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# CWISH NEWS

Children and Women In Social Service and Human Rights Issue 12

## PROJECTS AND ACTIVITIES IN THE NEAR FUTURE:

Report on Child Domestic  
Workers in Nepal 2011

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Finalization of  
Consultation Report on  
ILO's Convention and  
Sharing of It Among  
Stakeholders

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Registration of National  
Child Protection Alliance

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Programme Advisory  
Committee Meeting on  
Three Districts and  
National Level

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Finalization of Proposal on  
Survey in Chitwan with  
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15 Resource Center  
Orientations on Child  
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Formation of Education  
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Parents' Forum Meeting

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Training to SMC and PTA  
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Monitoring and  
Management at 15 Schools

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Group Counselings for  
Child Domestic Workers  
and on Child Sexual Abuse

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Dissemination of Book on  
Supreme Court's Child  
Sexual Abuse Precedents  
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Interministerial Meeting  
on Child Protection

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Training Workshop with  
Labor Officers, Child Rights  
Officers and Police  
Personnel on Handling  
Domestic Child Labour  
Case

## *Constitution drafting in Nepal: Rising Expectation and Slow Progress*

The aspirations of the People's Movement II in 2006 and the casting of people's verdict through the constitution assembly elections have yet to be materialized in Nepal due to the delay in the constitution making process. Once again the government tabled an extension proposal for one more year.

The constitution making process in Nepal has from the beginning been very democratic and inclusive. However, it's moving through a curvy road with a number of hurdles related especially to peace process, federal system, ethnic movement and also to the power struggle among political parties.

The expected constitution is supposed to lay a foundation for the socio-economic and political transformation in Nepal. It's also expected to help in the change of the existing power structure and in making Nepal move towards more prosperity, economic growth, social cohesion, justice and equity.

The aspirations of the People's Movement II together with the elections have raised expectations in Nepali communities as they have given a promise of more freedom and of the realization of a fully sovereign power of people. Both the movement and elections have also raised the confidence of marginalized and suppressed communities. But the slow progress in the constitution making process has started to frustrate people and provoke negative perspectives towards federalism and the republic and democratic model. As a result a series of strikes was called in the last week of May and many of them were successful to affect people's life which symbolizes the fear among the people, which again reflects the lack of security and lack of trust in the government.

The civil society in Nepal has been continuously pressurizing the government and the political leaders from the very beginning to deliver the constitution and settle down the peace process concerns and issues timely. We have challenged the political parties to be practical and realistic when deciding the time frame for settling the peace process and drafting the constitution, and we have also simultaneously appealed them to have their concentration and priority on the peace process and constitution drafting. Ironically political parties' focus has been on power struggle and the constitution assembly has functioned more as a parliament rather than as a constitution assembly during the past period, and as a result we are quite late.

Still we strongly believe that the drafting of constitution is better done through a constitution assembly than in any other way. The People's verdict is reflected in the assembly and it could never be reflected by a small group of political leaders or by a technical commission.

Yet, an extension of the constitution assembly is by itself not a justifiable option. Before that we need a new consensus among all political parties, at least among CPN-UML, Nepali Congress, UCPN-Maoist and Madhesi Political Parties. Along with the consensus we need a clear calendar setting the deadlines for the peace process, adjustment of Maoist combatants and constitution drafting process. Only with these three deadlines agreed the Nepali people can endorse the extension proposal that should be realistic and sincerely followed.

The rising expectation, if not responded by the political system, may create a risk of further chaotic and conflicting situation in the country. For preventing the failure of the constitution assembly and the falling of People's agenda onto the streets, and also for defending democracy and the republic Nepal, we need a new political consensus among the parties, a justifiable calendar for the realizing of the peace process and constitution drafting, and a little extension of the constitution assembly. And this should not be considered as an excuse for the slow process of the constitution drafting.

Uniting for the New Democratic Republic of Nepal.

*Milan Dharel, Executive Director, CWISH*

## Children's Right to Parental Care – One of CWISH's Focal Points Today

Children's right to parental care is an important area of work for CWISH during its strategy period 2011-

2015. CWISH's explicit working areas concerning parental care are Child Domestic Workers, children in institutional care and the promotion of alternatives for reintegration and community care. In the first quarterly workshop of CWISH held at the beginning of April parental care's

concept and current situation in Nepal were presented by the then executive director of CWISH, Mr. Milan Dharel. CWISH conducted a study on Missing Parental Care in the beginning of this year.

### *Info Corner:*

#### Missing Parental Care in Nepal Today

Every child has a right to live together with both of the parents, and the parents should provide appropriate childhood care and opportunities for their children. If for some reasons the biological parents are not available to live with the children, an alternative family is then child's right.

