

Status of Child Rights in Nepal
Annual Report
2008



National Human Rights Commission

Harihar Bhawan Lalitpur Nepal

Office bearers of the Commission

Chairperson

Hon.Kedar Nath Upadhyay

Members

Hon.Ram Nagina Singh

Hon.Gauri Pradhan

Hon.Dr.Leela Pathak

Hon.Dr.K.B.Rokaya

Secretary

Bishal Khanal

Writing/editing/coordination:

Durga Khadka
Kailash Kumar Siwakoti
Madhav Gautam
Thakur Prasad Chapagain

Translation from Nepali to English:

Vidhu Prakash Kayastha

Design:

Subodh Pokhrel

Published by:

National Human Rights Commission
Hariharbhawan, Lalitpur
P.O.Box No. 107 Kathmandu
Nepal

Date of Publication: 2009

First edition: 1000 copies

Report No: 56/107/2009 (Central Office)

Publication supported by:

Save the Children

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Hahriharbhawan, Lalitpur, Nepal

Printed at:

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Note: CPN (Maoist) mentioned in the report indicates UCPN(Maoist)

FOREWORD

Children represent both the present and future of the nation. Without making a delay by waiting for their turn to come tomorrow, it has become essential to protect and promote children from today itself by properly using the resources and the means available in the country.

Child Rights sector represents the important dimension of the Human Rights Campaign. The extensive objectives of the Human Rights Campaign cannot be achieved without protection and promotion of the Child Rights. In this context, the Child Rights are matter of concerning to all. Underlining the need, the General Assembly of United Nations Organization adopted the Convention on the Child Rights (CRC) in 1989. The Convention has defined and ensured the Child Rights related to the Right to Life, Right to Protection, Right to Development and Right to Participation. The provisions related to responsibilities of the family, the society and the State to implement the Right of the Child are defined in the Convention. Nepal has ratified the CRC on September 14, 1990. Activities of the Governmental and the non-governmental agencies are focussed on ensuring the Child Rights by formulating the laws, regulations, policies, work plans and programs based on the commitment.

National Human Rights Commission is an independent and autonomous body established in 2000 under the Human Rights Commission Act 1997. The Interim Constitution of Nepal-2007 has upgraded the status of National Human Rights Commission as the constitutional body. Article 132(1) of the Constitution has defined the duties of the Commission as ensuring respect, protection and promotion of the human rights as well as ensuring their effective implementation. The Commission is empowered to receive complains, to investigate, to make recommendation for bringing perpetrators to justice, to pass resolution for compensation to the victim, to flash out the names of the perpetrators in public and making recommendation to take initiatives to file case in the court of law against the violators of the human rights. Likewise, the Commission is empowered to monitor on the implementation of the conventions, covenants and treaties related to human rights to which Nepal is a signatory; to inspect the governmental agencies including prisons; to visit other organisations and observe their activities and to make assessment of existing status of the human rights in the country. In this way the Commission, from time to time, based on the need assessment in accordance with its mandate and depending on the seriousness of the issues, publishes the reports, in order to disseminate the outcome of the its activities to the stakeholders and the general public, to shed lights on status of the Child Rights and to draw attention of the government. The Commission has published the Annual Report on the Status of Child Rights (from January 2008 to December 2008) which includes the complains received by the Commission, reports on monitoring and investigation carried out by the Commission based on the complains; status of the Child Rights, legal aspects, recommendation

made to the stakeholders including the Government of Nepal, promotional activities and reformative aspects.

Attempts have been made in the report to illustrate the status of the Child Rights of the abovementioned period. I am hopeful that the report will make an additional contribution in the coming days towards protection and promotion of the Child Rights. Also, I believe that the report would be useful to provide information to them who are interested to update knowledge on the issues of the Child Rights.

Since nearly two decades, Nepal is continuously going ahead towards the respect, protection and promotion of the Child Rights. During the period, the State has made constitutional provisions by recognising the issues related to the Child Rights and protection of the Child and also by formulating laws, regulations, national policy and national work plan in order to protect their rights. Different agencies in national and local level have been constituted to transform the declared policies and programs related to the Child Rights into practice. The UN Agencies, INGOs and NGOs stationed in Nepal have made contributions to support these activities. Nepal has gained remarkable achievements during last decade in the field of child education, child health and the child participation. However, we should not forget that the reality that these achievements are yet to meet the National Target Goal. Therefore, it is necessary to review the reasons for failure to achieve the goals by institutionalising our achievements in protection and promotion of the Child Rights so that our achievement would be strong enough to protect children from violence, abuses and exploitations.

Lastly, I would like to extend my special thanks to the staffs of the Commission namely Durga Khadka, Kailash Kumar Siwakoti, Madhav Gautam and Thakur Chapagain who have contributed in transforming the task of publishing the report into reality. I also express gratitude to the Chairperson, Members and other staffs of the Commission for their valuable suggestions. The entire Commission family, various organisations and individuals also deserve the special thanks for extending their different kinds of support including technical support in collection of information and data .

Gauri Pradhan
Member
National Human Rights Commission

Contents

Page No .

Executive Summary

Chapter -1

About the Report

- 1.1 Background
- 1.2 Objectives
- 1.3 Methodology
- 1.4 Limitation
- 1.5 Organization

Chapter – 2

Legislation related to Child Rights

- 2.1 International
- 2.2 National

Chapter – 3

Status of the Child Rights

- 3.1 Right to Life
- 3.2 Rights to Protection
- 3.3 Right to Development
- 3.4 Right to Participation

Chapter – 4

Efforts made in the areas of the Child Rights

- 4.4 Effort of Government of Nepal
 - 4.1.1 Constitutional, Policy-wise and legal provisions
 - 4.1.2 Effort of the Non-Governmental Organization
- 4.2 Efforts of the International Non-Governmental Organization

Chapter – 5

Activities of the NHRC in Child Rights sector

- 5.1 Activities related to Protection
 - 5.1.1 Complaints management
 - 5.1.2 Monitoring and Investigation
 - 5.1.3 Initiatives in rescue, relief and rehabilitation of children

- 5.1.4 Recommendation
- 5.2 Promotional Activities
 - 5.2.1 Sensitizing Teachers and Students against untouchability based on caste
 - 5.2.2 Children Participation: Children assembly on voice of the children
 - 5.2.3 Interaction among the stakeholders on making of the child Right friendly Constitution
 - 5.2.4 SAARC level meet on the Child Right
 - 5.2.5 Establishment of Child Care Center in NHRC
 - 5.2.6 NHRC visit by Radhika Kumarswamy, the special representatives of the UN Secretary General.
 - 5.2.7 Representatives of Children Zone of Peace National Campaign draw attention of the Commission
- 5.3 Law Review and Consultation
- 5.4 National and International Relations
- 5.5 Financial Activities

Chapter – 6

Achievements, Achievements, and Recommendations

- 6.1 Achievements,
- 6.2 Achievements,
- 6.3 Recommendations

Annexes

Annex 1

Programs related to the financial support of the Save the Children

Annex 2

Complaints received by the NHRC

Annex 3

Data collected in districts during monitoring

Annex 4

Data collected during investigation in the districts

Annex 5

Decisions and recommendation related to the Child Rights

Annex 6

Promotional activities related to the Child Rights

Annex 7

List of the NHRC's participation in the programs organized by the various Organizations

Annex 8

Press release of the NHRC on the Child Rights

Annex 9

Details of income and expenditure

Annex 10

Summary of the report: The status of implementation of the Recommendations by the National Human Rights Commission, Suggestions by the UN Committee on Child Rights and orders of the Supreme Court: A report 2065 and the comments by the Commission

The National Human Rights Commission's opinion over the draft of the preliminary report to be submitted to the UN Child Rights Committee by the government on **Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000**

Executive Summary

The National Human Rights Commission (NHRC) of Nepal is an independent and autonomous body established in the year 2000 under the Human Rights Commission Act 1997. The Interim Constitution of Nepal-2007 upgraded the status of the Commission as a constitutional body.

The Article 132(1) of the Constitution has stated that the Commission shall have the duties of ensuring respect protection and promotion of the human rights and their effective implementation.

Depending upon the seriousness of the issues, the Commission has been publishing the different reports, from time to time, with objectives of disseminating the information on its activities to the stakeholders and the general public, making public the status of the human rights and drawing the attention the government. In accordance with these objectives, the Commission has published this annual report (January 2008 – December 2008) compiling the report on the monitoring and the investigation of the cases based on complains registered in the Commission, including the status of the Child Rights and their legal aspects. The report has also included the recommendations of the Commission forwarded to the Government of Nepal and the political parties; the promotional activities and the reformative aspects initiated by the commission.

The report is mainly based on complains received by the Commission, the facts collected during monitoring and investigation and the information received from the media, different organization and other sources.

While all the details of the violations of the child rights, excesses and discouraging events were not possible to be incorporated in the report because of the lack of resources and time, the report, nevertheless, has attempted to give the accounts of status of the child rights of 2008.

Child Rights are the rights implemented especially on the children to ensure rights from their prenatal stage to the stage of adolescent. CRC has made provisions that fulfillment of the responsibilities related to the Child Rights lie both on the guardians and the State. Uniformity lacks also in Nepal in defining the child in accordance with the age. CRC has maintained age bar of 18 years as the limit of the age of the child where as the Child related Act, 1992 -- the national law of Nepal—has recognized age bar of 16 years as the limit of the age of the child. However, as a signatory to CRC, Nepal is likely to follow the parameters set by CRC. As per the National Census-2001, among the total population of 20 million 31 hundred-thousand, 51 thousand 423, the population of the children in Nepal figures as 39.30 per cent below 14 years, 43.13 per cent below 16 years and 47.5 per cent below 18 years.

Within the span of one year, positive attempts and activities were recorded in the Child Rights sector. The pronouncement of the Supreme Court made on December 20, 2007 regarding the rights of the third gender can be taken as a positive step.

According to the report of UNICEF published in 2006, the mortality rate of the children in Nepal has been reduced. The global mortality rate of the children below 5 years of age remains as 26 thousand per day. The report has stated that the mortality rate of the children in Nepal at present is 61 per thousand which is 67 per cent less in comparison to statistical data of last one decade. The Government of Nepal has passed bill on the State Code relating to Abduction (12th amendment)-2006. The bill has made provision of the imprisonment of 15 years and penalty of sum of Rs 50, 000 to Rs. 2, 00,000/= to those found guilty in the criminal activities of abduction, illegal detention and holding citizens as hostage with intentions of killing, trafficking, forced sexual intercourse, prostitution, torture and extortion. Abductor of children shall be sentenced to the imprisonment of 17 years in jail. Similar punishment shall be awarded to those involved in motivating, passing orders and having agreement with the abductors. Partners of the abductors shall be punished half of the punishment entitled to the abductors. The activities of bringing violence of Child Rights into light, drawing attention of the concerned authorities and bringing the perpetrators into justice can be taken as positive actions. The directives of the Commission towards forbidding any activities that violate the Child Rights; protection of such rights and, recommendations to the government to make publicity of such directives up to the level of the general public can also be quoted as positive steps.

Despite these positive steps, the situation still prevails which negatively affects large number of children towards the Right of the child relating to the Right to Life, Right to Protection, Right to Development and Right to Participation in some way or the other.

Large numbers of children are deprived of the Right to Life that includes registration of birth, nutrition, safe housing, healthy environment, safe drinking water, immunization and primary health care. In the districts of Terai region, the absence of the secretaries at VDCs who were not able to attend their offices because of the continued threats from the armed groups has made children deprived of the right to the birth registration. Killing of children and newly born infants; and, the suicides are taking place continuously. Many children are also losing their lives because of superstitions existed in the family and the village.

Although a bill has been passed on the State Code (12th Amendment) related to abduction, its implementation mechanism has not yet been effective. Number of cases of abduction for ransom is on rise. The abduction of 38 children by the criminal groups during period of January to June 2008 by as stated in a report published by CWIN has confirmed the existing situation on the abduction of children. Only few among the abducted or missing children are traced back. According a study jointly conducted by the Ministry of Women, Children and Social welfare and Children Tracing Coordination committee established under the Central Children Welfare Committee has stated that 2458 i.e. 59.98 per cent among the missing children could not be traced back whereas 1640 were not found.

Despite the formulation and implementation of Child Act 1992, Labor Act 1992 and Child Labor Act (Prohibited and regulated) 1999, news has items are being flashed in media, from time to time, about the involvement of the government officials defying the law. According to the National Census 2001, among the children working as domestic

help, 46.3 per cent were found to be boys and 53.7 per cent girls. According to a survey conducted by ILO, among the 2.6 million child laborers, 127 thousand children are found to be involved in vulnerable occupation. The children in the urban area are engaged in the vehicles used in the transport system considered as highly vulnerable.

There are cases of the children being victims of the domestic violence. They are also made victims of socio-economic problems like displacement, hunger, food, shelter, medical treatment; customs of confinement during menstruation, *kamlari* (enslavement of girl child from *Tharu community*, *haliya* (a form of bonded labor engaged in ploughing) and caste discrimination.

The armed conflict has also affected a large number of children. The negative effect on the various rights of children caused by death, injury, disability, abduction, unlawful detention, abuses, and induction as child soldiers, displacement, death, abduction and disappearance of the family or the head of the family has not been completely minimized. The statistical data made public by the United Nation Mission in Nepal (UNMIN) has mentioned that there were 2973 child soldiers in different cantonment of the CPN (Maoist). The statement issued on August 21, 2008 by the Commission has mentioned that there were 200 infants of the people's army in the cantonment of Dashrathpur in Surkhet district.

The number of girl child indulged in the prostitution is increasing every year. A report of ILO has mentioned that there were more than 5000 girls under 16 years of age found to be involved in the prostitution. CWIN has stated that there were 28 cases of sexual exploitation, 188 cases of rape and 330 cases of the corporal punishment in the school. Likewise, INSEC in its report on the status of human rights in 2008 has stated that 186 girls under 18 years of age were raped. These are only few cases that have been made public.

Many of the child protection homes have not been able to fulfill minimum basic standards although there are various child protection homes in the child rights sectors; and these homes are focused only in the urban areas. The Central Child Welfare Committee has stated that among the 454 child homes operated in 37 districts, only 321 homes are being operated fulfilling legal parameters; and among 11,969 children staying at these homes, most of the children are sheltered at the such homes in the Kathmandu valley. Although provisions are made to have child bench comprising of a district judge and a child psychoanalyst in order to strengthen juvenile justice, the status of implementation aspects are very poor. Many children are forced to take shelter in the jail along with their guardians who were serving terms.

Children are also found to be deprived of the right to development. They are deprived of the necessary facilities and opportunities to have physical, mental, moral and social development required for the appropriate standard of living. This period was not found to be encouraging in the educational sector as well. Schools were used by all the teachers' organizations, students' organizations and the political parties in order to fulfill their own vested demands. The academic activities including SLC examinations were disrupted by the waves of *bandhas*, strikes and agitations in the *Terai* belt and the district of the eastern hills. Right to education was violated during the Constituent Assembly

Election by using the schools as polling stations. During the Constituent Assembly Election, students were mobilized in the campaign, cultural shows and rallies. According to the media coverage, children also were given opportunities to cast votes in the ballot boxes.

The government has been distributing Vitamin A to the children and also conducting campaign to immunize the children. It is estimated that there are 70, 256 children in Nepal infected by HIV. There are more HIV infected children in the districts of Surkhet, Dailekh, Achham and Dang in comparison to other districts.

The provisions made in the Comprehensive Peace Agreement 2007 regarding the children have not been implemented as per the expectation. Many children have lost their lives and many are forced to live disabled life because of failure to destroy the unclaimed bombs and explosive mines used during the conflict and also due to the failure to demarcate the areas having such explosive.

During the period covered by the report, altogether 84 numbers of complains were registered in the Commission. Most of the complains are concerning to the child soldiers in the CPN (Maoist) cantonment, abuse by the teachers, engaging children as domestic servants and mistreatment to them, killing during the conflict period by the security personnel, police and CPN (Maoist), keeping the children in the jails instead of giving them accommodation in the Child Reform Homes, torture by the police, adoption of girls and sending them abroad without the consent of the guardians. The Commission has given special emphasis on the complaints and monitoring on the child rights during the election of the Constituent Assembly Election. The Commission has forwarded 13 recommendations to the government after completing 19 investigations based on the monitoring conducted in the 69 districts during the Constituent Assembly Election. Issues related to the rehabilitation, reintegration, and social reunification including arrangement to their education, training, employment of the child soldiers staying at the cantonments were addressed in the recommendations. Depending upon the seriousness of the issues, the Commission has been issuing the press statements on child right from time to time.

The Commission has been continuously focusing on the promotional activities along with the protection of the child rights. It is also engaged in organizing public hearing, experiences sharing, training, symposiums, interactions etc. Likewise, the Commission is working also on the law reviews. To disseminate information on the status of the recommendations and their implementations, the Commission has published "Status of the recommendations of the National Human Rights Commission, Suggestions of the UN Committee on Child Rights and the Pronouncements of the Supreme Court and their Implementation: A Study Report 2008". The Commission has forwarded its opinions and suggestion on **Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000** which are to be submitted **The Committee on the Rights of the Child (CRC)** by the government.

The Commission has given continuity in the joint action with the government, state agencies or authorities and various NGOs working in the Child rights sector , civil society, children clubs, schools and teachers for the protection and promotion of the

Child Rights. The Commission has been strengthening its relations with the various government agencies, INGOs and NGOs. Such activities of the Commission have proven to be fruitful in the Child Rights Sector. Presentation of the status of the Child Rights, drawing attention of the government, alertness for the future, enhancing awareness among the the stakeholders are some of the achievement oriented activities of the Commission. Nevertheless, non-compliance of the recommendations of the Commission, impunity etc are the some of the challenges for the Commission. The Commission requires to focus attentions towards the challenges.

Save the Children Noarway has allocated budget of a sum of Rs. 2.594 million to the Commission for undertaking protection and promotional activities, monitoring, investigation, interactions, symposiums, publication of the reports and remuneration to the consultants. Out of the allocated budget, works valued for Rs 21, 65, 733 have already been carried out so far.

Chapter 1

About the Report

1.1 Background

Children are zone of peace. They are an inseparable part of the society. Based on this reality, these days issues related with children are being raised in an institutional manner. According to the Convention on Child Rights, the State has the responsibility of protection, promotion, upkeep and fulfillment of children's needs. In terms of the expression of commitments, Nepal is positioned far ahead in the international arena. Along with the promulgation of the Interim Constitution of Nepal-2007, for the first time Child Rights has been included as constitutional obligation in Nepal as fundamental rights to guarantee protection of child rights at the national level. Legislation related to Child Rights, Policies, Acts and others have been formulated. Several provisions related with child rights have been incorporated in the Three-Year Plan of Nepal, 2008-2011. Several activities related to Child Rights are being undertaken by the governmental, nongovernmental and international nongovernmental sectors.

The Interim Constitution 2007 has given authority to the Commission to protect, promote and enforce human rights and also monitor, investigate and recommend any activity to ensure whether human rights are guaranteed or not. In this context, the Commission has been continuously engaged in the activities like monitoring and investigation of the issues of human rights including rights of the children. On the basis of the findings, the Commission has been issuing press statements, organizing press conferences and publishing reports related to child rights in order to highlight the issues. This report – Child Rights Situation 2008 – has been prepared focusing on the issues related to the child rights in the country.

1.2 Objective of the Report

Child rights are important human rights issues which are certainly to be addressed and being obviously addressed as well. The commission, right from its inception, has also prioritized this issue and is working accordingly. This report has attempted to bring into light the situation of child rights and legal provisions in the country and the activities performed by government, non-government and international non-government institutions in this sector. This report also aims at highlighting the activities of the commission – monitoring and investigations, judicial reviews, recommendations to the governments, trainings, workshops, press statements, press conferences and others in relation to child rights. This report shall be helpful to the State, state organs and other stakeholders who want to work in the sector of child rights.

1.3 Methodology for preparation of report

This report is based on the facts acquired by the commission during its investigation and monitoring and is centered on the issues of child rights. The report is based on the complaints filed at the commission, plaints taken up by the commission itself and based on the news broadcast and printed on the media. Steps have been taken to confirm facts

acquired from informants, press and news by inquiring about such to the sources themselves. A team from the commission has conducted group inquiry or individual inquiry and taken statements from the victims, witnesses, hearsays, persons who filed complaints, alleged torture and other persons and authorities related with the incidents by keeping in view the necessity and circumstances and also performed field visits and several other methods to collect and confirm facts. The report has also taken into consideration the facts and data acquired from national and international organizations.

1.4 Limitation of the report

This report gives the picture of the situation for a year beginning January 2008 until December 2008 (Poush 15, 2064 to Poush 16, 2065). This report includes the situation of child rights, its violation, torture and incidents of discouragement and the actions taken by the commission in this regards. A part of the activities and efforts by the government, non-government and other sectors are included in the report. Lack of time and resources and information has limited the number of child rights issues included in the report but has tried to give a clear picture of child rights in the nation.

1.5 Organization of the report

Child rights situation in Nepal 2008 is divided into six chapters. The first chapter of the report deals with introduction, objectives, methodology, limitation and organization of the report. The second chapter deals with legal provisions related with child rights and the third with child rights situation. The fourth chapter deals with activities and efforts taken in relation with child rights. The fifth chapter deals with the activities undertaken by the commission in connection with child rights and the last chapter contains achievements, challenges and recommendations and suggestions. The report contains 10 annexes.

Chapter 2

Legislation related to Child Rights

1.6 International provisions:

There have been several national and international efforts to ensure comprehensive legal protection of children before and after their birth, their care, opportunities for personality development, availability of family environment, happiness, love and a favorable environment for growth and participation of children in matters of their interest. The United Nations Organization, in the 1924 Geneva Declaration on Child rights, has identified that due respect and consistent following of the human rights values is the foundation of world freedom, justice and peace. The Declaration on Child Rights adopted by the United Nations on November 20, 1959 and their provisions, International Convention on inter-country child adoption and care, the Beijing Rules on Juvenile Jurisprudence adopted by the United Nations, Convention on protection of children and women during emergencies and armed conflict are some international instruments related with child rights. The Convention on Child Rights adopted by the United Nations in 1989 is the most important milestone for children's welfare. There have been several efforts at the international level to guarantee child rights. Some of them are as follows:

1.6.1 Universal Declaration of Human Rights 1948:

On 10 December 1948 the United Nations general convention had adopted the Declaration of Human Rights. The Declaration consists of 30 Articles. Article 25 (2) has mentioned that mothers and their children should get special care; support and all children should get equal social protection. Article 26 has guaranteed free basic education for all and has provided for making easy access to technical and vocational education. Article 29 (2) has provided that each person while enjoying the rights enshrined on him or her should duly respect others' rights and that in democratic societies each person's duty shall be to remain within the boundaries of law so as to attain all matters necessary for welfare of the people such as morality, public order and public welfare.

