

Nepal

Selected Statistics and Indicators on Child Labor

Percent of children 5-14 estimated as working in 1999:	39.6%	³⁰⁰⁸
Minimum age for admission to work:	14	³⁰⁰⁹
Age to which education is compulsory:	Not compulsory	³⁰¹⁰
Free public education:	Yes	³⁰¹¹
Gross primary enrollment rate in 2005:	113%	³⁰¹²
Net primary enrollment rate in 2003:	75%	³⁰¹³
Percent of children 5-14 attending school in 1999:	69.2%	³⁰¹⁴
As of 2004, percent of primary school entrants likely to reach grade 5:	61%	³⁰¹⁵
Ratified Convention 138:	5/30/1997	³⁰¹⁶
Ratified Convention 182:	1/3/2002	³⁰¹⁷
ILO-IPEC participating country:	Yes	³⁰¹⁸

Incidence and Nature of Child Labor

In 1999, the majority of working children in Nepal were found in the agricultural sector (87.1 percent), followed by services (11 percent), manufacturing (1.3 percent) and other sectors (0.5 percent).³⁰¹⁹ According to the National Child Labor Study, 50 types of paid economic activities outside the home have been recorded as involving children.³⁰²⁰ The majority of children work in the informal sector.³⁰²¹ Children work as domestic servants, porters, rag pickers, rock breakers, carpet factory workers, in mines, in restaurants, and in the transportation

³⁰⁰⁸ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, March 1, 2007.

³⁰⁰⁹ Government of Nepal, *Children's Act*, (1992), Chapter 1, Section 2(a) and Chapter 2 Section 17 (1); available from http://www.labournepal.org/labourlaws/child_act.html. See also *Child Labor (Prohibition and Regulation) Act (No. 14)*, (2000), Chapter 2, Section 3(1); available from <http://natlex.ilo.org/txt/E00NPL01.htm>.

³⁰¹⁰ U.S. Department of State, "Nepal," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78873.htm>. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Nepal*, June 3, 2005; available from http://www.bayefsky.com/.pdf/nepal_t4_crc_39.pdf.

³⁰¹¹ U.S. Department of State, "Country Reports- 2006: Nepal," Section 5. See also Government of Nepal, *Constitution*, (November 9, 1990), Part 3, Article 18(2) and Part 4 Articles 26 (7-10); available from http://www.oefre.unibe.ch/law/icl/np00000_.html.

³⁰¹² UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

³⁰¹³ Ibid.

³⁰¹⁴ Ibid.

³⁰¹⁵ Ibid.

³⁰¹⁶ APPLIS, *List of Ratifications of International Labour Conventions: Nepal*, accessed October 19, 2006; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-byCtry.cfm?lang=EN&CTYCHOICE=1840&hdroff=1>.

³⁰¹⁷ Ibid.

³⁰¹⁸ ILO, *IPEC Actions Against Child Labour: Highlights 2006*, Geneva, October 2006, 29; available from http://www.ilo.org/iloroot/docstore/ipcc/prod/eng/20061018_Implementationreport_eng.pdf.

³⁰¹⁹ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

³⁰²⁰ Kamal Banskota, Bikash Sharma, and Binod Shrestha, *Study on the Costs and Benefits of the Elimination of Child Labour in Nepal*, Study for the International Labour Office International Programme on the Elimination of Child Labour (IPEC), Kathmandu, 2002, 5-6.

³⁰²¹ U.S. Department of State, "Country Reports- 2006: Nepal," Section 5, 6d.

sector. Depending on the specific sector, children lack rest; work long hours; carry heavy loads; have ear, eye and skin disorders; have musculoskeletal problems; and are at risk of sexual exploitation.³⁰²² Although bonded labor is outlawed in Nepal, the children of former bonded laborers known as *Kamaiyas* continue to work under forced labor conditions.³⁰²³

Children are exploited through prostitution, sex tourism, and trafficking.³⁰²⁴ Nepal is a source country for children trafficked to India for sexual exploitation. Internal trafficking for commercial sexual exploitation also occurs.³⁰²⁵ While the 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 many 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.³⁰²⁶

In mid-2006, after massive demonstrations and strikes, the Government of Nepal and the Maoist insurgents agreed to a temporary cease-fire and a return to democracy. A comprehensive peace agreement was signed in November 2006.³⁰²⁷ While violence overall has declined, the security situation is still unstable and reforms are moving slowly.³⁰²⁸ Concern has been voiced by rights groups that the peace talks have ignored the disarming and rehabilitation of child soldiers leaving children affected emotionally and physically.³⁰²⁹ There are reports, both before and after signing

³⁰²² World Education, *Combating Child Labor through Education in Nepal: The Brighter Futures Program Phase II*, project document, September 30, 2005, 5-8. See also ILO-IPEC, *Sustainable Elimination of Child Bonded Labour in Nepal Phase II*, project document, Geneva, 2006, 13. See also Occupational Safety and Health Project, *Study on Identification and Prioritisation of Hazardous Works, Work Processes and Workplaces Involving Child Labour*, Kathmandu, July 2006, Executive Summary. See also U.S. Department of State, "Country Reports- 2006: Nepal," Section 5, 6d. See also Shiva Sharma, Manasa Thakurathi, Krishna Sapkota, Bishnu Devkota, and Brahma Rimal, *Nepal 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/nepal/ra/dcl.pdf>.

