

Child Labour in Kathmandu, Nepal



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IREWOC, the Amsterdam-based Foundation for International Research on Working Children intends to generate more theoretically informed research on various aspects of child labour and child rights, as well as to raise awareness and to motivate action around this complex issue. (IREWOC is associated with the University of Amsterdam, with the International Institute of Social History and it has a strategic alliance with Plan Netherlands.

Contents

- Acknowledgements..... ii**

- Chapter 1: Introduction 1**
 - Research focus 2
 - Main themes and research questions 3
 - Settings and methodology 4
 - Report outline..... 7

- Chapter 2: Child Labour in Nepal..... 8**
 - 2.1 Child labour in Nepal: an introduction..... 9
 - 2.2 Child labour legislation in Nepal 11

- Chapter 3: Brick Makers, Porters, and Restaurant Workers..... 16**
 - 3.1 The brick kilns 16
 - 3.2 Child porters..... 32
 - 3.3 Children working in teashops and small restaurants 48

- Chapter 4: Causes of Child Labour 63**
 - 4.1 Socio-economic conditions 63
 - 4.2 Village environment..... 66
 - 4.3 Children’s desires..... 68
 - 4.4 Parents’ and other adults’ perspectives 69

- Chapter 5: Confronting Child Labour..... 73**
 - 5.1 Confronting child labour in Nepal: the approaches..... 73
 - 5.2 The role of various actors..... 74
 - 5.3 Education as a response to child labour 79
 - 5.4 Recommendations 83

- Resources 87**

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The ultimate aim of the IREWOC “Worst Forms of Child Labour” studies is to document the reality of child labourers in the worst forms of child labour, to discover the true reasons why children are (still) working under these conditions, and to identify best practices of governmental and non-governmental organisations to deal with these worst forms.

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Afke de Groot, March 2010

Chapter 1

Introduction

In 1973, the ILO adopted its Minimum Age Convention (No. 138), which requires states to design and apply national policies to ensure the effective abolition of all forms of child labour and to set the minimum age of employment at 14. Despite widespread ratification and international attention the effective abolition of all child labour proved to be a difficult task. Two major considerations became apparent after ratification. First, research illustrated the extent of the child labour problem, which led to the realistic understanding that not all forms of child labour could be done away with at once. Secondly, there was a growing understanding that not all forms of child labour are equally harmful. As stated in the 1997 UNICEF report on The State of the World's Children:

In reality, children do a variety of work in widely divergent conditions. The work takes place along a continuum. At one end of the continuum, the work is beneficial, promoting or enhancing a child's physical, mental, spiritual, moral or social development without interfering with schooling, recreation and rest. On the other end, it is palpably destructive or exploitative. There are vast areas of activity between these two poles, including work that need not impact negatively on the child's development. ... But to treat all work by children as equally unacceptable is to confuse and trivialize the issue and to make it more difficult to end abuses. This is why it is important to distinguish between beneficial and intolerable work and to recognize that much child labour falls in the grey area between these two extremes. [UNICEF 1997:24]

These two realisations resulted in the decision to concentrate on the worst forms of child labour (as morally abhorrent situations under any circumstance or development condition), while continuing to pursue the wider goal of reducing child labour in all its forms and adhering to the age limits.

On 17 June 1999, a global consensus was reached to tackle and eliminate the worst forms of child labour. A new international human rights instrument, the Worst Forms of Child Labour Convention No. 182, was adopted by the ILO in Geneva. Convention 182 defines 2 categories of worst forms of child labour:

- The unconditional worst forms, including slavery and practices similar to slavery such as debt bondage, prostitution and pornography, participants in armed conflicts and illicit traders.
- The hazardous worst forms, which are all sorts of work that expose children to danger and jeopardise their physical and moral health, and all forms of work conducted by any child below 18 years of age that equals or exceeds 43 hours a week.

The Convention explicitly calls for immediate and effective measures to secure the prohibition and elimination of these worst forms as a matter of urgency. Because of their harmful nature both categories of work are prohibited for children under the age of 18.

One would have expected that the breakthrough of Convention 182 would have led to a significant amount of new studies and (non-)governmental action aimed at the elimination of the worst forms of child labour worldwide. In many countries, however, interventions designed for those children working under hazardous conditions and thus whose needs are most pressing, are lacking. There seems to be significantly fewer NGO activities for children who find themselves in the worst forms of child labour as defined by ILO Convention 182 [IREWOC 2005]. This relative absence of pro-active policies is paralleled by a lack of information.

With the ratification of ILO Convention 182 governments commit themselves to identify the worst forms sectors and activities taking place in their country. While most countries have not (yet) all complied with this obligation, let alone produce statistical estimates on the number of children involved, the Government of Nepal has, supported by the ILO/IPEC Time-Bound Programme, identified seven worst form sectors. Besides the ILO/IPEC Rapid Assessment studies of these sectors, however, information is still limited. Available numbers and estimates are lacking, and we still have to work with child labour data collected, for example, in 1996 by CDPS for the ILO. In addition, official (governmental) surveys and other current methods, do not particularly lend themselves to finding the children in the informal or illegal labour sectors. Furthermore, with the focus on the seven identified worst forms in Nepal, vast sectors in which children are still working under dangerous conditions, remain structurally overlooked and understudied. Finally, the qualitative material in available studies is very poor. The perspectives of the child labourers and their parents themselves are missing, thereby underestimating their capacity to analyse and voice their own needs and to propose solutions.

Research focus

This study specifically focuses on the “hazardous worst forms” (the second category within the worst forms as defined by the convention). The group of “hazardous worst forms” is, however, still in need of further specification, and this indistinctness leaves governments a lot of freedom to exclude many working children from policy interventions. The exact definition states that hazardous forms of child labour are those types of work that “by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” (ILO Convention 182, article 3d).

The focus of this Nepal study is on the experiences of children working in three sectors: children working in brick kilns, children working as porters in urban markets, and children working in tea shops and small restaurants. Only the work as porter is also identified by Nepal’s government as a worst form.

In addition to research among children working in the three sectors in urban areas, fieldwork was conducted in rural areas or the village of origin of some of the children, in order to link factors that push children into work with the factors that pull them to the city in search of work. Fieldwork was

carried out in the Morin river belt of the Sindhuli-district, where households in selected villages and settlements were interviewed about the reasons why their child(ren) had left the village in order to work in urban areas such as Kathmandu.

Main themes and research questions

This Nepal-study mainly deals with children who originate from remote rural areas and who have migrated to urban areas where they are engaged in hazardous forms of child labour. The research looks at both the pull and push factors, focusing on the following central research questions:

- What is the situation of children in the worst forms of child labour in selected sectors and regions?
- What can be said about the background and home environment of these working children in terms of what has pushed/pulled them into work?
- Why are these children engaged in these worst forms of child labour rather than in other types of work?
- What is and should be done by governmental and non-governmental organisations at policy and grassroots level, to take all children out of the worst forms of child labour?

In order to answer these questions the fieldwork focused on the following aspects in particular:

- The work environment: How many hours do the children work? (How) are they getting paid? What are their living conditions? Which activities are the children required to do? How do the children experience their work and their working conditions? What can be said about their fellow-workers?
- The family background: How do family and other community members perceive the work and working conditions of the child labourers? What is the role of the family? Do parents make a decision for their children to go and work and if so, based on which criteria? Are other siblings and peers engaged in (worst forms of) child labour as well? Which future-prospects do children have (and do caretakers have for their children)? Does the child contribute to the household's income, and is its contribution essential for the household's subsistence? What can be said about social and cultural norms and values of the community with regard to child labour? When are parents willing to take their children out of the labour process and mobilise themselves to solve the problem of child labour?
- Education: What is the educational status of the working children? While engaged in the worst forms, do they still receive education and in which form? If so, how does the child experience this type of education? Does it benefit the child, and why? What is the effect of their work on education, and vice versa? What kind of educational initiative would best serve the interest of these children?

Settings and methodology

The data presented in this report is the result of two extensive periods of anthropological research carried out in Nepal (from March until June 2008 and November 2008 until February 2009). Within the three selected work settings most information was gathered through observations at different times of the day, and through individual talks as well as group discussions with child workers, their parents, peers and fellow-workers, and others present in the workplace (such as supervisors in the brick kilns, businessmen at the markets, and owners of the restaurants).

In addition, the researcher lived in Sindhuli district for three weeks, from where many children migrate to the city for work, either alone, with peers or with their parents. Villages along the Morin River in Mahadevsthan, Kalpabrikshya and Kapilakot VDCs were selected on the basis of research data from the fieldwork in the brick kilns, and in consultation with the local NGO Sindhuli Integrated Development Society (SIDS).

Anthropological fieldwork in the villages involved participating with village life, observing and interacting with households from sunrise until long after sunset. Observations were made within the household, in the village, at school, and in the fields. Discussions were held with children, parents and other (elder) community members, and teachers. During the fieldwork in Sindhuli the researcher was accompanied by an assistant from Nepal. He assisted in practical matters, as well as with overcoming the language barrier by working as an interpreter. The structured interviews with organisations in Kathmandu were generally done by the researcher alone, either in English or in Nepali. However, in the work settings in the Kathmandu Valley the researcher chose again to work with a Nepali assistant, as to make sure no information would be overlooked.

Table 1 gives an overview of the organisations, (I)NGOs, selected academic institutes, trade unions and government bodies, with whom structured interviews were held. Table 2 lists the respondents in all the research settings.

Table 1: Structured interviews with organisations

Sector	Organisation
(I)NGO	Plan Nepal CONCERN CWIN ILO Rugmark
Government	CCWB Ministry of Education : Inclusive Education Section
Trade Union	NTUC GEFONT
Academic	Centre for Nepal and Asian Studies (CNAS), Tribhuvan University Central Department of Population Studies (CDPS), Tribhuvan University National Labour Academy (NLA)
Other	Nepal Institute of Development Studies (NIDS) National Human Rights Commission Nepal

Table 2: Overview of respondents

Sector	Location	Interviews and Observations
Brick Kilns	4 brick kilns in Imadol VDC of Lalitpur Municipality in the Kathmandu Valley 1 brick kiln in Badikhel VDC of Lalitpur Municipality in the Kathmandu Valley	43 children: 25 girls and 18 boys, aged 4-16 14 caregivers of the interviewed children 19 unrelated workers* 2 union leaders (MAO and NTUC) 3 <i>naikes</i> 4 brick kiln supervisors and 1 accountant 3 teachers at a government school and 2 (NGO-run) informal education classes at the brick kilns: interviews with facilitators 2 other NGO-staff (supervising level) 1 social mobiliser 1 owner of small restaurant at kiln premises 2 representatives Imadol VDC office and health post 1 office secretary of the Local Brick Industries Association
Markets (child porters)	All research settings in Kathmandu Municipality Main study at Kalimati Fruit and Vegetable Market Additional observations at Balkhu Fruit Wholesale Market, Icchumati and Naxal Vegetable markets, and	23 child porters (all boys) aged 11-16 (13 from Udayapur, 5 from Dhading, 1 from Pyuthang, Dang, Okhaldunga, Nuwakot and Sindupalchowk) 19 other working children (both boys and girls) on the market premises (12 garbage collectors from India, 5 working with vegetable sellers, 2 restaurant workers) 21 porters aged 17 and older, mainly from Rolpa, and Dolakha districts

	Asan/Indrachowk area	8 vegetable and fruit sellers, including the adachai of the businessmen association 1 local teashop-owner 2 security personnel Deputy director of Kalimati Fruit and Vegetable Market Development Board 1 union representative (Mao) Teacher/headmaster at 2 government schools in Kalimati-area 2 representatives NGO Kalimati Porter Centre
Tea shops and small restaurants	8-10 locations in the Putalisadak/Brikhuti Mandap area of Kathmandu	33 child workers aged 9-16 25 owners Incidentally (1-3 times) visited locations: 17 Regularly (5 times or more) visited locations: 12
Sindhuli (study in area of origin)	Selected villages and settlements along the Morin River in Mahadevsthan, Kapilakot and Kalpabrikshya VDCs Sindhuli District Central Development Region, Janakpur Zone	27 households (with children working outside the village) 7 school visits 45 other respondents (unrelated to the households and schools), including children, social workers, local (political) leaders, and a <i>naike</i> (recruiting for brick kilns in Baglung)

* (Adult) workers not related to or associated with the interviewed children

Fieldwork among the brick kilns was conducted during the period March-May 2008. Visits to the kilns were made at different times of the day. Most visits took place between 10am and 3pm, as the lunch break is when people have time to talk. However, other visits, mainly for the purpose of observing as well as visiting schools and informal education centers, and interviewing supervisors, were paid at other hours as well, including a visit at 2 in the morning. One limitation is that this fieldwork took place towards the end of the brick-making season. Some workers had already left the brick kiln premises, and even more chose to go home in order to vote during the Constituent Assembly Elections, which were held on Thursday April 10th 2008. The brick kilns were not visited at other times during the brick-making season, which usually starts in November.

As opposed to the brick kilns, the markets in Kathmandu were visited during different times of the year. Most visits took place between mid-May and the end of June. The second round of visits took place before and after the Tihar festival (end of October-early November), one of the most important festivals of Nepal.

Sindhuli was visited in November-December 2008, after the rice-cutting season (a labour-intensive season, requiring villagers to help in the fields, and when comparatively more daily wage labour opportunities are available compared to other seasons). Those families planning to temporarily leave the village for work were getting ready to do so or had just left for Kathmandu for seasonal work such as in brick kilns or in construction.

Research among child workers in small teashops and restaurants took place in January-February 2009. Putalisadak and its surroundings were randomly selected as child workers can be found in teashops and small restaurants throughout the Kathmandu Valley. However, the presence of several

educational institutions, consultancy offices, government buildings, and an exhibition ground, makes this setting a bustling area of Kathmandu in which many small restaurants and teashops can be found. In this area 12 locations employing children were selected and regularly visited during a one-month period. Each place was visited at least six times, building a rapport with both owners and the children employed. In addition, another 17 locations employing children were incidentally visited (one to three times) during this same period.

Report outline

Chapter 2 gives a general overview of the child labour issue in Nepal, the hazardous forms in particular, including (inter)national legislation. The consecutive chapters present the fieldwork data.

Chapter 3 gives an overview of the sectors studied for this research: the brick kilns, child porters, and children working in teashops and small restaurants. The chapter describes under which conditions children in these sectors live and work, and why these conditions are harmful to them. The reasons children give for working in these sectors are also touched upon, and will further be dealt with in Chapter 4, which focuses on the causes of child labour, and particularly uses the data obtained in Sindhuli, a rural area from where many migrant labourers, including children, migrate to work in Kathmandu and elsewhere.

Chapter 5 then deals with existing approaches towards tackling the issue of child labour in Kathmandu. The report ends with a number of recommendations based on research findings.

It should be noted that names of individuals used in this report have been omitted or changed due to reasons of privacy.

Chapter 2

Child Labour in Nepal

Nepal is a small landlocked country in the Himalayas, bordering with India in the South, East and West, and China in the North. Geographically, its 147,181 square kilometres can roughly be divided into three parts. The northern Mountain (or Himalayan) region comprises approximately 35% of the country. Elevation here is above 3000 m, with Mt. Everest peaking at 8848 m. The central strip of the country, which comprises about 42% of the land area, is known as the Hills. The elevation here ranges from 600 to 3000 m. This area is characterised by the Mahabharat Range and the Churia Hills, but also by many rivers and valleys. The remaining 23% of the country is known as the Terai region, the southern belt of the country, ranging from sea level to 300 m.

With a GNI per capita of US\$270 [UNICEF 2007], a HDI of 0.527, and a HPI of 38.1% [UNDP 2006], Nepal is one of the poorest countries in the world. It is estimated that 24% of Nepal's population lives on less than US\$1 a day, while 68.5% lives on less than US\$2 a day [UNDP 2006]. According to UNESCO this percentage is even higher, at 82.5% [UNESCO 2005]. There is an increasing gap between rich and poor in Nepal, and living in poverty is common for communities in rural areas, especially in mid-western and far-western regions. Slow economic growth, a relatively high population growth rate, and problems such as insufficient social and economic infrastructure all contribute to poverty in Nepal [Government of Nepal 2003:13] .

The greater part of Nepal's soil in the mountain and hilly regions is not fit for agricultural production; only the Terai region and the river valleys are suitable for farming. Only 18% is cultivated land, with 70% of this in the Terai region. Despite the limited possibilities, according to 2001 CBS figures, 65.6% of Nepal's economically active population works in agriculture and forestry [Government of Nepal 2006b:36]. It is mainly food crops such as paddy, millet, wheat, barley, and maize that are grown. Cash crops such as oilseeds, sugarcane, and tea are mainly grown in the Terai region, but only comprise 11% of the total production [Shrestha 2005]. A related source of income is livestock farming, which is particularly important in the mountain region.

Industry, tourism, and foreign trade are crucial for Nepal's economic development, but only 2% of Nepal's working population works in an industrial enterprise [Shrestha 2005:6]. Economic development is particularly hampered by poor infrastructure. Evidently, Nepal's geographical features make it difficult to develop a good transport network. Roughly speaking there are only four main highways: the longest runs from East to West through the Terai. One connects Kathmandu with Pokhara in the Hills, and both these cities are connected with the Terai through a highway as well. In addition, there are smaller roads connecting other cities, with some roads currently under construction; the largest part of the road network exists in the Terai. The Eastern and Western mountains are particularly deprived of roads, and reaching those areas is only possible on foot or by air. Not surprisingly, these areas are sparsely populated. Of Nepal's 23.2 million inhabitants only

7.3% are found in the mountains [Government of Nepal 2006a]. 44.3% live in the hills, while the remaining 48.4% live in the Terai. The Terai region is the most densely populated area mainly because of the migratory flow of people from the hills and mountains in search of economic opportunities (which increased once the East-West highway through the Terai was completed).

2.1 Child labour in Nepal: an introduction

Due to a lack of and uneven distribution of cultivable land, families are forced to find other livelihood opportunities for their survival. As a result there is many (temporary) labour migration of farmers from rural areas to urban areas such as the Kathmandu Valley in Nepal, or abroad, with India being the main destination [Thieme 2006:15]. They find work as labourers in industries such as stone quarries, carpet factories, and brick kilns, or in construction.

Children are not unaffected by this trend. Some are asked to travel with their family from a very young age, which disrupts their chances for regular education. Others follow the example of neighbours and peers who have been earning money elsewhere, and decide on their own to go to urban areas in search of work. They do so once they are considered old enough to be able to cope with risks and responsibilities when leaving the safe haven of their village of origin, which in their context can be once they reach the age of 12.

The frequent prevalence of child labour in Nepal should be seen in this economical context. Children are expected to contribute to household activities from a very early age. These activities vary from simple household chores at home, which can be combined with education and which are harmless for the children, to activities that require more time and effort from the children. These activities result in irregular school attendance or total school dropout. Not only children from the poorest of the poor are expected to contribute to the household's work, but this is true for those who are better off as well. However, the burden on a child's shoulder increases especially in times of financial hardship.

Children in Nepal work in a wide scale of activities ranging from helping out the family with agricultural activities, which is relatively harmless to the child's development, to fulltime labour that exposes them to physical and mental dangers. Most important to note is that the majority of children work in the informal sector.

In rural areas children work, with their parents or outside their household, in agriculture, animal husbandry, manual labour (pottery, iron smith, basket making, shoemaking, sewing, etcetera), and in construction work. In urban areas children, who are predominantly from rural areas, can be found working as domestic workers; in industries (carpet weaving, embroidery in the garment/textiles industry, brick kilns, stone quarries and mines); as porters in the tourism industry or at markets and bus parks; in restaurants as waiters, helpers, cooks, dancers, and prostitutes; as beggars, rag pickers, and vendors on the streets; and in the transportation sector as ticket collectors and as drivers. Due to the open border with India, children from Nepal are also vulnerable for trafficking and can end up working as sex workers, in circuses, carpet-, embroidery-, garment- and bidi-industries, road construction, and domestic workers in India. In addition, during the conflicts

between Maoists and the army children have also been recruited as soldiers and messengers by the Maoist insurgents.

With regard to the number of working children in Nepal, several surveys have been conducted [Suwal et al. 1997b; CBS 1999, 2001, 2004]. However, the estimates vary and are difficult to compare due to the use of different definitions of “work” and “labour”, and the indicators they use [Lieten 2009:64-68]. An ILO-supported survey conducted by CDPS [Suwal et al. 1997a; ILO 1998] estimated that there are 2.6 million working children (aged 5-14, irrespective of school attendance status) in Nepal, which is 41.6% of the total number of 6.2 million children in this age group. 1.7 million of them are “economically active”¹, which is 26.6% of the total number of children aged 5-14. Most of them are in the age-group 10-14, with the economic participation of these children being more than three times higher than those of children aged 5-9. Most of them (94.7%) work in the agricultural sector. Other sectors in which these children are found are services, communications, and transportation. 54% of the 1.7 million economically active children are boys, of whom only 14.5% are not going to school. Of the economically active girls, an estimated 26% do not go to school.

The more recent Nepal Living Standards Survey (NLSS) 2003/04 indicated more or less the same trends as the ILO/CDPS-survey. NLSS estimated the incidence of “child labour” to be 32% among children aged 5-14, with the rate being higher among 10-14 year olds (50%) than among 5-9 year olds (14%). The incidence is higher among girls, in rural areas, and among children from the poorest consumption quintile [CBS 2004:45]. Despite Nepal’s legislation and programmes, which is further outlined below, more recent and accurate information on the numbers of working children in the country is lacking and until now the most frequently used numbers are those derived from the 1996 ILO-supported CDPS-survey (2.6 million working children in Nepal).

Ever since ILO/IPEC’s Time-Bound Programme, which will be introduced in Chapter 2.2, started phasing out in 2006, the focus on the worst forms of child labour in Nepal seems to have faded as well. The only available numbers of children working in the worst forms of child labour in Nepal are the estimates produced under the TBP in 2001. They are derived from the ILO/IPEC Rapid Assessment Studies and only include the seven sectors identified as worst forms by the Government of Nepal after ratification of the C182, estimating there are 127.143 children aged 5-18 working in those sectors [ILO/IPEC 2004:2]. The largest proportion of these children is working in the domestic sector (55.655 children). Porting is the second largest sector employing children (46.029 children), followed by bonded labour (17.152), the carpet sector (4.227), rag picking (3.965), and mining (115 children) [Edmonds 2007:Table 1].

Based on the ILO rapid assessment studies carried out in these sectors, children start working in these sectors between the ages of 10 and 14. The majority of them are school dropouts, and come from large landless families. More than 80% of them have migrated in search of work. With the

¹ “Economically active” applies to work including both paid and unpaid, casual and illegal, work in the informal sector, and self-employment, but excluding unpaid domestic work within parent’s or guardian’s household.

exception of children bonded in agricultural labour and those working as long distance porters in rural areas, the vast majority work in urban areas [ILO/IPEC 2004:2].

2.2 Child labour legislation in Nepal

According to Nepalese law child labour is prohibited. Several (inter)national laws, rules and conventions endorsed by the Nepalese government indicate a commitment to ensure that children do not have to work. The most important international agreements are based on the Convention on the Rights of the Child (CRC), which was ratified by Nepal in 1990. Article 32 of the CRC deals specifically with child labour: “States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.” Member States also commit themselves to:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article” [UN 1989].

The ratification of the CRC in 1990 happened in the midst of important developments in Nepalese politics. After decades of being an absolute monarchy with a party-less system known as *Panchayat*, pro-democracy campaigning led by the Congress Party and other leftist groups resulted in the restoration of multi-party democracy in 1990. Within this political climate children's rights slowly emerged as a social issue [Baker & Hinton 2001:179]. The newly drafted Constitution of Nepal (1990) pledged the protection and advancement of the interests of children², and the Right against Exploitation, stating that “No minor shall be employed to work in any factory or mine, or be engaged in any other hazardous work”³. Along with the ratification of the CRC these were the first signs of the Government's commitment to look after and work for the protection of children's rights, including the protection from exploitation and work.

