



Nepal

Annual Pathfinder Progress Report

May 2020 – April 2021

Contents

Introduction	1
Annual progress against roadmap priorities	2
Question 1: What progress against the national roadmap priorities since May 2020?	2
Question 2: What progress against the next steps identified for May 2020-April 2021?	6
Question 3: What main successes can be highlighted for Nepal between May 2020-April 2021?	9
Question 4: How did COVID-19 impact the implementation of the Pathfinder Country roadmap priorities?	9
Question 5: What other challenges did Nepal face in the implementation of its roadmap ?	9
Evidence of achieved progress	10
Question 6: What evidence is there of achieved progress?	10
Question 7: Stakeholders involved in assessing progress against the national Pathfinder roadmap priorities?	10
Value of the Pathfinder process	10
Question 8: What were the main highlights around the pathfinder process?	11
Way forward	11
Question 9: Is there a need to revise the Pathfinder Country roadmap priorities for Nepal?	11
Question 10: What next steps is Nepal planning to undertake until April 2022?	11
Question 11: In which areas would Nepal need support to reach its own roadmap priorities?	14
Question 12: What is Nepal's 2021 Action pledge for the Elimination of Child Labour? ..	14

Introduction

Pathfinder countries are those that commit to going further and faster to achieve the objectives of Target 8.7 of the Sustainable Development Goals. They are committed to accelerating efforts and willing to try new approaches from which others can learn to support Target 8.7's urgent deadlines. Pathfinder status is open to any country, regardless of development level.

As of April 2021, 25 countries globally have pathfinder status. Out of these 13 have established detailed roadmaps identifying priorities for action to achieve target 8.7.

To record pathfinder progress against established national roadmap priorities, the Alliance 8.7 SDG monitoring working group structured a voluntary reporting process for the Pathfinder countries. Through their 'Alliance 8.7 national focal points' pathfinder countries can respond to a set of 12 questions related to the implementation of their roadmaps.

This report provides the overview of Nepal's responses to these questions. It is divided in 4 sections:

1. **Annual progress against roadmap priorities:** The first section looks into the national priorities to eliminate Child Labour, Forced Labour and Human Trafficking and the next steps outlined in last year's pathfinder country report. Pathfinder countries provide a short progress report on each of their stated priorities and next steps and to report on challenges including but not limited to the Covid-19 pandemic.
2. **Evidence of achieved progress:** This second section allows reporting on the evidence of the achieved progress. It allows Pathfinder countries to provide insights into how the progress between May 2020 and April 2021 was assessed.
3. **Value of the Pathfinder process:** The third section provides the opportunity to reflect upon the Pathfinder process and help putting the results reported into context. This section allows countries to report on how the Pathfinder process may have helped them progressing towards their national priorities between May 2020 and April 2021.
4. **Way Forward:** This section allows to have an outlook on the next steps on a 12 months horizon towards the achievement of the country's priorities and to indicate whether the roadmap requires to be revised.

Annual progress against roadmap priorities

Pathfinder countries were asked to provide a short feedback on all their stated priorities and next steps and to report on challenges including but not limited to the Covid-19 pandemic.

Question 1: What progress against the national roadmap priorities since May 2020?

- ▶ **Priority 1: Align federal laws related to child labour with national laws by 2019 and ensure coherence between child labour policies and education laws, in terms of children's ages, to establish a coherent countrywide legal framework.**

Progress

The definition of children has been harmonized in the Child Act, 2018, and Child Labour (Prohibition and Regulation) Act, 2000, with the international definition of children as 18 years of age.

Draft bill to amend the Child Labour (Prohibition and Regulation) Act, 2000, to align it with the federal constitution of the country, has been forwarded to Cabinet for approval to pave ways to table it in the federal assembly. The major provisions of revision are:

- Defined roles and responsibilities of local government for elimination of child labour.
- Proposed increment in fines and imprisonment.
- Clear procedure for prosecution and legal action.
- Coverage of Child Labour (Prohibition and Regulation) Act increased from registered enterprises to all employers and employees who work for pay or profit. This provision harmonizes the Child Labour (Prohibition and Regulation) Act with the Labour Act, 2017

Challenge

Delay in approval of draft bill for revision of Child Labour (Prohibition and Regulation) Act, 2000 in Cabinet due to unstable political environment.

