

# MOUNTAIN CHILDREN OF NEPAL: A LOST GENERATION?

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## Overview

Nepal is a mountain country: 'hill' and 'mountain' regions together account for over 75% of the total land area of 147,181 km<sup>2</sup> and 53% of the estimated total population of 22 million (in 1999) (UNEP 2001). It is primarily a rural country dotted with small, mostly poor villages. More than 85% of the population lives in rural areas. In mountain areas<sup>1</sup>, access to basic infrastructure such as safe drinking water, roads, health posts, schools, electricity, and telecommunications is limited. Ranked among the poorest countries, Nepal's economy is based on agriculture, which absorbs four-fifths of the country's workforce. Subsistence farming is the norm. Landholdings are generally small, with average per capita agricultural landholdings of 0.13 hectare in 1999, less than 1 ha per family (CBS 1999). Owing to small-size landholdings, low productivity, and the sheer drudgery of the work, the agricultural sector is in decline. The economy is undergoing a structural change – moving away from agriculture towards manufacture and services. The out-migration of rural people to urban or semi-urban areas of the country, or further afield to India, the Gulf countries and elsewhere, financed by selling or mortgaging land and property, clearly reflects this change.

After democracy was introduced in Nepal in April 1990, the single-party Panchayati system was replaced by a multi-party parliamentary system, and an absolute monarchy by a constitutional monarchy, ushering in a new political era, but one that has been marked by infighting and widespread corruption. Political stability and economic security remain a hope rather than a reality. As governments fail to bring about tangible improvements in the life of rural people, people again see out-migration or migrant work as the only viable choice.

As the problems arising from economic and political structural change converge, the most neglected section of society, namely children<sup>2</sup>, is invariably caught in the middle. But there is no social safety net in Nepal for the poor or weak, the old or young.

Mountain and hill children are affected in a variety of ways: as a result of out-migration (their families', their own, their fathers'); their need to work to survive; criminal exploitation of their need and ignorance; or simply the lack of basic opportunities resulting from economic and social marginalisation of these poorly accessible areas. In all these situations, the most important impacts are those associated

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<sup>1</sup> In this paper 'mountain area' is used to mean the mountain and hill regions together.

<sup>2</sup> In Nepal the applicable legislation such as the Children's Act (1992), the Child Labour Prohibition and Regulation Act (2000), and the Traffic in Persons Act (200x) defines 'child' as any person below the age of 16. As per Article 1 of the United Nations' Conventions on the Rights of the Children (1989) the term 'child' means any person under 18, unless under the law applicable to the child, majority is attained earlier.

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with 'child labour' – children who have to work for a large part of the day cannot study properly, and may be physically compromised. They cannot use education as a way of escaping poverty.

Rural families that migrate to urban centres typically have few possessions and resources and must take whatever work they find. Children must work if the family is to survive. Many work as money collectors in public transportation, or as newspaper vendors; others are reduced to begging or rag picking. Some children look for organised employment on tea estates, or in carpet factories, garment factories, brick kilns, stone quarries, domestic households, hotels, or restaurants. Many occupations are hazardous<sup>3</sup> and unpaid or underpaid and children must often work long hours.

Some children migrate to urban centres on their own or with friends. They may not have enough to eat at home, be maltreated by their parents, need to help their families pay off debt, or just want better opportunities.

Despite the pressure, however, the majority of mountain children do not out-migrate, but they may well need to work in family businesses or somewhere nearby. If they happen to be from areas lying along or close to trekking routes, for example, they tend to stay put, helping families run roadside inns and tea shops, selling souvenirs to tourists, or working as porters and local guides to supplement the meagre family income. In Maoist-held areas, boys and girls may be recruited for the 'People's War', although this has been little researched.

In addition to all these, there is the large mass of rural children who must spend long hours working on the family's farm, on subsistence landholdings where there is little or no mechanisation and hard labour is the only way to provide food for all. These children, particularly girls, may have no time to attend school or be too tired to learn, and suffer from the general lack of infrastructure and opportunity in these often neglected areas.

Finally there is the problem of illegal exploitation. Not surprisingly, an underground sector has emerged to capitalise on what it deems 'surplus and easily exploitable child labour'. Young girls are the most vulnerable group. Many fall for false schemes – promises of riches, jobs, marriages by pimps and brokers. Many urban centres have pockets of undeclared 'red light areas'. Trafficking in young girls within the country and across the border – whether for commercial sexual or other forms of labour exploitation – has become an increasingly complex problem to deal with. The majority of the trafficked girls are from hill districts (KC et al. 2001).

