

Nepal

Incidence and Nature of Child Labor

An estimated 39.6 percent of children ages 5 to 14 were counted as working in Nepal in 1999. Approximately 35.4 percent of all boys 5 to 14 were working compared to 44 percent of girls in the same age group. The majority of working children were found in the agricultural sector (87.1 percent), followed by services (11 percent), manufacturing (1.3 percent) and other sectors (0.5 percent).³³¹⁰ According to the National Child Labor Study, 50 types of paid economic activities outside the home have been recorded as involving children.³³¹¹ Child labor is one of many problems associated with poverty. In 1995, the most recent year for which data are available, 39.1 percent of the population in Nepal were living on less than USD 1 a day.³³¹²

The 16 worst forms of child labor identified by the Ministry of Labor and Transport Management and listed in the National Master Plan on Child Labor are: slavery/forced labor, prostitution, trafficking in persons, drug peddling, scavenging/rag picking, portering, and domestic service, as well as work or involvement in the following: small restaurants/bars, overland transportation, armed conflicts, carpet factories, brick/tile kilns, match factories, leather tanneries, stone quarries, and coal mines. When working in small restaurants and bars and in domestic service, children lack rest, work long hours, and are at risk of sexual exploitation. When making bricks or in carpet factories, children inhale dust and risk bodily deformation from work posture or carrying heavy loads.³³¹³ Though bonded labor is outlawed in Nepal, the children of former *Kamaiyas* continue to work.³³¹⁴ Throughout the country, children carry heavy loads as short-distance and long-distance porters.³³¹⁵ The majority of the children working in stone quarries work 9 to 10 hours per day and most are girls 11 to 13 years old.³³¹⁶ Many children under 14 years

³³¹⁰ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. 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, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

³³¹¹ Kamal Banskota, Bikash Sharma, and Binod Shrestha, *Study on the Costs and Benefits of the Elimination of Child Labor in Nepal*, Study for the International Labor Office International Program on the Elimination of Child Labor (IPEC), Kathmandu, 2002, 5-6. Over 80 percent of the population in Nepal support themselves with subsistence agriculture. U.S. Department of State, *Country Reports on Human Rights Practices-2004: Nepal*, Washington, D.C., February 28, 2005, Introduction, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41742.htm>.

³³¹² World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

³³¹³ Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, Kathmandu, 2004, 2, Annex 1.7. See also U.S. Department of State, *Country Reports-2004: Nepal*, Section 6d.

³³¹⁴ U.S. Department of State, *Country Reports-2004: Nepal*, Section 6c. See also U.S. Embassy- Kathmandu, *reporting*, August 19, 2005. See also ILO-IPEC, *Sustainable Elimination of Bonded Labor in Nepal*, technical progress report, Geneva, September 2005, 19. One type of bonded labor in Nepal is called *Kamaiya* and people caught in its grips as *Kamaiyas*.

³³¹⁵ Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, Annex 1.5.

³³¹⁶ Suresh Pradhan, ILO-IPEC Nepal Official, Presentation on Child Labor in Stone Quarries in Nepal, Consultation Meeting on Child Labor in Artisanal and Small-Scale Mining, World Bank, April 29, 2004.

old are domestic servants.³³¹⁷ Children also work in family-based weaving operations and smaller factories.³³¹⁸

Although more recent figures are not available, a 2001 study found 30 percent of prostitutes in Kathmandu were below 18 years old. The government has reported a range of estimates for the number of child trafficking victims. Some 5,000 to 12,000 girls may be trafficked for commercial sexual exploitation annually, and as many as 200,000 trafficked Nepalese girls are estimated to reside in Indian brothels.³³¹⁹ While trafficking of children often leads to their sexual exploitation, there is also demand for trafficked boys and girls to work in the informal labor sector. Some reports indicate thousands of children are trafficked to India to work in carpet factories, circuses, agriculture, road construction, domestic service, and begging. Boys are also trafficked to India to work in the embroidery industry.³³²⁰

A Maoist insurrection continues throughout Nepal with violence directed at government, security, and civilian targets. There are reports that Maoist insurgents use children as soldiers, cooks, and messengers.³³²¹ There is anecdotal evidence that unaccompanied children are fleeing areas of civil unrest and migrating to urban areas because of economic hardship and to avoid recruitment by Maoist insurgents.³³²² A network of NGOs that monitor violations against children in armed conflict have documented cases of insurgents destroying schools and using school premises to abduct and recruit thousands of students and teachers from schools. Schools have been battle zones for both the insurgents and the Royal Nepal Army.³³²³