1.6.2 International Covenant on Citizen and political rights 1966:

This charter came into effect from 23 March 1976 after this was adopted by the United Nations general convention on 16 December 1966. Nepal ratified this charter in May 1991. This document has 53 articles. Article 23 has ensured proper protection of children without any discrimination. Similarly, Article 6 has provided that no child under the age of 18 shall be sentenced to capital punishment for their crime.

1.6.3 International Covenant on Economic, Social and Cultural Rights 1966:

The UN General Assembly adopted the charter on 16 December 1966 and implemented it from 3 January, 1976. The charter has 31 articles and Nepal ratified this without any condition in May 1991. Article 10 (2) is related with children and it has ensured protection of motherhood for example, provision of special care and support to mothers and children, provision of maternity leave for the mothers before and after delivering babies etc. Article 10 (3) has provided for protection and support to any child and youth

irrespective of paternity or any other causes. Article 11 (1) has ensured rights to food, clothing and shelter, Article 11 (2) has ensured right to be free from hunger, Article 12 (1) has ensured right to health, Article 12 (2) has expressed commitment to reduce child death rate and child health development. Article 13 (1) has provided for right to education in which there is provision for free compulsory primary education for all, inclusion of technical and vocational education in secondary level education and making tertiary education accessible for all, inclusion of those who have not got primary education in educational activities, development of schooling system at all levels and adequate provision of scholarships.

1.6.4 Convention on elimination of all forms of discrimination against women 1979:

The UN general assembly passed this convention on 18 December 1979 and implemented it from 3 September 1981. Nepal ratified this convention unconditionally in 22 April 1991. The Convention has 30 articles. Article 1 of the convention has stated that there shall be no discrimination against anyone on the basis of gender. Article 11 has provided for facility of child care system and Article 12 has provided for services and facilities to women during pregnancy, delivery and after delivery of child.

1.6.5 Convention against torture, cruelty, inhumane and insulting conduct and punishment, 1984:

This convention was passed by the UN general assembly on 10 December, 1984 and implemented on 26 June 1987. Nepal ratified this convention, which has 33 Articles, unconditionally on 14 May 1991. Article 14 of this convention has provided for appropriate and adequate compensation to the victims of torture. It has also provided for compensation to the members of the family if any person dies due to torture.

1.6.6 Convention on Child Rights 1989:

The convention was passed by the UN general assembly on November 20, 1989 and implemented on 2 September 1990. Nepal ratified this convention unconditionally on 14 September 1990. The convention has 54 articles. The convention contains definition of child, provision against any discrimination against children, welfare of children, enforcement of rights, guidance to parents and management for capacity development of children. The convention also has provisions about life and development, name and nationality, protection of identity, status of the children after divorce of parents, family reunion, illegal transfer and non-return of children. The convention protects the children's right to expression, ideology, wisdom and religion, right to association, among others. The convention also has provisions regarding right to privacy, right to information, parents' liabilities, protection against misconduct and neglect, protection of children without families. Similarly, the convention has outlined process for adoption and prioritized the issues related with refugee children and disabled children and related with health and health facilities of the children, periodic evaluation of nutrition, social security, life standard, education and the objectives of education. The convention also deals with the issues related with children of minorities and indigenous people, leisure, rest and cultural activities, child labor, drug addition, sexual exploitation, trafficking, bargain, kidnap, other forms of exploitation, torture, loss of freedom, armed conflict, care during rehabilitation, juvenile jurisprudence and others.

1.6.7 Optional protocol to the Convention on Child Rights against use of children in armed conflict 2000:

The optional protocol passed by the UN General assembly on 25 May, 2000 was implemented from 12 February, 2002 which has 13 articles. The protocol has provision barring children from taking part in armed conflict, age of people wanting voluntarily to be recruited in the armed group should be 18 and that no child under this age should be recruited and arrangements shall be made to prevent such recruitment. The optional protocol has stressed on the need to free any person recruited against the provisions in the optional protocol and should extend all types of support to rehabilitate them and bring their mental and physical conditions in their previous state and also reintegrate them into the society. The protocol has also stressed on the need for implementation of the document, making children and youths aware of the provisions in the document, giving them responsibilities, and extending technical and financial support to the parties of the protocol through consultation of concerned international organizations through bilateral or multilateral or other efforts through establishment of a voluntary fund.

1.6.8 Optional protocol on Convention of Child Rights against child trafficking and engagement of children in prostitution 2000:

The protocol adopted by the UN general assembly through proposal no 54/263 on 12 February 2000 and has 17 articles. The protocol has forbidden trafficking and engagement of children in prostitution and has given definition of trafficking and provided for laws to criminalize the activities and include provisions of punishments to anyone violating this, framing of legal and administrative provisions, social policies and programs to stop such acts or strengthening them, spread awareness about the provisions, special care to victim children, garnering international support for this and taking other required steps.

1.6.9 SAARC convention on regional arrangements for the promotion of child welfare in South Asia 2002:

Adopted on 5 January, 2002 this convention has 4 parts and 13 articles in which it has defined child rights, its purposes and objectives, directive principles for example this document has stressed on the provisions rights of child protection, child development and child participation as preconditions, provided for regional priorities and provisions, regional arrangements, bilateral and multilateral assistances and provisions.

1.6.10 SAARC convention on preventing and combating trafficking in women and children for prostitution 2002:

This convention has provided definition of child, prostitution, trafficking, and people involved in trafficking, trafficked people, definition of protection homes and rescue of trafficked people. The Convention aims at prevention and combating of prostitution, return and rehabilitation of women and children engaged in prostitution by creating international network.

The convention provides for punishment for people perpetuating such acts, maintaining secrecy of the victim women and children by judicial officials, provision for appropriate legal assistance and consultation, provision for mutual legal support, extradition and prosecution, finding ways to prevent and combat trafficking on women and children, care

of victims and their treatment, return and rehabilitation of victims and implementation of the convention.

1.6.11 Convention on International Labor Organization, No 138 on minimum age for labor and No 182 on elimination of child labor:

Article 2 of the convention adopted on 19 June 1971 has defined child. The article has also discussed about the child labor, slavery, or treating children like in slavery situation, trafficking of children, bonded labor, compulsory conscription or use of children in armed conflicts, compulsory labor, prostitution and others. It has also dealt with use of children in producing pornographic literature and exhibitions and employing them for drug trafficking.

1.6.12 UN Committee on Child Rights:

This committee has been established as per Article 43 of the Convention on Child Rights 1989. There are 18 experts in the committee for the tenure of four years. The first meeting of the committee was held in 1991. The committee supervises the progress made by the parties in terms of their liabilities of the convention through a reporting mechanism. In Article 44 of the convention the parties have agreed to report within two years of signing the convention about the efforts taken to implement the rights enshrined in the convention and progresses made in this regard and to submit such a report to the committee through the secretary general within five years. In this context, Nepal has submitted the preliminary report in 1996 and second periodic report in 2005. The Child Rights Committee held discussion on Nepal's second periodic report (CRC/C/6/Protocol 30) on 20 May 2005 in its 1032nd and 1033rd meetings and in its 1052nd meeting on 3 June 2005 and has made several recommendations.

1.7 National Provisions:

There have been several constitutional and legal provisions to protect and promote child rights in Nepal. Some of the provisions include:

1.7.1 Interim Constitution of Nepal 2007:

Although five constitutions have already been implemented in Nepal, they could not specifically address the issue of child rights. Nepal's 1990 constitution Article 20 (2) had prohibited employment of children in industries, factories, mines and other dangerous jobs. The Interim Constitution of Nepal has provided for Fundamental Rights in part four. Article 13 has provided for right to equality and provision for special arrangements through laws for development of disabled children. Article 17 has provided for rights to education and culture. Article 22 has provided that every child has the right to name and identity, upbringing, basic health facilities and social security, rights against physical, mental and all other forms of exploitation and has made it punishable by law and perpetrators of such acts should compensate the victims for their crime as per provisions in laws. The constitution has also provided for special support from the state to orphans, helpless, mentally retarded, conflict victims, displaced and the street children who are at risk. It has also prohibited employing of children in industries or mines or any other risky jobs and in army, police or in conflicts.

1.7.2 Children Act 1991 and Regulations 1995:

The Children Act 1991, framed as per the Child Rights Convention is considered to be an important document related with protection and promotion of child rights. The Act has defined any child under the age of 16 is consider child. The Act has prevented employment of any child under the age of 14 and has provided for special protection measures while employing any child above that age. The Act has also made provisions for upbringing of children, facilities for health care, provisions for discrimination against son and daughter, provision against torture and employment in hazardous jobs, forcing to beg and offering to the gods. The Act has also included provisions like preventing punishment to children unless for acts categorized as crimes in criminal laws, discount of crimes committed during childhood for making the person unfit in the future, not including crimes committed while being child as number of crime committed by that person when counting such for the purpose of sentencing, provision for punishment for making any child commit a crime but not for the child for carrying out the orders and other positive provisions. The Regulations related with the Child Act came into effect from 1995 January 17 has provided for Central Child Welfare Committee and District Child Welfare Committees and has provisions on child welfare and child correction homes. The Central Child Welfare Committee is empowered to provide directives to the District Child Welfare Committees to collect data from child homes, child correction homes, those in district prisons, unclaimed, labors, mentally retarded and physically disabled children in the districts and keep records accordingly. The District Child Welfare Committee is empowered to draft policies, update records, encourage and support social activists and non government organizations to work for the welfare of the children, among others. The Central Child Welfare Committee and the District Child Welfare Committees have played important roles as mechanisms to protect of the welfare of the children, their development and update the data related with children.

1.7.3 Child Labor (Prevention and control) Act 1999:

The Act has forbidden anyone from employing a child of below 14 years of age and has provided for a punishment of up to three months in jail or Rs 10,000 fine or both for employing a child of below 14 years of age. If someone is found to be employing a child of below 16 years of age in risky job then such a person may be sentenced one year in jail or fined Rs 50,000 or both. If anyone is employed without the consent of the guardian then such person may be sentenced two years in jail or fined Rs 5,000 or both the Anyone can be employed. Concerned police office, child's guardian or parents, concerned village development committee or municipality office, labor organization or any non government organization can file complaint against anyone employing child within one year of such employment in competent Labor Office. Anyone dissatisfied with the verdict of such a Labor Office can file a case in the Labor Court within 35 days of such verdict but if any punishment has been sentenced then such a case should be filed at the Appellate Court.

1.7.4 Prison Act 1962 and Regulation 1963:

Article 8 (1) of the Prison Act has provided that any woman prisoner giving birth to a baby while imprisoned and wanting to care her child under the age of two can do so in the prison itself and after the baby reaches two years of age, the child will have to be taken away by his or her custodian for further care. Article 8 (2) has provided that the government has to take the responsibility for care of babies, their education and upbringing if women prisoners have no one to take care of the babies outside the prison.

According to Prison Regulation 1963, tenth amendment, has increased the duration until which a child can be kept in correction homes. Under the law of the land a child can be kept in the correction homes until the age of 16 but if the correction homes recommend some more time in the homes so that his character can be corrected, then the jailor and prolong the stay of such child in the correction home.

1.7.5 Disabled protection and welfare act, 1983, Regulations 1995:

This act has given definition of disability, its determination, protection, right to equality, education and training facilities, health and medical care, facilities and concessions, feeding etc.

1.7.6 Comprehensive Peace Agreement 2007:

In Point No 6.7 of the Comprehensive Peace Agreement the parties of the agreement have agreed not to recruit or use any child under the age of 18 as soldier and also provides for immediate rescue of any such child soldier and rehabilitating the such a child and providing all necessary support for such. In Point No 5.1.4, the parties of the agreement have agreed to mark all landmines, inform about all storages and inform each other about such and de-mine them or eliminate them within 60 days and help each other in doing this. However, these points have not been implemented.

1.7.7 Come court verdicts in relation to children

Children should not be physically abused (Devendra Ale and others Vs Prime Minister and Office of the Council of Ministers):

The Supreme Court declared null according to Article 88 of the Constitution of the Kingdom of Nepal 1990, the Proviso of the Article 7 of Child Act 1991, which stated that scolding or simple beating by the teachers, guardians or parents to their children shall not be considered violation of this Act. Devendra Ale had filed the writ petition seeking nullification of the Proviso Article.

Children should not be handcuffed (Advocate Bal Krishna Neupane Vs Nepal Government Home Ministry):

The Supreme Court, acting on a writ petition filed by advocate Bal Krishna Neupane, issued a mandamus order prohibiting all 75 district police offices, 71 district prisons in 75 districts, the Home Ministry and the Police Headquarters not to handcuff children, confine them in solitary and keep them along with adult prisoners, as provided by the Child Act 1991.

Children should be kept in child correction centre during judicial custody or imprisonment (Ashish Adhikari on behalf of Babloo Godiya V His Majesty's Government of Nepal Ministry of Home Affairs):

The Supreme Court issued a verdict in favor of Godiya by issuing an order that as per Child Act 1991 Article 42 (2) all children serving sentence should be kept in child correction homes during imprisonment.

Related with registration of child clubs (Tillottam Poudel of Jagriti Child Club Vs Nepal Government Ministry of Home Affairs):

As per Article 15 (1) of the Child Rights Convention, to which Nepal is a signatory party, children have their right to organization and peaceful gathering and the Supreme Court ordered the Home Ministry to register the Jagriti Children Club as per existing laws.

1.7.8 National mechanisms established in Nepal in relation to implementation of child rights:

There are several national mechanisms established to implement the child rights. Some of them are as discussed below:

- **Ministry of Women, Children and Social Welfare:** The Ministry of Women and Social Welfare, which was established in 1995, was expanded in 2000 after its scope was enlarged with inclusion of child rights and it was renamed as Women, Children and Social Welfare. The ministry submits periodic reports according to the Convention on Child Rights and Convention on Elimination of all forms of violence against women. It has also played an important role in amendment of the Civil Code, prepared drafts of bills on domestic violence and human trafficking. It has also prepared National Action Plan for Combating Human Trafficking and prepared Gender Equality and Women Empowerment National Action Plan, 2005. It has also prepared National Action Plan and three-year action plans.
- **National Human Rights Commission:** The National Human Rights Commission was established as per the provisions of Human Rights Act 2000 as an autonomous, national organization and an important national mechanism to protect and promote human rights. The Interim Constitution of Nepal has given NHRC the status of a constitutional body. The Interim Constitution of Nepal 2007 and Article 9 of the Human Rights Commission Act 2000 has defined the function of the National Human Rights Commission as taking complaints related with violation of human rights, conducting investigations, studying the protective provisions of the constitution and the existing laws and recommending the government accordingly, suggesting the government about making necessary changes in the existing legal frameworks to make them consistent with the international human rights instruments to which Nepal is party, conducting studies on the overall situation of human rights, promoting human rights by organizing workshops, seminars and other means etc fall under the scope of the NHRC. The commission has been conducting investigations into the incidents of child rights violation and suggesting to the government about compensation and action against the perpetrators of such crimes but the level of implementation is dismal. The NHRC has established Child Rights Desk in 2005 to deal about child rights.
- **Central and District Child Welfare Committees:** Child Act has provided for Central Child Welfare Committee and District Child Welfare Committees. The Central Child Welfare Committee is empowered to provide directives to the District Child Welfare Committees to collect data from child homes, child correction homes, those in district prisons, unclaimed, labors, mentally retarded and physically disabled children in the districts and keep records accordingly. The District Child Welfare Committee is empowered to draft policies, update records, encourage and support social activists and non government organizations to work

for the welfare of the children, among others. The Central Child Welfare Committee and the District Child Welfare Committees have played important roles as mechanisms to protect of the welfare of the children, their development and update the data related with children.

- Establishment of juvenile bench in district courts: Courts have an important role to play in protection and promotion of human rights. The cases related to child rights can also be linked with courts. There have been several important orders in relation to cases filed in the Supreme Court and other courts. Among the important orders by the Supreme Court is the order to let establish child clubs, prohibition to beat and give physical punishment to children, order to keep children in child correction homes during judicial custody and while serving sentences, order against keeping children and adults in same prison and order against keeping children handcuffed.

All district courts have provision of juvenile bench unless juvenile courts as provided in the Child Act are established. Inclusion of district judges, social workers, child specialists and child psychologists in juvenile bench have shown signs of reforms in juvenile justice administration. Juvenile benches have been established in several district courts.

- Mechanisms established by the government: Other mechanisms established by the government include National Women Commission, National Dalit Commission, Indigenous and Nationalities Uplift National Academy, Poverty Alleviation Fund, Disabled Protection National Committee and others. These agencies work for protection of rights of women, Dalits, indigenous and nationalities, their welfare and development. Protection of rights of these communities supports a lot in protection of the rights of their children.

Similarly, human rights branches established in several ministries, human rights cells established in security organs, separate cell for women and children in the Nepal Police, establishment of women and children section in the National Planning Commission and establishment of child labor section in the Labor Ministry and establishment of National Women and Child Council in 1994 are important steps taken for the welfare of children.

Apart from these, the SAARC summit has passed an agreement for establishment of regional mechanism to fight against women and child trafficking. The SAARC has declared 2001 to 2010 as SAARC Child Rights Decade. SAARC convention on preventing and combating trafficking in women and children for prostitution 2002 and SAARC convention on regional arrangements for the promotion of child welfare in South Asia 2002 have been adopted.

1.7.9 Provisions of Child Rights in major plans of Nepal

- 10th Five Year Plan 2059-64

The five year plans of Nepal had included basically education and health programs for welfare of children and from the ninth five year plan onwards only the document included the issues related with child rights. The tenth five year plan has stressed on the need to protect and promote child rights and prevent all forms of violence, exploitation,

misconduct and discrimination against children. The plan has aimed to achieve and ensure creation of child-friendly environment and thereby lead to physical, mental, spiritual and social development to guarantee child rights. Other important aspect of the tenth five year plan in relation with child rights is the aim to make policy and legal reforms as per the need of the time, creation of child friendly environment and increasing child participation. The plan has also aimed at free and effective education to disabled and Dalit children, work together with the stakeholders of development, elimination of child labor, sexual abuse and exploitation, trafficking and other crimes against children. It has also aimed at rehabilitation of children victimised by armed conflict and other difficult situations.

- Human Rights National Action Plan, 2005:

The 1993 conference on human rights held in Geneva has stressed on framing and implementation of action plans by the members states to promote the culture of respect to human rights and protection and promotion of human rights. Nepal government prepared the Human Rights National Action Plan in 2005 with support from British and Swiss government under the United Nations Development Program which would be implemented by through coordination and support of civil society and private sector. The action plan which was integrated in the tenth five year plan has included 12 main subjects which include child rights and development.

The action plan has mentioned to ensure children's right to education and make legal reforms as per the commitments expressed in various international documents. It has also stressed on protection and rehabilitation of displaced, homeless and children at risk, improve awareness on child rights, eliminate child sex abuse, trafficking and child sex exploitation. The action plan has also stressed on developing judicial mechanism to ensure quick adjudication of cases related with children, eliminate child labor, ensure children's right to birth registration, and to empower institutions which can develop programs accessible for the children. The action plan has also taken target to guarantee children's right to entertainment and to promote participation of private sector in the child rights issue. The Ministry of Women, Children and Social Welfare has been designated as the implementing agency of the action plan while National Human Rights Commission, National Planning Commission and Prime Minister's Office are the monitoring and evaluating agencies.

- Gender equality and women empowerment national action plan, 2005: The action plan prepared by the Ministry of Women, Children and Social Welfare has included 12 issues including that of girl child.
- National Action Plan to combat against trafficking of women and girl child for sexual and labor exploitation: This action plan has identified different six sectors to combat against trafficking of women and girl child for sexual and labor exploitation. They are policy, research and institutional development, legislation and implementation, public awareness, advocacy and social mobilization, health and education, income generation and employment generation, rescue and reintegration into the society. The partners for this action plan include the Ministry of Women, Children and Social Welfare and other government

- organizations, national and international nongovernmental organizations, community based organizations, UN Agencies and other donors.
- 10 year national action plan for children: The Ministry of Women, Children and Social Welfare has based its functions as per the Convention on Child Rights and other international commitments passed by the UN special convention. The ministry, with the participation and suggestion of the Central Child Welfare Committee, donors, NGOs and civil society and professional organizations, prepared the ten year action plan for the welfare of children. The action plan has aimed to promote child rights, end all forms of exploitation of children, end discriminations, provide social security including education, health and other facilities to create child friendly environment and ensure access to all basic needs of the children. Apart from these, the Labor Master Plan prepared with the help of the International Labor Organization, International Program to Eliminate Child Labor, National HIV/Aids program, Education for All program etc are important in terms of child rights.
 - Three year strategic plan (2007-2010): This strategic plan has framed different plans for the children. Some of them include:
 - To immediately implement such programs which will provide immediate relief to the conflict victim children, children from marginalized communities and disabled and children at risk.
 - To make programs related with child rights transparent and implement them in places where they have not been launched to promote child rights in policies, laws and to ensure institutional reforms for such.
 - To intensify, coordinate and make effective and stress on the partnership and coordination of the efforts of the government and nongovernmental sectors
 - To stress on children network development, promote child participation and decentralization to develop the children related agencies and develop human resources.

1.7.10 Problems faced by the main national laws and protection mechanisms in relation to child rights are as below:

- Problems in national mechanisms: Lack of coordination result in difficulty in exchange of information and support and this also results in duplication of programs, launching of programs only in accessible areas, target groups not getting the benefits of the programs, lack of effective monitoring and other problems.
- Lack of Laws: There is lack of certain laws in the sector of child rights. There is a problem in elimination of child labor because of lack of laws to punish the persons engaging children in labor in informal sectors. Children are suffering because of lack of clear laws to prevent and control all forms of violence against women, including domestic violence. There is a rise in cases of sexual harassment and trafficking due to lack of clear legal provisions regarding controlling of child

sexual exploitation. Lack of social security laws for children is making the task of protection and development of children difficult.

