

NEPAL

MODERATE ADVANCEMENT

In 2023, Nepal made moderate advancement in efforts to eliminate the worst forms of child labor. The government allocated approximately \$35,380 for activities to eliminate child labor, including by making contributions to the Child Labor Elimination Fund and awareness programs. The government also finalized a cooperative agreement to implement the School Education Sector Plan, which will provide \$7.2 billion dollars over 5 years to enhance education of children and youth in Nepal. In addition, responding to complaints received through a government-run hotline, it rescued 560 children from child labor. However, Nepal's laws do not meet international standards for the prohibition of child trafficking because it does not clearly criminalize recruitment, harboring, receipt, or transportation in the absence of force, fraud, or coercion. The law prohibiting the use of children in illicit activities is also insufficient because it does not prohibit the use of children in the production of drugs. In addition, the Ministry of Labor, Employment, and Social Security lacks sufficient budgetary resources and labor inspectors to adequately enforce laws related to child labor.

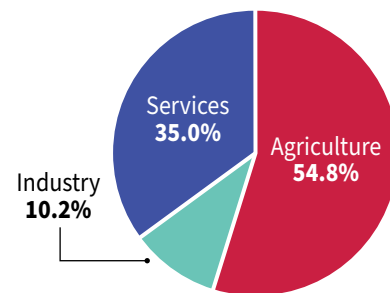


PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Statistics on Children's Work and Education

Children	Age	Percent of Population
Working	5 to 14	20.4% (1,093,497)
Hazardous Work by Children	15 to 17	Unavailable
Attending School	5 to 14	93.0%
Combining Work and School	7 to 14	22.0%

Working Children by Sector, Ages 5-14



Children in Nepal are subjected to the worst forms of child labor, including commercial sexual exploitation, sometimes as a result of human trafficking, and forced begging. Children also perform dangerous tasks in producing bricks, embellished textiles, stones, and weaving carpets.

Overview of Children's Work by Sector and Activity



Agriculture

Farming, including tending livestock.



Industry

Construction.† Producing bricks, including loading and unloading of mules and donkeys. Embellished textiles (zari)† and embroidery. Quarrying, collecting, and breaking stones.† Weaving carpets.†



Services

Domestic and transportation work.† Working as shop keepers, shop sales assistants, and tailors. Working in hotels,† restaurants,† and tea shops; in entertainment,† including as dancers;† and in mechanical repair shops for cars and motorbikes.† Portering and collecting recyclable waste.



Categorical Worst Forms of Child Labor‡

Commercial sexual exploitation, sometimes as a result of human trafficking. Forced labor in embellishing textiles (zari), weaving carpets, and domestic work. Forced labor in agriculture, producing bricks, quarrying, and breaking stones. Use in illicit activities, including the cultivation and trafficking of drugs. Forced begging.

† 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.



SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

The suggested government actions below would close gaps USDOL has identified in Nepal's implementation of its international commitments to eliminate the worst forms of child labor.

Legal Framework

Raise the minimum age for entry into hazardous work to 18 years old.

Ensure that the types of hazardous work prohibited for children are comprehensive and include sectors in which there is evidence of child labor, including brickmaking and breaking stones.

Criminally prohibit the human trafficking of children without requiring proof of the use of force, fraud, or coercion.

Criminally prohibit the use of children in illicit activities, including the production of drugs.

Establish criminal penalties for the recruitment of children under age 18 by non-state armed groups.

Enforcement

Increase training of criminal law enforcement officials on victim-centered approaches for investigating and responding to cases of child trafficking while ensuring that human trafficking cases are consistently registered and prosecuted, instead of resolved through mediation.

Increase the Ministry of Labor's budget and the number of labor inspectors from 11 to 218 to provide adequate coverage of the labor force of approximately 8.7 million workers.

Increase complaint-based and routine targeted inspections, including unannounced inspections, to all sectors, including the informal sector and small factories that employ less than 10 workers.

Institutionalize regular training for labor inspectors on laws related to child labor, including its worst forms.

Publish data on criminal law enforcement actions, including training for criminal investigators and the number of investigations conducted, prosecutions initiated, convictions achieved, and penalties imposed for child labor crimes.

Create and utilize a centralized database to track and monitor cases of child labor, disaggregated by type of activity and gender, including labor court data related to child labor.

Increase efforts to investigate, prosecute, and, where appropriate, convict and sentence perpetrators of worst forms of child labor.

Coordination

Ensure the Child Labor Prevention and Occupational Safety Section is able to carry out its intended mandates.

Government Policies

Develop a policy framework for implementation of services and delegate responsibilities for responding to child labor under the new federalist system.

Social Programs

Provide timely support and interventions for survivors calling the National Child Labor Helpline.

Eliminate barriers to education by increasing the availability of sanitation facilities at schools, addressing long distances to schools, enrolling and providing services to meet the needs of children with disabilities, increasing the availability of documentation for refugee children, and offsetting fees associated with schooling.