Education is not compulsory in Nepal.³³²⁴ The Constitution states that it is a fundamental right for each community to operate primary schools and educate children in their mother language. It is government policy to raise the standard of living of the population through development of education and other social investments, making special provisions for females, economically and socially disadvantaged groups, and by making gradual arrangements for free education.³³²⁵ Although tuition is not supposed to be charged, primary schools commonly charge fees to pay for other school expenses, and families frequently do not have the money to pay for school supplies and clothing.³³²⁶

³³¹⁷ Shiva Sharma, Manasa Thakurathi, Krishna Sapkota, Bishnu Devkota, and Brahma Rimal, *Situation of Domestic Child Labourers in Kathmandu: A Rapid Assessment*, ILO-IPEC, Geneva, November 2001, 31-32; available from

<http://www.ilo.org/public/english/standards/ipecc/simpoc/ra/index.htm>.

³³¹⁸ U.S. Department of State, *Country Reports-2004: Nepal*, Section 6d. See also Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, 2, Annex 1.7.

³³¹⁹ U.S. Department of State, *Country Reports-2004: Nepal*, Section 5. See also Bal Kumar KC, Govind Subedi Yogendra Bahadur Gurung, and Keshab Prasad Adhikari, *Nepal Trafficking in Girls with Special Reference to Prostitution: A Rapid Assessment*, ILO-IPEC, Geneva, November 2001, 1-2; available from

<http://www.ilo.org/public/english/standards/ipecc/simpoc/nepal/ra/trafficking.pdf>.

³³²⁰ Women's Rehabilitation Centre (WOREC), *Cross-border Trafficking of Boys*, ILO-IPEC, Kathmandu, March 2002, 2, 10; available from http://www.ilo.org/public/english/standards/ipecc/publ/download/boys_traffic02_en.pdf. See also Women's Rehabilitation Centre (WOREC), "Insight: A Publication Against Trafficking in Persons," 2003; available from <http://www.worecnepal.org/downloads/insight.pdf>. See also U.S. Department of State, *Country Reports-2004: Nepal*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report-2005: Nepal*, Washington, D.C., June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm#nepal>.

³³²¹ U.S. Department of State, *Country Reports-2004: Nepal*, Section 5. See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, Coalition to Stop the Use of Child Soldiers, [online] 2004 [cited September 28, 2005]; available from http://www.child-soldiers.org/document_get.php?id=861.

³³²² U.S. Embassy- Kathmandu, *reporting*, August 19, 2005.

³³²³ Watchlist on Children and Armed Conflict, *Nepal's Children Devastated by Raging Armed Conflict: Call for Immediate Action*, press release, Kathmandu and New York, January 26, 2005; available from <http://www.watchlist.org/reports/nepal.pr.20050120.php>.

³³²⁴ Committee on the Rights of the Child, *Concluding Observations (unedited version) of the Committee on the Rights of the Child: Nepal*, June 3, 2005, para. 75; available from http://www.bayefsky.com/.pdf/nepal_t4_crc_39.pdf.

³³²⁵ Government of Nepal, *Constitution of the Kingdom of Nepal*, (November 9, 1990), Part 3, Article 18 (2) and Part 4, Articles 26 (1, 7-10); available from http://www.oefre.unibe.ch/law/icl/np00000_.html.

³³²⁶ U.S. Department of State, *Country Reports-2004: Nepal*, Section 5.

In 2002, the gross primary enrollment rate was 119 percent and in 2000, the most recent year for which data are available, the net primary enrollment rate was 70 percent.³³²⁷ Gross and net enrollment ratios are based on the number of students formally registered in primary school and, therefore, do not necessarily reflect actual school attendance. In 1999, 69.2 percent of children ages 5 to 14 years were attending school.³³²⁸ As of 2001, 65 percent of children who started primary school were likely to reach grade five.³³²⁹

Child Labor Laws and Enforcement

The Labor Act of 1992 and the Children's Act of 1992 set the minimum age for employment at 14 years.³³³⁰ The Child Labor Prohibition and Regulation Act of 2000 (Child Labor Act) consolidates child labor provisions in the Labor and Children's Acts and lists different occupations in which children below 16 years cannot be employed, provides for penalties for those who do not comply, and calls for establishment of a Child Labor Elimination Committee and Child Labor Elimination Fund. Children can work up to 6 hours a day and 36 hours a week, between 6 a.m. and 6 p.m.³³³¹ The Child Labor Act only covers formal sectors of employment, leaving the majority of children who work in the informal sector without legal protection. The Act imposes a punishment of up to 3 months in prison, a fine of up to 10,000 RS (USD 150) or both for employing an underage child. Employing a child in dangerous work or against their will is punishable with imprisonment for up to 1 year, a fine of up to 50,000 (USD 753), or both.³³³² The Labor Act also allows for a fine to be levied against employers in violation of labor laws.³³³³ The Constitution of Nepal prohibits the employment of minors in factories, mines or other hazardous work.³³³⁴ The minimum age for voluntary military service is 18 years, but children can begin military training at age 15.³³³⁵

