

<sup>2690</sup> ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Namibia (ratification: 2000)*, [online] 2008 [cited February 4, 2009], article 3, section 2, clause (b) 2.; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21886&chapter=9&query=%28Namibia%29+%40ref&highlight=&querytype=bool&context=0>. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Namibia."

<sup>2691</sup> Coalition to Stop the Use of Child Soldiers, "Namibia," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=147>.

<sup>2692</sup> U.S. Embassy- Windhoek, reporting, January 16, 2008, paras 4 and 5.

<sup>2693</sup> ILO-IPEC, *TECL, Phase II, Project Document*, 26-27. See also U.S. Department of State, "Country Reports- 2008: Namibia," section 6d.

<sup>2694</sup> U.S. Embassy- Windhoek, reporting, January 16, 2008, para 6.

<sup>2695</sup> U.S. Department of State, "Country Reports- 2008: Namibia," section 6d.

<sup>2696</sup> U.S. Embassy- Windhoek, reporting, January 16, 2008, para. 6.

<sup>2697</sup> American Institutes for Research, *Reducing Exploitive Child Labor Southern Africa (RECLISA)*, Project

Document, Washington, DC, September 8, 2005, 1, 17, 18.

<sup>2698</sup> American Institutes for Research, *Reducing Exploitive Child Labor Southern Africa (RECLISA)*, Final Technical Project Report, Washington, DC, August 12, 2008, 42.

<sup>2699</sup> Towards the Elimination of the worst forms of Child Labor (TECL), *Supporting The Timebound Program To Eliminate The Worst Forms Of Child Labor In South Africa, And Laying The Basis For Concerted Action Against The Worst Forms Of Child Labor In Botswana, Lesotho, Namibia And Swaziland*, Project Document, June 2003, i. See also Towards the Elimination of the worst forms of Child Labor (TECL), *Supporting The Timebound Program To Eliminate The Worst Forms Of Child Labor In South Africa, And Laying The Basis For Concerted Action Against The Worst Forms Of Child Labor In Botswana, Lesotho, Namibia And Swaziland*, Final Technical Progress Report, June 2008, section II.B.

<sup>2700</sup> Towards the Elimination of the worst forms of Child Labor (TECL), *Supporting The Timebound Program, Final Technical Progress Report, June 2008*, section II.B.

<sup>2701</sup> USDOL-ILAB, U.S. Department of Labor awards more than \$58 million to eliminate exploitive child labor around the world, Press Release, October 1, 2008; available from <http://www.dol.gov/opa/media/press/ilab/archive/ILAB20081352.htm>.

<sup>2702</sup> ILO-IPEC, *TECL, Phase II, Project Document*, 1, 84, 85.

## Nepal

### Incidence and Nature of Child Labor

Children in Nepal work in agriculture, embroidered textiles, the entertainment sector, and the transportation sector. Children also work as domestic servants, porters, rag pickers, and rock breakers, as well in carpet factories, mines, brick factories, and restaurants.<sup>2703</sup> Depending on the specific sector, children work long hours; carry heavy loads; have ear, eye, and skin disorders; have musculoskeletal problems; and are at risk of sexual exploitation.<sup>2704</sup> The majority of working children are active in the informal sector.<sup>2705</sup>

There are two kinds of child bonded laborers in Nepal: *Kamaiyas*, who are born into a family legacy of bonded labor, though this practice was outlawed in 2002, and other bonded child laborers, who commonly come from large,

landless families.<sup>2706</sup> Bonded child laborers may work in the following sectors: carpet-weaving, domestic service, brick manufacturing, and embroidery of textiles. Children may also work under conditions of bondage in agriculture, stone quarries, and restaurants.<sup>2707</sup> Bonded child laborers are also found in commercial sexual exploitation.<sup>2708</sup>

Children in Nepal are exploited through sex tourism, and trafficking.<sup>2709</sup> 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.<sup>2710</sup> 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.<sup>2711</sup>

The law sets a monthly minimum wage for children 14 to 16 years.<sup>2717</sup> The law 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.<sup>2718</sup> The law allows fines to be levied against employers who are found in violation of labor laws.<sup>2719</sup>

