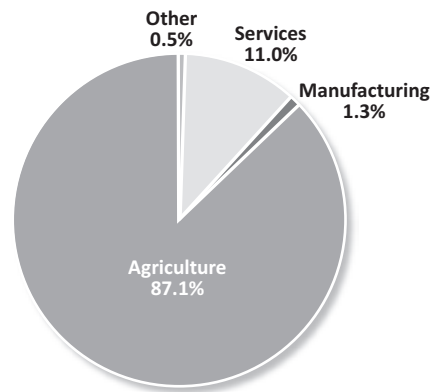


Nepal

The Government of Nepal has improved access to schooling as a means to combat the worst forms of child labor. Despite these efforts, the worst forms of child labor remain a significant problem. Nepal's lack of compulsory education, low minimum working age, and inadequate enforcement of labor laws contribute to children performing dangerous work in a number of sectors, most commonly in agriculture, and children continue to be trapped in bonded labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	39.6%
Attending School	5-14 yrs.	69.2%
Combining Work and School		Unavailable



Prevalence and Distribution of the Worst Forms of Child Labor³⁶¹⁷

Children are exploited in the worst forms of child labor in Nepal; more than three quarters of them are engaged in agriculture, which may expose them, to occupational safety risks including dangerous machinery and tools, heavy loads, and harmful pesticides.³⁶¹⁸ Children also work in the production of bricks where they often work in dust-filled environments, carry loads of bricks on their heads, and suffer back injuries.³⁶¹⁹ Children are also found in mining and stone breaking, where dangers include falling off steep hillsides and working in unstable tunnels at risk of collapse. These children also risk eye and hand injuries while breaking rocks.³⁶²⁰ In the construction sector, children operate heavy machinery and may face dangers due to a lack of proper safety precautions.³⁶²¹ Child rag pickers and recyclers in Nepal are exposed to sharp glass, metal objects, and dangerous chemicals, and work long hours often in both the early morning and late evening collecting items to recycle.³⁶²²

Children endure unsafe conditions in the carpet sector where they often inhale harmful dust, are exposed to harmful chemicals, and work in cramped spaces.

The duties children perform in the carpet sector can include wool spinning, thread rolling, wool dyeing, carpet weaving, trimming, and carpet washing.³⁶²³ Children also are subject to long hours in poor lighting and cramped working conditions in zari (embroidered textile) production.³⁶²⁴ Child porters carry heavy loads for long hours and are vulnerable to injuries.³⁶²⁵ Children in Nepal also work as domestics, in shops and restaurants, transportation and in the entertainment sector exposed to health and safety risks that may include dangerous machinery, mental or physical abuse, and working long hours well into the night.³⁶²⁶

Other worst forms of child labor in Nepal include bonded labor. There are two kinds of child bonded laborers in Nepal: *Kamaiyas*, who are born into a family legacy of bonded labor and other bonded child laborers, who commonly come from large, landless families.³⁶²⁷ As bonded laborers, children work in carpet-weaving, domestic service, rock breaking, brick manufacturing, and embroidery of textiles.³⁶²⁸ Bonded child laborers can also be exploited as commercial sex workers.³⁶²⁹

Nepali children are also vulnerable to being trafficked. They are trafficked to India to work in embroidery and

garment industries and metal workshops. Some also serve as domestics or are forced to beg.³⁶³⁰ Nepal is also a source country for children trafficked to India and the Middle East for commercial sexual exploitation. Internal trafficking occurs for commercial sexual exploitation and involuntary servitude as domestic servants or factory workers.³⁶³¹

In February 2010, the Communist Party of Nepal-Maoist released the last of the 3,000 individuals who had been recruited as children, often forcibly, to serve in combat and in various battlefield support functions.³⁶³² While there has been a reduction in children’s involvement in armed conflict, children continue to perform criminal roles in criminal organizations in the Terai area.³⁶³³

In July 2009 the Government released a report on child labor based on data from the 2008 Labor Force Survey which reported a reduction in the number of children working in hazardous conditions.³⁶³⁴

Laws and Regulations on the Worst Forms of Child Labor






The Child Labour (Prohibition and Regulation) Act of 2000, establishes the minimum age for work at 14 and the minimum age for hazardous work at 16. Penalties for violating the law include imprisonment.³⁶³⁵

However the Government has yet to finalize a list defining hazardous work.³⁶³⁶ Additionally, the absence of compulsory education laws may push children into the worst forms of child labor.

