

Trafficking and Forced Labour in Nepal

A Review of the Literature

Bandita Sijapati, Amrita Limbu
and Manisha Khadka



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and Manisha Khadka**

with **Sanjaya Aryal, Rooja Bajracharya, Nachong Gurung,
Sampreety Gurung and Sanjay Sharma**



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CONTENTS

Acknowledgements	vii
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Part One: Introduction to the Literature Review

I. BACKGROUND	3
II. OBJECTIVES AND METHODOLOGY	4
III. TRAFFICKING	6
Existing State of Knowledge	6
Research Gaps on Issues Related to Trafficking and Their Implications	10
IV. FORCED LABOUR	14
Existing State of Information	14
Research Gaps Related to Forced Labour and Their Implications	20
V. MIGRANT LABOUR	21
Existing State of Information	21
Research Gaps Related to Migrant Labour and Their Implications	24
VI. TRADITIONAL FORMS OF BONDED LABOUR	26
Existing State of Information	26
Research Gaps Related to Bonded Labour and Their Implications	30
VII. CONCLUSION AND RECOMMENDATIONS	31

Part Two: Annotated Review of the Literature

I. TRAFFICKING	43
II. FORCED LABOUR	98
III. MIGRANT LABOUR	150
IV. BONDED LABOUR	179

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Part One
**Introduction to the
Literature Review**

I. BACKGROUND

As in many other resource-poor countries experiencing rapid population growth, economic stagnation, conflict and political instability, issues related to trafficking and severe forms of forced labour continue to plague Nepal. While government institutions, policy-makers, national and international non-governmental organisations (NGOs) continue to work on trafficking and labour-related issues, there remains much to be desired in terms of being able to effectively address the plight of individuals caught up in the process.

Articles 29(3) and (4) of the Interim Constitution of Nepal 2007, which is currently in force, state that 'Traffic in human beings, slavery or serfdom is prohibited' and 'Forced labour in any form is prohibited'.¹ Similarly, the government has ratified a number of international instruments such as the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and the South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002).² It has also enacted laws such as Human Trafficking and Transportation (Control) Act 2007. Despite these legal and regulatory regimes, Nepal, however, has not been able to eliminate various practices, such as human trafficking, and bonded and forced labour, that sully the image of a country firmly in the 21st century. Available information lays bare the inability of the government to effectively implement its own laws to

1 Government of Nepal, *The Interim Constitution of Nepal, 2063 (2007)*, Ministry of Law, Justice and Parliamentary Affairs, Government of Nepal, Kathmandu, 2008, p. 17.

2 The government of Nepal has yet to ratify the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000).

prevent such inhumane practices. Political instability, the decade-long insurgency and the period of transition that followed, corruption, lack of resources, the centralised system of governance, lack of awareness and education among the citizenry, are among the factors that have together hindered the capacity of the government to address these issues in a meaningful manner.

In addition to efforts at the government level, there are many non-governmental organisations working for the protection of the rights of girls, women and children and against trafficking and forced/bonded labour. These groups have been pushing for policies that impose stricter border controls, prosecute perpetrators, and raise public awareness. But since these organisations work in discrete fields and as their research generally tends to be quite particular, the broader picture is often not all that clear. There is no survey of the literature in the areas mentioned and neither has any attempt been made to start an engaged dialogue among the stakeholders involved.

II. OBJECTIVES AND METHODOLOGY

Despite its international treaty obligations as well as domestic laws prohibiting any form of human trafficking, labour discrimination and exploitation, such practices are still very much prevalent in Nepal. The overall objective of this study was to compile and critically analyse the existing state of knowledge on different forms of human trafficking and forced labour existing in Nepal and how this affects different groups of people within and outside the country.

In order to achieve this objective, with the support of Humanity United, the team conducted a review of the current state of knowledge/understanding on issues of trafficking, forms of bonded and forced labour, migrant labour, and labour exploitation. The specific methodology used for the analysis is as follows:

i. Literature review

- a. Academic literature on forced labour, trafficking, bondage, child labour, etc;
- b. Project reports and working papers published by different agencies working on these issues in Nepal; and
- c. Progress reports and annual reports brought out by various

organisations working on issues of forced labour, trafficking, migration, etc.

ii. Consultations with different stakeholders

- a. Government officials, policy-makers;
- b. Practitioners, rights activists and journalists; and
- c. Representatives of national and international organisations.

iii. Field visits to Western, Mid-Western and Far-Western Regions

During the field visit to the Western, Mid-Western and Far-Western regions (Kailali, Bardiya, Banke, Dang and Rupandehi districts), issues relating to bonded labourers (ex-Kamaiyas, Haliya, Badis and Kamlari), and cross-border trafficking were examined. Team members visited ex-Kamaiya, Haliya and Badi settlements and hostels set up for Kamlaris, Nepal Police border posts, and booths set up by organisations like Maiti Nepal and others to prevent human trafficking. Further, interviews were also conducted with representatives of different NGOs, local government authorities and community members.

iv. Stakeholders' Consultation Workshop

A stakeholders' consultation workshop was held on 27 September 2010 in Kathmandu. Participants included academics and representatives from various national and international organisations and donor agencies working on issues related to trafficking and forced labour. The research team presented its preliminary findings based on the literature review and individual meetings with different stakeholders working in the areas under consideration which led to a free-ranging discussion and resulted in some candid and useful feedback from the participants.

The analysis presented here is thus based on a review of 256 different published sources and interviews with 92 experts/practitioners (57 interviews in Kathmandu and 35 in the districts where field research was conducted) as well as feedback from the consultation workshop.

The study has been classified into four broad categories, namely, (i) trafficking; (ii) forced labour (domestic sector, service and construction/manufacturing sectors); (iii) migrant labour; and (iv) traditional forms of bondage. These categories are fluid and overlapping; issues concerning one influence many others. Hence, these categories should

not be treated as distinct and fixed but rather as broad issue areas developed to provide a conceptual framework for the assignment.

III. TRAFFICKING

Existing State of Knowledge

Definitional Issues

In general, most of the organisations working on trafficking-related issues (especially sex trafficking) employ the definition used by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons 2000, which defines trafficking as 'recruitment, transportation, transfer, harbouring or deceit of persons, by means of threat or use of force or other forms of coercion, of abduction,... for the purpose of exploitation'.³ While this definition has been useful in broadening the understanding of trafficking in Nepal,⁴ which previously was equated with sex trafficking to India only, there is still not much clarity in how it is used. For instance, as will be elaborated further in the sections below, 'trafficking', 'migration' and 'prostitution' are terms used interchangeably even though they have distinctive meanings and implications. Further, despite the increasing number of trafficked girls/women working in urban areas, particularly in Kathmandu, the distinction between internal and international trafficking has not yet effectively entered into policy discourses on trafficking and its prevention.

3 The definition used by Nepal's Human Trafficking and Transportation (Control) Act 2007 is also widely used. According to the Act, 'If anyone commits any of the following acts, that shall be deemed to have committed human trafficking: (a) To sell or buy a person for any purpose, (b) To force someone into prostitution, with or without financial benefit, (c) To remove human organ except otherwise determined by law, (d) To engage in prostitution;' and 'If anyone commits any of the following acts, that shall be deemed to have committed human transportation: (a) To take a person out of the country for the purpose of buying and selling, (b) To take anyone from his /her home, place of residence or from a person by any means such as enticement, inducement, misinformation, forgery, tricks, coercion, abduction, hostility, allurements, influence, threat, abuse of power and keep him/her into ones possession or take to any place within Nepal or abroad or handover him/her to somebody else for the purpose of prostitution and exploitation.'

4 According to a study conducted by the International Labour Organisation, in Asia, less than 10 per cent of trafficking takes the form of sex trafficking. David A. Feingold, 'Human Trafficking', *Foreign Policy*, Sept/Oct, 2005, p. 150.

Similarly, the conflation of sex trafficking with other forms of trafficking, with almost an exclusive focus on the former, has meant that an understanding of issues related to trafficking in people other than for the sex industry is largely lacking.

Magnitude of the Problem

Because of the clandestine nature of trafficking (allegedly also involving a nexus between government officials and politicians) as well as the porous border between India and Nepal and the trafficking of individuals to a third country via India, it is extremely difficult to gauge the scale of trafficking in Nepal. This is further compounded by the fact that there has been no attempt to conduct any comprehensive research to provide a reliable figure on the number of Nepali girls trafficked to India.

An often-cited number, estimated by the International Labour Organisation (ILO) in 2001, is that around 12,000 children, primarily girls, are trafficked every year from Nepal to India alone.⁵ This figure, besides being dated, is also highly contested. According to some NGOs working on issues of trafficking, the ILO figure is an underestimate. On the other hand, based on fieldwork conducted in the brothels in India, *Asmita*, a feminist magazine, claims that the ILO figure is actually an overestimate.⁶ In general, it has been alleged that organisations directly working on trafficking tend to exaggerate the numbers in order to secure more funds for their activities.⁷

Apart from India, the other major destinations for trafficked persons are the Gulf countries, and on smaller scales, Japan, China, USA and Hong Kong. In recent years, recruitment agencies are known to have helped women workers to migrate illegally to the Gulf states where many of them have been subjected to sexual exploitation and other forms of violence.⁸

5 Bal Kumar KC, Govind Subedi, Yogendra Bahadur Gurung and Keshab Prasad Adhikari, *Nepal: Trafficking in Girls With Special Reference to Prostitution: A Rapid Assessment*, International Labour Organisation and International Program on the Elimination of Child Labour, Geneva, 2001.

6 Asmita, *Writing Against Trafficking*, Asmita Women's Publishing House, Media and Resource Organisation, Kathmandu, 2006.

7 According to different data sources, the total number of trafficked women varies between 5000 and 15,000 per year.

8 US Department of State, *2008 Human Rights Report: Nepal*, Bureau of Democracy, Human Rights, and Labour, Washington, DC, 2009.

According to a report by World Education, the average amount for paid sex in Nepal in 2009 was Rs 500 (US\$ 7); and out of this amount the victim got only 25 per cent,⁹ which is indicative of the extent of the nature of exploitation in this sector. Research conducted in brothels also suggests that most of the brothel-owners in India are Nepalis themselves.

In terms of origin of trafficking, 26 to 29 districts of Nepal are considered more prone to international trafficking (varying numbers were cited by different informants). Most affected areas include those surrounding the Kathmandu Valley – Kavre, Sindhupalchowk, Makwanpur, Nuwakot, Dhading and Chitwan. A study conducted by the ILO, *Demand Side of Trafficking in Children and Women in Nepal (2005)*, revealed that girls from indigenous groups, the Hills and below the age of 18 were preferred by clients,¹⁰ making girls from these categories more vulnerable to trafficking. In recent years, however, it has become increasingly apparent that the areas affected are spread across the country and girls from almost all social categories are affected.¹¹

In terms of internal trafficking, as stated earlier, there has not been any systematic research on the issue and, hence, there is no reliable information on its various aspects. NGOs working in the sector indicate that approximately 33 per cent of those trafficked internally are minors.¹² In addition, 26 out of the 75 districts of Nepal have been identified as originating areas.¹³ Various reports indicate that most of the victims are again predominantly from indigenous groups hailing from Sindhupalchowk, Makwanpur and Chitwan districts.

9 World Education, Brighter Futures Program, 'Children Trafficked and Sexually Exploited in Adult Entertainment Industry', In *Child Labor Status Report 2009*, World Education, Kathmandu, 2009, p. 9.

10 Ibid, p. 10.

11 Jagannath Kharel and Sunil Kumar Joshi, *A Hidden Issue: The Rising Concern about the Girls and Women Trafficking in Nepal*, Social Science Electronic Publishing, New York, 2010.

12 *A Study on the Condition of Slavery among Women and Girls Employed in the Restaurants and Massage Parlours of Kathmandu Valley* by Shakti Samuha, an NGO working on anti-trafficking issues, reported that 33 per cent of those internally trafficked are minors.

13 Bal Kumar KC, Govind Subedi, Yogendra Bahadur Gurung and Keshab Prasad Adhikari, *Nepal: Trafficking in Girls With Special Reference to Prostitution: A Rapid Assessment*, International Labour Organisation and International Program on the Elimination of Child Labour, Geneva, 2001, p. 11.

Current State of Interventions

Best Practices/Successful Interventions: Nepal has made significant progress in addressing the legal issues related to trafficking. Anti-trafficking laws and policies have been revised to make them victim-friendly. For instance, in the new anti-trafficking act of 2007, prosecution is 'victim-oriented' whereby victims receive compensation as an incentive to report cases and they can also employ private lawyers.

Some of the more successful interventions in the case of trafficking include: rehabilitation and rescue (this is, however, selective in that such interventions are limited to trafficking within the sex industry), vocational and educational trainings and classes; health education; shelter homes; advanced training courses on anti-trafficking to the police and lawyers.

In the same way, safe recovery of victims (physically bringing them back to the country) is a major challenge as there are no formal agreements or procedures. At the most, based on the work conducted by United Nations Children's Fund (UNICEF) between the governments of India and Bangladesh, *Terre des hommes Nepal*, in particular, has developed repatriation protocols between Nepali NGOs (primarily Shakti Samuha) and Indian NGOs (Prerana, Sanlaap and Rescue Foundation, among others) in collaboration with the Government of India's Social Welfare Council. While this initiative has proven to be effective, the Nepali government is yet to endorse such an effort.

Interventions with Limited Effectiveness: Overall, based on interviews with people working in the field, experts and community members, preventive measures seemingly have not been able to make much of a dent on trafficking. Similarly, border surveillance has also been ineffective because such surveillance is not operational 24 hours a day; possible victims of trafficking are identified based on personal features, focusing especially on girls/women belonging to Hill ethnic communities (or Janajatis), leading to increased stereotyping than perhaps actual rescue of people being trafficked; and private vehicles are never intercepted. But perhaps the most problematic issue related to border surveillance is that due to the presence of a multitude of police and border officials at the border points, traffickers rarely take their intended victims through the border posts but instead make use of the more than 1000 km-long open border with India.

Other interventions with limited effectiveness in combating traf-

ficking include: rescue of persons trafficked for labour exploitation (other than the sex industry); coordination among NGOs as initiated by the national networks; counselling; income-generation activities; awareness programmes (which have either not reached the youth or not been executed well enough to reach vulnerable groups); and interceptions at the border (whereby girls and women intercepted are sent home without any follow up on them thereafter).

In general, reintegration is a major challenge because of the social stigma attached to trafficked victims. To further complicate matters, the Government of Nepal has also, at times, refused to take back women rescued in India. Despite these challenges, reintegration and repatriation interventions have not been reviewed or studied critically to test how successful they have been.

Other challenges in the existing interventions to combat trafficking include: lack of commitment on the part of the government that is evident from the ineffective implementation of policies; absence of any kind of documentation of persons crossing the open border between Nepal and India; impunity for end-users (i.e., employers and exploiters) as the focus has always been on the victims; low prosecution rates of criminals and traffickers; and corruption within the 'system' which is considered to be one of the main hindrances in anti-trafficking efforts. Further, despite the growing number of NGOs working on the issue of trafficking, the short-term nature of project cycles; gaps in trained and technical expertise within NGOs; the tendency of NGOs to limit themselves to their own areas of work with little cooperation or sharing of information among organisations working on similar issues; duplication of activities and interventions; and difficulty of access to remote areas of the country, and which have hence been largely ignored by NGOs, are factors that have impacted the effectiveness of existing interventions.

Research Gaps on Issues Related to Trafficking and Their Implications

As mentioned earlier, lack of conceptual clarity is a major problem relating to issues of trafficking, particularly because current discourses on trafficking are restricted mostly to trafficking for sexual exploitation into India. In addition, trafficking-related data are old but used repetitively, resulting in uninformed interventions. For instance, because of the focus on sex trafficking to India, other forms of traf-

ficking remain unnoticed and unexamined even though they could be more prevalent. (According to a study by the ILO, in all of Asia, less than 10 per cent of trafficking accounts for sex trafficking.¹⁴) Some of the pressing trafficking-related issues at present include trafficking of labour migrants but the extent of its prevalence or the nature of victims involved is still unknown. Further, because anti-trafficking policies and prevention programmes have been formulated to combat sex trafficking, it can only be speculated that other forms of trafficking are flourishing.

Similarly, discourses on migration and trafficking are also mixed up. This has had a significant impact on the nature of interventions. For instance, by associating female migration solely with sex trafficking and prostitution, the Nepali government had until recently barred women from going to the Gulf countries as labour migrants.¹⁵ As a result, some organisations have claimed that anti-trafficking efforts are having negative effects on women who want to migrate as labourers to improve the lives of their families and themselves. Moreover, as a discriminatory practice against women, these efforts have had negative consequences on the overall mobility of women. Even those women who want to work legally in restaurants are perceived to be 'sex workers', subjecting them to further stigma and discrimination.

Despite the overwhelming attention on sex trafficking, there is, however, a lack of scientific data on the magnitude and trends of sex trafficking, and the living and working conditions of those trafficked from and within Nepal. Despite the magnitude and severity of the problem, adequate research that would help arrive at a more realistic number of the Nepali girls trafficked to India has never been conducted either. Given the complications arising from the open border between Nepal and India, a possible way of addressing this issue would have been to conduct a baseline mapping/headcount of sites in India, supplemented by follow-up mappings in Nepal to ascertain trends.

Instead, most of the data used are outdated, contradictory, and exaggerated or underestimated (depending on the purpose of its usage), and this has created a big knowledge gap in trafficking to the

14 David A. Feingold, 'Human Trafficking', *Foreign Policy*, Sept/Oct, 2005, p. 150.

15 The ban was put in place in 1998. It was partially lifted in January 2003, and done away with fully in December 2010. Om Astha Rai, 'Govt Allows Nepali Women to Work in Gulf', *Republica*, 13 December, 2010.

point where individuals/organisations working on trafficking-related issues have admitted that they really do not know the magnitude of the problem. There is also very little analysis of the factors that promote the actual act of trafficking – existing studies on sex trafficking mostly point to the root causes of trafficking, such as poverty, without much discussion on the precipitating factors that lead to the actual act of being trafficked.

Further, anecdotal evidence suggests that in the context of trafficking, there is a need to highlight two recent phenomena in addition to the issue of sex trafficking. These include: (i) internal trafficking to urban centres like Kathmandu where victims are forced to work in dance bars, restaurants, factories, construction sites, etc; and (ii) trafficking of those seeking to migrate to other countries as labourers. These require distinctive analytical lenses as well as intervention approaches but both areas are lacking in adequate research and data.

Legislation on migration and trafficking are in place and the Government of Nepal has made some efforts to prevent trafficking. However, the problem persists primarily due to the absence of proper enforcement and implementation of these laws. However, research on barriers to the weak implementation of the law, apart from speculations indicating the lack of political will, is almost non-existent. Fieldwork conducted for this review indicated that the absence of knowledge about traffickers, their networks, the routes they take and the techniques they adopt for trafficking are some of the obstacles to combating trafficking through laws.

Similarly, many practitioners, law-enforcement agencies and local authorities are unaware of existing regulations and other legal mechanisms in place. This problem is further exacerbated by a gap in coordination and understanding between legal authorities, law-enforcement agencies, government administrators and NGOs working on trafficking, leading to duplication of efforts and the tendency on the part of these organisations to pass the buck. Likewise, there is also confusion about the roles and responsibilities of the legal authorities due to an overlap of issues. For instance, in the absence of conceptual clarity, it is difficult to distinguish between migration, forced labour and trafficking, making it difficult to assign responsibilities and duties to any one authority or organisation. But these questions have not been systematically documented or analysed.

Despite the multitude of legal and regulatory anti-trafficking frame-

works introduced by the government as well as the number of organisations working with victims of trafficking, there is very little analysis or assessment of existing interventions they seek to address issues of trafficking such as the efficacy of preventive measures or support programmes for victims of trafficking victims. Already, there are indications that some girls/women who have been rescued from India and rehabilitated, have returned to prostitution, which indicates the ineffectiveness of some of these measures.

In the same vein, recent research carried out by the organisation Saathi¹⁶ indicates that most of the anti-trafficking interventions have been limited to the border districts even though the origins of trafficking are elsewhere. Also, one of the most common methods adopted to combat trafficking is to set up booths along the border areas to screen potential victims of trafficking. However, during the field visits, the futility of such an exercise was clear – in some of the border crossings, there were multiple booths at the same location set up by numerous organisations to spot potential victims of trafficking. In addition to the wastage of resources due to unnecessary duplication, the idea that people manning these booths would be able to identify victims crossing an open border where even entire vehicles sometimes go unchecked and not even stopped is hardly realistic. Similarly, even though the major trafficking routes out of Nepal are considered to be Pashupatinagar (Ilam), Kakarvitta, Gaur (Rautahat), Maheshpur (Nawalparasi), Bhairahawa, Nepalgunj, Dhangadi and Mahendranagar, trafficking routes are constantly changing. For instance, because of the massive presence of NGOs along the major border transits, more trafficking has been noticed through exit points in Bardiya where NGOs are not active.

The existing anti-trafficking discourse privileges crime and prevention as opposed to protection. As a result, anti-trafficking measures, at least on the part of the government, have been limited to penalising those involved in the act of trafficking. With very little information available on the working conditions and level of exploitation of the victims, individuals who are the exploiters remain largely outside the framework of anti-trafficking efforts.

16 Saathi, *Hearing Community Voices: A Baseline Survey on Anti-Trafficking Needs*, Saathi, Lalitpur, 2006.

IV. FORCED LABOUR

Existing State of Information

Definitional Issues

According to the ILO, “forced or compulsory labour” shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself/[herself] voluntarily.¹⁷ Broadly speaking, forced labour can be understood as one that compels individuals to work for minimal or no pay, and without any agreement or contract. Forced labour generally involves some form of coercion, either direct or indirect. Direct coercion can take the form of debt bondage, while indirect coercion basically means that in the absence of alternatives, individuals have no choice but to work under any condition they find themselves in.

On a global scale, it is estimated that there are approximately 27 million women, children and men who are currently enslaved.¹⁸ Further, a 2005 ILO report estimates that approximately 12.3 million people are working under conditions of forced labour.¹⁹ In the case of Nepal, while some attention has been paid to issues of child labour, forced adult labour has remained largely ignored. As a result, in Nepal, as can also be evidenced in the annotated bibliography in Part II, forced labour has been widely understood as child labour. With regard to child labour, ILO’s Minimum Age Convention (No 138) in 1973 set the minimum age for employment at 14 years. Nepal’s Children’s Act 1992 fixed the minimum age for child employment at 14 years²⁰ (although it was only in 1997 that Nepal ratified ILO Convention 138). In 1993, the Nepali government raised the level of minimum age for hazardous work from 14 to 16 with

17 International Labour Conference 89th Session and International Labour Office, *Stopping Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, International Labour Organisation, Geneva, 2001.

18 Beth Herzfeld, ‘Slavery and Gender: Women’s Double Exploitation’, *Gender and Development*, 10:1, 2002, pp. 50-55.

19 International Labour Office, *A Global Alliance Against Forced Labour: Report I(B)*, International Labour Office, Geneva, 2005, p. 10. digitalcommons.ilr.cornell.edu/forcedlabor/16

20 US Department of Labor, *The Department of Labor’s 2001 Findings on the Worst Forms of Child Labor*, Washington, DC, 2002, p. 246. www.dol.gov/ilab/media/reports/iclp/tda2001/Findings.pdf

the adoption of the Child Labour (Prohibition and Regulation) Act.

In general terms, forced labour, including that involving children, is known to occur in four areas: agriculture, domestic work, service sector, and construction/manufacturing.

- **Agriculture:** Agriculture-based forced labour generally takes the form of traditional forms of bonded labour like Kamaiya, Haliya, Haruwa/Charuwa, agricultural workers, tenant farmers, tea estate workers, etc (discussed separately under the section on bonded labour).
- **Domestic work:** On the domestic front, forms of forced labour involve household help who are not given adequate compensation, work long hours, are victims of various forms of exploitation, and beyond the purview of the state. For the most part, children are chosen to work in the domestic sector because of reasons such as their full-time availability (unlike married people who need to attend to their own families and other personal affairs); their supposed 'innocence', and the possibility of being easily manipulated; and the minimal likelihood of creating problems related to stealing, making demands, or engaging in other unwanted activities.
- **Service sector:** Forced labour in the service sector is prevalent in small teashops, massage centres, dance bars, highway hawking, rag picking, begging, etc.
- **Construction/Manufacturing:** In the construction/manufacturing sector, forced labour is known to be more prevalent in carpet factories, brick kilns, stone quarries, garment, and embroidery workshops.

Magnitude of the Problem

In the absence of systematic data on forced labour, especially those involving adults, the magnitude of the problem related to forced labour is almost limited to information on child labour. Even then, the most widely quoted figure on child labour dates back to an ILO report from 2001, which indicated that there are approximately 2.6 million child labourers between the ages of 5 and 14 in Nepal. The report also estimated that 80 per cent of child labourers are migrants from the rural parts of Nepal,²¹ and that they mostly belong to indigenous groups.

21 Afke de Groot, *Child Labour in Kathmandu, Nepal*, Institute for Research on Working Children, Leiden, 2010, p. 10. www.childlabour.net/documents/worstformsA-

While other organisations, particularly World Education, have also conducted research on forced child labour, these are not as comprehensive and have only considered certain sectors where the employment of children is known to be prevalent.

Broadly speaking, forced labour is known to exist in the following sectors, mostly as part of the informal economy that is beyond oversight of the state.

Agriculture: Survey results indicate that agriculture provides direct employment to four-fifths of the total economically active population (i.e., approximately 6.5 million workers).²² In general, as will be discussed in the section on bonded labour, most of the forced labour in the agriculture sector takes the form of bondage.

Domestic work: In terms of domestic labourers, it is estimated that there are approximately 160,000 domestic workers in Nepal. According to a survey conducted in nine urban centres in Nepal, nearly two thirds of them are in the age group 18 or below. Among the adults, the number of women is twice that of men.²³ In addition, 70 per cent of those employed as domestic helpers work full time with fooding and lodging facilities, and the working hours per day range from less than six to more than 12 hours (6 to 8: 30 per cent; 9 to 12: 25 per cent; and more than 12: 9 per cent), for seven days a week. Also, while about 40 per cent of domestic helpers get a salary below Rs 1000 (approximately, US\$ 13) per month, 15 per cent receive more than Rs 3000 (approximately, US\$ 39) while some are allowed to attend schools in lieu of a salary.²⁴

Service sector: Forced labour, especially involving children, is most prevalent in the recycling sector, which has been identified by ILO Convention 182 as the 'Worst Form of Child Labour'. The nature of the work involves scavenging waste dumps for recyclable materials. While children employed in this sector earn a relatively higher income, averaging approximately Rs 50 to 300 per day (US\$ 0.70 to US\$ 4 per day),²⁵ they are deprived of education and recreation and are also

siaproject/IREWOC_deGroot_Worst%20Forms%20Nepal_2010.pdf

22 International Labour Organisation, *The Informal Economy and Workers in Nepal*, International Labour Organisation, Kathmandu, 2004, p. 12.

23 General Federation of Nepalese Trade Unions, *Isolated within the Walls: A Situational Analysis of Domestic Workers in Nepal*, General Federation of Nepalese Trade Unions, Kathmandu, 2011. gefont.org/uploads/publications/9720_Isolatedwalls.pdf

24 Ibid.

25 World Education, Brighter Futures Program, 'Children Working in Recycling

vulnerable to various forms of abuse, including sexual exploitation. According to a rapid assessment conducted by ILO in 2001, there were approximately 4000 children working in this sector throughout Nepal. Of them, 50 per cent were concentrated in the Kathmandu Valley alone, and 60 per cent were from the Dalit community.²⁶ There is a heavy predominance of male children (88 per cent),²⁷ most of whom are street children, particularly, runaways, orphaned/abandoned or from poor migrant families originally from India. These children also overwhelmingly turn to drugs, smoking and drinking (80 per cent of these children are known to be engaged in these activities).²⁸

Another service sector where forced labour is widespread is the entertainment industry. Anecdotal evidence suggests that thousands of Nepali minor girls are sexually exploited in the adult entertainment sector such as massage parlours, erotic dance bars, cabin restaurants, *dohori* joints²⁹ and local bars (*bhatti pasal*). The number of girls working in circuses in India is also on the rise. According to a survey conducted by World Education in 2002, 48 per cent of the girls working in circuses in India were from Nepal, particularly from Makwanpur district. In addition to the danger associated with circus work, these girls are also underfed for years in order to ensure that they stay small and supple.³⁰

Finally, the transportation sector is also emerging as one of the major sectors employing children under conditions of forced labour. According to a study conducted by the child rights organisation, Child Workers in Nepal Concerned Centre (CWIN), in 2005, there were 2193 children working in the transportation sector in Kathmandu alone.³¹ Out of these

Industry', in *Child Labor Status Report 2009*, World Education, Kathmandu, 2009, p. 7.

26 Ibid, pp. 3, 7.

27 Ibid, p. 3.

28 World Education, Brighter Futures Program, 'Children Working in Recycling Industry', in *Child Labor Status Report 2009*, World Education, Kathmandu, 2009, p. 8.

29 *Dohori* is a popular form of folk duet, which has become commercialised in recent years with restaurants offering *dohori* performances in the urban centres for the growing middle class with roots in the villages. Serving the heavily male-dominated clientele indulging in a free flow of alcohol in these places are mostly women.

30 World Education, Brighter Futures Program, 'Children Trafficked and Sexually Exploited in Adult Entertainment Industry', in *Child Labor Status Report 2009*, World Education, Kathmandu, 2009, p. 5.

31 World Education, Brighter Futures Program, 'Children Working in Transport Sector', In *Child Labor Status Report 2009*, World Education, Kathmandu, 2009, p. 2.

children, 28 per cent were below 14 years of age, and the majority (four in every five) were from the neighbouring districts of Kavrepalanchowk and Sindhupalchowk. While there are initiatives like the 'Joint Task Force on Elimination of Child Labour in Tempos and Microbuses,' to address the issue, it has not been active or effective enough to work towards ending child labour in the transportation sector.³²

Construction/Manufacturing: While forced labour exists in many different forms in the construction and manufacturing sectors, current knowledge of these sectors has mostly been limited to brick workers and those employed in carpet factories, even though there is acknowledgement that people are forced to work under exploitative conditions in blacksmithing, mining, quarrying, etc.

According to a research conducted by the Development Management Support Centre for the Swiss Agency for Development and Cooperation (SDC), there are slightly more men compared to women (52 per cent males versus 48 per cent females) working in brick kilns. Moreover, it has also been estimated that 34 per cent of the total labour force in brick factories are children.³³ While receiving a higher salary than in the agriculture sector (up to 50 per cent more),³⁴ employment in the brick industry is seasonal and labourers are forced to work under hazardous conditions. As a result, they suffer from ailments such as respiratory problems, diarrhoea and skin diseases. Further, the general pattern amongst workers in brick kilns and factories is for entire families, usually migrants from rural areas, to be engaged as labourers. And because people are paid according to the number of bricks produced, it is common for families to put their children to work as well. In fact, according to a report by Child Workers in Nepal Concerned Centre (CWIN) in 2007, there are 59,000 children working in brick kilns across Nepal.³⁵

In terms of manufacturing, in 2001, ILO enumerated 4227 children working in carpet factories in Kathmandu,³⁶ the majority of whom were

32 Ibid, p. 6.

33 World Education, Brighter Futures Program, 'Children Working in Brick Factories', in *Child Labor Status Report 2009*, World Education, Kathmandu, 2009, p. 6.

34 Development Management Support Centre, *Situational Analysis of Workers in Some Brick Industries Around Kathmandu Valley*, Development Management Support Centre, Kathmandu, 2003, p. 29.

35 Afke de Groot, *Child Labour in Kathmandu, Nepal*, Institute for Research on Working Children, Leiden, 2010, p. 18. www.childlabour.net/documents/worstformsAsia/project/IREWOC_deGroot_Worst%20Forms%20Nepal_2010.pdf

36 World Education, Brighter Futures Program, 'Children Working in Carpet Industry',

from the Tamang community. In addition to being forced to work under hazardous conditions with little pay, evidence suggested that a majority of the girl children in carpet factories are also sexually exploited and oftentimes even trafficked to India.

Current State of Interventions

Best Practices/Successful Interventions: Child labour has been abolished from the formal sector and the legal age of child workers has been raised to 16 for those working in hazardous conditions. Among the more important activities in this area have been the many attempts by different organisations like World Education to gauge the extent of the problem and highlight the same even though these studies are only indicative at best.

In terms of legislation and government regulations, child labour in many of its forms is prohibited in Nepal. Similarly, organisations like Rugmark which impose sanctions on those employing child labour also have operations here. In terms of impact, these organisations have helped in creating pressure against child labour and also in setting up welfare funds to support the reintegration and rehabilitation of children working under exploitative conditions.

The use of the media in the campaign against child labour has also been instrumental in eliciting government action. Introduction of alternative livelihood strategies has had some success as well such as skills training, microfinance access, self-employment, and support for non-agricultural businesses (especially in the case of women). Raising awareness levels among families most at risk has had positive results and so has the support for continuing education, both formal and informal.

Interventions with Limited Effectiveness: Most interventions related to forced labour, particularly, those related to child labour, have focused on rescue and rehabilitation. Raids by police have not proved effective in ending exploitation in places of entertainment; in fact, those who have been 'rescued' often find themselves exploited by the police themselves. Rehabilitation centres for those rescued are not fully equipped or free of abuse. Government action on the issue of child labour remains inadequate while legal aid for those requiring it is oftentimes just not available.

in *Child Labor Status Report 2009*, World Education, Kathmandu, 2009, p. 3.

Even interventions by organisations that impose sanctions, such as Rugmark, have on occasion, proved to be ineffective. Existing research (although, admittedly, not scientific) shows that instead of reducing the number of child labourers, these measures have led to a situation where there has been a visible movement of child labour from the organised/formal sectors to the unorganised/informal sectors, making them more vulnerable to exploitation. Further, in manufacturing sectors like the carpet industry, while there has been a decrease in the number of children employed, particularly due to initiatives such as those introduced by Rugmark and the Brighter Futures Program of World Education, child workers are still sought out on a priority basis whenever there is any upswing in demand.³⁷

Research Gaps Related to Forced Labour and Their Implications

The issue of forced labour is one of the most understudied areas in Nepal. Whatever little work that has been done has focused predominantly on child labour, leading many to equate forced labour with child labour. Questions about what entails forced labour, types of individuals/groups involved in forced labour, the magnitude of the problem, and forces that sustain the practice of forced labour, remain unanswered. Similarly, while academic literature on forced labour, particularly from other parts of South Asia, attribute current forms of forced labour to traditional sources of bondage, such discussions have not yet entered the academic or policy discourse in Nepal.

Even in the case of child labour, existing literature has mostly generalised the findings from very small samples. Further, these studies have not taken into consideration the changing nature of child labour arising from new government regulations and economic sanctions of different varieties. Again, there are indications from anecdotal evidence that because of various types of regulations and sanctions enforced in Nepal, child labour has shifted from formal sectors such as construction, manufacturing and services to informal ones like domestic work, small-scale businesses and unregistered companies where the reach of the government is limited and/or difficult.

In the absence of any comprehensive research or information on the different incarnations of forced labour as well as the prevalence of such practices, legal instruments and policy/programmatic interventions

37 World Education, Brighter Futures Program, 'Children Working in Carpet Industry', in *Child Labor Status Report 2009*, World Education, Kathmandu, 2009.

designed to address these issues have not been altogether effective. At the same time, lack of knowledge or clarity about legal issues and their implementation frameworks also pose an obstacle.

Partly as a result of the haphazard nature of the interventions in the sector of child labour, most of the programmes and organisations working on this issue are concentrated in and around the Kathmandu Valley. Efforts at repatriating and reintegrating child labourers have also been almost negligible. The media has reported cases of abuse in shelters or rehabilitation homes, a fact, if true, does not foster successful reintegration either.

V. MIGRANT LABOUR

Existing State of Information

Definitional Issues

Migrant labourers are individuals who move from their place of residence to other areas, mainly in search of work. Since it is mobility that defines this group and can include other categories such as settlement shifts, student migration, Hill-Tarai migration, rural-urban migration, and international migration, this broad classification is vague and requires further understanding and conceptualisations. Broadly speaking, contrary to forced labour or trafficking, these individuals are technically not forced into labour by means of deceit, forced recruitment or other forms of coercion. Instead, they choose to work 'voluntarily' even though they may experience severe forms of exploitation.

Magnitude of the Problem

According to a recent World Bank report, most Nepali households (57 per cent) have at least one migrant abroad or a returnee.³⁸ The Department of Foreign Employment (DoFE) further states that since mid-1993 (when it began keeping records), 2.08 million (as of mid-July 2011) migrants working have been documented³⁹ as having left for

38 World Bank, 'Large-Scale Migration and Remittance in Nepal: Issues, Challenges and Opportunities', Poverty Reduction and Economic Management Sector Unit, South Asia Region, World Bank, Kathmandu, 2011 (unpublished).

39 'Documented' means those who have obtained final approval from the Department of Foreign Employment, Government of Nepal, for foreign employment.

countries other than India.⁴⁰ It is difficult to estimate the numbers of labour migrants in India because of the open border between India and Nepal and also because of the varieties of migration into India, i.e., seasonal, temporary and permanent.

Besides India, the other major destinations for Nepali labour migrants include the Gulf countries, Japan (mostly illegally), Malaysia, Hong Kong and South Korea.⁴¹ There is anecdotal evidence that many of these labourers work under very difficult living and working conditions – their pay is comparatively low, they have little recreational time, are barred from joining unions, and receive very little, if any, compensation for overtime work. In particular, it is also alleged that domestic service in foreign employment, in which more women than men are involved, is more exploitative because these individuals live secluded from the others and are generally outside the purview of the state or other regulatory bodies, making exploitation all the more common. The problems are much more dire for illegal migrants, with no recognition, protection or health provisions for them.

Available information from the DoFE shows that the majority of labour migrants are from the western and eastern Hills, the Central region as a whole, and the three districts in the far-eastern Tarai – Jhapa, Morang and Sunsari. In terms of urban centres, Pokhara, Butwal, Ilam, Nepalgunj and Kathmandu are the major labour-exporting towns/cities of Nepal. But since these figures do not take into account labour migration to India, even this snapshot is quite incomplete.

Another understudied area in terms of labour migration is the exodus of children from Nepal to India as labour migrants. While there are no records to indicate its magnitude, it has been estimated that approximately 4000 to 5000 children leave home for India every year for work and a better life.⁴² In general, these children find jobs in restaurants, factories, circuses and private residences, while many end up on the streets.

40 www.dofe.gov.np/uploads/labour%20permission/Final%20Data%20of%202050_51%20to%202067_68.pdf

41 Nepal Institute of Development Studies (NIDS), *Nepal Migration Year Book 2008*, NIDS, Kathmandu, 2008, p. 27.

42 Paavan Mathema, 'Take Me Home', *Nepali Times*, Issue 517, 27 Aug–2 September, 2010.

Current State of Interventions

Best Practices/Successful Interventions: Migration (and the associated remittances) as a development strategy has been accorded high priority by the government. In this regard, laws, policies and regulations, particularly the Foreign Employment Act 2007, have been enacted to ensure safe migration.

Broadly speaking, the concerted efforts by various organisations to sensitise and pressure the government have resulted in legal measures that should, at least in principle, lead to safer migration practices. There is also recognition of instances of being cheated by recruiting agents and/or employers and a separate fund, known as the 'Foreign Employment Welfare Fund' has been established to help these victims. These policy initiatives, including the government's commitment to protect the rights of migrants and the right to employment while also upholding provisions against discrimination, are notable.

The proscription on women migration to the Gulf led to an outpouring of criticisms from the women's movement in Nepal and successful litigation⁴³ ended in other side benefits to women such as an end to the requirement that women seek permission from a male guardian while applying for a passport.

Recently, trade unions in Nepal, in particular, the General Federation of Nepalese Trade Unions (GEFONT), have been providing worker trainings and negotiating agreements between unions of receiving and origin countries. These initiatives are significant because they signal an effort to simultaneously address problems related to migrant labourers both in the host country and the country of origin.

Interventions with Limited Effectiveness: Given the sheer number of Nepali migrant workers outside the country, rescue efforts are too few and far between. While potential migrants are required to undergo pre-departure training, both in skills and cultural sensitivities, there is no indication of how many actually go through such trainings and what their effectiveness is. The promise to assign diplomats in countries with a concentration of migrants exceeding 1000 is yet to materialise, and,

43 Pourakhi, a women migrant workers' organisation, filed a gender discrimination case against the government on 13 May 2007 for not lifting the ban. Chandra Bhadra, 'International Labour Migration of Nepalese Women: The Impact of their Remittances on Poverty Reduction', Working Paper Series 44, *Asia-Pacific Research and Training Network on Trade*, p. 15, September, 2007.

consequently, migrants have not been able to benefit from diplomatic protection aboard.

The overwhelming focus on remittance and its contribution to the national economy has undermined some critical issues, such as the unsustainability of remittances and unproductive capital investments, not to mention the low income of migrants, violations of human rights, family breakdowns and health-related insecurities.

Ongoing efforts to strengthen the national regulatory framework and policies can achieve only so much when labour laws and foreign employment regulations in the host country do not secure the rights of labour migrants. For instance, in the case of Malaysia where the number of Nepali migrants is significantly high, labour laws are notably 'abusive' – they do not cover domestic work; agents are not regulated; and the prosecutors target the victims rather than the abusers.⁴⁴

Research Gaps Related to Migrant Labour and Their Implications

Despite the importance of labour migration in the current context of Nepal (i.e., remittances account for approximately 22 per cent of the country's Gross Domestic Product [GDP]),⁴⁵ it is quite striking that thus far there has not been any comprehensive research on this topic. While issues of migration figure in almost all national-level studies and surveys such as the decennial national census, the Nepal Living Standards Survey (NLSS) and the Nepal Labour Force Survey (NLFS), these have considered migration only from a macro perspective and focused almost exclusively on the economic and financial benefits of migration.

To date, systematic research on the social impact of migration, including those related to gender, changes in household and community relations, and differential experiences of migrants depending on their places of origin, gender, caste/ethnicity, class, and experiences of conflict, have only been sporadic. Likewise, information on different

44 Amnesty International, *Trapped: The Exploitation of Migrant Workers in Malaysia*, Amnesty International, London, 2010.

www.amnesty.org/en/library/asset/ASA28/002/2010/en/114eba25-6af5-4975-9ea3-02c22f6bdc5a/asa280022010en.pdf

45 Economic Policy and Poverty Team South Asia Region, The World Bank, *Nepal Economic Update*, The World Bank, 2010.

web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/0,,contentMDK:22580832~menuPK:2246552~pagePK:2865106~piPK:2865128~theSitePK:223547,00.html

forms of exploitation migrant workers have to contend with is not well documented except for the occasional story in the media. With international labour migration figuring so prominently in Nepal's recent socio-economic development, issues of internal migration (e.g., internal displacement due to conflict and natural calamities, internal labour migration, seasonal migration and rural-urban migration), its impact, and the living and working conditions of individuals involved, have been virtually ignored.

Given the open border between Nepal and India and with migrants to India making up the highest proportion by far, it is a travesty that there are no reliable figures on how many Nepali migrant workers live and work there. This is further compounded by the fact that the 1950 Treaty of Peace and Friendship between India and Nepal has put Nepalis in India in an ambiguous situation. Neither do they enjoy the same rights as Indian citizens nor do they have the protection accorded to foreign nationals,⁴⁶ leading to regular news reports of random harassment of Nepalis in India. The impact of the Treaty's provisions vis-à-vis Nepali migrants in India, however, remains understudied.

Existing studies on labour migration have often also overlooked the conditions of highly skilled migrants despite anecdotal evidence that they, too, have experienced dreadful conditions in western countries after having been deceived by educational consultancies or brokers, causing them to compromise on their professional aspirations.

Another understudied area relates to the gender dimension of labour migration – the situation of female migrants and women left behind when the male members migrate. Female migration is increasingly being conflated with trafficking and prostitution which was further exacerbated by the Nepali government's policy in the past to restrict their migration and, hence, denial of legal protection in the destination country. Similarly, while exalting the contribution of foreign labour migration in terms of remittances, associated issues such as the social costs of migration have been more or less ignored.

46 Article 7 of the Treaty states: 'The Governments of India and Nepal agree to grant, on a reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature.' untreaty.un.org/unts/1_60000/3/9/00004432.pdf

VI. TRADITIONAL FORMS OF BONDED LABOUR

Existing State of Information

In general, traditional forms of bondage in Nepal involve a hybrid of credit and labour agreement whereby the provision of labour served as collateral for a loan. In such cases, labour was virtually unpaid, making repayment of the debt near-impossible. Individuals forced into bondage did not have any freedom of mobility either. In terms of conceptual understanding, the wider literature on the issue points out that the relationship of bondage is not only of an economic nature but is also a social relationship of subordination. As a result, the proportion of groups lower in the traditional social hierarchy in bondage situations is much higher throughout the world, including in Nepal.

