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In-country Research and Data Collection on Forced Labor and Child Labor in the Production of Goods: Nepal

Keywords

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Comments

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**In-country Research and Data Collection on Forced Labor and
Child Labor in the Production of Goods**

Nepal

Submitted to:

U.S. Department of Labor
Bureau of International Labor Affairs
Office of Child Labor, Forced Labor, and Human Trafficking
Frances Perkins Building
200 Constitution Ave., NW
Washington, D.C. 20210

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Summaries of Goods produced by Child Labor and Forced Labor in Nepal

Researcher: [REDACTED]

Researcher' Note: There is a general tendency not to classify labor as forced labor, among most people I interviewed. Force is understood mostly as physical, coercive force employed by employers, which most believe is non-existent in current times. Withholding of payments or the use of an advance to secure immobility of workers is not understood as 'force'. While economic compulsion is understood as forcing people into exploitative working conditions, the economic compulsion is not understood as attributable to recruitment and employment practices. Hence information on forced labor was rarely forthcoming in my interviews. On child labor, by contrast, there was more clarity, save for the issue of what age constitutes a child. Children over 14 were not always classified as being involved in child labor, given the understanding that the legal age for working in Nepal is over 14.

List of goods produced by child labor and or forced labor in Nepal

1. Bricks (Child Labor and Forced Labor)

- Large numbers of children, mostly along with their families, are engaged in the production of bricks. They start at a very young age (six or seven) though during my site visits I did not see children under 10 working in this sector. In the case of Nepalese workers, the work is done mainly as a family unit. There are at least as many adults as children employed in the brick kilns. The children are largely involved in the process of digging clay, molding it into bricks, drying the bricks and portering and stacking them. Children are not involved in the processes of baking bricks in kilns. Brick kilns are mostly situated in or near urban areas and the majority of the workers are seasonal migrants. There are also significant numbers of adult Indian male migrant workers in brick kilns in Nepal. They are contracted specifically for their expertise in the process of baking the bricks. They come from border districts from the state of Bihar in India.
- Recruitment and management of workers is done by a contractor who pays advances to heads of families, mostly adult men. Workers are hired against the advance with a set quantity of bricks to be produced by him along with his family. This is a verbal agreement with a commitment to work the entire season for the contractor. Breach of contract implies financial penalties whereby the contractor will withhold payment due to the worker (after deductions for the advance). Most work under such agreements, hence forced labor. Breach of contract would also prevent the worker from being hired in the future by the same contractor. Additionally, word would spread to other contractors which could result in loss of future prospects or employment.

2. Carpets (Child Labor and Forced Labor)

- Based on respondents and reports collected (annotated bibliography), incidence of child labor, specifically children under 14, has declined in the production of carpets. However, children over 14 continue to work in this sector and under 14-year-old children are reportedly working in unregistered and unregulated factories. These unregistered and unregulated factories outnumber the registered/regulated factories in the country. Many believe that child labor in the carpet industry has gone underground. In my visits to the factories, I have seen many instances of children over 14 and younger children in some. Approximately 30 percent of all workers in carpet factories could be children under the age of 18.
- I am informed that carpet factories are located in the Kathmandu Valley¹. The factories are situated in the midst of residential areas as well as in market places. As a practice, recruitment involves an advance payment to the workers, against which they continue to work until such time that they are out of money and ask for an advance again. Children work along with members of their families or independently. As a practice, factory owners provide for accommodations within or near the premises of the factory. Work hours are long, about 12 hours a day. Children are engaged in weaving as well as spinning. Workers cannot leave the factory unless they have repaid, by labor, the amount of advance taken. Often, leaving the job implies foregoing accrued earnings.

3. Stones (Child Labor)

- This may be one of the worst paying occupations in Nepal. Entire families work along riverbanks to collect and break stones that are transported to construction sites in urban and semi-urban areas. Given that entire families are involved in this work, there would be at least as many children as adults in this sector. It offers year round employment and is often where people, who can find no other work, end up. Children likely start working at a very early age and there is an increasing tendency for combining school with work due to the focus of NGOs and Government on this sector. Children who go to school, work before and after school hours in addition to holidays. Workers collect boulders and rocks from the riverbed then break them using a hammer and ring (to hold the stones in place). The broken stones are stacked and ultimately loaded onto trucks.
- Unlike other sectors I have researched, there is no active recruitment of workers for stone quarries. Contractors lease riverbeds and workers, both local and from neighboring villages, come to the riverbeds. Construction companies send trucks to collect these stones from the riverbeds and the truck drivers or the contractors make payments to the workers. The set rate for each basket of crushed stone is about NR 10 (approximately US\$ 0.16) and workers pay between NR 1-2 (approximately US\$ 0.01 – 0.03) to the contractor or he may deduct this from the payment made. There is

¹ Kathmandu Valley comprises the three adjoining districts of Kathmandu, Lalitpur and Bhaktapur.

no system for payment of advances and, in fact, workers complain about this given that truck schedules are erratic. Trucks may come once a week or once a month. .

4. Saree (Child Labor, Bonded Child Labor, Trafficking)

- This is perhaps the worst form of child labor in the production of goods in contemporary Nepal. It's a relatively new sector employing almost exclusively young boys, working long hours. They live and work on the premises of the factories and receive no payment whatsoever. They are given meals and a place to sleep. Factory owners tend to be ex-child workers who worked in embroidery of saree in India. As adults they set up their own factories in Nepal. They recruit young boys from their villages and surrounding areas. They pay an advance to the family, assuring them that the child will be trained in embroidery work. Once training is over the child should start earning pay however this rarely happens. For one to two years, the children work in these factories without any wages, up to 14 hours a day. Upon completion of the training, or when the children return home, whether they want to or not they return to the employer who gives a new advance to the parents. Pay is almost always adjusted against advances, food and shelter in such a way that the child rarely returns home with any money.
- There are several factories spread all over the Kathmandu Valley and in several semi-urban/urban areas in the country. There has been no systematic study/research done on this sector but preliminary assessments by trade unions estimate approximately 7,500 children may be employed, almost all of them trafficked. During my field visits, I saw many children under 10 years old working. I am informed once children get older they do not return to work in the factories given the abysmal working conditions. Most of these factories operate in residential areas either in basements or the top floors. Further assessment of the prevalence of child labor and forced labor in this sector is not possible due to the limited amount of information available.

5. Food grains (Child Labor, Bonded Child Labor and Forced Labor)

- This is perhaps the most researched sector on bonded labor and child labor in Nepal. Child labor in this sector is widespread throughout the country. The specific practice of Kamaiya is prevalent in five districts of Western Nepal and other forms of bondage in agriculture are found in different parts of the country. Child labor on family owned land for subsistence agriculture, as well as bonded child labor in traditional bondage systems or new forms of bondage continue to exist. Children work in the fields as well as perform other tasks required by the landlord. According to one respondent, all labor relations in agriculture in Nepal have some form of bondage, where landlords hire an adult worker with an explicit understanding that his entire family would be at his call. Verbal agreements are up to a year with prefixed payment modality- either a combination of cash and kind or a provision for a small plot of land to the worker under a share cropping arrangement. In either case, payment is subject to the successful quality and quantity of harvest. It is not possible to specify which grains are produced using child and/or forced labor. Under this form of bonded labor,

individuals are not hired to harvest specific grains, rather they are hired for work in agricultural fields growing various food grains for self-consumption of landlords and/or for local markets at the most. Examples of food grains produced in Nepal include cereals, rice, and wheat, etc.

- Although the traditional system of *Kamaiya* has been most talked about, and the practice of bondage in agriculture has been legally prohibited since 2000, this practice and numerous other forms continue. There is debate and disagreement on whether the practice of *Kamaiya* has been effectively abolished. Some argue that it has been abolished while adding that the rehabilitation of *Kamaiyas* has been ineffective and incomplete. Others argue the practice continues because of a lack of alternatives. There is also emerging discourse on other forms of bondage in agriculture such as *halia* and *huruwa/charuwa* (cattle grazing) that were prohibited under the same legislation as the *Kamaiya*. These forms received less attention and continue to be widely practiced.

Establishing Existence of Forced Labor

Indicators for Involuntary Nature of Work

Indicators	Sectors/Goods
Birth/descent into “slave” or bonded status	Food products Dairy products
Physical abduction or kidnapping	-
Sale of person into the ownership of another	Saree Food products Dairy products
Physical confinement in the work location – in prison or in private detention	Saree Bricks
Psychological compulsion, i.e. an order to work, backed up by a credible threat of a penalty for non-compliance	Saree Food products Dairy products
Induced indebtedness (by falsification of accounts, inflated prices, reduced value of goods or services produced, excessive interest charges, etc.)	Bricks Food products Dairy products
Deception or false promises about types and terms of work	
Withholding and non-payment of wages	Bricks Saree Carpet Food products Dairy products
Retention of identity documents or other valuable personal possessions	

Indicators of Menace of Penalty

Indicators	Sectors/Goods
Physical violence against worker or family or close associates	
Sexual violence	
(Threat of) supernatural retaliation	
Imprisonment or other physical confinement	
Financial penalties	Brick Saree Carpet Food products
Denunciation to authorities (police, immigration, etc.) and deportation	
Dismissal from current employment	
Exclusion from future employment	
Exclusion from community and social life	
Removal of rights or privileges	
Deprivation of food, shelter or other necessities	
Shift to even worse working conditions	
Loss of social status	

Type I Interviews

Nepal

In-country Research - Forced Labor/Child Labor

Researcher: [REDACTED]

List of Type I Interviews

Non-governmental Organizations (NGOs)	
1.	[REDACTED]
2.	[REDACTED]
3.	[REDACTED]
4.	[REDACTED]
5.	[REDACTED]
6.	[REDACTED]
7.	[REDACTED]
8.	[REDACTED]
Trade Union	
9.	[REDACTED]
10.	[REDACTED]
11.	[REDACTED]
Government Agency	
12.	[REDACTED]
Autonomous State Institution	
13.	[REDACTED]
UN	
14.	[REDACTED]

NGOs

1. NGO (1)

Name: [REDACTED]
Position: [REDACTED]
Organization: [REDACTED]
Location: [REDACTED] office, Kalo Pul, Kathmandu
Date: March 17, 2008; 10.00 a.m. Follow up interview on May 1, 2008; 9 a.m.

1. In what occupations/activities do forced labor victims and/or children work?

In the carpet factories, adults and children both are bonded, children are also trafficked. The advance puts them under debt bondage.

In mining, workers, including children produce gravel and coal for the construction industry. There are huge numbers of children working in this sector, but again the estimates by the NGO CONCERN are exaggerated. There are far more children working in mining than in carpet factories. They are seasonal workers, who work along riverbeds.

In the brick kilns, there is incidence of bonded labor as well as trafficking. There are huge numbers of child laborers. In the brick kilns in *Terai*, there are more child laborers than in the brick kilns in the Kathmandu valley, due to intense campaigning (against child labor) in the valley. Children and adult workers are all migrants and children are mostly portering bricks.

In the recycling industry, children are involved in recycling metal, glass and paper. However the trend for child labor in this sector is declining. It is becoming a profitable business and adult workers are pushing children out of this sector. Scrap is getting better paid, recycling is getting more professional (with garbage being increasingly sorted rather than dumped all together). The workers in the recycling industry include Nepali runaway boys and Indian poor migrants working as a family (including their children). Regarding debt-bondage, there is a system of taking an advance from the scrap-yard merchant. This is among the better paying sectors.

In the portering sector, children are engaged in construction, mining, brick kilns and in tourism. There is not much debt (bondage) in this sector.

Regarding bonded labor in the agriculture sector, it exists in the *Kamaiya* system. The child domestic workers in Kathmandu are from *Kamaiya* families.

Researcher's Note: In the tea estates, she does not know the sector well enough but says she knows that workers are also trafficked to the tea estates, there is an advance given. The poor people from Eastern hills and poor Terai districts are going to work in the tea estates. From tea estates girls are trafficked to India for prostitution.

2. What good(s) do they produce?

Bricks, carpets, gravel, stone, coal, food (agriculture) products

3. Are goods for domestic consumption or export?

Carpet is for export as well as domestic consumption. Bricks, stones, coal, gravel, food products are for domestic consumption. Sarees that are embroidered in Nepal are highly likely also going to India.

4. Who employs them?

In the carpet sector, child labor is now found in sub contracted and unregulated units (factories). Contractors for large factories (who have set up their own small factories) are the employers of these children.

In the mining sector, the contractor is the employer. All mining is done on government (owned) land which is leased to contractors who then employ the workers.

In brick kilns, the owners of the factories are the employers.

5. How do they come to be involved in these occupations/activities?

In the stone mines, children come with families and belong to *Janajati* and *Dalit* castes. The stone quarries serve as an informal safety net, those who find no work, come to work in stone quarries (last resort). It is a last resort because there is no government social security system. For widows, for people who can't find a job, their options are either to beg on the streets or go work in the stone quarries. It's all women, widows who do this work. Widows are thrown out of the house; they have nowhere to go, so they go to the riverbed, break stones and manage to feed their children. Getting jobs in stone quarries is easy. Those who have options for other jobs do not work in stone quarries. There is such poor pay and working conditions, only the poorest and most desperate, those without any support mechanism will work in stone quarries. Children are not being pushed into this work, but the children just have to help their mothers. It's desperation.

In brick kilns, younger children tend to be working with families and older children, above 14 are mostly single. There are increasingly Indian workers in the brick kilns. Workers are given advance during the 'hunger period' under an agreement that entire families would come to work in the brick kilns. Children mostly carry bricks on their head to porter them from one place to another. We have seen children working in brick kilns have damaged skulls because of carrying heavy loads. And they work under extreme heat. The worst working conditions are in the brick kilns in the *Terai* (plains) as compared to the working conditions in brick kilns in the Kathmandu valley.

6. If applicable, what type of forced labor is used? (e.g. debt bondage, indentured servitude, caste-based slavery, etc.)

There is debt-bondage in carpet industry, brick kilns and agriculture. There is child labor in stone quarries but not forced labor.

7. How is trafficking in persons related to forced labor and/or child labor in the production of goods, if at all?

She says they (WE) do know that middle men and *dalal* (contractors) are bringing children from their homes in villages to work in urban centres. Contractors take their trucks to villages in districts such as Makwanpur, give money to the parents of children, load children onto these trucks and bring them to cities and towns to work. The recruitment method is to pay advances to parents. There is no honesty in what they tell the parents about where children would work and under what conditions.

In carpet sector, children are trafficked, from the districts of Makwanpur, Dhading, Kavre, Sindhupalanchowk to Kathmandu valley.

In their work with child victims of trafficking, WE has found that girls in Makwanpur district, who were rescued from circuses in India, are now spinning wool.

8. Are they paid for their work? If so, how? (i.e. cash, in-kind).

The wages in brick kilns are paid on a piece rate basis, workers get tokens to denote the amount of bricks they produced.

9. What tasks do they perform?

In carpet factories children are weaving, spinning wool, cleaning it. In brick kilns, children are mostly portering bricks.

In the recycling industry, children are involved in collecting, sorting and recycling.

Under debt bondage in *Kamaiya*, children work in the agricultural fields and households of the landlords and rear animals for them.

10. What physical and psychological risks do they or family members face? (Are other elements of “menace of penalty” present, see above)?

Menace of Penalty only exists in the (commercial) sex industry, where being in debt bondage these girl children cannot leave (the work/ employer/ contractor).

In other sectors as well, parents and children fear the consequences of children running away from the employer/contractor who has given the parents an advance. They believe that they are indebted to the contractor/employer and cannot run away. The contractors

are very powerful people in the communities. Parents/ children fear they will lose face in the communities for dishonouring the debt they owe to the contractor and worse still fear that they will not get any other work. There is a threat to their livelihoods. Contractors can prevent them from getting work through other contractors. Children WE has worked with have often shared that if they were to leave a certain contractor by running away, they fear their parents could be killed.

11. Are they able to leave their workplaces at will? (If so, are other elements of coercion present, see above)?

There is very little case of 'prison' in Nepal. Only one organization, CWIN, has found one case of children 'jailed' some years ago. These were children working in wool spinning for carpets. They were rescued by CWIN. In the domestic work sector there are prison like conditions where workers especially child workers are completely locked up, can't leave the premises. But there is not so much prison like conditions in manufacturing sectors. In the 6 years that WE has worked in the area of child labour, they came across only one case, documented (mentioned above) of prison like conditions in manufacturing sector. In prostitution there is prison like constraints; girls and women just can't leave. There are also stories that children are locked up in embroidery factories. This is a new sector, children who come to work in embroidery factories don't know the local environment and are confined to their work places.

12. What are the environments in which they work?

Working and living conditions in the stone quarries is appalling. Once rocks in a river bed are used up, workers have to move along the river to find places where there are rocks. Hence they stay in one place only temporarily. It is not possible to set up permanent structures/ shelters for them. They live and work under plastic sheets in hot, dusty environments. There are no toilets and there is open defecation. These people are at the bottom of the society, so impoverished that they can't even make provisions to protect themselves by making some kind of a shelter or to protect themselves from the hazards of this work. The hammering of stones and rocks regularly injures their bare hands, eyes, bodies.

13. In what regions of the country do they work? Do they work in cities or in rural areas?

Carpet factories are shifting to interior rural areas and becoming home-based. The unregistered looms and illegal factories have the most children (employed).

Examples of districts where brick kilns are common include: Sarlahi, Sunsari and Morang.

14. (For each good), what is the typical age/gender of individuals producing the good?

In the carpet industry, younger children, those under 14 are engaged in spinning but not in weaving.

In the programs of [REDACTED] (in the brick kilns) they have found that there are more girls than boys portering brick. Of the children working in brick kilns, identified by WE, 76 percent girls and 24 percent boys.