- ▶ **Priority 2: Establish committees for child labour inspection at the provincial and local levels, to complement workplace inspection systems.**

Progress

Committees to facilitate and coordinate child labour free local level are established in provincial and local level according to the arrangement made in Child Labour Free Local Level Guideline. 26 municipalities, which have submitted proposal in MoLESS to conduct child labour free program, these committees are operating to eliminate child labour. Committees will be established in other local levels in next fiscal year.

Challenge

- ▶ **Priority 3: Enhance monitoring capacity and establish local committees for child labour monitoring and rescue**

Progress

Capacity building training of labour inspectors, representatives of local governments, employers and trade union were carried out.

Committees to facilitate and coordinate child labour free local level are also responsible for monitoring and rescue of child labour. Vice chairpersons of the municipalities generally head these committees.

As per Local Governance Operation Act, 2017 Ward Committee are responsible for eliminating child labour.

Rescue, rehabilitation and reintegration is done as per Child Labour (Prohibition and Regulation) Act, 2000 by labour inspector in collaboration with central agencies like National Child Rights Council (NCRC) and other local stakeholders.

Child Labour Free Municipalities Declaration Procedures, 2020 has made a provision of the monitoring and evaluation committee under the chair of the chairman/mayor for overall program implementation and monitoring by local levels on child labour elimination.

A few municipalities such as Banepa are carrying out effective monitoring; these monitoring efforts need to be scaled up. Experiences of these municipalities need to be shared with other municipalities

Challenge

Heavy work load of the officials and personnel at local governments

Difficulties in resources for joint monitoring

Creating ownership and sustainability in child labour elimination programs in local levels.

- ▶ **Priority 4: Declare ten child labour free municipalities by 2020, to serve as example for other municipalities.**

Progress

Child Labour Free Municipalities Declaration Procedure, 2020 has been approved in December 2020.

Abiding by the provisions in this procedure, 26 municipalities have sent their proposals for implementing child labour elimination program in F/Y 2020/21, thereby declaring them to be child labour free.

The MoLESS, in coordination with different development partners, has selected 20 Municipalities for first phase of child labour free declaration program. The development organizations supporting this initiative are ILO, UNICEF and others. In the second phase,

MoLESS selected additional six Municipalities for this program. In total, MoLESS is currently conducting child labour free declaration program in 26 municipalities.

Few municipalities such as Chandragiri Municipality, Kathmandu, Dasharath Chand Municipality, Baitadi, Dipayal Silgadhi Municipality, Doti, Bhadrapur Municipality, Jhapa, Ratnanagar Municipality, Chitwan are on their way to achieve indicators for child labour free status.

Challenge (optional)

Due to lack of technical work force, some municipalities are facing difficulties on conducting base line survey.

Motivational incentives, resources and technical support for local government to declare child labour free.

Due to lack of technical work force, some municipalities are facing difficulties on conducting base line survey.

The second wave of Covid-19 has disrupted the intended field visits to orient the proposed municipalities for implementing the activities following guidelines.

- ▶ **Priority 5: Revise the Foreign Employment Act of 2008, and other related acts, to eliminate loopholes that leave room for abuse.**

Progress

Foreign Employment Act has been revised including these features:

- i. Nepali diplomatic missions in the destination countries empowered with the role of demand attestation so that the chances of workers being deceived is reduced in the destination countries.
- ii. Deposit amount and bank guarantee of manpower agencies license has been increased. Under Article 11 of the Foreign Employment Act, which relates to the licensing of all private institutions providing services related to foreign employment, the Department of Foreign Employment (DoFE) is in charge of collecting license fees and bank guarantees as a security deposit. This deposit is used by the DoFE as deposit money through which the DoFE provides migrants with compensation in the event of violations of the FEA. In the past the provision for the deposit was Nrs. 700,000 in cash (approximately USD 7,000) and a bank guarantee for a remaining Nrs. 2,300,000 (approximately USD 23,000). A new law has been introduced to increase the bank deposits required for Recruitment Agencies (RAs) to officially register/re-register themselves:
 - a. Any RAs aspiring to send up to 3,000 workers per year will have to deposit NPR. 500,000 (approx. USD 4,500) in cash and present a bank guarantee of NPR. 15 million (approx. USD135,000).

b. Any RAs aspiring to send between 3,000-5,000 workers per year have to deposit NPR. 10 million (approx. USD 9,000) in cash and present a bank guarantee of NPR. 30 million (approx. USD 270,000).

c. Any RAs aspiring to send 5,000 and above workers per year have to deposit NPR. 20 million (approx. USD 180,000) in cash and present a bank guarantee of NPR. 40 million (approx. USD 360,000).