In particular, in the case of Nepal, it is widely accepted that the bondage of labourers is caused by feudal relations, and facilitated by the caste system, and, hence, bonded labourers are mainly from socially excluded groups like Dalits and Tharus. Notably, traditional forms of bondage, which were previously limited mostly to agriculture, have now expanded to other sectors such as construction, manufacturing, mining and brick/carpet factories where elements of bondage are increasingly visible. The major forms of traditional bondage are Kamaiya, Kamlari, Haliya, Deuki, Haruwa and Charuwa, Bhunde, Badi and Balighare systems. While the Kamaiya system has received some attention, especially around the Free Kamaiya Movement in the late 1990s, not much is known about the other forms of bondage.

- **Kamaiya:** The Kamaiya system is a form of traditional bonded labour system in which a person becomes indebted to the owner and offers his service as a form of debt repayment. It existed for hundreds of years in the western Tarai plains of the country before it was officially outlawed in 2000.⁴⁷
- **Kamlari:** Girl children of Kamaiyas used to be 'sold' by their parents under contract, usually for a period of one year, under a system known as the Kamlari system. This was banned in 2006.⁴⁸

47 Hari Bansh Jha, *Mapping Exercise on Studies, Project and Other Initiatives Focusing on Bonded Labour and Child Bonded Labour covering Ex-Kamaiya, Haruwa and Charuwa Systems in Nepal*, International Labour Organisation – International Program on the Elimination of Child Labour, Lalitpur, 2006, pp. 12-14.

48 *Ibid*, pp. 14-15.

- **Haliya:** The Haliya system is another example of agricultural bonded labour that was prevalent in the far-western Hills of Nepal until being abolished in 2008. Given that more than 97 per cent Haliyas are Dalits, most of them faced double discrimination, for being a bonded labourer as well as a Dalit.⁴⁹
- **Deuki:** Under the Deuki system, poor girl children are sold to affluent couples without offspring who then offer the girls to temples in the hope of attaining good fortune. The girls thus dedicated to the gods are forbidden to marry, lack education and other skills for subsistence, majority of them are forced to depend on prostitution to eke out a living.
- **Haruwa/Charuwa:** The system of Haruwa (ploughmen of landowners) and Charuwa (children of Haruwas), prevalent in the eastern and western Tarai, is associated with large landholdings and dominance of high-caste landowners in these areas. Earlier, this system was framed as a *jajmani* (patron-client) relationship common in agrarian societies but gradually came to take the form of bonded labour just like the Kamaiya system.⁵⁰
- **Bhunde:** The Bhunde system is mainly found in Bajura district where individuals work as shepherds, and recently are also seen engaged in agriculture. It is mainly Dalits who are kept as Bhunde, looking after the sheep of the owners under conditions of bondage.⁵¹
- **Badi:** The Badi are a small Dalit community in Nepal living in the Western, Mid-Western and Far-Western regions of the country. Traditionally, Badi women served as entertainers for the rich through dance and music performances, but they were also forced into prostitution. As a community, the Badi are considered to be one of the most disadvantaged groups in Nepal.
- **Balighare:** Balighare, also known as Khalo or Ritibhagya, is a practice common throughout Nepal under which specialised workers, primarily Dalits, offer door-to-door services such as tailoring and blacksmithy on the basis of their patrons' demands, and are

49 The Lutheran World Federation Nepal (LWF), *Concern and Causes of Haliya System: A Brief Report*, The Lutheran World Federation Nepal, Kathmandu, 2003.

50 *Ibid*, pp. 20-26.

51 General Federation of Nepalese Trade Unions, *Paying Back in Sweat and Tear*, General Federation of Nepalese Trade Unions and Anti-Slavery International, Kathmandu, p. 23, 2007.

'forced' to demonstrate their loyalty for an entire year in order to accumulate seasonal crops as wages for their services.

Magnitude of the Problem

Prior to the outlawing of the various forms of bonded labour, informal estimates suggested that there were anywhere between 300,000 and 2 million bonded labourers in Nepal.⁵² Following the Free Kamaiya Movement and the government's commitment to provide assistance to ex-Kamaiyas, information on Kamaiyas has become better documented than is the case with other groups. At present, the government has identified 18,288 ex-Kamaiya households (numbering 98,985 individuals) living mainly in the five districts of Dang, Banke, Bardiya, Kailali and Kanchanpur.⁵³ The government has designed a package for the rehabilitation of ex-Kamaiyas, aimed at providing land titles and subsidies for building houses. In addition, there are many NGOs working with ex-Kamaiyas as well since their liberation movement received a great deal of attention. In fact, according to a 2003 ILO report, there were at that time 52 agencies working for one group of 100 ex-Kamaiya families.⁵⁴

Despite the attention they have received, ex-Kamaiyas continue to face severe economic hardships, particularly due to the ineffectiveness of government and other rehabilitation interventions (for example, only one out of 10 Kamaiyas has received land).⁵⁵ Reintegration has not been successful and many of the ex-Kamaiyas have not found employment or have only limited access to the labour market. They lack any kind of health facilities and most have not received their citizenship papers yet. Although some ex-Kamaiyas have also been given skill training, they lack the financial means to start their own businesses.

In many cases, former Kamaiyas have sent their children to work as the children have become a financial burden on them. Even Kamalaris have been known to go back to their old household to work after being

52 Birendra Raj Giri, 'The Bonded Labour System in Nepal: Perspectives of Haliya and Kamaiya Child Workers', *Journal of Asian and African Studies*, 44:6, 2009, pp. 599–623.

53 Guna Raj Shrestha, Deep Govinda Rajkarnikar, Surendra Thapa and Rambha Dhital, *Economic and Livelihood Alternatives for Ex-Kamaiyas and Equally Vulnerable Communities in Western Nepal*, International Labour Organisation, Geneva, 2003.

54 Ibid.

55 Anita Cheria, Nanda Kumar Kandangwa and Khemraj Upadhyaya, *Liberation is Not Enough: The Kamaiya Movement in Nepal*, ActionAid International Nepal, Kathmandu, 2005.

'rescued' since there are no other employment opportunities. In fact, many of the ex-Kamaiyas interviewed for this review said that although they are now free, their access to food and other such simple amenities of life has been constricted compared to when they were working as Kamaiyas. Anecdotal evidence even indicates that ex-Kamaiyas are being trafficked internally and across the border to India, especially to work in the construction sector. And many more, particularly in the Mahendranagar area in Nepal's southwestern-most district of Kanchanpur, are known to have re-entered the Kamaiya arrangement though fieldwork in that region indicated that re-entry into bondage is more complicated than it seems. In general, there is widespread acknowledgement that landlords have been unwilling to take back the former Kamaiyas because of social pressure and also because of the advocacy work and pressure from NGOs against the system. This could be one of the reasons why ex-Kamaiyas have been migrating to India and re-entering systems of bondage or other forms of exploitative labour there.

Besides the Kamaiya system, other traditional forms of bondage have gone quite unnoticed. After the Kamaiya system was abolished, the Haliya and Kamlari system were also outlawed. However, there is not much knowledge about other systems of bondage or the forms of exploitation endured by those caught in it. For example, during the course of the fieldwork, many NGO representatives and media personnel insisted that the Badi system has virtually disappeared from the area. However, conversations with Badi community members indicated that contrary to popular perception, the Badi system is still being practised and Badis continue to face severe forms of exploitation and discrimination. In particular, Badi women continue to be stigmatised by the state, society and community for engaging in commercial sex as a profession.

Similarly, the Haruwa and Charuwa system, despite having many similarities with the Haliya system, is still practised widely in the eastern Tarai even after the Haliya system was outlawed in 2008. The Balighare system prevalent throughout Nepal has, however, escaped the purview of the state and international organisations as well as Nepal-based civil society organisations. In fact, no organisation has carried out a proper study or led an investigation on this system and its practices. A Nepalgunj-based NGO, Pidit Janasewa Bikash Karyakramis, is the only organisation that has been working on this issue.

Current State of Interventions

Best Practices/Successful Interventions: The successive abolishment of the Kamaiya, Haliya and Kamlari systems was a major achievement in Nepal's social history and was possible through a strong partnership between activists, NGOs and the media. In particular, the Kamaiya Labour (Prohibition) Act 2002, contains provisions for the freedom of Kamaiyas, abolishment of the Kamaiya system, cancellation of Kamaiya labour, and return of Kamaiya property; penalties for those who use bonded labour or fail to pay timely wages; rehabilitative measures like providing financial donations and rescue operations (housing, food, education, healthcare and land); and administrative benefits like forming Kamaiya Rehabilitation and Monitoring Committees, arranging settlement, employment, education and skill development, and fixing minimum wages for former Kamaiyas. In this regard, legal provisions as well as rehabilitation packages extended by the government, including grant of land to freed Kamaiyas, are indications of the government's goodwill.

Raids by the police and NGOs to recover Kamlaris from houses where they have been kept in bondage have resulted in many girls being freed. Former Kamlaris have found refuge in schools and hostels set up for them while skill trainings have to some extent resulted in their entering small businesses, farming and animal raising, which have supplemented their family income.

Interventions with Limited Effectiveness: The various bonded labour systems were abolished without proper planning for their future livelihoods. Kamaiyas left out of the government's list have suffered gravely while even the land provided to others is generally of poor quality or prone to floods. The land set aside is also insufficient in terms of family size, which should have been a major consideration in providing for a group whose primary source of livelihood has been agriculture and nothing else. The government budget allocated for the education of Kamlaris has not been fully spent while funds meant for Badi communities have not been effectively dispersed either.

Research Gaps Related to Bonded Labour and Their Implications

Issues relating to traditional forms of bondage entered the public discourse primarily because of the Free Kamaiya Movement launched by Backward Society Education (BASE) in the mid- and far-western Nepal

in the 1990s. Because of the success of the movement as well as the scale and extent of the Kamaiya system, traditional practices of bonded labour have often been equated with Kamaiyas. Very little is known about other forms of bondage, namely, Haliya, Haruwa, Charuwa, Deuki and Badi, apart from the fact that these practices of labour bondage have existed in Nepal for a very long time.

The lack of information on other systems of bondage means that neither the government nor the academic community or wider civil society has initiated any intervention to address the issues of these other groups. Even with regard to Kamaiyas, the issue of bondage has not been analysed from a gender perspective although it is widely believed that with the banning of the Kamaiya system, the number of girls engaged in the Kamlari system increased rapidly until it, too, was banned more than six years later.

Finally, despite being hailed as one of the successful instances of abolishment of modern-day slavery, follow-up research and analysis of the post-abolishment situation of Kamaiyas are lacking. Reports brought out by NGOs and donors are contradictory, with some showing a significant improvement in the lives of ex-Kamaiyas, and others indicating that ex-Kamaiyas have re-entered the system of bondage, and still others pointing out that whatever progress had been made in terms of resettlement and rehabilitation of former Kamaiyas has been undermined and overshadowed by the Maoist insurgency, political parties and NGOs. In the absence of systematic research and advocacy, the government, too, has taken a nonchalant attitude and ignored the various agreements reached with ex-Kamaiyas that would have required it to assist them with a sound rehabilitation package.

VII. CONCLUSION AND RECOMMENDATIONS

One of the overriding conclusions to be drawn from this literature review as well as consultations with different stakeholders is that there is no conceptual clarity on the different forms of exploitative labour practices in Nepal. In the absence of a clear understanding, it is difficult to discuss the prevalence, scale, living and working conditions or forms of exploitation of the different groups of people affected. Thus far, whatever information is available is based on research conducted in a select few districts, involving small sample sizes, and guided by research agendas

set by organisations working on trafficking and other forms of exploitative labour practices. In the absence of adequate scientific studies, policies and regulatory frameworks adopted by the government to address the issue of forced labour and trafficking have been haphazard and so are the different programmes and interventions launched by international and national NGOs as well as multi- and bilateral agencies.

Understandably, in an effort to retain its standing, the government would refrain from even acknowledging that such practices exist but even civil society groups are reluctant to share information. As a result, despite the presence of a considerable number of organisations working in this sector, they have not been able to make much of a dent in the current situation. Equally disturbing is the level of duplication and incongruity in the efforts of these different groups/organisations.

To address these issues, some areas for interventions include the following:

1. **Carry out a national-level survey:** Because of the absence of scientific data on trafficking as well as labour exploitation, it is recommended that a systematic national-level scientific survey on forced labour, labour migration, trafficking and other similar issues be conducted. Such a survey should attempt to examine different forces of exploitative labour practices prevalent in Nepal as well as the scale in which they occur. Further, while examining Nepal's mobile populations, the study should also explore the cross-cutting nature of labour migration, trafficking, and forced/bonded labour practices. Only through such a study, which will need to be disseminated widely across the country as well as internationally, will it be possible to initiate effective policy advocacy tools, initiatives, and interventions.
2. **Impact assessment of existing interventions and initiatives:** One of the ironies in Nepal is that despite the ever-growing number of organisations and initiatives that seek to address the issue of trafficking and labour exploitation, these problems continue to persist. This is understandably a result of the complexity of the issue at hand – particularly, with labour exploitation and human trafficking evolving and manifesting themselves in new forms and with greater complexities arising from globalisation. However, there is almost a near-complete refusal on the part of organisa-

tions and agencies to reflect on their work at the programmatic level, and critically assess the effectiveness of their interventions. The little impact analysis conducted has been limited to NGOs and other organisations self reporting on their progress. There is thus a need for an independent analysis to take stock of all the different interventions carried out by various organisations and stakeholders, and conduct a comprehensive analysis of these programmes in order to identify gaps, best practices, sustainability of efforts, etc.

- 3. Broaden discourse and interventions on anti-trafficking and labour exploitation:** Existing knowledge on trafficking and labour-related issues in Nepal is not embedded in current global realities, particularly the new international economic order, globalisation, urbanisation, industrialisation, etc. While the broader academic literature suggests that the neo-liberal capitalist regime and its expansion lie at the root of all issues related to trafficking, migration, forced or bonded labour, the existing initiatives in Nepal have not considered these issues critically. The fact that during the course of the fieldwork, ex-Kamaiyas and many others under conditions of exploitation and bondage indicated that in the absence of employment opportunities, they have been forced either to migrate or take jobs that make them vulnerable to exploitation, points to the need to locate labour exploitation and trafficking within the broader framework of globalisation. However, such an approach would first require a thorough political economy study of trafficking and labour exploitation.
- 4. Seek innovative ways to design interventions:** In general, there has been very little change from the past in terms of the nature of interventions and methodologies adopted to address issues of trafficking and labour exploitation despite evidence suggesting that forms of exploitation and trafficking are constantly evolving. One of the sectors identified as being crucial in this regard is the informal sector. As regulatory regimes are becoming more stringent, forms of exploitation have shifted from the formal sector to the informal where employers can easily bypass the legal regime. This type of shift means that there is an urgent need to find more innovative ways of engaging with the informal sector. Some of

these could include designing interventions that would not only focus on penalising target groups but also on providing them with positive incentives; and working closely with trade unions, which thus far have remained outside the rubric of NGO- and government-led interventions, but can nevertheless prove to be one of the most important allies in safeguarding the rights of workers.

- 5. Make room for new issues to enter into policy discussions and programme implementation:** With the overwhelming focus on the 'hot topics' of sex trafficking and child labour, most emerging issues have not yet entered policy-level discussions let alone programmatic interventions. Broader literature on the evolving trends in trafficking and labour exploitation already point to the need to analyse and incorporate issues such as cyber-crime, organ trafficking, etc. But, it is also equally important to consider traditional forms of bondage which have persisted in Nepal over the centuries. This is particularly the case since traditional forms of bondage are being revived in newer forms. For instance, girls from the Tamang community who had historically been forced to serve as courtesans and concubines for the rulers of Kathmandu, were/are now overwhelmingly also the victims of sex trafficking to India. Interventions are necessary to bring about uniformity in policies and legislations and greater scrutiny of how government officials, legal authorities, police and NGOs operate is also required.
- 6. Improve coordination between organisations and agencies:** With many different organisations working simultaneously on issues of labour exploitation and trafficking, there is a great deal of duplication of efforts. In some instances, these organisations, especially those working on trafficking, have formed networks. However, inter-network and inter-organisation competition, especially for funds, has meant that coordination and information-sharing between these groups are almost negligible. Similarly, given the cross-border nature of these issues, especially trafficking, there is a need for governments in the region to liaise with one another to initiate bi- or multi-lateral interventions/programmes. For instance, the governments of India and Nepal can make a beginning by working together on generating origin-transit-destination statistics on trafficking.

7. Improve advocacy and outreach: In order to combat issues of trafficking and forced labour, there is also a need for more effective advocacy work. For example, in the case of labour migration and trafficking, while migration from Nepal to the Gulf countries is ever-increasing, neither the country of destination nor of origin has ratified some of the relevant ILO and UN Conventions related to migration and protection of migrant rights. Notwithstanding the non-binding nature of these conventions, ratification of these instruments would at least provide grounds for these governments to formulate new regulations or enter into bilateral treaties that would help protect the rights of migrant labourers. Further, even in terms of existing national laws and the international conventions pertaining to labour, foreign employment, children and trafficking that Nepal has endorsed, there is a need for greater outreach to remote areas to target communities at risk. During the course of the fieldwork, it also became clear that local government authorities, NGO staffs, and community members, especially working at the field level, were generally unaware of the existing legal framework and regulations. Thus, efforts need to be directed towards educating concerned grassroot level practitioners.

Trafficking

Opportunities for further research: Since the lack of reliable information is a major obstacle to any meaningful intervention, a scientific baseline study on trafficking of both women and men (about whom there is no mention in any of the studies) is highly desirable. The study could focus on issues related to the demand side of trafficking; the working conditions post-trafficking; an understanding of how networks of traffickers function; the dynamics of internal trafficking; the extent of international trafficking to countries other than India; and new issues in trafficking such as for harvesting of human organs. The research could also include an economic analysis of trafficking, study the family unit and attitudes within family livelihoods and generate data from returned and rescued victims of trafficking through a systematic research model. A comparative look at the trafficked and non-trafficked populations within the potential migrant pool would be useful to obtain information about issues of vulnerability, proportion of potential migrants trafficked as well as the 'precipitating' causes of trafficking. The research

could also identify sectors that are exploitative and develop a national strategy against trafficking and highlight areas that require concentrated research.

Possible interventions: Given the number of organisations involved in various aspects of anti-trafficking work, commonly owned mechanisms are required to oversee and monitor their programmes and possible impacts. Such mechanisms should carry out mid-term and yearly evaluations and review projects and plans related to anti-trafficking. Similarly, a handbook on trafficking could be developed to serve as a guideline for NGOs and other organisations while developing their operational procedures to work on issues of trafficking. The years of experience gained by some of these organisations could enrich the contents of such a handbook.

Trafficking often results from a search for livelihood options and the creation of employment opportunities locally would mitigate some of the push factors. Easy access to education for all children is another option that could keep vulnerable groups in the community for a longer period. Surveillance of local communities can easily be done by hiring community members to serve as ‘watchdogs’.

Similarly, to take advantage of its deterrent value, prosecution of perpetrators can be widely publicised and continuously followed up on. Lastly, an open dialogue on the issue within civil society at all levels will be essential as will attempts at collaboration in bi- and multi-lateral initiatives among regional governments.

Forced Labour

Opportunities for further research: In the absence of systematic data on forced labour, especially those involving adults, the magnitude of the problem related to forced labour is almost limited to information on child labour. Scientific research is thus required to examine what entails forced labour, types of individuals/groups involved in forced labour, the magnitude of the problem, and forces that sustain the practice of forced labour.

Further, even on the question of child labour, there is very little focus in the existing studies on how the prevalence and plight of child labour are affected by the socio-political situation in Nepal, including government regulations and economic sanctions of different varieties targeted against child labour. There is thus the need to explore the issues of

forced labour in the informal sector such as domestic work, small-scale businesses and unregistered companies where the reach of the government is limited and/or difficult.

Possible interventions: There is a need for stronger and sustained awareness campaigns against all forms of forced labour. Parents and guardians particularly need to be educated and counselled about exploitation and abuse of children. Vocational training to provide alternative sources of income generation and creating school environments that are child-friendly can mitigate some of the factors that lead people into the trap of forced labour. Further, since trade and other economic sanctions have had limited impact on the overall incidence of child labour because these labourers shift to other sectors, particularly the informal economy, access to credit and ensuring basic labour rights such as the right to association and organisation would potentially contribute positively to the eradication of forced and bonded child labour. In particular, because workers in the informal sectors are vulnerable to greater exploitation, efforts are required to promote and protect the rights of such workers. For this, developing partnerships with institutions that are often ignored like trade unions, political parties, etc, is essential.

Migrant Labour

Opportunities for further research: Despite the long history of migration in Nepal and its growing importance to the national economy, there is very little reliable data on the extent of migration in all its forms. Most glaring is the absence of information on female migrants, outflows to India and internal migration. Neither is there any systematic research on the kinds of exploitation migrants are vulnerable to apart from anecdotes reported almost on a daily basis in the media.

Possible interventions: A major entry point related to labour migrants would be to reach out to illegal migrants in various countries and create rescue programmes for them. Related to that is strict regulation of manpower agencies by developing the capacity of existing institutions like the Ministry of Labour and Transport Management (MoLTM) and the Department of Labour and Employment Promotion (DoLEP). Further, while pre-departure orientation training is required prior to embarking on foreign labour migration, existing information suggests that these are not conducted properly. There is a need to oversee these

orientation programmes and ensure that the contents are informative, adequate and useful to the migrants. Similarly, resource centres should be established in different parts of the country to provide labour migration-related information through the use of various media and in a language that is comprehensible to the mass of semi-literate and barely literate Nepalis who migrate for work abroad.

Given that workers are not allowed to organise and trade unions are prohibited in most of the Gulf countries, securing the rights of migrants in these countries is of challenge. A digitised identity for labour migrants such as the 'Smart Card'⁵⁶ would be helpful in dealing with problems arising during transit or in the destination countries. Government officials working in labour relations and immigration need to be provided training to deal with migrant labourers and understand their specific needs.

Traditional Forms of Bonded Labour

Opportunities for further research: The current situation of former bonded labourers and their families is not very well known and neither is the effect of the various government and other interventions on the lives of these individuals. A periodic survey of former bonded labourers could provide updates on their socio-economic condition over time.

Besides the Kamaiya system, very little is known about other forms of bondage, namely, Haliya, Haruwa, Charuwa, Deuki, Balighare, Bhunde and Badi. Similarly, the growing phenomenon of debt-bondage of Nepalis working in foreign countries is also little understood. There is thus a need to undertake research in these areas particularly with a focus on the cross-cutting nature of traditional forms of bondage with newer forms of labour exploitation.

Possible interventions: Given the particular history of bondage in Nepal, there is a need to ensure that the interventions designed to uplift ex-Kamaiyas, Haliyas, etc, are catered towards their skills, specific

56 In 2010, the Government of Nepal had considered introducing identity cards for Nepali migrant workers, known as the 'Smart Card'. The card would have detailed information on migrant workers including the address of the sending and recruiting agency, labour contract, salary and benefits, and home address of the workers. *The Himalayan Times*, 'Outsourcer opposes migrant smart card', *The Himalayan Times*, Kathmandu, 20 October, 2010. www.thehimalayantimes.com/fullNews.php?headline=Outsourcer+opposes+migrant+smart+card&NewsID=262187

needs, etc, beyond the standard development packages extended to the poor or other marginalised groups. For instance, there is a need to ensure that potential income-generation activities are combined with an exploration of the labour market so that these individuals can sell their produce as well as skills. Unless this is done, there is a danger that these former bonded labourers will fall back into bondage.

Further, interventions that influence policy-making are still desirable and one way to approach that is to provide support to former bonded labourers to represent themselves at the local level to interface with the government and other organisations.

As stated earlier, along with ex-Kamaiyas, Kamlaris are also gradually getting increased attention. However, counselling is necessary for both Kamlaris and their parents even as support is provided for alternative forms of livelihood. In the absence of other options, rescuing Kamlaris out of their work situation has not proved all that effective; instead a work-contract system could be established with the family/employer to protect the rights of former Kamlaris with a guarantee of wages.

There are forms of bondage that are still below the radar of both NGOs and the government. There is a need to create greater awareness about these practices, advocate for the rights of these labourers, and design interventions to raise their socio-economic status and improve their livelihood opportunities.

Part Two
**Annotated Review
of the Literature**

I. TRAFFICKING

Human trafficking is one of the major problems in Nepal. However, for the general population, the meaning of 'trafficking' remains confined to illegal transportation of women and girls for sexual work to India or the Gulf. This partial understanding of trafficking fails to encompass other forms of trafficking, including the sale and removal of organs, trafficking of children to circuses and trafficking of adults to foreign countries for employment, all of which are carried out through hidden channels. Not only women and girls but a significant number of boys and men are also trafficked across the border for aforementioned purposes.

Literature reviewed here shows that studies and analysis of trafficking have concentrated on sex trafficking of women, girls and children to various destinations within the country, or to India and the Gulf. These studies reveal the hardship and trauma endured, particularly when they are physically, mentally and emotionally abused by various perpetrators. The issue of HIV/AIDS and other sexually transmitted diseases among sex workers has also received plenty of attention from researchers and practitioners. Many studies analyse the social and cultural challenges of rehabilitating former sex workers, in particular, the stigma attached to these women and children.

Some sources point out that persistent stereotypes have lead communities and society to perceive migrant women as commercial sex workers, and in some cases efforts to combat sex trafficking have counterproductively reinforced the stigma attached to migrant women. These studies suggest that Nepali society invariably lacks knowledge about migration and trafficking and that there is a need for further research.

1 Plight of Cabin Keepers

ActionAid Nepal. Kathmandu: ActionAid International Nepal. 2004.
www.childtrafficking.com/Docs/action_aid_2004_plight_of_cabin_keepers_15.pdf

The study provides in-depth information about the status of cabin keepers. Based on a survey of 270 cabin keepers in 175 restaurants around the Kathmandu Valley, this paper tries to find linkages between cabin restaurants and trafficking. According to the survey, most number of cabin keepers are from Sindhupalchok (10 per cent), followed by Dolakha (9.5 per cent) and Kavre (9 per cent). The girls from the Tamang community constitutes a large proportion (40 per cent); 54 per cent of the girls are married; 42 per cent are illiterate; and 25 per cent are returnees from Indian brothels. These girls and women fall under the age group 12-30 years, with the majority (34 per cent) between 21 and 25 years of age. The reasons cited for joining cabin restaurants are poverty (43 per cent); ignorance (21 per cent); money and pleasure (18 per cent); and family problems and political turmoil (18 per cent). As cabin keepers, these girls are forced to entertain clients, going as far as indulging in sex. They admitted facing torment and humiliation at the hands of clients and owners and being coerced into doing things they detest due to threats of dismissal, physical harm, blackmailing, defamation, police harassment and abuse. As indication of a link between trafficking and migration, 52.5 per cent of the cabin keepers are positive to an overseas job offer. They further opine that a respectable job and the ability to exercise their rights as women would improve their situations and allow them to live with dignity; and that stringent regulations would prevent exploitation. The recommendations provided in the report include enacting laws, interventions from the NGOs, monitoring by stakeholders and penalties for law breakers.

2 Girl Trafficking in Nepal

Aengst, Jennifer. Denver: Human Rights Advocacy Clinic, University of Denver. 2001.
www.childtrafficking.com/Docs/aengst_2001_girls_traffick.pdf

Based on secondary sources, this litigation report provides an overview of girl trafficking, including the destinations of trafficked girls, living conditions, legal framework and the role of NGOs. The report focuses on

reviewing the legal framework against trafficking in Nepal as well as the regional and international conventions to which Nepal is signatory. The report accuses the Nepali state of violating four UN conventions, namely, International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of Discrimination Against Women (CEDAW) and Convention on the Rights of the Child (CRC) for not having secured labour rights and its failure to end trafficking. The report, however, does acknowledge the recent efforts made by the government and civil society to address the problem. In particular, the government has set up a National Task Force against Trafficking which has started a dialogue with India, the country where most of the Nepali girls are trafficked. Similarly, the Institute for Legal Research and Resource (ILRR) has drafted a new bill on counter trafficking to be legally accepted in Nepal. The report also asserts that girl trafficking can be addressed only when local, national and international channels of trafficking are interconnected. Although national acts, provisions and the Constitution of Nepal prohibit child and forced labour as well as discrimination and human trafficking, the mechanisms for enforcing these laws remain weak. The two major recommendations made by the report are: the use of thematic procedures within the UN and the continual use of international pressure. Along with these, it stresses a need to put continuous pressure on the government and set up legal advocacy clinics to address the issue of girl trafficking.

3 Red Light Traffic: The Trade in Nepali Girls

Annamanthono, Priscilla (ed). Kathmandu: Agro-forestry, Basic Health and Cooperatives Nepal. 1999.

This book is a compilation of articles by eight authors who have analysed the issue of girl-trafficking in Nepal. It provides information on the economic status of Nepali women, their educational status, social and legal status, the trafficking channel to Bombay (India), and the impact of HIV/AIDS in Nepal. The first chapter in the book indicates that as of 1999, there were at least 200,000 Nepali girls and women in Indian brothels forced into prostitution and about 5000 of them returned to Nepal annually. These women were sold for around US\$ 1000. The second chapter states that most Nepali women are economically lagging far behind their male counterparts because women's work is not accorded any value in Nepali society. The third chapter highlights the

poor status of education among women, resulting from patriarchal attitudes. Another chapter deals with the links between the police, politics and prostitution, arguing, that the police and politicians protect the offenders allowing them to continue trafficking. Finally, the book identifies unprotected sex as one of the most common modes of HIV transmission, and argues that women engaged in prostitution are forced to have unprotected sex thus escalating the chances of transmitting the virus.

4 Combating Trafficking of Women and Children in South Asia: Regional Synthesis Paper for Bangladesh, India and Nepal
ADB. Mandaluyong City: ADB. 2003.

The objective of this study is to increase Asian Development Bank's (ADB) understanding of how its existing country programmes and regional policy dialogue can be used to support and strengthen anti-trafficking efforts in South Asia. The report touches upon the overall situation of trafficking in the South Asian region including the extent of the problem, legal provisions and interventions. It points out that, despite different historical and cultural circumstances, the issue of trafficking has been similar across this region. Governments in these countries do not have comprehensive and reliable data or a proper system of keeping records. Similarly, the paper notes that policy-makers and development planners have largely ignored the issue of migration management, and have placed the issues of trafficking within the framework of poverty reduction strategy 'particularly in the area of preventing and reducing vulnerabilities of those most at risk.' The study recommends the ADB to target women and children who are vulnerable to trafficking; analyse its programmes to prevent, minimise and mitigate trafficking; help potentially mobile individuals for post conflict restructuring; encourage safe migration through grassroots level programmes; and work towards stopping the demand for trafficked labour in enterprises.

5 Writing Against Trafficking

Asmita. Kathmandu: Asmita Women's Publishing House, Media and Resource Organisation. 2006.

This report is based on two phases of a project carried out by Asmita. In the first phase, the organisation documented all available materials on trafficking in women and girls. It included 'books, booklets, news, articles,

radio programmes, research reports, national and international documents produced' published between 1988 and 1998. Similarly, in the second phase articles were published and interaction programmes organised based on the information gathered in the first phase of the project. Observation, interviews, literature review, and focus group discussions, were carried out as the data collection methods from 2003 to 2005.

The report is divided into two parts; the first gives an overview of the first hand research; the second part includes 21 articles published in the national newspapers. Criminal networks, condition of victimisers and destination centres, political protection and police involvement, court cases, efforts of rescue and rehabilitation, HIV/AIDS and women trafficking, activities of governmental, non-governmental and interactional non-governmental organisations, and migration and women trafficking were various issues and areas studied. Literature review and statistical analysis found that most of the main trafficking culprits are in the Indian territory. In Nepal, 361 male and 57 female trafficking culprits are found serving jail sentences. Similarly, of the total sex workers working in India, 94.6 per cent are Indians, 2.7 per cent are Bangladeshis and 2.6 per cent are Nepalis. It was believed that there are about 1100 red light areas in India. The report mentions that various NGOs in India are conducting welfare programmes and taking initiatives to punish the perpetrators as efforts to rescue trafficked women. The report recommends gathering more evidence to counter political protection and police involvement; investigating whether the real culprits get punishment or absolution; financially supporting rescue and rehabilitation activities; devising anti-trafficking programmes, among others.

The articles, in the second section, deal with trafficking, and discourses on sex work. While some of the articles mention that sex work should be regarded as an occupation, others recommend the government to produce strong legal action against 'flesh trade'. But overall, the articles seek to minimise the stigma and discrimination attached with sex work, while strictly demoralising trafficking in persons.

6 A Sense of Direction: The Trafficking of Women and Children from Nepal

Bashford, Peter. Emberton: Asha-Nepal. 2006.

The report provides an overview of the trafficking issue in Nepal and examines the work of some I/NGOs in this area. The methodology

includes field studies, review of reports, interviews with I/NGOs and government representatives, case studies and testimonials of trafficked women and children. Trafficking is explained with reference to the social, cultural and political context of Nepal, and the rise in trafficking is linked to forced prostitution and harassment during the internal conflict, and sex tourism in urban centres like Kathmandu and cabin restaurants in the Tarai. The report discusses data, methods and conditions of trafficking and draws attention to the failures of human rights campaigns and legal systems. In particular, this report states that I/NGOs have played an important role in combating trafficking by focusing on sustainable income generation, accounting for missing girls, reintegrating returnees, supporting HIV/AIDS victims and effective cross-border networking. However, the study recommends I/NGOs raise their programme standards on care, training, counselling and medical support to prevent women and children from returning to sex work. Similarly, there is also a need to put a stop on the misuse of legal systems, reform laws against internal trafficking and enforcing laws aimed at protecting women, children and migrants.

7 Best Practices on Rehabilitation and Reintegration of Trafficked Women and Girls

Beyond Trafficking. Kathmandu: Beyond Trafficking. 2004

This report presents the best practices of rehabilitation and reintegration of trafficked girls and women in Nepal. Methodologies used include empirical research and assessment of secondary sources. It also presents seven case studies of trafficked survivors. According to this report, the efforts of the government and NGOs to combat trafficking include legislative, administrative and promotional measures and rehabilitation of victims. However, it also highlights their failure to check or reduce the cases of trafficking in Nepal. The report recommends suitable measures be taken for rescue, repatriation, rehabilitation and reintegration of trafficked girls and women. In particular, it stresses the need to report the cases of trafficking, conduct a thorough investigation and prosecute the guilty; improve the quality of law enforcement personnel; raise awareness at the local level; establish a central registry of missing persons and systems of cross-border monitoring of trafficking; ensure that no trafficking survivor is subjected to arrest; provide compulsory medical test on their return to Nepal; and provide settlement support to returnees.

8 Human Trafficking as a Livelihood Strategy? (A Case Study of Trafficking in Women and Children from Nepal to India)

Bohl, Kenneth. Unpublished thesis submitted to the Master's Degree Programme in Culture, Communication and Globalization, Aalborg University, Denmark. 2010.

This work aims to examine the supply and demand factors relating to the trafficking of women and children from Nepal to India, and the anti-trafficking initiatives taken in Nepal. The thesis shows that social, cultural, economic and political factors compel individuals to migrate for labour, and the families and communities sometimes aid the process of trafficking women and children to the sex industry and circuses in India. Some of the main factors that perpetuate trafficking include: unproductive agriculture, lack of educational facilities, lack of human resources, government's failure to implement development strategies, unemployment and underemployment, subsistence on small scale economy, political instability, feminisation of poverty, gender discrimination, and patriarchal social structure.

9 Stock Taking Of Existing Research and Data on Trafficking of Women and Girls for Sexual Exploitation

Community Action Centre Nepal. Kathmandu: Community Action Centre Nepal. 2001.

This study is based on literature review; interviews with researchers and experts, government officials, programme planners and implementers in Kathmandu, Nuwakot and Kavrepalanchowk districts; and field visits to border crossing area in Birgunj and Raxaul, where discussions were held with NGO representatives, police and district level officials. The findings suggest that trafficking is equated with prostitution and unsafe migration, and eliminating these could help reduce trafficking. It also mentions that various forms of trafficking are poorly understood and are ignored by government, I/NGO programmes. Traffickers' networks, determinants and processes of trafficking in the origin and destination, are still not widely known and need to be explored in greater depth. The study argues that within the existing policy framework, the implementation is weak and legal provisions inadequate. Few NGOs are providing rehabilitation and reintegration support to the victims, and there has been little or no follow-up on the situation of those reintegrated in

the community. The findings suggest anti-trafficking programs have no evaluation modules, their effectiveness cannot be measured.

10 Baseline Study On Human Trafficking in the Cross Border Area of Rupandehi District

Centre for Economic Development and Administration.

Kathmandu: Centre for Economic Development and Administration. 2003.

www.childtrafficking.com/Docs/ceda_2003_human_traffickin.pdf

This study is an outcome of a survey of 50 households; and focus group discussions and interviews with concerned parties (NGOs, authorities, police, social workers, and local businesses) in Rupandehi district. It examines cross-border trafficking between Rupandehi district and the adjoining Maharajgunj in India. It provides information on the causes and effects of trafficking of girls and women; analyses the situation of trafficking in Nepal as well as South Asia; identifies the trafficking prone areas; examines the role of NGOs and government working against trafficking; and provides due recommendations. Findings from the study indicate that illiteracy, unemployment and poverty are the major causes of trafficking along with the hardships of village life, attractions of city life and discriminatory practices against girls and women. It states that trafficking starts at homes and schools where the principal actors are family members, relatives, neighbours and friends.

The study shows that trafficking is most common among Tamang, Magar and Gurung communities. While Rupandehi itself is not a trafficking-prone district, the neighbouring districts of Syangja, Kaski, Parbat, Sindhupalchok, Arghakhachi, Nuwakot, Dhading, and Makwanpur are; and Siddharthanagar is a major transit point of trafficking that falls within an effective and organised cross-border criminal network. Recommended steps to combat trafficking include: effective policies and programmes, accommodating returnees and victims, establishing centres for medical and psychological counselling, skill development and education for girls at the village level, along with further research. Similarly, the report also highlights the need to review and monitor the effectiveness of legal mechanisms such as the Joint Cross Border Committee (JCBC) and the District Task Force.

11 Trafficking Survivors in Nepal: An Exploratory Study of Trafficked Women's Experiences and Perceptions of their Reintegration

Chaulagai, Ganesh Prasad. Unpublished MPhil thesis submitted to University of Bergen, Norway. 2009.

The main objective of this study is to investigate the experiences of women trafficked from Nepal to India and other countries and to identify problems in the process of reintegration. The findings of this study are based on interviews with 18 women trafficked into prostitution and circuses, consultation with representatives of different organisations, six focus group discussions in three trafficking prone communities. Most of the respondents were rescued by organisations and some by clients. The case studies of the survivors reveal that many victims in police custody are vulnerable to being sold back to the brothels. Many survivors express their fear of being exposed to society, pictures being published in newspapers and being recognised as prostitutes. They recount the psychological abuse meted out by the police while in custody and on their way back to Nepal. The survivors said they feel safe in the rehabilitation centres and share a cordial relationship with the staff and others at the centre. Many seem interested in returning to their families but are fearful of how society might treat them. The narratives of the survivors suggest that trafficked women are treated worse than animals. Many who returned to their community shared horrid stories of being ex-communicated by relatives and the community, and being rejected by their own families, hence seek independence. The author recommends raising public awareness, empowering survivors, conducting gender sensitive programmes, abolishing discriminatory laws and ensuring communities' participation in anti-trafficking programmes.

12 Application of The Positive Deviance Approach to Anti-Trafficking Programming in Nepal – A Trial in Nuwakot District

Clawson, Victoria. Kathmandu and Nuwakot: Save the Children – US & the Nuwakot District Development Committee. 2002.

This paper is based on a Positive Deviance Inquiry conducted by the Nuwakot District Development Committee, with technical support

from Save the Children–USA. The paper analyses the situation of trafficking for commercial sexual exploitation in five community clusters in Nuwakot district. Some major findings listed by the paper include the decline in the number of girls trafficked from formerly trafficking-prone communities; reasonably high level of awareness about trafficking among community members; and deceiving girls as the most common way of trafficking. The paper shares some possible steps for future anti-trafficking programmes such as promotion of gender equality, promotion of specific parenting skills, frank discussions about trafficking, promotion of economic coping strategies and provision of some skills to adolescent girls.

13 VDC Level Baseline Survey in Five VDCs of Nuwakot. Final Report

Community Action Centre Nepal. Kathmandu: Community Action Centre Nepal. 2003.

The main objective of this study is to develop a database with in-depth information on trafficking, and also to examine the existing situation of human rights of girls and women. The study was conducted in five VDCs of Nuwakot district, namely, Gerku, Deurali, Budhasing, Ratmate and Kakani. It presents both qualitative and quantitative information based on sample survey of 500 households, interviews with 500 girls, key informant interviews, two focus group discussions, observation and informal discussion techniques. The paper demonstrates that there is a fairly low level of awareness about human rights in the family, a very low level of awareness about unsafe migration and girl trafficking. The findings support past studies that have shown Nuwakot to be one of the most trafficking-prone districts in the country. The study also highlights that although the respondents report low incidence of girl trafficking in the study area, the risk cannot be overlooked given the poor socio-economic condition of the households, lack of qualification and limited access to employment opportunities, gender discrimination in education, household resources and decision making and lack of awareness about safe migration. However, the paper also reveals that the majority of the respondents showed a positive attitude towards gender equality, equal property rights for men and women, equal education rights, women's right to work, equal wage for men and women and women's right to choose a life partner.

14 Re-thinking the Problem of Sex Trafficking in Nepal

Condon, Emma. Kathmandu: The Fulbright Commission. 2010.

The author addresses the discourse on trafficking in Nepal using anthropological and feminist theoretical approaches. It analyses labour and global policy discourses and proposes policy frameworks that are consistent with the current trend and context of trafficking in Nepal. The paper points out how narratives about miseries of girls trafficked to India dominate the trafficking discourse in Nepal, leaving all other forms of human trafficking invisible. This is considered to be problematic as anti-trafficking policies are formulated on the basis of these narratives. The report points out the need to make a distinction between forced movement and voluntary movement, especially within trafficking, prostitution and labour migration of females. Finally, the paper proposes a paradigm shift towards a rights-based approach, which 'would mean not only adopting the language of rights – which most organisations working on the issue have already done – but also working to promote rights and empower women and girls as a means to preventing trafficking as well as of reducing general conditions of exploitation in work and migration'. It concludes that focusing on both the individual causes and the social context of trafficking plays a positive role in implementing the rights-based approach.

15 Anti-child Trafficking Legislation in Asia: A Six-country Review (Bangladesh, Nepal, Pakistan, Sri Lanka, Thailand & Indonesia)

Coomaraswamy, Radhika and Ambika Satkunanathan. Bangkok: International Labour Organisation. 2006.

This is a review report on the anti-child trafficking legislations of six Asian countries, namely, Bangladesh, Nepal, Pakistan, Sri Lanka, Thailand and Indonesia. This report analyses anti-trafficking legislations at the international, regional and national levels. In its analysis of the legal framework of Nepal, the report gives an overview of the international and regional conventions ratified by Nepal related to child trafficking. The report mentions that the Convention on the Rights of the Child, ILO Convention No 182 on Worst Forms of Child Labour and ILO Convention No 138 on Minimum Age, Optional Protocol to the CRC on Sale of Children, Child Prostitution and Child Pornography and SAARC

Convention on Preventing and Combating Trafficking in Women and Children for Prostitution have been ratified by the Nepali government. The report also examines the Constitution of Nepal 1990, Nepal Treaty Act 1991, Traffic in Persons (Crime and Punishment) Bill 2000, Human Trafficking Control Act 1986 and Chapter on Sale of Human Beings in the National Code 1963. The report mentions that there are no separate laws in Nepal that deal with child prostitution and paedophilia. Laws on child labour deal only with the formal sector and undermines the large informal sector where thousands of children work as labourers. As for the Labour Act 1992, Child Labour (Prohibition and Regulation) Act 2000, and Rules to (Prohibit and Regulate) Child Labour 2004, the report points out there have been multiple complications in the definition of concepts and issues. Lastly, the authors recommend the government ratify the conventions and protocols concerning child-trafficking, address conceptual gaps between international and national treaties, enact laws to compensate trafficking victims, ensure that laws related to protection cover children working in the informal sector, develop guidelines for investigating child trafficking, and institute more programmes to address child trafficking.

16 Cross-Border Trafficking in Nepal and India – Violating Women’s Rights

Deane, Tameshnie. *Human Rights Review*. 11: 4, pp. 491-513. 2010.

