

Situation of Child Rights in Nepal
Child-centered UPR Reporting Coalition Nepal
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Group of the Human Rights Council

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Coordinated by Children Zones of Peace National Network (CZOP- Nepal)

Members of the Coalition Networks

1. Children as Zones of Peace National Campaign (CZOP)
2. Alliance Against Trafficking of Women and Children in Nepal (AATWIN)
3. CRC Committee, HRTMCC- Nepal Members
4. Child Care Homes Network (CNET)
5. Consortium of Organizations Working for Child Participation (Consortium Nepal)
6. DU COM Campaign in Nepal
7. Inclusive Education Forum Nepal (IEF)
8. Men Engaged Alliance Nepal (MEA-Nepal)
9. National Campaign for Education(NCE)
10. National Child Friendly Local Governance-Forum (N-CFLG)
11. National Coalition for Girls Rights (NCRG)
12. National Child Protection Alliance (NCPA)
13. Ratify OP3CRC Coalition Nepal Members
14. Education Watch Groups

Partners

1. Care International
2. European Union Delegate Office to Nepal (EU)
3. Good Neighbour International
4. Plan International
5. Save the Children
6. UNICEF Nepal
7. World Vision International

About the Coalition

Children as Zones of Peace (CZOP), a national coalition of organizations working in the field of child rights, was formed in 2003 to advocate for children's basic right to life, development, and protection in Nepal. CZOP advocates for protection and promotion of children's basic rights during and after armed-conflicts. CZOP is a broader coalition of 14 other NGO networks. CZOP had submitted stakeholder report in Nepal's 2nd cycle review in 2015. CZOP collaborated with NHRC throughout the report preparation process for the third cycle.

Contact Details:

Narendra Dangol-Chairperson
Madhu Sudhan Dawadi- Program Director
Children As Zones of Peace-National Campaign (CZOP)
(Save the Children Country Office, 5th Floor)
Sinamangal-Airport Gate, Kathmandu, Nepal
Tel : +977-1-4481093 Ext. no- 545, Mobile 0977-9841307574/9858023323
URL: www.czopnepal.org, Email; czopp.central@gmail.com

I. INTRODUCTION

- 1.1 This joint submission has been prepared by Child-centered UPR Reporting Coalition Nepal and the report preparing process was coordinated by Children as Zones of Peace National Campaign (CZOP) comprising 47 civil society organizations (Annex 1).

II. METHODOLOGY

- 2.1 This report is the outcome of two national-level consultations, seven provincial level consultations in seven provinces and four separate consultations with children, and gender and sexual minority children. All together 761 participants were consulted, including 236 child participants (*Annex 6*). Participants in the consultation meetings included representatives from the National Human Rights Commission, government offices, sexual and gender minorities, *Dalit* community, *Madeshi* community, indigenous people, journalists, lawyers, child rights workers, sexual and gender minorities, and rights activists.
- 2.2 Separate consultations with children were carried out in all seven provinces. Selection and involvement of children were conducted following child participation and inclusion guidelines.

III. IMPLEMENTATION STATUS OF UPR 2nd CYCLE (2015) CHILD RIGHTS RECOMMENDATIONS AND DEVELOPMENT SINCE THE PREVIOUS REVIEW

Enactment of Children's Act

- 3.1 Children's Act 1992 replaced by Act Relating to Children, 2018 (hereinafter, Children's Act 2018), comply most of the international instruments compared with previous one. The Act prohibits all forms of violence and abuse against childrenⁱ. Budget allocation was only 12.62 percent in the Fiscal Year 2016/17, thus not adequate. (**121.5** Slovakia)

Child Labour

- 3.2 Child Labor (Prohibition and Regulation) Act, 2000 enacted to protect the rights and interests of children for their physical, mental and intellectual development. However, after new Constitution and changed context, the Act needs amendment. Despite adoption of Master Plan to End Child Labour-2019, in absence of effective specific mechanism to rescue, withdrawal and family reintegration plan, no tangible results are seen.
- 3.3 According to Nepal Multiple Indicator Cluster Survey, 2014, 37.4% of children between the age of 5 and 17 years are found in labour.ⁱⁱ
- 3.4 There is no effective monitoring and inspection to prevent child labour. Though Nepal supported recommendation made by Russia (**122.51**) to eliminate worst form of child labour by 2016 and eliminate all forms of child labour by 2020, progress is yet to see for the elimination of such practices. (**121.6** Slovakia, **122.48** Brazil, **122.49** Slovenia, **122.50** Djibouti).