- Lack of effective implementation of laws: The Child Act 1991 has several good provisions but lack of strict implementation of the provisions is affecting the spirit of the law. Despite expressing international commitments in the sector of elimination of child labor, in practice the problem exists as it is. Large numbers of children are living on the streets, are child workers and are facing domestic and sexual violence.

Children are not having access to education, children living with their parents in prisons are facing lack of proper care and education, children born from bonded labor (kamaiyas and kamlaris) women and those born from women facing sexual violence and trafficked women and orphans and deserted children have been facing problems to acquire citizenship. Procedural problems while registering organizations by children have affected their right to organize and participate. Although Torture Compensation Act 1997 has provided that any person should undergo health examination before and being taken into custody and when freeing them, this provision is not being executed because such provisions are not mentioned in the laws giving investigating officials criminal liabilities and therefore children are found to be tortured during investigations. Although there is a legal provision for birth registration, this is not being followed and as a result there is debate about age of children.

- Lack of proper establishment of juvenile courts: Although the Child Act Article 55 has provided for establishment of juvenile courts, such courts have not been established. There is a provision of setting up a juvenile bench in all district courts until establishment of juvenile courts and such a bench should comprise social worker, child psychologist and child specialist but the provision is not fully implemented. As a result, children are deprived from justice guaranteed as per the convention on juvenile justice administration and universal principles of laws.
- Lack of impartiality in quasi-judicial hearings: Article 19 of Child Act has provided that any case related against children shall not be adjudicated by any court without the child's defense lawyer. When child does not have its defense lawyer, then the court has provided a paid lawyer to defend the child in the case but as most of the cases related with the children are filed as Public Offences and Punishment Act in which the Chief District Officer is authorized to carry on with adjudication as a quasi-judicial body and in such cases the requirement for having a defense lawyer is not fully complied with.
- Child rights are affected by armed conflict and strikes: Large numbers of children are facing deaths, being injured, illegally detained, tortured, abducted, disappeared and trafficked due to armed conflicts and strikes. The cases of children being victims of sexual harassment, sexual exploitation, child labor, domestic labor and internal displacement have seen rise due to armed conflict. Several child rights are being violated due to lack of laws, national mechanisms, lack of clear policies and data and lack of implementation. Children's right to

education is affected by several strikes and shut downs despite the increasing awareness about the concept that children are zone of peace.

- Lack of implementation of action plans: There have been several problems because of lack of interrelationship between the different action plans prepared by the government. Duplication of programs, launching of programs in accessible areas only, programs not reaching the target groups and other problems have surfaced because of lack of coordination between the agencies preparing policies and implementing action plans and monitoring them. Delay in launching of programs mentioned in action plans, delay or disbursement of insufficient budget and other causes have resulted in such programs not meeting expected objectives. Non-inclusion of representatives from the National Human Rights Commission and other institutions in the authority responsible for monitoring the implementation of action plans has resulted in problems in developing indices and lack of evaluation of progress in action plan.
- Non-implementation of recommendations by UN Child Rights Committee: It is the responsibility of the state to implement the recommendations on the report submitted to the committee as per the Child Rights Convention. Several child rights issues have been in the dark because of non-implementation of important recommendations given by the committee and this is affecting the child rights and children's development.

Other problems include lack of proper implementation of Comprehensive Peace Agreement, non-implementation of orders by the Supreme Court and the recommendations by the National Human Rights Commission and lack of coordination and joint efforts among several government and nongovernmental organizations.

Chapter 3

Status of the Child Rights

Children are the base of the future and therefore they are viewed as zone of peace. Convention on Child Rights 1989 Article 1 has defined child as anyone under the age of 18 unless otherwise stated in already existing legal provisions and the Optional protocol of the Convention of Child Rights and other documents has defined anyone of age of 18 as child. International Labor Organization Convention on Child Labor No 182 Article 2 had defined anyone under the age of 18 is child while Child Act 1991 Article 2 (A) has defined anyone not completing the age of 16 as child. Similarly, Child Labor (Prohibition and Regulation) Act 1999 Article 2 (a) has defined anyone under the age of 16 as child. Although there is no consistency in the age limit for child, there is increasing practice to adopt international definition in this regard.

Child rights are the special rights of the children. Child rights comprise all rights which will be enjoyed by the children from the time of conception until childhood. The Child Rights Convention has mentioned that it shall be the duty of the parents and the states to fulfill the child rights but as per several provisions in the Child Rights Convention and other documents protection of human rights, its fulfillment and implementation is the liability of the state and therefore, state is responsible for child rights as well.

The Universal Declaration of Human Rights 1948 is taken as directive principle for human rights and this paved path for identification of rights of different classes, groups, levels and sections of people. This declaration has established itself as foundation for child rights as well. The 10-point Declaration of the UN in 1959 defined child rights and played a greater role in child rights protection. Convention on Child Rights is taken as reference for protection, promotion, implementation and fulfillment of child rights. This convention was adopted by the UN General Assembly on 20 November 1989 and implemented on 2 September 1990. Nepal ratified the 54-Article document on 24 September 1990 without any condition. This convention was prepared with special aim to improve the situation of child rights in developing states. Altogether 196 states have ratified the convention. Nepal and other rights have been celebrating 20 November as International Child Rights Day. Articles 1-40 of the Child Rights Convention has provided for child rights. Article 41 mentioned that in case the national legislation has provided more rights than by the Child Rights Convention then the national legislation shall prevail. Article 42 of the convention has delegated the authority to publicize about the child rights to states and Article 43 to 54 have provided for procedures for implementation and reporting according to the convention.

The four main child rights enshrined by the Child Rights Convention 1989 are:

- Right to Life
- Right to Protection
- Right to Development
- Right to Participation

3.1. Right to Life: Right to survival includes nutritious food, protected shelter, healthy environment, clean drinking water, immunization and primary health care and other provisions. The National Census 2001 has stated that the total population of the country as 23,151,423. Altogether 39.30 per cent of this population is under the age of 14, while 43.13 per cent is under the age of 16 and 47.5 per cent under the age of 18. There is a difference of 3.83 per cent in the population of children under 14 and 16 years and 8.2 per cent in population of children under 14 and 18 years of age¹. The Commission has attempted to analyze the situation of child rights on the following subjects in the given time as per the statistics availed to the Commission.

- Name, Birth Registration and Right to Nationality: Article 7 of the Convention on Child Rights has guaranteed children's right to name, birth registration and nationality and this has also been guaranteed by the Child Act 1991 and the Birth, Death and other Vital Incidents (Registration) Act 1977. According to the vital registration in 64 districts, altogether 587,143 births have been registered of which 271,824 are girls and 315,319 are boys². Displacement of village development committee secretaries from their offices due to the conflict in the Tarai region during this time due to threats in several districts has prevented children from having their births registered. After the Supreme Court verdict in December 2007 to let children acquire citizenship on the basis of the citizenship of their mothers, the provision related with child registration has not been effectively implemented.
- Child Death: On the backdrop of death of 26,000 child deaths everyday across the world, the UNICEF report in 2008 has mentioned that child death rate in Nepal has decreased. According to the report Child Death Rate in Nepal is 61 per thousand. A report published by CWIN with data from January to December 2008, has mentioned that there have been 57 cases of murder of children, 21 infanticides and 29 cases of suicide. Similarly, 37 deaths have been recorded due to consumption of poisonous foods, 68 children died of communicable diseases, and 354 children died in different accidents. In the monitoring conducted by the National Human Rights Commission in Mudegaon VDC ward no 9 in Doti district; it was revealed that 15-year old Rekha Damai died of diarrheal disease when she was forced to live in the cow shed during her menstruation. Rekha had menstruated on 2065-Sawan-26 and from that day in the evening she had diarrhea and the family knew about her illness but due to social beliefs they did not take her to health centre as she was not to be touched due to chhaupadi (menstruation) and next day she died and her death was reported through local media.
- Child abduction and disappearance: The Civil Code (12th Amendment) 2063, related with abduction, has been approved. The amended provision has provided for a

¹ National Census Survey, 2002, Central Bureau of Statistics, Kathmandu.

² Nepal: State of the Children Report 2008, Central Child Welfare Committee, Nepal.

punishment of seven to fifteen years of imprisonment and from Rs 50,000 to Rs 200,000 fine for abduction, illegal detention and making captive person with an intention of murder, trafficking, rape, prostitution, torture and extortion. Anyone abducting, causing to abduct and ordering or giving consent for such abduction of a minor can be punished with a 17 year imprisonment. Accomplice of abduction is liable to half the punishment of the abductor. The amendment has also provided for punishment to anyone forcefully seeking money or those threatening of abduction for not giving money. During this time abduction of children for ransom has increased. CWIN's records have revealed that from January to December 2008, altogether 68 children have been abducted for ransom.

A Children Searching Coordinating Committee has been established with the joint efforts of the Nepal Government Ministry of Women, Children and Social Welfare and Central Children Welfare Committee with the support from Nepal Police, Social Welfare Council and national and international nongovernmental organizations. Similarly a children helpline for the Kathmandu valley has been set up at No 104 and 1098 for across the country for free of cost. The cases of missing children are increasing. As per the records of the CWIN from January to December 2008, altogether 1373 children have been reported missing.

“Only 2000 of the missing four thousand children found”

A report has shown that only 2,000 of the 4,089 children that had gone missing in the past 20 months have been found. A study done by the Children Search Coordination Committee established by the Central Child Welfare Committee at the initiative of Ministry of Women, Children and Social Welfare has revealed that 2,458 (59.98 per cent) of the missing children have been found whereas 1,640 are still missing. Of them highest, 940, were from the age group 14-16 and lowest were from the age group 17-18. The report has shown that there has been an increase in the number of missing children as compared to the previous year. Last year the number of lost children was 1,355 and this year this has swollen to 4,089. Janadisha Daily, Asoj 6, 2065

3.2.Right to Protection: All children have the right to protection from discrimination, child labor, exploitation, mistreatment, exposure to dangerous jobs, trafficking and separation from parents. Special provisions have to be made for disabled and orphan children, legal protection of all children and other rights are also guaranteed. The Commission has attempted to analyze the situation of child rights on the following subjects in the given time as per the statistics availed to the Commission.

- Child Labor: Child Act 1991, Labor Act 1991 and Child Labor (prohibition and control) Act 1999 have prohibited employing children under the age of 14 as child labors.

Child Act 1991, Labor Act 1991 and Child Labor (prohibition and control) Act 1999 have prohibited employing children under the age of 14 as child laborers. It is the responsibility of the state to effectively implement the provision but it has been reported that officials of the Nepal Government have been employing children as workers. The National Human Rights Commission therefore, recommends the government to direct the government officials, including Nepal Army, police, civil servants and other authorities and officials of the corporations owned by the government and those officials withdrawing salary from the state not to do anything that infringes the child rights and direct authorities concerned to respect and protect child rights and take departmental actions against those infringing such rights and also make arrangements for publicizing such policy to the people. Decision by the National Human Rights Commission on 9 Mangshir, 2060

According to the Census in 2001, there were 17,803 children under the age of 14 being employed as child labor in which 46.3 percent were boys and 53.7 per cent girls. According to ILO there are 2.6 million child labor in the country of which 127,000 are working in dangerous jobs.

The kamlari tradition which is found in the districts of Dang, Banke, Bardia of mid-western region and Kailal and Kanchanpur of far-western region is a practice in which parents make an oral agreement with land lords to employ the former's daughters in the latter's homes in an annual payment of Rs 4,000 to 6,000. Such oral contract is made on the day of Maghi. This tradition is prevalent for centuries and at present there are an estimated 20,000 to 25,000 girls working as kamlaris in their land lord's houses. 21 Poush 2065 Nepali times online report.

During this time, NHRC received four complaints relating with domestic workers. According to the records by the CWIN from January to December 2008, there were 1099 cases of child labor. The monitoring reports from the NHRC suggest that children victimized from domestic violence do not find proper social protection and are at a vulnerable condition. Displacement, hunger, shelter, medical treatment, chhaupadi tradition, kamlari tradition, haliya tradition, caste based discrimination are main problems facing the children.

Increase in children working as vehicle assistants

Altogether 2,193 persons working as vehicle assistants in the 5,019 public transport vehicles plying in the streets of Kathmandu are children. Almost 48.5 percent people working with the public transport vehicles including microbuses, buses and tempos in the Kathmandu valley are below the age of 14. Many of them work for about 12 hours a day and about 46.1 percent of them work for 13-16 hours a day. Almost 74 percent of the child labor has faced any form of harassment and 44 per cent of the child workers receive injury while at work. 27, karkit, 2065 The Himalayan Times report

- Street children: Statistics provided by several organizations show that there are more than 5,000 street children in Nepal.

The report on Deteriorating Condition of Street Children has stressed on the need for the organizations, civil society and government to formulate and implement laws at the earliest to address the issue of street children.

- Armed conflict and children: During armed conflict from 1996 to 2006 altogether 296 children were killed, 246 at the hands of state and 50 at the hands of CPN-Maoist³. Similarly according to CWIN the number was 475 and 561 were injured from 1996 to 2001⁴. In 2005 the NHRC had received complaints about death of altogether 17 children's deaths, 15 from the state side and one death from CPN-Maoist and one death in bomb blast. In 2006 altogether 10 complaints were received in the NHRC, eight murdered, one killed in bomb blast and one killed in clash. In 2007 there were altogether 31 deaths, 15 murders and 16 deaths due to blasts. During this time the NHRC had received altogether 60 death complaints -- 51 deaths on the hands of security forces, 6 at the hands of police, 2 at the hands of CPN-Maoist and one death due to bomb blast. The Central Child Welfare Committee has mentioned in 2006 230 children were killed in armed conflict, 107 were injured and 4048 children were rendered orphans⁵.
- Displaced children: As the result of conflict children were displaced along with their parents and in Kailali and Kanchanpur districts in the far western region the incessant rainfall on 2065-6- also resulted in displacement of several families and also caused loss of life and property. A monitoring by the NHRC at a camp in Kanti Rajyalaxmi School at Pahalmanpur revealed that there were 121 displaced families, most of them women and children. The camp had also housed 24 new mothers, with one of them giving birth to a baby only six days ago and six women were going to deliver babies in the next three months. The flooding in the Koshi river in the eastern region also displaced a large number of children.
- Child soldiers: The government and the CPN-Maoist had agreed in the Comprehensive Peace Agreement that took place in 2007 not to engage children under the age of 18 in armed military activities and had also expressed commitment to free child soldiers.

³ Inseconline.org, 2065, <http://www.inseconline.org/>

⁴ Children in the middle of armed conflict, CWIN, 2006

⁵ Status of Children in Nepal, 2063, Central Child Welfare Committee

The NHRC has decided to hand over a letter to the Nepal government recommending for early arrangements for rehabilitating, reunion and reintegration of the child soldiers now living in the CPN-Maoist army camps without any condition and making arrangements for their education, training and other provisions and to inform the Ministry of Peace and Reconstruction and the CPN-Maoist about such recommendation. Decision by the NHRC on 9 Asar, 2065

The United Mission in Nepal (UNMIN) data has revealed that there are 2,973 child soldiers in the CPN-Maoist soldier cantonments. The NHRC monitoring on 2065-21 had found that there were 200 infants in the Dasharathpur camp in Surkhet district. Until now the child soldiers have not been freed and they have not been rehabilitated.

Freeing and rehabilitating child soldiers

The UN Security Council has from the past four years enlisted CPN-Maoist as a shameful organization to be condemned for recruiting children and using them for armed conflict. Although when the CPN-Maoist is leading the government, there are still 4,000 child soldiers in the cantonments. – 14 Poush 2065 Kantipur daily

- Sexual exploitation, harassment and rape: A report by ILO has revealed that almost 5,000 girls under the age of 16 are engaged in flesh trade in Nepal. A record at the CWIN from January to December 2008 reveals that there were 28 cases of sexual harassment, 188 rape cases, 330 incidents of actions against students for violating school discipline and INSEC in 2008 recorded 186 cases of rape of girls below the age of 18. During this time, the NHRC received five complaints related with mistreatment by school teachers.

“In the school hostels, child welfare homes and shelters for children across the country, children were found to be from time to time facing sexual harassment and mistreatments and the NHRC has decided to recommend the Nepal government to frame child oriented national policies and implement them so that their better protection and upbringing is guaranteed.” – Decision by the National Human Rights Commission 14 Shrawan 2065

- Child care centre: The Central Child Welfare Committee has brought into effect the Child Care Centre Management and Operation minimum guidelines 2003. A study by the committee has shown that of the 454 Child homes operated in 37 districts, only 321 were found to be running with registration. There are altogether 11969 children living in the child homes with Kathmandu district having the most number of such children.

The Child Welfare Central Committee has stated that of the 454 children's homes in Nepal, most of them were operating in Kathmandu and only 321 were officially registered with the government. Of them 6 were in the A grade, 56 in B grade, 194 in C grade and 198 in D grade. -30 Mangshir, 2065 Naya Prakash

- Juvenile crime and Juvenile Justice: The Ministry of Women, Children and Social Welfare has put in place Juvenile Justice (Procedure) regulation 2063 as per the Child Act 1991 to establish Juvenile Bench and its effective implementation. There is provision for juvenile bench in all 75 districts and such benches should consist of district court judge, child specialist and child psychologist. There is only one child correction centre at Thimi of Bhaktapur and other children are kept together with adults at district police offices. As per the records of the CWIN from January to December 2008, 86 children were detained and jailed for activities related with armed conflict and 64 were serving on juvenile crimes and seven children were serving sentences with their parents.
- 3.3. Right to Development: This right emphasizes on children's access to education in clean environment, entertainment, sports and rest, love, respect and care from the parents, physical, mental, moral and social development of the children as the basis for development and basis for livelihood of the children. The Commission has attempted to analyze the situation of child rights on the following subjects in the given time as per the statistics availed to the Commission.
- Right to education: This duration was not very encouraging with regards to children's right to education. Even the teachers were found to be closing schools to have their demands fulfilled. When the Nepal Teachers' Republican Forum closed schools for three days leaving 40,000 schools closed affecting the annual and school leaving certificate level examinations to have their demands fulfilled. Repeated closures and shut downs affected regular studies of the students across the Tarai and the hilly regions. The enrolment campaign has helped increase the number of students enrolling for school education but the differences between the enrolment rates of boys and girls has remained wide and gender discrimination and dropout rates have remained unchecked.

An NHRC monitoring team reported that text books in different languages were inadequate and text books of grades nine and ten did not reach the students on time and similar reports were published in several newspapers and it has drawn a serious attention of the commission and it has been decided to issue a letter to the Ministry of Education to work to not to hamper the children's right to education and also to report the NHRC of progress made in this regard in seven days. It has also been decided to issue a press statement regarding this. 19 Asar, 2065, National Human Rights Commission decision

- Use of children by political parties: A monitoring conducted by the National Human Rights Commission during the election of the Constituent Assembly found that the political parties used children under the age of 18 for mass meetings, cultural programs, and electioneering in Bajura district. In Baitadi district children under 10 were given black flags to stage protests. Even when the Constituent Assembly Electoral Roll Act Article 5 has mentioned that anyone only above the age of 18 are eligible to cast their votes, it was found that there were younger children casting their votes on the basis of agreements of the political parties. Although the Election Code of Conduct No 23 has mentioned that no child should be engaged in political activities during the election period, the political parties have been violating this rule. In an election rally organized by the CPN-UML at Open Theatre in Kathmandu, 12-year old Rabina Ghimire was brought to the stage to address the election campaign and in Udayapur during a rally organized by Nepali Congress, seven year old Khagendra Acharya sought votes for the party at an election rally and this was broadcast in the television channel.
- Right to Health: Nepal Government has organized a program to administer Vitamin A to children under the age of five. It has also been organizing other immunization programs. It is estimated that about 70,256 children are affected by HIV/AIDS. A monitoring by the Commission has estimated that children in Surkhet, Makawanpur, Dailekh, Achham, Dang districts are more affected by HIV. In this duration adolescent girls in Dhading, Sindhupalchowk, Dolakha and other districts fainted due to hysteria and investigation into the incident have been launched and treatments done accordingly. CWIN's records from January to December 2008 reveal that Polio drops have been administered to 4,088,613 children and 3.7 million children under the age of five were given vitamin A capsules. Similarly, 12933 children from 4 to 19 years of age were affected by HIV/AIDS.

Child education, health, rights protection and campaign against AIDS in children are the problems raised by the global convention. Countries across the world are centered in these issues and Nepal has also adopted these four issues as the focus but the conflict has overshadowed these issues. Some programs have been launched in the fields of education but programs in health sector are not effective. There have been no effective long term programs for child rights apart from the ritual sloganeering and short term programs. – 30 Bhadra 2065, Rajdhani daily

3.4. Right to Participation: Right to participation of children include children's participation in drafting of policies which affect livelihoods of children and respecting such ideas. Rights to participation includes being able to participate in creative activities, social and cultural activities and in every aspects of life without any obstruction and discrimination, participating in religious activities as per beliefs, being informed about different things and right to expression of ideas, organization and participation among others. The Commission has attempted to analyze the situation of child rights on the following subjects in the given time as per the statistics availed to the Commission.

