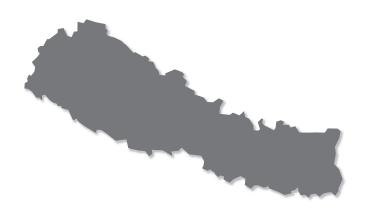
Nepal

The Government of Nepal continues to improve access to schooling as a means to combat the worst forms of child labor. However, the worst forms of child labor remain a significant problem. Nepal's low minimum age for hazardous work contributes to children performing dangerous work in a number of sectors, most commonly in agriculture. Children also continue to be trapped in bonded labor.



Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Distribution of the Worst Forms of Child Labor

Children in Nepal are engaged in the worst forms of child labor; 4197 more than three quarters of child laborers work in agriculture, which may expose them to occupational safety risks including dangerous machinery and tools, heavy loads, and harmful pesticides. 4198 Children also work in the production of bricks, spending long hours in dustfilled environments. They carry loads of bricks on their heads and suffer from back injuries. 4199 Children are also found working in mining and stone breaking, dangers from which include falling off steep hillsides, working in unstable tunnels at risk of collapse and injuring eyes and hands while breaking rocks. 4200 In the construction sector, children operate heavy machinery and may face many dangers due to a lack of proper safety precautions. 4201 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.4202

Children endure unsafe conditions in the carpet sector, often inhaling harmful dust, using

hazardous chemicals and working in cramped spaces. Their duties can include wool spinning, thread rolling, wool dying, carpet weaving, edge trimming and carpet washing. Along Children are also subject to working long hours in poor lighting and cramped working conditions in *zari* (embroidered textile) production. Along hours and are vulnerable to injuries. Children also work in domestic service, in shops and restaurants, in transportation and in the entertainment sector, potentially exposing them to dangerous machinery, mental or physical abuse and working long hours into the night.

Bonded labor is also prevalent in Nepal. 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. ⁴²⁰⁷ As bonded laborers, children work in carpet weaving, domestic service, rock breaking, brick manufacturing and embroidery of textiles. ⁴²⁰⁸ Bonded child laborers can also be exploited as commercial sex workers. ⁴²⁰⁹

Nepali children are also vulnerable to being trafficked. They are trafficked to India to work in the embroidery and garment industries, in circuses and in metal workshops. Some also work in domestic service or are forced to beg. Pepal 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 indentured work as domestic servants or factory workers.

In February 2010, the Communist Party of Nepal-Maoist released the last of the 3,000 individuals who had been recruited by the Maoists as children, often forcibly, to serve in combat and in various battlefield support functions. 4213 While there has been a reduction in children's involvement in armed conflict, children continue to perform illegal tasks for criminal organizations involved in violence in the Terai area. 4214

Laws and Regulations on the Worst Forms of Child Labor

The Child Labor (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. The minimum age for hazardous work is not consistent with international standards and fails to protect children ages 16 and 17 from work that could jeopardize their health and safety.

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 laborers. 4216 The voluntary military recruitment age in Nepal is 18.4217

Finally, the Government has laws against trafficking and sexually exploiting children and involving children in illicit activities. The Trafficking in Person and Transportation Control Act prohibits trafficking in persons and

MION	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

prostitution and prescribes imprisonment for violations. Act, punishes persons who use children younger than 16 in immoral activities, including taking pornographic photographs. This law also protects children younger than 16 from involvement in "immoral professions" and in the sale, distribution, or trafficking of alcohol and drugs. However children ages 16 and 17 are not covered. These children may face criminal penalties if found in activities such as prostitution and the sale of drugs. Further, there is no prohibition against taking pornographic photographs of children ages 16 and 17. Activities are protected.

While education is not compulsory in Nepal, the law guarantees the right to free primary education for children between the ages of 6 and 12. 4222 However, in practice, the costs of teacher fees, books and uniforms are prohibitive for many families, and some children are not sent to school. 4223 Additionally, the absence of compulsory education laws may push children into the worst forms of child labor.

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee and a highlevel 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.⁴²²⁴

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. 4225

MoLTM is the primary national agency responsible for enforcing child labor laws. 4226 MoLTM's Department of Labor, which is responsible for the labor inspectorate, operates on an annual budget of \$127,000. This is the smallest budget of any department within MoLTM. 4227 In 2010, MoLTM budgeted for 12 labor inspector positions nationwide, although some of these positions remained vacant. 4228 Inspectors are tasked with handling all types of labor code violations. 4229 However, they lack the authority to monitor the types of nontraditional establishments where many child laborers are found, including home-based enterprises and nonregistered establishments in the informal and agricultural sectors. 4230 Labor inspectors received basic training for enforcement in the formal sector. 4231 MoLTM does not maintain records on the number or types of labor inspections it conducts or the sanctions imposed. Therefore it is unclear whether child labor violations were found or any perpetrators were punished.4232

At the local level, District Child Welfare Boards (DCWBs) have limited legal authority to enforce child labor laws and may issue civil fines. 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. 234