Provide timely rehabilitation, restitution, and victim services for the freed Haruwa-Charuwa bonded laborers, including proper release certification and identity card distribution.

Increase the budget for social programs for children, including rehabilitation services for survivors of child labor.



CHILDREN AT HIGHER RISK

Children living on the streets are highly vulnerable to human trafficking, including sex trafficking. Moreover, children in Nepal's unregistered shelters are exploited in forced begging. These children are also trafficked into exploitative or fraudulent orphanages where they are used to solicit money from foreign donors. The majority of children working in seasonal brick kilns in Nepal are from migrant families from India. Children from the Dalit and Madhesi communities are also highly vulnerable to human trafficking because of poverty, as well as political and economic exclusion. Climate-related disasters, such as flooding and landslides, have increased Nepali children's vulnerability to child labor in sectors such as brick kilns, domestic service, and carpet manufacturing.



BARRIERS TO EDUCATION ACCESS

Children, particularly girls, face barriers to accessing education due to a shortage of sanitation facilities, geographic distance, costs associated with schooling, household chores, and an absence of parental support. In Nepal, a lack of separate toilet facilities for girls deters them from attending school, especially when they are menstruating. Children with disabilities face additional barriers to accessing education, including denial of school admission. Refugee children in Nepal face obstacles in enrolling in school because of lack of access to official documentation required by the Nepali government. The government, however, allows NGOs to provide primary- and secondary-level schooling to refugee children without documentation.






LEGAL FRAMEWORK FOR CHILD LABOR

Nepal has ratified all key international conventions concerning child labor. However, Nepal's laws do not meet international standards on the minimum age for hazardous work, the prohibition of child trafficking, and the prohibition of the use of children in illicit activities, such as the production of drugs.

Child Labor Laws and Regulations	Meets International Standards	Legislation
Minimum Age for Work, 14 Years		Section 3 of the Child Labor (Prohibition and Regulation) Act
Minimum Age for Hazardous Work, 17 Years		Section 3 of the Child Labor (Prohibition and Regulation) Act
Identification of Hazardous Occupations or Activities Prohibited for Children		Schedule 1 of the Child Labor (Prohibition and Regulation) Act
Prohibition of Slavery, Debt Bondage, and Forced Labor		Section 4 of the Bonded Labor (Prohibition) Act; Section 4 of the Child Labor (Prohibition and Regulation) Act; Sections 2–4 and 15 of the Human Trafficking and Transportation Control Act; Section 4 and 164 of the Labor Act
Prohibition of Child Trafficking		Sections 3, 4, and 15 of the Human Trafficking and Transportation Control Act
Prohibition of Commercial Sexual Exploitation of Children		Article 66(3)(d) and 72(3)(c) of the Act Relating to Children 2018; Sections 3, 4, and 15 of the Human Trafficking and Transportation Control Act; Sections 16(2) and 16(3) of the Children's Act
Prohibition of Using Children in Illicit Activities		Section 16 of the Children's Act
Minimum Age for Voluntary State Military Recruitment, 18 Years		Section 7 of the Military Service Regulation 2069

Legal Framework for Child Labor (Cont.)

Child Labor Laws and Regulations	Meets International Standards	Legislation
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*	
Prohibition of Military Recruitment by Non-state Armed Groups		Article 39 of the Constitution
Compulsory Education Age, 14 Years		Article 31 of the Constitution; Section 6 of the Free and Compulsory Education Act
Free Public Education		Section 16D of the Education Act; Section 20 of the Free and Compulsory Education Act; Article 31 of the Constitution

* Country has no conscription (33)

The minimum age for hazardous work is not consistent with international standards, because it does not prohibit children aged 17 from engaging in hazardous work. Furthermore, the types of hazardous work prohibited for children do not include brickmaking and stone breaking, sectors in which there is evidence that work involves carrying heavy loads and being exposed to hazardous substances. However, Nepal's National Master Plan on Child Labor (2018–2028) has identified children working in brick kilns as a group particularly vulnerable to hazardous child labor. In addition, the law related to child trafficking is insufficient because it does not clearly criminalize the recruitment, harboring, receipt, or transportation of children in the absence of force, fraud, or coercion. The law prohibiting the use of children in illicit activities is insufficient because it does not prohibit the use of children in the production of drugs. Furthermore, although the Constitution prohibits the recruitment of children by non-state armed groups, there is no specific legislation penalizing this practice.



ENFORCEMENT OF LAWS ON CHILD LABOR

In 2023, labor and criminal law enforcement agencies in Nepal took actions to address child labor. However, insufficient human and financial resources at the federal and state levels hindered enforcement efforts.

Agencies Responsible for Child Labor Law Enforcement

Department of Labor and Occupational Safety (DOL), Ministry of Labor, Employment, and Social Security (MoLESS): Enforces labor laws, including those involving child labor. Conducts studies, provides training on child labor prevention, and monitors Nepal's child labor prevention program. They were active during the reporting period.