The minimum age for voluntary military service is 18 years.<sup>2720</sup> The 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.<sup>2721</sup> The 2006 Comprehensive Peace Accord prohibits child labor and the sexual exploitation of children.<sup>2722</sup> 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.<sup>2723</sup> The law prohibits children from involvement in the sale, distribution, or trafficking of alcohol and drugs.<sup>2724</sup> The law prohibits trafficking in persons and provides for up to 20 years of imprisonment for violations.<sup>2725</sup> The law also prohibits the use of children in immoral activities, including taking and distributing pornographic photographs.<sup>2726</sup>

The Ministry of Labor and Transport Management (MoLTM) is responsible for enforcing child labor legislation and issues.<sup>2727</sup> USDOS reports that despite legal protections, resources devoted to enforcement of child labor laws are limited—the Ministry of Labor employed 13 labor inspectors in 2008.<sup>2728</sup> A large amount of child labor occurs in sectors that are not covered by labor laws.<sup>2729</sup>

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

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. Although this goal has not been met, the plan continues to be implemented.<sup>2730</sup> In 2008, the Government committed funds to combat child labor in the Kathmandu Valley through the launch of a public awareness campaign on child

### *Selected Statistics and Indicators on Child Labor*<sup>2712</sup>

Population, children, 5-14 years, 1999:	4,989,490
Working children, 5-14 years (%), 1999:	39.6
Working boys, 5-14 years (%), 1999:	35.4
Working girls, 5-14 years (%), 1999:	44.0
Working children by sector, 5-14 years (%), 1999:	
- Agriculture	87.1
- Manufacturing	1.3
- Services	11.0
- Other	0.5
Minimum age for work:	14
Compulsory education age:	Not compulsory
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	126.3
Net primary enrollment rate (%), 2007:	76.1
School attendance, children 5-14 years (%), 1999:	69.2
Survival rate to grade 5 (%), 2005:	78.5
ILO Convention 138:	5/30/1997
ILO Convention 182:	1/3/2002
CRC:	9/14/1990
CRCOPAC:	1/3/2007
CRCOPSC:	1/20/2006
Palermo:	No
ILO-IPEC participating country:	Yes

Despite a peace agreement, reports indicate that the Communist Party of Nepal-Maoist continues to hold more than 3,000 children in cantonments (combat quarters). These children had been recruited, often forcibly, to serve in combat and in various battlefield support functions.<sup>2713</sup> It has also been reported that armed groups in the Terai area have recruited children to serve in combat.<sup>2714</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 14 years.<sup>2715</sup> The law prohibits children less than 16 years from employment in tourism, factories, carpet weaving, mining, factory work, 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.<sup>2716</sup>

labor and through the provision of daycare centers for children under 14 years, to dissuade children from accompanying their parents to work.<sup>2731</sup>

The Government continues to take action in order to rescue and rehabilitate freed *Kamaiya* bonded laborers through the provision of land, home construction materials, and livelihood training. In 2008, the Government rehabilitated 2,658 former *Kamaiyas*.<sup>2732</sup> The Government also continues to participate in the second phase of a USDOL-funded USD 2 million a project to assist former child bonded laborers and their families, which concludes in September 2010. The ILO-IPEC implemented project aims to withdraw 3,000 children and prevent 6,600 children from exploitive labor.<sup>2733</sup>

The Government has a National Plan of Action to Combat Trafficking.<sup>2734</sup> Forty-one women's police cells, in conjunction with NGOs, helped provide referral services to trafficking victims. NGOs have also received limited funding to provide rehabilitation, medical care, and legal services to trafficking victims.<sup>2735</sup> The Government provided financial assistance to raise awareness on trafficking in persons in 26 high-risk districts.<sup>2736</sup>

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.<sup>2737</sup>

The Government is also participating in a 5-year USD 3.85 million Brighter Futures program funded by USDOL scheduled to run through September 2009. This project is implemented by World Education and its local partner organizations and provides technical assistance on government policies related to child labor. It aims to withdraw 15,400 children and prevent 15,200 children from exploitive labor, including children formerly associated with armed groups and armed forces.<sup>2738</sup>

The Government is also participating in several USAID-funded programs in Nepal to reduce the vulnerability of children to exploitive 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.<sup>2739</sup> In addition, the Government participated in an additional ILO-IPEC-implemented project to prevent and eliminate child labor in Nepal, which ended in December 2008.<sup>2740</sup>

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<sup>2703</sup> 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, "Nepal," in *Country Reports on Human Rights Practices-2008*, Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119138.htm>. See also U.S. Embassy-Kathmandu, *reporting*, January 27, 2009, para 11. See also Macro International, *In-Country Research and Data Collection on Forced Labor and Child Labor in the Production of Goods in Nepal*, 2008. See also World Education, *Combating Child Labor through Education in Nepal: The Brighter Futures Program Phase II*, Technical Progress Report, Boston, September 30, 2008, 8 and 26.