Some 200 children under the age of 15 from across the country had a chance to express their queries to President Dr Ram Baran Yadav. Prime Minister had expressed his commitment to a delegation of 14 students representing 54 schools and child clubs in the western region about guaranteeing child rights in the new constitution. -27 Bhadra, 2065 Nepal Samachar Patra daily

Chapter 4

Efforts in the sector of child rights

3.5. Efforts from the Nepal Government Nepal got membership of UN in 1955 but due to the existing circumstances, human rights and fundamental rights were banned in the country. Only after 1990 did the issues of human rights get an entry into constitution. After this there was a campaign of supporting international treaties on human rights. Nepal ratified the Convention on Child Rights in 1990 and became a party state and since then Nepal has been institutionally prioritizing issues of human rights in general and child rights in particular. Issues of child rights were more strongly raised than other human rights issues. Several national and non-governmental organizations are now active in the fields of child rights. After Nepal ratified the Convention on Child Rights the government has expressed its commitment from time to time about the child rights and several laws and acts have been updated as per the new circumstances. But the government has not been able to fulfill such commitments and implement the laws because of lack of appropriate infrastructure, human resources, and budget and due to the political instability. Also because the state had focused on holding election to Constituent Assembly in this year, the plans could not meet the expected outcome. The government framed the 10-year (2061-2071) National Action Plan for Children, Master Plan on Child labor (2061-2071). The three-year plan which is being implemented also has provided for child rights protection and promotion and different plans have been prepared for backward sector, Dalits, disabled people by prioritizing them in the health and education sector. National action plan has been prepared and implemented to tackle the issues of child labor, trafficking, prostitution, bonded labor (kamaiya), kamlari and others which are against the human rights. There is a Central Child Welfare Committee under the Ministry of Women, Children and Social Welfare, which has taken initiatives for preparing minimum guidelines for operation and management of child homes and the committee also monitors the situation of children and nongovernmental organizations working in the sector of child welfare and give them necessary directives. The Missing children Search coordination committee under the Central Child Welfare Committee coordinates search of missing children. In 2008 the committee received 1889 complaints of which 1188 children were found and 701 remained missing. One child death was reported due to sexual violence and 508 children were found in unclaimed condition. Juvenile justice system desk has been established in 27 districts and 265 rape complaints have been received in the Women Police Cell and process has been initiated accordingly. Women police cell is active in domestic violence, trafficking, child marriage, polygamy, kidnap and other issues.

3.5.1. Constitutional, policy and legal provisions: There are constitutional provisions related with children and also the parliament has passed the Bill related with abduction. The Chhaupadi custom elimination directive 2064 has been prepared and continuity is being given to the years old effort to develop child friendly judicial system. The government has also launched several formal and non-formal programs in line with the attainment of Education for All program and also actions are being taken in connection with several other commitments. Also long term, immediate and short term education plan has been prepared and strategies

accordingly readied. To fulfill the targets of the immediate plan strategy the Basic Education Project has been taken as an important national program and is being implemented and a midterm (2005-2012) strategy has also been prepared after evaluation of the immediate strategies. Programs like establishment of pre-school child care centers, quality, free and compulsory primary education, enrolment programs and others have been implemented as per the strategy and the result is the mentionable increase in enrolment at primary schools which has reached 87.4 percent. In the fiscal year 2007/08 altogether 540,901 girl students studying at primary level from the weak families and 619,170 students from the Dalit families were given scholarships of Rs 350 per month under the Education for All program. Secondary education support was provided to 40,000 girls and 20,000 boys in the secondary level, students from remote areas and disabled students were also provided with support.

Health is one of the fundamental human rights and the Interim Constitution of Nepal has also mentioned health facility as a fundamental right and therefore the government has done several policies, functional and institutional reforms in this connection which has helped bring positive impacts in the health of children. According to the demographic and health survey in 2064 the child death rate is 61 per thousand, infant mortality rate is 48 per thousand and neonatal birth rate is 34 per thousand. The percentage of children receiving extended immunization services has increased from 73 percent to 83 percent. Nepal has only 42 percent literate girls as compared to 65 percent boys.

The Central and District Child Welfare Committees under the Ministry of Women, Children and Social Welfare has been working in the sector of rescuing, education and rehabilitation of children through the child welfare homes. The ministry, Nepal Telecom and CWIN have jointly launched a free helpline for children 1098. Similarly there has been a provision of closed circuit televisions while conducting hearings in children's during the criminal offence cases from 12 Mangshir 2065 i.e November 27, 2009, with an intention of protection of the children. For the first time the Kathmandu district court used this technology while taking statement from a minor alleged in a rape case. There is a provision of conducting hearings of cases with involvement of children in a closed hearing bench and when such technology was used for taking statement the bench could watch the statement on a screen. The Supreme Court has made a program to install such cameras in other courts as well in the future.

The Supreme Court has prepared a directive 2064 to maintain secrecy of proceedings of women and children affected with HIV/AIDS and other special cases. A joint bench of Supreme Court justices Khil Raj Regmi and Kalyan Shrestha on 2064/9/10 issued a directive to the government to make laws to maintain secrecy of all proceedings of special cases like the ones mentioned above and protect the victim's identity. The court has said that until such a law is made the directive by the Supreme Court regarding secrecy of proceedings of special cases shall be implemented. The directive has mentioned that the proceedings of the cases related with the victims of rape, abortion, sexual harassment, trafficking, incest, violence against women and the criminal cases to be heard by the juvenile court and cases related with HIV/AIDS patients should

be kept secret. Any leakage of the identity of the persons shall be considered contempt of court and case can be forwarded accordingly, the directive has mentioned. If any employee of the court is involved in such an act further departmental disciplinary action shall be taken up against the wrongdoer, the directive further states.

- 3.5.2. Efforts from the nongovernmental organizations: The country is heading towards peace after the agreement of ceasefire between the then government and the CPN-Maoist party. During this transitional phase cases of violation of human rights and child rights are taking place unabated. There has been a limited access to the state and in this context the nongovernmental organizations are playing important role in the present context to protect the economic, social, cultural and other rights of the people and for development of the country. Several nongovernmental organizations have focused their activities for the welfare of the children and have been advocating for the commitments expressed at the national and international level by the state in the field of child rights and have also been contributing for reducing the number of violations of child rights and by rehabilitating the victims of such rights violation.

The nongovernmental organizations have also been creating awareness about the child rights and organizing children and building their capacity through trainings, workshops, study trips, experience sharing and other programs.

The International Labor Organization has been investigating into the kamlari tradition. Similarly the Save the Children Norway has been working together with several organizations and launching its programs. It has also helped the National Human Rights Commission in launching programs for protection and promotion of child rights. For this the NHRC has established a separate Child Rights Desk. Similarly, Save the Children Japan and US have also worked in this field. From 2008 onwards, Norway, Japan, US and Sweden have united their efforts for the welfare of children to work in a more integrated manner and manage the activities.

Child Workers in Nepal (CWIN) has been working in the field of child labors from the past two decades and has been advocating for the child right cases and also publishes several annual and periodic reports. CWIN has been focusing on protection, consultation and social integration and other services for the children. The ministry, Nepal Telecom and CWIN have jointly launched a free helpline for children 1098. Similarly, Informal Sector Service Centre (INSEC) has also been working since long in the field of human rights and also in the sector of child rights. Apart from these, the Child Development Society, CONCERN, CWIN and other organizations have been launching awareness drives, and psychological counseling sessions for reducing the social and psychological impact of conflict and other factors and also have focused their activities in the sectors that might affect the children due to torture and violent activities at different places. Maiti Nepal, Saathi, ABC Nepal, WOREC, LACC and other organizations have been playing important roles in rescuing and rehabilitating the victims of trafficking and abduction and organizations like Voice of Children and CPCS have been working for the welfare of the street children.

Nongovernmental organizations have launched campaigns at different parts of the country to guarantee and institutionalize children's rights to protection, participation, development and right to life in the new constitution. Children are zone of peace campaign has also helped a lot in creating awareness about child rights in the country.

The children's saving schemes launched by several banks have attracted parents' interest towards investing for children's future. Banks have prepared policies that children can independently take on the banking activities only after they reach the age of 16 to 18. Because the account is in the child's name, there are strict provisions when parents want to withdraw money in special circumstances only.

3.6. Efforts by international institutions: There have been several efforts from the international sector in the field of child rights. Different conventions and declarations have become the directive principles in the field of child rights. The Global Movement for Children has been launched since 2001 to improve the present condition of the children and protect their fundamental rights by making governments and individuals committed towards child rights and garner world wide support for this cause. The global summit in September 1990 had prepared an action plan for 90 states for child protection, promotion and development. The UN General Assembly Special Session concluded in May 2002 with evaluation of the progress made in the past decade and with a commitment to making a world suitable for children in the next decade and adopted a new global action plan. This special general assembly helped empower global movement for children. The general assembly had expressed commitments in 10 points to make the world suitable for children in the decade and forwarded new objectives, strategies and activities for the same. Among the objectives are promotion of healthy life, availability of quality education, protection against misconduct, exploitation and violence and fight against HIV/AIDS have been prioritized. The UNICEF has been working for health and education of the children, while International Labor Organization has been working in the field of child labor elimination at the international level. Other institutions like Save the Children, ICRC, and OHCHR have been working in the field of child rights.

Chapter 5

Activities of the NHRC in the Child Rights sector

National Human Rights Commission is an independent and autonomous institution. The Interim Constitution of Nepal 2007 has made this a constitutional organ. The commission has, while addressing the issues of human rights, performed different protective and promotional activities in the sector of child rights from its establishment. The commission has also established Child Rights Desk for effective protection and promotion of child rights and has been trying to make its efforts to combat girl trafficking effective by establishing the Office of the National Commandant against Girl Trafficking.

The Child Rights Desk is manned by a deputy director, an officer at the central office and four officers as contact persons in the four regions including Nepalgunj, Biratnagar, Pokhara and Dhangadhi. The commission on 265-7-24 has decided to appoint one member to look after the issues of child rights.

Objective no 3 f the three year strategic plan (2008-2010) has mentioned about child rights. The subject matters include:

- to increase joint efforts with the nongovernmental organization working in the sector of children, disabled people and elderly people, their rights and welfare
- to advocate and monitor about the children's right to life, protection, development and participation
- to take initiatives to improve the code of conducts to make government and private constructions accessible for physically disabled people
- to work jointly with the central and district child welfare committees to effectively implement the policies and action plans
- to work jointly with the Nepal Bar Association and other organizations to ensure free legal assistance

The Save the Children has been financially supporting the Child Rights Desk since 2005 and has given continuity to several protection and promotional activities and monitoring and investigation into the issues of child rights. From January to December the programs include monitoring and investigation of child rights issues, interactions on children's participation and their voice and drafting of children friendly constitution among others. Details of the programs have been given in Annex 1. The commission has continued with the issues of violation of child rights, investigation and recommendations on the basis of complaints received in the commission or on the basis of the information the commission acquires on its own. The commission also visited and monitored the jails, child homes, children rehabilitation centers, schools and the cantonments of CPN-Maoist soldiers in the districts. The issues investigated and monitored include about the children killed by the security forces during the conflict, disappeared, abduction by the CPN-Maoist, death due to explosions, injured, effect on education, child labor, condition of imprisoned children, child soldiers in the CPN-Maoist and others. Below are given the attempts by the commission for protection and promotion of child rights:

5.1. Protection Activities

5.1.1. Complaint management: The Interim Constitution of Nepal 2007, Human Rights Commission Act 1995, National Human Rights Commission (Complaints, actions and compensation) Regulation 2000 have clearly mentioned about the provisions for complaints. The commission has set up a separate Complaint Section to receive complaints. This section collects data provided in the complaint, take statements from the parties of the complaint, conduct field investigation and collect evidences and complete paper works and forward to the concerned department for decision and recommending such decision to the authority concerned including the Nepal Government for implementation. In this duration there were altogether 84 complaints related to child rights filed in the commission. Of them 14 complaints were filed in the central office and 57 in Nepalgunj, 2 in Biratnagar, 4 in Pokhara and 7 in Dhangadhi regional offices. The complaints include those concerned with seeking immediate freeing and

rehabilitation of child soldiers living in the CPN-Maoist cantonments, mistreatment by the teacher, keeping of children as domestic workers, killing of children by the security forces, police and the Maoist, keeping of children in the jails than sending them in the child correction homes, torture by police and sending of children to foreign countries as adopted children without the consent of the parents. The commission has even received a complaint seeking the help of the commission for meeting son who was taken away and not let to meet after a divorce by cheating. The commission has been monitoring about the complaint it has received. The information during the complaint is fed into the computer system through the Complaint Management and Reporting System software so that accurate and all available data related with the case is kept properly recorded. The details of complaints received during this time are given in Annex 2.

(PHOTO)

- 5.1.2. Monitoring and investigating the condition of children: As per the Interim Constitution of Nepal 2007 and Human Rights Commission 1995, the commission performed monitoring and investigation of child rights situation. The action plan had included plan to prioritize monitoring of child rights violation during the election to Constituent Assembly. The commission had monitored the child rights situation during the Constituent Assembly election in 69 districts. The commission had prepared a report based on the findings of the monitoring and also drawn attention of the authority concerned and recommended actions and made the report public. The monitoring had focused on the impact of setting up security camps in schools, violence against domestic worker children, impact on the studies due to the strikes in the Tarai region, protest for not supplying text books on time, murder by unknown groups, mistreatment in schools and other issues. The commission had monitored the overall situation of child rights in Kavre, Sindhupalchowk, Makawanpur, Chitwan, Dhankuta, Dailekh, Pyuthan, Palpa, Myagdi, Gorkha, Lamjung, Doti, Sunsari, Parbat, Baglung and Kailali districts. The commission had visited the child homes, child correction centers, jails, police detention centers and camps of CPN-Maoist soldiers. Details of the monitoring are given in Annex 3.

Similarly the commission had conducted investigations into 19 cases including torture by police to children detained for theft, death due to bomb blasts during conflict, abduction by CPN-Maoist, murder by security forces, illegal detention, kamlari and others.

- 5.1.3. Efforts for rescuing, relief and rehabilitation of children: The commission had found a 16 year old girl studying in Namuma Machhendra Higher Secondary School, Lagankhel, in abandoned state at 2065-3-18 and took him to the commission office. A request was made through hotline 1098 saying that she had been mistreated and a request had been made to make arrangements for psychological counseling. CWIN had completed all the formal process and later handed her over to her aunt.

Locals of Lalitpur Sub-metropolitan city Ward no 13 in Lalitpur district had on 2065-2-12 at 4.15 pm complained that a boy and a girl were being kept as domestic help and the boy had been some time earlier hospitalized for burnt wounds and later kept locked up in the house. Upon receiving the complaint, a

monitoring team of the commission had monitored the incident site from 5.00 pm to 1.00 am in the night and rescued the child with the help of CWIN and kept at the CWIN child home at Lalitpur.

Similarly, the Regional Office Dhangadi had received a complaint on 2064-10-5 that a girl was kept as kamlari, forced to work, not given payment as per agreement and when she was being withdrawn from the home, the owners blamed of jewelry theft at Motinagar of Munuwa VDC in Kailali district. Commission team visited the incident site and rescued the girl.

5.1.4. Recommendations: The commission has completed investigations into the complaints related with child rights filed in this duration. The commission has investigated into the complaint it received and made 13 recommendations to the Nepal Government. The commission had recommended on 2065-3-9 to the government to unconditionally let the 2,973 child soldiers, declared by the United Nations Mission to Nepal in verification of the Maoist soldiers, out of the cantonments and rehabilitates them, reintegrate them into the society and assist in reunion with their family, arrange for their education, trainings and provide for employment for them. The commission has also recommended for easy availability of text books and stop abuse against children. It has also recommended for inclusion of issues of human rights in school curriculum, lack of text books on time, removing the camp of Armed Police Force stationed at a school in Siraha district, keeping children in correction homes and not in jails, management of explosives and others. The commission has in a press release urged the Nepal Government and all stakeholders to work for protection and promotion of child rights. Detail about this is given in Annex 5.

5.2. Promotional Activities: The commission had included organizing five regional workshops on child participation and children's voice and also interaction about on the issues that should be included in the new constitution. The commission organized five children's voice and child participation interactions in the regional offices, eight programs related with drafting of constitution and a workshop on South Asian National Human Rights Child rights was organized in Kathmandu. Below is a brief discussion of some promotional activities. Detail is given in Annex 6.

(PHOTO)

5.2.1. Awareness programs to teachers and students against untouchability: Commission's regional office at Dhangadi had organized awareness program on 206-10-17 to teachers and students in Shree Jalapa Secondary School in Dewal Ritthapatha of Bajhang district, to teachers and students of the ninth grade in Niglasaini Secondary school in Dahimandu of Baitadi district on 18 to 20 of Magh 2064. The commission had informed about the existing legal provisions against untouchability, convention against racial discrimination and duties of the state in this regard.

5.2.2. Children's participation: Child meeting on children's voice: The NHRC regional and central offices organized a one day workshop on Child participation: Children's meeting on children's voice. Such workshop was organized in 2065-5-31 by the central office. Such workshops were organized on 2065-5-9 in Pokhara of western region, on 2065-5-14 in Dadheldhura of eastern region, on 2065-5-18

at Dadeldhura of far western region. On 2065-5-18 altogether 51 people including children, journalists, human rights activists, representatives of the security forces had participation in the Child participation: voices of the children and heard about the voices of the children. During the workshop issues related with child rights, violation of child rights, authorities for application upon violation of child rights, functions, rights and duties of the NHRC, constitutional and legal provisions on child rights and others were discussed.

(PHOTO)

- 5.2.3. Interaction with the stakeholders in connecting with drafting a human rights friendly constitution: The commission had collected suggestions for human rights friendly constitution building by organizing consultative workshops in all five regions. The interaction featured discussions on role of commission in constitution building, standards of the commission, human rights friendly constitution and other issues. Suggestions centered on organizing workshops targeting all Constituent Assembly members, taking activities of the commission to the village level, education, health and other sectors and voices of the communities, priorities to children's voices and issues in the new constitution and others. There were suggestions for the commission to focus its attention on fundamental rights in the constitution, National Human Rights Commission and provisions of emergency situations.

Similarly, on 2065-8-4 the commission organized a discussion at the central office among human rights activists, representatives of the nongovernmental organizations and civil society members. During the discussion suggestions were given to the commission to focus its activities on different regions, classes, gender and ethnic groups and to ensure people's participation in such activities.

Similar interactions were held in Pokhara on Mangshir 11-12, 2065, in Nepalgunj on Mangshir 19-20, in Dhangadhi on Mangshir 23-24, in Janakpur on Mangshir 30 and Poush 1 and in Biratnagar on Poush 5-6. Members of constituent Assembly of the areas, judges, leaders from several political parties, human rights activists, representatives of civil society, journalists and other stakeholders took part in the discussion programs. The discussions had raised voice that the new constitution should include issues of the children.

Similarly, in Poush 13-14 a two-day workshop on Child Rights and issues of children in the new constitution was organized in the Khotang contact office of the commission. Altogether 31 persons including nine teachers from 10 schools, nine boys, eight girls and five persons representing the organizations working in the field of child rights participated in the workshop. The workshop had mentioned that the following child issues should be prioritized in the new constitution:

- Child rights should be guaranteed by the preamble of the constitution itself
- All rights mentioned in the present Interim Constitution should be included in the new constitution
- Constitution should mention as minor any child under the age of 18
- Constitution should mention that participation of children is compulsory while framing policies related with the children and also while launching activities related with the children

- To declare schools and children as peace zone free of any violence
- Constitution should mention about reservation to poor, helpless, disabled, orphans, Dalits, Madhesis, children from backward communities
- Provision banning use of children in political purposes and barring use of children in police, army or rebels for war purposes with any pretext
- Provision of compulsory and free education up to at least secondary level and special provision for health care for children
- Special provisions for children in courts
- Voting rights for people crossing 16 years of age if anyone of 16 is to be considered adult

5.2.4. South Asian Conference on Child Rights in Kathmandu (PHOTO)
(This portion is a copy of the Press Statement given in page 80 and 81 of which the translation has already been emailed)

5.2.5. Establishment of child care centre at commission: According to the provisions in International Covenant on Economic, Social and Cultural Rights 1966, Article 10 (2) and Article 11 of the Convention on elimination of all forms of discrimination against women 1979, women, especially new mother employees, at the commission, have to continue their work after two months. In this connection, to make the working environment more favorable for them and for ensuring the right to breast feeding of the children, the commission has established a child care centre at the NHRC premises. Chairman of the NHRC Kedar Nath Upadhyay inaugurated the child care centre on the occasion of the 60th International Human Rights Day.

5.2.6. Visit of UN Secretary General's special representative Radhika Kumaraswami to the commission: Special representative of the UN secretary general Radhika Kumaraswami visited the commission in 2065-8-19. She expressed her concern over the inability to improve the conditions of the children affected by the conflict, and the inability to rescue and protect the children affected by the conflict as per the provisions of the international treaties to which Nepal is a signatory party and the Comprehensive Peace Agreement. She was of the opinion that the commission should take special initiatives in this matter. The discussion was participated in by commission chairman, members and secretary Bishal Khanal.

Discussion with representatives of the Children as Zone of Peace movement: A discussion was held with the representatives of Children as Zone of Peace Movement on 2065-8-4. Several issues related with the children featured in the discussions. The Child Rights Committee held discussion on Nepal's second periodic report as per the Convention on Child Rights, 1989, on 20 May 2005 in its 1032nd and the 1033rd meeting on 3 June 2005. The discussion had stressed on the need to provide adequate manpower and funds to make commission and other independent agencies more capable to effectively monitor the implementation of Convention on Child Rights and also make easy access for children. The discussion had also raised the need for making the scope of the child rights desk wider so as to take action on the personal cases filed by the children, to simplify the complaint mechanism and raise children's awareness about the process. The

discussion also stressed on maintaining the autonomy and effectiveness of the commission.

- 5.3. Activities related with review of legal provisions and consultations: (PHOTO)
The commission has also been stressing on the review of laws and consultations. In this connection, the commission had prepared a report on status of implementation of the recommendations by the NHRC, suggestions by the UN Committee on Child Rights and orders by the Supreme Court, 2065. The report was made public on the occasion of the 60th International Human Rights Day by Prime Minister Pushpa Kamal Dahal. Short description of the report is given in Annex 10. The commission has also given its opinion and suggestions on the draft of the preliminary report prepared by the Nepal government as per the Optional protocol on Convention of Child Rights against child trafficking and engagement of children in prostitution 2000, for submission to the UN Committee on Child Rights.
- 5.4. National and International Relations: The commission has given continuity to work jointly with the government, state agencies and officials, nongovernmental organizations working in the field of child rights, civil society, child clubs, schools, and teachers for protection and promotion of child rights. The NHRC has been sending its representatives to attend the functions, meetings, discussions and interactions organized by the Save the Children Alliance, UNICEF CAFAG Group, CZOP, CWIN, Central Child Welfare Committee and others. The commission has also been inviting these organizations and taking suggestions and support from them. The complaints and suggestions provided by these organizations have helped in the protection and promotional activities of the commission.
- 5.5. Financial activities: Human Rights Commission Act 1997 Article 15 has provided that the commission can acquire resources necessary for the commission from different sources and Sub clause 5 of the Act and the Interim Constitution of Nepal Article 123 (1) has provided that the Auditor General shall conduct auditing of the accounts of the commission. The commission, since its establishment, acquired support from the Nepal government and different donors. In his duration the commission has passed the budget of Rs 2.594 million for conducting monitoring child rights protection and promotional activities, investigation and interactions, workshops, preparation of reports with the condition that the Save the Children Norway bears the consultation costs. Of this amount, Rs 2.165 million has been spent. Details of this are given in Annex 9.

