

## Child Labor in Nepal

### National Legislation and Policies Against Child Labour in Nepal<sup>1</sup>

- The Children's Act, 1992
- The Labour Act, 1992, and Labour Rules, 1993,
- The Child Labour (Prohibition and Regulation) Act, 1999,
- Kamaiya Labour Prohibition Act, 2001,

Nepal is a signatory to the:

- ILO Worst Forms of Child Labour Convention (No. 182);
- ILO Minimum Age Convention (No. 138);
- ILO Forced Labour Convention (No. 29);
- UN Convention on the Rights of the Child (CRC).

### Some facts and statistics regarding child labor:<sup>2</sup>

- Overall, incidence of child labor is 42 %. This is much higher among 10-14 year olds than among 5-9 year olds (61 % as opposed to 21 %).
- Females have higher incidence than males.
- According to the NLSS III, 53 % of these children are attending school but not working. 38 % are attending school while working, 4 % are working only, and the remaining children are idle.
- Approximately, 72 % of children work less than 20 hours a week while about 20 % work for 20-39 hours, and 8 % work for 40 or more hours a week.
- Work-load as measured by share of children working for more than 40 hours a week is higher for 10-14 year olds and for females and for children from poorer consumption quintiles.
- Distribution of main sector of child employment shows that 74 % of children are in agriculture self-employment sector. Extended economic work employs 20 % of working children while other sectors have negligible shares.
- According to NLFS (Nepal Labor Force Survey) .7% of the working children are being employed in agricultural sector, 1.4% employed children work in the manufacturing sector, 0.3% works in construction sector, 1.6% is employed in wholesale and retail trade, 1.0% works in hotels and restaurants, 0.1% are working in private households with employed persons, and 6.9% work in other types of industries.
- According to data from the Multiple Indicator Cluster Surveys (MICS) and other national surveys, Nepal has 34% of its children between the age of 5 and 14 who are involved in child labor, compared with 12% in the South Asia region as a whole.

1. *National Legislation and Policies against Child Labour in Nepal. International Labor Organization. Accessed on October 7, 2015*

2. *Nepal Living Standard Survey. Statistical Report. Volume II. November 2011. Central Bureau of Statistics, National Planning Commission Secretariat, Government of Nepal*

### Labor force participation rate<sup>3</sup>

#### Labor Participation Rate

Unemployment rate, age (10 – 14 years)	1.1
Unemployment rate, age (15 – 24 years)	3.6
Incidence of child labor, age (5 – 14 years)	27.6

#### Distribution of wage workers (10-14 years) by industry<sup>3</sup>

Mining Manufacturing	2.4
Electricity	16.5
Construction	42.7
Trade	10.3
Transport	8.3
Personal Service	19.8

#### Distribution of child workers by main sector of child employment<sup>3</sup>

	05-09 Years	10-14 years
Wage agriculture	0.1	0.9
Wage non-agriculture	0.0	1.4
Self-agriculture	71.1	74.9
Self-non-agriculture	0.6	4.9
Extended	28.2	17.8

- The National Master Plan on Child Labor sets forth the following considerations pertaining to the minimum age of employment: <sup>3</sup>
  - 14 years for light work in a fixed time setting;
  - 16 years for other employment not involving physical or mental hazards; and
  - 18 years for work requiring special care to avoid physical or mental hazards.
  - The Plan considers involving children in physically or mentally hazardous situation and/ or in the illegal forms of employment as the “worst forms of child labor.”
- Under the new plan, the GON’s goal is to eliminate the worst forms of child labor by 2016 and eliminate all forms of child labor by 2020

According to the Status of the rights of children (SOROC), 2015 prepared by CWIN: <sup>4</sup>

- A total of 316 cases of child labor exploitation were reported of which 81 were girls, 174 were boys and remaining 61 unidentified. 1 case of a boy as bonded child labor has been reported.

3. *Ibid 2(NLSS 2011)*

4. *Annual Report on State of the rights of child in Nepal. 2015. Resource and Information Centre, CWIN-Nepal*

According to the labor force survey, 2008: <sup>5</sup>

- About 2 million (41%) children out of the total population of 4.9 million of ages between 5 to 14 years are involved in work.
- About 2,111,000 children aged 5 to 14 years are classified as economically active out of a total estimated population of 6,229,000 children. Among them, 3, 98, 000 were aged 5 to 9 years and 1,713,000 were aged 10 to 14. The labor force participation rate is 13.4 percent for children aged 5 to 9, and 52.7 percent for children aged 10 to 14. Participation rates are higher for girls than boys in both urban and rural areas.
- In terms of occupational codes, the great majority of children (1,721,000 or 82.1 percent of employed children) are engaged in agricultural activities
- Nearly all of it as subsistence agricultural workers (1,637,000 or 78.1 percent of employed children).
- Only 65,000 children are worked as “Animal producers for the market”.
- Some children worked as salespersons in shops (25000), or provide housekeeping or restaurant services (17,000). Some others work in crafts or related trades (42000), and a few are plant or machine operators (3000).
- Of the total 7.7 million children between 7 and 15, and estimated 3.14 million children (which is 40.4%), most of them are working in rural areas.
- 2/3 of them are under 14.
- 1.6 million children that are working (about half the children working), fall into the “Child Labor” category.
- 621,000 of them are engaged in hazardous work and/or work environments.
- 60% of the child laborers are female, and 40% are male.
- 4.5% of elementary school aged children are not able to attend school because of ‘work’.