This decision came as a move to reduce the number of new recruitment agencies to better regulate them. Mergers between recruitment agencies are being encouraged by the MoLESS. Additionally, a decision was passed to revoke the license of any RAs sending less than 100 workers a year for two consecutive year and another recent bill forbids two members of the same family to hold more than 1 license to operate a foreign employment business. This also applies in the case of renewal of license whereby pre-existing licenses can be revoked.

- iii. Revised act has allowed victims to register their complaints related to foreign employment on respective District Administration Offices. This provision is expected decentralize services related to access to justice with the aim of saving time, expenses and their effort.
- iv. In order to address the issue of lack of harmonization between the FEA and Human Trafficking and Transportation (Control) Act, 2007 (HTTCA), a MoU has been initiated between the Department of Foreign Employment and the Anti-Human Trafficking Bureau.
- v. On 29th September 2020, the Parliamentary Committee for Industry, Commerce, Labour and Consumer Welfare revoked its earlier recommendation for blanket ban of Nepali workers to go to Gulf countries and Malaysia as domestic workers. The new recommendations has been given to lift such blanket ban and allowing Nepali workers to go for domestic work fulfilling certain conditions. However, the following seven-pre conditions need to be met for this:
 - a. The destination countries should have a strong and separate law for ensuring services, conditions and protection of migrant domestic workers.
 - b. Nepal must have signed a bilateral agreement with labour receiving countries
 - c. Labour agreements should ensure workers' basic rights like wages, weekly and annual leave
 - d. Inclusion in social security mechanism in country of destination
 - e. Provisions on Occupational safety and health
 - f. Provisions on Working hours and additional benefits for extra work
 - g. 24-hour insurance coverage.

- ▶ **Priority 6: Establish bilateral agreements with destination countries to formalize a shared responsibility for labour recruitment issues and to protect migrant workers.**

Progress

Nepal conducted bilateral agreements with nine destination countries during this reporting period. They are South Korea, Japan, Malaysia, UAE, Bahrain, Israel, Jordan, Mauritius and Qatar. These agreements focus on safety, security and welfare of workers with special attention to female workers and make destination country responsible to take measures for the protection of workers from all forms of harassment, abuse and forced labour. Agreements also make destination countries responsible to ensure equal and fair treatment to Nepali workers in comparison to other foreign workers regarding wages, overtime, working conditions and access to justice. All the cost related to recruitment, employment and repatriation are to be borne by employer (employer pays principle) in agreements signed with Jordan, Malaysia, UAE and Mauritius

Challenge

Negotiation between two Governments on terms and conditions of the agreement.

- ▶ **Priority 7: Mainstream forced labour and human trafficking into regular data collection and integrate databases for an informed policy response.**

Progress

Designing of unified database system is underway in Ministry of Women, Children and Senior Citizens incorporating data of human trafficking and gender related violence. Latest Revision to Foreign Employment Act has provisioned Foreign Employment Management Information System (FEIMS) for data management of workers. FEIMS is an integrated information management system of regular migrant workers that has brought together all migration related authorities and agencies to the same platform

Challenge

Integration of databases among different ministries and agencies.

Question 2: What progress against the next steps identified for May 2020-April 2021?

In Nepal's 2019-2020 annual report, the following next steps were identified for the period May 2020-April 2021.

- ▶ **Next step 1**

Enhance the roles of Alliance 8.7 Secretariat with adequate human resource to collect information ongoing work on child labour, force labour and human trafficking. Capacitate members Alliance 8.7 for achieving SDG target 8.7 and monitoring and reporting plan on SDG 8.7 indicators.

Ongoing/partially achieved

Alliance 8.7 National Coordination Committee was set up on 29 October 2020 through ministerial level decision. Terms of Reference (ToR) for this committee have been finalized. Discussion is ongoing to hire two staff to coordinate the work of the Secretariat. This Secretariat will coordinate with relevant stakeholders, facilitate to organize meetings and prepare reports on the Alliance 8.7 initiatives.