In 1991 the government amended the existing Labour Act by adding a clause prohibiting the employment of children below the 14. In 1992 the Children's Act was introduced, reiterating the prohibition of children below 14 years from being employed in any work⁴. After that, the Labour Rules, implemented in 1993, prohibited minors under the age of 16 to be employed in tasks involving dangerous machines or in operations that are hazardous to the health⁵. The Labour Rules allow minors aged 16-18 to work during hours other than 6am to 6pm provided there is a mutual agreement between the concerned worker and the general manager⁶.

² Constitution of Nepal (1990), Part 3, Article 11(3)

³ Constitution of Nepal (1990), Part 3, Article 20(2)

⁴ Children's Act (1992), Chapter 2, Section 17(a) and Labour Act (1992), Chapter 2, Section 5(1)

⁵ Labour Rules (1993), Chapter 4, Section 43(2)

⁶ Labour Rules (1993), Chapter 2, Section 3(2)

In 1997 Nepal signed Convention 138, which obligates member states to “pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons”. Of particular relevance to Nepal is that “the minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years” and “a member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years” [ILO 1973].

In 2000 the Nepalese government raised the minimum age for hazardous work, which was set at 14 in 1992⁷, to 16, by adopting the “Child Labour (Prohibition and Regularization) Act⁸. This act prohibits children below 16 years from employment in risky occupations including public transportation, construction, tourism-related activities, and industries such as carpet, cigarette, cement, etcetera, which involve contact with chemicals and thus harmful to children’s health. It regulates that children below 16 years are not allowed to work before 6am and after 6pm, that they may not engage in work exceeding six hours per day and thirty-six hours per week, and that they must have one day’s leave per week, and half-an-hour rest everyday after every three-hour work period⁹.

In 2002 the Nepalese government ratified ILO C182 as well as the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia, which aims to “facilitate and help in the development and protection of the full potential of the South Asian child, with understanding of the rights, duties and responsibilities as well as that of others” and to “set up appropriate regional arrangements to assist the Member States in facilitating, fulfilling and protecting the rights of the Child, taking into account the changing needs of the child”.¹⁰

The International Programme on the Elimination of Child Labour (IPEC) had already been operational in Nepal since 1995 when the Government of Nepal signed a Memory of Understanding with the International Labour Organisation (ILO) for launching a policy against child labour. After Nepal’s ratification of C182 in 2002, ILO/IPEC implemented the Time-Bound Programme (TBP) in order to assist the country in implementing the Convention by identifying the worst forms of child labour and to develop specific plans for their eradication. It led to seven sectors being identified as a worst form of child labour that should be eliminated [ILO/IPEC 2006]:

- Domestic Labour
- Porting
- Bonded Labour
- Trafficking (for sexual or labour exploitation)

⁷ Children’s Act (1992), Chapter 2, Section 17(a) and Labour Act (1992), Chapter 2, Section 5(1)

⁸ Child Labour (Prohibition and Regularization) Act (2000), Chapter 2, Section 3(2) and Schedule

⁹ Child Labour (Prohibition and Regularization) Act (2000), Chapter 3, Section 9

¹⁰ SAARC Convention on Child Welfare, Part 1, Article 2(2) and (3)

- Rag picking
- Carpet Sector
- Mining and Stone quarries

Since the ratification of C182 in 2002, the child labour issue has also been raised in the Government's Development Plans and attempts have been made to formulate strategies. In the National Planning Commission's Tenth Plan (2002-2007) the objective was to eliminate "most of the worst forms of child labour existing in various sectors in Nepal", and that "provision will be made to eliminate the worst forms of child labour within next five years and all forms of child labour within next 10 years" [Nepal National Planning Commission 2002: Chapter 15.2.4]. Based on the fundamental idea that future manpower would be unproductive if children are deprived of education and good nourishment, the Plan envisaged that programs related to the elimination of child labour should be integrated with poverty alleviation programs. The capacity of employees of concerned ministries, departments and offices related to the implementation of programs aimed at child labour elimination should be enhanced, and a high level Central Coordination Committee should be constituted in order to coordinate the programme related to child labour elimination [Nepal National Planning Commission 2002: Chapter 15.2.4C].

In 2007 the Government concluded that "the legal, policy, institutional and operational efforts to protect and promote child rights continue to be ineffective" and thus proposed the implementation of policies "to create a child-friendly environment and to put an end to all kinds of discriminations and exploitation against children" in the Three-Year Interim Plan (2007-2010). According to this Plan "children will be defined by age and necessary legal, policy and institutional arrangements will be put in place to free them from all kinds of torture, abductions and discriminations" [Nepal National Planning Commission 2007:56].

In the meantime, the Government had also been concerned with the drafting of Action Plans specifically aimed at the protection and overall development of children in Nepal. The first "National Plan of Action for Children" was developed in 2004 following "A world fit for children", a resolution adopted by the UN General Assembly in a Special Session on Children in 2002. Child Labour is one of the main issues addressed in this National Plan of Action, and again the government committed itself "to taking immediate and effective time-bound measures to eliminate the worst forms of child labour, rehabilitate children of the worst forms of child labour and prevent other vulnerable children from becoming child labour" [Government of Nepal 2004b:24]. The Government deemed it "necessary to classify the child labour based on vulnerability of works and exploitation, and prioritize the program interventions to protect the rights of working children". It called for interventions addressing causes and consequences of child labour, targeting the rural setting in particular, as most activities against child labour had thus far mainly been focussed on urban areas [Government of Nepal 2004b:70].

The strategy of the Plan included awareness raising (family to national level), rehabilitation for children-at-risk, improving work conditions by implementing reasonable wages and working hours, involving child clubs, and monitoring [Government of Nepal 2004b:80].

Furthermore, in order to follow up on agreements made in the context of ILO/IPEC's Time-Bound Programme, the Government introduced the National Master Plan on Child Labour (2004-2014) in

2004. As well as ILO/IPEC's TBP this NMP on Child Labour aimed to identify and eliminate the worst forms of child labour by 2009, and to eliminate all forms of child labour by 2014 [Government of Nepal 2004a; ILO/IPEC 2006:3].

Nepal's National Master Plan on Child Labour defines child labour as "work or activity carried by children below the ages as defined by the constitution of the country and as explained in the Children Act and Labour Act" [Government of Nepal 2004a:2]. This means all light work done by children below 14 years, and all forms of employment not involving physical and mental hazards carried out by children below 16 years. If work involves physical or mental hazards it can not be carried out by anyone below 18 years.

The Plan divides all forms of child labour into two categories:

(a) *General forms* of child labour: activities in the agriculture sector and employment in the service sector not involving physical hazards

(b) *Worst forms* of child labour: ¹¹

- Activities violating fundamental human rights, slavery, and bonded labour;
- Employment (including informal) in the service sector that are hazardous to physical and mental health of children, such as rag picking, porting, domestic service, bars and restaurants, transportation, and auto repairs;
- Employment in the manufacturing sector such as carpet industry, brick and tile kilns, match factories, and leather tanneries;
- Mines and quarries such as coal, magnesite, sand and red soil mines, and stone and slate quarries;
- Activities in the agriculture sector in which children are exposed to chemicals such as pesticides and fertilisers [Government of Nepal 2004a:2-3]

Implementation

The Ministry of Labour and Transport Management (MOLT) is officially shouldered the responsibility of enforcing child labour legislation. In addition, a Central Child Welfare Board (CCWB) has been set up in order to protect and ensure children's rights. On a district level, the CCWB works through the District Child Welfare Boards (DCWBs), which are officially set up in all 75 districts, but often in practice comprise only one person (who is in many cases also concerned with other duties). Both the CCWB and the DCWBs are part of the Ministry of Women, Children, and Social Welfare. In practice, both MOLT and the CCWB (under the MOWCSF) are provided with insufficient resources (in terms of both finances and manpower) that would enable them to fulfil their responsibilities. In addition to understaffed and under-equipped inspection instruments, the instable political situation in Nepal is another obstacle to implementation of existing child labour laws. Political unrest throughout Nepal

¹¹ Interestingly, the NMP recognises a much broader spectrum of activities than the seven sectors identified earlier for the TBP-program.

caused by various groups continues to get in the way of proper implementation of laws and regulations.

Furthermore, the programmes usually cover only formal sectors of employment, whereas most working children, especially those working in the worst forms, are found in the informal sector, which is for the most part unaffected by government interventions.

The problems with the implementation of legislation show that in addition to a proper legal framework in which children are prohibited to work under circumstances that are hazardous to them and/or prevent them from going to school, socio-economic measures are necessary in order to tackle the underlying causes of child labour. Chapter 5 will further discuss the various actors concerned with the tackling of child labour. In developed countries legislation was not the driving force behind the elimination of child labour. As rightly argued by Lieten [2009], child labour laws in developed countries simply codified what was already happening in society, whilst legislation in developing countries, such as Nepal, reflects an aspired goal; it indicates a situation that should eventually be established. Implementation of such laws, however, faces social and economic barriers.

Chapter 3

Brick Makers, Porters, and Restaurant Workers

Of the three sectors of work included in this research only porting is included in the seven sectors identified by the Nepalese government under the Time-Bound Programme. There has been a lot of critique on the limited scope of the seven sectors identified by the government, as they ignore thousands of children doing work that is also harmful to them. In the National Master Plan on Child Labour (2004-2014), however, additional activities were recognised as worst forms. Brick kiln workers and restaurant workers were included as well, and as this chapter will show, rightly so. This chapter looks into the work and living environment of working children and how they have ended up in these hazardous forms of labour.

3.1 The brick kilns

Bricks are the backbone of construction. Without bricks there is no need for cement, iron, iron rods, sand, stone, wood. And many labourers would be unemployed.
(Representative of a local brick kiln association in the Kathmandu Valley)

Due to a growing demand for bricks for construction, which is the result of a population and economic growth and an increasing shift of people from rural to urban regions, brick production in Nepal is a booming industry [DMC Nepal 2003:1; Heierli & Balel 2008:13]. Despite large investments in the sector, however, it is still part of the Small Cottage Industries.

Brick kilns in Nepal are mainly concentrated in the Kathmandu Valley and in the Terai, the southern plains of Nepal. According to a 1993 FAO report, the productivity of brick kilns is low compared to other countries in the region [FAO/RWEDP 1993:19]. According to this report 442 brick kilns in the formal sector in Nepal are responsible for a production of 627 million. According to Dhital [1992] there are approximately 258 brick kilns in the Kathmandu Valley, but many of them operate within the unorganised sector [Magar 2003:6].

A representative of a local brick kiln association, to which only formally registered brick kilns can be affiliated, explained that the government has set very strict rules in order to be formally registered, which is why many brick kilns continue to operate in the informal sector. A (traditional chimney) brick kiln needs to be at least two kilometres from a dense settlement and three kilometres from a forest. Vertical Shaft Brick Kilns can be one kilometre closer. Furthermore, a regular kiln needs to have at least a 200ft radius, and a VSBK 100ft. Especially in the Kathmandu Valley it is thus very difficult for kiln owners to find a suitable plot of land. 30 kilns were registered with the Lalitpur association, which represents the kilns in Imadol where the IREWOC-study took place; 25 of these were in operation during the time of this research.

There are different types of brick kilns found in Nepal. The oldest type is an open kiln, which was followed by a kiln using a removable chimney. The most common type of kiln is the one using a single permanent chimney. These chimneys are characteristic for the outskirts of the Kathmandu Valley. Like in the older types of kilns, everything is done by hand, but compared to the other types this kiln has a larger capacity for firing. The most modern type of brick kiln is a permanently fitted factory kiln with multiple chimney stacks, introduced in Nepal in 1993. This newest technology, the Vertical Shaft Brick Kiln (VSBK), originates from Switzerland, and is promoted in Nepal by the Swiss Development Cooperation (SDC). This factory can fire throughout the year and is thus not compelled to close due to the rains. Currently there are only seven VSBK kilns found in Nepal. The technology is not so popular yet due to the high investment costs, and lower daily productivity. However, the technology is desired due to its energy efficiency, better quality of fired bricks and the fact that it is less harmful for the environment compared to the other kilns. Whereas brick kilns used to use wood for firing, all visited brick kilns are now using coal, as wood is scarce and expensive in the Kathmandu Valley.



Traditional kiln in Kathmandu

3.1.1 The brick kilns in the Kathmandu Valley

The research for this study took place in and around a number of kilns, including Nepal's first VSBK, in Imadol VDC, Lalitpur in the Kathmandu Valley. Not every supervisor was happy with our research,

and one even denied access to the premises, because “such a study is not good for us”. They often referred to an existing article on the use of child labour in their kilns, which had impacted negatively on their business. However, even where access was denied we were still able to speak to workers since no gates or fences stood in our way.

Because labour in the brick kiln sector is for a large part informal sector labour, data on the number of brick kiln workers, including children, vary greatly. The 1993 FAO report speaks of a working force of 50.000 labourers in the brick kilns in the whole of Nepal. GEFONT speaks of more than 500 brick factories in Nepal employing more than 400.000 workers [GEFONT 2007:14]. In a 1998 study ILO/IPEC estimated 26.650 workers were working in 96 selected brick kilns in the Kathmandu valley, of which 7.8% were minor workers (aged 14-18) and child labourers (below 14 years) [Magar 2003:24]. A significant proportion of them migrated along with their parents from bordering districts. According to CWIN 59.000 children work in the brick kilns in Nepal [CWIN 2007].

The brick kiln industry is a seasonal industry. Brick factories are very labour intensive and are only open in the dry season. Most factories operate six to eight months per year. They open in October/November (in the Nepali month of Kartik), after the paddy crop has been harvested. The peak of brick production is between January and May, after which the kilns close down with the starting of the monsoon season. Some workers involved in transporting bricks, continue working until June. In the off-season most workers return to their village of origin to work on their fields. Others, often with their whole household, remain in Kathmandu and search for other work opportunities.



Vertical Shaft Brick Kiln (VSBK) lying adjacent to a residential area

3.1.2 The work of a brick kiln worker

The production process of making bricks consists of a number of stages. The first stage is the making of raw bricks. The process starts with digging mud from the soil and mixing it with water to turn it into clay, a process which in traditional single-permanent-chimney-brick kilns is done by manpower. In the modern VSBK it is done mechanically. As the VSBK-furnace can also continue to burn throughout the monsoon season, more raw bricks are prepared and stocked. It should also be noted that in the context of Nepal with its frequent power-cuts and diesel shortages, the use of machines to make clay is not always feasible.

The making of clay in traditional kilns requires heavy muscle power, which is why it is usually done by adult men including young adults aged 15 and older. Workers start digging mud for clay preparation as early as 2am. As it is too hot during the day for this work, labourers prefer to start as early as possible. When they are finished digging, around 4-5am, they go home to clean up and have a cup of tea. After that, male, female and child workers start moulding the clay into bricks by hand, after which the bricks are laid out in rows for them to dry in the sun. At around 11am workers have their first meal of the day, after which they rest until 2pm to avoid working during the hottest part of the day. When the raw bricks are dry they are piled and then carried to the furnace. In the afternoon most workers are found stacking the sun dried bricks. Some are still busy moulding them, and some are busy preparing mud for clay-preparation the next day. Workers have their dinner at around 6-7pm, and then go to bed. In the Kathmandu Valley working hours differ during the winter months, when they can do more work during the day, as the days are not too hot, but the nights are extremely cold.

In the brick kilns in Imadol most child workers were found to be moulding and stacking raw bricks. Workers involved in this first stage work in a small cluster of at least two persons. The people in these clusters can be members of one household, or a group of friends from the same village. Many groups include children who came to the kiln with their parents or other older acquaintances. The children assist in moulding and stacking raw bricks, but they also play an important role in the household chores. They make tea, prepare food, and fetch water and firewood. They do not have to wake up as early as the men who prepare the clay, but they do wake up before 4am to clean up, make the tea and to start working on brick moulding, while the adults who were preparing clay can have their tea and take a short break.

In addition to children who help out with making bricks, there are also many children who joined family members or others to make food and perform other household duties. They are not involved in making bricks. There are also many young children who, in the perception of their caretakers, could not be left behind alone in the village, and thus came along to the kilns. If they are old enough to attend school, they are given the opportunity to do so, if facilities are available. But there are also many toddlers found playing near their parents' workplace.

Not in all cases, however, have children come with their own parents or relatives. There are examples of children who work together with a villager who made an agreement with the parents. An example is the 12-year-old Kumar from Sindhuli. He has come to the kiln with a man from his village, who he calls 'uncle'. He moulds bricks and performs household chores, such as cooking and fetching water; for this his parents are paid NPR 500 (about €5) per month. Kumar has not been to

school for many years. Although this is the first time Kumar has worked in a brick kiln, he had worked in Kathmandu before, when he helped relatives to sell tea on the roadside near the airport. Whenever Kumar is with his family in the village he helps out in the household, taking care of the animals in particular. At 8am, when Kumar and his 'uncle' have finished making approximately 200 bricks, Kumar is asked to prepare food. Kumar complained about the repetitive nature of the brick kiln-work:

We make the clay, so we can make bricks, and once we are finished making the bricks, we have to start to make the clay again, and so it never ends. (...) I don't enjoy doing this work, but I am from a poor family, so I have to. What to do. But next year I do not want to come back.



Not all children on the kiln premises actually work - they have accompanied their families because they are still very young. But their presence is evident and the kiln has become their natural environment - exposing them to the dangers of the job, and familiarising them with the nature of the work.

Usually the head of the group has been recruited by a *naike* (contractor). Before the brick kiln-season starts, these *naikes* recruit labourers from villages known to them. They convince villagers to work for them by providing them *peski* (money in advance). The *naike* also arranges transportation to the brick kiln, which is paid for by the brick kiln owner. The advance pay is an attractive

incentive for many labourers. It comes at a time, the lean agricultural season, when the money is convenient for people to pay off a loan, for agricultural investments (seeds and fertilizers), or for the upcoming *Dashain* and *Tihar*-festivals in the fall. The alternative for villagers to get such large amounts of money is through a moneylender, but while this option would involve huge interest rates, taking money in advance from a brick kiln owner does not. By accepting the advance, the labourer binds himself to the kiln where he has to come to work for the money he received. The worker who obtained an advance will put together a group to work with, so as to make as many bricks as possible. For some this means bringing their entire household along. Other men take a brother or a group of friends.

Most of the *naikes* also work as brick makers themselves. In addition to the piece rate everyone receives for making bricks, they receive a commission of 5 to 10 rupees per 1000 bricks made by labourers recruited by them. They also function as a leader of the workers they recruited. For the owners, *naikes* are crucial. They recruit workers from the most remote areas of the country, in times when it is next to impossible to recruit workers from the kiln's vicinity. In addition, they function as a communicator with the labourers. If there are any problems, they are always communicated through the *naike*. There is no actual direct relationship between workers and the owners, which complicates matters when trying to hold owners accountable for child labourers at their kilns. The owners defend themselves and claim that since children are brought to the kiln by their parents, they are not at fault. They do not pay children, only adults.

Because of the *peski*-system, households find themselves in a bondage-like situation. The workers are not free to quit their work as long as they have not made sufficient bricks congruent with the advance they have accepted. The amount a household receives varies. According to a GEFONT study [2007:37] workers in brick kilns in Lalitpur district had taken an advance averaging NPR 6250 (€62.50). At the brick kiln the bricklayers are paid according to a piece rate. Per cluster bricklayers are paid 300-350 NPR per 1000 bricks they make. If bricks are destroyed by rain while drying in the sun then workers are generally only paid half the usual fee. Taking into account that a person can mould on average 250-350 bricks per day, one family/group is able to produce approximately 1000 bricks per day. Because children are part of a cluster, they are not paid for their work by the owner of the brick kiln. However, children can be paid by the head of the cluster in which (s)he is working.

Carrying the raw sun dried bricks to the furnace is the second stage of the brick-making process. Children, as of 12 years old, are also involved. They work 10-12 hours a day. In addition to finding work through a *naike*, many brick carriers approach brick kiln owners or supervisors directly. How much a person is able to carry depends on their strength. Children aged 13-15 usually carry 15-20 bricks at one time, while women carry 25-30, and adult men perhaps even more. Every time they reach the chimney they receive a stamp on a piece of paper, on which is written how much the worker carries per trip. The workers carry this paper with them, keeping track of the number of bricks they carried. A worker receives 150 NPR per 1000 bricks. Brick carriers work from 8 in the morning until 5 in the afternoon.

Children who are involved in brick carrying usually work with family members. The 13-year-old Anil Magar came from Rolpa with his father, his father’s sister and her husband, and their two small children. He carries 22 bricks per trip. The 11-year-old Maya also came from Rolpa with her parents. The previous year her parents came to the kiln without her, whilst she stayed at school. Now she regrets that her parents told her to leave school and come with them. In addition to carrying bricks, she has to do groceries and prepare meals.



Carrying bricks

Unlike Maya and Anil, some children have been sent to the kilns with persons other than family members. I came across a group of workers, including children, from a village in Nepal's Western Terai, who were using donkeys to transport the bricks to the furnace. A group of eight people, including two brothers aged 11 and 13 (who were in class 4 and 6 when their parents told them to drop out and work in Kathmandu), from Bardiya district in West-Nepal came to the brick kiln with a *naike* from Uttar Pradesh in India (which borders Bardiya) to transport bricks from the brick moulders to the kiln. They use donkeys, which belong to the *naike*. The workers speak Hindi and have trouble communicating in Nepali. Each trip a donkey can carry 40-60 bricks. The eight workers are responsible for the on- and off-loading of the donkeys, walking with the animals to the kiln, feeding and generally taking care of the animals. The *naike* pays his workers per month. The wages range from NPR 1200 and NPR 2500 per month, depending on the amount of work they have done. In addition, the *naike* lives with the workers in a big tent, and he provides them with food and transport to and from the brick kiln.

The third stage of the brick-making process is arranging bricks for baking, managing the fire in the kiln, and removing baked bricks from the kiln. Workers involved in this last stage are predominantly skilled migrant workers from India, mainly from Bihar and Uttar Pradesh. A supervisor explained: "Nepalese workers do not have knowledge about the complicated filter system which is used". The work was done by adults only. Children of these workers were found at the brick kiln premises, but were not working. All the children found working near the actual chimneys were carrying bricks, not working with the furnaces directly.

3.1.3 Reasons to go to the kilns

The children at the kilns had come from remote areas such as Rolpa, Dang, Salyan and Pyutan in Western Nepal and Sindhuli in Central Nepal, but also from districts near the Kathmandu Valley such as Kabhre, Makwanpur, Sindhupalchowk and Ramechhap. What makes the work at a brick kiln attractive for these families is the advanced pay they receive. A brick kiln labourer from Sindhuli explained:

We know that if we take advance money, we have to suffer in the brick kiln, but we need the money to pay off loans and for school. Especially before the *Dashain* festival, we need money for the celebrations. We know that the environment in the brick kilns is not good, but what to do! Because of the advance-money we have to go there and work.

This system of providing an advance, however, pulls many children to the brick kiln premises as well. Since the payment of workers in the brick kiln industry happens on a piece rate basis the workers choose to take their children as well, so as to increase their total production. Children, despite preferring the village environment, are used to assisting the family with chores, regardless of whether this work takes place in the kiln or at home. They do, however, express a preference for the home environment. The 13-year-old Vijay from Sindhuli went to the kiln for two years. He was not interested in school and had already dropped out:

Every year my father goes to the city to work in a brick kiln. My family wanted me to go with him, but I also wanted to go myself. The work there is not very difficult. Here in the village I also earn money, I help with ploughing the field, or planting the rice. I am not sure if I will go to the brick kiln this year, but I would not mind going.

There is always the necessity to earn as a result of some kind of crisis in the family. For example, the 16-year-old Prabhin from Kabhre decided to drop out of school when he was in class 5, because he was compelled to earn money. He first worked in his village for landlords for a few years, and then came to the brick kiln with some others from his village. “Normally I would not have to work, but my mother had an accident. With the money I earn, we can pay for the hospital bills”.

For young adults, mixed with the economic necessity, there also is the desire to get a taste of life in the capital. The 13-year-old Sunita from Rolpa came together with her older sister and brothers. Her brothers had been to the kiln before, but it was the first time for the two sisters. They came out of curiosity: “I wanted to know what Kathmandu is like, because I hear always many stories from others.” But Sunita was not eager to come back again: “I like to watch the city life, but we do not have time to go to the city very often. But I don’t like it when I have to work. It is very hard work”.