There is no dearth of legal provisions protecting children from child labour and labour exploitation; there has only been limited enforcement. The Constitution of the Kingdom of Nepal (1990), the Labour Act, the Children's Act (1992), the Child Labour Prohibition and Regulation Act (2000), the Traffic in Persons Act (2000), the Citizen Rights Act (1955), the Begging Prohibition Act (1962), and the Prison Act all have provisions protecting children and child workers, but they are little used. Dozens of child-welfare and child-labour-related NGOs have come into existence in the last decade, but their overall impact on the child labour situation in Nepal leaves much to be desired. Now the resolve of the ILO's International Programme on the Elimination of Child Labour (IPEC) to abolish the worst forms of child labour<sup>4</sup> from

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<sup>3</sup> According to the ILO definition, 'hazardous' work situations are those that are likely to jeopardise the safety, health and morals of children.

<sup>4</sup> As per Article 3 of the Worst Forms of Labour Convention (No. 182) of the ILO, the 'worst forms of child labour' comprise: a) all forms of slavery or slavery-like practices such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; c) the use, procuring or offering of a child for illegal activities, in particular the production and trafficking of drugs as defined in the relevant treaties;

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the country in a time-bound manner offers some hope. As a start Nepal passed the Child Labour Prohibition and Regulation Act, and the Traffic in Persons Act in 1990. But Nepal has not yet ratified the International Labour Organisation's (ILO) Worst Forms of Child Labour Convention (No. 182). There are a host of unanswered questions: Who is to say that for every child removed from the worst forms of child labour there are not going to be a dozen other children scrambling to 'get in'? What is going to happen to the families that depend on their children? As donor-funded development work has virtually stopped in Maoist-held districts, can the IPEC realistically make good on its resolve?

Given the enormity and complexity of the child labour problem and the resultant loss of potential of a significant portion of today's young generation, it should rank as one of the top priorities of the country, but rarely figures on the national agenda. While it is clear that the NGO and INGO sectors have seriously taken up the cause of children and child workers, the government's response has been less marked. Without strong pressure groups or effective lobbies to carry the children's voices to the highest level of the government, there is little hope of action.

## A profile of child labour in Nepal

### Agriculture and household chores

Most working children in Nepal actually work in the fields and on family farms, or on tea estates (in Eastern Nepal), not in factories. They collect firewood and fodder, fetch water, weed gardens, look after cattle and goats, till soil, and help out during harvest. Girls also do household chores – which means lengthy and strenuous tasks given the lack of labour-saving devices and such basic amenities as running water and electricity. The children from hill and mountain farming households often do not attend school, and those who do, mostly attend irregularly. But agricultural child labour is often ignored in favour of an urban and industrial view of what constitutes 'child labour' (see ILO-IPEC (not dated) *A Consolidated Report: Child Labour in the Teas Estates of Nepal*). This neglect is linked to an unquestioned assumption that children working on fields and farms are less likely to be at risk than urban workers. The result is a false view of the child labour problem, and legislation that would otherwise protect children fails to cover most agricultural settings where they work. A study by the Central Department of Population Studies, Tribhuvan University, Kathmandu, Nepal (1998) indicated that of the 1.9 million children between the ages of 5 and 14 employed in the formal sector, 95% worked in the agricultural sector, and only 5% in industry and service (see ILO-IPEC & CDPS (T.U.) (1998) *Report on Child Labour Situation in Nepal*).

### Industrial and service sectors

Within the industrial and service sectors, child labour is concentrated in menial jobs in industries or services such as construction, carpet factories, brick kilns, stone quarries, restaurants, domestic services, tea stalls, and groceries, mainly in small towns and urban centres. Children are also employed in small-scale enterprises such as candle making, rug weaving, furniture making, and wood/stone carving. Children in these sectors are mostly migrants from hill and mountain districts.

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and d) work which, by its very nature or circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

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## The carpet industry: an example

The carpet industry provides a good example of how the problem of child labour has changed over the years. Tibetan refugees founded the industry in the late 1950s, with help from donor organisations. In the 1980s and early 1990s, the carpet industry was held up as a shining example of 'success', and had become the biggest foreign exchange earner. But many of these carpet factories employed and exploited children, mainly from hill districts. In the early 1990s, the local NGOs in Nepal brought the issue of child labour in the carpet industry to international attention, and this resulted in a flurry of media activity. The U.S. Senate passed a bill prohibiting imports of products with child labour content. Germany and other major buyer countries refused to buy carpets from Nepal. This hit the carpet industry hard. Only after the government and the industry agreed on basic principles such as phasing out child labour from the industry and creating a 'Rugmark' label to certify child-labour-free carpets, was the foreign ban on carpets lifted. The carpet industry has never fully recovered, however. Two lessons became clear from this experience: one, that the NGOs in Nepal have become a potent force to be reckoned with; and, two, that the relationship between profitability and exploitation is tenuous.

