

Nepal

Stakeholders Submission for III Cycle of Universal Periodic Review on Rights of the Child

Background

1. Child Rights Governance (CRG) Nepal is a civil society organization established for advocating with Nepal Government to ensure the rights of the child from local level to provincial level and federal level. Besides this, CRG does advocacy to different stakeholders to ensure the rights of the child and their protection. It is established in 2020 and have members from different child related sectors i.e. health, protection, alternative care, HIV & AIDS, governance, disability, anti-trafficking, migration, education and development. CRG Nepal is targeting to ensure the rights of survival, protection, and development including participation. Participation is a component of child development therefore CRG Nepal put the participation under development.
2. In Nepal, there is 26.5 million population and child population of age below 18 constitutes 41.8% with 50.7% of boys and 49.3% of girls (Central Bureau of Statistics, 2012). There are 533 child care homes in 46 districts which are providing protection support to 15,045 children (boys 7,412 and girls 7,633) (NCRC, 2019). 1356 children are infected by HIV and 28000 children are affected by HIV and AIDS (P. Yogi, personal communications, May 31, 2020)
3. Nepal's Constitution 2015 clearly mention about three layers governments; Annex 5 clearly mention about federal government authority, Annex 6 clearly mention about provincial government authority, Annex 7 clearly mention about joint authority of federal and provincial government, annex 8 clearly mention about local government authority, annex 9 clearly mention about federal, provincial and local government joint authority. Nepal government has endorsed the Local Government Act 2017 and Inter-government Financial Management Act 2017 to run the government acts independently.

Legal Provision for Child Rights

4. Article 39 of Nepal Constitution 2015 has clearly mentioned the fundamental rights of child; Article 12 Citizenship with identity, Article 16 Live with dignity & respect, Article 18, Right to equality; Article 29, Right against exploitation; Article 31, Right Relating to Education; Article 35, Right to health; Article 43, Right to social security (Constitution Assembly Secretariat, 2015). Nepal government has endorsed various national laws and policies: Children Act, 2018; Juvenile Justice Operation 2076 BS; National Children's Policy, 2012; School as Zones of Peace guideline and directorate 2011; Child Friendly Local Governance 2011; Civil & Criminal Code 2074 BS; Public Health Service Act 2075 BS; Safe Motherhood & Reproductive Health Rights 2075 BS; Social Security Act 2075 BS; Free & Compulsory Education Act 2075 BS; Comprehensive School Safety; Human Trafficking and Transportation (Control) Act in place and National Plan of Action against Trafficking of people, especially women and children 2012; Child Labor (Prohibition and Regulation) Act, 2000 and Regulation, 2005. Based on II cycle UPR recommendation, Nepal government has amended the policy and act i.e. age of children,

Status of Sustainable Development Goals (SDGs)

5. Nepal government has prepared a roadmap of SDGs 2016-2030, in which ten goals (goal 1, 2, 3, 4, 5, 8, 10, 11, 16 & 17) are directly relevant to children's issues, however there are huge gap in the SDGs indicators and situation trends of children (National Planning Commission, 2018). 'Leave no one behind' is SDGs main theme but children from minorities and excluded groups, i.e. children infected and affected by HIV & AIDS, LGBTI children, children with disability, migrant labor children and children who are growing up at child care home, are not addressing specifically in policy and program.

Status of UPR II Cycle Recommendation

6. UPR II cycle did 152 recommendations to Nepal government and 50 recommendations were directly related to children i.e. 14 recommendations -child protection; 9 recommendations -policy measures, law, resources and budget; 8 recommendations -

protection of rights, non-discriminations, 14 recommendations - right to education and 5 recommendation - right to health. Out of total recommendation related to children, Nepal government accepted 45 recommendations, 3 were rejected and 2 were noted. Nepal government has amended the laws and policy based on recommendation but still there are lacking to address the all recommendations. So, we put remaining works ***Expectation of Stakeholders from Nepal Government.***

Methods

7. **Desk Review:** CRG Nepal team has done desk review of existing laws, policy, program and published document and clearly mention in this documents.
8. **Ethnographic Study:** CRG Nepal's members have done ethnographic study in local government that how the local government does plan and allocate the budget for child.
9. **Key Informant Interview:** CRG Nepal has done key informant interview with different stakeholders/experts and collected the child related information in different areas i.e. HIV & AIDS, alternative care, child protection, LGBTI children expert, education, and disability expert.
10. CRG Nepal followed the "**Fundamental Principles of Official Statistics**".

