SAARCLAW Nepal Chapter organized a Discussion Program on “Laws on Child Marriage and Strategies for its Effective Implementation” with World Vision International on 14th September, 2018 at Hotel Shangri-La in the presence of Hon’ble Mr. Agni Prasad Kharel, Attorney General of Nepal, Hon’ble Justice Mr. Hari Krishna Karki, Judge, Supreme Court of Nepal and other delegates.

The main agenda of the conference was to highlight the child marriage issues pertaining in Nepal and the strategies for its effective implementation. Hon’ble Agni Prasad Kharel during his remarks said that various problems might arise due to criminalization of child marriage but trying to lower the marriageable age won’t solve the problem instead the government needs to put in place proper mechanisms to deal with the impacts. Hon’ble Justice Hari Krishna Karki also added that child marriage should be discouraged but criminalization of child marriage alone would not be enough. So, the focus should be on the societal awareness.

Hon’ble Justice Sapana Pradhan Malla, Judge, Supreme Court of Nepal and Chairman, SAARCLAW Nepal during her closing remarks said that currently around 38% of children get married before reaching marriageable age and therefore, criminalization of child marriage alone would not solve the problem of Child Marriage in Nepal. Girl child will be disproportionately affected due to the annulment of such marriages. She added that laws are required since it assigns accountability on the concerned authorities. The strategies to cope should be prioritized, the prevention of the causative factors, addressing of the effects and then contextualization of international standards. The provisions of compensation in the new laws are appreciable. The laws are in force thus, Victim’s Fund, as per the laws, must be established as soon as possible. Non-pecuniary reparation should be considered. Law is necessary but, how to take society along with the law? is the most important question.
NEW CHIEF JUSTICES IN SOUTH ASIA

Hon’ble Mr. Nalin Perera, Supreme Court Judge sworn in as a new Chief Justice, Supreme Court of Sri Lanka

Hon’ble Justice Nalin Perera was sworn in as the 46th Chief Justice of Sri Lanka before President Maithripala Sirisena.

Picture Source:

Hon’ble Justice Om Prakash Mishra sworn in as the New Chief Justice, Supreme Court of Nepal

Hon’ble Justice OM Prakash Mishra was sworn in as the 28th Chief Justice of Nepal. The Rt. Hon’ble President H.E. Bidya Devi Bhandari administered oath to Justice Om Prakash Mishra in Kathmandu, Nepal.

Picture Source:

Hon’ble Ranjan Gogoi appointed new Chief Justice, Supreme Court of India

Hon’ble Justice Ranjan Gogoi was appointed as the 46th Chief Justice of India. He was administered the oath of office by President Ram Nath Kovind at Rastrapati Bhavan.

Picture Source:
CHILD LABOUR IN SOUTH ASIA

An estimated 168 million children worldwide are in child labour, accounting for almost 11% of the child population (5-17 years old). More than half of these, about 85 million are in hazardous work, which jeopardises the physical, mental or moral well-being of a child, either because of its nature or because of the conditions in which it is carried out. The largest number of child labourers is in the Asia and the Pacific region.

Recent national surveys from seven South Asian countries estimate 30 million children in employment, almost 17 million in child labour and 50 million children out of school. These findings have limitations, key ones being: not all children in employment can be considered as being in child labour; not all forms of child labour are being captured by these statistical surveys; and there are considerable variations in the survey methodologies and scope across the countries.

Within countries, whether or not particular forms of work are regarded as child labour depends on the child’s age, the type and hours of work performed, the conditions under which it is performed and the laws enacted by individual countries. The answer varies from country to country, as well as among sectors within countries.

Key findings are noted:

Child Labour
There are 16.7 million (5-17 year old) children in child labour in South Asia, according to conservative estimates, and of these 10.3 million are in the 5-14 year age range. The young, 5-11 year-old children, make up about one-fifth of all child labourers in South Asia.

Substantial variation in child labour estimates exists across the South Asian countries. In absolute terms, child labour for the 5-17 years age range is highest in India (5.8 million), followed by Bangladesh (5.0 million), Pakistan (3.4 million) and Nepal (2.0 million).

In relative terms, children in Nepal face the highest risk of being in child labour than elsewhere in South Asia, with over one-quarter (26%) of all 5-17 year old engaged in child labour.

Children in Employment
Recent national surveys from seven South Asian countries put working children at more than 29 million – a low estimate as it excludes many children in a number of countries and all children in employment in Afghanistan.

