



Child Protection and the Nepal Modernization of the Rani Jamara Kulariya Irrigation Scheme Project

Executive Summary

In early 2020, Trans-Cultural Psychological Organization Nepal (TPO Nepal), in coordination with the Bank Information Center (BIC), set out to examine the impacts of the Nepal Modernization of Rani Jamara Kulariya Irrigation Scheme (MoRJK) Phase 2 project on children living in project-affected communities in the Terai region of Nepal. This report summarizes key findings from this monitoring research and offers recommendations for the World Bank, the Government of Nepal (GoN) Department of Irrigation (DoI) as the implementing agency, and contractors of the MoRJK project.

Monitoring of the MoRJK project revealed that overall, the community is overwhelmingly pleased with the positive benefits of the project, including increased access to roads and canals. A number of widespread concerns were raised around the employment status of local workers, wage discrepancy, the lack of community engagement in decision making, the safety of canals due to lack of barriers, and the safety of project workers due to lack of adequate protective equipment.

Regarding the status of child protection, although the majority of respondents reported that children were not harmed by the MoRJK project, key informant interviews with women and children from the community revealed anecdotal accounts of child labor and child Sexual Exploitation and Abuse (SEA). A few children reported that they had been involved in child labor on the MoRJK project

site despite community members and implementing agencies reporting otherwise. One informant shared a story of a child fatality as a result of child labor on Phase 1 of the MoRJK project. Additionally, accounts of child SEA were reported by individuals and community members, including accounts of verbal teasing of girls by project workers and one account of child sexual assault by a driver on the project. The sexual assault and fatality cases were brought to local authorities, including project contractors, who took action.

Based on BIC and TPO Nepal's project monitoring, this report offers eight recommendations so that community members can benefit from the MoRJK project and children are safe from harm in this and future projects:

1. End and mitigate child labor on the project site.
2. Prevent and respond to child SEA through monitoring and mitigation.
3. Construct barriers around the canals to protect children.
4. Hire more local community members on the project site.
5. Remove gender wage disparity on the project.
6. Engage local community members in project monitoring.
7. Include the local community in awareness raising and decision making.
8. Improve physical safety on the project site.

Project Overview

The Nepal Modernization of Rani Jamara Kulariya Irrigation Scheme (MoRJK) Phase 2 project is a large-scale infrastructure project funded by the World Bank approved on March 20, 2018 in three municipalities in the Terai Plain region of Nepal. The project, which is financed at \$72 million, \$66 million of which comes from the World Bank, calls for modernizing canal infrastructure, building construction access roads, financing Water-Use Associations (WUAs) to maintain the canals, and providing support for the same, as well as monitoring and evaluation of the project. Phase 2 is a continuation of the MoRJK Phase 1 project in the same region from 2011-2017.

Large infrastructure projects pose high risks for child labor and child SEA. This project presents heightened risks for child labor due to the overwhelming presence of child labor in the agriculture sector, the economic situation of the community, the lack of working age adults due to emigration, and the dependency of local WUAs on community labor for canal upkeep, compelling young people to leave school and join the labor force. Furthermore, although the World Bank promotes the employment of local workers in project implementation, a labor influx associated with large scale projects increases the risk for child SEA in or near project sites and project-affected communities. [Findings from the canceled World Bank-funded Uganda Transport Sector Development Project](#) revealed high levels of SEA of young girls due to such a labor influx. Large infrastructure projects may also result in [the displacement of children without proper compensation and the interruption of basic services](#) such as education or healthcare.

Initial reviews of the MoRJK project area found that despite World Bank assurances that the labor influx would be limited, significant numbers of itinerant workers were involved in the project and reports revealed that underage children in school uniforms were seen working on the project site and furnishing falsified documents to work on project sites.

The MoRJK project is a prominent project for the Government of Nepal, and as such is being monitored very closely by implementing agencies, local authorities, and the World Bank. During interviews with the local implementation agency, the research team learned that there was a live feed from the project site to headquarters based in Kathmandu, Nepal, so that teams could continuously monitor the project status. The fact that a number of concerns were voiced by the community for this project, especially around child protection, is alarming, and raises additional concerns about community and child protection concerns on projects that are not being as closely monitored.

Key Findings and Recommendations

Overall, project beneficiaries, including children, are pleased with the impacts of the project on the community, noting project benefits of enhanced employment opportunities; increased transportation access through the development of roads, canals, and irrigation facilities; and improved access to arable land. Respondents also noted that more women were hired on the project than men. Accounts of these positive project impacts were widespread and consistent throughout research with project beneficiaries.