Amidst the growing rate of trafficking globally, this article looks at the cross-border trafficking of women and girls from Nepal to India. It suggests that though there are a number of laws in both these countries to prohibit human trafficking, an estimated 10,000-15,000 Nepali women and girls are ‘sold’ annually to the commercial sex industries in India. The study suggests that supply factors like poverty and unemployment play a major role in escalating the chances of the poor, uneducated and unemployed women and girls to get trafficked to major cities, both inside Nepal and across the Indian border. Also explained is how women aspiring economic well-being and employment opportunities fall into the trap of traffickers, and family conditions of poverty, unawareness, unemployment, and lack of education increase chances of being trafficked. Moreover, the open border between the two countries has added to the woes of the trafficked and likely victims. Conversely, on the demand side, changes in the informal economies of the two coun-

tries; growing involvement of criminal syndicates and illegal activities in the sector; globalisation, migration, and development; better transportation and communication such as internet and cell phones; increased demands for cheap labour; and growing demands for sex with children are explained to escalate the demand for girls and women, who can be 'fetched' easily from Nepal.

17 Kids as Commodities? Child Trafficking and What to Do About It

Dottridge, Mike. Lausanne: Terre des hommes. 2004.

This study aims to identify the degree and forms of child abuse and exploitation along with the mechanisms that protect children from these situations. It explores the various dimensions of child trafficking, the areas where trafficked children are exploited, the reasons that make children vulnerable to being trafficked, and the impacts of trafficking on children. According to the study, trafficked children are exploited through commercial sex, marriage, adoption, slavery and bonded labour system, hazardous working conditions, and illicit activities. Similarly, poverty, globalisation, restrictions on migration, lack of education, discrimination, cultural norms, domestic violence, natural and manmade crisis, and their families' and self ambitions and hopes are some of the factors that lead to trafficking of children. The study provides an in-depth analysis of various instruments related to children and trafficking, such as UN conventions and declarations. Recommendations to better assist the children who are trafficked and combat future trafficking include campaigning against trafficking, using publicity as a means of combating child trafficking, identifying and rescuing trafficked children, protecting these children and helping them to recover, and finally, rehabilitating them in their family for a new beginning.

18 Situational Analysis Studies on Child Sex Tourism in Tourist Destinations of India, Nepal and Sri Lanka

End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT). *ECPAT Consultation on Child Sex Tourism in India, Nepal and Sri Lanka*, Kathmandu, 19-20 December 2003.

This paper provides an overview of child sex tourism in tourist destinations of India, Nepal and Sri Lanka. It is based on interviews and focus

group discussions with children and young people. Children most at risk comprise of those with low or no education, homeless, trafficked, from broken families, affected by drug and alcohol abuse, and who have already been abused at home. The report provides a clear picture of children's lives in tourist destinations and outlines the services available to protect them. ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) International has been networking with local NGOs in 61 countries and launching awareness campaigns, conducting studies, providing technical assistance, and engaging in coordination to prevent sex tourism. The paper argues that governments' failure to prosecute the perpetrators, end corruption, and coordinate among the concerned authorities continue to pose challenges in addressing the issue. The paper mentions that appropriate policies, programmes and institutions could help disseminate information on sex tourism, create economic and employment opportunities, advocate, train and conduct further research on the issue. Lastly, the paper provides due recommendations to concerned institutions. It suggests that the tourism authorities incorporate child rights in their tourism promotion policies; conduct awareness programmes and network with NGOs; tour operators adopt tourism code of conduct and network with NGOs; NGOs conduct awareness and educational programmes; ensure stricter implementation of laws; create stronger legislation; and build a closer relationship with communities and other NGOs. In addition, developing better monitoring services and incorporating child sex exploitation and trafficking issue in state policies could eliminate trafficking to some extent.

19 A Comparative Analysis of Anti-Trafficking Intervention Approaches in Nepal

Evans, Catrin and Pankaja Bhattarai. Kathmandu, New Delhi: The Asia Foundation, Population Council Horizons. 2000.
asiafoundation.org/resources/pdfs/nepaltraffickingmodels.pdf

This study attempts to document and analyse the current intervention models for the prevention of trafficking, and care and support of trafficked persons. The findings are based on interviews with key stakeholders including representatives of eight NGOs, two INGOs, a donor agency, and four other key informants. The report suggests that the existing preventive measures concentrate on awareness and sensitisa-

tion, community development and women empowerment in rural areas, while information on safe migration and support at destinations are not incorporated in existing interventions. Acknowledging the fact that a great deal of admirable work has been done on anti-trafficking in Nepal, the paper recommends some useful and practical measures. Some of the cited recommendations include: ensuring that border-based anti-trafficking measures employ strategies that protect migrant rights, support rescue operations, rehabilitation and counselling to the returnees and trafficked women and girls; undertaking family assessment and non-traditional skill trainings to empower women; facilitating the collaboration of counter-trafficking networks to eliminate conflicting opinions and duplication; and ensuring that monitoring and evaluations follow scientific procedures.

20 Trafficking and Exploitation in the Entertainment and Sex Industries in Nepal: A Handbook for Decision-Makers

Frederick, John, Muna Basnyat and Joseph L. Aguetant.

Kathmandu: Terre des hommes. 2010.

www.childtrafficking.com/Docs/handbook.pdf

This handbook evaluates the present conditions of women and children involved in entertainment industry and provides suggestions on prioritising future intervention strategies on anti-exploitation of women and minors. It relies on secondary data from published sources and primary data from interviews with experts and representatives from I/NGOs and the government. The study provides some factual and qualitative information on these establishments, modality of work and recruitment, impacts of the working in the industry on girls and women, and finally, presents possible measures to address these problems. Findings from the study indicate that the entertainment sector in the Kathmandu Valley alone has approximately 11,000 to 13,000 women and children of which about half are engaged in sex work. The rest are found to face sexual harassment at and outside the workplace due to lack of restrictions on alcohol consumption and misdemeanor customers who are usually businessmen, civil servants, migrants, army men or police. The handbook also suggests that the average age of girls working in the industry is decreasing. Factors like conflict induced migration, deterioration of formerly available employment for women (carpet and *pashmina* factories) and changing social norms are found to push them into

sex work. Further, the handbook concludes that the precipitating causes of trafficking are: domestic violence, dysfunctional family, separation from family, critical poverty, children in worst forms of child labour and customs such as child and forced marriages. These factors allow recruitment agencies to traffic women to the Gulf countries and Hong Kong for sexual purposes. On the victims' side, fear, humiliation, worries, anxiety, depression are the psychological impacts of working in the sex industry, while the risks of HIV and AIDS, drug use, alcohol and cigarette addiction are health-related impacts. The handbook highlights the need to establish a social protection system and to develop interventions and policies aimed at controlling exploitation rather than the act of trafficking itself.

21 Deconstructing Gita

Frederick, John. *Himal: The South Asian Magazine*. 11:10, October, pp. 12-23. 1998.

This article sheds light on the issue of trafficking of girls and women in South Asia and examines the discourse of trafficking. The author asserts that the South Asian countries, including Nepal, have constructed their own discourses and myths that dominate the understanding of trafficking. For example, in Nepal, the myth is that sex trafficking occurs only to the Indian brothels. Similar myths dominate the understanding of trafficking in India, Bangladesh, and Sri Lanka including amongst the NGOs, donor agencies, media and governments. As a result, the author points to the need to develop awareness amongst these countries and revisit the definition of trafficking.

22 Rapid Assessment of HIV/AIDS and Trafficking in Nepal

Frederick, John. Colombo: HIV and Development Programme for Asia. 2005.

The problem of HIV/AIDS and trafficking is rampant in Nepal, and against this background, this study tries to present the link between the two, mainly in the areas of policy and interventions. The report is based on review of literature regarding HIV/AIDS and trafficking; interviews with trafficked people living with HIV/AIDS and key stakeholders in the HIV/AIDS and anti-trafficking communities. It raises some major questions: who is affected by both trafficking and HIV/AIDS; how do existing laws and policies address persons who are affected by both trafficking

and HIV/AIDS; and what interventions protect and support these persons? The study found that the following are at risk of being affected both by trafficking and HIV/AIDS: individuals highly likely to be trafficked; the rescued and other individuals 'withdrawn' from prostitution; trafficked persons who have voluntarily returned to Nepal; internally trafficked girls and women; Nepali women and children currently in India; and the children of trafficked women. Moreover, the author believes that though there are separate plans and policies regarding HIV/AIDS and trafficking, they do not fully address trafficked individuals, those currently living with HIV/AIDS, or their concerns regarding HIV/AIDS. Finally, the report recommends prevention of trafficking and HIV/AIDS and treatment, care and support of those affected by trafficking and HIV/AIDS, are the two possible intervention strategies that would help ensure the well being of the trafficked individuals affected by HIV/AIDS.

23 Human Trafficking and Transportation (Control) Act, 2064 (2007)

Government of Nepal. Kathmandu: Ministry of Law and Justice. 2007.

This Act was promulgated to control human trafficking and transportation, and to protect and rehabilitate the victims. Anyone committing this offence against Nepali citizens from foreign land will also be within the purview of this Act. It includes a number of offences in its definition of human trafficking, such as buying and selling of a person, forcing someone into prostitution, removing human organs, and even engaging in prostitution as a client. It also provides provisions for investigation, rescue, rehabilitation, reconciliation, punishment and compensation. The Act assigns the government with the responsibility of rescuing any Nepali sold in foreign land, and also directs the government to establish necessary rehabilitation centres. The Act has provision for imprisonment upto 20 years and a fine of Rs 200,000 for selling or buying a human being, and not less than half the fine to be compensated to the victim. The Act also has provisions for the establishment of national and district level committees to coordinate the activities of government and non-government bodies working towards rehabilitating victims and controlling offences. It also has provisions for in-camera court proceedings, and that the government will act as a plaintiff for all cases filed under this Act.

24 Local Action to End Trafficking in Women in Nepal

Gude, Stefanie. *Refuge*. 17:5, pp. 11-12. 1998.

This article is based on an interview with Shanti Adhikari, the then president of an NGO named CWISH (Children and Women in Social Service and Human Rights), on the issue of trafficking and the measures taken at the local level by Nepali NGOs and other organisations to end it. According to Adhikari, lack of education and employment opportunities, and the social status of women and children have compelled them to be trafficked to Indian cities. Most of the trafficking cases occur with the consent of the parents and guardians, generally step-mothers and uncles. The article also notes that local organisations and institutions are engaged in advocacy, training and protests at the local and national levels to address increasing trafficking cases, estimated to be about 200,000 in 1998. It emphasises the role of local level organisations as being important in combating trafficking. The article acknowledges that although efforts are made to combat trafficking, a large number of women continue to be trafficked.

25 Nothing to Sell But Their Bodies

Gunnell, Barbara. *New Statesman*. March 1, 2004.
www.newstatesman.com/200403010023

Through case studies of trafficked victims, this article illustrates the situation of sex trafficking in Nepal. It paints a scenario in which women are trafficked for sexual purposes with false promises of employment. Some of them are rescued by the police and supported by NGOs, while others prefer prostitution over a life of destitution in Nepal although they never explicitly express such sentiments. The author argues that these accounts are not the two ends of a spectrum, but overlapping issues in the case of Nepal. Since those deceived into prostitution are barely distinguishable from 'consenting migrants' women's right to migrate for work has been severely curtailed by the conflation of trafficking and prostitution. The author strongly argues that those in prostitution are sustaining their families and economies in Nepal much like the migrant workers are through remittances.

26 Border Town in the Tarai: Sites of Migration

Hausner, Sondra L. *Occasional Papers in Sociology and Anthropology*. 10, pp. 107-123. 2007.

This paper analyses the dynamics of voluntary versus forced migration and voluntary versus forced prostitution in the border towns of Nepal. It discusses the Tarai as a belt of migration where people converge from the Mountains and Hills, and from where international migration into India occurs with ease due to the open boundary. More specifically, it focuses on the experiences related to the migration of women and border prostitution, mainly through ethnographic research in three Tarai border towns – Kakarvitta, Jhapa; Bhairawa, Rupandehi; and Nepalgunj, Banke. Findings from the report indicate that amongst those crossing the border, some women are migrating across the border to join their husbands in India; some are travelling with their husbands or close relatives and seem excited about their travel; and only few reported to be nervous about crossing the border. The report points out that women's involvement in prostitution has created a false social perception of all migrating women as prostitutes which has led to restrictions on the movement of women. Furthermore, the article shows how anti-trafficking steps and protecting women might have adverse effects on women migrants or sex workers. For instance, it points out that after raids on hotels and restaurants aimed at curtailing such illegal activities, employers stopped hiring women for work, and more women are resorting to prostitution as an alternative. Finally, the article recommends that educating women through resource centres, empowering them to question the decisions of men, and creating alternative income-generating possibilities for sex workers, could help combat trafficking.

27 Sex Trafficking in Nepal: Context and Process

Hennink, Monique and Padam Simkhada. *Opportunities and Choices Working Paper 11*. 2004.

This study discusses the circumstances surrounding female trafficking and the processes of entry and exit for sex trafficking to India, including agents responsible for the trafficking. It utilises data collected from the trafficked women to offer insight into how trafficking occurs within different stages of movement of women and girls, and then suggests that interventions be targeted at each of these stages. The findings are based

on the cases of 202 trafficked women and in-depth interviews with 42 trafficked women, both obtained from rehabilitation centres. Of them 60 per cent of the women and girls are found to be unmarried, illiterate and very young at the time of trafficking, and a majority of them are between 13 and 18 years. Indigenous groups and Dalits dominate the 25 different groups represented in the study. Chitwan (12 per cent), Sindhupalchok (11 per cent) and eight border districts of Western and Eastern Development Regions are found as major origins. Furthermore, the report illustrates that life in the brothel entails forced labour, threats, beatings and psychological abuse. The respondents answered that the entry routes are employment-induced trafficking via *dalals* (brokers), independent migration, deception, and by force, while the exit routes involve rescue by police (80 per cent), escape on their own (11 per cent), and release by the brothel owners (7 per cent). Currently, half of the formerly trafficked are married, own small businesses or return to sex work in Nepal. Finally, recommendations from the report highlight the need for awareness-raising efforts, empowerment of women, interception and rescue during transit at the origin and programmes for integration and independence for returnees, as well as strong political commitment.

28 Rape for Profit: Trafficking of Nepali Girls and Women to India's Brothels

Human Rights Watch/Asia. New York: Human Rights Watch. 1995.

Acknowledging the fact that there are thousands of Nepali women and girls in the brothels of India, this study aims to understand the circumstances in which these women land up in India, the patterns of abuse faced by them, the role of Nepali and Indian governments to combat trafficking, and the legal procedures of the two countries. The report argues that the political structure and economic factors of both the countries, particularly Nepal, are accountable for this problem. While economic deprivation is the main factor that leads women to such situations, the political conditions have also been very favourable for traffickers. Techniques like promises of employment, marriage offers, deception, and abductions, among others, are used to traffic daughters of the deprived communities. Apart from their appalling living and working conditions, the trafficked women face debt bondage (the money paid by the brothel owners to the traffickers) and illegal confinement. Corrupt

police, poor responses of the courts, denial of responsibility by the Nepali police, impunity for traffickers and brothel owners, and lack of access to information about health care, birth control and HIV/AIDS in both the countries have further complicated the situation. Lastly, the study discusses national and international laws such as the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others, International Covenant on Civil and Political Rights, Anti-Slavery Conventions, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child; Indian laws such as the Suppression of Immoral Traffic in Women and Girls Act and Immoral Traffic in Persons and Prevention Act; and Nepali laws such as the Constitution of Nepal, Human Trafficking and Transportation (Control) Act, 2007, and Children Act, 1992.

29 Status and Dimension of Trafficking Within Nepalese Context

Institute for Integrated Development Studies/United Nations Development Fund for Women. Kathmandu: Institute for Integrated Development Studies/United Nations Development Fund for Women. 2004.

The study analyses various dimensions of trafficking in Nepal including, but not limited to, the incidence, the characteristics of trafficked persons and trafficking networks, and the impact of trafficking and human rights violations. Initiatives and programmes on anti-trafficking as well as profiles of government organisations, NGOs, and INGOs are mapped with detailed information on their objectives and focus areas. Furthermore, the legal framework against trafficking is scrutinised and gaps are identified. The methodology involves primary data from consultations with NGOs, government and other relevant stakeholders and experts, and secondary data from the published sources. The findings of the report mentions that girls aged 11 to 18 and boys aged six to 12 are the most vulnerable groups to being trafficked; Jhapa, Makwanpur and Nuwakot are the top three trafficking prone districts; and factories, sex industry, domestic work, circus, entertainment and agricultural sectors are destinations. The analysis of case studies illustrates that the trafficked persons are physically and mentally tortured, threatened, exposed to health risks and hazardous conditions, forced into abortion and further abused by the authorities and within the community in post-trafficked situations. Existing anti-trafficking initiatives include: a)

prevention strategies through awareness and advocacy; b) protection through rescue, rehabilitation and capacity-building and c) skill development programmes. The study recommends that the anti-trafficking approaches need to shift towards promoting human-rights, empowering women, exploring the demand-side of trafficking and implementing border-based interventions. A platform for interaction within all agencies, support system for safe migration, evaluation system of interventions, education on legal systems, skill training for counsellors and amendment of laws and policies, are other recommendations stated to strengthen anti-trafficking efforts.

30 Nepal Repatriation Process

International Justice Mission. Kolkata: International Justice Mission. 2010.

This paper examines the repatriation process of trafficked girls from India and provides, in detail, the lengthy and complex process of recovery. In one case mentioned in the paper, it took almost two years to repatriate fifteen minor girls rescued from India and brought to Nepal, where only one girl's home was found safe for reintegration. The study reveals the challenges involved in returnees' repatriation as well as reintegration into homes and families. The report points out that despite their professed commitment, the government authorities seemed neither supportive nor clear about their role in the repatriation process. Conversely, the NGOs have played a distinct role and shown commitment to the repatriation process. Thus, the paper suggests that the state has largely failed to address the issue of repatriation and reintegration of victims of trafficking.

31 Human Trafficking in Nepal: A Rising Concern for All

Joshi, SK. *Kathmandu University Medical Journal*. 8:1, pp. 3-4. 2010.

The article argues that while in the past, women and girls who were trafficked to the Indian cities mostly belonged to the disadvantaged communities the recent trend indicates middle-class women being trafficked to the Gulf states. A large number of women working as commercial sex workers or those who have returned from Indian brothels are at high risk of being infected by HIV and other sexually transmitted diseases due to their limited knowledge of reproductive

health and safe sex. Furthermore, the article argues that though there are a number of policies and acts, such as the National Legal Code 1963, Human Trafficking Control Act 1986, Constitution of Nepal 1990, SAARC Convention on Preventing and Combating Trafficking in Women and Children 2002, National Task Force on Trafficking, and a number of other national, regional and international instruments designed for intervention, they are ineffective in addressing the problem of trafficking. The article recommends additional research, advocacy trainings and effective lobbying to raise awareness about trafficking at the local level. Sensitisation towards trafficking related issues in the vulnerable areas and long-term follow up efforts are considered as essential elements in the fight against human trafficking.

32 Sex Trafficking: Inside the Business of Modern Slavery

Kara, Siddharth. New York: Columbia University Press. 2009.

This book provides an overview of sex trafficking across the globe, with case studies from India and Nepal, Italy and western Europe, Moldova and the USSR, Albania and the Balkans, Thailand and the Mekong sub-region, and the US, along with a framework for its abolition. The book argues that the enormity and pervasiveness of sex trafficking is a direct result of the immense profits derived from selling inexpensive sex around the world with minimal risk. Through interviews with the victims of sex-trafficking in the shelters and sex establishments, it provides a comprehensive picture of the process and nature of sex trafficking. The author argues that all sex trafficking related crimes have two components – slave trading (supply side) and slavery (demand side) and involve three steps – acquisition, movement and exploitation. Acquisition of sex slaves is either by deceit, sale by family, abduction, seduction or romance, or recruitment by former slaves. Similarly, exploitation of sex slaves primarily involves violent coercion for unpaid sex services coupled with further exploitation in the form of torture, even to the extent of murder in the final destination. Some victims are acquired and sold several times en route to the final destination while some are never actually sold because they are within a single crime network. The study mentions that approximately 500,000 to 600,000 individuals are trafficked globally on an annual basis for commercial sexual exploitation; 20,000 Nepali girls are trafficked into India annually for the same purpose. Trafficked sex slaves are, by and large, the most lucrative slaves in the world and as such, sex traf-

ficking involves both small-time criminals and sophisticated organised crime groups across the globe.

33 Regional Study for the Harmonisation of Anti-Trafficking Legal Framework in India, Bangladesh and Nepal with International Standards

Kathmandu School of Law. Kathmandu: Kathmandu School of Law and Terre des hommes. 2007.

This report aims at understanding the legal framework for combating trafficking in three countries of South Asia, namely, India, Nepal and Bangladesh. The commonalities of trafficking in these three countries include: rampant and pervasive nature of trafficking; lack of clear understanding about trafficking and prostitution; strong constitutions and legal framework to provide a basis for combating trafficking; and lack of awareness at grassroots level, among others. In the chapter on Nepal, the *Regional Study on Anti-Trafficking Legal Frameworks: Nepal Report 2007* lists a number of legal documents like the Civil Rights Act 1956, the Trafficking in Persons (Control and Punishment) Act 1986, Muluki Ain 1963, the Constitution of Nepal 1990, and the Interim Constitution of Nepal 2007, among others, aimed at combating trafficking and punishing the perpetrators. The report also looks into other complementary acts, laws, rules and regulations, which address trafficking and help various stakeholders such as the police, courts and district administration to effectively implement the laws. Finally, the report mentions that trafficking remains a contentious issue in Nepal given the conflicting interpretations of its various aspects. The report suggests that in the absence of consensus on the definition of trafficking, it is more difficult to develop clear plans and programmes and to fully implement them.

34 Trafficking in Girls With Special Reference to Prostitution: A Rapid Assessment

KC, Bal Kumar, Govind Subedi, Yogendra Bahadur Gurung and Keshab Prasad Adhikari. Kathmandu: International Labour Organisation – International Program on the Elimination of Child Labour. 2001.

This study is based on in-depth empirical analysis of the magnitude, causes, trends, patterns and impacts of trafficking of women and chil-

dren for sexual exploitation. The survey estimates that about 12,000 children are trafficked from Nepal every year and the most trafficking prone districts are: Makwanpur, Sindhupalchowk, Nuwakot and Chitwan. Of the trafficked, a quarter are under 14 years and more than half under the age of 16 years. Similarly, a majority of the trafficked victims belong to the Hill caste/ethnic groups, mostly Tamang, Chhetris and Dalits. Ninety per cent of girls are forced into prostitution within a week of their arrival in brothels and are sold for prices ranging anywhere between 50,000 to 70,000 Indian rupees. At the brothels, girls are tortured physically and mentally, provided small amounts of food and money, and forced to serve as many clients as possible. Some girls are also found to be sold from one brothel to another.

Returning home from brothels is a major challenge because of the difficulty of reintegrating into the society. Also exemplified is how life for most in rehabilitation centres is satisfactory but lack enough income generating opportunities and trained counselling. The report argues that trafficking is related to child vulnerability resulting from inadequate income, violence at home, remarriage of a parent, social structures and practices such as patriarchy, child marriages, bonded labour systems and gender discrimination. The authors believe that illiteracy and poverty alone are not the sole causes of trafficking and that globalisation, desire to make money, modern life, and peer pressure are equal contributors. Finally, the report argues that trafficking should be addressed through a multi-pronged approach comprising of policy reforms on marriage and child laws, empowerment of women and girls, improvement of border security, sincere efforts on the part of the political parties and the government, and enhanced capacity of rehabilitation centres.

35 A Hidden Issue: The Rising Concern about the Girls and Women Trafficking in Nepal

Kharel, Jagannath and Sunil Kumar Joshi. New York: Social Science Electronic Publishing. 2010.

This paper looks at the issue of trafficking in Nepal. It lists poverty as a leading cause of trafficking and identifies a number of other push and pull factors. Some factors include low social status, illiteracy and lack of awareness, gender discrimination, cultural violence, dysfunctional families, social cultural norms, attraction of city life, increasing consumerism,

lack of job opportunities, rapid migration, internal displacement during the decade-long conflict, exposure to traffickers, uncontrolled border, lack of trans-border and regional interventions, and lack of information on new trafficking routes. The paper shows that Nepali society holds a negative attitude towards rescued and trafficked girls, and highlights the lack of institutionalised reporting system, uniform and reliable data, coordination and dissemination of information among organisations working on the issue, lack of expertise in the field, and absence of systematic research on the issue as some drawbacks. The paper highlights inconsistencies in the number of districts identified as vulnerable by different stakeholders: 29 districts by International Labour Organisation, 39 by United Nations Development Fund for Women, 26 by Government of Nepal, and 70-75 by various NGOs, indicating a wide gap in the understanding of the issue of trafficking among these stakeholders.

36 Nepal: The Problems of Trafficking in Women and Children

Khatri, Nayan Bahadur. Paper presented at the *Seventh Annual Meeting of the Asia Pacific Forum for National Human Rights Institutions*, November 11-13, New Delhi, India. 2002.

The paper provides an overview of trafficking in Nepal. It then discusses the legal anti-trafficking initiatives undertaken by the government, including the Constitution of Nepal, 1990; Human Trafficking (Control) Act, 1986; Muluki Ain, 1963; The State Cases Act, 1993; Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949; Convention on the Rights of the Child, 1990; Convention on the Elimination of All Forms of Discrimination Against Women, 1979; and SAARC Convention on Prevention and Combating Trafficking in Women and Children, 2002. The paper states that the national policies should be designed to raise public awareness; to take action to remove laws discriminatory towards women; the Ministry of Women, Children and Social Welfare (MoWCSW) should carry out programmes against girls trafficking; and the government should take necessary measures to protect human rights and women's rights. Similarly, the National Plan of Action has six areas of interventions, namely, policy, research and institutional development; legislation and enforcement; awareness creation, advocacy, networking and social mobilisation; health and education; income and employment generation; and rescue and reintegration. Likewise, the Ninth Plan (1997-2002) recognises the

need for designing a number of social, economic, legal and institutional measures for mainstreaming women in national development, elimination of gender inequality and empowerment of women. Lastly, the paper mentions that the government also has institutional mechanisms for addressing the problem, such as the Ministry of Women, Children and Social Welfare; National Coordination Committee to Combat the Problem of Trafficking; National Task Force on Trafficking; District Task Force; and Women Cell in Nepal Police.

37 Trafficking in Buddhist Girls: Empowerment Through Prevention

Lama, Kandu and Patti Bory. Not dated.

www.childtrafficking.com/Docs/lama_and_bory_nodate_trafficking_in_buddhist_girls_dec.pdf

This article provides a historical perspective on the origin of trafficking of Nepali girls. The authors state trafficking of Nepali girls began a long time back when a Queen of Nepal had travelled to Helambu, located north of Kathmandu, and hired many women, mostly Buddhists, as caretakers and helpers; and brought them with her to Kathmandu when she returned. These Helambu women were kept as *pitthrenees*, who were unmarried women who cohabited with men but were not considered to be prostitutes. When the Ranas took over the country, they continued the trend of bringing women from this region under false pretexts. Some were even given to the kings of India as impressive gifts. The authors believe that this supply of girls to the royal palaces was the earliest manifestation of trafficking in Nepal. The paper recommends providing economic alternatives and education as the best way to prevent trafficking.

38 Community Perceptions of Trafficking and Its Determinants in Nepal

Mahendra, Vaishali Sharma, Pankaja Bhattarai, Dilli Ram Dahal and Siobhan Crowley. Kathmandu; New Delhi: The Asia Foundation; Population Council Horizons. 2001.

asiafoundation.org/resources/pdfs/nepaltraffickingperceptios.pdf

The study was conducted using both qualitative and quantitative research techniques in three districts of Nepal – Jhapa, Parsa and Palpa.

It aims to assess the vulnerability of girls and women to trafficking by identifying the perceptions, knowledge and attitudes of community members and adolescent girls. The study which included 1269 married and unmarried girls aged 14 to 19 years, aimed to find out their aspirations, their decision-making power, their mobility, and their knowledge about migration, trafficking and HIV/AIDS. It shows that women and girls aspire to study, explore and experience life beyond their communities despite restrictions on mobility. Sex trade is one of the ready alternatives for these women, who have been compelled to quit their studies owing to their heavy workload. The report also reveals that communities have very negative perceptions about returnee trafficked women. The issue of migration and prostitution indicates that communities regard migration as essential but fear that exposure to a new environment will spoil women's 'character' and that it will ultimately lead them to sex trade. Based on these findings, the report indicates a need for community-based interventions that focus on explaining the difference between migration and trafficking; providing care and support to trafficked returnees; and addressing issues of gender-power discrimination.

39 Challenges of Rehabilitation Provision of Sex Trafficking Survivors of Children and Women in Nepal

Matsubayashi, Ai. *Journal of Social Welfare*. 122, March, pp. 79-85. 2010.

The author depicts trafficking of women and children for commercial sexual exploitation as the most common form of human trafficking in Nepal. It argues that the demand, supply and other intermediary factors constitute the causes of trafficking. Poverty acts as the supply factor; the demand for Nepali women and children acts as the demand factor; while the transnational criminal networks, open border and bribery of the police and governmental officials act as the intermediary factors. The article mentions four victim-centred approaches: rescue, repatriation, rehabilitation and reintegration; and two types of rehabilitation: institution-based rehabilitation and community-based rehabilitation. It states that in the rehabilitation centres, the survivors of trafficking get primary health care, counselling, legal aid, non-formal education, vocational training and safe temporary shelter.

40 The Price of A Life: Legislating Sex Work and Trafficking in Nepal

McNeill, Leila Ann. Unpublished master's thesis submitted to the Faculty of the Graduate School of Cornell University, New York. 2008.

This study has employed four main methodological techniques – observation, interview, survey and textual analysis. Its findings are based on 30 interviews with leaders in national and international, governmental and non-governmental organisations dealing with sex trade or women's rights, current cabin restaurant workers, journalists, Nepali government officials, female parliamentarians from three different parties and Nepal Police. It focuses on legislation that regulates commercial sexual exploitation and sex trafficking in Nepal. According to the study, a major problem in Nepal lies in constructing flexible policies to punish criminals of sex trade and give trafficked victims access to legal protection. It highlights punishing sex traffickers and pimps without criminalising prostitutes or legally over-regulating sex trade as the best solutions for Nepal. The study examines the national legal regulations on trafficking and recommends gender equality, policies promoting business and facilitating free movement of women, decriminalising sex trade in Nepal by making prostitution legal and enforcement of policies without harming sex trafficked victims or prostitutes.

41 National Plan of Action Against Trafficking in Children and Women for Sexual and Labour Exploitation

Ministry of Women, Children and Social Welfare. Kathmandu: Ministry of Women, Children and Social Welfare. 2001.
www.mowcsw.gov.np/uploads/regulations/36NPA%20against%20trafficking%20and%20sexual%20exploitation.pdf

The National Plan of Action states that there is an urgent need to improve research methods and techniques to gather reliable quantitative and qualitative data related to trafficking, and also to address the extent and magnitude of internal as well as trans-border trafficking. Various socio-cultural, economic and political issues are responsible for trafficking, such as low social status of women and children, illiteracy, gender discrimination, urbanisation, unemployment, migration, conflicts and lack of trans-border and regional interventions. Moreover, recent trends

indicate that while there are fewer trafficked children who are forcibly abducted, a majority are lured by false promises. It highlights the need to address the changing nature of trafficking, whereby women are not only trafficked for sexual exploitation but also for labour exploitation; make a distinction between trafficking of women and trafficking of children; create secretariats at district levels to effectively co-ordinate and implement anti-trafficking programmes; strengthen bilateral and regional cooperation and coordination ; and conduct monitoring and evaluation at both national and regional levels. Also, four crosscutting issues namely, mobilisation of resources at all levels and participation of the government and civil society; gender; human rights-based approach; and child participation are to be integrated in the revised National Plan of Action. The recent Plan of Action against trafficking of children and women are presented in a detailed tabular form covering all aspects such as policy, research, legislation and enforcement, advocacy, health and education, employment generation, rescue and reintegration and monitoring and evaluation. It presents objectives, strategy, activity, timeframe, focal agencies, implementing partners, indicator(s), and sustainability for each.

42 Combat Against Trafficking in Women and Children for Commercial Sexual Exploitation (Policy, Action Plan and Institutional Mechanism)

Ministry of Women, Children and Social Welfare. Kathmandu:
Ministry of Women, Children and Social Welfare. Not dated.

This is a compilation of national policies designed to combat trafficking and sexual exploitation of women and children. The major intervention areas and activities mentioned in the National Plan of Action are: policy, research and institutional development; legislation and enforcement; awareness creation, advocacy, networking, and special mobilisation; health and education; income and employment generation; and rescue and reintegration. To carry these out, the following have been constituted: a 16-member National Task Force headed by the Secretary of the Ministry of Women, Children and Social Welfare (MoWCSW); 19-member District Level Task Force in each district headed by the Chairperson of the District Development Committee; and 12-member Village/Municipality Level Task Force in each VDC/municipality headed again by the Chairperson of the respective VDCs/municipalities. The

document emphasises the importance of protection, minimisation and rehabilitation of the victims at the local and state level.

43 Migrant Labour and Trafficking of Women (Workshop Report)

National Network Against Girl Trafficking. Kathmandu: American Centre for International Labour Solidarity. 1999.

This workshop aimed to bring out various issues affecting labour migration and trafficking of women in Nepal. The major objectives of the workshop were to share local, national and regional experiences; explore the linkages between migrant labour and trafficking of women; bring forth strategies to curb trafficking; and draw up an action plan for the elimination of trafficking, among others. Three country papers on Nepal, India and Bangladesh annexed to the report provide detailed pictures on the situation of trafficking in the three countries. The paper on Nepal posits that as the majority of women work in the informal sector, they are either paid low wages or are unpaid, and therefore seek alternatives to unprotected cheap labour. This increases the chances of them getting exploited and trafficked. The paper recommends the government to take firmer legal measures and implement plans and policies.

44 My Sister Next?

Newar, Naresh. *Himal*. 11:10. 1998.

The article focuses on Sindhupalchowk, a district infamous for the enormity of trafficked girls to brothels in India. It brings to attention that women originally from Sindhupalchowk own some of the largest brothels in Bombay. Findings from the article indicate that trafficking networks continue to exist in this district, only 20 km northeast of the capital; and even the families take part in the crime. The author examines a village called Ichowk in Sindhupalchowk, commonly known as *Sano Bambai* (Little Bombay), due to its association with trafficking. Apparently, if a house in this village has a corrugated tin roof, which is a sign of relative prosperity, it is assumed that one of the daughters in the household is working in Bombay. According to a school teacher quoted in the article, about 200 families in this village sell their daughters, mostly between 12 and 15 years old, and at least 15 leave with well-known pimps. Some parents often travel to Bombay to collect money from their daughters. Apparently, everyone in the village is aware of

trafficking but they feign ignorance. In fact, a survivor of trafficking even confirms parental involvement and knowledge on where they are being taken. The author states that girls are unaware of the magnitude of the problems and sufferings they endure in Bombay. The article goes on to state that these girls later take on the role of brothel managers and encourage export of young women to brothels in India. The Bombay bazaar for Nepali girls is growing, and in Sindhupalchowk the supply is assured for the future.

45 Trafficking in Persons Especially on Women and Children in Nepal

National Human Rights Commission. Lalitpur: National Human Rights Commission. 2008.

This report seeks to assess the trend of trafficking, review policies and legal framework, examine the linkages between foreign labour migration and media in terms of trafficking, and explore the anti-trafficking initiatives adopted by government organisations and NGOs in 2006-07. The study is based on primary as well as secondary sources and provides an in-depth analysis of all the above-mentioned areas. It is clear from the report that there is a huge gap in data on the magnitude, nature and forms of trafficking in Nepal. Risks related to migration for foreign labour are gender specific, and trafficking is not static but instead takes place at various stages of the migration cycle. The Foreign Employment Act 2007 is regulatory, and although it aims to repatriate workers, provide funding and extraterritorial jurisdiction, and claims to be non-discriminatory towards women, the protection and prosecution of offenders is left unaddressed. In 2006-07, a total of 941 complaints were filed against brokers and agencies in Nepal. The report explains that the government has made sincere efforts in prioritising women and child rights through national plans, acts, and immigration laws, however, NGOs face challenges of limited funding, accountability, and lack of networking with government organisations. The report also points out that the role of the media has been significant on a number of events but still falls behind in archiving, producing gender desks in media houses and providing knowledge and trainings on human rights and gender issues. The study recommends a comprehensive protection policy along with the government's current action be formulated and various national and international instruments on human trafficking be ratified.

46 Gap Analysis on Intervention Strategies against Trafficking in Women in Nepal

Pearson, Elaine. Kathmandu: Oxfam GB, Nepal Programme. 2004.

This report aims to determine the knowledge, attitudes and practices of civil society, government officials and communities on trafficking related issues, and to review the position of various media (print, radio and television) on trafficking. Its findings are based on a research conducted to inform Oxfam GB Nepal programme's Campaign on Ending Violence against Women. The research was based on interviews and focus group discussions with 45 individuals belonging to the civil society/NGOs, donors and UN agencies, government and police personnel, media representatives, a family of survivor and a carpet factory worker. The report shows that not only the state, but many NGOs have also failed to work from a rights-based approach and have violated women's human rights and right to privacy. Although nearly everyone is aware that trafficking is not synonymous with prostitution or India, the intervention strategies, plans and programmes seem to assist only those women who are being trafficked to the Indian sex industry. The report also states that anti-trafficking measures were hampered during the Maoist insurgency when NGO workers were barred from reaching many of the remote places to raise awareness about trafficking. Finally, the report recommends the donors work within a rights-based framework; NGOs increase and improve the participation of the communities and affected groups; and Oxfam work towards changing the power relations, empower target groups and enable stakeholders.

47 Dealing with Hidden Issues: Trafficked Women in Nepal

Poudel, Meena and Anita Shrestha. *Development in Practice*. 6:4, pp. 352-355. November 1996.

This article is based on a public hearing organised by Women Acting Together for Change (WATCH) in June 1995, to give voice to unheard women. The main objectives of the hearing were to: help women's groups reflect more deeply on the problems related to trafficking of women; provide feminist and national perspectives on the issue of trafficking; get feedback on potential strategies for protecting and promoting the human rights of women; generate national and interna-

tional public support for victims and survivors; and call upon various stakeholders like NGOs, government bodies, international community, donors, and others to redress human rights violations and end violence against women. The article further mentions that following initiatives are vital in combating trafficking: support affected and infected women; linkages between local campaigns against trafficking with other regional and global campaigns through solidarity and experience sharing; support the government in implementing the existing laws; and coordination by building a nationwide alliance against trafficking of women.

48 Trafficking in Women in Nepal: New Forms of Slavery

Poudel, Meena. In *Second SAARC Peoples' Forum December 18-21, 2000*. pp 34-38. Kathmandu: Alliance Against Trafficking in Women and Children. 2003.

This article briefly examines the recent modes of trafficking and its networks. It states that the traditional networks have become more organised and complicated and have expanded across Nepal, India and Hong Kong. The lowest level of these networks lure and recruit village girls with fake promises of marriages and employment in urban centres to work in lodges, restaurants, garment factories and carpet factories, where they are forced to engage in prostitution. Another level of the traffickers' networks operate at the international level to traffic girls to India or other countries. The article also states that trafficking has become more severe with the advent of global economic policies that embrace liberalisation and development. The author argues that market-oriented policies are providing perpetrators license to sell women in large numbers at a time. The article recounts the pledge made by the governments during the Ninth South Asian Association for Regional Cooperation (SAARC) Summit held in Malé, Maldives, in 1997, to coordinate efforts and take measures to address the problem of trafficking; and provide suggestions to the countries of origin, destination and transit. It recommends SAARC initiate a regional level convention on women trafficking, appoint special rapporteur on women's trafficking in the region and set up regional mechanism such as a regional court.

49 Girl-Trafficking, HIV/AIDS, and the Position of Women in Nepal.

Poudel, Pratima and Jenny Carryer. *Gender and Development*. 8:2, July, pp. 74-79. 2005.

This paper provides an account of trafficking of Nepali girls and women, and the impact of HIV/AIDS prevention programmes. The methodology involves quantitative analysis based on secondary sources. It points out that trafficking poses risks of HIV/AIDS and other sexually transmitted diseases. The authors clarify that widespread ignorance and prejudice surrounding HIV/AIDS in Nepal foster stigmatisation, and therefore many people at risk do not seek necessary physical treatments and counselling support. The paper recommends 'possible solutions' from the perspective of health and gender equality. It reports that the government and NGO policy makers need to take into consideration the linkages between trafficking and HIV/AIDS; develop national, regional and international legislation to combat HIV/AIDS; formulate public health policies that take into consideration inequalities faced by women in Nepali society; and provide education on general health and sexual health to communities, among particular adolescents.

50 Back Home From Brothels

Pradhan, Gauri. Kathmandu: Child Workers in Nepal Concerned Centre. 1997.

This book presents case studies of victims of commercial sexual exploitation and trafficking across the Nepal-India border. The study helps understand how girls and women land up in such situations, the living conditions in the brothels, and their post rescue situations. It also looks at Nepal's participation in conferences and programmes aimed at combating trafficking, sexual exploitation, and child prostitution at the international, regional and national levels. It also highlights the achievements and failures of concerned stakeholders. The book offers insights into the process of transporting girls from Indian brothels back to Nepal; their counselling; medical rehabilitation and housing; and compensation, rehabilitation and social integration.

51 Monitoring Mechanism for National Laws, Policies, Regional and International Conventions Relating to Trafficking in Women and its Nexus with Migration and HIV/AIDS

Pradhan Malla, Sapana. Kathmandu: Forum for Women, Law and Development. 2001.

The main objective of this study is to analyse the laws and policies against trafficking from a rights-based perspective and to examine the monitoring mechanism of national laws, policies and regional and international conventions related to trafficking. The study is based on primary and secondary data which are both qualitative and quantitative. The study suggests that Nepal has ratified various human rights instruments and the Constitution of Nepal 1990 guarantees basic human rights to every citizen. Despite these legal provisions, the vicious circle of trafficking, migration and HIV/AIDS, is making women more vulnerable. One of the reasons for this gap, cited in the report, is that civil, political, economic, social and cultural contexts have not been taken into consideration during the enactment of laws and policies. Hence, the report recommends that these contexts be taken into account to combat and prevent trafficking. Some other recommendations include: amend laws and policies from the rights perspective; reform policy enforcement mechanism through structural improvement and implementation of National Plan of Action against trafficking; strengthen and make monitoring mechanisms effective; develop indicators for monitoring law enforcement; monitor human rights instruments; develop specific monitoring agencies; and strengthen coordination and networking.

52 The Responsibility of the States Under International Human Rights Law to Address the Trafficking in Nepalese Girls into Prostitution

Regmi, Kumar. Unpublished master's thesis submitted to the Graduate Department of the Faculty of Law, University of Toronto. 2001.

This study explains illiteracy and ignorance, cultural and social injustice, poverty and unemployment, legal and judicial discrimination, open border with India, and lack of political commitment and government complicity, as major causes of trafficking of Nepali girls. It further

adds that the failure to address the underlying causes of trafficking by the concerned countries namely, Nepal and India, has resulted in severe violation of human rights of the victims. Nepali girls trafficked into prostitution are oftentimes deprived of their rights to life; rights against slavery and servitude; rights against torture or cruel, inhuman or degrading treatment; rights to recognition as a person before the law; rights to non-discrimination; rights to highest attainable standard of physical and mental health; and rights to marry and found a family. It also examines the national laws of India and Nepal that have provisions against trafficking, and concludes that both countries, being parties to various international human rights laws, need to fulfil their commitments by making national laws effective enough to prevent trafficking and protect human rights of the victims. The study also mentions that trafficking is not only a criminal problem; rather, it is a contemporary form of slavery. Thus, the author argues the state not only work towards preventing trafficking but also treat the victims with equality, respect and dignity as guaranteed by international human rights laws.

53 Prevention of Trafficking and Care and Support of Trafficked Persons: In the Context of an Emerging HIV/AIDS Epidemic in Nepal

Roberts, Patricia (ed). Kathmandu; New Delhi: The Asia Foundation; Horizons Project of the Population Council. 2001.
www.popcouncil.org/pdfs/horizons/trafficking1.pdf

This study analyses the level of conceptual understanding related to trafficking and the impacts of anti-trafficking policies on women, human rights and levels of exploitation. It highlights the lack of conceptual clarity and the distinction between child and women trafficking within policy dialogues, which tends to obstruct either group from receiving adequate attention and even jeopardises women's rights, situations of those affected by HIV, and reintegration of women. It argues that anti-trafficking messages linking trafficking to prostitution and HIV prevent women from migrating, and that strict border controls or immigration laws in order to restrict migration and trafficking are ineffective. It recommends strategies, programmes and messages adopted by NGOs be evaluated, monitored and documented for effective outcomes. The study believes that new networks, impact indicators and rights-based collaborative approaches need to be developed.