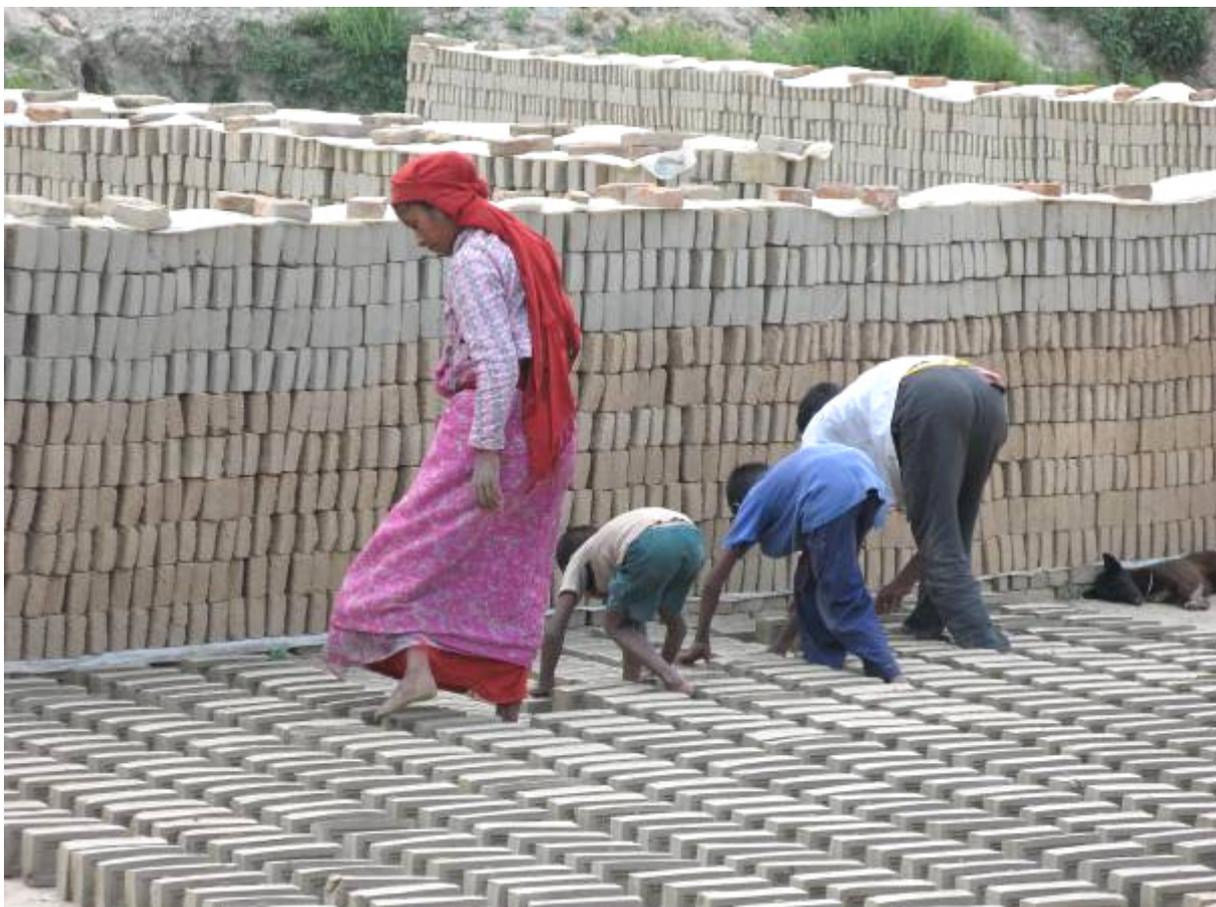
The lack of opportunities in the villages to earn money, however, is an important factor pulling many labourers to the city to work. A *naike* from the western district of Rolpa explained that there are many families from Rolpa in brick kilns in Kathmandu, because Rolpa is a very remote area, which is not easily accessible. “If people want to sell the crops from their field, they are not able to get good money for it as the costs of transportation is very high. Therefore it is more profitable for them to come and work in Kathmandu”. A man from Rolpa took his wife and young toddlers to live on the brick kiln premises, because: “there is no such work available in Rolpa. We could stay home and work on our own land, or for a daily wage on the land of others, but in that case we would not be able to save as much money as we do now by working in a brick kiln”. Indeed, as a *naike* recruiting from Sindhuli said, people are actually able to earn more money if they decide to work in a kiln: “Villagers can also go to the landlord to earn money, but there they only get 30 rupees after working a whole day! By looking at the houses you can easily find out who is earning money in the city. The people who go to the brick kilns, they make a difference in their lifestyle”.

However, in the studied area in Sindhuli, which has a tradition of families going to work in brick kilns in urban areas, the villagers who stayed behind at the time of fieldwork explained how the popularity of brick kiln work is decreasing; more and more people have experiences living at the sites, and are familiar with the hardships of the work. One shopkeeper remembers how he (fifteen years ago) spent 10 to 12 years in a brick kiln in Bhaktapur when he was young. He wanted to go and see Kathmandu, and once he was there he found work loading and unloading bricks in order to meet his expenses. “I remember the pain: my hands in particular were always hurting. I am happy to be back in the village. I run a shop now, so I can send my two children to school, so they never have to do such labour!” Another villager also complained about working in brick kilns: T

The work was so difficult, and my legs were always hurting so badly. I am now happy to live in the village. I can provide my family with food from our own field for two months. The rest of the year I survive by doing work on the field of landowners. I never

want to work in a brick kiln again. The landowner pays me 50 NPR to work from 10am to 5pm and he gives me food.

A poor man with small children from the Thaami community, from where many adult men working in brick kilns originate, said: “To get money we can work in the brick kiln. I should also go maybe, but I hear it is very cold there, especially in the wintertime. It is impossible for me to go now, because I have very small children. When my children are able to work, I may send them”. According to the *naike* who is recruiting workers from the area, it is increasingly difficult to find workers for the brick kiln. According to him, it would be impossible to find any workers if the brick kiln owner did not provide money in advance. In the past many people chose to go, but this number is dwindling because people know they will suffer in the brick kiln environment. It is far away from home, it is cold, dusty and muddy. People have to work during the day and night. Those who know have already experienced the suffering do not like to return. They instead try to find work in construction.



A whole family working together at the brick kiln

3.1.4 Living conditions and health risks

The workers live in small huts (*jhyauli*) on the brick kiln premises. These huts are self-constructed on fallow ground, adjoining the area where they make the bricks. The shelters are made of raw

bricks, covered with a tin plate serving as a roof. Such housing provides no protection against the elements. Since the ground on which they live is used for growing rice paddy outside the brick kiln season, the place where they sleep is wet and damp.

The living/sleeping space is also used for cooking. A small kitchen is constructed of clay, and firewood is used as fuel. At the time of research the firewood was available on a nearby market for 6 NPR per kilo. On average a family needs 20 kg firewood per week, and thus spends about 100-120 NPR per week on firewood alone. They cook twice a day, and in the winter season, tea is prepared as well. A typical meal consists of rice with some vegetables or potatoes. Some workers from remote areas complained about the high expenses of living in Kathmandu: “the food is much more expensive than at our home in Rolpa. We are hardly able to save money”. Another worker agreed: “whenever we receive some money, we immediately have to spend it! We cannot save anything here.” To save money, some families use coal instead, which the children collect from the chimneys.

On the brick kiln premises there is water available for making the clay, which is not suitable as drinking water. This water is, however, used for bathing and for cleaning dishes. Potable water must be fetched from residential areas just outside the brick kiln premises, also often done by children. This was one of the major complaints of 16-year old Kimabi from Rolpa: “I cannot wait to return to my village. There is no drinking water facility here. I always have to walk so far to fetch it!” In addition to potable water facilities, electricity is also lacking. And only in exceptional cases are toilet facilities available, but these are not actively used, because they lack a proper drainage system. Most workers usually urinate and defecate in the open fields of the brick kiln premises, thus worsening the already unhealthy environment.



Young boy at the kiln preparing a meal in the “kitchen”. The space is also used for sleeping

All families, including those who originate from villages in districts surrounding the Kathmandu Valley, live on the brick kiln premises throughout the season. The child workers generally agree that they prefer the village environment. Most complaints, even at the time of research when the children had to bear intolerable heat during daytime, were about the cold they have to bear at night during the winter months. Other major complaints pertained to the poor quality of drinking water available, and about the pollution. They missed the clean air of their own village. Even the 4-year-old Laxmi from Rolpa said: “the water is dirty here. It is clean at home”.

For entertainment the brick kiln premises only have a small shop, often run by a local living in the area, where children from the brick kiln can come to watch TV; although due to the increasing load-shedding hours, the shop owner could turn on his TV less and less frequent. Situated between a number of brick kilns in Imadol is a Christian college, where 40 students live and who organise a programme every Saturday and Sunday especially for children. In addition to the children from surrounding residential areas, children from the brick kilns, not necessarily of the Christian religion, also attend these programmes where they gather to listen to Biblical stories, to sing and dance to Christian songs, and to play games together. The children from the brick kilns who attend these programmes came to the kilns with their parents, and are not expected to actively participate in the making of bricks.

Exposure to dust, the smoke from the kilns, and the dampness of the wet clay, all lead to severe coughs, other respiratory diseases, and general poor health. Prolonged exposure to dust might, for example, lead to pneumoconiosis (disease of the lungs), which in turn might develop into pulmonary tuberculosis [Dhital 1992:22]. It is not surprising that the brick kiln industry is under increasing attack from pollution-affected residents living nearby [DMC Nepal 2003:2].

The brick kiln environment is furthermore unsafe due to the risk of injuries from falling bricks or discarded debris. Children generally walk barefoot, also in areas where workers are working with pickaxes and other dangerous instruments. Many workers walk around with open wounds that have not been cleaned or properly taken care of.

The climate also leads to health problems. In the winter months common ailments are “cracked hands”, eye infections, pneumonia, and fever. Moreover, diarrhoea is common, because of the dirty drinking water and, during the warmer months, spoilt food.

The work itself also has consequences for child workers. They do not wear protective gear, and have to sit with their uncovered knees on the hard soil for hours. The children complained about pain in hands, legs, ears, eyes, back and head.

With the exception of the incidental distribution of bandages and medicines, such as painkillers and anti-diarrhoea pills, medical services are not provided at the brick kiln premises and people have to go to the nearest government health post for medical care. At the health post service is free, as are 32 selected commonly-used medicines. If expenses are involved, workers themselves are responsible for paying them. Only in exceptional cases does the brick kiln owner help out. Most of the families, however, were found to be ignorant of health services, or about how to treat a simple wound. Only in serious emergencies would they visit the health post.

Additional hazards include drunken adult workers. Kumar, for example, travelled to the kiln with another villager, who made an arrangement with his parents. This man was continuously drinking, starting as soon as he woke up. Kumar had to help make bricks and perform other duties such as cooking and fetching water. Kumar said he was used to the drinking and the scolding of his “uncle”, but admitted to fear the behaviour. But scolding and beating by one’s own parents is also common. For example, when a 13-year-old girl carried heavy carts of clay to the work-area of another family, her mother scolded her: “Why are you helping others, is that where you have your food? You don’t have any household chores to do?” Sexual harassment of children by other workers is reported by adult workers and among trade union representatives, but not directly by the victims.

3.1.5 Working children in brick kilns

Most of the children encountered in this study had come to work in the brick kilns with relatives or with other acquaintances from their village. Most of the workers at the kilns, and thus indirectly the children, are recruited through *naikes*. Officially the brick kiln association, and the brick kilns registered with them, abide by the government law that children are not allowed to work in the kilns. In reality, however, many children live on the kiln premises, and they may be working as well. However, the media and some NGOs tend to count non-working children, who are merely playing on the brick kiln premises, as child labourers as well. Many children, especially the youngest ones, have come with their parents, because they could not be left behind in the village. These children can be found at the brick kiln premises, and many of them do not go to school, but they are not necessarily working as such.

On the other hand, it does remain true that supervisors tend to ignore the presence of child labour at their brick kiln altogether. They claim that all children present at the kiln are only playing or helping their mothers with household work, thus denying that any child is involved in making bricks. This is illustrated by an incident during a tour with the supervisor around the kiln. We stopped near the chimney, where the supervisor was just explaining about how he is against children working under his supervision. When I saw an 11-year-old boy working near him, obviously experienced, and actively putting mud in a machine, the supervisor urgently told him to stop working and apologised: “His brother is working here, that is why he likes to help. He is not a worker here!”

It is also true that children, who came with their parents without the intention to work, are exposed to the opportunity to work at the premises. For example, the 12-year-old Laxmi from Bihar, whose father works at the chimney in one of the kilns, goes to a private school located near the brick kiln, where she is enrolled in class 2. After school she takes care of household chores such as washing clothes and preparing lunch and dinner for her father. But she is also exposed to other activities. When the owner of the shop located at the brick kiln premises decided to build a wall, Laxmi was recruited to help out when she had the day off from school. Together with other workers she used a pickaxe to loosen the soil on a Saturday afternoon, out under the scorching sun. This activity as such may not have been harmful, but children in this way do become accustomed to this work at an early age. This facilitates their own entrance into working life, increasing the risks of school dropout.

The presence of child workers at the brick kiln is a fact, and existing laws are not implemented by the employers. Instead, they blame the parents. According to a supervisor:

It is not good that children work in a brick factory, but we do not really have a policy against child labour. Sometimes we approach the parents and tell them that they should not let the children work, but send them to school instead. But these parents are not educated, and in their eyes it is a loss if the children wasting time by playing and roaming around. Because a child means an extra mouth to feed, for them it is better if the child spends its time helping out with work. It makes parents even proud, when the child is old enough to work.



Young girls at the kiln fetching water

Thus, the factory owners and supervisors hold the parents accountable for children working at their brick kiln. The kiln management does not actively enforce a policy that prohibits child labour, despite the fact that almost everyone is aware that children are not allowed to work there according to Nepalese law. Another representative of a brick kiln management team explained:

Children should not work, but go to school instead. But what happens is that children first help their parents as part of entertainment and then automatically roll into it as a profession. Officially, our policy is that children are not allowed to work at the kiln and we do convey this message to the parents. What happens is that parents then tell the children to stop working, but the moment the supervisor turns his back, the children start working again. The solution is difficult (...) We cannot be stricter, because then the parents will choose to work for another factory instead. They always say: “who will look after the children?”

3.1.6 Education

In order to provide the children at the brick kilns with some basic education, 2 NGOs have been active in setting up Non-Formal-Education (NFE) classes at the site (an abandoned kiln office), offering free access for children. One of the aims of these NFE classes is to facilitate the continuation of schooling when the children return to their villages and the government schools. These 2 centres, inefficiently located at the same exact site and with the same intentions, have failed to coordinate their efforts and activities. For example, one NFE-centre opens from Sundays to Fridays, from 2 to 4pm, while the other operates from 10am to 4pm on the same days.

During our study we encountered children attending the classes ranging in age between 2 and 14. There was also a huge variation in the level of education they had previously reached. Some children had never been educated, while others may have had attended school until class 7. The NFE classes primarily reach the children living in the direct vicinity of the 'school' building, and approximately 10 children attended classes each day, during the time of our study. Many of these children were indeed working children, and were not able to attend class everyday. If there was a lot of work, work was given priority. Importantly, when children have to walk far to reach the nearest school, parents tend to see many obstacles and refuse to send them. These children can then be found roaming around at the kiln, if not helping their parents.

Both NFE classes were held at the same location, and reached the same families. The names of many of the children were found on both enrolment lists. Manish was one of the names found on the enrolment list of both NFE-classes. He did not attend regularly, but when he did attend, he was very bright and participated actively. Even though Manish's father claimed that all his children go to school in their village in Sindhuli, Manish himself admitted that he did not. At the brick kiln site, Manish starts making bricks at 5 in the morning, together with his parents. At around 9am they finish moulding the bricks from the clay, which has been prepared by the father, and then Manish often attends the NFE-class. He visibly enjoyed attending these classes. Manish explained that he does not go to school in his village in Sindhuli, because the nearest school is at least an hour's walk from their home. His father has no objection to Manish attending the NFE classes: "Education is important for making a better future. Between 10 and 4 he can go to school. He is only playing and roaming around when there is no work. He only has work until 9". Although Manish is eager to attend classes, he was unable to attend daily, because of the amount of work. Despite his father's "enthusiasm" about the NFE-classes, he was not permitted to attend class if there was a lot of work.

For some families the NFE-classes functioned as a kind of "day care centre" to which they could send their youngest children who had not reached the primary school age yet.

One brick kiln, in cooperation with an international NGO, was running a child care centre (ECCD) on its premises, meant for children aged 6 months to 5 years. In the ECCD the toddlers receive some basic education in a playful manner, but the main aim of this centre is to provide a safe place for children to be whilst their parents work. However, because there are small costs involved, not all parents chose to make use of this facility. One mother of two boys in the ECCD age group, who sent her two daughters to the nearby government school, said she did not like to send her sons to the

centre, because, according to her, they ask five rupees per child per day. Instead, her 3-year-old son often joined his sisters at the government school, while she kept her 1-year-old son with her.

In areas where government schools or NGO-run informal education-initiatives were nearby, some families do send their children there, depending strongly on the motivation of the parents. One particular mother encountered, from Rolpa, wanted to make sure that her children went to school everyday. She also obviously cared about her children's health and appearance; they always had clean faces, unlike other children of neighbouring families. She herself was uneducated, but wants her children to attend school so they will not have to work in the kilns when they get older: "This brick kiln is not a good environment for children, and children should not work or live here, but what other options do we have! We are a poor family!" She made sure that her daughters went to the government school everyday.

However, not all parents at the brick kiln shared this commitment. For them the notion prevails that "we came here to work, so everyone has to participate in that". For example, this is true for 11-year-old Sunita and her 8-year-old sister Sangeeta, from the Kavre district. They are the eldest of four sisters living with their parents, who are working at the brick kiln. Due to NGO pressure, Sunita and Sangeeta enrolled in class 1 of the nearest government school, but their mother soon told them to drop out and look after their younger sisters, a 4-year-old and a newborn. Sunita and Sangeeta were thus looking after the youngest girls at the time of our study, and they also had to prepare the meals and fetch water. In addition, they helped their parents to mould and stack raw bricks. Sunita said that she would like to go to school. Many of her friends living on the brick kiln premises have to work just like her, but are also able to go school, at least a few days per week. But her mother was clear: "What to do? If they do not work, there is no food".

Interestingly, compared to other brick kilns in the area, many children at the VSBK were enrolled in the nearby government school. This can first of all be explained by the proximity of the school to the brick kiln premises, and secondly, to the work of NGO-representatives encouraging parents to send their children to school. But also for these children, going to school regularly remains a difficult task. Buna and her sister from Rolpa were, for example, enrolled in class 1 and 3 of the nearby Suryodaya government school. Their parents were moulding bricks at the kiln. In their village in Rolpa the girls also attended school. Although Buna said that she liked to go to school and was happy to be able to continue schooling at the brick kilns, she admitted that she finds it difficult to go to different schools. The girls were used to attending school on a regular basis, but were unable to attend daily at the kiln, especially after their father had an accident at the kiln that broke his leg. The girls increasingly had to help their parents with moulding and stacking bricks, and with household chores such as fetching water. Buna also had a lot of responsibility in taking care of her younger brother and sister. She had to bathe them and generally look after them when her parents were working.

The teachers at the government school reported problems in concentration and fatigue among children from the kilns. The children also made it a habit to return to the kiln at noon to have lunch with their parents, and some of them would not return after the break. Their environment makes it very difficult for the children to attend daily. An NGO arranged special informal classes for the working children, allowing them to come to the government school just in the mornings and

afternoons, before and after school hours. This facility also targeted other working children in the area, particularly child domestic workers.

Facilities for education at the brick kiln premises are important, as most of the children living (and working) at the site are enrolled in school in their own villages. The classes at the kiln site attempt to provide a continuation of education for these children so they are less likely to dropout when returning home. A teacher at a school in Sindhuli, for example, explained that many students disappear from school for a few months at a time. When they come back, they often say they have been visiting relatives or have been working in urban centres such as Kathmandu. An example is the 12-year-old Bishnu, who studied in class 4 of the government school, but had been in a brick kiln before to work together with his father and his older brother. Bishnu is now given the opportunity to go to school, and he expressed happiness at being back in the village and in school, unlike his 15-year-old brother who never went to school regularly and eventually dropped out altogether to work in Kathmandu.

The children explained that they do not find it appropriate or healthy for them to work, and that child labour should be decreased. But they always hastily added that, within their own context, it is the best option for them because of their poverty. Raju (10), for example, lives with his 8-year-old brother and their parents at the kiln. In his native village near Kathmandu, he studied in class 4. It was the second year that he was living with his parents at the kiln, where he attended the NFE-classes. After returning back to the village he hoped to enrol in class 5. "I do not find the work difficult. It is simple, and I have experience. But children should not work. They should be in school".

3.2 Child porters

In Nepal two types of child porters can be identified. Long-distance porters work in the hilly and mountainous areas and carry heavy loads from markets to villages, or along popular tourist routes. Short-distance porters work in urban areas and can be found at markets and bus parks, carrying luggage, fruits, vegetables and other commodities. ILO/IPEC estimates there are 46.000 long-distance child porters, and 3900 short-distance porters in Nepal. Most of them are boys between the ages of 10 and 17, who have migrated from rural areas. Short distance porters tend to be older, 15 years on average, compared to long distance porters who are on average 14 years old [IPEC 2001:5]. According to a more recent survey, there are 5.087 short-distance porters aged 6-17 in Nepal, with 1.404 in the age-group 10-14 in urban areas [Edmonds 2007:26]. This study is concerned with short-distance porters, in particular the boys working at the Kalimati Fruit and Vegetable Market in central Kathmandu. Approximately 90% of all child porters come from rural areas [CONCERN 1997; ILO/IPEC 2001]. The ILO/IPEC study showed that, considering long- and short-distance porters as one group, most (39%) come from the Eastern hills and mountains, followed by the central hills and mountains (32%) and the western hills and mountains (23%). The share of child porters coming from Terai districts and India (6%) is smallest [ILO/IPEC 2001:11].

The respondents in this study all came from rural areas to the city in search of work. As porters often find work through friends and families, particular districts and villages were overrepresented among the porters, including children. One large group came from Udayapur and Okaldhunga,

districts in the Eastern Hills, and another group was linked to villages in the Western districts of Rolpa, Dang, Pyuthan, and Rukum. In addition, many porters came from villages in districts surrounding the Kathmandu Valley such as Dhading, Sindhupalchowk and Nuwakot.

Child porters belong to families from the poorer segment of society. Particular caste and ethnic groups are more represented than others: Dalits and Chhetri-communities, and among the ethnic groups Tamang and other Mongoloid ethnic groups as well as Newar groups [ILO/IPEC 2001:13]. Generally speaking, these communities also belong to the most economically and socially deprived group. Most Dalits and families belonging to indigenous groups such as Newar and Tamang are landless or only own subsistence plots [UNDP 2004], and are thus largely dependent on other means to make a living.

Porting in urban areas is predominantly done by men: 96% of the short-distance child porters are boys [ILO/IPEC 2001:14]. Because children are required to carry heavy loads most child porters start working after turning 12. Most boys encountered in the fieldwork for this IREWOC-study were 14 years or older, but indicated they had started working at the market at an earlier age. According to ILO/IPEC [2001:14] 76% of all boys are 15-17 years old, and 24% are between 10 and 14.

Porting is seasonal in character. During particular months there is more work available for porters, as more produce comes in to be traded at the market with more trucks that need to be off-loaded and more loads to be transported. Furthermore, as for almost all porters, porting is a way to supplement their income as farmers during agricultural lean seasons; during agricultural labour-intensive seasons the men return home to work on the land. Especially during crop-cutting months and when it is time to plant rice-paddy, porters go home to work on their fields. They return to the markets again soon after, when the market-season starts.