15. What specific groups of people are more vulnerable to engagement in forced labor and/or child labor in the production of each good (e.g. boys versus girls, urban versus rural, indigenous/ethnic groups etc.)?

Muslim children are a major source of child labor in Nepal. Especially boys who attend religious schools (i.e. madrasa) and are out of the mainstream education system and come from poor families.

Sindhupalchowk district has the highest number of child labor in the country but it is not included in the Child Labor Master Plan of the Government of Nepal.

16. What is the estimated number/percentage of adults and/or children engaged in forced labor and/or child labor in the production of each good?

(Carpet):

Estimates on the number of children engaged in the carpet sector in Nepal are exaggerated. The trend is shifting from more children under 10 being employed in these factories to over 14-year-old children being engaged in carpet factories (which is the legal age for employment in Nepal). The main issue now is the occupational health and safety and working conditions in the industry. There is incidence of debt bondage and trafficking and all workers, more girls than boys, are from *Janajati* (indigenous communities) and *Dalit* (untouchables).

The International Labour Organization (ILO) estimates on child labor in the carpet factories (through Rapid Assessment) are exaggerated. They estimate 150,000 children work in the industry. The estimates should be based on how much wool is imported in the country and how many carpets were exported to find out how many laborers (including children) would have been involved for such production.

Over the last six years, [REDACTED] has identified 3,203 children under 18 years working in the carpet factories. Five hundred thirty new children are identified every year in the carpet factories and the percentage of those under 14 is dropping.

(Coal and Stone/Gravel Mining):

There are thousands of children engaged in mining for coal and gravel though there has been no decent survey.

(Child Porters):

According to the ILO estimates for 2001, there were 46,000 child porters in Nepal. It is the sector with the largest number of child labor in Nepal, after domestic work.

Over the last six years, [REDACTED] has identified 8,700 child porters across all the districts they work in Nepal. This is the result of a very detailed identification process where World Education conducts house to house surveys in the communities where they work. In addition, they have identified 20,000 child domestic workers, though the estimate for child domestic workers is 55,000 for Nepal. Every year, 30,000 children enter child domestic work. In the last six years World Education has seen that child laborers are increasingly from the *Janajati* (ethnic communities), *Dalit* (untouchables) and are increasingly female.

2. NGO (2)

Name:

Position:

Organization:

Location:

Date:

[REDACTED], Kapan, Kathmandu

March 19, 2008; 2.00 p.m.

1. In what occupations/activities do forced labor victims and/or children work?

Carpet, brick kilns, others I don't know.

2. What good(s) do they produce?

Carpets and bricks.

3. Are goods for domestic consumption or export?

Carpets are mostly for export and bricks are for domestic markets.

4. Who employs them?

In the carpet sector, employers are all Nepalese, mostly from dominant caste Newar, some are Tamang (ethnic group), some Brahmins and Chhetri (higher castes).

In some cases there is the owner of the factory who is the employer (called Malik, Sahuji), under him normally there is a contractor (*thekedar*), under him a Master or Supervisor and then the workers. Both employers and contractors bring children from the villages where they belong. The owner/employer is often a contractor for big factories who source carpets from the smaller units operated by contractors.

Researcher's Note: The respondent manages programs for education of children working in the carpet factories and has more information on carpet than on bricks. Hence I focused on getting more information on carpet from him than any other.

5. How do they come to be involved in these occupations/activities?

In the carpet sector the contractor (*thekedar*) goes from village to village to collect children. He gives an advance to the parents and brings the children to work in his factory. Children and parents don't know what they will earn. Sometimes peers/ friends bring along other children who are attracted to city life. Some children accompany family members who are recruited by the contractor or encouraged by others in the village/neighborhood who work in the carpet factories. They are all landless and poor people who have no other option for work in their villages.

6. If applicable, what type of forced labor is used? (e.g. debt bondage, indentured servitude, caste-based slavery, etc.)

Advance is the most common lure for child labor in carpet factories. These workers are in very poor economic conditions. The advance given to them is very important (to them), it is their *majboori* (compulsion/ desperation) and in return for that, they must work. That's the understanding on which they get the advance in the first place.

7. How is trafficking in persons related to forced labor and/or child labor in the production of goods, if at all?

Researcher's Note: Respondent understands trafficking only in the sense of trafficking of women and girls for commercial sex and that too in the context of Nepal to India trafficking. After I gave definition of trafficking, he was still unable to comment on the question of trafficking.

8. Are they paid for their work? If so, how? (i.e. cash, in-kind).

All factory system of payment is that after the carpet is completed, payment is made. There is no salary system. But for daily expenses of food etc., the owner advances some cash every week, which is deducted from payment (made) at the end of completion of a carpet. Also all workers regularly take an advance, which can be as high as NR 25,000 (approx. USD 417)². Generally people with larger families (working with them in the carpet factory) take larger advances.

For children accompanying parents (working with their parents in the factories), payment of child is calculated within payment for the family. Single children payment is normally given to the guardian of the child, who could be a (adult) relative, neighbor or contractor (who brought the child) and it is they who make payments to the parents.

Not all workers get accommodation from the factory owner/employer. But generally each factory has some lodging arrangements like rooms that are shared by workers, adults and children alike.

9. What tasks do they perform?

In carpet making, children and adults do weaving, spinning/rolling, cleaning wool, and hammering knots into place.

In brick, children mold clay into bricks, break coal for the kilns, and carry unbaked and baked bricks.

² Exchange rate used is USD 1 = NR 60. (NR is Nepalese Rupees)

10. What physical and psychological risks do they or family members face? (Are other elements of “menace of penalty” present, see above)?

The physical environment is very poor, no light, no good food or water, no ventilation. There is pressure to work fast; their fingers have to move fast. There is a risk of the thread cutting their fingers. Also, they are subjected to long hours of work and the stress of not accurately following the design. If they miss a knot, their payment suffers; hence work requires a lot of concentration.

They have holidays on every Saturday, after 10 a.m. and every year they get two-month holidays, once during the festival of *Dashain* and *Tihar* in October-November and once during the agriculture sowing season in June-July.

11. Are they able to leave their workplaces at will? (If so, are other elements of coercion present, see above)?

As long as they return their advance they can leave but they are continuously in advance and hence continue to work. We are not aware of any incidence of beating or harassment by the employers.

12. What are the environments in which they work?

Not answered.

13. In what regions of the country do they work? Do they work in cities or in rural areas?

Carpet factories are mostly in urban areas.

14. (For each good), what is the typical age/gender of individuals producing the good?

There are more girls than boys in the carpet factories. Most of them are in the age group 14-18.

15. What specific groups of people are more vulnerable to engagement in forced labor and/or child labor in the production of each good (e.g. boys versus girls, urban versus rural, indigenous/ethnic groups etc.)?

Mostly ethnic groups such as Tamang and they predominantly come from (the districts of) Sindhupalchowk, Makwanpur, Kavre (hills) and some from Ramechhap, Sarlahi and Sindhuli (plains).

16. What is the estimated number/percentage of adults and/or children engaged in forced labor and/or child labor in the production of each good?

Thirty percent of the total workforce in the carpet industry in Nepal would be about 14-18 years. Under 14 would be less than 10 percent.

3. NGO (3)

Names:

Position:

Organization:

Location:

Date:

[REDACTED]
[REDACTED]
[REDACTED] Dhobhikhola, Kathmandu
March 20, 2008; 12.00 p.m.

Researcher's Note: I have written as the respondent spoke. He preferred to follow his own course of sharing information and I interjected in between to try to gain information under all headings in our list. Hence this is not written in a question-answer format. However, I have tried to give sub heads to different sections of information.

Sectors employing child labor/forced labor:

Agriculture:

The largest sector employing children is agriculture and the largest sector employing forced labor is also agriculture. Agriculture is the major origin sector which feeds labor into other sectors. The workers in agriculture are the disadvantaged, when they come out seasonally to brick kilns for instance, their economic situation is a little better but the exploitation continues. If they earned NR 30 (approx USD 0.5) in agriculture, they earn NR 70 (approx. USD 1.2) in brick kiln. They have no bargaining power since brick kilns offer better income than the income they earned from agriculture. It is the same with the carpet sector.

Bricks:

In brick kilns, entire families move onto the premises of the brick kilns. About 70 percent receive an advance while still in the village. In the lean agriculture period they get the advance and comply with an agreement/understanding for their labor. If they are recruited through middlemen (*Naike*), non compliance means they will lose all other opportunities through that middleman. The ethos of complying is high.

Why Indians come to Nepal for work in brick kilns is because entire families can be employed in the brick kilns in Nepal and not in India. So even though income in India is higher (for employment in brick kilns) because all family members can work in brick kilns in Nepal, it's a better option.

In Eastern and Central *Terai* (plains), Indians come as entire families from Bengal. They do brick laying. In Kathmandu valley and mid west *Terai* (plains), Indians only come for more skilled jobs –baking bricks and removing the baked bricks. In this case they only come as single men. The skilled work in kilns is always done by men. Family involvement is to maximize piece-rate (earnings). Upwards of 75 percent of labor in brick kilns is in the brick laying, semi-skilled work that requires lot of labor and is done by entire families.

Estimates of child labor/forced labor

In terms of ranking, largest child labor is found in agriculture (unspecified goods)/livestock, about a million children. Of these 10-12 percent would be under bondage. This is followed by domestic labor, employing about 400,000 to 500,000 children and 97 percent among them would be under worst forms of labor, including bondage. Then restaurants are the next big sector employing children, although I cannot give estimates for this and other sectors employing children.

Nature of forced labor: (Type of forced labor, menace of penalty, trafficking)

The system of advance and debt is in the sectors of agriculture and livestock, carpets, brick kilns and embroidery. Trafficking is high in the embroidery sector. Young boys are trafficked from villages in rural areas to embroidery units/factories in urban areas.

The menace of penalty for non-compliance of agreement for an advance includes withholding of payments in brick kilns. Only expenses for food are paid regularly. In case the worker wants to move out in mid season, he will have to forsake the payment. Indentured labor is found in agriculture and livestock. In brick kilns withholding payment keeps workers from being mobile at will, same with agriculture and livestock.

Nature of employment in agriculture: There are two forms of employment in agriculture-attached labor and casual labor. The attached labor is for a specified period of time. A long time back there were written contracts and now it's just a verbal contract, mostly for one year. Within this year, the laborer cannot leave the employer. Payment is fixed for work over a year, in kind. Intermittent payment is made to parents but final payment is made at the end of the year. So mobility is automatically restricted (payment withheld). In the hills, workers don't even know how much they will earn. Employers tell workers that they will be paid depending on the quality and quantity of the harvest.

Even in brick kilns especially for brick layers, they don't know exactly how much they will earn. Payment is calculated at the end based on how much work was done (i.e. number of bricks produced) in the season. In calculations, there are manipulations by the employer/contractor where they pay less to workers, making it very profitable (for the employers/ contractors).

Health hazards in brick kilns come from the dust and smoke in the brick kilns. There is high incidence of asthma even among communities that live around the brick kilns. All children in carpet factories who are young, just accompanying parents (and not working), are also under health hazards from inhaling wool dust.

Social characteristics:

In embroidery, there are many Muslims. In the carpet industry, entire families are found working. It is common to find a husband and wife working together, where the wife is only 16 years old and is mother of a child. In the Kathmandu valley, mostly *Tamang* and *Magar (Janajati)* are employed. They come from the districts of Kathmandu,

Makwanpur, Kavre, Sindhupalchowk, Nuwakot, and Ramechchap. Outside the Kathmandu valley, mostly *Magar*, *Rai*, *Limbu*, all *Janajati* are involved in carpet factories.

Bonded labor in agriculture in the hills involves Magar, Rai Limbu, and *Dalit*. In the plains, it involves *Dalit*, *Tharu*, and lower castes. The bonded child laborers in livestock are mostly *Dalit* and the *Kamalari*, child domestic workers are mostly from the indigenous community of *Tharu*.

In brick kilns, mixed groups are found in *Terai* and in the hills mostly lower castes are involved. Thirty-five to 40 percent of workers in brick kilns are female.

Payment mode: In all sectors, it is piece based system of payment. There are penalties for mistakes and poor quality of produce. The penalty is very high, especially in the carpet industry. The pay is not according to labor cost. It is calculated to maximize profit for the employer

Work hours: because it is a piece rate system of payment, in brick kilns workers work for 14-18 hours and in carpet and embroidery for 14 hours per day.

4. NGO (4)

Name:

Position:

Organization:

Location:

Date:

[REDACTED] Pulchowk, Lalitpur, upon return from site visit

[REDACTED] March 25, 2008; 2.00 p.m.

1. In what occupations/activities do forced labor victims and/or children work?

In mining in stone quarries, there is forced labor - both adults and children. Adults are involved because they have no other option but to work in this sector - economic compulsion. Children working in the stone quarries, are also subjected to forced labor. Parents, particularly single mothers working in stone quarries, cannot earn as much as they do if they do not bring their children to work with them.

In the entertainment sector and carpet sector, there is forced labor and child labor. Children are lured by pull factors of coming to the city. Therefore they come for employment in the carpet sector.

2. What good(s) do they produce?

Stones, sand, slate, and coal (in coalmines) using both forced labor and child labor.

3. Are goods for domestic consumption or export?

Goods are mostly for domestic consumption in the construction industry.

4. Who employs them?

See below.

5. How do they come to be involved in these occupations/activities?

(Combined response for Q 4 and 5)

There are no employers in the stone quarries. Workers come with their families to riverbanks and take stone, sand and slate out of the riverbed. There is a contractor who buys the stones, sand, and slate from the workers and pays them on piece rate. The contractor does not bring the workers. Migrant and local workers themselves come to the quarries to work. The contractors take riverbeds on lease as per agreement with the local government body, the District Development Committee.

6. If applicable, what type of forced labor is used? (e.g. debt bondage, indentured servitude, caste-based slavery, etc.)

There is no advance given, these are migrant workers and contractors do not trust them with advances. They only get paid for the amount of goods they produce. There is no force from the employer. The force is economic compulsion.

Researcher's Comment:

I think the point here is that there is no force from the employer per se. First question and this both mention force as economic compulsion. It may be worthwhile here for me to note that when we spoke of forced labor, most respondents perceive it only in terms of physical force applied by employer. Only once I share the definition of forced labor do they express force in terms of economic compulsion, as in the case of this respondent here.

7. How is trafficking in persons related to forced labor and/or child labor in the production of goods, if at all?

There is no trafficking to the stone quarries but I have heard that in Dhading district, where stone quarries are along the highway, truck drivers are involved in trafficking girl from stone quarries to other cities. They sexually exploit the girls in the trucks as well as take them away to different areas. Truck drivers are mediators in trafficking. Parents are told that girls will get a good job.

8. Are they paid for their work? If so, how? (i.e. cash, in-kind).

In cash. Piece rate for every basket or tin of stones collected. Not regular wages. Not daily. The trucks come sometimes once a week or once a month and whenever they come, the workers are paid. Wages are paid to entire families as one unit.

9. What tasks do they perform?

In stone quarries, adults and children both collect stones/rocks from the riverbed. They break them into small pieces using a hammer and a ring to hold the stone in place. They fill baskets with these stones, stack them (into piles), and load them onto the trucks.

10. What physical and psychological risks do they or family members face? (Are other elements of "menace of penalty" present, see above)?

Physical risk is from the hazardous nature of the work- stone pieces getting into their eyes, hurting fingers/hands while hammering, and inhaling sand and dust. They also get backaches.

11. Are they able to leave their workplaces at will? (If so, are other elements of coercion present, see above)?

They can leave at will but there are no other jobs/alternatives for them.

12. What are the environments in which they work?

The environments are not good. They work in the open without shelter, along the riverbed under the sun. There are no drinking water and no toilets. Even children who do go to school and work do not attend school regularly. Particularly during festival time, when they need money, children stop going to school to work full-time in the stone quarries.

13. In what regions of the country do they work? Do they work in cities or in rural areas?

They work in rural areas. Stone quarries are only along rivers and therefore in hills. There are none in the *Terai* (plains). Districts include Dhading, Kaski, Lalitpur, and Makwanpur. The stone quarries are in rural areas, in places that are close to urban centers where large construction work is happening.

14. (For each good), what is the typical age/gender of individuals producing the good?

There are equal numbers of adults and children in the stone quarries because entire families are involved. Both males and females work.

15. What specific groups of people are more vulnerable to engagement in forced labor and/or child labor in the production of each good (e.g. boys versus girls, urban versus rural, indigenous/ethnic groups etc.)?

Large numbers from *Janajati* (ethnic minority) and *Dalit* (untouchables) work in the industry.

16. What is the estimated number/percentage of adults and/or children engaged in forced labor and/or child labor in the production of each good?

There maybe about 10,000 children in stone quarries in Nepal. Coal mining is only in two districts so maybe there are 1,000-2,000 children there and in slate mines about 1,000 children.

Researcher's Comment:

The respondent manages programs in stone quarries and has more information about this sector. On other sectors she had limited information and I have listed here all the information that she had on all sectors she mentioned.

5. NGO (5)

Name:

Position:

Organization:

Location:

[REDACTED], Rabi Bhawan, Kathmandu

Date:

March 25, 2008; 4.00 p.m. (follow up interview on April 30, 2008; 1 p.m.)

1. In what occupations/activities do forced labor victims and/or children work?

In brick kilns; stone quarries; carpet weaving, spinning, washing; garments; embroidery; pashmina shawl weaving, spinning; and small production factories for food items – breads, biscuits and confectionaries. In agriculture most people are involved – most forced labor and child labor there. There is also debt bondage in agriculture. In tea there is forced labor. In Printing Press, children are binding books (adolescents). Rice and other (grain) mills, children are involved in loading/grinding.

