



**Convention on the  
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**COMMITTEE ON THE RIGHTS OF THE CHILD**  
**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES**  
**UNDER ARTICLE 44 OF THE CONVENTION**

**Second periodic report of States parties due in 1997**

**NEPAL\***

[4 March 2004]

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\* For the initial report submitted by Nepal, see CRC/C/3/Add.34; for its consideration by the Committee at its 301st to 303rd meetings on 29 and 30 May 1996, see CRC/C/SR.301-303 and CRC/C/15/Add.57.

## Foreword

A decade has passed since Nepal ratified the Convention on the Rights of the Child and pledged its commitment to the rights of the child. Nepal submitted its initial report to the Committee on the Rights of the Child in 1995, and the additional report in 1996 in response to questions raised by the Committee. The present second periodic report submitted to the Committee covers the efforts made since 1996 to translate the Convention into reality and the challenges encountered during that process.

Although some progress has been made and changes are taking place as concerns the situation of child rights in Nepal much still remains to be done. During the process of preparing this report, the issue of child rights was discussed from grass-roots to policy-making level. A number of public hearings were held separately with children and adults at regional and district level during the course of drafting the report. In this regard, District Child Welfare Boards (DCWB) and non-governmental organizations (NGOs) in many districts were invited to collect information and comments on the draft report.

Child rights is everyone's concern; thus, it is only with the joint efforts of all agencies, organizations and civil society that practical and meaningful changes in the present status of child rights in Nepal can be brought about.

The Government, national and international NGOs and civil society have taken many initiatives for the protection and promotion of child rights. Achievements in the area of children's basic health, education and awareness on child rights at different levels are some of the significant aspects on efforts to promote and consolidate child rights. Nevertheless, there is a need for more concerted efforts to protect the rights of the children, especially those working under risky conditions. His Majesty's Government of Nepal is aware that sustained efforts are necessary to end the exploitation and abuse of children and the discrimination against girls in society. In this regard, both the Government and civil society have agreed to make concerted efforts for the protection of child rights.

This report is prepared in line with the general guidelines of the Committee on the Rights of the Child regarding the preparation of periodic reports (CRC/C/58). We are grateful to all the line ministries and other agencies, NGOs, civil society and children for their contributions to this report. We extend sincere thanks to the individuals and the team members who compiled the information and wrote and finalized the report. We also appreciate the financial support of UNICEF and Save the Children Norway towards the preparation of this report.

Ministry of Women, Children and Social Welfare  
His Majesty's Government of Nepal

December 2002

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### **List of acronyms and abbreviations**

BCHIMES	Between Census Household Information, Monitoring and Evaluation System
BPEP	Basic and Primary Education Programme
CCWB	Central Child Welfare Board
CRC	Committee on the Rights of the Child
DANIDA	Danish International Development Agency
DCWB	District Child Welfare Board
DFID	Department for International Development
EFA	Education for All
ESCAP	Economic and Social Commission for Asia and the Pacific
Finnida	Department for International Development Cooperation
GDP	gross domestic product
GNP	gross national product
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit
ILO	International Labour Organization
IPEC	International Programme for the Elimination of Child Labour
JICA	Japan International Cooperation Agency
MoES	Ministry of Education and Sports
MoH	Ministry of Health
NFD/N	National Federation of the Disabled
NHRC	National Human Rights Commission
NGO	non-governmental organization
NORAD	Norwegian Agency for Development Cooperation
PCRW	Production Credit for Rural Women
PRSP	Poverty Reduction Strategy Paper
SAARC	South Asian Association for Regional Cooperation

SDC	Swiss Agency for Development and Cooperation
UNFPA	United Nations Fund for Population Activities
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
WFP	World Food Programme
<i>Badi</i>	a traditional mobile community of professional entertainers
<i>Deuki</i>	a girl traditionally offered to god/goddess (mostly in western part of Nepal)
<i>Jhuma</i>	a girl traditionally offered to god/goddess (hilly region of Nepal)
<i>Kumari</i>	a girl from Shakya family appointed as a living goddess till menstruation
<i>Dalit</i>	a traditionally so-called untouchable community under Hindu religion



## Introduction

1. Nepal ratified the Convention on the Rights of the Child in 1990 and submitted its initial report (CRC/C/3/Add.34) to the Committee on the Rights of the Child in February 1995. In response to the questions raised by the Committee, Nepal submitted an additional report in 1996, which included activities that had taken place during the period from February 1995 to May 1996, that is, between the submission of the initial report and its consideration by CRC at its 301st to 303rd meetings (CRC/C/SR.301-303) on 29 and 30 May 1996.
2. The present second report of Nepal is submitted under article 44, paragraph 1, of the Convention on the Rights of the Child and has been prepared in conformity with the general guidelines (CRC/C/58) adopted by CRC at its 343rd meeting on 11 October 1996. To facilitate the discussion of the present report, reference is made to the initial and additional reports as well as to the Committee's concluding observations (CRC/C/15/Add.57).
3. The Government of Nepal will readily provide any further information sought by the Committee relevant to the implementation of the Convention.
4. The Government sees the current reporting process as an opportunity to conduct a comprehensive review of the implementation of the Convention on the Rights of the Child through a consultative information-gathering process. Stakeholders, children's organizations and concerned NGOs have been mobilized to collect necessary information.
5. The Government considers the submission of the periodic report to the Committee as its commitment to and observance of the children's rights enshrined in the Convention. As a reaffirmation of its commitment, Nepal has also signed the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.
6. Nepal sees the periodic reports as an instrument for continuing dialogue with the Committee. As part of its commitment, the present report makes references to and provides information on the following:
  - Concluding remarks of the Committee;
  - Measures adopted by the Government in the field of child rights, the changes that have occurred in legislation and activities at the national, district and local levels;
  - Mechanisms and new structures to monitor efforts made to implement the Convention;
  - Overall sectoral policies, programmes and services developed to implement the Convention;
  - Overall progress achieved in the enjoyment of child rights;
  - Difficulties encountered in the implementation of the rights set forth in the Convention and steps taken to overcome them; and
  - Vision for future actions aimed at further improving the realization of child rights.

7. In 1996, CRC considered the ratification by Nepal of ILO Convention No. 138 Concerning Minimum Age for Admission to Employment and the adoption of a 10-year National Programme of Action for Children and Development as positive developments in the implementation of the Convention. The Committee recommended the involvement of civil society and a large number of other stakeholders in the reporting process and in other activities. The Committee appreciated the Government's initiative, its self-criticism on a number of issues and its willingness to review legislation concerning the prohibition of torture and cruel or inhuman or degrading treatment and punishment.

8. Acknowledging that poverty was a serious impediment to the implementation of the Convention between 1990 and 1995, the Committee had expressed concern at the existing gaps between legislation and enforcement, inadequate follow-up mechanisms and insufficient measures to check discriminatory practices against girls. The Committee suggested that legal reforms should be initiated to harmonize national legislation with articles 2, 3, 6 and 12 of the Convention; that the Convention should be incorporated in school curricula; that data on the condition of children should be regularly collected; and that administrative and legislative measures to combat the trafficking and sale of children should be adopted.

9. The following sources of information have been used in the preparation of the present report:

- Original information such as constitutional and legal provisions related to children;
- Primary information received in the form of sector specific reports from professional NGOs and civil society such as the Nepal Citizen Group;
- Primary information on the children's camps organized in the four regions of the Kingdom compiled in the form of a report (Children's Voice);
- Primary information collected through Regional Consultative Workshops with DCWB members from 67 of the 75 districts;
- Primary information collected during public hearings in the form of comments, suggestions and vision for future action;
- Comments received from the secretaries of line ministries concerned with children's issues, members of the National Human Rights Commission of Nepal and other comments received via e-mail; and
- Secondary information published in the form of reports.

10. The report includes changes, developments and achievements since 1996, and takes into account the observations of the Committee.

11. Due importance has been given to the fact that the rights spelt out in the Convention are indivisible and interrelated, and to analysing them from a holistic perspective. Some issues and corresponding parts of this report have been elaborated more extensively than others in order to provide equal progress in honouring all the inherent rights.

12. The present report has been prepared in strict adherence to the reporting guidelines of CRC as well as to the reporting process outline agreed upon during the planning workshop convened for this purpose. The Ministry of Women, Children and Social Welfare initiated the process of preparing the report through a consultative process, as prescribed by the reporting guidelines of CRC. The underlying aim has been to foster broad participation in the implementation and review of child rights.

13. For the preparation of this report, a national steering committee chaired by the Minister of Women, Children and Social Welfare and composed of representatives from the line ministries, and a drafting committee involving members of CCWB and individuals from governmental and non-governmental sectors were set up. A planning workshop on procedural matters was conducted in Kathmandu, a joint initiative of the Ministry and external development partners to plan the report-writing process in accordance with the CRC reporting guidelines. A tripartite agreement for financial and technical assistance between the Ministry, UNICEF Nepal and Save the Children Norway was signed in October 2000 for information gathering and setting up of a mechanism.

14. Regional workshops were conducted with District Child Welfare Boards to review the situation of children in Nepal from the perspective of district bodies responsible for children. Children's camps were organized at regional level to review the situation of children in Nepal from the point of view of children themselves. These camps provided children with the opportunity to actively take part in the preparation process of the present report. A total of 294 children from 31 districts participated in these camps, organized by a team of five to seven children from an organization established and run by them. The participants, aged 7 to 18 years, also included orphans, bonded labourers, children with disabilities, refugees, street children and children from underprivileged and marginalized communities such as *Badi* and *Deuki* children. Comments and suggestions on the draft were collected through nine regional public hearings in which adults and children participated, and through interaction with some parliamentarians, correspondence with concerned ministries, representatives of external development partners and members of the National Human Rights Commission. A web site containing the draft report, notices in the main national daily press and discussions during a national workshop provided further comments.

## **I. GENERAL MEASURES OF IMPLEMENTATION**

15. The Committee had expressed concern at gaps between the provisions of the legislation and their implementation, as well as at the inadequate dissemination of the report. The lack of conformity of national legislation concerning non-discrimination, including in relation to marriage, inheritance and parental property, torture and corporal punishment, was a further subject of concern raised by the Committee.

### **A. National legislative changes**

16. Nepal is a State party to the Convention and signatory of the Optional Protocols related thereto without reservation. As a State party, Nepal is making efforts to harmonize national laws with the Convention provisions. The Government has adopted policy measures, organizational measures and procedural measures to realize rights set forth in the Convention and to ensure the continuity of policies and programmes related to children's issues. Nepal has adopted a series of

laws regarding rights of the children. One of these is the Children's Act (1992), which provides a comprehensive national legal framework for the rights of the child. This law was formulated after the ratification of the Convention. The Government of Nepal has also enacted the Child Labour (Prohibition and Regularization) Act (1999), which defines hazardous work and prohibits the employment of children under the age of 16. Other major areas covered by this law are the provision of child labour inspectors, and the creation of a child labour welfare and coordination committee. The Act has provided a legal and institutional basis to control and regulate child labour. Nevertheless, it does not address the causes for child workers in the informal sector, which are difficult to track because of their specific nature. Other major efforts are the inclusion of child development policies in line with the Convention in the Ninth Plan (1997-2002), and the renaming of the Ministry of Women and Social Welfare as the Ministry of Women, Children and Social Welfare. Moreover, the National Human Rights Commission and the National Commission on Women, which are also concerned with the issue of child rights, have been created. Juvenile Benches have been established under the jurisdiction of the district court to deal with cases related to juvenile offenders.

17. In view of the following shortcomings identified in the Children's Act (1992) and taking into account the comments of CRC, the Government has already initiated the process of amending this law in order to make it more effective in the realization of the rights of children:

- A violation of the Children's Act is considered a civil dispute, and the State does not investigate such incidents;
- The Act sees children as an interest group implying that they cannot approach a court for protection against exploitation until they attain the age of 16;
- The Act has to be amended to take cognizance of the issue of child domestic workers and other forms of child labour in the informal sector;
- The Act has also to be comprehensive enough to encompass sexual abuse and exploitation of children by paedophiles;
- It has yet to incorporate provisions regarding children's right to association as well as the rights of children with disabilities.

18. In the past five years, Nepal has ratified a number of international conventions and agreed to significant declarations including the following:

- First SAARC Ministerial Conference on Children, 1986;
- Convention on the Rights of the Child, 1989;
- World Declaration and Plan of Action for the Protection and Development of Children (1990);
- International Programme on Eradication of Child Labour 1992;
- Second SAARC Ministerial Conference on Children, Colombo, 1992;

- Stockholm Declaration adopted at the World Congress against Commercial Sexual Exploitation of Children, 1996;
- Third SAARC Ministerial Conference on Children, Rawalpindi, 1996;
- The Declaration on the Elimination of the Most Intolerable Forms of Child Labour, adopted at the Amsterdam Child Labour Conference, 1997;
- ILO Convention No. 138 Concerning Minimum Age for Admission to Employment, 1996;
- Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography;
- Yokohama Declaration, adopted at the Second World Congress against Commercial Sexual Exploitation of Children, 2001;
- Declaration of Commitment adopted by the twenty-sixth special session of the General Assembly on children, 2001; and
- ILO Convention No. 182 on Worst Forms of Child Labour.

### **1. Improvements in national legislation and judicial decisions concerning the implementation of the Convention**

19. The Convention on the Rights of the Child has been ratified and the spirit of the Convention is incorporated in the Children's Act, 1992. In July 1998, the Jagriti Children's Club filed a case in the Supreme Court against the decision of the Ministry of Home and District Administration office to deny it registration as an organization, a right recognized in article 15 of the Convention. This was the first case filed in Nepal on the provisions of the Convention. The Supreme Court decided in favour of the organization, invoking the right of children to freedom of association, in accordance with the provisions and principles of the Convention.

20. The Government of Nepal is committed to eliminate any inconsistencies between domestic legislation and the provisions of the Convention, and initiatives are being taken in this regard.

21. The Nepal Treaty Act, 1990, provides that one can appear before a court quoting the provisions of conventions ratified by Nepal. The Children's Act, 1992, in article 14 (3.5), sections 19, 55, 56 and 57 provides for the application of the principles and provisions of the Convention while dispensing justice for children.

22. On behalf of children, various cases have been filed by NGOs to ensure their rights as provided by the Children's Act, 1992, and the respect for the provisions of the Convention. In September 1996, a case was filed on behalf of a 12-year-old domestic child worker who was kept in chains and tortured by his employers. Various other NGOs have also filed cases for the protection of the rights of the child. Some of these cases are still under consideration by courts.

## 2. Remedies for violations

23. In April 2000, the Government established Juvenile Benches in all 75 district courts of the country to deal with cases related to children in conflict with the law. It intends to coordinate with the judiciary to involve child psychologists, social activists and child experts in the Bench during the court proceedings. The Government is doing this simultaneously with its endeavours to repeal or amend inconsistencies in the Children's Act, and it is seeking active cooperation from NGOs and the civil society in this respect.

24. Since 1996, provisions have been made to create separate cells for women and children in district police offices. These arrangements now exist in 16 districts. The police offices also act upon complaints by victims and take action against violations of child rights. There are plans to extend such arrangements to other districts.

25. The creation of the National Human Rights Commission in 2000 is a major achievement in view of the current political situation characterized by Maoist insurgency and other cases of human rights violations. NHRC, as a national mechanism for monitoring the human rights situation in the country, plays an active role in the prevention of human rights violations, including violations of children's rights. Thus, for example, the Commission is preparing a code of conduct for government employees, in which it advocates against the employment of children as domestic workers. It has also recommended to the Government to separate children from adults in places of detention.

### B. Comprehensive National Strategy

26. The Government has adopted special child development policies in its Ninth (1997-2002) and Tenth (2002-2007) Plans, which address issues related to the rights contained in the Convention. The Ninth Plan includes a long-term perspective to discourage child labour and to protect the rights and aspirations of vulnerable children, children with disabilities and mentally retarded children through rehabilitation, education and training. Special child development programmes are also being implemented for children under five living in remote and economically underdeveloped areas. The Government is collaborating with international NGOs and social welfare organizations to realize these objectives.

27. Programmes on health, family planning, education, culture, drinking water and sanitation and policies on poverty alleviation, population questions, women in development and nutrition all integrate issues to improve the overall condition of children. Similarly, the new health policy emphasizes child survival, safe motherhood and family planning. To control diarrhoea and acute respiratory infections, specific programmes will be strengthened under IMCI.

28. In February 1995, the Ministry of Labour and Transport Management and ILO signed a memorandum of understanding (MOU) extending ILO/IPEC to Nepal. It primarily focuses on bonded child labour in agriculture, child workers from disadvantaged groups and lower caste, and trafficking in girls. The Ministry has implemented the ILO/IPEC programme for strengthening the capacity of the Ministry to formulate and implement policies and programmes and enforcing legislation on child labour, which has been phased out recently. This programme has assisted 200 families of child labourers by providing skills training and access to credit to develop self-employment activities. Areas of programme intervention have been identified with

short and long-term strategies for child labour elimination. The Ministry has created a welfare fund, with contributions from the Nepal Carpet Association and Wool and Carpet Development Board, to finance a non-formal education programme for children below 14 years of age of carpet weavers, literacy classes and day-care centres for young children of female carpet weavers. In cooperation with GTZ, the Ministry has been working on the Improvement in the Situation of Child Labour (ISCL) project since 1998, which will continue until March 2003. From the very beginning, the project focused on the prevention of child labour by providing non-formal education, emphasizing school enrolment of girl children, and on the improvement of living conditions of working children who are above the legal minimum age. A comprehensive National Master Plan on Child Labour has been prepared to eliminate the worst forms of child labour by 2007 and all forms of child labour by 2010. The Master Plan incorporates all long and short-term policies and government programmes to eliminate child labour. The Master Plan is a national framework that provides a direction for the formulation and implementation of strategic action plans to eliminate child labour within a 10 year period. The Time Bound Programme (TBP) on the elimination of the worst forms of child labour has also been recently launched, in consultation with the line ministries, to contribute to the Government national Master Plan for the elimination of child labour in Nepal. TBP is a major initiative for the elimination of the worst forms of child labour in Nepal, focusing on seven selected worst forms of child labour in seven sectors: child bonded labour, child rag pickers, child porters, child domestic workers, children in mines, children in the carpet-weaving sector, trafficking and sexual or labour exploitation.

### **1. Implementing structures**

29. The Committee on the Rights of the Child was concerned at the slow pace in establishing coordination between the different ministries and between the central and local authorities, resulting in gaps between policy formulation and implementation. It had also suggested that the Government seek technical assistance from relevant agencies as well as NGOs to carry out child-related programmes. In recent years, the Ministry of Women, Children and Social Welfare has been active in facilitating coordination between the line ministries, the Social Welfare Council, local government institutions and NGOs in realizing the rights of children. In its Ninth and Tenth Plans, the Government has listed NGOs as development partners; accordingly, the Ministry of Women, Children and Social Welfare is coordinating and collaborating with NGOs, especially in implementing programmes regarding the rights of the child.

30. Under the Children's Act, 1992, District Child Welfare Boards have been set up in all 75 districts, together with a central child welfare board. They are responsible for promoting awareness on child rights and mobilizing the Government and NGOs to address problems faced by children at the district level. For various reasons such as inadequate economic, human and technical resources, they have not been optimally active. The proposed amendment to the Children's Act, 1992, is expected to address this issue.

31. Programmes have been initiated in 10 districts to enhance the capacity of these bodies to fulfil their roles in the implementation, coordination and monitoring of children's rights. International and national NGOs have also been working with District Child Welfare Boards in their respective areas of expertise. Performance reviews of 10 District Child Welfare Boards conducted in 1998 revealed that besides creating awareness of the Convention, they have also helped in the setting up of children's organizations, published children's magazines, provided

free medical check-ups for children in need and organized workshops to discuss the rehabilitation of children. The 10 District Child Welfare Boards have also conducted situation analyses of children in their districts.

32. The Government adopted the Local Self-Governance Act, 1999, with the view to delegate decision-making power to the local levels such as Village Development Committees, municipalities and District Development Committees. These local bodies are also mandated to carry out child welfare programmes. The Local Self-Governance Act has made it mandatory to have women representatives in all, municipalities and District Development Committees so that the issues of children can be raised in the local bodies. The functions and duties of local government institutions include: birth registration; protection of children, helpless women, the aged and disabled; income-generating activities beneficial to the parents of children from disadvantaged communities; facilitation of primary education in mother tongue; scholarships for girl children from deprived communities; family planning, mother and child health programmes; collection of data concerning children and persons with disabilities and children at risk, and conditions and arrangements for their rehabilitation; construction of children's parks and provision of orphanages, and programmes aimed at eliminating child labour and rehabilitation of child labourers.