³⁰²³ U.S. Embassy- Kathmandu, *reporting*, August 19, 2005. See also ILO-IPEC, *Sustainable Elimination of Child Bonded Labour Phase II*, 6.

³⁰²⁴ ECPAT International CSEC Database, *Nepal*, accessed September 22, 2006; available from www.ecpat.net. See also ECPAT International, *Situational Analysis Studies on Child Sex Tourism in Tourist Destinations of India, Nepal and Sri Lanka*, ECPAT International, Kathmandu, December 2003; available from http://www.ecpat.net/eng/Ecpat_inter/projects/sex_tourism/Executive%20Summary.Web1.pdf. 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; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/nepal/ra/trafficking.pdf>.

³⁰²⁵ U.S. Department of State, "Nepal (Tier 2)," in *Trafficking in Persons Report- 2006*, Washington, DC, June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/>. See also U.S. Department of State, "Country Reports- 2006: Nepal," Section 5. See also U.S. Embassy-Kathmandu, *reporting* July 27, 2004.

³⁰²⁶ ILO-IPEC, *Cross Border Trafficking of Boys*, 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- 2006: Nepal," Section 5. See also U.S. Embassy-Kathmandu, *reporting*, July 27, 2004.

³⁰²⁷ International Crisis Group, *Nepal's Peace Agreement: Making it Work*, Kathmandu/Brussels, 2006, Executive Summary; available from <http://www.crisisgroup.org/home/index.cfm?l=1&id=4577>.

³⁰²⁸ ILO-IPEC, *The Timebound Program in Nepal- The IPEC Core TBP Project*, technical progress report, August 24, 2006.

³⁰²⁹ Integrated Regional Information Networks, *Nepal: Rights Activists Demand Rehabilitation of Child Soldiers*, [online] September 22, 2006 [cited September 22, 2006]; available from <http://www.irinnews.org/report.asp?ReportID=55125&SelectRegion=Asia>.

the cease-fire agreement, that Maoist insurgents use children as soldiers, cooks, and messengers.³⁰³⁰ There is evidence that unaccompanied children are fleeing areas of civil unrest and are migrating to urban areas because of economic hardship and to avoid recruitment by Maoist insurgents.³⁰³¹ 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.³⁰³²

Child Labor Laws and Enforcement

The law sets the minimum age for employment at 14 years.³⁰³³ The law prohibits children below 16 years from employment in occupations such as tourism, carpet weaving, factories, mines or other hazardous work harmful to their health or life. Children can work up to 6 hours a day and 36 hours a week, between 6 a.m. and 6 p.m.³⁰³⁴ The law only covers formal sectors of employment, leaving the majority of children who work in the informal sector without legal protection.³⁰³⁵ The Child Labor Act imposes a punishment of up to 3 months in prison for employing an underage child. Employing children in dangerous work or against their will is punishable with imprisonment for up to 1 year.³⁰³⁶ The Labor Act allows fines to be levied against employers in violation of labor laws.³⁰³⁷

The minimum age for voluntary military service is 18 years, but children can begin military training at 15.³⁰³⁸ The law prohibits trafficking in persons and provides for imprisonment for up to 20 years for violations.³⁰³⁹ The law also prohibits the use of children in immoral professions, including taking and distributing immoral photographs.³⁰⁴⁰ The *Kamaiya* system, a form of bonded labor, was formally outlawed in 2002, and the law forbids keeping or employing any person as a bonded laborer and cancels any unpaid loans or bonds between creditors and

³⁰³⁰ U.S. Department of State, "Country Reports- 2006: Nepal," Section 1g, 5. See also Coalition to Stop the Use of Child Soldiers, "Nepal," in *Child Soldiers Global Report 2004*, London, 2004; available from http://www.child-soldiers.org/document_get.php?id=861. See also Integrated Regional Information Networks, *Nepal: Child Soldiers 'Still Recruited by Maoists'*, [online] January 12, 2007 [cited January 12, 2007]; available from <http://www.irinnews.org/print.asp?ReportID=57040>.

