

Nepal

Incidence and Nature of Child Labor

The ILO estimated that 40.8 percent of children ages 10 to 14 years in Nepal were working in 2002.²⁸⁷⁰ The majority of economically active children participate in the agriculture sector, while others work in the service sector, transportation, and communication.²⁸⁷¹ Throughout the country, children carry heavy loads as short-distance and long-distance porters.²⁸⁷² Over 10,000 children are estimated to work in stone quarries.²⁸⁷³ In Kathmandu alone, an estimated 21,000 children under 14 years old are domestic servants. Children scavenge for plastic, metal, and glass to recycle. To a lesser extent, children are engaged in brick making. Children make up an estimated 2 percent of the workforce in the export-oriented carpet industry, though more are estimated to work in family-based weaving operations and smaller factories.²⁸⁷⁴ According to ILO-IPEC, most working children do not receive wages.²⁸⁷⁵ They often work under exploitive and hazardous conditions.²⁸⁷⁶

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.²⁸⁷⁷ Girls as young as 9 years old have been trafficked. In 2001, a local NGO recorded 265 cases of girl trafficking victims, of which 34 percent

²⁸⁷⁰ World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

²⁸⁷¹ According to the National Child Labor Study, 50 types of paid economic activities outside the home have been recorded where children are involved. See 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. See U.S. Department of State, *Country Reports on Human Rights Practices-2003: Nepal*, Washington, D.C., February 25, 2004, Introduction; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27949.htm>.

²⁸⁷² Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, Kathmandu, 2004, Annex 1.5. See also Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*.

²⁸⁷³ The majority of the children are 11 to 13 years old and more girls than boys work in quarries. Twenty-five percent of the children work 4 to 8 hours a day; 67 percent work 9 to 10 hours per day. See 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.

²⁸⁷⁴ U.S. Department of State, *Country Reports-2003: Nepal*, Section 6d. See also Nepal Rugmark Foundation, *Rugmark Bulletin 2004*, Kathmandu, January 1, 2004.

²⁸⁷⁵ ILO-IPEC, *Strategic Plan for 2000-2007: Nepal*, Geneva, February 4, 2000, Section 2.1.1. Approximately 95 percent of child laborers are employed in the informal sector. See U.S. Embassy- Kathmandu, *unclassified telegram no. 1661*, August 20, 2004.

²⁸⁷⁶ The hazards children face when engaged in the 16 worst forms of child labor are described in the National Master Plan on Child Labor. For example, children working in small restaurants and bars and in domestic service lack rest, work long hours, are under the control of their employers, 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. See Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, Annex 1.7.

²⁸⁷⁷ Ministry of Women, Children, and Social Welfare, *National Plan of Action Against Trafficking in Children and Women for Sexual and Labour Exploitation*, Kathmandu, 2001, 5. See also Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, 3.

were below 16 years of age.²⁸⁷⁸ 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.²⁸⁷⁹ A 2001, study found 30 percent of commercial sex workers in Kathmandu were below 18 years old.²⁸⁸⁰

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.²⁸⁸¹ 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. There is concern among government officials and NGOs that these children are much more vulnerable to labor or sexual exploitation, or living on the streets.²⁸⁸² 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 tens of thousands of students and teachers from schools, creating an atmosphere of fear and violence.²⁸⁸³ Schools have been battle zones for both the insurgents and the Royal Nepal Army.²⁸⁸⁴

Education is not compulsory in Nepal. 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.²⁸⁸⁵ Primary schools commonly charge non-tuition fees to pay for other school expenses,²⁸⁸⁶ and families frequently do not have the money to pay for school supplies and clothing.²⁸⁸⁷ In 2001, the gross primary enrollment rate was 121.6 percent. There are wide disparities between primary school enrollment rates of girls and boys. In 2001, gross enrollment rates were 112.9 percent and 129.8 for girls and boys respectively. Net primary enrollment rates are unavailable for 2001. In 2000, net enrollment rates were 66 percent and 74.6 percent for girls and boys respectively.²⁸⁸⁸ Gross and net enrollment ratios are based on the number of students formally registered in primary school

²⁸⁷⁸ Child Workers in Nepal (CWIN), *The State of the Rights of the Child in Nepal, 2002, National Report*, 1st ed. (Kathmandu: 2002), 33.

²⁸⁷⁹ Ministry of Women, Children, and Social Welfare, *National Plan of Action Against Trafficking in Children and Women for Sexual and Labour Exploitation*, Kathmandu, 2002, 6, 9.

²⁸⁸⁰ U.S. Department of State, *Country Reports-2003: Nepal*, Section 6f.

²⁸⁸¹ *Ibid.*, Introduction and Section 5, 6d.

²⁸⁸² U.S. Embassy- Kathmandu, *unclassified telegram no. 1661*.

²⁸⁸³ 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>.