In 1998, after the ban on carpets was lifted, BISCONS, a consortium of development and management consultants carried out a survey in the Kathmandu Valley to assess the child labour situation in the carpet industry. They estimated that of the 32,828 workers employed in carpet factories; 1.6% (596) were child workers, and 9.9% (3,631) minors (ILO-IPEC/NIMC (not dated) *A Resource Kit on Child Labour Situation in Nepal*).

## The domestic service sector

A 1995 survey by Child Workers In Nepal (CWIN), a local NGO, found as many as 21,000 children working as domestic helpers in the three cities of the Kathmandu Valley, of whom 45% were young girls and 95% had come from hill districts outside the Valley. CWIN estimated that altogether some 62,000 children work as domestic helpers in semi-urban or urban households in Nepal, as identified in the ILO-IPEC/NIMC *A Resource Kit on Child Labour Situation in Nepal*. Owing to its hidden nature, domestic service in urban households can be very exploitative, but the public is silent on this issue as many depend on such help, and the parents of these children are happy that they are being fed and housed. Personal experience suggests that children as young as 9 or 10 may be left in charge of children, and perform general household chores (cooking, cleaning, and washing clothes) for families of four or more people. Equally children who have never had a chance to go to school or eat sufficiently may be well fed, clothed and taught to read, write and calculate. No one knows the actual extent of exploitation, sexual, physical or otherwise, as child labour in urban households does not easily lend itself to research or survey.

## The underground sector

One of the more disturbing aspects of child labour is exploitation by criminals. Many factors contribute to this: high unemployment or underemployment, 'surplus' child labour, the long open unregulated border with India, limited enforcement of legislation, consumerism, tourism, and the rise of glamour industries such as cabin restaurants, dance bars, discos, and massage parlours. The most alarming development in the underground sector is the cross-border trafficking of girls and women to cities in India, and even to faraway places such as the Middle East, for commercial sexual or other forms of exploitation. Although trafficking from Nepal dates back to the 1970s, only in the last decade has it

received the attention of social workers, law enforcement officials and the media. The majority of girls trafficked are from hill and mountain districts.

## Hill and mountain-specific child labour issues

As stated earlier, mountain and hill regions together account for nearly 77% of Nepal's total area of 147,181 km<sup>2</sup>, and 53% of the country's estimated total population of 22 million (UNEP 2001). Therefore, Nepal qualifies as essentially a 'mountain country'. The Terai (plains) region is the breadbasket of Nepal and also home to the majority of manufacturing industries. The mountain regions are not so blessed. Difficult terrain, lack of productive land and basic infrastructure, scattered pockets of settlements, lack of access to markets, remoteness, economic insecurity, undernourishment and starvation, illness, debt bondage, political neglect, and now the Maoist insurgency, have all marginalised the mountain communities.

Although all forms of child labour can be detrimental to education and development, the sectors that unequivocally fall in the category of 'worst forms of child labour' and almost exclusively involve children of hill or mountain origin, are

- child porters,
- trafficking of girls for commercial sexual or other forms of exploitation, and
- a new manifestation about which little is known: children affected by or in the service of maoist rebel groups.

### Child porters

Porter work is an important off-farm employment for landless and poor households in rural Nepal. The use of children as porters is commonplace. Adults and children come to urban areas or places along trekking and climbing routes in search of work, particularly during the peak tourist season, and are employed by business owners, traders, and trekking agencies.

A study by the Central Department for Population Studies, Tribhuvan University (KC et al. 2001), estimated that there were more than 46,000 child porters nationwide, of whom 91% were from hill and mountain regions and the rest from the Terai and India. The great majority (42,000) worked on long-distance routes and the remainder on short-distance routes. Long-distance portering, in general, is common along trekking, climbing, and trading routes in hill or mountain terrain, and short-distance portering in urban areas, bus parks, and market centres.

