

In 2011, Nepal made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government mapped the number of out-of-school children in the Terai region and is working to mainstream these children into school as part of the “Free and Compulsory” educational provisions. The Government also budgeted additional funds for education services, including for freed bonded laborers. However, not all funds promised were actually received. In addition, the lack of compulsory education and legal protections for children age 16 to 18 still leaves children vulnerable to the worst forms of child labor. Resources for enforcement are insufficient and data on enforcement is lacking. Children continue to engage in the worst forms of child labor in dangerous forms of agriculture and commercial sexual exploitation.

Statistics on Working Children and Education

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

Sources:

Primary completion rate: UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis.(2)

Prevalence and Distribution of the Worst Forms of Child Labor

Children in Nepal are engaged in the worst forms of child labor. 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.(3-6) More girls than boys are subjected to exploitative labor, including commercial sexual exploitation and many children work under informal work arrangements.(3, 7)

Children also work in the production of bricks, spending long hours in dust-filled environments. They carry loads of bricks on their heads and suffer from back injuries.(8-10) Children are also found working in mining and stone breaking, exposing them to dangers such as falling off steep hillsides, working in unstable tunnels at risk of collapse and injuring eyes and hands while breaking rocks.(9, 11, 12) In the construction sector,



children operate heavy machinery and may face many dangers due to a lack of proper safety precautions.(9, 13, 14) Child rag pickers and recyclers in Nepal are exposed to sharp glass, metal objects and dangerous chemicals, additionally they work long hours in the early morning and late evening collecting items to recycle.(4, 12, 15)

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 dyeing, carpet weaving, edge trimming and carpet washing. With the global economic crisis, demand for Nepali carpets has decreased and carpet factories have returned to using indentured child labor rather than adult labor to save money.(16, 17) Children are also subject to working long hours in poor lighting and cramped working conditions in embroidered textile production.(9, 18) Child porters carry heavy loads for long hours and are vulnerable to injuries.(10, 19) Children also work in domestic service, in shops and restaurants, in transportation and in the entertainment sector, being potentially exposed to dangerous machinery, mental or physical abuse and working long hours into the night.(9, 10, 14, 20-22)

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.(18, 23) As bonded laborers, children work in carpet weaving, domestic service, rock breaking, brick manufacturing and embroidery of textiles.(12, 13, 18, 23) Limited evidence also indicates that bonded child laborers can also be exploited as commercial sex workers.(23) Girls who are forced to work as household servants are sometimes sexually abused.(24, 25)

Nepali children are also vulnerable to being trafficked.(26) They are trafficked to India to work in the embroidery and garment industries, in circuses and in metal workshops. Some

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also work in domestic service or are forced to beg.(26, 27) Reportedly, children working as circus performers are regularly beaten, required to perform dangerous tricks and subjected to sexual abuse.(28) 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 indentured work as domestic servants or factory workers.(26, 29, 30) Some children are also trafficked to urban areas for forced begging.(26)

Although the Communist Party of Nepal—Maoist—released the last child soldiers in 2010, there is evidence that these children still have links with the Maoist army including monthly payments and shared housing. Some of the children have returned to the Maoist temporary barracks.(31) Children continue to perform illegal tasks for criminal organizations involved in violence in the Terai area.(32, 33)

Research indicates that access to education remains limited. The costs of teacher fees, books and uniforms are prohibitive for many families, and some children, often girls, are not sent to school.(7, 33) In addition, children with disabilities face barriers to education in some cases including denial of school admission.(34) In September 2011, a severe earthquake hit Nepal, destroying more than 200 schools and damaging hundreds more.(34)

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.(35) However, the Act does not cover non-traditional establishments in which many child laborers are found, including home-based enterprises and unregistered establishments in the informal and agricultural sectors.(3) The Government of Nepal also lacks a list of hazardous work.(4) Additionally, 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.(36) The Child Labor Prohibition Act of 2000 and the Children’s Act of 1991 also prohibit forced labor and practices similar to slavery.(4, 35, 37) The voluntary military recruitment age in Nepal is 18.(38)

	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

The Government of Nepal 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 prostitution and prescribes imprisonment for violations.(26, 39) Another law, the Children’s Act, punishes persons who use children younger than age 16 in immoral activities, including taking pornographic photographs.(37) This law also protects children younger than age 16 from involvement in “immoral professions” and in the sale, distribution or trafficking of alcohol and drugs.(37) 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.(36)

The Education Act of 1971 guarantees the right to free primary education for children between the ages of 6 and 12.(25, 40) However, the absence of compulsory education laws may put children at risk for engaging in child labor.

