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Worst Forms of Child Labour Convention, 1999 (No. 182)

Convention (n° 182) sur les pires formes de travail des enfants, 1999

Convenio sobre las peores formas de trabajo infantil, 1999 (núm. 182)

Written information provided by the Government

The Government has provided the following information.

The Government wishes to underscore the fact that article 39 of the Constitution of Nepal guarantees the rights of children by providing that no child shall be employed in factories, mines or in any other hazardous work. The existing data collected through the Nepal Labour Force Survey 2017–18 indicates that child labour in Nepal has been significantly reduced from 1.6 million in 2008 to 1.1 million in 2018. However, these numbers are still high. That is why the Government has been making effective and efficient interventions. Through the Ministry of Labour, Employment and Social Security (MoLESS), the Government of Nepal has formulated the National Master Plan on the Elimination of Child Labour 2018–28. In 2022, the Ministry launched its Action Plan. The implementing roles are assigned to federal, provincial and local governments and relevant stakeholders. This year, the MoLESS and the ILO in Nepal jointly organized a stakeholders' consultation on the revision of the list of hazardous occupations for children. The participants in the workshop represented civil society organizations, trade unions, employers' organizations, United Nations agencies and development partners. The MoLESS also formed a Technical Tri-partite Committee to review the list of hazardous occupations and recommended its inclusion in the amendment process of the Child Labour Regulation and Prohibition Act, 2000. The Government is also conducting a study and review of current child labour rehabilitation models in Nepal with the intention of making them more sustainable, child-centred and economic. The study results will provide clear guidance for all labour offices to initiate the rescue of children from the worst forms of child labour and provide them with proper support and care. The Government has launched "Child Labour Free Local Level Declaration Program". More than 100 local governments have expressed interest in a child labour free declaration. This is an area-based approach and targets specific geographical locations with the aim of addressing all forms of child labour, including the worst forms. It is a Government strategy to make child labour free zones and it is aimed to reach out to all 753 local areas and involve local governments.

The Government is committed to ending all forms of forced labour. We take this opportunity to highlight the fact that Nepal declared *haruwa charuwa* [agriculture-based bonded labourers] free in 2022. Existing laws and policies have ensured the rights of these people. In recent years, a number of administrative measures have been taken to encourage the school enrolment of children, resulting in 97.1 per cent school enrolment in the current

fiscal year. The MoLESS, in partnership with the ILO, has provided skills-based training to former bonded labourers. Their long-term rehabilitation has already begun. An integrated Forced Labour Act has been drafted. We assure the Committee that the Government of Nepal will help to address the remaining issues later. Livelihood support will help families to end child labour.

The Government also reiterates that the Nepal Police Anti-Human Trafficking Bureau has been taking significant action, including community sensitization and the establishment of border checkpoints, to prevent human trafficking in Nepal. The Community Police Partnership (CPP) programme has been launched. The Anti-Human Trafficking Bureau of the Nepal Police has adopted three strategies to curb human trafficking, including the trafficking of girl children. In a preventive approach, it conducts awareness programmes at border checkpoints, including at Tribhuvan International Airport, Gautam Buddha International Airport and the Indian border. It conducts protection activities, such as rescue from destination countries, sends victims to rehabilitation centres for counselling and registers cases. It regularly carries out investigations, prosecution and surveillance. During the current fiscal year, 15 girl children have been rescued from trafficking. But it has been observed that many trafficking cases are not reported in Nepal due to fear and social stigma, so the community police are informing and empowering communities to speak up and report cases to the police. Similarly, the National Human Rights Commission (NHRC) is establishing an Anti-Human Trafficking section at its premises. The Ministry of Women, Children and Senior Citizens has drafted a Ten-Year Action Plan Combat Human Trafficking. Similarly, a human trafficking policy will be drafted. The Ministry of Women, Children and Senior Citizens organizes awareness programmes, sensitizes local governments and engages with the cyber bureau. It also provides skills-based training to survivors of trafficking and supports the rehabilitation centre.

The National Child Rights Council (NCRC) has operated a child helpline (1098) and is providing services through 18 offices covering the whole of Nepal. Missing Children Response Centres rescue children who are in vulnerable situations through 240 units. There are sufficient mechanisms to address children's issues, such as the Ministry of Women itself, the National Child Rights Council, the Provincial Child Rights Committee, local child rights committees and child welfare officers. Some 238 child rights committees have already been formed at the local level. Similarly, children's funds have been established in 213 local areas. Child welfare officers have been assigned to 266 local areas. Child protection system procedures have been prepared in 323 local areas.

The Ministry of Land Management, Cooperatives and Poverty Alleviation has identified 16,322 *haliya* [bonded labour] families, of which 12,820 have been rehabilitated and 1,135 families are handed over at the local level. Similarly, 27,570 families of *kamaiyas* [bonded labourers] have been identified, of which 27,021 have been rehabilitated and 300 handed over to the local level. Since Nepal became a pathfinder country and a member of Alliance 8.7, an Alliance 8.7 Nepal Secretariat has been established in the MoLESS, which is supported by United Nations agencies on a rotational basis, including the ILO. The Secretariat submits annual reports to the Global Alliance 8.7 Secretariat. This year, in April, the Nepal Secretariat, in close coordination with the MoLESS, submitted Nepal's annual report on child labour, forced labour, human trafficking and modern slavery. It consulted more than ten government agencies and civil society organizations to collect information. The detailed data for those areas is specified in the annual report. The MoLESS, through the Nepal Alliance 8.7 Secretariat, has initiated data/information gathering on the progress made by various ministries/institutions on child labour, forced labour and human trafficking in Nepal. Integrated software is being

developed to store data and information which is useful for planning and initiating targeted interventions to combat child labour, including its worst forms.

The Government has prioritized brick kilns as one of the sectors for regular intervention to protect children and prevent child labour. Several interventions are taking place at the source (villages) and destination (kilns) levels with a view to creating a child labour free brick industry and making the employers more accountable for preventing the use of child labour in the sector. Kindergartens have been set up at brick kiln sites. The National Statistics Office (NSO) will conduct the next Labour Force Survey in Nepal in 2024. The MoLESS has requested the NSO to provide fresh data on child labour, including its worst forms, and to disaggregate data down to the local level. This will give a fresh picture of child labour and pave the way for future interventions in Nepal. The Government of Nepal, working with development partners, trade unions, employers' organizations and other concerned stakeholders, continues to be committed to the principle enshrined in the Constitution of Nepal of 2015 and to meeting its international commitments, as enshrined in the United Nations Charter and the Universal Declaration of Human Rights.

Discussion by the Committee

Chairperson – The second case on our agenda is Nepal on the application of the Worst Forms of Child Labour Convention, 1999 (No. 182). I invite the Government representative of Nepal, the Joint Secretary, Ministry of Labour, Employment and Social Security (MoLESS) to take the floor.

Government representative – In relation to the case of Nepal, there are some questions regarding issues such as child bonded labour services, social integration, offering children for pornography, and a number of cases of trafficking of children, free basic quality education and removing children from commercial sexual work, exploitation and immediate removal of children from the worst forms in the brick kilns.

The Government of Nepal has provided the following information in response to the observations made by the Committee of Experts.

The Government wishes to underscore the fact that article 39 of the Constitution of Nepal has guaranteed the rights of children with a provision that no child shall be employed in factories, mines, or in any other hazardous work. The existing data collected through the Nepal Labour Force Survey 2017–2018 indicates that child labour in Nepal significantly reduced from 1.6 million in 2008 to 1.1 million in 2018. However, the numbers are still high. That is why our Government has been taking effective and efficient interventions. The Ministry of Labour, Employment and Social Security (MoLESS) has formulated the National Master Plan on the Elimination of Child Labour for 2018–2028. In 2022, the Ministry launched its Action Plan. The implementing roles are assigned to federal, provincial, and local governments and relevant stakeholders.

