

²⁴³⁸ ILO-IPEC, *Supporting the Time-Bound Programme to Eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and Laying the Basis for Concerted Action Against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Project Document, Geneva, September 30, 2003, cover page. See also Towards the Elimination of the worst forms of Child Labor (TECL), *Overview of child work*.

²⁴³⁹ ILO-IPEC, *Supporting the Timebound Programme to Eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and Laying the Basis for Concerted Action Against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Annex to TECL Project Document: Strategy for Namibia, Geneva, May, 2005, 4. Towards the Elimination of the worst forms of Child Labor (TECL), *About the Child Labor Program in Namibia*, [online] 2007 [cited March 26, 2008]; available

from <http://www.child-labour.org.za/blns-countries/namibia/about-the-child-labour-programme/general/>.

²⁴⁴⁰ American Institutes for Research, *Reducing Exploitive Child Labor Southern Africa (RECLISA)*, Project Document, Washington, DC, September 8, 2005, 17-18.

²⁴⁴¹ *Ibid.*, 21-22.

²⁴⁴² U.S. Embassy- Windhoek, *reporting, December 18, 2007*, para 3. See also U.S. Department of State, "Country Reports- 2007: Namibia," section 6d.

²⁴⁴³ Towards the Elimination of the worst forms of Child Labor (TECL), *Namibia Governance*, [online] 2007 [cited March 26, 2008]; available from <http://www.child-labour.org.za/blns-countries/namibia/about-the-child-labour-programme/general/blns-countries/namibia/about-the-child-labour-programme/governance>. See also U.S. Embassy- Windhoek, *reporting, December 18, 2007*, para 3.

Nepal

Incidence and Nature of Child Labor

The National Child Labor Study identifies 50 types of paid economic activities that involve children.²⁴⁴⁴

The majority of working children are active in the informal sector.²⁴⁴⁵ Children work as domestic servants, porters, rag pickers, rock breakers, and carpet factory workers, and in mines, in restaurants, in agriculture, and the transportation sector. Depending on the specific sector, children work long hours without breaks; carry heavy loads; have ear, eye, and skin disorders; have musculoskeletal problems; and are at risk of sexual exploitation.²⁴⁴⁶ There are two kinds of child bonded laborers in Nepal; *Kamaiyas* are born into a family legacy of bonded labor although this practice was outlawed in 2002. The other bonded child laborers come from large, landless families and work in the following sectors: agriculture, brick kilns, carpet-weaving, commercial sexual exploitation, domestic work, restaurants, and stone quarries.²⁴⁴⁷

Children in Nepal are exploited through prostitution, sex tourism, and trafficking.²⁴⁴⁸ 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.²⁴⁴⁹ 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 involuntary servitude as child soldiers, domestic servants, circus entertainers, or factory workers.²⁴⁵⁰

While violence overall has declined, reports indicate that the Communist Party of Nepal-Maoist (CPN-M) continues to recruit, often forcibly, thousands of children as young as 10 years old to serve in combat and in various battlefield support functions.²⁴⁵¹ It has been reported that children attempting to leave the cantonments (combat quarters) have been forced to return by CPN-M cadres.²⁴⁵²

Child Labor Laws and Enforcement

The law sets the minimum age for employment at 14 years.²⁴⁵³ The law prohibits children less than 16 years from employment in occupations such as tourism, carpet weaving, factories, mines, or other hazardous work harmful to their health or well-being. Children can work up to 6 hours a day and 36 hours a week, between 6 a.m. and 6 p.m.²⁴⁵⁴ The

law sets a monthly minimum wage for children ages 14 to 16 years.²⁴⁵⁵ 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 by imprisonment for up to 1 year.²⁴⁵⁶ The Labor Act allows fines to be levied against employers in violation of labor laws.²⁴⁵⁷

<i>Selected Statistics and Indicators on Child Labor</i> ²⁴⁵⁸	
Working children, 5-14 years (%), 1999:	39.6
Working boys, 5-14 years (%), 1999:	35.4
Working girls, 5-14 years (%), 1999:	44
Working children by sector, 5-14 years (%), 1999:	
- Agriculture	87.1
- Manufacturing	1.3
- Services	11
- Other	0.5
Minimum age for work:	14
Compulsory education age:	Not Compulsory
Free public education:	Yes
Gross primary enrollment rate (%), 2006:	126
Net primary enrollment rate (%), 2004:	79
School attendance, children 5-14 years (%), 1999:	69.2
Survival rate to grade 5 (%), 2005:	79
ILO-IPEC participating country:	Yes