33. DCWBs are mandated to prepare district-level planning, coordinate with other agencies to implement child-related programmes, collect information at the district level, monitor the programmes and report to CCWB for preparing annual reports at the national level.

## **2. Cooperation with civil society**

34. In order to facilitate cooperation and coordination between the Government and NGOs at both the policy and programme implementation levels, a CCWB has been established at the national level comprising representatives from civil society and the Government. The Government is also collaborating with many other national level NGOs to carry out, monitor and evaluate child-related programmes. NGOs are involved to review the situation of children in relation to the implementation of the Convention.

## **3. Economic and social indicators**

35. Nepal is among the low-income developing countries, with a per capita GDP of just US\$ 240. In 1996, it was estimated that 38 per cent of the population of Nepal was living below the poverty line; over half of its 23 million people live on less than a dollar income per day. Poverty is more pervasive in the remote rural areas and among the lower castes and ethnic minorities. Low income, lack of employment opportunities, especially in rural areas, a delayed start of the development process and less than optimal use of public resources have also contributed to creating social unrest and political instability and have impeded the development process of the country.

36. Poverty in Nepal is further worsened by the burgeoning debt-servicing burden. Revenue collection as a proportion of GDP (12.3 per cent in 2001) has yet to reach a satisfactory level, and a larger percentage of annual budget is spent on the repayment of internal and external debts. Low revenue collection, growing administrative expenses and a growing debt-servicing burden have increased Nepal's dependency on foreign aid to finance its development activities. Debt



servicing already claims about 14 per cent of the total budget and its impact adversely affects public investments and expenditure in the social sector, and, in particular, the provision of basic social services.

37. Despite these constraints, it is a measure of the Government's commitment to the social services that between 1992-1993 and 1999-2000, government spending on basic social services tripled, from Nrs 3,508 million (US\$ 82 million) to Nrs 10,940.6 million (US\$ 159 million). Nearly two thirds of the social sector budget in 1999 was allocated to primary education, basic health and low-cost water supply and sanitation. The economic slowdown in 2001, continued political instability, growing fiscal pressure with falling revenue collection and increasing expenditure and diminishing export markets have posed a major challenge to the Government to raise the level of investment in priority sectors of the economy, including the social sector. Despite such public investments in basic social services, progress has been slow. With the ever-increasing debt burden, expenditure on public services is likely to be compromised and more people will be denied access to basic social services - a deprivation that will inevitably result in the stagnation of poverty alleviation programmes.

38. The Government of Nepal is committed to taking appropriate measures to ensure that children are protected against the adverse impacts of economic policies, and that they are allocated a fair share of the budget. The Government has launched reform measures in fiscal and financial management, decentralization and infrastructure in the financial and social sectors. These include finalizing foreign aid policy, and preparing the PRSP with the goal of reducing poverty to 10 per cent in the next two decades and the Medium-Term Expenditure Framework (MTEF), to be implemented in five key ministries (Health, Education and Sports, Physical Planning and Works, Agriculture and Cooperatives, and Water Resources). The Ministry of Finance, together with the National Planning Commission and the competent line ministries, is working to prepare sectoral goals and outcome targets based on the missions, policies and programmes to achieve them and expenditure requirements to fund them.

#### **4. International cooperation**

39. Nepal continues to cooperate with donors, bilateral and multilateral organizations and international NGOs to implement programmes for child development and rights. Many children, especially vulnerable and underprivileged children, benefit from programmes aimed at improving children's education, health and nutrition. External development partners involved in child- and women-related programmes include ILO/IPEC, Save the Children (Norway, United States of America, United Kingdom, Japan), Plan Nepal, ActionAid, CARE Nepal, United Mission to Nepal, SDC, DANIDA (Denmark), JICA (Japan), DFID (United Kingdom), GTZ (Germany), USAID, World Bank, Asian Development Bank, Finnida (Finland), and NORAD (Norway). External development partners are supporting activities as diverse as building schools, providing primary health care, preparing textbooks for primary grades, and combating trafficking in girls. Also, a coalition of United Nations system and donor agencies is assisting the Government in mainstreaming gender issues in various sectoral policies and programmes.

40. Nepal is heavily dependent on foreign aid for its development. The Government is receptive to criticisms from civil society for the proper utilization of such aid for sustainable development of the country, and is committed to investment in basic services for children and the poor.

### **C. Publicizing the Convention (art. 42)**

41. The Committee recommended that the Convention be made widely known, and that awareness and understanding of the principles and provisions of the Convention be raised among adults and children. To implement this recommendation, the Government, in collaboration with the United Nations and other external development partners, organized a programme to inform parliamentarians about the concluding remarks and suggestions made by the Committee. The National Planning Commission organized workshops on the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women in all five development regions with the participation of the key stakeholders at district level. Similarly, the Ministry of Women, Children and Social Welfare organized workshops at the district level in 47 districts. The Convention has been published in the Nepali language. International NGOs have also been instrumental in advocacy, promoting the Convention through publications, audio-visual materials, training materials, song and essay contests, painting competitions and street drama. Training workshops on the Convention have been organized for the stakeholders - government officials, teachers, police officers, schoolchildren, journalists, local authorities, District Child Welfare Boards and NGOs. NGOs have been lobbying with political parties to include child rights in their election manifestos. In both general and local elections, candidates and voters have also been sensitized on the issue of child rights. International NGOs have supported initiatives of national organizations to design and publish training manuals on the Convention, and have provided financial support for many child rights advocacy programmes.

42. A consortium of organizations working with children's clubs has been formed to promote children's right to participation and to support their organizational development. More than 1,500 children's clubs in different districts, involving more than 50,000 children, are currently involved in raising awareness on the Convention through various activities. A study conducted in 1998 showed that the children's clubs have the potential to promote child rights in Nepal, and that it is important to strengthen these clubs as a "child rights movement", as well as projecting it in the future as a "generation change".

43. There is widespread awareness about the Convention, but real understanding of its provisions and its practical implications has yet to be realized. The implementation and monitoring mechanism of the Convention is still not sufficiently embedded in child rights advocacy and awareness programmes. The Ministry of Women, Children and Social Welfare intends to launch advocacy programmes which would impart the knowledge of child rights as a concept as well as a practical tool for the improvement of the lives of children.

44. The Committee raised concerns that child rights were not included in the school curriculum. Issues on child rights have already been incorporated in the social studies textbooks for grades 8, 9 and 10 since the academic year 1997/98. Tribhuvan University has incorporated a child rights course on Early Childhood Development and Social Justice in the curriculum of the bachelor's degree in education. Similarly, the Population Department has initiated the process of

incorporating child rights issues in the master's degree curriculum. Issues relating to the Convention have also been incorporated in courses of the Nepal Scout Leader Training, Boy and Girl Scouts and training at the Nepal Police Academy. The Convention is also an important element of the curriculum of various government, semi-government and non-government training institutions such as the Local Development Training Academy, the Women Development Training Centre, Nepal Administrative Staff College, the Community Medicine of Mental Health Project of the Institute of Medicine and the Community-based Rehabilitation Training.

45. There has been a good beginning to include the Convention in the different curricula. MoES plans to include child rights issues in the primary education curriculum developed in 1992 when it revised its curriculum. The Ministry of Women, Children and Social Welfare has been maintaining a continued dialogue with MoES to make the secondary and higher secondary education curriculum sensitive to child rights.

#### **D. Publication of reports (art. 44)**

46. The Government organized a press briefing to disseminate the initial report, including the additional report, prior to submission to the Committee, as well as press conferences, together with civil society organizations, to publicize the concluding observations of CRC. In the same manner, a joint government-NGO workshop was organized to develop a plan of action.

### **II. DEFINITION OF THE CHILD (art. 1)**

47. The Government of Nepal welcomed the recommendation of the Committee that the age limit for criminal liability be raised from 16 to 18 years.

48. For provisions in respect of the age of majority and age limits concerning marriage and sexual consent, admission to employment or work, including hazardous work, part-time and full-time work, voluntary enlistment and conscription into the armed forces, consumption of alcohol or other controlled substances, giving testimony in court, criminal liability, deprivation of liberty and imprisonment, and schooling and education, see paragraphs 54-64 of the initial report.

49. In addition, the Government has adopted the Child Labour (Prohibition and Regularization) Act, 1999, which defines hazardous types of activities and prohibits the employment of children below 16 years of age in those areas. Primarily for economic reasons, schooling has not been made compulsory in Nepal. Therefore, the minimum age of 14 for employment set by clause III of the Labour Act, 2000, does not guarantee the access to education of a child under the minimum employment age.

### **III. GENERAL PRINCIPLES**

#### **A. Non-discrimination (art. 2)**

50. As concerns legislation, see the initial report of Nepal, paragraphs 65 to 68.

51. The Constitution of the Kingdom of Nepal of 1990 and other relevant laws prohibit discrimination on the basis of race, caste and gender. However, in practice, discrimination still

prevails in some communities, and multifaceted approaches have been adopted by the Government and non-governmental actors to counter it. Such programmes have aimed at providing equal opportunities to girls by reducing their work burden and improving access to school and health facilities. Programmes include extra-curricular education, early childhood development and water and sanitation in rural areas. Steps have been taken to provide primary education in the mother tongue. The Government also provides scholarships for *Dalit* children.

52. The Ministry of Women, Children and Social Welfare is mandated in making the interest of children a national priority and to work toward ending any discriminatory practices. The Social Welfare Council, donor agencies and NGOs are involved in massive public awareness programmes to end discrimination of all types at all levels. The electronic and print media also play a vital role in sensitizing the public on discrimination. Radio Nepal, Nepal Television and private radio stations, in collaboration with the Government and international and national NGOs, have various programmes aimed at educating children and adults on issues related to child rights.

53. A committee has been created at national level to address the issues of ethnic groups, *Dalit* and indigenous communities. A high-level commission for *Dalit* has also been established. Similarly, the "Eight-Point" social reform programme presented by the Prime Minister to Parliament in 2001 covers this issue.

54. The Remote Areas Development Committee has been active in formulating policies and programmes for the development of remote areas. Since the Eighth Plan (1992-1997), the Government has allocated half a million rupees to each Village Development Committee for local development. Similarly, 1 million rupees were allocated to each parliamentarian to carry out development initiatives in his/her respective constituency. The Local Self-Governance Act was passed by Parliament in 1999, empowering local institutions and enabling them to execute local self-governance programmes. These initiatives have been effective in reducing both poverty and regional imbalances.

55. The Government provides assistance for food, shelter, health and education to refugee children, and, with the cooperation of the international community, to support street children, displaced children, children belonging to minorities, disabled and migrant children. International NGOs are also active in these areas.

56. In Nepal, gender discrimination is still prevalent because of the overwhelming wish in Nepalese society for having a male child. School enrolment in primary school witnesses the same gender bias. In terms of child labour, 60 per cent of girls begin working at an early age as opposed to only 40 per cent of boys. This, however, represents an important progress over past practice.

57. Enrolment of boys in primary to secondary level is 60 per cent while only 40 per cent for girls. However, enrolment rates for girls are increasing and this trend is contributing to minimizing the education gap between boys and girls. In the area of education, a series of measures have been taken to increase the enrolment of girls and retain them at school, such as providing scholarships for girls. Thirty-eight thousand, one hundred and ninety-eight girls and 16,421 children of the targeted communities were provided with scholarships, according to the *Economic Survey* for the fiscal year 2000/01. In remote districts, girls studying in secondary

schools also receive hostel facilities in specific areas. Non-formal education programmes target illiterate adults, particularly young women. As an incentive to increase the enrolment of girls and women in education, job opportunities have been created with mandatory recruitment of at least one female teacher in primary schools.

58. Acknowledging that the rights of children and women are intertwined, governmental child development programmes have increasingly focused on efforts to improve the situation of girl children. Media intervention and advocacy has accelerated, aiming to minimize gender disparity. Under the Ministry of Women, Children and Social Welfare, task forces have been formed to cover and develop plans of action in the 12 critical areas of concern identified by the Fourth World Conference on Women in Beijing. Similarly, a National Commission on Women has been created.

59. Several NGOs are organizing gender sensitization training programmes at different levels for mainstreaming gender in every social and developmental issue. Also, activities have been undertaken to raise awareness of reproductive health among adolescent girls. UNFPA, the Women's Development Division of the Ministry of Women, Children and Social Welfare and several NGOs run programmes at field level, such as "Best Life Option" and "Choice for the future", advocating adolescent girls' right to health and ending discrimination against girl children.

60. According to the Children's Act, DCWB and local bodies are responsible for collecting disaggregated data on the situation of children. However, only a few district boards have been effective in this regard. International NGOs working with children have collected such data independently. At the central level, CCWB monitors all programmes related to child welfare and development. For a long time it was not functional, pending the appointment of an executive director and the establishment of its secretariat, as mentioned in the law. Now that an executive director has been appointed, CCWB is expected to be proactive and persuasive.

61. The Census Household Information, Monitoring and Evaluation System (BCHIMES) and the End Decade Goal Review are the two major tasks carried out in line with the goals of the World Summit for Children. These systems provide necessary indicators, especially on children and women as well as on available basic facilities. These reports also add value to the evaluation and monitoring of plans and programmes.

62. The Central Bureau of Statistics has established a national database on indicators related to children's issues. The recently completed national census for 2001 has incorporated key areas of information on children's issues. This will also provide disaggregated, comprehensive and reliable data on children. The analysis of the census results is, however, not completed.

63. The Convention reporting process has been seen as an opportunity for the Child Development Division of the Ministry of Women, Children and Social Welfare to develop an information bank and central monitoring apparatus on the condition of children in Nepal. The reporting process has built on ongoing programmes to strengthen the role of District Child Welfare Boards and establish regional child development boards for effective information collection and monitoring.

64. Specific information on prejudice against children is lacking. Children's clubs are active in advocating the elimination of social prejudice against children through various activities. Various NGOs work specifically on helping particular groups of children, such as street children, child labourers, *Badi* and *Deuki* children, and disabled children. Jingles and documentaries aired on television and radio have also helped reduce traditional prejudice against children in especially difficult circumstances. However, as in the case of many engrained traditional attitudes, social prejudices against marginalized or ethnic children prevail in Nepalese society.

65. The Constitution and the national laws strictly prohibit discrimination by parents. Many parents in Nepalese society have preferences for sons over daughters, a preference that seems to prevail in South Asian society as a whole. In urban areas, we see some visible progress; however, a lot still has to be done in rural areas. The Government and civil society have initiated continuous awareness-raising activities against this type of discrimination. There are special scholarship programmes for girl children aiming at reducing such discrimination.

66. The Committee has expressed concerns about discrimination against girl children such as *Deuki*, *Jhuma* and *Badi*. The caste system and traditions such as the *Deuki* and *Badi*, and practices such as child marriages are deep-rooted, although they are gradually decreasing. These entrenched social norms, coupled with lack of awareness and illiteracy, are serious barriers to the elimination of gender and social discrimination. As the result of interventions, the tradition of offering girls to god, like *Deuki*, has almost ended. The girl chosen as *Kumari* is provided with education (with the special provision of assigning a teacher to her residence) and other basic facilities, and she is entitled to live a normal life once she leaves that status.

67. Laws dealing with the trafficking and sexual abuse of children, especially within the family, are being reviewed. The Civil Code (Muluki Ain, 1963) and the Act Relating to Human Trafficking (1986) carry provisions against such practices. Many of the initiatives on these issues have been undertaken by NGOs. Coordination between the concerned NGOs, government authorities and law enforcers is in progress, as steps have been taken to establish an improved partnership. A draft bill has been prepared to address the problem of sexual exploitation, and there is demand from women and child right activists for an act to deal with domestic violence against children. Participants in regional public hearings were of the opinion that at least 10 per cent of the annual allocation made to Village Development Committees and municipalities should generally be spent for the children's cause, and, in particular, for girls, disabled, oppressed and underprivileged children. Governmental, non-governmental and local institutions have launched awareness programmes on discrimination. There is a provision for at least one female teacher in each primary school; the same provision is going to be applied to lower and secondary schools in the near future.

68. The Government of Nepal is positive on these matters. It has recently made all education free for girls and children from oppressed and marginalized communities. The Government is also committed to enact laws to guarantee the rights of girl children such as *Badi* and *Jhuma*, and laws to deal with trafficking and sexual abuse of children, especially within the family.

### **B. Best interests of the child (art. 3)**

69. The Committee expressed concern at the growing number of children living on the streets and the situation of child domestic workers who are deprived of their fundamental rights and are

at risk of exploitation. It also highlighted that the situation of child domestic workers was not given due consideration by the Government. To ensure the best interests of children, CRC suggested regular budget allocation for the development and welfare of these children. The Government is aware of these issues and the Ministry of Women, Children and Social Welfare plans to coordinate activities with NGOs to address these issues.

70. As concerns the constitutional and legislative provisions concerning the best interests of the child, see the initial report, paragraphs 18 to 25 and 77 to 82, respectively.

71. The Government has adopted “Minimum Standard Rules” for running child welfare homes to ensure the best interests of children, approved in August 1998. The rules cover provisions for registration, operation, monitoring and supervision. A minimum standard has been adopted with regard to physical infrastructures, ensuring health, education and psychosocial support for the children living at those homes. Nepal has ratified ILO Conventions No. 29 concerning Forced or Compulsory Labour, No. 138 concerning Minimum Age for Admission to Employment and No. 182 concerning the Elimination of the Worst Forms of Child Labour.

72. The Children’s Act stresses that the primary responsibility for ensuring the best interests of the children lies with the family. This includes caring and providing health, education and other basic requirements. In many communities, the traditional and cultural practices are also in line with the best interests of children. The joint family system is very supportive to children, and in most situations children are given first priority.

73. As a part of the child rights movement in the country, many organizations are targeting schools and teachers for their programme interventions. Providing orientation on the Convention to teachers, and proposing alternative teaching, learning and disciplining methods, has had a positive impact on the best interests of children. Many child rights forums established in schools have been playing an advocacy role in ensuring children’s best interests in the schooling system, where early childhood is now an integral part of BPEP II. Orientation is also being provided for parents to raise community awareness and to support the early childhood development centres.

74. The Government and local authorities give priority to children’s interests in their planning and developing policies. In addition, there are some examples of involving children in the planning process in some Village Development Committees and at the national level.

75. The Government has adopted policies on running rehabilitation homes. The Children’s Act provides for State orphanages where orphans live until the age of 16. Vocational training is also provided to them. There are also other homes run by civil society organizations, targeting different groups of children in different parts of the country. There are only a few of such rehabilitation centres, predominantly located in main cities. Some of them only provide temporary rehabilitation, whereas others provide non-formal education and training for more permanent rehabilitation. State agencies are responsible for the monitoring and supervision of the homes to ensure the best interests of children. Initiatives have been taken to improve the situation of homes towards providing better service to the children. In this context, a national consultative workshop for childcare homes has led to the establishment of a national-level network called Child Home Net.

76. Efforts are also under way to raise awareness on child rights across the country through activities such as street drama, posters, chat programmes, children's camps and community radio programmes. More and more children are becoming conscious of their rights.

77. The Children's Act requires parents or legal guardians to provide protection and care for children and prohibits any cruel treatment of children by parents, guardians or teachers. The Government is responsible for providing necessary support to them in this regard. Besides this, international NGOs are implementing child-centred community development programmes with a view to protecting the children and providing support to the parents through ensuring their involvement. A range of parenting dialogue and education programmes is contributing in this connection. Under the Local Self-Governance Act, 1999, local institutions ensure protection measures for children in general, and, in particular, for children with disabilities and at risk.

78. The Government has a clear policy guideline on children's homes run by it. This includes setting a minimum standard for operation, supervision and monitoring of such homes.

79. In the districts, DCWBs are mandated to be responsible for ensuring the quality of service provided to children by both the Government and civil society institutions. For this, the institutional capability of DCWB has to be strengthened further.

80. Poverty, lack of resources, low level of awareness and high illiteracy among parents are some factors often associated with discrimination between girls and boys and also often compromise the best interests of children. This has forced many children into a vulnerable situation of risk and exploitation. Consequently, the socio-economically vulnerable children living in remote areas, orphans, street children, drug-addicted children and child labourers are still vulnerable to exploitation. During the public hearings, a concern has been raised that most of the districts still lack organized recreational and cultural facilities and programmes to support children's creativity.

81. The Ministry of Women, Children and Social Welfare is aware of the need to mobilize and strengthen DCWBs in collaboration with local-level institutions, establish a sufficient number of children's homes for those children who are living under risk situation and direct its focus of the intervention towards preventing children from being at risk.

