutan. The Constitution of the Kingdom of Bhutan. Enacted: 2008.
<https://wipo.lex.wipo.int/en/text/167939>.
- 19 U.S. Embassy- New Delhi. Reporting. April 18, 2019.
- 20 Royal Bhutan Police. Woman and Child Protection Division. 2014.
<http://www.rbp.gov.bt/wcpu.php>.
- 21 U.S. Embassy- New Delhi. Reporting. April 11, 2018.
- 22 U.S. Embassy- New Delhi. Reporting. February 14, 2020.
- 23 U.S. Department of State official. E-mail communication to USDOL official. April 21, 2017.
- 24 UN Committee on the Rights of the Child. List of issues in relation to the combined third to fifth periodic reports of Bhutan, Addendum. May 2, 2017. Source on file.
- 25 National Commission for Women and Children. NCWC Background. Accessed February 21, 2019.
<https://www.ncwc.gov.bt/aboutus>.
- 26 U.S. Embassy- New Delhi. Reporting. April 8, 2019.