2. What good(s) do they produce?

As above.

3. Are goods for domestic consumption or export?

Mostly for domestic consumption. Carpets, pashminas, and garments are for export. I don't know about confectionaries – India gets noodles from Nepal

4. Who employs them?

In many situations, adults and children from rural areas have a middleman, in addition to the employer. The employer does not deal directly with workers, but middlemen deal with workers on their wages and physical facilities and supervision etc.

5. How do they come to be involved in these occupations/activities?

In forced labor/child labor, many times it's through trafficking that they come into this work. They are deceived about work and wages and brought from rural areas mostly with fake promises. Adult workers, both men and women, as well as children are trafficked from rural areas all over the country to urban centres such as Nepalganj, Biratnagar, Pokhara, Hetauda and Kathmandu. Rural areas typically with access to roads are the main source of trafficking victims. In the carpet industry for example, adult workers and children are trafficked, they are deceived about the kind of work they would be engaged in. From the cases that we rescue, trafficked children and adults come from different sectors such as carpet, garments, embroidery, stone quarries (very few cases in stone quarries though).

6. If applicable, what type of forced labor is used? (e.g. debt bondage, indentured servitude, caste-based slavery, etc.)

It's not only cash/advance that makes it forced, but it's an emotional commitment. It is out of desperation that they give their ownership to the Naike (middleman). Even when an advance is not given there is a different kind of bondage – just because you need work so desperately you don't ask for any commitment for wages. One takes the word of the contractor, for work/wages at face value and become 'indebted'. For girls, the additional reason why they would go for work with contractors comes from the burden of pleasing the family and doing something for the family to get them out of the desperate situation.

7. How is trafficking in persons related to forced labor and/or child labor in the production of goods, if at all?

They (contractors and employers) are bringing adults and children from rural areas to urban centres to work in forced conditions. Sometimes they are bonded labourers since there is some amount of money given to parents or relatives against the children. Employers do not allow workers, children and adults but mostly children, to visit their families, don't pay wages or pay them in time and make them work under hazardous conditions. Children and adults are also put in confinement sometimes. We have the case of wool spinning mills (for carpet industry) in 2004, where we found 27 adults and children locked up in a basement of the spinning mill without proper ventilation. They were all brought from villages, they came with dreams about making a life in Kathmandu city but ended up in such inhuman conditions. They worked and lived in a basement where they were found locked up and never allowed to go out.

The situation is improving now with the intervention of the Maoist uprising because the revolutionaries intervened with factories for the rights of the workers. The employers have become more careful about how they treat the workers. If Maoist find case of exploitation of workers they can harm the factory itself. They are bargaining for the rights of workers even in the unorganized sectors. They have also intervened in pashmina factories. Respondents sister owns a carpet and pashmina shawl factory, that has 16 weavers and the Maoist started unionizing these 16 people as well. So there is a lot of threat for employers and factory owners who fear severe action from Maoist if found guilty of ill treating workers. The Maoist also extort money from employers who were found guilty as well as collect money to support their work of unionizing the workers.

8. Are they paid for their work? If so, how? (i.e. cash, in-kind).

They do get paid, nowadays more than in the past. Child laborers get cash in hand; whereas previously, the employer/Naike would pay directly to the parents/relatives, leaving children without any benefit.

9. What tasks do they perform?

In different sectors there is different work. In tea (plantations) children and adults pick leaves. Adults are also involved in spraying pesticides in the tea gardens without any safety measures, which is harmful for their health. In bakery and confectionaries, they do preparatory work for cooking, and cleaning the factories.

In carpet factories, children and adults are weaving, washing, spinning wool, trimming/leveling the completed carpet.

In brick kilns, children are carrying mud, making bricks, drying them and loading them to the kilns. Adults do these activities and also engage in baking the bricks in the kiln and handling the baked bricks- stacking, piling. In stacking and piling children also join in. The work inside the kiln is only done by adults.

In garment industry children are sowing with machine, stitching buttons and tags. Cutting, which is a more skilful job is only done by adults.

10. What physical and psychological risks do they or family members face? (Are other elements of “menace of penalty” present, see above)?

There is physical torture – depriving children of food and non-payment of wages for noncompliance with demands of contractors/employers in sectors such as garments, *zari* embroidery, and carpets. This is for both adults and children. We have rescued both adults and children.

11. Are they able to leave their workplaces at will? (If so, are other elements of coercion present, see above)?

No, but when the torture gets too much they risk their lives by running away and leave their earnings behind. By withholding payments and delaying payments the employer forces workers to continue to work for him.

12. What are the environments in which they work?

They work in very degrading conditions, with poor sanitation and ventilation. In tea factories, no safety measures against pesticides are taken. There are fewer children but still, even adults are affected by the pesticides. Workers do not use gloves, masks, or glasses. Many of them are nearly blind because of the exposure.

13. In what regions of the country do they work? Do they work in cities or in rural areas?

Everywhere. Most sectors employing forced labor/child labor in production of goods are in cities. But in agriculture sector, large numbers of forced laborers/child laborers are present in rural areas.

14. (For each good), what is the typical age/gender of individuals producing the good?

Respondent cannot confirm this for all the goods but in embroidery there are only boys, young, in the age group 11-16. In garment factories there are more boys and men but in work that is subcontracted to homes of workers, such as stitching buttons, tags, women and girls of a household are also employed. In carpet factories which are registered, children over the age of 14 are found and in those that are not registered younger children are also involved. Earlier there used to be more girls than boys in carpet weaving.

15. What specific groups of people are more vulnerable to engagement in forced labor and/or child labor in the production of each good (e.g. boys versus girls, urban versus rural, indigenous/ethnic groups etc.)

In garments, there are more girls than boys. Adolescents, over 12 years old and mixed caste groups.

In carpet, there are more boys than girls. Above 14 years of age because of stricter regulations as it has been made an issue, so employers are careful. But many carpet factories are not registered but subcontracted, home based with contractor and there is 100 percent child labor there.

The more organized the sector, more chances of boys employed than girls. Earlier there were more adults and children from *Tamang* ethnic group in carpet work but now it's a mixed caste group.

In confectionary, there are more boys than girls working. They are mostly the urban poor and come from different caste groups.

In tea, mostly children above 12 years are found because of stricter enforcement, so few children under 14. There are more boys than girls on tea plantations in Eastern Nepal. Adults and children from poor families belonging to different caste groups in the Eastern region (where there are tea plantations) are working in the tea plantations.

16. What is the estimated number/percentage of adults and/or children engaged in forced labor and/or child labor in the production of each good?

In carpet, 30 percent of the workforce is children. Not all adults are under forced labor, many are family enterprises.

In garments, there are fewer children than adults. After carpet surveillance increased, many workers shifted to garments. Now garment industry is also collapsing.

She cannot provide an estimate for bakery, confectionary and tea.

6. NGO (6)

Name:

Position:

Organization:

Location:

[REDACTED], Kalikasthan, Kathmandu

Date:

March 31, 2008; 11.00 a.m. (follow up telephone interview on May 2, 2008)

Researcher's Note:

The interviewee was anxious and concerned about how findings from this research would be used. He is worried that a one-sided picture, presenting individual employers as 'bad' instead of focusing on poor governance, would lead to ineffective clamping of industries and factories that would ultimately harm the workers and children. He proposes that the high incidence of child labor and bondage in the country should be understood in the context of poor governance whereby there is no support to industries to ensure they adhere to appropriate labor standards. He suggests that interventions should be planned in collaboration with industries and employers, encouraging them to adopt labor standards and creating an environment for the same through good governance. He is very worried that this research may lead to imposition of sanctions similar to those imposed on the carpet sector that in his opinions have harmed the workers and the industry in the absence of proper governance.

1. In what occupations/activities do forced labor victims and/or children work?

In agriculture, children are involved in working for the landlord as support to the parents. In the house of the landlords very small numbers of children are working now. Children are working on their own family farms, not so much for landlords anymore. So, children do livestock and agricultural work on their own land to support their parents.

Worst forms of child labor are found in hotels and restaurants, and brick kilns. They have dual type of involvement. In bricks, they work on a commission basis: for x number of bricks produced, y payment is made. So entire families, including children work to produce the x quantity. Another form of involvement includes single migrant children, older children 13-14 years old and above, who work for independent wages under a contractor and are only partially paid for food and shelter and intermittent expenses.

In stone quarries, the same happens – a family is involved and children join in. Roughly 50 percent of the stone quarries have school programs run by NGOs and the government. So now the change means children don't just work, they also go to school. During off-school hours they work.

In carpets in the informal sector, in unregistered and unregulated (factories) there are child laborers.

In production of metal grills for use in the construction of houses and building, children, mostly boys are involved in welding iron. Grill production in Kathmandu and urban centers involves children over 12 years old, so they can handle machinery. They are single migrant children from no specific community.

Child labor is also found in production of bakery and confectionery goods and in the packaging tea.

2. What good(s) do they produce?

Same as above.

3. Are goods for domestic consumption or export?

Bricks are for domestic consumption only. The carpets are for both, export and domestic consumption.

4. Who employs them?

In bricks, the owner of the kiln gives contract to a contractor. The contractor then is the employer for the workers.

Researcher's Comment:

The respondent has more experience with and information on brick kilns. So we just focused on this sector.

5. How do they come to be involved in these occupations/activities?

There are two ways by which children come to be involved in these occupations: 1) with parents- typical in agriculture and stone quarries; and 2) when employers pay a contractor to recruit workers – typical in carpet and other factories which are located in specific urban/semi-urban areas. Single children are often those who initially came with parents but were deserted due to divorce/remarriage.

6. If applicable, what type of forced labor is used? (e.g. debt bondage, indentured servitude, caste-based slavery, etc.)

It is general forced labour. Workers come from the hill-side, mid western and eastern sides and they include low caste communities and Dalits and also high caste workers. There is a caste based slavery. Mostly they come because they are very poor. Normally in brick kilns there is debt bondage. Before workers depart for home after season they take advance and then because of this advance they have to come back to work with the contractor. If contractors exchange laborers they have to pay off the debt of the laborer. If one family earns roughly 10k in one season, their debt will not be more than 10,000. It is basically a salary paid in advance. But it makes them bonded. Its not a serious problem in

bricks. It's optional. Some workers take and some don't. Those who don't take advance, they get salary at the end of the season. There is 2 way compulsion, labor is not easily available, so contractors cannot cheat the labor so much.

They are dependent on labor.

7. How is trafficking in persons related to forced labor and/or child labor in the production of goods, if at all?

Trafficking, I don't know. There is very little trafficking in bricks and carpets. Sexual harassment is less in work environment (areas). There is very little trafficking in brick kilns but high level of sexual exploitation.

Researcher's Note: The interviewee like many other interviewees tended to think of trafficking only in the context of commercial sexual exploitation and does not consider those cases where children are brought by contractor against advances paid to parents as trafficking.

8. Are they paid for their work? If so, how? (i.e. cash, in-kind).

All payment in brick kilns is made at the end of the season. The contractor also gives an advance to the laborer along with payment (made at the end of the season) to ensure that laborers come again (to the same contractor). At the time of giving this advance, the contractor bargains with the laborers such that in the agreement they work below the standard (market) rate. The standard (market) rate is NR 265 (approx. USD 4.4) per thousand bricks produced in the pre-baking stage. This is about 50 percent less than the minimum wage. A family of two adults and three or four children can make more than 1,000 bricks per day. Workers have no trust in government (administration) so if they have a conflict they would approach local political leaders.

9. What tasks do they perform?

Both adults and children mold bricks. Husbands prepare the clay, mixing water and clay. Wives and children mold the clay into bricks. Older children, 12 and above are also involved in portering the bricks from where they dried the bricks to the chimneys, carry them about 100-300 meters. In the chimneys, for baking the bricks only adult males work. Adult women carry baked bricks along with men from inside the chimney to outside. Children are mostly not involved in the portering baked bricks from chimney to stacks. This is a work that requires speed, has to be done fast because the earnings of workers depend upon number of bricks they are producing per day. Children cannot do this work at this speed hence only adults do this work.

10. What physical and psychological risks do they or family members face? (Are other elements of "menace of penalty" present, see above)?

Most children want to go to school. Fifty percent attended school before coming to the brick kilns. Once in kilns only a few are able to study – those whose parents are

concerned. But there is the problem of migration – six months here (in brick kilns) and six months there (back in villages).

In the evenings, the environment in the brick kilns is tense because of alcoholism and fighting. It gives psychological stress to children. Physical stress includes long working hours, injuries, and problems with asthma because of pollution. They hardly get regular vaccinations except maybe (against) Polio.

There is no punishment from employers.

11. Are they able to leave their workplaces at will? (If so, are other elements of coercion present, see above)?

Eighty to 90 percent of the workers, including children, are free to leave their work. The small percentage that are not free to leave is because of the withholding of payment.

In brick kilns, contractors make advance payments to workers and even if they want to leave the work, the payment is withheld. They are not bonded but cannot move because of the money. One contractor can take workers of another contractor by paying off the advance to the new contractor (and in this way, workers move from one site to another).

In brick kilns, it is a seasonal job, only performed in winters. In summers they go back to their villages. They might be involved in any other sector back home. In brick kilns, they are able to save some money to last them in the non-brick season. There is less exploitation in agriculture since it is hard to get labor in agriculture. In agriculture they earn NR 100-200 (approx. USD 1.6 – USD 3.3) per day, which is more than what they get in bricks (calculated per day), not long working hours, normally eight hours per day, plus they get food from employers. In bricks, they end up earning more per day because payment is piece based not hours of work and they end up working more hours.

Researcher's Comment:

Payment in agriculture is based on daily wage and for a fixed amount of 8 hours of work per day. Whereas in Brick Kilns the payment is based on piece rate. In 8 hours, the amount of brick produced per person is worth less than what one could have earned in 8 hours in agriculture work. However, since brick kiln workers work more than 8 hours a day, they end up producing more bricks in a day than possible in 8 hours and earn more in a day than what they would earn as agricultural workers.

12. What are the environments in which they work?

There is dust everywhere. There is no drink-able water available, workers only have poor quality water. They don't have toilets. They live in small huts, where entire families sleep and cook. It's just a pile of bricks for wall and roof is made of plastic and some iron material (I can't understand the Nepalese word he uses to describe this material made of iron that is used in the roof).

13. In what regions of the country do they work? Do they work in cities or in rural areas?

Brick kilns are found in all urban and semi-urban areas since there is no long transportation of bricks

14. (For each good), what is the typical age/gender of individuals producing the good?

In brick kilns among children, there are equal numbers of boys and girls involved. Average age of working children is above six or seven years. Above 14-15 years of age children normally start working independently, outside of the kilns.

15. What specific groups of people are more vulnerable to engagement in forced labor and/or child labor in the production of each good (e.g. boys versus girls, urban versus rural, indigenous/ethnic groups etc.)?

Children and adult bonded laborers come from all communities, high caste, low caste are involved. Dominance is *Dalit* and low caste because they don't get jobs in other sectors.

16. What is the estimated number/percentage of adults and/or children engaged in forced labor and/or child labor in the production of each good?

According to CONCERN Nepal, there are 60,000 children under 14 years old in brick kilns in Nepal. (His organization does not have its own estimates for child labor and in their work, they follow estimates provided by ILO)

Some issues the interviewee wants to mention:

- 1) the problem of child labor/forced labor in Nepal must be understood in the context of poverty and poor governance in the country.
- 2) interventions should be careful – not to hurt the laborers, for example through trade sanctions, etc.
- 3) interventions should emphasize awareness and mobilization.
- 4) the Government of Nepal budget for development is less than the total funding to the NGOs. NGO accountability is low and monitoring is poor.
- 5) workers are exploited because of weak governance system. All brick kilns are illegal- all brick kilns should be registered and regulated simultaneously, at the same time and with equal criteria. So that competitive advantage would be the same. Employers are not at fault, they are only stuck in a highly competitive market.

7. NGO (7)

Name: [REDACTED]
Position: [REDACTED]
Organization: [REDACTED]
Location: [REDACTED], Kalanki, Kathmandu
Date: March 31, 2008; 3 p.m.

Researcher's Note: The respondent had limited time for this interview and we agreed to cover broad topics from the list of questions. Since format was not followed in interview, I have given sub heads .

Sectors where child labor/forced labor is used:

Bonded labor is found in agriculture, zari embroidery, and in carpet ancillary units. The employers give a monetary advance to parents and bring children to work. The remuneration is so low plus they charge interest on the advance. Parents need money again (after the end of contract period) and then again they get an advance from contractors.

Child laborers in agriculture are not in good condition but at least they are able to get two meals a day – even those working under landlords. Food quality may not be good and they would be out of school. Because work in the agriculture sector is not considered hazardous, no one is paying attention to it. These are the children most vulnerable to trafficking – external and internal – getting into worst forms of child labor.

I am most worried about children in the service sector. After the insurgency, large numbers of people moved to Kathmandu (valley), lots of children were brought by these migrant middle class people, without paying any advance to the parents. Parents were relieved. In conflict areas there is no education, etc. Parents thought that by sending children with these migrating families, at least their child would be safe from the conflict. So children ended up working as domestic laborers in those people's homes. From 1996 onwards this started. None of them got any education, they came at age 10 and now they are 20 years old. They moved from one house to another, one employer to another. Girls tend to stick to one employer. Many girls moved from domestic work to bars and restaurants where a large number of them are sexually exploited.

How do workers come to be involved in this type of labor:

In bricks, suppose a contractor brings a child by giving NR 5,000 (approx. USD 83) to parents and says the child will work for three months. In three months, the employer (contractor) can show that child worked for less than NR 5,000 (approx. USD 83) worth of bricks and brings the child back and gives a new advance to the parents. Too much interest is charged, calculated per season (not per annum) amounting to nearly 100 percent. All power is with the lender.