54 Hearing Community Voices: A Baseline Survey on Anti-Trafficking Needs

Saathi. Lalitpur: Saathi. 2006.

This study provides an overview of the most trafficking prone-districts and an array of strategies suggested by community members to combat trafficking. Districts identified as the origins of trafficking include: Sindhupalchowk, Sarlahi, Makwanpur, Dang, Banke, Sankhuwasabha and Kavre; whereas, Kanchanpur and Rupandehi, are the districts of intervention. The study makes clear a lack of conceptual clarity due to the interchangeable usage of terms, such as, 'trafficking' with 'migration' and 'trafficking for commercial sex' with 'prostitution' – in all of the study groups. It also indicates that while most are well-versed on the issue of female sex trafficking to India, other forms of trafficking for foreign employment; prostitution in other destinations; work in factories, circuses and entertainment industry; forced begging and marriage; agricultural labour; domestic labour in servitude; adoption; and trafficking for organ transplant or removal, are unknown to most. This gap in knowledge coupled with a poor grasp of the legal framework on trafficking, expose the incompetence of the government, NGOs and the community. The report also argues that while many programmes are not far-reaching, door-to-door awareness programmes on legal provisions, marriage registration and employment generation are some strategies that could be effective. The book recommends that sentinel systems be established at the community and border levels to monitor and identify the victims and traffickers.

55 Trafficking in Nepal: Policy Analysis. An Assessment of Laws and Policies for the Prevention and Control of Trafficking in Nepal

Sanghera, Jyoti and Ratna Kapur. Kathmandu: The Asia Foundation. 2000.

asiafoundation.org/resources/pdfs/nepaltraffickingassessment.pdf

This paper seeks to assess the laws and policies on trafficking of women and children, and identify gaps. It is based on primary (first hand review of laws, acts, bills, plan of actions) and secondary (review of reports, papers, studies on the issue) data, and discussions with government, NGO, CBO and INGO representatives. The report presents the strengths and weaknesses of Nepal's policies and laws pertinent to trafficking of

women and children including, but not limited to, human rights, foreign employment, gender, HIV/AIDS and migration, and offers recommendations on possible amendments. The report points out that policies and interventions need to be differentiated for migration, trafficking and prostitution. The findings reveal that the national policy addresses trafficking from the sexual exploitation perspective only. Likewise, while the National Plan of Action of the Ministry of Women, Children and Social Welfare (MOWCSW) proposes many interventions but does not emphasise a right-based approach and change in attitudes on gender issues. The report highlights how the MOWCSW reform bill underscores rehabilitation, free legal aid, and grants 50 per cent of fines to victims, but criminalises prostitution and takes a moralistic approach on issues of sexual abuse, kidnapping, trafficking and prostitution. Similarly, the Foreign Employment Act 1985 requires the consent of guardians for females below 35 years to migrate. The study believes that tightening border control and limiting rights to mobility do not help reduce trafficking but possibly push it underground. It also argues that Nepal's policies have failed to address the issue of consent, especially in the case of adult women and discrimination against people affected by HIV. In the case of trafficked victims, it suggests, policies be shifted from the rescue and rehabilitation approach to the provision of state benefits for women and children such as loans, educational scholarships and infrastructural supports.

56 Condemned to Exploitation – Trafficking of Girls and Women in Nepal: Building a Community Surveillance System for Prevention

Sangroula, Yubaraj. Kathmandu: Kathmandu School of Law. 2001.

The paper analyses gender relations in Nepali society, and highlights the disparity between males and females in education, employment and decision-making. The paper touches upon the historical emergence of trafficking for sexual exploitation and also presents data based on a survey conducted by the Center for Legal Research and Resource Development (CeLRRd) which shows that 2000 girls and women are missing in 39 VDCs of Sindhupalchowk and Nuwakot districts. The data suggests that the nationwide figure of missing girls and women is over 100,000. The paper argues that while prostitution is a major incentive for trafficking of girls and women, some engage in prostitution by

choice and are not necessarily oppressed or exploited. The paper examines the changing trends in trafficking including the diversification of destinations; trafficking of girls belonging to different ethnic communities; increasing rate of trafficking among teenage girls as compared to women; and growing organisations of criminal trafficking rackets. It identifies disregard for women's personality, denial of property rights, prohibition on exercise of right of contract, lack of political commitment and legislation, and unregulated migration as major causes of trafficking, and also examines the national and international legislation against trafficking.

57 Sex-trafficking, Violence, Negotiating Skill, and HIV Infection in Brothel-based Sex Workers of Eastern India, Adjoining Nepal, Bhutan, and Bangladesh.

Sarkar, Kamalesh, Baishali Bal, Rita Mukherjee, Sekhar Chakraborty, Suman Saha, Arundhuti Ghosh and Scott Parsons.
Journal of Health, Population and Nutrition. 26:2, pp. 223-231.
2008.

This study seeks to examine the different dimensions of the lives of the brothel-based sex workers. Its findings are based on community-based cross-sectional study among the brothel-based sex workers of West Bengal. The study analyses the demography, sex-trafficking, violence and negotiating skills of sex workers. It highlights that young girls from poor families are vulnerable to trafficking, primarily for sex work and particularly in places such as mainland India, Nepal and Bangladesh. Out of 580 sex workers interviewed, 84 per cent are from India, 9 per cent from Nepal, 7 per cent from Bangladesh, and only one female from Bhutan. Among these women and girls, 12 per cent have HIV. The study reveals that the most common age group is 21-30 years, 46 per cent of the respondents start sex work at the age of 16-20 years, and the majority (68 per cent) of the sex workers have joined the profession voluntarily and primarily due to poverty. It was also found that the sex workers face violence during the early phases of life in the brothels. Further, sex workers from Nepal have the highest HIV prevalence rate (43 per cent) and about 24 per cent are trafficked and forced to join the profession. The research recommends the need for an in-depth study to understand the problem of trafficking and its consequences.

58 A Study on the Condition of Slavery Among Women and Girls Employed in the Restaurants and Massage Parlours of Kathmandu Valley

Shakti Samuha. Kathmandu: Shakti Samuha. 2008.

Based on both quantitative and qualitative methods of data collection, this study seeks to assess the extent of exploitation of women and girls working in restaurants and massage parlours in Kathmandu. It highlights poverty and discrimination of girls as the major factors leading to their exploitation and suffering. It also demonstrates how many women working in the carpet industry shifted to the restaurant sector (those with cabins and *dohori* songs) and massage parlours for their survival after the trade restriction of Nepali carpet by the USA and the European Union. In terms of their everyday routine, waitresses in cabin restaurants are forced to accompany customers and engage in sexual activities. It is believed that more than 75 per cent of the massage parlours run illegal sexual activities. A majority of the girls involved in these sectors are living and working in slavery-like conditions.

The survey concludes that most of the girls originate from Nuwakot and other surrounding districts of Kathmandu and are largely illiterate women who have left their homes anticipating a better life in the cities. In terms of ethnicity, Gurung, Rai and Tamang jointly make up the highest number (35 per cent) and are followed by Chettris (27 per cent), Brahmins (13.6 per cent), and Magars (10.6 per cent). These girls and women express dissatisfaction with their working conditions and society's negative attitude towards them. A majority (79 per cent) are working due to economic problems; about half are forced into the flesh trade; 78 per cent are harassed; 73 per cent are dissatisfied with the job; and 13 per cent indicate that either a friend or relative has been trafficked inside or outside the country. The study exposes deplorable situations of women and girls, the limited choices of employment for women, and the poor state of support mechanisms available to the lower class of Nepali society.

59 HIV Prevalence and Predictor of Infection in Sex-Trafficked Nepalese Girls and Women

Silverman, Jay G., Michele R Decker, Jhumka Gupta, Ayonja Maheshwari, Brian M. Wills and Anita Raj. *Journal of American Medical Association*. 298, pp. 536-542. 2008.

Based on a study of 287 girls and women sex-trafficked and repatriated to Nepal and women receiving services at Maiti Nepal between January, 1997 and December, 2005, the report provides information on the prevalence of HIV infection among repatriated sex-trafficked women and girls and the factors that increase the risk of infection. The study shows that 44.4 per cent are trafficked at the age of 18 years or older, 14.7 per cent at 14 years or younger and 33.8 per cent between the ages of 15 and 17 years. Girls and women are found to be trafficked to brothels in Mumbai (58.2 per cent), Pune (20 per cent), Delhi (12.4 per cent) and Kolkata (2.2 per cent). Among the women and girls tested for HIV, 38 per cent are infected. The length of stay at the brothels and the number of brothels served are all found to be directly proportional to the level of HIV risk. The age at time of trafficking is found to correspond to HIV risk due to factors such as immature genital tract, limited knowledge of sexual protection and lack of negotiating power on the use of protection while engaging in sexual activities. These findings indicate the need to identify ways to reduce the demand side, protect victims and provide health facilities as well as increase education and economic opportunities. However, the paper acknowledges the limited scope of the study given the small sample group, and that these findings cannot be used to make broad generalisations.

60 Syphilis and Hepatitis B Co-infection among HIV-Infected, Sex-Trafficked Women and Girls, Nepal

Silverman, Jay G., Michele R. Decker, Jhumka Gupta, Ashwin Dharmadhikari, George R. Seage and Anita Raj. *Emerging Infectious Diseases*. 14:6, pp. 932-934. 2008.

www.cdc.gov/eid/content/14/6/pdfs/08-0090.pdf

This paper seeks to assess the relationship between sex trafficking and infection of HIV and other sexually transmitted diseases. It relies on the analysis of medical records of 395 women and girls examined at Maiti Nepal of which 149 were excluded as they lack HIV test or accompa-

nying syphilis or hepatitis B test documentations. Among the sex-trafficked women and girls returning from India to Nepal, 38 per cent have HIV. Syphilis infection is documented for 48 out of 235 (20.4 per cent , 1 in 5); and hepatitis B infection for 8 out of 210 (3.8 per cent , 1 in 25). The study also found that those who are HIV positive are more likely to be infected with syphilis than those who are HIV negative (31.0 per cent vs. 15.9 per cent). The paper points out that women and girls trafficked for sexual exploitation from Nepal to India are particularly vulnerable to HIV infection due to their young age at the time of trafficking, limited ability to negotiate safe sex and having to experience forced sex.

61 Life Histories and Survival Strategies Amongst Sexually Trafficked Girls in Nepal

Simkhada, Padam. *Children and Society*. 22, pp. 235-248. 2008.

In the absence of clear data on trafficking of women and girls from Nepal to India, this study, based on in-depth interviews with 42 victims of trafficking and seven key informants, seeks to shed light on the context of sex trafficking, methods and means of trafficking, living conditions in brothels, and the survival strategies amongst the sexually trafficked girls. The author believes that economic circumstances and social inequality lead girls to become victims of trafficking; some enter sex work voluntarily while others are forced or duped. According to a social worker quoted in the paper, sex workers are graded on the basis of beauty, hard work and 'talent' and are categorised hierarchically as call girls, 'bungalow' and 'pillow house'. The article reports that the common ways for the girls to return home are rescue, escape and released by owner or self-returned. Rescued girls are first kept in Indian rehabilitation centres and then transferred to Nepali centre where they are offered literacy and skill-building classes for reintegration with dignity. Also discussed are how women who return with money get reintegrated into the community; while those who do not bring back money, are in debt or sick and cannot work, are not easily accepted by the families and communities, and may eventually return to India.

62 Trafficking and Sexual Abuse Among Children in Kathmandu

Subedi, Govind. Kathmandu: International Labour Organisation. 2002.

Based on interviews with 100 street children in Kathmandu, two focus group discussions with street boys and secondary data, this paper aims to examine trafficking, its magnitude and forms of sexual abuse among street children in Kathmandu. The study provides information on the origin, socio-economic characteristics and working conditions of street children in Kathmandu Valley, including the extent of their abuse, particularly, sexual violence and drug use. The paper exposes economic pressure at home, step parents, physical abuse and peer pressure as the main reasons for leaving home. These children are found to take up rag picking, begging and portering with a small percentage also involved in commercial sex. Similarly, some of the children are found to organise gangs, and abuse within gangs is also reported. The gang leaders, relatives and brokers act as the traffickers and children are forced to work as domestic servants or factory workers with long hours, little food and pay, and physical and verbal abuse. Likewise, it was found that 37 per cent of the street children are sexually abused by the gang leaders and tourists. Around 50 per cent of the interviewed children did not want to return to family, while 71 per cent of them wanted to attend school.

63 Trafficking in Girls and Women in Nepal for Commercial Sexual Exploitation: Emerging Concerns and Gaps.

Subedi, Govind. *Pakistan Journal of Women's Studies*. 16:1 & 2, pp. 121-145. 2009.

This paper attempts to critically review the situation of trafficking from Nepal, to examine the role of the government and civil society in addressing the issue of trafficking, and to identify new areas of concerns and gaps in trafficking. Utilizing secondary data from different sources and narratives of the trafficking survivors, it identifies new issues that have emerged with changing social and economic situation, such as those driven by globalisation and emergence of new labour markets in contemporary Nepal. Three types of trafficking are identified: internal, cross-border (India) and cross-border (outside India). Kathmandu to India; village to Kathmandu to India; village to Kathmandu to India to Gulf/other labour destination countries; village to closer market place/

town to India; and village to closer market place/town to Kathmandu to India were identified as the major routes. Internal trafficking was recognised to serve commercial sex work in cabin and dance restaurants and massage parlours, with Kathmandu Valley as the major destination and transit point. Girls trafficked for circuses in India were found below 12 years of age, while people affected by conflict, illiterate or semi-literate individuals, single or separated women, victims of abuse and violence and extremely poor families were also trafficked. The growth of carpet industries in Kathmandu, internal conflict and the opening up of new labour markets are speculated to have increased trafficking. Additionally, the open-border between Nepal and India, lawlessness, fear of complaining against traffickers, political protection of traffickers, ineffective enforcement of laws and inadequate implementation of National Plan of Action, are mentioned as some of the challenges to combat trafficking.

64 Women and Trafficking

Subedi, Prativa. In *Nepali Women Rising*. Kathmandu: Prativa Subedi. pp. 23-40. 1997.

This book chapter focuses on trafficking of women, mainly to India. The author points out that Kavre, Sindhupalchowk, Nuwakot and Makwanpur districts are the most trafficking-prone districts of Nepal, from where women and girls are trafficked to Indian cities like Bombay, Calcutta, Lucknow, Banaras, and Madras. The process of trafficking women dates back to the Rana regime when women and girls were 'used' as attendees, servants, cooks or objects of recreation and sexual pleasure in the palaces. The chapter also provides insights into two superstitious social practices relating to Badis and Deukis, where women and girls were/are treated merely as objects of sexual pleasure in the former, and offered to gods at temples in the case of the latter. The author highlights the growing risk of HIV/AIDS among trafficked women, Badis and Deukis, and suggests that awareness raising, amendments to the existing laws, formal and informal education, publicity, political and social commitment, temporary rehabilitation, employment, and the exchange of ideas between stakeholders, could play positive roles in the minimisation and rehabilitation of victims or vulnerable women.

65 Internal Trafficking Among Children and Youth Engaged in Prostitution in Nepal

Suwal, Bhim R. and Tulasa L. Amatya. Kathmandu: International Labour Organisation – International Program on the Elimination of Child Labour. 2002.

This paper analyses the situation and dimensions of trafficking of children and adults engaged in prostitution in Kathmandu. It is based on a quantitative research involving a sample survey of 82 girls and 358 women engaged in prostitution in the streets, restaurants and massage parlours in Kathmandu and Lalitpur. In addition to that, case-studies and in-depth interviews were conducted with more than 15 girls and women. The study examines the magnitude of girls engaged in prostitution, either voluntarily or involuntarily, and provides the circumstances and causes of the same. The interviews provide insights on the working conditions of girls engaged in prostitution and their control over the occupation and financial benefits. The data shows that of the children engaged in street-based prostitution, 18.7 per cent are under the age of 17. A majority are from Hill ethnic communities (43 per cent), Chhetris (33 per cent), Brahmins (9.8 per cent) and Newars (9.8 per cent). Children engaged in prostitution have basic education (59 per cent) but unaware of factors increasing their vulnerability. A majority held second jobs in restaurants, massage parlours and petty shops to supplement their incomes. Of the girls engaged in prostitution 86 per cent were migrants with 64 per cent of them from the Central Development Region who migrated due to peer influence, which implies trafficking in its subtle form. Family breakdown and financial destitution are among the chief reasons for voluntarily prostitution. Moreover, the study uncovers the fact that there is inadequate information on internal trafficking and suggests the need for further in-depth studies.

66 Child Trafficking in Nepal: An Assessment of the Present Situation

Terre des hommes. Kathmandu: Terre des homes. 2003.
tdh.ch/en/documents/child-trafficking-in-nepal-an-assessment-of-the-present-situation

This paper presents a comprehensive assessment of child trafficking in Nepal. It exposes the lack of reliable data on the number of trafficked

Nepali women and children every year to India by presenting the inconsistency and varied data used by the government and different I/NGOs that ranges from 5000 to 20,000. Some NGOs estimate the figure to be from 5000-6000; the ILO estimates 12,000; government officials estimate the figure to be as high as 8000; and some believe that it could be as high as 20,000 per year with a majority of them children. The paper states that this gap in knowledge is further widened by the diversification of the trafficking business through the emergence of new destinations like Hong Kong, Singapore, Bangkok and the Gulf states, and the existence of internal trafficking from rural to urban sex markets for prostitution. However, the paper argues that regardless of the unreliable data, there seems to be a general consensus that trafficking is on the rise and the majority of children are trafficked into the sex industry.

The paper presents two models of explaining trafficking – hard trafficking (trafficking due to coercion, fraud, abduction and deception) and soft trafficking (with the consent or complicity of parents). The report estimates that 20 per cent of the approximate 100,000 Nepali brothel workers in Mumbai, India, are girls below 18 years of age. Further, a large proportion of these children have been lured by local recruiters, relatives or neighbours with fake promises of jobs or marriages. The report gives an account of the traumatic situations children face such as serious physical and sexual abuse, HIV infection, debt bondage and arbitrary imprisonment. It also examines the discourse usually associated with trafficking namely, the poverty discourse, myths of forced abduction and myths of voluntarism. Similarly, it investigates migration, the armed conflict, psychosocial situation, discrimination and violence, and poverty and indebtedness, to uncover the major causes of trafficking. It presents national and international legislations against trafficking and recommends that Terre des hommes promote investigative journalism as a strong advocacy tool at the international level; implement campaigns and undertake coordinated research activities at the regional level; and develop advocacy and prevention tools and nutrition project at the national level to develop a holistic approach against child trafficking.

67 A Study of Trafficked Nepalese Girls and Women in Mumbai and Kolkata, India.

Terre des hommes. Lausanne: Terre des hommes. 2005.

www.childtrafficking.com/Docs/tdh_2005_study_trafficked_nepalese_girls_in_mumbai_kolkata_22.pdf

The study explores the state of Nepali girls and women trafficked to serve in Indian brothels by examining their living conditions, dynamics within brothel-society, clientele, and the types of violence and exploitation the girls are exposed to. The study also provides information on the situation of those who have been freed from brothels. The findings are based on a qualitative in-depth study that includes interviews with sex workers and brothel owners; key-informant interviews with various organisations working with sex workers; and observations of brothels in Mumbai and Kolkata. According to the study, the average age of girls when entering brothels range from 14-16 years, and that they continue to work as sex workers until 18-22 years of age.

The study argues that high profits and demands for 'new girls' give continuity to sex trafficking. Brothel owners operate in a system where they own multiple brothels under a complex network of local gangs, police, government, and family members. The observation that women generally return to prostitution after being released from brothels suggests that the rehabilitation and reintegration programmes initiated by various government and non-governmental organisations are largely ineffective. Some of the brothel owners with *tsukris* (a traditional Bengali word for a child in slavery or debt bondage and a common word in Kolkata used for trafficked persons in prostitution) make a profit of four to 20 times the initial price of girls. The study mentions that escape from bondage might ensure freedom of mobility for the bonded girls and allow them to directly negotiate with clients regarding their fees and the nature of sexual services they provide. It further notes that most of those who are released from brothels are reluctant to return home due to the fear of facing humiliation and discrimination from family and community members, and therefore return to sex work either in Nepal or India.

68 Trafficking and Human Rights in Nepal: Community Perceptions and Policy and Program Responses

The Asia Foundation. Washington DC: Population Council Inc. 2001.

www.popcouncil.org/pdfs/horizons/traffickingsum1.pdf

This study examines policy analysis, documentation of current intervention models, and community-based study on trafficking. The major findings of the study include: lack of conceptual clarity, multiple definitions of trafficking in laws and policy documents in Nepal, and the lack of distinction between women trafficking and child trafficking. The study argues that since laws and policies focus solely on trafficking for prostitution, the links between trafficking and prostitution are over-emphasised. Hence, the criminalisation of prostitution to control trafficking denies redress to victims. The study states that communities and fear-based prevention messages further compound this association of trafficking with prostitution, immorality and HIV. The report criticises anti-trafficking efforts that restrict women's voluntary migration, such as NGO initiatives that encourage girls to stay in their villages despite there being a high proportion of those who want to migrate. The study suggests that more effective strategies for the prevention, care and support of trafficked persons are needed; advice and support for safe migration is crucial; return to families and communities must be carefully considered; and clear guidelines should be followed for the care of returnees who are HIV positive.

69 Enforcement of Legislation on Child Labour and Child Trafficking

Tribhuvan University/Faculty of Law and International Labour Organisation – International Program on the Elimination of Child Labour. Kathmandu: Tribhuvan University/Faculty of Law and ILO-IPEC. 1996.

This is a discussion paper based on the Workshop of District Judges, Public Prosecutors and Activist Lawyers held in Kathmandu from August 30 to September 1, 1996. The paper gives an overview of the international labour standards on child labour. First, it looks at Minimum Age Convention (ILO Conventions 138 and 123), which mentions with reservations, the minimum age for labour could be 14, but recommends

the signatory nations to make 16 years as the minimum age for labour. Second, it discusses the UN Convention on the Rights of the Child, which contains 54 articles for the protection of children and assurance of their rights. Third, the paper assesses Nepal's national laws from the international convention perspective, mainly Children's Act 1992, Children's Rules 1995, Constitution of Nepal 1990, Labour Act 1992, Labour Rules 1993, Factories and Factory Workers Act 1959, Trade Union Act 1992, Foreign Employment Act 1985 and Human Trafficking (Control) Act 1986.

70 NGO Responses to Trafficking in Women

Tzvetkova, Marina. *Gender and Development*. 10:1, pp. 60-68. 2002.

This paper examines the roles that NGOs play against trafficking of women for sexual exploitation. The findings are based on an exploratory study of 147 organisations across 64 countries, and secondary data from 300 organisations, and focuses on the responses and significance of country-specific trafficking strategies of NGOs in different regions of the world. By providing an overview of NGO activities and the challenges encountered in countries of origin, transit and destination, the study argues that NGOs play a greater role than the governments and states in addressing the issues of victims of trafficking through various intervention programmes. The paper points out that these NGOs have significantly contributed towards prevention, advocacy and research in counter trafficking efforts. Some common agendas of NGOs provided free of cost include: psychosocial and legal support, shelter homes, reintegration programmes, and skill trainings for economic empowerment. In the destination countries, NGOs support sex workers and rescue trafficked victims with shelter, travel expenses and trainings but those without legal status cannot benefit from their services. The paper also points out that Maiti Nepal, an anti-trafficking organisation in Nepal, is carrying out outreach programmes for victims and returnees with an emphasis on empowering and educating women. Recommending policies and sensitising the government to approach trafficking as violation of human rights are its other key roles. The paper stresses that governments make efforts to strengthen anti-trafficking initiatives for developing long-term solutions.

71 Trafficking in Persons Report 2009 – Nepal

US Department of State. Washington DC: US Department of State. 2009.

www.unhcr.org/refworld/docid/4a42149f2d.html

The report examines the current situation of trafficking in Nepal, and also evaluates the current anti-trafficking strategies adopted by the government in accordance to the tier assigned by the US State Department on Control of Trafficking (Nepal is in Tier 2). The report is based on the compilation of data and information on trafficking in persons from various reports and papers. It acknowledges the effort made by the Government of Nepal to eliminate trafficking of women and children by initiating and enforcing anti-trafficking laws; and also states that the government does not fully comply with the minimum standards for the elimination of trafficking. However, it is making significant efforts to do so despite its limited resources. Nepal's growing role as a destination for foreign child sex tourists is also discussed in the report. Based on compiled NGO reports, it suggests that the number of teenage-boys in Kathmandu engaged in prostitution is increasing and many are suspected to be victims of trafficking. According to the Department of Foreign Employment (DoFE), approximately 3 million Nepalis have migrated to countries other than India for work, both through regular and irregular channels. Although migrating to third countries via India is illegal as per the Foreign Employment Act 2007, many migrant labourers travel willingly but subsequently face conditions of forced labour, such as withholding of passports, restrictions on movement, non-payment of wages, threats, deprivation of food and sleep, and physical or sexual abuse. Also noted here is that a growing number of victims are relatively well-educated and from high castes. The report recommends stronger law enforcement efforts against all types of trafficking.

72 2008 Human Rights Report: Nepal

US Department of State. Washington DC: Bureau of Democracy, Human Rights, and Labour. 2009.

Apart from other human rights issues, the report provides a comprehensive understanding on the issues of trafficking and labour exploitation along with useful data. It touches upon the issues of child labour, bonded labour, forced labour, internal as well as external trafficking, and sheds

light on the situation of human rights in Nepal, both qualitatively and quantitatively. Internal trafficking is estimated to have increased, with approximately 32,000 female sex workers in the Kathmandu Valley and 150,000 throughout the country, while media reports debate this statement with a figure of only 30,000 for the country. Also mentioned are cases of human trafficking including men and children for domestic service, manual or semiskilled bonded labour, work in circuses, or other purposes such as involuntary servitude in Iraq after being lured by the labour-recruiting agencies with false promises of jobs in Gulf countries. The report explains how traffickers increasingly pose as labour-recruiting agencies and send women to Saudi Arabia, Malaysia, Hong Kong, the United Arab Emirates, and other Gulf states for sexual exploitation and domestic servitude. The report also mentions the unmonitored conditions of labour contracts, recruiting agencies, pre-departure trainings and the police records of trafficking cases.

73 Trafficking in Persons Report 2010

US Department of State. 2010.

This report assesses the present situation of trafficking – including sex trafficking, bonded labour, debt bondage among migrant labourers, involuntary domestic servitude, forced child labour and child soldiers. It also presents the initiatives taken by various governments and national/international organisations to address trafficking in persons. The report relies primarily on information provided by the US embassies, government officials, I/NGOs and various reports and papers. It estimates that the number of human trafficking of adults and children in forced labour, bonded labour and forced prostitution around the world to be 12.3 million. In the context of Nepal, the report evaluates current anti-trafficking strategies adopted by the government in accordance with the tiers assigned by the US State Department on the control of trafficking that places Nepal in Tier 2. Highlighting that the Government of Nepal does not fully comply with the minimum standards for the elimination of trafficking, it nevertheless acknowledges the government's significant efforts to do so despite its limited resources. The report also mentions that there are anecdotal evidences suggesting that Nepal's role as a destination for foreign child sex tourism is growing. NGO reports identify an increase in the number of teenage boys in Kathmandu engaged in prostitution; many of these boys are suspected to be the victims of

trafficking. The report mentions that there is still lack of rehabilitation support to the former bonded labourers. It quotes the data of the Department of Foreign Employment (DoFE) that approximately 3 million Nepalis have migrated to countries other than India for work, both through regular and irregular channels. Though migration to third countries via India is illegal as per the Foreign Employment Act 2007, many migrant labourers travel willingly but subsequently face conditions of forced labour such as the withholding of passports, restrictions on movement, non-payment of wages, threats, deprivation of food and sleep, and physical or sexual abuse. The report points out that Nepal is still not a party to the 2000 UN TIP (Trafficking In Persons) Protocol and recommends Nepal to significantly increase law enforcement efforts against all types of trafficking.

74 Cross Border Trafficking of Boys

Women's Rehabilitation Centre (WOREC). Kathmandu:
International Labour Organisation – International Program on the
Elimination of Child Labour. 2002.

Based on a sample survey of 70 trafficked boys and 20 parents, focus group discussions with stakeholders, and field-research in Mahottari and Dhanusha districts of Nepal, and Mumbai and Delhi of India, this paper seeks to investigate trafficking of boys from Nepal to India for labour and/or exploitation. It explores the magnitude of the problem and analyses the situation, taking into account the perspectives of the trafficked boys who have returned, of those who are in India, and of their parents and various other stakeholders. The paper points out that although sending boys for employment abroad may not appear like trafficking, in reality, the boys are not just trafficked but also face other severe problems. The data shows that among the returnees (30 boys), 87 per cent are Muslim, 80 per cent are illiterate and most of them are below 12 years of age when trafficked. Further, the boys are involved in *jari* embroidery (68 per cent), wage labour (20 per cent), driving and hotel work, and most of them work for 12-14 hours a day. The boys in Mumbai and Delhi, originating from 19 districts in Nepal, are mostly Hindu (63 per cent), illiterate (85 per cent) and below 14 years of age (75 per cent). The paper also reveals that the boys migrate to work and earn money, and that almost all experience poor living conditions, low pay and abuse (mainly physical and psychological) at the workplace. The

paper notes that while children express the need to continue working because of poverty back home, according to interviews with parents, of whom 75 per cent were illiterate and 95 per cent were agricultural labourers, they send their children to earn money. The report recommends that cooperation among national and international organisations and governments; poverty alleviation programmes; effective laws; and the targeting of trafficking prone areas for interventions and other development programmes be included in anti-trafficking strategies.

75 Conceptual Clarity on Trafficking

Women's Rehabilitation Centre. Kathmandu: Women's Rehabilitation Centre. 1997.

The booklet is based on the proceedings of the Workshop on Conceptual Clarity on Trafficking, held on December 20-24, 1997 in Kathmandu. The booklet informs that clarifications were sought on issues such as: distinction between trafficking and prostitution; distinction between the trafficking of women and the trafficking of children; meaning of decriminalisation; and legalisation and regularisation of prostitution, among others. Elements like poor economic status, lack of community support network, search for employment, ineffective legal measures, increasing demand for Nepali girls, and patriarchal social structure are the main causes of trafficking in Nepal. Houses, festivals, roads, streets, markets, factories, schools, small shops and refugee camps are the major sites where traffickers come in the form of relatives, factory owners, police, brothel owners and returning migrant workers and take girls/women away to 'sell' them. The booklet highlights the major issues and concerns of trafficking and helps engender conceptual clarity.

76 Perceptions of Grassroots People about Human Trafficking, Migration and HIV/AIDS (A Situation Analysis)

Women's Rehabilitation Centre. Kathmandu: Women's Rehabilitation Centre. 2002.

This research gathers basic information on the social and economic conditions of people in the survey village, studies the links between migration and trafficking, and identifies existing gaps in information and activities related to trafficking and HIV/AIDS, among others. The five survey districts were, Dhanusha, Makwanpur, Sindhupalchowk, Nuwakot and

Nawalparasi, with a sample size of 2046 respondents. Of the total 1907 respondents who answered questions on trafficking, 662 said they have never heard about trafficking cases in Nepal. Of the respondents 88 per cent said trafficked victims sometimes return home, with 43 per cent of them returning on their own and 57 per cent returning with the help of the police or other institutions and individuals. Further, 55 per cent of such returnees look physically weak, 18 per cent live alone, 6 per cent talk less, and 21 per cent show all of these symptoms. The report recommends the government to act seriously for the protection of human rights of women and girls; strictly implement policy to combat trafficking; launch awareness campaigns at the community level; inform potential migrants about the work they are going to perform at the destinations; and require government representatives at the destinations to regularly visit Nepali migrants in their workplaces or residences.

77 Children Trafficked and Sexually Exploited in Adult Entertainment Industry

World Education, Brighter Futures Program. In *Child Labor Status Report 2009*. Kathmandu: World Education. 2009.

This study analyses the situation of workers in the entertainment industry. It reports that thousands of Nepali minor girls are sexually exploited in the adult entertainment sector – in massage parlours, erotic dance bars, cabin restaurants and local bars (*bhatti pasal*). The report derives data from various sources and estimates that about 4000 to 7000 girls are trafficked annually to India. Of these, 50 per cent are believed to be below 18 years of age. Girls from the entertainment sector in Kathmandu are trafficked to foreign countries for similar forms of exploitative work, reveals the report. Nepali girl children also work in circuses in India, where they are underfed for years to make sure they stay small and supple. The report highlights the intervention made by the Brighter Futures Program, through which 1868 minor girls from the entertainment industry received educational services like non-formal education; scholarships and vocational education; psychosocial counselling; health care; awareness on HIV/AIDS prevention, inception and reintegration; legal services; child care; children's education; emergency shelters and awareness raising for safe migration. It also emphasises that contents on reproductive health, trafficking and money management are valuable for these rescued children.

II. FORCED LABOUR

In the context of Nepal, the issue of forced labour is one of the most understudied areas. In general, forced labour is equated with various forms of child labour, such as domestic child labour, child labour in the carpet industry, children working in the transport sector, brick kiln and stone quarry, street children and children forced into sexual work. Issues relating to the nature of forced labour, types of individuals/groups involved, magnitude of the problem and forces that provide continuity to such practices remain to be examined.

On the issue of child labour, a number of quantitative studies have shed light on the magnitude of the problem and its relation to the larger society. Broadly speaking, it is recognised that children are rampantly used as a source of cheap labour as they make few demands on employers. Some studies show that the decade-long conflict and the increasing rate of migration among the youth have exacerbated the problem of child labour. Others highlight that employing children in hazardous conditions and depriving them of education and well-being is harmful for the whole country in the long run. Notwithstanding these smaller studies, the World Education's *Child Labor Status Report 2009* is perhaps the most comprehensive report that provides detailed information on various sectors that use child labour, such as the carpet industry, entertainment industry, domestic sector, informal sector and manual labour.

Although there exist gaps in the existing literature, it is notable that Nepal is party to a number of ILO conventions namely, the ILO Convention 29 on Forced or Compulsory Labour, ILO Convention 105 on Abolition of Forced Labour, ILO Convention 169 on Indigenous and Tribal Peoples and ILO Convention 182 on Worst Forms of Child Labour. Nepal abolished the Kamaiya system in 2002 and the Haliya system

in 2008 in compliance with the ILO Convention on Forced Labour. Similarly, there are gaps in the scope and implementation of the Bonded Labour (Prohibition) Act, 2002, particularly regarding the release and rehabilitation of the Kamaiyas.

1 Brick by Brick: Supporting Working Kids and Donkeys in Lalitpur Brick Kilns

Animal Nepal. Kathmandu: Animal Nepal. 2009.

This factsheet brings to light the dark side of the brick kilns of the Kathmandu Valley. More than 60,000 child labourers and 500-800 donkeys are used in the 500 brick kilns running in the Valley. Most of the children at these brick kilns arrive with their parents from remote and impoverished districts, and are forced to help their parents prepare bricks and carry loads. The report argues that child labourers and brow-beaten donkeys are employed to make bricks that are used to construct the houses of Kathmandu's growing middle-class and a few NGOs are making efforts to rescue these children and animals since not much has been done by the government or the labour unions.

2 Information on Nepal: Compliance with ILO Convention No 29 on Forced Labour (ratified in 2002)

Anti-Slavery International. London: Anti-Slavery International. 2009.

This is a briefing report on Anti-Slavery International's research project (2004-2007) on bonded labour in South Asia. The findings from the study suggest that there is a prevalence of forced and bonded labourers in agriculture, brick kilns and domestic sectors. The survey among 1135 brick kiln workers in five districts of three regions of the country show that most brick kiln workers are seasonal bonded labourers. Similarly, based on a survey conducted among 292 domestic workers in rural and urban settings in Kathmandu, Morang and Banke districts, it reports that most adult and child domestic workers are trapped in forced or bonded labour system. The report also provides recommendations to the government, such as: undertake a comprehensive survey and identify bonded labourers; ensure rehabilitation of all bonded labourers; prosecute those who hire forced/bonded labourers; actively implement minimum wage provisions; and support initiatives to organise and empower bonded labourers through trade unions, among others.

3 The Linkages Between Women's Employment, Family Welfare and Child Labour in Nepal

Baidya, Bal Gopal, Madhup Dhungana and Rojee Kattel. In

GENPROM (Gender Promotion Programme) Working Paper No 12.
Geneva: International Labour Organisation. Not dated.

The objective of this study is to contribute to and build on the existing knowledge relating to the linkages between women's employment, family welfare and child labour in Nepal. Its findings are based on a survey of 1463 working mothers representing seven sectors: garment workers, carpet weavers, *pashmina* weavers, agricultural workers, tea plantation workers, *beedi* makers, and domestic workers across Nepal. Findings from the study suggest that the majority of women workers are young (aged 20-29 years), married and living with their husbands, and have low educational qualifications. They work long and irregular hours in places with poor physical facilities, have no job security and are mostly paid on a piece-rate (wage as per the output) basis. The report also shows a higher incidence of child labour in the informal economy such as agriculture and domestic work as compared to formal sectors such as the garment industry and tea plantation. It suggests that as labour laws do not extend to the informal economy, the workers of this sector are more exposed to discrimination and exploitation. On the positive side, women's capacity to earn has strengthened their decision-making role at the household and community levels and they also want to educate their children and have high aspirations for their future.

4 'They Respect Their Animals More': Voices of Child Domestic Workers

Blagbrough, Jonathan. London: Anti-Slavery International. 2008.

This study is based on consultations with child domestic workers from Benin and Togo, Costa Rica, India, Nepal, Peru, Philippines, and Tanzania. The study draws on verbal and artistic depictions prepared by children based on their experiences as child domestic workers. The chapter on Nepal discusses the two day-long interactions held with 30 child domestic workers (13 female and 17 male). The first interaction brought together child domestic workers who go to school and participate in the child clubs run by a Nepali NGO called Children-Women in Social Service and Human Rights (CWISH). The second interaction was held with child domestic workers who attend the non-formal education classes run by CWISH.

5 The Trade-Off Between Child Labour and Schooling: Influence of Social Labelling NGOs in Nepal

Chakrabarty, Sayan, Ulrike Grote, Guido Luchters. Bonn: The Centre for Development Research, University of Bonn. 2006.
www.mpra.ub.uni-muenchen.de/4096

The report suggests that 500,000 children (21 per cent) in Nepal aged 5-9 and 1.5 million children (61 per cent) aged 10-14 are economically active and 36 per cent of the rural and 54 per cent of the urban working children are illiterate. Children who do not go to school work twice as much as their school-going counterparts. Further, a survey among 1971 individuals from 410 households revealed that 91 per cent of the household members took up their first jobs as children and about 29 per cent of the child workers work for 8-14 hours a day thus indicating the deeply-ingrained trend of child labour practices in Nepal.

6 Children of the Looms: Rescuing the 'Carpet Kids' of Nepal, India and Pakistan

Charlé, Suzanne. *Children, Youth and Environments*. 13:2. 2003.

This paper assesses the impact of Rugmark's intervention for combating child labour in the carpet factories in Nepal, India and Pakistan. It discusses the prevalence of child labour in carpet factories in these countries and the effects of Rugmark's initiative to produce child-labour-free carpets. According to findings from the study, in 2003, more than 1700 children were rescued from India and Nepal alone, of whom 1200 were placed in Rugmark schools and rehabilitation centres. Further, 235 children in Nepal are reunited with their families and 95 received financial support and counselling from Rugmark. By requiring manufactured carpets sold in the international market be child-labour-free, the report concludes that Rugmark helps in reducing not only the number of child labourers in the carpet industry but also assists them in getting education and reintegrating with their families.

7 The Street Children of Asia

CHILDHOPE Asia. Manila: CHILDHOPE Asia. 1992.

This book offers a picture of street children in Asia. It points out that there are 1000 street children in Kathmandu, 100,000 in Delhi, 10,230

in Bombay, 27,000 in Madras, 20,000 in Hyderabad, 15,000 in Sri Lanka, 1,500,000 in Bangladesh, 6000 in Myanmar, 10,000 in Thailand, 4622 in Indonesia, and 1,500,000 in the Philippines. The case studies shed light on the day-to-day life of these street children and why and how they land up in the streets. The main causes include poverty, unemployment, conflict within the families, poor parenting, and conflict of values. The book also examines the children's relationship with their families and touches upon their life in the streets. Although the study focuses on a large geographic area, it reveals that the problem of street children is common to different countries and across different contexts. Most of the street children work for 6 to 16 hours a day and are engaged in rag picking, portering, rickshaw pulling, hawking, street vending, making bricks, shining shoes, prostituting, pick-pocketing, stealing and pimping. Further, the book also points out that the number of street children in Asia is on the rise due to rapid urbanisation and increased rural-to-urban migration.

8 Child Soldiers: 1379 Report

Coalition to Stop the Use of Child Soldiers. London: United Nations Security Council. 2002.

The report discusses the United Nations Security Council (UNSC) Resolution 1379, its purpose and the approach taken by the Coalition to Stop the Use of Child Soldiers (CSC) to combat the use of children during conflict. It includes country reports on 25 war-affected countries, and recommends the UNSC to promote dialogue to stop the use of child soldiers. In the section on Nepal, the report analyses the use of child soldiers during the decade-long war between the state and the Maoists. The CSC recommends the UNSC to include the Communist Party of Nepal-Maoists in the 1379 list to ensure that they do not recruit or use child soldiers in their war. Though the Maoists deny the use of child soldiers, the report states that they are recruiting children in their militia. The report recommends both the government and the rebels to stop using children in conflict and remain committed to the 'straight-18' standard for recruitment. The report highlights the need for child demobilisation and rehabilitation, as well as strict monitoring to ensure that children are not used in conflict.

9 Child Labour in Mechanical Sector in Nepal

Concern for Children and Environment Nepal and Plan Nepal.
Kathmandu: Concern for Children and Environment Nepal and
Plan Nepal. 2006.

The study seeks to understand the overall situation of child labour in the mechanical sector through findings based on surveys, including child-centred participatory research (CCPR), along with 1003 individual interviews, structured questionnaires, focus group discussions and field observations of more than 2000 children carried out in 25 districts. The paper also analyses the social and working lives of these children and the health and safety concerns of child mechanics. The findings from the study indicate that child labour in the mechanical sector includes children working as blacksmiths and in other capacities in auto workshops, grill welding and bicycle repair. Most children involved in this sector are aged between 14 and 16 years (59.23 per cent) and are paid lower wages compared to their adult counterparts. Girls make up less than 1 per cent of children employed in the mechanical sector; 60 per cent of the total enumerated children are migrants; and 70 per cent are literate, of whom about 87 per cent are school dropouts. Many of the children are deprived of basic rights like parental love and care, right to education and entertainment. They face sexual harassment, verbal, physical and mental abuse and do not have proper health and sanitation facilities in the workplace. The employers are mostly literate, but about 81 per cent reported not knowing about child rights. The report recommends regular monitoring and evaluation, educational support, dissemination of knowledge and information, among others, to help solve the problems of these child labourers.

10 The Abuse of Street Children in Kathmandu

Child Protection Centres and Services and Voice of Children.
Kathmandu: Child Protection Centres and Services and Voice of
Children. 2008.

This report is based on research conducted by Child Protection Centres and Services and Voice of Children between 2005 and 2007. Sample group included 150 street children in Kathmandu Valley, aged between 12 and 15 years, about a quarter of whom had spent two to three years in the streets. In relation to psychosocial abuses, 78 per cent children

reported being ridiculed, discriminated against or denigrated; 67.3 per cent being threatened, scared or terrorised; and 86.2 per cent facing some form of moral abuse. In 63.8 per cent of the cases, the abuse is committed by a fellow street child, while 58.5 per cent by the police, 52.3 per cent by street adults and 45.5 per cent by parents. In 82.3 per cent of the cases, the abuse occur in the streets. Similarly, 95.3 per cent reported being exposed to at least one of the following forms of abuse: severe beating, burning, laceration, or restriction of movement. The study found that 60-70 per cent children are exposed to level one abuses (kissing, exposure to pornography and pornographic movies); 15-40 per cent children are exposed to level two abuses (asked to show their genitals, watch others' genitals, or having naked pictures taken); 29-40 per cent are exposed to level three abuses (touching abusers' genitals or masturbating or letting others masturbate them); and 19-29 per cent are exposed to level four abuses (worst form of sexual abuse, i.e. performing oral sex, or sexual intercourse).

11 The Street Children of Kathmandu: Study, Approaches and Comments on the Daily Life of Street-based Children of the Nepalese Capital

Child Protection Centres and Services Nepal. Kathmandu: Child Protection Centres and Services Nepal and Child Protection Centers and Services (Belgium). 2007.