"Yes. Very much for agriculture. Not only for agriculture but the roads, bridges. The bridges which we could not make... they made it. You can see the bridge there nearby... before we used to cross through with the help of log. Now there are constructed bridges everywhere. There are a lot of good things. Something might not be good though. There is almost no bad work by the project. All things are good." - Male Farmer

Despite the positive impacts of the project, the community highlighted a number of areas for improvement with accompanying recommendations. Additionally, community members reported anecdotal accounts of child protection concerns during the research phases of the project. Based on these findings, the World Bank and DoI should implement mechanisms to assess, prevent, and mitigate child labor and child SEA so no more children are harmed as the result of the MoRJK project. We propose a number of recommendations based on key findings to help address the longer term community concerns and child protection risks identified through this project.

1. END AND MITIGATE CHILD LABOR ON THE PROJECT SITE.

Community interviews resulted in an overwhelming response from community members, implementing agencies, and local authorities that children were not involved in working on the project site. However, when children from the community were interviewed, a number of children, including boys and girls, self-identified as having worked on the project site and received lower wages than adults to support their families. Some respondents witnessed five or six children working on the project site.

During stakeholder interviews, one woman recounted the fact that her nephew was killed by a construction vehicle while working on the project site. Further investigation into this report revealed that the accident occurred during Phase 1 of the MoRJK project in 2015, and that the family received compensation of 500,000 Nepalese rupees (NPR) (USD

\$4,240) one month after the incident. Additionally, after the incident, there was reported consensus among contractors not to engage any minors in the construction sites; however, they did not establish any monitoring provisions. Although this incident took place during Phase 1 of the project, it reinforces the high risks of child labor and safety concerns of the MoRJK and other infrastructure projects.

My nephew also went to work on the site. He always wished to work as a driver so he was working as conductor. He was just 15 years old and left his studies also. Later, he died. He was hit by the tipper he used to drive.” - Female Community Member¹

The research identified that there is limited understanding in the community around what constitutes child labor, as responses were focused around confirming that children stayed in school rather than minimum working ages. As such, accounts of child labor disclosed that children were often seen on project sites on Saturdays, when school was not in session. Findings from this research did reveal an increase in school dropout rates in the community, which supports child labor concerns. Additionally, project workers maintained that they asked staff their ages when working, and that all hired staff claimed that they were over the age of 21, without additional verification. When asked about wage gaps for project workers, respondents reported lower wages for children, further confirming the prevalence of child labor on the project site.

“I have studied up to 7th grade and now have been looking after my brother and sister. My mother is not with us now as she is overseas for earning and I am the only one to look after my siblings. I used to work in one of the sites of Rani Jamara Kulariya Irrigation Project.[...]I worked there just because of the problems at my home, why else would I work there?” - Girl child laborer

It is vital that implementing agencies share child labor risks with communities and project workers, and that lessons learned from such incidents are taken into account so that no future children are harmed as a result of such projects.

¹. During a focus group discussion led by TPO Nepal with stakeholders in Kailali district, one woman who is a member of the Dalit community based close to the construction site, recounted the fact that her nephew was killed by a construction vehicle while working on the project site. The boy ran away from home and started working in public transport as a conductor, where he worked as a helper of a tipper (construction vehicle) on the irrigation project. The incident happened on the day of Shiva Ratri in 2015. Further investigation into this report revealed that this event took place during Phase 1 of the MoRJK project in 2015, and that the family received an apology and compensation of NPR 500,000 from the contractor one month after the incident. Additionally, after the incident, there was reported consensus among contractors not to engage any minors in the construction sites; however, no monitoring provisions were established.

Implementing agencies should include child labor risks, World Bank and local laws and policies, and risk mitigation measures in community sensitization trainings to prevent children under the minimum legal working age from being employed on the project. A focus on ending child labor goes beyond keeping children in school to understanding local laws and project policies on minimum legal working ages and the most hazardous types of work for children.

“Yes, their friends also come to work. If they work for 2...3 days, they can buy new clothes and shoes... So, they are more motivated to work and their parents also want their children to work. The parents say that- the other child is 15-16 years of age and working. You are 18 and capable to work as them”. - Male Community Leader

On the project site, contractors should require age verification for project hires through supporting documentation. Requesting age verification can help mitigate the likelihood of children being hired to work on project sites. Contractors should provide injury wage support to parents so that children are not compelled to work to support their families when they are unable to do so.