Involvement in employment increases as children get older, from below 4% for 7 year old in all countries where data are available (with the notable high exception of Bhutan) to variations of over 20% by the time they turn 17 years.

A substantial share of employment of 15-17 years old is hazardous in nature – 75% in Bangladesh, 72% in Sri Lanka, 41% in Pakistan, 30% in Nepal, 20% in India and 6% in Bhutan.

Family labour accounts for a significant percentage of employment, declining as children get older. A majority of working 7-14 years old in Bhutan, India, Nepal and Sri Lanka and 10-14 years old in Pakistan are engaged in family work.

Girls continue to lag behind boys in school attendance in many South Asian countries. In Pakistan, school attendance for 10-17 years old girls is almost 15% below boys of the...
same age. Four South Asian countries have the highest gender disparities globally. Pakistan (82:100) and Afghanistan (71:100) have high disparities at the expense of girls; Bangladesh (94 boys: 100 girls), Nepal (92:100) have high disparities at the expense of boys. Rural children in most South Asian countries face greater challenges than urban children. In Bhutan and Nepal, 7-17 years old children living in rural areas are more than twice as likely to be employed. In Bhutan, India and Nepal, the school attendance rate for rural children is more than 4% below urban children, and in every country reporting data besides Sri Lanka, rural children are more likely to be inactive – missing in education and employment statistics.

Agriculture absorbs the highest percentage of children in employment in every South Asian country.

School and Work
 Work has a negative effect on the education of the substantial numbers of children who combine school and work. Children in employment are generally less likely to attend school than their non-working peers. Out-of-school children constitute a formidable challenge in the South Asia region. A total of over 24 million in the 7-14 years age group in three countries are out of school: India (12.3 million), in Pakistan (7.3 million) and in Bangladesh (4.5 million).

Missing in Statistics
 Some 28 million South Asian children, mostly girls, are reported as inactive, neither working nor attending school. Girls are more likely than boys to be inactive, and to be involved in domestic chores or work that is not captured by the survey instruments. This is so, 1.5 times in Bangladesh, 2 times in India, and 3 times in Pakistan.

Source: 

FACTS AND FIGURES

- Worldwide 218 million children between 5 and 17 years are in employment. Among them, 152 million are victims of child labour; almost half of them, 73 million, work in hazardous child labour.
- In absolute terms, almost half of child labour (72.1 million) is to be found in Africa; 62.1 million in the Asia and the Pacific; 10.7 million in the Americas; 1.2 million in the Arab States and 5.5 million in Europe and Central Asia.
- In terms of prevalence, 1 in 5 children in Africa (19.6%) are in child labour, whilst prevalence in other regions is between 3% and 7%: 2.9% in the Arab States (1 in 35 children); 4.1% in Europe and Central Asia (1 in 25); 5.3% in the Americas (1 in 19) and 7.4% in Asia and the Pacific region (1 in 14).
- Almost half of all 152 million children victims of child labour are aged 5-11 years. 42 million (28%) are 12-14 years old; and 37 million (24%) are 15-17 years old.
- Hazardous child labour is most prevalent among the 15-17 years old. Nevertheless up to a fourth of all hazardous child labour (19 million) is done by children less than 12 years old.
- Among 152 million children in child labour, 88 million are boys and 64 million are girls.
- 58% of all children in child labour and 62% of all children in hazardous work are boys. Boys appear to face a greater risk of child labour than girls, but this may also be a reflection of an under-reporting of girls’ work, particularly in domestic child labour.
- Child labour is concentrated primarily in agriculture (71%), which includes fishing, forestry, livestock herding and aquaculture, and comprises both subsistence and commercial farming; 17% in Services; and 12% in the Industrial sector, including mining.

Source: 
<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>LAWS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>Labour Law, 2007</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>Bangladesh Labour (Amendment) Act, 2013</td>
</tr>
<tr>
<td>Bhutan</td>
<td>Labor and Employment Act of Bhutan 2007</td>
</tr>
<tr>
<td>India</td>
<td>Child Labour (Prohibition And Regulation) Amendment Act, 2016</td>
</tr>
<tr>
<td></td>
<td><a href="https://labour.gov.in/sites/default/files/THE%20CHILD%20LABOUR%20%28PROHIBITION%20AND%20REGULATION%29%20AMENDMENT%20ACT%2C%20202016_0.pdf">https://labour.gov.in/sites/default/files/THE%20CHILD%20LABOUR%20%28PROHIBITION%20AND%20REGULATION%29%20AMENDMENT%20ACT%2C%20202016_0.pdf</a></td>
</tr>
<tr>
<td>Maldives</td>
<td>Employment Act, Act No 2/2008</td>
</tr>
<tr>
<td>Nepal</td>
<td>Child Labour (Prohibition and Regulation) Rules, 2062 (2006)</td>
</tr>
<tr>
<td>Pakistan</td>
<td>Employment and Labour Act</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>Employment of Women, Young Persons and Children’ Act (No. 47 of 1956)</td>
</tr>
</tbody>
</table>
### MINIMUM AGE FOR EMPLOYMENT IN SOUTH ASIA

