

Statement by Mr. Rabindra Man Joshi, Secretary, Ministry of Women, Children and Social Welfare, and the Leader of Nepalese delegation to the 17th Session of the Committee on the Rights of the Child in Geneva on May 20, 2005

Mr. Chairman,

Distinguished members of the Committee,

Ladies and gentlemen

At the outset, on behalf of my delegation and on my own behalf, I would like to thank the Committee for having provided us with this opportunity to present the Second Periodic Report of Nepal on the implementation of the Convention on the Rights of the Child to the 17th meeting of this Committee.

Let me introduce my delegation.

To begin with, Nepal looks at the presentation of this report both as the fulfillment of the provision of the convention as well as a sincere effort for continuing dialogue with the Committee with a view to further strengthen the necessary measures to attain our common goal of the protection and promotion of the rights of children in Nepal. Distinguished members may have already gone through the report and also the responses that have been provided to the Committee recently to the list of issues. In answering the questions contained in the list, we have provided updates on the progress made since the preparation and the submission of the Periodic Report. New and additional disaggregated data on the allocation of budget, and trend, proportion of children under 18 living in the country have been provided. Similarly, several new tables on a range of child rights promotion and protection areas with appropriate explanation have been included attempting to present the efforts that the Government has been undertaking in these areas. With these tables and the explanations and the information furnished on many of the questions, I want to be as brief and succinct as possible in my introduction.

In the report, we have underlined Nepal's deep commitment to the protection and promotion of child rights in the country. We have ratified almost all the international Conventions, and other regional SAARC declarations which aim at promoting the child rights and development. We are equally committed to implementing all the provisions of these international conventions and declarations, to the extent our national capacity and resources permit. It has also given top priority to the development of children in national plans and policies after the ratification of the CRC in 1990. We are in the process of ratifying both the Optional Protocols to the CRC.

The Report also mentions that we have already put in place many legal, institutional and administrative measures in the country. Many of the fundamental rights of children have also been incorporated in the Constitution of the Kingdom of Nepal (1991). In response to international commitments, HMG/N enacted the Children's Act in 1992 and its Regulations in 1995, and the Labor Act in 1992. Similarly, the Child Labor Prohibition and Regulation Act has already been activated and formation of its regulation is in the process. Local Self-Governance Act, and the 11th Amendment to Civil Code have broadened the scope of work for the betterment of Nepalese children. Likewise, the

upcoming amendments to the Children's Act (1992) aims to respond to the emerging needs as well as to incorporate the relevant issues of children.

A detail information and reference to the recently prepared and launched 10-year National Plan of Action (NPA) for Children (2005- 2015), is another important feature of the report. It also clearly illustrates that implementing the programs articulated in the NPA is high on the agenda of the Government. Let me stress here that the NPA is going to be the guiding principles for the formulation of the upcoming 11th five-year plan. The Tenth Five-Year Plan encourages child participation in the development process, and addresses the rights of children as a crosscutting issue. Accordingly, policy is gradually shifting to a right-based approach from a welfare-based approach. The amendment to the Prison Management Regulation has incorporated the provision that all the juvenile offenders will be allowed to stay and enjoy the facilities until they complete their sentence periods. Likewise a "welcome to school" campaign for all the children has been initiated from the school academic session of 2005 to enhance access to education by all.

Included also in the report are our efforts to implement the CRC so as to protect and promote the rights of children more effectively, including the steps taken by the government line agencies, UN agencies especially UNICEF, INGOs, NGOs and local bodies, that have also been active in implementing many programs in various sectors. Many of the areas in which these organizations have been involved include health and nutrition; education; training; awareness raising; child labor; sexual abuse, exploitation and trafficking; community development; and community-based rehabilitation of children with disabilities. I wish also to point out here that their efforts have contributed significantly to advance the health and education services, and to promote awareness of child rights and children's participation. In addition, the policy has empowered the NGOs to be more active in raising awareness against all forms of discrimination and exploitation, in lobbying and advocating for change, in providing income-generating opportunities for poor families, and in community development. This is a manifestation of our taking a holistic and comprehensive approach in favour of children in a spirit of partnership among all the stake holders. The report also touches on how the participation of NGOs, civil society and children in the national development process is increasing as a result of such collaborative interventions. All of them have been widely engaged in promoting child participation in generating community awareness and fighting inherent prejudices and exploitation against children.