There are two systems of employment in agriculture in villages: 1) annual payment contract where workers work against fixed amount of grains and 2) fixed land is given for own use to workers against this the laborer has to work on the landlord's land. Entire families are expected to work under both systems. In the latter, the workers don't get any time to do work on their own land. All family members are involved in all kinds of work- flattening rice, cleaning rice, digging, everything. These systems are not restricted to *Kamaiya* system but are pervasive in agriculture work in Nepal. The difference with *Kamaiya* is in terminology and in it being more organized.

In places where the NGOs are intervening, the incidence of debt bondage is reducing especially in urban centers. But in peripheral areas, even like Bhaktapur, exploitation is very high. No minimum wages are paid in brick kilns. Most workers are also neither aware of their wages nor about how much advance/interest they have – they just listen to the contractor and accept their.

What type of forced labor exists?

Employers treat the advance as debt – this is the basis of bondage and this justifies long working hours. Coercion is from the advance treated as debt with high interest.

Which communities are most vulnerable to child labor/forced labor?

The communities that are most vulnerable are the indigenous communities. In *zari* making there are more *Madhesi* (*Madhes* is the term used to describe people living in the *Terai*/plains. Similarly, *Pahadi* is the term used for people living in/from the hills) from the *Terai* region. Very few are from high castes. In bricks there are mostly workers from indigenous communities from west and mid west region. Both boys and girls.

Estimates

In terms of estimates, 5,000-12,000 children are trafficked every year to India for *zari*. I myself was involved in rescuing some children when news about a group of children being trafficked from Nepal to India by train reached me through another NGO. When we intervened and tried to rescue the children, the parents criticized us. They said it was none of our business to stop their children from going to India to work and earn a living and that they had consented to the children being taken to India. The police also told us that there was nothing we could do in this case.

The respondent does not have estimates on child labor/forced labor. Suggests I refer to ILO estimates.

8. NGO (8)

Name: [REDACTED]
Position: [REDACTED]
Organization: [REDACTED]
Location: [REDACTED], Baluwatar, Kathmandu
Date: March 28, 2008; 5 p.m.

Researcher's Note: [REDACTED] is not working on child labor or forced labor issues. However they have conducted a study (included in Annotated Bibliography) to show how children out of school should be considered as child labor. Their focus is on providing education to children. The respondent did not have much information or experience with issues related to adult labor but knew a bit more about child labour. Most questions that are unanswered are primarily due to respondents' lack of familiarity with the issue and partly because he did not have much time for this interview. I considered interviewing him nonetheless because of the report they had published and because, among all the country chapters of [REDACTED], only the [REDACTED] chapter had any programme (albeit indirect) with child laborers. This interview could be completed deleted but I find it useful in that it's the only one where the pesticide sector is dwelled on.

1. In what occupations/activities do forced labor victims and/or children work?

In brick kilns in rural and urban areas; in carpets in urban areas; in bidi (cigarette) making, mostly in villages, home based; in stones in villages, breaking stones and collecting sand. In garments, there are many children employed, not trafficked. They are primarily boys. In the garment sector, there is no advance, no trafficking and no forced labor, though they work long hours. They also work in motorcycle workshops. For agriculture, many children seasonally migrate to India with adults for harvesting in Punjab.

In the field we see many children go to work in brick factories. When we ask parents to send children to school parents said they won't get to eat. But with increased interaction with us, we explained to them that adult wages are low because of child labor. We could convince parents to send children to schools, then employers had to pay more (to adults) and they did. Children also had independent earnings in brick kilns – for carrying 1,000 bricks they get NR 60 (approx. USD 1) or less.

In the bidi sector, children are paid in cash. There is no advance. Children are mostly out of schools. They work in the owner's home, rolling *bidi* and get paid on piece rate basis. They don't work as part of family labor. Children working in bidi industry are as young as seven to eight years old and they are both boys and girls. Employers are mostly wealthy villagers who are local people. I have seen in *Terai* districts of Barah and Rohtat.

Children are involved in packaging of poisonous pesticides – to kill rats etc. – in factories. Such factories operate in houses, small establishments in Kathmandu area.

Children inhale the poisonous dust. I have seen personally in Kathmandu, even adults are working in this sector. In one site I saw only two to three children were employed. Not many people work in a unit. I have seen this is Naradevi area of Kathmandu city, which is near the Bagmati river. I don't know the profile of these children. They were 14 years and over but younger children are also there where mothers and daughters are involved. They are the poorest. They were from the hills not *Terai*.

2. What good(s) do they produce?

Bricks, stones, garments, carpets, *bidi*, pesticides

3. Are goods for domestic consumption or export?

N/A, Researcher did not have time to ask.

4. Who employs them?

N/A, Researcher did not have time to ask.

5. How do they come to be involved in these occupations/activities?

In garment industry, children's uncles, fathers and neighbors who are already employed in garment factories, bring these boys along when they turn 12.

6. If applicable, what type of forced labor is used? (e.g. debt bondage, indentured servitude, caste-based slavery, etc.)

It is not forced labor. That's only in *Kamaiya* and *Kamalari* (systems). Maybe I lack knowledge. Though *Kamaiya* is abolished, in practice it continues. Other forms of labor in Far Western region, such as *Haliya*, *Huruwa* and *Charuwaha* has forced labor.

Debt bondage is found in the *Kamaiya* system. I don't know much. In *Kamaiya* system, parents/grandparents have taken loans and keep taking loans and it gets bigger and bigger. There is an agreement that loaner and entire family is employed. The loan is in written form. *Kamaiya* is mostly among the *Tharu* in the far West. Other communities are involved in debt bondage under employers in agriculture as well as homes of employers. They are mostly *Dalit* from the hills. Both boys and girls are involved. In *Kamalari* system only girls are involved. It is forced labor. Parents take an amount for one year, every year the agreement is renewed. *Kamaiya* agreements are for generations, all family members are involved.

Researcher's Comment:

This is the respondents view. Again is a case of limited understanding of what constitutes forced labor. The sectors he mentioned above are all child labor related. According to respondent forced labor is found only in the case of the Kamaiya system. There is far

more information and understanding of the Kamaiya system among most respondents, given the fact that it was popularized by movements, campaigns and by legislation.

7. How is trafficking in persons related to forced labor and/or child labor in the production of goods, if at all?

In magazines I have read about trafficking in carpet factories.

8. Are they paid for their work? If so, how? (i.e. cash, in-kind).

Response included in Answer to Question 1

9. What tasks do they perform?

Response included in Answer to Question 1

10. What physical and psychological risks do they or family members face? (Are other elements of “menace of penalty” present, see above)?

N/A Respondent could not answer

11. Are they able to leave their workplaces at will? (If so, are other elements of coercion present, see above)?

Workers are not free to leave the employer in *Kamaiya* system. But now it is abolished, but still continues since many are not resettled. Children under this system are involved in agriculture work, grazing cattle, collecting firewood, and picking lentils. These are small plants so children can do (can pick them). For rice, it’s difficult for children to pick. Even children going to school work seasonally in picking lentils. They are not bonded laborers but during the season they do not go to school but pick lentils.

12. What are the environments in which they work?

In the pesticides factories, conditions are very bad. Damp and cold room, workers sit on the floor, fill poison dust into polythene bags, weigh them and seal them.

13. In what regions of the country do they work? Do they work in cities or in rural areas?

N/A Researcher did not have time to ask this question.

14. (For each good), what is the typical age/gender of individuals producing the good?

N/A Researcher did not have time to ask this question.

15. What specific groups of people are more vulnerable to engagement in forced labor and/or child labor in the production of each good (e.g. boys versus girls, urban versus rural, indigenous/ethnic groups etc.)

N/A Researcher did not have time to ask this question.

16. What is the estimated number/percentage of adults and/or children engaged in forced labor and/or child labor in the production of each good?

N/A respondent is unable to estimate, suggests referring to ILO documents.

Trade Unions

9. Trade Union (1)

Name:

Position:

Organization:

Location:

Date:

[REDACTED]

[REDACTED], Kupondole, Lalitpur, Kathmandu

March 5, 2008; 2.30 p.m.

1. In what occupations/activities do forced labor victims and/or children work?

Child labor is found in transport, embroidery, carpet (some), stone quarries, metal handicrafts, brick kilns, construction, domestic services and in hotels and restaurants.

Forced labor (I had to provide definition) is found in *Kamaiya* system in agriculture. There are no children in the *Kamaiya* system. (He says he knows less about forced labor).

2. What good(s) do they produce?

In the embroidery sector, children produce embroidery on sarees, *salwar-kurta*, and pashmina shawls. In the carpet sector, they produce carpets; bricks in brick kilns, household decoration items in metal handicrafts sector.

3. Are goods for domestic consumption or export?

Embroidery on sarees, etc. is for domestic markets all over Nepal in the 75 districts. Carpets are for export mainly but also for domestic market. Chinese/Tibetan carpets are more popular in the domestic market.

4. Who employs them?

In the embroidery sector, most employers are Indians who have moved to Nepal and set up embroidery units. They come from the bordering states of Uttar Pradesh and Bihar in India. They are small entrepreneurs who take orders (for sarees) from retailers and wholesalers – more wholesalers from big cities such as Kathmandu and Pokhara. The retailer and wholesalers give sarees (material only) and sometimes also designs for embroidery to the employer. The employer then gets his workers (children included) to make the required embroidery on the sarees.

In the carpet sector, the employers are Nepalese and some Tibetan settlers/refugees. Most child laborers are employed in the homes of contractors who have been contracted by big carpet industrialists.

In the stone quarries, contractors of construction of houses and buildings employ workers, including children in the quarrying of stones.

In the metal handicrafts sector, contractors who get orders from different shop-owners for special handicrafts employ workers/children.

5. How do they come to be involved in these occupations/activities?

In the embroidery sector, the employers directly recruit children. They get them from the villages. The employer tells the parents that he will train their children for one year. Sometimes he gives an advance to the parents for taking their children. In such cases, children after getting trained for one year, start ‘earning’. Their wages are calculated on a piece rate basis and they are only paid at the time when they return back to their home/villages. He also deducts the advance from these wages.

In majority of the cases an advance is given. An advance is given to ensure that children continue to work. Once a child returns home and doesn’t come back to the employer, the employer visits the parents again and gives them another advance so that their child would have to go and work for him again. We have surveyed in villages and found out that once children return home, they do not want to go back to the employer because he beats them. We also found that the employer again goes to the parents, he knows the parents are desperate (*majboor*) and gives them an advance and takes the children with him.

In metal handicrafts, we have not researched this sector much but we have found that children and adults from *Dalit* castes (untouchables) who also worked in metal tool manufacturing back in their villages - producing agricultural implements, knives – are brought by the contractors to Lalitpur (in Kathmandu). He teaches them the work and employs them. We don’t know if any advance is given. Children are not accompanied by adults from their families but other adults are also employed. In metal handicrafts there are more adult workers than children, the opposite of embroidery sector.

6. If applicable, what type of forced labor is used? (e.g. debt bondage, indentured servitude, caste-based slavery, etc.)

Children cannot leave the embroidery units because of the advance that employers have given to the parents. In whichever sector employment involves an advance the children cannot leave the employer. The children cannot leave at any cost. If they leave, then the employer will try to get the advance back from the parents in whichever way. We have seen a case where a child about 15-16 years old, ran away from an embroidery unit. The employer got hold of his older brother who worked as an electrician nearby and threatened the brother, called the police who also threatened the brother and forcibly got the money (advance) back from the brother.

7. How is trafficking in persons related to forced labor and/or child labor in the production of goods, if at all?

Trafficking is relevant in the case of Nepalese children trafficked to India for (work in) the circuses. In embroidery sector also many children are trafficked from India (to Nepal) but when we survey we can see that children are forced to say they are Nepalese and not Indian.

(Researcher asked if the advance related employment of children in embroidery constitutes trafficking and the respondent says it could be possible).

8. Are they paid for their work? If so, how? (i.e. cash, in-kind).

In the embroidery sector, for the first year, when they are kept as trainees, they get no salary. Even though what the embroidery children do (during this trainee period) is not on practice pieces but on final pieces (products), children work for free. After about a year they start earning. At the maximum a child earns NR 1,500 (approx. USD 25) a month but this salary is not paid every month. The employer gives the children NR 50 (approx. USD 0.8) or so every week to watch movies or maybe NR 200-400 (approx. USD 3.3 – USD 6.6) sporadically. He provides only food and shelter and pays once a year to the parents when he visits them in the villages. The employer we met yesterday (Bhaktapur), was lying about the wages and also about the work hours. Children work from early hours of the morning, till past midnight, often up to one or two in the morning. With the union's intervention, now the employers have stopped beating children but earlier even that used to happen. In one case a landlord in whose house the employer was running an embroidery unit, complained to the trade union that the employer beats the children. The union intervened, threatened and beat up the employer and took him to the police station where he was kept overnight in custody. After this the employer shut down his factory and ran away. At that time, he had eight children employed in his unit and he gave them away to another employer. Two of these children were a bit older and went back to their homes.

Children are given food, the expenses for which are deducted at the rate of NR 200 (approx. USD 3.3) to 250 (approx. USD 4) per week. This money is actually added to the advance against the child by which he ensures that child continues to work for him even after completing training – during which time the child doesn't earn anything.

9. What tasks do they perform?

Embroidery factories: the children do embroidery with sequins (*sitara*), beads (*jari pote*) and stones.

Metal handicrafts: children hammer metal into shapes, make designs on them with small hammers and sharp tools.

10. What physical and psychological risks do they or family members face? (Are other elements of “menace of penalty” present, see above)?

Physical stress faced by child workers is the stress of work and of beatings. Emotionally, the stress of work, never getting to go out or play, children crave for free time but don't get it.

11. Are they able to leave their workplaces at will? (If so, are other elements of coercion present, see above)?

No. They are only allowed one holiday on Saturdays when they go to watch movies. He (employer) doesn't allow the children to leave. The penalty is the payment of advance.

12. What are the environments in which they work?

Working conditions in the embroidery sector are very bad. Dark and dirty rooms; work and sleep in the same room. In metal handicrafts, its is also bad but not as bad as the embroidery sector.

13. In what regions of the country do they work? Do they work in cities or in rural areas?

Embroidery factories are mostly in the *Terai* region (plains). We estimate that embroidery factories are in 30-40 districts of the country. They are mostly in urban, semi-urban centers but employ workers from villages. The districts include: in the Kathmandu valley (Kathmandu, Bhaktapur, Lalitpur), Kavre (Banepa), Chitwan (Narayanghat), Nawalparasi (Kawasoti), Rupandehi (Butawal), Sunsari (Itahari, Dharan), Mohotari (Jaleshwar, goshala), Siraha (Lahan), Saptari (Rajbiraj), Morang (Biratnagar), Jhapa (katkarbitta), Kaski (Pokhara, Mahendrapul).

Handicrafts factories are mostly found in Kathmandu valley, but workers come from villages in different districts.

Carpet factories are in Kathmandu valley, districts Banepa, Makwanpur, Sarlahi, Chitwan and Pokhara.

14. (For each good), what is the typical age/gender of individuals producing the good?

Embroidery- only boys, aged eight to 14 mostly, fewer in the age group 14-18 and under eight.

Handicrafts – only boys, aged 12 and over.

15. What specific groups of people are more vulnerable to engagement in forced labor and/or child labor in the production of each good (e.g. boys versus girls, urban versus rural, indigenous/ethnic groups etc.)

In embroidery, it is almost exclusively boys, from rural areas, many Muslims (minority community) and from among Hindus, mixed caste groups.

In handicrafts, its only boys, from rural areas, *Dalit* (untouchables) specifically *Vishwakarma* and *Sarki* caste groups traditionally associated with metal work in their villages.

16. What is the estimated number/percentage of adults and/or children engaged in forced labor and/or child labor in the production of each good?

According to our survey, there are 1,200 embroidery units in Nepal employing about 7,500 children under 18 years of age. Almost all children are employed against advances given to parents. (This is not based on a formal survey, they have made sporadic visits in all districts to collect this information).

10. Trade Union (2)

Name:

Position:

Organization:

Location:

Date:

Bhaktapur, while on site visits

March 14, 2008; 11.30 a.m.

Researcher's Comment:

The respondent has most experience of and information on the carpet industry and hence focus of the interview was on carpet industry.

1. In what occupations/activities do forced labor victims and/or children work?

In carpet sector.

2. What tasks do they perform?

In carpet factories, children are engaged in weaving carpets as well as rolling cotton and woolen threads (spinning). They also do any other work the contractor gives them.

3. What good(s) do they produce?

Carpets.

4. Are goods for domestic consumption or export?

For export mostly, though some are for the local market.

5. Who employs them?

- 6. How do they come to be involved in these occupations/activities?**
- 7. If applicable, what type of forced labor is used? (e.g. debt bondage, indentured servitude, caste-based slavery, etc.)**
- 8. How is trafficking in persons related to forced labor and/or child labor in the production of goods, if at all?**
- 9. Are they paid for their work? If so, how? (i.e. cash, in-kind).**

Researcher's Note: Respondent has given a combined response to Questions 5, 6, 7, and 9. On question 8, regarding trafficking, the respondent is unaware of the issue.

The contractor brings children and adult workers from the villages. When he brings children, the verbal agreement is that for the first three months the children will work for free, but will be given food and shelter. After that they are paid between NR 500 (approx. USD 8.3) – NR 1,200 (approx. USD 20) per month. It is not paid monthly but given (as consolidated) to parents at the time the contractor visits the village. We don't know how often he makes the payment. Payment is adjusted against the advance (advance amount is deducted from the final wage calculation). Advance ranges from NR 2,000 (approx. USD 33) – NR 10,000 (approx. USD 167). It is a case of (debt) bonded labor and children cannot leave the workplace.

