

Ending family violence in Nepal – challenging physical punishment of girls and boys



GLOBAL INITIATIVE TO
**End All Corporal
Punishment of Children**

Information for the Committee on the Elimination of Discrimination Against Women, 71st session,
from the Global Initiative to End All Corporal Punishment of Children
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This briefing provides an update on Nepal in light of the new prohibition of corporal punishment of girls and boys in all settings, through the enactment of the Act relating to Children 2018.

We hope the Committee on the Elimination of Discrimination Against Women will welcome the enactment of an explicit prohibition of all violent punishment in its examination of Nepal. We further hope the Committee will, in its concluding observations on the sixth state party report, recommend that Nepal ensure that *no* form of violence within the domestic sphere is condoned, including by parents against their children, and ensure that the prohibition of corporal punishment is adequately monitored and enforced in all settings, and that positive, non-violent and participatory forms of child rearing and discipline are promoted through awareness campaigns and training programmes.

1 The prohibition of all corporal punishment in Nepal

- 1.1 In September 2018, Nepal adopted the Act relating to Children 2018 which explicitly prohibits corporal punishment of children in all settings. It was certified by the President of Nepal on 18 September 2018 and has now come into effect. Section 7(5) of the Act states (unofficial translation): “Each child has a right to be protected against all types of physical or mental violence and punishment, neglect, inhumane behaviour, gender based or discriminatory abuse, sexual abuse and exploitation committed by his/her father, mother, other family members or guardian, teacher or any other person.” Under section 66(2)(d), “giving physical or mental punishment or disrespectful (or inhumane) behaviour in home, school or any other setting” (unofficial translation) is criminalized as a form of violence against children, with a sanction of a fine of up to 50,000 Nepalese Rupees and up to one year of imprisonment (section 72(3)(a)).
- 1.2 Prior to law reform corporal punishment was lawful in the home, in alternative care and day care settings, in schools and in penal institutions. A Supreme Court judgment from 2005, which had struck down the legal defence for “scolding and minor beating” in article 7 of the previous Children Act, had at the time called on the Government “to pursue appropriate and effective measures to prevent physical punishment as well as other cruel, inhuman or degrading treatment or punishment or abuse being imposed or inflicted on and likely to be imposed or inflicted on children”.¹

¹ *Mr Devendra Ale et al. v Office of the Prime Minister & Cabinet et al.*, Supreme Court decision 6 January 2005