Child marriage and forceful marriages

- 3.5 Child marriage and forceful marriages are criminal offences as per Criminal Code 2017.ⁱⁱⁱ There is lack of explicit law to criminalize all types of harmful traditional practices prevailed in Nepal. In 2016, the government adopted "National Strategy to End Child Marriage" with the vision of ending child marriage by 2030, however it has not been prepared based on new state structure. Investment has not been made to implement the strategy. (**121.7** Sierra Leone, **121.20** Botswana, **121.24** Egypt, **122.47** Belgium)

Trafficking of Children

- 3.6 Children's Act 2018, the Penal Code 2017, the Human Trafficking and Transportation (Control) Act, 2007 and Human Trafficking and Transportation (Control) Rules, 2008 have prohibited

and criminalized child trafficking. With the changed structure of governance from centralized to federal model, the Act does not comply on policy, programs and delivery mechanisms. . The Act envisions National Child Rights Council at the federal level and Child Rights Committees at provincial and local levels but there is no specific coordination mechanism between these structures in addressing cases of child trafficking. (121.8 Timor-Leste, 121.25 Japan)

Protection of child victim

- 3.7 The Crime Victim Protection Act 2018 mentions about various rights of victims, including right to be protected from threats and violence. However, there is no systematic practice of victim and witness protection. Victims and survivors of gender-based violence are not adequately protected from possible reprisal in case they reported against the perpetrator. (121.21 Spain)

Nationality and citizenship

- 3.8 The Constitution of Nepal (2015) mentions that a person whose “father or mother” was citizen of Nepal at the time of his/her birth and who has permanent domicile in Nepal gets citizenship by descent. Child of a citizen by birth before the commencement of this constitution will acquire citizenship by descent when s/he grows up if “both his father and mother are Nepali citizens”.^{iv}This means either of the parents should start the process of acquiring citizenship as early as possible after they got married, if s/he is of foreign origin. A person eligible for citizenship by descent can obtain citizenship certificate in the name of “his/her mother or father”.^v However, acquiring Nepali citizenship by children of parents with naturalized Nepali citizenship in Terai region is still difficult. (122.2 Canada, 122.67 Hungary, 122.69 Spain, 122.70 New Zealand)

Establishment of independent child rights monitoring mechanism

- 3.9 Nepal received a recommendation for the establishment of a special mechanism responsible for independent child rights monitoring (122.19 Estonia), but there is not such independent child right monitoring body established so far.

Protection of vulnerable groups

- 3.10 The Children’s Act 2018 defined ‘children in need of special protection’^{vi} and offered protection however, effective implementation of the legal provision is yet to see. (122.22 Lao People’s Democratic Republic)

Rehabilitation and reintegration of children affected by armed conflict

- 3.11 Children affected by armed conflict have not been rehabilitated and integrated. (122.29 Namibia)

Special internment centers

- 3.12 There is serious lack of special detention and internment centers for boys and girls, who come in conflict with law. There are only eight juvenile correction homes which are overcrowded and seriously lack basic facilities^{vii}. There is no program to promote their reintegration into society. (122.66 Chile)

Vaccination coverage

- 3.13 Vaccination coverage is remarkable but because of difficult topography and lack of sufficiently available vaccines, the Government of Nepal (GoN) is yet to reach to 100% children. (122.91 Maldives)

Infant, child and maternal mortality rates

- 3.14 Nepal is making its efforts in decreasing the infant, child and maternal mortality rates and increasing average life expectancy. Despite these efforts, mortality rate of children below the age of five years is 39/1000 followed by infant mortality rate 32/1000 and neonatal mortality rate 21/1000.^{viii} Infant mortality has declined by 42 percent over the last 15 years, while under-five mortality has declined by 54 percent over the same period.^{ix} Childhood mortality is relatively higher in the mountain ecological zone than in the Terai and hill zone and is highest in the Far-western region. The neonatal mortality rate in the past five years is 33 deaths per 1,000 live births, which is two and a half times the post-neonatal rate. The pre-natal mortality rate is 37 per 1,000 pregnancies.^x According to a report released at the Partnership for Maternal and Child Health (PMNCH) 2014 Partners' Forum in Johannesburg, South Africa^{xi}, at the global convention on maternal and new born, Nepal has set an example among 10 fast-track countries which succeeded to achieve the goal on maternal and child health.^{xii} (122.93 Sri Lanka, 122.94 Israel)
- 3.15 Despite having new plans and policies,^{xiii} problems such as high maternal mortality rates^{xiv}, low number of doctors^{xv} and access to safe abortion show that the measures have been ineffective. Sex selective abortion is in practice despite banned. Fifty-six new mothers died during March 24 to May 31, 2020 in the lockdown situation^{xvi}