82. The Government and international NGOs have also developed training packages on child rights, targeting various stakeholders and office bearers, including local bodies. The National Police Academy has already started incorporating child rights issues in their different training courses. NGOs have been organizing various training programmes on the issue of child rights for journalists, teachers, trade unions, local authorities, police and lawyers. The training manual on "CRC and CEDAW and Planning Process of DDC" has been developed. The developing capacities of civil servants in key Government institutions is also considered important for the realization of the principles and provisions of the Convention, and to prioritize them into the mainstream agenda of the line ministries.

83. However, it is realized that the participants in the training are found acquiring knowledge and awareness, but are insufficiently skilled to translate them into practice. There is also insufficient coordination while developing training packages and providing training targeting different professionals. The Ministry of Women, Children and Social Welfare considers



schoolteachers as the key actors in disseminating information to the community and the children and has initiated discussions with MoES to include child rights issues in teacher training programmes.

### **C. The right to life, survival and development (art. 6)**

84. For the legislative provisions concerning this article of the Convention, see paragraphs 92 to 96 of the initial report.

85. There have been successful massive campaigns to save lives of children under the age of 5 through immunization. Vitamin A deficiency among pre-school children has been drastically reduced. Significant levels of awareness have been raised and, according to the BCHIMES report for 2000, 94.1 per cent of mothers were aware of the Vitamin A programme. Likewise, Nepal is vigorously working towards the eradication of polio and of maternal and neonatal tetanus by 2005. Awareness about Oral Rehydration Therapy (ORT) is high among mothers, although this has not necessarily been reflected in practice. Efforts are needed to make income-generating activities and food-for-work programmes within the reach of people in food-deficit areas and helping to combat malnutrition among children. Awareness about health, hygiene and sanitation remains low in rural areas. The incidence of diarrhoea-related deaths has been drastically reduced.

86. There are nearly 4,100 health institutions, ranging from health dispensaries to big hospitals, though many parts of the kingdom are still without sufficient health facilities. Even where facilities are available, the quality of health services is poor due to resource constraints, inadequate medicine and infrastructure and lack of professional human power.

87. As a persuasive response by the State to the concerns raised by society that there should be laws to regulate abortion so that unwanted pregnancy can be controlled and safer motherhood programmes should be effectively expanded, an act on regulated abortion has been adopted. This is expected to contribute to ensuring the child's right to survival right from the prenatal stage. Immunization against hepatitis B has been made available free of cost. MoH is in the process of formulating the National Health Sector Programme Implementation Plan (NHSP-IP), which is expected to address issues relating to basic health services.

88. Birth, Death and other Personal Incidences Act, 1976, provides legal provisions and mechanisms for the registration of personal incidences including deaths. The local bodies are mandated to act as registration bureaux. The registration programme, introduced in 1977 in 10 districts out of 75, has been gradually extended to the rest of the districts.

89. Many deaths in Nepal are preventable. According to the annual report of the department of health, diarrhoea and dehydration kills an estimated 30,000 children annually. It is reported that children have also been killed in armed conflict in Maoist insurgency-related problems. About 152 children were reported to have committed suicide in the period 1996-2001.

#### **D. Respect for the views of the child (art. 12)**

90. See the initial report of Nepal, paragraphs 101 to 103.

91. The children's right to participation has been encouraged since 1994. The initial report to CRC was made available to the public. A children's organization was established during the process, and later on it was registered as the first children's club in February 1996. At present, there are more than 1,500 children's clubs and groups established throughout the country providing the children an opportunity to express their views on matters concerning themselves, their family, community institutions, schools, in all forums from the Village Development Committees at the local level to district and national levels.

92. There are child representatives in a few DCWBs. Children's clubs, child rights forums and child rights awareness groups have been formed in many schools and through these forums, children are being involved in the decision-making process of school activities. Similarly, children's clubs have started playing a role in Village Development Committee meetings. Children have been actively participating in the electronic and printed media and in radio and television. Various competition programmes provide children the opportunity to express themselves. There are special programmes for parental education and awareness-raising to promote the recognition of children's views. Radio and TV programmes, TV films and serials such as *Chetana*, *Devi* and *Ujeli*, as well as the *Meena* cartoon series, have helped spread the message on children's issues, including their participation and expression.

93. A system is yet to be set up to enable children to express their views in the administrative and juvenile justice. However, consulting children in the planning process at the central as well as local level has been initiated.

94. Children below 16 years of age do not have the full legal capacity to represent themselves in civil court proceedings. The formation of a separate Juvenile Bench within the district court is a step towards giving priority to court cases where a child is plaintiff or defendant.

95. The involvement of children in the process of preparing this periodic report, village level planning in some villages and preparing the Tenth Plan are inspiring initiatives that have been taken, and there is an indication of increasing children's participation in the decision-making process. Similarly, the Consortium of Children's clubs has been involved in promoting children's participation in decision-making processes in matters concerning them by empowering children's groups, as well as enabling adults and/or adult institutions.

96. Children's potential contribution to policy and their opinion on the level of implementation are recognized. The involvement of children's groups in the drafting process of the present report and the organization of regional children's camps in four development regions is a reflection of the fact that the views of children are taken seriously. In addition, public hearings on the draft of the present report have also been conducted with children and children's clubs working together to organize these regional events and collecting children's perspectives. Children are also being involved to provide their views as inputs for the Tenth Plan.

97. The Ministry of Women, Children and Social Welfare is committed to encouraging children to establish children's clubs and formulate policy, registering them in line with the provision UNCRC. A mechanism would be set up to represent children's opinions in the Child Welfare Boards, both at the central and the district levels.

#### **IV. CIVIL RIGHTS AND FREEDOMS**

98. No change in legislation has been recorded after 1996; see paragraphs 107 to 152 of the initial report for legislation in force.

99. In 1996, the Government adopted the Compensation against Torture Act. This law prohibits all types of physical and mental, inhuman and degrading torture of persons who are in detention, awaiting trial or in the process of investigation. A case was filed in Kathmandu District Court against the torture of a child domestic worker, in accordance with the Children's Act. The court decided in favour of the child and ordered compensation.

##### **A. Name and nationality (art. 7)**

100. The Committee expressed concern about the insufficient steps undertaken to ensure the registration of births, especially in rural areas. As a result, many children are deprived of their rightful benefits. The Committee has suggested that birth registration should be given top priority.

101. The law (Birth, Death and other Personal Incidences (Vital Registration) Act of 1976) provides that the birth of a child should be registered within 35 days of his/her birth. The registration programme was introduced in 1977 in 10 districts. The remaining 65 districts were gradually covered by 1990. There is a local registrar in each Village Development Committee and municipality. The Ministry of Local Development is running a massive campaign and revising the procedure in the by-laws of the Act to make it easy and accessible.

102. Awareness-raising activities are run by various means of communication. A three-year joint project on birth registration in 38 districts has been launched in December 2001 by the Ministry of Local Development, in collaboration with and with the support of external development partners. The Ministry's regular programme will cover the remaining 37 districts.

103. The campaign of birth registration has been running since 1999. The registration certificate provides the details of the name of the newborn, his/her father and mother, grandfather, and date and place of birth. The project and massive awareness-raising activities are being carried out on the basis of findings of a survey conducted in eight districts and different workshops at central level to district level. Networking and partnership building at grass-roots level and mobilizing concerned institutions have been started in this respect.

104. According to the survey, families often lack the necessary documents to register a birth, and problems arise when the father of the child is absent, because the Act does not allow a mother to register her child. Local registrars are still to be activated, particularly to maximize the birth registration and to overcome the frustration of parents when they go to register their child. The Government is planning to address these issues by amending the law and creating the necessary administrative infrastructure.

105. In 2000, the BCHIMES survey found that 34 per cent of children under the age of 5 were registered, but little difference was seen in the registration between boys and girls. Another sample survey, however, found that 42.2 per cent of the population below 18 years of age in its Plan Nepal's eight working districts are registered. Official data furnished by the Ministry of Local Development also shows that about 42 per cent of children below 1 year are registered. The Committee has explicitly pointed out the low rate of birth registration in rural areas and has suggested giving priority to birth registration. In this regard, the Ministry's programme described above has had a positive impact. Annex II presents the extent of birth registration coverage from 1991-2000, and shows a trend towards a substantial increase in birth registration.

106. Concern has been raised to make the Act gender responsive and simple so that all children in the country are registered. The Government is in the process of reviewing the Act. Moreover, it is realized that there is a need for a system of compulsory submission of birth certificates for school enrolment and other purposes.

107. A child must mention his/her father's name while taking citizenship, according to the Citizenship Act of 1964. Sections 8, 9, and 10 of the Children's Act guarantee a child the right to know and meet with each of the parents if they are divorced. If parents do not agree with each other about such meetings, the court can specify the turn and duration of meeting each of the parents. Similarly, the Act has ensured the right of adopted children to know and meet their biological parents, if they so wish.

108. See also the initial report, paragraph 109.

109. It is not legally granted for guaranteeing the child's right to claim nationality with his/her mother's name. Many homeless, abandoned and orphaned young adults are facing difficulties in obtaining citizenship. It is necessary to obtain a certificate from one's Village Development Committee, confirming the applicant's legal status, which is not always possible for homeless and abandoned children who do not know about their origins. Similarly, many children from the *Badi* community (engaged in sex labour) in Western Nepal, and displaced and abandoned children face this citizenship problem. The Government is working to address it.

110. See also the initial report, paragraphs 107 to 108.

## **B. Preservation of identity (art. 8)**

111. The legislative provisions are described in the initial report, paragraphs 113 to 116.

112. Normally, a citizenship certificate is issued to a child having attained the age of 16 years upon recommendation by the Village Development Committee or municipality ward chairperson. However, if the status of the child is not clear, the father's citizenship certificate with a recommendation must be presented. In case the father is absent, the citizenship certificate of the elder brother or grandfather or that of the paternal uncle can be presented. In the case of orphans, a citizenship certificate is provided upon the recommendation of a few orphanages, but the same provision is not considered applicable in the case of other orphanages where children are residing. The proposed amendment to the Children's Act, prepared by the Ministry of

Women, Children and Social Welfare, included the right to identity as an inherent right of the children and that the certificate of citizenship should be issued to children by the local authority easily.

### **C. Freedom of expression (art. 13)**

113. The legislative framework is described in paragraph 118 of the initial report.

114. Electronic and print media, both private and government run, provide children with the opportunity to express their views. The media plays a vital role in imparting information to children through their children's programmes. Children have been participating in child-related educational, cultural and sports events organized by the children's clubs or by governmental and non-governmental organizations. The trend of publishing special issues or columns for children in print media, including the State-owned *Gorkhapatra* and *The Rising Nepal* is increasing. Similarly, government-owned and private publishing houses are publishing children's magazines like *Muna*, *Balak*, *Sunkeshra* and *Balkoseli* on a regular basis.

115. Children's right to expression is most freely encouraged by children's clubs and by NGOs working with children. While there is a high and growing number of children's clubs in Nepal, children are getting a good opportunity to associate in clubs and have access to knowledge and express themselves through various means. The low literacy rate among girls hampers their right to freedom of expression, opinion and the right to demand and receive information.

116. Nonetheless, children's right to freedom of expression and information is gaining recognition. DCWB and district-based agencies are supporting children's initiatives, such as wall newspapers, song competitions, poetry recitation, debates, dramas and tournaments for children.

### **D. Freedom of thought, conscience and religion (art. 14)**

117. The legislative provisions are described in the initial report, paragraphs 128 to 129.

118. The establishment of children's clubs and their extending networks are increasingly providing children with opportunities to enjoy their rights to freedom of thought and conscience. Wall newspapers, posters, pamphlets, news bulletins published by children and performance of street drama are advocacy tools for raising awareness on child rights issues as well as for their enjoyment of freedom of thought and conscience.

119. An individual is legally allowed to practise the religion inherited from his or her ancestors. Children are, therefore, entitled to follow the religion of their parents. In schools, all major religions of the world are taught. However, the Constitution bans proselytizing and conversion by force. At the children's camps, some participants, particularly from mid-western Nepal, expressed their concern that in some religious communities, girls had to forego their right to education due to their religious and cultural traditions.

### **E. Freedom of association and peaceful assembly (art. 15)**

120. The legislative framework is described in the initial report, paragraphs 133 to 134.

121. The Supreme Court has established the right to register children's clubs, which are the emerging child rights institutions in Nepal. It is estimated that there are more than 1,500 children's clubs/groups active in promoting child rights in the country. There are three types of children's clubs/groups, community-based, school-based and issue-specific ones.

122. A child-to-child approach has been adopted to enhance children's involvement in advocating child rights. The network of children's clubs has been expanding throughout the country. A consortium of organizations working with children's clubs has been formed in 1999 as a prompt response to the Child Club Study conducted in 1998. There are 24 international NGOs participating in it.

123. Children participating in the regional camps stated that very few children in the rural areas were aware about child rights and their right to participation. Many international NGOs and children's clubs are facilitating the formation of new children's clubs/groups in the communities where they are working. Similarly, they are working with children's clubs towards raising awareness on child rights through various activities, such as street dramas, workshops and wall newspapers. However, the situation has yet to be improved in transferring the principles of child rights into practice. Children's clubs are comparatively inclusive of gender, caste/ethnicity, children with disabilities and children at risk. Children, including participants of children's camps, are raising their voices to be given statutory recognition and be represented in different institutions directly working for and with children, including DCWBs.

### **F. Protection of privacy (art. 16)**

124. The relevant legislation is discussed in paragraphs 136 to 138 of the initial report. However, the identity of child offenders, rape victims or children in difficult circumstances continues to be disclosed in the media, especially those in the private sector. Gradual awareness among media persons can be witnessed. There are initiatives like changing names or concealing the identity of the victims. The formation of Juvenile Benches in all the 75 district courts is expected to contribute to protecting the right to privacy of children.

### **G. Access to appropriate information (art. 17)**

125. See the initial report, paragraphs 121 to 123, for legislative provisions.

126. The Government, the private sector and NGOs have published a large number of children's books. The MoES Janak Education Material Development Centre publishes children's literature in Nepali and English. There are also magazines for children published by NGOs and private publishing houses, such as *Balak*, *Muna*, *Sunkeshara*, *Chichila*, *Balmanch*, *Bal Adhikar Manch*, *Bal Awaj*, *Kopila*, etc. Moreover, national daily newspapers such as *Gorkhaptra*, *Kantipur* and others have weekly special columns and special issues for children.

127. The electronic and printed media are increasingly publicizing information relevant to children. Radio Nepal, which reaches 80 per cent of the population, nationally broadcasts a children's programme every day for half an hour. A child rights' organization nationally

broadcasts a child-to-child weekly radio programme on child rights' issues. Similarly, a programme on early childhood development called *Bal Awaaj* is aired weekly by Radio Nepal. Women's and health programmes cover child development issues regularly through Radio Nepal. Since 1995, child-related NGOs and Radio Nepal are jointly broadcasting live the Children's National Song Festival on child rights and development. Since late 1995, the Human Rights Education Radio Programme has been broadcasting for the first time in South Asia by a group of human rights organizations. The programme has aired a number of episodes on child rights. There are many private radio stations within and outside the capital. The State-owned Nepal TV regularly runs children's programmes besides telecasting jingles produced by various child-related organizations. These programmes have also contributed to children's access to information. The distribution of printed media has also improved in reaching out to the remote areas. But due to the very low literacy rate (54 per cent), the majority of the people are not able to take advantage of this access. The Government has also banned advertisements for alcohol and tobacco in the media.

128. Many children's clubs in different parts of the country are assisted with access to information. On this basis, children's club members are staging dramas and producing wall newspapers to further disseminate information among other children and within communities.

129. Mass communication institutions and journalists have yet to give enough priority to children's issues. Various media institutions, including the Nepal Press Council, have laid down a code of conduct regarding media ethics. Media organizations, in collaboration with ILO, have developed a code of conduct regarding the coverage of children's issues. Media professionals are not sufficiently trained and sensitized to handle children's issues from the right perspectives. The media's social responsibility towards children has not been properly realized in their pursuit of newsworthy items.

130. Because of the low level of socio-economic development of the country as a whole, there are very few children's libraries in the country. Moreover, the selection of children's books available in Nepali and local language is limited. The situation is more acute in rural areas, where a majority of children are still deprived of access to information.

131. The Government is committed to further facilitate and encourage children's access to electronic media. The Ministry of Women, Children and Social Welfare is pursuing its dialogue with the electronic media to propose more children-based programmes and also involving them more. The Ministry also encourages NGOs to establish children's libraries at local level. It also intends to coordinate with the Ministry of Information and Communication to review the Government's communication strategy so that materials having negative effects on children are controlled.

#### **H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))**

132. Legislative provisions relating to this article of the Convention are described in paragraphs 144 to 147 of the initial report.

133. An agreement has been reached between the Ministry of Home Affairs, Department of Prison Management and NGOs to provide residence facilities for children living in prisons as

dependants. In order to address their problem of being in prison, the Government has established a child correction centre to protect them from being subjected to torture, cruel and degrading treatment or punishment while in detention. All the children in detention are in the process of being transferred to this centre.

134. A number of cases have been filed by NGOs concerning the cruel or inhuman treatment of children, and this is an increasing trend. The Supreme Court has issued an order in 2001 to ban handcuffing child offenders following the decision in a case filed by a child rights NGO. Besides, there are other cases in which the court has made decisions in favour of children.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **A. Parental guidance (art. 5)**

135. The joint family system is the norm of Nepalese society, while nuclear families are becoming more common in the urban areas. Rural parents have heavy workloads so they usually tend to live in large families, which also have additional advantages for rearing children.

136. Children are raised according to the community customs and traditions. In urban areas, parents of nuclear families often are unable to give sufficient time to their children as both parents usually work; this is also leading to an increase in social problems among urban children. Similarly, male labour migration increases women's household and family responsibilities. The existence of early marriage and polygamy deprives many children from getting the much needed parental guidance. The Ministry of Women, Children and Social Welfare encourages NGOs and civil society programmes to reduce the social evils, help settle social and family disputes within the community, increase access to family planning methods and spread the message of "small family" at the grass-roots level, and create employment opportunities for youth.

137. Programmes to heighten awareness about the Convention have, over the last 10 years, continuously been undertaken through the media and direct outreach as well as through workshops organized by the Government and international NGOs. A significant number of parents are found to be aware of the rights of children, in particular in areas where child rights' organizations are active. This still needs to be reflected in practice. Different communities have cultural and traditional practices that are child-friendly, which needs to be further promoted. In this connection, the need has been felt in adapting the provisions of the Convention to the local context.

138. The parent education programmes run by different government and civil society organizations have incorporated principles and provisions of the Convention into the agenda for interaction with parents. The inclusion of the Convention in various training courses, as well as in school and college curricula, has helped in building awareness among the public at large. Children's clubs are also instrumental in effectively imparting information about the Convention to parents.

### **B. Parental responsibilities (art. 18, paras. 1 and 2)**

139. The legal aspects of parental responsibility are described in paragraphs 159 to 165 of the initial report.



140. In its concluding observations, the Committee expressed concern at the provision in the Children's Act, 1992, clause 7, relating to parents or teachers beating children to discipline them. The relevant provision is in the process of being amended.

141. Many institutions are promoting alternative child-rearing practices. Female community health volunteers are active in the rural areas, providing counselling for mothers on proper childcare. The decreasing infant mortality rate and the growing tendency of sending children, including girls, to schools and early childhood development centres indicate that awareness of parents of their responsibilities is growing. Many organizations take care of orphans or neglected children.

142. Disaggregated data on the number of children benefiting from the implementation of article 18 of the Convention are not yet available. The increasing number of early childhood development centres and parenting education programmes has contributed to raising awareness on the fact that both the parents have primary responsibility in rearing and caring of children. The challenge now is to sustain these initiatives through mobilizing local resources.

143. The Labour Act (1992) stipulates that all factories with more than 50 workers should provide day-care centres for the infant children of their employees. The Ministry of Labour and Transport Management is in charge of implementing this provision of the labour law and has issued orders accordingly. However, its enforcement remains difficult although a number of factories have already started such facilities.

144. Poverty and family disorders force many children to work for a living from a very young age, as parents are unable to provide the necessary care and love to their children. This has also resulted in many children living in the streets.

### **C. Separation from parents (art. 9)**

145. The legal provisions on protection are described in paragraphs 173 to 179 of the initial report.

146. Under section 139 of Court Procedures, a judge, before deciding a divorce case, can invite the child to participate in the proceedings and let him/her express his/her views.

147. As concerns keeping contacts with parents, see the initial report of Nepal, paragraphs 177 to 179.

148. The Prison Act (1962) grants a woman in detention the right to keep her child with her until the age of 2. However, if both parents are imprisoned and there is no relative to care for the child, the child will be sent to a children's home and has the right to visit his or her parents in prison. When parents live separately or are divorced, the child living with one of the parents has the right to stay or visit with the other for some time. The court may settle the issue in the event the parents cannot mutually agree on satisfactory arrangements. An adopted child has the right to communicate through letters with his/her biological parents.