<sup>2704</sup> Occupational Safety and Health Project, *Identification and Prioritization of Hazardous Works*, 9 and 10.

<sup>2705</sup> U.S. Department of State, "Country Reports- 2008: Nepal," section 6d.

<sup>2706</sup> 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](http://www.crin.org/docs/CWA_%20UnderstandingBondedChildLabour.pdf). See also Macro International, *In-Country Research: Nepal*, 2.

<sup>2707</sup> ILO-IPEC, *Sustainable Elimination of Child Bonded Labour Phase II*, Project Document, 6. See also William F. Stafford Jr., *Bonded Child Labour in Asia*, 23-25. See also Macro International, *In-Country Research: Nepal*, 2.

<sup>2708</sup> William F. Stafford Jr., *Bonded Child Labour in Asia*, 23-25.

<sup>2709</sup> ECPAT International CSEC Database, *Nepal*, accessed January 27, 2009; 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

www.fondationscelles.org/index.php?option=com\_docman&task=doc\_download&gid=454.

<sup>2710</sup> U.S. Embassy-Kathmandu, *reporting*, December 2, 2007, para 16. See also Macro International, *In-Country Research: Nepal*, 2 and 3. See also Women's Rehabilitation Centre (WOREC), *Insight: A Publication Against Trafficking in Persons 2*, no. 2 (2003); available from <http://www.worecnepal.org/downloads/insight.pdf>. See also U.S. Department of State, "Nepal (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>. See also U.S. Embassy- Kathmandu, *reporting* July 27, 2004. See also U.S. Department of State, "Country Reports- 2008: Nepal," section 6d.

<sup>2711</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Nepal." See also U.S. Department of State, "Country Reports- 2008: Nepal," section 6d. See also U.S. Embassy- Kathmandu, *reporting*, July 27, 2004, paras 1 and 6.

<sup>2712</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Nepal, *Children's Act*, (1992), chapter 1, section 2(a), chapter 2, section 17(1); available from [http://www.labournepal.org/labourlaws/child\\_act.html](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>. For age to which education is compulsory, see 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](http://www.bayefsky.com/pdf/nepal_t4_crc_39.pdf). For free public education, see World Education, *Combating Child Labor through Education in Nepal: The Brighter Futures Program Phase II*, Technical Progress Report, Boston, March 31, 2009, 4 and 33. 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](http://www.worldstatesmen.org/Nepal_Interim_Constitution2007.pdf).

<sup>2713</sup> Coalition to Stop the Use of Child Soldiers, "Nepal," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf). See also United Nations Radio, *Nepal Agrees to Release Child Soldiers*, [online] 2008 [cited February 2, 2009]; available from <http://www.unmultimedia.org/radio/english/detail/64292.html>. See also UN Security Council, *Conclusions on Children and Armed Conflict in Nepal*, December 5, 2008, para 6 and 7; available from <http://daccessdds.un.org/doc/UNDOC/GEN/N08/628/07/PDF/N0862807.pdf?OpenElement>.

<sup>2714</sup> UN Security Council, *Conclusions on Children and Armed Conflict in Nepal 2008*, paras 16(d)(iii)-16(d)(v).

<sup>2715</sup> 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*, January 27, 2009, para 3.

<sup>2716</sup> *Child Labor (Prohibition and Regulation) Act (No. 14)*, sections 2(a), 3(1), 3(2), schedule. See also Government of Nepal, *Children's Act*, articles 17-18. See also U.S. Embassy- Kathmandu, *reporting*, January 27, 2009, para 2.

<sup>2717</sup> U.S. Department of State, "Country Reports- 2008: Nepal," section 6d.

<sup>2718</sup> *Child Labor (Prohibition and Regulation) Act (No. 14)*, sections 19(1) and 19(2).

<sup>2719</sup> Government of Nepal, *Labor Act*, (1992), section 55; available from <http://natlex.ilo.org/txt/E92NPL01.htm>. See also U.S. Embassy- Kathmandu, *reporting*, January 27, 2009, para 3.

<sup>2720</sup> Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008: Nepal."

<sup>2721</sup> Government of Nepal, *Interim Constitution*, article 22(5).