- 10. What physical and psychological risks do they or family members face? (Are other elements of “menace of penalty” present, see above)?**

Work hours are from two a.m. to midnight, with three to four hours of sleep. The children are beaten on their hands if they don't work well. They don't get a weekly holiday.

- 11. Are they able to leave their workplaces at will? (If so, are other elements of coercion present, see above)?**

If a child leaves, then the contractor can threaten his/her parents to return the advance. Often parents then take an advance from another contractor to return the previous advance and then give their child to the new contractor.

- 12. What are the environments in which they work?**

It is not a good environment. Every day children only eat *daal-bhaat* (lentils and rice). For sleeping, the left over wool is used to make a bed for the children on which they sleep. They sleep in the same place (room) where they work. Two to three children share one blanket. Threads used for knotting/ weaving regularly cuts their fingers. All day they sit kneeling in front of the looms, knotting (weaving) away. They have a mat on which they sit on the floor.

- 13. In what regions of the country do they work? Do they work in cities or in rural areas?**

In Kathmandu city, especially in the areas of Boudha, Jorpatti, Swayambhu, Banasthali, Chakrapath, Mahaankaal, Attarkhel, Mulpaani. Elsewhere in the valley, the factories are in Bhaktapur district (Suryavinayak, Kamalvinayak, Sallaghari, Jagati, New Thimi, Old Thimi, Bode); in Lalitpur district (satdobato, Jwalakhel, Bhainsepati, Nakku, Chyasaal, Imatol); and other districts include Kavre, Makwanpur, Sindhupalchowk, Saralahi, Dhading, Jhapa, Pokhara, Chitwan, Nepalganj, Nuwakot.

The children working in the factories are never from the areas where the factories are located, but come from far off villages.

14. (For each good), what is the typical age/gender of individuals producing the good?

Both boys and girls are engaged in carpet factories. Children from the age of 10 and above.

15. What specific groups of people are more vulnerable to engagement in forced labor and/or child labor in the production of each good (e.g. boys versus girls, urban versus rural, indigenous/ethnic groups etc.)

They are mostly from *adivasi* communities (tribal), *Janajati* (indigenous, ethnic groups) such as *Tamang, Rai, Limbu, Gurung, Magar, Tharu, Chapang, and Chowdhury*. Also *Dalit* (untouchables) are engaged.

16. What is the estimated number/percentage of adults and/or children engaged in forced labor and/or child labor in the production of each good?

Earlier we had data but increasingly it is difficult to obtain data because contractor and workers lie (about the age of children and incidence of child labor), due to increasing media and other attention to child labor in the carpet factories. But I would estimate that between 35,000-40,000 children are engaged in carpet factories in Nepal.

11. Trade Union (3)

Name:

Position:

Organization:

Location:

[REDACTED], Putalisadak, Kathmandu

Date:

March 28, 2008; 6 p.m.

Researcher's Note: I did not follow question-answer format as per respondents' comfort. I have inserted sub-heads.

Sectors employing child labor:

Child labor in big numbers is found in agriculture. Then in construction, transport, domestic labor, street vending, brick kilns, and stone/sand quarries. Carpets are a traditional child labor industry but the number of factories are reducing and that's why the number of child laborers in the carpet sector is reducing. Maybe this is also because of activism and compulsion of employers. A major export country is Germany and we can only sell RugMark carpets to them therefore there can't be child labor (in RugMark factories).

In *zari* embroidery too there is child labor but this sector is not under trade union movement and there has been insufficient intervention. I don't think there are any children in garment manufacturing.

Forced labor in Nepal:

The system of recruitment is that of forced labor. Somehow up to 1990 the tendency was that people came to Kathmandu for jobs and now they go abroad. Earlier, poor people asked people in services and professionals to take their children for work. Either the gentle people took their children or parents fell under debt trap. Some parents approach middlemen to provide jobs to children in construction, etc. The economic compulsion has become part of a culture. Middlemen and employers exploit this culture/psychology. They offer advance and promise of wages to parents against children. Middlemen operate in sectors of carpet, brick kilns, domestic work and construction. Some children are under trafficking conditions. Children are trafficked from different rural areas to urban centres. In carpet, previously, middlemen got advance from employers. He would give little of the advance to the workers and only pay them survival money.

Characteristics of laborers: age, gender, ethnicity:

There are more girls than boys in carpet work. There are mixed ethnic and caste groups working in carpet factories. Generally laborers are recruited from eastern and central hills, not *Terai*, and factories are in the Kathmandu valley. Weavers and spinners are from the hills while coloring and dyeing is done by the *Terai* people. We lobbied against

the *peshgi* (advance) system of owners giving advances to the contractors in the carpet sector.

In brick kilns, equal numbers of boys and girls work and whole families are employed. After the Maoist insurgency, from the western hill region of Rolpa and Rukum districts, displaced people came to urban centers to work in brick kilns, mostly in Kathmandu (valley). In Nepalganj, only single Muslim men work in brick kilns and their sons, not daughters. In Eastern Nepal there are many Indian migrant workers in brick kilns. Skilled jobs are performed by Indian and manual by Nepalese. The contractor/middlemen are the employers basically. All agreements on advance are verbal and contractors withhold payments to keep workers, season after season.

System of advance:

Now the workers get the advance and weekly food expenses. There is no withholding of payment and they are free to leave. There is no bondage in carpet. There is forced labor in carpet because of social obligation. Also people may not leave the carpet job since they may not get other jobs. Employers, middlemen exploit social links and dependency.

Nature of bonded labor in Agriculture:

In agriculture, there are three types of terminology in Nepalese- 1) Khaitala- those who work on agricultural fields, these are daily wage workers; 2) Gothala-those who herd cattle and 3) Naukar – those who work as domestic workers and also plough the land.

In gothala, there are mostly children, attached with their bonded or non-bonded parents. Landlords ask for children (of adult workers) to work for them and children do all three types of work. Very few children are involved in khaitala only type of work. It's mostly during harvest and cultivation season, but the number of children in Khaitala is small. Most children are found as gothala, they are not paid any wages, only get meals. Whether under bondage or not, children work for the same landlord as their parents. In agriculture, they are involved in production of food grains such as wheat, rice, lentils and even sugarcane.

Kamaiya is a long-term contract between landlord and worker. It involves once a year payment in cash and kind.

Menace of penalty:

Menace of penalty has overall reduced except in the form of withholding payments. There is physical assault in the case of the carpet industry. In the *haliya* (ploughmen) bonded system in agriculture, if the contract is breached there is social boycott of the worker. In *Kamaiya* areas, due to social activism now such menace is impossible. It is the victory of the movement. Many are however forced to go back into the *Kamaiya* system because there are no alternatives for their employment and livelihood.

United Nations

12. UN (1)

Names:

Position:

Organization:

Location:

Date:

[REDACTED], Dhobhighat, Kathmandu
March 20, 2008; 10.00 a.m.

Researcher's Note:

This interview was not conducted in strict order of our list of questions. Many answers were under first section which I have now moved under appropriate questions. Those that are left out are because of time constraints

1. In what occupations/activities do forced labor victims and/or children work?

In brick kilns, carpets and embroidery there is child labor, forced labor and also some trafficking. In stone quarries, cattle herding (dairy products) and agriculture there is child labor. In stone quarries there is no forced labor but in cattle rearing and agriculture under the *Kamaiya* system there was and continues in some places debt bondage.

In stone quarries there is lots of child labor. In animal rearing for dairy products, there is both child labor and bonded child labor.

In the brick kilns, the employers are Nepalese and they recruit children. There are few factories as joint ventures between Nepalese and Indians or Chinese. Brick kiln industries can be classified as organized or unorganized. The organized ones include big factories that are regulated by the state labour department. The unorganized are registered kilns but not under labor regulation. The regulated ones are registered under the Industrial Act and therefore are part of the formal sector and these big factories do not have child labor or forced labor. Small factories are only registered under the local government, the District Development Committee.

2. What good(s) do they produce?

Bricks, carpets, stones, dairy products, and food products (unspecified).

3. Are goods for domestic consumption or export?

Carpets are for export and domestic consumption. Other goods are for domestic consumption.

4. Who employs them?

In carpet, the employer is the owner of the carpet factory. He usually has a contractor who recruits laborers for him and under the contractor there is a supervisor.

In the embroidery sector, in some cases the employer directly recruits workers but it is mostly a contractor who recruits children. The contractor works for many employers.

In agriculture and cattle rearing, the employer is the landlord, the owners of the land.

5. How do they come to be involved in these occupations/activities?

In stone quarries, entire families work together and they are mostly migrants. Two forms of employment are found- self employed and employed under contractors. In the latter, the contractor takes the riverbed on lease from the government and employs workers or the workers come to work in river beds as self employed. In stone quarries, workers maybe trafficked. There are some reports. There is an incidence of trafficking of young girls from the stone quarries into commercial sex in urban centres such as Kathmandu and also trafficked outside Nepal into India. Stone quarries and carpet factories are targets of traffickers to take young girls for commercial sexual exploitation because there is no protection system.

For other sectors see response to Q 6 below.

6. If applicable, what type of forced labor is used? (e.g. debt bondage, indentured servitude, caste-based slavery, etc.)

In all sectors where advance is given, the advance becomes a debt, without paying it back, the workers cannot leave. If they do (leave) they will be harassed.

In brick kilns there are written agreements called *Tamsukh*, only in the case of Indian workers – stating – I (worker) will work for you (employer/ contractor) for this period for x pay. The Indian workers are not under bondage but the Nepalese are under bondage. In the past Nepal imported bricks from India, India has more skilled workers in brick kilns that's why Indian workers are hired. Nepali workers are trafficked from rural areas and work in brick kilns under bondage.

In some cases under the *Kamaiya system*, the debt is as old as four generations. There is a verbal agreement like in the *Kamaiya* system. Workers protection lies with the landlord. Debt having interest rates as high as up to 60 percent and therefore they are bonded. Very rarely are there cases where children can be allowed to move out for other employment. Payment is in cash and or kind at the discretion of the landlord.

7. How is trafficking in persons related to forced labor and/or child labor in the production of goods, if at all?

8. Are they paid for their work? If so, how? (i.e. cash, in-kind).

9. What tasks do they perform?

In the case of bonded child labor in animal rearing entire families are under bondage of a landlord, adults are mostly engaged in agriculture, children, mostly boys are engaged in cattle rearing- herding, milching and girls are engaged in domestic work (for the landlords). These girls are called *Kamalari*, *Jana* or *Gharelu*.

10. What physical and psychological risks do they or family members face? (Are other elements of “menace of penalty” present, see above)?

N/A Researcher did not have time to ask this question

11. Are they able to leave their workplaces at will? (If so, are other elements of coercion present, see above)?

In carpet, in some cases workers work 14-18 hours and there is a restriction of movement. Not all adults in the carpet sector are forced labor, but all children in the carpet sector are forced labor.

12. What are the environments in which they work?

N/A Researcher did not have time to ask this question

13. In what regions of the country do they work? Do they work in cities or in rural areas?

They ask me to refer to ILO reports for details.

14. (For each good), what is the typical age/gender of individuals producing the good?

N/A Researcher did not have time to ask this question

15. What specific groups of people are more vulnerable to engagement in forced labor and/or child labor in the production of each good (e.g. boys versus girls, urban versus rural, indigenous/ethnic groups etc.)

Bonded laborers are mostly *Dalit* (untouchables) and *Adivasi* (indigenous communities) and *Janajati* (ethnic communities). The *Janajati* dominate the carpet sector the stone quarries and the embroidery sector. A large number are Muslims.

16. What is the estimated number/percentage of adults and/or children engaged in forced labor and/or child labor in the production of each good?

They ask me to refer to numerous ILO publications for the same. They are listed in the Annotated Bibliography.

Government

13. Government (1)

Name:

Position:

Organization:

Location:

Singha Durbar, Kathmandu

Date:

March 27, 2008; 11.00 a.m.

Researcher's Note: This interviewee did not prove to be the most appropriate representative to interview at the Ministry. I could not follow on with every question and had to resort to prompting him with my own findings from this research, to get him to talk more about child labor, given that he began the interview by saying there is no child labor/forced labor in Nepal.

I was to interview the Minister of Labour and Transport Management, however, given the pre-election priorities; it was not possible to organize a meeting with the him. His Personal Assistant referred me to [REDACTED]. The ILO had recommended that I interview the Section Officer on Child Labour at the Ministry but the PA insisted on the [REDACTED]. Post elections, I will still try to interview the Minister himself or the Section Officer.

In the formal sector, we do not have any forced labor/child labor officially (speaking). In the informal sector, we have some problems. Labor administration is very weak. Only 13-14 labor inspectors for the whole country. In the formal sector we have good monitoring systems on child labor. Always (monitoring) reports say no child labor in formal sector.

(I ask about children working in stone quarries as an example)

Father and mother (are) working in stone crushing, children are only supporting their parents.

In small scale restaurants and bars, family owned business, where children are supporting their parents. Maximum (child labor) in home based (industry) – children are not involved in paid activities.

In agriculture sector also there is a supporting system. Parents use their children to help in the fields, unpaid.

(Prompting about carpets)

In formal carpet sector, there is no child labor on their premises. But in outsourced work there is child labor. We don't have any data.

This year we will conduct the National Labour Force Survey, after that we can say (estimates).

(Prompting about brick kilns)

In brick kilns also children are working to support parents. Children help in portering the bricks. For their work they have no direct pay but indirectly paid in parent salary. They are not child labor but they are working with parents. Parents have low earnings. Minimum wages in agriculture in NR 100 (approx. USD 1.7) per day; in tea (plantations) it is NR 95 (approx. USD 1.6) per day for picking leaves worth 10 kilograms, people can earn (worth) 25-30 kilograms per day. For all other sectors, including brick kilns, carpets, the minimum wage is NR 125 (approx. USD 2) per day.

There is no trafficking involved.

Forced child labor exists only in the case of Kamalari (domestic work in the house of landlord). But government has already declared its prohibition.

Forced labor in adults, its mostly economic compulsion, not forced by employers.

There are equal number of boys and girls working. They are more from *Janajati* and *Dalit* communities. It is not based on caste but on poverty. In the hills the *Janajati* are the landlords and children and adults from higher castes are working (for them) out of financial compulsion because they are very poor.

Autonomous and Independent State Institution

14. Autonomous and Independent State Institution (1)

Name: [REDACTED]
Position: [REDACTED]
Organization: [REDACTED]
Location: [REDACTED], Pulchowk, Kathmandu
Date: March 31, 2008; 3 p.m.

Researcher's Note: [REDACTED] is also the founder of [REDACTED] working on child rights issues in Nepal. They are known to be among the very first NGO in the country to raise the issue of child labor. He is now President of [REDACTED], having relinquished his directorship after joining [REDACTED]. He has also authored reports and papers on child labor in the past. The [REDACTED] has not looked into the matter of child labor/bonded labor in the recent years but in the past they have investigated cases based on reports filed by NGOs. The interview did not follow the sequence of the questions from the template but broadly covered major areas.

Forced labor depends on how it is defined. In the case of forced labor in Nepal, it is mostly debt bondage labor. Most child laborers in Nepal are forced laborers or pushed by circumstances.

In agriculture there is traditional bonded labor. In contemporary sectors, society has accepted that poor families will send children to work to get some financial benefits and where they do not have to worry about food for their children. This is a traditional conception. Nowadays, the issue of debt bondage is critiqued. Due to social pressure, newspapers reporting – there was a case of school teacher in Kailali district who gave a loan to a family and in return employed their girl child as a domestic worker. But due to media shaming she returned the child. Kailali is the origin of the *Kamaiya* system and even in that area the message (awareness) of the rights of children has increased. In the last 10 years the incidence of bonded labor has declined. The *Kamaiya* (practice) has reduced but the practice of Kamalari (girl child domestic servants) in landlords' houses continues in villages and in cities.

Restaurants have high incidence of debt bondage among child laborers.

In carpet, many children still continue working – they have moved from weaving to spinning. Child labor in the carpet sector has gone underground, more invisible. There are still children in the carpet sector, large numbers. In spinning, children are in worst conditions. I wish there would not be a trade sanction against this but better regulation is required.

Brick kilns in the Kathmandu valley are of two types – those that are seasonal and those that are regular. The seasonal brick kilns operate from after harvest till plantation. Contractors hire land on which they set up brick factories. Families in the *Terai* belt,

from villages bordering India are given advances by the contractor after the harvest period. So the workers come seasonally. Large numbers of children under 14 are working very hard in making bricks. Children work along with families and also as single children. To the end of the season, the workers hardly get any payment/ money to take back with them because they have worked against an advance.

Construction is a booming business in Kathmandu and there must be thousands of children from border villages under debt bondage. There might also be cases of trafficking. Whenever there is an advance, there is trafficking (unspecified origins and destinations).

Laborers are not free to move. They are under the control of the contractors. These children are not free to move. On Saturdays, you can see lots of child laborers from the carpet factories at movie halls (so they become visible, since Saturday is their weekly off). There is no physical confinement in brick kilns but in carpet it continues.

Advance is the main reason for immobility. In carpet, the contractors are also harassed. They get advances from different employers and children are moved from one factory to another (by the contractor) especially if there are police raids/reports on existence of child labor in a particular factory then contractor moves children to another factory, another owner. Police are also bribed by contractors/ owners, to evade prosecution for employing children.

Payments are made in cash and kind depending on the sector. It is made to the parents.

In the carpet sector, mostly *Tamang* (ethnic) community coming from the surrounding districts of Kathmandu is involved. Parents get an advance from contractors and send their children to Kathmandu.

Girl children are sexually abused. *Tamang* are an open (liberal?) community and easily trafficked. Carpet factories are transit for trafficking. Many Nepalese children found in red light areas in Mumbai were previously carpet workers.