Education

- 3.16 Attendance in early childhood education is only 51% (2010-2018).^{xvii} Net enrollment rate of primary school age children was reported at 94.836 % in Dec 2017.^{xviii} This records a decrease from the previous number of 96.767 % for Dec 2016. Adolescents out of school at basic level school aged was reported at 11.172 % in Dec 2017. This records a decrease from the previous number of 11.77 % for Dec 2016.
- 3.17 Gender gap in public schools is almost closing: for every 100 boys attending public schools there are 99 girls. Nepal's Ministry of Education has launched the global "Education for All" initiatives programs, nonetheless, challenges persist. Net enrolment rates are lower in the hills and mountains. School enrolment rates of children from *Dalit*, minorities and ethnic groups are below the national average. The majority of schools in Nepal do not meet the minimum standard set by the Government.^{xix} 1000741 Dalit students in grade 1-8, 1907469 girl students including Karnali Package were benefitted by the scholarship program.⁵⁷ Similarly, 106517 students from targeted groups in basic level (children from 22 ethnic nationalities and marginalized group, freed *Kamaiya*, *Badi*, *Haliya*, *Charuwa* etc.) benefitted by the scholarship program.^{xx} Despite the fact of certain improvement in the sector of education, enrollment, participation and retention of children with disabilities (CWDs) is still challenging. Most schools are located in far distance than set standard. This affects the access of children, especially by CWDs. School infrastructures, WASH, teaching-learning methods and tools are not friendly, especially to girls and CWDs.
- 3.18 Free and Compulsory Education Act, 2018 has been enacted to ensure education to all but its implementation is yet to see. (122.99 Lao People's Democratic Republic, 122.100 Israel,

122.101 Afghanistan, **122.102** Namibia, **122.103** Indonesia, **122.106** Bolivarian Republic of Venezuela, **122.107** Norway, **122.108** Maldives)

3.19 Nepal witnessed massive disparity and inequality in access to education among children from rural and urban sectors, poor and rich families, studying in public and private schools as education was conducted through online systems during COVID-19 related lockdown that went for months. There is high risk of more than 3 hundred thousands of students (estimated) to dropout from school post-lockdown. Thirty percent of children do not have access to alternative teaching-learning approaches.

Age of criminal responsibility

3.20 Nepal noted the recommendation for raising the age of criminal responsibility that currently stands at 10. Nepal's Penal Code 2017, despite newly enacted, and continues to set the age of criminal responsibility at 10. (**123.29**. Chile)

Independent Commission for children

3.21 Nepal noted the recommendation to set an independent Commission for children. National Child Rights Council, a newly set-up structure by the new Children's Act is a wing of ministry and cannot be considered independent child rights monitoring body. (**124.8** India);

Ratification of Optional Protocol on Communication Procedure

3.22 Nepal noted the recommendation for ratifying the third optional protocol to the CRC on communication procedure and Nepal continues to hold its stand by not ratifying the instrument. (**124.3** Slovakia, Chile, Montenegro)

IV. GENERAL LEGAL MEASURES AND HUMAN RIGHTS FRAMEWORK CONCERNING CHILD RIGHTS

4.1 Scope of International Obligations

4.1.1 Nepal ratified the Convention on the Rights of the Child on May 7, 2010^{xxi} which came into force on June 6, 2010. The provisions of ratified treaties will prevail if the provisions of domestic laws contradicted with them.^{xxii}

4.1.2 Nepal has also ratified Optional Protocols to the CRC on the Sale of Children, Child Prostitution and Child Pornography on January 20, 2006 and Involvement of Children in Armed Conflict on 03 January 2007. But it has not ratified the third Optional Protocol on Communication Procedure.

Recommendation:

- Ratify the Optional Protocol to the Convention on the Rights of the Child on communication procedure.

4.2 Constitutional and Legislative Framework

4.2.1 The Constitution of Nepal 2015 guarantees child rights as fundamental rights for the first time in its history. Subsequent enactment of Children's Act 2018 replaced Children's Act of 1992. Nepal has many other laws to deal with children's issues. Some instruments include: Criminal Code, 2017, Criminal Procedural Code, 2017, Human Trafficking and Transportation Control Act (HTTCA), 2007, Crime Victim Protection Act, 2018, Child Labour (Prohibition and Regulation) Act, 2000, Labour Act, 2017, Domestic Violence (Offence and Punishment) Act, 2009 and Citizenship Act, 2006.

- 4.2.2 Nepal also has National Child Policy-2012, National Master Plan against Child Labour-2018-2028, and National Strategy to End Child Marriage-2016.
- 4.2.3 Despite these constitutional, legal and policy frameworks, status of Nepalese children remain dismal as the child protection system is not in place or not functional.