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 comprises other government departments, NGOs, employers, trade unions and donors.(4, 5)

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.(4, 5)

MoLTM is the primary national agency responsible for enforcing child labor laws.(4, 5) In 2011, MoLTM's Department of Labor, which is responsible for the labor inspectorate, operated on a budget of approximately \$239,000.(4) MoLTM budgeted for 12 labor inspector positions nationwide, although some of these positions remained vacant. MoLTM officials report that this number of inspectors is inadequate.(4, 5) Inspectors are tasked with handling all labor code violations.(5) Labor inspectors received basic training for enforcement in the formal sector but some report that they had insufficient guidance or protocols to effectively address child labor issues.(4, 5) 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.(4)

At the local level, District Child Welfare Boards (DCWBs) have limited legal authority to enforce child labor laws and may issue civil fines.(13) These DCWBs are the entities that receive complaints of forced child labor violations. However, the Government of Nepal maintains no data on the number of cases reported.(13)

The Ministry of Land Reform and Management is responsible for enforcing laws that prohibit bonded labor in agriculture.(13) The Ministry of Law's Office of the Attorney General and the Ministry of Home Affairs are responsible for anti-trafficking enforcement.(5) The Nepali Police Force's Women and Children's Service Centers (WCSC) at the district level investigate crimes against women and children including trafficking.(4) However, in 2011, they employed only 56 investigators nationwide.(4) Law enforcement statistics on the number of trafficking and child trafficking cases for the year were unavailable as this information is not collected.(5)

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.(4, 5) At the district level, Chief District Officers and Women Development Officers are responsible for enforcement.(5) Additionally, district-level Monitoring and Action Committees investigate reports of commercial sexual exploitation, including the exploitation of children.(9)

While border police respond when NGOs identify trafficking victims, the police inspector indicates that there are not enough resources for border guards to seek out offenders.(41)

Government Policies on the Worst Forms of Child Labor

MoLTM's National Master Plan on Child Labor 2004-2014, which is still in effect, called for eliminating the worst forms of child labor by 2009 and all forms of child labor by 2014.(42) The Government of Nepal is currently revising this plan; it 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.(4)

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.(4) Out-of-school children (which include child laborers) are the primary beneficiaries identified in the plan.(43) In 2011, the Ministry of Education mapped the number of out of school children in the Terai and is working to mainstream these 189,000 children into school as part of the "Free and Compulsory" education provisions.(44) In 2011, the Ministry of Education also committed to raise the grade level to which textbooks would be supplied freely to students. Almost \$19,000 was earmarked to purchase textbooks for students through grade 10.(45) However, research indicates that overall financial resources for education are still inadequate.(34)

The National Planning Commission's 2007 Interim 3-Year Plan includes efforts against hazardous child labor through a social awareness and reintegration campaign. It expands educational opportunities to working children and provides skills training to youth older than age 14 who may be especially vulnerable.(5, 46) The Plan also includes an ambitious road construction plan, which has been implemented, opening rural areas and creating commerce at newly established road heads. This initiative is a cause of concern, as children are reportedly working in tea shops and automobile workshops and as baggage loaders in these new areas of commerce.(45) The Plan is currently being reviewed and updated.(4)

At the local level, Village Development Committees (VDC) and District Development Committees (DDC) have taken action on child labor. In 2011, the DDC in Kavre committed

funding to support livelihood opportunities for families of vulnerable children.(44) In 2011, the municipality of Lalitpur also created its first 5-year strategic work plan to protect child rights and reduce child labor. This plan includes a child labor monitoring system.(44)