²⁸⁸⁴ Some efforts are underway by the Ministry of Education and local NGOs to make schools a "place of peace" and safer to attend. U.S. Embassy- Kathmandu, *unclassified telegram no. 1661*.

²⁸⁸⁵ *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.

²⁸⁸⁶ ILO-IPEC, *Sustainable Elimination of Bonded Labor in Nepal*, project document, NEP/00/P51/USA, Geneva, December 2000, 1.

²⁸⁸⁷ U.S. Department of State, *Country Reports-2003: Nepal*, Section 5.

²⁸⁸⁸ World Bank, *World Development Indicators 2004*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

and therefore do not necessarily reflect actual school attendance. In 2000, the gross primary attendance rate was 116.9 percent and the net primary attendance rate was 73 percent.²⁸⁸⁹

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.²⁸⁹⁰ 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.²⁸⁹¹ The Child Labor Act only covers formal sectors of employment, leaving the majority of child laborers who work in the informal sectors without legal protection. The Child Labor Act imposes a punishment of up to 3 months in prison, a fine of up to 10,000 RS (USD 145) or both for employing an underage child. Employing a child in dangerous work or against their will is punishable with imprisonment for up to one year, a fine of up to 50,000 (USD 725) or with both.²⁸⁹² The Labor Act also allows for a fine to be levied against employers in violation of labor laws.²⁸⁹³

The primary anti-trafficking law is the Human Trafficking Control Act of 1986.²⁸⁹⁴ 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.²⁸⁹⁵ The Constitution of Nepal prohibits the employment of minors in factories, mines or other hazardous work.²⁸⁹⁶

²⁸⁸⁹ USAID Development Indicators Service, *Global Education Database*, [online] 2004; available from <http://quesdb.cdie.org/ged/index.html>.

²⁸⁹⁰ 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. See 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. See 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.

²⁸⁹¹ Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, 10. The original Master Plan on Child Labor was developed in 2001 and revised in 2004. This revised plan has been submitted to the Cabinet but has not yet been approved. See U.S. Embassy- Kathmandu, *unclassified telegram no. 1661*. The Child Labor Act defines children as below the age of 16 years, and permits the employment of children 14 years and older. See Government of Nepal, *Child Labor (Prohibition and Regulation) Act (No. 14)*, (2000), Sections 2 (a), 3 (1), 9 (1) and (2); available from <http://natlex.ilo.org/txt/E00NPL01.htm>. The act, however, did not take full effect until November 2004 (see below).

²⁸⁹² *Child Labor (Prohibition and Regulation) Act (No. 14)*, Section 19 (1) and (2). For currently conversion, see FXConverter, [online] [cited February 15, 2005]; available from <http://www.oanda.com/convert/classic>.

²⁸⁹³ 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.

²⁸⁹⁴ U.S. Department of State, *Trafficking in Persons Report-2004: Nepal*, Washington, D.C., June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33197.htm#nepal>.

²⁸⁹⁵ Shiva Sharma, Bijendra Basnyat, and G.C. Ganesh, *Nepal Bonded Labor Among Child Workers of the Kamaiya System: A Rapid Assessment*, ILO-IPEC, Geneva, November 2001, 6, 10; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/ra/index.htm>. See also Government of Nepal, *The Kamaiya Labor (Prohibition) Act*, (2002).

²⁸⁹⁶ *Constitution of the Kingdom of Nepal*, Article 20.

The Central Child Welfare Board and Child Welfare Officers have the responsibility of enforcing child rights legislation.²⁸⁹⁷ The Ministry of Labor and Transport Management’s Child Labor Section and Labor Offices are responsible for enforcing child labor issues.²⁸⁹⁸ 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 14 labor inspectors located in 14 offices in Nepal, who are responsible for conducting inspections of 20,000 corporations registered with the Ministry of Labor. Last year, the Ministry of Labor carried out 500 inspections; according to a Ministry official, no instances of child labor were found.²⁸⁹⁹

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

In February 2004, the Ministry of Labor and Transport Management of Nepal 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 in by 2014. It identifies 16 worst forms of child labor; the IPEC Core Timebound program will target seven worst forms of child labor in 35 districts of Nepal in two phases (totaling seven 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.²⁹⁰⁰ In November 2004, the Child Labor Prohibition Act of 2000 was formally enacted, enabling the government to enforce the act’s provisions.²⁹⁰¹ 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.²⁹⁰²

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)		✓

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

²⁸⁹⁷ *Children’s Act, 2048*, Sections 32 and 33.

²⁸⁹⁸ Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, 10.

²⁸⁹⁹ U.S. Embassy- Kathmandu, *unclassified telegram no. 1661*. In 2002, the Ministry of Labor conducted 369 inspections in carpet factories and found 63 children under 14 years old; however, no convictions for employment violations were made. U.S. Department of State, *Country Reports-2003: Nepal*, Section 6d.