This year, the MoLESS and the ILO Nepal Office jointly organized a stakeholders' consultation on the revision of the list of hazardous occupations for children. The participants in the workshop represented civil society organizations, trade unions, employers' organizations, UN Agencies and development partners. The MoLESS also formed a Technical Tripartite Committee to review the list of hazardous occupations and recommend including this in the amendment process of the Child Labour (Prohibition and Regulation) Act, 2000. The Government is also conducting a study and review of the current child labour rehabilitation models in Nepal with the intention to make it more sustainable, child-centred and economic.

The study results will provide a clear guide to all labour offices to initiate the rescue of child labour in the worst forms and provide them with proper support and care.

The Government has launched its programme “Child Labour Free Local Level Declaration Program”. More than 100 local governments have expressed interest in a child labour free declaration. This is an area-based approach and targets specific geographical locations with the aim of addressing all forms of child labour, including the worst forms. It is a strategy of the Government to make a child labour free zone and it has aimed to reach out to all 753 local levels and involve local governments. The Government is committed to ending all forms of forced labour. We take this opportunity to highlight the fact that Nepal declared itself bonded labour (*haruwa charuwa*, which is agriculture-based bonded labour) free in 2022. Existing laws and policies have ensured the rights of these people. These past years, a number of administrative measures were taken for encouraging school enrolment of children which has resulted in 97.1 per cent of school enrolment in the current fiscal year. The MoLESS, in partnership with the ILO, provided skill-based training to former bonded labourers. Their long-term rehabilitation task has already begun. The integrated forced labour act has been drafted. We assure the committee that the Nepal Government will help to address the remaining issues subsequently. Livelihood support will help families to end child labour.

Our Government wants to reiterate that the Nepal Police Anti-Human Trafficking Bureau has been taking significant action, including community sensitizations and establishing border checkpoints to prevent human trafficking in Nepal. The Community Police Partnership (CPP) programme has been launched. The Anti-Human Trafficking Bureau of Nepal Police has mainly adopted three strategies to curb human trafficking including the trafficking of girls. In a preventive approach, it conducts awareness programmes at border checkpoints, including at Tribhuvan International Airport, Gautam Buddha International Airport as well at the Indian border. It conducts protection activities such as rescue from destination countries, sends the victims to rehabilitation centres for counselling and files the cases. It regularly carries out investigations, prosecutions, and surveillance. In the current fiscal year, 15 girls were rescued from trafficking. But it has been observed that many trafficking cases are not reported in Nepal due to fear and social stigma, so community police are informing and empowering communities to speak up and report the cases to the police. Similarly, the National Human Rights Commission (NHRC) is establishing its Anti-Human Trafficking Section at NHRC premises. The Ministry of Women, Children and Senior Citizens has drafted a Ten-Year Action Plan for Combatting Human Trafficking. Similarly, the human trafficking policy will be drafted. The Ministry of Women, Children and Senior Citizens organizes awareness programmes, sensitizes local governments, and engages the cyber bureau. It also provides skill-based training to trafficking survivors and supports rehabilitation centre. The National Child Rights Council (NCRC) has operated a Child Helpline (1098) and it is providing service through 18 offices that cover the entire Nepal. Missing Children Response Centres rescue children who are in vulnerable situations by operating the 104 Hotline. It is done through 240 units. There are sufficient mechanisms to address the issue of children like the Ministry of Women, the NCRC, the Provincial Child Rights Committee, the local child rights committees, and the Child Welfare Officers. There are 238 child rights committees already formed at the local levels. Similarly, in 213 local levels, child funds have been established. Child Welfare Officers have been assigned at 266 local levels. A child protection system procedure has been prepared at 323 local levels. The Ministry of Land Management, Cooperatives and Poverty Alleviation has identified 16,322 *haliya* (bonded labour) families and among them, 12,820 have been rehabilitated. A total of 1,135 families are handed over to the local level. Similarly, 27,570 families of *kamaiyas* (bonded labour) have been identified. A total of 27,021 families have been rehabilitated. A total of 300 families have been handed over to the local level.

After Nepal became a pathfinder country and became a member of Alliance 8.7, an Alliance 8.7 Nepal Secretariat has been established in the MoLESS which is supported by UN agencies on a rotational basis including the ILO. The Secretariat submits annual reports to the Global Alliance 8.7 Secretariat. This year in April, Nepal Secretariat, in close coordination with the MoLESS, submitted Nepal's annual report on child labour, forced labour, human trafficking and modern slavery. It consulted with more than ten government agencies and civil society organizations for information collection. The detailed data in those areas are specified in the annual report.

The MoLESS, through the Alliance 8.7 Nepal Secretariat, has initiated to gather data/information on the progress made by different ministries/institutions on child labour, forced labour and human trafficking in Nepal. Integrated software is under way to store data and information which will be useful for planning and initiating targeted interventions to combat child labour including in the worst forms.

The Government has prioritized brick kilns as one of the sectors for regular intervention to protect children and to prevent child labour. Several interventions are taking place at the source (villages) and destinations (kilns) to create a child labour free brick industry and make the employers more accountable for the use of child labour in the sector. Kindergartens have been set up in brick kilns. The Central Bureau of Statistics (CBS) is going to conduct the next Labour Force Survey in Nepal in 2024. The MoLESS is requesting the CBS to provide fresh data on child labour, including child labour in its worst forms, and disaggregating it up to the local level. This will give us a fresh picture of child labour and pave the way for the future course of interventions in Nepal. The Government of Nepal, working with development partners, trade unions, employers' organizations and other concerned stakeholders, continues to commit to the principle enshrined in the Constitution of Nepal 2015 and is committed to meeting its international commitments, as enshrined in the United Nations Charter and the Universal Declaration of Human Rights.

Worker members – Child labour is a grievous violation of fundamental rights. Despite the strong commitment of Members States to end child labour, as demonstrated by the universal ratification of the Convention, presently, 160 million children in the world are still in child labour, accounting for almost 1 in 10 of all children worldwide. The ILO Durban Call to Action of 2022 emphasized the need for urgent action, because of the consequences of the COVID-19 pandemic, armed conflicts, food, humanitarian and environmental crises which threaten to reverse years of progress made against child labour. Ending child labour by 2025 in all its forms is also included under target 8.7 of the SDGs. In Nepal, child labour is still prevalent in many provinces and sectors. The Labour Force Survey 2017 and 2018, conducted by the CBS in collaboration with the ILO, reveals that nearly 1.1 million children are involved in child labour of which 200,000 children are involved in its worst forms.

With regard to the issues raised by the Committee of Experts in its comments, we take note of the adoption of the Act Relating to Children, 2018, which now covers all children and criminalizes a range of offences related to child sexual abuse, compulsory recruitment of children for use in armed conflict and the use, procuring and offering of children for the production and trafficking of drugs. We also take note of the adoption of the National Master Plan on the Elimination of Child Labour for the period 2018–28 which aims to protect children engaged in hazardous work through school enrolment programmes, family support programmes and alternative care options.

Through these initiatives, the Government has set its course. However, it is not enough to ensure that such practices are stopped for good. The legal framework adopted in 2018 and the

National Master Plan must be effectively implemented through targeted measures for rehabilitation and social integration as well as timely investigations, swift and efficient prosecutions and convictions and dissuasive sanctions.