Kalimati Fruit and Vegetable Market is the largest wholesale market in the Kathmandu Valley; it supplies vegetables and fruit from areas throughout Nepal to sellers in the Kathmandu Valley. The market is managed by the Kalimati Fruits and Vegetables Market Development Board, which is affiliated to the Ministry of Agriculture and Cooperatives, and has representatives of the Ministry, the (local) government, the traders at the market, the farmers, and Kalimati staff, but not the porters. There is no regulation regarding the number of porters working at the market, but there is a plan to develop a registration system for porters by providing them with licenses that officially permit them to work on the market premises. In order to obtain a license the porter would have to fulfil two criteria: he has to be recommended by a registered wholesaler, and he has to be able to submit a photocopy of his Nepalese citizenship-card. As a citizenship-card is only provided to citizens aged 16 years and older, the issue of child labour would be addressed as well. Other than that, the issue of child labour is not on the agenda of the Board, according to one representative, even though they have been made aware of it by campaigns from NGOs highlighting the issue. After implementation of the registration system, children would not be able to formally register as a labourer at the market, which would then lead to the eradication of child labour on the market premises. But the Board representative admits that they have not been thinking about any rehabilitation plans for the affected child porters.

Kalimati is the most popular market for porters, due to its size and thus the availability of work. Although most porters find work at Kalimati through relatives and friends who are already working

there, it is not impossible to find work without existing contacts. But most child porters come to the market together with friends who are usually a few years older and who have already been working at the market previously. Through these friends they are introduced to how they can find work, where they can eat, where they sleep, etcetera.



Young porter carrying waste

Due to the informal and seasonal character of porting, there is no data available regarding the exact number of porters at the market. There are far more adult porters than child porters, however, and the number of child porters working at the market seems to be decreasing. A first explanation for this possibly is that the Peace Agreement signed in 2006 resulted in fewer children and families being pushed from the villages as a result of the decade-long conflict between the Maoists and the Army. Improved access to education and awareness leads to more children continuing their schooling in the rural areas. Also an increased availability of other, more appealing work, such as in the transportation sector, might have contributed to this apparent fall in the number of child porters at the markets. In recent years the number of micro-buses for public transportation has rapidly increased in the Kathmandu Valley, which resulted in a rise in demand for children to work as conductors. From a child worker's point of view, working in transportation has more future opportunities than porting, as conductors are likely to become drivers in the future. The work furthermore seems easier, as they do not have to carry huge loads anymore. However, absolute figures to support this trend are lacking.

In addition to child porters, other children are found working at the market as well. First of all there are the children who help their parents, small traders at the market, by selling produce at the

stall or by walking around the market selling bundles of greens such as coriander. Secondly, some boys walk around collecting glasses, selling tea and/or bakery items. They are employed at local restaurants and teashops catering for traders and customers at the market. Finally, especially in the early morning and evening hours, many *sukumbaasi* (refugee) children¹² can be seen at the market collecting discarded plastic and damaged vegetables considered waste by traders, but that are still good enough to use in their own cooking; the children resell the goods elsewhere out on the streets. According to official market rules, these children are not allowed at the market, but rules are not implemented.

There is a knowledge gap between the perceptions of traders, security officials and other employees at the market and the realities in which (child) porters live. A few traders have built connections with porters based on place of origin and/or the number of years of experience at the market of both parties, but in general, they live in total different worlds. Also the porters themselves seem to live within their own groups formed on the basis of place of origin and whether they work during daytime or at night. Staff, traders, as well as customers do their work and are generally oblivious of the realities of the labourers, and do not wish to know the details. A senior-trader interrupted a conversation between the researcher and a group of porters: “these people do not speak your language. They do not know how to talk. It will be better if you visit our businessman-association. They will provide you with all the information you need.” This businessman-association, however, only deals with communications between traders and the Board, and is not concerned with matters related to the porters.

The Board and the traders seem to not make a distinction between an adult porter and a child porter as such. In fact, they would unlikely address a boy of 14 as a child, especially if the concerned porter has already been working at the market for some years.

3.2.1 The work of a child porter

For porters there is work at the market twenty-four hours a day. The first traders start opening their shops at 4 in the morning, and start to close at 7 in the evening, with the last shops closing at 8:30pm. At night trucks arrive from different parts of the country to supply the market with produce, which need to be unloaded by porters and placed at the right shops. As most of Kalimati is a wholesale market, customers are mainly vegetable-sellers buying their daily stock, but individuals buying for private use visit the market as well, especially when they need a lot. In addition to the wholesale section, there is an area for local farmers offering their produce, which attracts locals buying for private use.

At the Kalimati market there is thus a demand for porters around the clock. Although the work of a porter is very flexible, and they can determine their own hours, there is a division between day and night porters. Night porters start at around 9pm, while day porters start at 4 or 5am. Before 5am

¹² These children mostly live in riverbank settlements, assigned to them by the government for families who have fled their villages because of poverty or conflict.

many trucks are loaded that supply other markets elsewhere in Kathmandu, such as Naxal and Icchumati. The market gets crowded after 5am, when trading starts. Porters find most work between 5 and 8am, which is when vegetable merchants from throughout Kathmandu stock up. Depending on the location of their shop, the transportation of produce is usually done by taxi, rickshaw, or public transportation, such as tempos or buses. Porters are hired to transport the goods from the market premises to the taxi and bus stands just outside the main gate. If shops are located relatively near the market, for example, in the small streets of old Kathmandu, porters carry the loads all the way there, which might take them up to an hour.



Young porter peeling garlic in the afternoon when the markets are quiet

After the market quiets down at around 9-10am, porters normally go home or to a hotel to have their first meal of the day. The market is quiet until about 4pm. Between 10am and 4pm only a few porters can be found at the market; many of them are elsewhere performing alternative activities (this will be explained further). Around 8-9pm the porters have their evening meal before going to sleep. Night porters start working around 9pm, although most trucks only start coming in after 11pm. They unload trucks until 3 or 4 in the morning. These are estimates, however, as porters are free to determine their own working hours.

Most child porters work during the day, especially the younger ones. Unloading trucks is very heavy work and the load that a child can carry increases with age and experience. The 16-year-old Mohan, who was interviewed in the afternoon while hanging out with other porters at the market, usually

works the night shifts. According to him, most trucks come in around midnight. Because he works until 3, he usually doesn't wake up before 10am, after which he has a meal and goes back to the market to meet his friends from his village in Udayapur, East-Nepal.

Because there is also a demand for people to carry smaller loads, more child porters can be found at Kalimati market than at other markets in the Valley. According to a trader at the nearby Balkhu Fruit market "loads to be carried here start at 55/60 kg, which is too much for small children, who can only handle 20-40 kg!" Also at the Icchumati market, adult porters explained that "loads here can be as much as 150 kg which is done by young strong men. Older porters carry 50-60 kg, but that is still too much for children. In Kalimati many shopkeepers from throughout the valley need porters for smaller loads as well".

At Kalimati there are basically two types of loads: loads of vegetables that vary in weight and which are carried in a *doko*, a basket which the porter buys for 100-200 NPR; and onions and potatoes, which are pre-packed in sacks of 60 kg and do not need a *doko*. There are also different groups of porters working for potato and onion traders, than those working for the vegetable merchants. Very young porters can only be found at the vegetable section as they are unable to carry the pre-packed potato sacks of 60 kg and more.

According to Nepalese legislation children are not allowed to carry more than 25 kg [ILO/IPEC 2001:23], but child porters at Kalimati carry much more than that. 13-year-old Nilam from Udaypur has only been here for 3 months, and says he is able to carry 30-35 kg. Through experience porters learn to carry more and more weight as they get older. Child porters below 15, in general, carry up to 40-50 kg. 15-year-old Laxman carries loads of 50-70 kg, while 15-year-old Yograj from Sindhupalchowk can carry 70-80 kg loads. A 23-year-old porter, who has been doing the work since he was 15, was able to carry 40 kg when he started as a porter, and can now carry loads up to 90 kg. Other adults sometimes carry more than 150 kg.

Porters' earnings very much depend on how many hours they choose to work, and on how much work is available, as they get paid per load. While some groups can be found chatting and hanging around with friends during hours when work is unavailable at the market, others go elsewhere in the city to do alternative types of work once the bustling morning hours at Kalimati are over.

A day's earnings thus also vary, but on average porters indicated they are able to make 200-250 NPR per day. After deduction of living expenses, most children are able to save 100-150 NPR per day. Porters complained, however, about the increasing rate of necessary goods such as rice, kerosene and oil. Because their income remains the same, it becomes increasingly difficult to save money. Nepal regularly suffers from petrol and kerosene shortages, which affect the work: the availability of work, but also their living conditions, as everything becomes more expensive. Most children indicated savings of 3000-3500 NPR per month, which they send home. Many porters, however, keep their money and hide it in their rooms. Others hand it over to a trustworthy trader who saves the money until they go home, or when relatives or other villagers go home, at which time they make sure the money gets to their families. In addition, an NGO has established a Child Development Bank where child labourers working in the Kalimati area can deposit their money. There are also child porters who make use of this facility.

Some Kalimati child porters also try and find work as porters at other markets in Kathmandu, such as the Balkhu fruit market or a large garments wholesale market behind Bir Hospital in Central Kathmandu. Rajan (15) and Pawan (19) leave Kalimati at 10am, after having their food, to carry bricks at a construction site in Kirtipur, south of Kathmandu. While they earn up to 200 NPR at Kalimati in the morning, they can be sure of another 200 NPR per day at the construction site.

Niraj and Lal Bahadur from Dhading, both 16 years old, have been working at the market for four years and are nowadays able to make some additional money by accompanying trucks and helping out the driver when they collect vegetables from farmers in Kabhre, a district bordering Kathmandu. Per trip they get 200 NPR for loading and unloading. They leave Kalimati towards the end of the afternoon and return at night.

The 16-year-old Mohan can be found at the market premises almost every afternoon when he helps out a befriended shopkeeper peeling garlic bulbs. He enjoys this work, as he can sit together and chat with his friends and peers. For every 25 kg of garlic bulbs, the trader gives them 150 NPR, which they divide among all who helped. This work usually takes them about one hour. Porters also help out traders with sweeping the shop area. In addition to a small remuneration they often get some vegetables, which they can use when preparing their meals at home. Also worth mentioning are youths who work as porters in the mornings as a way to afford their education; they attend school after the busy market hours are over. We were unable to meet with these porters as they left the market to go to school the moment they finished working; it was impossible to speak to any of the porters whilst they were actually working. Discussions took place between the busier moments and when they were hanging around with friends waiting for more work.

Porters, like other migrant workers in Kathmandu, never spend the entire year in Kathmandu. Depending on the distance between Kathmandu and their village of origin they go home several times per year. Porters indicated that these home visits are to restore family relationships, but they also claimed they are necessary for their health: “in the village we get a good rest. We do not have hard work like here, so we can maintain our health”; “in the village my parents provide me with food, and I do not need to do any work, so I can take a complete rest”; “in the village we can be clean again, we can take a bath regularly and wash our clothes properly”.

3.2.2 Living conditions of child porters

Porters generally travel to the city with family or friends. They rent a room all together; up to five people, including children, often share the rent of such rooms, ranging from 700 to 2000 NPR per month. These rooms are small, sometimes below street-level without any windows, and with hardly any light or air circulation. The small space (often no larger than 12m²) is used for sleeping on a cot or the floor and for cooking food. A small gas or kerosene stove is installed, on which the inhabitants can make a simple meal.

Ram Nepali (15) from Dhading has been working as a porter at the Kalimati market for the past 3 years, just like his father and older brother. He shares a room near the market with another brother, who works as a rickshaw driver; they pay 700 NPR per month. Rajan (15) and Pawan (19) from Udayapur share a room in the Kalimati area with two other friends from their village. They pay

1400 NPR per month. They eat together in the room. Manoj (14) also lives in a very small room. He shares the monthly rent of 700 NPR per month with two older cousins, who work in Kathmandu as a driver and porter. The room has one wooden double bed, and a small place for cooking in the corner. The room is located underground, and little air can enter the room. There is one window, which opens to another room. The lack of oxygen is even more obvious when at 4pm the electricity is switched off and a candle is hardly able to burn. The boys complain of waking with headaches. They share a toilet with others living in the building. For washing they can use a public tap located behind the house. For drinking water they have to walk to a tap further away.

Not all children, however, have connections in the city, or friends and family with whom to share rent; they find a place on the market premises to sleep, covering themselves with a used blanket or empty sack, which protect them against mosquitoes and the cold, so they say. They clean themselves at the public toilets and water taps on the market premises.



The young porters try to sleep whenever and wherever they can - even on the market premises

The boys eat a simple meal in small eateries nearby the market, where they are charged 50 NPR for *dahl baat tarkari*: the Nepalese staple food of rice, lentils and vegetables. For meat they are charged more.

Some children find a place in a local restaurant to sleep, like Yograj (15) from Sindhupalchowk. He pays 100 NPR per day for which he gets two meals (*dahl baat*) and a place to sleep. He shares the room with eleven others, who all sleep on the floor (no mats or blankets are provided). There is also a facility to wash his face. He said that he has good connections with the owner, and he also gives his earned money to him to save until he can take it back to the village.

3.2.3 Reasons for working as porters

The arguments given for working as porters are similar and come down to a few important points discussed in this section. In most cases children merely follow an existing trend and join friends and relatives who are already working in Kathmandu, and who encourage them to join. Often the children have opted to do so by themselves and initially do not have the approval of their parents, and not in all cases are their living conditions in the village such that their earnings are of absolute necessity for survival. This was said by the children, but also confirmed by fellow porters as well as villagers in Sindhuli.

Teek (12) from a village in Udayapur was in Kathmandu for the first time; he had only come to visit his brother for a few days, who had been working at the market as a porter for many years. One month later Teek was still at the market and had started to earn some money by carrying loads himself. Teek was previously enrolled in class 6, but had no intention to go back to the village. Even though his family would be able to provide him with food and education, he chose to enjoy his life in Kathmandu with his brother and other friends from the village.

Similarly, Nilam (13) had been working at the market for three months. He was encouraged by his cousin to come to Kathmandu, after he had dropped out of school in class 3. Initially he came “to observe”, and when he “observed” that boys his age were working as porters he decided to join them, with his cousin’s encouragement. He sleeps with his peers on the market premises and joins them for food in a hotel just behind the market. He chose to stay in Kathmandu: “here I have many friends. In the village I am lonely, because many people are working here”. Nilam is the oldest son in a family of four, his two younger sisters are both in class 3, and his brother is in class 2. Nilam had not made any plans yet to go home: “maybe next year!”

Manoj (14) came to Kathmandu with friends from his village. For many years young men from his village have been coming to Kathmandu to earn money as porters. He is the third of five brothers, who are all living in the village. His younger brothers are still in school, and his older brothers help their father on the field and with the cattle. His family is relatively well off; they have 2 buffaloes, 7 cows, and 10 goats. Initially, Manoj came to Kathmandu simply to discover a new place; he likes to travel and “my friends told me there is *mitho khaanaa* (“tasty food”) in Kathmandu. In the village I eat corn and millet. Here I can eat rice with my meal everyday”. At the time of our study he was in Kathmandu for the fourth time, and intended to stay for 2.5 months before going back to his village. He worked only in the mornings. The rest of the day he liked to roam around the city. He

complained a little though: “I came here to see the beautiful houses and to have delicious food; but the food is not delicious, it is simple - and to have it, I have to work really hard!”

These cases contradict the general notion that all child labourers work for survival, or under pressure from parents. In many cases children are pulled by a perceived attractive way of life in the city, without parents or teachers telling them what to do, and with the additional benefit of being able to earn a little cash.

However, there are also poignant cases of children who are forced to leave their village due to abandonment by their families, domestic violence, or other crises within their household. For them, earning money is a more serious matter. In Kathmandu, they might end up on the streets or find work as porters at the market. An example is the 14-year-old Prem from Dang. He came to Kathmandu alone after his parents died. He lived on the streets for some time before discovering that he could earn money at the market. He doesn't like it though. Many people beat him, and he has to carry heavy loads for which he hardly gets any money. At the time of our study he had a large open wound on his knee, and felt feverish; he was not able to do much work. But even when sick, he has little choice but to work; if he does not work, he has no food to eat.

In addition to dire family circumstances, such as illness or death, there are other factors that push workers from the village. First of all, the village environment does not provide alternative earning opportunities. Most porters are from families that have land. But this land is not always productive, and does not always provide sufficient food to feed a family throughout the year. Therefore, in order to meet the additional expenses, for example, clothes, construction of a house, education, and health, people are required to find work elsewhere. An adult porter from a village in the Eastern hills pointed out that all families in his village have at least one member working in an urban area to earn cash money, as there are barely any possibilities to do so in the village: “even if one is able to earn only NPR 100, that is a lot of money in the village where I am from.” 16-year-old Dinesh from Okaldhunga came to Kalimati with a friend from his village who was already working at the market. He is the only son with four sisters, all living with their parents in the village: “I work here, because it is not possible to earn money in our village. Here I can make a little money, so I can buy clothes for everyone in my family, which is nice”, Dinesh explained.

Child porters are usually from illiterate communities. Parents perceive education as being important, but with poor quality of rural government schools, a home-environment that encourages children to continue schooling is crucial [See also: De Groot 2007]. The failing education system in rural areas provides children with fewer opportunities, which pushes many children out of school, and thus into other activities.

Rajan (15) and Pawan (17) both dropped out in class 3 before coming to work in Kathmandu. Rajan had failed class three times, and Pawan twice before they eventually lost interest in school and dropped out. But the school year itself also gives children several opportunities to go to Kathmandu temporarily. Because porters can work at the market at any time of year, there are children who come to the city to work during their long school holidays. However, after having experienced what it is to earn some money and to be independent, some of these children never return to school.

Narayan was studying in class 8; but because the government was very late with providing his schoolbooks, Narayan decided to come to Kathmandu and to work as a porter for one month. This

was an easy step for him to make, as he had many friends who were already working at the market. Narayan is from a well-off family and there was no direct need for him to work as a porter, as they have sufficient land and he has an older brother working in Malaysia. He wished to see Kathmandu, however, and as he wasn't being taught at his school, he decided to leave his village. After two weeks of living with his friends at the market, Narayan was not so sure anymore if he would indeed return to school.

Whether it is a break from school or the wish to experience urban life for a while, once in the city children come into touch with the possibility to earn money and have access to financial means to buy food, new clothes or whatever they want to spend it on. More importantly, the child porters emerge as having a greater sense of responsibility towards the family and are stimulated by being able to contribute to their family's income, regardless the extent to which it is necessary. This is thus not only true for children from families in the direst circumstances. To be able to bring money back to the family or to buy clothes and gifts during festival time makes the workers happy, and gives a sense of pride.

Rajan, for example, was able to bring gifts for his parents and siblings during the Dashain-festival, which made him, but also his parents very proud. While they initially were not happy with Rajan's decision to join his friends in Kathmandu, they started to enjoy the extra income that Rajan puts in.

Pawan (17) is able to save approximately NPR 2000 per month. His aim is to pay off his father's loan. His parents are old now and are not able to work anymore. "My parents are proud that I am working and able to earn money". During particular seasons Pawan always goes home. "After 15 days I will go to my village to plant the rice on our field". For villagers in remote areas, to have a family member working in the city raises their position within the society. The porters from Udayapur admitted to feeling proud when they are able to go home during Dashain "wearing nice new clothes, and bringing money for father and new clothes for the women in the family". Another porter explained: "by working here, I am able to build a house in my village!"

However, not all child porters are able or willing to save in order to give the money to their parents in the village. Some spend it immediately on food and other living expenses, but also on cigarettes, *raksi* (local liquor), or on a ticket to see Nepalese movies in a cinema.

Porting is one of many employment opportunities in the Kathmandu Valley. The reason why children work as porters and are not involved in other work is, for many, a matter of easy access. Most child porters end up working on the markets because of their existing social networks, rather than as a well-considered decision. The work is accessible because of relatives and friends who are already familiar with the work, and who can show them where to sleep and eat.

With a lack of schooling the children generally feel they will be unable to work anywhere else. The 19-year-old Ganesh from Rolpa has been working as a porter since he was 12 years old. He still comes to Kalimati twice or three times a year. In between he goes home to assist his brothers with farming in their village. He is the youngest of four brothers. Sometimes his brothers go to India to find work, but Ganesh prefers to come to Kathmandu: "why to go to another men's country?" He has only passed class 5 and believes that he is not qualified to do other work. There were more adult respondents who argued that due to a lack of education they have no other choice but to work

as labourers. Ganesh saves his money with the NGO-run Child Development Bank. After saving a few thousand rupees he gives it to his older brothers in the village who spend it on daily necessities.

However, there are also other motivations to work as a porter. First of all, the work is easily available, and flexible, because they are not bound to any contract with any employer. They do not have to register or find a vacancy: porters can start working at the market whenever they want. They can also leave whenever they please. 23-year-old Kamal, who had been working at Kalimati for many years, explained that farmers from his village in Rolpa come to Kathmandu to work as porters whenever they like. They go home repeatedly, and sometimes do not come back to the market for 1-2 years. “It depends on how much money I can earn. If I earn a lot of money quickly, I can go home. Otherwise I will stay here longer, but I prefer to live with my family in the village”.

Because they are not dependent on an employer who decides how many hours they have to work, the porters enjoy a certain amount of freedom. The 16-year-old Niraj from Dhading has been working at the market for four years. He decided to drop out of school and to follow his friends in order to earn money. His parents would have preferred if he continued his school like his brothers, but he enjoys the advantages of living in Kathmandu. “I prefer this work, because of the freedom. I can work whenever I want. At night there is less work, and also during the day I can roam around, if I want, or go to the cinema-hall.” Kamal from Rolpa argued: “there is other work available in Kathmandu. For example, my friend works in a brick kiln. But here I have more freedom, and I can work in my own time. I don’t have to deal with an owner who tells me to work long hours”.

15-year-old Ram from Dhading had problems with his employer, which is why he returned to the market to work independently: “because working as a porter is physically heavy, I worked in a restaurant for three months, but the owner never paid me my money. I only got 500 rupees. Then I escaped to work here again”. He said he is able to earn 2000 to 3000 NPR per month.

More respondents argued that the flexibility in how much they can earn, is why they prefer to work as a porter. The 17-year-old Gopal Bhujel had been working as a porter at the Kalimati market for one month. He had previously been working in construction work in Bhaktapur, a small city east of Kathmandu. Because a lot of his friends from the village were working at the market, he decided to join them; he compared: “Here at Kalimati the work is more difficult, but I am able to earn more money. In construction I got a fixed amount of money per day. Here I can earn more if I like”.

15-year-old Dinesh finds the work easy. He has three older brothers who are all working in the transportation sector in Kathmandu. After dropping out in class 4 he came with his brothers to Kathmandu. He also shares a room with them, but he is not interested in the transportation sector: “the work at the market is easier. I do not know anything about working on a truck. How difficult is it to control such a big vehicle!”

14-year-old Suman from Dhading argued: “I prefer to live here in Kathmandu above living in my village. Here I can work and earn money, but other work is not available here.” In spite of the perceived benefits of porting, it all comes down to the perceived availability of the work. People end up as workers, because they have become acquainted with the work through relatives, friends, or while roaming around through the city. It has rarely been the outcome of a careful deliberation.

15-year-old Yograj from Sindhupalchowk was not that enthusiastic about working as a porter: “the work is difficult. We have to carry heavy loads, and it is not easy to find a job. There are so many

porters! There are days when I do not earn anything.” He has a relative who works as a helper on a bus. “I also want to do that work. Maybe I will not be able to save as much as a porter, but the work is better. I can learn driving skills, so in the future I can become a driver.” Because Yograj has access to other work, through a relative, he will likely leave the market. Had such a relative been absent, he most probably would not have decided to find work in the transportation sector.

Children neither deliberate about the type of work they choose to do, nor do they think about the future. Child porters seem to live day by day, and generally have no future plans or prospects. Like many young men in Nepal, Gopal hopes that he is able to go abroad. Many of his fellow villagers are in Malaysia, Qatar, or Dubai working as labourers. He is not saving for that, but he hopes that his parents are able to get a loan to afford it.