A group of 349 were surveyed in detail. Of these, 114 were long-distance porters and 235 short-distance porters; 43 were girls. The average age of the long-distance porters was 14, and that of the short-distance porters 15. Most porters were from landless families, with an average family size of 6.5 persons. Most had dropped out of school due to family poverty, although the vast majority said they would like to continue their education, given the opportunity. More than half (54%) worked throughout the year, the rest on a seasonal or occasional basis. Although the Labour Act (1992) prohibits minors from carrying more than 25 kg weight, enforcement was found to be non-existent. Most children reported carrying weights averaging 49 kg, twice the legal limit. As wages are often determined by the weight of the load and the distance travelled, the child workers are highly prone to physical hazards. Short-distance porters had average earnings of USD 1.25 per day, long-distance porters about USD 1

per day. This is chiefly because wage rates are negotiable for short distances, whereas there is a standard system of payment on long-distance routes. Wages were also found to fluctuate according to the value of the merchandise carried. Nearly half the long-distance porters (47%) gave their earnings to their parents; only one-third of the short-distance porters did the same. More than 60% admitted drinking alcohol. Long-distance child porters commonly drank *jaand* (local liquor), whereas short-distance porters drank low-grade alcohol from plastic pouches. Smoking and tobacco intake were common.

Using children as porters can stunt their growth, and perpetuate marginalisation, deprivation, and exploitation. A number of adult porters in the Kathmandu Valley said during focus group discussions that many child porters ultimately became street children. How to improve the lot of child porters is a major challenge for Nepal.

## Trafficking of girls for commercial sexual exploitation

It is impossible to determine accurately how many girls and women are trafficked in or from Nepal every year. The figures range from 5,000 to 20,000. Estimates put the number of Nepalese girls and women working in Indian brothels anywhere from 70,000 to 417,000 (Acharya 1988). Indian and Nepali estimates differ considerably. These estimates, to date, have not been verified by rigorous research methods. A report published by UNICEF in 1998 suggests that there are roughly 25,000 female sex workers in Nepal, of whom 20% (5,000) are below the age of 16 (ILO-IPEC/NIMC).

The phenomenon of trafficking in girls (and boys) for commercial sexual exploitation has cut across boundaries of caste, ethnicity, religion, gender, economic class, and region of Nepal. But a significant portion of trafficked child commercial sex workers comes from hill districts. Children from the Tamang communities appear to be disproportionately affected. In many cases there is direct collusion by families, close relatives, or friends of the girls. The long open unregulated border with India to the south makes it difficult to prevent cross-border trafficking. Long-distance buses and trucks are widely used for illegal transportation by traffickers. Even when police uncover illegal merchandise or trafficked girls, bribes may persuade them not to see.

Many middlemen are involved and profit from this criminal activity, in some cases including close relatives such as parents, uncles and aunts; thus there are vested interests in maintaining the system. Once sold, girls (or boys) are 'bonded' until they can 'pay back' the amount paid for them. But returning is a difficult option. A considerable number of returnees suffer from HIV/AIDS, drug addiction, alcoholism, and depression. Rehabilitation and reintegration is problematic when society continues to ostracise the returnees.

## Children affected by or in the service of the Maoist insurgency

"Some children become soldiers simply to survive. In war-ravaged lands where schools have been closed, fields destroyed, and relatives arrested or killed, a gun is a meal ticket and a more attractive alternative to sitting home alone and afraid."

*Graça Machel, the UN Secretary-General's Expert on the Impact of Armed Conflict on Children*

The problem of children affected by or in the service of Maoist rebel groups is new to the country, and largely unresearched. The activities of the insurgent groups have steadily increased since 1996 when the 'People's War' was declared. Today 45 of the country's 75 districts are affected (Siwakoti and Shrestha). It is widely believed that in response to the insurgency, many children have been 'internally displaced' within Nepal or have fled to India, alone or with their families. But whereas refugees may benefit from

the concern of a number of international bodies, the 'internally displaced' receive little attention or protection, although they may be at greater risk. Endemic migration from the hill areas has resulted in a predominance of women-headed households and villages where there are no men. This breakdown of family and community networks has also influenced children's direct and indirect participation in the Maoist movement.

Research published in the INSEC Yearbook 2001 suggests that there are a number of children under the age of 18 years actively participating in the armed conflict. The use of even younger children in other, lesser roles cannot be ruled out, although this needs research. Although recruitment of children in the rebel army does not yet appear to be a widespread problem, it may become one in the future. The following groups are particularly vulnerable (Siwakoti and Shrestha):

- children separated from their families or with disrupted family backgrounds;
- economically and socially deprived children;
- marginalised groups; and
- children from the conflict areas.

Preliminary reports indicate that so far 43 children have been killed during the insurgent activities and many more injured. Already many are growing up deprived of their material and emotional needs.

## Why are children not better protected?

Pluss (1999) looked carefully at the reasons why children are not better protected. Some of her findings apply to Nepal. Although there are ample legal provisions protecting children and child workers in Nepal, they are not being sufficiently enforced. Many children do not have a birth certificate that provides proof of their age. This makes it extremely difficult to enforce the 'minimum age' provisions in the law. For example, when doubts about a child's age are raised, an employer can take refuge by claiming that the birth certificate is missing.