With reference to the comments of the Committee of Experts, we take note of the efforts made by the Government to combat child labour, including through the implementation of various programmes aimed at:

- ensuring the rehabilitation and social integration of *haliya* and *kamaiya* girls, that is, girls that are trapped in agricultural-based bonded labour practices and of *kamlari* girls, that is, girls offered for domestic work to families of landlords;
- combating trafficking in children; and
- improving access to education of children, including provisions of scholarships for girls and Dalit children.

We welcome the initiatives taken by the Government. However, we note that important challenges remain, including with regard to the lack of impact of measures taken to improve access to education and the significant number of children still out of school. Therefore, we call on the Government to continue to strengthen its efforts to:

- ensure that all child victims of bonded labour receive appropriate services for their rehabilitation and social integration, including access to education;
- combat trafficking in children through investigations, prosecutions and convictions;
- provide support and assistance to child victims of trafficking;
- facilitate access to free, basic and quality education for all children, with a particular focus on girls and indigenous children.

Furthermore, we note that the Committee of Experts raised issues regarding the lack of effective and time-bound measures to prevent the engagement of children in the worst forms of child labour, to remove them from such work and to ensure their rehabilitation and social integration. The Committee of Experts refer in particular to the commercial sexual exploitation of children and the use of children in brick kilns, an activity which is inherently hazardous. It is estimated that over 13,000 children and 17,000 children work in these sectors respectively.

We echo the Committee of Experts' call on the Government to adopt effective and time-bound measures to:

- remove children from commercial sexual exploitation in the entertainment industry and to provide them with the appropriate assistance to ensure their rehabilitation and social integration; and
- to prevent all children from working in the brick kiln industry and to provide for their rehabilitation and social integration.

In addition, we note that according to the report on the National Labour Force Survey 2017–2018, around 31,000 individuals are in forced labour in Nepal, of which an estimated 17 per cent are children. We call on the Government to take the necessary measures to remove children from forced labour.

While taking due note of the efforts made by the Government of Nepal to combat child labour, we are bound to note that child labour, and especially its worst forms, remains rampant in the country. We urge the Government to strengthen its efforts and mobilize all the means

at its disposal to combat child labour in all its forms and to provide for the rehabilitation and social integration of child victims of child labour, including access to education.

Miembros empleadores - Agradecemos al Gobierno de Nepal el envío de información actualizada sobre este caso. El Convenio es el primer Convenio de la OIT que ha logrado la ratificación universal de sus 187 Estados Miembros, un logro histórico que, lamentablemente, no es sinónimo de una aplicación universal automática en la ley y en la práctica. Es imprescindible que los Estados cumplan con el Convenio. La lucha para erradicar el trabajo infantil y sus peores formas, no obstante, nos concierne a todos, se trata de un compromiso compartido y, por lo tanto, requiere el esfuerzo conjunto de todas las partes implicadas para lograr que los niños puedan desarrollar todo su potencial y garantizar el futuro de nuestras sociedades.

Tomamos nota de que, desde la ratificación del Convenio por parte de Nepal en 2002, la Comisión de Expertos ha formulado cinco observaciones sobre este caso, concretamente en 2012, 2015, 2016, 2018 y 2022. Hoy es la primera vez que debatimos en esta Comisión la aplicación del Convenio por parte de Nepal. Déjenme iniciar el caso refiriéndome al contexto actual de Nepal, un contexto de extrema pobreza, agravada por la pandemia que afectó duramente la economía y el turismo y de gran volatilidad política: teniendo en cuenta que en 2018 se celebraron las primeras elecciones tras la aprobación de la Constitución de Nepal y en noviembre de 2022 Nepal vivió sus segundas elecciones federales y provinciales desde la entrada en vigor de su actual Constitución.

Pese a todo, tomamos nota de las medidas adoptadas por el Gobierno como la aprobación del Plan Maestro Nacional sobre Trabajo Infantil para el periodo 2018-2028 para cuya implementación actualmente está recibiendo apoyo de la Oficina de la OIT en Nepal. Además, Nepal participa en otros proyectos e iniciativas de la OIT, en particular la coalición mundial Alianza 8.7, Seguridad y Salud para todos los Trabajadores en Asia Meridional y el Programa de Asociación OIT-FCDO sobre Contratación Justa y Trabajo Decente para las Trabajadoras Migrantes en Asia Meridional y Oriente Medio, por mencionar algunos. Con respecto a las observaciones de 2022, la Comisión de Expertos identificó cinco cuestiones principales relativas a este caso.

La primera cuestión se refiere a las medidas de asistencia directa para la eliminación, rehabilitación e integración social de los niños víctimas de las peores formas de trabajo infantil, de conformidad con el artículo 3, *a)* y el artículo 7, *2)*, *b)* del Convenio.

Los miembros empleadores acogemos con satisfacción los esfuerzos del Gobierno para proporcionar asistencia directa a las víctimas del trabajo infantil en condiciones de servidumbre. Tomamos nota también de las 27 021 familias de *Kamaiyas* (estos trabajadores en régimen de servidumbre), de un total de 27 570, que han sido rehabilitadas, y 300 entregadas a nivel local, según informa el Gobierno. Sin embargo, el Gobierno debe proseguir sus esfuerzos para garantizar que todos los niños y niñas víctimas del trabajo forzoso reciban los servicios adecuados para su rehabilitación e integración social, incluido el acceso a la educación. Asimismo, el Gobierno debe seguir proporcionando información sobre las medidas adoptadas y los niños y las niñas víctimas del trabajo forzoso rehabilitados.

La segunda cuestión se refiere a la utilización, reclutamiento u oferta de niños y niñas para la producción de pornografía o para actuaciones pornográficas, tal y como se consagra en el artículo 3), *b)* del Convenio. Los miembros empleadores tomamos nota de la adopción de la Ley de 2018 relativa a la infancia que tipifica como delito una serie de actividades relacionadas con el abuso y explotación sexual infantil y la producción de materiales o actos obscenos y las sanciona con una multa de 100 rupias y penas de prisión de hasta cinco años.

Si bien acogemos con satisfacción estas disposiciones legislativas, imprescindible es una aplicación efectiva de la ley para que se produzca el cambio social deseado y esperado. En este sentido, será preciso, como indica la Comisión de Expertos, recibir información sobre la aplicación en la práctica de las sanciones relacionadas con los delitos mencionados, así como sobre el número de casos denunciados, procesamientos y condenas llevados a cabo y penas aplicadas.

La tercera cuestión se refiere a los mecanismos de control, las sanciones y la asistencia directa a los niños y niñas víctimas de las peores formas de trabajo infantil, tal como se consagra en los artículos 5, 7, 1) y 7, 2), *b*), con especial atención al tráfico de niños.

A la luz de la información recibida por el Gobierno, la Oficina de Lucha contra la Trata de Personas de la Policía de Nepal está adoptando medidas para frenar la trata de personas, incluida la de niñas, como la sensibilización de la comunidad y el establecimiento de puestos de control fronterizos, que tratan de evitar la trata de personas en Nepal. El Gobierno parece haber observado que muchos casos de trata no se denuncian en Nepal por miedo y estigma social, por lo que la policía comunitaria está informando y capacitando a las comunidades para que hablen y denuncien los casos a la policía. Pese a todo ello, insistimos, el Gobierno debe continuar con su esfuerzo para combatir la trata de niños por su extrema gravedad y proporcionar información sobre las actividades emprendidas y los resultados.