This periodic national report, prepared in collaboration with and active participation of all the relevant stakeholders, including the SC Norway and UNICEF, was submitted to the CRC Committee in 2002. I take this opportunity to thank all of those whose contributions have been invaluable in the preparation of the report.

The institutional developments in Nepal include the creation of the Children and Women's Development Section at the National Planning Commission Secretariat in 1993, establishment of the Ministry of Women Child and Social Welfare in 1995, decision to form a juvenile bench in all 75 district courts, and creation of the Central Child Welfare Board and District Child Welfare Boards. In addition, the report talks about some committees formed at district and village levels to work on issues related to child rights. The formation of a National Human Rights Commission in 2000, the National Dalit Commission in 2002, and the National Women's Commission in 2002, and the Poverty

Alleviation Fund (PAF), as supporting instruments to ensure the protection and promotion of the rights of children and women in a more concerted and coordinated manner are other hallmarks.

The report also informs of how child participation has now been increasingly recognized as an important issue in the national planning and development process, and how children's views have been incorporated in the Tenth Five-Year Plan, including their involvement in formulating various National Plan of Actions such as the National Human Rights Action Plan, the National Plan of Action on Disabilities, and the National Plan of Action for Children. The important roles the child clubs across the country are actively playing in raising the voices of children for their rights is another feature of the report.

Mr. Chairman,

I have attempted to present the modest efforts that have been taken so far in my country to promote and protect the rights of the child. We have been able to make achievements as a result of instituting these policy measures, but I must admit that many targets have yet to be achieved to the desired level. There are several factors and constraints. Together with the inherent deficiency in policy formulations and program implementation, political instability, security conditions, resource constraints, low capacity for investment in institutional mechanisms, low sensitization and ownership by key stakeholders remain our challenges. Let me enumerate them as follows:

- Mainstreaming child right issues into national development.
- Reducing disparity between boys and girls, rural and urban areas, and marginalized and privileged areas, especially in basic health service delivery and educational development.
- Severity of income poverty.
- Making primary education universal and qualitative.
- Educating parents and communities.
- Ensuring adequate nutrition for children, and developing locally responsive nutrition programmes.
- Improving the quality of health facilities.
- Developing appropriate strategies to address the high prevalence of neonatal mortality.
- Implementing the existing Children's Act, Labour Act and child-related provisions of other relevant acts effectively as well as developing laws with a child-rights perspective.
- Developing a sense of ownership and accountability within the stakeholders' community.
- Making programmes effective in terms of cost and grassroots beneficiaries.
- Reducing child labour and other forms of exploitation.
- The effects of Maoist Insurgency specifically on children and women
- Rehabilitating children displaced by armed conflict and children in especially difficult circumstance (including those affected by emergencies such as natural calamities).

Undoubtedly, the 10-Year National Plan of Action for Children (2005 – 2015) will be the guiding principle for us in the next decade to shape our overall programs and responses to as many critical areas as child survival, development, protection and child participation. Intensification of effective coordination and communication for better implementation of the plans and programs will remain our priority areas. We will be encouraging the business and corporate sectors in a great measure to respond to the needs and/or problems of children. We will also concentrate our efforts to frame successful intervention strategies and to scale up the best practices. These, in fact, will constitute the next level of interventions targets for the HMG/N. The tasks accomplished so far have been inspiring for us and have been instrumental in constructing building blocks for future, specifically in the areas of legislation improvement, law amendments and enforcement and control of mal-practices. We are hopeful that with the implementation of these measures in a more concerted and comprehensive manner, we will be in a position to mainstream the agenda of children into developmental process of Nepal. But for these national efforts of ours to bear the desired fruits, sustained cooperation and support of the international community is imperative. While we are thankful for the support and assistance so far received, we hope that these efforts will be augmented in future also to help us make a difference in the life of our children.

