

I. Legal framework

International Human Rights Instruments

1. Ratification of CRC and its Optional Protocol is itself a development with respect to violence against children. Nepal has ratified almost all international instruments regarding child rights and has been submitting its periodic reports to the UNCRC

Legal provisions on violence against children

2. The Constitution of the Kingdom of Nepal 1990, has strictly prohibited the involvement of children in any factory, mines and other hazardous work. Besides, the Children's Act 1992 of Nepal also has prohibited the involvement of children in immoral professional and prohibition on imposing rigorous punishment.
3. All kinds of violence are punishable under the Children's Act but this act alone is not enough to regulated and punish all forms of violence against children. In this situation, provisions under the UNCRC are applied according to the Nepal Treaty Act 1990. The amendment act to the Children's Act is in progress.
4. Some these violence are punished under the Children's Act. However, all forms of legal violence against children are not covered under this act due to scattered legal provisions in the other acts.
5. Torture or cruel punishment is explicitly prohibited in the legal system of Nepal. The legal provision on corporal punishment is as follows: "No child shall be subjected to torture or cruel treatment, provided that the act of scolding and minor beating to the child by his father, mother, member of the family, guardian or teacher for the interests of the child himself shall not be deemed to violate the provisions of this section."
6. No corporal punishment is allowed by the legislation and capital punishment is completely prohibited even by the constitution of Nepal. It is not only for the child under age of 18 but also for all citizens irrespective of their ages.
7. The Children's Act lacks the specific provision on bullying/hazing and sexual harassment but the Act says that no person shall involve or use a child in immoral profession.
8. In Nepal, marriage below the age of 18 is legally prohibited. Although the official data shows that the trend of marrying below 18 years is declining, child marriage is still prevalent in the rural communities in Nepal.
9. In Nepali legislation, there is no special provision for the children of non-citizens, stateless and refugees. So all these cases are to be regulated under international law or humanitarian laws. This still remains as a subject that needs either induction of separate law or the incorporation of the provisions into the existing Children's Act through amendment to it.
10. Children's Act does not provide details on sexual abuses although it provides a general framework of child rights. Sexual harassment or activities intended to sexual harassment are punishable under Civil Code.

The Civil Code also has provision on incest and sexual abuse within the family. However, all these provisions need to be amended as per the Children's Act.

11. After reviewing its practicability the existing Children's Act is to be amended to incorporate the issues that are deemed to be important since its inception.
12. Numerous surveys and researches have been conducted by governmental and non-governmental organizations.

Courts tasked with addressing violence against children

13. Each of the trial courts just has a juvenile bench. The court shall not entertain or decide a criminal charge brought against the child unless there is a legal practitioner to defend the child. There is no specific provision or court structure to deal with violence against children.

Minimum age for sexual activity

14. The sexual activity under the age of 16 is considered as rape.
15. The minimum age of marriage is 18 years if there is consent of guardians and 21 if there is no consent of guardians for both girls and boys

Sexual exploitation of children

16. The Children's Act of Nepal has prohibited the involvement of children in immoral professions. According to this (1) no photograph of a child shall be taken or allowed to be taken, nor such photograph shall be distributed or exhibited for the purpose of engaging a child in immoral profession, (2) no publication, exhibition or distribution of photograph or personal events or descriptions of a child tarnishing the character of such child shall be made, (3) no child shall be involved in the sale or distribution of , and trafficking in alcoholic drinks, narcotic drugs or any other drugs. Besides these provisions, a separate act against trafficking named "An Act to control trafficking and harm on human body, 1987" also exists in Nepal to control all kinds of sexual exploitation.

Pornography and harmful information

17. Child pornography is not seen as a problem in Nepal. The Children's Act prohibits taking or allowing to be taken any photograph of children for the purpose of engaging a child in immoral profession.
18. No separate legislation on this issue.

Reporting obligations relating to violence against children

19. For the enforcement of the rights set out by the Children's Act, every person shall have the right to file a petition on behalf of the child in a District Court where the child is residing. Other forms of violence against or abuse of children in all settings are to be reported to the nearest police station. Any one can file the report.

Complaints Procedures

20. No specific complaints procedures on described situation. General complaints mechanisms should be followed.
21. For registering complaints, the legal aid is available in some districts where NGOs and INGOs are working. Legal aid from the side of the government is not available.
22. A number of programmes for raising awareness are being organized through media and other various programmes are being conducted in national and grass root levels.
23. No Special procedures.
24. The usual outcome of the complaints of violence against children is to punish the perpetrators.
25. Sometimes, nominal imprisonment and usually perpetrators rehabilitations.

II INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

26. Yes, if police stations are in local level that are responsible otherwise such mechanisms are only in district level such Court, District Police Office, District Administration Office, etc. for addressing violence against children.
27. No.
28. No.
29. No.
30. Yes, international agencies, UN agencies and other bilateral organizations provide resources. And these organizations use such funds in collaboration with the Government of Nepal.
31. No other than moral support.
32. A National Human Rights Commission is formed, but it does not have separate bench for addressing the cases of violence against children.
33. No.
34. No, Nepal does not even have parliament for last three years.

III ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

35. Apart from UN agencies, there are several international and national non-governmental organizations that work for children's rights and advocate for the violence of the rights of the children. Trade Unions and Employers' Organizations are slo launching several welfare programmes for children. However, they have yet not been able to reach to all parts of the country due to country's conflict situation. In addition, due to lack of proper social policy options, from the part of government, the efforts from civil society has not be enough to bring a change in the children's lives.
36. At least three ministries (Ministry of Women, Children and Social Welfare, Ministry of Labour and Transport Management and Ministry of Education and Sports) are directly and indirectly responsible for such

coordination. In addition to this, Nepal has established a semi-governmental organization call Social Welfare Council that is responsible for controlling, monitoring and coordinating the activities of INGOs working in Nepal. However, frequent changes in the governments, passive role of government employees and lengthy decision making processes, the organization has not been that effective.

37. Since last couple of years, media has been playing significant role to bring awareness amongst the public in general. There is a good coverage of reports of children's right violations, exploitation of children in Nepali press at present. However, rehabilitation, compensation for the victims and action against the perpetrators has not been effective.

IV. Children as actors in address violence

38. Child participation in making programmes and activities to address violence against children is yet to be visible in Nepal, however, there are more than 3000 child clubs based in schools and community mostly in rural areas are playing active role in promoting child rights and carrying out activities that address violence against children. Government of Nepal has prepared a 10-year National Plan of Action for the children in close collaboration with children throughout the country.

39. None

40. None.

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

41. The comprehensive policy is legal provision of Children's Act. There are provisions for compensation and punishment against the perpetrator. The Tenth Plan has programmes such as Minimum Standard of Institutional Care, support of children in especial need such as children affected by conflict and so on. However, due to lack of resources and procedural norms, effectiveness of these programmes are yet to be improved.
42. Yes, government provides institutional support, there are 4 children's homes supported by the government, institutional care is provided to conflict affected children and their integration process, similarly, government is also coordinating programmes with other UN and bilateral donor communities to address the issues of children that need special support.
43. Yes, government monitors activities of different organizations working in the areas of child rights and welfare issues through its existing mechanisms such as Central Child Welfare Board at the central and District Child Welfare Boards and District Child Protection Committees at the District level and Village Child Protection Committees in the community level. Similarly, it organizes quarterly meetings and consultative meeting with its partner organizations and the agencies under

the ministry to review the programmes that includes children's issues as well. Reports are available at the ministry for reference use.

44. Yes, it has been participating in regionally and internationally coordinated activities concerning violence against children such as the participation in Yokohama and Colombo meetings on CSEC and SAARC meeting on children and women.

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

45. Yes, Different governmental agencies mainly relating with health, education and population have carried out a number of research activities on this and reports can be made available.
46. Yes, there have been some studies done mainly by NGOs, which can be accessed easily.
47. No.
48. Yes, study on assessing the juvenile justice system has recently been completed and actions on the recommendations of the study are being taken.
49. Yes, all the suspected criminal cases are investigated through police at community, district and national level as per the requirements. All the cases are recorded and documented.
50. Yes, annual reports are prepared and shared with concerned agencies on the criminal cases/deaths investigated by the police and other agencies involved in the system.
- 51.

Sex	√
Age	√
Ethnicity	√
Manner of death (homicide, suicide, undetermined)	√
External causes of death (firearm, strangulation, etc.)	√
Geographical location of incident (address)	√
Scene of occurrence (home, school, etc.)	√
Time and date of incident	√
Victim-perpetrator relationship	√
Other:	√

52. Not available
53. Not available

VI. AWARENESS, ADVOCACY AND TRAINING

54. Yes, government in collaboration with national and international organizations has been carrying out various activities addressing to raise the awareness on preventing violence against children. Example include: Children as Zone of Peace

55.

Print media	√
Radio	√
Television	√
Theatre	√
Schools	√
Others	√

56.

	Prevention	Protection	Redress	Rehabilitation	Penalties
Medical Professionals (including paediatricians, nurses, psychiatrists and dentists)					
Public health practitioners					
Social workers and Psychologists	√	√			
Teachers and other educators	√	√			
Court officials (including judges)					
Police	√	√			
Prison officers					
Juvenile offenders personnel Institution personnel Parents/guardians	√	√			
Other (please specify) NFE facilitators	√	√			