At the moment many children lack parental care for various reasons in Nepal. Some of these children are missing parental care because they are living under residential care meaning children homes, orphanages and private hostels. Many of the working children are accommodated at their employers' premises, for example in child domestic work, entertainment industries, hotels and restaurants, transport, sex trade and factories. A proportion of children are placed in the juvenile correction homes or prisons as consequence of criminal behavior, and some children are studying in religious educational institutes. Street children lack the shelter totally. In Nepal there're also families which are having child as their head, and some children lose parental care by early marriage. Inter-country adoptions and the use of child soldiers are also to blame for taking away the appropriate, lawful care from some children.

#### Risks Following Missing Parental Care

Missing parental care greatly increases child's vulnerability to abuse, violence and exploitation and thus children's victimization. It also tends to contribute in making child deprived from basic rights including health and education. Missing parental care can be the cause behind child's psychosocial problems or STI deceases. It can also drive a child into criminal activities, young motherhood or in worst case, to early death. Few children have though got opportunities to grow as responsible citizens through leaving their homes behind when minors.

Through sending their child away, parents will lose a pair of helping hands at home and might set themselves under the danger of becoming cheated by employers or mediators. Leaving of a child also means loosened emotional bonds in the family. Parents might also lose a chance of betterment in the future if their child is not contributing to their emotional or economical well-being anymore. Actors taking advantage of the game of separating children from their parents might face social humiliation at mildest and prosecution and punishment at worst. They are also very likely to adapt wrong practices and as practitioners they might get caught in legal complexities.

#### National Level Consequences

Children missing parental care mean almost without exception lost human resources and potential growth in the society. It will bring criticism to the state at national and international level as it equals with the increased investment of resources in non sustainable and wrong practices. It leaves the state with limited focus community and family development programs. And overall, violations of child rights and impunity related to them are increased as a result of such a state's failure.

## National Women's Social Forum Held to Put Pressure on Constitution Forming

The National Women's Social Forum (NWSF) was organized at Bhrikuti

Manadap, Kathmandu, on 15 -16 March 2011 during the week of International Working Women's Day. The Forum followed a theme: "A New Nepal Based on Social Justice Is Possible: We Can Make It Happen". After the Forum, the formed

women's rights declaration was announced in Aam Shabha, Tudikhel on the 17<sup>th</sup> of March. The forum's participants included various organizations, alliances, groups and individuals – e.g. professional artists, journalists,

teachers, students, business entrepreneurs and informal sector workers.



The National Women's Social Forum raised both local and regional social issues within the current national and global context. In the Forum it was acknowledged that the new constitution poses the possibility of becoming a pioneering document with what all inequity can be put to an end. Without the new constitution the impunity can only continue and women will again have to bear the brunt of this. The purpose of the NWSF 2011 was to put pressure on the constitution forming.



Since Holi festival was at hand, the program was spiced with throwing different colours and freeing balloons in the air. On the first day of the forum a rally was held from Bhadrakali to Bhrikuti Mandap. Also a signing campaign was organized. After the formal program, discussion sessions were organized on both days by different organizations raising various issues of women. Participants participated in the discussions they wished. On the evening of the first day Shyam Benagal's women issues related movie was showed.

In the forum CWISH organized a discussion program on the coming ILO's convention on Domestic Work and on sexual violence against

female domestic workers and their access to justice in Nepal.

All the conclusions made in different discussions were agreed of by the participants and merged to a declaration. The declaration was declared by Dr. Durga Pokhrel on the day after the forum in the program that was held in Aam Shabaha, Tudikhel. It was accompanied by a cultural program that was organized by Kritika Samuha.

National Women's Social Forum is a common meeting ground for a large number of Nepalese women to have an open dialogue. It's also an important mechanism for developing a new vision and a long-term strategy for building a just society where the fundamental human rights of people are ensured, respected and promoted.

One of Women's basic rights is their *Right to Sexual and Reproductive Health*. The sexual and reproductive health rights include for example women's right to decide on their body, sexual behavior and pregnancies, to get reproductive health care in their region, and to access knowledge-based and free information on sexuality, sexual health and their options concerning contraception and reproduction.

The sexual and reproductive health rights were one of the main topics in the Quarterly Workshop of CWISH held in the beginning of April 2011. The presentation on the issue was held by Bindu P. Gautam.

### **Employers' Education Program on Child Labour and Child Protection Got Started**

During the months of February and March 12 orientation programs were organized on child labour (CL) and child protection (CP) for employers and community people around Kathmandu Valley. The orientations

were part of the Employers' Education Program of CWISH.

Orientations that handled the subjects of Child Labour and Child Protection were held in Kapan, Boudha, Gyaneshwor, Dillibazar, Dhapasi, Sinamangal, Lazimpat, Bagdol, Dhobighat, Sainbu, Chabahil and in Lokanthali Bhaktapur. Total of 437 people were informed on the above mentioned subjects in the orientations.

Additionally elsewhere, on the occasion of Sworswoti Pooja an orientation and interaction program on Child Domestic Workers (CDWs) was organized at the Dhumbarai and Sukhedhara education-based Outreach Centers (ORCs) in the active participation of CDWs, community people and employers.