³⁰³¹ U.S. Embassy- Kathmandu, *reporting*, August 19, 2005. See also Anand Tamang and John Frederick, *Asylums of Exploitation: Internally Displaced Children in the Worst Forms of Child Labour Due to the Armed Conflict in Nepal*, June 2006, 4.

³⁰³² Watchlist on Children and Armed Conflict, *Nepal's Children Devastated by Raging Armed Conflict: Call for Immediate Action*, press release, January 26, 2005; available from <http://www.watchlist.org/reports/nepal.pr.20050120.php>. See also U.S. Department of State, "Country Reports- 2006: Nepal," Section 1g. See also Tamang and Frederick, *Asylums of Exploitation*, 5.

³⁰³³ Government of Nepal, *Children's Act*, Chapter 1, Section 2(a), Chapter 2, Section 17 and Chapter 5, Section 47(1). See also *Child Labor (Prohibition and Regulation) Act (No. 14)*, Chapter 2, Sec 3.

³⁰³⁴ U.S. Embassy- Kathmandu, *reporting*, August 20, 2004. See also *Child Labor (Prohibition and Regulation) Act (No. 14)*, Section 2(a), 3(1) and (2), Schedule. See also Government of Nepal, *Constitution*, Article 20. See also Government of Nepal, *Children's Act*, Article 17-18.

³⁰³⁵ U.S. Department of State, "Country Reports- 2006: Nepal," Section 6d.

³⁰³⁶ *Child Labor (Prohibition and Regulation) Act (No. 14)*, Section 19(1) and (2).

³⁰³⁷ Government of Nepal, *Labor Act*, (1992), Section 55; available from <http://natlex.ilo.org/txt/E92NPL01.htm>.

³⁰³⁸ Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2004."

³⁰³⁹ Government of Nepal, *Trafficking and Selling in Person Activity (Prohibition) Act*, Act No. 15 of 2043 Bikram Era, (1986), Articles 3, 8. See also U.S. Department of State, "Country Reports- 2006: Nepal," Section 5.

³⁰⁴⁰ Government of Nepal, *Children's Act*, Chapter 2, Section 16 (2) (3).

Kamaiya laborers.³⁰⁴¹ The law prohibits children from involvement in the sale, distribution, or trafficking of alcohol and drugs.³⁰⁴²

The law calls for establishment of a Child Labor Elimination Committee and Child Labor Elimination Fund, both of which have been established.³⁰⁴³ The Central Child Welfare Board and Child Welfare Officers have the responsibility of enforcing child rights legislation.³⁰⁴⁴ The Ministry of Labor and Transport Management is responsible for enforcing child labor legislation and issues.³⁰⁴⁵ The U.S. Department of State reports that despite legal protections, resources devoted to enforcement of child labor laws are limited and that the Ministry of Labor employs too few inspectors to address the problem effectively.³⁰⁴⁶

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

The Ministry of Labor and Transport Management of Nepal have revised a national Master Plan on Child Labor for 2004-2014. The revised plan calls for eliminating the worst forms of child labor by 2009 and all forms of child labor by 2014.³⁰⁴⁷ The government is also currently implementing its Tenth Plan 2002-2007, its major development policy framework that details steps on eliminating the worst forms of child labor within 10 years.³⁰⁴⁸ In support of these policies, USDOL funded a USD 5.5 million project from September 2001 through August 2006 to help the government implement its Timebound Program, targeting 7 worst forms of child labor. Targeted children were porters, rag pickers (recyclers), domestic workers, laborers in the carpet industry and in mines, bonded laborers, and children trafficked for sexual or labor exploitation. The project withdrew 8,750 children and prevented 3,928 children from exploitive labor.³⁰⁴⁹ World Education and its local partner organizations continue to implement Phase 2 of

³⁰⁴¹ Government of Nepal, *The Kamaiya Labor (Prohibition) Act*, (2002), Chapter 2, Chapter 3.

³⁰⁴² Government of Nepal, *Children's Act*, Chapter 2, Sec 16(4). See also Government of Nepal, *The Narcotic Drugs (Control) Act*, 2033, (1976), Chapter 3, Sec 14. See also Government of Nepal, *Child Labor Info.*, submitted in response to U.S. Department of Labor Federal Registrar Notice (December 5, 2006) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Kathmandu, December 25, 2006.

³⁰⁴³ United Nations Economic and Social Council, *Implementation of the International Covenant on Economic, Social and Cultural Rights: Second Period Reports Submitted by State Parties under Articles 16 and 17 of the Covenant*, August 7, 2006, 47; available from http://www.ohchr.org/english/bodies/cescr/docs/E_C12_NPL_2.doc. See also Government of Nepal, *Child Labor Info.*, Section 3, 5.

³⁰⁴⁴ Government of Nepal, *Children's Act*, Section 32 and 33.