Nepal Police: Investigate crimes involving women and children, including crimes related to human trafficking, through the Anti-Human Trafficking Bureau (AHTB). Assist in children's rescue, rehabilitation, and coordination for the arrest of perpetrators in cases of the worst forms of child labor. In cases of hazardous child labor, coordinate with and hand over cases to MoLESS. From July 2022 to July 2023, the Nepal Police registered 75 cases of child trafficking.

Enforcement Mechanisms and Efforts

Has a Labor Inspectorate	Yes	Has a Complaint Mechanism	Yes
Able to Assess Civil Penalties	Yes	Imposed Penalties for Child Labor Violations	Unknown
Routinely Conducted Worksite Inspections	Yes	Conducted Criminal Investigations for Worst Forms of Child Labor Crimes	Unknown
Unannounced Inspections Permitted	Yes	Imposed Penalties for Worst Forms of Child Labor Crimes	Unknown

In 2023, **11** labor inspectors conducted **2,467** worksite inspections, finding an **unknown** number of child labor violations. While the police registered **75** cases of child trafficking, it is **unknown** whether investigations into suspected cases of the worst forms of child labor were conducted, prosecutions were initiated, or perpetrators were convicted.



COORDINATION, POLICIES, AND PROGRAMS

<p>Key Mechanism to Coordinate Government Efforts on Child Labor</p> <p>Nepal established a mechanism to coordinate its efforts to address child labor. However, it is unclear whether that coordinating mechanism carried out any activities during the reporting period.</p>	<p>Child Labor Prevention and Occupational Safety Section, MoLESS, and MWCSC: Coordinates policymaking and monitors implementation of child labor inspection guidelines. Consists of an Under Secretary, one section officer, and one factory inspector. Confers with the Monitoring Action Committees, Ministry of Women, Children, and Senior Citizens (MWCSC), the National Child Rights Council, MoLESS, and District Labor Offices.</p>
<p>Key Policies Related to Child Labor</p> <p>Nepal established policies related to child labor. However, Nepal lacks a policy framework to direct and coordinate provincial-level services and activities related to child labor despite a constitutional transition to federalism.</p> <p>‡ The government had other policies that may have addressed child labor issues or had an impact on child labor. † Policy was approved during the reporting period.</p>	<p>National Master Plan to End Child Labor (July 2018–July 2028): Prioritizes ending all forms of child labor by 2025 and includes a strategy to establish a fund at the local and provincial levels to help survivors of child labor. The plan designates the Ministry of Land Management, Cooperatives, and Poverty Alleviation as the lead ministry to establish targeted programs for children involved in forced child labor, particularly in the agricultural sector. The Ministry carries out awareness programs through cooperatives at local and provincial levels and monitors child labor by analyzing the results of child labor surveys. In 2023, the government allocated approximately \$35,380 (45.3 million NRS) for activities to eliminate child labor, including by providing contributions to the Child Labor Elimination Fund and awareness programs.</p> <p>School Education Sector Plan (2023–2032):† Expands access to education for all children, improves the quality of education, and facilitates improved management and governance of schools. In 2023, the government implemented the School Education Sector Plan, which includes a roadmap to ensure that children from high-risk communities can access education. The government also finalized cooperation for the School Education Sector Plan with eight development partners to enhance education of children and youth in Nepal. The initial joint funding will provide \$7.2 billion over 5 years.</p>
<p>Key Social Programs to Address Child Labor</p> <p>Nepal funded and participated in programs that include the goal of eliminating child labor. However, these social programs are inadequate to address the full scope of the problem because of gaps in funding and implementation.</p> <p>† Program is funded by the Government of Nepal. ‡ The government had other social programs that may have included the goal of eliminating or preventing child labor.</p>	<p>Child Rights, Rescue and Rehabilitation Program:† Nepal Child Rights Council (NCRC) coordinates and facilitates monitoring, evaluation, and reviewing of local child rights at the provincial and local levels. Local children's funds have been established in approximately 243 local governments across the country. In 2023, NCRC established child rights protection and promotion procedures for local governments. The NCRC also provided various services to 9,410 children rescued from child labor in fiscal year 2022–2023.</p> <p>Helpline and Hotline Programs:† Child Helpline–1098 is an MWCSC- and Child Workers in Nepal-funded helpline. Responds to calls about missing children, child abuse, child labor, child trafficking, and child sexual abuse in 18 locations in Nepal and Bangladesh, Bhutan, and India. NGO and government officials stated that the response time to investigate allegations of child labor reported through the helpline is slow. National Center for Children at Risk–Hotline No. 104 is a hotline operated from Kathmandu, which is jointly run by the Central Child Welfare Board and Nepal Police. These hotlines cover cases for 74 out of the total 77 districts in Nepal. Responding to complaints received through the hotline, NCRC rescued 560 children from child labor in fiscal year 2022–2023.</p>

For information about USDOL's projects to address child labor around the world, visit dol.gov/ILABprojects
For references, please visit dol.gov/ChildLaborReports