Chapter 6

Achievements, Challenges, Suggestions and Recommendations

6.1 Achievements

The achievements of the National Human Rights Commission in this duration are as below:

- Investigation and monitoring by the NHRC in connection with child rights: The commission has continued with the monitoring of child rights cases. The commission has been acting upon the complaints filed regarding violation of child rights and also on the cases which the commission has learnt through its own sources and conducted monitoring and investigations. The central and regional and contact offices of the commission has carried out monitoring of comprehensive human rights situation and the rights situation during the time of the ongoing peace agreement and this also included the issues of child rights. The commission has also conducted monitoring of child rights during the political rallies, assemblies, strikes, protest programs and other similar situations. Monitoring of child rights during the Constituent Assembly election was also performed in this duration. On the basis of the findings of the monitoring, the commission has recommended the Nepal Government to protect, promote, respect and enforce child rights and to the stakeholders to respect child rights and follow the duties and obligations while enjoying rights. This has helped in enhancing awareness among the stakeholders about the child rights and the need to make reforms in the sector to respect child rights. Similarly, the commission has conducted investigations into the cases of death at the hands of security forces, deaths from the explosions during the conflict, torture at the hands of police for theft charges, girls being kept as kamlaris and other complaints. The commission had recommended for punishment to the culprits and compensations for the victims kin and urged all concerned not to repeat such actions in the future.
- Review of laws: The Law and legislation division of the commission has reviewed the Child Labor (Prohibition and regulation) Act 2001, Citizenship Act 2007, Disabled Protection and Welfare Act 1983 and others and the Child Rights Protection Desk has published a report on Status of implementation of recommendations by the National Human Rights Commission, UN Child Rights Committee and Supreme Court orders, 2065. The report was made public by Prime Minister Pushpa Kamal Dahal on the occasion of the 60th International Human Rights Day and has already been circulated to all the stakeholders. Apart from this, the commission has given opinions and suggestions on the preliminary report draft to be submitted by the government to the Child Rights International Committee as per the Convention on Child Rights Optional protocol against Child Trafficking for using them in Prostitution and Pornography, 2000. It is expected that these activities shall be helpful in further contributing to the protection and promotion of child rights in the coming days.

- Recommendations by the commission on child rights: One complaint regarding violation of child rights has been withheld after it was decided that no action is needed immediately and action on 17 other complaints have been completed. Altogether 13 complaints related with release of child soldiers, mistreatment, death in explosions, intervention of security forces in the schools, death at the hand of security forces, disappeared, injured, decision to participate in the in the Child Welfare Committee Monitoring High-level Task Force not as a member but as an observer and recommendation to the government for such were some of the activities performed in this duration. The commission recommended for compensation to the victims and action against culprits in four cases; compensation in one case; payment of medical cost and provision for free education in one case; compensation in two cases of disappearances; and further actions in three cases and submission of the case to the commission after completion of such action. In addition to the actions on the complaints received in the commission, the NHRC also acted on its own in the cases which came to its knowledge through its own sources and made recommendations accordingly on the basis its own monitoring and investigations. This included recommendation to the government to avail adequate text books to the children on time and against mistreatment to children, including human rights education in school curriculum, removal of police camp from the school in Siraha district, keeping children in correction homes than in jails, management of explosives and others.
- National Human Rights Commission Strategic Plan 2008-2010
The three year NHRC Strategic Plan 2008-2010 has prioritized the issue of child rights. The NHRC had prepared the plan to address the several issues of human rights in the country.
- Promotion of Child Rights by the Commission: In this duration the commission organized five different programs related with child participation and children's voice in the central, regional and contact offices, organized six interaction programs on the children's issues to be included in the new constitution and a SAARC level workshop in Kathmandu. This has made children aware of their rights and also will help in developing the culture of respecting human rights in the long term and thus contribute to creating civilized citizens by reducing the cases of violation of child rights.
- Increase in coordination and joint efforts: The commission has continued to work together with the government, state authorities and officials, nongovernmental organizations working in child rights sector, civil society, child clubs, schools, teachers and others working for promotion and protection of child rights. The commission has sent its representatives to several programs, meetings and interactions organized by Save the Children Alliance, UNICEF KAFAG, CZOP, CWIN, Ministry of Women, Children and Social Welfare, Ministry of Home Affairs, Central Child Welfare Committee, Nepal Police, Missing Children Searching Coordination Committee and other organizations. Similarly the commission has been encouraging filing of complaints, providing information by the NGOs, civil societies and others and also in participation in programs organized by the commission to give creative criticisms, which has further helped in protection and promotion of child rights.

6. Challenges: The task of prioritizing the issues of the child rights on the basis of issues of rights has not yet been a priority. Several challenges have affected the protection, promotion and enforcement of child rights. Some of the challenges faced by the commission include:

- Non-implementation of recommendations by the commission: Several recommendations issued by the commission and the orders of the courts to the government regarding compensation to the relatives of those killed, injured or tortured during the conflict and provision of education to such children have not been completely implemented. This has raised questions on the effectiveness of the commission and also affected the performance of the commission.
- Prevalence of impunity: Impunity is developing as a culture in the present times and the perpetrators of violation of human rights remain out of the reach of the laws due to political cover-ups and the victims have not been able to get justice. This has greatly challenged the rule of law and the security situation.
- Inability to pass amendments in the laws related with children and formation of commissions: New draft for amendment of the Child Act 1991 was prepared but the legislature parliament has not been able to pass it until now. The Truth and Reconciliation Commission which can look into the grave violation of human rights and humanitarian laws during the conflict and commission on disappeared people have not been formed until now affecting the efforts to investigate into child rights violation.
- Inability to completely follow the Comprehensive Peace Agreement, 2007: There has been an agreement that both sides of the CPA shall assist each other to mark the landmines and booby-traps used during the time of armed conflict by providing necessary information within 30 days and defuse and excavate it within 60 days but actions have not happened to this effect. Several children have died and several others have been injured in explosion of these landmines. Similarly, they had agreed to make public within 60 days of signing of the agreement the real name, caste and address of the people made 'disappeared' or killed during the conflict and also inform the family members about it but this has not yet been implemented. According to the data available in the commission, the security forces had disappeared 671 persons while the CPN-Maoist disappeared 299 persons and their condition is still not known and because the children have not found their parents, they are in a mentally disturbed state and their rights to education and health have been severely affected. Lack of proper efforts to return the displaced people to their homes has forced children to remain out of their homes with their parents and their rights are violated.
- Weak security situation: Security situation in the Tarai and the eastern hilly region remained weak due to the strikes, shut downs, abductions, bomb blasts, murders and other activities by several groups. Cases of child abduction for ransom have not yet stopped.
- Lack of proper coordination and mechanism to coordinate with the agencies working for child welfare: There is a lack of coordination between the organizations working for the welfare of children and this has resulted in

duplication of activities and unequal distribution of services and facilities to the children.

- Lack of long term resources: Many of the programs launched by the organizations in the field of child welfare are short term ones and they begin with the donors' funding and end as soon as such funding is disconnected and this will have effects on the children. Lack of long term funds and human resources has created difficulties to launch programs as per expectations.

6.3. Suggestions and Recommendations:

- To Nepal Government
 - To give top priority in practices to child rights issues
 - Ensure end of any form of discrimination on the basis of race, caste, gender, language, nationality, social background, economic status or on the basis of birth and ensure all protections by the family, society and the state
 - To ensure that no child under the age of 18 are involved in armed conflict and also unconditionally free all 2,973 child soldiers in the CPN-Maoist, labeled unfit by the UNMIN during its verification, and reintegrate and rehabilitate them into the society and guarantee education, training and employment for them
 - To mark the landmines and booby-traps used during the time of armed conflict and remove them and provide for treatment of the victims and provide compensation
 - To pass the Amendment Bill on Child Act 1991
 - To develop schools as zone of peace
 - To ban any activity apart from those related with schools within the school premises
 - To adopt special measures to protect girl children from the gender based violence
 - To provided for effective legal provisions to regularly monitor and take legal actions against perpetrators of sexual and other crimes against children
 - To make arrangements for the children found guilty of juvenile delinquency and other children kept with the parents in custody to be kept at child correction centers, and
 - Construct child correction centers across the country
- To CPN-Maoist and other political parties
 - To cooperate with the effort to unconditionally free all 2,973 child soldiers in the CPN-Maoist, labeled unfit by the UNMIN during its verification, and reintegrate and rehabilitate them into the society and guarantee education, training and employment for them
 - To stop obstructions in educational institutions and education sector and respect children and schools as zone of peace and implement the principle that children are zone of peace

- To avoid forcefully using children in political activities and discourage such practices
- To National and International Organizations
 - To assist Nepal Government by providing financial and technical and other assistances so that the government can implement national and international provisions related with child rights
- To civil society and parents
 - To respect children; to implement the national and international provisions related with child rights and also to publicize about this; to advocate and play a role of watchdog for reforms in the situation of child rights and to bring child rights into use
- To the Constitutional Committee
 - To prioritize the need for making the future constitution child rights friendly

Activities performed by the NHRC in 2008

SN	Details of the programs	Concluded program
1	Monitoring of the Constituent Assembly Election	The commission monitored incidents including that related with child rights in 69 districts
2	Overall monitoring of child rights	27 monitoring organized
3	Investigation into the cases of child rights abuse	19 investigations completed
4	Child Participation: Children's voice interaction program	5 interactions organized
5	Interaction on guarantee of child rights in the new constitution	8 interactions organized
6	Child Rights implementation status Report., 2065	Report published
7	Child Rights Situation in Nepal, A report 2008	Report published
8	Discussion on the preparation of the strategic plans of the commission	Although the strategic plan has been prepared, the Budget portion has not been included in this project

Details of the complaints filed in the NHRC

SN	Subject	Central Office	Regional Office Nepalgunj	Regional Office Biratnagar	Regional Office Pokhara	Regional Office Dhangadhi	Total
1	Discharge of Child soldiers	1					1
2	Compensation for losing mental balance due to conflict	1					1
3	Torture by police	2					2
4	Abduction by unknown person	3					3
5	Adopted daughter	1					1
6	Mistreatment with domestic worker	1					1
7	Demand to allow to meet with son who has been taken away through divorce by cheating	1					1
8	Mistreatment by teacher to girl student	1					1
9	Child kept in prison and demand to keep in correction center	1			1		2
10	Murder by security personnel		50		1		51
11	Murder by		6				6

	police						
12	Mistreatment by teacher	2		2			4
13	Murder by CPN-Maoist		1			1	2
14	Employing child worker					3	3
15	Disappeared by security forces				1		1
16	Death due to bomb blast				1		1
17	Injury due to bomb blast					2	2
18	Detention by police and returning of the money taken by police					1	1
	Total	14	57	2	4	7	84

Details of the facts received from the monitoring in districts

SN	District/Dates	Facts received
1	Constituent Assembly Election Monitoring	<p>Constituent Assembly Election monitoring</p> <ul style="list-style-type: none"> - The commission had monitored the constituent assembly election with a perspective of child rights prior to the election, on the day of the election and after the election. The monitoring had focused on violation of child rights, incidents of mistreatment and other incidents. Monitoring prior to the election showed that all political parties had used children during the electioneering campaigns in one or other manner. - On the morning of April 8, 2008 small children gave a monitoring team of the commission pamphlets belonging to the Madhesi Janaadhikar Forum. In Melamchi of Sindhupalchowk district students of seventh and eighth grades were asked to stick pamphlets of the Rastriya Prajatantra Party and were promised of Rs 500 per day but later there were complaints that such money was never given -In Dhankuta, Tehrathum, Bajhang, Dang, Pyuthan, Salyan, Banke, Bardia, Surkhet and other districts children were used to stick pamphlets, carry flags, and perform dances during the political programs and other jobs. In Banke, Bardia, Saptari and Chitwan districts children were seen wearing vests with the election symbol belonging to the CPN-Maoist party. Similarly, in spontaneous electioneering programs several children were seen participating in cultural programs, mass meetings, processions and other activities. In Dailekh district all political parties had engaged children especially in carrying flags and placards, to shout slogans and to play music. - The decision of the government to employ teachers in the elections and establish polling booths in the schools resulted in closure of schools and prevented children from enjoying their right to education and this concept was against the concept of schools as zone of peace When the schools were closed, political parties used several school buildings as venue for public election meetings -On the day of election several children were also found to be casting votes. In polling booths in Dhading district, children under the age of 18 were found to be casting votes. Similar incidents were found in Sangachowk Lower Secondary School at Thulosirubari A and B polling booths in Sindhupalchowk district. There were presence of Nepali Congress and CPN-UML representatives but there was a majority of CPN-Maoist cadres in the polling booths and children of 12-13 years of age were found to be casting votes. - In Siraha and Saptari districts names of children of 15 years of age were included in the electoral rolls. At polling booth at Sisubari Pipra in Saptari district children of 14-18 years of age were found to be loitering around with cloth band written YCL tied on their head. In Jhapa district children were found to be attending at the polling booth to cast votes in place of their elder brothers and sisters. Women with children were not required to stand in queues like other people
2	Kapilbastu, 2065-	Education was affected because of stationing of Armed Police Force

	3-4	<p>camp in school</p> <p>-News reports were published that the Armed Police Force had stationed a camp at the Shiva Primary School in Dalpur Nayabasti of Khuruhiya VDC in Kapilbastu district after the incident of 2064-5-30 to ensure security to the villagers and as a result children had to study on open ground for eight months. When a monitoring team of the NHRC reached the spot the APF team had already left the place after removing the base camp.</p>
3	Lalitpur 2065-1-12	<p>Incident of beating a domestic child worker</p> <p>-Sudhir Mishra and Sita Kumari Bhagat of Lalitpur Sub-metropolitan City-13 in Lalitpur district had kept a boy and a girl as domestic help promising that they would send them to the school and the boy had some time earlier been hospitalized for burn injuries and later was kept locked up in the house and the local residents informed the incident over telephone on 2065-1-12 at 4.15 to the commission. After receiving the information the monitoring team from the commission had visited the incident site and boy was rescued with the help of police and CWIN. The CWIN has informed that the child is being kept at a child home in Lalitpur.</p>
4	Chitwan 2065-10-14	<p>Situation of the child soldiers in the CPN-Maoist cantonment in Chitwan</p> <p>-The UNMIN had from 2064-10-1 to 2064-10-4 monitored different CPN-Maoist cantonments in relation with the presence of proven child soldiers. The monitoring was focused on the efforts made by the government towards rehabilitation of the child soldiers. During that time the commission's team was prevented from going into the cantonment and the commission had recommended for discharge and rehabilitation of child soldiers</p>
5	Dhanusha, Mahottari, Sarlahi, Rautahat, Bara, Parsa, Morang, Sunsari, Saptari, Siraha and Banke 2064-11-10 to 19	<p>Studies hampered by strikes and shut downs</p> <p>- the commission had monitored the situation when United Madhesi Democratic Front and other protesting political parties organized protest programs since 2064-11-1 keeping in view the overall human rights situation and the impact of the strike on the students and schools. During monitoring it was found that children were used during the political rallies and meetings</p>
6	Chitwan 2065-2-12	<p>Protest organized by the children for not getting school text books on time</p> <p>-Students had staged road block and protest programs at Aptandi and other places in Chitwan district for not getting text books on time. During the protest security forces detained 61 boys and 9 girls.</p> <p>-The commission had also monitored the incident. The commission's monitoring team had to make arrangement for food for the detained students and they were freed at 9.30 in the night after dialogue between the local administration, traders and student representatives</p>
7	Kavre 2065-4-14 to 22	<p>-The commission's central office had monitored the human rights situation in Kavre district from 2065-6-7 to 14. The team concluded that adequate efforts have not been taken to rehabilitate the children victims of the conflict and those who had lost their parents in the conflict</p>

8	Makawanpur 2065-4-14 to 22	<p>-The commission's central office conducted a monitoring of the district prison and police detention center and overall human rights situation. In Bhimphedi prison at Hetauda it was found that children convicted of juvenile delinquency were kept along with adults in the jail.</p> <p>-It was found that the state had not provided appropriate arrangement for education to the children victims of the conflict</p> <p>-Child clubs were established in villages for overall development of the children. Fakkhel VDC was found to be declared child friendly VDC. There were provisions of inviting child representatives from the child clubs to the school management committees as members. Child Welfare Society Makawanpur had organized rehabilitation programs for children engaged in armed conflict in coordination with the community based organizations and were providing education, skill oriented trainings, financial support and other structural supports</p> <p>-Strikes and shut downs and road blockades and lack of textbooks on time affected children's studies. The commission has already made necessary recommendations in this regard.</p>
9	Dailekh 2065-7-1 to 11	<p>-The NHRC regional office Nepalgunj had from 2065-7-1 to 11 conducted a monitoring in different VDCs in Dailekh district to examine the situation of the HIV affected families and their children.</p> <p>-The monitoring team had met and interacted with representatives of different nongovernmental organizations, Nepal Family Planning Association, Women Empowerment Forum, journalists, chief district office, police chiefs, chief of the district public health office, representative of the district education office, people affected by cancer, representatives of the Navakiran Plus and Panchakoshi Plus and other victims and their children to learn about their situation</p> <p>-The team visited Narayan Nagar Municipality, Gamaudi, Lakuri, Aulparajul, Kalbharaib, Rum, Rawatkot, Kharigaira, Dullu, Sigasain, Sigaudi, Paduka, Naulekatawal and Rakam Karnali VDCs and met HIV affected people, their children and learnt about their situation. According to the statistics provided by the District Public Health Office Dailekh, altogether 823 people were provided consultative services through VCT Mobile Camps in Rakam Karnali, Lakuri and Aulparajul VDCs. Of the 204 tested for HIV, 22 were found positive. According to Dr Gunaraj Awasthi of District Public Health Office, the Rakam Karnali is the worst affected VDC. Of the 100 people tested, 22 were found to be HIV positive. Altogether 361 persons were provided VCT consultation and 158 underwent tests of which 22 were found to be HIV positive. According to the statistics availed by the Navakiran Plus of the 48 HIV infected families in</p>

		<p>Narayan Nagar Municipality and other VDCs 13 children are HIV infected.</p> <p>-The Dailekh district hospital lacked resources to test the victims and therefore they had to go to Nepalgunj for tests, the financial condition of the patients is bad and therefore they had no access to tests, and the HIV infected parents have already died rendering the children orphans and were living with the relatives</p> <p>-The children of the HIV infected parents had to face social exclusion and were considered untouchable, they could not play with their friends and were also mistreated in the schools. Therefore, the state should make special arrangements for the welfare of the children of the HIV infected parents and also organize awareness programs</p>
10	Pyuthan 2065-7-21 to 2065-8-8	<p>-The commission's regional office in Nepalgunj had conducted a monitoring from 2065-7-21 to 2065-8-8. According to the statistics availed from the monitoring it was found that the CPN-Maoist had taken control of 125 ropanis and some 1000 bighas of land at Dang Deukhari belonging to the Swargadwari Ashram since 2058 and this had affected the studies of nearly 100 students studying Bed education at the ashram.</p> <p>-Children of those whose property and houses were seized and thus displaced during the conflict were prevented from education, health and other basic facilities</p> <p>-The dropout rate in schools in Pyuthan is high. This fact is proved by the fact that some 52,000 students enroll in the primary level and only 3500 students attend the school leaving certificate level examination. The main reasons for drop out is poverty and the trend of going to India for employment</p> <p>-During the 10 years of conflict 15 children had died in the district due to the conflict</p> <p>-The local organizations active in the field of child rights had provided psycho-social counseling to 159 children of 28 VDCs</p> <p>-27 child clubs were enlisted in the Women Development Office and child welfare committees were established in five VDCs</p> <p>-Although the number of child labors was estimated to be simple, there was no concrete data on the matter</p>
11	Dang prison 2065-7-7	<p>-The commission's regional office in Nepalgunj conducted a monitoring at the prison in Gohari and found that eight children under the age of 18 were living in the jail with the adults while there was one such child living with the adults in Tulasipur jail. The local administration was directed to immediately transfer them to child correction centers.</p>
12	Palpa 2065-7-18 to 24	<p>-The commission's team from the regional office in Pokhara had monitored the child rights situation in Palpa district from 2065-7-18 t 24. To acquire the ground realities in the district, the team met with teachers of the schools, administrative officials,</p>

		<p>security officials, and child welfare committee, leaders of the political parties and representatives of different organizations. The monitoring was centered on the issues of extra judicial killings, injuries, use of children in conflicts, illegal detention, forcing to leave schools, child labor and other issues.</p> <ul style="list-style-type: none"> -In many schools in Syangja district there were lack of teachers as per their postings and also shortage of subject wise teachers and therefore other teachers had to be employed for the purpose -There was a problem in delay in arrival of scholarship quotas for girls, Dalits and conflict affected children -The facility of immunization was available in remote villages as well so there was no problem in this regard -The village level health centers were not well equipped so people had to visit the district headquarters for treatment of minor diseases as well -Essential medicines could not reach the primary health centers in the villages and free motherhood health facility was not available in Rampur health centre in the district -Door to door program was launched to encourage enrolment in the schools in the villages <p>Every hotels in Palpa had employed child workers as labor</p>
13	Gorkha, Lamjung 2065-8-1 to 7	<p>The commission's regional office had conducted child rights monitoring from 2065-8-1 to 7. During the monitoring it was found that the students were deprived of text books even after long time since the session has started and the students, teachers and parents bought books at their own initiatives but they were not given reimbursement for the books, free books were not available in the schools but they were available for sale in the market making the free education program ineffective</p> <ul style="list-style-type: none"> -The salary of the care givers in the early child development centers were found to be too low -Schools are established but the government does not appoint teachers in the schools, there were no teachers as per the available posts and the teachers were found to be paid very low -Male students were found to be using vulgar words to female students -It was found that youth wings of the CPN-Maoist had forced some headmasters of the schools in Gorkha district to resign from their posts for not being Maoist supporters -It was seen that there was no easy access for differently able students in the schools due to lack of resources -Jails were found to be free from children
14	Kathmandu 2065-8-11 to 12	<p>Regarding death of two children</p> <ul style="list-style-type: none"> -The commission had organized monitoring of the case of death of Ritesh Rauniyar a student of Wilson Academy and resident of Tahachal in Kathmandu and Ashish Manandhar of New Jenish