La cuarta cuestión se refiere a la adopción de medidas preventivas como el acceso a la educación básica gratuita, como exige el artículo 7, 2), *a*) del Convenio. Según la última información recibida por el Gobierno de Nepal, en los últimos años, se han tomado varias medidas administrativas para fomentar la escolarización de los niños, lo que ha dado como resultado un 97,1 por ciento de escolarización en el año fiscal en curso. Tomamos nota de que en Nepal la educación gratuita está garantizada hasta la educación secundaria; sin embargo, según la UNESCO, más de 74 000 niños y 189 000 adolescentes estaban sin escolarizar en 2021. En este sentido es esencial que el Gobierno continúe sus esfuerzos para promover el acceso a una educación gratuita, básica y de calidad para todas las niñas y los niños y, en particular, para las niñas y los niños indígenas.

La última cuestión se refiere a la adopción de medidas para prevenir la participación de los niños y las niñas en la explotación sexual comercial y en el trabajo en hornos clandestinos, su retirada de dichos trabajos y la garantía de su rehabilitación e integración social. Los datos de la explotación sexual comercial en el sector del entretenimiento para adultos son graves, y más de 13 000 personas empezaron a trabajar siendo menores de 18 años. Por otro lado, en la industria del ladrillo en Nepal trabajan más de 17 000 niños y el 44,5 por ciento de ellos realizan trabajos peligrosos, pese a que, según informa el Gobierno, se están llevando a cabo intervenciones con vistas a crear una industria del ladrillo libre de trabajo infantil. Con esta situación, los miembros empleadores no podemos más que sumarnos a la Comisión de Expertos insistiendo en que el Gobierno adopte medidas eficaces para acabar con esta situación de explotación, así como proporcionar la asistencia adecuada para la rehabilitación e integración social de estos menores y niños.

Los miembros empleadores queremos destacar que, para erradicar la participación de los niños en las peores formas de trabajo infantil, las medidas preventivas son sustanciales, pero lamentablemente insuficientes: el enjuiciamiento y la sanción de los adultos, así como la retirada de los niños de las peores formas de trabajo infantil, no pueden ser suficientes, eficaces ni sostenibles por sí solos. Es imprescindible tomar un enfoque multicausal para acabar con el trabajo infantil y adoptar políticas destinadas a abordar las causas profundas del trabajo infantil: la pobreza, el conflicto, las crisis, la falta de acceso a la protección social, la falta

de acceso a la educación y también las circunstancias socioeconómicas que conducen a la explotación de los niños y las niñas. Serán necesarias políticas económicas que promuevan el desarrollo de las regiones con más factores de riesgo de trabajo infantil.

Worker member, Nepal – I stand here today to address the issue of child labour and the pressing need for immediate action in Nepal. We welcome the positive initiative taken by the Government and support from trade unions and civil society on combating child labour. Nepal has successfully reduced child labour in the period between 2008–18 and some positive steps have been taken by the Government. Nepal has signed to be a pathfinder country on achieving Sustainable Development Goal (SDG) 8.7 and became a member of Alliance 8.7. However, the progress made is significantly slow and the Government has not been taking enough initiatives to meet the SDG to end all forms of child labour by 2025. Despite the significant efforts to combat child labour, there are still several areas where the worst forms of child labour persist. These areas highlight the urgent need for targeted interventions and effective strategies to address these issues. Some of the major areas of the worst forms of child labour in Nepal include agriculture and domestic work, brick kilns and construction, mines and quarries, street hawking and forced begging, and sexual exploitation in the entertainment industry. It is crucial to note that these are the areas of child labour often intersect with other forms of vulnerability, such as: poverty, overall lack of education and high drop-out rates, discrimination and social exclusion. Addressing child labour in these areas requires comprehensive strategies that focus on poverty alleviation, access to quality education, enforcement of labour laws, social protection programmes and awareness campaigns to change societal attitudes and behaviours.

Unfortunately, the Government has so far not taken enough action to end child labour, forced labour and human trafficking. To combat child labour, forced labour and human trafficking, the Government needs to review the legal framework in place. The essential legal framework to be reviewed is the Child Labour Prohibition and Regulation Act (2000) and the Human Trafficking Control and Punishment Act (2007), both are not yet in-line with the new constitutional provisions, the federal systems and the spirit of ILO Conventions. Furthermore, the road map for Alliance 8.7 implementation has not been moved forward yet, though the national unit has been installed in Ministry to support the development of the relevant partners. This structure does not yet exist at the provincial and the local levels. The social protection schemes are still unable to include the informal sector workers due to the absence of the legal guidance on registration and distribution of identification cards.

The labour inspectors are significantly limited in capacity and funding to monitor and take action, and hardly reach workers in the informal sector. We know of 11 inspectors and they are, to our knowledge, not inspecting child labour. The Government has not followed the implementation of the labour audit provision and has not realized the announced training courses for them. In the recent budget speech of the Government, there has been no provision for the National Apex Body on Child Rights (National Child Rights Council), the Missing Child Response Centre (104 Hotline), the Child Helplines (1098), and the rescue and rehabilitation budget for street and working children.

We call on the Nepal Government to implement the Child Labour Prohibition and Regulation Act, the Human Trafficking Control and Punishment Act, the Harmonization of Laws on child labour, as well as the Compulsory Education, Forced Labour and Foreign Employment Act. We further call on the Government to adopt an integrated federal law on the prohibition, ending and rehabilitation of forced labour; promote registrations and distributions of ID-cards for all informal sector workers through the local governments, and bring them under the coverage of the social security programmes; expand the number of labour offices, or mandate

employment service units at the local level labour desks with adequate, capable and competent human and financial resources. Furthermore, we call on the Government to immediately rectify and reallocate sufficient budget for the National Child Rights Council, the Missing Child Response Centre and the Child Helpline; promote labour audit and labour inspections with adequate training and licensing; promote the Alliance 8.7 action plan in local and the provincial governments; and adopt an area-based approach in policies and programmes and increase investments to increase the number of child-labour-free municipalities in Nepal.

Membre gouvernementale, Suisse – L'examen de l'application de la convention par le Népal a déjà fait l'objet de plusieurs observations de la commission d'experts au cours des dix dernières années. Dès lors, la Suisse regrette que le gouvernement du Népal n'ait pas pris les mesures adéquates pour se conformer à ses obligations internationales.

La situation en matière de travail des enfants au Népal est particulièrement préoccupante dans deux secteurs: le secteur du divertissement pour adultes et les briqueteries. Selon un rapport de l'Alliance 8.7, plus de 10 000 enfants âgés de moins de 18 ans, en grande majorité des filles, travaillent dans le secteur du divertissement pour adultes. Ces enfants sont fortement exposés à des formes de traite et d'exploitation sexuelles à des fins commerciales. Dans les briqueteries, des milliers d'enfants travaillent dans des conditions qui peuvent gravement porter atteinte à leur intégrité physique et leur santé mentale. Les enfants sont exposés à des flammes, travaillent pendant des périodes excessivement longues, parfois de nuit, et doivent porter de très lourdes charges.

Les conditions de travail décrites dans ces deux secteurs ne respectent pas la convention. Le gouvernement suisse appelle donc le gouvernement du Népal à prendre immédiatement toutes les mesures nécessaires pour mettre un terme et soustraire tous les enfants à ces formes de travail. Cela implique, entre autres, d'adopter des dispositions législatives interdisant le travail des enfants, de fournir une assistance aux enfants victimes des pires formes de travail pour assurer leur réadaptation et leur intégration sociale, et de punir pénalement les employeurs ayant recours au travail des enfants dans ces secteurs.