149. It is estimated that a total of 798 children were arrested and/or detained between 1996 and 2000. A total of 3,697 children were reported missing during the same period. No disaggregated data is available on the situation of detention or imprisonment of children.

Participants in the regional public hearings stressed the need to create a database at national level on children separated from their families and that a law on family reunion should be enacted. The need for building community awareness to do surveillance is emphasized so that the children separated from the parents will not get lost or be treated otherwise.

#### **D. Family reunification (art. 10)**

150. The Government is positive on family reunification although Nepal has not signed any bilateral or multilateral agreements on this issue. No incident of restriction has been reported so far. With regard to Nepalese children adopted by foreigners, the concerned officer and the biological parents of the adopted child have occasionally been invited to visit the country of the adopted parents to reunite with the child.

151. There is no record of how many applications for family reunification have been accepted. However, no denial of entry visas for the purpose of family reunification has been recorded. Conversely, in the case of adoption by foreigners, biological parents might have problems reuniting with their children, depending on the law of the country of adoption. If the Convention makes it legally binding for the country of the adopting party to grant visas aimed at family reunions, the adopted children's right to maintain contact with their biological parents can be guaranteed.

152. Section 9 of the Children's Act provides for regular contacts of Nepalese children legally adopted by foreigners and their biological parents. In practice, to monitor the situation of the adopted child, a team of representatives of the Ministry of Women, Children and Social Welfare, NGOs and a journalist occasionally visit the country of adoption. Besides this, there are no special provisions or any restrictions in this regard.

153. The Immigration Act (1993) grants right of entry to foreigners adopting Nepalese children. The adopted child may acquire residential visas to stay in Nepal. There are no bilateral agreements to ensure the rights of Nepalese citizens to leave and re-enter Nepal or any other country freely.

154. According to the immigration rules, if the adopted child is unwilling to or is not capable to pay the visa fee, his/her right to entry will be jeopardized; however, no such case has been reported in this regard. A clear provision in the national legislation would help to realize the provisions of the Convention. There are no such provisions available in the national legislation. The Ministry of Women, Children and Social Welfare realizes the need of a comprehensive policy and legal provisions to regularize family reunification in the home country and abroad.

#### **E. Illicit transfer and non-return (art. 11)**

##### **1. Illicit transfer abroad**

155. Legislation is described in the initial report, paragraphs 201 to 202.

156. The Community Surveillance System Against Trafficking (CSSAT) has been established in 220 Village Development Committees in 14 districts. About 55,000 women and girls have

received paralegal and CSSAT training to set up an efficient community surveillance system. Similarly, a survey has been conducted on missing girls in affected communities or communities at risk of trafficking. Likewise, legal support has now been extended to 14 districts.

157. Various NGOs are working on preventive measures and running rehabilitation centres for victims of trafficking. The centres run by NGOs in the border areas to intercept girls being trafficked and awareness programmes run by an organization of girls brought back from India are examples of successful preventive measures taken. Since 1998, the Ministry of Women, Children and Social Welfare has been running the Women Empowerment and Rehabilitation Centre. These centres run social work programmes and select women from 22 districts prone to trafficking for training. These women then are themselves active in raising awareness on the problem through programmes and surveillance mechanisms against trafficking. So far, two groups of trainees have completed the programme and 36 women have been trained and are working in the field.

158. On the policy front, the Government has responded by adhering to the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, adopted at the Eleventh SAARC Summit, held in Kathmandu in 2001. Similarly, to prevent trafficking of girls for commercial purposes, periodic consultations are held with police counterparts in India and information is exchanged with the International Criminal Police Organization (Interpol) on issues pertaining to the trafficking of Nepalese women and children.

## **2. Inland illicit transfers and migration of children**

159. Many children are trafficked to India for work, including in circuses, and are vulnerable to exploitation and sexual abuse. In this connection, the most essential course of action would be to concentrate on prevention measures. At the same time, Bhutanese refugee children are also vulnerable to being trafficked both within the country and across the border. The Government seeks the cooperation of NGOs, both local and international, to strengthen the mechanisms for collecting factual information about trafficked children and to control illicit trafficking at the grass-roots level.

160. Many NGOs run programmes to discourage migration of children from rural to urban areas. Similarly, various other NGOs have been conducting preventive programmes (educational and alternative income generating and community development activities) in the rural areas to discourage the migration of children. Some contact and counselling centres have been established, particularly in urban areas and the capital, with the aim of preventing migrated children from being exploited.

161. Survey studies conducted in 1996 and 1997 revealed that most of the working children had migrated. These reports showed that 96 per cent of the children working in carpet factories, 95 per cent of domestic workers, 93 per cent of children who shine shoes, 92 per cent of child porters, and 87 per cent of child conductors of three-wheel taxis were migrants from rural areas. Poverty, frustration and domestic violence are forcing many children to migrate to urban centres in search of a better future. The children either came with their parents or with fellow villagers. About 4 per cent of migrant children had come to Kathmandu through “brokers” and are at risk of sexual abuse, exploitation and trafficking.

#### **F. Recovery of maintenance for the child (art. 27, para. 4)**

162. Apart from the legal provisions of recovery and maintenance described in the initial report (paras. 184-186), no other development has taken place in this regard due to budgetary constraints.

#### **G. Children deprived of their family environment (art. 20)**

163. The legislative framework is described in the initial report, paragraphs 188 to 189.

164. The Children's Act of 1992 provides for temporary rehabilitation for children who are deprived of their family environment. Both the Government and NGOs have established rehabilitation centres, orphanages and transit homes. There are more than 90 such homes accommodating about 4,000 children. NGOs are also active in providing socialization, counselling and social reintegration of street children. There is a lack of coordination among the organizations active in these areas; overlapping of activities has also been a hindrance in maximizing available resources.

165. Many more rehabilitation homes are needed as the number of children needing alternative rehabilitation is growing. There is no reliable data on the number of street children. It is roughly estimated that around 300-400 new children end up on the streets annually due to rapid urbanization, attraction of city centres, deteriorating village life and lack of a family environment and opportunities, including education. Street children in Nepal are among the major victims of child abuse and neglect. On the street they run into a variety of different problems, such as police harassment, repression by street gangs, accidents, street violence and exposure to substance and drug use as well as sexual exploitation.

166. The continuity in upbringing depends upon the modality of rehabilitation centres. The rehabilitation centres concentrate on activities such as health check-ups, and formal and non-formal education and vocational training provided to the children.

167. The Government and NGOs all recognize the importance of rehabilitation services for children deprived of family environment. The increased number of child homes, orphanages and rehabilitation centres reflect a common commitment to providing such children with shelter and assistance.

#### **H. Adoption (art. 21)**

168. The legislative aspects of adoption are described in paragraphs 192 to 195 of the initial report.

169. Since children are frequently informally "adopted" as helpers to do the family and household chores, the monitoring of such situations is difficult. Though such child workers often have access to non-formal education, their enjoyment of fundamental rights to education and health care cannot be ensured. Formal adoption within Nepal is rare and statistics in this regard are limited. Clause 9 of the Children's Act allows the legally adopted child to have direct contacts with his/her biological parents.

170. Intercountry adoption in Nepal started in the late 1960s. Nepal is a signatory to the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption. Intercountry adoption is authorized only after a thorough inquiry has been made about the character and financial situation of the adopting person. Since April 2000, the Ministry of Women, Children and Social Welfare acts as the National Focal Agency responsible for giving the final consent for the intercountry adoption of a Nepalese child, subject to the terms and conditions approved by the Council of Ministers in conformity with the Civil Code (*Muluki Ain*, 1963). Prior to this, the Ministry of Home was responsible. As many as 327 children have been adopted in the period between 1996 and 2000 as compared to 512 children recorded until 1994. Nepalese children have been adopted in countries like Norway, Spain, France, Denmark, the United States, Germany, the United Kingdom, the Netherlands, Italy, Switzerland, etc. In the past two years, monitoring visits by a team of government officials, journalists, officials associated in the adoption process, concerned NGO representatives and social workers have been made in the first six countries. The Government has adopted rules of procedure for intercountry adoption in June 1999.

171. To ensure that the child's best interests prevail as a paramount consideration, the Government is planning for effective regulation regarding the adoption, keeping of records in a systematic way, and regularizing the monitoring visits to ensure the best interest of the child. As a step, visa fees for adopted children visiting Nepal to meet their biological family are in the process of being reviewed.

#### **I. Periodic review of placement (art. 25)**

172. Legal provisions and administrative measures are described in the initial report, paragraph 216.

173. There are a number of State and NGO run rehabilitation centres in the Kingdom, although their exact number and the number of children who benefit from them are not known. The Children's Act mandates the District Child Welfare Boards to undertake monitoring and periodic review of the placement of children in homes and rehabilitation centres. In response to reports of mistreatment and abuse of children in such centres, the Government has developed "Minimum standards for child-care homes" after a task force visited a number of homes. Moreover, administrative action has also been initiated against some centres.

174. Articles 44 and 45 of the Children's Act, 1992 explicitly provide for the review, inspection and supervision of the situation of children placed in rehabilitation centres, orphanages and other homes at least twice a year. The Act mandated CCWB at the national level, whereas child welfare officers and DCWBs are considered as the competent authority at the district level to undertake periodic monitoring and review of homes. These authorities are expected to submit their reports to the higher authority on a regular basis. Moreover, they are authorized to issue directives instantly against any irregularities or abuse of children in such homes.

175. The Government expects to overcome the difficulties encountered in the effective implementation of article 25 of the Convention, and to put in place the legislative provisions and administrative measures necessary for reviewing the placement of the children.

**J. Abuse and neglect, including physical and psychological recovery and social reintegration (arts. 19 and 39)**

176. Nepal is a signatory to the Stockholm World Conference Declaration, 1996 and of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Nepal is committed to preventing the commercial and sexual exploitation of children. However, some cases of abuse and exploitation have been reported which are promptly addressed by the police, District Child Welfare Boards and NGOs. These measures include child rescue and treatment and filing cases in court and administrative action against the offenders. In a number of instances, the court decided in favour of the children.

177. Other legislative provisions are described in paragraphs 210-213 of the initial report.

178. Nepal is pursuing the development of new legal instruments and measures to implement existing laws to protect children against abuse and neglect. The Children's Act will be amended so as to include a separate section, which will make legal provisions more comprehensive for protecting children against mistreatment and neglect.

179. There has been a tremendous increase in awareness about child abuse in the last five years. Cases of child abuse, including sexual abuse, both inside and outside the family environment, have been reported in the media. In 1998, a child right's organization established a helpline service for rescue, emergency support, counselling and legal aid for children victims of abuse and exploitation. The helpline service runs a 12-hour hotline telephone service along with an ambulance service. In 1999, the Nepal Police organized a three-day national seminar for regional and district police officers of all the 75 districts to raise their awareness on sexual exploitation of children and on the trafficking of women.

180. The Government has formulated a national plan of action to combat trafficking in girls. A media campaign against this practice has also been launched. Women's cells have been established in 16 districts under the district police offices to address the issue of women and children. Nepal Police has prepared two operation manuals for police: (a) combating trafficking of women and girls for sexual exploitation; and (b) sexual exploitation and abuse of children. Many NGOs are active in creating awareness about the issue along with their work for prevention and rehabilitation. This includes launching campaigns against paedophilia, conducting training for police officers and representatives of child-related NGOs, and enhancing skills of counsellors dealing with sexually abused and neglected children.

181. In 1999, Tribhuvan University Teaching Hospital began a mental health project to provide guidance and counselling services for abused and exploited children. A number of NGOs are playing an active role in rescuing and rehabilitating abused and exploited children. The programmes include providing psychosocial counselling and reintegrating children into families. National children's organizations are considering such support on priority basis, which is an emerging area of work. NGOs have established health clinics and counselling centres providing psychosocial support to victims of trafficking, sexual abuse and exploitation.

182. A study recorded 12,000 cases of child abuse between 1996 and 2000. Out of these, 493 cases involved rape, 334 murder and 328 paedophilia, while others related to

torture, violence and inhuman treatment. It is estimated that about 5 per cent of the street children have been abused by paedophiles. During that period, seven foreigners were taken into custody on the charge of sexually abusing children, but they were neither punished nor deported due to lack of legal provisions that are now proposed by the Government.

183. Research done by an international NGO in 1999 identified the major reasons behind paedophilia cases as being the existing social norms, economic problems, lack of appropriate social services for unattended children, lack of legal instruments and poor law enforcement. Participants at the DCWB consultation raised the issue of shortage of specialists to deal with cases of paedophilia.

184. Progress has been made not only in enacting legislation in material terms, but also in increasing the level of consciousness about abused and neglected children. NGOs have succeeded in rescuing many children from abusive circumstances, but lack of resources and expertise have resulted in sub-standard rehabilitation services that have had a detrimental effect on the psychological recovery and social integration of child victims of abuse.

185. The Ministry of Women, Children and Social Welfare is aware of the need to have a helpline and professional counselling services down to the grass-roots level in order to rescue and rehabilitate children from abuse and torture and to enact a law against sexual exploitation. Also, programmes aimed at making children victims economically self-reliant and programmes for physical and psychological recovery are needed. The Ministry is aware of the need to establish an effective network among government bodies, international NGOs and District Child Welfare Boards and to increase the number of rehabilitation centres for child victims. While the Government is committed to doing all these activities, resource constraints have been a major stumbling block to their realization.

## **VI. BASIC HEALTH AND WELFARE**

### **A. Disabled children (art. 23)**

186. Legislative provisions with regard to children with disabilities are described in paragraph 230 of the initial report.

187. The Disabled Protection and Welfare Act (1982) and the Education Act (1971) and its Regulation state that persons with disabilities enjoy the same political, economic rights, and are fully entitled to social security and employment in any public or government service depending on their abilities. The law further provides for free education, necessary health services, and appropriate training and employment opportunities for persons with disabilities. The Act has ensured special education for children with disabilities, including vision and hearing impaired and mentally retarded children. The Children's Act, 1992 provides for special welfare homes for children with disabilities. The Local Self-Governance Act has entrusted local authorities with the responsibility of maintaining records of disabled persons and the development of programmes to ensure their welfare.

188. The Ninth Plan (1997-2002) has incorporated programmes for the disabled in the education and health sectors. The Government has provided the definitions of disability, and classified it into: physical, mental, blindness and the vision impaired. In 26 districts of the

Kingdom the Government has distributed identity cards to these children, which allows concessions in social benefits. Disability rehabilitation has been included in the essential health services too.

189. According to WHO, around 10 per cent of the population of developing countries like Nepal suffer from some form of disability. A sample study conducted in 1998 estimated a disability prevalence rate of 9 per cent in Nepal. There is need for a comprehensive survey.

190. International instruments such as the UNESCO Convention against Discrimination in Education of 1960 and 1981, the Salamanca Declaration of 1994, ILO Conventions, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted in 1993, the Convention on the Rights of the Child, and the ESCAP Decade 1993-2002 have been instrumental in inspiring many organizations to take up the cause of children with disability. Outreach so far has been concentrated in the urban areas, but is gradually spreading to the rural settlements as well.

191. The Government formed a National Disability Service Co-ordination Committee in 2000 to develop and support programmes for persons with disabilities. Social welfare officers have been appointed, and coordination committees have been formed in 12 districts. In the public sector, 77 hospitals, 173 primary health-care centres, 711 health posts and 3,179 dispensaries are providing preventive and rehabilitative treatment to children with disabilities. Additional services are provided to the disabled in clinics and dispensaries established by NGOs and private organizations. The recently constructed 50-bed Hospital for Rehabilitation of Disabled Children is providing services to children with physical deformities. NGOs have established 45 eye hospitals and health posts, 4 leprosy hospitals, 2 orthopaedic hospitals and 2 plastic surgery hospitals to treat cleft lips, eye, ear and throat sicknesses regularly. General health services such as the Expanded Immunization Programme, Polio Eradication Programme, National Vitamin A Programme, Iodized Salt Distribution Programme, Nutrition and Mental Health Programme and Deafness Prevention Programme have been contributing greatly towards reducing cases of disability among the children. Four million children have been immunized against poliomyelitis, and more than 3 million children have been provided with Vitamin A capsules under the National Vitamin A Programme.

192. The Government, along with 200 NGOs and various community-based organizations, has been assisting children with disability through rehabilitation, services, treatment, and ensuring their rights and building awareness. Bir Hospital has been conducting short-term courses for audiologists and ENT paramedics. NGOs and community-based organizations are involved in training field workers, physiotherapists and speech therapists and counsellors for persons with impaired hearing and vision.

193. There are integrated residential schools run by the Government for the mentally retarded and for hearing and vision impaired children in 35 districts, at which 3,500 children with various disabilities receive primary education. MoES also supports a few schools run by NGOs. Approximately 6,000 children have benefited from these facilities run by the Government, NGOs and the community. The Government as well as NGOs regularly organize Special Olympics and cultural programmes for children with disabilities.



194. National plans addressing the issue of persons with disabilities include special programmes to ensure the rights of disabled children. There are various laws related to the rights of the disabled. The Ministry of Women, Children and Social Welfare, as the focal ministry, is working hard to coordinate its efforts with other line ministries in implementing these laws and programmes. The Ministry is relatively new and requires structures at the regional and district levels and human resources to deal with disabled children. In coordination with the Government, the Federation of the Disabled, Nepal (NFD/N), has initiated the development of a national policy and a master plan for disabled persons, covering 12 areas including education, health and employment. International NGOs including Action Aid Nepal, DSI-Denmark and FFO (a Norwegian NGO) have made commitments to support NFD/N in this exercise.

195. Because of the lack of education in Nepal, families and community members are often unaware about the rights of disabled children. This inevitably deprives children with disabilities of their rights to services, participation and equal opportunities in the mainstream of life. Children with disabilities often experience humiliation within their community and may even be neglected by their family. According to participants at the DCWB consultation, people with disabilities in the rural areas frequently rely on traditional faith healers for remedies and miracle healing due to lack of appropriate health services. Children in some communities, however enjoy their rights, equal opportunities and participation, having created children's clubs to get involved in seeking solutions for the issues faced by them. According to NED/N, the facilities and materials to which disabled children were legally entitled had not been provided free of cost. The policy of promoting disabled children's rights has not been translated into action.

196. The services available for the disabled and children with special needs are not very well developed in Nepal. The Government has announced that it is going to distribute special cards for persons with disabilities in 12 more districts, entitling them to certain privileges.

197. The Ministry of Women, Children and Social Welfare is coordinating its efforts with the NFD/N to address the following challenges: (a) equip NFD/N for supporting programmes aimed at ensuring the rights of children with disabilities; (b) devise appropriate legislation, comprehensive policy, strategies and programmes aimed at reducing the rate of childhood disability and offering more services for disabled children in the country; (c) launch awareness-raising programmes at the grass-roots level on childhood disability; (d) encourage the participation of children with disabilities; (e) develop appropriate human resources for better planning, implementation, monitoring, evaluation and the creation of a comprehensive factual database on children with disability at the grass-roots level; (f) develop an effective planning, monitoring and evaluation system; (g) coordinate with line ministries and NGOs to include rehabilitation programmes for children with disabilities in their regular programmes; (h) provide facilities and equipment for disabled children; (i) put children with disabilities in a home, but the arrangement must be "inclusive" and not a segregated home for the children with disabilities but a "home" for children in need; (j) give focus on vocational education, training and social security measures for disabled children so that they can be economically independent; and (k) develop national policy and a Comprehensive Master Plan for the development of children with disabilities.

## **B. Health and health services (art. 24)**

198. There is inadequate infrastructure for health services for its people in Nepal. Children at risk, such as street children, child workers and other underprivileged children, including children of *Dalit* communities, are more prone to health risks due to exposure to various health-hazardous conditions related to their work and lifestyle. They hardly get medical attention, which leads to various serious health problems. There is only one State hospital for children in Kathmandu and there is one doctor per 102,671 children. However, many district hospitals provide medical services to the children.

199. An intensified national immunization day has been launched every year as a campaign to meet the goal of eradicating polio, and Nepal now hopes to eradicate the disease by 2002 (instead of 2000). Community mobilization achieved in the campaign against polio is commendable. However, there have been incidents of Raute, Musahar and Jhangad populations in the remote areas refusing to take polio vaccine because of their traditional beliefs, despite efforts by the Government. Five polio cases were detected in Panchthar, Banke, Dhanusha, Jajarkot and Sarlahi districts. This has been the most successful programme in Nepal.

200. The legislative provisions on the right to survival and development are described in the initial report (paras. 220-228, and also paras. 242-244).

