

# **Supplementary Report on Sexual Violence against Boys in Nepal**



NGO Submission for the 98<sup>th</sup> session of the Committee  
on the Rights of the Child

6<sup>th</sup> and 7<sup>th</sup> Periodic Review of Nepal's Progress  
in relation to  
Convention on the Rights of the Child

**Submitted by:  
Voice of Children**

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## **Brief Profile of Voice of Children**

Established in 2000 A.D., Voice of Children (VOC) is one of the dedicated Civil Society Organizations (CSOs) in Nepal working for the promotion of child rights and child protection. VOC has been advocating for creating a favourable environment for street and sexually abused children of Nepal to exercise their rights to the fullest. Further, it has been carrying out awareness campaigns against child sexual abuse, offering legal, social and psychological support to sexually abused children and their families. VOC aims to reduce the number of street children by working with vulnerable families living in urban areas; slums and low-rent areas to empower them and spread awareness as many children come to the street from such families. As VOC believes that family is most important for every child, it emphasizes on social reintegration of the children living/working in the street by improving their life skills & capacity for sustainability. It also focuses to protect children from any form of sexual abuse by raising awareness of child sexual abuse and offering legal, social and psychological support to sexually abused children & their families.

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## **Abbreviations and acronyms**

|          |                                                                                                                                    |
|----------|------------------------------------------------------------------------------------------------------------------------------------|
| CRC      | : Convention on the Rights of the Child                                                                                            |
| CSO      | : Civil Society Organisations                                                                                                      |
| CWIN     | : Child Workers in Nepal Concerned Centre                                                                                          |
| FGD      | : Focused Group Discussion                                                                                                         |
| ILO      | : International Labour Organisation                                                                                                |
| ILO/IPEC | : International Labour Organisation's International Programme on the Elimination of Child Labour                                   |
| INGO     | : International Non-governmental Organisation                                                                                      |
| IPEC     | : International Programme on the Elimination of Child Labour                                                                       |
| KAP      | : Knowledge, Attitude and Practice                                                                                                 |
| NGO      | : Non-governmental Organisation                                                                                                    |
| NHRI     | : National Human Rights Institutions                                                                                               |
| OPSC     | : Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography |
| SDG      | : Sustainable Development Goals                                                                                                    |
| UN       | : United Nations                                                                                                                   |
| UNCRC    | : United Nations Convention on the Rights of the Child                                                                             |
| UPR      | : Universal Periodic Review                                                                                                        |
| VOC      | : Voice of Children                                                                                                                |

## Table of Contents

|                                                                      |     |
|----------------------------------------------------------------------|-----|
| Brief Profile of Voice of Children .....                             | i   |
| Abbreviations and acronyms .....                                     | ii  |
| Table of Contents .....                                              | iii |
| I. Introduction.....                                                 | 1   |
| II. Process .....                                                    | 1   |
| III. Legal provisions relating to sexual violence against boys ..... | 1   |
| IV. Findings of sexual violence against boys .....                   | 2   |
| V. Suggested Recommendations .....                                   | 6   |
| References .....                                                     | 8   |

## **I. Introduction**

1. The supplementary report has been prepared by Voice of Children collaborating with SDG Studio to draw the attention of the Committee on the Rights of the Child concerning the situation of boys experiencing sexual violence in line with the United Nations Convention on the Rights of the Child.
2. The report portrays the situation and gravity of sexual violence against boys. It includes recommendations that we expect the Committee on the Rights of the Child to provide to the State party during the 98<sup>th</sup> session of the UNCRC. The recommendations are aimed at addressing issues of sexual violence against boys and promoting effective preventive measures and remedies.
3. The report incorporates the findings and recommendations of the seven provincial consultations, a desk review of legal and official documents, research reports, academic journals, and online sources along with a validation workshop held in Kathmandu.

## **II. Process**

4. A technical team was formed, comprising experienced individuals who have submitted reports to international bodies before. Expert meetings were held, and accordingly, the process was structured. A comprehensive desk review was conducted, delving into research reports, academic journals, official documents, and online resources.
5. Seven provincial consultations were organized, involving diverse stakeholders such as children, child rights activists, law enforcement personnel, and representatives from the hospitality and tourism sector. A total of 127 (17 girls, 58 boys and 23 adult females, 29 adult males,) participants participated in the consultations. The consultations included presentations, group discussions, and open floor discussions.
6. Standard safeguarding policy was followed to ensure children's safety during consultations, including consent forms, voluntary participation, no use of recording devices, maintaining confidentiality and a private box for expressing opinions.
7. The findings from the consultations were reviewed with 17 (5 females and 12 males) group of experts, and their input was incorporated into the draft report. A validation workshop was conducted to present the preliminary findings to participants representing NGOs, CSOs, and child rights-based networks. Then, the technical team finalized the report considering inputs received from the consultations and validation workshop. (Refer to Annex 1 for the complete report process.)