La Suisse prend néanmoins bonne note des informations transmises par le gouvernement du Népal. Nous saluons les efforts menés par le gouvernement du Népal pour lutter contre les pires formes de travail des enfants, notamment dans les domaines de l'agriculture et du travail domestique. Nous saluons également l'engagement du Népal en tant que pays pionnier de l'Alliance 8.7 contre le travail des enfants, le travail forcé et la traite des êtres humains. Ces efforts doivent être poursuivis et renforcés par la mise en œuvre effective du Plan d'action népalais contre le travail des enfants. La Suisse appelle le gouvernement du Népal à fournir des informations et statistiques sur les résultats des mesures prises et l'encourage à poursuivre sa coopération avec le BIT.

Miembro trabajador, México - La primera parte de esta intervención, claramente, es una invitación a la reflexión de todos los aquí presentes, ya que resulta claro que si algo causa dolor en nuestra sociedad es el maltrato de los menores y por ello no podemos permanecer ajenos a las prácticas que atentan contra su integridad, toda vez que son el pilar del futuro de nuestra sociedad y por tal motivo debemos resaltar que, de acuerdo con el preámbulo del Convenio «[...] la eliminación efectiva de las peores formas de trabajo infantil requiere una acción inmediata y general que tenga en cuenta la importancia de la educación básica gratuita y la necesidad de librar de todas esas formas de trabajo a los niños afectados y asegurar su rehabilitación y su inserción social al mismo tiempo que se atienden las necesidades de sus familias».

En representación del sector empleador de México, se repudian los actos tendientes a generar tráfico de menores, su explotación en actividades sexuales e insalubres, así como en cualquier actividad que pueda poner en riesgo su integridad y lo más valioso que debe ser tutelado que es el derecho a la vida.

Se hace un atento llamado al Gobierno de Nepal a efecto de que dé cumplimiento al Convenio ya que está obligado a llevar a cabo acciones inmediatas para evitar que se generen los supuestos respecto de los tipos de trabajo que menciona el artículo 3 del mismo, debiéndose considerar que la Comisión de Expertos ha efectuado cinco observaciones en los años 2012, 2015, 2016, 2018 y la más reciente en el 2022.

No olvidemos que el maltrato infantil no es exclusivo de una sola geográfica y, si bien es cierto el día de hoy estamos tratando el caso de Nepal, de igual manera, se hace un llamado a la comunidad internacional aquí presente para evitar que se continúen con estas lamentables prácticas a efecto de erradicar la violencia en los menores. Muchos de los aquí presentes somos padres y necesitamos tener una posición mucho más empática respecto de esta situación para generar las acciones necesarias en favor de los menores. Los niños necesitan ser niños y tenemos que generar las condiciones adecuadas a efectos de brindar rehabilitación a quienes han sido objeto de tan detestables prácticas y ofrecerles las herramientas necesarias para su desarrollo y crecimiento, debiéndose garantizar por parte de los Estados Miembros el derecho a una niñez plena, a la salud y a la vida.

Debemos evitar que se continúen propagando historias lamentables que incluso fueron originadas por la presente pandemia mundial como la que se cita a continuación, que es de un pequeño nepalí de 13 años a quien cito textualmente y dice: «Desde que cerraron el colegio, pasaba todo el día en casa. Mis padres perdieron el trabajo y pronto empezamos a quedarnos sin dinero y sin comida. No podía aguantar esa situación y decidí hacer algo».

Se insiste en que el futuro de los menores debe ser garantizado, ya que sin una niñez plena estamos destinados a continuar enfrentando las atrocidades que se han cometido hasta el día de hoy.

Finalmente, todos los miembros de esta honorable sala hemos tenido, o tuvimos alguna vez, menos de 18 años. Esto lo comento ¿por qué? Porque de acuerdo con el artículo 2 del Convenio, para efectos del mismo, el término «niño» designa toda persona menor de 18 años. Claramente los aquí presentes tuvimos la oportunidad de allegarnos probablemente de diversas condiciones, sin embargo, nos permitieron llegar a este podio y tenemos que recordar, y se hace un atento llamado como adultos responsables, porque no vamos a ser eternos, el día de mañana esto se nos va a acabar a todos y tenemos que recordar que las siguientes generaciones que vienen se van a encargar del debate en este tipo de eventos que resaltamos. Por eso insistimos que debe generarse la protección de los menores y por eso se hace un atento llamado, tanto al Gobierno de Nepal como a toda la comunidad internacional a efecto de poder erradicar estas prácticas.

*Interpretation from German: **Worker member, Germany*** – The commitment of the Government of Nepal in the fight against child labour is to be acknowledged. Nepal ratified the Convention and formulated a national master plan to eliminate child labour by 2028. The Labour Code has been reviewed and has provided for sanctions. However, the economic situation after the pandemic has led to an increase in child labour. Currently, 1.1 million children are affected and that is approximately 15 per cent of the children in Nepal. However, the Prevention and Prohibition of Child Labor Act of 2000 only covers children under the age of 16. It is also essential to protect young people between the ages of 16 and 18 from hazardous work. The Child Law must also be expanded to children between the age of 16 and

18 years and this must be passed in Parliament. The rights of those children must be better taken into account.

There are structural problems that lead to child labour. In Nepal, there is a large informal sector that undermines the effectiveness of any measures. In particular, the border regions with India and China, which are difficult to control, are a hotspot for human trafficking and that is why forced prostitution of minors often takes place in those regions. In this context, please let me also connect the economic situation of the parents with the situation of child labour. All workers, regardless of gender, class and caste, need to be adequately compensated. With higher wages for parents, fewer children have to go to work to supplement the household coffers. That has been made clear. In this particular case, we are discussing the worst forms of child labour with the most hazardous conditions. Work at kilns is highly dangerous for children. A ban must be enforced here more immediately. Labour inspectors must monitor this production more closely and increase the penalties. To do this, the budget and personnel must increase significantly, because as far as we know there are only 11 labour inspectors in the entire country. As to a cross border sexual exploitation of minors, international support is required. Moreover, as girls are particularly vulnerable to sexual exploitation, their protection must form a fundamental part of the reformed labour law. Strengthening State capacity is essential in the fight against child labour. The Ministry of Labour has undertaken action but we must ensure that these are sustainable. A more comprehensive social protection system should also be established. The ILO should assist the Nepalese government here, both with legislation and with implementation through technical assistance. Finally, please let me highlight the central role that trade unions in Nepal have played in the progress made. Their involvement in all initiatives will continue to be essential if the goals just outlined are to be achieved.

Miembro gubernamental, Guatemala - Los niños y las niñas del mundo no son solo el futuro, también son el presente, y por ello es responsabilidad de todos acelerar las acciones para prevenir y erradicar el trabajo infantil y sus peores formas. El trabajo infantil priva a los niños de su niñez, su potencial y su dignidad, siendo perjudicial para su desarrollo físico y psicológico. Y si bien, el Gobierno ha realizado diversas acciones en su lucha para cumplir con lo establecido en el Convenio y erradicar el trabajo infantil, pareciera ser insuficiente. No podemos ignorar que no se trata únicamente de tomar acciones concernientes a eliminar el trabajo infantil, sino de atacar directamente las causas raíz, las cuales responden a un enfoque multicausal, abriendo camino para que las prácticas como las descritas en las observaciones de la Comisión de Expertos se den: como es la trata de niños, pornografía y abuso infantil, entregar a los hijos para que laboren con la finalidad de pagar deudas familiares, abusos físicos, sexuales y psicológicos, explotación sexual comercial, baja escolaridad y, no menos importante, la realización de trabajo forzoso, peligroso, insalubre e inseguro. Todas estas, acciones contrarias a diversos derechos fundamentales establecidos por la OIT.