This book is an outcome of a research initiated by Child Protection Centres and Services in 2005 through 2006/7. The findings are based on a survey of 430 street children and qualitative information was collected through informal and semi-structured interviews and observation reports from front line workers. Fewer than 1 per cent of street children are girls, and the majority of the children are between 12-16 years of age. These children are primarily engaged in rag picking while a lesser percentage work as tempo/bus conductors and beggars, and a few are even involved in illegal work. In terms of the socioeconomic background of these street children, the majority come from Kathmandu Valley and the surrounding districts like Dhading, Dolakha, Kavre, Makwanpur, Nuwakot, Ramechhap and Sindhupalchok, which have good transport infrastructure. As reported, the main causes for the prevalence of street children include search for employment, dreams of coming to Kathmandu, pressure from friends, violence at home, lack of food at home and even the political situation.

The study also discusses their working environment, types of work, treatment by employers and public, daily earnings, savings and debts and use of cigarettes, alcohol, marijuana, glue, tabs/pills and injectable substances. It analyses other risks and abuses faced by children and examines the gang culture and their conflicting relation with the authorities. Some recommendations provided by the study include protecting children at night, engaging with youth and gang culture, targeting children with high risk behaviour at an early age, reaching out to children living in the worst conditions, focusing on rehabilitation not retribution by the police and developing targeted prevention interventions.

12 A Study on the Sexual Abuse of Street Boys in Kathmandu (Research Report)

Child Workers in Nepal Concerned Centre. Kathmandu: Child Workers in Nepal Concerned Centre and Save the Children. 2010.

This research report delves into an issue that remains largely unexplored in Nepali society: sexual abuse of street children, in particular, the males. The study is based on standardised, open-ended interviews with 110 children at different locations of Gaushala, Chabahil, New Road/Basantapur, New Bus Park, Jamal/Durbar Marg, Thamel and Kalanki. The findings reveal that same-sex intercourse is largely prevalent among the street children: 20.6 per cent of these children reported to have had their first sexual intercourse with fellow street boys; 46 per cent of the respondents mentioned that their fellows use forceful methods, bribery and violence to persuade others to engage in sexual activities; 32.7 per cent said that they have had sex with an adult; and 20 per cent are involved in an ongoing sexual activity with adults. The report findings suggest that street children, who are already in a vulnerable position, are moving towards a distressing future and recommend the government and NGO authorities to take immediate action to address this problem.

13 Urban Child Labour in Nepal: Realities and Challenges (A Compilation of CWIN-Research and Survey Studies)

Child Workers in Nepal Concerned Centre. Kathmandu: Child Workers in Nepal Concerned Centre. Not dated.

This is a compilation of several reports based on the surveys and research carried out by Child Workers in Nepal Concerned Centre

(CWIN) in Kathmandu. The compilation records and provides an understanding on the nature of child labour problems in urban areas. The reports address the issue of child labour in different settings such as hotels, tea shops, carpet weaving industries, shoe shining, street children and rag-picking. The information on young rag-pickers and carpet weavers are based on firsthand accounts and the information on street children, shoe-shining boys and hotel workers are based on field observation and direct interviews. Findings indicate that in general, young children make their living doing hazardous work in unhealthy environments. These children are mostly from poor families who have migrated from outside the capital and are illiterate. Despite their hard work, they earn meagre pay and have no job security or access to medical care. It provides analyses of the above-mentioned forms of child labour and provides recommendations for each.

14 Child Labour in Bidi Industries in Nepal

Child Workers in Nepal Concerned Centre. Kathmandu: Child Workers in Nepal Concerned Centre. 2001.

The study aims to highlight the status of child labour in the *bidi* industry. Its findings are based on qualitative and quantitative data collected from Bara, Parsa and Rautahat districts, including surveys of 354 households and in-depth interviews with 46 children. Findings from the study suggest that *bidi*-making is largely confined to the Tarai, and 45 per cent of the children in the surveyed districts were found to be involved in this sector, working on an average of 5.2 hours per day. Further, children working in the *bidi* industry contribute more than one-third of their total household income and as such, is a key factor that leads to their continued engagement in this sector. The two major consequences of children's involvement in *bidi*-making are: severe health problems and hampering of their education. Their involvement in this work is associated with low school enrolment rates, high dropout rates and poor performances. The study highlights the challenge of making schooling and work compatible because fully eliminating child labour in *bidi*-making is impossible given the poor economic conditions of these children and their parents. Instead, the study recommends making the families more aware about the long-term importance of children's education.

15 Child Labour in Transportation Sector in Nepal: A Study in Major Urban Areas of Nepal

Child Workers in Nepal Concerned Centre. Kathmandu: Child Workers in Nepal Concerned Centre and Plan Nepal. 2006.

This book provides an overview of the situation of child labour in the transportation sector based on research conducted in major urban centres across the country namely, Kathmandu Valley, Kavre, Biratnagar, Itahari, Dharan, Damak, Birtamod, Narayanghat, Hetauda, Birgunj, Janakpur, Pokhara, Tansen, Butwal, Bhairahawa, Tulsipur, Ghorahi and Nepalgunj. The main objective of this study was to analyse the reasons for children's engagement in the transportation sector; investigate the problems faced by child workers; identify their survival strategies and good practices; and make recommendations for improving the condition of children working in this sector. Quantitative data was collected using simple and sequential questionnaires among a total of 167 child transport workers; and qualitative data was based on feedback from key stakeholders like the drivers, owners and office-bearers from transportation committees.

The findings suggest that there are approximately 2193 children working as conductors (*khalasi*) in buses, mini-buses, tempos and micro-buses, of which a large majority consist of migrants. The report mentions that, on an average, they work for more than 12 hours a day, earning less than Rs 100 per day facing extreme abuses including exploitation and bondage without any considerations for their health and safety, or fulfilment of basic needs. The report makes several recommendations such as employment of children under 14 years of age be prohibited; working conditions be improved; an employment contract, in compliance with the government's minimum wage standards, be provided; identity cards mentioning children's age be issued; awareness about the legal instruments against child labour and occupational health and safety campaigns be raised; and orientation to the child workers be provided.

16 The Invisible Workers: A Survey Report on Domestic Workers' Situation in Kathmandu – 2009

Children and Women in Social Services and Human Rights.
Kathmandu: Children and Women in Social Services and Human Rights, Interpedia and Save the Children. 2009.

This report illustrates the overall status of domestic workers in nine wards of Kathmandu Metropolitan City, with a focus on child domestic workers. It provides information about their working/living conditions, trends in employment practices, socio-economic background of workers and employers and their knowledge on workers' rights. According to the survey conducted with 2324 domestic workers, 66.77 per cent are female, about 61 per cent are children and about 84 per cent of the male domestic workers are below the age of 18. Likewise, 55 per cent are Janajatis but the percentage of Dalits is comparatively very low (2.41 per cent). Among the employers, 39.97 per cent are Brahmins, 21.81 per cent are Chhetris, 37.17 per cent are Janajatis and only 1.06 per cent are Dalits.

The report identifies poverty, the promise of education, attraction towards city life and domestic violence at home as some of the main reasons why children resort to domestic work. 53.32 per cent of these children are employed under their parents' initiative. On average, these children work from 6 a.m. to 10 p.m. seven days a week. Further, 10 per cent of domestic workers do not get any salary; only 60.32 per cent child domestic workers attend school; 89 per cent are supported by their employers; and 73.69 per cent are keen to return to their families. They have limited and incomplete understanding of their rights, which leave them vulnerable to abuse, exploitation and violence. On the contrary, most of the employers are aware of child rights and issues of child labour.

17 Situation Analysis of Street Children in Nepal

Child Welfare Society. Kathmandu: Child Welfare Society. 1996.

This study divides street children into two categories - 'children of the street' and 'children in the street'. The former includes those who live in the street while the latter includes those who work in the streets but live with their families. The findings are based on interviews with 538 street children in 23 municipalities across the country, along with participatory observations. According to the study, a majority of the street children (353 out of 538) are in the Central Development Region; 139 of them are aged between 9 and 12; 158 are between 13 and 16; 46 per cent are illiterate; 51 per cent are engaged in rag-picking and the rest are involved in begging, portering and street vending. Children in the study cited the need to work and earn in the city, lack of food at home, and peer influence, among others, as factors that led them to flee from their homes. The report recommends useful, preventive and rehabilita-

tive measures to prevent children from coming to the streets and reintegrating them in the community. Suggested preventive measures include investing in child care and development, enhancing family's socio-economic conditions, education, empowering women, implementation of state laws, and research, while rehabilitative measures include providing street-based, centre-based and community-based interventions.

18 Street Diary

Dhakal, Prahlad and Javis Rana. Kathmandu: Save the Children UK. 2001.

This study aims at acquiring a comprehensive understanding of the street children. It was conducted in Gongabu Bus Park and has used a number of participatory methods such as appreciative inquiry (AI) and participatory learning and action (PLA). It explores and analyses the street children's informal rules, regulations and organisational structure; territories and mobility; power structure and leadership; relationship with street children in other locations, activities and aspirations; earnings and expenses; girl children's situations and gender relations. The study portrays street children as individuals who are able to survive the harsh realities of street life.

19 Situational Analysis of Workers in Some Brick Industries Around Kathmandu Valley

Development Management Support Centre. Kathmandu: Development Management Support Centre. 2003.

This paper provides a clear picture of the status of workers in brick kilns around the Kathmandu Valley on the basis of a survey conducted with 233 brick kiln workers. The findings are based on individual interviews and focus group discussions with brick workers, transporters, entrepreneurs, local leaders and VDC secretaries. The paper sheds light on the socio-economic conditions of the brick kiln workers and makes due recommendations. Findings from the study indicate that most of the workers belong to the Magar ethnic group, followed by Chhetri/Thakuri caste groups, of whom an overwhelming majority follow the Hindu religion. The percentages of males and females working as brick moulders and transporters are nearly equal. The paper highlights various problems faced by workers: only 3 per cent worker families have access to

toilet facilities; adult males work 14.4 hours a day, while women work for 10.8 hours; wages have not been raised; and provisions for safe drinking water, medical support, healthy working environment and educational opportunities for their children have not been provided. An overwhelming majority are unaware of their basic human and labour rights. The report suggests improving work environment of the brick kiln workers, making the livelihoods of the workers sustainable, encouraging group activities, raising awareness, and improving their skills.

20 Education and Child Labour in Developing Countries (A Study on the Role of Non-Governmental Organisations in Bangladesh and Nepal)

Doftori, Mojibur Rahman. Helsinki: Department of Social Policy, University of Helsinki.

The study argues that there are three contexts in which the issue of child labour and education need to be understood: household, culture, and school. At the household level, the problem of child labour is caused mainly by poverty, landlessness, large family structures, and urban migration of poor families in search of better opportunities. Culturally, many children in Nepal are forced or persuaded by their parents to sell their labour. Finally, most families that cannot afford to send their children to private schools send them to public schools, which offer lower quality education. Corporal punishment in schools is one of the factors that deter children from attending schools. Given these multi-layered contexts, the author argues that NGOs can play a major role in addressing this situation. In particular, the study observes that 'NGOs have emerged as experimental/alternative educational providers, innovators and catalyst for change'. They provide shelter homes and hostel facilities, formal and non-formal educational opportunities, educational scholarships, skill trainings, jobs, and also help in creating social awareness and family reunion.

21 Child Labour in the Global Economy

Edmonds, Eric V. and Nina Pavcnik. *Journal of Economic Perspectives*. 18:1, pp. 199-220. 2005.

This article provides a comprehensive analysis of child labour in the wider context of the global economy and is an outcome of a qualitative

study based on secondary sources. The article points out that increased demand of labour may increase child labour, while increased demand for adult labour may reduce it. It highlights the fact that 211 million children worldwide or 18 per cent of children between 5 and 14 years are economically active. While most children are employed by their parents and fewer than 3 per cent work outside their homes in paid work, 6 per cent are engaged in non-paid work outside their homes. In Nepal, 85 per cent of the economically active children are working in agriculture. Due to the persistence of patriarchal family values, parents still invest more in their sons than in their daughters, thus encouraging exploitative labour of girl children. On the policy front, the article argues that developing economies face a challenge in implementing the ban on child labour. Moreover, they need the cheap labour supplied by children. In conclusion, it is pointed out that improvement in the living conditions of child workers cannot be achieved unless there is an overall development of the country. The article suggests that the educational system be improved and financial incentives be provided to parents for sending their children to school rather than stopping children from working without alternatives.

22 Alternative Income Generation and Entry into Worst Forms of Child Labor: Theory and Evidence from Raggickers, Porters, and Child Domesticics in Nepal

Edmonds, Eric V. Hanover: Department of Economics, Dartmouth College. 2006.

This report was prepared for the International Child Labor Program of the Bureau of International Labor Affairs, US Department of Labor. The author explores the idea of alternative income-generating activities and their role in decreasing or increasing child labour. He argues that such opportunities at the household level increase family income, as a result of which children are not expected to move out of their households or work. However, sectors that accept child labour encourage more children to earn money rather than go to school. Child porters and child domestic workers are identified as the two common 'worst forms' of child labour which are argued to be deeply entrenched in Nepali society. The author states that children enter into these forms of child labour because it is the only option available to them or because the negative aspects of the worst form are 'fully compensated (in expectation) through higher wages.'

23 Selection into Worst Forms of Child Labor: Child Domestic, Porters and Rag Pickers in Nepal

Edmonds, Eric V. Hanover: Department of Economics, Dartmouth College. 2007.

www.iza.org/conference_files/worldb2008/edmonds_e3058.pdf

This paper analyses the factors that compel children to become engaged in the 'worst forms of child labour'. In particular, it argues that this is because alternative employment opportunities are limited and that children are less likely to enter this form of labour if their family is engaged in a productive enterprise or owns land, and have at least one employed parent. Parental problems, especially paternal disability, act as a strong factor to push children towards the worst forms of child labour. Conversely, maternal disability limits the girl child's chances of working outside the household.

24 Understanding Sibling Differences in Child Labour

Edmonds, Eric V. *Journal of Population Economics*. 19:4, October, pp. 795-821. 2005.

This paper examines the situation of child labour in the household setting and the differences in the amount of labour contributed by siblings. In terms of age, while older boys are not found to be working more hours than their younger siblings, older girls are working 2.6 hours per week more than their younger siblings. The author argues that '[k]eeping the number of siblings fixed but adding a younger child increases the total hours worked of boys by 1.7 hours and 3.4 hours for girls.' Based on these findings, the author concludes that age, sex composition, child spacing, and the sex of the next child are important factors that explain the sibling differences in child labour. Through these analyses, the article not only sheds light on child labour in Nepal, but also on the gender dynamics and discrimination against the girl child.

25 Child Labour in Nepal: A Brief Overview

Flood, Jim. Place of publication not available: Advocating for the Rights of Children Worldwide Trust. 2007.

This paper provides an overview of the issue of child labour in Nepal, with a focus on its causes and effects. This paper cites the estimates pro-

vided by ILO, CWIN and UNICEF that identify 2 million children working in Nepal, of whom 50 per cent work without pay; 42 per cent fall under the age group 10-14 years; 60 per cent are girls; and 80 per cent are involved in agriculture. The paper presents poverty, poor education system and the culture of child labour as the main causes, while perpetuation of poverty, increased exploitation of child labour and creation of uneducated workforce as some of the effects. Likewise, it draws attention to the fact that child labour was integral to the development of Europe and highlights the importance of child labour in developing economies such as Nepal. In the backdrop of globalisation, the paper indicates, it might not be possible for a country like Nepal to develop without the use of child labour, particularly as children are the cheapest source of labour.

26 Nepal: Labour Under the Chimney: A Study on the Brick Kilns of Nepal

General Federation of Nepalese Trade Unions. Kathmandu: General Federation of Nepalese Trade Unions. 2007.

The main objective of this study is to investigate and analyse the critical issues and options associated with the livelihoods of labourers in the brick kilns of Nepal. Its findings are based on a survey conducted in five districts of three development regions of the country namely, Morang, Lalitpur, Bhaktapur, Tanahu and Banke. Altogether 1135 brick kiln workers were interviewed of whom 17.7 per cent were female. Findings from the study indicate that there are more than 500 brick factories in Nepal that employ more than 400,000 workers of whom 41 per cent of them are believed to be Indians. The Indian nationals are considered better than Nepalis in technical works such as the management of fire in brick kilns. In addition, employment in brick kilns is seasonal and labourers are mostly from the agriculture sector. They are contacted prior to the agricultural season by *naikes* or brick kilns owners while other workers join on their own.

According to the study 6 per cent of the workers are below 14 years of age while the majority (93 per cent) are between 15 to 59 years. Likewise, 37 per cent are illiterate and 64 per cent are not given permission to engage in other jobs. Advance and loan are the main sources of labour hiring. Their monthly remuneration range from less than Rs 1500 to Rs 5000. Among the 348 child labourers surveyed, most of them

carry bricks in and out of the kilns (50 per cent), engage in brick laying work (37 per cent), and are paid on piece count basis (68 per cent). A few of them (about 3 per cent) also reported being sexually harassed. The report recommends enforcing legislations for protecting the rights of the workers and reducing exploitation; associating brick kilns with trade unions to improve collective bargaining; gradually removing children from brick kilns while providing them with educational opportunities; ensuring health and sanitation facilities to the kiln workers; and using exploitation-free labels.

27 Isolated within the Walls: A Situational Analysis of Domestic Workers in Nepal

General Federation of Nepalese Trade Unions. Kathmandu: General Federation of Nepalese Trade Unions. 2011.
gfont.org/uploads/publications/9720_Isolatedwalls.pdf

The objective of this study is to gain a better understanding of the current situation of domestic workers in order to suggest appropriate measures to protect them. The study is based on both primary and secondary sources of information. It interviewed 288 domestic workers and 106 employers, and conducted focus group discussions and case studies of domestic workers in nine urban centres across all the development regions, namely, Damak, Biratnagar, Dharan, Kathmandu, Patan, Pokhara, Butwal, Nepalgunj and Dhangadi. The study briefly touches upon the legal provisions relating to domestic work – in particular Time Bound Program and Master Plan 2004-2014, Children's Act 1992, Child Labour (Prohibition and Regulation) Act 2000, Labour Act 1992, Interim Constitution of Nepal 2007 and Domestic Violence (Crime and Punishment) Act 2008.

Based on the incidence of domestic workers in the surveyed areas, the study estimates that there are 162,302 domestic workers in Nepal. A large proportion of them work in their own districts (except in Kathmandu and Lalitpur, where they come from neighbouring districts). The involvement of children (below the age of 19) is higher than adults. In fact, the majority (60 per cent) of domestic workers are between the age groups 14 and 18. More than half of the workers belong to indigenous communities while the employers are mostly Brahmins, Chhetris, Newars and ethnic groups. Most workers belong to large families that depend on agriculture or wages, and only 23 per cent of the surveyed are married.

The survey finds that three quarters of the domestic workers are literate, and opportunities for getting education is quite high as well (77 per cent). The nature of agreement between the employer and worker is usually verbal and the workers work for more than nine hours with no limitation to the kind of work they are expected to do. The wages received by domestic workers vary from less than Rs 500 per month to more than Rs 3000, with a large majority (72 per cent) not receiving any leave facilities. While high quality food is usually available to the workers, the same cannot be said for their accommodation and security. Among others, the study recommends compulsory registration of domestic workers in local bodies, introduction of a separate act for domestic workers along with effective labour inspection mechanism, implementation of a mechanism of compulsory written contract between employers and workers, etc. The study also briefly mentions the efforts by GEFONT to include the issue of domestic workers in the new labour act; and thus if adopted the new act will be 'equally applicable to domestic workers'.

28 Toiling at Homes: A Study of the Domestic Labour in Nepal

General Federation of Nepalese Trade Unions. Kathmandu:

General Federation of Nepalese Trade Unions and Anti-Slavery International (ASI) Publication. 2007.

www.gefont.org/uploads/publications/9670_Toiling%20at%20Homes.pdf

The report aims to assist in the formulation of policies to protect workers from exploitative working relationships. Based on interviews with 292 domestic labourers of the total 1969 enumerated households, this study presents the situation of domestic labourers in the three municipalities of Kathmandu, Morang and Banke districts. The report presents the socio-economic characteristics of the domestic labourers and the households, their work and working conditions, health hazards, and their vulnerability to bondedness. The study found that 68 per cent are females and about 41 per cent are aged between 10 and 14 years. Nearly a quarter of the domestic labourers belong to the Hill ethnic groups, Brahmin/Chhetri caste groups and Tharu (Tarai) ethnic group each.

Sixty per cent of the domestic workers work more than 12 hours and 18 per cent work 11-12 hours a day washing dishes (94 per cent), cleaning houses (84 per cent) and washing clothes (69 per cent).

Fifty-one per cent of the workers do not use any safety measures while working thus escalating the chances of health risks. Fifty-eight per cent of these workers get salary of up to Rs 500 per month while the rest get below Rs 250 per month. Linking this data of low salary level to the high amount of loan (22.2 per cent have borrowed Rs 10,000), the report shows that the chain of bondage is pervasive and unbreakable. Finally, the report recommends discouraging child labour, if not completely eliminating it, and at least providing child workers with educational opportunities and pay for their work. The report also advocates fixing the minimum wage for domestic workers.

29 Child Labour in Nepal: An Analysis of the Determinants of Child Labour in Nepal, the Policy Environment Response – Report on Child Labour

Gilligan, Brian. Place of publication not available: Understanding Children's Work Nepal Project Working Group. 2003.

This paper is part of a research carried out within the Understanding Children's Work (UCW) working group. It analyses and summarises the current understanding of child labour in Nepal, its determinants and existing donor and civil society policy recommendations. This document is based on a review of 21 government statistical and policy documents as well as 65 other secondary documents. Interviews were conducted with senior government officials and stakeholders from the civil society. The paper highlights the need to resolve wider social determinants to effectively eliminate child labour namely, household vulnerability, gender based discrimination, macro-economic and sectoral policy integration, education as an alternative to child labour, societal acceptance of child labour, regulatory enforcement, child labour policy framework, and demand for child labour. The latter four are the pull factors while the former five are the push factors. Recommendations include improving land productivity; increasing productivity of rural labour through decentralised management of education; rural power and distribution; improving government services; continued support for Basic and Primary Education Programme (BPEP II); enforcement of occupational safety standards' commitment to develop community support and involvement in the prevention of child labour; continued legislative reform and development of child labour policy framework; and focus on income generation and poverty reduction programmes.

30 An Autobiography of Child Work: A Reflexive Account

Giri, Birendra Raj. *Childhoods Today*. 1:2. 2007.

This paper presents an autobiography rather than empirical research based on data in order to provide fresh perspectives on the lives of working children. It also aims to encourage concerned stakeholders to extend the discourse of child labour beyond national and international legislations. The author chooses to use the term ‘child workers’ over ‘child labourers’, in accordance with the 1999 Convention on the Worst Forms of Child Labour. The narrator of the autobiography recalls that he never had a ‘normal childhood’ as advocated by child rights activists because he had to divide all his time and energy between household work and school. He recounts the hardships he faced at home and school, including being subjected to corporal punishment. He describes child workers as ‘double-troubled’ children. His account sheds light into the limited public knowledge about children working in invisible sectors of the informal economy such as domestic work. Finally the author asks two questions for the readers to reflect on: ‘Should a double-troubled child like me be considered a child labourer/worker or just a family helper when there are millions of children worldwide who might be in worse circumstances than I was during my childhood?’; and ‘When families have to struggle for their daily survival, is it right that it should be labelled as “abusive” or “exploitative” if parents expect their children to perform adult tasks?’

31 Child Labour (Prohibition and Regulation) Act, 2056 (2000)

Government of Nepal. Kathmandu: Ministry of Law and Justice. 2000.

The Child Labour (Prohibition and Regulation) Act was enacted by the Government of Nepal in 2000 to prohibit employment of children in factories, mines or similar risky activities and to make necessary provisions with regard to their health, security, services and facilities while engaging them in other activities. The Act defines child as a minor below the age of sixteen. It also has provisions for approval in case any enterprise has to engage a child in work; however, a qualification certificate of the child is also required for this purpose. It states that children shall not continue working after six in the evening and before six in the morning. It prohibits discrimination in remuneration and benefits

on the grounds of sex, race, religion and caste. The Act has provisions for inspecting the enterprises that engage children from time to time. Any violator of this Act shall be subject to imprisonment for up to three months and a fine of Rs 10,000. It has also directed the government to form a Child Labour Prohibition Committee to provide health, safety, education and vocational training to child workers, as well as to establish a Child Labour Prohibition Fund.

32 After the Gold Rush: Globalisation and Institutional Conflicts in Carpet Manufacturing in Nepal

Graner, Elvira. Heidelberg: Faculty of Chemistry and Earth Sciences, Ruprecht-Karls-Universitat. 2007.

The core of the study is based on primary data derived from interviews with approximately 80 manufacturing owners and loom masters between 1997 and 2000. Interviews were also conducted with more than 1780 workers from selected districts namely, Dolakha, Makwanpur, Solukhumbu, Jhapa and Kathmandu. In addition, interviews were also carried out with persons engaged in labour organisations of carpet production. Secondary information was gathered using various sources like past surveys, publications from several government and non-governmental organisations.

This book provides background information on the Nepali economy and illustrates the inception of the carpet industry in Nepal, especially in the Tibetan refugee camps. The study examines in detail the rapid growth of carpet production, which the author refers to as 'the gold rush', and the various related factors such as the establishment of a democratic government that brought with it economic liberalisation and privatisation, enhancement in designs and colours and advancement in technology. The study includes a chapter that analyses the situation of workers in carpet factories with information on the social background of the workers, their age, educational attainment and migration status. The book provides a detailed explanation of how the image of the carpet industry got tarnished owing to the working conditions of its labour force, particularly child labour. The book also lays out the attempts by the government to re-establish the image of carpet industry in Nepal through legislative measures as well as by diversifying exports to include products like *pashmina*.

33 Child Labour in Kathmandu, Nepal

Groot, Afke de. Leiden: Institute for Research on Working Children. 2010.

www.childlabour.net/documents/worstformsAsiaproject/IREWOC_deGroot_Worst%20Forms%20Nepal_2010.pdf

This study provides an overview of the worst forms of child labour with focus on brick kilns, tea shops, small restaurants, and porters in urban areas. The study is based on observations; individual interviews; group discussions with child workers, their parents, peers, co-workers, supervisors, businessmen at the markets, owners of restaurants; structured interviews with representatives from I/NGOs, government, trade unions, academia, rights organisations; and a three-week fieldwork in Sindhuli. It presents a qualitative analysis of the situation of children including their socio-economic background and work environment. The report shows that most of the child workers working in urban areas of Nepal belong to the poor and landless families of rural Nepal. They are working in risky environments to make a living and pay back their family loans. As poverty is a major factor behind any form of child labour, this report recommends approaches that focus on alleviation rather than eradication of child labour. These include poverty-oriented measures and child-rights awareness activities at the rural level; development of income-generation programmes targeted at adults; improvement in the quality of education; and strengthening the monitoring of child labour.

34 Study of Policies and Progress Addressing the Right of Street Children To Education: Research Report

Gurung, Hitman. Pokhara: Child Welfare Scheme UK. 2004.

This research report is considered to be one of the foremost studies on non-formal education programmes for out-of-school children, particularly street children. The main objective of the study is to examine the situation of street children in Nepal, and analyse it in terms of their basic education, government's educational policy, and national implementing mechanisms for the Education for All (EFA) programme. Primary data for the research were collected from questionnaire-based interviews with 40 street children in Kathmandu and another 40 in Pokhara; and secondary data were collected from published

reports, media articles and websites. Findings from the study indicate that there are 2.6 million children engaged in child labour in different sectors throughout the country. Amongst them, there are about 5000 street children, but the number is rapidly increasing due to escalating poverty, broken families, illiteracy, human trafficking, physical abuse and torture, HIV/AIDS, socio-cultural structure and discrimination, as well as the government's centralised development policies and programmes. It is argued that street children remain deprived of formal and non-formal education, and this will seriously hinder development and achievement of EFA. The report strongly recommends the government, NGOs and INGOs to bring street children into the EFA National Framework to achieve the global goals of 'Education for All' by the end of 2015.

35 The State of Child Labour in Nepal

Gurung, Yogendra Bahadur. *Contributions to Nepalese Studies*. 28:2, pp. 227-245. 2001.

This article draws on various sources such as CWS (Child Welfare Scheme), ILO-IPEC (International Labour Organisation – International Programme on the Elimination of Child Labour), Central Bureau of Statistics (CBS), CWIN (Child Workers In Nepal Concerned Centre) and INSEC (Informal Sector Service Centre), among others, and provides a comprehensive picture of the vulnerable situation of children in Nepal. The author maintains that child labour is increasing on a daily basis in Nepal, at a rate of 18.1 per cent per year. Of the 500,000 children who left their rural homes in search of jobs in the urban areas of Nepal and India, 300,000 are involved in a wide array of jobs; 5000 are in the streets; 40,000 are in debt bondage; 50,000 are in sex trade; 100 are in prison; and the rest have been trafficked to India. Parents' suggestions, domestic problems, personal reasons, others' influence and poverty are identified as the main causes of child labour.

36 Nature, Extent, and Forms of Child Labour in Nepal

Gurung, Yogendra Bahadur. *Nepal Population Journal*. 11:10. 2004.

This article weaves together information from a number of recognised sources, primarily, the Migration and Employment Survey (1997), to provide a holistic picture of child labour in Nepal. Findings suggest

that out of the 6.2 million children in Nepal, almost 2.6 million are working (irrespective of their school attendance) and 1.342 million are idle, while only 2.287 million go to school without having to work. Of the total working children, 1.6 million attend both school and work, while the remaining 1 million are involved in work only. Out of the total working children, about 279,000 are paid and about 127,000 to 180,000 (2-2.9 per cent of the total children) are involved in the worst forms of child labour. Gender-wise, 47.6 per cent of Nepali girl children and 36.1 per cent of the boys are engaged in labour. Similarly, Morang district has the highest number of children (98,109); Mugu has the highest percentage of total working children (58.5 per cent); while Kathmandu has the highest percentage of children working for wages, (71.8 per cent). In terms of sectors, most of the children are working in the agricultural sector, followed by cottage industry. Furthermore, it is believed that 55,655 children work as domestic labourers, 46,029 work as child porters, 32,000 work in stone quarries, while an alarming number of children (12,000) are trafficked and forced into prostitution every year.

37 Child Recruitment in South Asian Conflicts: A Comparative Analysis of Sri Lanka, Nepal and Bangladesh

Hogg, Charu Lata. London: Chatham House, Coalition to Stop the Use of Child Soldiers. 2006.
reliefweb.int/node/23137

The study is based on interviews with former child soldiers, representatives from I/NGOs and multilateral donor organisations, members of civil society, academics, government and UN officials. In the context of Nepal, it notes that information on child soldiers in the Communist Party of Nepal (Maoist) remains scarce. However, there is evidence to suggest that during the conflict in Nepal, child rights was violated in a number of ways besides recruitment: children have been killed and maimed during crossfire, arbitrarily detained, tortured and ill-treated by police and other state authorities. The report argues that the state's failure to provide adequate and neutral education to children is one of the factors that lead to the involvement of children in conflict. The paper also points out that protection of the rights and welfare of children is a governance issue and that the state's recurrent failure increases children's susceptibility to recruitment by non-state actors. It stresses the

need to raise awareness on factors surrounding the use of children as soldiers in conflicts. It recommends the three countries provide for good governance, standardisation in education, a holistic approach to addressing the problem of children's recruitment, and addressing people's grievances.

38 Children in the Ranks: The Maoists' Use of Child Soldiers in Nepal

Human Rights Watch. Kathmandu: Human Rights Watch. 2007.

The findings of this report are partly based on interviews with 21 child soldiers (11 girls and 10 boys). The report notes the absence of exact number of children recruited by the Maoists, and hence cites the numbers provided by local groups, which range from 3500 to 4500. While some children serve in local militias, others hold positions in the core military wing. Children also serve as porters, sentries, messengers and medical assistants. In terms of children's involvement, the report points out that most of the children are abducted or forced to join the ranks, while some are encouraged through propaganda campaigns. The report argues that despite the signing of the Comprehensive Peace Agreement, the Maoist forces have continued to recruit children against calls from Nepali and international human rights groups. As a result, child soldiers have not benefitted from the peace process.

The paper recommends the Maoists to immediately end child recruitment, publicise the ban on child recruitment and transfer children below the age of 18 from the Maoist force into the Maoist party. It also recommends the government to oversee the release of children from the Maoist force, cooperate with appropriate child protection agencies, grant formal amnesty to all former child soldiers and immediately ratify and implement the Optional Protocol to the Convention on the Rights of the Child 2000 on the involvement of children in armed conflicts. It recommends the UN to urge the Maoists to immediately end child recruitment and release the children from its forces, and distribute demobilisation and rehabilitation packages to adult members of the Maoist forces until all children are released.

39 Child Labour and Responses: Overview Note – Nepal

International Labour Organisation. Geneva: International Labour Organisation. 2004.

www.ilo.org/legacy/english/regions/asro/newdelhi/ipec/download/nepal.pdf

This paper cites the National Child Labour Survey of 1997 conducted in Nepal which revealed that 26.6 per cent of the total 6.225 million children between 5 to 14 years are economically active. Most of these children do not attend school and the majority are engaged in agriculture, while others are involved in the service, communications and transportation sectors. The paper also cites the IPEC (International Program on the Elimination of Child Labour) Time-Bound Programme which found that 127,143 children are engaged in the worst forms of child labour primarily, as bonded labourers, rag pickers, domestic workers, porters, mine workers, carpet industry workers and sex workers. The paper also examines national legislations that have provisions against child labour, namely, the Children's Act 1992, the Labour Act 1992 and Labour Rules 1993, the Child Labour (Prohibition and Regulation) Act 1999, and international conventions such as the ILO Worst Forms of Child Labour Convention (No 182) and the ILO Minimum Age Convention (No 138). In addition to enacting the provisions, the report also mentions other steps that the government has taken to address the issue of child labour. These include the formulation of a ten-year National Plan of Action aimed at eliminating child labour and the formation of a number of commissions and bodies set up such as the Child and Women Development Section in the National Planning Commission and the Social Welfare Council, responsible for monitoring social welfare activities. In addition, ILO-IPEC has launched programmes to address the problem of child labour in Nepal, such as 'Sustainable Elimination of Bonded Labour in Nepal', and the IPEC project for 'Combating Child Trafficking for Labour and Sexual Exploitation'.

40 The Informal Economy and Workers in Nepal

International Labour Organisation. Kathmandu: International Labour Organisation. 2004.

www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-kathmandu/documents/publication/wcms_113778.pdf

This study provides an overview of the informal economy of Nepal

including the magnitude and characteristics of the informal economy, policies, regulations and legislations concerning them, as well as the role of concerned organisations like trade unions and the employers' organisation. The data for the analysis is derived mainly from the Nepal Labour Force Survey and census data of 1998/99 and 2001, respectively. Findings from the report indicate that the informal economy is composed of informal establishments or micro-enterprises, informal activities concerning both production and services, and workers in informal employment. Domestic workers, bonded labourers, agricultural workers, casual day labourers, temporary workers, part-time workers and industrial workers contribute to the informal economy, and a majority of Nepali workers are engaged in this sector. In the informal work setting, workers have to do heavy manual work in hazardous conditions without fixed schedules, and are often trapped in a never-ending cycle of debt bondage. Further, the paper also discusses gender issues in the informal economy including initiatives undertaken to improve the sector, as well as the challenges and issues to be addressed. The report suggests that given the patriarchal structure of Nepali society, women are less likely to own enterprises and are confined to non-economic activities within and outside the households. Even those who enter the economic sector are more likely to join the informal sector. Absence of representative organisations, scepticism of the government, lack of infrastructure, social security, insurance and financing, corruption and black-marketing, lack of training, data and information, migration, and wages constitute the main challenges of this sector.

41 Child labour in Nepal and Associated Hazards: A Descriptive Study

Joshi, Sunil Kumar, Subhash C. Sharma and Suvash Shrestha. *Asian-Pacific Newsletter on Occupational Health and Safety*. 16, pp. 66-69. 2009.

kmc.academia.edu/Sunil/Papers/128332/Child_labour_and_associated_hazards_a_descriptive_study

This paper assesses the work settings of child labourers using qualitative observational study in 19 study centres in Kathmandu, Biratnagar, Butwal, Nepalgunj and Mahendranagar selected through detailed literature review. It sheds light on the working conditions, workplace, nature

of work, working hours, safety measures at work, and work equipment. The paper draws attention to the numerous hazards faced by child workers, such as lack of hygiene in the workplace, airborne contaminants, chemicals at the workplace, noise and illumination, work load (both in terms of hours and weight), lack of proper work posture, and use of sharp and power-driven tools and equipment. It recommends elimination of the worst forms of child labour, improvement of the working conditions through strict enforcement of the law, along with regular and strict inspection of all workplaces.

42 Forced Labour in the 21st Century

Kaye, Mike. W. Sussex: Anti-Slavery International and International Confederation of Free Trade Unions. 2001.

www.antislavery.org/includes/documents/cm_docs/2009/f/forcedlabour.pdf

This report is based on 13 case studies of forced labour throughout the world, of which Nepal is a part. The Nepali case study shows that there are two communities working as forced labourers in Nepal: Dalits and Tharus/Kamaiyas. It brings to light their miserable working conditions, low wages, long working hours, and the vicious cycle of bondage that continues from one generation to another. The case study suggests that the liberation of Kamaiyas in 2000 could play a positive role in their lives.

43 Situation of Child Rag Pickers: A Rapid Assessment

KC, Bal Kumar, Govind Subedi, Yogendra Bahadur Gurung and Keshab Prasad Adhikari. Geneva: International Labour Organisation – International Program on the Elimination of Child Labour. 2001.

www.ilo.org/public/libdoc/ilo/2001/101B09_303_engl.pdf

This report provides detailed information on the nature, processes and problems of child rag pickers. The findings are based on observations, focus group discussions and interviews with 300 children between five and 17 years of age. Rag pickers in the study include migrant children who came from their rural homes to Kathmandu seeking jobs; children brought to the city by someone else and then abandoned; and children who live in homes in Kathmandu and come to the streets for rag picking. More specifically, the study examines the socio-economic condition of

the child rag pickers; their work and environment; the process, relations and consequences of rag picking; and the institutional framework.

Findings from the study indicate that an overwhelming number of rag picking children belong to the Tamang, Magar and Dalit groups and have migrated from the Hills and Mountains. In order to combat the problems confronting these children, the study emphasises both preventive and protective approaches. Preventive measures include raising public awareness; strengthening the solid waste management system; providing formal, vocational and skill based education; and involving families in income generating programmes. Similarly, enforcing laws, counselling and re-socialisation, issuing citizenship, facilitating hot-line/helpline services, rehabilitating and reintegrating, providing vocational trainings, raising public awareness and engaging in dialogue with employers are suggested as protective measures.

44 Child Labour in the Nepalese Carpet Sector: A Rapid Assessment

KC, Bal Kumar, Govind Subedi, Yogendra Bahadur Gurung, Keshab Prasad Adhikari and Dhanendra Veer Shakya. Kathmandu: International Labour Organisation – International Program on the Elimination of Child Labour. 2002.

This report is an outcome of International Labour Organisation – International Program on the Elimination of Child Labour (ILO-IPEC) investigation into the worst forms of child labour, found to be most prevalent in the Nepali carpet factories. It presents the profiles of child labourers and their families and examines the conditions in which they work. The findings reveal that most of the children in the carpet industry are migrant labourers from the ‘poorest of the poor’ families; many children looking for work become victims of trafficking and debt-bondage; male child workers outnumber female child workers; these children have little education, if at all; they are exposed to hazardous working environments; and are always at risk of being physically and psychologically abused by their employers. The study recommends that some proportion of the revenue from the carpet sector be invested in children’s education and health, and skills training for their families; minimum wage be fixed by the government; child workers be provided with recreational facilities; day care centres for young children be established and their number be increased; non-formal education classes and schooling

be provided to the children; and there be strict and effective monitoring.

45 Nepal Situation of Child Porters: A Rapid Assessment

KC, Bal Kumar, Keshab Prasad Adhikari, Govind Subedi and Yogendra Bahadur Gurung. Geneva: International Labour Organisation – International Program on the Elimination of Child Labour. 2001.

To understand the situation of child porters in Nepal, this study conducted 349 structured interviews with child porters, 15 focus group discussions, 29 key informant interviews and gathered 18 case studies. Child porters were divided into two categories: a) porters carrying loads over long distances (more than a day-long journey), and b) porters working short distances (markets, business centres, and bus and truck parts). It was found that most of the child porters came from rural Hill areas and belonged to the poor and socially excluded caste and ethnic groups. Furthermore, it was found that long distance porters are younger (10-14 years) than short distance porters (15-17 years). A total of 21 per cent child porters have dropped out of school most likely due to poverty. Seventy-eight per cent of the long distance porters work seasonally, while 70 per cent of the short distance porters work full time. While the law prohibits minors from carrying loads exceeding 25 kilograms (kg), most of the short-distance porters carried more than 50 kg, while the long-distance porters carried an average of 35 kg.

The main reasons why the children work as porters are: for economic survival, due to peer pressure, to pay off family debts, to afford school uniforms and supplies, to experience urban life, to earn wages and employment during off-farm seasons. The study also provides recommendations to regulate the employment of child porters through specific legislations; provide them with alternative sources of livelihood; improve the quality and eliminate the cost of education; improve the monitoring system; and launch awareness-raising campaigns. Increasing the participation of child porters in vocational and skill development programmes, guaranteeing job placements, expanding rehabilitation and non-formal education programmes, improving educational opportunities, and continuing the withdrawal and rehabilitation of working children below the age of 14 are also suggested as positive steps towards addressing this problem.

46 Digging to Survive: Women's Livelihoods in South Asia's Small Mines and Quarries

Lahiri-Dutt, Kuntala. *South Asian Survey*. 15:2, pp. 217-244. 2008.

This article focuses on the issues of gender and livelihoods in small mines and quarries of South Asia. It provides data on employment in the mines and quarries; reviews the livelihoods of those dependent on artisanal and small scale mining; analyses the role of women engaged in it, their status and position; and finally makes policy recommendations, such as livelihood enhancement and gender mainstreaming at the policy level. The findings indicate that women constitute the 'poorest of the poor' and their situation demands urgent action. Women in this sector have to perform more hazardous tasks compared to the men who provide skilled labour. Approximately 120,000 workers in Nepal are engaged in mining and quarrying and the largest proportion of workers in mines in north-eastern India are from Nepal. The report also points out that the then ongoing armed conflict in Nepal was one of the important factors that led to the rise in the number of individuals working in the artisanal and small scale mining.

47 Shadow Wages and Child Labour Supply in Agricultural Households in Nepal

Leone, Marinella. Brighton: University of Sussex. 2010.

This report aims to analyse the prevalence of child labour in the agricultural sector, estimate the monetary contribution of child labour to family farms (shadow wages), and assess the conditions under which the children work on the farms. The author argues that children work on family farms not only due to poverty, but also due to the inadequacies of the market. Drawing on the Nepal Living Standards Survey 2003/04, the article states that about 45 per cent of the children are engaged in some form of labour, and over one-third of them work in the farming sector. On an average, a child employed in a farm works for 921 hours in a year.

48 The Worst Forms of Child Labour in Asia: Main Findings from Bangladesh and Nepal

Lieten, G.C.M., Afke de Groot, Anna Ensing, Nanna Baum and Mariette de Graaf. Leiden: International Research on Working Children. 2010.

The first two chapters of the report are dedicated to understanding the worst forms of child labour in Nepal and the conditions of the working children. Findings from the study indicate that some of the children working in the brick kilns live on their own, while a large majority live with their parents. They are required to work for about 12 hours per day moulding, stacking and carrying bricks. Similarly, child porters carry heavy loads mainly fruits and vegetables to the market, while children working in restaurants also work for more than 12 hours a day, with minimal salaries. In addition to negative impact on the health, these children working in different sectors are also exposed to risky habits such as smoking, drinking and taking drugs. Only a few organisations have tried to address the problem of children working in these most hazardous conditions. The second chapter of the report discusses the rural to urban migration among Nepali children. Due to a number of push factors such as lack of resources and economic vulnerability, and pull factors such as the attraction of city life and 'easy' access to resources, many children leave their homes and engage in child labour. It is argued that this migratory nature of child labour makes effective intervention more challenging.

49 Are Children on Family Farm Child Labours?

Mathema, Kanhaiya B. *Socio-Economic Development Panaroma*. 1:2, pp. 63-70. 2007.

This article presents the perception of parents regarding their children working on family farms. It briefly discusses the evolution of the agricultural economy of Nepal and goes on to assess the situation of children working on farms. The paper highlights the fact that over the last two decades, the gross domestic product (GDP) has decreased from 60 per cent to less than 38 per cent, although more than 90 per cent of the population still depend on agriculture as their chief source of livelihood. The paper provides conflicting data from various sources to show the complications involved in researching child labour on family farms.