<table>
<thead>
<tr>
<th>Country</th>
<th>Minimum Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>18</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>14</td>
</tr>
<tr>
<td>Bhutan</td>
<td>18</td>
</tr>
<tr>
<td>India</td>
<td>14</td>
</tr>
<tr>
<td>Maldives</td>
<td>16</td>
</tr>
<tr>
<td>Nepal</td>
<td>14</td>
</tr>
<tr>
<td>Pakistan</td>
<td>14</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>14</td>
</tr>
</tbody>
</table>

(Children between the ages of 15-17 are allowed to work only if the work is not harmful to them, requires less than 35 hours a week, and should present a form of vocational training).

However, children ages 13 to 17 can work in non-hazardous activities. This exception effectively lowers the legal working age to 13, which is under the international standard.

### STATUS OF INTERNATIONAL CONVENTIONS RELEVANT TO CHILD RIGHTS IN SOUTH ASIA

<table>
<thead>
<tr>
<th>Convention</th>
<th>Afghanistan</th>
<th>Bangladesh</th>
<th>Bhutan</th>
<th>India</th>
<th>Maldives</th>
<th>Nepal</th>
<th>Pakistan</th>
<th>Sri Lanka</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAARC Convention on Regional Arrangements For The Promotion of Child Welfare in South Asia</td>
<td>Ratified on 2007</td>
<td>Not the member of International Labor Organization</td>
<td>Not Ratified</td>
<td>Ratified on 2002</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>The Convention on the Rights of the Child</td>
<td>Ratified on 28 Mar, 1994</td>
<td>Ratified on 03 Aug, 1990</td>
<td>Ratified on</td>
<td>Ratified on</td>
<td>Ratified on</td>
<td>Ratified on</td>
<td>Ratified on</td>
<td>Ratified on</td>
</tr>
</tbody>
</table>
LINKS TO IMPORTANT NEWS

BANGLADESH

1. Bangladesh approves draft law banning child labour
https://www.timesnownews.com/international/article/bangladesh-approves-draft-law-banning-child-labour/279508

Bangladesh launches action plan to end child marriage

Bangladesh: Parliament passes 17th amendment to extend reserve seats for women for 25 years

INDIA

1. India's Supreme Court Decriminalizes Homosexuality in a Historic Ruling for the LGBTQ Community
http://time.com/5388231/india-decriminalizes-homosexuality-section-377/

2. Voters have right to know criminal background of candidates: Supreme Court of India
https://www.hindustantimes.com/india-news/voters-have-right-to-know-criminal-background-of-candidates-supreme-court/story-aQcOJT81bx69pZovVNXZkL.html

3. Corruption, criminal cases should not be stayed for over 6 months
https://www.oneindia.com/india/corruption-criminal-cases-should-not-be-stayed-for-over-6-month-sc-2667743.html

NEPAL

1. Government, brick kiln owners agree to end child labour

PAKISTAN

1. Pakistan moves to ensure women’s right to inheritance

2. SC gives voting rights to overseas Pakistanis

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UPCOMING INTERNATIONAL CONFERENCES

1. 462nd International Conference on Law and Political Science (ICLPS)
   Date: 24th - 25th January, 2019
   Venue: Pune, Maharashtra, India
   Link: http://theiier.org/Conference2019/India/1/ICLPS/

2. 5th ICC Asia Conference on International Arbitration
   Date: 25th June, 2019
   Venue: Singapore
   Link: https://iccwbo.org/event/icc-asia-conference-on-international-arbitration/#1479467062910-7e0441a9-6cc9ab1b7bce7e-5a0dece0-8b5e4357-bde48474-1310fd1a-54ae

3. 12th Annual Women in Law Enforcement Conference
   Date: 21st June, 2019
   Venue: Midrand, Gauteng, South Africa
   Link: http://www.intelligencetransferc.co.za/12th-annual-leadership-for-women-in-law-enforcement-2/pageId=1&contentId=275&blurbId=89556