Nepali law also prohibits forced or compulsory labor. The Kamaiya Labor (Prohibition) Act of 2002 forbids keeping or employing any person as a bonded laborer and cancels any unpaid loans or bonds between creditors and Kamaiya (bonded) laborers.³⁶³⁷

Finally, the Government has laws against trafficking and sexual exploiting children and involving children in illicit activities. The Trafficking in Person and Transportation Control Act prohibits trafficking in persons and prostitution and prescribes imprisonment for violations.³⁶³⁸ Another law, the Children’s Act punishes persons who use children under age of 16 in immoral activities, including taking and distributing pornographic photographs.³⁶³⁹ This law also protects children under age 16 from involvement in “immoral professions” and in the sale, distribution, or trafficking

of alcohol and drugs.³⁶⁴⁰ However children age 16 and 17 are vulnerable under the law. They are the ones who may face criminal penalties if found in activities such as prostitution and the sale of drugs. Further, there is no prohibition against taking of pornographic photographs of children age 16 and 17.³⁶⁴¹ The voluntary military recruitment age in Nepal is 18.³⁶⁴²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	No
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee and a high-level inter-ministerial committee coordinate child labor eradication efforts. The National Steering Committee is headed by the Ministry of Labor and Transport Management (MoLTM) and is comprised of other Government departments. However, these committees have not met in two years.³⁶⁴³

The National Human Rights Commission’s Office of the National Rapporteur on Trafficking is responsible for monitoring the government’s response to trafficking and the effectiveness of its anti-trafficking policies.³⁶⁴⁴

The MoLTM is the primary federal agency responsible for enforcing child labor laws.³⁶⁴⁵ In 2009, the MoLTM employed only 10 labor inspectors nationwide.³⁶⁴⁶ These inspectors must handle all types of labor code

violations.³⁶⁴⁷ They also lack the authority to monitor the types of non-traditional establishments where many child laborers are found. These include home-based enterprises and non-registered establishments in the informal and agricultural sectors.³⁶⁴⁸ All 10 labor inspectors received basic training for enforcement in the formal sector.³⁶⁴⁹ The Department of Labor, which houses the labor inspectorate, is the part of the MoLTM with the smallest annual budget (\$127,000).³⁶⁵⁰ It carried out 1,198 inspections from July 2008 to July 2009.³⁶⁵¹ MoLTM does not maintain records on the types of labor inspections it conducts or the sanctions imposed. Therefore it is unclear whether child labor violations were found or perpetrators punished.³⁶⁵²

At the local level, District Child Welfare Boards (DCWBs) have some limited legal authority to enforce child labor laws and may level civil fines.³⁶⁵³ These DCWBs are the entities that receive complaints of forced child labor violations. However, the Government maintains no data on the number of cases reported.³⁶⁵⁴

The Ministry of Land Reform and Management is responsible for enforcing laws against bonded labor laws in agriculture.³⁶⁵⁵ During the reporting period, in accordance with the Kamaiya Prohibition Act, the Government provided rehabilitation services to 4,870 adult Kamaiyas (bonded laborers).³⁶⁵⁶

The Ministry of Home Affairs and the Ministry of Law's Office of the Attorney General are responsible for anti-trafficking enforcement.³⁶⁵⁷ Women and Children's Service Centers (WCSC) at the district level investigate crimes against women and children including trafficking.³⁶⁵⁸ However, as of February 2010, they employed only 56 investigators nationwide. From January 2008 to February 2009, 139 trafficking cases were reported and 68 people were arrested and prosecuted for trafficking offenses.³⁶⁵⁹ Information on the number of child trafficking victims was unavailable as the government does not disaggregate cases of child trafficking victims.