The worst forms of child labor may be prosecuted under different statutes in Nepal. The primary anti-trafficking law is the Human Trafficking Control Act of 1986.³³³⁶ The *Kamaiya* system, a form of bonded labor, was banned in 2000, and the *Kamaiya* Labor (Prohibition) Act came into effect in February 2002. The Act outlaws keeping or employing any person as a bonded laborer and cancels any unpaid loans or bonds between creditors and *Kamaiya* laborers. Enforcement of the law is inconsistent as approximately 14,000

³³²⁷ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrollment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

³³²⁸ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

³³²⁹ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

³³³⁰ The Labor Act defines a child as anyone below the age of 14 years and a minor as anyone between the ages of 14 and 18 years. Government of Nepal, *Labor Act, 1992*, Chapter 1, Section 2 (h) and (i); available from <http://natlex.ilo.org/txt/E92NPL01.htm>. The Children's Act identifies a child as below the age of 16 years. Government of Nepal, *Children's Act, 2048*, (1992), Chapter 1, sec. 2(a) and Chapter 5, sec. 47(1); available from http://www.labournepal.org/labourlaws/child_act.html.

³³³¹ Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*. See also U.S. Embassy-Kathmandu, *reporting*, August 20, 2004. The Child Labor Act defines children as below the age of 16 years, and permits the employment of children 14 years and older. Government of Nepal, *Child Labor (Prohibition and Regulation) Act (No. 14)*, (2000), Section 2(a), 3(1) and (2); available from <http://natlex.ilo.org/txt/E00NPL01.htm>.

³³³² *Child Labor (Prohibition and Regulation) Act (No. 14)*, Section 19(1) and (2). For currency conversion, see FXConverter, [online] [cited November 4, 2005]; available from <http://www.oanda.com/convert/classic>.

³³³³ Persons in violation of this Act may be subject to fines between 1,000 and 5,000 Nepalese Rupees (USD 14 and 72). *Labor Act (1992)*, Section 55. For currency conversion, see FXConverter.

³³³⁴ *Constitution of the Kingdom of Nepal*, Article 20.

³³³⁵ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*.

³³³⁶ According to Section 5, anyone can file a complaint or petition about a case of trafficking at any police station, and the petitioner is required to produce all available evidence. Government of Nepal, *Trafficking and Selling in Person Activity (Prohibition) Act, 2043*, Act No. 15 of 2043 Bikram Era, (1986).

former *Kamaiyas* await resettlement, and children from such families continue to work.³³³⁷ Since 1999, the Government of Nepal has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.³³³⁸

The Central Child Welfare Board and Child Welfare Officers have the responsibility of enforcing child rights legislation.³³³⁹ The Ministry of Labor and Transport Management's Child Labor Section and Labor Offices are responsible for enforcing child labor legislation and issues.³³⁴⁰ The U.S. Department of State reports that despite legal protections, resources devoted to enforcement of child labor laws are limited and the Ministry employs too few inspectors to address the problem effectively. There are 10 labor inspectors located in 10 offices in Nepal, who are responsible for conducting inspections of all corporations registered with the Ministry of Labor. In 2005, the Ministry of Labor reached its annual goal of 500 inspections; according to a Ministry official, no instances of child labor were found.³³⁴¹

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Ministry of Labor and Transport Management of Nepal revised a national Master Plan on Child Labor for 2004-2014 that, at the end of 2005, was still awaiting approval by the Cabinet. The revised plan calls for eliminating the worst forms of child labor by 2009 and all forms of child labor by 2014.³³⁴² The ILO-IPEC Core Timebound Program Project targets 7 of the 16 worst forms of child labor in 35 districts of Nepal in two phases (totaling 7 years). Targeted children are porters, rag pickers (recyclers), domestic workers, laborers in the carpet industry and in mines, bonded laborers, and children trafficked for sexual or labor exploitation.³³⁴³ World Education and its local partner organizations also continue to implement a child labor educational initiative program funded by USDOL and share knowledge gained at the community level to inform government policies related to child labor.³³⁴⁴ The government has a National Plan of Action to Combat Trafficking and has established a 16-member National Coordination Committee with a National Task Force that provides policy direction and coordinates activities on child trafficking.³³⁴⁵

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	5/30/97	✓
Ratified Convention 182	1/3/02	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		✓
Sector Action Plan (Trafficking)		✓

³³³⁷ Government of Nepal, *The Kamaiya Labor (Prohibition) Act*, (2002), Chapter 6, Section 16.