The minimum age for voluntary military service is 18 years, but children can begin military training at 15 years.²⁴⁵⁹ The 2007 Interim Constitution states that no minor shall be employed in any hazardous work, and shall not be used in the army, police, or in conflicts.²⁴⁶⁰ The 2006 Comprehensive Peace Accord prohibits the sexual exploitation of children.²⁴⁶¹ The 2007 Human Trafficking Control Act prohibits trafficking in persons and provides for up to 20 years of imprisonment for violations.²⁴⁶² The law also prohibits the use of children in immoral activities, including taking and distributing pornographic photographs.²⁴⁶³ The

Kamaiya system, a form of bonded labor, was formally outlawed in 2002; the law forbids keeping or employing any person as a bonded laborer and cancels any unpaid loans or bonds between creditors and *Kamaiya* laborers.²⁴⁶⁴ The law prohibits children from involvement in the sale, distribution, or trafficking of alcohol and drugs.²⁴⁶⁵

The law calls for the establishment of a Child Labor Elimination Committee and a Child Labor Elimination Fund, both of which have been established.²⁴⁶⁶ The Central Child Welfare Board and Child Welfare Officers have the responsibility of enforcing children's rights legislation.²⁴⁶⁷ The Ministry of Labor and Transport Management (MoLTM) is responsible for enforcing child labor legislation and issues.²⁴⁶⁸ USDOS reports that despite legal protections, resources devoted to enforcement of child labor laws are limited: the Ministry of Labor employed 10 labor inspectors in 2007.²⁴⁶⁹ The law only covers formal sectors of employment, leaving the majority of children who work in the informal sector without legal protection.²⁴⁷⁰

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

The 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 2014.²⁴⁷¹ The National Planning Commission implemented its interim plan from 2007/2008 through 2010/2011 on July 16, 2007, which includes a commitment to implement the national Master Plan on Child Labor.²⁴⁷²

World Education and its local partner organizations continue to implement phase two of the Brighter Futures Program, a USD 3.85 million program funded by USDOL, scheduled to run through September 2009. The project provides technical assistance on government policies related to child labor, and aims to withdraw 15,400 children and prevent 15,200 children from exploitive labor including children formerly associated with the Armed Forces.²⁴⁷³

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.²⁴⁷⁴

USDOL continues to fund the USD 2 million second phase of a project to assist former child bonded laborers and their families. The ILO-IPEC implemented project aims to withdraw 3,000 children and prevent 6,600 children from exploitive labor.²⁴⁷⁵

The Government has a National Plan of Action to Combat Trafficking.²⁴⁷⁶ 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.²⁴⁷⁷ The National Tourism Board, several other government agencies, and NGOs constitute the Committee against Pedophilia and Commercial Sexual Exploitation of Children through Tourism to combat child sex tourism. The Committee is developing a code of conduct for the hotel industry and organizes awareness raising campaigns.²⁴⁷⁸ In 2007, the Ministry of Women, Children and Social Welfare began a rehabilitation program for trafficking victims, providing shelter and services to 100 girls in three communities. The Government's *Child Development and Rehabilitation Fund* offers support to children working in the carpet manufacturing sector.²⁴⁷⁹ The Government is also supporting a cash transfer program to support children affected by the conflict.²⁴⁸⁰

The Government is currently implementing its Education for All National Plan of Action, 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.²⁴⁸¹ The Government is also participating in several USAID-funded programs in Nepal to reduce the vulnerability of children to child labor. These include scholarship programs for girls from disadvantaged and conflict-affected families; vocational training for youth and displaced and disadvantaged persons; and an anti-trafficking program targeted at girls exploited by, and at risk of, being trafficked.²⁴⁸² In addition, the Government of Italy supported a project to prevent and eliminate child labor in Nepal which ended in December 2007.²⁴⁸³

²⁴⁴⁴ 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.

²⁴⁴⁵ U.S. Department of State, "Country Reports- 2007: Nepal," section 6d.

²⁴⁴⁶ World Education, *Combating Child Labor through Education in Nepal: The Brighter Futures Program Phase II*, Project Document, Boston, 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- 2007: Nepal," section 5, 6d.

²⁴⁴⁷ ILO-IPEC, *Sustainable Elimination of Child Bonded Labour Phase II*, Project Document, 6. See also William F. Stafford Jr., *Understanding Bonded Child Labour in Asia*, Child Workers in Asia, Bangkok, 2007, 23-25; available from http://www.crin.org/docs/CWA_%20UnderstandingBondedChildLabour.pdf.

²⁴⁴⁸ ECPAT International CSEC Database, *Nepal*, accessed December 14, 2007; available from <http://www.ecpat.net/>. See also ECPAT International, *Situational Analysis Studies on Child Sex Tourism in Tourist Destinations of India, Nepal and Sri Lanka*, Kathmandu, December 2003, 4; available from http://www.ecpat.net/eng/Ecpat_inter/projects/sex_tourism/Executive%20Summary.Web1.pdf.