201. The government policy framework is laid down in the 1991 National Health Policy, the health component of every Five-Year Plan, and the Second Long-Term Health Plan 1997-2017. Based on this policy, attempts have been made over the last few years to develop a sector strategy and reform programme. There is a wealth of background information contained in that work undertaken by the MoH with the support of various external development partners. Steps towards translating this analysis into a sector strategy were taken in late 1999 and 2000. The assessment is contained in the strategic analysis to operationalize the Second Long-Term Health Plan produced in October 1999. In 2000, a clear poverty focus was endorsed by the Government with the adoption of the PRSP on the work of the Public Expenditure Review Commission. The development of a Medium-Term Expenditure Plan and the preparations for the health section of the Tenth Five-Year Plan re-emphasized the earlier priorities with the commitment to poverty reduction incorporated into the goal. MoH established a Health Systems Reform Committee to improve the performance of the existing health-care delivery system and to produce the strategy and a programme for implementation. The strategy is being prepared in a highly participatory process so that the Government and the external development partners could jointly support its implementation.

202. There are currently some 4,100 health institutions ranging from big hospitals to health posts at the grass-roots level. Six remote districts do not have a district hospital. Some regional and district-level hospitals are currently being upgraded, while new health posts, including offering Ayurvedic treatment, are being established. The Community Drug Programme is being extended to make health services more effective. With the cost of treatment increasing annually, studies were undertaken in 2000 to see if health insurance could be established in order to guarantee essential health services. MoH is preparing a pilot scheme to introduce social and community insurance schemes gradually. Recently, private hospitals, nursing homes and clinics have started to play an important role in delivering health services, although such private

services are costly. Private sector spending on health services has, thus, been increasing. Not only has the Government banned advertisements for tobacco and alcoholic beverages from government-run media in 2000, but jingles are aired warning against the use of those products.

203. Per capita public expenditure on health was US\$ 10.5 in 1995/96, whereas for the same period, an individual's private contribution was estimated at US\$ 7.40. Health spending, as a percentage of total public expenditure, increased from 3.5 per cent in 1991/92 to 5.03 per cent in 2000/01.

204. A decentralized health administration system has been adopted in order to address geographical disparities in the provision of health services, and every district office has been made the focal point for strengthening its health system. Local bodies have been given greater autonomy in planning and implementing health programmes by following the laws, rules and regulations in the districts, villages and municipalities. District Health Committees have been formed with the participation of health institutions operating in the district, including governmental, non-governmental and private institutions.

205. Deployment of physicians and health personnel, supply of required medicines to dispensaries on a regular basis, effectiveness of the supervisory system, awareness of the health-related consequences of early marriages and free health services for children are some of the challenges expressed by participants during regional hearings.

206. According to the Department of Health Services, infant mortality has decreased to 64/1,000 in 2001 from 102 in 1990. Mortality among children in Nepal is to a large extent due to vaccine-preventable diseases. MoH is preparing specific programmes aimed at reducing mortality of infants, children and mothers. The Ministry of Women, Children and Social Welfare is committed to work with MoH to ensure that every region has a children's hospital, every district hospital has a paediatrician and that child health services do not become commercialized.

207. MoH runs a system of processing raw data available under the Health Management Information System (HMIS) and analysing it quarterly to monitor health service performance. The report is distributed to all concerned agencies. Similarly, a system has been developed to update health profiles of every district with a view to facilitating the monitoring of health services offered at district and health-post level. An integrated supervisory checklist has been developed and the frequency of such supervision visits from central to peripheral level has been determined and accordingly sent on a routine basis.

208. The Government carried out different surveys, such as the Nepal Multiple Indicator Survey (which became BCHIMS in 2000), and the Nepal Family Health Survey in 1996, to assess progress in the field of health and nutrition during the 1990s. The End of Decade Report of Nepal records a detailed account of the progress made in the area of health and nutrition.

209. During the period 1997-2000, safer motherhood, immunization, diarrhoea and respiratory disease control and child health education programmes expanded down to the village level to reduce infant and child mortality.

210. In 1997, a working group was created to implement the Integrated Management of Childhood Illness (IMCI) strategy with the aim of reducing child mortality, illness and disabilities, and improving the growth and health of children. The IMCI strategies for Nepal are in line with article 24 of the Convention. The IMCI guidelines and training materials have been adapted and translated into Nepali, and training courses, including courses for facilitators, have taken place at both the national and district levels. Follow-up visits have also been conducted to see how the trained health workers are running IMCI, which began in one district in 1997 and has been expanded to three more districts by the end of 2000.

211. The National Vitamin A Programme has been very successful. The programme was initiated in 1993 in eight *Terai* (lowland) districts with a high prevalence of vitamin A deficiency, with the objective of providing, twice a year, high-dose vitamin capsules to all children aged between 6 months and 5 years. Since then, the programme has been gradually expanded and by 2001, it was operating in 73 of the 75 districts. Surveys have shown that it is reaching 90 per cent of the targeted children (86 per cent in urban and 92 per cent in rural areas). Appropriate nutrition could further increase the coverage. As a result of the programme, vitamin A deficiency is no longer a problem in children below the age of 5. Since two research projects conducted in Nepal have shown that regular intake of vitamin A reduced under-five mortality by 30 per cent, it seems likely that the programme has significantly contributed to the reduction in child mortality seen in Nepal in the last few years.

212. Nepal has made significant progress towards its aim of eradicating polio by 2005. The percentage of children with full vaccine coverage has increased from 43.3 per cent to 54.5 per cent (57.6 per cent of boys and 51.2 per cent of girls). MoH has revised the national immunization policy to improve its Routine Immunization Programme. The revised strategy for immunization focuses on increasing access to improved services, promoting safe injection practices, adopting a high-risk area approach for neonatal tetanus elimination, exploring the possibility of introducing new vaccines, and decentralized planning and community partnership in the management of immunization campaigns. The Extended Programme on Immunization, a priority programme of the Government, is mobilizing Village Development Committees, municipalities, District Development Committees and civil society institutions to foster immunization campaigns. Increasing immunization coverage, however, is problematic due to financial constraints and staff reduction in the health sector.

213. Diarrhoea annually kills as many as 30,000 children under the age of 5, more than any other disease in Nepal. The Government has therefore made the control of diarrhoeal diseases an integral part of the primary health-care system. The main objective of the programme is to reduce mortality and morbidity due to diarrhoea and dehydration by creating awareness about Oral Rehydration Therapy (ORT) and subsidizing the price of ORT. Accordingly, strategies have been developed to standardize case management of diarrhoea and conduct training for health workers, local authorities and mothers' groups in rural areas. Similarly, one functioning ORT centre has been set up in each of the district hospitals and health facilities. Posters, pamphlets, hoarding boards have been revised and put on display. Due to growing awareness, as many as 3.8 million packets of Jeevan Jal (oral rehydration saline) were distributed during 1999/2000, as against a target of 4 million packets. The under-five mortality rate due to diarrhoea, 0.9 per cent in 1997/98, was down to 0.4 percent in 1999/2000.

214. The National Control of Acute Respiratory Infections Programme is another integral part of primary health care and has been accorded high priority by MoH. On average, a child in Nepal suffers 1.2 infections a year. The main objective of the programme is to reduce morbidity due to acute respiratory infections and mortality due to pneumonia by promoting specific preventive measures to improve the situation of child health in Nepal by the year 2001. In order to achieve its targets, the programme is active in all the 75 districts. Community awareness is being increased through radio jingles, posters and pamphlets. Basic case management training has been given to the district and health post health workers. Adequate budgets for the pharmaceutical treatment of acute respiratory infections have been allocated to local authorities in 69 districts, and the special programme in 6 districts are financed and monitored at central level. Also, training and orientation were provided to health professionals, members of the Village Development Committees, local decision-makers, NGO representatives and 17,110 mothers. There is a shortage of human and financial resources. It has been difficult to reach out to remote areas due to transport problems as well.

215. As concerns childbirth, due to inadequate health services in the rural areas and lack of awareness, almost 87 per cent of deliveries take place at home, with over half of them assisted by a relative or friend. This has resulted in reproductive health problems, as well as problems for the newborn child. The Government has adopted a multisector approach to developing and implementing the Safer Motherhood Programme (SMP) and Antenatal Care (ANC) to reduce both maternal and neonatal mortality and morbidity. The SMP, which began in 10 districts in 1994, has now expanded to 15 additional districts. The target is to reduce maternal mortality to 400 per 100,000 by the end of the Ninth Plan (1997-2002) from an estimated 539 in 1996, and infant mortality from 78 per 1,000 to 50.

216. According to a survey, 40 per cent of women now have at least one check-up during pregnancy. Besides the physical examination, laboratory tests are run to monitor foetal growth and detect pregnancy risks. Health education and counselling on nutrition, breastfeeding, family planning and immunization are also provided as part of the programme. If high-risk cases are detected, the female community health volunteers and traditional birth assistants refer them to the appropriate health institutions.

217. Traditional birth assistants are the front-runners in providing obstetrics care in the rural areas; they not only provide basic maternity care but also detect complicated cases and refer them to an appropriate hospital. From 1995 to 1996 and from 1998 to 1999, they assisted at 97,390 deliveries. During the same period, trained health personnel dealt with almost 150,000 delivery cases. The delivery health survey for 2001 shows that 36.3 per cent of deliveries are assisted by trained persons, from doctors to traditional birth assistants. They were trained in aseptic delivery techniques and Safe Home Delivery Kits were distributed to them. In the same period, a total of 200,052 post-natal first medical visits were recorded. The new mothers were physically examined, and counselling was provided on family planning, breastfeeding, health and nutrition and immunization. The newborn children were also examined for early risks for treatment or referral. According to the survey, the child mortality rate for 2001 was 91 and the infant mortality rate 64.

218. In order to strengthen the Safe Motherhood Programme, a study on maternal mortality and morbidity has been conducted. National maternity care guidelines for all levels have been disseminated, while national reproductive health protocols have been developed and tested.

Facilities in the zonal and district hospitals of Kailali, Surkhet and Baglung districts have been enhanced. In the years to come, it is planned to strengthen the quality of safe motherhood services and expand through all the service outlets in the country.

219. Malnutrition is still a big problem in Nepal despite progress made in mortality and health-related indicators. A survey in 1998 showed that 54 per cent of children under 5 are affected by stunting, a sign of early chronic undernutrition. The survey also found that malnutrition is more common in the hilly areas than in the *Terai* (plains) and that there is a marked geographical trend, with malnutrition rates being particularly high in the mid and far western hills, as well as the whole mountainous region. In addition, urban children are less likely to be stunted (36 per cent) than those of their rural counterparts (56 per cent).

220. Keeping in mind the gravity of the problem, the Government formulated in the Eighth Plan (1992-1997) a Food and Nutrition Policy and prepared the Nepal National Plan of Action (NPA) in conformity with the International Conference on Nutrition and World Declaration on Nutrition. The plan of action was formulated with a view to strengthening institutional capability and improving nutrition service delivery; however it contributed to a reduction of malnutrition by only 0.6 per cent annually, which is not significant. In this context, the Ninth Plan and the current Tenth Plan have expressed commitments in attaining the minimum status of child nutrition.

221. There is a deep-rooted belief that malnutrition cannot be improved without first raising the levels of income and food production. However, increased food production has not led to significant reductions in child malnutrition because it has been offset by rapid population growth. Also, increased food production does not improve the care given by a mother due to her heavy work burden. Other obstacles to reducing malnutrition are lack of technical manpower and financial support to carry out nutrition programmes in rural areas and the absence of their effective monitoring. The past few years have shown that community-level involvement is the key to improving child malnutrition.

222. Breastfeeding is almost universal in the country, with the BCHIMES survey showing a 98 per cent initiation rate. The breastfeeding duration is also very long, with about 46 per cent of infants still being breastfed into their third year. BCHIMES shows 63 per cent of households using adequately iodized salt. The distribution of iodized salt has increased significantly after the enactment of the Universal Iodination of Salt Act in 1999.

223. Anaemia is becoming a major health problem in Nepal. NMSS found that 67 per cent of all women were anaemic, with a prevalence of 75 per cent among pregnant women. At the same time, only a small percentage of them are receiving iron supplements during pregnancy and lactation. The survey also found extremely high rates of anaemia among children, 78 per cent children below 5 years and 90 per cent children between 6 and 11 months. The Government is seeking cooperation from United Nations agencies and international NGOs in its fight against anaemia.

224. The Department of Mental Health of the Teaching Hospital has started child guidance clinics for the first time. Similarly, NGOs are running community services for abused and exploited children.

225. According to the BCHIMES survey, drinking water coverage in 2000 stood at 80 per cent (92 per cent in urban and 78 per cent in rural areas). Apart from projects carried out by the Department of Water Supply and Sewerage, the District Development Committees, Village Development Committees and NGOs have been carrying out many water supply schemes in response to popular demand. Although drinking water coverage is high, supplying sufficient quantities of clean water on a regular basis remains a challenge. The Ninth Plan has set the target of achieving universal coverage by 2002 under its sectoral policy to improve people's health in general.

226. Sanitation programmes have had less success. Sanitation coverage is only 29 per cent - out of which 73 per cent in urban areas and 23 per cent in rural areas. Many households still do not have latrines because they cannot afford to build one. A number of diseases such as worm infestation, diarrhoea, dysentery and gastritis are a result of poor sanitation. There is a programme of deworming among schoolchildren.

227. Children at the regional camps attested to the belief that the general status of health and nutrition in Nepal is poor due to the lack of awareness among the population on health and sanitation issues. Difficulties in reaching out to the people are due to the difficult terrain. Unmanageable population and skewed distribution of population also count as a significant factor to this. The DCWB consultative workshop placed poverty as the principal reason behind the high mortality rate among children and lack of knowledge of early childhood development.

228. Since the mid-1990s, the HIV-infection rate has shot up among the high-risk groups. The HIV-infection rate among female sex workers rose from 0.9 per cent in 1993 to 17.3 per cent in 2000. According to the BCHIMES, a total of 455 AIDS cases have been identified as at 31 December 2000, while another 1,807 cases of HIV have been reported. HIV infection among children under 14 is 1.05 per cent.

229. UNAIDS estimated that by the end of 1999, there were 58,000 persons living with the HIV virus, while 2,500 had died of AIDS, orphaning about an equal number of children. Nepal has a high probability of the disease spreading to the general population, thus undermining past progress made in the health sector.

230. The National Centre for AIDS and STD Control has been implementing strategic plans to reduce the rate of HIV/AIDS infection by spreading awareness of HIV transmission, and seeking ways for its prevention. Surveys show that there is growing awareness about AIDS, with 40 per cent of married women between 15 and 49 reporting having heard of it, mostly through the media. In 1996, only 31 per cent of women could cite the condom as an effective means of preventing HIV, but that number had reached 82 per cent by 2000. More women are aware of HIV/AIDS than five years ago, as HIV education is reaching more illiterate and semi-illiterate women in the rural areas with innovative visual and radio programmes.

231. Even though HIV awareness is growing among the population, there is a growing fear that HIV-positive children and children of HIV-positive parents may face stigmatization. There is a growing problem of HIV among street children who are sexually active and are intravenous drug users. The Government plans to take action on this, in collations with NGOs.

232. Concern has been raised that awareness programmes for the general public must be increased. According to one NGO, seven children have tested HIV-positive. In view of the large number of orphans, the Government is aware of the need for hospitals with quality service for treatment of HIV/AIDS utilizing the experience of NGOs.

233. There is prevalence of harmful practices, such as not letting children have fluids when they have diarrhoea. Similarly, in many families of the Far Western Development Region, there is a tradition of keeping women in cowsheds during menstruation and at the time of delivery, which is one of the causes of the high child mortality rate and for serious health hazards for women and girls. Moreover, the traditional health practice of consulting witchdoctors (*dhami*, *jhankris*) prevent many people from accessing modern medical facilities. Many governmental and civil society institutions run programmes to address this, including raising awareness and providing health training to them.

234. Child marriage is still a social problem in some areas of the country; this is also affecting the health and development of children, particularly girls. According to the Central Bureau of Statistics, 34 per cent of girls marry by the age of 15. A survey has shown that 83.1 per cent of girls from ethnic minority communities marry before the age of 15, so do 79.6 per cent of girls in some religious communities. Similarly, 63.2 per cent of girls in the Far Western Development Region, 57.5 per cent of girls who have never attended school and 74.2 per cent of working girls marry before they reach the age of 15. The law in Nepal prohibits child marriage; according to the law, a girl can be married at the age of 18. The Government encourages late marriage through education and awareness-raising programmes.

235. Socio-economic factors are responsible for the ongoing practice of child marriage in the country. This practice is especially prevalent among certain religious communities and some minority communities, although child marriage is just as common among other communities in the hills and *terai* such as Brahmin, Chhetri and Tamang communities. Parents fear a daughter in her late teens might bring dishonour to the family should she elope or have premarital sex and, thus, tend to practise child marriage. Meeting labour needs in the rural areas is also among the social causes for child marriage. Similarly, the *tilak* (dowry) system is another determinant of child/early marriage in the *terai*. However, child marriage is prevalent also in other areas where dowry is not practised traditionally. People are unaware of (or more often, ignore) existing laws. Very few cases of child marriage are reported (40 incidents of child marriage were filed in the courts during 1996-2000).

236. The Government, NGOs and children's clubs are actively engaged in raising awareness about child marriage in the community. This has contributed to discouraging child marriages. The issue of child marriage is going to be included in the school curriculum and non-formal education and in the training packages for traditional birth assistants, mothers' groups and teachers, particularly focusing on health-related problems. Similarly, Village Development Committees, municipalities, District Development Committees, civil societies and children's clubs will be activated and mandated in monitoring child marriage; a contingent of children between 10 and 18 years of age will be prepared in every locality to do surveillance work against child marriage. The Ministry of Women, Children and Social Welfare is committed to formulating a policy of discouraging early marriages by motivational means. It intends to mobilize international NGOs to raise awareness about child marriage at grass-roots level and surveillance committees will be formed to prevent such practices.



237. Child health is one of the areas where there are various programmes run by mobilizing international cooperation. Some of them - on immunization, including administering polio drops and vitamin A - are among the successful ones. Safer motherhood, prevention of HIV/AIDS and saving newborn infants are the areas where comparatively significant resources are mobilized through international cooperation.

**C. Social security and childcare services and facilities  
(arts. 18 and 26, para. 3)**

238. Legislative provisions are described in the initial report, paragraphs 265 and 267.

239. Provisions in the Education Act and its Regulations provide for special education to children with disabilities. Similarly, the Social Welfare Act (1992) stipulates special programmes for the benefit and welfare of children, the aged and the disabled. Likewise, the Local Self-Governance Act 1999 states that the Village Development Committees and municipalities shall carry out programmes for the benefit and welfare of children and women. In the framework of BPEP-II, an early childhood development programme was introduced, aimed at preparing children for first grade and improving the classroom environment. Early childhood development is one of the major activities of international NGOs as well. The Labour Act (1992) entitles working parents to childcare services and facilities. Female employees must also be given adequate time off for breastfeeding (see also paragraph 143 above).

**D. Standard of living (art. 27, paras. 1-3)**

240. Regarding legislative provisions, see the initial report (paras. 277-278).

241. In its concluding observations, CRC emphasized that attention should be given to the standard of living of vulnerable children and children from disadvantaged communities. Parameters for specifically measuring children's standard of living have yet to be developed; however, the standard of living of children is usually related to the earning capacity of the parents and poverty within the family. Thus, income-generating activities aimed at building the earning capacity of the parents are regarded as means to ensure the standard of living of children, and the Government has mobilized women's groups and banks in this direction. The thrust of the Ninth Plan was poverty alleviation, aimed at raising the standard of living of those living below the poverty line, an aim pursued in the Tenth Plan as well. The Government has initiated programmes such as PCRW and other microcredit projects and the Women Awareness and Income Generating Programme (*Jagriti*) in all 75 districts of Nepal to involve women in income-generating activities and help them break the cycle of poverty. There are rural development banks in 38 districts covering all the five development regions. The Small Farmer Development Programme (SFDP) also aims at reducing poverty and raising the standard of living of the farmers. External development partners are actively involved in these programmes, as well as three Nepalese banks.

242. The microcredit schemes are a success story, complemented by skills training, income and employment generation, exchange visits and literacy programmes. The various microcredit schemes have together distributed around Nrs 663 million to 66,526 poor families while another 113,606 persons living in poverty have been organized into 22,346 groups that are eligible for the loans. The money has been invested in farming, livestock, rural industry and the service

sectors. The rural development banks have disbursed Nrs 4.48 billion in general loans, Nrs 361 million in special loans and Nrs 206 million in loans from the group saving funds. Thus, a total of 139,541 people in poverty grouped into 27,975 saving groups and another 127,107 persons have received from rural credits.