The National Rapporteur on Trafficking is tasked with monitoring the enforcement of laws related to the commercial sexual exploitation of children at the national level.³⁶⁶⁰ In 2009, the Supreme Court ordered the formation of district-level Monitoring and Action Committees to investigate reports of commercial sexual exploitation, including the exploitation of children.³⁶⁶¹

Government Policies on the Worst Forms of Child Labor

MoLTM's National Master Plan on Child Labor, 2004-2014, calls for eliminating the worst forms of child labor by 2009 and all forms of child labor by 2014. The Government is currently in the process of revising this plan but does not plan to adjust its goal of eliminating all forms of child labor by 2014.³⁶⁶²

The Government also has a National Plan of Action to Combat Trafficking.³⁶⁶³ Forty-one women's police units, in conjunction with NGOs, help provide referral services to trafficking victims including girls. NGOs have also received limited funding to provide rehabilitation, medical care, and legal services to trafficking victims.³⁶⁶⁴ The Government provided financial assistance to raise awareness on trafficking in 26 high-risk districts.³⁶⁶⁵

In August 2009, the Government approved its School Sector Reform Plan, which aims to expand access to education and provide alternative schooling, and non-formal education. Out-of-school children (which include child laborers) are the primary beneficiaries identified in the plan.³⁶⁶⁶ The National Planning Commission's 2007 Interim Three-Year Plan addresses hazardous child labor through a social awareness and re-integration campaign. It addresses child labor by expanding education opportunities to working children, and providing skills training to youth over age 14 who may be especially vulnerable.³⁶⁶⁷ However, the Government allocated a mere \$68,000 to address the hazardous child labor eradication portion of the plan.³⁶⁶⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Nepal relies largely on donor funding for programs to address the worst forms of child labor. In June 2001, the Government of Nepal became the first country in South Asia and one of the first three countries in the world to launch a Time-Bound Program (TBP) to end the worst forms of child labor.³⁶⁶⁹ The Nepal TBP was largely financed by USDOL.³⁶⁷⁰ The TBP provided education services and other support to withdraw and prevent children from exploitive work in the following sectors: porters, recyclers/rag-pickers, domestic servants, carpet factory workers, mine/quarry workers, former bonded

laborers, brick factory workers, transport workers, restaurant-entertainment workers, and children affected by the civil war. The program also achieved important advancements in raising public awareness and successfully advocated for legislative reforms.³⁶⁷¹

The Government is participating in two additional projects funded by USDOL. First, the 3-year, \$4.25 million, New Path New Steps, runs through December 2012.³⁶⁷² This project provides new learning and employment opportunities for exploited and at-risk children and aims to withdraw 8,000 children and prevent 7,000 children from commercial sexual exploitation, domestic service, brick factories, mining, portering, and the embroidered textile sectors.³⁶⁷³

The Government is also participating in a USDOL-funded project to assist former child bonded laborers and their families, which concludes in December 2010. This project aims to withdraw 3,000 children and prevent 6,600 children from exploitive labor.³⁶⁷⁴ The

Government is also participating in a UNICEF funded \$550,000 two-and-a-half-year project to support efforts to withdraw 1,000 children from the worst forms of child labor through skills development, awareness raising, and improved enforcement.³⁶⁷⁵

Through an UNICEF-funded project, the Government is also providing rehabilitation assistance to children formerly associated with the Maoist rebel forces. Each former child soldier is entitled to receive \$140 and access to rehabilitation services which may include formal schooling, vocational training, health education training, and small business training.³⁶⁷⁶

Since 2001, the Government has rescued and rehabilitated freed Kamaiya bonded laborers, some of whom are children, providing them with land, home construction materials, and livelihood training. In 2009, the Government provided rehabilitation services and support to 4,870 former Kamaiyas,³⁶⁷⁷ However not all freed Kamaiyas have received these services.³⁶⁷⁸

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Nepal:

IN THE AREAS OF LAWS AND REGULATIONS:

- Amend the following laws so that they are in line with ILO Convention 182.
 - Raise the minimum age for entry into hazardous work from ages 16 to 18 and finalize the list of hazardous work as prescribed by ILO Convention 182 on the Worst Forms of Child Labor.
 - Legally define a child as any person under age 18 years so that all children are equally protected under the law.
- Establish a compulsory education age for children.

IN THE AREAS OF COORDINATION AND ENFORCEMENT:

- Establish routine meeting schedules for the National Steering Committee on child labor per requirements in the National Master Plan.
- Increase the number of labor inspectors responsible for child labor and devote more resources to enforcement of child labor laws.
- Address the gap in child labor enforcement in home-based enterprises and non-registered establishments in the informal and agricultural sectors.
- Enhance data collection on the worst forms of child labor to include:
 - Aggregate complaints/reports on child labor made to the District Welfare Boards at a national level;
 - Maintain records on type of labor inspections the MoLVT conducts;
 - Disaggregate data collected by district level WDO's to identify the number of child trafficking victims.