Problemáticas como la pobreza extrema, la corrupción, la violencia, la informalidad, la falta de acceso a la educación y a la salud, deben abordarse y combatirse con acciones que promuevan el empleo decente, de calidad, la oportunidad de los adultos de contar con formación y capacitación necesarias para poder insertarse en el mundo del trabajo, implementar políticas de protección social y trabajar en la promoción del derecho a seguridad y salud en el trabajo, creando así un entorno seguro para los niños. Los niños tienen derecho a ser niños, deben tener libertad para poder divertirse y jugar, derecho a recibir una protección especial para crecer física, mental y socialmente sanos y libres, derecho a una educación gratuita, entendiendo que ellos son el futuro de nuestras sociedades. El trabajo infantil debe erradicarse de manera conjunta entre los Estados, las organizaciones de trabajadores, las

organizaciones de empleadores y la sociedad en su conjunto, entendiendo las diversas situaciones que lo provocan y haciendo uso del diálogo social.

Worker member, Japan – The complaint before us is brought under the first ILO Convention that achieved universal ratification. The worst forms of child labour, such as slavery, sexual exploitation, the use of children in armed conflict or other illicit and hazardous work that compromises children's health, morals or physical well-being, deserve no place in our society.

We take note of the efforts and progress made by the Nepalese Government to eliminate the worst forms of child labour and improve the school enrolment and completion rates of children. However, many children are still out of school, and they face the highest risk of being involved in the worst form of child labour. The situation has been worsened by the COVID-19 pandemic.

We are deeply concerned by the disaggregated data reported by the Government of Nepal, along with the ILO, which reveals that 79 out of 134 victims of human trafficking cases were children in Nepal's fiscal year 2020–21. Girls are especially vulnerable to commercial sexual exploitation as a result of human trafficking.

The research by CLARISSA (Child Labour: Action Research Innovation in South and South-Eastern Asia) further reveals different abusive and exploitative practices, including harassment and bullying against children in the adult entertainment sector by both customers and employers. The study also finds the involvement of different intermediaries, typically relatives, friends, neighbours, or brokers who children rely on to find work.

We, the Japanese Trade Union Confederation (JTUC-RENGO), believe the obvious alternative to child labour is education. Through free and compulsory education, we could prevent and remove the engagement of children in the worst forms of child labour. We are also developing an initiative to connect Nepalese children to schools, together with the Japan International Labour Foundation (JILAF) and trade unions in Nepal.

The issue of the worst forms of child labour in Nepal is still persistent and systemic. We look to the Government of Nepal to continuously bring the laws and labour inspection practices in line with the Convention as recommended in the Committee of Experts' report and to engage with the social partners in implementing the recommendations made by this Committee.

Miembro empleador, Colombia - Primero, considero importante manifestar el carácter prioritario que como empleadores atribuimos al Convenio, mediante el cual se pretende proteger a los niños, los miembros más vulnerables de la sociedad. Con la adopción de este convenio la OIT reconoció este tema como fundamental para todos los países Miembros de la Organización. Como todos sabemos con esta norma se busca dar solución a una situación particularmente aberrante. El Convenio aborda las peores formas de trabajo infantil y hace un llamado de atención claro e incuestionable, para que todos los Estados Miembros tomen medidas urgentes y completas frente a su erradicación.

En concordancia con el artículo 1 del Convenio, el Gobierno debe adoptar las medidas necesarias para conseguir la prohibición y la eliminación de las peores formas del trabajo infantil, entre las que se encuentra, el literal *b)* del artículo 3, que hace referencia a la utilización, el reclutamiento o la oferta de niños para la prostitución, la producción de pornografía o actuaciones pornográficas. De acuerdo con la información proporcionada, la Ley de 2018 relativa a la infancia, tipifica como delito una serie de actividades relacionadas con el abuso y explotación sexual infantil y la producción de materiales o actos obscenos y los

sanciona con una multa de hasta 100 rupias y penas de prisión de hasta cinco años. Reconocemos en ese sentido los avances hechos por el Gobierno.

Sin embargo, reiteramos el llamado de la vocera de los miembros empleadores para que el Gobierno informe en la práctica cómo se ha hecho cumplir esta ley. Instamos a la Comisión para requiera al Gobierno de Nepal de modo que se suministren ejemplos concretos y evidencias sobre el número de casos denunciados, investigados y con condenas. El Gobierno debe comprometerse a implementar y cumplir en forma efectiva con el Convenio y la legislación; por ende, solicitamos la información que demuestre la aplicación práctica de la misma.

De igual forma, hacemos un llamado para que se analice la problemática del trabajo infantil teniendo en cuenta un enfoque multicausal. Debe avanzarse en la construcción de políticas públicas, mediante el diálogo social tripartito, que se enfoquen en promover el desarrollo del país, la creación de trabajo decente y empresas sostenibles, así como, la extensión de la protección social con la finalidad de que los niños, niñas y adolescentes puedan tener acceso a la seguridad social y a educación.

Para avanzar verdaderamente en la erradicación del trabajo infantil es necesario establecer medidas económicas concretas que promuevan el desarrollo de los países y regiones con mayor riesgo de trabajo infantil.

Finalmente, solicitamos al Gobierno que con la asistencia técnica de la OIT y a través de los diversos mecanismos de cooperación internacional existentes continúe avanzando para poner en conformidad la legislación y la práctica con las disposiciones del Convenio y se logre, con carácter urgente, la erradicación de las peores formas del trabajo infantil en el país.

Membre travailleuse, Guinée – Je m'exprime au nom des syndicats d'enseignants de la Guinée et du monde entier. J'appuie l'Internationale de l'Éducation qui exprime sa profonde préoccupation concernant la question du travail des enfants au Népal. En tant qu'organisation engagée dans la promotion des droits et du bien-être des enseignants et des élèves, nous sommes sensibilisés par cette grave violation des droits des enfants.

Non seulement le travail des enfants prive les enfants de leur droit fondamental à l'éducation, mais les expose également à des conditions dangereuses et d'exploitation, ce qui entrave leur développement physique, émotionnel et intellectuel. Des opportunités d'éducation publique de qualité pour tous et toutes doivent être largement promues pour chaque enfant, sans exception, et je pense particulièrement aux filles et aux enfants des communautés marginalisées, autochtones et démunies.

La commission d'experts encourage vivement le gouvernement du Népal à poursuivre ses efforts pour faciliter l'accès de tous les enfants à une éducation gratuite, de base et de qualité, en accordant une attention particulière aux filles et aux enfants autochtones.

En tant qu'enseignante et syndicaliste, je peux témoigner des efforts des syndicats d'enseignants, pour défendre les droits de tous les enfants à une éducation publique de qualité et à une protection contre le travail des enfants. Il est donc important que les mesures gouvernementales impliquent les syndicats et les enseignants dans les initiatives pour récupérer les enfants travailleurs et pour œuvrer contre la déperdition scolaire. Je voudrais aussi insister sur la valeur de l'éducation préscolaire pour impliquer les enfants et leurs parents dans le cycle scolaire dès leur plus jeune âge. Cela implique évidemment un financement public adéquat dans l'éducation.

Dans mon pays, la Guinée, beaucoup d'enfants travaillent dans le secteur domestique et dans le secteur des mines artisanales qu'on appelle «orpaillage traditionnel». Je connais bien le problème et je ne minimise pas le défi qui se pose au gouvernement népalais.

Nous demandons donc respectueusement au gouvernement du Népal de demander l'assistance technique de l'OIT pour renforcer ses efforts dans la lutte contre le travail des enfants et la promotion des droits des enseignants comme travailleurs.

Membre employeur, France – «Il n'y a qu'une science à enseigner aux enfants, c'est celle des devoirs de l'homme». Le cas du Népal, vous le savez, porte sur les pires formes de travail des enfants. Vous venez d'entendre la liste des détails énumérés par les porte-paroles et les différents orateurs, sur la base du rapport de la commission d'experts.