243. SFDP lent Nrs 2.96 billion in the period between 1996-2000, with an encouraging rate of participation of women, of whom 40,000 benefited from this programme. The components of SFDP include microcredits; collective saving; the implementation of community drinking water, health, nutrition, environmental conservation and childcare projects; income generation; leadership training; and insurance for livestock. The Government has launched a special programme entitled "Garib Sanga Bishweswor (Bisheshwor with the Poor)" to address the causes of poverty. All these activities have contributed directly or indirectly to raise the living standard of the people and, consequently, their children. The Women Awareness and Income Generating Programme (*Jagriti*) has been launched in 940 villages in 75 districts in Nepal; as of July 2000, it has mobilized 76,590 women through 8,510 saving groups.

244. Despite the success of the microcredit programmes, their sustainability is constrained because of the lack of interest and commitment on the part of commercial banks to extend their facilities to the rural poor and women.

245. It has been realized that it is necessary to develop indicators that show the impact of poverty alleviation investments on the standard of living of children.

246. The Ministry of Agriculture and Cooperative plans to launch underprivileged women farmer development programmes to ensure that mothers earn and benefit their children.

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **A. Education including vocational training and guidance (art. 28)**

247. The Committee had suggested that the Convention be included in the school curricula and that public awareness of its provisions and principles be enhanced. It had also suggested that funds be allocated to the development of such programmes and that professionals be trained for the effective implementation of the educational plans.

#### **1. Educational policy and programmes**

248. The legislative framework is described in paragraphs 284 to 287 of the initial report. The Government considers deprivation of the child's right to education as an impediment to their enjoyment of other rights. In conformity with the World Declaration on Education for All adopted in Jomtien (Thailand), the Government has accorded the highest priority to basic and primary education as a means to guarantee the child's right to education. MoES is engaged in the finalization of the National Plan of Action on Education for All, which covers six goals to be achieved by 2015, as identified in the Dakar Framework.

249. Under the Ninth Plan, the Government piloted compulsory primary education in five districts (Chitwan, Ilam Syangja, Surkhet and Kanchanpur) to achieve universal access and full retention of primary school pupils. Strategies included mobilizing local agencies and

communities and providing incentives to motivate and attract children to school. Although there are no legislative provisions governing the compulsory nature of primary schooling, the current education regulations allow Village Development Committees and municipalities to implement it.

250. BPEP II has been extended to all the 75 districts to improve access, retention and learning achievement. Besides attaining a net enrolment rate of 90 per cent (85 for girls), the targeted gross enrolment ratio for the 2003-2004 school year is 106 per cent (100 per cent for girls). BPEP II has set a target of raising the number of pupils completing primary school to 75 per cent and attaining a gross enrolment ratio of 100 per cent for children from disadvantaged communities, such as *Dalit*.

251. Many private schools have been forcefully closed down in districts affected by Maoist insurgency. This has put pressure on the public schools in accommodating pupils from the closed schools. The educational quality of public schools is said to be comparatively low as a result of not having a sufficient number of trained teachers and the distribution of textbooks as well as of educational materials is insufficient.

252. Budget allocation for education has increased from 12 per cent in 1996 to 14 per cent in 2000. Priority is given to basic and primary education, with over 50 per cent of the education budget allocated to this sector of education.

253. The Constitution of the Kingdom of Nepal promulgated after the restoration of democracy in 1990 declared the proper care and development of children the responsibility of the State. Article 26 (8) of the Constitution states that “the State shall make necessary arrangements to safeguard the rights and interest of children and shall ensure that they are not exploited, and shall make gradual arrangements for free education”. The plans and policies developed so far have indicated the need for expanding early childhood development programmes. The importance of this concept was acknowledged in the Seventh Plan (1987-1992). All subsequent plans have given due priority to the development of programmes for early childhood. The Ninth Plan targeted the creation of 10,000 centres for early childhood development, but BPEP II reduced its number to 5,700. After BPEP became a part of the Department of Education, the model of pre-school education has been changed into community-based early childhood development system.

254. The BPEP Master Plan (1997-2002) emphasized the need of establishing early childhood development centres by providing partial financial support to interested Village Development Committees. The Education for All National Plan of Action adopted in 1992 authorized the committees to collect local taxes to support the expenses of these programmes. In addition, the Plan has created a strategy to technically and financially assist training institutions that prepare staff for these programmes. BPEP II (1999-2004) reinforced the concept, focusing on the overall childhood development transcending the concept of pre-schooling and emphasizing the role of community and parents, reflected as a priority in the Tenth Plan. The Education Act as amended in 2002 made a provision of one year pre-schooling. The BPEP concept of early childhood development is a community-based approach for children between the ages of 3 and 5. In this approach, the Government’s role is limited to providing technical assistance, such as training and educational materials for the centres. The Plan of Action for children has stressed securing more

resources from donor agencies for the cause of child development and mobilizing international and national NGOs and voluntary organizations. It has aimed at providing universal access to basic education that also includes early childhood development.

255. Early childhood development is one of the major areas for laying the foundation for ensuring educational rights of children. Studies in Nepal and other countries have shown that heavy workload of women affect every aspect of childcare. The Government is planning an integrated approach to reduce the workload of women so that they can devote more time to their children.

256. In the mid-1980s probably less than 3,000 children had access to any sort of early childhood development services. But initiatives have multiplied considerably in the last few years, and in 2001, almost 99,000 children between 3 and 5 who had access to such centres. Even though large numbers of children in that age group still do not have access, this figure nevertheless indicates a clear increase in awareness of the importance of young children obtaining a good start in life. Centres are run by the Government, international NGOs and private schools.

257. An early child development curriculum has been developed and BPEP II aims at creating 5,700 centres in the country. A special section responsible for early child development has been set up in the newly established Department of Education and is responsible for the planning and implementation of the national programme. School supervisors have been appointed as focal points in some districts. Individuals or private groups run pre-primary schools, Montessori schools, nurseries, kindergartens and day-care centres, mostly in the urban and suburban areas. There are also community-based childcare centres established by PCRW and SFDP to free mothers for productive jobs.

258. Early childhood development programmes have traditionally been viewed as being “pre-schools” concerned only with children between the ages of 3 and 5, rather than ensuring the synergy of protection, good health and nutrition, supportive and affectionate interaction, stimulation and opportunities for exploring the environment. Early child development and child rights are viewed as being separate issues and the promotion of child rights seen primarily as a “child protection”.

259. MoES has envisaged a broad, holistic view of programmes for early childhood development, which includes parental care, community-based child development/childcare, day care in urban areas and the workplace (for example, in carpet factories), and public and private pre-school. The continued success of such programmes depends on training staff to run the centres and raising community awareness and support. Parenting orientation programmes in the community have become increasingly popular.

260. Nepal has fallen short of its goal of achieving universal primary education by 2000 because of resource constraints and the poor economic and social conditions. Yet primary school enrolment has advanced, as showed by the considerable growth in the net enrolment ratio, 80.4 per cent in 2000 as opposed to 64 per cent in 1990. The Government spends around 14 per cent of its budget on education, half of which goes to basic and primary education.

Primary education is free although not yet compulsory. Textbooks are also free for all primary school children, while girls and children from disadvantaged groups are provided incentives such as food and cash.

261. Primary school gross enrolment ratio grew from 114 in 1995 to 120 in 2000. So did the number of primary school teachers - from 91,464 in 1997 to 97,879 in 2000.

262. In 1996, the Government launched the Primary School Girls' Scholarship Programme in 10 remote districts to reduce gender disparity in primary education. A total of 81,776 girls have benefited from the programme. In the fiscal year of 1999-2000, a total of 99,592 scholarships were awarded to girls under the Girl-students Primary Education Programme. In order to encourage girls' enrolment, it is now mandatory for every primary school to engage one female teacher.

263. Similarly, with a view to assimilating children from disadvantaged communities and ethnic groups into the mainstream of national development, scholarships have been awarded to primary school pupils under the "Education for All Programme". Children with disabilities have also benefited from it. A budget of Nrs. 519 million has been allocated for the scholarships to be distributed to 38,198 children under the Primary School Scholarship Programme; to 13,607 children under the Local School Scholarship Programme; and to 360 students under the Upgrading Scholarship. Scholarship includes hostel facility for the children from remote districts to help continue their secondary level schooling.

264. In 1999, BPEP II was launched throughout the country to improve access, retention and learning achievement. The current BPEP is a Sector Investment Plan, supported jointly by five major donors using a "basket" approach to funding. External donors outside the basket also have provided support by building schools, training teachers, monitoring, early childhood development and in maintaining donor and Government relations and coordination.

265. Despite important investments made in primary education, learning achievements remain poor, largely because many teachers do not have basic teacher training. Inadequate physical infrastructure and overcrowding are problems in the first grade, where enrolment of under age children is estimated at 20 per cent.

266. Concerns have been raised that the primary schools should be equipped with all facilities and trained teachers, physical infrastructure should be improved and parents should be made aware of the importance of primary education. The Government is doing its best within the constraints of an underdeveloped environment.

267. Secondary education is divided into lower secondary (grades 6, 7 and 8) and secondary grades 9 and 10. In 1997, around 40 per cent of children between 11 and 15 were enrolled in lower secondary, as against the Government's target of achieving a 45 per cent enrolment. Two thousand eight hundred and fifty pupils have received scholarships to pursue lower secondary education, and 25 girls from the *Badi* community and other disadvantaged groups have benefited from scholarships with hostel facility. Providing scholarship for poor and intelligent students, placement of trained teachers, providing enough teaching equipment and a sound learning environment, and addressing caste discrimination within the school are other issues of concern to the Government.

268. As concerns non-formal education, according to the 2001 census, 53.7 per cent of the population age 6 and above was literate (66 per cent of males and 42 per cent of females). During the Eighth Plan period, the Government had set a target of attaining a literacy rate of 60 per cent (1.4 million) of the population age 15 and above, while the Ninth Plan set a target of reaching 3,216 million adult illiterates and 784,000 out-of-school children, i.e., 70 per cent of all illiterates. A literacy campaign has been extended to 20 districts under the National Non-formal Education Programme. Governmental organizations have been conducting non-formal literacy courses ranging from three to nine months for both adults and out-of-school children in the 10 to 14 years' age group. Priorities have been given to programmes that address illiterate girls, such as the Women Education Programmes (*Shikshya Sadan*) and alternative schooling programmes.

269. About 500 NGOs including rehabilitation centres and orphanages are also involved in improving the literacy rate, particularly targeting children in difficult situations and children who have been deprived of mainstream education.

270. Distance training for teachers (through the radio) has been effective in promoting both formal and non-formal education. The State-run Radio Nepal has been very active in broadcasting programmes for children, as well as interactive radio instruction for early childhood development and teacher training. In the same manner, Nepal TV broadcasts educational materials highlighting the importance of girls' education and promoting women's empowerment. All these have resulted in increased participation in the literacy programmes.

271. The lack of resources is however a major obstacle to an improvement in the literacy rate. Unless women achieve literacy, it is unlikely that they will appreciate the importance of education for their children, especially their daughters. Participants in regional public hearings complained that literacy programmes are also often duplicated or overcrowded, resulting in poor outcome. The Government is going to address this issue as soon as possible.

272. The Council for Technical Education and Vocational Training was set up and entrusted with the responsibility of formulating policies, ensuring quality monitoring and providing services to facilitate technical education and vocational programmes throughout the country. The Council provides technical and vocational education through its 11 trade schools established in different parts of the country. In addition to it, 118 technical schools have also been established by the private sector in affiliation with the Council. During the Eighth Plan period (1992-1997), it organized 5,000 long-term training and 20,000 short-term training courses and has planned for 2,595 long-term training courses and 2,034 short-term courses during the Ninth Plan (1997-2002). Similarly, several thousand programmes were conducted mainly in the urban areas by affiliated private sector organizations.

273. Various NGOs are also providing vocational training to children, particularly to the underprivileged. Different rehabilitation centres also organize vocational training for displaced child labourers who have little chance of continuing with a formal education. Different line ministries also conduct their own vocational training.

274. In 1997, the Government formed a committee to assist in the formulation of a plan to explore employment opportunities, both within the country and abroad. According to the plan, by the end of 2000 the Village Development Committees and municipalities conducted more

than 100,000 training programmes. Most of the vocational schools lack necessary infrastructure, qualified instructors and adequate instructional materials, thus compromising the standard of the vocational training. The Government has realized the need for quality and balance in vocational training.

275. MoES has implemented integrated and inclusive primary education for children with disabilities. Integrated schools have been established for the mentally retarded and hearing and vision impaired children in 35 districts of the Kingdom. These schools have been providing primary education with residential facilities to more than 3,500 children with disabilities. The Ministry has also provided financial support to the schools run by various NGOs, which provided educational opportunities to more than 2,000 children with disabilities during the period 1996-2000. About 200 children with special needs are attending higher education after completing school. Despite efforts made by the Government and NGOs, many children with disabilities remain deprived of educational opportunities.

276. With regard to special education programmes implemented by MoES, concerns have been raised about: (i) the extensive use of and payment for residential facilities to disabled students in resource classes; (ii) the lack of relation between special education teacher training and ordinary teacher training programmes; (iii) the irregular supply of special education materials; (iv) the lack of coordination between special education institutions run by BPEP and NGOs; and (v) the lack of efforts to involve organizations of disabled persons, including NFD/N, in the planning, implementation and monitoring of special education programmes. The Government feels the need for a replicable model for identification of children with disabilities, for training of teachers and for implementation of inclusive schooling.

## **2. Children not enjoying the right to education**

277. Despite the tremendous growth of the education sector, a number of children remain out of school. According to the Central Bureau of Statistics, the number of children in the age group 8-14 years who remain out of school was as high as 449,726, of whom only 45 per cent were literate. Similarly, a large percentage of street children and working children are deprived of their right to education. NGOs and local institutions are also mobilized to impart formal education to underprivileged children.

278. Drop-out rates are high as children must work to supplement the family income because of their poor economic conditions. Similarly, the absence of a child-friendly environment and the prevalence of corporal punishment is also a cause for children dropping out easily from school. The girl child is more likely to drop out of school as she often bears the greater burden of household chores and has the responsibility of looking after younger siblings. Schools are also not sensitive to the needs of adolescent girls, such as providing separate latrines for them. Despite the decision to deploy at least one female teacher per school, in most of the schools in rural areas this has not materialized, which has made most of the parents critical about sending their daughters to school as they grow up. Physical distance to schools, prevailing caste discrimination and school fees are other factors that bar many children from enjoying their right to education. The Government is working with the civil society leaders to address these problems.

279. There is no specific law to prohibit corporal punishment as it is expected that it will not be administered. According to article 39 of the Children's Act the director of a Children's Welfare Home may impose a light punishment on a child violating discipline, but is not authorized to administer physical punishment or detain the child in solitary confinement or to stop giving him/her food and water.

280. Owing to the ignorance of teachers, children are sometimes subjected to corporal punishment in schools. There have been newspaper reports of children being punished for disobeying and forgetting lessons, but also of cases of mistreatment of children from the so-called untouchable caste. NGOs have reacted quickly and provide services including setting up helplines to register complaints of such incidents. Efforts have been initiated for positive intervention at the schools and providing training to teachers in dealing with children, as well as providing them with alternative methods of discipline. Moreover, child rights training for teachers are also contributing to reduce the use of corporal punishment meted out to the school children.

281. Education is a major sector for international cooperation in Nepal. The Government is working with international and intergovernmental agencies to ensure children's right to education. MoES and external partners jointly run early childhood development centres for children 3 to 5 years old. Donors have been collaborating with the Government to implement BPEP II. International NGOs also carry out literacy programmes.

282. The Non-formal Education Programme has helped increase the literacy rate among adults between 15-24 years by 17.4 per cent. Among children, it increased in 2000 by 11.8 per cent in the age group 15 and above and by 8.3 per cent in the age group 6-15. At least 6,000 children in rural Nepal attend day-care centres run with donor assistance. Vocational training programmes have provided opportunities for a number of young adults entering the job market.

### **B. Aims of education (art. 29)**

283. The overall national objectives of education are:

- To nurture and develop the personality and innate abilities of each individual;
- To instil respect for human values and the will to safeguard national and social beliefs;
- To enhance social unity;
- To help the individual to develop his/her identity in both national and international contexts and lead a socially harmonious life in the modern world;
- To contribute to the modernization of the nation by creating able human resources for its development;
- To teach the meaningful protection and wise use of Nepal's natural resources; and
- To help disadvantaged citizens enter the mainstream of national life.



284. To achieve these objectives, initiatives have been started to teach children in primary grades in their mother tongues. A few such schools are operational in some parts of the country.

285. Child rights issues have been included in the national curricula of grades 8 to 10 and incorporated in teachers' training curricula. As far as the Government policy on the access of children with special needs to education is concerned, it is carrying out its obligation to:

- Strengthen special education programmes to meet the need of disabled students so that students with special needs are provided with the opportunity of education from literacy to higher educational level;
- Encourage the involvement of NGOs and of the community in the development of special education.

286. Many child groups formed in schools, particularly concerned with the issues of child rights, have provided means to children to express their concerns about school education.

287. Between 1996 and 1999, nine training centres for primary teachers have been established in the Kingdom. A total of 17,214 teachers have been trained, while education management and supervision training has been given to 6,697 headmasters, school supervisors and district education officers. Distance training programmes run by the Government through the radio is significantly contributing to training primary teachers. Teacher training programmes, comprising four different modules of 330 credit hours each, have also been organized, as well as management training programmes which last 6 to 30 days. Besides, training provided by various national and international organizations related to child rights are also being instrumental in achieving the aim of education.

288. The total number of primary educational institutions reached 25,689 by 2000 (public and private schools). Private schools have been found to generally provide comparatively "better facilities for education" than State schools. The Government has introduced programmes such as teacher training, textbook improvement and efficient administration to improve the quality of education in public schools.

289. The Planning Division of MoES carries out monitoring activities in conjunction with programme implementation. It maintains a database to process and provide information on educational activities. Its responsibility includes evaluation and supervision of annual plans and programmes and support in solving problems in their implementation; the development of indicators of achievement, the preparation of project reports and performance evaluation of subordinate institutions. Educational Supervisors (School Inspectors) appointed in each district under the District Education Office fulfil these functions at the local level. There are some initiatives to provide training on the Convention and on a child rights' perspective.

290. Results of monitoring have indicated that there is an urgent need to improve the quality of education, as well as to enhance internal and external efficiency. The Ninth Plan (1997-2002) prioritized improvements in the quality of public education.

### **C. Leisure, recreation and cultural activities (art. 31)**

291. Legislative provisions are described in paragraphs 314-316 of the initial report.

292. Because of budgetary constraints, there are no special provisions for developing recreational facilities for children. In most cases, a child's recreation is playing at school, or watching TV or listening to the radio. Schools and NGOs also organize a variety of competitions on extracurricular activities and cultural programmes. Children's clubs are actively involved in conducting leisure and recreational activities. Child-related NGOs and District Child Welfare Boards are taking the initiative to establish and maintain children's parks. At the Exhibition Grounds in Kathmandu a permanent children's park with recreational facilities, the first of its kind, has been established. In addition, the national football association ANFA and the National Sports Council provide training in various games and sports and organize competitions at different levels. Likewise, MoES is organizing sports competitions among schools at district level. Every year, special "Olympic" games are organized for children with disabilities. NGOs have also made available recreational, cultural programmes for those children with whom they are working and for street and working children.

293. The Government is planning to create recreational facilities through every Village Development Committee and municipality. Schools are also encouraged to incorporate this as part of extra-curricular activities on a regular basis.

## **VIII. SPECIAL PROTECTION MEASURES**

### **A. Children in situations of emergency**

#### **1. Refugee children (art. 22)**

294. The Committee has asked Nepal to ratify the Convention relating to the Status of Refugees of 1951 so that protection measures may be taken for refugee children.

295. For a decade, 100,000 refugees of Nepalese ethnic origin from Bhutan have been living in seven camps administered by UNHCR in eastern Nepal. These refugees, including children, have been provided with humanitarian assistance, in accordance with international norms.

296. Although Nepal at the moment is preoccupied with the Bhutanese refugee problem, there are other refugees who have also sought refuge in Nepal, as the participants at the DCWB Consultative Workshop noted, and this is seldom highlighted.