More importantly, the paper raises the question whether children working on family farms or households can be called child labourers. This question examined from different perspectives yield different answers. Most of the children working on farms are girls and a large percentage do not attend school. The country's educational system and curriculum do not meet the practical needs of poor families, and this is a major factor behind the persistence of child labour. Children work in hazardous conditions, which result in serious health and developmental problems in the future. The author believes that another aspect of children's work is that it keeps them away from school. On the positive side, however, such children remain close to their home and family, and can preserve their kinship and community ties for a longer period of time. The paper recommends measures to sensitise all stakeholders on this issue and to provide alternative sources of income to children working on family farms.

50 Take Me Home

Mathema, Paavan. *Nepali Times*. 517, 27 Aug-2 Sept. 2010.

This newspaper report provides limited but interesting information on the status of Nepali children in government-run homes in India. It highlights the fact that every year 4000 to 5000 children from Nepal, mainly from poor and dysfunctional families, enter India for work and better life. Some of them find jobs in restaurants, factories, circuses, homes, while many end up in the streets. Those found on the streets are taken by the police and child-based organisations to Child Welfare Committee (CWC) who then allocate them to Juvenile Justice Homes, which are commonly known as children's homes or observation homes. Many of these homes house minors convicted of crimes and barely meet the minimum standards of children's home. However, once they are in, the children are not allowed to leave on their own accord. Instead, they are forced to live in jail-like-conditions with poor infrastructural, sanitation and nutritional facilities. Nepali organisations working to bring these children back to Nepal face difficulties in documentation. For instance, to get consent from a home for the release of a child, either a parent is required to be present or the organisation needs to furnish proof that it will take care of the child. It is believed that an estimated 500 children are still languishing in such homes in Delhi alone.

51 The Shadow Wage of Child Labour: An Application to Nepal

Menon, Martina, Federico Perali and Furio Camillo Rosati. Rome: Understanding Children's Work. 2005.

Drawing from the Nepal Living Standards Survey 1995/96, this report shows that until children reach maturity, their parents control all their choices as well as earnings; most Nepali children work on the household farm or engage in off-farm labour; children have no time for leisure; and the number of children is assumed to be exogenous to the family decisions. In a country where 81 per cent of the population is involved in farming, and agriculture accounts for 40 per cent of the GDP, 9.32 per cent of the GDP is contributed by children. Similarly, the report states that 'the child shadow wage is at the mean about 60 per cent of the adult shadow contribution'.

52 National Master Plan on Child Labour

Ministry of Labour and Transport Management. Kathmandu: Ministry of Labour and Transport Management, Government of Nepal. 2004.

This report comprises of two parts. The first focuses on the issues and challenges of child labour in Nepal, commitments and efforts to address these issues, and need analysis, while the second part contains the actual National Master Plan for Action. Data gathered at the time of preparation showed that of the total 4.9 million children in the country, about 2 million were economically active and about 1.5 million were not attending school. Further, 17,152 children were bonded labours, 3975 were rag-pickers, 46,029 were child-porters, 55,655 were domestic workers, 115 worked in mines, 4227 worked in the carpet industry, and about 12,000 girl children were trafficked for commercial sex annually. The report cites that the government has ratified various international conventions as well as formulated a number of national laws and regulations aimed at addressing the problem of child labour. It mentions that the National Master Plan of Action For Elimination of Child Labour plans to adopt an integrated approach for dealing with child labour problems; make collaborative and participatory efforts; provide free and compulsory primary education; promote effective family planning measures; effectively link child labour and poverty reduction and child development pro-

grammes; and mobilise resources at the national, bilateral and multi-lateral levels to combat child labour.

53 Child Raggickers in Nepal: A Report on the 2002-2003 Baseline Survey

Mukherjee, Sanjukta and Central Department for Development Studies/Tribhuvan University. Bangkok: International Labour Organisation – International Program on the Elimination of Child Labour. 2003.

Following the rapid assessment conducted in 2001, this survey was carried out in 2003 to estimate the incidence and distribution of child rag pickers at the national level. For the baseline survey, data was collected from the dumping areas, garbage disposal and refuse areas, junkyard shops, bus terminals, down town and tourist areas, slums, temples and river banks, streets, living centres and/or houses of rag pickers from 15 different municipalities across Nepal. Overall, 675 child rag pickers (577 male and 98 females), 69 resellers (junkyards) and 73 parents were interviewed. Additionally, 10 focus group discussions and 15 key informant interviews were also carried out. The findings suggest that an overwhelming 248 out of the total children belong to the 10-14 age group and 197 in the 14-17 age group. Similarly, 289 male and 83 female rag pickers are found to be illiterate. Most (41 per cent) of the rag pickers have migrated to the municipalities with their parents, 11 per cent have left home due to poverty, an equal percentage have run away from their homes, while 12 per cent have left their homes to escape the abuses they faced within their homes. Of these children, 24 per cent are living in the streets, 29 per cent in the junkyards and 3 per cent under bridges. Thirty-four per cent said they fear dogs and monkeys the most, 23 per cent fear adult boys, while 19 per cent fear the police. About 70 per cent of these children have been consulting health professionals. The report recommends that increasing the quality of public school system, initiating micro-credit and micro-finance programmes in the poverty-stricken households, legislating minimum-wages, and raising awareness about child labour and advocating at the community level would help alleviate the conditions of these rag pickers.

54 Globalisation & Child Labour Situation in South Asia

Naseem, Imran. *The Dialogue*. 3:4, pp. 544-559. 2008.

This article points out that despite the rising economies in the region, South Asia remains mired in the problems of child labour, debt bondage and child trafficking. These problems are most prevalent in sectors like domestic work, hazardous and export industries, and informal sector. With regards to the situation of child labour in Nepal, the article notes that out of the 6.23 million Nepali children, 1.66 million are working; 62,000 of them are involved in domestic service; about 12,000 women and girls are trafficked to neighbouring countries, while the rest are working as bonded labourers, or are involved in the informal sectors like stone quarries, brick kilns, small restaurants, or in other hazardous work environments including working as armed militants. Finally, the article holds that if child labour is to be eradicated and the benefits of globalisation are to reach everyone, the informal sector should be brought into the economic mainstream so that the rights of the workers can be protected.

55 Misery Behind the Looms

Pradhan, Gauri. Kathmandu: Child Workers in Nepal Concerned Centre. 1993.

This book is based on a survey that was conducted in 344 carpet factories in 26 districts of Nepal. Respondents included child labourers, labour contractors and factory owners and managers. The book discusses a wide range of issues such as exploitative labour systems; hazardous working conditions and heavy workload of child workers; urban migration for better opportunities and escape from landlessness, indebtedness and poverty; poor health and hygiene level of the child labourers; sexual abuse and trafficking of young girls; trafficking of child labourers into India; environmental hazards; and child bondage. Similarly, the stories of 10 child carpet workers are presented in the form of case studies. Seven responses from scholars and new reports published in various national and international newspapers have also been included. The latter section discusses the National Campaign on the Rights of the Carpet Children 1993, during which CWIN held regular briefings about the situation and problems of children in the carpet industry; published a detailed study report and disseminated information; organised an independent task-

force to monitor and supervise the enforcement of child labour laws; assisted the formation of model factories for implementing child labour laws; supported education, health and hygiene for carpet children; provided free legal aid; organised campaigns to rescue and rehabilitate victims; and held consultations, workshops and seminars with the concerned groups. Finally, the study recommends stakeholders to strictly follow the policy on minimum age, wage and maximum working hours; improve the working environment; ensure that child workers receive services related to health, education and entertainment; register child workers and carpet factories; rescue and rehabilitate children at risk; establish model factories with regulated/no child labour; form national task force to monitor child labour; and strictly follow up on and monitor the entire aforementioned processes.

56 Hazardous Forms of Child Labour in Nepal

Rimal, Bishnu and Umesh Upadhyaya. General Federation of Nepalese Trade Unions Paper Presented in the Preparatory Meeting on *Developing Asian Network on Hazardous Child Labour*, Manila 26-28. 2001.

The paper reveals a large proportion of children as unpaid family workers and a small proportion of wage-based child workers in Nepal. Children as unpaid family workers are deprived of educational opportunities, health care and a normal childhood, whereas wage-based child workers suffer from various forms of exploitation and hardship. The paper highlights poverty, failure of the education system, informal economy, low cost of child labour, lack of social protection, and social customs and attitudes as major causes of child labour in Nepal. Finally, it presents the state's efforts to address the various forms of child labour such as bonded labourers, victims of trafficking, porters, rag pickers, domestic workers, transport and small hotel workers and brick kiln workers, including the ratification of ILO conventions that seek to protect the rights of children. The paper also outlines the strategies, activities and policies on child labour of the General Federation of Nepalese Trade Unions (GEFONT).

57 Child Labour in Stone Quarries

Sainju, Bijaya. Kathmandu: Concern for Children and Environment-Nepal. 2002.

The study aims to understand the situation of child labourers in stone quarries. It relies on surveys including the child-centered participatory research (CCPR), 208 individual interviews, structured questionnaire survey, focus group discussions and field observation of 400 children in 14 districts. It presents both qualitative and quantitative information on the lives of child labourers in stone quarries as well as the socio-economic background of their parents and employers. The report points out that children aged 5 to 16 are engaged in the quarries and usually work for 11 to 12 hours a day. Further, girls outnumber boys and the majority of the stone quarry children are Dalits. Excavating stones, loading trucks for transport and crushing boulders into gravel are some of the activities performed by these children, which are extremely dangerous and involve health risks. Lastly, the report recommends implementing productive programmes to address the problem of child labour in stone quarries and eventually eliminating it.

58 Child Labour in Restaurants and Tea Shops in Nepal

Sainju, Bijaya. Kathmandu: Concern for Children and Environment-Nepal. 2003.

This study analyses the demographic background of children employed in restaurants and tea shops, their working lives, health, hygiene and safety concerns, and also considers the views of their employers. Its findings are based on the child-centred participatory research techniques applied in 19 districts and consisted of 548 individual interviews, structured questionnaires, focus group discussions, field observations of more than 800 children and case studies. Findings from the study indicate that an estimated 71,767 children work in restaurants and tea shops in Nepal. It also mentions that while 71 per cent are literate, they are mostly school drop-outs. Many of these children are migrants (77 per cent) from rural areas, driven to their current situation due to poverty. Further, 37 per cent of these children are from the Bahun/Chhetri communities, 19 per cent from the Tamang community while most Dalit children were reluctant to reveal their true identities.

As restaurant and teashop workers, these children are required to go

shopping, serve at the counter, wash dishes, wait tables, clean, and run errands. Their duty usually starts before sunrise and lasts for about 12 hours a day, with earnings ranging from Rs 300 to 900 per month. While most of the employers claimed to be providing leave, food and accommodation, monthly salary and health care facilities to these children, according to the report, the children suffer from mental and physical exhaustion and are subject to verbal and physical abuse and ill-treatment from employers and customers. Further, they lack access to basic needs such as education, hygiene, healthcare, rest, breaks and entertainment. As recommendations, the study points to the need to focus on education support, family reconciliation, awareness, legal enforcement, and regularised wages in order to combat the concerns and issues of children working in restaurants and teashops.

59 Child Labour in Nepal

Sattaur, Omar. Kathmandu: Anti-Slavery International and Child Workers in Nepal Concerned Centre. 1993.

This report provides information on the range of child labour practices that are prevalent in Nepal, factors that perpetuate it, legal measures and public action on the issue, and groups working towards achieving the goal. It discusses the work of street children; children working in stone quarries, small hotels and carpet factories; children working in tea estates; and the systems of bonded labour such as Kamaiya, Haruwa, Hali, Dhakre and Bali, among others. The case studies provide insights into the exploitative working conditions of these children. The report recommends enforcing laws on child labour, raising awareness related to child labour and child rights, and introducing long-term programmes to emancipate bonded labourers

60 Nepal – Situation of Domestic Child Labourers in Kathmandu: A Rapid Assessment

Sharma, Shiva, Manasa Thakurathi, Krishna Sapkota, Bishnu Devkota and Brahma Rimal. Geneva: International Labour Organisation – International Program on the Elimination of Child Labour. 2001.

This paper provides qualitative and quantitative information on domestic child labourers in Kathmandu while also examining the socio-economic

conditions of domestic child labourers as well as their employers. One out of every five households in Kathmandu hires a child worker. The majority of the employers are Brahmins (43.8 per cent), while a significant proportion of the employees are also from the same caste (40 per cent). Among those surveyed, there were no child labourers from the Dalit community. In terms of working hours, more than two-thirds of these children work for more than 14 hours a day and 50 per cent are not paid wages. Among those who get paid, their salaries do not exceed Rs 4000 per annum. Moreover, these children face exploitation in the form of heavy workloads, long working hours, ill-treatment, extreme and violent abuses, loneliness, emotional deprivation, psychological violence, and lack of parental love and care. Based on these findings, the article categorises domestic labour as the worst form of child labour and provides useful recommendations to 'humanise' domestic child labourers. Suggested measures include poverty alleviation policies, legal enforcement of child rights, rural-level advocacy, awareness building, and education.

61 Child Labour Situation in Nepal (Report from Migration and Employment Survey, 1995/96)

Suwal, Bhim Raj, Bal Kumar KC, Keshab Prasad Adhikari.

Kathmandu: Central Department of Population Studies, Tribhuvan University. 1997.

This report is based on the Migration and Employment Survey conducted among 19,200 households across Nepal. The households included 28,967 children, of whom 27,811 were interviewed for this study. Given that an estimated 2.6 million children in the country were involved in some form of labour, and that little research had been done on this issue, this study played an important role in bringing the situation of child labour to the forefront of policy discussions. The report includes statistical information on child labour by residence, ecological zones and development regions; assesses regional variations in child labour; examines the child labourer's relationship with the household; and also takes into account the individual characteristics of the children. Findings from the study indicate that 22.2 per cent of children in Nepal are engaged as child labourers (23.5 per cent boys and 20.8 per cent girls); Mountains have the highest incidence of child labour (31.8 per cent), compared to the Hills (26.1 per cent) and the Tarai (16.8 per cent); and 23.7 per cent of children in rural areas are involved in unpaid

economic activities as compared to 6.1 per cent in urban areas. Finally, the agricultural sector, which involves 94.7 per cent of the economically active children, is the largest sector absorbing child labour.

62 Asylums of Exploitation - Internally Displaced Children in the Worst Forms of Child Labour due to the Armed Conflict in Nepal

Tamang, Anand and John Frederick. Kathmandu: Terre des hommes. 2006.

This study analyses the status of internally displaced children engaged in the worst forms of child labour in the urban areas of Nepal. Its findings are based on a survey, in-depth semi-structured interviews, ethnographic studies, and consultation meetings held in three urban sites of Kathmandu Valley, Pokhara and Biratnagar. The report shows that the majority of these children are from Hill ethnic communities followed by Bahun/Chhetri communities. Further, a significant proportion of these children are engaged as domestic workers, followed by street children, rag pickers, stone breakers and carpet factory workers, while the rest work in tea shops and transport sector. On an average, they work for nine to 13 hours a day but only a few have access to health care services, sanitation and comfortable spaces. Hence, these children are vulnerable to various forms of exploitation such as heavy workload, minimal or no wages and denial of basic rights. The report argues that it was mainly the armed conflict and poverty that drove them from their homes, families and school to work in the urban areas.

63 Street Children in Urban Nepal: Boys' Lives on Streets and in Shelters

Teal, Randall W. Master's thesis submitted to Department of Anthropology, California State University, Long Beach. 2004.

This thesis is based on ethnographic fieldwork conducted on the streets of Thamel, Kathmandu, and in an NGO-run shelter. It aims to describe and understand the dynamics of street life and shelter life of the 'homeless' children in Kathmandu. It explores the daily lives of street children including their activities, hardships of street life and negative influences of drugs and sex. The research then examines children's life in the shelter, including their activities and grievances. The street children see the street

as a space that allow them a measure of freedom where they can engage in all sorts of activities including playing cards, drugs and roaming. The shelter life, on the other hand, entails exactly the opposite – strict routine, rules, restrictions and informal classes. The contrast between the two – street life and shelter, is then used to explain why many of the former street children are unable to remain in the shelters and hence often return to the streets. This comparative study of street life and rehabilitated life could help frame future interventions for street children.

64 Understanding Children's Work in Nepal: Country Report

Understanding Children's Work. Rome: Understanding Children's Work. 2003.

This report provides an overview of child work in Nepal, its extent and nature, its determinants, its consequences on health and education, and national responses to child work. It suggests that child work is widely prevalent in Nepal, but the prevalence varies by sex, age and residence. The paper also highlights gender, household composition, parents' education, household income, land ownership and school expenditure as major determinants of child labour. It examines national-level measures aimed at addressing child labour, such as legislations and the Master Plan for the Elimination of Child Labour. More specifically, the report points out that there are an estimated 300,000 children aged six to eight years, who are economically active in Nepal. The number of child workers in the rural areas is twice as much as in the urban areas and the majority are engaged in agriculture. The report also indentifies seven worst forms of child labour – bonded labour, domestic child labour, rag picking, mining, carpet weaving, portering and trafficking in children. Children engaged in these sectors are deprived of education, experience sexual and physical abuse, are forced to work excessively long hours, suffer injuries and work hazards, and are subjected to restriction on movements.

65 2009 Findings on the Worst Forms of Child Labor – Nepal

US Department of Labor. Washington DC: US Department of Labor. 2010.

www.unhcr.org/refworld/docid/4d4a680cd.html

The report extracts information from the 2008 Nepal Labour Force Survey and states that the number of child labourers in Nepal has

decreased. However, 39.6 per cent of children aged 5 to 14 are still working and only 69.6 per cent are going to school thus indicating that much more needs to be done in order to effectively address the problem of child labour in Nepal. In terms of legal and policy framework, the report mentions that although Nepal has signed the ILO Convention 138 – Minimum Age, ILO Convention 182 – Worst Forms of Child Labour, UNICEF’s Convention for the Right of the Child (CRC), CRC Optional Protocol on Armed Conflict, and CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, the country has not been signatory to Palermo Protocol on Trafficking in Persons and has not made education compulsory for children. Furthermore, the minimum ages fixed by the government (14 years for general work and 16 years for hazardous work) do not meet international standards.

On the positive side, the government enacted Children’s Act 1992, Child Labour (Prohibition and Regulation) Act of 2000 and Kamaiya Labour (Prohibition) Act of 2002, and formed the National Steering Committee to coordinate child labour eradication, local level District Child Welfare Board, Women’s and Children’s Service Centres, and National Rapporteur on Trafficking. Further, the report mentions that the Ministry of Labour and Transport Management’s (MoLTM) National Master Plan on Child Labour (2004-2014), National Plan of Action to Combat Trafficking, School Sector Reform Programme, and Time Bound Programme to end the worst forms of child labour can serve as milestones for eradicating child labour in Nepal.

66 The Department of Labor’s List of Goods Produced by Child Labor or Forced Labor

US Department of Labor. Washington DC: US Department of Labor. 2009.

www.dol.gov/ilab/programs/ocft/pdf/2009tvpra.pdf

This paper provides information on the incidence of child labour and forced labour in goods manufacturing with an objective of raising public awareness about the same. The report identifies 122 goods produced using forced labour and/or child labour, in 58 countries. The scope of this research covers labourers employed in manufacturing, agriculture, mining and quarrying, among others. The report has presented a bibliography of literature on child labour and forced labour in each of the countries. In the case of Nepal, the report revealed that both child and

forced labour are being used in the production of goods in embroidered textiles, carpet factories, brick kilns and stone quarries.

67 Child Labor in Nepal - Education Combating Unjust Labor

Varghese, Santosh. Washington DC: Youth Advocate Program (YAP) International. 2004.

www.yapi.org/rpchildlabornepal.pdf

This study examines the status of child labour in Nepal, including its root causes and its various manifestations. In Nepal, there are 2.6 million child labourers aged five to 14 years, and 5 per cent of them are involved in the worst forms of child labour, as defined by ILO. Child labourers constitute about a quarter of all children in Nepal. Child labour is used mostly in factories and industries, mines and quarries, plantation, domestic service, shops, transportation, porter, construction, streets, and commercial sex work. The paper identifies poverty and discrimination as the major causes of child labour which are further compounded by unequal land ownership and migration from rural areas. The paper recommends that improvements in education be viewed as a crucial measure to eliminate or reduce child labour.

68 Children Working in Carpet Industry

World Education, Brighter Futures Program. In *Child Labor Status Report 2009*. Kathmandu: World Education. 2009.

The report provides an in-depth analysis of children working in carpet factories. It is based on a survey conducted with 3225 children (2343 girls and 892 boys) as part of World Education's project in Nepal, Brighter Futures Program. It has useful data on the socio-economic background of the child workers of carpet factories, including their working conditions. The report points out that a majority (71 per cent) of these children belong to various ethnic groups of Nepal. They live in 'garage-like' situations and are subjected to long hours of work, inadequate rest and little or no education. As a result of working in hazardous conditions, these children face many health problems such as swollen knuckles, arthritis, eye strain, and lung diseases. Further, a large number of Nepali girls sold in Indian brothels are trafficked from these carpet factories. The report also discusses the successes, challenges and lessons learnt from the formal, non-formal, vocational, girls' education pro-

grammes, open learning centre and apprenticeships provided to child labourers. The most successful approaches include the involvement of various stakeholders like parents, employers, contractors and community members in the educational programmes, establishment of library, periodic exams, inclusion of resource materials on safe migration and trafficking, microfinance, family reunion, and career planning counselling. The major challenges reported include: traditional approaches to education, reaching girls in the factories, lack of capable facilitators for conducting market assessment and lack of jobs post training.

69 Children Associated with Armed Forces or Armed Groups (CAAFAG)

World Education, Brighter Futures Program. In *Child Labor Status Report 2009*. Kathmandu: World Education. 2009.

The report provides detailed information about children associated with armed groups and forces, including their background and reasons for joining the groups. This report draws on surveys conducted by United Nations Children's Fund (UNICEF) and other NGOs. According to the surveys, the majority of the Children Associated with Armed Forces or Armed Groups (CAAFAG) were Janajatis and others were Brahmins/Chhetris and Dalits. The most common reasons for joining the armed groups were listed as: poverty, domestic violence, second marriage in the family, forceful recruitment, being parentless, peer influence, and commitment and involvement of adults in the armed groups. The report also analyses reintegration support schemes such as vocational training, apprenticeship skills and formal and non-formal educational opportunities provided to the children after the insurgency, along with the challenges and lessons learnt. It highlights the best practices and makes due recommendations. The best practices include: holding meetings with various stakeholders like the CAAFAG, teachers and child club leaders; job trainings given by skilled craftsmen; self-employment opportunities; credit links for micro-enterprises; and career planning. The challenges were: difficulties involved in coping with the school environment; readjusting lives in the classrooms; job placement; difficulties in choosing a particular occupation and training; lack of trainers; gender related problems limiting girls' access to training; and high costs of residential vocational training, among others. Lastly, the positive effects of financial support for multiple years; roles of the mentors and

motivators; advanced skills; well managed resources; and school support of girls, are considered as the main lessons learnt.

70 Children Working in Transport Sector

World Education, Brighter Futures Program. In *Child Labor Status Report 2009*. Kathmandu: World Education. 2009.

The report cites Child Workers in Nepal Concerned Centre (CWIN) that there are about 2193 transport workers in Kathmandu Valley alone and 28 per cent of them are under 14 years of age. Factors that bring children into this sector include migration for a better life, social security and income; armed conflict; dysfunctional families; alcoholism and domestic violence in the family; social exclusion; and a combination of these forces. Many of them are vulnerable to physical, mental, and sexual exploitation at the hands of the adult transport workers, drivers, employers, vehicle owners and traffic police. These children, in general, work for more than 12 hours a day and earn about Rs 4000 per month. Most of them come from Makwanpur, Dhading, Nuwakot, Kavre, Sindhupalchowk, Dolakha, Ramechhap and Sindhuli districts. The report also highlights the limited success of the Joint Task Force on Elimination of Child Labour in Tempos and Microbuses, which involves NGOs, transport organisations, and government agencies. Based on the lessons of the Brighter Futures Program, the report highlights the importance of socialisation trainings, hostel accommodation and involvement of unions and employers as the most successful approaches to addressing the problem. Meanwhile the key challenges include orphaned and abandoned children, children without legal identity or citizenship, and high costs of rehabilitation.

71 Children Working in Private Homes

World Education, Brighter Futures Program. In *Child Labor Status Report 2009*. Kathmandu: World Education. 2009.

The study brings to light one of the worst forms of child labour - children working as domestic helpers. It provides an overview of child domestic workers and examines the causes of the problem. The Brighter Futures Program, along with its partner NGOs, identified 37,327 child domestic workers, of whom 24,291 are girls and 13,036 are boys. The major factors that drive children into this sector are poverty, debt, traditional system of bondage (Kamaiya and others), domestic violence, alco-

holism, second marriage in the family, ill-treatment by step-parents, conflict, social discrimination, and dropping out of school. The report discusses the attempts made by the programme to remove 20,338 children, of whom 70 per cent are girls, from domestic labour through non-formal education (16,013 children), school support programmes (7455), vocational education and training (3905) and family livelihoods (997), and presents the challenges and lessons learnt, with due recommendations.

The most successful approaches include strong coordination, bridging to formal school through non-formal classes, multi-year funding, improving family livelihoods, combining economic education and business literacy, training for practical skills, access to microfinance and technical resources, and approaches for commitment, solidarity, self-help and sustainability. Similarly, the challenges of the programme constitute the bonded labour system, rigidity of class schedules, heavy workload, uncooperative employers, irregular attendance in classes, lack of adequate government scholarships, time constraints of the working children, difficulty in sustaining microfinance, and irrelevant trainings. Finally, some of the lessons learnt are the success of multi-year school support, girl focused education, changing teachers' attitudes, linking education to practical life, creating successful youth entrepreneurs, the growing need of vocational training, and relevant and employment oriented apprenticeship.

72 Children Working in Porterage

World Education, Brighter Futures Program. In *Child Labor Status Report 2009*. Kathmandu: World Education. 2009.

The report focuses on the socio-economic conditions of child porters, their work hours and workloads, and health aspects along with the effect of economic and political changes. The report utilises the data provided by the ILO to conclude that there are 42,000 long-distance and 4000 short-distance child porters in Nepal. The long-distance child porters carry an average weight of 35 kg and work for about five hours earning Rs 71 per day. Similarly, the situation of the short-distance porters is even worse, as they carry an average weight of 69 kg and work more than eight hours earning Rs 69 per day. The report argues that increased accessibility of roads, forced recruitment by the Maoists during the insurgency, community development, educational efforts

and migration (increase in financial status through remittances) have resulted in decreased number of porters. Based on World Education's programmes catered to child porters, the paper highlights some of the best practices including skill testing, using relevant curriculum, forming class management committees, conducting baseline and need assessment studies, regular monitoring, maintaining transparency, and providing scholarships in kind. Similarly, the challenges include: finding the time and location for non-formal classes, adjusting diverse learners in classes, irregular school attendance, lack of qualified facilitators and mobile population. Recommendations include providing flexible education, improving the economic situation of families and long-term community-based planning, among others.

73 Children Working in Recycling Industry

World Education, Brighter Futures Program. In *Child Labor Status Report 2009*. Kathmandu: World Education. 2009.

This report sheds light on the issue of child labour in the recycling industry. As of 2001, there were 4000 children involved in this sector, which falls under the category of ILO 182 - Worst Form of Child Labour. Findings from the report indicate: 50 per cent of these child workers work in Kathmandu Valley alone; 88 per cent of them are boys; only 9 per cent of the children come from families that own land. Further, most of them are street children - runaways, orphans, abandoned or from poor migrant families, while some even come from India. These children scavenge waste dumps for recyclable materials and earn an income averaging Rs 50 to 300 and sometimes even up to Rs 700 per day. Despite the relatively decent income, these children are nevertheless deprived of education and recreation and are vulnerable to abuses (including sexual). Moreover, the work involves severe health risks and many (80 per cent in Kathmandu) turn to drugs, glue sniffing, smoking and drinking. As one of the better initiatives to combat the use of child labour in recycling industry, the report mentions the methods adopted by World Education's programme including, community orientation, formation of class management committee, linkage and coordination with ILO, periodic tests/exams, inclusion of recreational activities, and career counselling. Similarly, some of the lessons learnt include: the popularity and efficiency of child-friendly materials, flexible classes, residential rehabilitation homes and orientation of teachers.

74 Children Working in Brick Factories

World Education, Brighter Futures Program. In *Child Labor Status Report 2009*. Kathmandu: World Education. 2009.

This paper provides an overview of the condition of children working in brick factories who, according to an estimate provided by Concern for Children and Environment – Nepal (CONCERN-Nepal), constitute 34 per cent of the total labour force in brick factories. The report points out that Nepal’s legislation prohibits children under 14 years to work for more than six hours a day, but the brick kiln children usually work an average of 12 hours a day and mostly fall under the age group of eight to 16 years. Most of the children work in hazardous environments and live with their families in shabby shelters without proper ventilation and sanitation. They usually earn about Rs 400 to Rs 3000 per month. The report discusses the support programmes provided to these children by the Brighter Futures Program, and presents the challenges, lessons learnt, best practices and recommendations.

75 Children Working in Mining Industry

World Education, Brighter Futures Program. In *Child Labor Status Report 2009*. Kathmandu: World Education. 2009.

This report presents the status of children involved in mining, which has been categorised under ‘worst forms for child labour’ by the ILO. It illustrates the increasing use of child labour in the mining sector. A 1999 survey conducted by the UNICEF and ILO found 115 children working in five coal mines in Dang and Rolpa. Due to the rapid expansion of the mining sector, both rock and sand, child labour in this industry has increased in the last ten years. According to Concern for Children and Environment – Nepal (CONCERN-Nepal), a Nepali NGO, only 30 per cent of the mines are registered with the government. The same study found that 10 per cent of children under the age of 10 years work in mines. The World Education’s programme identified and intervened in the lives of 2782 children working in the mining sector, and this status report is based on a study conducted amongst these children. The report highlights practices such as career counselling, business development, apprenticeship, outreach and flexible schooling, and parent-teacher association as some of the best mechanisms for combating child labour. Further, it also makes recommendations such as improved access to

social safety nets, micro-finance, school support, and active engagement of local governments. However, challenges such as high degree of migration into the cities, wide range of abilities of the children, irregular attendance in the formal, non-formal and vocational classes, and family poverty can undermine any efforts to combat worst forms of child labour.

76 Formal Education to Address Child Labor

World Education, Brighter Futures Program. In *Child Labor Strategies Report 2009*. Kathmandu: World Education. 2009.

The report documents the project activities, success stories, and lessons learnt from The Brighter Futures Program's formal education support component. The programme supports children from different sectors by providing scholarships, family support, and technical and other support to schools, government and parents. The best practices include: mobilisation of communities around education, formation of parent-teacher associations (PTAs), improved fiscal management, scaling up of best practices nationwide for greater impact, development of school improvement plans, and village and district education plans based on quality data. The report concludes that formal education aimed at preventing children from resorting to labour can prove as one of the best ways to end child labour.

77 Improved Family Livelihood to Address Child Labour

World Education, Brighter Futures Program. In *Child Labor Strategies Report 2009*. Kathmandu: World Education. 2009.

The report documents the project activities, success stories and lessons of the Brighter Futures Program's family livelihood support component. Recognising poverty as a major factor that compels children to engage in labour, the program provided livelihood support to the marginalised families across the country. It helps the families of child labourers develop sustainable community-owned financial services; increase the habit of saving to generate group capital funds; increase income-generation and livelihood capacities; gain access to business development services, including skills training, market information and linkages; increase food security; reduce the number of children working in the worst forms of child labour; and increase school attendance. The report

thus concludes that livelihood support for marginalised family is one of the best strategies to end child labour.

78 Non Formal Education to Address Child Labor

World Education, Brighter Futures Program. In *Child Labor Strategies Report 2009*. Kathmandu: World Education. 2009.

The report documents the activities, success stories and lessons of the Brighter Futures Program's non-formal education component. It reveals that many children from disadvantaged families are still out of school. World Education runs various non-formal education programmes geared towards linking out-of-school children with the formal education system, or towards providing them vocational education and life skills. The report concludes that this is one of the best strategies for ending child labour.

79 Vocational Education to Address Child Labor

World Education, Brighter Futures Program. In *Child Labor Strategies Report 2009*. Kathmandu: World Education. 2009.

The report documents the activities, success stories and lessons from the Brighter Futures Program's vocational education component which provided trainings in activities like house-wiring, motorcycle repair, computer training, tailoring, candle making, wood carving, house painting, plumbing, cookery and carpentry to 247 youths. The report asserts that some sort of vocational training is the best option for children who have been working part-time either to supplement their family income or to sustain their education. Further, the report also points out that when relevant practical skills are blended with business literacy, economic education, and access to finance and resources, individuals can lead economically independent lives and no longer have to work in hazardous conditions.

III. MIGRANT LABOUR

Labour migration entails migration of individuals in search of work. Migration in Nepal has a long history. An example, frequently cited in migration literature, is the early nineteenth century migration of Nepalis to join the army of the Sikh ruler Ranjit Singh in Punjab, northern India. Recently, the state's adoption of liberal market policies after 1990, and the social and economic problems caused by the Maoist war after 1996 have led to an increased number of Nepalis migrating to foreign countries, or to the urban centres in the country for work. Countries in the Gulf region and Malaysia, in particular, began importing cheap, unskilled and semi-skilled labour from Nepal. Soon the country's failing economy was propped up to a great extent by the remittances sent by these workers. Organisations such as the World Bank believe that remittances account for about 23 per cent of Nepal's GDP, the largest proportion in South Asia.

However, the issue of migration has always been a contentious one. For instance, in relation to gender, most sources recount the ban on migration of women for foreign employment, imposed by the government in 1998 following the death of a Nepali migrant woman in the Gulf. After widespread advocacy and pressure from various organisations, the government partially lifted the ban, allowing women to seek foreign employment in certain organised sectors. It was only in December, 2010, that the ban was completely removed and women were given equal employment opportunities, in accordance with the 2007 Foreign Employment Act.

The literature on Nepali migration also highlights the trafficking of men and women to third countries via India. In general, while migrant workers are typically abused and forced to work longer shifts in hazardous conditions, those trafficked face even higher risks of abuse.

Studies conducted by UNIFEM, ActionAid, Anti-Slavery International, and GEFONT, among others have revealed this darker side of labour migration while also attempting to raise awareness among labour migrants on safe migration and migrants' rights in the destination countries. The literature reviewed in this section only considers those that focus on the exploitative nature of labour migration.

1 Migration between Nepal and India, Security and Livelihood Concerns

Adhikari, Jagannath and Ganesh Gurung. Kathmandu: Nepal Institute of Development Studies. 2009.

This study provides comprehensive information on mobility between Nepal and India. It sheds light on the history of migration, the dimensions and magnitude of current migration, remittances and conflict-induced migration, among others. Centred on the theory of human security, this report states that migration of Nepalis for employment in India is primarily a survival strategy. The 'securitisation policies' of both countries are also discussed along with their effects on migrants. For the Nepalis in India, harassments by authorities, ethnic cleavages, foreigner status and rights and criminalisation are some issues resulting from these policies, while issues of citizenship, property rights and work permits have been more prominent for Indian migrants in Nepal. The report simultaneously looks at how migration has affected livelihoods back in the villages and examines economic leverage as an outcome of this phenomenon.

2 Nepali Women and Foreign Labour Migration

Adhikari, Jagannath, Ganesh Gurung, Chandra Bhadra, David Seddon, Badri P. Niroula, Pravina Gurung and Kamana Gurung. Kathmandu: United Nations Development Fund for Women and Nepal Institute of Development Studies. 2006.

The research aims to understand migration of women for foreign employment, the areas of concern and the legal framework that exists nationally, regionally and internationally to support this phenomenon. The findings are based on data on female migrant workers gathered through national-level surveys, such as the census, National Living Standard Survey and data from the Department of Labour and Employment Promotion (DoLEP), Nepali embassies and associations abroad. Moreover, it also includes questionnaire survey of 86 female returnees in Kathmandu, Pokhara and Dharan as well as focus group discussions with migrants, NGOs, police, policy makers and program implementers. The analysis is followed by recommendations on policies and laws related to labour migration and human rights.

Drawing on secondary sources, the report mentions that in 2006,

78,308 Nepali migrants employed in 65 countries are women. The increase in the elderly population and the need for cheap labour in newly industrialised countries are the main factors that draw many Nepali women to foreign employment, mostly to domestic work in the Gulf countries. In general, women decide to migrate on their own, and their families and social networks support them in the process. In the destination countries, women face many problems, such as language barrier, low income and inadequate leave. The study shows they save approximately 60 per cent of their income, a large portion of which is remitted for household investments, education of children and loan repayments, thus improving the livelihoods of their families. In terms of policy initiatives, the study recommends Nepal government to protect the rights of migrants, their right to employment, and to uphold the provisions against discrimination.

3 Foreign Labour Migration, Remittance and Development: A Case of Nepal.

Adhikari, Jagannath. A presentation given at the International Conference on Migration, Remittances and Development Nexus in South Asia. Institute of Policy Studies of Sri Lanka and Friedrich Ebert Stiftung, 4-5 May, Colombo. 2009.

This presentation focuses on foreign labour employment of Nepalis. It starts with an overview of Nepal's economy, highlights the problem of unemployment caused by a fragile economy, and explains that Nepal has sought international markets for labour opportunities. The presentation discusses the literature and research on foreign employment and notes that empirical findings have greatly varied across the board. It clarifies how remittances have become key sources of household economy and the main factor behind the overall reduction of poverty. Some critical issues connected to labour migration such as the unsustainability of remittances, unproductive capital investments, low income of migrants, violation of human rights, family breakdowns and health-related insecurities are also discussed. The paper goes on to suggest ways to make foreign labour migration safer and more productive, both at the local and international levels.

4 The 'Dream-Trap': Brokering, 'Study Abroad' and Nurse Migration from Nepal to the UK

Adhikari, Radha. *European Bulletin of Himalayan Research*. 35-36, pp. 122-138. 2009-10.

This article examines the relationship between growing institutional structures and the migration of trained healthcare professionals, nurses in this case, from Nepal to the UK. Through case studies, the author reveals how most, if not all, of those who migrated to the UK have experienced a number of problems after being deceived by educational consultancies or brokers, leaving them far from achieving their professional aspirations. The article sheds light on the long and difficult process of obtaining employment and immigration status, and shows how migration to the UK, with its stringent immigration policies, has become a 'dream trap' for many aspiring Nepali nurses.

5 Trapped: The Exploitation of Migrant Workers in Malaysia

Amnesty International. London: Amnesty International. 2010.
www.amnesty.org/en/library/asset/ASA28/002/2010/en/114eba25-6af5-4975-9ea3-02c22f6bdc5a/asa280022010en.pdf

The study presents the situation of migrant workers in Malaysia, their working conditions and the degree of exploitation they generally face. Its findings are based on interviews with documented and undocumented migrant workers, government officials and diplomats; and observation at detention centres in Malaysia. The report criticises Malaysia's labour laws of being abusive, and cites many instances in which employers have confiscated workers' passports and gotten away with it. It also points out that labour and immigration laws in Malaysia do not cover domestic work; the agents are not regulated; and the prosecutors target the victims rather than the abusers. Furthermore, the abusive conditions of women migrant workers remain invisible within households; illegal migrants are fined, imprisoned and sometimes caned; and some are abused by law enforcement officials for monetary profits. Many documented and undocumented migrant workers endure exploitative situations since returning home is not an easy option for them.

6 Globalisation and Its Links to Migration and Trafficking: The Crisis in India, Nepal and Bangladesh

Banerjee, Upala Devi. *Canadian Women Studies*. 24:3-4, Spring/Summer, pp. 124-130. 2003.

This article assesses the impact of globalisation on migration and the risks of being trafficked. It argues that globalisation, with its economic policies and trade liberalisation, has disintegrated rural communities and affected their livelihoods, forcing individual or communities to move across geographic regions for alternatives. The paper explores how South Asian countries, in particular India, Nepal and Bangladesh, experience the rise of human trafficking amid complex changes brought about by globalisation. It argues that the traditional system of agriculture-based subsistence is declining and people are seeking new prospects of livelihoods. Driven by aspirations for better opportunities, people migrate to various places, and some get trafficked in the process. The paper warns that the effects of globalisation on migration and trafficking are likely to continue, and makes recommendations such as addressing gender equality, economic empowerment of women, collaborative border vigilance, promoting legal migration, and decriminalising women's migration.

7 Working Beyond Borders: Push of Poverty on Migrant Women in Nepal

Bhadra, Chandra. *Pakistan Journal of Women's Studies: Alam-e-Niswan*. 16:1/2, pp. 225-233. 2009.

This article focuses on Nepali women migrant workers and the impact of their remittances on poverty reduction. Feminisation of poverty is identified as the main cause of work-related migration of women beyond borders. Another argument presented here is the situation of 'double-jeopardy' of Nepali women. On one hand, the state restricts their options for employment, and on the other, they are denied legal protection in the destination countries. The author shows how despite these barriers women migrate and contribute significantly to both the economy and poverty reduction of their households. The remittances are used mostly for education, basic household supplies, health care, investment, savings and repayment of loans. Bhadra elaborates that despite their contribution to poverty reduction, women however, are

not recognised as economic contributors in Nepal because most of them migrate irregularly and many are undocumented.

8 International Labour Migration of Nepalese Women: The Impact of their Remittances on Poverty Reduction

Bhadra, Chandra. Working Paper Series 44, Asia-Pacific Research and Training Network on Trade. 2007.

The paper builds on studies that identify remittance as the major factor behind poverty reduction. The findings are based on a survey of female migrants conducted with the support of Pourakhi, a women migrant workers' organisation. The growth of Nepali female labour migration, which began with the demand for care services, is linked with the concept of 'feminisation of poverty'. The paper thus emphasises poverty as the main factor that pushes women out of their domestic spheres. The study of women returnees and household members reveals that remittances sent home have been positively contributing to household livelihoods which are mainly utilised for basic consumption, expenses, investments and most importantly for children's education. These remittances contribute to poverty reduction, capital formation and reduction in violence against women. The paper highlights violence and discrimination at workplace and separation from family as the price women migrants pay for economic security, and goes on to make due recommendations for policy reform.

9 Migration of Nepalese Youth for Foreign Employment: Problems and Prospects

Bhattarai, Prakash. Kathmandu: Youth Action Nepal. 2005.

This paper reviews literature, government policies and international instruments on foreign labour migration in the context of Nepal. Through review and intensive interviews, it highlights the challenges migrants face at both origin and destinations. Migrants are mostly exploited in three ways: manpower agencies at home, manpower agencies in receiving countries, and exploitation at workplace. Findings draw attention to ineffective state policies and programs geared towards international migrants, although positive initiatives have also been highlighted.

10 Open Borders, Closed Citizenships: Nepali Migrant Laborers in Delhi, India

Bhattraï, Raju. The Hague: Institute of Social Studies. 2007.

Drawing on a study conducted by the Asia Study Centre on labour migrants in India from 2003 to 2006, the paper describes the processes of integration of Nepali migrants into the Indian socio-economic life, and highlights their subjugation under the Indian legal regime. Against the background of the 1950 Peace and Friendship Treaty that declared open border policy permitting citizens to work and travel freely, the article sheds light on the slim prospects of Nepali workers gaining economic and political leverage in India. It presents the history and statistics of Nepali workers in India, and identifies two separate classes of migrants: the non-citizens without rights, and those with dual citizenship enjoying equal rights as their Indian counterparts. Despite the provisions in the Treaty, Nepali workers in India, who mostly work as watchmen, do not enjoy their rights. These workers are generally seen as docile people who provide cheap labour to strengthen the so-called liberal economy of the Indian state. The paper emphasises that these workers remain deprived of basic labour and political rights, and goes on to question the liberalist changes brought about by globalisation.

11 Who's In a Labour Camp? A Socio-Economic Analysis of Nepalese Migrants in Qatar

Bruslé, Tristan. *European Bulletin of Himalayan Research*. 35-36, pp. 154-170. 2009-10.

This article attempts to understand Nepali labour migration to the Gulf region, with a focus on migrants in Qatar. The findings are based on case studies, survey and interviews with 203 Nepali male workers. It examines the socio-economic conditions of Nepali migrants at a labour camp in Qatar, the Al Mihinat camp. Living standards in the Al Mihinat camp are found to be satisfactory in terms of living spaces, sleeping quarters, toilets, dining halls and recreational centres. Young males in the camp are aged between 24 and 44 years; literacy rate is higher than the national average; and most belong to the higher castes. The profiles of migrants in the camp lead the author to question whether the poor and illiterate migrate and to believe that migration to foreign countries is largely an outcome of social networks facilitating the process.

12 The Nepali-Qatari Migrant World

Bruslé, Tristan. *Himal Southasian*. 21:5, May. 2008.