The social characteristic pattern of child laborers is changing. Earlier it was *Tamang* in carpet but now there are mixed groups. *Tamang* continue to be most vulnerable to exploitation in carpet factories. In bricks, traditionally the *Newar* (the dominant caste and native inhabitants of Kathmandu Valley) were involved in brick laying. Now children and migrants from border towns and migrants from hills and their children are found working in brick kilns. *Janajati* as well as high castes are found in brick kilns.

Type II Interviews/ FGDS

Nepal

In-country Research - Forced Labor/Child Labor

Researcher: [REDACTED]

Total number of interviews/ FGDS: 13 (4 in brick kilns, 2 in embroidery units, 4 in carpet factories and 3 in stone quarries).

List of Type II Interviews/ FGDS

Brick Kilns	
Site 1, [REDACTED], Hairisidhi VDC, Kathmandu District	I. FGD with about 10 adult men from India
Site 2, [REDACTED], Hairisidhi VDC, Kathmandu District	II. Interview with Father of child workers
Site 3, Bhaktapur, Kathmandu Valley	III. Interview with adult worker (male) IV. Interview with woman brick kiln worker.
Embroidery	
Site 1, Thankot VDC, Kathmandu district	V. Interview with Employer
Site 2, Thimi VDC, Bhaktapur district	Observation notes only
Site 3, Thimi VDC, Bhaktapur District.	VI. Interview with adult male worker
Carpet Factory	
Site 1, Bhaktapur district	VII. Interview with adult male worker
Site 2, Bhaktapur district	Observation notes only
Site 3, Bhaktapur district	Observation notes only
Site 4, Kathmandu City	VIII. Interview with adult woman worker IX. Interview with adult woman worker
Site 5, Kathmandu City	Observation notes only
Site 6, Kathmandu City	X. Interview with adult male worker
Stone Quarries	
Site 1, Lalitpur District	XI. Interview with woman worker

	XII. Interview with women migrant worker from India
Site 2, Lalitpur district	XIII. Interview with woman worker

Brick Kilns

1. Brick Kiln Site 1

██████████, Hairisidhi VDC, Kathmandu District, Nepal (about 15 km from Kathmandu city).

March 3, 2008

Researcher's Note: Both Indians and Nepalese workers are employed here. The Indians are from district Darbhanga in India, while Nepalese are from Allapot VDC, Kathmandu district. Indians are involved in baking of bricks and post baking activities, such as removing bricks from kilns and stacking them while Nepalese in digging clay, modeling it and portering it. Indians tends to come as single men without families while Nepalese almost always are accompanied by family members. Most children seen working at the time of the visit and photographed were Nepalese.

I. FGD with about 10 adult men from India

Researchers Comments: I had very little time to talk with these men. When I visited them they were busy stacking baked bricks. Since its piece based work, they were working very fast to stack up as many bricks and giving me time meant they left the work and lost time for stacking the bricks. I did not take much of their time and just got some basic information. I have not followed Question-Answer format as per our list of questions but have categorized the FGD discussion by broad questions. Some information about their work I have got from the trade union representative accompanying me on this visit. These are recorded at the end of the FGD note.

1. How many workers in FGD? Age, Gender, Caste?

Ten workers aged 20-35 all from Paswaan caste (dalit) from the Darbhanga district in Bihar, India.

2. In what occupations/activities do/did you/the child victim(s) work?

There are a total of about 60 Indian men employed here in the brick kilns. Only two adult men are accompanied by families. One of them is a widower accompanied by two kids, a girl aged 12 and a boy aged 16, both work with him (photographed). The wages are earned as a family unit depending on the amount of work done, which is registered by the Naike every day.

3. What good(s) do you/they produce?

Bricks.

4. What tasks do you/they perform?

N/A Researcher did not have time to ask this question.

5. Who is your/their employer?

N/A Researcher did not have time to ask this question.

6. How did you/they come to be involved in these occupations/activities?

7. Are you/they paid for their work? If so, how? (i.e. cash, in-kind).

8. Do you/the child owe a debt (*saunki*) to your employer that you work to pay back?

9. If so, how was this debt incurred?

Combined response to Questions 6, 7, 8, 9

This group of Indian workers arrived at the brick kilns with a middleman/contractor/Naik, who belonged to their village/area. Some of the workers have familial relationship with the Naik. They arrived in December and would leave in May. All of them took loans/advances from the Naik before they left for work in the kilns. The advance ranges from 1,500 to 3,500 (Indian Rupees or Nepalese Rupees, not clear). They have a verbal agreement with the Naik that they will not leave the kilns/will work till the season is over. They are not informed about the wages they will receive at the end of the season. Every week they receive about NR 300 (approx. USD 5)³ for their food expenses. Last year they earned at an average NR 2,300 (approx. USD 38) for every month that they worked (for about four to five months). They expect a similar amount this season after deductions of the advance.

10. What are your/their working conditions? Are there dangerous tools, machinery, fumes, or other physical risks?

N/A Researcher did not have time to ask this question.

11. Are you/the child beaten/abused by the employer?

N/A Researcher did not have time to ask this question.

12. Are you/they threatened by the employer if certain job tasks are not performed? What kind of threats?

N/A Researcher did not have time to ask this question.

³ Exchange rate used is: USD 1 = NR 60. (NR is Nepalese Rupee)

13. Does your employer provide food and shelter? If so, do you/they have enough to eat?

See combined response to Q 6,7,8,9

14. Are you/they able to leave your/their workplaces at will?

If they leave before the end of season, breaking ‘promise’/agreement, they will be paid only half of what work they have done (earnings will be withheld). They have one day off in the week, every Saturday.

15. How far away is your/the child’s home? How did you/they get here (to this place of employment)?

They all live at the site. See also combined response 6,7,8,9 for how they got here.

16. How old are you?

See response to Q 1.

17. What is your education level?

18. (Whether the person is male/female)

All in FGD were men.

Information from [REDACTED]

[REDACTED]:

The union is running a school near the premises where young children (under eight or so) belonging to Nepalese workers attend from 11 am to one pm every day, except Saturday.

The Indian workers in brick kilns come mostly from Bihar in India. They are mostly single men. They are employed for working in the kilns, in the baking of bricks, which requires special skills that Indian workers are known for, while Nepalese workers are hired for the work pre-baking – digging soil, modeling clay into bricks and portering, stacking them before they can be baked. The union has organized the Nepalese workers but not the Indian workers. The children working in the brick kilns are almost exclusively Nepalese, since it’s the Nepalese who come to work in brick kilns as entire families while Indians come as single men mostly. The work of baking the bricks is a ‘male’ job.

2. Brick Kiln Site 2

██████████, Hairisidhi VDC, Kathmandu District, Nepal (about 15 km from Kathmandu city).

March 3, 2008

Researcher's Note: There are both Indians and Nepalese workers here, Nepalese are involved in digging clay, modeling it into bricks and stacking them, while Indians are involved in baking, stacking, and post baking activities, etc.

II. Interview with Father of child workers, boys, aged 15 and 18. Third child is a girl, younger (age not specified) who goes to school (not trade union school but private school). They belong to Nagarkoti, Sundarajal village, Allapot VDC, district Kathmandu. They came to the brick kilns (brought by Naike) in November and will stay on until May.

1. In what occupations/activities do/did you/the child victim(s) work?

Exact work includes digging, modeling clay into bricks, portering and stacking bricks before they are baked.

2. What good(s) do you/they produce?

Bricks.

3. What tasks do you/they perform?

Exact work includes digging, modeling clay into bricks, portering and stacking bricks before they are baked.

4. Who is your/their employer?

The brick kiln is owned by four employers, all Nepalese belonging to Newar caste (██████████ and ██████████ are two of them).

5. How did you/they come to be involved in these occupations/activities?

Father took an advance of NR 10,000 (approx. USD 167) before season began from the Naike. In return for this he has signed a written contract that he will work to produce 150,000 bricks. His sons work with him to do this. They are all making bricks.

6. Are you/they paid for their work? If so, how? (i.e. cash, in-kind).

The older child, aged 18, will get a separate income starting this season, but the father is not aware of how much the son will earn, it all depends on the amount of work done by the son (numbers of bricks produced). Wages are paid at the end of the season after

deducting the advance and deducting weekly payments made for food expenses. These 'weekly' payments are made every nine days. Each worker in the family (four in this case) receive between 300-400 NR (approx. USD 5 – 7) for food expenses. This amount is deducted from final payment that is made at the end of season.

7. Do you/the child owe a debt (*saunki*) to your employer that you work to pay back?

See response to Q 5 and Q 6

8. If so, how was this debt incurred?

See response to Q 5 and Q 6

9. What are your/their working conditions? Are there dangerous tools, machinery, fumes, or other physical risks?

N/A Researcher did not have time to ask this question.

10. Are you/the child beaten/abused by the employer?

No.

11. Are you/they threatened by the employer if certain job tasks are not performed? What kind of threats?

There are no threats. If they fall sick the employer/Naike asks them to leave for their home. He says if they live here they must work or else just leave.

12. Does your employer provide food and shelter? If so, do you/they have enough to eat?

The employer gave them (every worker/worker family) NR 200 (approx. USD 3) at the beginning of season to construct their shelter/hut (made of brick walls and tarpaulin and/or hay roof). This money is not deducted from payment at end of season.

13. Are you/they able to leave your/their workplaces at will?

His children could leave, as long as the father stays on. The agreement binds him to complete work worth 150,000 bricks, it does not matter for the Naike who in the family completes it. But the father says children will not leave because they have nowhere to go to and he needs them to work with him to meet the agreement and to earn at the end of season. They do not have a copy of the agreement. It's in an 'office' of the employer. The agreement has the following details: name of the father, his father and his grandfather's name; amount of advance taken; amount of bricks that need to be produced to pay off the advance; if they leave before completing the required amount of work they would be paid

only for 50 percent of the total work they have done (worth 50 percent of the bricks produced). I am not sure if this is also written in the agreement.

14. How far away is your/the child's home? How did you/they get here (to this place of employment)?

All workers live at the site.

15. How old are you?

He doesn't know (maybe about 40).

16. What is your education level?

Illiterate.

17. (Whether the person is male/female)

Male

3. Brick Kiln Site 3, March 4, 2008

Location: Bhaktapur, Kathmandu Valley (about 25 kilometers from Kathmandu city).

Researcher's Note: It has rained the previous evening and night so there is not much work going on, many workers are not even at the sites.

III. Interview with adult worker (male)

Name: [REDACTED],

Age: 30 years,

Origin: Nepali, belongs to a village in Rammehchhap district.

Employment history: He has been working at this particular brick kiln for the last four years. He previously worked in a carpet factory nearby.

1. In what occupations/activities do/did you/the child victim(s) work?

His exact work involves digging soil/clay and modeling clay into bricks. He says children working in the brick kilns also do these activities. There are about 2,000 workers in this brick kiln where he works. About half of them are under 18 years old. About 50 percent of the workers here are Indians. His own children are young, under six and do not work. His wife works with him.

2. What good(s) do you/they produce?

Bricks.

3. What tasks do you/they perform?

Digging soil, modeling clay into bricks, portering and stacking them.

4. Who is your/their employer?

[REDACTED] (is Nepali).

5. How did you/they come to be involved in these occupations/activities?

He worked four years ago in a carpet factory in Thimi, which is near where he works now. People from my village came to work in this brick kiln through an agent (*Naike*) who paid every household (an advance) to get them to work in the brick kiln. He also took advance from this agent and moved from the carpet factory to work in this brick kiln. Since then he has kept on taking an advance, ranging from NR 10,000 (approx. USD 167) to NR 25,000 (approx. USD 417). His current advance is NR 25,000 (approx USD 417).

6. Are you/they paid for their work? If so, how? (i.e. cash, in-kind).

He is paid in cash at the end of the season, which is six months. He gets about NR 400-500 (approx USD 7- 8) every nine days for food expenses. This is deducted from the final payment. The advance is also deducted from the final payment.

7. Do you/the child owe a debt (*saunki*) to your employer that you work to pay back?

Yes. In addition to the advance, he took a loan from the *Naike*. At this time he has a loan of NR 2,000 (approx. USD 33). He took this for medical expenses.

8. If so, how was this debt incurred?

The *Naike* gives the advance himself (meaning, it's not asked for, it's the way they do for all workers). The other loans he take from time to time to meet other expenses.

9. What are your/their working conditions? Are there dangerous tools, machinery, fumes, or other physical risks?

There are no dangerous tools.

10. Are you/the child beaten/abused by the employer?

No, the employer/*Naike* does not give physical punishment.

11. Are you/they threatened by the employer if certain job tasks are not performed? What kind of threats?

No threats but wages are deducted from the fixed amount if work is not done.

12. Does your employer provide food and shelter? If so, do you/they have enough to eat?

The *Naike* gave him (and other workers) NR 200 (approx. USD 3) to put up a shelter (when they come at the beginning of the season) and for food expenses, he get NR 400 (approx. USD 6) every nine days. All workers get this much.

13. Are you/they able to leave your/their workplaces at will?

Yes, he can leave the workplace but need to take permission. But he cannot leave the work/brick kiln (employment) until the end of the season

14. How far away is your/the child's home? How did you/they get here (to this place of employment)?

Place of origin is a village in Rammechhap district. He came here looking for work. Right now, he and his family live in this *jholi* (temporary shelter) at the work site.

15. How old are you?

30 years

16. What is your education level?

Never went to school (is illiterate).

17. (Whether the person is male/female)

Male

IV. Interview with woman brick kiln worker.

Name: [REDACTED]

Age: 22

Origin: Last lived in Pokhara

Employment history: She has been working in this brick kiln with her husband for the last six years. The step daughter joined them in this work about four years ago, when she was 12.

She has a step daughter (from husband's first marriage) aged 16, works with them in the brick kilns. She has four more children, all girls, aged two months, five years, seven years and 11 years.

1. In what occupations/activities do/did you/the child victim(s) work?

Brick kilns.

2. What good(s) do you/they produce?

Bricks.

3. What tasks do you/they perform?

Making bricks (i.e. molding clay) and stacking them.

4. Who is your/their employer?

[REDACTED].

5. How did you/they come to be involved in these occupations/activities?

My husband received an advance of NR 12,000 (approx. USD 200) from a Naike while he was working at a construction site in Pokhara, Nepal (one of the biggest cities in Nepal, after Kathmandu). The Naike asked him to bring his family to the brick kilns.

6. Are you/they paid for their work? If so, how? (i.e. cash, in-kind).

At the end of the season we are paid. She doesn't know how much they will earn. Every nine days they get between 1,200-1,500 (together for the 3 of them working from this family- husband, wife, daughter) for food expenses.

7. Do you/the child owe a debt (*saunki*) to your employer that you work to pay back?

Yes, last May (May 2007) we took NR 12,000 (approx. USD 200) as a loan.

8. If so, how was this debt incurred?

We need money after the season ends. We have young children who go to school. For their expenses, clothes, we take a loan.

9. What are your/their working conditions? Are there dangerous tools, machinery, fumes, or other physical risks?

No dangerous tools.

10. Are you/the child beaten/abused by the employer?

No. If we don't do the work (required), we are scolded. If we are ill, he doesn't understand. He doesn't pay for illnesses.

11. Are you/they threatened by the employer if certain job tasks are not performed? What kind of threats?

We are scolded, threatened that weekly payment (food expenses) will not be paid if we don't complete work.

12. Does your employer provide food and shelter? If so, do you/they have enough to eat?

We got NR 200 (approx. USD 3) for constructing shelter at the beginning of the season.

13. Are you/they able to leave your/their workplaces at will?

We can leave, he doesn't stop us because we complete our work. He doesn't ask if we go out. One person (worker) from the family can leave work in mid season but not the entire family. We have eaten [sic.] (taken) his advance, that's why we cannot leave (This is a

common expression, we have eaten (off the advance) and therefore (are morally obliged) not to leave.

14. How far away is your/the child's home? How did you/they get here (to this place of employment)?

Explained in earlier questions.

15. How old are you?

22

16. What is your education level?

Never went to school. The 16 year old daughter has studied up to class two or three. Her younger children are currently in school.

17. (Whether the person is male/female)

Female.

Embroidery Units

4. Embroidery Unit Site 1

Thankot, Thankot VDC, district Kathmandu (about 15-20 kilometers from Kathmandu city).

March 3, 2008

Researcher' Note: This site is a private residence rented by the employer. There are two rooms of roughly 12 x six feet where sarees are spread on wooden frames and around which workers (adults and children) sit on the floor, embroidering, using sequins and threads including zari (golden thread). The workers also sleep in these rooms. The Sarees are made for the Nepalese markets and sold in Kathmandu city mostly. There are two other rooms, one is a living/ bedroom for the employer and his family.

V. Interview with Employer

Name: [REDACTED] (male)

Age: 27

Origin: a village in Mohatari district (bordering the state of Bihar in India).

Employment history: He set up this embroidery unit three or four years ago.

He says he has 10 children employed at his unit. All children are above 14 years of age (above 14 is the legal age for working in Nepal. From my observations, see also pictures, many of these children are easily under 14). Most of the children have been working in this unit for about one to two years, some have been here only a few months.

The owner says children end up in his unit in three different ways:

- owner brings them from the village (which is either his own village or a neighboring village), he pays an advance to the parents
- parents bring their children to him and he gives them an advance
- relatives/siblings bring along children

Those that are unskilled/untrained join as trainees and do not get any wages. He says he provides them food, shelter (the room to sleep in) and takes care for any medical expenses. Once trained after about one to two years, he begins paying them. For a skilled child, the advance given to parents ranges from NR 5,000 – 10,000 (approx. USD 83 – 167). The skilled children are mostly those who have previously worked in India (Delhi/ Mumbai).