Among the older porters there are feelings of regret. With their bodies becoming weak they start to feel the consequences of the loads they have been carrying for years. Also, they regret not having been serious about school. Bhim Bahadur from Udaypur is in his thirties and has been coming to Kalimati for many years. By doing so, he has been an example for many young guys from his village. He has three children between 2 and 5 years old. The oldest is already going to school, but Bhim Bahadur is worried about him, because he is already reluctant to go to school. Bhim Bahadur, however, wants to do everything to make sure that his children go to school. “Perhaps there will not be jobs available, at least they will be bright (*gyani*), and he will be aware about the things around him. He will find some light work, so he does not have to do the heavy work that I have been doing for years!”

Chet Bahadur, an adult porter from Dhading, agrees with him. He has two sons aged 5 and 7 who are both going to school. He hopes that “if my children are going to school, they can make a better future, so they don’t have to do the same work as I do”.

Interestingly, almost all respondents, including child porters, said they find that life is not better in the city, like many of them had imagined before coming. Bahadur from Rolpa: “I came to Kathmandu, because I was told that there are more chances of getting a job here. But it is a disappointment. There are no jobs available here, and I have to work hard. In the village I can live in a beautiful environment, and I do not have to work so hard”. Manoj from Udayapur agrees with him: “here in the city we have more sorrow, more struggles, and more pain!” Ganesh from Rolpa added: “What to do! We have to earn money. Of course I would prefer to live in the village. The village is clean, and we don’t have to do this heavy work everyday. It is my own place. The city belongs to others!” Even Laxman, who enjoys going to the cinema once in a while, argued: “although there are no roads and transport facilities back home, I would definitely like to live in the village in the future!”

3.2.4 Health risks of working as a child porter

As a porter children are required to carry heavy loads in a congested and dusty environment, in which they are exposed to various health risks. Kalimati is among the most polluted areas of an already much polluted Kathmandu. In addition to the air pollution, there is no well-functioning garbage collection system, resulting in rotting trash all over the market, in which porters walk,

often barelegged, and in some cases even sleep. Although Nepalese law prohibits children from carrying more than 25 kg, in practice children carry more than that and sometimes even more than their own body-weight. ILO/IPEC estimates that the average load of a short-distance child porter aged 10-14 is 41 kg, and that of children aged 15-17 60 kg [ILO/IPEC 2001:23]. They often walk barefoot, and only use a *namlo* (jute rope) for fixing the load to their forehead. Some also use a *pithy pacheudi* (back cushion), which gives some support to their back. Carrying such loads lead to chronic leg and back pains and stunted growth.

The child porters have insufficient clothing, which offers little protection in the winter and during cold nights. If they do not sleep on the market premises, they live in small, congested and poorly ventilated rooms. According to the ILO/IPEC report, additional health risks include chronic cough and bronchitis, increased heath, circulatory and digestive problems, tuberculosis, and malnutrition. The report states that a child porter's life expectancy is probably shortened by as much as 20 to 30 years as a result of the work [ILO/IPEC 2001:24].

An NGO runs a health centre in the Kalimati area aimed to provide basic medical services to child porters and other child workers in the area. There is one appointed nurse who reported that child porters usually come in for minor injuries such as cuts, scrapes and small fractures. In addition, children are diagnosed with chest problems like pneumonia, bronchitis and persistent coughs. The nurse worries about the porters who sleep in the cold at the market, but also about those who sleep with many others in a small room, which makes it easier for diseases to spread. Due to the lack of clean water, the irregular intake of nutritious meals, as well as a lack of hygiene awareness, child porters also suffer from diarrhoea, dysentery, and worm infestation.

During the IREWOC study the porters often complained about painful legs, backaches and regular headaches. Headaches were attributed to the heavy loads, but also to the hot weather. Other complaints addressed stomach pains, being cold, and fevers. Dysentery and diarrhoea were also among the complaints, but not everyone directly attributes this to the unhygienic environment they live in.

The child porters do not seem to take into account the long-term consequences of their regular physical pains. Adult porters, however, do; like 23-year-old Kamal who has been working as a porter for five years: "I think I will only be able to do this work for another two years at the most. My whole body is always in pain. From my head and back to my legs!" Another adult porter (in his early thirties) regretted to have worked as a porter for so long:

I have been working here for more than 11 years, and now I have many problems. Every year the pains are increasing. I have stomach aches, headaches, and my legs and back hurt. In the past I was also working during night time, but now I feel too weak. I would like to do this work for another four years so I can earn some more money, but I am not sure if that will be possible. I feel very weak at the moment. I hope my sons can find other work in the future.

Older porters were also more aware about the polluted area in which they live and work, and complained that their chest problems were a result.

Not all child porters were aware about the NGO-run health post in the vicinity and would visit a government health post for checkups or go home in cases of a serious illness. 14-year-old Manoj from Udayapur, for example, said that he would go to his village if he were seriously ill, “so I can take rest and my family can take care of me”. Many porters walk around with open wounds, and are thus vulnerable to serious infections, especially because they have little knowledge or means (like clean water) to enable them to properly care for their injuries. One day Manoj slipped and fell on the road while carrying a load, resulting in two badly grazed knees. Two days later the wounds had still not been properly cared for and had turned red, blue, and black. After the suggestion to clean it with boiled water, one of his friends replied: “How can we clean if we do not have a place to boil water!”

Child porters are also exposed to alcohol use and cigarette smoking; daily use is not uncommon. They are unaware about the health risks. Prem, for example, sleeps inside the market, but was only worried about the many mosquitoes that would bother him at night. The porters said they don't face any problems carrying heavy loads, as they have become used to doing so from an early age on. They came from remote villages where they already carried heavy loads of fodder and firewood, or goods to and from a market. Others, however, come from more developed villages and never developed such habits. 14-year-old Suman, who comes from a village near the highway and a large town in Dhading: “I am not able to carry more than 40 kg, and I can only carry a few loads in one day. I am not used to carrying heavy loads, and so I only work in the morning. In the afternoon I need to take rest. Then I like to roam around in the area”.

3.2.5 Helping child porters

The ILO/IPEC Time-Bound Programme has been supporting CONCERN, a Nepalese NGO (which has continued the project on its own strength), by setting up the Child Porter Center at Kalimati. At the time of research this centre was the only NGO-programme directly aimed at providing services to child porters working at Kalimati. In addition to the Child Porter Center, this NGO has shown additional initiatives to stand up for the rights of porters, child porters in particular. In December 2006, for example, they organised a workshop on “Determined Minimum Standard of Child and Adult Porters”, during which members of Kalimati Vegetable Market Management Committee, representatives of the NGO, adult porters, employers and others, discussed issues such as what “should be acceptable as the social and economic environment of the workplace, age of children who can work as porters, how much weight they can carry, how much distance they can cover, insurance policy, and compensation of employer in case of an accident” [CONCERN 2006]. However, agreements regarding, for example, accident compensation, insurance, registration of (child) porters and identity cards, and unionisation, have never been implemented. Through this NGO's efforts, which also include street theatre and regular market visits by an impassioned NGO-employee and ex-child-porter, employees and representatives of the Market Board remain aware of the issue and traders at the market also indicated that it provided a safety net for porters. Some sympathetic traders have addressed individual cases, the most wretched incidences, and reported them to this NGO. Other facilities for such children in the area, according to the traders, are non-

existent. However, the work of the NGO in particular does not reach all porters. Some porters deliberately stay away from the NGO out of fear of losing their freedom, and out of distrust.

CONCERN also formed the *Bal Bariya Samrakshan Samiti*, a “child porter committee”, headed by a representative of the Kalimati Management Board, and involving locals (including women), representatives of nearby government schools, the police, and two members of the NGO itself. The main duty of the committee is to monitor child workers and their working conditions and to find ways for improvement, i.e. to make sure the children are properly being paid. The committee meets every month, and according to the NGO all members are very cooperative.

The Child Porter Center, which also reaches out to other child workers in the area, runs a Child Development Bank (CDB), in addition to a health post and educational programmes. The bank enables child workers in the area to safely deposit their money. According to a member of staff, half of the 600 child workers who deposit their money are child porters. Some of them have been using the facility for a few years and have meanwhile entered adulthood. However, not all child porters at Kalimati choose to use this saving facility. This is partially due to a lack of knowledge about the existence of the bank, although some traders do encourage children to visit the bank and a representative regularly visits the market to meet new child workers. It is also a matter of trust, and some prefer to deposit their money with a shopkeeper or hotel-owner with whom a relationship of trust has already been established. 14-year-old Manoj explained: “there is a health post near here. They also ask me to put my money there, but better not to do that. My money is with the *sahu* (“shopkeeper”). He writes down exactly how much money he gets from whom. He is an honest man and when I need the money, he gives the money back”. Furthermore, many children fear they will lose their freedom if they start becoming dependent on an NGO. CONCERN also actively persuades young child porters to continue their education. They bring child porters together with other child workers in a child club, and they organise flexible educational classes at a government school in the Kalimati area, aimed to provide education for child workers in the area, including porters, who are still enrolled in school in their village and who are still motivated to continue their education either in Kathmandu or once they return to their home after having worked in Kathmandu for some months.

Supporting porters is a difficult task because of the seasonality of the work. Children who work as porters are only in Kathmandu for a number of months per year, which makes it difficult to keep them involved. Moreover, it is difficult to get working children interested. 15-year-old Laxman from Udayapur has been approached by the NGO a few times, but says he is not interested in school. He prefers to earn money instead. Interestingly, when asked about his younger siblings who are still going to school in the village, Laxman thinks: “it is very important that they continue to go to school. They should not do work like me.” Aman (15) from Udayapur thinks that more porters would be interested if the government would offer classes for two hours a day, so they can continue working: “I can easily find two hours of free time to go to school, but we cannot go to school the whole day”.

3.3 Children working in teashops and small restaurants

Two years ago 12-year-old Krishna came to Kathmandu. His brothers and many of his friends were already working in Kathmandu, and he wanted to go and earn money as well. It was his own decision to come to Kathmandu. When he decided to join his brothers in Kathmandu, his father had already passed away and he was living with his mother and younger sisters in a village near the Manakamana temple in Gorkha district. A few months ago he went back to his village to return to school. However, he returned to Kathmandu. He complained how he always found his house locked when he came back from school. Everyone was out and there was no food in the house for him. He feels bad about not being able to continue his schooling:

But what to do! My stomach is more important. It was very difficult to concentrate on studies, because I always had an empty stomach! Now look at me: at home there was no proper food, but here is always good food available. I am happy here, I like to work here! What is the meaning of studies, when one is so hungry!

As it takes only four hours by bus to reach his village, and he is not obliged to remain working with his current employer, he can go home whenever he wants. However, he only wants to go back to his village when it is festival time or when his sisters get married: “I want to bring clothes and money to my mother and my sisters. That will make us all happy”. He misses his mother a lot when living in Kathmandu, and he also has some problems with his older brothers. His three older brothers work as porters in the Kalimati vegetable market. Sometimes they come to the eatery where he works and force him and his owner to give his earned money to them. “I don’t want to give them anything, but if I don’t give them money, they’ll beat me. So that is why I have to give them money. They take the money and then go and drink to have fun!” He lives in the house of the restaurant owner and wife. They treat him well in general, but “when I take a long time delivering the tea, then the owners will beat me. Sometimes the owners give me some clothes, but only the ones they were actually about to throw away”.

Another boy, 10-year-old Ramesh Tamang, works with him in the same eatery. Ramesh was given his job when Krishna had returned to his village. “We are like brothers, but sometimes we fight.” Ramesh lives with his parents and his older sister near the eatery. The household came from a village in Trisuli in search of work in Kathmandu. His parents are working in construction. His father approached the eatery’s owner to ask whether he had work for his son. Although Ramesh can live with his parents, most of the time he chooses to stay in the owner’s house. He doesn’t like his parents, his father in particular. “My father drinks too much, he is lazy, and I don’t like it when he beats my mother.” Ramesh has never been to school and shows no interest.

The two boys happen to work in the same eatery, located on a busy square in the centre of Kathmandu, but they have two very different stories to tell. Appearances are deceiving as they appear to be living equal lives: cleaning tables, serving tea and food, doing dishes, cooking snacks, and sleeping in their boss’s home. But the differences are significant and crucial to a proper understanding of why children work in these small eateries. While Krishna, although influenced by his older brothers and peers, made up his own mind to go to Kathmandu, Ramesh has no other choice but to follow the will of his parents.

Given the visibility of children working in small restaurants and tea shops it is surprising that research in the field of child labour in this sector in Nepal has been limited. An earlier CONCERN survey among children working in restaurants in 19 districts in Nepal estimates that there are approximately 71.767 restaurant child workers working in 20.505 teashops/restaurants in Nepal. It states that there are 4.225 small restaurants/teashops in the Kathmandu district (excluding more standard restaurants catering for foreigners and the more affluent within Nepali society) employing an estimated 14.787 children [Sainju 2003:5]. These are the only figures that can be found for this sector.

3.3.1 Working in a restaurant

Fieldwork for this IREWOC study took place in the Putalisadak area of Kathmandu, where working children are found in different types of eateries:

- small teashops selling tea and coffee, bakery items and in some cases popular snacks such as noodles, *channa* (chickpeas), potatoes and eggs
- sweet and *chat*-houses serving different kind of Nepalese sweets and snacks such as tea, *samosa*, *pakoda*, *chat*, *roti-jalebi*, etcetera
- small to medium-sized restaurants serving local dishes such as *dahl bhaat* (rice and lentils), *momo* (dumplings), noodles and Newari food (*chat Niraji*, *chiura masu*, etcetera)



Young boy preparing tea at a restaurant

Most of the children employed in eateries are boys, and most of them are older than 11. Their duties include: serving tea and food to customers and to surrounding shops and offices, collecting and washing dishes, cutting vegetables, and cleaning tables. Working children in small teashops are normally found to be running to and from surrounding shops and offices, rather than being in the teashop itself. Children can be seen making tea, but never cooking, although they can assist by cutting vegetables. In most small teashops only one child is employed, with exceptions for very popular shops with many nearby offices that make orders throughout the day.

Children's duties in the sweet and *chat*-houses are more concentrated in the restaurant or kitchen itself as there are more customers to be served at the tables and more dishes to be done: they have to clean tables, do dishes, sweep the floor, and bring orders. Also in these eateries, children make tea, but none of them are involved in the making of sweets or the cooking of food. For these duties, experienced and skilled (young) adults are employed.

In larger eateries where more children are working, tasks are divided and children are appointed to carry out a particular duty at a specific time. For example, in a very popular Tandoori restaurant, the 14-year-old Mohan was found cleaning a huge amount of dishes in the afternoon, while his three fellow workers (aged 12-15) were serving customers, fetching water, or taking a break and having some food at a table in the corner of the restaurant. He explained that they rotate duties and his turn to do dishes was in the afternoon. His time to have some food would be after completing the dishes. Breaks are never given together, so there is always a child around to help out the other workers.

The environment in the small restaurants is very unhealthy. The children work in congested spaces, where many people are crowded together, often smoking cigarettes. Furthermore, especially in the winter-months, they have to work with ice-cold water. During one of my early morning visits I once found Niraj from Butwal (12) doing the dishes using ice-cold water. When I asked him what time he had woken that morning he started to cry. His eyes filled with tears, and yet he forced a smile. It becomes clear that he misses his family, he is tired, he is so cold and in pain, and he is extremely miserable.

Niraj works for a man who is from his own village, and who made an agreement with his parents to take him to Kathmandu for work. Niraj lives with the owner, his wife and two small children; he is also provided food. He wakes up at 5 in the morning, and after freshening up he accompanies the owner to the restaurant. It is a small eatery that serves tea, bakery items and snacks to students and businessmen who gather in the restaurant, but also to offices that give orders by phone. This is the first time he has worked anywhere, and the owner is still teaching him the techniques. He can already chop vegetables quite fast, but not without small incidents. After chopping the vegetables, he starts doing the dishes. He starts with the plates and cutlery, and has not begun on the glasses yet when the owner asks him for a glass. The owner scolds him; he grabs him in the neck and shouts at him to work faster. In between these tasks Niraj must also serve tea to customers sitting in and around the eatery. When there is no work during the day he sits on a stool near the eatery enjoying the sun, looking at the pictures in the newspaper, plays with the children of the owner, or chats with the security guard from the office next door. He always remains in the vicinity of the restaurant. The restaurant closes at around 6pm, after which he goes home with the owner where

they have dinner. If there is electricity he watches TV in the evening before going to sleep at 9 or 10pm.

Thus, working days are long for the children. The restaurants open at 6 or 7 in the morning, and remain open until 7 or 8 in the evening. At bus parks and other central locations eateries keep even longer opening hours. Children work throughout the day. In the early morning when there are not so many customers yet, children are busy with cleaning the restaurant premises, and with preparatory tasks such as chopping onions, red chillies, and other vegetables. When the first orders come in they start to serve customers, bring tea to other locations, and collect and clean the dishes.

Kiran from Gulmi works from 5 in the morning until 8 in the evening, 7 days a week. Throughout the day the shop is continuously busy with tea orders coming from the hospital and surrounding offices. Also, it is a popular hang-out for students of the various colleges nearby. Kiran's duties include bringing tea to the hospital, and surrounding shops and offices. He must also retrieve all glasses from these locations. He does the dishes, cleans tables, serves customers sitting in the shop, and buys groceries. Most of the time he is busy, but when he has a free moment, usually in the afternoon right after lunch, he can be found sitting on one of the chairs in the teashop observing the passers-by.

Depending on the size of the restaurant, some children even work after closing hours when they clean and start to prepare for the next day. 14-year-old Deepak, for example, wakes up at 5 or 6 in the morning and works until 10 or 11pm. The restaurant opens 7 days a week, and the only free time he has, is the few hours between the lunch and dinner rush, when there are fewer customers and he has finished peeling and chopping potatoes, onions, and garlic.

Most children have some time off only during slow business hours, which is usually in the afternoon right after lunch (between 1 and 4pm). The children can rest, or socialise with children their age in the neighbourhood, but they remain in the vicinity of their workplace, so they can get back to work if required. 13-year-old Vivek and Suchit from Sindhupalchowk work in a sweetshop from 5am until 8pm. In the afternoon they take turns to rest. While Vivek works, Suchit can rest for 2 or 3 hours, depending on the number of customers, and vice versa. They use these hours to sleep or watch TV in their room above the hotel where they work, or to roam around in the restaurant's vicinity.

Some owners do not allow their child workers to roam around the streets. One employer explained: "I do not trust the children on the streets". This sweetshop in particular had employed a young boy from the employer's village who was unable to speak Nepalese. He came from the Terai, and had only learned to speak Maithili. The young boy never spoke to strangers and simply focussed on his work.

Some restaurants are closed every Saturday, or one Saturday per fortnight, and some close early on Saturdays. Children working in these types of restaurant use these days-off for taking a bath, washing their clothes ("on other days I don't have time for that"), and to meet friends and relatives elsewhere in the city. They like to roam around and see Kathmandu; "Ratna Park" and "New Road" are often mentioned as popular places to hang out. Some of them go to see a movie at the cinema. They meet friends and relatives outside their working hours, and these networks are very important in the lives of working children in Kathmandu. Through these networks they are able to find other and "better" places to work when they are fed up with their current employer. Working children

are very mobile and do not stay with one employer very long. Popular reasons for leaving are promises of better pay in another workplace, and bullying by other (older) workers.

The small teashop, where 14-year-old Nabin from Dhading works, is open on Saturday, but only for a few hours in the morning. Nabin helps the owner and his wife in the shop, which besides tea also sells bakery- and small grocery-items. He also lives with them and their baby. On Saturday-afternoons they close the shop, so the owner and his wife are free to do other household chores. Nabin said that on a Saturday afternoons “I take a bath and wash my clothes, because I don’t have time for that during the week. (...) I like to live in Kathmandu and to see the city. If I have time I meet my friends and I roam around with them. (...) My favourite place is New Road. I like to watch the shops and to see the people.”

In contrast to workers who have come to Kathmandu together with friends, the social network of children who were recruited in the village by (relatives of) the restaurant owner, often originating from the same village, is small. The activities of these children in their free time are often confined to the employer’s household. It very much depends on the character of the employer, and also on the type of relationship the employer has with the child. In some cases an attempt is made to treat the child workers as a “younger brother” or a “son”, and children are involved in household activities. They eat together with the family, and also join for visits to the temple during holidays. Niraj from Gulmi said he hangs around with a few children working in nearby teashops and restaurants, but that he does not have a large social network in the city. He does not have a lot of contact with friends of his own age or from his village, but he wouldn’t have much time to spend with them either. The owner replied “he always has us. Because he is from our own village we treat him as a younger brother”.

The children working in restaurants which are open seven days a week are rarely provided with days off. Restaurant owners commonly replied that “if the workers say they need a few days off, they get it”. In a few rare cases there are agreements regarding a day off. Niraj from Gulmi, working in a very busy teashop, gets a day off once every 15 days, and in a very popular Tandoori Restaurant, open seven days a week, 2 (of the 4) boys said to have a day off on the 16th of every Nepali month. The children working in this particular restaurant had been working here for quite some years, which is unusual. Children who have come to Kathmandu to work do not feel bound to a particular workplace, and some only stay for a few weeks or months, which makes agreements regarding holidays redundant.

Once a year, during Dashain and Tihar, Nepal’s most important festivals, many restaurants close. The majority of the small restaurants are run by migrants from outside the Kathmandu Valley. They join the yearly exodus of migrant labourers working in Kathmandu going back to their families to celebrate the festivals. Most child workers do so as well, as it is an opportunity for them to bring home money and clothes for their parents and siblings.

Children working in restaurants are rewarded for their work in different ways. In addition to a financial remuneration, the workers are provided with food and with a place to sleep. The height of a wage varies a lot. It depends on age, the type of work and experience. In addition, not everyone gets paid every month. Some only receive their money when they ask for it; they do this when they have a day off, or when they leave to find new employment, or when the festival season approaches

and they plan to go home. To give an indication, child workers younger than 12 do not receive more than 1000 NPR per month, and for older children this can go up to 1500 NPR. In comparison, salaries of adult workers in restaurants range from NPR 3000-8000 per month depending on their skills. Some workers who live and eat with the owner and his family are also provided with some simple (and often used) clothes.



Young boy chopping vegetables in a restaurant

The following cases illustrate the variations in earnings:

The 4 boys, aged 12-15 and working at a Tandoori restaurant, do not really know exactly how much they earn. The boys do get money and are satisfied with the work. Some of them have already been working at the restaurant for more than two years even though are free to leave if they wish. Whenever they need money, they ask for it and get it. When they have a day off, for example, they receive 500 to 600 NPR. The youngest boy showed a small radio with earplugs to which he listens to music during the day. He bought it from the money he got. Sometimes the boys go to the cinema or spend their money on clothes and shoes. The oldest boy said he only sends money home occasionally. Recently he was able to send 2000 NPR to his father.

14-year-old Nabin works in a small teashop where he makes tea and serves it to customers and surrounding offices throughout the day. He earns 1200 NPR per month. Because his hometown is in Dhading and not very far from Kathmandu, he tries to go home at least once every six weeks. He gives all his earnings, minus what he spends on life in Kathmandu and his travel expenses, to his father. He lives with the owner's family where he also gets food.

12-year-old Niraj from Ramechhap does the same work as Nabin, albeit in a different tea-shop. He receives only NPR 800 per month, which he all gives to his father who also lives in Kathmandu. In addition to his salary, Niraj also receives a few rupees pocket money whenever he needs to buy something. He said: "For what do I need money! I give everything to my father. To buy chocolates I only need one or two rupees. That is sufficient for me!" Niraj also lives and eats with the owner's family in Kathmandu.

12-year-old Sunil gets 700 NPR per month. He eats and sleeps in a room above the sweetshop where he works. Just like Niraj and Nabin, it is the first time for him working in a restaurant. Sunil's work does not include making tea, but he has to clean tables, wash dishes and serve customers. He gives all his money to his mother who makes a living in Kathmandu by begging at a large temple-complex. Her husband left her while she was pregnant with Sunil.