As of February, 2008, there were 266,000 Nepali men working in the cities of Qatar, and with about 100,000 more migrant workers to join them in 2009, the Nepali community is becoming the country's largest expatriate community. In this context, this article deals with the migration of labourers from Nepal to Qatar, an increasingly popular destination. After withstanding the ordeals of dealing with *dalals* (employment agents) and agencies, the migrants land up in Qatar only to work menial jobs and live in poor conditions in work camps. The sponsorship system, under which the employer is responsible for, or rather, is allowed to control the worker, restricts their freedom. The article questions whether the hardship faced by 300,000 Nepali men in Qatar is worth the remittances that feed their families and keep the country's economy afloat.

13 Analysis of Laws and Policies on Labour Migration and Trafficking

Centre for Legal Research and Resource Development. Bhaktapur: CeLRRd. 2002.

The study examines national laws and policies on migration and trafficking in Nepal, identifies their flaws and provides necessary recommendations. It highlights the need to treat migration and trafficking separately in the legislation. It also discusses the situation of Nepali migrant workers and the issue of trafficking in Nepal. According to the report, some problems migrants face at destinations include: insufficient pay, exemption from benefits, lack of legal and state protection, trafficking, and sexual abuse. To address these issues, the government has recently established a Labour Desk, appointed a labour attaché and opened an embassy in Qatar, and has taken legal action against fraud manpower agencies. In addition, the report mentions that there are also several national instruments aimed at combating the issue, such as the Muluki Ain, Trafficking in Human Beings Act, the National Policy to Combat Trafficking and Sexual Exploitation of Women and Children, and the National Plan of Action for Combating Trafficking in Women and Children for Commercial Sexual Exploitation, but that most of these instruments fail to address other forms of exploitation besides sex trafficking. Further, the Foreign Employment Act and the Labour Act are

regulatory laws but do not fully recognise the protection of the rights of the migrants. Similarly, neither Nepal nor the Gulf countries have ratified the ILO and UN conventions on migration and protection of the rights of the migrants. As trafficking could be an outcome of unsafe migration, the study recommends the government to focus on safe migration rather than on controlling migration.

14 Nepali Migration to India

Datta, Pranati. Paper presented at the Regional Population Conference, South East Asia's Population in a Changing Asian Context, organised by International Union for the Scientific Study of Population, Bangkok, Thailand. 2002.

Using census data from India and Nepal, this paper discusses Nepali migrants in India including their volume, demographics, spatial variation, growth trends and migration cohorts. It also attempts to extrapolate recent rates of departure and return. Census data suggest that 32 per cent of Nepali migrants have left India; however, it is uncertain whether they are returning to Nepal or migrating to other countries. The migration cohort analysis points to three types of migration to India namely, temporary, semi-permanent and permanent. New migration and annual rates of migration calculated in the study help understand the underlying trends of migration, indicating both slow trends and smaller scales.

15 Nepali Female Migration and Trafficking

Dutta, Pranati. *Journal of Social Science*. 11:1, pp. 49-56. 2005.

The paper focuses on documented and undocumented Nepali female migrants in the West Bengal region of India. It cites reports that suggest 100,000-200,000 undocumented Nepali women and girls are working in the sex industry in India, and most of them are in the West Bengal region. Based on these figures, the gradually increasing trend of sex work among undocumented migrants and the declining number of documented migrants are noted, thus illustrating the shifting dimension of migration of females from Nepal to India. The study also analyses the push and pull factors, and recommends measures to reduce exploitation and strengthen human rights. Gender discrimination, lack of education, lack of empowerment, poverty and lack of income sources increase

women's vulnerability to trafficking, forcing them to flee their homes, while the open-border policy, scope of working in tea gardens, and good working and climatic conditions constitute the pull factors. To lessen the impacts of globalisation on illegal trade and exploitation, the article argues that measures should be targeted at reducing the vulnerability of female migrant workers, and one way to achieve this could be to set up programmes that focus on poverty reduction, gender discrimination and women empowerment, especially through access to economic resources.

16 An In-Depth Study on the Realities and Concerns of Nepalese Domestic Workers in Hong Kong

Far East Overseas Nepalese Association, Union of Nepalese Domestic Workers, Coalition for Migrants Rights, and Asian Migration Centre. Hong Kong: Far East Overseas Nepalese Association, Union of Nepalese Domestic Workers, Coalition for Migrants Rights, and Asian Migration Centre. 2009.
www.migration-unifem-apas.org/docs/Realities_and_Concerns_of_Nepalese_Domestic_workers_in_HK_SAR.pdf

This article sheds light on the working conditions of Nepali domestic workers in Hong Kong Special Administrative Region (SAR). Based on a migrant-centred survey conducted in Hong Kong, it analyses the issues of domestic migrant workers before and after departure, including employment channels, recruitment fees and processes, instances of abuse; migrants' interactions within migrant groups; their personal development; their contribution to the receiving country and government responses. Some facts disclosed include: incomplete information about job contracts and work conditions (also common among migrants who had been there for a long time); under-skilled workforce; over-worked but underpaid status; and low level of physical abuse although verbal abuses are common. The article also points out that the ban on migrant workers imposed by the Hong Kong government in 2005 has adversely affected their living and working conditions, and consequently affected their families' livelihoods in Nepal. Further, the inadequate knowledge about labour policies amongst the Nepali domestic workers is a result of their limited involvement with social organisations and the governments, which suggests the dire need for institutions to actively engage with migrants and host countries in order to strengthen migrants' capacities and empower them.

17 Seasonal Labour Migration in Rural Nepal: A Preliminary Overview

Gill, Gerard. Overseas Development Institute Working Paper No 218. London: Overseas Development Institute. 2003.

Seasonal migration in Nepal results from both push (high levels of poverty and food insecurity) and pull factors (seasonal employment opportunities elsewhere). The survey shows complex patterns of human mobility, with flows mainly from higher to lower altitudes and to better developed areas both in Nepal and India. The paper highlights important differences in wages, such as wage rates significantly higher in India than in Nepal; non-agricultural wage higher than that in agriculture; and wage rates for recent flows higher than the traditional ones. The author also observes that with the rise of the Maoist insurgency, the longstanding trend of seasonal migration is changing to long-term migration. At a micro-level, seasonal migration is the main source of livelihood for the poorest of the poor families in the Hill and Mountain villages. However, in the Tarai, the author observes seasonal migration to be an important source of family income and not just a means of survival.

18 Towards Transnational Labour Citizenship: Restructuring Labour Migration to Reinforce Worker' Rights

Gordon, Jennifer. New York: Fordham Law School. 2009.

The author stresses the need to reconfigure global labour migration, and proposes Transnational Labour Citizenship as a means of shifting power and control from the hands of employers and recruiters to the labourers. The paper analyses the present status of labour standards, the government and civil society efforts and migrants' role in the protection of workers' rights. It argues that this process will require building a global rights-based framework through migrant membership in worker organisations and unions. Several case studies show how governments have taken action to protect migrant rights and experiments of Transnational Labour Citizenship are emerging. The paper also cites the Nepali example to illustrate how interventions through trade unions can yield better provisions for migrant workers. More specifically, it presents how General Federation of Nepalese Trade Union (GEFONT) provides worker trainings and negotiates agreements between unions

of receiving and origin countries, and seeks to build partnerships for new agreements.

19 Labor Markets and Migration in Nepal: The Case of Workers in Kathmandu Valley Carpet Manufactories

Graner, Elvira. *Mountain Research and Development*. 21:3, May, pp. 253-259. 2001.

This paper shows the relationship between labour demand and migration. It describes how an unprecedented rise in the demand for carpets has led to increased migration of youths from across the country, mainly to Kathmandu. In addition, it reveals that many families engaged in carpet factories also use their children to increase output. The article also explains how after the demand for Nepali carpets decreased and many carpet factories closed down, the workers lost their bargaining power in terms of wage, living and working conditions, and other social benefits, causing them to migrate to Gulf countries.

20 Nepal: The Prospects and Problems of Foreign Labour Migration

Gurung, Ganesh and Jagannath Adhikari. In *Migrant Workers and Human Rights: Out-Migration from South Asia*, edited by Pong-Sul Ahn, pp. 100-130. New Delhi: International Labour Organisation. 2004.

This publication, which served as the basis for discussion at the 2004 International Labour Conference, sheds light on the trends, nature and scale of out-migration from five South Asian countries. The chapter on Nepal discusses the trend and magnitude of labour migration and the legal framework that governs it; the contribution of remittances; and problems related to human rights violations of migrant workers. The authors stress that violation of human and labour rights among Nepali migrants often get brushed off in the absence of stronger policies and agreements between sending and receiving countries. A weak regulation of recruitment agencies in the home country is a catalyst that invites several problems for migrant workers at home and destination countries. The study highlights the initiative undertaken by the General Federation of Nepalese Trade Union (GEFONT) to support migrant groups in destination countries by informing them about their rights

regarding wages and unionism, disseminating information on migrant issues, and forming networks with trade unions in the host countries. GEFONT's initiative indicates the potential of trade unions to aid policy formulation and to reduce the risks associated with labour migration.

21 Child Migration to Kathmandu Valley City: Family and Other Factors in Context and Process

Gurung, Yogendra B. Master's thesis submitted to the Institute of Social Sciences, The Hague. 1999.

This research, based on the analysis of secondary sources, describes the socio-economic conditions of child workers in Kathmandu, including the reasons for their migration and their work environments. It points out that 90 per cent of migrant child workers in Kathmandu are from rural areas and mostly males with a median age of 14 years. Some factors that drive children in the rural areas to the urban areas include extreme poverty, domestic violence, family dynamics and size, parents' suggestion to move, home environment, landlessness, and lack of education, infrastructure and development in their villages. More specifically, it points out that family system and socio-economic conditions act as push factors causing children to migrate. For example, the larger the family size, the more likely it is for a child from that family to migrate due to less resources and high degree of consumption. Conversely, in the well-off families, domestic violence from step-parents is one of the chief reasons for leaving home, particularly among older children (15+). On the demand side, urbanisation and the growing informal sectors in Nepal act as pull factors for migration of children.

22 The Movement of Women: Migration, Trafficking and Prostitution in the Context of Nepal's Armed Conflict

Hausner, Sondra L. Kathmandu: Save the Children USA. 2005.

This paper sheds light on the separate but inter-related issues of trafficking, migration and prostitution of women and girls in the context of conflict in Nepal. The paper is based on ethnographic field research conducted in the border towns namely, Kakarbhitta, Bhairahawa and Nepalgunj, and additional interviews conducted in destinations of women migrants in Kathmandu and India. Findings from the research indicate that while there is no evidence that conflict-induced migration

has led to increased trafficking, those who are migrating are at greater risk of being trafficked than those who are not. Conflict, however, did increase the number of women (all castes and ethnic groups) working as commercial sex workers in the border towns and Kathmandu. Further, although the decade-long conflict did increase migration to India, the number of women migrating was significantly lower than men, who mostly migrated with family members or relatives. The study recommends that safe migration approaches should be initiated alongside anti-trafficking programmes through advocacy, home community policing, education that fosters confidence and life skills among women, border patrolling, and law enforcement without infringing on women's right to movement.

23 Indo-Nepal Migration: Problems and Prospects

Kansakar, Vidya Bir Singh. *Contributions to Nepalese Studies*. 11:2, pp. 49-69. 1984.

This article recounts the history of migration between Nepal and India. It points out that, since the late eighteenth century, the nature of migration between the two countries has been more economic than political. In particular, following the Anglo-Nepal war (1814-15) and the recruitment of Nepalis in the British Indian Army, a large number of Nepalis have been migrating to India for economic opportunities. Having said that, the article also points to the political nature of migration between the two countries which has been affected by India-Nepal relations. More specifically, it argues that bilateral issues are sometimes dealt with unilateral approaches; there has been interference in policy matters, particularly with regards to Nepal's relations with China; and Nepalis in Sikkim and Darjeeling have faced restrictions on movement.

24 Migration and Employment in the Tea Estates of Nepal

Kansakar, Vidya Bir Singh. Kathmandu: Centre for Economic Development and Administration. 1985.

This study attempts to analyse the rise of the tea estates in Ilam and Jhapa and migration of labourers in this context. The paper briefly recounts how these estates were established and evolved after the government's 1964 land reform programme, and links the process to the migration of labourers, who were mostly from these two districts and

also from the surrounding areas in North Bengal, India. The paper then discusses the issues of migrant rights and political participation against their status as non-citizen workers, along with the opposing conditions of their voters' rights.

25 I am the Head of the Household Now: Gender Aspects of Out-Migration for Labour in Nepal

Kaspar, Heidi. Kathmandu: Nepal Institute of Development Studies. 2005.

This monograph considers the impact of the exclusive nature of male-migration on women staying back in the rural villages of Kalabang, with a particular emphasis on the gendered dimensions of labour division and decision-making. It shows how the absence of males and household head transforms gender dynamics. Grounded in the theories of gender disparities, arrangements and cooperative conflicts, this study shows, through interviews and group discussions, that while women's workload increases due to male out-migration, their participation in financial and community-level decision-making increases, even if temporarily. The author ends with the note that these transformations, however temporary, will help empower women in Nepal.

26 Labour Migration for Development in the Western Hindu Kush-Himalayas: Understanding a Livelihood Strategy in the Context of Socioeconomic and Environment Change

Kollmair, Michael, Brigitte Hoermann and Soumyadeep Banerjee. Kathmandu: International Centre for Integrated Mountain Development. 2011.

According to the authors, the majority of labour migrants in the western Hindu-Kush Himalayas (HKH) are male, unmarried, young, low skilled and hold low paid jobs. Also, female migration is low not only because of the stigma attached to human trafficking, but also due to conservative social norms and lack of education and exposure. However, there is little analysis on the impact of migration. To address this issue, the International Centre for International Mountain Development (ICIMOD) carried out a case study in India, Nepal, and Pakistan. The study looks at migration in general and the flow of remittances in particular, at different sites. Information was collected on the type, volume, and mode

of transfer of remittances, the impact of remittances in terms of financial flows and the transfer of new skills, perceptions on poverty and development, and gender aspects. The paper identifies factors that have prevented labour migration from aiding poverty alleviation and development in the region, and makes due recommendations.

27 Migration of Nepalese Women to Gulf Countries: Exploitation and Implications to Health

Maiti Nepal. Kathmandu: Maiti Nepal. 2009.

The report brings to light the exploitative working conditions of female migrant workers in the Gulf countries, the nature of their work and the lack of legal support systems. This study is based on secondary sources, mainly media reports, case histories and experiences of returnee migrants. Irregular channels of migration and assistance through agents have dominated the recent migratory trend among female migrants in Nepal. A bulk of the female workforce can be defined as 'unskilled', and they do not have detailed information about their migration, destinations and jobs. By illustrating the degree of exploitation endured by Nepali female migrants and its damaging consequences on their health, the report shows how their basic human rights have been violated.

28 Migration, Insecurity and Identity: The Nepali Dairymen in India's Northeast

Nath, Lopita. *Asian Ethnicity*. 7:2, pp. 129-148. 2006.

This article focuses on the dimensions of Nepali migration to northeast India and how Nepali migrants emerged as a distinctive economic group both within the Nepali and the host community. The article recounts the migration history of dairy herders and graziers which followed the migratory patterns of the Gurkha soldiers. This group, also known as the Gwalal, started by selling milk, milk produce and draught animals, and were eventually allowed to occupy vast wastelands and jungle plains. The article then looks at issues of insecurity and a search for identity among the Nepali dairymen in Assam, as problems of encroachment, exploitation of natural environment and anti-foreigner agitations in the northeast started threatening their livelihoods. Nepali migrants, who lost legal rights and were caught in violence and insecurity, were forced to establish their identity, rights and privileges as Indian Nepalis.

29 Migration and Spread of HIV/AIDS: A View from Medical Geography.

Nepal, Pashupati. *Contributions to Nepalese Studies*. 29:2, July, pp. 311-324. 2002.

This paper presents the patterns and trends of HIV and AIDS and migration amongst Nepalis within a global context. It evaluates the prevalence of HIV, most affected groups and patterns of diffusion among populations (utilising the paradigm of geography of the infection) to show the relationship between migration and the spread of HIV. The paper argues that mobile populations such as migrant workers are not the problem; it is the realities within the migration process that increase their vulnerability to HIV and AIDS. 'HIV thrives on mobile populations,' says the article, 'not just because it has human carriers but also because human populations are often in situations that make them more vulnerable to HIV.' The article speculates that HIV transmission in Nepal could be a spatial diffusion, occurring mainly through sexual transmission. Examples include HIV infected girls returning to Nepal from India and continuing sex work; migrant labourers who stop at Badi establishments where prostitution traditionally has been high; temporary and seasonal migration of rural youths who are likely to engage in high-risk behaviour; migrant women in Kathmandu working in garment factories or hotels and partly engaged in sex work for income; transport workers who constantly travel along major highways patronising sex workers; Nepali traders venturing to cities with high rates of prostitution such as Bangkok; refugees entering Nepal from Bhutan; and the incoming tourists from various western countries.

30 Nepalese Migrants in Delhi

Neupane, Govinda. Kathmandu: Centre for Development Studies. 2005.

This paper discusses the complexities of Nepali migration to India including the scale and reasons for migration, political participation, migrant organisations and the experiences of migrants working in Indian cities and towns. The author's field research findings challenge the major assumptions about Nepali migrants in India namely, that all migrating to India are from the lowest economic classes; all jobs obtained in India involve low paid labour; and economic stress is the sole driving

force behind migration. Findings from the study also refute the popular notion of rural Hill villages emptying as a result of the Maoist conflict, as the most affected regions have the least number of outgoing migrants. Instead, structural factors, family traditions, youth romanticism, deception, social attitudes and security concerns emerge as the main factors propelling migration to India.

31 Nepal Migration Year Book 2008

Nepal Institute of Development Studies. Kathmandu: Nepal Institute of Development Studies. 2008.

This book provides data on migration from Nepal with a focus on labour migrants. It relies on secondary data from published and unpublished sources and government departments such as the Department of Foreign Employment. The yearbook provides information and statistics on the trends of migration, national laws, regulations, plans of action, and governmental and non-governmental efforts to improve the livelihoods of migrants and their protection in foreign countries. The book also includes chapters and data on trafficking, student migrants, conflict-affected internally displaced persons (IDPs) and refugee population in Nepal and their current situations. Data on Nepali diaspora are also included towards the end of the book. Findings from the study indicate that the Middle East has been the primary destination for Nepali workers (206,572 workers hosted in 2008), followed by East Asia (53,739 workers). Similarly, it is estimated that about 5000-7000 women and girls are trafficked from Nepal every year and there are about 200,000 Nepali females currently working as sex workers in India. Likewise, according to the 2007/08 data from the Ministry of Education, 21,035 students went abroad to study. It is believed that about 50,000-70,000 people were internally displaced during the decade-long war and there are about 107,000 Bhutanese, 12,540 Tibetan and 72 Somali refugees in Nepal. This report covers all major types of human mobility (both voluntary and forced as well as in and out-migration). It exposes the fact that a majority of migrant workers going abroad do not return and is an important issue that needs to be addressed.

32 Migration Year Book 2009

Nepal Institute of Development Studies. Kathmandu: Nepal Institute of Development Studies. 2010.

As in its previous years, the Migration Year Book of 2009 provides statistics and analysis of various forms of migration. It includes in-depth information on irregular migration and complaints against fraudulence in the context of Nepal. This yearbook, based on secondary sources, discusses various aspects of voluntary migration for work such as new internal destinations, student migration, cross-border migration to and from India, impacts of global financial crisis on remittances and gender-related issues. The issue of changing labour markets and destinations with highest number of migrants are discussed, and emphasis is laid on safe migration through ratifications of UN conventions. Furthermore, internally displaced persons and the Nepali diaspora are also discussed, providing a more inclusive overview of migration in the context of Nepal. However, a gap in this publication, as in the previous one, is the absence of data on returnee migrants.

33 'Selling Girls in Kuwait': Domestic Labour Migration and Trafficking Discourse in Nepal

O'Neill, Tom. *Anthropologica*. 43:2, pp. 153-164. 2001.

This paper is based on media reports; interview with 15 Tamang girls, some families from Sindhupalchok, and staff of Maiti Nepal, a rescue and rehabilitation centre in Nepal; and field visit to Helambu. The author provides background information on domestic work and female migration in Sindhupalchok district. The report uncovers how the media and NGOs have contributed in conflating female migration with trafficking and prostitution and reinforced the conceptual understanding of trafficking as an immoral act. The article borrows from a number of media reports, especially the ones that highlight the 'rescue' of 15 girls 'sold' in Kuwait. It points out that the media, attaching words like 'rescue', 'sold', 'immoral', 'trafficked', and 'sale', to trafficked women, increases their stigmatisation and make them more vulnerable to violence when they return home. Further, it explains how the discourse on female trafficking ignores the community's decision of collective migration, and how such omission results in policies that work against women, such as restriction of young women from the international labour markets.

34 Employment, Working Conditions and Mode of Living: The Case of Nepali Watchmen In Bombay

Paudel, Phanindreshwar. *Occasional Papers in Sociology and Anthropology*. 2, pp. 59-66. 1990.

Based on a primary study of 58 watchmen working in public, private and commercial settings of Bombay, the author attempts to examine the living and working conditions of migrants in relation to their prior experiences and backgrounds. Findings from the study indicate that these migrants who are currently working as watchmen are originally from the far-western Hills of Nepal, and are poor, semi-literate, young and inexperienced in off-farm economic activities. Watchmen constantly change their workplaces because of limited job security, lower pay-scales and lack of commitment on their part. However, these insecurities vary across sectors, as illustrated by the comparative description of work security, wages, housing facilities and benefits in the public institutions (highest), industrial sector and private sector (lowest). The study concludes that educational attainment or prior work experience is irrelevant in terms of securing jobs as watchmen and the job provides the least opportunity for economic mobility.

35 Addressing Vulnerabilities of Women Migrant Workers to HIV and AIDS

Pourakhi – Nepal. Kathmandu: Pourakhi – Nepal. 2009.

This report seeks to identify the factors that increase the risk of HIV and AIDS among female migrant workers and recommends strategies to address them. It is based on a review of literature on safe migration and HIV; review of laws and policies; survey of 60 returnee female migrants; three focus group discussions; and 15 interviews with key stakeholders. Illiteracy, lack of formal education and lack of access to information among Nepali women have been identified as the main causes for their vulnerability. The issue of HIV and AIDS among female migrant workers stems from national estimates that indicate a higher prevalence of HIV and AIDS among labour migrants (46 per cent) and sex workers (20 per cent). While the government has made pre-departure orientation mandatory, most returnees reported (68 per cent) not attending these programmes that touch briefly on the issue of HIV/AIDS. The report criticises the apathy of policy makers; non-implementation of

international commitments; lack of data on women migrant workers; inadequate pre-departure orientation training; and discrimination on the grounds of pregnancy or HIV status, among others. Finally, it makes recommendations for effective implementation of laws and policies, implementation of international commitments, ratification of migrant convention, awareness-raising on safe migration and HIV and AIDS, and protection of migrant workers including their right to information and health-related issues.

36 Foreign Labour Migration and the Remittance Economy of Nepal

Seddon, David, Ganesh Gurung and Jagannath Adhikari. *Himalayan Research Bulletin*. 18:2, pp. 3-10. 1998.

This preliminary report highlights the significance of remittance in Nepal's economy and examines the pattern of access to foreign employment, which has been rapidly growing since the 1970s. The report points out that since the 1970s, remittances doubled in 1980-81 and tripled in 1990-91, recorded at Rs 2.9 billion, a figure that the authors say is still 'grossly underestimated'. Considering the volume of migrants, average wages and remittances per month, the remittance at the time of the research is estimated to be about Rs 35 billion or even possibly Rs 69 billion taking into account the millions of illegal workers and unofficial means of remitting. Unfortunately, this significant source of foreign exchange earnings is overshadowed by economic development programmes of various development agencies and is poorly understood within the national, regional and local economic contexts. The authors conclude that the unequal access to employment opportunities and inadequate returns provided to migrant workers reflect the inequalities of Nepali society and economy.

37 The New Lahures: Foreign Employment and Remittance Economy in Nepal

Seddon, David, Jagannath Adhikari and Ganesh Gurung.
Kathmandu: Nepal Institute of Development Studies. 2001.

This book seeks to illustrate the gravity of foreign labour migration and more importantly, the remittance economy and its significance at the household, regional and national levels. Multiple findings are high-

lighted with equally important policy implications. The authors state that these aspects are seen to be given little attention by academics, civil society and government, thus resulting in poor documentation and knowledge. Remittance economy is considered the biggest non-farm economy of rural households. The authors suggest that remittances amount to several times the value quoted in official records (for the year 1997), and believe it to be anywhere between 13-25 per cent of the GDP. The report sheds light on the scale of foreign migrants; organisation of migration; micro-level impacts of remittances with case studies of villages in the Hills and Tarai; and policy implications. By exploring an under researched topic and identifying gaps, this book based on action research opens avenues for further research.

38 Nepal's Dependence on Exporting Labor

Seddon, David. Migration Information Source, Migration Policy Institute. 2005.

www.migrationinformation.org/USfocus/display.cfm?ID=277

In this brief article, the author discusses the history and current trends of migration, and argues that development strategies in Nepal are insufficient and ineffective in terms of human resource development, training, education and manpower planning. These insufficiencies have resulted in large-scale unemployment and underemployment. As a result, people are forced to seek alternatives to the agricultural and service-based economy in Nepal and seek foreign employment to improve their impoverished livelihoods. By utilizing data from secondary sources, the author discusses the emergence of foreign labour migration as a private enterprise, the old South Asian destinations created through historical connections such as those of the Gurkhas and finally, the new destinations for Nepalis in the Gulf.

39 Labor Migration Issues and Challenges in Nepali Context

Sharma, Dinesh Raj. Paper presented at the International Conference on Challenges of Governance in South Asia, Kathmandu, Nepal. 2008.

The paper looks at the trends of migration in terms of destination countries, gender dimensions, contribution of remittance to the national economy, protection of migrants' rights and government policies.

Issues that have been identified as challenges include: untrained manpower; ineffective bilateral agreements and government policies; lack of consideration for safer destinations; absence of evaluation on the use of remittances; contribution of female labour migrants to the economies; and absence of documentation or follow-up on cases of exploitation and registration of claims. The paper recommends the government to make manpower supply scheme open and transparent to ensure safe migration.

40 Practices of Male Labour Migration from the Hills of Nepal to India in Development Discourses: Which Pathology?

Sharma, Jeevan Raj. *Gender, Technology and Development*. 12:3, pp. 303-323. 2008.

The article recognises ethnography as a valuable tool for revealing the socio-cultural dimensions of labour migration, and criticises the development discourse that treats mobility as an undesirable economic choice in an attempt to 'pathologise' migration. It argues that development theories that focus on demographic aspects have failed to understand migration as a socio-cultural process and its significance in people's livelihoods. Through ethnographic research, the article presents the social, economic and gendered meanings of migration from the perspectives of male migrants in India, who see migration as everything but a problem in itself. For these male migrants, migration is a means of sustaining livelihoods, exploring new places and opportunities, demonstrating manhood, providing economic support, escaping the struggles of rural life as well as participating in modern consumer culture.

41 Towards a 'Great Transformation'?: The Maoist Insurgency and Local Perceptions of Social Transformation in Nepal

Sharma, Jeevan Raj and Antonio Donini. Boston: Tufts University. 2010.

This work aims to understand the nature of transformation taking place in the rural areas and the role of external actors in the process of change. It argues that Nepal is in a state of 'interregnum', where transformation is more symbolic than structural. The previous practice of labour migration to Indian cities has become less important in comparison to labour migration to Gulf countries and remittance has become a major source

of income. It also emphasises the increasing gap between migrants' aspirations and reality, and identifies migration as a major force in bringing about changes.

42 Labour Migration and Remittances in Nepal

Sherpa, Dechenla. Kathmandu: International Centre for Integrated Mountain Development. 2010.

Development efforts pay little attention to the challenges faced by mountain societies in reaping the benefits of labour migration. Taking this gap into account, International Centre for Integrated Mountain Development (ICIMOD) conducted three case studies in India, Pakistan and Nepal. This report presents the findings related to Nepal. It starts with an overview of the demography and development of the mountain regions, discusses aspects of labour migration and remittances, and finally presents the impact and recommendations for practitioners and government. The report sheds light on the causes and forms of migration, the socio-economic condition of migrants and their access to labour migration. Information about the possibilities of migration as well as remittances, which are largely used to support livelihoods in migrants' homes and communities, are mostly transferred through informal networks. The report suggests the need for further research in this area.

43 Impact of Development Efforts on Agricultural Wage Labour

Shivakoti, Ganesh P. and Bhola N. Pokharel. Rural Poverty Research Paper Series. Issue 1, Winrock International Institute, USA and Kathmandu, Nepal. 1986.

This research has sought to assess the contribution of development programmes in agricultural wage labour by examining development-induced growth in wages, job-market competition and labourers' access to goods and services. The site of study is Rampur in Chitwan district and study participants consist of Hill migrants, who provide insights into the economic reasons for their migration to the Tarai as agricultural wage labourers. Critical conclusions are drawn on the following: wage differentials between institutions and private firms; market competition among the migrants, villagers and Indian labourers; the rise of average wage rates; employment opportunities for wage labourers

provided by institutions and development programmes; and access to services and consumption patterns. The main recommendations include creating employment, development of skills, and standardisation of wages.

44 Foreign Employment and the Remittance Economy of Nepal

Shrestha, Bijaya. In *Nepalese Economy: Towards Building a Strong Economic Nation State*, edited by M.K. Dahal. Kathmandu: CEDECON and New Hira Books Enterprises. 2004.

Based on a literature review of foreign labour migration and remittances, the article presents a descriptive analysis of various sources of information. It suggests that figures and data provided by existing studies and official sources are neither consistent nor definitive. While the article points out that the impact of remittance on households is positive, it argues that the use of remittance has little significance at the macro-level because it is unsustainable in the long term. In addition, the study also discusses the social costs and economic benefits of foreign labour migration with particular emphasis on gender dimensions and its implications on female migration. The article points to the inadequacy of existing support mechanisms and makes policy recommendations for effective use of skilled returnees, institutional and individual capacity-building, remittance investments geared to poverty reduction and finally, promotion of migrants' health and safety.

45 Environment Security and Labor Migration in Nepal

Shrestha, Sundar S. and Prem B. Bhandari. Paper presented at the IUSSP's XXV International Population Conference, Tours, France. 2005.

This paper empirically analyses how changes in environmental security owing to declining access to forest resources has affected labour migration in Nepal. The findings are based on multinomial logistic regression models that utilise micro-level data from the Chitwan Valley of Nepal. The study argues that a household chooses to send its member(s) away for work if the utility offered by remittances is greater than the utility earned by not migrating due to environmental risks. The authors suggest that environmental insecurity triggers labour migration, where household production and consumption activities are closely related to

environmental resources. Labour requirements for household maintenance also affect the family members' decision to migrate.

46 India: Nepali Migrants in Need of Protection

Shukla, Kavita and Michelle Brown. Washington: Refugees International. 2005.

The paper briefly introduces the context of India-Nepal relations and states that Nepalis have benefited from this relationship in situations where Nepal has been unstable and insecure. The paper revisits the 1950 Peace and Friendship Treaty, and claims that not only have Nepalis found Indian territories to be a safe haven for work and income, but have also looked towards their neighbour during the long-standing internal conflict. Although the article mentions various positive changes in the lives of migrants in India, it also argues that Nepali workers, especially *chowkidaars* (watchmen), cannot fully exercise their legal rights. Similarly, the limited association of women in organised labour groups has adversely affected the protection of their rights. The paper highlights the good practices of Nepali service organisations in Delhi, and provides recommendations for raising awareness among the Nepali labour community and formally registering Nepali workers.

47 The Impact of Labor Migration and Remittances on Household Income and Welfare in Nepal

Subedi, Mahesh Kumar. Paper Presented at the Pacific Conference for Development Studies, San Francisco State University. 2009.

This paper, based on the National Living Standards Survey 2003-04 data, examines Nepali households that receive remittances and illustrates its impact on household income distribution and social welfare. The author cites the survey indicating that while most rural households receive remittances from internal sources and India, urban households receive remittances from internal sources and third countries. Thus, higher amount of remittances are disproportionately concentrated in rich-urban households. Furthermore, while remittances from India act as an equaliser and improve the household's living standard by increasing income and reducing inequality, remittances from other countries have reverse effects. However, the paper argues that aggregate remittances have a stable impact on overall income inequality.

48 Addressing the Needs of Nepalese Migrant Workers in Nepal and in Delhi, India

Thieme, Susan, Raju Bhattra, Ganesh Gurung, Michael Kollmair, Siddhi Manandhar and Ulrike Müller-Böker. *Mountain Research and Development*. 25:2, pp. 109-114. 2005.

The paper examines two projects: a nationwide radio programme broadcast from Kathmandu and a community outreach project, launched by Delhi-based South Asia Study Centre (SASC), that address migrant related issues. As mentioned in the paper, the radio programme 'Paurakhi', broadcast by an association of Nepali migrant women workers in collaboration with Nepal Institute for Development Studies (NIDS), acknowledges the contributions of migrants to Nepal's economy. The main target group is youth in rural areas, who lack access to media information on jobs abroad and migration procedures. So far, the primary beneficiaries have been migrants going to the Gulf countries and Malaysia. The authors state that since people in the capital rarely tune into the programme, it is difficult to bring the voices of migrant workers to the attention of policy makers. Furthermore, the community outreach project focuses on migrant workers from the far western development region of Nepal who migrate to Delhi. Delhi, consisting of about 200,000 Nepali migrant workers, is cited as a major destination for labour migration. The paper mentions that SASC offers regular courses for migrants and organises cultural events like street theatre to disseminate information about various issues such as labour rights, health issues, economic literacy, safe remittance transfer, investment of remittances in Nepal and Delhi as a place of residence. The paper mentions that both programmes have been active in responding to the needs and problems of migrant workers.

49 Issue of Protection of Migrant Workers and their Families

Upadhyaya, Umesh. In *Issue of the World of Work in Nepal*, edited by Rimal, Bishnu, Padam Khatiwada and Umesh Upadhyaya, pp. 269-276. Kathmandu: General Federation of Nepalese Trade Unions. 2005.

This piece starts with a brief overview on the condition of Nepali migrant workers, and goes on to discuss the contributions of GEFONT (General Federation of Nepalese Trade Unions) in strengthening migrant and labour rights. It mentions that migrant help-desks and support groups

in Hong Kong, South Korea, Japan and India have worked in the best interests of migrant workers. The author notes that the lack of reintegration programmes for returnee migrants pushes them to migrate again, and highlights the need to prioritise migrant workers in development plans and policies. It also points that as a major labour-sending region, South Asia has to develop networks and common strategies to protect its migrant labourers.

IV. BONDED LABOUR

A number of traditional and modern forms of bonded labour exist in Nepal. Of these, the most common forms are the Kamaiya, Kamlari and Badi systems. The lesser known forms include Haliya, Haruwa, Charuwa, Deuki, Balighare and Bhunde. As mentioned in the introduction, there has been some research on Kamaiyas and Kamlaris and to a lesser degree on Badis, but a review of literature on bonded labour reveals a lack of exploration and discussion on the issues related to Haliyas, Haruwas, Charuwas, Deukis, Balighares and Bhundes .

The heightened attention that the Kamaiya system has received can be attributed to the strong organisation of the Kamaiya movement, which saw active participation of Kamaiyas, their leaders and political parties. Furthermore, the Kamaiya movement also preceded other movements in freeing bonded labourers. For instance, while Kamaiyas were emancipated in 2000, Haliyas were liberated only in 2008. As a result, most I/NGOs have tended to focus solely on Kamaiyas, which has made their issues and concerns more attractive to individuals and institutions working in this field.

1 South Asian Debt Bondage Project: Baseline Study for Nepal

Agrawal, Gajananda, Ganapati Ojha, Srijana Rana and Sushila Gautam. Geneva: International Labour Organisation. 2001.
idsn.org/fileadmin/user_folder/pdf/New_files/Key_Issues/Bonded_Labour/Baseline_Study_for_Nepal_ILO.pdf

This study presents Nepal-related findings of a baseline study of the ILO's Social Finance Programme, which aimed to eradicate bonded labour in South Asia. It looks at various legislative and policy issues on forced and bonded labour and analyses government practices targeted at Kamaiyas before and after the abolition of the Kamaiya system. The study also examines the role of social partners such as trade unions, provides socio-economic data, and analyses the social structure in terms of bonded labourers' relation with employers, level of indebtedness and economic alternatives, and goes on to conclude that former Kamaiyas remain vulnerable to debt bondage. To address this issue, it recommends the project to enable socio-economic empowerment by providing financial services, health services and insurance, market linkages, vocational and educational trainings, irrigation facilities, improvements in school enrolment, particularly for girls, adult literacy classes, awareness-raising classes, gender sensitisation, and strengthening of self-help groups.

2 Contemporary Forms of Slavery Related to and Generated by Discrimination: Forced and Bonded Labour in India, Nepal and Pakistan

Anti-Slavery International. Working Paper 28. Geneva: United Nations Commission on Human Rights. 2003.

This paper introduces the bonded labour system in Nepal, India and Pakistan, with a focus on Kamaiyas, who primarily belong to the Tharu community of Nepal. Although Kamaiyas were officially liberated in 2000, there are still 20,000 Kamaiyas who remain in bondage. The paper argues that in all three countries, the majority of bonded labourers are from the Dalit or indigenous communities. The paper closely examines the systems of bondage in these countries and recommends that the governments improve the conditions of bonded labourers and ensure their human rights. In the case of Nepal, it recommends that national laws be formulated in accordance with the General Recommendation of the Committee on the Elimination of Racial Discrimination; comprehen-

sive and independent surveys be carried out to explore the nature and prevalence of bonded labourers; trainings be provided to those working on eliminating the system of bonded labour; and prosecution be carried out to those who continue to employ bonded labourers.

3 Forced and Bonded Labour in Nepal

Anti-Slavery International. London: ASI. 2009.

www.antislavery.org/includes/documents/cm_docs/2009/f/forced_and_bonded_labour_in_nepal_july_2009.pdf

The General Federation of Nepalese Trade Unions (GEFONT) carried out this research study as part of a larger research project conducted by Anti-Slavery International in South Asia from 2004 to 2007. The study shows that forced and bonded labour persist in Nepal, especially in the agricultural sector (Haliya and Kamaiya system), brick kilns and domestic work. The paper analyses the social and economic context of bonded labour, legal framework, government's responses to the problem, scope of implementation of the 2002 Act on the Abolition of Bonded Labour, and challenges of releasing and rehabilitating Kamaiyas. It also provides useful recommendations to the government for the effective implementation of the 2002 Act.

4 Governments: Carrying the Biggest Stick

Bales, Kevin. In *Ending Slavery: How We Free Today's Slaves*.

California: University of California Press. pp. 96-139. 2007.

This book chapter analyses the historical trends of the bonded labour system in Nepal and examines the causes for its persistence, in particular, the role played by the government in dealing with the issue. The author notes that the abolition of the Kamaiya practice on July 17, 2000, was perhaps a hasty declaration as it came without much preparation. More specifically, he argues that the government announced the ban on the Kamaiya system at a time when government agencies, NGOs and activists were all unprepared to act. Further, the news came to the landlords without adequate warning and the Kamaiyas too were completely taken by surprise. Subsequently, the landlords evicted the Kamaiyas overnight, in fear of losing their lands and huts that were inhabited by Kamaiyas. The chapter states that in the absence of an alternative support system, the ex-Kamaiyas were suddenly left homeless, jobless and without food.

5 Sustainable Elimination of Bonded Labour in Nepal: Impact Assessment, Volume 2

Baral, Purusottam, Bishnu Devkota, Chiranjibi Pathak and Kapil Gyawali. Geneva: International Labour Organisation. 2005.

This volume of the study presents the results of 75 focus group discussions held to assess the impact of the Sustainable Elimination of Bonded Labour in Nepal project. The key issues discussed were: ex-Kamaiyas' awareness about social and economic development programmes; their inclusion in such programmes; effectiveness of the programmes; women's access to the programmes; sustainability and institutional capacity; and whether the children remain vulnerable to bondage. It was found that all the Kamaiyas from Groups 'A' and 'B' were aware of the programmes while their wives were found to be only partially so. Similarly, not all children of the ex-Kamaiyas were included in the programmes. However, they also faced no discrimination compared to the children of non-ex-Kamaiyas. While adult literacy classes enabled almost all the ex-Kamaiyas to read and write in Dang, the results varied in other districts. The focus group discussions also revealed that women were not given equal opportunities in empowerment programmes, but female empowerment played a vital role in the status enhancement of the former Kamaiyas. Sustainability of the users' groups and indigenous organisations was an important factor for the development and economic change among the ex-Kamaiyas. The findings of the study is geared towards policy-makers and practitioners involved in designing rehabilitation packages and programmes for ex-Kamaiyas.

6 Exploitation of Child Labour and the Dynamics of Debt Bondage

Basu, Arnab K. and Nancy H. Chau. *Journal of Economic Growth*. 9:2, pp. 209-238. 2004.

This paper analyses the inception, prevalence and persistence of bonded child labour in an agrarian economy by drawing on the examples of India, Pakistan and Nepal. It argues that the transfer of debt bondage perpetuates the cycle of indebtedness for subsequent generations and that debt bondage is an important underlying cause of poverty and bonded child labour. The authors also maintain that trade sanctions, despite reducing child labour in the concerned sector, has limited impact on the overall

incidence of bonded child labour because the children are employed in other sectors. The authors argue that, instead, access to credit and assurance of basic labour rights such as the right to association and organisation, will contribute positively to the eradication of forced and bonded child labour.

7 Gender Dynamics in Bonded Labour in Nepal

Bhadra, Chandra. Geneva: International Labour Organisation. 2006.

In 2000, the ILO implemented a project in Banke district as part of the South Asian Project against Debt Bondage. This study investigates gender dynamics among Kamaiyas before they were formally liberated. Key findings include: violence experienced by women during bondage; prevalence of sexual abuse by the landlords; high rate of child mortality in the bonded situation; and heavy workload of bonded labourers compared to the un-bonded. The study points out that the project brought several positive changes on gender relationships, such as: minimised hierarchy within and outside households; empowerment of women through financial, agricultural and health-related trainings; increased participation of both women and men in the household decision-making process, project activities and various enterprises; and increased time utilisation and quality of daily activities among Kamaiya women. The study recommends ending gender and age-based violence in the bonded situation and gender mainstreaming in the project. The former could be achieved by rehabilitating the formerly bonded individuals and preventing them from slipping back into bondage, while the latter could be addressed by further gender sensitisation and capacity building of the project staff, encouraging women's savings and credit programmes, providing managerial, skill-development and vocational trainings to women and deconstructing gender-based stereotypes.

8 Bonded Labour System in Nepalese Agriculture: A Study of the Haruwa System in Rupandehi

Bhattarai, Lekh Nath. *Tribhuvan University Journal*. 23:1, June, pp. 23-33. 2001.

Based on the 1998 survey of the Haruwa households of Salijhundi Village Development Committee (VDC) in Rupandehi district, this article

presents the main features of the Haruwa system and analyses the causes for its continuance. More specifically, it sheds light on the terms of contract of Haruwas, their mobility, living conditions, nature of work and relation with the landlords. According to the author, the Haruwa system, which is widely prevalent in the western Tarai, especially, Rupandehi, Kapilvastu and Nawalparasi districts, is 'a social creation and symptom of the feudal mode of production.' The paper concludes that the problems of Haruwas are rooted in poverty and indebtedness and the system persists due to a lack of concern, commitment and political will on the part of the government.

9 The Struggle for Basic Needs in Nepal.

Blaikie, Piers M., John Cameron and David Seddon. Delhi: Adroit Publishers. 2000.

This study, which is a part of the 'Basic Needs: General Aspects and National Contexts' project conducted during 1974-75 and 1978, seeks to identify the nature and extent of struggle for basic needs in the context of an underdeveloped agrarian economy of Nepal. The authors point out that the conditions of the most disadvantaged or the absolute poor are worsening and are further aggravated by the constraining social, economic and political structures. The authors illustrate the history and evolution of these structures, in particular, the social relations of production, and show how the poor are pushed deeper into deprivation. The authors state that Nepal's crisis in terms of access to resources for production and facilities for consumption is manifested in social and spatial inequalities. They argue that this national crisis is also a reflection of the persistent and chronic structural underdevelopment in the country and the subsequent reproduction of deprivation and poverty. Through this study, the authors call for a basic needs development strategy to cope with Nepal's underdevelopment and chronic poverty.

10 Liberation is Not Enough: The Kamaiya Movement in Nepal

Cheria, Anita, Nanda Kumar Kandangwa and Khemraj Upadhyaya. Kathmandu: ActionAid International Nepal. 2005.