	<p>School. The two had gone missing since 2065-7-30 and their bodies were found on 2065-8-22 at Gumal Chauki forest in Thankot. The monitoring was done in 2065-8-22 to 13.</p> <p>-It was found during the monitoring that the duo had gone missing since 2065-7-30 and their bodies were found near Thankot and were sent for post mortem at the Tribhuvan University Teaching Hospital. Information was collected from the hospital.</p> <p>-When the monitoring team had reached the victim's homes in Kalimati, Kathmandu it was found that locals were staging a protest against the Metropolitan police range Kalimati for delay and ineffective investigation. On 12 of Mangshir it was found that the local residents had enforced road block causing traffic disruption from Soltemode to Teku and Kalimati to Balkhu.</p> <p>-Road dividers were used to block roads at Kalimati</p> <p>-Children were also found to be participating in the protests</p> <p>-The team had met with DSP Umesh Ranjitkar at the Metropolitan Police Range Kalimati and acquired information about the peace and security situation of the area. Ranjitkar informed that the protest had started spontaneously on 11th and 12th of Mangshir an until afternoon there were no violent incidents but schools and traffic at New Road area had already been affected during the time. Police said that the children had gone missing since 2065-7-30 and an FIR was filed at the police office on the next day at the Metropolitan Police Range Kalimati seeking police help to search them and the police had launched a search and investigation but it was said that there were no FIR filed until the children's body were found on the afternoon of the 12th of Mangshir.</p> <p>-The team reached Kalimati on 13th Mangshir and found that there was a clash on the earlier day between the police and the protesters and some protesters were injured but the details of the injured could not be found. During the protests an ambulance belonging to the Nepal Workers' Rescue Service Association was damaged.</p> <p>-On the morning of the 13th of Mangshir, an agreement was signed between the government, represented by the Prime Minister, and the victims' parents and the representatives of the Citizen's struggle Committee. The government had promised to immediately begin investigation into the incident, form a high-level investigation committee, strictly implement the recommendations of the report by the committee, control criminal activities in the Valley and the protesting group agreed to stop all programs of protest.</p> <p>-The Citizen's protest committee and the victims' parents had urged the commission to take initiatives to ensure that the</p>
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		agreement is followed
15	Dhankuta 2065-8-10 to 14	<p>-The commission's regional office at Biratnagar had conducted a monitoring in three public and a private school in Dhankuta district from 2065-8-10 to 14. Monitoring were carried out in the Bhasha Higher Secondary School, Tribeni Higher Secondary School, Hile Higher Secondary School and a private school Tulasi Mehar Memorial School.</p> <p>-The teachers of the schools were found to have information about basic human rights but they lacked information about several aspects of child rights, Convention on Child Rights, role of the state and its organs in promotion and protection of the of the child rights guaranteed by the laws and it was found that further awareness should be generated to the teachers on the matters of child rights</p> <p>-It was found that they had been thinking that criminal activities and violence of human rights are same</p> <p>-Teachers had the understanding that punishment was necessary to keep students under control. At some cases, teachers said guardians encouraged teachers to take concrete actions to control their children's activities by giving punishment</p> <p>-Children were not included in decision making process and there was no mechanism in the schools to hear the complaints from the students. There was lack of provisions for psycho-social counseling to the students, parents of the children in the private schools were found to be taking interest in their children's studies and visited schools regularly to update about the performance but this was not the case in the public and community schools</p> <p>-There was a child friendly classroom and a class for students with hearing deficiency in Hile Higher Secondary School. There were three girls and six boys from the ages of seven to 14 years of age. They also had been getting hostel facilities.</p>
16	Kathmandu	<p>Monitoring in the dance, cabin restaurants and massage parlors</p> <p>-The commission had monitored the incidents of raid, arrest and detention of employees of the dance and cabin restaurants and massage parlors for staging vulgar dances and activities. During monitoring it was found that those detained were less than 18 years of age but they claimed that they were more than 18 years of age. The team found that sexual exploitations were rampant in the night services, show of vulgar dances, employees were not paid enough, working environment was not respectful and good and many under aged children were employed.</p>
17	Kathmandu 2065-6-6	<p>Incident about mistreatment of girl students</p> <p>-The commission got a message over the CWIN helpline telephone that a Scout teacher in Budanilkantha School was mistreating students and that they need to be immediately</p>

		rescued. The NHRC team immediately responded to the information and received the site to gain detailed information on 2065-3-22. On 2065-4-14 after a decision by the commission to submit further information about the teacher in the next meeting, a team reached the school on 2065-6-6 to gain more information about the teacher. It was learnt from the school management that the teacher was removed from duty with a remark of being not fit to work in the school in the future.
18	Doti 2065-5-20	<p>Monitoring of HIV/AIDS patients</p> <p>-The commission's regional office at Dhangadi had monitored the situation of the HIV/AIDS patients and the affected children in Doti district from 2065-5-20 to 26</p> <p>-It was found during the monitoring that the legal provisions related with welfare of the children's protection were not fulfilled. At the local level there was shortage of resources for the benefits of the HIV/AIDS infected and affected children and stakeholders said that the stakeholders and the government have not been able to perform effectively</p> <p>-The district Child Welfare Committee and Women Development Office were inactive due to lack of funds. The government office had maintained data about the infected and affected children and they were well coordinated with other organizations.</p>
19	Sunsari 2065-7-6 to 9	<p>Monitoring related with Koshi flooding affected Shreepur, Hariपुर and Paschim Kuswaha VDCs in Sunsari district were flooded when the embankment of the Koshi river was destroyed by the flooding river on 2065-05-02 and people in the villages were displaced. NHRC regional office Biratnagar had performed monitoring from 2065-7-6 to 9 in the area. In the beginning the affected people and displaced people were kept in camps and schools affecting the studies in the schools. Children in the camps were also deprived from studies. Although government and other organizations had provided support and relief works, they were not affective and thus children's health was badly affected.</p>
20	Kathmandu 2065-6-6	<p>Related with inter-country adoption of a girl child</p> <p>-A woman living at Raniban VDC-8 in Kathmandu district had on 2060 taken Chalmaya Gurung, 8, daughter of Maya Gurung, permanent resident of Gorkha District Gumda VDC-4 Yam Gaon, presently living at Thankot, saying she would arrange free education for her.</p> <p>-Later when Maya went to a school, she did not know the name, to visit her daughter, she learnt to know that the children were sent abroad and told the woman from Raniban that she did not want her child to be sent abroad but would take her home. The mother was persuaded that her child would be admitted to other</p>

		<p>school and Maya left her child with the woman.</p> <p>-Next year on 2061 when Maya went to visit her daughter she found that Chalmaya had been admitted to an institution called Society for Each Other. The officials at the institution said she could take her child home only after five years and they also said that the child was studying well and if she went to village she would not get such good chance to study and get spoiled. When she agreed that her child will stay in the institution she was allowed to meet her daughter. Time and again she would get the message that her daughter was doing fine.</p> <p>-Maya went abroad for employment in 2062 for two years and upon returning she wanted to take home her daughter from the institution and reached there. She was told that her daughter was not here but was in Italy. She asked why her child was sent abroad and asked the phone number of the place where she was staying in Italy the people from the institution said that they would ask for the telephone number and give her but they did not give the contacts despite several attempts. Maya later learned that her daughter was sent to Italy as adopted daughter and the women who had taken her away from her mother had taken a huge amount of money from the foster parents. Maya Gurung, the mother of the girl, filed an application at the commission seeking help to return her daughter and punish the culprits</p> <p>-The commission had monitored the incident on 2065-6-6 and interrogated the chairman of the Society for Each Other. It was found that the institution had registered itself with the District Administration Office and had an objective of working in accordance with the objective set by the Convention on Child Rights. The institution had been providing informal education to children from 7 to 15 years of age and there was place for 50 students but only 13 students were visiting the learning center. The institution had operated an orphanage for four years but had closed it since last year.</p> <p>-The chairman of the institution had said that they had got a request from the Police in Gaushala to take care of the child and had kept her with them for three years and when no one turned to claim the child was sent to Italy as an adopted child by fulfilling all legal criteria. Now that the mother has come to claim the child, the institution's chairman said they have written to the Italian institution about the child's mother and the institution is ready to provide contacts of the foster parents as well.</p>
21	Banke jail 2065-2-5	<p>Case related with claim of rape</p> <p>-A team from the commission had launched an investigation after it received an information that three minors Bir Bahadur Rana, Lok Bahadur Rana and Khum Bahadur Gharti charged of rape are being kept in Nepalgunj prison from 2064-10-4</p>

		<p>-The District Court Banke had convicted the three of rape and had ordered to keep them in child correction centre from 2064-10-4 but they were not kept in correction center but were kept in Nepalgunj prison.</p> <p>-On discussion with the jail administrator he said they had to keep the three in the prison due to lack of budget to keep them in correction centre</p> <p>-The children said that they felt difficult to live in the prison as it hampered their education and they could not attend their final annual examination and demanded that they be kept in correction homes and make arrangement for their education</p>
22	Chitwan child home 2065-7-14 to 19	-The commission had from 2065-7-14 to 19 conducted monitoring of the child homes in Chitwan district. During the monitoring the team visited the child homes, discussed with stakeholders and acquired necessary information and also learnt about the physical condition of the child homes
23	Chitwan Prison 2065-7-14 to 19	-The capacity of the Chitwan district prison is 125 persons but at present there are 176 males, 19 females and eight minors living in the prison. Three children had been sent to the child correction centers in this fiscal year
24	Surkhet Dasharathpur 2065-5-21	The NHRC regional office at Nepalgunj along with the members of the commission and regional director conducted a monitoring of the CPN-Maoist 6 No division cantonment at Dasharathpur and studied the situation of child soldiers in the camps. During the observation there were 200 child soldiers and 22 of them were injured and physically and mentally sick and needed immediate treatment. There was no child care centre at the camp. The team had requested for improvement of human rights situation in the cantonment and for management for reintegration of child soldiers under the age of 18 according to the Comprehensive Peace Agreement.
25	Parbat, Myagdi and Baglung 2065-7-30, 2065-8-7	<p>On child rights situation</p> <p>-The NHRC regional office at Pokhara conducted a monitoring of the child rights situation in Myagdi district. During the visit the team met with different organizations working for the welfare of the children, district administration office, district education office, district child welfare committee, district public health office, women development office and Beni Child home and learnt about the situation of the children. The team also inspected schools and child homes.</p> <p>-On 2065-8-2 the team visited Baglung district and met with assistant chief district officer Ram Bahadur Nepali, representatives of the organizations working in the field of children including Seto Gurans,, Gaja Youth Club, Four Star Youth Club and their activities. The team also acquired necessary information from district education office, district</p>

		<p>child welfare committee, district public health office, women development office, district development committee, district prison and other offices.</p> <p>-On 2065-8-3, the team visited Parbat district and monitored child rights situation there. The team acquired information from the organizations including NESDO Nepal, Seed Nepal, met with assistant chief district officer, district education officer, district public health officer, Nepal Red Cross Society Parbat branch and also visited the Narayan Higher Secondary School, Shivalaya HS School, Mangalodaya Secondary school and acquired related information.</p> <p>-During the monitoring the team found that the students were deprived of text books even though when the academic session had begun long time ago, there were no schools nearby for the differently able children and schools lacked infrastructure and services for such students and the program of free education was not effectively implemented.</p> <p>- There were few teachers than the available posts and even when there were teachers the payment made to them was very low as compared to the government scale</p> <p>-The program of free health service was effective but in several places health centers were closed early, lack of emergency health services during public holidays, lack of adequate doctors and their absence during working days and lack of medicines and inability to spend the money sent for the purpose of providing to health services to the poor people affected the people's right to health.</p>
26	Sindhupalchowk 2065-4-13 to 19	<p>-The commission's central office monitored the situation of child rights in Sindhupalchowk district from 2064-4-13 to 19.</p> <p>-It was found during the monitoring that of the 79 VDCs in the district 21 VDCs had formed Village Child Protection Committees, there was a district, area, and VDC children's network to organize children and across the district there were 120 child clubs. There was representation of children in the district children welfare committee and VDC Child Protection Committees.</p> <p>-It was found that any violation of child rights was monitored by the VDC Child Protection Committees and took initiatives for legal actions. The provision in the VDC to allocate Rs 30,000 for children's welfare from its annual budget was totally not implemented. The Child Welfare Committee had kept detailed record of the conflict affected 145 children. The only child home Mitrata Child Home was established in Sangachowk and there were 30 children. The district child welfare committee monitored the home every month.</p> <p>-Altogether 40 child soldiers under the age of 18 in the CPN-</p>

		<p>Maoist cantonment at Shaktikhor had gone to their homes. There were two dependants living in the district prison with their parents and they had been sent to Orphanage Foundation at Ekantakuna of Lalitpur district. At the initiative of District Child Welfare Committee.</p> <p>-It was found that the parents instigated their underage children to get passports by faking their age and the Chief District Officer had called an all party meeting during the election to Constituent Assembly to discuss over not using children during the election and the parties had expressed commitment to this effect.</p> <p>-District education office had launched enrolment campaign at the beginning of the academic year to increase the rate of school enrolment of the school going age children</p> <p>-The District Education Office data showed that there were 80 secondary schools, 38 higher secondary schools and 379 primary schools in the district and the enrolment campaign had helped increase enrolment rate and in some schools the enrolment of girls had reached up to 50 percent.</p>
27	Sarlahi 2065/4/17 to 2065/5/1	<p>Monitoring of child rights in Sarlahi</p> <p>-Monitoring in Sarlahi district found that there was a high rate of abduction of children for ransom by unidentified groups. The district police office said that the telecommunication service providers did not help them to tap the phones of the abductors who used to call over the phone to demand ransom for freedom of their wards. In Sarlahi district prison a girl was found to be living with her mother from the past two years.</p>

Details of the facts acquired from investigation in the districts

SN	District /Date	Availed facts
1	Ramechhap 2065/3/7 -13	Regarding torture -The commission accepted complaint at its own initiative and performed a field investigation from 2065-3-7 to 13 over the charge that police arrested and tortured two children over theft charges and were put to labor at Sanghutar of Ramechhap district
2	Palpa 2065- 7-18 o 25	Regarding death in bomb explosion -The commission had performed an investigation over the death of a child on 2060-10-28 while playing with a stray bomb left by the CPN-Maoist at Khaliwan VDC Ward no 5, Sathipaila in Palpa district. Similarly, the regional office Pokhara had investigated into the report that eight year old Aituram Rana, son of Govinda Singh Rana and resident of the same place had died while being taken to hospital for treatment.
3	Ramechhap 2065-3-7 to 13	Regarding death in bomb explosion -The commission's central office had conducted an investigation from 2065-3-7 to 13 over the death of Tal Bahadur Basnet of Banti VDC in Ramechhap district in an explosion of a stray bomb. The commission had recommended compensation for the victim's family.
4	Baglung	Disappearance and murder by security forces -The commission's regional office in Pokhara has already finished investigation into the complaint that Ganesh KC of Rangkhani VDC in Baglung district, who had entered into CPN-Maoist party in 2001, was arrested and disappeared by the security forces while he was going to Falebas VDC in Parbat district. Similarly, investigation over the execution of 15 year old Sushila Rayamajhi of Rangkhani VDC ward No 2 in Baglung district by security forces of the Bhimgittha base camp has also been completed.
5	Rolpa	Regarding death at the hands of security forces -The commission's regional office Nepalgunj has completed investigation into the incident of mass killing of 11 children by the security forces on 2058-12-4 at Gumchal VDC of Rolpa district
6	Kailali 2065-8-10	Regarding Kamlari The commission had conducted investigation over the reports that girls were being kept as domestic workers and were not allowed to contact family members. The NHRC had received a complaint that a girl was being kept as kamlari in the house of Om Prakash Joshi in Kailali district Munuwa VDC Ward No 6 Motinagar, she was forced to work without her consent and not paid according to the arrangement and when her parents had reached to take her back home the house owner had blamed them of theft. The team had

		investigated and rescued the child.
7	Kailali 2065-5-20 to 26	<p>Regarding injury in explosion</p> <p>-The regional office Dhangadhi conducted an investigation from 2065-5-20 to 26 into the incident of injury of people in explosions in the house of a local person at Sugarkhal VDC Ward No 7 in Kailali district.</p> <p>-There were newspaper reports that three-year old Prakash Yogi and two other children and other persons were injured in the incident and there was a loss of property. A complaint in this regard was filed in the commission and investigation launched accordingly.</p> <p>-Before the explosion in the home of Man Bahadur Shahi a Sugarkhal VDC Ward No 7 in Kailali district on 2065-2-20, they were being kept at Sugarkhal VDC office near the health post.</p> <p>-In the blast a minor and some public people were injured and property damaged, the injured did not get proper treatment and relief and compensation was not paid to the victims, the health centre and VDC offices have also been damaged</p>
8	Makawanpur 2065-4-14 to 20	<p>Regarding abduction by the CPN-Maoist cadres</p> <p>-The commission had received a complaint regarding abduction of Prakash Fuyal and Jiban Fuyal of Hetauda in Makawanpur district by cadres of the CPN-Maoist. The mother of the duo, Jhalak Kumari Fuyal later said that the two children were freed from abduction and were safely living at their house in Chandranigahapur in Rautahat. The case thus ended.</p>
9	Doti 2064-9-15 to 16	<p>-The regional office Dhangadhi launched an investigation from 2064-9-15 to 16 on the incident that police had illegally arrested two minor children of Dale Kami and Khima Kami of Dipayal Silgadhi Municipality Ward no 7, of Doti district and also had extorted money.</p> <p>-The Area Police Office Dipayal said that they had received complaints in which the names of the two children have also been mentioned and their ages have been given as to be more than 10 years and the duo were brought to the police post with their parents for interrogation and were freed the same day.</p> <p>-Later the investigation team received an application that the police have not done anything against the law, that the police have not taken money from them and that the complainer had got the money back from the concerned person and the complainer had urged the team to suspend the case.</p>
10	Sindhuli 2065-9-10 to 16	<p>The commission's team had investigated into the child rights situation in the district on the basis of three complaints claiming that the police had tortured children and they have been mentally ill from the time of the conflict and that the district administration office has not renewed the child home</p>

Recommendations by the NHRC on Child rights

SN	Decision date	Decision on complaint	Decision by the NHRC
1	2064-10-2	Killing at the hands of security force	To recommend compensation of Rs 300,000 for the upkeep of the family and to initiate action against the culprits according to the existing laws for the murder of 15 year old Yogesh Gurung, resident of Dhading District, Kholte VDC Ward no 5, who was suffering from typhoid and was living in a rented room in the house belonging to Shiva Bahadur Thapa at Nilkantha VDC when security forces took him away and shot him to death
2	2064-10-3	Killing at the hands of security force	To recommend for compensation of Rs 100,000 for the death of Devi Sundas, 15, of Bhojpur district, Sangpang VDC Ward No 4 in a security operation and initiate action against the culprit security force members for her death. The Maoists had abducted Sundas for interrogation in relation to a polygamy case with Machhindra Damai of the same VDC ward no 1 and the security forces had clashed with the Maoists during a security operation.
3	2064-10-21	Killing at the hands of security force	Security forces had arrested Maina Sunuwar, a student of ninth grade at the Bhagawati Secondary School, Kharelthok, from her home at Kavrepalanchowk district Kharelthok VDC ward no 6, Katunje on 2060-11-5 in the morning at 6.30 am and taken to an unknown location and a complaint was received seeking safety of her life and making her condition public. On the basis of a statement given by a detainee at Panchkhal, the Nepal Army headquarters conceded that there had been violation of human rights in the case and had sentenced punishment of no promotion for the Colonel involved in the case, six months imprisonment and Rs 50,000 fine, no promotion for one year each for two Captains, six months imprisonment and Rs 25,000 fine each had been handed over and it had also decided to compensate the victim's family. The Nepal Army had taken departmental actions against involved people for taking a detainee in the Panchkhal Barracks and not handing over her body to the family. In his connection, a murder case had been filed against four army officials at the District Court Kavrepalanchowk seeking punishment as per 13 (3) of the Chapter of Murder in

			the Civil Code and the court would do the needful. The commission has decided as per National Human Rights Commission (Complaint, Action and Compensation Determination) Regulation 2000 Rule 17 to recommend to the Nepal Government to provide a compensation of Rs 300,000 to the victim's family.
4	2065-2-27	Killing and injury at the hands of security force	A complaint was filed in the commission's regional office at Dhangadhi claiming that on 2061-6-19 the security forces had shot dead Nirmala Chand of Doti district Bachhen VDC Ward No 8 where there was enough condition for her arrest and her eighteen months old baby also sustained bullet injuries. The commission has decided to recommend to the Nepal government for legal action against the culprit security personnel and a compensation of Rs 300,000 and provision of treatment and free education to the baby.
5	2065-4-29	Disappeared by the security forces	The commission's regional office in Dhangadhi received a complaint that security forces arrested Kumari Damai, 13, of Kailali district, Masuriya VDC ward no 1 and disappeared her. Upon inquiry to another person arrested along with Damai, it was learnt that she was kept at Sukkhad base camp and the commission requested to send the files related to her arrest to gain further information from the chief of the Nepal Army Sukkhad base camp. It is the duty of the state to protect the lives of Nepali citizens and until now nothing has been known about the person who has gone disappeared and the Supreme Court has also decided in similar cases to order the government to provide an interim compensation of Rs 100,000 for the upkeep of the victim's family and the commission also recommends in the same line to the government to compensate the victim's family.
5	2065-4-29	Disappeared by the security forces	A complaint was received claiming that security forces arrested Chotelal Chaudhary, 14, Nathu Ram Chaudhari, 22 and Janga Bahadur Chaudhary of Kanchanpur district Shreepur VDC Ward No 2 on 2059-6-2; and their whereabouts have not been known since then. The commission decided to ask for files of the detention of the three from the district prison and district police office for interrogation to the respective office chiefs. It is the duty of the state to protect the lives of Nepali citizens and until now nothing has been known about the person who has gone disappeared and the Supreme Court on 2064-2-11 has also decided in similar cases to order the government to provide an

			interim compensation of Rs 100,000 for the upkeep of the victim's family and the commission also recommends in the same line to the government to compensate the victim's family.
7	2065-3-30	Killing and disappearance at the hands of security forces	The commission received a complaint about arrest of Sarala Sapkota of Dhading Jiwanpur on 2061-4-1 by security forces and executed him by violating the laws. The commission decided to recommend the Nepal government to order the district police office Dhading to take action on a complaint filed in the office, to handover Sarala's body kept at TU Teaching Hospital Forensic Department, Maharajgunj, within 15 days to the police for such for necessary investigation, if they ask for such, and if such application is not received then to hand over the body to the family for cremation, and inform accordingly to the district police and also recommend to the government to provide a compensation of Rs 300,000 for the victim's family.
8	2065-3-9	Regarding child soldiers	To recommend the Nepal government to immediately discharge child soldiers from the CPN-Maoist cantonments and to reintegrate them into the society, rehabilitate and reunite them and also make arrangements for their education, trainings, employment and others and inform about this decision o the Ministry of Peace and Recommendation and CPN-Maoist party office.
9	2065-3-19	Lack of text books on time affecting right to education	A monitoring report from the commission had concluded that students have not received text box of different languages and for the classes nine and ten classes and were deprived from their rights to education and similar reports were published in different newspapers. The commission has decided to recommend the government to improve the situation and report within one week the progress in this regard and also inform this to the public through press statement.
10	2065-4-14	Regarding mistreatment by teachers	The commission had decided on 2065-3-22 to acquire more information on the report related with sexual harassment by a Scout teacher to the students at Budanilkantha School and also there are other reports about sexual harassment by to the children living in hostels, child homes and child shelters. In this context, the commission has decided to recommend the government to take appropriate measures to make policies to proper care, protection and upbringing of the children and frame national policy in this issue.