297. Nepal has not yet signed the Convention relating to the Status of Refugees, but although it is not a party to it, Nepal is providing services to the refugees living in the country, including Bhutanese refugees, on humanitarian grounds with generous international cooperation. There is no specific provision mentioned in the law of the nation relating to refugees, including children. However, the Government has been providing education, health and other services to them. Bhutanese refugee children have organized children's clubs. Refugee children attend training workshops, children's camps, and thus gain exposure to child rights. Refugee children participated in the children's camps organized on the reporting on the Convention in eastern Nepal. In fact, children in the refugee camps in Nepal are provided with basic services in conformity with the international norms and practices.

298. United Nations agencies such as UNHCR and WFP and international NGOs are assisting the Government in providing refugee children fundamental services such as access to education, health and nutrition. A study on the needs and requirements of the refugees has also been completed.

299. The Government is seeking cooperation from the international community in providing refugee rights, including their repatriation.

300. Even in the absence of any legislative provisions, the Government is lending its support to the management and monitoring of the situation of Bhutanese refugees in Nepal. Similarly, concerned national and international organizations also have been monitoring the situation independently.

## **2. Children in armed conflicts, including physical and psychological recovery and social reintegration (arts. 38 and 39)**

301. The legislative framework is described in the initial report, paragraphs 329 to 333. Nepal has signed the Optional Protocol on the involvement of children in armed conflict.

302. Since 1996, the Maoist armed struggle has claimed many lives, including that of police, rebels and ordinary citizens. There are reports that the Maoists have been using children and youth into their movement, although detailed information about the situation and number of children is not available. The forced use of child combatants by the Maoists is a matter of great concern to the Government and the public at large.

303. There is no mechanism to monitor the situation besides what is reported by the media. The media have been reporting that young boys and girls are leaving school to join the Maoist insurgency, and that they are also working as messengers, sentries and spies. Thousands of men, women and children are reported to have left their villages in search of protection, migrated to India or are working and living in difficult situations in different parts of the country.

304. Children participating in the regional camps raised concern that many children are being affected by the conflict. All children in affected areas are at risk and need protection. Their schooling has been jeopardized because many schools in the affected areas have shut down due to threats from the insurgents.

305. The Government has launched an integrated security package that encompasses local development projects as a means to contribute to the peace-building process. Economic programmes such as “Bisheswor with the Poor” and “Ganesh Man Peace Campaign” have also been supportive in preventing young boys and girls from joining the armed conflict.

306. Civil society and human rights movements are playing an important role in building the peace process. Child rights and human rights organizations have been raising the issue of children in conflict situations. Children’s clubs have also been advocating against the use of children in armed conflict.

307. The Ministry of Women, Children and Social Welfare has encouraged human rights groups to carry out human rights monitoring, and protection of children from implication in

conflicts. The Ministry also intends to review the Youth Recruitment Act 1971 in view of the relevant provision of the Convention and the Optional Protocol. It has also given priority to rescue and rehabilitate children involved in the conflict.

308. Child rights activists and NGOs, including children's clubs, have been advocating against the use of children in the armed conflict.

309. The Civil Code (*Muluki Ain*, 1963) provides for relief for those caught in distressed situations. The recent establishment of NHRC has allowed the creation of a national mechanism to monitor the situation of child rights in all situations.

310. The Government is in the process of implementing article 38 by making legal provisions against the employment of children. This is because the Government has ratified the Optional Protocols, also on the involvement of children in armed conflict. Participants in the regional public hearings have suggested to amend the Children Act (1992) and to harmonize it with the Optional Protocol and the Convention.

311. The Government has prepared a list of persons affected by the armed conflict and has plans to rehabilitate them.

312. Children who contacted NGOs are receiving services such as trauma counselling, medical treatment and rehabilitation.

313. It is difficult to get exact information about children affected by the armed conflict and to reach them. Development agencies had to suspend their operations in the affected areas. Schools have closed down, and so have health facilities, severely affecting children in general. The Government is trying to bring the Maoists to the negotiating table. The participants in the regional public hearings were of the opinion that both DCWB and NGOs should work in cooperation to rescue and rehabilitate children at risk.

## **B. Children involved with the system of administration of juvenile justice**

### **1. Administration of juvenile justice (art. 40)**

314. CRC expressed concern that juvenile justice in Nepal was not completely in line with the principles enshrined in the Convention and had suggested that legal reforms be pursued for the administration of juvenile justice as ensured in the Convention.

315. Legislative provisions and the applicability of international instruments are described in the initial report, paragraphs 336 to 337 and 338 to 342, respectively.

316. In April 2000 Juvenile Benches were created at all district courts to deal with cases of juvenile delinquency, promptly following the Supreme Court in response to a case filed by an NGO. The Bench is composed of social workers, child specialists or child psychologists, in addition to judges. However, they are not as active as anticipated mainly due to lack of training and orientation on juvenile justice. It is needed to further equip the judges and judicial personnel with knowledge and skills in dealing with juvenile cases.

317. Correction Homes have been created for children who are accused of breaking penal laws. Counselling and foster care are provided as well as education and health facilities.

318. Training programmes are organized for police personnel, judges and law professionals on child rights issues, including juvenile justice. The Police Academy has incorporated the Convention on the Rights of the Child and on the Convention on the Elimination of All Forms of Discrimination against Women in its curriculum for junior officers and officers as well as in its professional training.

319. Under the jurisdiction of the Juvenile Bench, a number of cases have been filed and are dealt with within the limits of its judicial capacity. There is a lack of awareness among adults and children about the juvenile justice system. Judicial personnel have to be sensitized on the issue. Prison administration is in the process of separating children from adult detainees.

**2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (arts. 37 (b), (c) and (d))**

320. See the initial report of Nepal, paragraphs 245, 246 and 341.

321. The Constitution of the Kingdom of Nepal guarantees the right to liberty for every citizen.

322. Between 1996 and 2000, 46 boys and 550 girls were found victims of violence whereas 123 boys and 30 girls were found guilty of committing an offence.

323. In relation to the treatment of children deprived of liberty, article 42 of the Children's Act (1992) provides for correction homes where children in conflict with the law, addicted to drugs, or involved in immoral activities, as well as runaway children are kept. The Government has initiated action to take all children (both dependent as well as the accused) out from the prisons. The Ministry of Women, Children and Social Welfare has established a correction home. In the same manner, some NGOs provide protection to dependent children. The number of juvenile delinquents is found to be smaller, as it is sometimes difficult to prove the age of a child because of a lack of correct documentation (see also paragraph 135 above).

324. Children in conflict with the law is a growing problem in Nepal. Every year, hundreds of children are accused and arrested, but they are brought to trial without any proper investigation.

325. The Government has built a "Children's Correction Home" where children in conflict with the law are supposed to be kept. This centre also accommodates children of prison inmates.

326. Article 44 of the Children's Act calls for the inspection, monitoring and supervision of Correction Homes twice a year, with CCWB, DCWB or a children's welfare officer as the competent authority to do so.

327. The Prisons Management Act (1963) permits family visits for persons in jail. The same provision applies in the case of children. Only seven jails have schools, and of them only one provides secondary education.

328. Under article 19 of the Children's Act a court shall not entertain or bring a criminal charge against a child unless he/she is defended by a legal practitioner. According to sub-clause (1), the court must provide the child legal assistance, free of charge for those who cannot pay for a lawyer. NGOs providing legal aid and the Legal Aid Project of the Nepal Bar Association also provide legal assistance to children.

329. As concerns children victims of violence, a report of the Criminal Investigation Department of the Nepal Police states that 596 children fell victim to violence during 1996-2000, while 153 children were accused of various crimes during the period.

330. The Government respects the rights of children deprived of liberty. For the implementation of its policy as such, the Government has established a correction home accommodating 100 children who are in conflict with the law and delinquent children. Police have started referring delinquent children who are found involved in minor offences to homes managed by civil society organizations for correction. This reflects the increasing child rights awareness among the police.

### **3. Sentencing of children with particular reference to the prohibition of capital punishment and life imprisonment (art. 37 (a))**

331. Under section 11 of the Children's Act (1992), children below 10 years are not criminally liable. Children between the ages of 10 and 14 receive warnings if the offence is punishable by a fine, and sentenced to a maximum of six months if it is punishable by imprisonment. Children between 14 and 16 are convicted to half the penalty imposed by law on an adult for that offence. Nepal has abolished capital punishment.

332. Other legislative provisions are described in the initial report, paragraphs 347 to 349.

333. In 2000, Juvenile Benches were set up in all the District Courts to look into cases involving children. The same year, the Government allocated Nrs. 20,000-35,000 to each of the district courts to set up a Bench.

334. According to a number of NGOs, children, usually street children, are kept in custody on minor charges. In the same manner, a child arrested under the Public Nuisance Act can be produced before CDO - rather than in the court - which often makes it a non-bailable offence and puts him/her into judicial custody.

335. Legal provisions applicable to children are contained in different laws and are being used and interpreted in a variety of ways. The alleged age of the child generally becomes an issue. It is difficult to prove the child's exact age as birth registration has not been comprehensive in Nepal. However, the training for police personnel is contributing to operationalize the Children's Act.

#### **4. Physical and psychological recovery and social integration of the child (art. 39)**

336. The Committee is concerned that the Government has been slow, inactive and unable to give enough attention to the rescue and rehabilitation of children at risk and preventing the cause in the first place. Pervasive child labour and exploitation, as pointed out by CRC, are factors that put children at risk and deprive them of school education.

337. Article 14 of the Constitution provides for compensation of a victim for physical and mental torture or any cruel, inhuman or degrading treatment in detention or during trial. Nepal is also a State party to the Geneva Conventions. As such, Nepal is committed to establish within its territory, both in times of peace and hostilities, and if need arises, in occupied areas, hospitals and safety zones to protect the wounded, sick, aged, children under 15, expectant mothers and mothers of children under seven. The Government and human rights organizations are providing counselling services for the victims of conflict and torture, including children. Similarly, child rights organizations are also providing counselling services to the victims.

338. Other legislative provisions are described in the initial report, paragraph 350.

339. During the period 1997-2000, a total of 1,300 children have been rescued from risk. Children living in orphanages and in rehabilitation centres run by Government and NGOs receive education and vocational or technical training. However, given the large number of children who are in need of such assistance, the effect of all combined NGO activities are very insignificant.

340. The exact number of children at risk has not been determined. Yet in a country where over 38 per cent of the population lives under the poverty line, 80 per cent of the population depends on agriculture and more than 80 per cent of the population lives in the rural areas, one can expect the number of children at risk to be high. Given the pervasive poverty, especially in rural areas, children must work from an early age for a living. They work as domestic labour, in factories, workshops, restaurants, teashops, brick factories, and in stone quarries. Due to poverty, they also fall prey to traffickers who make false promises of a better life abroad.

341. A mechanism is being set up to find out the exact number of children at risk, which may help facilitate rehabilitation of children in need. NGOs working for children at risk are expected to have good networking so that they can provide immediate help at times of necessity. The Ministry of Women, Children and Social Welfare plans to develop an Information Cell to collect all the information relating to children, including the number of children at risk.

#### **C. Children in situations of exploitation, physical and psychological recovery and social reintegration**

##### **1. Economic exploitation of children, including child labour (art. 32)**

342. Legislative provisions are described in paragraphs 353 to 355.

343. CRC recommended that the Government update statistics on children at risk, and disabled and helpless children, develop risk indicators and monitor regularly the situation of such children.

345. The Government adopted the Child Labour (Prohibiting and Regularizing) Act in 1999 (see paragraph 16 above). The Act is concerned with child labour in the formal sector and has defined “hazardous work” - activities in which the employment of children under the age of 16 is prohibited. This law has created a welfare fund to undertake educational and entertainment programmes and library facilities for the children of working parents and established an advisory body, the Child Labour Eradication Committee.

345. The Government ratified ILO Convention No. 182 regarding the Elimination of Worst Forms of Child Labour and Convention No. 29 regarding Forced Labour in September 2001. In collaboration with ILO, the Government is implementing a “time-bound programme” to eliminate the worst forms of child labour by 2007. Together with the stakeholders, it has prioritized work on the worst forms of child labour in accordance with the Convention. The priority sectors are (a) bonded child labour (b) domestic child labour (c) child porter (d) children working in mines (e) rag-pickers (f) trafficking of children for sexual exploitation and (g) children working in carpet factories.

346. The Government has also adopted the Child Labour Master Plan 2001-2010, with a comprehensive and holistic approach to tackle child labour by coordinating all the stakeholders to avoid overlapping and duplication. This plan also aims at (a) making the education system effective (b) creating a healthy environment (c) increasing the general standard of living of the families and (d) creating more programmes for economic development. Concern has been voiced about the effective implementation of legal provisions, including the provisions of the Convention. See also the initial report, paragraphs 353 to 355.

347. The Government and NGOs have been working to minimize child labour in the country through preventive, curative as well as rehabilitative measures. In the course of rehabilitation, NGOs also provide counselling, non-formal education, vocational training, health education and services, besides sponsorships for formal education. However, much of NGO activity is concentrated in the urban areas. There is growing public concern about child labour in Nepal, as confirmed by the fact that more than 1,000 governmental, non-governmental, professional, educational and local institutions participated in the Global March Against Child Labour in 1998.

348. According to the Nepal Labour Force Survey conducted by the Central Bureau of Statistics in 1998, of the estimated 4.86 million children in the 5-14 age group, more than 40 per cent, or 1,987 million children, were found to be economically active. This shows that children’s participation in the work force is significant. Children in rural areas are more likely to be engaged in work than urban children - even among children aged 5-9 years, 19.8 per cent of boys and 25.4 per cent of girls are economically active. For all groups, the proportion of girls who work is higher than that of boys.

349. Many of them are exploited and work in hazardous conditions, especially if they are engaged in industry and mining. The Government and NGOs have been collaborating in rescuing children from exploitative situations and rehabilitating them.



350. The labour inspectors have the responsibility of investigating and filing cases against illegal child labour, although ordinary citizens also can do so. Because of budgetary constraints, there are only 17 labour inspectors to inspect all labour issues. This has caused paying only a minimal consideration for the prevalence of child labour. The Government expects NGOs to file cases against illegal child labour.

351. In July 2000, the Government abolished the practice of *Kamaiya*, a system of debt-bondage widely practised mostly in the five districts of central and western development regions of Nepal. The Government is in the process of resettling the freed *Kamaiya* by distributing land, and together with international NGOs, of launching a comprehensive programme of rehabilitation, non-formal education and skills training for rescued children.

352. Nepal has signed and ratified international conventions and treaties showing its commitment to child rights. In addition, the existing national law has made provisions for working hours, condition of employment and monitoring mechanisms, which is in accordance with the international instruments.

353. The Government has established 10 labour offices throughout the Kingdom. They are responsible for monitoring the implementation of the Convention. In addition, the regional SAARC Declaration has shown commitment to liberate children from hazardous occupations by 2000 and eliminate all forms of child labour in the region by 2010. The Ministry of Women, Children and Social Welfare has realized that provision of alternative means to child labour for livelihood would be necessary to eliminate child labour.

## **2. Drug abuse (art. 33)**

354. Legislative provisions are described in paragraph 368 of the initial report.

355. In 1999, there were an estimated 50,000 drug users in Nepal, half of whom between 16 and 25 years of age. With hard drugs becoming more prevalent, intravenous drug addiction is on the rise. Now there are an estimated 20,000 injecting drug users in the country. With HIV/AIDS now becoming a growing problem, increasing intravenous drug use among young people does raise concern. Half of injecting drug users in Kathmandu have also tested HIV-positive.

356. Activities such as needle exchange programmes for drug users have also contributed to preventing HIV/AIDS. Awareness programmes in the form of jingles and visuals against drug use through radio and television have been aired, as well as programmes to discourage children from using tobacco and alcohol. In 2000, the Government banned all advertisements for alcohol and tobacco on radio and television in a bid to discourage their use, and has plans to extend this ban to the printed media as well.

357. Many drug users are found to be educated, and they know how HIV is contracted. According to the National Centre for AIDS and STD Control, 36.5 per cent of drug users have finished grades 9 or 10, 17 per cent grades 6 to 8, and 10 per cent are attending college. Only 7 per cent are illiterate. There are a few institutions working with adolescents and youths addicted to drugs. These institutions are involved mainly in monitoring, awareness building, and the prevention of drug abuse, treatment of drug patients and rehabilitation.

### **3. Sexual exploitation and sexual abuse (art. 34)**

358. See the initial report of Nepal, paragraphs 377 to 379.

359. Besides, the Government is in the process of amending the Children's Act to include a clear definition of child sexual abuse and exploitation and a provision to address this issue more effectively.

360. There are institutional arrangements to control sexual exploitation and abuse. NGOs are also active in controlling sexual abuse and exploitation of children and playing a key role in dissemination of information on this issue. However, in the absence of reliable data on the number of children trafficked, it is difficult to accurately assess the magnitude of the problem.

### **4. Sale, trafficking and abduction (art. 35)**

361. The Committee expressed concern about the absence of specific laws and policies to combat the sale and trafficking of children. Similarly, concern was also raised regarding the absence of measures to combat child prostitution and the lack of rehabilitative measures. The Committee suggested that measures, both administrative and legislative, be taken to combat the trafficking and the sale of children.

362. There are laws in Nepal against the crimes of sexual abuse and exploitation of children, poverty and lack of education have been obstacles to their enforcement.

363. Information, education, communication and awareness programmes have been conducted through media advocacy, namely, public service advertisements, training, workshops, consultations and mass campaigns as well as placing billboards. Nepal Police is conducting training for its officials and undertaking awareness campaigns targeting the general public. Programmes are also implemented against sexual abuse and commercial sexual exploitation, including cross-border trafficking of children and women. The work includes building conceptual clarity, awareness raising and prevention, rescuing the survivors, providing legal support and counselling as well as rehabilitation. Collecting and disseminating information on the issue is another area of the work.

364. The Government has adopted a much stronger national policy against sexual exploitation of trafficking of children following the adoption of the Stockholm Declaration in 1996. The Government has also adopted a 12-point programme of action for the prevention of trafficking of women and children as a follow-up to the Beijing Declaration and Platform of Action. The Government ratified the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others on 27 December 1995. The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution was also signed in 2002.

365. Despite these efforts, cases of child sexual abuse and exploitation have been reported in the media. Some cases of paedophilia have also been reported, which is one of the concerns of the proposed amendment of the Children's Act, 1992. According to the children participating in the regional camps, girls from specific communities, disabled children and children living as squatters are more prone to being sexually exploited.

366. See also the initial report, paragraphs 385 and 386.

367. In 2000, the Government formulated a policy to combat commercial sexual exploitation of women and children, and created a national plan of action and an institutional mechanism to carry it out. The plan of action envisages detailed interventions, including policy research and institutional development, reform in legislation and its enforcement, awareness creation, advocacy, networking and social mobilization, health and education programmes, income and employment generation, and rescue and reintegration programmes.

368. The Government has formed a national coordination committee under the leadership of the Ministry of Women, Children and Social Welfare with representation of concerned secretaries of the line ministries in order to implement the national plan of action effectively. Task forces have been created at the national, district and village levels. The Ministry of Women, Children and Social Welfare is responsible for mobilizing all concerned institutions, playing an active part against trafficking of female children, maintaining a good network for facilitating coordination and carrying out all legal reforms.

369. Since 1998, the Ministry of Women, Children and Social Welfare has set up rehabilitation homes for girls who have been rescued to reintegrate them into society. Similarly, a revolving emergency fund has been instituted to prevent and rescue trafficked girls. For this purpose, Nrs. 100,000 has been made available to each of the four districts bordering India through which most of the girls are trafficked. In collaboration with ILO, the Ministry has initiated "Action against Women Trafficking".

370. Besides, NGOs are carrying out advocacy campaigns, surveillance and facilitating the social reintegration of survivors. Nepal Police is also running various programmes. International NGOs have also contributed substantially in the field of rescue and rehabilitation of survivors, including minor girls from brothels in India. The police institution is active in conducting advocacy and awareness campaigns in the risk areas and is collaborating with NGOs to enhance surveillance, especially along the border. Police institutions of both India and Nepal cooperate to control crime in the border districts. Moreover, there are women and children's cells in 16 districts. These structures are also mobilized to address the issue of trafficking. District level committees against trafficking have been formed in 26 districts and an action plan for each of these districts has already been prepared. Income-generating activities are also being launched in some districts, as poverty is a factor that makes it easy to lure unsuspecting girls with rich promises.

371. Reliable statistics on trafficking are hard to obtain because there are many cases that are not reported. According to the Attorney-General's report, every year between 135 and 150 cases relating to trafficking are filed in the court. The Government is working on the problematic aspects in the law and proposing that Parliament amend them.

372. While the girl child is the focus of trafficking for sex trade, many young boys, most from the hilly districts of the mid-western region of Nepal, are also trafficked into India. They are forced to work in hazardous conditions in farms, factories, circuses, road construction, forced beggary, and domestic labour. The Government is seeking cooperation from external development partners, and NGOs to combat this type of offence.