It is difficult to monitor observance of labour laws in the country because many workplaces are located in the informal sector, in businesses that are not officially registered. Labour inspectorates often lack funds and knowledge about procedures.

There may be a lack of cooperation between the various official bodies responsible for the protection of children – primarily labour ministries, police forces and social authorities. It is also not clear what to do with children who have been freed or removed from exploitative situations, and who have not reached the minimum age for admission to employment. Who will guarantee, where their parents have failed, that children in dire economic circumstances receive adequate care, to ensure that they will not be forced into an even more dangerous predicament? This is especially true of Nepal where there is no social safety net for the poor and weak. Experience shows that freeing children from exploitation quite often generates new anxieties and traumas. Victims of sexual exploitation are in a difficult position when they are involved in court proceedings, where they are often exposed to detailed questioning by authorities and confrontation with perpetrators.

The reasons that the families of the affected children or the law are unable to offer children better protection must be carefully examined. Larger questions need to be asked: How do we prevent child labour in the first place? How should child labour laws be monitored and enforced? What should be done

so that 'rescued' or 'rehabilitated' children do not relapse into more exploitative forms of labour? How to provide for the children in dire economic circumstances, where parents have clearly failed? How to enforce a 'free but compulsory' education requirement for children? Public debate on these issues is lacking. In the final analysis, the fact that children do not receive better protection shows that low priority is actually accorded to children's issues and concerns. Children are still considered more as 'property' or extensions of their parents; they are rarely seen as beings with rights of their own.

## Conclusion

As the International Year of Mountains 2002 draws near it is time to take stock of the human resources in the mountain regions of the world, including Nepal. In Nepal, there are some 6.3 million children between the ages of five and fourteen. The majority living in hill and mountain areas ends up in subsistence farming, in housekeeping, or as migrant workers. Of these children, some 2.6 million are engaged in some form of extended labour, one in three (ILO-IPEC & CDPS (T.U.) (1998)).

The involvement of these children in labour in their own village, in semi-urban or urban centres of the country, or across the border exacts a heavy price in terms of lost potential and lost opportunities for education and self-development. They are exposed to many dangers. The overall effect of a subsistence lifestyle, of migration, displacement, and child labour – which have become widespread in Nepal – is that the children become vulnerable to exploitation. They face a life of poverty and cannot escape the trap: *in order to afford the education needed for employment in tomorrow's competitive knowledge or service sector they have to earn enough from their full-time or overtime jobs; and in order to work in full-time or overtime jobs, they have to forego education.* In this sense, the mountain children of Nepal of today are a lost generation indeed.

Unless the government, NGOs and civil society come together to put children's issues and concerns high up on the national agenda, to enforce the existing legislation protecting children such as the 'minimum age' provisions, to provide educational measures such as free and compulsory education, and to address the issue of the worst forms of child labour such as trafficking in girls and/or children affected by the armed conflict, more and more children are going to be consigned to the 'lost generation' status.



**REFERENCES**

- Acharya, B (1988). 'Review of the Studies on Trafficking in Women and Girls', in: Efforts to Prevent Trafficking in Women and Girls: A Pre-Study for Media Activism, ASMITA/Action Aid, Kathmandu
- CBS (1999). A Statistical Year Book of Nepal. Kathmandu: CBS
- IL-IPEC/NIMC (not dated). A Resource Kit on Child Labour Situation in Nepal
- ILO-IPEC & CDPS (T.U.) (1998). Report on Child Labour Situation in Nepal
- ILO-IPEC (not dated). A Consolidated Report: Child Labour in the Teas Estates of Nepal (based on the surveys conducted by GEFONT in Ilam and Jhapa districts)
- INSEC Yearbook 2001
- KC, B; Subedi, G; Gurung, YB; Adhikari, KP (2001). Child Porters in Nepal: A Rapid Assessment, ILO-IPEC & CDPS (T.U.)
- KC, B; Subedi, G; Gurung, YB; Adhikari, KP (2001). Trafficking Girls in Nepal with Special References to Prostitution: A Rapid Assessment, ILO-IPEC & CDPS (T.U.)
- Pluss, C (1999). Quick Money – Easy Money: A Report on Child Labour in Tourism, SDC Working Paper 1/99
- Siwakoti, GK; Shrestha, M (unpublished). 'Nepal: The Impact of Armed Conflict on Children and Families', INHURED International, Kathmandu
- UNEP (2001). Nepal: State of the Environment 200x. Kathmandu: UNEP/ICIMOD/NORAD/SACERP/Mope/MGHN