11	2065-4-14	Death at the hands of security forces	<p>The CPN-Maoist was organizing a program at Gujepani School in Rayal VDC in Bajhang district to hand over different materials they had seized from the Plan International when all of sudden a group of security forces reached the spot and started indiscriminate firing and three students Prakash Bahadur Bista, Lokesh Bahadur Malla and Dev Raj Joshi studying in the tenth grade in the school had hid in a house nearby the school when the security forces caught them by their ears and got them out of the house, made them stand in a line and shot them to death. On the basis of this complaint the commission recommended to the government to take legal action against the officer leading the security team from the Kalijung Battalion, Chainpur, the person who ordered the action and those firing at the children and to provide compensation of Rs 300,000 each to the families of the victims according to NHRC (complaint, action and compensation determination) 2000 rule 17 sub rule (a), (f) and (g).</p>
12	2065-5-2	Death at the hands of security forces	<p>On complaint No 585, in which five persons Pariman Tamang, 17, of Kahule VDC-4 Burtung of Nuwakot district, Chokta Tamang, 15, Jit Bahadur Tamang, 18, Chandraman Tamang, 15, and Kanchha Tamang, 14 of Hatipa were returning home after attending a cremation of Purko Tamang at 12.45 in the night of 2059-8-11. They were using fire torch to lead through the way when security forces saw them and started indiscriminate firing killing all of them. In a letter on 2059-10-7 from the Nepal Army headquarters and on 2061-1-17 from the Defense Ministry the offices informed that five innocent persons lost their lives in the sudden incident and that they have taken due steps to compensate the victims of the incident and have warned the security personnel involved in the case not to repeat such actions in the future. As per the faxed report on 2065-5-3, the victims' kin Buddhi Bahadur Tamang, Subedi Tamang, Sinom Tamang, Sher Bahadur Tamang and Kale Tamang had received compensation of Rs 100,000 each on 2061-1-10. When the victim's families have received the compensation and the security officials concerned have acknowledged their mistake, there is no action to be taken in this regard and therefore the commission has decided to end this case as per the provision in the NHRC (complaint, action and compensation</p>

			determination) 2000 rule 6.
13	2065-7-2	Intervention by security forces in school	On complaint no 3513 filed on 2062-12-22 seeking help of the NHRC in preventing security personnel from entering into the SLC examination hall, the commission has decided to recommend the government to prevent entry of security personnel in the examination hall and now that the examination has already finished, to end the complaint
14	2065-7-2	Obstruction in studies due to threat by CPN-Maoist	On Complaint No 3647 filed on 2062-6-11, the CPN-Maoist had created obstruction in studies of 40 visually impaired children studying under the Integrated Education Program by issuing threats and the children had to go to the district headquarters and now the environment for regular studies has been arranged and therefore action on the complaint has been ended
15	2065-7-2	On sending representative to the high-level monitoring committee	The Central Child Welfare Committee had asked for sending a under-secretary level personnel for representation in the high level task force as member but the commission has decided to send representative to the task force not as a member but as an observer
16	2065-7-21	Arrangement for free education	On complaint no 878 in which the children Puja and Arati Silwal's parents have been mentally sick and have poor economic condition, the commission has written to the Nepal Children's Organisation at Naxal to arrange for their studies and care and as the request has been fulfilled, nothing has to be further done in this regard
17	2065-7-21	Mistreatment at school	On complaint no 2004 related with mistreatment by the Maryland Public School at Kathmandu Kantimarg, against a sudden Ridam Sah, it was found that there was no mistreatment as claimed and the objective of the action against Sah and the objective of the complainer was to aware the school to prevent repetition of similar action in the future, there was no action required to be taken in the case and the case was closed
18	2065-7-21	Related to communist education	On complaint no 1671, the schools in the areas in Mugu were teaching communist style education and with the agreement in presence of NHRC team the classes are continuing and the commission has recommended for looking into the case after examination of the language used in the education
19	2065-7-21	Obstruction in education due to arson	On complain no 1529, arson in the Namuma Boarding School at Tilahar Dimuwa of Parbat district on 2059-8-11 led to obstruction of studies in the school and now

		in school	compensation has been paid for the school and the classes have resumed so the case has been ended
20	2065-7-21	On making arrangement for free education	On complaint no 1082, in an exchange of fire between the police and the Maoists on 2055-8-4 at Taksera VDC-3 of Rukum district one Kalu Oli was killed and on the VDC office had recommended to the Hermen Gmeiner School to take his care and provide education but the school did not respond to the recommendation and now no further information has been received in this regard so this case has been suspended
21	2065-7-21	Child kept at prison instead of keeping in correction centre	The Kathmandu District Court had ordered a security of Rs 15,000 and unable to deposit the security, 17 year old Rabi Lama, aka Michael, was kept at the Bhadragol jail from Kartik 2061 and had sought relocation to correction centre and compensation for not keeping at correction centre. When NHRC team visited the jail he had already been released and the victim family had not contacted to settle the case so the commission has decided to close the case
22	2065-7-21	Illegal detention	On complain no 3142, 15 year old Bishnu Chandra Rokaya, of Mugu, had been kept in illegal detention at Investigation Centre in Sundarijal Kathmandu and now he has already been released and the case has been closed
23	2065-7-21	Threat by CPN-Maoist	On complaint no 3316, it was reported that the cadres of the CPN-Maoist threatened to abduct students from the Mahendra Secondary School classes 8, 9 and 10 of Dhusun VDC-1 in Sindhupalchowk district and as these days such actions have not happened the complaint has been closed.
24	2065-7-21	Abduction by CPN-Maoist	On complaint no 3929, the commission had received a complaint regarding abduction of Prakash Fuyal and Jiban Fuyal, permanent residents of Chandranigahapur-1 in Rautahat, presently living in Hetauda in Makawanpur district by cadres of the CPN-Maoist. The two were freed from abduction and the case has now been closed.
25	2065-7-21	Murdered and not allowed to perform funeral rites	On complaint no 4002, Chitra Kumari Bajgain, of Kavre Nala Ward No 8, currently living at Kathmandu Metropolitan City Saraswatinagar had sent her 10 year old daughter Ganga Bajgain with Prithvi Bahadur Magar, a hotelier and draper at Ramechhap Baitee, with a condition that she would be given chance to join school. On 2063-10-18 she died and Magar did not hand over the body for performing final rites and it was suspected that the child was murdered. The

			commission initiated investigation and when it was learnt that the case is being looked into by the court, the case has been ended.
26	2065-7-21	Beating and illegal detention	On complaint no 3953, Police had taken Kumar Chaulagain for detention over a dispute with Hari Nepal at Kathmandu Tinkune over collecting water and he was also been beaten by cadres of the Tamang Mukti Morcha. His date with the police has been scrapped and on the recommendation of the NHRC, he was provided treatment and the case ended.
27	2065-7-21	Searching of missing child	On complaint no 3896, one Samriddha Singh, 13, son of Satis Kumar Singh of Sarlahi Chhataun VDC, currently residing at Kathmandu Koteshwor Mahadevsthan had gone to buy meat on the morning of 2063-7-8 but he did not return and a complaint was filed to seek his whereabouts but the boy returned home on 2063-8-16 and the case was ended.
28	2065-7-21	Abduction and murder	On case no 3826, Bibek Sharma Luitel, 9, son of Kedar Prasad Luitel, resident of Koteshwor Mahadevsthan in KMC was lured by Okil Ansari, Bhikhari Khan and Sakila Khapurn, Pateni Lama and others and taken away n 2063-5-25 and later murdered and because there was no record of any action by court the commission has decided to see into the file later again.
29	2065-7-21	Mistreatment to domestic help	On complaint no 4476, Suraj Mandal, 15, a domestic help in the home of Rajendra Baskota and Gita Dahal, of Morang, Biratnagar, currently living at KMC, Maitidevi had complained that Gita had mistreated with him and upon investigation it was learnt that Suraj has already gone to his home and the case was ended.
30	2065-7-21	Search for missing child	On complaint no 4292, Sabina Saiju, 17, daughter of Prem Bahadur Saiju of Katunje, 2, Bhaktapur had gone to a faith healer for her treatment but did not return and a complaint was filed to help find her. Later on 2064-9-1 a notice was received that she has returned home and the case was ended.
31	2065-7-21	Search for missing children	On complain no 4287, Shyam Sundar Thapa and Kumar Thapa of Lalitpur Bungmata Chunikhel had left home for school but did not return home on 2064-8-5 and later a notice was received that they returned home and the case was settled
32	2065-7-21	Abduction by criminal gang	On case no 4108, Navanit Agrawal, 9, son of Gopal Prasad Agrawal of Kalaiya Municipality ward no 5, was abducted on 2064-2-2 at 4.45 in the morning by an unidentified group of three by shutting the family members into a room and on 2064-2-19 the child was

			safely returned to his home and the case was ended.
33	2065-7-21	Death in explosion	On case no 4183, Tal Bahadur Basnet, 14, of Bamti VDC in Ramechhap district, son of Ambar Bahadur Basnet died on on 2063-9-6 in an explosion of a stray bomb left by the Maoists. The commission had recommended compensation of Rs 300,000 for the victim's family.
34	2065-7-21	Obstruction in care of children due to non extension of registration of child home	On complain no 1415, the organization Helping Hands for Development, which was providing care for children affected by the conflict and orphans and the organization was denied renewal of registration after taking application charge and the organization's bank account was also frozen and the commission had decided to find out whether a case is proceeding in the court and submit report later.
35	2065-7-21	Relatives denied to meet their child kept at child care	On complain no 1246, Bunu Nepali and Shanit Nepali were kept at a child care home Navakiran Child Uplift Society by their mother Mandira Nepali, resident of Chandeshwori VDC-7, Okhaldhunga, currently living at Banasthali, with the help of Bishnu Kumari Mainali of KMC-32, Ghattekulo, and CWIN but the organization did not allow the mother to meet or talk to her children. The commission had decided to find out more about the organization and report later
36	2065-7-21	Kept in jail	On case no 3008, a report was filed that Shanti Mahato, 14, of Siraha was kept in Mahottari prison and it was learnt that the Appellate Court Rajbiraj had ordered for release of the girl from the court premises and the case was ended.

Details of promotional activities of the Commission

SN	Programs	Venue/Date	Participants	Achievement	Remarks
1	Teacher, Student awareness program against untouchability	Jalapadevi School at Dewal Rithhapatha, Bajhang district 2064-10-17	NHRC team and 19 teachers and students	Informed about the existing laws, Convention against racial discrimination and others. Realised that untouchability is a social crime and is punishable by law	
2	Teacher, Student awareness program against untouchability	Niglasaini School Dehimandu and Dashrath Chand School Sundarkhani in Baitadi district 2064-10-18 to 20	School teachers and students of grade nine	Informed about the existing laws, Convention against racial discrimination and others. Realised that untouchability is a social crime and is punishable by law	
3	Child Participation: Children's voice One day workshop	Regional office Pokhara, 2065-5-8	NHRC members and children	Children were aware of their rights and children were informed to aware their parents, schools and society to file complaints to the authorities concerned about violation of the child rights;	Child clubs and students from schools participated

				children's participation was increased and it helped in controlling cases of violation of child rights; helped in informing the state agencies about the present condition of child rights	
4	Child Participation: Children's voice One day workshop	Regional Office Biratnagar 2065-5-14	Altogether 56 children participants from different schools, child clubs, representatives of child homes and 20 guardians	Children were aware of their rights and children were informed to aware their parents, schools and society to file complaints to the authorities concerned about violation of the child rights; children's participation was increased and it helped in controlling cases of violation of child rights; helped in informing the state agencies about the present condition of child rights	Child clubs, students from participated

5	Child Participation: Children's voice One day workshop	Regional Office Dhangadhi 2065-5-18	Altogether 54 students of the grades 8, 9 and 10 from different schools in Dadeldhura district, including 27 boys and 27 girls (14 Dalits, 5 indigenous and 35 others)	Children were aware of their rights and children were informed to aware their parents, schools and society to file complaints to the authorities concerned about violation of the child rights; children's participation was increased and it helped in controlling cases of violation of child rights; helped in informing the state agencies about the present condition of child rights	Child clubs, school children and target groups of the program
6	Child Participation: Children's voice One day workshop	Regional Office Nepalgunj, Surkhet 2065-5-20	Commission members and children	Children were aware of their rights and children were informed to aware their parents, schools and society to file complaints to the authorities concerned about violation of the child	Child clubs, school children and target groups of the program

				rights; children's participation was increased and it helped in controlling cases of violation of child rights; helped in informing the state agencies about the present condition of child rights	
7	Child Participation: Children's voice One day workshop	Central Office Hariharbhawan, Hotel Orchid, 2065-5-31	Commission chairman, members, officials and children	Children were aware of their rights and children were informed to aware their parents, schools and society to file complaints to the authorities concerned about violation of the child rights; children's participation was increased and it helped in controlling cases of violation of child rights; helped in informing the state agencies about the present condition of	Child clubs, school children and target groups of the program

				child rights	
8	Discussion on drafting of a child friendly constitution	2065-7-27	Commisison's central office staffers	Received suggestions	
9	Discussion on drafting of a child friendly constitution	2065-8-4	Civil society members	Received suggestions	
10	Discussion on drafting of a child friendly constitution	Regional offices	Civil society members	Received suggestions	
11	SAARC meeting on child rights	2065-8-15 to 16	Representatives of the human rights commissions of the SAARC member countries and secretaries from countries where there are no commissions and representatives of different institutions	Exchanged information about the situation of human rights in the countries. The two day consultation meeting highlighted on: 1. the need for establishment and strengthening of independent national human rights agencies and have their scope clearly outlined in relation with child rights 2. Proposal for holding of regular periodic meetings to jointly work on the issues	

				<p>of human rights and child rights and to form a secretary level action team to conduct such meetings by including all human rights agencies. National Human Rights Commission, Nepal was urged to take up the primary responsibility for secretariat within two years</p> <p>3. Need for joint efforts from the national human rights agencies in the SAARC countries was stressed to fight against the challenges of the human rights violation in the region</p>	
12	Discussion on child issues in the constitution	Khotang, 2065-9-13 and 14	Representatives of child clubs in Khotang district	Suggestions for inclusion of child rights issues in the new constitution	

Participation of the NHRC in programs organized by other institutions

SN	Name of the program	Organization holding program	Name of the participant	Date	Remarks
1	Kantipur Television organized a public hearing program on School and Children are Zone of Peace on 2065-2-28 at 1.00 pm at Open Theatre Tundhikhel	Kantipur Television	Member of the commission	2065-2-28	Commission sent a representative to the program to express commission's view on the subject matter
2	On 2065-2-2 to 3, the CZOP campaign organized a annual general meeting and annual plan workshop	Children as Zone of Peace Movement	Protection Officer	2065-2-2 to 3	Suggestions and advice given during the discussions
3	Participation on two day workshop in transitional justice organized by UNICEF, Nepal	UNICEF	Deputy Director	2065-2-20 to 22	Participated in interaction
4	Exchange of experience program organized by CWISH, an organization working in the field of women and children	CWISH	Protection Officer	2065-2-20	Participated in discussions and gave suggestions and advice
5	Training on Fact Finding	PPCC and UNICEF	Officer	2065-2-7 to 10	
6	Participated in the program Protection Children Online in Nepal	CWIN Nepal	Officer	2065-5-26	
7	Discussion with CAFFAG	CAFFAG Working group Nepal	Deputy director	2065-5-2 to 3	Discharge of child soldiers, and their socialization and informed

					about the decisions taken by the commission
8	Discussion on holding programs on National Children's Day, 2065	Ministry of Women, Children and Social Welfare	Officer	2065-5-23	Expressed commission's opinion about observing the National Children Day
9	Training on child rights protection to the partner institutions of the Save the Children	Save the Children Norway, Nepal	Deputy director	2065-5-24 from 3.00 pm to 5.15 pm	Informed about the functions, duties and responsibility of the commission, and about the activities done by the commission in promotion and protection of child rights
10	Workshop on Advocacy and Lobbying on Child Rights issues	CWIN Nepal	Secretary, Officer	2065-3-16	Presentation by commission's secretary
11	Discussion on framing standards for operation of child homes	Central Child Welfare Committee	Officer	2065-8-2 to 2065-9-2	
Visit to the commission office					
1	Special representative of the UN secretary general, Radha Kumaraswami	National Human Rights Commission	Chairman, member, secretary, official, OHCHR and UNMIN representatives	2065-8-19	Expressed opinion on children in conflict, children in detention and other issues
2	Discussion between the chairman and members of the commission and representatives of	National Human Rights Commission	Chairman, members, secretary, officials and CZOP	2065-8-4	Presentation on why Child Rights Desk is necessary in the

	CZOP about child rights protection and promotion		representatives		Commission and suggestions given in this regard
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National Human Rights Commission
Harihar Bhawan, Lalitpur

Press Statement

Date: 2065-8-4

Implement the Commitments on Child Rights

Every year November 20 is observed as International Child Rights Day. This year's slogan for this day in Nepal is Respect Child Rights in the New Constitution in New Nepal. On the occasion of the 19th International Child Rights Day, the National Human Rights Commission wishes all Nepali children be free from disease, hunger, exploitation, mistreatment, illiteracy and conflict and be able to march towards brighter future. The commission would also like to respect the mankind committed for improving the child rights situation in the country.

Nepal is a party state of the Convention on Child Rights 1989, which makes the state responsible for protection and fulfillment of basic human rights of the children and ensures their overall development. Nepal has ratified the Optional Protocol on use of children in armed conflict 2000, Optional protocol against trafficking and engagement of children in prostitution 2000 and ILO convention on elimination of worst form of child labor 1999 and the Interim Constitution of Nepal 2007 has also guaranteed child rights as a fundamental right.

At the time when the new constitution is being written, it has become necessary to assess the situation of implementation of the commitments made by the state from time to time on child rights. The commission has been raising its voice that the new constitution should be human rights friendly and it supports the view that the new constitution should give due space to child rights.

The commission has made several recommendations to the government at several times towards protection of the child rights. The government should immediately begin implementing the recommendations which are yet to be followed. There is a great importance to provide relief, rehabilitate and integrate socially the children who had suffered from the conflict and are peeping into their distant future in the midst of the risky situations. The new constitution should guarantee compulsory free education, health and protection to all children and the commission urges the Nepal government and all concerned to work in this. The commission again asks the Nepal government to work to implement the commitments in relation to child rights and also guarantee the child rights guaranteed by Article 22 of the Interim Constitution.

Bishal Khanal,
Secretary

National Human Rights Commission
Harihar Bhawan, Lalitpur

Press Statement
2065-8-29

NHRC's call to make transport service safe

The commission is shocked by the death of two dozen children and teachers in an accident at Nawalparasi-6, while returning from a picnic at Butwal Fulbari to Narayangarh. The commission expresses its heartfelt condolence to the students and teachers of the Hill Bird Higher Secondary School who died in the incident and wishes early recovery of the injured and condolences to the relatives of the deceased people.

Accidents like these which occur due to human mistakes cause serious accidents and cause loss of human lives and have a long term impact on the family of the victims and the society. There are several incidents when lives of several children are put at risk due to small negligence and mistakes during programs like picnics, educational tours, marriage and cultural programs. The lack of interest on the authorities concerned to investigate into such incidents and disinterest in taking step to making this more secure is a matter to worry.

Therefore, to ensure that such incidents are not repeated in the future, the school management and transport services should be made more responsible. No one, under no circumstance, should be allowed to consume alcohol or smoke cigarettes in any transport vehicle carrying children. There should be regular monitoring to ensure that drivers have not drunk alcohol during driving and stringent protection measures should to be taken to prevent this. A minimum standard should be prepared for any means of transport carrying children to protect their life and make transport safe. The commission requests the government to work in this regard.

