



Convention on the Rights of the Child

Distr.: General
13 October 2014

Original: English

**ADVANCE UNEDITED
VERSION**

Committee on the Rights of the Child

Sixty-ninth session

25 May–12 June 2015

Item 4 of the provisional agenda

Consideration of reports of States parties

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

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

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

Part I

In this section, the State party is requested to submit its responses to the following questions (30 pages maximum).

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

education and are obliged to enrol in boarding schools in India and what measure are foreseen to end this situation.

5. Please indicate whether the State party intends to make birth registration compulsory and what measures are taken to address the low rate of birth registration and to eliminate the obstacles encountered by children of single mothers, refugees and asylum seekers children, children born to a foreign father and abandoned children to be registered at birth.

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

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

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

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

10. Please provide detailed information on the measures taken to develop community and family support programmes in order to prevent the institutionalisation of children. Please also inform the Committee of the measures taken or foreseen to 1) develop family based alternative care; 2) strictly regulate and supervise the conditions of admission and the living conditions in alternative care facilities; 3) reintegrate children separated from their parents and 4) protect all children under the age of 18 deprived of a family environment.

11. Please provide information on the follow-up given to the 2009 recommendations of the Hague Conference regarding inter-country adoption and clarify whether poverty can still be a legal ground for adoption. Please also comment on the information received by the Committee that many Nepalese adopted children are not orphaned children.

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

13. Please provide information on steps taken to develop early detection and early identification of disability, programmes to support families of children with disabilities, inclusive education as well as awareness-raising activities to prevent and combat the social stigmatisation as well as abuse and neglect of these children. Please clarify whether provisions providing for the imprisonment of children with physical and mental impairments will be upheld in the new Act concerning Children. Please also indicate the

measures taken to ensure that schools do not deny children with disabilities access to education.

14. Please explain the impact on the education system of the decrease in the budgetary allocations to the education sector over the past 5 years, especially as regard the elimination of hidden costs which are reported to prevent a large proportion of children from attending schools. Please also inform of the measures taken to ensure that children from disadvantaged and marginalized families are effectively enrolled in primary schools.

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

16. Please provide detailed information on the concrete measures taken to put an end to the sexual exploitation of children, especially girls, in the State party and to follow-up on the 2012 recommendations of the Committee under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/NPL/CO) especially as regard the definition of offences under the Optional Protocol (para. 30) and the establishment of an effective system to detect and dismantle brothels and other places where child prostitution takes place (para. 34).

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

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

Part II

In this section the Committee invites the State party to briefly (three pages maximum) update the information presented in its report with regard to:

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

Part III

Data, statistics and other information, if available

1. Please provide consolidated budget information for the last three years on budget lines regarding children and social sectors, by indicating the percentage of each budget line in terms of the total national budget and gross national product and geographic allocation.

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