The small tea-shop where 14-year-old Kiran works is owned by two brothers from Gulmi. They made an arrangement with his parents to take him to Kathmandu where he helps them to serve tea to the nearby hospital and other offices, and to the customers in the shop itself. His salary of 1200 NPR per month is given directly to his parents in the village. In addition, he receives some pocket money when he needs it. He lives with the oldest brother and his wife, who also provide him with food.

12-year-old Niraj from Rupendehi was recruited at home by his boss, who is from the same village. He lives and eats with the boss and his family. The boss gives his salary to his parents at the end of the year. This is 8000 to 10.000 NPR depending on how much he has been working. Besides food and lodging, he also gets some clothes.

Sometimes earnings are collected by a "relative". 13-year-old Vivek from Sindhupalchowk helps serving customers, cleaning tables, and doing dishes in a sweet-house. He receives NPR 1000 per month, which is collected from the owner by Vivek's *didi* (a sister, or someone who is close and who is referred to as a sister).

Most of the children save their earnings to send it home. They use a small share for personal belongings such as simple clothes, shoes, and an incidental visit to the cinema, but most of the money goes to the families in the village. Most children bring the money home during the main festivals, such as Dashain, which falls in autumn. Some children from the Terai will go home during Chait, the main festival of South Nepal, which falls in the spring. They pay for their bus ticket and use their money to buy clothes and gifts for relatives in the village. Any remaining money is given to the father or another caregiver. Some relatives come to Kathmandu to collect the earnings of the children; the money is not always handed over voluntarily.

3.3.2 Living conditions

There are different ways through which children find work, and living conditions differ accordingly. The first main way to find work is by coming to Kathmandu with a restaurant or teashop owner; most of the eateries in the Kathmandu valley are run by people from far-away districts, and they often choose to hire their staff from their own villages. The owners make arrangements with the parents of these children. The children live and eat with the owner and his family, and in return they have to work in the eatery whenever it is open. The child receives a salary, which is paid to the child's parents. In addition, once in a while the child receives a small amount of pocket money. Usually, these children go back to the village once a year during the Dashain/Tihar festivals, accompanying their employer and family. For example, 12-year-old Niraj from Rupandehi came to Kathmandu with the owner of a small teashop; they travelled to the city after the Dashain celebrations. His parents had asked the owner to take him to the city for work. His older brother was already working in the owner's older brother's restaurant in Butwal.

The second way in which many children find work is to travel to Kathmandu independently. Their future employers know nothing about their background. The children have often left their village on their own accord. Their reasons for leaving the village vary and will be discussed later. They find work through friends and relatives who already work in Kathmandu or by approaching owners directly. Jobs in sweetshops and local restaurants are easily available as these locations employ a lot of staff, which is highly mobile and does not stay in one place for a very long time. Especially in the small eateries near the bus park, children tend to change workplace relatively often, and working at one place for only a week is common.

14-year-old Nabin from a village near Naubise in Dhading, relatively near to Kathmandu, found work through friends who were already working in Kathmandu. He had just dropped out of school, because of disinterest, when neighbours approached him about a job in a small teashop in Kathmandu. He already had two older brothers working in Kathmandu in a printing press office, and immediately agreed.

Children who travelled to Kathmandu independently and now work in restaurants often come from districts in Central-Nepal, relatively near to the Kathmandu Valley, such as Sindupalchowk, Kabhre, Makwanpur, Dhading, Nuwakot, Ramechhap, Sindhuli, and Gorkha. Only a minority come from districts further away, such as Dhankuta and Morang in southeast Nepal. In comparison, children who have left their villages with their owners come from further away as well. Such children encountered in this study were from Rupandehi and Gulmi in West-Nepal, Dhanusa (Janakpur) and

Jhapa in the Eastern Terai and Solukhumbu in the Eastern Mountains (the Everest-region). There was also a case of two boys who had come all the way from Assam in India. Their employer, himself from Rupandehi, has a wife from this village in Assam, where many Nepalese live, and had close connections to the families of these boys.

The children working in larger restaurants sleep at the restaurant's premises together with other (adult) workers in a room adjoining the restaurant or on tables used in the daytime to seat customers. They also eat with the other workers. All the workers of a popular Tandoori restaurant in Kathmandu, including four who are younger than 15, sleep in a room behind the kitchen. The owner's wife, their youngest son Kumar (13) who attends class 6, and the owner's brother sleep here as well. There are a total of nine people sleeping in one room. They eat in the restaurant, where they also prepare the Nepalese staple food *dahl baat*, and during the day they eat other snacks that are also sold to customers. There is a television in the restaurant, which everyone enjoys watching; they benefit from a constant electricity supply thanks to the nearby army barracks. The owner himself sleeps at their house in Balaju in North-Kathmandu, together with their oldest son who attends class 7. Both sons work in the restaurant after school hours. They help with serving customers, and also manage the money at the counter. The sons work, but they are allowed more freedom than their age mates who are employed here. For example, while the workers wake up everyday before 4am, which is when they have to start preparing things in the restaurant, Kumar likes to sleep late and sometimes doesn't wake up before 11am, resulting in the child workers teasing him for being lazy: "how much can a person sleep!"

12-year-old Sunil works in a sweet and *chat* house and lives with other workers in a room above the restaurant. The owner and his wife sleep in a separate room, also located above the restaurant. The room where the workers sleep is used for seating customers when the restaurant is crowded. The room is particularly popular with groups of students who gather here between classes. After closing the restaurant at 7pm and eating some *dahl baat*, they join up the tables and chairs and cover them with mattresses, creating their beds. All the food is prepared by the workers in the kitchen of the restaurant. Sunil eats together with the owner, his wife and all the other workers. In the morning they drink tea and eat *puri* (a kind of bread) with vegetables. At around 1pm they eat *dahl baat*, which is prepared by the kitchen staff. In the afternoon they eat snacks that are also served to the customers, such as *momos* (meat or vegetable dumplings).

In places with only one or two workers, who are often children, the children go home with the owner, where they get food, and a place to sleep. 12-year-old Niraj from Ramechhap, who works in a teashop at the Ratnapark bus-stop, stays at his employer's home even though his parents moved to Kathmandu as well. Ramesh officially lives with his parents near the hotel where he works, but he often chooses to stay with Krishna (his colleague) and the owner, because he doesn't like his father's attitude and alcohol abuse.

3.3.3 Reasons for working in a restaurant

Reasons for leaving the village to work in a restaurant in Kathmandu are similar to those of the children working as porters. They have dropped out of school, either because of a lack of interest, or because their parents could no longer afford it. 12-year-old Kiran who had left school after a

disagreement with his teachers, was very clear: “why I work here? I do not go to school. I think to work here is better than to live and to beg on the streets, right?”

Other children come from extreme situations of poverty caused by illness or death in the family, or have parents without sufficient income to provide food and care to all their children. Many of the children recruited by the employers in their villagers live in these conditions.

An example is 14-year-old Kiran from Gulmi, the oldest of six brothers. His father works as a carpenter for daily wages, which is not enough to feed the whole household. His father approached two brothers who own a tea stall in Kathmandu, and asked if they could employ his oldest son. At that time he had already left school. Whereas some of his younger brothers still go to school, which Kiran encourages, he himself dropped out of school at a very early age. According to him, this was “because I did not know how to study!”

Some of these children have been intercepted and accommodated by NGOs, who offer them an education, but, especially when children become older, their priorities lie with earning money for their caregivers. 12-year-old Sunil, for example, prefers to earn money to help his beggar mother. He has been in Kathmandu since he was very small. His father left him, when his mother was still pregnant. His mother always wanted to educate him, but he had to drop out of several schools because his mother was not able to pay the school fees anymore. When he started to work as a dishwasher in a small restaurant near the temple where his mother can be found begging, an NGO found him and took him to their rehabilitation centre where, after completing a few informal education classes, they put him in school where he studied until class 4. Because he studied with a teacher from Belgium, his English is good compared to other boys of his age. While he was in class 4 he ran away from the hostel a few times. Now he works in a sweet house. The sister of the owner found him on the street and asked her brother to provide him with work. Now that he has an opportunity to earn, he is not interested in going back to school.

Like many of the child porters, many restaurant workers have also been influenced by friends and relatives already working in Kathmandu. For example, 14-year-old Deepak from Ramechhap works in a local restaurant serving *thukpa*, *chowmein*, fried rice, and *momos*. When you first see him, he looks like an ordinary, very innocent schoolboy, who has come to the restaurant for a plate of *momo*, a popular snack among school kids. However, he in fact works 7 days a week, more than 12 hours a day. He wears his school uniform, because his change of clothing is a school uniform as well. He came to Kathmandu 5 months earlier with friends of his age, now also working in a restaurant in the neighbourhood. Deepak was studying in class 6 when he escaped from home to come to Kathmandu. His parents, wanted him to study, but the village environment was far from conducive. It was not a question of not having money to afford schooling. In fact, his two older brothers were already working as construction labourers in Kathmandu and were regularly sending money home to cover the household costs, including Deepak’s school-fees. “I liked to go to school, but it was difficult to live in the village. In the village there is nothing and everyone is leaving. Many boys of my age go to Kathmandu to work, and they earn a lot of money, living a good life.” Deepak does not regret coming to Kathmandu. He works long hours and has to endure the dominating behaviour of his fellow (adult) workers, who are continuously ordering him around and scolding and beating him when he is, in their eyes, not working hard enough. But despite all this he is happy that he came to Kathmandu: “the work here is very difficult, because of the long hours. But I am able to get good

food and to earn money”. His parents, who never gave Deepak permission to go to Kathmandu, are now satisfied: “sometimes I call my father, and he says if I am happy here, then they won’t say anything. They are proud of me that I can earn this money.” Deepak earns NPR 1500 per month, which he gives to his older brothers who send it home to their parents. Deepak has never considered working together with his older brothers in construction: “they would always dominate me, beating and scolding me. I’d rather avoid that. I am happy working here in the restaurant”.



Washing dishes at a restaurant

A similar case is 13-year-old Pramod from Sindhuli who prepares and serves tea in a sweet house. His colleagues come from the same area as he does. He was still in school when he planned, with friends, to come to Kathmandu. He was in class 4 and is actually still enrolled. He might decide to return to participate in the exams. His older brothers are still in school (class 8 and 9) and so is his sister, who is in class 5. He ran away from the village without asking his parents’ permission. His parents are farmers and his family has enough land to be able to feed them all, but he is convinced that his father was proud of him when he sent him 3000 NPR. Pramod earns 1500 NPR per month, which he uses for buying clothes and other minor expenses. He saves what is left to send home to his parents.

13-year-old Giri from a village near Hetauda explained that he had a “bad circle of friends” while he was still attending (government) school. They talked each other into going to Kathmandu when Giri was in class 6, and even though he now, after one year of working, realises that it was not wise of him to quit school, he does not regret his move to Kathmandu. He has one younger brother who studies in class 3:

I tell my younger brother to study. He should not follow the same path as me. My father and the owner of this restaurant tried to persuade me to go back to school, but I want to work now. Until now I was able to send more than 6000 NPR to my father. He does not ask for it, but I like to give it to him. I also keep some money to buy new clothes for myself. I like to live in Kathmandu. I always found a place to sleep and to have food. There are many friends here, so it is fun.

Friends of Giri work in restaurants in the same area. Through them he came to know about his current workplace. He approached the owner to see if there was a job for him. He had just left another restaurant, where he had to work harder and was paid less money. Now he is free on Saturday afternoons. On his free days he meets up with friends, with whom he roams the city. He sleeps in a room behind the restaurant with a friend and an older man, both working at the restaurant as well. There is also a place where he can take a bath.

For those who have a choice, that is if they have not been recruited in their villages, working in a restaurant is popular. It is easily available, especially through an existing network of friends and relatives in the city. By working in a restaurant, they are provided with food and a place to sleep, which is an additional pull-factor. Furthermore, the work enables them to earn their own money, which they are free to spend in whatever way they like. Most of the children choose to send most of the money to their family in the village. Some respondents proudly said they were able to bring more than 8000 NPR home during their last visit. Additional benefits of working in restaurants include the fact that the duties are not considered to be extremely heavy, and they do not have to be skilled or experienced.

13-year-old Suchit found work in a sweet shop through his friend Vivek who was already working there. Suchit explained: “The work here is easy. Many of my friends are living in this area, so I can spend time with them when I have free time”. Suchit has two older brothers working in a carpet factory in Kathmandu, but Suchit preferred to work in the sweet shop: “I do not have the skills to make carpets”. In order to work in a carpet factory, workers are first required to go through a “training period”, which can take several months, and during which time they receive no payment.

3.3.4 The employer’s perspective

The fact that so many children are employed in small local restaurants can be explained by a correlation between demand and supply. First and foremost, employers respond to the supply of workers who approach them and ask for work; they do not hire children for their own benefit, but, so they say, to do the child a favour and prevent him from sleeping on the streets and being hungry. This is illustrated by the following quotes from restaurant and teashop owners:

If children come here and ask for a job, it is our obligation to give them work. If I do not provide him with this work, he would not get anything to eat.

It is a matter of kindness from our side: the child has a lot of trouble. If he does not work here, the boy would have no place to eat or to sleep.

I know we should not allow children to work, but it is a kind of religious obligation to give them food. Otherwise these children have nothing, there is no other option. And we cannot just give everybody food.

Many people nowadays hold the view that we should not give jobs to small children. But I hold a different view! I *want* to give them a job, because otherwise how can they survive! If the boy lives on the street, his life will be ruined: he will be a thief!

Someone who is lying hungry on the street should be fed!

The owner of a restaurant, who hired a child through a friend and owner of a brick kiln, where the child was working together with his aunt, also believed he was doing the child a favour. He reflected: “perhaps we could hire another person, but we are helping him. In the brick kiln he had to do very heavy work: he was carrying 25 to 30 bricks at the same time!! Now his work is much easier.”

On the other hand, restaurant owners also admitted that they cannot manage their restaurants by themselves. They need workers who can bring orders to offices and other shops; work that is generally done only by children or young adults, and with serving customers, cleaning tables, doing dishes, and assist in cutting vegetables, unskilled work for which they find it difficult to find older workers. The owner of a sweet-house explained: “I need workers. Customers want to be served immediately. If it is only me and my wife running the place, then it would take a long time before people are served, and they will go to another eatery”. When asked if the owners would be able to run their restaurants without child workers, i.e. through employing adults instead, they responded that it would be difficult to hire adults for the type of work children do:

Children are still learning the work. They are doing simple work now, and when they are older and have experience, they will also leave, and I have to find others to do the work. Adults already have experience, and they refuse to do simple duties.

In theory it is possible to hire adults, but they would ask a much higher salary, and I cannot afford that.

Others pointed out specific benefits of hiring children, although these arguments were given only occasionally:

Children are quick learners. I only have to show them once the shops and offices. They always remember it the next time they have to bring an order.

The customers in the offices do not want their order to be brought by an adult. They feel awkward if they are served by someone older than they are. It is a matter of authority. They feel more comfortable if they are served by a child.

The “good-Samaritan” arguments by far outnumbered the other reasons given. This can be explained by the existing awareness and sense of fear among restaurant owners regarding the issue of child labour. Nowadays everyone knows that a child is not allowed to work, and is supposed to go to school instead. Employers are aware that there are laws prohibiting child labour. As a result,

many of them try to hide the children once questions are asked. While quickly sending the children outside, they insist that the boys are not working, but only helping out or visiting.

Employers are aware of existing child labour regulations, but the following quotes illustrate the confusion about the details, especially regarding the exact age at which children are or are not allowed to work. Because implementation of the laws is not enforced, the laws are often ignored, and the hiring of children is commonly justified with the excuse that they are simply helping the children:

I have heard on FM Radio that we should not allow children below 15 years old to work.

I read in the newspaper that children below 16 should not be working.

There is a rule that we should not allow persons below 18 to work. I also know there is a rule that allows us only to work eight hours a day, but in practice we have to work 12-14 hours a day to keep the restaurant open and make our living.

The rules are there, but the government only gives speeches. They don't implement the rule. It will be good if they start monitoring. I will find other workers. I am sure I will manage.

We know the rules, but we do not follow them. But we don't force anyone to work here. The boy came here by himself. We are only helping the boy out.

When asked about children's rights, other than having the understanding that children should not be working, not many employers knew how to respond. But if they did, often having given it some thought, most of them emphasised the Right to Education, and then quickly added its limitations within Nepal's reality. Responses included:

Children's rights means: the right to education, the right not to work, and the right to be provided with food.

I know there are Children's Rights. There should be! If we don't give them rights, we exploit them. They should have the right to speak. We cannot force them to do anything. They have the right to refuse if they don't want to do a particular job.

Children who do not have the proper age yet, should not be exploited. They should be given the right to education. After 18 they can work. That time they have become adults.

People who are working have certain rights. Children should not be working, but should be fully educated. But in this country children have to work, because of poverty.

The right to education is a right of children: this is the time for them to get an education, but they have no other option, but to work.

Employers are thus very much aware about existing rules regarding child labour. There is a general notion that children should not work, and also the owners themselves have this opinion, also illustrated by the fact that a short survey among the restaurant owners showed that their own children are all enrolled in a good school in Kathmandu. Some of them do help out in the eateries, but only in school holidays or, in a few cases, after school hours. There is a sense of responsibility to make sure that these children are provided with work so they can eat and sleep. To provide them

with the opportunity to learn would still be a step too far, although there are exceptional cases. Niraj from Ramechhap, for example, was enrolled in class 4 when he started having trouble at school, leading him to decide to drop out. He started to work in a teashop at the Ratnapark bus park, which he seemed to enjoy a lot. He is a very bright boy and continuously asks questions, showing an eagerness to learn. His boss decided to take him to his paternal home, where Niraj would be able to go to school in exchange for helping out in the household after school hours. Hesitant at first, because he would lose his earnings, Niraj eventually agreed to finish his education. This situation, however, is rare and very few employers put such an effort into convincing the working children to finish their (primary) school; some claimed to have tried, but experienced reluctance from the children: "I do not force them to work; I even suggested them to study. There are so many colleges and schools in the area. And they can take classes in the evening as well. But they are not interested. They say they want to work and earn money, and not go to school."

Chapter 4

Causes of Child Labour

The previous chapter acquainted us with the working conditions of these particular children, and concluded that they are harmful for the child's well-being. It is therefore crucial to look at what has pushed the children into work.

Children working in Kathmandu can be divided into two categories. Firstly, there are the children who are sent to the city by their caregivers. Often they are expected to send money home on a regular basis, and their earnings do not only pay for basic necessities such as food, but also the education expenses of their younger siblings. The second group comprises those children who have decided themselves to come to Kathmandu for work. They may have been lured to the city by the dream of a bright future. Often they have older relatives or peers whom they follow and join in the city. They are usually at least 12 years old and they have usually finished a few years of education. Many of the porters belong to this group. They enjoy a measure of liberty due to the absence of an employer; they regularly allow themselves to go to the cinema and to roam around the Kathmandu Valley. Their decision to work has been made within a context of poverty, among other factors, in which their decision to work is the best of the options available to them; they wish to be able to support their parents in paying the household expenses.

All working children have one thing in common: they come from poor families living in remote villages throughout Nepal. It is thus not surprising that the literature agrees that the main factor causing child labour is "poverty" [See for example: Basu & Van 1998; Pathak 1998; ILO 2001; Ramachandran & Massün 2002; Chakraborty & Lieten 2004; Nepal 2007].

However, whereas children working in urban areas come from poor rural families, there are other households in these villages living in equally poor circumstances, who have not sent their children to work. Thus, in addition to socio-economic conditions, other factors must play a role.

In an attempt to go beyond the poverty-explanation and to identify what else, besides socio-economic conditions of households, drives children away from their village at a very young age in order to work, fieldwork was conducted in a rural area of Sindhuli district. Many children living in this district leave their homes and travel to Kathmandu or other urban centres in search of work. In addition to data gathered during the fieldwork in Sindhuli, data collected during the fieldwork in the three urban sectors will be used in this chapter to support the arguments.

4.1 Socio-economic conditions

Congruent with the common understanding expressed by government representatives, (I)NGOs, academics and others, children, parents and other villagers argued that "poverty" causes children

to work at an early age. It is true that children found working in urban areas come from poor households in the villages. The more affluent children do not opt for a life as a child labourer in Kathmandu.

Children who have migrated to urban areas are often from (semi)landless families. In Sindhuli the majority of the villagers do own land, but the amount of land is commonly not sufficient to support the whole family. The following two cases of such families illustrate this. The first story was narrated by a cousin of a farmer (Bale) who had recently taken his whole family, including his brother-in-law's child, to work in a brick kiln in Kathmandu. It was argued that, because this farmer did not have any land, he had no other option but to take out a loan (*peski*) from the brick kiln broker (*naike*): "It is difficult to manage food and other expenses when one does not have any land":

Bale went to work in a brick kiln with his wife, their children Alina (16) and Kalpana (13). Kalpana was in class 2, but was never a regular student. Alina studied in class 7 and dropped out, because her father told her to come to the brick kiln. He also took his brother-in-law's daughter Kriti (13/14) who was in class 6. Bale took a large sum of money in advance from the broker: around 10.000 to 12.000 NPR. It is not possible for him to go alone and to work so much that he can pay back this money. He needed more people to work for that money. He took such a big amount of *peski* (advance), because he doesn't have land and he needs to pay off a loan, which he accumulated in the past years to pay school fees and food. We know if we take *peski*, we have to suffer. In addition to the regular living expense, we need money just before *Dashain* to celebrate the festival. We know that the environment in the brick kilns is not good, especially for children, but because of the *peski* we have to go there and work. If we don't go there, then how can we give back the money! I have often requested Bale and other parents to send their children to school, and not to work. But because they have to manage their money problems, they cannot. Everyone here knows that education is important, but there is no one who can solve their financial problems.

In the second case, a mother of a Majhi-household was making ends meet by performing daily wage labour in the village; she would, for example, help on the fields or carry compost for a landlord. Her husband was a farmer as well, but the land they owned themselves was insufficient to feed the both of them. They have two sons, who have both reached adult-hood: one is already married, and the youngest son is currently working as a labourer in Qatar. Her oldest daughter is married and lives in Kathmandu. It was through her that their second daughter found work in a paper factory in Kathmandu when she was only 14 years old:

I sent her, because there was nothing at all in the house: we really needed the money. Until now she sends money from Kathmandu whenever we ask for it. But she cannot send a lot, because she needs it herself. The living expenses in Kathmandu are very high! When she comes during the *Dashain*-festival she always brings some clothes for us.

Her youngest daughter dropped out in class 5. At that time one of her brothers was really sick, and she needed to take care of him. Her mother would like to send her to Kathmandu now as well, “once there is work available for her I would like to send her to Kathmandu”. She is not worried about her daughters in Kathmandu: “As long as they do not fall ill, why should I be worried? Once I went to Kathmandu, and I really liked it there. There are so many houses there, so many motorcycles and buses, and there is electricity!”

The problem of “poverty” is often intensified when circumstances in a household suddenly change. Events such as illness, death or departure of one or both parents can drastically change a child’s life. For example, the farmer Ram Mokhtan was involved in the construction of a flour mill, in the hope of creating an additional income source. He was sad to announce that he had asked his oldest son to drop out of school and go to work in a carpet factory in Kathmandu. His 14-year-old son had been studying in class 4 at the time of his dropout. His wife had suddenly fallen ill and they had to take out a loan of 27.000 NPR to pay for her treatment. His son is now working to pay off this loan. “My son knew his responsibilities and took them, but he probably felt very sad when he had to drop out. But what can I do! If my wife had not been sick, then I would not have had to send him with the broker, and my son would still be in school.” He is happy that his two younger sons can still go to school. But they also have to contribute; sometimes they earn money by helping farmers with ploughing the fields.

Another example is that of a Majhi-household in which the father has leprosy, making him unable to work and provide for his family. His wife died seven years ago. His leprosy is one of the reasons why his 3 children all have to work. His oldest son and daughter (17 and 12) are domestic labourers in a household in Kathmandu. He regularly receives money from his children in Kathmandu, but he is not really sure whether his daughter is actually paid a salary as well. His son had already worked in the household for 8 years before his sister joined him, and he had always sent money home. Recently the father has been able to put a tiled roof on his house, which he is eager and proud to show visitors. His 10-year-old daughter lives with him and looks after the cow. She is enrolled in class 3 of the government school, but she does not attend regularly.

