



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Sixty-ninth session

25 May–12 June 2015

Item 4 of the provisional agenda

### Consideration of reports of States parties

## List of issues in relation to the combined third to fifth periodic reports of Nepal

**The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 March 2015.**

*The Committee may take up any aspects of the children's rights set out in the Convention during the dialogue with the State party.*

### Part I

**In this section, the State party is requested to submit its responses to the following questions.**

1. Please provide updated information on the revision process of the Children's Act of 1992 and, in particular, the status of the 2012 draft act concerning children. Please indicate whether the draft (a) provides a definition of the child in line with the Convention, (b) provides for a coherent child protection system and (c) reforms the statutes of limitations for offences against children. Please also indicate the steps taken to bring local, religious and customary laws into compliance with the Convention.
2. Please indicate how the State party intends to increase spending on children. And what mechanisms are in place to ensure that budgetary allocations at the local level are spent effectively for children in accordance with the guidelines for local bodies on resource allocation, management and operations.
3. Please provide precise information on the measures in place to put an end to sex-selective abortions of female foetuses, which are reported to be on the rise in the State party.
4. Please inform the Committee of the results achieved by the State party as regards the elimination of discrimination against girls, Dalit children, children belonging to minorities, Tibetan children and children with disabilities. In particular, please describe the measures taken to change attitudes that condone and justify discrimination against those children, and their outcome. Please also indicate the reasons why Tibetan children are denied access to

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education and are obliged to enrol in boarding schools in India, and what measures are envisioned to rectify that situation.

5. Please indicate whether the State party intends to make birth registration compulsory, and describe the measures being taken to address the low rate of birth registration and to eliminate the obstacles encountered with respect to the registration at birth of children of single mothers, refugee and asylum-seeking children, children born to a foreign father and abandoned children.

6. Please clarify whether the new Constitution and relevant laws will allow children with only one Nepali parent to acquire Nepali nationality. Please inform the Committee of the measures envisioned to address the situation of statelessness of Tibetan refugee children.

7. Please provide information on the practical actions taken to put an end to acts of torture and ill-treatment of children in detention facilities and in residential homes, which are reportedly widespread. Please also indicate the legal provisions that criminalize torture and ill-treatment, the legal proceedings that have been conducted during the reporting period against those suspected of having tortured and ill-treated children and the reparation provided to these children. Please provide detailed information on the sanctions pronounced against the policemen who reportedly tortured an 11-year old boy on 24 January 2011 in Pachuarhat police station in Kavre district.

8. Please clarify whether all forms of violence, including corporal punishment in all settings, will be explicitly prohibited under the new act concerning children and whether legislation condoning violence has been repealed. Please also indicate the measures taken to combat the numerous forms of gender-based violence, including sexual abuse, which reportedly affect one third of girls and women; to abolish the 35-day statute of limitation for rape; and to ensure that girls are not forced to marry their rapist and that rape cases are not settled through monetary compensation.

9. Please provide updated information on the measures taken to eradicate harmful practices (*chaupadi*, dowry, *badi*, accusation of witchcraft, Kumari, child and forced marriage), which continue to affect primarily girls, and their outcome.

10. Please provide detailed information on the measures taken to develop community and family support programmes in order to prevent the institutionalization of children. Please also inform the Committee of the measures taken or envisioned to (a) develop family-based alternative care; (b) strictly regulate and supervise the conditions of admission and the living conditions in alternative care facilities; (c) reintegrate children separated from their parents and (d) protect all children under the age of 18 deprived of a family environment.

11. Please provide information on the follow-up given to the recommendations issued by the Hague Conference on Private International Law in 2009 regarding inter-country adoption, and indicate whether poverty can still be a legal ground for adoption. Please also comment on the information received by the Committee that many Nepalese children who are adopted are not orphans.

12. Please provide updated information on the measures taken to reduce child mortality, and on those aimed at eliminating stunting and wasting. Please also indicate the measures taken to address health problems faced by adolescents, in particular drug and alcohol consumption, poor awareness of safe abortion practices, and the unhygienic living conditions in which girls find themselves during menstruation.

13. Please provide information on steps taken to develop early detection and early identification of disability, programmes to support families of children with disabilities, inclusive education, and awareness-raising activities to prevent and combat the social

stigmatization, abuse and neglect of these children. Please indicate whether provisions providing for the imprisonment of children with physical and mental impairments will be upheld in the new act concerning children. Please also indicate the measures taken to ensure that schools do not deny children with disabilities access to education.

14. Please explain the impact on the education system of the decrease in the budgetary allocations to the education sector over the past five years, especially as regards the elimination of hidden costs, which reportedly prevent a large proportion of children from attending school. Please also describe the measures taken to ensure that children from disadvantaged and marginalized families are effectively enrolled in primary schools.

15. With reference to paragraph 257 of the State party's report, please indicate the urgent measures taken to free girls who remain exploited through the practice of *kamlari*. Please also indicate whether legislation has been adopted to protect all children under the age of 18 from the worst forms of child labour, as well as the results that have been achieved since the adoption in 2009 of the National Plan of Action against Bonded Labour. Please provide precise information on the monitoring of the prohibition of child labour and, in particular, the number of child-labour inspectors in the State party.

16. Please provide detailed information on the practical measures taken to put an end to the sexual exploitation of children, especially girls, in the State party and to follow up on the recommendations made by the Committee under the Optional Protocol on the sale of children, child prostitution and child pornography, especially as regards the definition of offences under the Optional Protocol (CRC/C/OPSC/NPL/CO/1, para. 30) and the establishment of an effective system to detect and dismantle brothels and other places where child prostitution takes place (*ibid.*, para. 34).

17. Please indicate the measures taken to put an end to the use of children in political activities, which is reportedly widespread in the State party despite the code of conduct issued during the Constituent Assembly elections in 2013.

18. Please indicate the steps taken to raise the minimum age of criminal responsibility and to build a juvenile justice system in line with international human rights standards. Please also indicate the urgent measures taken to remove children from adult detention facilities.

## Part II

**In this section, the Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report regarding:**

- (a) New bills and laws, and their respective regulations;
- (b) New institutions and their mandates, and institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

## Part III

### Data, statistics and other information, if available

1. Please provide consolidated budget information for the last three years on budget lines regarding children and social sectors, by indicating the percentage of each budget line in terms of the total national budget and gross national product and geographic allocation.
  2. Please provide data, disaggregated by age, sex, socioeconomic background, ethnic origin and geographical location, covering the last three years, on:
    - (a) The total number of allegations of abuse and violence against children, including all forms of corporal punishment, with additional information on the type of assistance given to child victims and the follow-up provided, including prosecution of the perpetrators and the sentences handed down;
    - (b) The number of investigations of cases of sexual violence and rape, and the outcome of trials, including information on the penalties imposed on perpetrators, and redress and compensation offered to the victims.
  3. Please provide data, disaggregated by age, sex, socioeconomic background, ethnic origin and geographical location, regarding the situation of children deprived of a family environment. Please indicate, for the past three years, the number of children:
    - (a) Separated from their parents;
    - (b) Living in child-headed households;
    - (c) Placed in institutions;
    - (d) Placed with foster families;
    - (e) Adopted domestically or through inter-country adoptions.
  4. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographical location, covering the past three years, on the number of children with disabilities:
    - (a) Attending regular primary schools;
    - (b) Attending regular secondary schools;
    - (c) Attending special schools;
    - (d) Out of school.
  5. Please provide the Committee with an update of any data in the report which may have been superseded by more recent data collected or affected by new developments.
  6. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.
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