²⁴⁴⁹ U.S. Embassy-Kathmandu, *reporting*, December 2, 2007, para 16. See also ILO-IPEC, *Cross Border Trafficking of Boys*, Kathmandu, March 2002, 2, 10; available from http://www.ilo.org/public/libdoc/ilo/2002/102B09_152_engl.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-2007: Nepal," section 5. See also U.S. Embassy-Kathmandu, *reporting* July 27, 2004.

²⁴⁵⁰ U.S. Department of State, "Nepal (Tier 2)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 12, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/82806.htm>. See also U.S. Department of State, "Country Reports- 2007: Nepal," section 5. See also U.S. Embassy-Kathmandu, *reporting*, July 27, 2004, para 1, 6.

²⁴⁵¹ UN Security Council, *Report of the Secretary-General on Children and Armed Conflict in Nepal*, December 20, 2006, 1, 4, 5; available from <http://www.crin.org/>

docs/UNSG_Report_CAC_Nepal_E.pdf. See also UN Security Council, *Conclusions on Children and Armed Conflict in Nepal*, June 12, 2007, 4; available from <http://www.securitycouncilreport.org/atf/cf/%7B65BF-CF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20SAC51%202007%208.pdf>. See also U.S. Department of State, "Country Reports- 2007: Nepal," section 5.

²⁴⁵² U.S. Embassy-Kathmandu, *reporting, December 2, 2007*, para 17.

²⁴⁵³ Government of Nepal, *Children's Act*, chapter 2, section 17. See also *Child Labor (Prohibition and Regulation) Act (No. 14)*, (2000), chapter 2, section 3; available from <http://natlex.ilo.org/txt/E00NPL01.htm>. See also U.S. Embassy-Kathmandu, *reporting, December 2, 2007*, para 3.

²⁴⁵⁴ U.S. Embassy- Kathmandu, *reporting, August 20, 2004*, para 4. See also *Child Labor (Prohibition and Regulation) Act (No. 14)*, section 2(a), 3(1) and (2), schedule. See also Government of Nepal, *Children's Act*, article 17-18. See also U.S. Embassy-Kathmandu, *reporting, December 2, 2007*, para 2.

²⁴⁵⁵ U.S. Department of State, "Country Reports- 2007: Nepal," section 6d.

²⁴⁵⁶ *Child Labor (Prohibition and Regulation) Act (No. 14)*, section 19(1) and (2).

²⁴⁵⁷ Government of Nepal, *Labor Act*, (1992), section 55; available from <http://natlex.ilo.org/txt/E92NPL01.htm>.

²⁴⁵⁸ For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Executive Summary. For minimum age for admission to work, age to which education is compulsory, and free public education, see 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 Government of Nepal, *Child Labor (Prohibition and Regulation) Act*, No. 14, (2000), chapter 2, section 3(1); available from <http://natlex.ilo.org/txt/E00NPL01.htm>. See also U.S. Department of State, "Nepal," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100618.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, para 75; available from http://www.bayefsky.com/.pdf/nepal_t4_crc_39.pdf. See also Government of Nepal, *Interim Constitution of Nepal*, (January 15, 2007), article 17(2); available from http://www.worldstatesmen.org/Nepal_Interim_Constitution2007.pdf.

²⁴⁵⁹ 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.

²⁴⁶⁰ Government of Nepal, *Interim Constitution of Nepal: 2007*, article 22(5).

²⁴⁶¹ U.S. Embassy-Kathmandu, *reporting, December 2, 2007*, para 4. See also Government of Nepal, *Comprehensive Peace Agreement held between Government of Nepal and Communist Part of Nepal (Maoist)*, (2006), 7.6.1; available from http://swiss-nepal.ch/uploads/news/061121_SPA_Maoist_agreement.pdf.

²⁴⁶² U.S. Embassy- Kathmandu, *reporting, September 12, 2007*, 3. See also U.S. Embassy-Kathmandu, *reporting, December 2, 2007*, 8. See also Government of Nepal, *Trafficking in Person and Transportation (Control) Act*, 2064 Bikram Era, (2007), article 15(a). See also Government of Nepal, *Trafficking and Selling in Person Activity (Prohibition) Act*, Act No. 15 of 2043 Bikram Era, (1986), article 3, 8. See also U.S. Embassy- Kathmandu official, E-mail communication USDOL official, December 9, 2007.

²⁴⁶³ Government of Nepal, *Children's Act*, chapter 2, section 16 (2) (3).

²⁴⁶⁴ Government of Nepal, *The Kamaiya Labor (Prohibition) Act*, (2002), chapter 2, chapter 3.