Recommendations:

- Take measures to eliminate discrimination on the basis of sex, gender, caste, class, geographical region and other forms in schools, families and communities.
- Amend the Domestic Violence Act, 2009 broadening the definition of sexual harm and domestic violence to include threats of violence, and all types of harm focusing on children.
- Amend the citizenship law to allow citizenship through either parent.
- Amend Child Labour Act 2000 incorporating measures for rescue, reparation, and reintegration.
- Establish effective child protection system in all levels with at least 10 percent investment to children.

4.3 Human Rights Institutions, Infrastructures and Policy Measures

- 4.3.1 There is National Human Rights Commission as a constitutional and independent human rights monitoring body established as per Paris Principle. The constitution provides thematic commissions for Women, *Dalit*, Inclusion, Indigenous Nationalities, *Madhesi*, *Tharu*, and Muslim.
- 4.3.2 None of these constitutional commissions explicitly monitor children’s rights. However, a commissioner at NHRC has been assigned as focal person for children’s issue. Many other commissions have not full shape yet.
- 4.3.3 Ministry of Women, Children and Senior Citizen is a focal ministry for implementing rights of children. Many other Federal-level and provincial ministries, local government and ward level authorities have responsibilities to work for children.
- 4.3.4 In absence of provincial level and local level laws, full functioning of envisioned authorizes like, Provincial and Local Child Rights Committees, and Child Welfare Officers have not started their work yet.

Recommendations:

- Develop indicators of ‘best interest of the child’ as mentioned in Children’s Act 2018 for children in need of special protection.
- Develop guidelines and measures for the investment in children at all tiers of government, allocate at least 10 percent for the child protection and participation.
- Establish ‘independent’ child rights monitoring body.
- Accelerate enacting provincial and local level laws for the full protection of child rights.

V. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS CONCERNING CHILD RIGHTS

Implementation of CRC and CEDAW Concluding Observations

- 5.1 The concluding observations on the combined third to fifth periodic reports of Nepal (2016) pointed out elimination of all forms of discrimination, stigmatization and social exclusion of *Dalit* children^{xxiii}, awareness raising for ending gender discriminatory and patriarchal mindset, consideration of best interest of the child in all decision making, respect the views of children,

accelerating efforts to ensure birth registration, citizenship through either of the parents, evaluation of previous work plans, establishment of inter-ministerial coordination and monitoring mechanism, adequate budget allocation, collection of disaggregated data, guarantee of independence of National Human Rights Commission, guarantee of confidentiality and privacy in all phases of court proceedings, training on child rights for all stakeholders, guarantee of quality health services, discrimination against sexual and gender minority children, guarantee of quality education through teacher's training, development of strategy for the inclusion of children with disabilities, restriction on corporal punishment in schools and other inhuman, degrading treatment, restriction on all harmful cultural practices, stringent laws on adoption and alternative care and their effective implement.^{xxiv}

5.2 Concluding Observations made by CEDAW Committee have also been raised in the UPR recommendations. These are also interlinked with Sustainable Development Goals (SDGs). Children's Act of 1992 replaced by the Children's Act 2018. In rest of the issues, tangible results are yet to be seen.

5.3 CEDAW concluding observation on the sixth periodic report of Nepal^{xxv} highlighted many issues of girls and recommended to eliminate all stereotypes and harmful practices against girl child, including child marriage.^{xxvi} Despite 'National Strategy to End Child Marriage' was adopted in 2016, child marriage is still a problem in Nepal^{xxvii}.

Recommendations:

- Comply with international human rights obligations and effectively implement recommendations made by Committees on CRC, CEDAW and CRPD to protect children.

VI. MAJOR AREAS OF CONCERN

A. Right to life

i. Sex selective abortion

6.1 The Department of Health Services reported that a total of 98640 Comprehensive Abortion Care (CAC) services have been provided in 2016/17^{xxviii}, out of which, 62% women had received medical abortion service. Compared to fiscal year 2015/16, the proportion of women who had a safe abortion and then used contraceptives increased over the last three years, from 71 percent in 2016/17 to 75 percent in 2017/18. The acceptance of post abortion contraception among medical abortion service users was high compared to among surgical abortion users (medical abortion 82% versus surgical abortion 65%).^{xxix}

With the rise of health care services, including clinics and polyclinics, sex-selective abortion is on rise in Nepal.^{xxx} Nepal being a male preference society, estimated 20 percent of the more than 70,000 abortions that take place each year are carried out by women who prefer a son.^{xxxi}

Recommendations:

- Develop measures for the effective implementation of restrictions on practices of sex selective abortion at all levels of government.