▶ **Next step 2**

Develop an integrated work plan for coordinating with the Ministry of Labour, Employment and Social Security, Ministry of Women, and a work and the Ministry of Land Management.

Ongoing/partially achieved

Alliance 8.7 National Coordination Meeting was held on 24 November 2020 at Ministry of Labour, Employment and Social Security. Action plan drafting committee has been formed through this meeting. Committee is still working on drafting action plan.

▶ **Next step 3**

Continue public awareness campaign to end child labour, forced labour and trafficking

Ongoing

- Orientation on Child Labour Free Municipality declaration provided to the officials and other stakeholders in nine districts. All key stakeholders (officials of municipal governments, representatives of workers' and employers' organizations as well as local civil society organizations within each district participated in these orientation/awareness programs)
- Human trafficking control related PSA and jingles are being broadcasted through Radio/FM
- Psychosocial counselling and positive thinking building program for victims of human trafficking has been concluded in Sindhupalchok and Banke district.
- Various organizations supported to air messages on prevention of child labour through radio.

▶ **Next step 4**

Intensify labour inspection and monitor legal compliance at province levels

Ongoing/partially achieved

Target for this fiscal year is 1500 child labour inspection at establishment. Labour inspection is being conducted through Labour and Occupational Health Safety Department and 11 Labour offices. It is ongoing.

▶ **Next step 5**

Publish National Child Labour Status Report by October 2020, which includes Child labour status report derived from Nepal labour Force Survey 2017/18, Employment Relationship in Brick Industries in Nepal, 2019 and Employment relationship in Carpet and Garment Industries (production units only).

Achieved

The National Child Labour Status Report can be found [here](#) and the Employment Relationship in Brick Industries in Nepal, 2019 [here](#).

▶ **Next step 6**

Finalize Guidelines on Declaring Child labour Free Municipalities by September 2020 and declare at least 10 municipalities as Child labour free municipality by 2021 as a pilot initiative in collaboration with all concerned stakeholders.

Ongoing/partially achieved

Child Labour Free Municipalities Declaration Procedure, 2020 has been approved in December 2020.

Abiding by the provisions in this procedure, 26 municipalities have proposed for implementing child labour elimination program in F/Y 2020/21.

Out of 26, twenty Municipalities have been selected for first phase of child labour free declaration program. Different development partners like ILO and UNICEF are also providing additional support to these municipalities.

▶ **Next step 7**

Integrate activities of child labour, human trafficking and bonded labour through inter-ministerial and coordination at province levels.

Ongoing/partially achieved

Inter-ministerial meeting held at the Ministry of Labour, Employment and Social Security. Decisions of meeting are to establish a taskforce to achieve SDG goal 8.7 and collection of data from different ministries. Meeting's decisions are yet to be implemented

▶ **Next step 8**

Continue implementing programmes in partnership with development partners to reduce vulnerabilities to child labour.

Ongoing/partially achieved

Ministry of Labour, Employment and Social Security is implementing child labour free municipality declaration program in partnership with ILO, UNICEF, and Shapla Neer. Development partners are supporting local levels technically as well as financially on declaring them free from child labour.

Question 3: What main successes can be highlighted for Nepal between May 2020-April 2021?

▶ **Main successes related to pathfinder national priorities and next steps between May 2020 and April 2021 to be highlighted (e.g. on the Alliance 8.7 homepage, Alliance 8.7 reports)**

1014 human trafficking victims (938 national and 76 international) have been rescued in coordination with different agencies. (Source: Ministry of Women Children and Senior Citizens.)

Human Trafficking and Transportation (Control) Act, 2008 amendment process has been started in accordance with Palermo Protocol. The draft Act has been forwarded to different ministries for their opinions and comments.

20 Municipalities have been selected for child labour free declaration program and the criteria has been developed and adopted.

27321 free Kamaiya and 13955 free Haliya families have been provided various services including livelihood. (Source: Ministry Land Management, Cooperatives and Poverty Alleviation)

Agreement for providing livelihoods support for victims of other forms of bonded labour, Haruwa Charuwa, is underway with support from ILO.

Question 4: How did COVID-19 impact the implementation of the Pathfinder Country roadmap priorities?

Difficulties in rescuing victims of human trafficking from abroad.