The Government of Nepal also has a National Plan of Action to Combat Trafficking.(47) Women's police units across all 75 districts, 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.(4, 26)

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.(9) 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.(9) During 2011, the Project worked with the Government to target work in the embroidered textiles industry as a worst form of child labor, making children in that sector eligible for priority attention by the MoLTM. The Project also assessed 94 schools for health and safety concerns revealing inadequate water supplies, physical hazards such as broken windows and inadequate barriers along roads and cliffs and travel hazards such as having to ford rivers and walk along steep cliffs to get to school buildings.(34)

The Government of Nepal is currently participating in a 2.5-year, \$550,000 project to support efforts to withdraw 1,000 children from the worst forms of child labor through skills development, awareness raising and improved enforcement.(48) The Government also provides rehabilitation assistance to children formerly associated with the Maoist rebel forces. Each former child soldier can access rehabilitation services which include formal schooling, vocational training, health education training and business training.(33)

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 daycare centers.(5)

The Government of Nepal 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.(25, 29) However, not all freed *Kamaiyas* have received these services.(25, 27, 30) The Government also participates in the Kamalari Abolition Project in which social workers work with former child bonded laborers to help others escape bonded labor and return to their families. Through this Project, girls are provided with shelter and vocational training.(24)

In 2011, the Ministry of Education budgeted \$2.3 million to provide education and vocational training to girls freed from indentured servitude. However, many of the rescued girls did not receive the educational grants promised and have dropped out of school.(49)

The Government supports several education programs, which may increase access to education for vulnerable children. The Education Guarantee Scheme identifies out-of-school children, including child laborers, and financially supports the VDCs' plans to enroll them in schools.(50) This Scheme is budgeted for \$1.2 million annually.(4) The Government also collaborated with the World Bank to implement a cash transfer program and a school feeding program in several districts, which target out-of-school youth.(4) As noted above, indirect and informal school costs continue to impede children's access to education.

In 2010, the Ministry of Women, Children and Social Welfare (MWCSW), provided \$275,000 to support the opening of 15 emergency shelters for victims of abuse, including child victims of trafficking.(26) Border police at 10 of the 26 Nepal-India border crossings work with a local NGO to intercept girls being trafficked out of Nepal. On average, 20 potential trafficking victims are identified each day.(41)

In 2011, the release of budgeted government funds for all programs was delayed for several months. This jeopardizes the sustainability of ongoing programs and may also affect child labor programs negatively in other ways.(45)

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Amend laws so that they are in line with ILO Convention 182 by – <ul style="list-style-type: none"> • Extending protections in the Child Labor Act to include children working in home-based enterprises and nonregistered establishments in the informal and agricultural sectors. • Raising the minimum age for entry into hazardous work from 16 to 18. • Finalizing a list of hazardous work. • 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. 	2011 2009, 2010, 2011 2009, 2010, 2011 2009, 2010, 2011
	Legally establish a compulsory education age for children.	2009, 2010, 2011
Coordination and Enforcement	Increase the number of labor inspectors and devote more resources to enforcing child labor laws.	2010, 2011
	Provide inspectors with adequate guidelines and protocols to effectively inspect establishments for child labor violations.	2011
	Increase the DCWB's power to enforce child protection laws.	2011
	Enhance data collection and make data available on the worst forms of child labor to include— <ul style="list-style-type: none"> • 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. 	2009, 2010, 2011 2009, 2010, 2011 2009, 2010, 2011
	Provide adequate resources for border police so that they are able to pursue those engaged in child trafficking.	2011
Policies	Finalize the draft National Master Plan on the Prevention and Elimination of Child Labor 2011–2020.	2010,2011
	Increase financial resources committed to implementing the School Sector Reform Plan.	2011
	Monitor the National Planning Commission's 3-Year Plan to ensure that its initiatives do not encourage children to enter the worst forms of child labor.	2011
Social Programs	Expand existing programs to assist <i>Kamaiya</i> bonded child laborers.	2009, 2010, 2011
	Assess the impact of VDCs on child laborers.	2010, 2011
	Ensure a timely release of funds budgeted to child labor reduction programs.	2011

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