## **III. Legal provisions relating to sexual violence against boys**

8. The Government of Nepal has put in concrete efforts against any form of child sexual abuse or violence. Article 39 (6) of the Constitution of Nepal has prohibited any form of sexual or other forms of exploitation against children including boys. Adhering to Article 34 of the UNCRC, Article 1 of the OPSC and Article 39 (6)<sup>1</sup> of the constitution, Section 66 (3) of the Act relating to Children 2018 has enlisted acts that shall be deemed as acts of sexual abuse against children.

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<sup>1</sup> Constitution of Nepal.

9. Section 66 (2c)<sup>2</sup> of the Children's Act makes it a criminal offence to expose children to adult-only material, including motion pictures and audio-visual material, as an act of violence against them.
10. Section 72 (3)<sup>3</sup> of the act enlists the punishment relating to sexual abuse.
11. Section 5 of the Crime Victim Protection Act 2018 ensures special treatment for minor survivors. Section 6<sup>4</sup> ensures the right to privacy of sexual abuse survivors including that of minors.
12. Section 225 of the National Penal (Code) 2017 has criminalised child sexual abuse, listed the acts that are deemed the act of child sexual abuse, and the punishment for such acts.
13. All the provisions in the Act<sup>5</sup> are related to sexual violence and abuse against children, emphasizing the importance of protecting the rights of children, including boys, and ensuring that the perpetrators of such offences face appropriate punishment.
14. On 11 July and 14 July 2022 respectively, the House of Representatives and the National Assembly endorsed the provision to increase the statute limitation for filing cases against child sexual abuse to three years after they turn 18.
15. While Rule 5<sup>6</sup> of Emergency Child Mitigation Fund (Operation) Rules, 2010 has a provision for using the fund to rescue, mitigate and rehabilitate children in an emergency, Rule 2 (b7)<sup>7</sup> has defined children who suffer from sexual exploitation, sexual abuse, sale or trafficking as children in an emergency.
16. Section 47<sup>8</sup> of the Electronic Transaction Act 2008 prohibits and punishes publishing or displaying illegal electronic materials, including those contrary to public morality or spreading hate.
17. Section 47 (4)<sup>9</sup> of the Telecommunication Act 1997 has a provision for punishing anyone who abuses, threatens or causes unnecessary harassment through the telecommunication service.

#### **IV. Findings of sexual violence against boys**

18. The Government of Nepal has not stated anything about sexual violence and abuse against boys in Nepal in its 'Sixth and Seventh Periodic Report'.<sup>10</sup> Further, the concluding observation of the UNCRC Committee issued in 2016<sup>11</sup> does not have any specific recommendations relating to sexual abuse against boys in Nepal.
19. Even though there are generic recommendations relating to sexual abuse in the recommendations by the United Nations Human Rights Council in the third cycle of the UPR, there are no specific recommendations relating to sexual abuse against boys. In addition, the word 'girls' have been mentioned 99 times either in the list of the affected persons or in the list of recommendations while there is not a single mention of boys in the recommendation.<sup>12</sup>

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<sup>2</sup> The Act Relating to Children 2018.

<sup>3</sup> Ibid

<sup>4</sup> The Crime Victim Protection Act 2018.

<sup>5</sup> The National (Penal) Code 2017.

<sup>6</sup> 'Emergency Child Mitigation Fund 2010'.

<sup>7</sup> Ibid

<sup>8</sup> The Electronic Transactions Act, 2063 (2008).

<sup>9</sup> Telecommunication Act, 2053.

<sup>10</sup> 'Sixth and Seventh Periodic Report on the Implementation of The United Nations Convention on the Rights of the Child'.

<sup>11</sup> 'Concluding Observations on the Combined Third to Fifth Periodic Reports of Nepal'.

<sup>12</sup> 'Matrice Recommendations Nepal'.