The Ministry of Land Reform and Management is responsible for enforcing laws that prohibit bonded labor laws in agriculture. The Ministry of Law's Office of the Attorney General and the Ministry of Home Affairs are responsible for antitrafficking enforcement. Women and Children's Service Centers (WCSC) at the district level investigate crimes against women and children including trafficking. However, as of February 2011, they employed only 56 investigators nationwide. Law enforcement statistics on the number of trafficking and child trafficking cases for the year were unavailable as this information is not collected. 239

The National Rapporteur on Trafficking and the Central Child Welfare Board are tasked with monitoring the enforcement of laws related to the commercial sexual exploitation of children at the national level. 4240 At the district level, Chief District Officers and Women Development Officers are responsible for enforcement. 4241 Additionally, district-level Monitoring and Action Committees investigate reports of commercial sexual exploitation, including the exploitation of children. 4242

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, and has published preliminary results in its draft National Master Plan on the Prevention and Elimination of Child Labor 2011–2020. The draft national plan adjusts the Government's timetable. Under this draft plan the goal is to eliminate the worst forms of child labor by 2016 and eliminate all forms of child labor by 2020. 4244

The Government's School Sector Reform Plan aims to expand access to education and to provide alternative schooling and non-formal education to vulnerable populations. Out-of-school children (which include child laborers) are the primary beneficiaries identified in the plan. The National Planning Commission's 2007 Interim Three-Year Plan addresses hazardous child labor through a social awareness and reintegration campaign. It expands education opportunities to working children and provides skills training to youth older than 14 who may be especially vulnerable. The Government is currently revising the interim plan and expects the new interim plan will also include a goal of eliminating child labor.

The Government also has a National Plan of Action to Combat Trafficking. 4248 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 services, medical care, and legal services to trafficking victims. 4249

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. The Government is participating in two projects funded by USDOL. The 3-year, \$4.25 million New Path New Steps project runs through December 2012. 4250 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. 4251 During the reporting period, achievements of the project included supporting the repatriation of trafficked children from India, conducting research on the prevalence of child domestic labor, improving school management, establishing a case management system and advising the Ministry of Education on its Education Guarantee Scheme. 4252 The Government is also participating in a USDOL-funded ILO-IPEC project to conduct data collection on child labor. 4253

The Government participated in a USDOL-funded project to assist former child bonded laborers and their families, which concluded in December 2010. This project withdrew 1,919 children and prevented 6,025 children from exploitative labor. The project was successful in creating community-based child labor committees to monitor child labor at the local level. The project also provided technical assistance to the MoLTM to update its Master Plan on Child Labor. The project also provided technical assistance to the MoLTM to update its Master Plan on Child Labor.

The Government is currently participating in a 2.5 year, \$550,000 project funded by UNICEF to support efforts to withdraw 1,000 children from the worst forms of child labor through skills development, awareness raising, and improved enforcement. Through a different UNICEF-funded project, the Government also provides rehabilitation assistance to children formerly associated with the Maoist rebel forces. Each former child soldier is entitled to receive \$140 upon discharge and can access rehabilitation services which include formal schooling, vocational training, health education training, and business training. 4257

MoLTM also supports several programs to reduce child labor. These programs include a child labor elimination fund, a child labor rehabilitation fund, and a child development and rehabilitation grant to five day care centers. 4258

The Government continued to rescue and rehabilitate freed Kamaiya bonded laborers, some of whom are children, and provide them with land, home construction materials and livelihood training. However, not all freed Kamaiyas have received these services. 4260

In 2010, the Government supported the implementation of the Education Guarantee Scheme in four Village Development Committees (VDCs). The scheme identifies out-of-school children, including child laborers, and financially supports the VDCs' plans to enroll them in schools. 4261 As noted above, indirect and informal

school costs continue to impede children's access to education.

The Ministry of Women, Children, and Social Welfare (MWCSW) provided \$110,000 to support eight shelter homes for victims of trafficking

maintained by NGOs in fiscal year 2009-2010.⁴²⁶² Additionally, MWCSW provided \$275,000 to support the opening of 15 emergency shelters for victims of abuse, including child victims of trafficking.⁴²⁶³

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 laws so that they are in line with ILO Convention 182 by--
- Raising the minimum age for entry into hazardous work from age 16 to 18.
 - Legally defining a child as any person younger than age 18 and ensuring that all children are equally
 protected under laws that prohibit the worst forms of child labor.
- Establish a compulsory education age for children.

IN THE AREAS OF COORDINATION AND ENFORCEMENT:

- Increase the number of labor inspectors and devote more resources to enforcing child labor laws.
- Address the gap in child labor enforcement in home-based enterprises and nonregistered establishments in the informal and agricultural sectors.
- Increase the DCWB's power to enforce child protection laws.
- Enhance data that is collected and made available on the worst forms of child labor to include---
 - Complaints/reports on child labor made to the DCWBs aggregated at a national level.
 - Records on type of labor inspections the MoLTM conducts and sanctions imposed on violators.
 - Data collected by district-level Women Development Offices to identify the number of child trafficking victims.

IN THE AREA OF POLICIES:

• Finalize the draft National Master Plan on the Prevention and Elimination of Child Labour 2011–2020.

IN THE AREA OF PROGRAMS:

- Expand existing programs to assist Kamaiya bonded child laborers.
- Assess the impact of VDCs on child laborers.

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