Risk of increase of human trafficking and transportation due to loss of employment opportunities.

Rescue of child labour and victims of human trafficking has been affected due to inadequate quarantine homes.

Child labour free municipality declaration program has been affected due to local government officials' involvement in the management of Covid-19 crisis and limited mobility of development partner officials.

Question 5: What other challenges did Nepal face in the implementation of its roadmap ?

Lack of job opportunities in the domestic labour market is a problem, increasing the likelihood to migrate and ending trapped in human trafficking for forced labour as well as household's vulnerability, which might push children into child labour. Still huge number of child laborer involved in hazardous work

Harmonization between efforts of development partners, provincial governments, and local levels in elimination of child labour and human trafficking control.

Evidence of achieved progress

This second section allows reporting on the evidence of the achieved progress. It allows Pathfinder countries to provide insights into how the progress between May 2020 and April 2021 was assessed.

Question 6: What evidence is there of achieved progress?

Nepal used the following types of evidence to ascertain the progress achieved:

- Human trafficking control related information from Ministry of Women, Children and Senior Citizens
- Forced labour/bonded labour related information from Ministry of Land Management, Cooperatives and Poverty Alleviation
- Child labour related information from Ministry of Labour, Employment and Social Security, Central Bureau of Statistics.
- Evidence was collected from official letter, reports.

Question 7: Stakeholders involved in assessing progress against the national Pathfinder roadmap priorities?

- ▶ **National partners involved in assessing the progress against the national priorities identified in the Pathfinder roadmap priorities included:**
 - Ministry of Home Affairs and Nepal Police were involved in human trafficking control.
 - Ministry of Women, Children and Senior Citizens.
 - Ministry of Home Affairs
 - Nepal Police
 - National Child Rights Council
 - Local Governments
 - Ministry of Land Management, Cooperatives and Poverty Alleviation
 - Department of Foreign Employment.
 - Department of Labour and Occupational Health Safety
 - Labour Offices.
 - NGOs: CWIN Nepal, Child Development Society(CDS)
- ▶ **International partners involved in assessing the progress against the national priorities:**
 - ILO
 - UNICEF
 - Shapla Neer
 - World Vision International

Value of the Pathfinder process

The third section provides the opportunity to reflect upon the Pathfinder process and help putting the results reported into context. This section allows PATHFINDER COUNTRYs to report

how Pathfinder process may have helped them progressing towards their national priorities between May 2020 and April 2021.

Question 8: What were the main highlights around the pathfinder process?

▶ **Increased collaboration on SDG 8.7 with international partners,**

UNICEF on child labour free local Government program. Orientation with local officials was conducted in 7 different districts in collaboration with UNICEF.

ILO on child labour free local government program.

International civil society organizations: In collaboration with Shapla Neer orientation with local officials was conducted in Sarlahi and Makawanpur district.

▶ **Increased collaboration on SDG 8.7 with domestic partners**

With the Ministry of Land Management Cooperatives and Poverty Elimination on rehabilitation of freed bonded labourers. With Ministry of Women Children and Senior Citizens on human trafficking control.

▶ **Nepal supported sub-regional/regional/global initiatives on the elimination of child labour, forced labour and human trafficking?**

Sponsoring, convening or chairing initiatives and events to accelerate action

Way forward

This section allows pathfinder countries to indicate whether the roadmap requires to be revised and to have an outlook on the next steps to achieve your priorities on a 12 months horizon. Please note that the next steps will be used for the pathfinder report next year.

Question 9: Is there a need to revise the Pathfinder Country roadmap priorities for Nepal?

Yes, need to update the priorities:

- Priority 5 needs to be revised.
- In case of priority 5, Foreign Employment Act, 2008 has already been revised.

Question 10: What next steps is Nepal planning to undertake until April 2022?

▶ **Next step 1**

Enhance the roles of Alliance 8.7 Secretariat

April 2022 targets

Enhance the roles of Alliance 8.7 Secretariat with adequate human resource to collect information of the ongoing work on child labour, force labour and human trafficking. Capacitate members of Alliance 8.7 for achieving SDG target 8.7 and monitoring and reporting plan on SDG 8.7 indicators.