Nous notons que ce rapport fait état d'une situation de progrès de la part du gouvernement pour soustraire les enfants au travail obligatoire. Et nous nous en réjouissons. Toutefois, nous constatons que le chemin est encore long pour mettre en conformité la situation des enfants avec les principes de la convention, notamment quand ils sont exposés à des situations dangereuses, par exemple s'ils sont forcés de travailler dans une briqueterie, ou que des filles sont victimes d'exploitation sexuelle. Qu'en est-il, par ailleurs, de l'application de la loi pénale, en particulier sur l'utilisation d'enfants comme un simple matériel pour des spectacles pornographiques? Nous souhaiterions plus d'explications.

«Il n'y a qu'une science à enseigner aux enfants, c'est celle des devoirs de l'homme». Que sont les devoirs de l'homme vis-à-vis des enfants, sinon la simple application des principes de l'OIT? Que nous dit la convention, ratifiée par le Népal? Elle vise l'interdiction et l'élimination des pires formes de travail des enfants, en tant que priorité majeure de l'action nationale et internationale, afin de permettre un accès à l'éducation de base gratuite.

Comment éliminer les pires formes de travail des enfants sans une action d'ensemble, qui tienne compte de l'importance d'une éducation libre et qui prenne en considération les besoins de leurs familles? La réponse est de nature sociale, mais aussi d'ordre économique. C'est pourquoi nous encourageons le gouvernement du Népal à saisir la cause des enfants comme priorité majeure de l'action nationale. Nous comprenons bien que la situation économique difficile rend leur situation plus vulnérable.

Selon les propres termes de la convention, le travail des enfants est pour une large part provoqué par la pauvreté, et la solution à long terme réside dans la croissance économique soutenue, menant au progrès social. En conséquence, il serait bon d'inviter le gouvernement à engager une politique publique, capable de faire évoluer la situation économique, afin d'atténuer la pauvreté, sans négliger la mise en place de mécanismes de surveillance, de sanctions efficaces, et d'aides directes en vue d'arracher les enfants aux pires formes de travail.

«Il n'y a qu'une science à enseigner aux enfants, c'est celle des devoirs de l'homme». Cette phrase qui a ponctué mon intervention, est celle d'un philosophe né ici, à Genève, et qui s'appelle Jean-Jacques Rousseau. Elle nous rappelle que l'avenir est entre les mains de nos enfants, et que nous ne serons pas capables de bâtir un monde plus humain, si nous renonçons à leur apprendre les principes du travail décent et de la justice sociale.

Observer, Building and Wood Workers' International (BWI) – I would like to draw your attention to the situation of child labour in the brick kiln sector in Nepal. The work in brick kilns is hazardous in nature and widespread use of child labour is a cause of grave concern and undermines the Convention. The constitutional and legal safeguards have failed so far. This is despite the Nepal Labour Act 2017 and also the earlier Child Labour (Prohibition and Regulation) Act 2000 that prohibits children under 18 years old undertaking hazardous work.

The Government of Nepal also has in place the Second National Master Plan on Elimination of Child Labour (2018–2028).

I would like to cite the Nepal Child Labour Report 2021 that revealed that nearly 1.1 million children are involved in work, of which 200,000 children are involved in worst forms of child labour including in brick kilns. Further, another important report specifically on the brick kiln sector, jointly prepared by the CBS, the Government of Nepal, the ILO and UNICEF and is regarded as first nationally representative research on the brick kiln industry, reveals important statistics that expose prevalence of child labour, with 6,229 or 3.5 per cent of them in forced labour, among which 176,373 are manual labourers in the brick kilns (including family members). Further, it estimated 34,593 children (between the ages of 5 and 7) are living in brick kilns worksites and children account for approximately 10 per cent (17,738) of total workers. About 9.6 per cent, or 17,032 of these working children were identified as being in child labour.

This report validates the findings of Building and Wood Workers' International (BWI) affiliates in Nepal, that they have experienced in their outreach to brick kiln workers and have been raising constantly to relevant government authorities. Due to insecure and informal employment, the workers are often denied freedom of association resulting in low unionization that also undermines resolution of workers' grievances and realization of decent work in the sector.

Wage payment in the sector is largely through a piece-rate system that is abysmally low and pushes children to also contribute to the labour to augment their family income. When workers are employed in decent work and receive decent wages, children do not have to contribute to their labour to sustain their families. Child labour in the brick kiln sector is a serious symptom of a lack of decent work for adults and their families. Where the rights of adult workers are enshrined in ILO Conventions and are properly respected, household incomes are higher, and the children are more likely to be in school than at work. In addition, strong trade unions in the workplace and in the community are the most effective means to ensure that children and those workplaces and communities will not face exploitation.

Thus it is of critical importance to promote registration and distribution of ID cards for all informal sector workers through local governments and bring them under the coverage of the social security programmes.

Government representative – Thank you for the concern and the questions which are raised here on this floor. We respect and obey this decision which is raised here on this floor. We respect the obligations which we have. We respect the legislation we have.

The worst forms of child labour in Nepal are not due to only one single cause; we have various causes behind it. Poverty is the most influential there and the social structure is not so developed. We do not have the mechanisms for awareness-raising, and the sort of socio-economic background we have is very poor. These are the main causes and also we do not have a proper education system.

There are actions taken by the Government but it is not enough, and we feel that the strategy we have is not giving us the proper results. On the basis of the strategy we have, we have an action plan, and a viable master plan and we have lots of interventions in this area. As I already mentioned, it is not enough, and the result is very poor, I realize it.

Regarding the quantity of child labourers, we have gradually reduced the number of victims.

When we talk about the actions taken, we need direct intervention, as has been suggested to us. When I go back to Nepal, I will suggest this to the Government and the proper people, including the tripartite constituents governing all the labour issues, and with whom we will share these issues and react accordingly.

Eradicating poverty is the most important factor to address the whole scenario; skills development and awareness-raising are also important. The education system should be developed. We have the scenario that more than 97 per cent of children are going to school, but we still do not have quality education. This has an impact.

When we talk about the execution, the prosecution and sentences, we also have interventions. When we talk about the legal system, we have planned for the amendment of the Child Labour Act, in accordance with the Constitution. When we talk about the proper allocation of the budget, we can say it is not true.

Finally, your concern is very important to us, and your interventions are very important to us too. With regard to the intervention on child labour issues in Nepal, there is not only the issue of the worst form of child labour, there is also the issue of the children who have the right to go to school for a proper education. When we do not provide children with education, the children do not have analysing skills nor the proper knowledge. From the side of the Government, I take responsibility for that. I say thanks for your concern and suggestions, they are very important to us.

Miembros empleadores - Los miembros empleadores deseamos agradecer a los distintos oradores que han tomado la palabra, y en particular al Gobierno de Nepal, sus intervenciones y la información facilitada. En nuestras observaciones finales quisiéramos subrayar, una vez más, la importancia del Convenio y de su cumplimiento por parte de todos los Estados que lo han ratificado. Solo garantizando la fiel aplicación de sus disposiciones podremos erradicar las formas más deplorables de trabajo infantil y cumplir el objetivo de eliminar el trabajo infantil para 2025, tal y como se consagra en el ODS 8.7.