Another event leading to drastically changing circumstances for children is when one of the guardians leaves the household and/or marries someone else, something which in the context of rural Nepal happens quite often. There are many cases of fathers marrying a second wife, after which the children from the first marriage are mostly forgotten. These children end up working in urban areas, and in some cases even on the streets. An example is 9-year-old Ite who works in the house of a rich landlord in his village. His 13-year-old brother Raj works in a small restaurant in the Kathmandu Valley. Their mother ran away with another man. Their father still lives in the village, but only spends his time drinking and roaming around the village. Their grandparents don’t care for them either. The landlord took the young boy into his house, because he belongs to the same ethnic group and no-one else in the village cared for the boy.

12-year-old Hari is luckier. After his mother died, his father married another woman and stopped caring for the young Hari. However, he has two older brothers who are both working abroad (in Malaysia and Qatar). He lives with his brother’s wife who also makes sure that he can go to school. He is enrolled in class 6 now, but his future is unsure. He is an irregular student already.

13-year-old Mukesh went to Kathmandu last season to work in a brick kiln. He went there with his father's younger sister. He would not mind going again this year, if they ask him. His 14-year-old brother studies in class 6. Mukesh himself went to school for one or two years as well, but he was not interested and eventually dropped out. He is still not interested, but he realises its importance, and wants his two younger brothers to go regularly: "but they are not interested either. When I say that they should go to school they don't listen. And when I beat, they run away. They like to play around the house." Mukesh lives with his 3 brothers, his mother and grandparents. His father went to Kathmandu a long time ago and married another woman there. In the past he returned to the village to visit his first family once in a while, but Mukesh has not seen him for the past four years. The family has quite a large plot of land, but the sons are all too young to cultivate it. To make ends meet everyone in the household must contribute, including the oldest son who attends class 6. He doesn't leave the village like Mukesh, but he does do work in other people's households. He tries to combine that with his school, but in labour-intensive periods he is not able to attend school everyday.

A guardian does not necessarily have to disappear altogether to bring hardship to the family. Alcohol abuse is a big issue in many villages in Nepal. The little money they have is squandered on alcohol, leaving the households with debts, and insufficient resources to pay for necessary food and school expenses. Malati, the mother of five sons and two daughters, has an alcoholic husband who left the village, and hasn't been seen for 7 months. He not only left behind a household, but also many unpaid bills at local bars. Malati has no clue where her husband went. Villagers presume that he went to Kathmandu to earn money to pay off his bills. Malati, supported by her neighbours, complained that her husband had never cared for the children, and that all their money was always spent on his own drinking. Her 13 and 15 year old sons work in an acquainted household in a nearby town. Two younger sons are at primary school in the village. She does not have to pay fees for them yet. Her oldest daughter of 16 recently dropped out. She was in class 5 and now helps her mother in the household. About 9 months ago Malati gave birth to her youngest child.

This brings us to another poverty-related issue affecting children's lives: the large number of children per family. Adults usually lack a sufficient income for supporting the number of children they have. 6 or 7 siblings is the rule rather than the exception among the households in which children have left for urban areas to work. One villager said: "people realise that when there are many children, it is not possible to afford school expenses for everyone. But when there are only a few children, all of them can go to school!"

4.2 Village environment

Poverty does fuel child labour, but not *all* children from poor families leave school to go to work. Also, many boys found working in Kathmandu had decided to work, but not out of necessity. Many of them could have continued their schooling, if they had wished to do so; and sending money home is appreciated by their guardians, but is not absolutely necessary for their survival. So why then did they choose to work?

The rural environment, from which the working children originate, provides many more factors that push children into work: a failing education system and the lack of opportunities for young people in

the village. Gilligan [2003:14] has argued that the education system is “inaccessible, exclusionary, poor quality, impractical and inflexible, or perceived as such and can neither prevent child labour, nor engage with current child labourers.” An ILO-IPEC study identified, already in 1995, that child labour can be explained, for a large part, by a failing education system: lack of schools and other facilities for schooling, a high drop-out rate, and low literacy levels were all found to push children into work [Nepal 2007:135]. Thapa et al argued that a “lack of an immediate apparent benefit from schooling and, to some extent, access to and availability of schooling facilities” contribute to pushing children into work [1996]. More recent research has shown that the education system does not respond well to the needs of villagers [De Groot 2007]. Most of the working children encountered during this fieldwork received at least a few years of education, but dropped out at some point for reasons other than the purpose of working.

In addition to a failing education system, there is a lack of work opportunities in the village. Some children leave their village without their guardians, and others are required to accompany their fathers (or entire families) to the city in search of work. Most of these households leave their village in particular seasons only, as in other seasons their work is required on their own land (or landlord plots). These villagers usually leave in November, after the labour-intensive rice-cutting season, and return in April-May for the cutting of other crops, such as corn and mustard, and well before the monsoon sets in.

In Sindhuli we encountered a common attitude that remaining in the village does not benefit anyone in the household, whereas in the city children have the opportunity to earn money. For example, a household with 5 daughters and 2 sons, of whom the 3 youngest were enrolled in class 1, had 2 daughters (aged 13 and 14) working in Kathmandu in a small restaurant. They had been recruited by a man, a stranger who came to the village and convinced the daughters to come with him. After that, the man came to talk to their parents. “I did not agree at first that my daughters go so far away, but I also thought: what can they do in the village! There is nothing here, and perhaps they have some opportunities there! And my daughters had already made up their mind.”

13-year-old Pramod from Mahottari in South Nepal recently came to Kathmandu to work, clearly because his family, including himself, thought Kathmandu would provide a better environment for the boy than the village he lived in. A few months before he had still been enrolled in class 5 in his village. “But I didn’t like to stay in the village. The environment is not good there. My friends were all involved in drinking, and smoking and other things I don’t like. I didn’t like to hang out with them”. He added: “the people don’t do anything there, they are only playing cards.” Because Pramod resents his village so much, he is not planning to return to sit his class 5 exam. He is not interested in studying anymore. Initially it was his parents who suggested he go to Kathmandu; they approached a villager, who owns a fruit stand in Kathmandu with his brother, and asked if they had work for their son. They took Pramod to Kathmandu. He earns NPR 800 per month, which is given to him when he goes home for the *Chait*-festival. He also lives with the brothers, and is provided with food. At first he had to cook as well, but now the wife of one of the brothers came from the Terai to take care of all the household chores. Pramod says that he is happy he decided to come to Kathmandu. He finds Kathmandu nicer than his village in the Terai. Of course, at first he was very nervous, because Kathmandu was a whole new and different environment for him. But now he is used to the city life. He likes his employers, and appreciates that they never scold him. They

offered to help Pramod find a school in Kathmandu, but he is not interested in school anymore: “I enjoy this work!” He didn’t quit school because of his family’s financial situation though. His two older brothers work, whilst his mother and two younger sisters take care of the household chores. His parents could afford his education, and he left the village while he was already in class 5.

Because there are no opportunities in the village, people believe that it is better for them to go to the city. Some authors, such as Boyden [1998] have also argued that the move to urban areas can indeed be beneficial for children, as it opens up opportunities for informal apprenticeship and employment in sectors that are unavailable in rural areas [Baker & Hinton 2001:183].

4.3 Children’s desires

In addition to a lack of interest in schooling, and a scarcity of opportunities in the vicinity of origin, there are other motives for young people to decide to leave their family and to start a life on their own in the big city. The perception people in rural areas have of life in the city is often romanticised by stories from people who have been there, and images from movies and TV series. With their curiosity caught, they become interested in joining others in the city when the opportunity emerges.

A father commented on the move of his daughter Manisha; she travelled to Kathmandu with her 19-year-old cousin and works in a restaurant. She lives with her employer. Unlike all her younger siblings she never went to school, despite the fact their father is a classroom assistant. According to the father, “at that time I could not afford to send her to school”. He is worried about his daughter living in Kathmandu: “she is uneducated and unmarried; I would have felt more at ease if she was here in the village, but what can I do! Children also have the interest to see the city, and to live the luxurious life. What can she do here...cutting grass, herding goats, working on land? No, the city is romantic!”

11-year-old Niraj, who attends class 3 of a government school in Sindhuli, recently came back from Kathmandu. During the *Dashain*-festival he went to Kathmandu to see his uncle and grandfather. Instead of coming back, he stayed with his mother’s brother who runs a small *momo*-restaurant in Kathmandu. He helped his uncle with the work, which he enjoyed a lot. He is sad that his father came to the city to take him back to the village: “I want to go to Kathmandu again! Compared to the village everything is available in the city. Kathmandu is so beautiful!”

A father of 5 explained how his 16-year-old son Buddha went to Kathmandu, to join friends already working there, and to work in a carpet factory. He had passed class 5, but then the family was no longer able to pay for school anymore. Both father and son agreed upon his move. “It is better to earn money, if you cannot be in school”. The father went to Kathmandu and saw the place where his son works. He was disappointed: “the environment there is not good for my son. It would be better if he came back to the village to find daily wage labour around the village. The environment is better here”. But his son is still in Kathmandu, and he doesn’t seem to be willing to come back. He didn’t even come home during the last *Dashain*-festival. “Maybe my son likes the city life. He said he didn’t have money to come back for *Dashain*. Usually he sends us money, but he has not done so for quite some time”. His 4 youngest children, 2 girls and 2 boys, still go to school. He

hopes he can enable further education for at least some of them: “education is more important for them than earning money!” He is not planning to send them away for work: “at least not until they are 15 or 16 years old. Until that age they are still children and they should be living with their parents here in the village.”

Many children are motivated by the examples of others. The son of a carpenter who regularly leaves the village to work in brick kilns expressed the wish to join his father instead of going to school. However, his father would prefer he would just stay in school. In his father’s absence, however, the son rarely attends school, due to a lack of interest.

Children who do not themselves decide to work, but who are sent to work by parents, quickly accept their fate because they appreciate the opportunity to improve their family’s economic condition. Doing so gives them a sense of pride. 15-year-old Sashi from a Thami-household in Sindhuli:

This family has 6 sons, of whom the oldest 2 have moved to a Terai-district, are probably married, and have lost touch with their parents. Their third son Sashi is 15 and works in a household in Kathmandu. The 3 youngest sons are all living in the village and go to school: the oldest is in class 4, while the youngest are still in class 1, they cannot read and write yet. Sashi was studying in class 2 when he dropped out to go to Kathmandu. His mother’s brother’s son was already working in the same household, and the owner had asked him if he knew another boy to work for him. Sashi has been in Kathmandu for more than a year, and during the latest *Dashain*-festival in October he came home to visit and to give his parents some money. He would have rather stayed in the village at the time, but his parents sent him to Kathmandu. His mother complained: “He told me he is suffering. But what can I do. Of course I am worried, he is my own son, and he is not an adult yet, but still a child, so I am worried.” She explained why they had to send him to work: “maybe he should be in school, but education cost money. We have to buy notebooks, pens, and such things. Now Sashi is providing these things to his younger brothers so they can go to school.” His father added: “compared to earning money, studying is much better, but what can we do. At least now my son can help his brothers to study!”

Another example is a farmer’s son from a nearby village, who is still enrolled in school unlike his older brother who has already been working in Kathmandu for quite a few years. Even though the boy has reached class 9, he is losing interest in education. “I want to struggle for my family, just like my older brother. I want to find work there”. The oldest son dropped out of school 7 years before and went to Kathmandu with his friends, where he has been working in restaurants. His father heaved a sigh: “I wish he had finished his SLC-exams!”

4.4 Parents’ and other adults’ perspectives

The children’s acceptance of their role as contributor to the household’s economy originates from an idea of childhood dominant in South Asian society. Studies in South Asian countries have shown that children are considered members of the joint family with a set of associated responsibilities as

they grow older. Baker and Hinton [2001:190] have argued that “in Nepal the capacity to work is not intrinsically linked to the move into the adult generation, but rather it is part of the maturation process in which children participate with peers and older relatives”. Child labour, however, is directly linked to poverty and considered to be the only option for those children, as their parents cannot afford their food and schooling.

All restaurant-owners employing young children send their own children to school, preferably to a private school; businessmen at the markets do this as well. In cases where their children help out a little at work, they do so only during school holidays or outside school hours, making sure that the work does not interfere with their education. These people justify their employment of children; in their opinion the children have no other choice and need the work to survive, even though they do not agree with children working in general. A businessman at Kalimati market, who employs children to carry loads, said:

If we don't provide opportunities for working, or if the small restaurants don't give them opportunities to work, then where will they go? Not providing the jobs for them is not the ultimate solution. We have to provide the work, but we have to control and manage, so at least the health hazards are minimised.

Villagers in Sindhuli agreed that children have to participate with the household chores from a very young age, but should only start contributing to the household income when they are 15 or 16 years old. At that age they are also able to leave the village independently to earn. In fact, they argued, at the age of 15-16 they enter adulthood and they should not be considered children anymore; and as an adult they would, of course, be expected to earn for the household.

Even parents, whose children have already left the household to work at a younger age, agree that 15 is a more suitable age to start working. The appropriate age, according to the villagers, for children to start working inside the village (including work for wages on other people's land) is much lower: 11-12. And in practice children are expected to help out with household chores at a much younger age. For example, they start caring for their younger siblings at around 5 already.

Parents do take the age of their children into account when requiring one or more of them to work. For example, the father of a Majhi family had taken out a large loan with a broker from a brick kiln in Kathmandu. He thus travelled to the kiln to pay off his debt, and needed one of his children to assist him. Instead of selecting one of his sons, who were only 12, 10 and 8 at the time, he chose to bring his daughter with him, as she was already 15. In addition, she had already dropped out of school in class 3, because of consistently poor school performance. He was still hoping that his sons, the oldest enrolled in class 5, would continue their education.

Many children, who leave their village to work, will do so with the intent to send as much money home to their families as possible. But not all children are able to send money home regularly, especially not at the beginning of their employment. Children working in the carpet factories, for example, go through months of a so-called “learning period”, during which time the children receive no salary. And in many cases the parents have already received an advance from a broker, which the children first have to pay off before they can actually start saving their earnings. However, once the children start earning a salary, large amounts are deducted to pay for their room

and board at the factory premises. Most of these children will bring some clothes and a small amount of money back to their families during the visits home. Fortunately, every little helps, and some families have been able to put a new roof on their house, or have at least experienced some relief. For example, one man's oldest daughter (15) is a domestic in a household in Kathmandu. She started working there when she was 10. She sends 10-11.000 rupees home every year. His three youngest children are all enrolled in school. Thanks to the daughter's contribution, the lives of the younger children have become easier. The money is spent on food in particular: "sometimes we allow ourselves to eat some meat". The father feels a little guilty about taking money from his daughter, because, he said, "she is supposed to get married and leave this household". Unfortunately, he cannot see an alternative due to the dire situation they find themselves in.

Despite some improvements that can be realised as a result of children working, not all poor families find it necessary to let their children go and work in Kathmandu, while others who are perhaps already in better economic circumstances, do have a part of the family working in urban areas.

The approval of parents when children decide to leave the village for work, or the decision of parents to send/bring their children to work, is not a well thought out process. This is not due to a lack of interest, but more because of a lack of information. The rural people are generally unaware of the realities outside their villages, and simply copy those who have gone before them. This was found to be particularly true for the Thaami community.

At the school near this community, many teachers blamed the lack of awareness and education of the parents/guardians for the large numbers of the Thaami children leaving the village in search of work, especially when compared to other ethnic groups and castes in the village. The headmaster of the primary school located near the Thaami-area felt that this was due to the fact that not one person within the Thaami-community had ever passed the SLC-exam (and thus completed ten years of education). He went so far to say that the parents are generally ignorant about what is right or wrong for their children, illustrated by the large number of children in each household (6 or more children) and the extremely poor living conditions.

Parents in this Thaami-community freely admitted that they do not know much about education, or the lives their children lead. A mother in a Thaami-household said: "I am illiterate myself. How do I know whether education is necessary or not!" Her three sons all left the household. The wives of the oldest two sons are living with her. Her youngest son, who is now 14, disappeared in Kathmandu. Five years ago he went to Kathmandu to work in a brick kiln together with his 2-year older brother. The older son came home alone and reported that the younger son had travelled with friends to Banepa, a city east of the Kathmandu Valley, in search of work. But when their father went there to get him, the owner informed him that the boy had left to go work in Balkhu, an area in Kathmandu. But he had also disappeared from there, and the owner had no clue where he had gone. They have never heard from their son again. The older son, now 16, still goes to Kathmandu to work in a brick kiln every year. "I don't know about the life in Kathmandu", she said. "I think there are no difficulties. My son and his father never complain when they come back to the village. They say it gets cold there. But when I went there to find my youngest son it was in the summer. It was very hot in Kathmandu. I have never experienced the cold".

A mother from another Thaami household, of which the 13 and 14 year old daughters work in a restaurant in Kathmandu, said:

I did not want them to go to Kathmandu, but what to do! Their boss who came to the village convinced them. I don't know about the environment there. We don't have money, so how can we go there to visit them! Of course we are worried. But we should be happy. They live together. A few days ago they called us and they said nice things. They sound happy, so we are happy. I think that the place where my daughters live is better than the village. I don't know what is in Kathmandu, but the neighbours say that everything is nice there.

Once parents do become aware of their children's situation they are likely to reconsider earlier decisions and take their children back home to make sure they go to school in the village. Sonam has three sons and four daughters. All his sons are enrolled in school. His oldest son goes to school while working in the household of a man in Dankuta (a city in East Nepal), and is already in class 5. His two oldest daughters are now in the village government school in class 1 and 2. They began school at a relatively later age because they had previously been working as domestics. The oldest girl started working in a household in Kathmandu. The employer promised to give her an education, but she neither had the time to go to school, nor did she receive a salary. Sonam soon removed her from that household and placed her with another family in a nearby village. But the environment here was not suitable either. Finally, she went to work in a household in a nearby town where her younger sister was already working. They received a salary of 500-700 NPR, but the girls complained about regular beatings. Sonam removed both his girls from the house and brought them back home and got them back into school. Shortly afterwards, he received news that his son had to leave his work in Dankuta. This was truly unfortunate as the boy was happy there and was able to get an education in the city as well: "The owner is a nice man. I was living with him for 5 years. It is nice to live in the city. Everything is available there. But sometimes I missed my father!" The wife of his boss, however, had not been happy with having the boy in the house, and urged Sonam to take his son back. He had to wait for the new school year before being able to attend again. Sonam now realises: "I don't want to send my children anywhere anymore. It is better to send my children to school than to send them to earn money. If others offer to help me, I will take their help".

Chapter 5

Confronting Child Labour

In order to find best practices when dealing with child labour, the circumstances and point of view of workers themselves should be addressed first and foremost. What are the needs and compulsions that motivate children to work? The findings from this research show that in the context of Nepal, many working children work either out of economic necessity, or they go to Kathmandu of their own free will because of a lack of alternatives in their home environment. At age of 11 most children have received a few years of education and have dropped out of school, commonly because of a lack of interest. At this age they are generally expected to work and contribute to the household, although preferably within the village. Children leaving the village to work are ideally at least 15. Children as young as 5 are expected to help at home with household chores.

5.1 Confronting child labour in Nepal: the approaches

In Nepal, as in many other countries, there has been a trend among NGOs to discontinue the direct removal of children from the workplace, and opt instead for an approach in which the child's situation is made less harmful by reducing or even removing factors of exploitation. This is done, for example, through poverty alleviation programmes or by offering them educational opportunities. Past experiences have shown how many children, who were removed from their employment, ended up working in another sector or factory, often in far worse conditions than those from which they had previously been "rescued". It has unfortunately also become evident that initiatives are unable to reach all working children, especially those who are most vulnerable and most in need [See also: De Groot 2007].

An approach that focuses on alleviation rather than eradication can take one step further and even propose the promotion of a "Child's Right to Work". CONCERN, for example, an NGO heavily involved with the sectors covered in this research (brick kiln workers, porters, and restaurant workers) "promotes the child's right to work and aims at ameliorating work conditions of these children. It believes that child labour can be condoned as long as it does not interfere with the child's development". The CONCERN director added: "We are not totally against child labour but we are against the exploitation of child labour. If we remove child workers from the places where they are working, they would be more vulnerable in the absence of alternative opportunities for their survival and sustainability." [CONCERN 2007].

Another increasingly popular approach aims to prevent children migrating from their rural villages to urban areas in search of work. One such example is the contact centre run by CWIN in Kathmandu's Balaju Bus Park. They have been there since July 1999 and work to rescue and support children at risk. CWIN operates the contact centre for the thousands of children who flee from rural

areas to the city due to “various kinds of social as well as economic problems such as gender discrimination, domestic violence, fast urbanisation and poverty.” This approach is based on the assumption that a family home is the best environment for children and that the rural setting can/should provide learning and work opportunities for the future. An essential aspect of an effective programme dealing with child labour, including poverty alleviation, is community support.

It is extremely common for people to believe that it is good and just to provide children from poor families with work; unfortunately this well-meant undertaking only serves to perpetuate the occurrence of child labour. A professor at the Tribhuvan University stated:

It is a matter of basic needs. What choices they have! In my house there is also a girl who works as a maid, but she does not have to work all day. She is like our third daughter. She only cooks our food. She came to our house when she was 11. She is from a family of 5 children, and her father does not have enough money to support all his children and send them to school. They are lucky that I was there.... There are many people in Kathmandu who are helping out poor families this way.

Thus, changes in such beliefs are welcome. In certain urban areas change is already occurring as, for example, it is less and less accepted that one employs children for domestic work, especially if these children are not given the opportunity to receive an education. Social change, however, is a lengthy process.

However, the strict implementation of an approach in which child labour is no longer accepted, and people refuse to buy bricks made in brick factories using child labour, or refuse to drink tea in restaurants where dishes are washed by children, should not neglect the conditions of poverty. If initiatives fail to provide alternatives for the children making their money in the informal public sectors, and proceed to remove them from those jobs, it is highly likely that they will find other sources of employment, possibly in worse-off situations, but most definitely in more hidden locations, thus increasing the chances of exploitation.

5.2 The role of various actors

A legislative framework is important (see chapter 1), but practice shows that it is in itself not a solution to child labour, especially if implementation is lacking and if the programme is not supported by all stakeholders.

Everyone seems to appoint the government as the responsible party, in charge of dealing with the problem of child labour, yet reality shows that it is actually the initiatives of other stakeholders, such as local and national NGOs and labour unions, that can really make a difference. It is also recognised that the elimination of child labour needs poverty alleviation in addition to educational programmes [ILO 2001]. The needs of the poor should be addressed so as to end the use of child labour as a poverty relief strategy. Furthermore, to prevent the attraction of the big city as a source of labour, rural inhabitants must be made more aware of the realities and community support for rural education must be encouraged. Bodies such as non-governmental organisations, community-based organisations, and labour unions can play an important role in this process of

social change. Authors have thus argued that there should be coordinated endeavours of governmental agencies in cooperation with civil society [Nepal 2007:149; Lieten 2009] rather than it being the sole responsibility of the government. This was also expressed by UN Secretary-General Ban-Ki Moon:

Eliminating child labour requires determined action across a broad front - economic, social and cultural. It cannot be eliminated solely by government action. A broad and committed coalition is needed - including educational institutions, teachers' organizations, NGOs, mass media and community-based organizations, along with support from trade unions and employers' organizations. The first task is to ensure effective legislation. This is important but not sufficient. Most countries already prohibit child labour, and a small but growing number are establishing systems to monitor the situation and enforce the laws. [Ban-Ki Moon 2007:53]

It has been recognised in the literature that the problem of child labour is closely linked to the lack of effective enforcement of existing laws [Pathak 1998]. In the three sectors studied here, implementation of laws was indeed found to be absent. In addition to the extremely limited financial resources and manpower that (local) government bodies have at their disposal, there are various other reasons why they are ineffective at implementing rules and legislation regarding child labour. Brick kilns, for example, pose a problem by not having a registration system in place. The informal, unregistered brick kilns lead to child labour going unnoticed and undocumented. A program manager at CONCERN explained how the difficulty with eliminating the worst forms of child labour in Nepal is not a matter of non-existent legislation, but rather a result of lacking and failing monitoring systems. In addition, children are increasingly employed on a piece-rate basis and through the use of brokers rather than being employed in formal factories, which complicates enforcement of existing laws.