Evidence of achieved step

- A Focal person from Ministry of Labour, Employment and Social Security, Ministry of Women, Children and Senior Citizens and Ministry of Land Management, Cooperatives and Poverty Alleviation is appointed.
- Alliance 8.7 national coordinating committee meeting will be held every 3 months.

Area of Work

Child Labour, Forced Labour, Human Trafficking

▶ Next step 2

Develop an integrated work plan for 2021 coordinating with the Ministry of Labour, Employment and Social Security, Ministry of Women and Children and the Ministry of Land Management.

April 2022 targets

- Work plan from each ministry and development partners initially in two sectors (child labour and forced labour) will be collected and finalized through the National Coordinating Committee meeting by September 2021.

Area of Work

Child Labour, Forced Labour

▶ Next step 3

Continue public awareness campaign to end child labour, forced labour and trafficking.

Evidence of achieved step

- Psychosocial counselling for victims of human trafficking.
- Audio visual content and Radio jingles will be broadcasted through national media.
- Publication of “Child Labour Status Reports” from each municipalities that are implementing child labour free declaration programmes.
- Orientation on child labour free municipality declaration program for officials and representatives of local levels.

Area of Work

Child Labour, Forced Labour, Human Trafficking

▶ **Next step 4**

Intensify labour inspection and monitor legal compliance at province levels.

April 2022 targets

- 2000 establishments will be inspected in next fiscal year 2021/22

Area of Work

Child Labour

▶ **Next step 5**

Declare at least 20 municipalities as child labour free municipality in collaboration with all concerned stakeholders.

April 2022 targets

- Declare at least 20 municipalities as child labour free. Child labour free municipalities will be those municipalities achieving all the indicators in Child Labour Free Local Government , Procedure 2020.
- Launch child labour free declaration program in 50 municipalities. In these 50 municipalities different programs will be conducted aiming to achieve child labour free status. Programs will be carried out on the basis of Child Labour Free Local Government , Procedure 2020.

Area of Work

Child Labour

▶ **Next step 6**

Establish district level committee on human trafficking and transportation control in accordance with Human Trafficking and Transportation Control Regulation, 2065

Area of Work

Human Trafficking

▶ **Next step 7**

Continue implementing programmes in partnership with development partners to reduce vulnerabilities to child labour.

April 2022 targets

- Develop public awareness campaign materials (Animated films, radio jingles, posters and pamphlets) in both, Nepali and English languages by the end of the next fiscal year (by mid-July 2022)
- Dissemination of the campaign materials in all municipalities that are launching child labour free declaration programmes.

Area of Work

Child Labour

Question 11: In which areas would Nepal need support to reach its own roadmap priorities?

- The alliance 8.7 secretariat housed in the MoLESS needs a full-time alliance 8.7 coordinator who will coordinate, liaise as well as report the activities in Nepal as pathfinder country.
- Skill enhancing training and psychosocial counselling program for victims of human trafficking.
- Extension of child labour free declaration program in 50 municipalities (technical assistance for capacity building of all stakeholders to be involved in child labour elimination initiatives, especially for the officials of selected municipalities).
- Rescue, rehabilitation, reintegration of child labour (sharing of successful models and funding support for reintegration to demonstrate as a pilot)
- Support to the Secretariat for developing digital information recording system of ongoing work, stakeholders and monitoring the progress in this field.

Question 12: What is Nepal's 2021 Action pledge for the Elimination of Child Labour?

2021 has been declared the International Year for the Elimination of Child Labour. The ILO and Partners asked stakeholders to choose a specific action that contributes to ending child labour and which can be achieved by December 2021. Pathfinder Countries play hereby an important role to bring the Act, Inspire and Scale Up to life.

▶ Nepal 2021 action pledge

Extension of the Child Labour Free Local Level (Government) Declaration program in 50 Municipalities

▶ Short description of Action Pledge

The Government of Nepal has been implementing National Master Plan of Child Labour Elimination aligning with the target of SDGs. Child Labour Free (CLF) Local Level Declaration program has been started in the fiscal year of 2020/2021 with twenty-five local level. Medium Term Expenditure Framework (FY 2020/21-2022/23), Government of Nepal set targets of 175 local levels to declare Child Labour Free Local Level within three year. Ministry

of Labour, Employment and Social Security (MoLESS) has proposed different programs to support Local Levels on declaration process.

Nepal's Action Pledge can be found [here](#).