This book provides a brief account of the origin of the Kamaiya system in Nepal, documents the Kamaiya liberation movement and high-

lights the challenges of rehabilitating Kamaiyas. The interviews with ex-Kamaiyas and liberation activists provide insights into the lives of Kamaiyas and the roles of individuals and organisations working to end the system. The book reveals that although ex-Kamaiyas are identified, classified and are provided with support for resettlement, the rehabilitation process involves numerous challenges. For example, despite having programmes and funds to organise campaigns, NGOs often face difficulty in formulating proposals and raising money for rehabilitation. Further, the rehabilitation process itself has a number of problems related to categorisation. While the landless ex-Kamaiyas were classified 'A' and provided five *kattha*¹ of land, those in category 'B' were given titles to the land they held 'informally', which sometimes was not sufficient either, forcing the majority of ex-Kamaiyas to return to their former landlords. Those classified 'C' and 'D' received no attention and many were forced to migrate to India. Some were even reported to have become bonded in India. The authors highlight that the lack of infrastructure and sustainability of the programmes pose serious concerns in the rehabilitation phase.

11 The Plight of Tharu Kamaiyas in Nepal: A Review of the Social, Economic and Political Facets

Chhetri, Ram B. *Occasional Papers in Sociology and Anthropology*. 9, pp. 22-46. 2005.

This paper provides a historical overview of the socio-economic problems faced by the Tharu people, in particular those who were exploited under the Kamaiya system. The findings are based on secondary sources and interviews with Tharu youths. The author points out that the word 'Kamaiya' literally means 'one who works hard'. Also discussed is how the word started to have a negative connotation as Kamaiyas gradually became mired in debt bondage and slavery. The paper documents the nature of exploitation faced by the Kamaiyas, analyses the situation of Kamaiyas following the abolishment of the system in 2000, and highlights their problems of employment. It argues that the state may be at a loss if the hard-working Kamaiyas go to India in search of employment.

1 *Kattha* is a unit of measurement in Nepal. (20 Katta = 72,900 square feet = 1.673 acre = 0.6773 hectare)

12 The Prevention of Debt Bondage with Microfinance and Related Services: Preliminary Lessons

Daru, Patrick and Craig Churchill. Geneva: International Labour Organisation. 2003.

www.chronicpoverty.org/uploads/publication_files/CP_2003_Daru_Churchill.pdf

This paper presents the lessons learnt from the Dutch-funded South Asian project for the Prevention of Debt Bondage, which provides micro-finance based schemes to prevent bonded labour and rehabilitate former bonded labourers in South Asia, mainly Bangladesh, India, Nepal and Pakistan. It describes how bonded labour is understood in each of these countries, analyses the causes and identifies the worst forms of bondage. The lessons learnt include the need to target families rather than children; prioritise rehabilitation over prevention; focus on social and economic empowerment initiatives in groups; understand different financial needs and provide diverse financial services; involve employers in dialogue and not stigmatise them as offenders; and engage in dialogue and build trust to make an impact at the policy level. The authors argue that the schemes of existing micro-finance institutions are not able to absorb the poorest of the poor, the group most vulnerable to debt bondage. The authors conclude that micro-finance institutions should work on rehabilitating those who are already in debt bondage before trying to prevent those vulnerable to bondage.

13 A Study on Haliya/Haruwa and Charuwa: Forms, Determinants and Complexities

Community Self Reliance Centre. Kathmandu: Community Self Reliance Centre, International Labour Organisation/International Programme on the Elimination of Child Labour. 2006.

This report analyses the existing situation of Haliyas, Haruwas and Charuwas. It is based on research conducted with Haliyas in Doti and Haruwas and Charuwas in Saptari, Siraha and Dhanusha. It provides baseline information on the Haliya/Haruwa and Charuwa practices in the country; sheds light on the complexities of the practices; and gives broad guidelines for ways out based on empirical observations. In addition, the report explores the proximate causes of child bonded labour in these labour systems. It utilises both primary and secondary informa-

tion gathered through different methods including participatory census of Haliya/Haruwa and Charuwa households in the study VDCs, semi-structured interviews, informal dialogues, focused group discussions, workshops with VDC secretaries, NGOs, CBOs, observations, and tools like social maps, seasonal calendar and mobility maps. It analyses the landownership among Dalits and elaborates how the Shree Panchami festival marks the appointment of a ploughman (Haruwa) in the Tarai.

The report highlights the different types of Haliya/Haruwa based on: (1) duration and types of contracts (2) modality of payment (3) habitation, and (4) number of Haliya/Haruwa and Charuwa from a family. Analysing the work, wage and working conditions, the report states that the landlords keep Haliya/Haruwa and Charuwa as long as they are physically fit and able to work. They carry out all the activities related to agricultural farming and contingent work for the landlords. The study highlights indebtedness, moral bondage and vulnerability trap, landownership status, share cropping and land tenure arrangements, food security situation, citizenship issues and problems, child labour, and recommends addressing the same to uplift the living standard of the Haliyas/Haruwas and Charuwas. As one of the few studies conducted on the subject, the study provides useful insights and could find usage among all concerned stakeholders.

14 Haruwa, the Unfree Agricultural Labourer: A Case Study from Eastern Tarai.

Dhakal, Suresh. *Contributions to Nepalese Studies*. 34:2, pp. 277-301. 2007.

The author documents the situation of Haruwas after the promulgation of the Kamaiya Labour (Prohibition) Act 2001 by specifically questioning the evolution of Haruwa practice as a form of bonded labour, its variances in practices and if national socio-political and economic structures have caused this system to transform. The research, which was conducted in Siraha, Saptari and Dhanusa districts in 2006, begins with a discussion on the patron-client relationship and the land tenure system. The land tenure system is considered to have a significant importance in Nepali society, not only because it provides for one's daily subsistence, but also because it provides a measure for one's social, economic and political status. The findings also reveal that Dalits and those with little or no land become indentured as Haruwas mainly because

of indebtedness and sometimes due to 'moral bondage'. The research also indicates that while the practice is passed down through generations, the current youth are resisting the system and opting to migrate to the cities or India for employment. The author suggests that interventions by the state and NGOs, capital intensive farming systems, and the attraction of contemporary domestic and international labour markets are some factors weakening the Haruwa system.

15 Issues and Experiences: Kamaiya System, Kanara Andolan and Tharus in Bardiya

Dhakal, Suresh, Janak Rai, Dambar Chemjong, Dhruba Maharjan, Pranita Pradhan, Jagat Maharjan and Shreeram Chaudhary.
Kathmandu: Society for Participatory Cultural Education. 2000.

This book aims to provide information on the Kamaiyas and Kanara Andolan, based on secondary literature and primary data collected from three VDCs (Sorhawa, Motipur and Deudhakala) of Bardiya. The authors conclude that excessive hours of work, low wage, one wage for more than one labourer, indebtedness circumventing mobility, and labour-land-credit linkages force Kamaiyas to remain bonded to their landlords. Apart from the Kamaiyas, the book also discusses issues of Ghardhuriya/Ghardhurinya (Kamaiya's eldest son/daughter-in-law), Kamlari (Kamaiya's daughter), Bukhara/Bukrahi (married sons other than Ghardhuriya), Organi (female members of Kamaiya households), Kothari (adult member of the household appointed by Ghardhuriya), Bhaisarwal/Bhaisarnya (Kamaiyas' children, aged 14-15 years, who look after the landlord's buffaloes), Bardiya/Bardinya (12-13 year old children who work as cattle herders), and Chegrahawa/Chegrinya (10-12 year old children who look after goats). It also argues that not only the male Kamaiya, but even his wife, children and daughters-in-law are bonded to the landlord thus giving continuity to the cycle of bondage from generation to generation. The book also describes the Kanara movement as an example of the Tharus organising against the establishment. During the movement, the Tharu people occupied the Kanara jungle as squatters. In response, the government repeatedly tried to control their movement, but Tharu activists continued to encroach on the forest as a justification of their landlessness and lack of access to land. The authors state that once the Kanara leaders were locally elected during the 1997 election, most of the Kanara Tharus were resettled in areas across Bardiya.

16 Land Tenure and Agrarian Reforms in Nepal: A Study Report

Dhakal, Suresh. Kathmandu: Community Self Reliance Centre. 2011.

This study aims to generate primary data on forms and patterns of landholdings, ownership, and land relations in contemporary Nepal, in order to assist policy makers, academics and activists get a better understanding of land issues. It covers 25,199 households in 16 VDCs of 16 districts across all the development regions. The study highlights land as a primary factor in establishing power relations. It briefly describes different types of land ownership and distribution such as *guthi* (a form of land tenure), *thekka* and *hunda* (cultivation in contract), *adhiya/bat-taiya* (sharecropping), *dartawal mohi* (registered tenants), public land and squatters and Haliya/Haruwa (bonded labour practices). Twenty-eight households in the study areas were found to be living as Haruwa/Haliya, and a few of them were in debt bondage, despite these systems being outlawed following the abolition of the Kamaiya system. The study finds that the poor are forced to enter into this exploitative system due to lack of alternative livelihood sources.

17 Emancipation of Kamaiyas: Development, Social Movement, and Youth Activism in Post-Jana Andolan Nepal.

Fujikara, Tatsuro. *Himalayan Research Bulletin*. 21:1, pp. 297-35. 2001.

Reflecting on the Kamaiya Liberation Movement of 2000, the author explores the political contexts under which the resistance took place and the then present political situation and assesses what it means to have democracy, freedom and endless poverty. The article also explores the interlinkages between the movement and development process at large, and critiques some of the limitations of the development discourse and its offspring, the visionary 'projects'. While development projects often assume social change to follow, the author here suggests that change is synonymous to 'restructuring the power relations within the society'. The author, having observed the movements before and after the declaration of Kamaiya liberation, explains how the youth as a distinctive social category have been influential in achieving this endeavour. Taking the example of BASE, an NGO that started with the intention of liberating the Kamaiyas, the author discusses how their intentions

and outcomes varied from that of the popular development projects. The author claims that BASE had become more 'project oriented' by holding unconventional programmes like non-formal education classes, along with other well-known programmes such as health services and women's saving groups. As such, he discusses how an understanding of a social movement requires one to grasp the idea of 'encoding the meaning of the process', and how agents with motives and capacities emerge to shape a certain course of movement.

18 Nepal: Kamaiyas and Interventions

General Federation of Nepalese Trade Unions. Kathmandu: General Federation of Nepalese Trade Unions. 2006.

This report assesses the interventions carried out for the release and rehabilitation of bonded labourers in Nepal. It briefly touches upon the various forms of bondage, such as Kamaiya, Haliya and Bhunde system, and also places human trafficking and domestic servitude under the generic category of bonded labour. The report also examines the efforts targeted against the Kamaiya system and analyses the effectiveness of the rehabilitation process in terms of the socio-economic condition of former Kamaiyas.

19 Paying Back in Sweat and Tears: A Consolidated Report Based on Study of Kamaiya Liberation, Brick Kiln Workers and Domestic Labour in Nepal

General Federation of Nepalese Trade Unions. Kathmandu: General Federation of Nepalese Trade Unions/Anti-Slavery International Publication. 2007.

The book provides insights into the different forms of bonded labour system in Nepal ranging from the traditional forms like the Kamaiya system to more modern ones like employment in brick kilns and domestic sector. It discusses the Kamaiya system at length and briefly talks about the Haliya, Haruwa, Charuwa, Bhunde, Hali and Chakari systems, along with brick kiln workers and domestic labourers. It points out that the movement for the liberation of Kamaiyas saw the participation of government agencies, I/NGOs, community-based organisation (CBOs), trade unions and local communities. It also examines legal interventions based on labour and human rights conventions, political

interventions geared towards capacity building and rehabilitation of Kamaiyas, and socio-economic interventions for improving the livelihoods of Kamaiyas. Because of these multi-pronged strategies, the book argues that the Kamaiyas were able to free themselves from long years of bondage. The book also includes discussions on the situation of brick kiln workers based on a survey conducted with 1135 workers from Banke, Bhaktapur, Lalitpur, Morang and Tanahun districts. The discussion brings to light their social demography, hazardous working conditions, the way they enter the workforce, remuneration and living conditions. Finally, it discusses the plight of domestic workers based on a survey conducted with 1969 domestic workers from Morang, Banke and Kathmandu districts. The findings show that domestic labour, which is common in the urban areas, involves both children and adults who perform a wide range of work such as cleaning, washing, cooking and childcare.

20 Bonded Labour in Nepal: Life and Work of Children in Communities

Giri, Birendra Raj. Unpublished PhD dissertation submitted to The Open University, United Kingdom. 2009.

This study focuses on the lives of working children under the Haliya and Kamaiya systems. It analyses the social norms and interactions that keep the systems intact, investigates the conditions of these children along with the socio-economic characteristics of their families and elicits the worldviews and expectations of working children belonging to the Musahar and Tharu families. The findings are based on semi-structured interviews and group discussions with 58 Haliya and Kamaiya children between 8 to 16 years of age and observations of working children and parents in Morang and Bardiya districts. The study highlights the fact that the children could not avail of full-time education even after the ban on bonded labour since they look after the household while their parents worked outside, and as they grew older they enter into bonded labour contracts or unskilled work. Moreover, both the parents and children are lured by the promise of education to enter into a contract and only a few boys manage to go through the 'double trouble' of balancing work and education and are able to complete primary education. The author mentions that the Haliya and Kamaiya children expressed high hopes of improving their future life upon external assistance. The study rec-

ommends intervention programmes specific to local needs rather than a blanket ban on bonded child labour and further longitudinal studies.

21 Bonded Labour Practice in Nepal: The Promise of Education as a Magnet of Child Bondedness

Giri, Birendra Raj. *South Asia Research*. 30:2, pp. 145-164. 2010.

The article points out that despite the legal ban on bonded labour systems in Nepal, there is an emerging pattern of children re-entering bondage. In particular, the promise of education made by the landlord/'boss' has become a magnet of bondage for children. The author cites the inability to provide for children's education as a key motivating factor for parents to accept bonded labour contracts. As such, having to divide their time between home and school, the children can neither support their families nor perform well in school. The article raises a critical question as to whether such practices should be viewed as bonded labour or a survival strategy. However, given that these children re-enter the Kamaiya and Haliya system or domestic servitude with the sole aim of receiving education, the article suggests that this current trend is a form of bondage rather than a strategy for survival.

22 Haliya and Kamaiya Bonded Child Labourers in Nepal

Giri, Birendra Raj. In *Child Slavery Now*, edited by Gary Craig, pp. 227-241. Bristol: Policy Press. 2010.

Based on field research in 2006-08 with 40 Musahar and Tharu children in Morang and Bardiya districts, this chapter discusses the processes of how children become Haliya and Kamaiya labourers; examines the factors that can release them from this labour system; and explores the future prospects for the children. The author reveals that after the abolition of the Kamaiya system, the children of Haliyas and Kamaiyas are readily accepted as labourers in exchange of educational opportunities offered by the *kisan* (moneylender) families. The author highlights that the children are better treated by employers by providing medical treatment and physical care within households. Conversely, the author found that the children frequently leave their employers if they have heavy workloads, workplace abuse or do not receive schooling. Marriage of young girls is mentioned as another reason for parents withdrawing children from the employer's household. The children are either mar-

ried after leaving the employer's house or migrate elsewhere in search of employment. The author concludes that external assistance for such children would increase their chances of being free of labour contracts and achieving better opportunities for formal and informal education.

23 South Asian Bonded Labour System: A Comparative Perspective on Institutional Arrangements

Giri, Birendra Raj. Draft report. Amsterdam: The University of Amsterdam. 2004.

This paper examines the efforts of regional governments and NGOs in South Asia against various forms of labour identified as labour or debt bondage in the backdrop of the regional labour market situation. Focusing on Bangladesh, India, Pakistan and Nepal, the paper describes the general context of the bonded labour systems and the situations of the labourers, explaining that the system is concentrated within the agricultural sectors and originates from landlessness among certain groups of population. It explains how employers manipulate the contractual agreements and exploit labourers. The author argues that despite various efforts and anti-bonded labour instruments established by South Asian governments, little has been achieved in terms of eliminating bonded labour practices. Several fundamental problems with the labour market in the region need to be addressed for the interventions to be effective. Some areas mentioned in the paper include increasing the literacy rate, linking economic growth with human development, and providing economic opportunities to the youth. The author concludes that bonded labourers have themselves raised voices against the system, forcing governments to abolish such practices even though genuine rehabilitation of bonded labourers is yet to be accomplished.

24 The Bonded Labour System in Nepal: Exploring Haliya and Kamaiya Children's Life-Worlds

Giri, Birendra Raj. *Himalaya*. 29:1 and 2, pp. 29-41. 2009.

This article examines issues related to Haliya and Kamaiya children. The author believes that there have been a number of studies to better understand the Haliya and the Kamiaya systems, but none of the studies have given any focus to the lives of the children. Hence, through this study in Bardiya (for Kamaiya) and Morang (for Haliya), the author discusses

the problems created by promises of education and employment to the Haliya and Kamaiya children by modern day landlords. The author states that even after their liberation, various circumstances, such as promises by the landlords and poor family conditions, force Haliyas and Kamaiyas to re-enter into newer cycles of bonded labour. Through in-depth individual and group interviews, participant observation, and group discussions, the author sheds light into the daily livelihood issues and working conditions of the bonded child labourers. Through the narratives of children, the author describes the inadequacy of post-liberation provision of land to provide sustainable livelihood options, subsequently leaving the children no other viable alternative but to join the workforce. Heavy work load, workplace injuries, deprivation of education, and physical and sexual abuses define the working condition of the Haliya and Kamaiya children. However, the author also found some children who were treated comparatively better and had lesser workload and better education. The latter part of the article indicates that the girl children tend to exit from the bonded labour system after their marriage, while the boy children exit after moving to city areas searching better jobs.

25 The Bonded Labour System in Nepal: Perspectives of Haliya and Kamaiya Child Workers

Giri, Birendra Raj. *Journal of Asian and African Studies*. 44:6, pp. 599–623. 2009.

The article is an outcome of a year-long study conducted among Haliya child workers in Morang and Kamaiya child workers in Bardiya district. The article acknowledges the dearth of literature on the Haliya system, and goes on to present the evolution of the bonded labour system in Nepal, with a focus on bonded children. The case studies shed light on the factors that lead children to bondage, their living and working environments, their views on these environments, their health conditions and future expectations.

26 Bonded Labour (Prohibition) Act, 2058 (2002)

Government of Nepal. Kathmandu: Ministry of Law and Justice. 2002.

This Act was promulgated in 2002 to prohibit bonded labour in Nepal. Its preamble states that the freed bonded labourers shall be rehabili-

tated and their livelihoods improved from the perspective of social justice. It defines a 'bonded labourer' as a labourer who falls under any of the following categories: Bhaisawar, Gaiwar, Bardikar, Chhekarwar, Haruwa, Charuwa, Hali, Gothlo, Kamalari and others. The Act also requires the establishment of the Free Bonded Labourer Rehabilitation and Monitoring Committee to work for the rehabilitation of freed bonded labourers. It also allows for complaints to be lodged in case of violation of the Act and has provisions for penalty and appeal.

27 The Effects on Agrarian Contracts of a Governmental Intervention into Bonded Labour in the Western Tarai of Nepal

Hatlebakk, Magnus. Working Paper 6. Bergen: Chr. Michelsen Institute. 2006.

This study is based on an impact analysis of existing interventions designed to address the issue of the Kamaiya system. By comparing the pre- and post-liberation contracts, this paper concludes that the Kamaiya contract was inferior to the age-old system of agricultural sharecropping between landlords and the tenants and that the daily wages of the Kamaiyas prior to their liberation were lower than that of others. The author suggests that, contrary to the widespread belief that most agricultural contracts are Pareto-efficient, the Kamaiya system has a lot of negative effects on the bonded labourers. The article also points out that the situation of ex-Kamaiyas has not improved significantly post liberation. However, their status has become better in some ways, for example, the formal abolition of the system and the government interventions have helped improve the terms of contract for Kamaiyas, and the landlords are not able to exploit them as severely as in the past.

28 Bonded Labour in Nepal: Under Kamaiya System

Informal Sector Service Centre. Kathmandu: Informal Sector Service Centre. 1992.

This book explores the extent to which people are deprived of their human rights while working as bonded labourers under the Kamaiya system. More specifically, the book aims at understanding the nature and magnitude of the bonded labour issue, with a focus on Kamaiyas. As one of the foremost studies on Kamaiyas, the book provides important facts, figures and insights into the various aspects of the Kamaiya

system. The study was conducted in three districts of western Nepal – Bardiya, Kailali and Kanchanpur. It also provides useful recommendations to policy makers and other concerned stakeholders for ending the Kamaiya system, drafting relevant legislation, raising awareness and assisting in the rehabilitation of the freed Kamaiyas.

29 Bonded Labourers on Their Road to Freedom

Informal Sector Service Centre. *Informal*. 10:1, June, pp. 46-49. 2002.

This 2002 journal article presents an overview of the Kamaiya system, and describes the Kamaiya movement through a series of events that led the Kamaiyas from a state of serfdom to a state of freedom. According to the article, there are at least 46,000 Kamaiyas in Nepal, 59 per cent of whom are landless; 53 per cent are in debt; 70 per cent are illiterate; and only 10 per cent Kamaiya children attend school. Likewise, the article gives a timeline of the events that occurred in the freedom movement of the Kamaiyas in May 2000, including a case filed against a former minister, who had several Kamaiyas under him. Statements given by five Kamaiyas against the former minister suggest that their families were in bondage working for 40 years with minimum wages and paddy, as payment in kind. The article also gives an account of the mass demonstrations and rallies that were carried out in the same month, demanding the abolition of the Kamaiya system and the endless system of debt bondage. The article draws attention to concerned stakeholders that although Nepal is signatory to various international human rights conventions and anti-slavery treaties, and that the Constitution of Nepal 1990 recognises the prohibition of all forms of slavery and serfdom, modern day forms of slavery such as the Kamaiya system, still exist.

30 Nepal: Children of Former Bonded Labourers Face Hardship

Integrated Regional Information Networks. Kathmandu: Integrated Regional Information Networks. 2008.

This paper sheds light on the conditions of former Kamaiya children. Based on secondary sources, it states that eight years after their liberation, the Kamaiyas still remain deprived of literacy and land, and survive on less than one dollar a day. It presents some sobering statistics on former Kamaiya children, for instance, 25,000 of them are working in

exploitative conditions in hotels, restaurants and households in urban areas. According to the data gathered from BASE, a local NGO, only 40 per cent of the 125,000 children of former Kamaiyas attend schools due to poverty. Among the few programmes geared towards these children is the ILO's International Program on the Elimination of Child Labour (IPEC), which provides support for formal or informal education.

31 Mapping Exercise on Studies, Project and Other Initiatives Focusing on Bonded Labour and Child Bonded Labour covering Ex-Kamaiya, Haruwa and Charuwa Systems in Nepal
Jha, Hari Bansh. Lalitpur: International Labour Organisation – International Program on the Elimination of Child Labour. 2006.

The objective of this mapping exercise was to document studies, projects and other initiatives on child and adult bonded labour prevalent in the Kamaiya, Haruwa and Charuwa systems. Its findings are based on both secondary and primary data collected from Kathmandu Valley, Dhanusha and Mahottari districts. The latter includes consultations, telephone conversations and correspondence with stakeholders, including Haruwas, their landlords and key researchers. After providing a brief background on the Kamaiya and the Haliya/Haruwa/Charuwa systems, the study discusses the initiatives undertaken by government bodies, bi-lateral and multi-lateral agencies, and INGOs for addressing the problem of bonded labourers in Nepal. The report presents a SWOT analysis² of the existing interventions and highlights their major achievements and challenges. Achievements include innovative approaches and increased awareness among the bonded labour communities. Challenges include inadequate information and research on the target groups and poor disbursement of resources. The report also provides an annotated bibliography of relevant sources that might be useful to concerned stakeholders.

32 Bonded Labour: The Scenario in the Last Decade of the Last Millennium.

Kunwar, Ramesh Raj. *Voice of History*. 15:1, pp. 35-64. 2000.

With a brief interpretation on the ideology theories on serfdom, slavery and bondage, the author describes the social standing of bonded

2 SWOT analysis is a method for strategic planning used to evaluate the Strengths, Weaknesses, Opportunities, and Threats involved in a project or business venture.

labourers, their relation to other socio-economic groups and the processes of entering into bondage in the western districts of Tarai region of Nepal. The article is an outcome of a 1990-99 study intended to observe whether imported models of abolition of the Kamaiya system support indigenous sentiments. Concentrating on the Tharus of this area, the author posits that a bonded labourer known as a Kamaiya is ethnically from the Dangaura or Rana-Tharu sub group who work for both Tharu or non-Tharu households, often a *pahadi* (Hill migrant) one. Also, the nature of being 'free' to move from one master's household to another has been argued to make Kamaiyas as 'free slaves', demonstrating the continuity of the bondage system. It explains how the Kamaiya movement began with the political recognition of their existence during the 1990 elections and the subsequent events such as the Nepal Peasant Association's third National Convention held in 1990; the decision to carry out a survey of Kamaiyas in mid- and far-western Tarai regions; and finally, the movement from within the Kamaiyas.

The author states that a series of movements for the liberation led by some NGOs developed into extensive events involving international institutions that advocated for the abolition of the Kamaiya system. However, observations made by the author suggest that not all benefited from these interventions and the system still prevailed. As such, the author draws attention to the futility of development schemes through national or international efforts in the absence of a systematic survey and study on Kamaiyas across the study region.

33 Liberated Bonded Labourers: Are They Better Off?

Kvalbein, Jon Audun. Bergen: Chr. Michelsen Institute. 2007.

www.cmi.no/publications/file/2748-liberated-bonded-laborers-are-they-better-off.pdf

This publication aims to explore the bonded labour system of Nepal based on semi-structured interviews with 23 ex-Kamaiyas, three Kamaiyas, nine ex-Kamaiya landlords and one Kamaiya landlord. The respondents, selected through random sampling, represent eight VDCs of four districts where the Kamaiya system was prevalent, namely, Banke, Bardiya, Kailali and Kanchanpur. The research found that Kamaiyas work for 12-13 hours a day under a one-year contract; neither they nor their wives and children are allowed to work for others; they cannot leave the landlords' property without permission, and remain bonded to the

landlord until the debts are paid. The Kamaiyas mention the following factors as the main reasons for bondage: lack of economic alternatives, landlessness, bondage since childhood, loans, and sudden economic crisis. Although the Kamaiya system was formally abolished in 2000, many are still working as Kamaiyas or 'servants' in the landlords' houses. Nevertheless, the author states that Kamaiyas now have the freedom to choose their occupations, earn higher wages, cultivate their own lands, and do not have to work in highly exploitative conditions.

34 Bonded Labour (Kamaiya) in Nepal

Lamichhane, Padma Raj. Kathmandu: Trilij Counselling Centre. 2006.

This book provides an account of one of the most pervasive forms of bondage in Nepal, the Kamaiya system. The research is primarily based on surveys conducted among 839 households from nine VDCs in Banke district. In addition to the general trends related to the system of bonded labour, the book includes information on the social and economic characteristics of bonded labourers. It also analyses policies and programmes directed towards the bonded labourers and provides due recommendations.

35 Kamaiya: Slavery and Freedom in Nepal

Lowe, Peter. Kathmandu: Mandala Book Point and Danish Association for International Co-operation (MS Nepal). 2001.

'Caught between slavery and freedom' is how the book describes the situation of the freed Kamaiyas. It presents a number of short stories of former Kamaiyas that depict the nature of slavery they experienced prior to the abolishment of the Kamaiya system. The stories highlight the hardships they endured as Kamaiyas and the abuses they received at the hands of the landlords and their families. The author argues that following the protest of the Kamaiyas in Kathmandu, the government had declared the bonded labourers to be free. Subsequently, these individuals were evicted by the landlords; had no property and nowhere to go. As a result, a few even stayed back to continue working for the landlords, while the majority began their new lives in makeshift camps along major highways. The book points out that despite the continuing hardships of many Kamaiyas, the freedom they experience, mostly in

terms of physical liberty such as being able to decide when to get up, search for work and gather to dance, has been immeasurable.

36 Poverty Reduction and Land Distribution to Kamaiya (Bonded Labour) in Nepal

Oli, Punya Prasad. *FIG (International Federation of Surveyors) Working Week 2003*. Paris: FIG. 2003.
www.fig.net/pub/fig_2003/TS_17/TS17_2_Oli.pdf

The report presents comparative data from 2001 and 2003 on the former Kamaiyas. It describes the process in which the Kamaiyas were identified, categorised and provided support after the abolishment of the Kamaiya system in 2002. It sheds light on the political and administrative problems related to the rehabilitation of ex-Kamaiyas, who were abruptly evicted from the households to which they were bonded without proper arrangement. The author points out that even some of the politicians and NGO leaders were exploitative 'masters' of the Kamaiyas. In conclusion, the report suggests that despite the hurdles, there has been some improvement in the economic status of ex-Kamaiyas.

37 From Bondage to Freedom: ILO PEBLISA's Experience in South Asia

Premchander, Smita, V. Prameela, M. Chidambaranathan and Benjamin Laroquette. New Delhi: International Labour Organisation. 2006.

This report is based on the ILO's Prevention and Elimination of Bonded Labour in South Asia (PEBLISA) project, funded by the Netherlands Partnership Programme. The project was launched with an objective of addressing the issues of bonded labour in South Asia, mainly Nepal, Pakistan, India and Bangladesh. The project followed a three-tier strategy of 'strengthening national legal and policy frameworks on bonded labour; increasing the capacity of the social partners, law enforcement and other agencies to tackle the issue; and field testing models for the prevention of bonded labour and for the rehabilitation of bonded labourers, with micro-finance led interventions as a key component'. On the basis of the evaluations and impact assessments of the project, the report presents the project's achievements

and impacts as: knowledge production and relevance of bonded labour projects; influence on legal frameworks and implementation structures; economic impacts; social mobilisation and empowerment; and efficiency. Similarly, the challenges faced and lessons learnt are related to: problem recognition and regularity frameworks; external intervening factors; implementation structures; selection of partner organisations; approaches taken; sectoral and/or geographical concentration; integrating gender; flexibility; access to target groups; strategies for social finance; non-exclusion and organisational building; and timeline.

38 The Predicament of Labour: Kamaiya Practices and the Ideology of 'Freedom'

Rankin, Katharine N. In *Nepal: Tharu and Tarai Neighbours*, edited by Harald O. Skar, pp. 27-46. Kathmandu: Bibliotheca Himalayica. 1999.

This article analyses and compares two contexts of the Kamaiya practices in Kailali and Kanchanpur districts of far-western Nepal, namely, among the Rana Tharus and the *jamindars* (landlords). The main objective is to illustrate the diverse contexts in which the practice of bonded labour exist. It looks into the terms of work, relationship with the *kisan* (Kamaiya keeper and commonly a subsistence farmer) or *jamindar*, and the basis of bondage. Among the Rana Tharus, money forms the basis of bondage between the *kisan* and Kamaiya. The mutual benefit they derive and their open relationship prohibits any form of domination, which, however, does leave room for some form of subordination of the Kamaiya. On the *jamindar* estates, on the other hand, debt is the main tool of labour control. In this case, the relation between the *jamindar* and Kamaiya is very unequal due to the difference in their status, and hence gives way to overt domination and even violence. Written before the formal abolition of the Kamaiya system, the article highlights the need to critically examine these relationships between the Kamaiya and the *kisan/jamindar*. The paper also points out the limitations of legislative and market-oriented initiatives for reform, which clearly demonstrates the inadequacy of the modern discourse of freedom.

39 Forced To Plough: Bonded Labour in Nepal's Agricultural Economy

Robertson, Adam and Shisham Mishra. London/Kathmandu: Anti-Slavery International/Informal Sector Service Centre. 1997.

As one of the foremost accounts on the subject, this book provides important information on bonded labour in Nepal. It is based on group and individual interviews with more than 300 agricultural labourers from 11 districts of the western and far-western Hills and the eastern and western Tarai. Interviews were also carried out with landlords, experts, NGOs and government officials. In addition to providing a broad overview of the situation of bonded labour in Nepal, it also discusses the historical development and causes, current situation and problems, prospects for change, and attempts made by the government to address the issue of debt bondage. The book argues that the chief causes of bonded labour are the feudal forms of land ownership such as *birta*, *jagir* and *rakam*. While feudal lords were promoted through these landholding patterns, poor individuals were forced to work under them, initially as sharecroppers and then as bonded labourers. Other causes include the failure of land reform; the state's apathy to the landless population; lack of sufficient data on bonded labour; indebtedness and debt farming that perpetuate the cycle of bondage; and discrimination which makes the marginalised groups more vulnerable to exploitation and dependency.

40 Nepal: Debt Bondage within the Kamaiya and Haliya/Haruwa Systems

Sharma, Shiva. London: Anti-Slavery International. 1999.
old.antislavery.org/archive/submission/submission1999-07NepalDebt.htm

This report, published prior to the formal abolishment of the bonded labour system in Nepal, provides useful insights into the Kamaiya, Haliya and Haruwa systems in Nepal. It states that while significant studies have been conducted on Kamaiyas, very little work has been done on Haliyas and Haruwas, and still lesser efforts have been made to address their concerns. The report directs recommendations on structural issues such as land distribution, regulation of working hours and wages, credit availability and legal provisions to protect the basic rights of the labourers.

41 Nepal Bonded Labour Among Child Workers of the Kamaiya System: A Rapid Assessment

Sharma, Shiva, Bijendra Basnyat and Ganesh GC. Geneva: International Labour Organisation – International Program on the Elimination of Child Labour. 2001.

This rapid assessment is based on a detailed survey of 650 households in nine VDCs of five districts, and 240 separate interviews with child labourers. The findings shed light on one of the most troubling aspects of the Kamaiya system – bonded child labourers. The study provides in-depth information on child bonded labour, including the characteristics of the system, socio-economic and cultural background of the children, nature of their work and their working conditions and some of the root causes of the problem. The paper provides due recommendations for addressing what has been widely recognised as one of the worst forms of child labour.

42 A Revisit to the Kamaiya System of Nepal

Sharma, Shiva and Manasa Thakurathi. Kathmandu: Informal Sector Service Centre. 1998.

This book is regarded as an early initiative to understand the Kamaiya system. It is divided into six chapters, where the authors have tried to understand the Tharu population of Nepal, analysed the effects of development interventions in the lives of the Kamaiyas, used field data to ‘characterise’ the Kamaiya system, and compared the situation of the Kamaiyas deriving data based on the studies done in 1991 (published 1992) and 1997. The book claims that after the 1991 study done by INSEC (Informal Sector Service Centre), that defined the Kamaiya system as a form of modern slavery, the system was able to attract a lot of international attention. The 1991 study was carried out in three districts of Nepal: Kailali, Bardiya and Kanchanpur. Broadening the scope of the study, the 1997 study was conducted in eight districts: Nawalparasi, Rupendehi, Kapilvastu, Dang, Banke, Bardiya, Kailali and Kanchanpur. Altogether, 3000 Kamaiyas were surveyed using household level survey questionnaire in the latter study.

The study portrays a diverse socio-economic condition of the Kamaiyas in the eight districts. Findings include about 58 per cent landless in Kanchanpur and 19 per cent in Dang; about 60 per cent living

in others' houses in Kanchanpur; 19 per cent living in houses provided by others in Dang; 55 per cent with family size of less than five in Kanchanpur; and 54 per cent with family size between 6 and 10 in Bardiya. Similarly, 3.3 per cent in Kailali and 20 per cent in Banke receive cash payment while the rest receive payment in kind or crop sharing basis. The literacy rate is as high as 81 per cent in Kailali and as low as 59 per cent in Dang. The authors believe that, development practitioners have been able to raise awareness about the prevalence of the longstanding system and that the most visible proof of this, could be the higher response rate that was received in the 1997 study in comparison to the study done in 1991.

43 Sustainable Elimination of Bonded Labour in Nepal: Impact Assessment Volume 1

Sharma, Shiva and Ram K. Sharma. Geneva: International Labour Organisation. 2005.

This study is based on an impact assessment of the ILO's Sustainable Elimination of Bonded Labour in Nepal project carried out from 2001 to 2005. The project aimed to collect information on the socio-economic condition of Kamaiyas and assist the government in the sustainable elimination of the practice of bonded labour. The study is based on a survey of 713 ex-Kamaiya households in Dang, Banke, Bardiya, Kailali and Kanchanpur districts, and 75 focus group discussions with target groups and local stakeholders. A comparative analysis of the pre- and post- liberation situation of the Kamaiya suggests a marked improvement in areas of education, health, economic well-being, employment and wage, fulfilment of basic needs and awareness.

44 Economic and Livelihood Alternatives for Ex-Kamaiyas and Equally Vulnerable Communities in Western Nepal

Shrestha, Guna Raj, Deep Govinda Rajkarnikar, Surendra Thapa and Rambha Dhital. Geneva: International Labour Organisation. 2003.

This paper presents the existing economic and livelihood opportunities for ex-Kamaiyas in five Tarai districts of the mid- and far-western Nepal namely, Dang, Banke, Bardiya, Kailali and Kanchanpur. In-depth examination of these districts was conducted including detailed assessment

of the indigenous knowledge, effectiveness of skill development initiatives, available resources and accessibility, access to financial resources, and the involvement of stakeholders in the rehabilitation process. More importantly, this paper analyses the strategies for poverty reduction and income enhancement for the target groups. It also identifies a list of potential livelihood activities to uplift the status of the ex-Kamaiyas and other vulnerable communities through the availability of raw materials, market demand, skills, technology, and finance. The Second Volume is an annex report that contains the details of each study district with ample supportive information.

45 Understanding Bonded Child Labour in Asia: An introduction to the nature of the problem and how to address it

Stafford, William F. (ed). Bangkok: Child Workers in Asia. 2007.
www.crin.org/docs/CWA_%20UnderstandingBondedChildLabour.pdf

This book discusses the situation of bonded child labour in Asia, mainly India, Pakistan, Nepal, Bangladesh, Sri Lanka, Indonesia and Philippines. The first part of the book is dedicated to understanding bonded child labour, its causes and impacts vis-à-vis obligations, social exclusion and debt. The second chapter gives a country overview of the above mentioned countries, while the third discusses the ways of addressing bonded child labour, including the national and international instruments, intervention strategies and challenges.

In the section on Nepal, the book focuses on the Kamaiya system prevalent in Kanchanpur, Kailali, Bardiya, Banke and Dang districts where not only the Kamaiya men but even their wives and children have to serve as bonded labourers. The book also discusses the Haliya and Haruwa systems, where people from the Dalit community are held under debt bondage by the so-called 'upper-caste' households. Further, it looks into the conditions of bonded labourers in sectors like agriculture, brick kiln, carpet weaving, commercial sex, domestic work, restaurants, stone quarry and textile factories. It thoroughly examines the Kamaiya Labour (Prohibition) Act 2002 that includes provisions for freedom of Kamaiyas; abolishment of the Kamaiya system; cancellation of Kamaiya labour and return of Kamaiya property; penalties for those who use bonded labour or fail to pay timely wages; rehabilitative measures like providing financial donations and rescue operations (housing,

food, education, healthcare and land); and administrative benefits like forming Kamaiya Rehabilitation and Monitoring Committees, arranging settlement, employment, education and skill development, and fixing minimum wages for former Kamaiyas.

46 Concern and Causes of Haliya System: A Brief Report

The Lutheran World Federation Nepal. Kathmandu: The Lutheran World Federation Nepal. 2003.

This report provides a brief overview of the Haliya system of Nepal. It analyses the causes of the system, details the different types of Haliyas, presents a comparative perspective on Haliyas and Kamaiyas, and explores the situation of Haliyas in Darchula, Baitadi and Dadeldhura districts. It provides information on their household size, the number of years individuals have worked as Haliyas, and the amount of their debts. The main argument of the report is that despite the legal mechanisms that prohibit bonded labour, the system persists due to the lack of proper mechanisms enforcing land, labour and human rights acts. In conclusion, it proposes various initiatives at the VDC, district, regional and national levels to address the issue of Haliyas in Nepal including, research and documentation, a legal awareness campaign and community interaction against caste discrimination.

47 Poverty, Discrimination and Slavery: The Reality of Bonded Labour in Nepal, India and Pakistan

Upadhyaya, Krishna Prasad. London: Anti-Slavery International. 2008.

This report examines the effectiveness of state interventions against bonded labour. It identifies the lack of political will, poverty and social exclusion as the main reasons behind the persistence of bonded labour in South Asia. The findings reveal that 90 per cent of bonded labourers belong to scheduled castes and minority groups. The report highlights the need for sustained political commitment, a better understanding of the issue and improvement of labour standards to effectively address the problems of bonded labour in South Asia.

48 Promises to Keep: India, Pakistan and Nepal and the Challenge of Slavery Eradication in the 21st Century

Upadhyaya, Krishna Prasad. London: Anti-Slavery International. 2008.

This article analyses the social and economic dimensions of bonded labour and the role of the state in addressing the issue. Despite the constitutional ban on bonded labour slavery, the practice continues in India, Pakistan and Nepal. The article argues that political leaders in these countries have failed to address the problem in a sustainable manner. It highlights the need for long-term political commitment, real understanding of the issue, minimum wages, guaranteed freedom of movement and formulation of labour standards to address the problem.

49 Land Politics and Conflict in Nepal: Realities and Potentials for Agrarian Transformation

Upreti, Bhashnu Raj, Sagar Raj Sharma and Jagat Basnet (eds). Kathmandu: Community Self Reliance Centre, South Asia Regional Coordination Office of NCCR North South, and Human and Natural Resources Studies Centre. 2008.

This book contains 14 articles that examine the lives of hundreds of Nepali farmers, landless people and peasants. It begins with the hypothesis that land is the main source of marginalisation and conflict in Nepal. It presents an overview of the land rights movement in Nepal, which dates back to pre-1950, and offers a comparative perspective by looking at similar movements in Mexico, the former Soviet Union, China, Philippines and Bolivia. Articles in the latter section discuss the Kamaiya, Haliya, Haruwa and Charuwa systems. Due to lack of research on Haliyas, Haruwas and Charuwas, the book points out that their exact number remains unknown; however, it is evident that their situation is even more critical than that of other marginalised groups. Findings from the book indicate that most of the bonded labourers are either landless or own less than a *ropani*³ of land. They are compelled to work for more than 12 hours a day but are paid paltry wages, if at all. They are often paid in kind (food grains) instead of cash, which forces them to remain

3 1 hectare of land equals 19.66 *ropanis*.

bonded. The authors argue that the weak law enforcement mechanism is the main reason why bonded labourers continue to live in harsh conditions. Although the Bonded Labour (Prohibition) Act, 2002 and the Interim Constitution of Nepal, 2007 have banned the system of bonded labour and ensured the labourers' economic security on paper, these have not been translated into practice.

50 Is Bonded Labour Voluntary? Evidence from the Liberation of the Kamaiyas in the Far-Western Region of Nepal

Villanger, Espen. Working Paper 16. Bergen: Chr. Michelsen Institute. 2006.

www.cmi.no/publications/file/2400-is-bonded-labour-voluntary.pdf

This paper relies on existing literature to examine the major distinctions between voluntary and non-voluntary labour relationships. Further, through in-depth interviews conducted on labour and income relations with 54 ex-Kamaiyas living in five camps in Kailali district, it brings forth the mixed reactions of the Kamaiyas on their liberation. It also highlights the mechanisms that allow the landlords to portray forced bonded labour as a voluntary relationship. The paper recommends that bonded labourers be provided with enhanced alternative credits and other income opportunities for their emancipation.

51 The Kamaiya System of Bonded Labour in Nepal

World Organisation Against Torture. Geneva: World Organisation Against Torture. 2005.

www.omct.org/files/interdisciplinary-study/ii_b_3_nepal_case_study.pdf

This paper traces the origin of the Kamaiya system and the socio-economic and cultural situation of the Kamaiyas of western Nepal. It presents the ongoing debates on the actual number of Kamaiyas, analyses the life cycle and division of labour in the Kamaiya system, and examines the terms and conditions of work and relationship between the Kamaiyas and the landlords. The report also discusses the Kamaiya movement and the role of grassroots organisations, political parties, UN agencies, bilateral donors, Nepal government, I/NGOs, trade unions, Kamaiya Mukti Manch, Kamaiya Concern Group, and other allies, in

bringing about the abolition of the system. The report provides insights into the post-liberation situation of the Kamaiyas and the challenges faced by them and the government in their rehabilitation.

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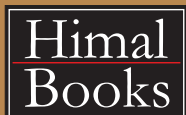
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This book reviews the current state of knowledge on various aspects of trafficking and forced labour in Nepal. The first part analyses issues related to different forms of labour exploitation. It identifies the main obstacles to addressing associated problems and also highlights some of the best practices, before concluding with recommendations that could help make planned interventions more effective.

The second part consists of a detailed annotated bibliography of 256 books, papers and articles on the subject. It is divided into four broad categories of trafficking, forced labour, migrant labour, and traditional forms of bondage. The authors believe this will serve as a handy resource to both researchers and practitioners.

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