²⁴⁶⁵ Government of Nepal, *Children's Act*, chapter 2, section 16(4). See also Government of Nepal, *The Narcotic Drugs (Control) Act*, 2033, (1976), chapter 3, section 14. See also Government of Nepal, *Report of the Republic of Nepal on Efforts by GSP Beneficiary Countries to Eliminate Worst Forms of Child Labour*, submitted in response to U.S. Department of Labor Federal Register Notice (December 5, 2006) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Kathmandu, December 25, 2006.

²⁴⁶⁶ UN 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.

²⁴⁶⁷ Government of Nepal, *Children's Act*, section 32 and 33.

²⁴⁶⁸ U.S. Department of State, "Country Reports- 2007: Nepal," section 6d. See also Government of Nepal, *Child Labor Info.*, section 3.

²⁴⁶⁹ U.S. Embassy-Kathmandu, *reporting, December 2, 2007*, para 9.

²⁴⁷⁰ U.S. Department of State, "Country Reports- 2007: Nepal," section 6d.

²⁴⁷¹ Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*,

Kathmandu, 2004. See also UN 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.

²⁴⁷² U.S. Embassy-Kathmandu, *reporting, December 2, 2007*, para 13. See also U.S. Embassy- Kathmandu, E-mail communication USDOL official, July 24, 2008.

²⁴⁷³ U.S. Department of Labor, *Combating Child Labor through Education in Nepal: The Brighter Futures Program Phase II*, ILAB Technical Cooperation Project Summary, Washington, DC, 2007. See also World Education, *Combating Child Labor through Education in Nepal: The Brighter Futures Program Phase II*, Technical Progress Report, Boston, September 2006. See also World Education, *Combating Child Labor through Education in Nepal: The Brighter Futures Program Phase II*, Project Revision, Boston, June 26, 2007, 1.

²⁴⁷⁴ U.S. Department of State, "Country Reports- 2007: Nepal," section 6d.

²⁴⁷⁵ U.S. Department of Labor, *Sustainable Elimination of Child Bonded labor in Nepal - Phase 2*, ILAB Technical Cooperation Project Summary, Washington, DC, 2007, ILO-IPEC, *Sustainable Elimination of Child Bonded Labour Phase II, Project Document*, 44.

²⁴⁷⁶ U.S. Department of State, "Country Reports- 2007: Nepal," section 5.

²⁴⁷⁷ Ibid. See also U.S. Embassy-Kathmandu, *reporting, December 2, 2007*, para 11.

²⁴⁷⁸ ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children Nepal*, Bangkok, 2006, 17; available from http://www.ecpat.net/eng/A4A_2005/PDF/South_Asia/Global_Monitoring_Report-NEPAL.pdf.

²⁴⁷⁹ U.S. Embassy-Kathmandu, *reporting, December 2, 2007*, para 11.

²⁴⁸⁰ Ibid.

²⁴⁸¹ 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. See also U.S. Embassy-Kathmandu, *reporting, December 2, 2007*, para 14.

²⁴⁸² USAID, *Operational Plan FY2006*, June 12, 2006, 9-10,13; available from http://pdf.usaid.gov/pdf_docs/PDACH275.pdf. See also U.S. Embassy-Kathmandu, *reporting, September 12, 2007*, para 1.

²⁴⁸³ ILO-IPEC official, E-mail communication to USDOL official, January 4, 2008.

Nicaragua

Incidence and Nature of Child Labor

Children in the agricultural sector of Nicaragua work in the production of such crops as coffee, corn, sugar, and tobacco.²⁴⁸⁴ Children also work in street sales and personal services, such as domestic service in third-party homes, as well as in markets, restaurants, hotels, and cigar factories. A small percentage of children engage in mining, stone quarrying, construction, and transport.²⁴⁸⁵ The majority of children work in the informal sector, and some are engaged in garbage dump scavenging.²⁴⁸⁶

Child prostitution and sex tourism are problems in Nicaragua.²⁴⁸⁷ Nicaragua is a source and transit country for children trafficked for sexual exploitation. Children are trafficked within Nicaragua from rural to urban areas.²⁴⁸⁸ Children

from poor rural areas between the ages of 13 and 18 are among the most vulnerable to trafficking. Some are recruited to work as nannies and waitresses, but are then forced to work as prostitutes in other countries.²⁴⁸⁹ Some children are trafficked internally for forced labor as domestic servants. Children are also trafficked from Nicaragua, often along the Pan-American Highway, to other parts of Central America to work as prostitutes in bars and nightclubs.²⁴⁹⁰ The Government reported that trafficking was linked to organized crime, including prostitutes and brothel owners who recruit trafficking victims.²⁴⁹¹

Child Labor Laws and Enforcement

The law sets the minimum age for employment at 14 years.²⁴⁹² Children 14 to 16 years cannot work without parental permission and under the supervision of the Labor Ministry.²⁴⁹³ Children 14