Monthly wages are not paid. Only when the child/parents ask for money, he gives it to them. It is again given as 'advance', against which the child is expected to work for the amount.

He says children are free to leave if they want and he settles the (outstanding) advance with their parents.

The children work from nine am to eight pm. They get breaks for lunch and dinner.

The children are involved in doing embroidery on the sarees. The employer traces the design on the Sarees and children then embroider. They embroider with sequins, threads, including golden thread and decorative stones. They mostly work on sarees but sometimes they work on salwar-kameez (long shirt and trousers, normally worn by women). The sarees are mostly chiffon or georgette.

He says that children are best suited for this work since being young they can be trained and their fingers being small help them pick up the work. He says he himself learnt as a child when he worked in similar units in Delhi, India.

Even though he doesn't pay wages monthly, the average range of per month earnings for the current 10 workers are as follows

- two are trainees and do not get paid (only get food, place to sleep)
- two earn NR 2,200 (approx. USD 37)
- two earn NR 2,500 (approx. USD 42)
- the others earn NR 3,200 (approx. USD 53); NR 2,800 (approx. USD 47); NR 2,700 (approx. USD 45) and NR 2,300 (approx. USD 38) respectively.

Employer says he gets a minimum of NR 400 (approx. USD 6) for each saree he delivers to shops (who have provided him with the Saree) and a minimum of seven to eight sarees are embroidered every day.

The sarees are for the Nepalese market, sold in shops in Kathmandu and other cities.

Two of the child workers have been to school before, dropping out after class eight and class five. Others have never been to school

(My observations: The information from the employer cannot be entirely honest. These children are clearly exploited and their working conditions are extremely poor. They sit all day (nearly 12 hours), on the floors, embroidering away with needles, threads and decorations).

Researcher's Comments: The interview was conducted with the employer since I could not interview children and in this sector children are employed as singles and not along with family members. It appeared that the employer was not keen for my interactions with workers – adults or children, though after some time he did allow for pictures to be taken (as long as I did not take copies of his embroidery designs). The employer seemed the only adult who I could interview here. I used broadly the questions from Type I and Type II as relevant. I would classify this as Type II since I interviewed him in lieu of workers/ children. But let me know what you think is better. Also I could not follow the question-

answer format. I had to move gradually from conversations to specific questions, as he grew more at ease. He was generally suspicious and obviously defensive about why he had young children employed.

5. Embroidery Unit, Site 2,

Thimi VDC, Bhaktapur district.

March 4, 2008

No interviews. Only photographs and Observation Notes

6. Embroidery Unit, Site 3,

Thimi VDC, Bhaktapur District.

March 4, 2008

Researcher's comment: This factory is on two floors of a private building, which has been rented by the owner. The owner is reluctant to allow my visit and interview but the trade union intervenes and I am allowed to see the workers working on the sarees. There are about four frames in this one room and about five to six workers, most of them under 18, all boys, doing embroidery with threads, sequins and beads. I am able to get some time from the oldest worker who says he is 18. The employer sits with us during the interview. I sense that I should make this quick and short. I did not use my questionnaire sheet but ask questions casually, in order that the employer does not get upset, interfere or prevent me from talking to the worker. The responses here are not in Question-Answer format but include all information shared by the worker.

VI. Interview with adult male worker

Name: [REDACTED]

Age: 18

Origin: village Basantpur in Sarlahi district

Employment history: He does embroidery on sarees. He has been doing this work for the last seven to eight years. He has been working in this particular factory for the last four years. He learnt this skill in Kathmandu city in a factory in Baneshwor.

The owner is from his village and [REDACTED] approached him for work. He earns NR 5,000 (approx. USD 83) per month (calculated on the basis of daily wage but paid at the end of the month). He also gets expenses for food every week (NR 400/ USD 6). The food expenses and cost of shelter provided by the employer is deducted from the wages paid at the end of the month. He works from eight am to 11 pm, with a lunch break for an hour. He gets allowance for breakfast (food expense money) and the employer provides tea in between.

He says he goes home when required. In agriculture season he goes home for one month and then comes back to this factory. At the time he goes home, the owner gives him NR 400-500 (approx. USD 6- 8) as bonus/ to meet travel expenses (called *kharcha paani*).

Carpet Factories

7. Carpet Factory Site 1, Bhaktapur district

March 14, 2008

Researcher's Note: The first site is a building with four floors, on two floors there are looms. Children were working on top floor, which I am told is a strategy to keep children out of immediate sight.

There were about 15-20 workers on about six looms. Children in the age group 12 and above have been working there for the last two years at an average (information from union representative). The children are both boys and girls (see pictures) I was advised to keep a low profile so refrained from taking notes. I observed cuts on the hands of the workers including children. I am informed those are cuts from the threads they use. They were sitting, kneeling on the floor or on wooden benches suspended from the ceiling (see pictures) as the weaving progresses, they move from the floor to the benches suspended. The room is pretty dark, there are windows on one end which gives some light. Once it gets dark, they work under light bulbs.

VII. Interview with adult male worker

Researcher's comment: I could not follow question-answer format since there seemed to be reluctance on part of workers. Kept it like a casual conversation and the note here has all information shared by this worker.

Briefly interviewed a 19 year old boy who has been working in the carpet sector for about five years and in this loom for about two years. Upon asking what he earns he is unable to say how much he earns in a month because payments are made after every couple of months, the last payment he received two months ago was about NR 5,000 (approx. USD 83). He takes advances regularly; his latest outstanding advance is NR 2,000 (approx. USD 33). His mother is back in the village in district Kavre, one brother younger to him is involved in Thangka paintings in Bhaktapur and his father is also working in the Kathmandu valley (can't remember in what occupation). He gets one day holiday (Saturday). He says he works on the loom from morning to night, gets two meals a day and sleeps in a room in this building with all other male workers. There are some other children younger to him working alongside. He says they come from different districts, names Sindhupalchowk as one. All workers regularly take an advance, he cannot say how much they all earn. He says the employer doesn't beat the children or other workers.

8. Carpet Factory Site 2, Bhaktapur district,

March 14, 2008

No interviews, no photographs.

This is also in a (brick) building, like an annex to the house of the employer. Its one floor, ground floor, large hall with over 20 looms. I didn't see any children working on the looms, one child (infant) was in a makeshift crib, some four to-five children under eight years were seen in and around the factory premises, mostly around their working mothers. At this site I was advised not to take pictures or interview workers.

9. Carpet Factory Site 3, Bhaktapur district,

March 14, 2008

No interviews. Only photographs and Observation Notes.

Researcher's Note: Since I was unable to interview workers, I have interviewed the trade union representatives in charge of the carpet sector and Bhaktapur district. See their interview (Type I) for information on child labor/forced labor in the production of carpets in Nepal.

10. Carpet Factory Site 4, Kathmandu City

March 19, 2008

Name of Factory: [REDACTED]

Employer: [REDACTED]

Number of Employees: Unit 1: 90, 20 are under 18 years old. Of these five are under 14 years old. Unit 2: 40, four to five are under 18 years old, none under 14.

VIII. Interview with adult woman worker, whose children work with her

Name: [REDACTED], aged

Age: 36

Origin: Ramechhap district, Preeti VDC.

Employment history: The respondent has been working in this factory for the last 10 years (been in carpet weaving for last 22 years) and the daughters started working alongside her about three to four years ago.

Husband works in Saudi Arabia. She lives near the carpet factory in private rented accommodation with three children- daughter 17 years old, daughter 16 years old and a son 14 years old. All of her children go to school. The daughters work with her outside school hours. The son doesn't work.

The working hours are five am to seven pm. The interviewee informed that she gets about two to three hours break in between.

The interviewee informs me that there are more girls than boys under 18 in her factory, most are with their parents who also work in the factory. About three children are without parents, aged 16-17 years old. They all come from district Makwanpur. Other than her children, all other children working in the factory do not go to school. Children are engaged in both weaving and spinning. Weavers in general earn more than spinners. The parents of all children working in these factories have taken advances from the owner. According to her the single children are paid fixed wages, she is not aware of the exact amount.

1. In what occupations/activities do/did you/the child victim(s) work?

In the carpet factory where I weave carpets, also my older daughter weaves and my younger daughter spins (the wool).

2. What good(s) do you/they produce?

Carpets.

3. What tasks do you/they perform?

Same as above.

4. Who is your/their employer?

██████████.

5. How did you/they come to be involved in these occupations/activities?

She has been working in the carpet factory for 22 years, she earlier worked in her village and then moved from factory to factory. The current employer gave her an advance and she moved to work in his factory.

6. Are you/they paid for their work? If so, how? (i.e. cash, in-kind).

She is paid on a piece rate basis, on per square meter of carpet woven. She earns on a weekly basis, NR 500 (approx. USD 8) every week. The younger daughter's work is paid for with the mother's work and the older daughter earns about NR 1,500 (approx. USD 25) every month.

7. Do you/the child owe a debt (*saunki*) to your employer that you work to pay back?

She regularly takes loans/advances from the owner, current outstanding is NR 3,000 (approx. USD 50) which she took three months ago. It will be deducted from the wages at the rate of NR 200 (approx. USD 3) per week (so she effectively gets (NR 300 or USD 5 per week as wages). The children have not taken any advances.

8. If so, how was this debt incurred?

See response above

9. What are your/their working conditions? Are there dangerous tools, machinery, fumes, or other physical risks?

N/A Research did not have time to ask this question.

10. Are you/the child beaten/abused by the employer?

No beating or harassment by the employer.

11. Are you/they threatened by the employer if certain job tasks are not performed? What kind of threats?

No.

12. Does your employer provide food and shelter? If so, do you/they have enough to eat?

Employer provides accommodation but she lives in a separate accommodation since she has many children and cannot share a room with other workers.

13. Are you/they able to leave your/their workplaces at will?

She has no contract, written or verbal with the employer. She says no worker in this factory has any contract.

14. How far away is your/the child's home? How did you/they get here (to this place of employment)?

15. How old are you?

36.

16. What is your education level?

N/A Research did not have time to ask this question.

17. (Whether the person is male/female

Female.

IX. Interview with adult woman worker who works along with two children in the carpet factory

Name: [REDACTED]

Age: 35 or 36

Origin: district Makwanpur, VDC Thaparbadi

Employment history: Children joined parents in this work 3 years ago. Parents have been working for longer (not specified).

Researcher's Comments: I did not follow Question and Answer format with this second respondent from this site since the employer seemed to be getting impatient. Have asked broad questions from our list and all information shared by her is recorded here.

She works in this factory with her husband and has five children two of whom work with her in the carpet factory; two daughters aged 18 and 15 respectively. The other children: a son aged 13 goes to school and doesn't work, a daughter aged nine goes to school and doesn't work and her youngest daughter aged five doesn't go to school and stays with her mother in the factory. They have been in this factory for the last seven years, returning to their villages during the festivals of *Dashain* and *Tihar* (October-November).

Wages are paid every 10 days on the basis of work done (piece rate basis). The entire family (four working people, two adults, two children) earns about NR 5,000 (approx. USD 83) every 10 days. From this about NR 1,000 (approx. USD 17) is deducted against the advance they have taken. The latest advance is about NR 15,000 (approx. USD 250) – 16,000 (approx. USD 267). The employer provides shelter near factory premises (see picture). All family members work on one loom at a time. The children joined parents in this work about three years ago. Prior to joining them they were in the village.

Employer does not beat or harass. They are free to leave. However not all family members are allowed to leave during annual festivals if the family has outstanding advance at that time. And the time when they take the advance is precisely the time of festival (dashain). So some family members, mostly one of the parents stays back while the other parent takes the children back to the village for festivals. Their working hours are from five am to seven pm and they have holiday on Saturdays.

11. Carpet Factory Site 5, Kathmandu City

March 19, 2008

No interviews, only photographs and Observation Notes

12. Carpet Factory Site 6, Kathmandu City

March 19, 2008

Name of Factory: [REDACTED]

Address: [REDACTED]

X. Interview with adult male worker, who works along with wife and sisters under 18.

Researcher's Note: This interview was conducted while the respondent was weaving. He did not want to get away. He did not seem to want to spend too much time on the interview so I just asked few questions from the list. The responses are not in Question-Answer format for this reason. All information shared by him is recorded here.

Name: [REDACTED]

Age: 20

Origin: district Makwanpur

Employment history: He learnt weaving about five years ago in a factory in Kathmandu. He works in this factory with his wife and two younger sisters, aged 15 and 16 respectively. The sisters joined him and his wife for work, three months and over a year ago respectively.

They all work from four am to eight pm, with a one-hour break at 10 am (from 10 am to 11 am, the NGO conducts non-formal education classes on the factory accommodation premises). On Saturdays they work from four am to 10 am and after that they have the rest of the day off.

They all get paid as one unit. Every week they receive NR 500 (approx. USD 8) towards food expenses. Final payment is made per completed carpet. In the final calculation the employer deducts the weekly food expenses. It takes this family of four workers, between one to two months to complete one carpet. The last carpet they completed earned them NR 11,000 (approx. USD 183) from which the advance amounting to NR 9,000 (approx. USD 150) and weekly expenses were deducted, fetching them nothing in hand. They then received weekly expenses for the following week.

He got involved in working in this factory when the employer/owner of the factory visited his village to collect workers by giving an advance. The employer is also from the same village.

He says he can leave jobs as long as the advance is returned.

Every year during the festival (Dashain) they go to the village. At that time they get an advance of NR 3,000-4,000 (approx. USD 50 - 67) and so after the festival they have to return to this employer/factory. If they do not return to this factory, the employer who is familiar with the village will somehow extract the advance from them.

The employer doesn't beat them but pressures them to finish work (fast).

Total employees in this factory are 35, about 10-12 are under 18. Most of these are 15-16 year olds. There are none under 14 according to him.

Researcher's Note: After this interview was over, a few women workers accompanied us and then quietly shared that we were being watched by their contractor. So there is certainly a contractor involved and the women say he owns the quarry and they have to pay him NR 1 (approx. USD 0.01) per basket of stones that they are paid for by the trucks. Hence, they receive a net of NR 9 (approx. USD 0.15) per basket. From discussions with the NTUC representatives who had accompanied me earlier to brick kilns I had heard that contractors take the river bed on lease from the District Development Committee (local government body) and then 'charge' workers for working on that part of the riverbed.

I was at the site from 10 am to 12 pm and the children of this woman were working with her here and were not in school. It was not a school holiday either.

XII. Interview with women migrant worker from India who works here with children.

Name: [REDACTED]

Age: 35

Origin: Motihari district in Bihar, India.

Employment history: She has been working here for the last three years and has never gone back to her village.

She lives in rented accommodation near the stone quarry.

She has three children working along side her in this quarry: daughters aged 15 and 11 and a son aged seven. The oldest daughter doesn't go to school but works full-time with the mother. The younger children aged 11 and seven work with her before and after school hours.

The mother looks for stones in the river, fetches them and then they all together break stones with a hammer, while holding stones in place with a kind of a rubber ring (see photograph).

They came to work in this site when her husband brought them from the village after he heard of work available in the quarry. The husband himself doesn't work at the quarry but is involved in making/repairing cotton stuffed blankets (locally known as Razai) and making and repairing umbrellas as a mobile worker.

There is a family here they refer to as the *malik* meaning owner/employer. But the stones are collected by and paid for by the truck drivers, not the person she calls malik. The truck comes once every three to four days, sometimes once a week and that's when the payment is made. They produce about eight to 10 baskets of broken stones in one day. Their employer doesn't not give any expenses for food or shelter.

We don't want to leave this work, we will have no other work then (if they left), there is no (other) work available. There are many children working here at this time its too hot so they have gone home for lunch.

14. Stone Quarry Site 2, Lalitpur district

March 27, 2008

Researcher's Note: This stone quarry is along the same river, Nallu Khola. It is part of a large compound owned by someone called [REDACTED]. There are large machines here for crushing stones. Along the river-bed here one sees several piles of broken stone, broken by workers.

XIII. Interview with woman worker who works here with children.

Name: [REDACTED]

Age: 34

Origin: neighbouring VDC (Bhattedada) within this district ([REDACTED])
[REDACTED]

Employment history: Working at this stone quarry for the last four years

Researcher's Comment: While interviewing this respondent, several men came and surrounded us and started mocking the respondents. They were other workers from this site and were mostly truck drivers who are also close to the contractor. I refrained from using the interview list and stuck to broad questions in a conversation mode. All information shared by respondent is recorded here.

She belongs to *Dalit* caste and has been living and working at this site for the last four years. She has three children – all boys aged 14, 12 and nine, attending school in grades six, five, and three at a nearby government school. They all work with her outside of school hours, from six a.m. to nine a.m. and 4.30 pm to six p.m. She comes to work at nine a.m. while the children come at six a.m., she says she has to cook and do household chores in the morning, so she goes later than the children and stays on to work till six p.m. (I was at this site till five p.m. and her children were still working with her, so in all likelihood, the children work till six p.m. and they all go back home together).

She says her employer is the contractor who owns this stone quarry (including all the machines here, it's called a factory). His name is [REDACTED]. She says they receive NR 8.50 (approx. USD 0.14) per basket of stones collected (NR 0.50 less than at the other site, see interview above). The truck comes to collect the stones and make payments. This stone is taken by the trucks to Kathmandu. The schedule of the trucks is erratic and sometimes the truck driver informs the workers about the next visit and sometimes he doesn't. He comes once a week or once a month. They get no advance for the work. The last time the truck came to collect stones and make payments was a month ago and they (as a family) earned NR 850 (approx. USD 14).

To meet daily expenses they often take loans from moneylenders (not employer/contractors). These are local moneylenders in the village and they do not charge any interest. The last loan she took from a moneylender was NR 1,000 (approx. USD 17), which she returned within a month.