According to the study related to child labor in transportation sector: <sup>6</sup>

- Of the total 2193 child transportation workers interviewed, 28.6 % constitute children less than 14 years of age.
- 34.55% out of total micro-vans/tempos, there are child transportation workers under 14 years of age.
- 73% of the total children were found to be literate.
- The average number of working hours in a day is 12 hours. The median number of working hours is estimated to be 12 hours.
- Four in five transportation workers were migrants.

5. *Nepal Labor Force Survey. 2008. Statistical Report. Central Bureau of Statistics. National Planning Commission Secretariat. Government of Nepal. P:134*

6. *Child Labor in Transportation Sector in Nepal. A study in major Areas of Nepal. January 2006. Child workers in Nepal Concerned Center (CWIN-Nepal)/ Plan-Nepal*

According to the base line survey on Child Workers in Small Hotels, Restaurants and Tea Shops in the Kathmandu Valley: <sup>7</sup>

- The type of enterprises which employ children are mostly small restaurants (50%), chocolate and cake shops (40%) mo: mo and tea shops (21% each). Of the total 132 children 82 (62%) are under 14 of age and only seven (5%) are girls.
- Child labor in hotels and restaurants is predominantly a male dominated phenomenon (95% male).
- The survey estimated that 5,190 small hotels and restaurants were in operation within the five municipality areas of the Kathmandu Valley. Of which, 38% (1,998) were found employing children under 18. The average number of children employed per hotel is about 2.5. Therefore the total number of children working in small hotels and restaurants in the Kathmandu Valley is estimated to be about 5,000 (4,995), of which 3,201 (64%) were found within the Kathmandu metropolis.

According to the end line survey on Situational Analysis of Working Children at Small Restaurants and Tea Shops in Kathmandu Valley: <sup>8</sup>

- According to the End Line Survey 2015, only 30 (28%) children were interviewed among which most of them were from Kathmandu (22), Kritipur and Lalitpur (4 each).
- The EL survey revealed that more than three quarter i.e. (77%) of them were Janajati (mostly Tamang), three out of twenty i.e. (17%) of them belonged to Brahmin/ Chhetri community and few i.e. (7%) of them were Indians.
- According to the EL survey, the children working in small hotels faced lesser problems due to work than that of on survey conducted in BL.
- The children who worked in small eateries mostly worked as waiters (63%), some were involved in dishwashing (50%) and cooking (37%).
- More than half (53%) of the children worked nine to twelve hours per day and three in ten of the children worked for more than twelve hours, they sometime work for thirteen to seventeen hours a day.
- The EL survey also revealed that the increased level of child labourer aged between 15-16 (28% in BL and 40% in EL) and 17-18 (10% in BL and 13% in EL). The mean age if the respondent was 14.6 in EL.
- The proportion of children working longer hours was higher in the BL compared to the EL.
- According to the EL survey, the children working in small hotels faced lesser problems due to work than that of on survey conducted in BL.

In fiscal year 2071/72, Child Helpline 1098 has been successful in rescuing 109 boys and 86 girls and is also successful in rescuing 195 children from child labor and those rescued ones were reunited with their families. Likewise, out of 56 children, Central child Welfare Board have helped 25 boys and 31 girls involved in child labor.<sup>9</sup>

7. *Child Workers in Small Hotels, Restaurants and Tea Shops in the Kathmandu Valley. December 2012. Child workers in Nepal Concerned Center (CWIN-Nepal).*

8. *Situational Analysis of Working Children at Small Restaurants and Tea Shops in Kathmandu Valley. March 2015. Child workers in Nepal Concerned Center (CWIN-Nepal).*

9. *State of Right of Child 2072. Central Child Welfare Board. Ministry of Women Children and Social Welfare. Government of Nepal. 2015*

According to the study carried out by CWISH in Domestic Child Labor (DCL):<sup>10</sup>

- In 2016, out of 520 domestic workers (surveyed in 4086 HHs), 34% are below 18 years (Girls: 62%, Boys: 38%). In 2009, among 2324 domestic workers, 61% were below 18 years (Girls: 65%, Boys: 35%).
- In 2016, out of 520 domestic workers, 13% are below 14 years, 21% are 14 to 18 years and 66% are of above 18 years. In 2009, out of 2324 domestic workers, 30% were below 14 years, 31% were 14 to 18 years and 39% were above 18 years.
- In 2016, prevalence can be drawn as 1 DCL in every 20 households. In Rapid Assessment of ILO (2001), prevalence was 1 DCL in every 5 households.
- In 2016, reason for leaving their house for DCL were various with 64% for better education, 34% to earn for family, 30% responded for better living facilities, 5% due to domestic violence, 4% due to urban dreams and, only 2% reported due to the mega earthquake on April 2015.
- In 2016, 37% work less than 4 hours, 28% work for 4 to 6 hours, 21% work for 6 to 8 hours, 13% work for 8 to 10 hours, 2% work above 10 hours.

10. *Status of Domestic Child Labor (DCL) in Kathmandu. 2016. Children and Women in Social Service and Human Rights (CWISH)*

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