Si bien tomamos buena nota de los pasos adelante dados por el Gobierno tanto en la legislación como en la práctica, no podemos ignorar que es necesario un mayor esfuerzo a nivel nacional para aplicar plenamente el Convenio y alcanzar sus objetivos subyacentes. Por lo tanto, en línea con las recomendaciones de la Comisión de Expertos, los miembros empleadores deseamos solicitar al Gobierno de Nepal: que adopte un enfoque multicausal para acabar con el trabajo infantil y adopte políticas destinadas a abordar las causas profundas del trabajo infantil (la pobreza, el conflicto, las crisis, la falta de acceso a la protección social, la falta de acceso a la educación y también las circunstancias socioeconómicas que conducen a la explotación de los niños); que adopte políticas económicas que promuevan el desarrollo de las regiones con más factores de riesgo de trabajo infantil; que prosiga sus esfuerzos para garantizar que todos los niños y las niñas víctimas del trabajo en condiciones de servidumbre reciban servicios adecuados para su rehabilitación e integración social, incluido el acceso a la educación gratuita, básica y de calidad, y siga facilitando información sobre las medidas adoptadas a este respecto, así como sobre los niños y las niñas víctimas del trabajo en condiciones de servidumbre que hayan sido rehabilitados; que, asimismo, facilite información sobre la aplicación en la práctica de las sanciones relacionadas con los delitos recientemente introducidos en relación con los abusos sexuales a menores, así como sobre el número de casos denunciados, procesamientos y condenas llevados a cabo, y penas aplicadas, y que adopte medidas eficaces para retirar a los niños menores de 18 años de la explotación sexual comercial en la industria del espectáculo y de la industria del ladrillo, y que proporcione asistencia adecuada para su rehabilitación e integración social.

Por último, los miembros empleadores deseamos invitar al Gobierno a seguir recurriendo a la asistencia técnica de la OIT y a seguir colaborando con la Oficina, en particular a través de los proyectos e iniciativas existentes sobre la erradicación del trabajo infantil. Contamos con la colaboración del Gobierno de Nepal para la aplicación de las recomendaciones mencionadas sin demora, a fin de lograr el pleno respeto del Convenio en la legislación y en la práctica.

Worker members – The Government of Nepal has undoubtedly demonstrated its political will to tackle child labour and its worst forms through the adoption of the laws prohibiting child labour and of measures to protect, rehabilitate and reintegrate children victims of child labour. The Government also adopted a National Master Plan on the Elimination of Child Labour for the period of 2018–28.

Despite these efforts, too many children in Nepal remain exposed to child labour. Among the 7 million children between the ages of 5 and 17 in Nepal, 1.1 million children are found to be engaged in child labour, with a large prevalence in the agricultural sector. Children in Nepal are also vulnerable to the worst forms of child labour, including agricultural-based bonded labour practices, commercial sexual exploitation, and hazardous work in the brick kiln industry.

We note that according to a 2021 joint report of the ILO and the CBS, while the country has experienced a decrease in child labour over the last two decades, there is still a lot more to be done. The considerable number of working children and child labour shows a gap of proper implementation of laws and policies to eliminate child labour. The joint reports also points to the need to adopt a coordinated approach to implement laws and practices to fill the existing gaps on child labour and child protection in the country.

One of the key challenges for ending child labour in Nepal is the Government's lack of resources and capacity. The MoLESS is the focal ministry for child labour, but it lacks adequate resources to protect children.

We take due note of the efforts deployed by the Government of Nepal to address the issue of child labour and its worst forms. We echo the Committee of Experts' call to the Government to: strengthen its efforts to ensure that all child victims of bonded labour receive appropriate services for their rehabilitation and social integration, including access to education; provide support and assistance to children victims of trafficking; combat trafficking in children through investigations, prosecutions, and convictions; and facilitate access to free, basic, and quality education for all children, with a particular focus on girls and indigenous children.

The Government should also adopt effective and time-bound measures to remove children from commercial sexual exploitation in the entertainment industry and to provide them with the appropriate assistance to ensure their rehabilitation and social integration. To prevent all children from working in the brick kiln industry and to provide for their rehabilitation and social integration.

Noting that Nepal currently benefits from the technical assistance of the ILO, we invite the Government to continue to avail itself of it, focusing especially on providing capacity-building to the labour administration and other public authorities in charge of combating child labour and protecting children, and on reinforcing policy coherence and coordination at the national and regional level.

Considering that the National Master Plan is about halfway to its scheduled completion, a review of progress achieved and remaining gaps in implementation could be conducted.

Conclusions of the Committee

The Committee noted the written and oral information provided by the Government and the discussion that followed.

The Committee noted the initiatives taken by the Government to address the worst forms of child labour.

The Committee noted with deep concern the persistence of the phenomenon, including agricultural-based bonded labour, commercial sexual exploitation and hazardous work in the brick kiln industry.

Taking into account the discussion, the Committee requests the Government, in consultation with the social partners, to:

- eliminate the worst forms of child labour, notably in agriculture, the brick kiln industry and the entertainment industry, and to ensure that child victims of such hazardous work are removed from these situations and rehabilitated, particularly through access to free education and vocational training;
- scale up its efforts to end child labour through a multi-causal approach and adopt policies to address the root causes of child labour;
- continue its efforts to ensure that all child victims of bonded labour receive adequate services for their rehabilitation and social integration, including access to free, basic and quality education; and to continue to provide information on measures taken in this regard, as well as on child victims of bonded labour who have been rehabilitated;
- take effective and time-bound measures to remove children from commercial sexual exploitation, bonded labour in agriculture and hazardous work in the entertainment and brick kiln industry and to provide adequate assistance for their rehabilitation and social integration and provide information to the Committee of Experts on the measures taken in this regard and the results achieved, indicating the number of children under 18 years removed and rehabilitated;
- increase material resources to the Ministry of Labour, Employment and Social Security to help combat the worst forms of child labour;
- provide information to the Committee of Experts on the application in practice of section 72 in relation to sections 66(3)(d), (h), (j) of the Act Relating to Children, 2018 for the offences related to the use, procuring or offering of children for the production of pornography or pornographic performances, indicating the number of cases reported, prosecutions, convictions and penalties applied;
- re-double efforts to combat trafficking in children and provide information to the Committee of Experts on the activities undertaken by the Nepal Police and the High-level task force, in monitoring and identifying victims of trafficking, and on the number of cases of trafficking of children identified, investigations, prosecutions and convictions carried out and the penalties imposed;
- improve the functioning of the education system to facilitate access to free, basic and quality education for all children, particularly girls and indigenous children, and to take measures to increase the school enrolment, attendance and completion rates and to decrease the school drop-out rates, and provide information to the Committee of Experts on the measures taken in this regard, and on the results achieved; and

- **provide information on the practical implementation of sanctions related to the newly introduced offences of child sexual abuse, as well as on the number of cases reported, prosecutions and convictions carried out, and penalties applied.**

The Committee requests the Government to continue to avail itself of ILO technical assistance to ensure full compliance with the Convention without delay, focusing especially on:

- **providing capacity building to the labour administration, labour inspectorate and other public authorities in charge of combating child labour and protecting children; and**
- **reinforcing policy coherence and coordination at the national and regional level.**

The Committee requests the Government to provide information as requested by the Committee of Experts before 1 September 2023, together with detailed information on the measures taken to implement these recommendations.

Government representative – It is my great pleasure to have the opportunity to be here and provide remarks on the case of forced labour and bonded child labour, prevailing in Nepal, which needs immediate action from the side of the Government of Nepal. We read the conclusions and recommendations provided by the Committee, and we have some remarks.

The Government of Nepal has taken measures and actions which might not be enough in themselves to solve all these issues. We have good cognizance among employer and trade unions on the basis of ILO principles but it seems there are all kinds of reasons which can be reconsidered in the future.

All kinds of recommendations are seriously taken and there will be all of the required actions implemented in the future. A report will also be available to the secretariat within the time frame. The Government of Nepal is committed to materialize in actions, all of the solutions.