“Yes, sir. When we ask contractors about involving children for the work...they say the workers are about 20-21 years of age. When we ask the children also, they give the same answer... we should accept the fact. We do not have a measurement machine to get the proof... So, if they give such answers, we have to believe it.” - Male Community Leader

To eradicate child labor around this and other project sites, the World Bank should address the push-pull factors of child labor. At the community level, this includes addressing the economic situation and lack of opportunities for young people and their families in the community. Children who self-identified as working on project sites mentioned that they did so to support their families while their parents were working elsewhere or unable to work due to sickness or injury. At the government level, this requires taking a multi-sectoral coordinated approach to ending child labor. Health, child protection, education, and nutrition sectors, both in governmental and non-governmental entities, should collaborate to facilitate an integrated response to child protection needs to end child labor in project-affected communities.

2. PREVENT AND RESPOND TO CHILD SEA THROUGH MONITORING AND MITIGATION.

Although the majority of participants in the research study said that there was no violence against children on the project site, a small number of

firsthand accounts revealed instances of child SEA.

One account revealed a worrying report of child SEA involving a girl from the community and a truck driver from the project in November 2018. According to the account, the truck driver lost his employment by the contractor, and it is unclear if the girl received any compensation or psychosocial support after the incident.

“In that company...there was a JCB [excavator] driver...he tried to force the girl...but he was then caught and beaten black and blue by the people of this place...he was also fired from his job...” - Male Community Member²

Additional accounts referred to the verbal harassment and teasing of girls in the community by project workers, such as drivers. Additionally, children involved in the project site shared accounts of verbal harassment and physical abuse by project workers and supervisors, including yelling and withholding rest, leading to feelings of loss of self-esteem and fear of violence.

“We were in fear when the contractors used to tease other girls... We used to feel what if they will start teasing us. They might perceive us negatively and judge us with all other girls... But when we all used to work together then we used to be happy... our parents used to not support us for work...they used to stop us from working thinking that we might get hurt ... but we used to lie to them and go to work... and earn money...” - Girl child

“I did see such behavior Sir that did happen here. Some were called Punte, dalle, kale...some were humiliated sometimes...teased...bullied...but this is the nature of laborers I think...In their crowd it is normal sir...that behavior is common...even now if you will go in the crowd of laborers of 100 – 150 ... And observe them ... You will definitely hear such words ... such language...” - Male Social Worker

“Sometimes the drivers used to tell us “you people are Baadi [people], come and carry the stones”. They used to domineer us and sometimes beat us as well. [...] Also, sometimes we don't get our payment on time.” - Boy child laborer

Such reports are concerning and should lead to increased efforts to implement mitigation and monitoring measures on

this and other project sites. If cases like this do occur and are reported on, the Bank should respond immediately in a child-friendly manner that promotes survivor safety and support.

To help prevent child labor and violence against children on the project site, contractors and project workers should be trained by World Bank staff, ideally social protection specialists, in understanding and preventing child SEA, monitoring and reporting mechanisms, and accountability procedures. Such prevention measures can help occurrences of child protection concerns from happening, increasing in frequency, or escalating in severity. Relevant World Bank staff members should be trained in child-friendly child SEA monitoring on project sites and with the surrounding community. This monitoring should occur on a regular basis to confirm that cases are reported, followed-up on, and that survivors are provided with adequate and sufficient survivor-focused services, including healthcare, education, advocacy, psychosocial and legal support, and compensation as appropriate.

Currently, civil society bears the responsibility of responding to cases of child SEA and offering psychosocial support to survivors in the community with limited resources. These organizations have noted that the government currently lacks an adequate system to respond to and provide psychosocial support for survivors of child SEA. The government should work closely with civil society to glean best practices in child SEA survivor response and work towards strengthening their response programming in close consultation with World Bank experts.

3. CONSTRUCT BARRIERS AROUND THE CANALS TO PROTECT CHILDREN.

Community members raised concerns about the safety of the canals, which have been built in close proximity to the community, posing risks to children and animals falling into the canals because there are no barriers on the canals. The local government, in consultation with the project contractor, agreed to install railings on the canals by September 2020 to address these concerns. These railings need to be prioritized to protect the safety of children and satisfaction of community members in the immediate future.

4. HIRE MORE LOCAL COMMUNITY MEMBERS ON THE PROJECT SITE.

Despite World Bank and government assurances that labor influx would be minimal, the majority of community respondents reported that workers came from outside communities. Members of the Baadi community reported that they had not been provided economic opportunities to work on the project sites. They expressed that if they had been employed on the project sites, this would have led to better outcomes of their feelings towards the MoRJK

² During a focus group discussion led by TPO Nepal, a male community member revealed a report of child SEA involving a girl from the community and a truck driver from the project in November 2018. According to the account, the truck driver lost his employment by the contractor, and it is unclear if the girl received any compensation or psychosocial support after the incident. The case occurred and was reported in Kailali District.

project. Hiring local workers on project sites can also help mitigate the child SEA risks in project-affected communities.