²⁹⁰⁰ Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, 1, 3, Annex 1.7.

²⁹⁰¹ ILO-IPEC, *Supporting the Timebound Program in Nepal: The IPEC Core TBP Project*, technical progress report, Geneva, December 2004, 3.

²⁹⁰² The Ministry of Women, Children and Social Welfare has been appointed the national focal point for anti-trafficking initiatives. See Ministry of Women, Children, and Social Welfare, *National Plan of Action Against Trafficking in Children and Women*, 8. Nepal’s District, Municipality, and Village Task Forces in four districts are engaged in capacity-building activities in cooperation with ILO-IPEC and will play a part in cross-sectoral coordination of implementing and enforcing the National Plan of Action to Combat Trafficking. See U.S. Embassy- Kathmandu, *unclassified telegram no. 2168*, November 2002.

level. In 2000, USDOL funded a project that is on-going to support former child bonded laborers and their families.²⁹⁰³

With funding from USDOL in 2000, the Government of Nepal and local partner organizations continue to implement a comprehensive ILO-IPEC Core Timebound Program.²⁹⁰⁴ World Education and its local partner organizations also continue to implement a child labor educational initiative program that was funded by USDOL in 2002 that works closely with the ILO-IPEC Core Timebound Project.²⁹⁰⁵ Nepal continues to be a part of an ILO-IPEC regional project to combat trafficking in Asia.²⁹⁰⁶

In July 2004, the World Bank approved a USD 50 million credit that will be pooled with about USD 100 million in grant funding from other donors to support the Government of Nepal's Education for All program to finance basic and primary education expenditures over the next 5 years.²⁹⁰⁷ The Seventh Education Amendment was passed in 2002, which began the government's commitment to decentralization of the education system.²⁹⁰⁸ 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.²⁹⁰⁹ The Basic and Primary Education Project has been underway since 1993 and works to improve quality, access and retention of students, and

²⁹⁰³ *The Kamaiya Labor (Prohibition) Act*, Section 8 and preamble. The government categorized the ex-Kamaiyas into categories based on socio-economic indicators, and the poorest were distributed land successfully. Still other ex-Kamaiyas have not received government support or benefits. Some observers are concerned this could lead to a reoccurrence of a bonded labor system. See U.S. Embassy- Kathmandu, *unclassified telegram no. 1661*. See also ILO-IPEC, *Bonded Labor in Nepal*, project document, 3.

²⁹⁰⁴ ILO-IPEC, *Supporting the Timebound Program in Nepal: The IPEC Core TBP Project*, project document, NEP/01/P50/USA, Geneva, September 2001.

²⁹⁰⁵ World Education, *Projects by Region*, [online] 2004 [cited March 25, 2003]; available from http://www.worlded.org/projects_region_asia.html#nepal.

²⁹⁰⁶ This project is funded by USDOL. See ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, project document, RAS/02/P51/USA, Geneva, February 2002, 8.

²⁹⁰⁷ The program primarily targets girls and children from disadvantaged groups and provides scholarships to attend primary school, as well as expands teacher training and institutional capacity. See World Bank, *World Bank To Support Nepal's Education For All Goals*, [News Release No:2005/12/SAR] July 8, 2004 [cited September 6, 2004]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20223949~menuPK:34465~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html#>.

²⁹⁰⁸ "The New Approach," *The Kathmandu Post* (Kathmandu), October 25, 2002; available from http://www.kantipuronline.com/archive/kpost/2002-10-25/kp_editorial.htm.

²⁹⁰⁹ Incentives include grants to about 1,500 schools, scholarships to out-of-school children from poor households to attend primary school, and support for capacity building to assist communities in school management. World Bank, *Nepal: World Bank Approves Credit for Community School Support Project*, [online news release] 2003 [cited June 7, 2004]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20117923~menuPK:34463~pagePK:34370~piPK:34426~theSitePK:4607,00.html>.

institutional capacity.²⁹¹⁰ The Primary Education Development Project has been underway since 1992 and prepares new primary school teachers and constructs schools.²⁹¹¹

²⁹¹⁰ International Bureau of Education - UNESCO, *World Data on Education: Nepal Country Report*, Geneva, revised February 2003; available from http://nt5.scbbs.com/cgi-bin/om_isapi.dll?clientID=531873&COUNTRY=nepal&FREETEXT=&KEYWORD=®ION=&THEME=&WCount=4&advquery=%5bHeadings%20Country%2c%20nepal%5d&depth=2&headingswithhits=on&hitsperheading=on&infobase=iwde.nfo&record={A60}&softpage=PL_frame. See World Bank, *Basic and Primary Education Project*, World Bank, [online] June 7, 2004 [cited June 7, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P040612>.

²⁹¹¹ The Primary Education Development Project is funded by the ADB. See International Bureau of Education - UNESCO, *World Data on Education: Nepal Country Report*.