Yagya Prasad Adhikari
Officiating Secretary

National Human Rights Commission
Harihar Bhawan, Lalitpur
Press statement

2065-3-24

Commission's concern over shortage of textbooks

The National Human Rights Commission has written to the Ministry of Education expressing its concern over the inability of the government to avail textbooks even after passing of three months of beginning of the academic year and has called the ministry to guarantee the students' rights to education. The commission had on 2065-3-19 written to the ministry to provide details of the progress within one week on the front of publication of text books on mother languages and availing textbooks of grades nine and ten across the country.

Education is a fundamental right and this right has been guaranteed by the Universal Declaration on Human Rights 1948 Article 26. Similarly, Article 13 of the International Covenant on Economic, Social and Cultural Rights 1966 has clearly defined the role of providing education to the children is the liability of the state. Similarly, Convention on Child Rights Article 28 has also defined state as responsible for providing education to the children. Interim Constitution of Nepal 2007 Article 17 (2) has stated: Every citizen has the right to free education up to secondary level which shall be provided by the state as per the law.

Nepal has also expressed its commitment on the Dakar Declaration of Education for All by 2015 but the children from remote and marginalized communities are yet to have proper access to education and this is a worrying fact. The state has to follow its responsibility to guarantee access to quality education and this should be done on time. It is the responsibility of the state to guarantee every person's right to education and the National Human Rights Commission calls on the government to put this responsibility in practice.

Bishal Khanal
Secretary

Date: 2008-12-01

Press Release

Regional Consultation Meeting of National Human Rights Institutions on Child Rights jointly Organized by National Human Rights Commission, and Save the Children

Nov 30- Dec 01, 2008

Kathmandu/ Dec 15, South Asian Regional Consultation Meeting of National Human Rights Institutions, Governmental bodies, Civil Society representatives on Child Rights has been concluded here today with an agreement of increasing coordination amongst the NHRIs of SAARC Region. The consultation meeting, jointly organized by NHRC Nepal and Save the Children, has emphasized the consolidated efforts of NHRIs; for which, a need is realized for the periodic and regular meeting of NHRIs, and formation of Working Group of Secretary Level. The meeting also has requested the NHRC Nepal to take initial responsibility.

This type of consultation meeting has been organized for the first time in SAARC region with the joint effort of NHRC Nepal and Save the Children on the occasion of 60th anniversary of the adoption of the Universal Declaration of Human Rights. Four major working papers presented and discussed in the meeting were Children in Conflict: South Asian Perspective, Right to Education: Challenges in South Asia, Child Rights Monitoring- A Case Study of NHRC, and Trafficking in Children Regional Perspectives. There was a serious and extensive discussion in the consultative meeting on various issues like- children are not realized and behaved as a complete human being, large number of world children live in South Asia where civil, cultural, economic, political and social rights have been violated mainly because of the conflict in different forms, very limited access to quality education of this region, etc. Representative from NHRIs, high ranking government officials of SAARC Countries, country representatives of Save the Children, representatives from I/NGOs and civil society from , , , and were participated in the meeting.

Recalling the Charter of the United Nations, Universal Declaration of Human Rights-1948, and emphasizing the International Convention on Rights of the Child-1989, SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution- 2002, and the Regional Arrangements for the Promotion of Child Welfare in south Asia- 2002, the Consultative Meeting, considering the vital role of NHRIs to implement the rights of the Children and duties of the States, has agreed upon and reaffirm the following:

1. A need to establish and strengthen Independent National Human Rights Institutes in all countries of. It emphasizes the importance of establishing and strengthening mechanisms with specific mandates to deal with the rights of the child.

2. The value of regional arrangement at SAARC Level and their conference periodically on the matters of Human Rights/Child Rights. It also recommends establishing a Working Group of Secretaries of all NHRI as a starting point to promote the relationship (good offices) among South Asian Countries. It requests the National Human Rights Commission of Nepal to take an initial responsibility of setting up of the secretariat of such working group for the first two year.
3. NHRIs establish a network of cooperation among them in the region to deal with the violations, and protect and promote the rights of the child.
4. To urge the governments of the respective countries to take the rights of children as priority and respond to their rights as mentioned in UNCRC-1989 and other international human rights instruments.
5. The importance of access to quality education to all children focusing on most deprived; to appeal the national governments to have a proper mechanism to protect the rights of children affected by armed conflicts and trafficking.
6. To take forward the recommendation of this meeting to the forthcoming summit of NHRIs being held in January 2009 in India.

Giving remarks during the inaugural program, Hon. Justice Kedar Nath Upadhyay, Chairperson of NHRC stressed that any Government should not hesitate to punish the perpetrators of human rights violation. He expressed hope to reform the situation of human rights in by such consolidated efforts of NHRIs. Ms. Turid Heiberg, Regional Director of Save the Children, pointed out the extremely vulnerable situation of children. She further emphasized the need of ratification of all the necessary UN treaties on child rights by the countries of this region and implement them as soon as possible. Hon Member Gauri Pradhan of NHRC Nepal pronounced that though one fourth of world children live in, the human rights situation of children is considerably miserable. He admitted that children of this region have not been able to utilize their rights due to the malnutrition, abandoning schools in the middle of the academic session, situation in and around the schools is full of violence, trafficking and exploitation in various forms. Two children Karan Thapa and Kalpana Lama inaugurated the opening ceremony of the consultative meeting by flaming a decorative panas, a traditionally decorative metal oil lamp.

Thank you

Press Release
Date: 2008-01-15

**Recommendation for the Removal of the Armed Base Camps from the School
Vicinity**

The National Human Rights Commission has forwarded a letter to the Government of Nepal for the removal of armed police base camps from the building premises situated in Hanuman Nagar of Saptari district.

Considering the serious notice of the forceful occupancy in the said school by the Dantakali Battalion of the Armed Police Force for the last two years, the Commission has recommended the immediate removal of the base camps from the school premises and inform the commission accordingly.

Naya Patrika published on Magh 1, 2064 had exposed this concern along with the photo that more than thousand students are compelled to attend their classes under open sky after the school building was forcibly used by the Armed Police Force.

The pursuit of education in fearless environment is the child rights. The Nepalese constitution and the national and international laws pertaining to human rights have clearly guaranteed this right. Thus, the act of occupying the school building with the dwelling of Armed Police Force evidently demonstrates the violation of Interim Constitution of Nepal-2007, UN Convention on the Rights of Child as well as the Comprehensive Peace Agreement reached between the GoN and CPN (Maoists) in Mangshir 2063.

It has been the Commission concern that the schools have to be turned into the zones of peace. Obstinate, the alleged occupancy of the schools by the Armed Police Force is apparently an intrusion over the children right to education as well as futility towards the commitment to turn the school premises into peace zones.

Meanwhile, a team from the Biratnagar Regional Office of the Commission will be proceeding to the location of the incident for further monitoring and investigation.

Details of income and expenses

National Human Rights commission Harihar Bhawan , Pulchok, Lalitpur Fund Accountability Statement

Project/Activity title : Child Rights Desk
Donors Name : Save The Children Norway

Currency : NPR
Period: December 15 - December 31, 2088

Particulars (donor)	Balance b/d	Grant Received in this period	Total grant received	Total grant Approved	Balance of Grant	
Save The Children Norway	1,770,518.34	225,519.87	1,996,038.01	1,994,000.00		
Total	1,770,518.34	225,519.87	1,996,038.01	1,994,000.00	(697,261.55)	
S.N.	Particulars (Expenditure)	Total Expenditure till December 15	Total Expenditure in this Month	Total Expenditure till this month	Total Budget Approved	Balance of Budget
1	Monitoring of Child Rights violations on continuous monitoring on other general situation monitoring	621,095.42	267,674.58	888,769.99	866,905.05	(30,164.27)
a	DSA and Accommodation	38,300.00	110,024.50	48,624.50	96,375.00	(8,200.50)
b	Travel cost	219,859.42	127,861.00	347,094.42	322,937.95	(24,156.77)
c	Facilitator (2 Person/May & max. 1 day if necessary)	8,000.00	3,000.00	11,000.00	14,000.00	3,000.00
d	Meeting, workshop/Meal and food for 15 member	30,362.00	17,269.00	48,007.00	60,476.00	12,431.00
e	Stationery / Material/barner, telephone, photocopy etc.	38,000.00	16,702.00	54,702.00	60,916.00	6,214.00
2	Investigation of human rights violations of children	30,913.00	171,154.00	202,067.00	604,500.00	402,433.00
a	DSA & Accommodation	28,650.00	75,175.00	103,825.00	432,000.00	328,175.00
b	Travel Cost (Inland, motor fare, postage)	1,000.00	6,011.00	7,011.00	37,500.00	30,489.00
c	Transportation (Air travel)	-	-	-	-	-
d	Facilitator (2 Person/May & max. 1 day if necessary)	-	1,800.00	1,800.00	15,000.00	13,200.00
e	Workshop, meeting, tea, food, fuel etc.	-	17,998.00	17,998.00	90,000.00	72,002.00
f	Stationery/ Material /barner, telephone, photocopy etc.	1,263.00	12,434.00	13,697.00	30,000.00	16,303.00
3	Education program for members of child rights during CA meeting Assembly process with CA members, political parties and child society including child club	8,082.00	147,205.00	155,287.00	161,000.00	4,863.00
a	Preparation	-	-	-	2,000.00	2,000.00
b	Consultation meeting with stakeholder	6,862.00	308.00	7,170.00	10,000.00	2,830.00
c	prepare concept paper and facilitator	-	3,000.00	3,000.00	10,000.00	7,000.00
d	Tea/ Snacks/ Lunch	-	75,000.00	75,000.00	60,000.00	(15,000.00)
e	Transportation/DSA	-	54,500.00	54,500.00	60,000.00	5,500.00
f	Stationery / Material/barner, telephone, photocopy etc.	-	7,171.00	7,171.00	10,000.00	2,829.00
g	Miscellaneous	-	7,300.00	7,300.00	9,000.00	1,700.00
4	Conduct workshop meeting with children, Stakeholders and collect voice of children by NHRC (5 program)	844,968.26	55,822.00	900,790.26	425,000.00	(474,791.74)
a	Preparation	900.00	2,505.00	3,405.00	5,000.00	1,595.00
b	Consultation meeting with stakeholder	5,107.00	1,000.00	6,107.00	10,000.00	3,893.00
c	prepare concept paper and facilitator	10,000.00	7,000.00	17,000.00	35,000.00	18,000.00
d	workshop fee and maintenance etc.	17,290.11	19,687.00	36,977.11	200,000.00	163,022.89
e	workshop Tea Snacks / lunch	298,566.71	24,000.00	322,566.71	160,000.00	(162,566.71)
f	Stationery / Material/barner, telephone, photocopy etc.	7,342.44	1,000.00	8,342.44	10,000.00	1,657.56
g	Miscellaneous	6,258.00	-	6,258.00	5,000.00	(1,258.00)
5	Production and Dissemination of Annual Status report on LHR Rights, 2088	-	126,783.00	126,783.00	15,000.00	(111,783.00)
a	Preparation	-	-	-	-	-
b	Designing, proofreading and editing	-	80,000.00	80,000.00	50,000.00	(30,000.00)
c	Printing & Publishing, dissemination	-	76,783.00	76,783.00	100,000.00	23,217.00
d	dissemination	-	-	-	-	-
e	Stationery materials	-	-	-	3,000.00	3,000.00
6	Production and Dissemination of study on CRC Committee's - NHRC's and Supreme Court's decisions and recommendations and its implementation status Report	84,099.00	-	84,099.00	169,544.85	85,445.85
a	Preparation and update for 1 person file	25,000.00	-	25,000.00	35,000.00	10,000.00
b	Designing, proofreading and editing	-	-	-	30,000.00	30,000.00
c	Printing & Publishing, dissemination	59,099.00	-	59,099.00	80,000.00	20,901.00
d	Stationery materials	-	-	-	3,544.85	3,544.85
7	Conduct interaction program on NHRC's strategy plan and work plan (2088-2018) with stakeholders including child participants	-	-	-	-	-
a	Preparation	-	-	-	-	-
b	Consultation meeting with stakeholder	-	-	-	-	-
c	prepare concept paper	-	-	-	-	-
d	DSA/Travel (Participants and NHRC's commissioners, staffs)	-	-	-	-	-
e	Tea/ Snacks/ lunch	-	-	-	-	-
f	Stationery / Material	-	-	-	-	-
g	Miscellaneous	-	-	-	-	-
8	Overhead & Management Cost	150,000.00	76,385.00	226,385.00	275,815.50	49,430.50
Total	1,305,327.68	845,445.58	2,150,773.18	2,594,000.00	438,264.82	

Balance of the Fund, Total Grant Received Less Expenditure	
Total Income	(189,296.17)
Balance Represented by:	
Bank Balance	86,432.46
Human Rights Violations and workshop	59,400.57
Payable to NHRC	190,000.00
Payable to C basic Printing Service	46,272.00
Payable to Anil Basnet's Chapeu Mathean	26,461.00
Payable to Villy Prakash Kozoff	42,500.00
Total	(89,296.17)

Head Patracharya
Accountant
Date :

Durga Khadka
Deputy Director
Date

Bishal Kharel
Secretary
Date

**Summary of the report: The status of implementation of the
Recommendations by the National Human Rights Commission, Suggestions
by the UN Committee on Child Rights and orders of the Supreme Court:
A report 2065 and the comments by the Commission**

The National Human Rights Commission is set up as per the Human Rights Commission Act 1997. The Interim Constitution of Nepal has given the commission a constitutional status. Legally and constitutionally the commission has got responsibilities to promote, protect and respect human rights. The commission has been organizing several programs to fulfill its responsibility. In this connection, with a view to ensure effective implementation of child rights and to address several other aspects the commission had conducted a study on the issue of implementation of the suggestions by the UN Committee on the Child Rights. The recommendations by the National Human Rights Commission, orders by the Supreme Court and suggestions by the UN Human Rights Committee is the legal duty of the state and the study was conducted to make the state aware of its liabilities in connection with child rights. The study has revealed several facts and summary of some of them are as discussed below:

1. Situation of implementation of the recommendations by the commission:
The commission since its establishment until mid July 2008 had made these recommendations to the government and the status of their implementation are as discussed in the followings:
 - Recommended for special program for protection of child rights in which there has been a special proposal for the welfare of the conflict affected children
 - There has been a policy level provision in the Interim Constitution 2007 after recommendations by the commission in relation with security of the children
 - On recommendation for providing compulsory education to children, there has not been a legal provision for compulsory education. Schools have not been declared zone of peace as recommended
 - On recommendation in relation with girl trafficking, the Human Trafficking (Control and Punishment) Act 2007 has been promulgated but this law has not been strictly implemented
 - On recommendation to end traditions like chaupadi, deuki and others, there has not been any concrete policy and law on this matter
 - On recommendation to collect actual data about the conflict affected families and their children, this has not been effectively done
 - On recommendation to punishment to the culprits and compensation to the victims' kin in the cases of 13 deaths on the hands of security forces, compensation has been provided and culprits punished in only two cases, and actions are on the process for implementation in one case and other ten cases have gone unheard
 - On the recommendation for compensation and action for culprits in the five cases of deaths and injuries due to bomb explosions, one has been compensated while

- no actions have been taken against any others
- Recommendations regarding torture to children by police personnel has not been implemented
- On the recommendation to provide free education up to higher secondary level to the children of the victims of the Kotwada incident in Kalikot district no action has been taken
- There has been no implementation of the code of conduct issued by the commission to deal with the children victims of conflict
- No action has been taken in connection with the recommendation from the commission to discharge the child soldiers in the cantonments of the Maoist soldiers
- On recommendation to make textbooks adequately and timely available in the schools, there still is shortage of text books across the country
- the child protection policy issued to stop mistreatment of children in the schools has not been implemented
- The commission had recommended to the government protect the rights of the child domestic helps and prevent any action that violates their rights and the government had issued circulars to this effect to its subordinates up to the lowest level but it has not been monitored if the activities have stopped and the directives have been followed

2. Situation of implementation of the suggestions by the UN Child Rights Committee

- As per the suggestion of the committee to ratify two optional protocols of the Convention on Child Rights the two have been ratified
- As per the suggestion to form national action plan about children, the government has allocated budget for issues of child rights in the interim three-year plan
- As per suggestion to conduct independent monitoring of issues of child rights, the National Human Rights Commission and the Central Child Welfare Committee have been conducting such monitoring
- The implementation of the suggestion to end impunity and follow the Convention on Child Rights has been minimal
- On suggestion to frame law as per the Convention on Child Rights, new legal provisions on the Child Act have not been put on place
- The committee had suggested for coordination between the governmental and nongovernmental organizations in the issue of child rights but this has not happened
- The committee had suggested for allocation of enough resources but the government has not allocated budget on a separate heading for the children
- The government has been amending discriminatory laws as per the suggestion of the committee to end laws discriminating against children but still more has to be done to amend more laws and implement them
- The law has provided for nationality and birth registration but birth registration has not been effectively implemented and the suggestion to improve the implement the provisions has not been implemented
- The suggestion to introduce new law on registration of the birth of the refugee children has not been implemented

- The suggestion to rehabilitate children living in the jail with their parents has not been implemented
- The suggestion to provide adequate health facilities to children and adolescents has not been implemented
- The suggestion on ending child marriage has not been effectively implemented
- The suggestion to stop drug abuse and to prepare a separate policy and programs to tackle drug abuse has not been implemented
- There has been no effective implementation of efforts to stop sexual harassment on children, passage of child protection policy, stopping trafficking and controlling of children for economic exploitation
- Lack of effective implementation of reforms in juvenile justice system and amendment of related laws and their implementation

3. Situation of implementation of orders by the Supreme Court

- The government has not been able to frame effective laws for protection of the economically and socially backward, illiterate and disabled people
- The children's right to organize themselves has not been effectively implemented
- Minimal implementation of order to ban on heavy punishment, on solitary confinement, against jailing with the adult prisoners and few numbers of correction centers
- Less implementation of right to equality in the Mahendra Sanskrit University
- Lack of proper implementation of order in relation with citizenship and birth registration of the children born of Badi women
- Juvenile benches have been established but juvenile courts have not been established yet
- lack of effective implementation in relation to orders regarding disabled children
- lack of effective implementation about stopping domestic labor (kamlari)
- Lack of proper laws in relation with adoption of children and the implementation of existing law is not effective
- Inability to ensure equality on the matter of distributing state relief to the conflict affected children by framing proper law and inability of the government to collect actual data about the conflict affected families and their children
- Lack of proper implementation of the court order on maintaining children's right to secrecy

The National Human Rights Commission's opinion over the draft of the preliminary report to be submitted to the UN Child Rights Committee by the government on Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000

1. The effort on the part of the government to take initiatives on time to report to the Committee of the Child Rights soon after Nepal ratified the optional protocol, the government's acceptance of the role of the National Human Rights Commission,

- national and international nongovernmental organizations, realization of the fact that Nepal laws have shortcomings in connection with child rights, holding discussions with children, civil society, government and nongovernmental institutions while preparing report are the positive aspects of the report
2. The report should have included Executive Summary and Conclusion portion
 3. The report should have included in format the progress Nepal has made in implementation of the provisions of the protocol
 4. Point no 29 in page 8 and Points no 65, 66 in pages no 18 in the draft have only given data. Presentation of separate data on street children, disabled children, displaced children, tradition of kamlari in midwestern region, deuki tradition and others would have made it easier to understand the report
 5. The draft has in Point No 18 of Page no 6 has mentioned about foreign assistance but the data is old and inclusion of latest data would be better
 6. Point No 30 of Page no 8 of the draft report has mentioned some institutions and in addition to the given list CCWB and National Human Rights Commission should be included in the list as they have also been working in the field so the report should mention that discussion with these institutions is necessary
 7. Page No 13 Point No 50 of the draft report has mentioned ILO report which should have been UNICEF report
 8. Points no 51, 54 and 57 in pages 14 and 15 have mentioned about the number of complaints received seeking punishment for violation of child rights guaranteed by the Optional Protocol. It should also have mentioned about the progress on the complaints and the punishment handed over to the criminals and the compensation, if any, is provided to the victims. The draft has only mentioned about the data on the child trafficking and it should have also mentioned about sexual abuse
 9. Point No 62 of Page No 17 of the draft has a date in Nepali calendar which should be converted into Gregorian calendar
 10. Point No 67, 68 in page no 18 and 19 and points No 180 and 181 in page no 50 should also mention about the present legal and procedural problems related with adoption of children when discussing about the present situation of the issue
 11. Point No 95 in Page No 24 should also mention about the Supreme Court activities regarding child rights including order to frame law on domestic helpers, establishment of juvenile court, elimination of kamlari tradition and other orders in favor of children protection and the role of Supreme Court should be highlighted and its importance stressed
 12. Point No 98 in page No 25 should also include that the National Human Rights Commission's Child Rights Desk has in its own initiative and on the complaints from the victims and different stakeholders registered 20 complaints (related with child labor exploitation, trafficking, mistreatment in child home and schools, rape, child labor in circus, domestic child labor etc) and investigation and actions are being taken in connection with them. The draft should also mention about the study on the status of implementation of the Recommendations by the National Human Rights Commission, Suggestions by the UN Committee on Child Rights and orders of the Supreme Court undertaken by the commission. The report should also mention about the recommendation issued by the National Human

Rights Commission, in the wake of reports that they are the government offices and the employees are keeping children under the age of 14 as labors, to the then His Majesty's Government, its subordinate institutions, corporations and their employees who draw their salary from the state not to do any activity to violate child rights, and to direct their respective subordinates in this regard and to make public this matter and publicize it.

13. Points No 137 and 138 of the Pages 38 and 39 should include the efforts done by the National Human Rights Commission Office of the national rapporteur against trafficking of children, the steps taken by the office for review of the Human Trafficking (control and punishment) Act 2043 like recommending for an amendment of the law, review of the Human Trafficking (Control and Punsihment) Act 2007 and suggestions on the same, publication of the National Report 2005 on the issues of Child Trafficking and other activities.
14. The report should also mention about the issues and concerns raised in the Yokohama Summit on Children, concerns raised in the UN GIFT, provisions in the ILO, and also include the concluding remarks and the issues pointed out by the UN Child Rights Committee.