373. Nepal is a State party to the Convention on the Elimination of All Forms of Discrimination against Women, and has signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

374. It is largely felt that awareness plays a vital role in fighting against trafficking. The Government feels that coordination, cooperation and commitment among all the actors fighting against trafficking are needed.

375. The Government is aware of the fact that the problems of cross-border trafficking could be solved if both India and Nepal make it a political agenda, and law enforcement agencies of both countries cooperate to address the issues of compensation to the survivors of trafficking and equal responsibility of both the countries of origin and of destination while working for the repatriation of trafficked children. Recently, cooperation has increased.

## **5. Other forms of exploitation (art. 36)**

376. Protective measures are described in the initial report, paragraphs 393 and 394.

### **(a) Caste discrimination**

377. Even though the Government has abolished the caste system, especially in the rural and remote areas, many lower caste children suffer from social discrimination in their everyday lives. There were some cases, particularly in remote districts of western Nepal, where *Dalit* (oppressed) children were beaten up for having entered a temple precinct or used public water taps and wells. Children from the *Dalit* community do not feel easy mixing with other children in some schools because of the lack of an appropriate environment.

378. In order to provide access to education, arrangements have been made for every Village Development Committee to provide scholarships to *Dalit* children. In 2001, the Government distributed scholarships to 3,000 primary and secondary school children and 300 higher education students. NGOs have been helping with education support including non-formal classes, training and psycho-religious treatment for children. The Government has also developed a policy to improve the status of these children. A special committee was also formed under the Ministry of Local Development in 1997. It has been organizing traditional skill-oriented training programmes. It has been realized that such programmes should be continued and more programmes for awareness-building should be launched in order to bring about social change.

379. Children from the oppressed caste are aware of the discrimination against them, as was expressed by the participants at the children's camps. Discrimination, according to them, entailed different treatment, including not allowing children belonging to a low caste to enter religious places. Discrimination is more pervasive in rural than in urban areas. Providing education and literacy to children of the oppressed caste is difficult due to the prevalent social practices. The role of NGOs and civil society organizations is very important in bringing about social change; the Government feels that laws alone are not sufficient.

**(b) Geographical disparities**

380. According to the Human Development Report for 2000, Nepal ranks 144th in the Human Development Index (HDI), which is lower than all its South Asian neighbours except Bangladesh. The Nepal Living Standards Survey (NLSS) conducted by the Central Bureau of Statistics has estimated that in 1996 about 42 per cent of the Nepalese population lived below the poverty line. There are also large disparities in the incidence of poverty across geographical regions and ethnic groups. More than 50 per cent of the population have no access to health services. As in previous years, thousands of people in the Karnali zone are facing a food crisis, which is resulting in a high death toll, mainly among children and seniors. The overall security problem in the country has exacerbated the living conditions of the poor and marginalized communities. The allocated quota of grain has not reached some of the districts in the Karnali zone. Thousands of people are migrating from remote areas of the mid-western part of Nepal to urban centres. Some other districts affected by the food crisis are Mugu, Kalikot, Jumla, Humla, Dolpa, Jajarkot, Kailali and Sarlahi. The crisis has a critical impact on the development of children in these parts of the country.

**(c) Children in slums and squats**

381. The population of children under the age of 16 living in slum and squatter settlements is estimated at about one million. In 1995, an NGO study estimated the population of children in the squats and slums of Kathmandu and Pokhara to be around 9,000 and 6,000, respectively. According to the study, the majority of children in the squatter areas live in difficult conditions.

382. A study has shown that only 30 per cent of school-age children in the squatter settlements attend school and the dropout rate is very high (38 per cent). Fifty per cent of children suffer from different health problems. Children easily fall prey to a number of diseases because of the lack of water and sanitation, and low levels of general hygiene and health awareness. Child mortality rates in squatter families have been found to be higher than in other families. Child labour is very high, affecting 45 per cent of the children, and is even higher among girls - 70 per cent. Among them, 24 per cent work away from home for family subsistence and self-survival and about 7.5 per cent are debt-bonded labourers. Child marriage and early marriage is common (11 per cent of girls under 16 are married) and 44 per cent of girls suffer different forms of harassment and humiliations, including 30 per cent facing sexual harassment inside settlements and in the neighbourhood.

383. Mass illiteracy and ignorance, organized crime including prostitution, trafficking and drug peddling, alcohol abuse, family violence, hazardous environment, lack of structural development and protection are among multiple social problems which adversely affect the development and well-being of children living in slums. The slum settlers also lack a sense of security as they regularly move from one place to another as a result of both forced and voluntary eviction. Another study has revealed that on average a squatter family has moved to four different places, spending 4-5 years on average in one place. This mobility can cause insecurity and rootlessness among children who might be drawn to street life and juvenile delinquency. Many street children in Kathmandu come from squatter and slum families.

384. After the restoration of democracy in 1990, every political party had incorporated the issue of squatter people as a major agenda in its manifesto. The "Squatter Problem Solving

Commission” has been dealing with the issue. In spite of these efforts there are many people who continue to be born and raised in the unhealthy environment of the slums. The Government is aware of this fact and is making efforts to address it.

#### **IX. CHILDREN AND CHILDREN BELONGING TO A MINORITY OR AN INDIGENOUS GROUP (art. 30)**

385. Information on legal provisions and the implementation of special programmes targeting indigenous and minority groups is contained in the initial report, paragraphs 393 to 400.

386. The Government has formed the Ethnic Groups Development Committee under the responsibility of the Ministry for Local Development to facilitate policy formulation and programme development for the overall development of ethnic groups including indigenous communities. The major festivals of some of the ethnic groups have been declared public holidays (*Lochhar* of the Gurung and Sherpa communities, *Id* of the Muslim community, *Chhat* of the Terai community). Also, a federation of ethnic groups has been created.

387. The Government plans to draft additional laws and to enforce existing ones, in particular to protect persons from minority and indigenous groups against exploitation and to ensure all rights of children belonging to them.

#### **X. SUMMARY AND CONCLUSIONS**

388. Nepal signed the Convention on the Rights of the Child in November 1990. Since then, the major achievements made by Nepal in its implementation have been the enactment of the Children’s Act in 1992 and the approval of Children’s Rules in 1994, the ratification of the ILO Convention against Child Labour, the establishment of the Ministry of Women, Children and Social Welfare, the development and implementation of the National Plan of Action to combat trafficking of women and children, and concerted efforts to implement the Children’s Act of 1992. In general, development activities in Nepal after the restoration of multi-party democracy in 1990 are more child-oriented, though such activities are limited and need to be intensified to reach the most needy children. The Government is fully committed to the implementation of the Convention; the Children’s Act has to a large extent reflected the spirit of the Convention and is a positive move for the overall development of the child. Implementation structures have been created, at central as well as district level. District Child Welfare Boards are now active in 20 districts. Helplines have been established. Children are participating in radio and TV programmes. An NGO called “Bal Chetana Samuha” or consortium has also been registered. The Supreme Court recently confirmed the right to create children’s clubs under the current laws. The number of NGOs working for the welfare of children increased from 18 in 1990 to 184 in 1998. NGOs have conducted programmes on labour exploitation, sexual exploitation, street children, imprisoned children, socialization, rehabilitation and skills-oriented training. The media have played an important role in highlighting the issues and contributed significantly. Newspapers and other media have brought many issues on child labour to the public.

389. The general areas where the role of donors proved important include resource mobilization for health, education and other social services, support to implement the provisions of the Convention, support for advocacy and monitoring and technical assistance for

capacity-building. External development partners have now started to promote a holistic approach. They have attempted to advocate child rights issues and also initiated small projects on health and education of children. It appears that the signing of the Convention has created a favourable climate for overall foreign resource mobilization in the education and health subsectors. From available data on expenditures from donor and Government sources, there has been a substantial increase in spending in programmes for the development of children during the last decade.

390. In general, the implementation of some of the provisions call for collaborative efforts and agreed coherent strategies. The National Plan of Action prepared by the Government to implement the provisions of the Convention faced failure because the aid expected from the donor community was not forthcoming. The activities of the Ministry of Women, Children and Social Welfare of the National Plan of Action could not be carried out because of lack of financial and other resources and technical support from external development partners. Donors, including lead agencies like UNICEF, are expected to extend their assistance in strengthening the capacity of implementing agencies including the Ministry of Women, Children and Social Welfare, NCWB and District Child Welfare Boards.

391. As a result of joint efforts of the Government, United Nations agencies, national and international NGOs, external development partners, local bodies and civil society, the health of children has improved, as shown by data on major health indicators for 1995-1996. Infant and child mortality rates have decreased; immunization coverage against the six antigens has risen. Nepal is on track to eradicate polio by 2005. In addition, the status of water and sanitation has also improved. Vitamin A and iodine deficiency disorders are no longer a significant health problem among children. The Safe Motherhood Programme places an emphasis on the birth of healthy infants, an issue that has become of increasing national importance. Forty per cent of childbearing women in the last five years have received antenatal care checkups. Although 88 per cent of deliveries still take place at home, the percentage of mothers delivering babies at health institutions reached 11 per cent. Breastfeeding has been found to be almost universal (98 per cent). The number of trained obstetric professionals has registered an increase, from 69,557 in 1996 to 80,523 in 2000. Access to health services has also improved, resulting in an increase in life expectancy to a combined 58 years in 1999. The number of households with access to sanitation has reached 29.4 per cent. Community-based day-care centres have been established for early development of the children.

392. The number of schools has increased to 26,036 in 2000 from 19,498 in 1991 and the quality of facilities has also improved. The adult literacy rate has increased from 39.6 per cent in 1991 to 53.74 per cent in 2001. The net primary school enrolment rate has almost reached 80.4 per cent, just short of the national target of 90 per cent. The right of the child to development through education is being ensured through scholarships for girl children, strategies aimed at increasing enrolment in primary schools and reducing dropout rates, provision of nutritional food for schoolchildren, primary schoolteachers' training programmes, formal education sponsorship programmes and vocational education and special education programmes.

393. The Government, United Nations agencies, national and international NGOs and civil society and, most importantly, the children themselves through children's clubs, are raising awareness on major issues of child rights, including child labour, bonded labour, street children, children with disabilities and child marriage. There are increasing activities on birth registration,

sales and trafficking of women and children for commercial sexual exploitation and abuse. There is an increase in initiatives, such as awareness-raising and programme intervention from central to local levels, surveillance of trafficking, interceptions at border points of girls trafficked for commercial sexual purposes, and awareness programmes at grass-roots level in areas prone to trafficking. Moreover, the Government has launched a programme to eliminate the worst forms of child labour by 2007. A helpline helps to rescue children from exploitative conditions. A number of programmes for the rehabilitation of rescued and displaced children have been established and welfare homes have been opened for orphans and abandoned children. The Government has been collaborating with NGOs, INGOs and United Nations agencies for advocacy and implementation of programmes regarding child rights and development. Concern on the part of the Government, political parties, adults, and children themselves for the protection and promotion of child rights is increasing, which in itself is a major achievement.

394. Support programmes, such as PCRW, Poverty Reduction Programmes, establishment of regional rural development banks and small farmer development programmes by State-run banks, have helped raise the standard of living of the poor people and ensure the rights of their children. Donors have come forward with projects targeted to reduce child labour, improve the condition of children and ensure their right to education, health, nutrition and sanitation.

395. Children's clubs, established in more than 20 districts, have created a constructive environment that ensures children's rights to participation. A consortium of organizations working with children's clubs has been established. The child-to-child approach for disseminating the Convention and making children conscious of child rights has had notable success.

396. Section 9 of the Treaty Act, 2047 (1991) stipulates prevalence of international treaties, if any conflict exists between domestic and international law. A concern raised by the Committee is that the Children's Act of 1992 is not completely in harmony with the provisions of the Convention. The Government is in the process of amending the Act. The Government is trying to implement the law by building political commitment, proper vision, institutional infrastructure and administrative capacity so that the provisions of the Act are fully implemented on the ground.

397. Existing poor socio-economic conditions, high illiteracy and ignorance among the majority of people on the issue of child rights are major factors impeding the implementation and protection of child rights. In 1996, 38 per cent of the people were living below the poverty line. Poverty has forced children to give up education and take up menial jobs from an early age. The growing debt-servicing burden on the Government is also taking away much-needed resources from the social services sector, which could significantly provide positive impacts towards poverty alleviation.

398. Considering the lessons learned during the last decade, the Government, together with external development partners, intends to review the priority, programmes and strategies and implementation mechanisms to bring substantial change in protection, development and participation of children under the framework of the Convention and available rules and regulations. The principles to be adopted in the review include:



- (a) All children-related programmes should be developed and implemented keeping children at the centre;
- (b) The promotion of survival, development, non-discrimination and best interest of the child and instilling in them a proper decorum should start from the family;
- (c) A coherent strategy and coordinated action should be designed and implemented targeting specific groups in order to reach every child by solving multiple difficulties and constraints;
- (d) The international communities should concentrate on the priority tasks and help the Government and civil society to attack the root cause, and it would need another decade to feel observable changes.

The priority tasks in order of importance include:

- (a) Creating forums under the overall umbrella of NCWB which would develop three things that are critical for development (vision, champion or role model, and a critical mass capable of carrying out functions such as advocacy, resource mobilization, monitoring and generation and sharing of knowledge);
- (b) Developing a comprehensive database for children with data disaggregated by gender, geographical area, ethnicity and disability, with support and participation of concerned organizations such as *Dalit* organizations, organizations of disabled persons;
- (c) Advocating the importance of child rights to each household contextualizing the provisions of the Convention and considering children's voices instead of simply focusing on the global agenda;
- (d) Establishing and strengthening monitoring mechanisms articulating the roles of different actors, including the National Human Rights Commission in collaboration with civil society such as the National Citizens Group.

In terms of programmes, the fundamental tasks should be to ensure the birth registration of every child, guarantee the right to primary education for every child, provide facilities to all children under the age of 6 and strengthen the capacity of different institutions created under the existing acts and regulations.

## **Conclusion**

419. While the Government and the civil society are committed to gradually implementing all provisions of the Convention with a vision and effective plan of action and programme interventions, technical and financial support from the international development community would be crucial to sustain the programmes and expand its reach to the remotest parts of the country in the days ahead.

## Annex I

### BASIC INDICATORS

#### A. Demographic indicators

Life expectancy	
Total	58 years
Male	58.8 years
Female	57.2 years
Population (Census-2001, CBS)	
Total	23 151 423
Male	11 563 921
Female	11 587 502
Sex ratio (male:female)	99.8:100
Annual population growth	2.24%
Population distribution	
Urban:	14.2%
Rural:	85.8%
0-14 years:	39.35%
Total fertility rate	4.1 (NDH, 2001)
Crude birth rate	33.58 per thousand population (MoH)
Crude death rate	9.96 per thousand population (MoH)

#### B. Health indicators (MoH, Health Information Bulletin, 2001)

Infant mortality rate	64.2 (NDHS, 2001) per thousand live births
Under-5 mortality rate	91.0 (NDHS, 2001) per thousand live births
Maternal mortality rate	415/100 000 women
Persons per health post	5 317
Persons per medical doctor	2 518
Hospitals (Government's only)	83
Hospital beds	5 190
Population bed ratio	4 239:1
Primary health centres	160
Health post	711
Sub health post	3 179
Population/health institution ratio	5 317:1
Doctors	1 259
Population doctor ratio	2 518:1
Nurses	6 154
Ayurvedic hospitals	275
Kaviraj ayurvedic physicians	211
Vaidya ayurvedic physicians	210
Health assistants	5 295
Maternal and other child health workers (MCHW)	3 342
Trained female health volunteers/TBAs	62 546
Village level health workers	4 015

**C. Economically active population (in 1,000) economic survey 2001,  
Nepal labour force survey 1999**

	Total	Male	Female
All ages	11 628	5 748	5 880
Aged 15+	9 641 (85.8%)	4 834 (90.2%)	4 807 (81.9%)
Aged 5-14	1 987 (40.9%)	914 (36.8%)	1 073 (45.1%)

**Annex II****BIRTH REGISTRATION**

Year	Total population	Population of children under 1 year	Birth registered	%
1991	18 491 097	565 413	84 818	15.00
1992	18 937 160	578 147	68 814	11.90
1993	19 383 160	593 455	147 285	24.81
1994	19 861 827	607 771	188 897	31.08
1995	20 340 957	622 433	116 387	18.89
1996	20 831 644	635 365	176 040	27.70
1997	21 331 362	652 739	245 361	37.58
1998	21 843 068	668 397	102 657	15.35
1999	22 367 048	684 431	311 590	45.52
2000	22 903 598	700 850	293 664	41.92

*Source:* National Report on Follow-up to the World Summit for Children.

**Annex III****FOREIGN ADOPTION BY COUNTRIES 1996-2000**

Country	1996	1997	1998	1999	2000	Total
United States of America	8	6	20	9	11	54
Germany	3	-	9	14	5	31
France	9	5	17	10	11	52
Belgium	1	-	-	-	-	1
Spain	13	6	25	16	18	78
Finland	1	-	-	-	1	2
Sweden	2	1	-	1	1	5
Denmark	2	-	2	3	3	10
Italy	3	4	14	13	15	49
United Kingdom	1	-	2	-	1	4
Canada	2	-	2	3	1	8
Netherlands	2	-	5	3	3	13
Switzerland	1	1	4	4	4	14
Norway	-	-	2	1	4	7
Total	48	23	102	77	78	328

*Source:* Ministry of Home and Ministry of Women, Children and Social Welfare.

## Annex IV

## EDUCATIONAL STATISTICS 2000

Description	Primary (Class 1-5)	Lower secondary (Class 6-8)	Secondary (Class 9-10)	Total
Schools	25 927 (22 218 in 1996)	7 289 (5 506 in 1996)	4 350 (2 903 in 1996)	26 036
<b>Enrolment</b>				
Total	3 623 150 (3 447 607 in 1996)	957 446 (791 502 in 1996)	372 914 (329 833 in 1996)	4 953 510
Girls (%)	1 597 570 (44.1%) (41% in 1996)	397 503 (41.5%) (38% in 1996)	151 444 (40.6%) (36% in 1996)	2 146 517 (43.3%)
<b>Teachers</b>				
Total trained %	51.8% (44% in 1996)	40.5% (31% in 1996)	56.5% (45% in 1996)	50.4%
Female teacher %	25.3%	12.0%	7.6%	20.5%
Female teacher trained %	41.0%	37.3%	54.2%	41.3%
<b>Ratio</b>				
Student/school	139.7	131.4	85.7	190.3
Teacher/school	3.8	3.5	4.5	5.5
Student/teacher	37.0	37.7	19.1	34.7
Student/trained teacher	71.5	93.2	33.9	68.8
Female teacher/ school	1.0	0.4	0.3	1.1
<b>Gross enrolment ratio %</b>				
Total	119.8	58.3	37.1	87.3
Girls	108.4	49.1	29.8	76.9
Boys	130.6	67.4	44.4	97.4
<b>Net enrolment ratio %</b>				
Total	80.4	33.3	20.0	56.1
Girls	74.6	27.9	16.0	50.4
Boys	86.0	38.6	24.1	61.1

Source: Ministry of Education and Sports.

**Annex V**

**NATIONAL STEERING COMMITTEE**

1. Convener: Hon'ble Minister, Ministry of Women, Children and Social Welfare
2. Member: Secretary, Ministry of Women, Children and Social Welfare
3. Member: Joint Secretary, National Planning Commission
4. Member: Joint Secretary, Ministry of Education and Sports
5. Member: Joint Secretary, Ministry of Foreign Affairs
6. Member: Joint Secretary, Ministry of Law, Justice and Parliamentary Management Affairs
7. Member Secretary: Joint Secretary, Women, Social Service and Child Development Division, Ministry of Women, Children and Social Welfare

**Annex VI**

**DRAFTING COMMITTEE**

1. Coordinator: Joint Secretary, Ministry of Women, Children and Social Welfare
2. Under-Secretary, National Planning Commission
3. Under-Secretary, Ministry of Health
4. Under-Secretary, Ministry of Education and Sports
5. Under-Secretary, Ministry of Law, Justice and Parliamentary Affairs
6. Under-Secretary, Ministry of Labour and Transport Management
7. Under-Secretary, Ministry of Foreign Affairs
8. Mr. Upendra Keshari Neupane, Child NGO Federation, Nepal
9. Mr. Sharad Sharma, Child Development Societies
10. Mr. Deepak R. Sapkota, Central Child Welfare Board
11. Ms. Geeta Lohani, Educationist, Padma Kanya College
12. Mr. Tarak Dhital, Child Workers in Nepal
13. Bal Chetana Samuha

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