B. Right to health, nutrition and development

i. Access to health service

6.2 In the FY 2017/18, a total of 25,678 newborns cases were registered and treated at health facilities. In 2017/18, 2.6 million people were served at 131,382 outreach clinics.^{xxxii} Though the practice of birthing in health centers and utilizing health services has increased in Nepal, insufficient drugs, distance, staff unavailability, money and facility hours are the hindering factors for people's access

to health services in Nepal.^{xxxiii} Gender-based discrimination, social-economic status and distance are significantly associated with access to health care services.^{xxxiv}

6.3 Non-communicable diseases are a major threat to public health in Nepal that leads cause of death—66 percent of all deaths—in the country.^{xxxv} Among them, heart disease, chronic obstructive pulmonary disease, lower respiratory infection and stroke are the leading killers.^{xxxvi} Nepal ranks 111th out of 195 in Health Security Index.^{xxxvii}

6.4 On 24 March 2020, the Government of Nepal imposed a complete ‘lock-down’.^{xxxviii} This caused hindrances to access medical services, medicines and food. Nepal witnessed anxiety and psychological distress among many, including children during the lockdown. More than 12,00 people committed suicide during 74 days of lockdown^{xxxix}, out of which 15 were children^{xl}. Quarantine facilities were poorly managed and there was no provision of child friendly quarantine facilities.

ii. Immunization

6.5 National immunization coverage of BCG is 92%.^{xli} The coverage of DTP-HepB-Hib3 and OPV3 was 82%. PCV 3 coverage was 80% whereas the coverage of MR1 has decreased to 81%. MR2 coverage was 66%.^{xlii} For measles elimination, high coverage of both MR 1 and 2 is required ($\geq 95\%$). Thus, coverage of both MR 1 and MR 2 is still not satisfactory. In July 2016 JE vaccine was introduced in all remaining districts of the country.^{xliii} In FY 2017/18, the coverage of JE vaccine was 80% which has improved significantly to the previous years. The coverage of IPV is only 16% in FY 2016/17 due to shortage of the vaccine.^{xliv} Thus, GoN has not been able to reach to all children for immunization.

iii. Nutrition

6.6 The National Nutrition Programme is priority of the government. It aims to achieve the nutrition well-being of all people especially of adolescence, pregnant and lactating mother, and children under five.^{xlv}

6.7 The percentage of new-born with low birth weight (<2.5 kg) was 11.9 % in 2017/18.^{xlvi} About 70 % of children between 0-23 months old were registered for growth monitoring with an average of 3 visits per child, among them 4.3% were reported as underweight. During growth monitoring, 29.6 % children were exclusively breastfed, 6-8 months who received complementary foods was 30.8%.^{xlvii}

6.8 Stunting among children below the age of five years is 36% followed by wasting 27% and severe malnutrition 10%.^{xlviii}

Recommendations:

- Guarantee access to free healthcare for children for the effective implementation of laws, policies and directives.
- Take measures to ensure immunization without leaving anyone behind, particularly focusing on children at risk and need of special protection, especially in emergency situations.

iv. Right to education

6.9 As of Department of Education, net enrolment rate for primary level is 97.2, lower secondary level 87.4, secondary level (grade 9 – 10), 65.9 and higher secondary level (grade 11 – 12) 22.0 for the year. In the FY 2074/075, a total of 7,391,524 children (girls 3,769,124 and boys 3,622,400) were enrolled in grade 1 – 12. The number of students appeared SEE examination is decreased by 5,968 in 2018 than in 2017. The total number of schools was 34,739 in the previous FY, where as it is

35,601 in the FY 2017/2018. On the contrary, the total number of students was 7,446,098 in the previous FY, and is 7,391,524 in the FY 2017/2018. A total of 54,574 students were decreased this year. 2017/2018. Net enrolment rate in all level increased as compared to the last year. School drop-out rates at primary level (grade 1-5) was 3.6%, in lower secondary level (grade 6-8) was 4.4% and in secondary level (grade 9-10) was 3.7%.^{xlix}

- 6.10 There is disparity in quality of education among public and private schools in general. Quality education is expensive and not accessible to all.
- 6.11 Inequality in access to education surfaced during COVID-19 related lockdown among the students studying in private and public schools. Most private schools continued teaching through online systems^l whereas most students in public schools had no access to such technologies^{li}.