"We [Baadi] people should also get employment Even if 4 -5 or 5 -10 persons from our community are employed then, it will decrease the burden for us If it is to be done then it would have been very good, I just wanted to say this." - Male community member

The Bank should urge contractors to hire local community members on the project site in line with project agreements to improve community ownership of the project, support local economic development, and mitigate the potential risks to children and surrounding communities due to labor influx.

5. REMOVE GENDER WAGE DISPARITY ON THE PROJECT.

Although community members were open to notions of gender equality and noted that more women worked on the project than men, a wage disparity between men and women was identified (~350-800 NPR for men vs. 300-400 NPR for women daily). The justification for this wage disparity was based on the division of labor between the types of work men and women carried out despite community accounts that men and women were involved in similar types of work and performance on the project site. Contractors should work towards removing this gender wage gap to help promote gender equality in the community.

6. ENGAGE LOCAL COMMUNITY MEMBERS IN PROJECT MONITORING.

Respondents noted that a few monitoring activities had been carried out with project-affected stakeholders, including community leaders, organizations, the Ward Chairperson, a child rights focal person, head contractors, and other government officials. These monitoring activities included monitoring for child labor and project site conditions for workers. When interviewed, some children reported having been asked if they had been involved in a project site.

"They used to come from long distance and use to ask why these small kids are made to work. They should be going to school, they might get injured working here. They used to ask us why we are here for work. We used to reply them that "we were sitting ideally in our home and our days were just wasting sitting randomly that is why we are here for work uncle" so we are here to work so that we can earn some money as well." - Girl child

Local Ward Chairpersons lamented limited to no monitoring with communities and local authorities despite provisions for joint monitoring in project documents. These accounts noted that head contractors would come to the project site when a government official from the capital came to see the project. The research also identified some gaps in quality stakeholder engagement with marginalized communities, including children. In the project implementation area, none of the over 50 child clubs were invited to participate in stakeholder consultations. A child rights focal person also noted insufficient time was allocated to monitoring visits.

The Bank should strengthen efforts to engage community members in project monitoring as stipulated in the project documents to increase stakeholder engagement in the project. Strong stakeholder and community engagement can also lead to better outcomes for children impacted by the project.

"The main contractor is present only when the chief or deputy chief head of the irrigation project comes from Kathmandu for monitoring...If they find that those people are coming here then they are also present there at that time...or they are busy in the other field works and the other contractors are there who handle their work in their absence...this is the case..." - Male Ward Chairperson

7. INCLUDE THE LOCAL COMMUNITY IN AWARENESS RAISING AND DECISION MAKING.

Respondents reported a lack of awareness raising in the community around project implementation strategies, project impacts, and monitoring and accountability mechanisms. Community members were aware that project workers could seek assistance around workplace issues with the contractor. They noted that contractors were notified of severe injuries at the workplace, but reported that there were instances of forced departure, reduced wages, and unpaid leave due to project injuries. Few respondents were aware of the communication channels in place to file complaints, which include the Ward Secretary, the police station, and the irrigation project team. The Ward Secretary noted that there was a strategy in place to share grievance mechanisms with project workers. That being said, community members noted that sometimes project workers did not know about these mechanisms or how to use them to file complaints.

The contractor should conduct awareness raising activities in the community with community members and project workers to facilitate better understanding of project implementation plans, strategies, and impacts and how

to submit complaints around project activities through grievance mechanisms. Additionally, the World Bank should include local community leaders such as the Ward Chairperson in relevant World Bank meetings to enhance community cooperation, understanding, and input.

8. IMPROVE PHYSICAL SAFETY ON THE PROJECT SITE.

Community members noted numerous accounts of project workers not wearing protective gear and equipment on the project site because these were not provided by the employer. Project workers should have access to appropriate safety equipment, including gloves, helmets, and boots as appropriate to avoid injuries on the job. The contractor, implementing agency, and the World Bank should take the lessons learned from the fatality of the child involved in child labor during Phase 1 to protect workers from harm by construction vehicles.

“Initially, they used helmets and gloves, but later on, it was discontinued, someone broke that equipment...someone lost them, and in this way, they did not wear much work or else during the starting of the work, most of the people were seen wearing that equipment.” - Male Ward Chairperson

“The dams were in very bad condition... we used to [tell our children to be] aware to work properly. There were cracks on the dam... and it was risky on the work site...” - Female community member

Conclusion

As the World Bank and implementing agencies prepare to implement the MoRJK and future projects, it is vital that they take into account the community recommendations around community engagement, access to project benefits, and project safety to facilitate success of the project. The World Bank should address the child protection concerns immediately, and mitigation and monitoring tactics should be implemented to secure that no children are hired to work on the project through child labor and no further children are harmed as a result of this or future projects in Nepal.

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