Status of Child

11. Regarding poverty, economic survey (2076/77 BS) shows 18.7% total family/population is under absolute poverty and 28.6% population are under multidimensional poverty index (Ministry of Finance [MoF], 2020). So, this situation directly affect on child nutrition because the nutritious food cannot provide to the children who are under poverty. However, Nepal government has launched the day meal program in 43 districts and reaches 2229324 children from this program in fiscal year 2076/77 BS (Ministry of Finance [MoF], 2020).
12. Regarding child health, only 68% children reached on full vaccination. Neonatal mortality rate is 20 children (per 1000 lives birth) and child mortality under age 5 years is 32 children (per 1000 lives birth) (MoF, 2020).

13. 68.6% children who enrolled in grade 1 have ECD experience. The net enrollment in grade 1- 8 is 93.4%, basic education completed rate is 72.7% and out of school children (age 5 -12 years) are 6.7%. Nepal government has managed special education to children with disability therefore 33 special school, 23 integrated school, 380 resources class were managed in fiscal year 2076/77 (MoF, 2020) but there is still challenge to children with disability to access on education due to unavailability of disable friendly infrastructures. There are practices of corporal punishment in many schools to maintain discipline among school children and happened high risk incidents i.e. fracture of hands, Ear & Eye injury.
14. Child marriage situation aged between 10-18 years old is 36.3%. In fiscal year 2018/19, a total of 3,422 children (boys 1051 and girls 2,371) were recorded as missing and only 2,540 children (boys 825 and girls 1715) were found (National Child Rights Council, 2019). Due to patriarchal and cultural values, girls are facing the gender based discrimination, violence and sexual abuse. Besides this, trafficking is major issues in Nepal and girls are trafficking in neighboring country and abroad.
15. During COVID 19 situation, the sexual abuse cases were increased and children are more victim. 40 cases were registered in Nepal police in 15 Jan- 15 Apr 2020. Out of total, 30 (75%) girl children were victims. So, girls are still vulnerable and becoming victim of sexual abuse (CRG, 2020).
16. The birth registration is still challenge in Nepal and only 58.1% have birth registration. Children, especially affected and infected by HIV & AIDS, adopt by lesbian and lost both parent, cannot get the birth registration and unable to benefit from the social protection scheme. Besides this, children from LGBTI, Dalit and marginalized communities are facing inequality with stigma and discrimination; and unable to utilize their fundamental rights.
17. Nepal's Constitution 2015 also clearly mention about gender identity but government did not mention in laws and policies based on constitution. Supreme Court ordered to give citizenship with sexual orientation. There is technical problem regarding adopted children's birth registration because lesbian adopt the child and could not take birth registration due to lack marriage certificate.

18. LGBTI community has many problems and challenges regarding human rights. Constitution and law has addressed some agendas but there is lacking in implementation. They are facing challenges to get citizenship with their identity and bullying by community to them therefore they are unable to present with their identity in community (National Human Rights Commission [NHRC], 2020).
19. According to National Child Rights Council (Former CCWB), there are approximately 22000 community based child clubs registered at district child welfare board in Nepal but none of the organization, who are working in this field, have segregated data of child club member and only have the data of children which cannot identify the category of child are excluding in child club. For example, LGBTI children, HIV & AIDS infected and affected children, child with disability, child who are growing up at care home are not segregated in the data system of child club member

Expectation of Stakeholders from Nepal Government

20. For addressing children issues, Nepal government needs to give priority to develop and endorse the Children Regulation according to Children Act 2018. There is no long term plan of children after 2014 therefore Nepal government should develop the plan of action inline with SDGs.
21. Due to new political structure, there is no child protection mechanism at local level & provincial level therefore we expect to establish the child protection unit at local and provincial level to ensure the rights of the child.
22. During the emergency and disaster, children are most vulnerable therefore comprehensive child protection mechanism must in place with Disaster Risk Reduction & Management plan.
23. Due to vertical fiscal imbalance, local governments do not give priority to children related program therefore we expect to manage the vertical fiscal imbalance by government.
24. Nepal government only mention the marginalized children in policy and program but we expect to categories marginalized child like LGBTI children, children with disability, Children affected & infected by HIV & AIDS, children who are growing up care home.

25. Birth registration system need to revise because LGBTI who adopt child faces challenges to get birth registration.
26. There is lacking of data management mechanism at federal, Provincial and local level therefore we expect to develop the data management system from local to provincial and federal.