Recommendations:

- Take actions to ensure free and compulsory education for all children.
- Guarantee access to free, compulsory and quality education up to basic level regardless of geographical locations, sex, gender, caste, class without leaving anyone behind, particularly focusing on CWDs, children at risk and need of special protection.
- Guarantee affordable and quality higher level education in all schools regardless of geographical locations.
- Increase access to education to all children, focusing on children who are in need of special protection.
- Implement nutritious midday-meal up to basic levels in all schools

v. Right to protection

Crimes against children

6.12 Nepal Police investigated 1420 cases of rape against children in 2019/20, whereas, in 2018, only 995 children below the age of 18 years were victimized of rape.^{lii} 211 cases of sexual violence against children and 86 cases of child marriage in the year 2018/19.^{liii} There is lack of disaggregated data on actual numbers of crimes of rape, attempted rape, human trafficking and other crimes against children.^{liv}

6.13 Corporal punishment of students at schools are repeatedly recorded.^{lv} A teacher in Kathmandu was arrested for forcing 34 students of grade VI and VII to slash their waist for scoring low marks in a class test.^{lvi}

6.14 During the lockdown caused by COVID-19, cases of sexual abuse, rape, suicide, psychosocial problems among children and online violence against them was on rise. Such cases were not tracked in lockdown.

Recommendations:

a) Social Security

- Amend the Social Security Act to expand the coverage of social security to all children regardless of their age based on children Act 2018 (section 48)

b) Crimes against children

- Establish effective child protection mechanism in all levels with adequate human resources and invest to prevent, protect and response for the protection of child rights.
- Strictly enforce laws, policies and programs to ban corporal punishment against children in all settings.

- Increase the minimum age of criminal responsibility for children only after 15.
- Amend the legislation on rape to decriminalize factually consensual and non-exploitative sexual activity between adolescents of similar age.

Children in correction homes

6.15 There are eight child correction homes in operation in eight districts of Nepal.^{lvii} As of November 20, 2018, there were a total of 382 (368 boys and 14 girls) children in eight homes but in 2019/20 there are 821 children in these homes. In 2019 alone, 439 children were convicted.^{lviii} One of the triggering factors for the rise in numbers of children in correction homes may be the impact of the consideration of persons below the age of 18 as a child which was previously set at 16 years.

Recommendations:

- Increase and improve quality and facilities of juvenile correction homes.
- Develop correctional measures alternative to imprisonment for juvenile delinquents.

Trafficked children

6.16 Media monitoring of nine national dailies and two magazines conducted by Alliance Against Trafficking in Women and Children in Nepal, between 14 April 2018 and 13 April 2019, shows that news on trafficking of people aged 0-17 made the most headlines.

6.17 On the reports on human trafficking, 50 per cent victim/survivor were in the age group 0-17 while 41 per cent of victim/survivor were between 18-29 years of age. Data shows that many children have been trafficked from the country.

6.18 The report shows 227 media coverage on human trafficking during the period. Likewise, 54 per cent of trafficking was cross border. It was also reported that twenty-six per cent of trafficking took place in the name of foreign employment.^{lix}

Recommendation:

- Revise and bring HTTC Act, Rules, National Plan of Action and National Policy against trafficking as per federal structure of the country focusing children and adolescents.
- Amend HTTCA 2007 in line with Palermo Protocol addressing the issues of children incorporating the provisions on rescue, reparation, and reintegration. Incorporate perspective of child protection and involve all stakeholders to prevent child trafficking.

Child Labour

6.19 Nepal Labour Force Survey 2017/18 states that estimated 2,86,000 children under the age of 17 are involved in waged labour. In absence of rescue, reparation and reintegration plan, child labour is neglected in Nepal.

Recommendations:

- Launch family strengthening programmes to end child labour.
- Prohibit worst forms of child labour and other child labour until the age of 16 and ensure effective implementation of legislation on the minimum wage for children as of adult, if they are legally allowed to work.
- Strengthen and operationalize Child Rights Committees at all levels, invest on them at least 10 percent of total budget and mobilize to prevent, detect and rehabilitate children at risk of abuse, exploitation, neglect and violence.

- Impose individual criminal responsibility against those who economically exploit children, ensure sufficient human and financial resources to monitor child labour and reintegrate the children subjected to economic exploitation.

Child Marriage

- 6.20 According to the 2019 The State of the World's Children, 40% of female children are married by the age of 15, 10% by age 18 and 56% of male child are married by 18 years. Central Bureau of Statistics in its Population Monograph states that 26.3% children between 10-18 years of age are married.^{lx} Among these married population, persons between the age category of 17 and 18 made 75.66 %.^{lxi} There is new and emerging trend of children below 18 getting married in all provinces of Nepal. Girls are more vulnerable to child marriages with harsh consequences.

Recommendations:

- Make Local Child Rights Committee obliged to file cases of crimes committed against children including, child marriage, child labour, abuse and exploitation.
- Promote awareness among children and adolescents on the harm of child marriage and encourage them to marry only after 20 years of age.
- Invest on the implementation of strategic plan to end child marriage.