But before I conclude, let me briefly touch upon the current situation obtaining in my country with a view to setting things in their proper perspectives vis-à-vis our commitments to effectively implementing the CRC.

The report is being considered at a time when Nepal is faced with an escalating violence and the indiscriminate terrorist activities perpetrated by the insurgents over the past nine years, thereby seriously undermining the fundamental rights and freedom of people. Many have been rendered homeless, thousands orphaned, or widowed. Still, countless people have been forced to live in an atmosphere of constant threat and intimidation of abduction and extortion. Young girls, minors and children have been forcefully recruited as child soldiers by the insurgents. These innocent young children are being deprived from their basic rights to education, health and basic rights to their own future. These atrocities and systematic human rights violations by the terrorists are unprecedented in a nation known in the world for peace, tolerance and harmony.

The magnitude and the gravity of threat posed by the insurgency were too great for the nation to ignore. The recent measures were thus taken as a last resort to effectively ensure the security of the nation, to restore the tethering confidence, to alleviate the continued hardships and sufferings of the people, and to create an atmosphere conducive for effective functioning of multiparty democracy and a secure environment for all. Therefore, the state of emergency had to be imposed for some time to improve the peace and security situation. Now with some stabilization of the situation and its continuous improvement state of emergency has already been lifted in accordance with the Constitution of the kingdom of Nepal.

All the suspended rights and freedoms have been reinstated in accordance with the constitution of the country. Accordingly, constitutional liberties have been reactivated. All the political parties are allowed to function and to register their protest against the functioning of the Government in a peaceful and within the remit of the constitution. In the post-emergency period, the Government is making efforts to create the necessary atmosphere for the full functioning of democracy while also defending life, liberty and

security of the people and upholding the principles and norms of human rights. The country is now preparing for holding municipal level elections at the end of this year as a first step towards consolidating multi party democratic structure. The Government is committed to the multiparty democracy and constitutional monarchy as per the constitution of the country.

The Government is, therefore, deeply committed to remaining constructively engaged with the international community, The UN, and the Office of the High Commissioner for Human Rights to improve the overall human rights situation in the country. Last year in December, Mrs. Louise Arbour, the High Commissioner for Human Rights, and a number of UN Special Rapporteurs, made visits to Nepal to get insight into the human rights situation in the country. To deepen our working relationship further with the OHCHR, and also as a mark of our deep commitment to institute reforms and to increase our capacity in the field of human rights, an MoU has already been signed between the OHCHR and the HMGN to open the OHCHR's Office in Katmandu. It is hoped that the Office will help further improve the human rights situation in future. In times of insurgency, we are aware of the further coordinated efforts to protect the rights of children because they are vulnerable in such situation. With the support of all stakeholders, we would continue to take all appropriate measures to ensure that the rights of the children are protected.

Let me conclude by stating that the report we have submitted for your consideration has made honest attempt at the descriptions of the legal, administrative, and other institutional efforts being put in place in order to implement the provisions of the CRC. We are conscious of the implementation gaps as per our commitments, but the consolidation of the right of the child, as any other human rights, is a continuing process. HMGN is determined and is making necessary efforts to implement the commitments that Nepal has made on the CRC so as to bring about perceptible improvements in the condition of all the children in the country, despite multitude of problems the government has had to face as it moves ahead. We have come here in a spirit of engaging ourselves in a constructive manner with the learned members and also to take advantage of your informed inputs and suggestions to help us move ahead. Therefore, we are open to your constructive comments and questions on the content and substance of the report. Indeed it is an opportunity for us to take your valuable and relevant recommendations back home in a spirit of openness and goodwill.

Thank you.