IN THE AREA OF POLICIES:

- Allocate adequate funding to implement the revised National Master Plan on Child Labor, 2004-2014.

IN THE AREA OF PROGRAMS:

- Undertake an in-depth study on the trafficking in children to assess its scope and root causes to develop effective monitoring strategies, and adopt measures to prevent and eliminate it.
- Expand existing programs to assist Kamaiya bonded child laborers.

³⁶¹⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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³⁶¹⁹ World Education, *Children Working in Brick Factories - Child Labour Status Report 2009*, 2009, 7. See also World Education, *Naya Bato Naya Paila (New Path New Steps) Project Document*, Boston, September 30, 2009, 13.

³⁶²⁰ World Education, *Children Working in Mining Industry - Child Labour Status Report 2009*, 2009, 2. See also World Education, *New Path New Steps, Project Document 13*.

³⁶²¹ U.S. Embassy- Kathmandu, *reporting*, February 9, 2010, 1-2. See also World Education, *The Brighter Futures Program Summary Report 2002-2009*, 2009, 4. See also

World Education, *New Path New Steps, Project Document* 14, 15.

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³⁶²³ World Education, *Children Working in Carpet Industry - Child Labour Status Report 2009*, 2009, 5.

³⁶²⁴ World Education, *New Path New Steps, Project Document* 14. See also Macro International, *In-Country Research and Data Collection on Forced Labor and Child Labor in the Production of Goods in Nepal*, 2008, 2.

³⁶²⁵ World Education, *Children Working in Porterage - Child Labour Status Report 2009*, 2009, 4. See also Brian Crawford Shannon Doocy, Daniela Lewy, and Earl Wall, “Nutrition and Injury Among Child Porters in Eastern Nepal,” (2005), 18; available from http://www.dtiassociates.com/ilab-iclp/fullpapers/Doocy_Crawford_Lewy_Wall.pdf.

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³⁶²⁷ ILO-IPEC, *Sustainable Elimination of Child Bonded Labour in Nepal Phase II*, Project Document, Geneva, 2006, 6. See also William F. Stafford Jr., *Understanding Bonded Child Labour in Asia*, Child Workers in Asia, Bangkok, 2007, 23-25; available from http://www.crin.org/docs/CWA_%20UnderstandingBondedChildLabour.pdf. See also Macro International, *In-Country Research: Nepal*, 2.

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³⁶²⁹ William F. Stafford Jr., *Bonded Child Labour in Asia*, 23-25.

³⁶³⁰ U.S. Department of State, “Nepal,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136091.htm>. See also U.S. Embassy-Kathmandu, *reporting, February 9, 2010*, 3.

³⁶³¹ U.S. Department of State, “Nepal (Tier 2),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123363.pdf>. See also U.S. Department of State, “Country Reports- 2009: Nepal,” section 5.

³⁶³² UN News Centre, *Nepal: UN hails release of all child soldiers by Maoists* [February 8, 2010 [cited May 9, 2010]; available from <http://www.un.org/apps/news/story.asp?NewsID=33696&Cr=Nepal&Cr1#>. See also UNICEF, *Last group of Maoist child soldiers discharged in Nepal*, [online] February 17, 2010 [cited May 9, 2010]; available from http://www.unicef.org/infobycountry/nepal_52791.html.

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³⁶³⁴ Government of Nepal, “Labour Force Survey 2008,” iv.

³⁶³⁵ Government of Nepal, *The Kamaiya Labor (Prohibition) Act*, (2002), chapter 2, section 3.

³⁶³⁶ U.S. Embassy- Kathmandu, *reporting, February 9, 2010*, 3. See also Government of Nepal, *Child Labor (Prohibition and Regulation) Act*, No. 14, (2000), chapter 1, section 2 (b); available from http://www.nepaldemocracy.org/documents/national_laws/childlabour_act.htm.

³⁶³⁷ Government of Nepal, *The Kamaiya Labor (Prohibition) Act*, chapter 2 and 3.

³⁶³⁸ Government of Nepal, *Trafficking in Person and Transportation (Control) Act*, 2064 Bikram Era, (2007), article 15(a).

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