### **Workshop for Child Domestic Workers to Hand over Their Issues to ILO's Convention Making**

A two-day consultation workshop on the coming ILO (International Labour Organization) Convention was organized for Child Domestic Workers at the end of March. The ILO's Convention on Domestic Work which is planned to be out in June 2011 includes for example domestic worker's minimum rights and a provision that a domestic worker must be paid.

In the workshop Child Domestic Workers were able to raise issues that are close to them and should be taken into account in the ILO's Convention making.

The new ILO Convention on Domestic Work will also be setting an age limit for the use of minors as domestic workers. The convention will come into effect all over the world.

- In any case the ILO Convention will have a positive effect in the work conditions of domestic workers. After its passing domestic workers will be more aware of their rights and not willing to continue working with the provisions they are working now, says Sonu Danuwar, the President of NIDWU, the Nepal Independent Domestic Workers Union.

*Photo of the Month:*



The Employers' Education Program on Child Labour and Child Protection was launched in the beginning of 2011. During the months of February and March 12 orientations were held in the Kathmandu Valley to the total of 437 people who were employers and community people.

*A Story from Real Life:*



*Child Domestic Worker Arjun*

“Hello, I’m Arjun, a 12-year-old boy from Hetauda. My parents died when I was very small, and I’m not sure if I have any siblings since I got lost in Nagarkot at the age of six. I then started to work there as a dish washer to keep myself alive, and three years later one relative of mine brought me to Kathmandu.

Currently I’m working in Bafal as a domestic worker and living in my employers’ house. I get a monthly pay of 300 rupees for cleaning the house and washing the dishes. I give the money to the person who brought me here.

Since my childhood I’ve been very interested in going to school but due to the poor financial situation of my family my dream was never realized.

One day a CWISH facilitator came to my employers’ house and persuaded them to send me to the ORC class.

Now I’m so happy to be able to recognize the letters and I like coming to the ORC class. My favorite subject is Nepali but I am enjoying the other subjects as well. I try to study hard. By helping me in my home work my employer gives me mental support.”

## On a Field Trip to Evaluate Municipal Program



**The evaluation team's journey from Kathmandu to Hetauda crossed mountains and passed blossoming rhododendrons and banana trees swinging in the wind.**

One of CWISH's programs, Empowering Governmental and Civil Society Actors at Municipal Level on Ending Urban Child Labour, ended last year, and the evaluation of the program took place in the months of February and March this year. The program had been funded by the Finnish Foreign Ministry through a Finnish NGO Interpedia which has been CWISH's partner organization for some years now.

A three persons' evaluation team was sent on a field trip to the municipalities which had participated in the program and which had been elected as the sample municipalities for the evaluation. I got a member's position in the evaluation team. The other two members were the independent consultant from Finland who bore the main responsibility of the evaluation, and a local consultant who possessed knowledge on child development issues.

Our trip towards the evaluation municipalities, Hetauda in Makawanpur district and Ratnanagar and Bharatpur in Chitwan, started on the Shivaratri holiday's morning. Surrounded by some already blossoming rhododendrons and in the wind swinging banana trees, our vehicle approached the first town Hetauda along the mountain road.

The project had pursued to activate both municipal staffs and community people in anti-child labour activities so that especially the use of child domestic workers would start to show sinking figures in the municipalities' areas. Through the anti-child labour activities organized by the municipalities themselves, the project also aimed at increased networking and genuine participation of people in the local communities. The final target was to make all eleven target municipalities able to abolish all urban child labour from their areas in the coming years.

In Hetauda the evaluation team interviewed municipal staff members and the stakeholders of the project - local NGO representatives, district level actors and other community people - on the activities that they had organized during the project's three year period 2008 - 2011. Also the impact that the project had had in the municipality was discussed in the interviews. After Hetauda he same went on in Ratnanagar and in Bharatpur.



### **Hetauda City Hall.**

As the evaluation team's member I was delighted to see the people's enthusiasm on organizing anti-child labour activities in their communities and that the ownership of the program had been successfully transferred to the municipalities. The local people appreciated highly the fact that they had been on the driver's seat in the program implementation.

The municipal program had included national level activities too, and for example anti-child labour regulations had been pursued into the national level children concerning plans. After the field trip the evaluation team's work continued in the Kathmandu Valley where another two target municipalities', Lalitpur and Kathmandu Metropolitan City's social welfare staffs were met in interaction sessions. Also people from different ministries and associations that were concerned by the child labour subject were interviewed to get the full picture of the project's standing. On the national level the project had also mobilized journalists which had formed a

journalists' network for anti-child labour work. Like most municipal staffs and community people, also the journalists seemed very passionate about putting their time into anti-child labour activities. All in all people seemed to be eager to fight for the cause of the project, for ending urban child labour and giving that way children a chance to go to school and be children again.

And alongside the running of the program, also CWISH seemed to have gained valuable new experience on co-working closely with local governments.



### **Interaction session between community people and the evaluation team going on in Bharatpur.**

Jonna Oksanen