³³³⁸ ILO-IPEC official, email communication to USDOL official, November 14, 2005.

³³³⁹ *Children's Act, 2048*, Section 32 and 33.

³³⁴⁰ *Child Labor (Prohibition and Regulation) Act (No. 14)*, Section 20 and 21.

³³⁴¹ U.S. Embassy- Katmandu, *reporting*, August 19, 2005. See also U.S. Department of State, *Country Reports-2004: Nepal*, Section 6d.

³³⁴² Committee on the Rights of the Child, *Concluding Observations of the Committee (unedited versions) 2005*, para. 93. Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*.

³³⁴³ Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*. See also ILO-IPEC, *The Timebound Program in Nepal - The IPEC Core TBP Project*, technical progress report, NEP/01/P50/USA, Kathmandu, September 2003.

³³⁴⁴ World Education, *Projects by Country: Nepal*, [online] 2005 [cited November 4, 2005]; available from <http://www.worlded.org/weinternet/Projects/ListProjects.cfm?Select=Country&ID=266>.

³³⁴⁵ Ministry of Women, Children, and Social Welfare, *National Plan of Action Against Trafficking in Children and Women for Sexual and Labour Exploitation*, Kathmandu, 2001, 8.

The government continues to take action in order to rescue and rehabilitate freed bonded laborers and has established a Freed *Kamaiya* Rehabilitation and Monitoring Committee to promote this work at the district level; however, distribution of land to former *Kamaiyas* has not been consistent with the level of need.³³⁴⁶ In 2000, USDOL funded a project that is on-going to support former child bonded laborers and their families.³³⁴⁷ Nepal continues to be a part of an ILO-IPEC regional project to combat trafficking in Asia.³³⁴⁸

Nepal launched a nationwide back-to-school enrollment campaign in 2005. As part of the campaign, school-going children identified friends who were not going to school. Some 50,000 cards were distributed to parents inviting them to bring such children to school.³³⁴⁹ This effort is supported through the Government of Nepal's Education for All program, which benefits from a USD 50 million credit approved by the World Bank in 2004 combined with about USD 100 million in grant funding from other donors, for basic and primary education expenditures over the next 5 years.³³⁵⁰ The Seventh Education Amendment was passed in 2002, which began the government's commitment to decentralization of the education system. The Community School Support Project received funding in 2003 from the World Bank in support of the government policy of providing communities incentives to take over the management of government-funded schools.³³⁵¹ The Primary Education Development Project has been underway since 1992 and prepares new primary school teachers and constructs schools.³³⁵² The government has budgeted for 5,098 new classrooms and 250 school buildings, and 6,000 additional child development centers to be constructed in fiscal year 2005-2006.³³⁵³

³³⁴⁶ U.S. Department of State, *Country Reports-2004: Nepal*, Section 6c.

³³⁴⁷ ILO-IPEC, *Sustainable Elimination of Bonded Labor in Nepal*, project document, Geneva, December 2000.

³³⁴⁸ ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, project document, Geneva, February 2002.

³³⁴⁹ Global Campaign for Education, *Week of Action Information for Nepal*, Global Campaign for Education, [online] 2005 [cited January 25, 2006]; available from <http://www.campaignforeducation.org/country/countrypage.php?cid=110>.

³³⁵⁰ World Bank, *World Bank To Support Nepal's Education for All Goals*, [News Release No:2005/12/SAR] July 8, 2004 [cited July 8, 2005]; available from

<http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20223949~menuPK:34465~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html#>.

³³⁵¹ World Bank, *Community School Support Project, Vol. 1 of 1.*, World Bank, [online] June 11, 2003 [cited July 8, 2005]; available from http://www-wds.worldbank.org/servlet/WDServlet?pcont=details&eid=000012009_20030620111206.

³³⁵² World Bank, *Nepal: World Bank Approves Credit for Community School Support Project*, [online news release] June 30, 2003 [cited July 8, 2005]; available from

<http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20117923~menuPK:34463~pagePK:34370~piPK:34426~theSitePK:4607,00.html>.

³³⁵³ ILO-IPEC, *The Timebound Program in Nepal - The IPEC Core TBP Project*, technical progress report, Kathmandu, September 2005.