In addition, as Professor Sharma of the National Labour Academy (NLA) has argued, local government bodies are not so much concerned with workers at the kilns, because they come from far away areas and thus do not fall under their jurisdiction. The brick kiln workers have little faith in the government improving their conditions. For example, when asked about a government rule prohibiting persons below 16 to work, a group of labourers from Rolpa laughed, after which one man replied:

If the government makes such a rule, they first have to think about providing us with proper food and a place to stay. But the government only cares for us during election times. The government will not provide us anything. After the elections, we never hear from them again.

Representatives of workers, employers, NGOs and trade unions all agreed that child labour is first and foremost the responsibility of the Nepalese government. They should aim to reach the unseen children in the informal sectors by registering all forms of labour with the (local) government. In addition to putting a ban on the use of child labour, adults should be provided with sufficient income opportunities to care for the children. It is considered the State's responsibility to support the families in their livelihood. A representative of a trade union argued:

Trade unions should be active on a practical and policy level. We can pressure the government and advise them in how to change policies. But the problem remains that the government only makes policies. Ministries then do not allocate the resources needed to implement these policies. The policies of the government, for example the Child Labour Act, are in fact very nice. But they don't reflect reality, because of the lack of resources implementing institutes have. People in the government office dealing with child labour cannot do anything, because of the lack of resources!

There is a general feeling that the government should take on more responsibility, and take over many undertakings currently run by NGOs and other agents. According to an official at ILO Nepal, the right approach to child labour would be to rescue children from working in the worst forms, and to put them into government-run rehabilitation centres. "Nowadays you see a mushrooming of rehabilitation centres run by NGOs, but not all are benevolent", he argued.

As long as viable alternatives and commitment of government bodies are lacking, civil society, NGOs and labour unions are there to pick up the slack. Both GEFONT and NTUC, two large trade union confederations in Nepal, have worked together with the ILO in Nepal on the issue of child labour. GEFONT has been very effective in abolishing child labour in the tea estates in Eastern Nepal, while NTUC is active in providing educational opportunities for the children of workers affiliated with the union. In addition, codes of conduct have been developed to prevent the use of child labour among their employees and affiliated workers, and awareness campaigns are held among their workers to advocate against child labour and for the importance of education. For example, GEFONT's slogan is *Ketaketki skulmaa, thula maanchhe kaam maa* (Children in school, grownups in work). GEFONT's work in the tea estates in eastern Nepal is a good example of how unions can be effective in removing children from work and sending them to school. In 2000 the National Labour Academy (Prof. Sharma) conducted a study for UNICEF on child labour in the tea estates of Jhapa and Ilam, where they found that the union had been very effective in eliminating child labour:

Because workers here were strongly organised in one union, the tea estate workers received a higher and steadier income for their work compared to alternative labour options in the area. The Union had encouraged the workers not to involve their children in the work, but to send them to school instead. I did not find any child working on the tea estates.

Sharma continued to explain that this tactic, however, could not necessarily be reproduced in other sectors: "It depends on the character of labour markets. Because in tea estates workers are concentrated, it is easier to organise them compared to workers in other sectors such as domestics and transportation". The character of the tea estates and brick kilns also differs; the workers on the tea estate work in their own area, and have their permanent homes nearby. In addition, their children are enrolled in local schools. The brick kiln workers are seasonal and migratory, and their children's education is frequently disrupted.

Furthermore, the labour union's potential in tackling child labour lies in the relationship that children have with the adult workers in the sector. A representative of a large trade union confederation explained:

In Nepal children are not involved in the unions. Involving children would mean that we are legitimising child labour. According to Nepalese laws it is illegal for children below 14 years to work. According to the Trade Union Act one can only become a member of trade unions when they have reached the age of 16. But we have our networks to reach them. We are organising the parents in brick kilns and stone quarries, and by interacting with the parents and convincing them that child labour is a bad practice, we can reach their children.

The strength of the effectiveness of union work in the tea estates lies partly in the fact that all child workers were related to the adult workers. Ameliorating working conditions for these workers immediately affected the child workers, as the economic necessity for them to work was removed. In the brick kiln sector, by improving working conditions of adults there are also possibilities for limiting child labour, for example, by moving from the current piece-rate system to a fixed salary structure.

Labour Unions are significant in establishing this through lobby activities. They are, however, ineffective in reaching working children who have come to work in Kathmandu individually, as these workers cannot be part of a union. For these children, the role of trade unions is only marginal. For the unions to have an impact, workers in the sector should be organised.

GEFONT's impact at the tea estates was also effective because all the workers were their members. In areas where labourers are divided among different unions, or are not organised at all, it is more challenging to reach similar results. Still there are many workers, including the porters at the fruit- and vegetable markets, who are not organised or represented by unions. Due to the free character of the porter work, including the fact that porters can access the market to find work whenever they need it, it is hard to organise them.

A study conducted by GEFONT [2007:43] found that most brick kiln labourers were unaware about trade unions. The seasonal character of the work in a brick kiln and political power structures in which owners are involved contributed to this problem. What also should be noted is that although child labour is a concern of the unions, it is not the unions' major concern. The focus of trade unions is to make jobs available to adults and to increase wages of adult labourers. It is believed that once these two things are established "then children can go to school, and it will lead to a decrease in child labour".

In particular sectors, depending on the labour organisation, the potential impact of trade unions should not be underestimated. In addition, labour unions can be very effective in monitoring the child labour situation in hidden informal sectors, such as small-scale ateliers. They are more effective in this task than, for example, government or civil society representatives, and independent researchers. Through affiliated workers, union representatives have direct access to the work premises. Due to increasing inspection by government, but also by licensing organisations such as Rugmark, working children are rarely found in registered companies and large industries. More use could be made of the knowledge of union-affiliated workers, as child labour is increasingly shifting from being visible in factories to small-scale industries, where children remain working, but are hidden from the outside world. In this informal economy, which is not under jurisdiction of

government labour inspections, law enforcement is especially weak, and thus other institutes become more crucial as actors of change.

NGO involvement in child labour issues goes back to 1982 when the Underprivileged Children Education Programme (UCEP) was one of the first organisations in Nepal to deal with child labour rehabilitation in Nepal. In 1987 Child Workers in Nepal Concerned Centre (CWIN) was established by a group of postgraduate students in Kathmandu, and is now one of the pioneer organisations working for child labourers in Nepal. In the nineties, international organisations such as UNICEF and ILO also started to include the issue of child labour in their programmes.

Another important national organisation currently working for working children is the, in 1993 established, Concern for Children and Environment-Nepal (CONCERN). It focuses on children working in the three sectors described in this study (child porters, restaurant workers, and brick kiln workers). At the time of this study, Concern was running informal education classes for children living and working at brick kilns in the Kathmandu Valley, and they cooperated with government schools in the vicinity to enrol children from the brick kilns. They have been running a Support and Rehabilitation Centre for child porters in the Kalimati area since 1996, with support of ILO/IPEC during the first few years. This centre provides free medical services, a child development bank where working children can deposit their savings, and pays regular visits to the markets to inform newly arrived child porters about their facilities, and to encourage them to enrol in government schools or informal education classes. They also facilitate child clubs in which working children from different sectors join to participate in various activities. These working children's clubs are set up to promote children's participation, by giving them opportunities for self-expression and determination (*CONCERN Information Leaflet*).

It can be argued that all the different reasons for children to work, have different implications for policy. Children who dropped out of school several years before and who deliberately came to Kathmandu to earn, are less likely to benefit from programmes aimed at putting them out of work and back in school. It is much more difficult to reverse the process, which is why policy should be directed at rural areas, preventing the children from leaving school and their village in the first place. Unfortunately, even though NGOs already target rural areas in their attempt to tackle the issue of child labour, the districts with highest numbers of child labour rates are not targeted. Instead, child labour related programmes seem to be concentrated in areas with proper infrastructure rather than the most remote areas where many child labourers come from [Sharma 2003:19].

In the current context of the brick kilns, both trade unions and NGOs can contact government schools in the vicinity and help them to enrol working children, and also help convince parents and/or employers of the importance of education. In the case of temporary migrant child workers, schools should provide them with a certificate of enrolment, which they can use when enrolling in their own school upon returning to the village. Currently NGOs are already doing this work. CONCERN, for example, has set up their own informal education classes providing a few hours education every afternoon to children living and working at the brick kiln.

There are a few problems with these programmes, however. First of all, there is uncertainty about their sustainability. What happens to the supported children when programme funding discontinues?

NGOs and trade unions deal with limited funding. Unions operate on membership fees and financial support from donor organisations; NGOs commonly depend on project-money, which entails an end date. Limited resources also affect the quality of programmes. An NGO-representative complained about the difficulty in finding a suitable facilitator to run the daily informal classes for a minimum salary, which would not be sufficient if s/he had to support a family.

Furthermore, such temporary programmes can make a world of difference at an individual level, but, as Professor Sharma has argued, are never solutions to the structural problem. In addition, there is a lack of cooperation between the different actors. For example, as observed during this research, two NGOs had set up similar facilities at one of the brick kilns, providing informal education to the same children in the same working area. This led to nothing but confusion. Despite increased collaboration between various actors in the form of “child protection committees”, often facilitated by an NGO and in which various stakeholders are represented, including employers, police, parent and other workers (including *naikes*), effective cooperation is still lacking. Furthermore, such protection committees do not have broad coverage. NGO-run and other programmes for child workers are mushrooming, but there is no monitoring by the government on the quality and effectiveness of such programmes or any work of such small-scale organisations.

Representatives of both NGOs and Trade Unions running programmes for child workers noted the seasonal character of work in particular sectors as an obstacle to proper implementation of their programmes, which were mainly focused on providing informal education. Because workers shift from one place to another, children are unable to enrol in the same school for the entire school year. As a result of frequent migration, there is a lot of dropout throughout the year. The current schooling system is not flexible enough to cater for these migrant children. It could, for example, be made easier for pupils to transfer schools throughout the year. This problem is particularly significant when working in the (urban) informal economy.

5.3 Education as a response to child labour

There are many stakeholders involved with educational initiatives, on both the policy and application level. Yet, without taking the particular needs, wishes and beliefs of the working children and their parents into account, the initiatives are doomed to fail. Initiatives must be sensitive to the environment from which the children originate.

Probably the most effective strategy, however, is to prevent children from working in the first place. For this purpose the most powerful tool is compulsory basic education. For the poorest families, particularly those from socially excluded groups, a legal requirement for education can be reinforced by incentives in the form of free food or scholarships. [Ban-Ki Moon 2007:54]

In Nepal the work done by children from rural areas is not the main reason why these children do not attend school. Instead, it is the malfunctioning system of education, including lack of (qualified) teachers, bad infrastructure, distant schools, and financial constraints, which is more often the reason why children do not enrol in school or drop out at a young age. When they drop out, children

will normally become engaged in some form of work, but this is more out of need to occupy their time than out of financial necessity [De Groot 2007].

During many interviews with stakeholders for this study, the weakness of the Nepalese education system was blamed for high levels of dropout and consequent employment at an early age. Other factors, however, should be considered as well, as while there are many children pushed to urban areas for work, many other children manage to remain in the village.

It is argued that child labour is directly related to education. If a child is not in school, then the child is (likely to be) working. Thus, access to schools must be improved. This is true to a certain extent. However, during the fieldwork in Sindhuli it was found that some children were already out of school for a number of years before being sent to earn money, or leaving on their own account.

Interestingly, among the children in the restaurant-study, all children had gone to school at some point in their life. However, they had dropped out for various reasons at a certain point. Some of them never really attended regularly, and are still unable to read and write. Most dropped out in early years, but those who managed to reach class 6 indicated that their parents couldn't afford their education anymore. In addition there are many who "received some years of schooling". They explained how they had never really been interested to go themselves, and had not been encouraged in their home-environment (by their parents or others). This is not to say that these children are not aware of the importance of education. On the contrary, many working children, such as 14-year-old Vivek from Sindhupalchowk, who had been living in Kathmandu for the previous three years and had made up his own mind in class 6 to quit school and come to Kathmandu, still hope that their younger siblings will continue their schooling and will not follow their example. Vivek said: "What can we do without education...only this work!"

In Sindhuli it was found that most children leaving the village for work are older than 10/11 years old and have thus passed the official primary-school age. The children working in urban areas have usually completed one to three years of primary school before dropping out because of a lack of interest. This loss of interest can have many causes, including relationships with teachers, poor efforts by teachers, poor motivation within the home, inability to keep up with peers, frequent failing of classes etc. Remote areas have particular problems, such as too few schools with too few teachers, and households with uneducated guardians who are unable to motivate and support their school-going children.

There is also the notion that most dropouts come from certain communities with high levels of landless households (or with limited access to land), who are dependent on daily wage labour, and with uneducated parents. In the Morin-belt, the Thami, Tamang and Majhi-communities fall within this category. Children in these communities were found to go to school at primary level, but were lacking a home environment conducive to studying. A leader of one village explained:

Children do not get breakfast in the morning. They are leaving school at half time, because they feel hungry. They go home to find some food. Often they don't return in the afternoon. When they are 10 or 11 years old, they are still not able to read and write properly. After that age, their father is then likely to send them to work.

Awareness of education exists in all household, but other factors, including lack of food, a drinking habit among men, and a lack of good examples of educated others within their own community, lead to low attendance rates:

There are no school fees, but families have to prepare food for their children. When there is a lack of food, then how can they manage! Some children run away from school with a hungry stomach. Some people get scholarships, but that is not even sufficient. Because of their problems at home, children have to go and earn.

Many people start drinking *raksi* (locally produced liquor) early in the morning. When one tells them they have to make sure that their children go to school, they reply *hunchha* (okay), but then after they forget.

School is good, but we can only send our children once we have food and clothes at home.

Everyone knows that education is important, because after education we can get a job. Also uneducated people want to send children to school, but there is no one to show them the way. There are not many educated people in this village. Teachers are also careless. They don't care if the children are studying or not, because the government will pay their salary anyway.

In addition, especially in households in which parents are uneducated and illiterate, parents don't know how to keep children interested in going to school every day. A mother in a Majhi family with two sons aged 11 and 13, working in a brick kiln with their father in Kathmandu, explained her problem:

Of course I like to send my children to school, so they can become wise men, but what can I do! I tell them to go, but instead they only play and roam around in the village. It is better that they help their father in the brick kiln. There was nothing in our house, so we had to take an advance. We have to work now for that money.

This problem intensifies in areas without a school in the vicinity. When children have to walk 2 or 3 hours everyday, it is more likely they will consider it a waste of time and instead decide to fill that time with other activities. These activities do not necessarily have to be paid or even work-related. According to teachers at a large upper-primary school only some boys go and work in Kathmandu, but only do so after passing class 5. According to them, due to the presence of good schools with sufficient teachers in their area, not many children drop out at an early age. However, in more remote areas, where few primary schools are accessible, more children leave school and consequently work in the village or beyond, even at a much younger age.

In the research areas in Sindhuli, the Morin-river creates an extra obstacle during the summer monsoon season. They have access to primary schools in their own villages, but have to cross the river a number of times to reach a secondary school (which also offers a Bachelor degree). This school is considered to be of high quality, but for 4-5 months a year during the monsoon its pupils can either not reach it because of the high water levels, or have to move to a relative's house, or rented house, closer to the school. The option of renting a house is not realistic for everyone as many costs are involved.

A more elaborate account of why children in rural areas of Nepal are out of school can be found in an earlier IREWOC report [De Groot 2007]. In the context of Nepal the fact is that children, from early age on, are expected to help out with the work of parents. In rural areas children do household chores and work on the farm and in the field, but in urban areas it is also true that whenever parents run a small shop or restaurant, their children are likely to help out. Thus, when children in poor households in rural areas are not in school, for whatever reasons, it is to be expected that they then fill their time with contributions to the household. This contribution can involve simple household chores in the own family, but once the child has reached the age of 11-12 it is not unusual for them to contribute financially and leave their village in search of work elsewhere, either sent by parents or of their own account.

Only in rare cases were children found to drop out with the particular aim of finding work in urban areas. If the child is a good student, parents often prefer to have the child continue schooling for as long as they can afford to do so. However, in times of an unfortunate happening/crisis in the family (such as a death, illness or divorce), families sometimes see no other option but to take children out of school and have them work. For example, after having taken out a large loan to pay for medical expenses of an ill family-member, children are frequently required to leave school in order to work to pay off the loan, regardless of their achievements in school or their parents' awareness about the importance of education. These children are normally at least 11 years old when this may be required of them.

It is also at this age (usually not before) that some children decide for themselves that they have been in school long enough and that their time has come to make some money for the household. In a society where it is socially accepted, and even expected, for children to financially contribute to the household, it is not surprising that young children go in search of work, often in urban areas, without any real knowledge of what urban life entails for rural migrants. The people we spoke to generally did not consider these children of 12-16 as *bal shram* (child labourers); they are adults.

But from the perspective of international child labour standards, as well as the Nepalese law, these children below 16 are indeed child labourers. Unfortunately educational initiatives are unlikely to reach this group of children. Once the children have dropped out of school, and have travelled to Kathmandu, and have experienced what it is like to earn a living, it is highly unlikely they will ever be convinced to reverse the process and go back to school. Most of them do, however, maintain the view that all their siblings should stay at home and study.

Education is not always an effective tool for abolishing child labour, the worst forms in particular. Most children found working in these situations have usually already had a few years of education, and there were significant reasons for them to have left education altogether. Educational programmes are not able to reach children who have lost interest in education and those children who are still interested, will attempt to combine work and school, but are unlikely to be interested in or able to leave the workplace altogether because of household responsibilities.

Even though not all child labourers can be reached, education still remains a powerful and indispensable tool for working children as it enables them to build up some basic knowledge (such as reading and writing), which would not be possible if NGOs and trade unions were not active in providing such opportunities.

5.4 Recommendations

The impact that work has on children should not be assessed by looking only at the working conditions, but should also involve the living conditions as a result of the work. Sectors should be taken as a whole, regardless of the specific duties, because children who might not be working in a worst form directly (judged by the nature of their actual activities) are also exposed to similar hazardous conditions.

Workers rarely make a conscious decision to work in a particular sector, but end up working due to an existing social network of friends and relatives already working in the sector, or due to a relationship between employers and contractors (*naikes*) with their parents. Their situation, including the perceived need and/or wish to earn money, does not allow them to consider long-term effects of their work on their physical condition.

Once the labourers are in their twenties they become more and more confronted with the physical impact of working at a young age. They start to regret dropping out of school. They start to worry about their future opportunities as a labourer, and start to contemplate the need for good and continued education for their own children. When still young, however, the children are steadfast and proud about being able to contribute to their household's income by sending home money periodically, or making money for their own survival. They realise the importance of education, but most respondents were quick to add that schooling is more relevant for their younger siblings. Some of the workers are in fact working to pay for their siblings' education.

Child labourers have made a transition to a next phase in their life, in which there is no longer place for schooling. They justify the option they have chosen, or were made to choose, and they outwardly suppress any lingering doubts. They defend their position as a labourer, which some tend to view as a sign of agency; but for many of these child labourers this defence is actually a mental justification which keeps them going and helps them to deal with their situation. This makes it increasingly difficult to reach these children, and to encourage them to return to school.

In the villages, children of 12 years and older are considered to be fit for work. However, norms have been changing fast and parents among the poorer segment of society are in fact inspired by other families, and wish likewise that their children have better opportunities in their future lives than they themselves ever had. Likewise, whereas adults in middle- and higher-class households employ children in their restaurants and households, they do everything they can to provide their own children of the same age with the best education they can offer them. They perpetuate social acceptance of child labour for the "children of the poor".

Awareness of existing child labour legislation is not enough, as, for example, restaurant owners and brick-kiln owners justify the employment of children with the view that they provide a benefit to the children by giving them work, as they would otherwise be "begging on the streets". According to them, not providing children with the opportunity to work would only victimise the children even more. This argument, however, perpetuates the cycle of poverty.

This study again shows that poverty remains an important explanation for the occurrence of child labour. Children are forced to drop out of school in order to work, while others decide to do so by themselves. In the case of the latter group: such decisions are made within the context of limited

opportunities for further schooling, a malfunctioning schooling system, or limited alternative livelihood opportunities.

One of the main challenges in tackling the child labour issue is the mobility of children in the wake of the rural-urban migration, which is quite often a seasonal migration. Even children reached by NGO initiatives tend to stay in Kathmandu only for a few months per year, and they can move between locations within the city, making it difficult to track them down. Particularly if work is seasonal, the programmes aimed to remove children from harsh working conditions do not reach those children in the worst conditions. In addition, when children have been bartered, in exchange for an advance to the family back home in the village, they will be hidden by their relatives or employers and prevented to join any NGO-initiative.

Thus, in addition to making policy for children already working in hazardous conditions, policy aimed at underlying causes of child labour, implemented at the rural level, should be included so as to tackle both push- and pull-factors. Preventive measures are crucial. We have seen that once the children have already entered the labour market, and have experience with earning money, and providing their household with some kind of support, it is often too late to put them back in school.

Based on this study the following measures are recommended:

Poverty-oriented measures and awareness-raising activities at a rural level:

- Develop a social protection system and income generation programmes for adults, so there are alternatives to sending children to work in times of crisis.
- Help to improve quality and access to the educational system beyond primary level, focusing in particular on including the most vulnerable families. Children normally complete primary school (if at all) at an age when they are not yet legally allowed to work. However, further education is not financially realistic for many children. These children aged 11-12 are thus extremely vulnerable. Facilities have to be created at village level at this point in order to keep them in school, and out of work.
- One of the current problems with child labour legislation is that there is a lack of awareness about existing laws and rights. Especially in the villages, there is no awareness about Child Rights or any government legislation on child labour. People are aware that child labour is undesirable, but they are unaware that it is illegal. There is an urgent need for child rights awareness among communities in the village [See also: Pathak 1998; Acharya et al. 2000], because the village is from where most working children are pushed and pulled towards a work setting. The explanations for children working are found here, and not at the workplace. It is thus important that, in addition to supporting families by increasing economic opportunities, people have access to honest information about the realities of working children, so people in remote rural areas will be able to make better choices. NGOs and CBOs (community based organisations) can play an important role in developing this public awareness. An information campaign on the harsh realities in the city might help to convince children and parents not to give in to high expectations and hopes about life and work in the city.

- Schools are usually centrally located. Headmasters and teachers in these local schools should be made aware and be encouraged to cooperate and motivate villagers to keep their children in school and not to send them away from the village for work. It was found that the majority of school staff does not know whether dropout children have remained in the village or not. Even at school, the contact between teachers and pupils is very limited. Teachers at village schools can also play a more significant role in raising awareness on realities and dangers of the city, and become more involved in the educational process of their pupils

Recommendations oriented towards the work floor and the urban setting:

- Improved monitor systems on the work floor. This is the government's responsibility, but labour unions could assist. Due to their access to the work floor through their members, including informal settings, unions can play an effective role intervening in the child labour issue. The government can make use of this by creating joint efforts in tackling child labour, as trade unions can have an important role in monitoring child labour situation in small-scale "hidden" industries.
- Labour unions should also be supported in their other endeavours: if working conditions, such as increasing wages and reasonable working hours, of the adult workers improve, the need for children to work within a household would also diminish.
- There is a need for a well-functioning, all-encompassing registration system of workers. This would increase transparency of the sector tremendously, and allow for proper monitoring of underage workers.
- Facilities for pre-primary education and informal education at primary level for children who come to the city with their parents, to prevent them from becoming accustomed to or involved in the work, and to keep them away from the hazardous conditions of the work place.
- Awareness programmes regarding basic hygiene and safety, as well as providing information on where to go with health issues.
- Awareness raising campaigns on realities of children working in child labour aimed at the general public in order to halt the perpetuation of the social acceptance of child labour for the "children of the poor".

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