³⁰⁴⁵ U.S. Department of State, "Country Reports- 2006: Nepal," Section 6d. See also Government of Nepal, *Child Labor Info.*, Section 3.

³⁰⁴⁶ U.S. Embassy- Kathmandu, *reporting, August 19, 2005*.

³⁰⁴⁷ Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, Kathmandu, 2004. See also United Nations Economic and Social Council, *Implementation of the International Covenant on Economic, Social and Cultural Rights*, Executive Summary, 47. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee 2005*, para. 93.

³⁰⁴⁸ Nepal National Planning Commission, *Tenth Plan (2002-2007)*, Kathmandu, 2002, Chapter 15.2; available from http://www.npc.gov.np/tenthplan/docs_in_english.htm. See also Government of Nepal, *Child Labor Info.*, Section 2.

³⁰⁴⁹ 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, Kathmandu, September 2003. See also ILO-IPEC, *Sustainable Elimination of Child Bonded Labour Phase II*. See also U.S. Department of Labor, *Supporting the Time-Bound Program on the Elimination of the Worst Forms of Child Labor in Nepal*, [ILAB Technical Cooperation Summary] September 2006.

the Brighter Futures Program, a USD 3.5 million child labor educational initiative program funded by USDOL, scheduled to run through September 2009. The project shares knowledge gained at the community level to inform government policies related to child labor and aims to withdraw 15,000 children and prevent 15,000 children from exploitive labor.³⁰⁵⁰ Additionally, a USD 1.2 million project supported by the Government of Italy to eliminate child labor in the South Asia region was completed in December 2006.³⁰⁵¹

The government continues to take action in order to rescue and rehabilitate freed bonded laborers; however, distribution of land to former *Kamaiyas* has not been consistent with the level of need.³⁰⁵² In 2006, USDOL funded the USD 2 million second phase of a project to assist former child bonded laborers and their families. The project aims to withdraw 3,000 children and prevent 6,600 children from exploitive labor³⁰⁵³

The government has a National Plan of Action to Combat Trafficking and has established a National Coordination Committee with a National Task Force that provides policy direction and coordinates activities on child trafficking.³⁰⁵⁴ The government, with the support of NGOs and international organizations, implemented awareness-raising campaigns on trafficking in persons, and a trafficking education campaign for girls in 19 districts.³⁰⁵⁵ Nepal was part of a USDOL funded USD 3 million regional project that ended in March 2006 to combat trafficking in Asia. The project withdrew 367 children and prevented 10,378 children from trafficking throughout the region.³⁰⁵⁶

The Government of Nepal is currently implementing its Education for All National Plan of Action (NPA), which aims to expand education access, provide alternative schooling, and provide non-formal education alternatives. Child laborers are one of the target groups identified in the plan.³⁰⁵⁷ USAID is providing funding for several programs in Nepal to reduce the vulnerability of children. These include scholarship programs for girls from disadvantaged and conflict-affected families; vocational training for youth and displaced and disadvantaged

³⁰⁵⁰ U.S. Department of Labor, *Combating Child Labor through Education in Nepal: The Brighter Futures Program Phase II*, ILAB Technical Cooperation Project Summary, Washington, D.C., 2005. See also World Education, *Combating Child Labor through Education in Nepal: The Brighter Futures Program Phase II*, technical progress report, Boston, September 2006.

³⁰⁵¹ ILO-IPEC official, E-mail communication to USDOL official, March 1, 2007.

³⁰⁵² U.S. Department of State, "Country Reports- 2006: Nepal," Section 6c.

³⁰⁵³ ILO-IPEC, *Sustainable Elimination of Child Bonded Labour Phase II*, 44.

³⁰⁵⁴ U.S. Department of State, "Country Reports- 2006: Nepal," Section 5. See also 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.

³⁰⁵⁵ U.S. Department of State, "Country Reports- 2006: Nepal," Section 5.

³⁰⁵⁶ U.S. Department of Labor, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, ILAB Technical Cooperation Project Summary, Washington, DC, 2002. See also ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, project document, Geneva, February 2002. See also ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, technical progress report, Geneva, March 2006.

³⁰⁵⁷ Ministry of Education and Sports, *EFA National Plan of Action: Nepal*, Kathmandu, April 2003; available from http://portal.unesco.org/education/en/ev.php-URL_ID=30125&URL_DO=DO_TOPIC&URL_SECTION=201.html.

persons; and an anti-trafficking program targeted at girls exploited by, and at risk of, being trafficked.³⁰⁵⁸

³⁰⁵⁸ USAID, *Operational Plan FY2006*, June 12, 2006, 9-10,13; available from http://pdf.usaid.gov/pdf_docs/PDACH275.pdf.