Birth registration, name and identity

- 6.21 The CBS survey provided that 58.1% of children are registered in Nepal. Huge population are not registered and they may left behind in many other government provided services and facilities.

Recommendations:

- Conduct a study on the problems and challenges in ensuring universal birth registration of children.
- Intensify birth registration of all children, including, children without parents, or children born out of wedlock, or a children with a single mother.

Child sexual abuse and exploitation

- 6.22 According to a 2010 study, as many as one-third of females working in Kathmandu's adult entertainment sectors are under the age of 18.^{lxii} Another recent study brought the information that customers prefer young age girls, generally below 18 years for the purpose of sexual exploitation.^{lxiii} Cases of pedophilia and child sex tourism are also in rise in Nepal.^{lxiv}

Recommendations:

- Make Local Child Rights Committee obliged to file cases of abuse and exploitation against children.
- Endorse Comprehensive School Child Protection Standard including, School Safety, School as a Zone of Peace, and Violence Free Schools, measures to address corporal punishment, bullying, sexual abuse in schools, complaint handling mechanism, case management and referral system.

Street children

- 6.23 According to a report, estimated 5,000 children are living in the streets of Nepal. Approximately, 1,200-1,500 children are in the Valley alone.^{lxv} Within July 15 of 2018, then Central Child

Welfare Board rescued and managed 873 street children (boys 783 and girls 90). The Five-year Strategic Direction (2020-2025) of the National Child Rights Council has envisioned of making Kathmandu Valley a city with zero number of street children.^{lxvi} Tangible results of government initiatives are yet to see.

Recommendations:

- Accelerate taking action as per five-year strategic direction to end children living in streets.
- Intensify implementing its programs for street children with comprehensive child protection strategies.

Children without parents and quality of child care homes

- 6.24 Nepal Multiple Indicator Survey, 2014 shows that 23,132 children between the age of 0 and 17 years are orphan (without both parents), whereas 474,209 children have only one parent. In Nepal there are 15,565 children staying in 533 Child Care Homes (CCH) in 46 districts. Last year there were only 14,864 children in these 533 homes.^{lxvii} Beside these homes, there are 17 other rehabilitation centers functional.^{lxviii}
- 6.25 Many of these child care homes are running in financial constraint compromising quality of care the children should receive. Some cases have been reported that there is involvement of middlemen to bring children in CCH from various part of Nepal, especially, from far-western remote hills to urban cities like Kathmandu and Pokhara.
- 6.26 A report claimed that child trafficking in Nepal accounts for a large percentage of the children found in orphanages. It is estimated that only 10 percent of children in orphanages were actually abandoned by their families or have no living parents.^{lxix} In most cases, parents are found falsifying the documents and claiming their child to be orphan to enroll in CCH.
- 6.27 There is no preparation for during and post-COVID operation of CCH and schools; even cluster-based where cases do not exist.

Recommendations:

- Enforce Children's Act 2018 and make sure that institutionalization of children as a last resort.
- Strengthen alternative care systems and address common practice of institutionalization of children.
- Take actions towards family reintegration of children who have family member but living in child care homes.
- Undertake periodic monitoring of all child care homes, ensure minimum standards and investigate all cases of violence, abuse and exploitation of children staying in these homes.

Children with disabilities

- 6.27 Children with disabilities lack access to education and adequate social protection. Children with psychosocial and other severe disabilities are often chained, incarcerated and treated in inhuman ways.

Recommendations:

- Develop community-based support system for children with disabilities and guarantee access to education, health services and dignified life.

Children in disasters and emergency

- 6.28 Nepal is prone to disasters like earthquake, flooding, landslide, including others. There is no framework or mechanism to response children in such situations.

Recommendations

- Develop response mechanism and invest for children in emergencies.

vi. Right to participation

6.27 Constitution of Nepal and Children's Act 2018 guaranteed right to participation of children in decision making process in families, communities, schools and other public or social entities. However, in absence of regulation and procedures, child participation in decision making processes is in limbo. There are 23,606 child clubs in operation in the country. Children are participating in various social activities through school level and municipality-level clubs, however, child participation is not an established systematic practice in Nepal. Child Friendly Local Governance National Strategy was passed by the GoN in 2011 but has not been amended to ensure meaningful participation of children in changed structure of governance after 2015.^{lxx}.

Recommendations:

- Develop guidelines and measures for the investment in children at all tiers of government, allocate at least 10 percent for the child protection and child participation.
- Ensure policy, programmes and measures for meaningful child participation in all setting.

ⁱ Section 66(2) and 66(3) of Children's Act 2018.

ⁱⁱ Status of Children in Nepal 2018.

