



Kingdom of Nepal

Submission to the UN Universal Periodic Review
Tenth session of the UPR Working Group of the
Human Rights Council

24 January – 4 February 2011

Bice,
July 2010

I. Violence and sexual abuse towards children

Domestic violence and sexual abuse of girls and boys are rampant in Nepal. Though it has been a widespread practice mostly due to patriarchal society believes, there have been no governmental comprehensive studies on these issues. In this regard, however, UNICEF has conducted in a number of districts, a series of study focusing on violence against children at school and on Nepal's health practitioners' attitude and practice about child sexual abuse¹.

Almost 40% of survivors of child sexual abuse and rape are girls below 18. Most of them are abused either at home, in educational institutions, or at their work place. Poverty, lack of education as well as of implementation, coordination and consistency among law enforcing agencies, are some of the root causes of the practice of sexual abuse of children, especially girls.

The Government of Nepal acknowledges the violence and sexual abuse challenges but it has not yet set up appropriate mechanisms to address the situation. There is no national counselling, support and rescue structure to assist and protect victims from abuse and exploitation.

Because of violence and sexual abuse, many children are forced to drop out from school or are irregular in attending it and fail to graduate. They suffer from a poor health status, higher mortality rates and are vulnerable to HIV. Such a situation also affects their relationship with their family and other children. Sexually abused children have a lower degree of self-confidence as they feel they are not in control of their own body and lack protection from family and authorities.

II. Child Trafficking

Children are trafficked for different purposes, including domestic work, forced beggary, marriage, carpet weaving and for sex trade or slavery. About 20% (i.e. 40,000) of the total trafficked women for sex trade or slavery are girls below 16, and around 12,000 girls and women are trafficked per year². The patterns have changed, as girls are now being trafficked to the Middle East, South-East Asia and to Europe. The most vulnerable children, including orphans, children belonging to the most marginalized groups (e.g. Dalits), refugee children, children in remote villages, internally displaced children and street children are more exposed to trafficking.

Despite this alarming situation, the Government of Nepal has not yet ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The adhesion to SAARC 2001 Convention on Preventing and Combating Trafficking in Women and Children for Prostitution has not brought forth any concrete change. Moreover, the 1986 Act Relating to Human Trafficking and the 1992 Children's Act, which states, "no person shall involve or use a child in an immoral profession" have been barely enforced. In addition,

¹ UN Children's Fund (UNICEF), *Violence against Children in Nepal - Child Sexual Abuse in Nepal: Children's Perspectives*, 2006, Series 1; UN Children's Fund (UNICEF), *Violence against Children in Nepal – A study of the System of School Discipline in Nepal*, 2004, Series 2; UN Children's Fund (UNICEF), *Health Practitioners' Knowledge, Attitude, and Practice on Child Abuse and Sexual Abuse in Nepal*, Series 3.

² ILO-IPEC, *Nepal Trafficking in Girls with Special Reference to Prostitution: A Rapid Assessment*, November 2001.

punishments of trafficking offenses are not dissuasive and the phenomenon continues to grow, and children are left without protection.

The national legal framework does not provide adequate protection for witness and victims of trafficking. Hence, many children who have been saved from the traffickers have been trafficked again due to the lack of national protection, rehabilitation, integration and recovery program for victims. The Nepalese Government failed to honor the commitments undertaken before the UN Committee on the Rights of the Child in May 2005 as the capacity and the resources of the Women Empowerment and Rehabilitation Centers are very low and do not cover the whole country.

III. Early Child Marriage

Legally, children are allowed to marry at the age of 20, but this provision is barely respected, as 34% of total marriages in Nepal involve girls below 16. The marriage of adolescent girls aged 15-19 is nearly three times higher (34%) than that of adolescent boys (12%). 7% of child marriages are held with children below 10. Existing practices of dowry in many parts of the country encourage child marriages in the society. Early child marriages of young girls have increased during the armed conflict. Parents saw it as a means to protect their young daughters from being enlisted and used in the armed groups.

Those baby girls have been denied education and are not well prepared to take on family responsibilities. Early pregnancy is very often a threat to the health of the young girl. Furthermore, infant mortality among the children of very young mothers is higher. Traditional practices and beliefs, including heritage rules and discrimination against women, are factors that encourage early marriages.

Recommendations

In engaging in the UPR process, the Government of Nepal should:

- Conduct a national comprehensive research on child trafficking violence and sexual abuse against children, child early marriage in order to collect desegregated data and adopt appropriate policy to tackle those phenomenon that impede the full enjoyment by children of their rights;
- Adopt a National Child Protection Code in compliance to all international child-related obligations.

It should also:

Violence and sexual abuse

- Strengthen and support awareness-raising programs against social and cultural practices and beliefs, which lead to discriminations, abuse, child early marriage, and violence against children;
- Strengthen with adequate resources mechanisms and structures for the counselling, support, rescue and rehabilitation to victims of violence and sexual abuse;
- Carry out periodic investigations, monitoring and evaluation steps with rehabilitation centers run by non-State actors, provide them with due assistance, and give orientation on minimum standards of care and support of survivors.

Child Trafficking

- Ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and engage in appropriate social and legal reforms to incorporate and implement obligations emanating from the Protocol
- Take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography ratified on 3 January 2006;
- Work towards reducing internal and cross-border trafficking, and put in place effective mechanisms and policies to ensure safe migration of women for foreign employment.

Early marriage

- Introduce free and compulsory primary education policy to encourage parents and assist them for the education of children, especially the girls;
- Raise awareness on the consequences on the society and its development of early marriage.