Her husband works in another stone quarry.

The exact work done by children includes fetching stones from the river bed and breaking these stones. The older son and the mother also load the stones onto the trucks. They do not get any expenses for food/shelter from the employer. They are free to move out. The contractor asks the workers to involve children in the work.

The number of families/ workers at this quarry varies from time to time. She works year round but many workers come during lean period in agriculture. At this time there are about 40 families working at this quarry, each family has between three to five children working with them

Site Visit – Observation Notes

Nepal

In-country Research - Forced Labor/Child Labor

Researcher: [REDACTED]

(Total Number of Sites Visited: 16)

1. Brick Kiln Site 1

March 3, 2008

Name of Brick Kiln: [REDACTED], Kathmandu District, Nepal
(about 15 km from Kathmandu city).

2. Brick Kiln Site 2

[REDACTED], Kathmandu District, Nepal (about 15 km from
Kathmandu city).

I have written one observation note for both sites. They were adjacent to one another and it was not easy to tell where one site ended and another began.

Brick Kiln Site 1 and Site 2 are adjacent to each other along with several other brick kilns (one brick kiln has one chimney). They are all situated amidst agricultural fields that are owned by and/or tilled by locals from this village. The workers work in open land areas, digging clay, often muddy, with legs immersed in the mud while digging. There are no gloves or shoes/boots. Digging is done manually with a local tool (like a spade). Clay is modeled with a model frame into perfect rectangles and let to dry before they are taken by the Indians to bake. At the baking site, few workers are involved in actually placing the bricks for baking, more are involved in carrying/stacking the bricks. It is dusty and faces and bodies of all workers are covered in mud/dust. There is no protection from breathing in the mud and dust nor from the sun. They all get an hour break during lunch time and work begins at sunrise and ends after sunset (in other sites I visited see below, work started at one am).

As I walked towards Site 1, I saw 3 children, Nepalese boys, involved in digging clay (see pictures). They seemed to be between 12-14 years old. One of them was in a kind of a mud pit, digging out mud. There was some water in this pit. It was wet, muddy and the boys legs were covered in mud.

The Brick Kilns look like this: there are parts where mud is being dug, mostly that creates mud pits. Around and close to the mud pits are flat areas where workers mold the mud into bricks, using a frame. Then there are areas where the modeling bricks are laid out for drying. Close to this is the area where the dried bricks are stacked. Often the

temporary shelters where workers live are next to these piles of bricks. These temporary shelters (see pictures) have brick walls, are no more than 4 feet in height (I had to bend a lot to enter them). The roof is made of straw, tarpauline, plastic sheets. Inside and outside these huts there are cooking utensils, kerosene stoves.

At the time of my visit to Site 1, among children, under 18, I saw only boys among the Nepalese involved in digging mud. I also saw some children around the pile of dried bricks. They were stacking dried bricks into piles (see pictures). Here I saw younger children (maybe 10 years old or so) and also girls.

In Site 1 I conducted an FGD with a group of Indian men near the chimney where they were working. These men were involved in removing bricks from the kilns and stacking them onto piles. These piles must be about 12-15 feet high. The men would stack a pile at about 5-6 feet, climb on them and then pile further. There were rows of such stacks (see pictures). The work involved rapid movements, where they were passing bricks to one another and stacking them. The workers were covered in dust, their hands, faces, entire bodies. There were no gloves, no protection against inhaling dust, etc. The Indian workers come only as single men and during my visit I saw 2 children, a boy and a girl who had come from India with their parents. This I was told was an exception. Mostly Indian men come without families. The children, like adult workers were covered from head to toe in dust. They were not working in the chimney or in the process of stacking baked bricks. The Indian workers tend to live near the chimneys and I gather that is because their work primarily involves baking the bricks.

In Site 2 I conducted interview with Nepalese adult male worker. The arrangement at Site 2 looks similar to Site 1. The Nepalese workers tend to live further off the chimneys, close to where mud is being dug, molded, sun-dried and stacked. Here too I saw boys (aged 12-14) digging mud, some stacking bricks. In all, in both the Sites, during the time of my visit, I did not see more than 12-15 children. The work in the sites, I am told is at its peak before sunrise and wanes as it gets hotter and then peaks again in late afternoon. During the day, there is less work happening in pre baking stage, though the chimney work was in full swing.

3. Brick Kiln Site 3, March 4, 2008

Location: [REDACTED], Kathmandu Valley (about 25 kilometers from Kathmandu city).

There are several chimneys here and I understand that a group of 4 Nepalese jointly own this set of brick kilns. It has rained on the previous night and early morning and there is hardly is not much work going on at the site during the time of my visit. I see many workers sitting together, children walking around. It's almost like it's a day off. Upon enquiry I find out that due to the rain their work has been hampered and the workers will wait till the site is dried up in the sun before starting to work. Many workers have gone out of the site to run errands or to visit nearby town areas.

The arrangement of the site is similar to the previous sites I visited. The area near the chimney has stacks of baked bricks and settlements of Indian workers, while the Nepalese live and work a bit further off, where they dig mud, mold, stack, sun dry the bricks. The huts here are also made of brick walls and plastic sheet for roof. They are no more than 4 feet high. I do not see children or adults digging mud or stacking bricks.

There are some children, boys and girls both who are seen in the area where coal has been stacked. They are picking the coal, breaking them into smaller pieces. I am informed that this is the coal for the chimneys where bricks are baked. The children wear no gloves or have any protection against inhaling coal dust. The workers, children and adults that I see in this site are not covered in dust (its not dusty today since the rain has settled all dust and the ground is wet). The children are in fact dressed like they would on their weekly holiday.

One of my interviews in conducted with an adult woman worker inside her hut since she is nursing a new born baby. Her step daughter works along with her and her husband in the brick kilns (see interview for details). The inside of the hut is quite cramped. Very low ceiling and the length of the inside of the hut could not have been more than 10 feet and the width not more than 5-6 feet. At one end of the room was a bed (wooden) on which the woman sat with her baby. At the entrance of the hut was space for cooking, with gas stove and utensils. I am told than the children of this family sleep on the floor of this hut or outside the hut if it is not raining.

4. Embroidery Unit Site 1

Location: Thankot, Thankot VDC, district Kathmandu (about 15-20 kilometers from Kathmandu city).

March 3, 2008

This factory is situated in the ground floor of a private house rented by the employer. It is in a residential area. I am told numerous such factories are operating in the houses in this residential area.

There are two rooms of roughly 12 feet length and 6 feet width where sarees are spread on wooden frames and around which workers (adults and children) sit on the floor, embroidering, using sequins and threads including zari (golden thread). The workers also sleep in these rooms. The Sarees are made for the Nepalese markets and sold in Kathmandu city mostly. There are two other rooms, one is a living/ bedroom for the employer and his family. There is a toilet.

Both rooms have poor light coming in from the windows on one of the walls. In one room there are both adult and children, more children than adult and in the other room, to which I am taken later, there are only children. All workers are male. Their clothes are hung on the walls or lying around in the room. I am told they sleep in the same rooms on the floor. The workers sit in an uncomfortable way – very little space, just enough for

them to fit between the wall and the frame or between one frame and another. They sit kneeling around the frame, neck bent over their work. I am told they work from dawn to dusk in this way, getting only a break at lunch-time.

There were at least 10 children working in this factory at the time of my visit and they were mostly under 14 even though the employer said they were all above 14 (the legal age of working).

5. Embroidery Unit, Site 2,

Thimi VDC, Bhaktapur district.

March 4, 2008

This factory is situated on the second floor of a private building in the midst of a residential and market place in Thimi, a small town. The other floors of this building serve as a private hospital.

The embroidery factory consists of a large hall, about 30 feet in width and 60 feet in length. The workplace serves as a living room for the workers, who sleep and eat there as well. There are about four frames on which four sarees are being worked on at the time of my visit. At each frame, about six children, all boys, in the age group six to 18 are working, doing embroidery with threads, sequins and beads. (I think some of these children are under 10, but the trade union representative accompanying me says they are between 12 and 18). At the time of the visit there are about 15 children working here. There are clothes, mattresses, blankets, utensils, kerosene stove (for cooking), some potatoes, vegetables lying around. Outside this room, near the stairs is a bathroom. This is perhaps amongst the best lit factory I saw in my site visits. It has windows on 2 sides. I am told these children come from villages in the districts of Mohatari and Sarlahi.

There are no adult workers in this factory at the time of this visit, neither is the employer around. I am told I can talk to the boys since the employer is not around but I do not. I have taken some pictures since the union representative said it should be all right but then I am asked to leave.

6. Embroidery Unit, Site 3,

Location: Thimi VDC, Bhaktapur District.

March 4, 2008

This factory is a few buildings away from the previous factory (see above) I visited. Two floors of this building have been rented by the employer/owner. The owner is reluctant to allow my visit and interview but the trade union intervenes and I am allowed to see only one floor where the workers are working on the sarees. There are about four frames in

this one room and about five to six workers per frame, most of them under 18, all boys, doing embroidery with threads, sequins and beads. Its very cramped and workers are sitting in the narrow space between the rows of frames (see pictures). They sit kneeling around the frame. The wall along the length of the room has windows but there is not sufficient light at the side furthest from the windows.

7. Embroidery Unit, Site 4,

Thimi VDC, Bhaktapur District.

March 4, 2008

I did not conduct any interviews here.

This was by far the worst site I have seen in all my visits (see pictures). It has the youngest of boys and in the worst of environment. This factory is situated at the basement of a large residence. There are 2 rooms. In one room there are mostly older boys, above 16 and adult male workers and in the other room there were only young boys, some of whom I suspect are only 8 years old. There were 6 or 8 boys in one room where I have taken pictures. There were 2 frames on which two sarees were spread. The boys sat kneeling at the frames, some of them were so young that they were too short for the frame (see in picture boy on right- his arm).

8. Carpet Factory Site 1, Bhaktapur district

March 14, 2008

The first site is a building with four floors, on two floors there are looms. Children were working on top floor, which I am told is a strategy to keep children out of immediate sight.

There were about 15-20 workers on about six looms. Children in the age group 12 and above have been working there for the last two years at an average (information from union representative). The children are both boys and girls (see pictures) I was advised to keep a low profile so refrained from taking notes. I observed cuts on the hands of the workers including children. I am informed those are cuts from the threads they use. They were sitting, kneeling on the floor or on wooden benches suspended from the ceiling (see pictures) as the weaving progresses, they move from the floor to the benches suspended. The room is pretty dark, there are windows on one end which gives some light. Once it gets dark, they work under light bulbs.

9. Carpet Factory Site 2, Bhaktapur district (No Pictures)

March 14, 2008

This is also in a (brick) building, like an annex to the house of the employer. Its one floor, ground floor, large hall with over 20 looms. I didn't see any children working on the looms, one child (infant) was in a makeshift crib, some four to-five children under eight years were seen in and around the factory premises, mostly around their working mothers. At this site I was advised not to take pictures or interview workers.

10. Carpet Factory Site 3, Bhaktapur district,

March 14, 2008

This is again in a building, there are looms on about three floors. I had access to one floor only. I was earlier advised not to take pictures/interview, but after a brief introduction with the employer and talking to workers, was allowed to take pictures. I saw about four children under 18 here, talked briefly to three girls aged 12, 13 and 15, who have been working for about two years in this loom (see pictures). They all come from Sindhupalchowk. Some were sitting kneeling on the floor while others were on suspended benches. They all wore bandages on their fingers and wrapped their palms in discarded wool, to protect themselves from cuts. The work site faces the road on one side and is open on the side towards the road, while the other end is very dark, with no windows or light and there were no lightbulbs which I was told were only used after sun set.

11. Carpet Factory Site 4, Kathmandu City

March 19, 2008

Name of Factory: [REDACTED] (has two units in this area, I visited only one unit). [REDACTED], Phaika, Kathmandu District.

Employer: [REDACTED] (is also the owner and recruits directly, not through contractors)

Number of Employees: Unit 1: 90, 20 are under 18 years old. Of these five are under 14 years old. Unit 2: 40, four to five are under 18 years old, none under 14.

This factory is situated in a residential area in Kathmandu City. It is a large hall adjoining a building with about 3 floors. The latter has rooms for lodging of the workers. Outside the factory is a shed where wool is being spun. I only saw adult women engaged in spinning wool. Opposite the spinning shed is a toilet which is unclean. Inside the hall there were at least 10 looms, arranged one after another in rows. Workers sat on wooden benches that are set on the floor or suspended from the ceilings, to facilitate weaving longer carpets (they start weaving at the bottom and keep moving upwards. There were adult men, women, as well as children working here. Almost all children were here with some family member or relative. I did not see under 14 year old children in this site. Lighting is not equally sufficient in all parts of the factory and there is wool dust suspended in the air.

12. Carpet Factory Site 5, Kathmandu City

March 19, 2008

The second carpet factory we visited in Kathmandu was also a registered factory. I was not able to interview any workers. There appeared to be some hostility on the part of the owner. I did manage to take some pictures though. The factory had some 10-15 looms and about 30 workers at the time of the visit. There were about six children under 18 working in the factory, most seemed over 12. Two of these children were wearing school uniforms and I understood that those were the only clothes they had from their school back home in the village. These two children, one boy, about 10 and one girl about 13, were weaving carpets alongside their sister and brother-in-law.

There were many, about 10 young children (under six or seven) loitering around in the factory, playing with wool, tools and walking around the looms where their parents were weaving carpets. There is a lot of wool dust suspended in the air. Lighting is sufficient in some parts closer to windows while poor at looms that are further off. There were no electric lighting.

The factory is located in a residential area. It's in a compound which has toilets and some open space, living quarters and a large hall that serves as the factory.

13. Carpet Factory Site 6, Kathmandu City

March 19, 2008

Name of Factory: [REDACTED]
Address: [REDACTED], Kathmandu

This factory is located in a residential area.. It's in a building without about 3-4 floors. On the ground floor is a large hall where looms have been set and on the second floor are rooms where the workers live. In this site I saw the most number of children under 18 working (among all carpet factories visited). Some workers, adults and children were sitting in benches set on floor, facing the loom while others were sitting on benches that were suspended from the ceiling. There is a lot of wool dust suspended in the air. There is poor ventilation in this factory and the windows in either side of the walls do not provide sufficient lighting. There is no electrical lighting.

14. Stone Quarry, Site 1, Lalitpur District.

March 25, 2008

[REDACTED], about 13 kilometres from Kathmandu City [REDACTED]
[REDACTED]

This stone quarry is a small area along the river bed with a couple of piles of broken stones and some temporary shelters to demarcate families that work here. I do not see any men crushing stones and children outnumber women. At the time of the visit I saw about six adult women and 10-12 children in this area, indicating at least six families work here. The quarry is a level lower than the main road and on the main road is a house of the contractor (overseeing the quarry). The place where workers are breaking stones is only a few feet away from the river. The river is dry, just a little stream running along. I was here at 10 a.m. in the morning, it was hot, windy and dusty. I was informed by the workers that many workers had left since it was too hot and would return after it cools down, after 2.30 pm or so.

It appears that a set of piles of crushed stones, indicates work area of a family. They all work in the open, few feet from the river which was at that time almost dry. Some of the workers have put up temporary shades under which they crush stones when it gets too hot. This is made with a frame of 4 sticks over which they fling some piece of cloth. At the time of my visit most workers were crushing stones in the open, under direct heat of the sun.

The basket in which stones are piled are woven baskets made of some kind of a straw. The basket is the unit of measurement for their payment. The instruments used for breaking stones include a hammer and a ring of rubber that is used to hold the stones in place. The workers hammer the stones in the ring to break them. The workers have no protection against the sun, the dust, or the hammer. They break stones with bare hands and stone pieces keep flying all over the place, often hitting the workers. Their eyes seem particularly at risk as they squint while breaking to prevent stone pieces getting into their eyes. I am informed that this site belongs to a contractor who lives in a house about 6 feet above the river-bed where they are working. There is a government school adjoining this site.

15. Stone Quarry Site 2, Lalitpur district

March 27, 2008

This stone quarry is along the same river, Nallu Khola. It is part of a large compound owned by someone called [REDACTED]. There are large machines here for crushing stones. Along the river-bed here one sees several piles of broken stone, broken by workers.

This stone quarry is a much larger site than the one visited earlier. It includes a factory on the site where stone is crushed with heavy machinery. I am informed that children are not involved in the factory work. At the time of the visit, there were about five families, breaking stones in specified areas. It appears that each family marks an area along the riverbed where they break and pile stones. Each group of piled stones notifies the 'area' of a family. The river was almost dry and I was informed that work intensifies during and after monsoons that brings more water and therefore more stones. The distance between

the river and where the workers work is hardly a few feet. At the other end of the river, as far as one could see there were piles of stone on either side of the river, some houses, a couple of factories.

I could see children and their mothers breaking stones, about six adult women and 12 children in one spot. A few children (aged over 10) were walking on the river bed with the straw basket hanging on their backs, suspended from a rope supported at their heads. They were looking for stones and collecting them in the baskets.

While I was interviewing this woman worker, a small child, under three years old was seen breaking stones. Obviously he is not 'employed' but he sits all day along with his mother and when she is not using her tools he just picks them up and starts hammering away at the stones (see pictures). All workers around me when I was interviewing this woman laughed and joked about this.

I did not see any men breaking stones. I saw them mostly around the heavy machinery.

This evening, there were many trucks coming to and from the riverbeds, each time they passed by, the workers were covered in dust. It's very windy here and dust and small stones are swept constantly on the faces of the workers. The women try to cover their faces and mouths with their scarves but the children have no protection. They break stones with bare hands, using a hammer and a rubber ring to hold the stones in place. The stone pieces fly around hitting them all over. There is no protection for the eyes, for the hands or against the dust.