<sup>2722</sup> 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://swissnepal.ch/uploads/news/061121\\_SPA\\_Maoist\\_agreement.pdf](http://swissnepal.ch/uploads/news/061121_SPA_Maoist_agreement.pdf).

<sup>2723</sup> Government of Nepal, *The Kamaiya Labor (Prohibition) Act*, (2002), chapters 2 and 3.

<sup>2724</sup> 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.

<sup>2725</sup> U.S. Embassy- Kathmandu, *reporting*, January 27, 2009, para 2. 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), articles 3 and 8.

<sup>2726</sup> Government of Nepal, *Children's Act*, chapter 2, sections 16(2) and 16(3).

<sup>2727</sup> U.S. Department of State, "Country Reports- 2008: Nepal," section 6d. See also Government of Nepal, *Child Labor Info.*, section 3.

<sup>2728</sup> U.S. Embassy- Kathmandu, *reporting, January 27, 2009*, para 6.

<sup>2729</sup> U.S. Department of State, "Country Reports- 2008: Nepal," section 6d.

<sup>2730</sup> 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: Second Period Reports Submitted by State Parties under Articles 16 and 17 of the Covenant*, August 7, 2006, executive summary, 47; available from [http://www.ohchr.org/english/bodies/cescr/docs/E\\_C12\\_NPL\\_2.doc](http://www.ohchr.org/english/bodies/cescr/docs/E_C12_NPL_2.doc). See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee 2005*, para 93. See also U.S. Embassy- Kathmandu, *reporting, January 27, 2009*, para 1.

<sup>2731</sup> U.S. Embassy- Kathmandu, *reporting, January 27, 2009*, para 6.

<sup>2732</sup> U.S. Department of State, "Country Reports- 2008: Nepal," section 6d. See also ILO- Kathmandu, *8th Kamaiya Liberation Day Observed in Nepal with the Demand for Effective Rehabilitation of Freed Kamaiya*, [online] July 2008 [cited April 7, 2009]; available from [http://www.iloktm.org.np/read\\_more.asp?id=127](http://www.iloktm.org.np/read_more.asp?id=127).

<sup>2733</sup> U.S. Department of Labor, *Sustainable Elimination of Child Bonded labor in Nepal - Phase 2*, ILAB Technical Cooperation Project Summary, Washington, DC, 2007. See also ILO-IPEC, *Sustainable Elimination of Child Bonded Labour Phase II, Project Document*, 44.

<sup>2734</sup> United Nations Division for the Advancement of Women, *The UN Secretary-General's Database on Violence Against Women*, April 7, 2009; available from <http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=6960&baseHREF=country&baseHREFId=941>.

<sup>2735</sup> U.S. Department of State, "Country Reports- 2008: Nepal," section 5.

<sup>2736</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Nepal."

<sup>2737</sup> 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](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, January 27, 2009*, para 10.

<sup>2738</sup> 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.

<sup>2739</sup> USAID, *Operational Plan FY2006*, June 12, 2006, 9-10, 13; available from [http://pdf.usaid.gov/pdf\\_docs/PDACH275.pdf](http://pdf.usaid.gov/pdf_docs/PDACH275.pdf). See also U.S. Embassy- Kathmandu, *reporting*, December 19, 2007, para 1.

<sup>2740</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

## Nicaragua

### Incidence and Nature of Child Labor

Children in the agricultural sector of Nicaragua work in the production of crops such as coffee, bananas, sugarcane, and tobacco.<sup>2741</sup> Children also work crushing stone, extracting pumice, mining for gold, and collecting mollusks and shellfish.<sup>2742</sup> In addition, children work in street sales and personal services, such as domestic service in third-party homes, as well as in restaurants and hotels. Some children engage in construction, manufacturing, and transport.<sup>2743</sup> A significant number of children work in the informal sector, and some are engaged in garbage dump scavenging.<sup>2744</sup>

Child prostitution and sex tourism are problems in Nicaragua.<sup>2745</sup> Nicaragua is a source and transit country for children trafficked for sexual exploitation.<sup>2746</sup> Some children are trafficked within Nicaragua for sex tourism and to work as domestic servants.<sup>2747</sup> Children, especially girls, from poor rural areas are among the most vulnerable to trafficking. The victims are often deceived with promises of good jobs and then forced to work as prostitutes in neighboring countries.<sup>2748</sup> The Government reported that trafficking was linked to organized crime, including prostitutes and brothel owners who recruit trafficking victims.<sup>2749</sup> The Government