ⁱⁱⁱ The Muluki Penal (Code) Act, 2017, Section 173

^{iv} Article 11 (3), Constitution of Nepal.

^v Article 12, Constitution of Nepal.

^{vi} Section 48, Act Relating to Children 2018.

^{vii} Firsthand information from field observation.

^{viii} State of children in Nepal 2018. CCWB.

^{ix} Demographic and Health Survey, 2011, available at <https://dhsprogram.com/pubs/pdf/fr257/fr257%5B13april2012%5D.pdf>

^x Ministry of Health and Population (MOHP) [Nepal], New ERA, and ICF International Inc. 2012. Nepal Demographic and Health Survey 2011. Kathmandu, Nepal: Ministry of Health and Population, New ERA, and ICF International, Calverton, Maryland.

^{xi} Partners' Forum in Johannesburg, South Africa (June 30- July 1, 2014).

^{xii} Gita Sapkota, *Nepal achieves marvelous success in improving maternal, child health*. July 5 2014, Available at trn.gorkhapatraonline.com

^{xiii} The Government of Nepal has formulated its 20-year Second Long-Term Health Plan, 2054- 74 (1997-2017), Nepal Health Sector Plans and more recently, New National Health Policy 2014.

^{xiv} MMR at 229 and IMR at 46 per thousand live births

^{xv} Out of 561 doctors required to be working in rural areas there were only 314.

^{xvi} <https://english.onlinekhabar.com/56-new-mothers-died-during-lockdown-60000-pregnant-women-got-deprived-of-healthcare.html>

^{xvii} The State of the World's Children 2019, NCRC.

^{xviii} National Census, Central Bureau of Statistics 2017 and Economic Information Center.

^{xix} World Food Programme/Nepal; Overview. Online available at <https://www.wfp.org/countries/nepal/overview>

^{xx} Status Report-2013. Ministry of Education. Department of Education. Government of Nepal.

^{xxi} https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=NPL&Lang=EN

^{xxii} Treaty Act 1990, Sec. 9(1).

^{xxiii} Concluding observation of CRC Committee on Nepal's Third to Fifth Periodic Report, Para 21(c)

^{xxiv} Ibid.

^{xxv} Concluding observation of CEDAW Committee on Nepal's Sixth Periodic Report, 2018.

^{xxvi} Ibid. Para 18 and 19.

^{xxvii} Firsthand information obtained from provincial level consultations.

^{xxviii} Annual Report 2074/75 (2017/18) by Department of Health Services.

^{xxix} Department of Health Services, Annual Report 2074/75 (2017/18) Page no. ix. Retrieved from <https://dohs.gov.np/wp-content/uploads/2019/07/DoHS-Annual-Report-FY-2074-75-date-22-Ashad-2076-for-web-1.pdf>

^{xxx} <https://globalpressjournal.com/asia/nepal/sex-selective-abortion-on-the-rise-in-nepal/>

^{xxxi} Ibid. The United Nations Children's Fund.

^{xxxii} Annual Report by Department of Health Services 2017/18.

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https://www.researchgate.net/publication/234031226_People's_Perspective_on_Access_to_Health_Care_Services_in_a_Rural_District_of_Nepal

^{xxxiv} Ibid.

^{xxxv} Nepal Burden of Disease-2017, a study report published by Nepal Health Research Council.

^{xxxvi} The Kathmandu Post, Dec 5, 2019

^{xxxvii} <https://thehimalayantimes.com/nepal/nepal-ranks-111th-in-health-security-index/>

^{xxxviii} [https://www.who.int/docs/default-source/nepal-documents/novel-coronavirus/covid-19-nepal-preparedness-and-response-plan-\(nprp\)-draft-april-9.pdf?sfvrsn=808a970a_2](https://www.who.int/docs/default-source/nepal-documents/novel-coronavirus/covid-19-nepal-preparedness-and-response-plan-(nprp)-draft-april-9.pdf?sfvrsn=808a970a_2)

^{xxxix} <https://www.thejakartapost.com/news/2020/06/15/over-1200-people-killed-themselves-during-74-days-of-lockdown-in-nepal.html>

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- xi <https://english.onlinekhabar.com/tag/suicide>
- xii Department of Health Services, Annual Report 2017/18, Pg. viii.
- xlii Ibid.
- xliii Id.
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- xlv <https://www.mohp.gov.np/eng/program/child-health-services/nutrition>
- xlvi Annual Report by Department of Health Services, FY 2017/18
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- xlviii State of Children in Nepal, 2018.
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- iiii <https://cid.nepalpolice.gov.np/index.php/cid-wings/women-children-service-directorate>
- lv <https://cid.nepalpolice.gov.np/index.php/cid-wings/women-children-service-directorate>
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