20. The study in 2002 by the ILO/IPEC<sup>13</sup> and the study by CWIN in 2010<sup>14</sup> revealed that 37 percent and 46 percent of the boys living on the street were sexually abused respectively. The same study by ILO/IPEC revealed that 63 percent reported that they were aware of sexual abuse against their friends. However, no comprehensive study or intervention has been conducted to explore and address the situation yet.
21. According to the Women, Children and Senior Citizen Service Directorate under Nepal Police, 90 street boys suffered sexual violence in the fiscal year, 2020/21 against 93 in the FY, 2021/22.<sup>15</sup>
- The participants of the validation workshop shared that the government and other stakeholders seem to have made no substantial efforts to deal with cases of sexual violence against male street children.
- In my experience, male street children are often subjected to abuse. Unfortunately, these abused children often become abusers themselves as they grow older, influenced by the misguided belief that such behaviour is expected from older boys. Eventually, these boys become the 'Naika' or leaders, running their own groups and perpetuating these harmful practices. It is disheartening that no substantial efforts have been made to conduct a thorough study on this matter.

- A female participant of the Validation Workshop with years of experience in working with street children
22. The Central Investigation Bureau reported that until 15 February of FY 2022/23, there were no cases of rape of boys lodged with the police station. However, 308 boys (3 boys under the age of 10; 170 boys between the ages of 11 and 16; and 135 boys between the ages of 16 and 18) were found guilty of sexual abuse in FY 2021/22 and 158 boys (2 boys under the age of 10; 575 boys between the ages of 11 and 16; and 81 boys between the ages of 16 and 18) were found guilty from FY 2022/23 to 15 February 2023.
23. Based on 7 years of case studies, "A Study on Child Sexual Abuse in Nepal with a Focus on Travel and Tourism Sector in 2021"<sup>16</sup> revealed that 95 percent of the survivors (111 boy survivors were interviewed) were abused by foreigners. On top, 57 percent of the survivors were from poor family backgrounds. Further, 67 percent of the survivors were with family. The participants of the provincial consultations also shared those boys are often neglected thinking that boys can take care of themselves.
24. The study "Exploring and Addressing Sexual Violence of Boys in Nepal 2019"<sup>17</sup> revealed that sexual abuse or violence against boys is a significant problem that requires attention. The research indicates that societal perceptions of male bravery and responsibility may make it difficult for boys to disclose their abuse and that certain subgroups (shy or younger boys) are more likely to be victimized. The consultation participants also shared that since the boys were considered brave, and responsible and they would not have explicit external effects, they would hardly reveal it.

<sup>13</sup> 'Trafficking and Sexual Abuse among Street Children in Kathmandu'.

<sup>14</sup> 'A Study on the Sexual Abuse of Street Boys in Kathmandu 2010'.

<sup>15</sup> News, 'Sexual Violence Cases against Male Street Children'.

<sup>16</sup> 'A Study on Child-Sexual Abuse in Nepal with Focus on Travel and Tourism 2021'.

<sup>17</sup> 'Exploring and Addressing Sexual Violence of Boys in Nepal'.

25. The consultation participants shared that while society acknowledges that sexual abuse against girls is rampant, the same society thinks that boys can never be a survivor of sexual abuse. The findings highlight the societal lack of awareness regarding the severity of

In our society, there is a widespread belief that only girls can be victims of abuse. Because of this, when a friend shared their experience of abuse by a relative with me, we felt unable to reveal it. This prevailing mindset makes me hesitant to share my own experiences, fearing a lack of belief or understanding from others. It's important to remember that support systems exist for survivors in situations like these.

- A male child participant of the Koshi Province consultation

sexual abuse or violence against boys. It also illustrates that there is no supportive environment at home or community for the survivors.

26. The consultations and the validation workshop's participants pointed out the challenges created by the language used in Section 219 (2) of the National Penal (Code) 2017.

In case of rape of any child, 72 (3g) of the Act relating to Children 2018 states that the punishment for this crime shall be under the prevailing laws. The prevailing law here refers to the National Penal (Code) 2017. However, Section 219 (2)<sup>18</sup> of the code specifically recognizes rape as sexual intercourse with a woman without her consent or with girls below 18 years even with their consent by men. Accordingly, it has stated punishments in sub-section 3 of Section 219<sup>19</sup>.

They added that as a result, incidences of rape against boys are being reported under Section 226<sup>20</sup>, which deals with unnatural sex. Therefore, the offenders are receiving a less severe penalty. This is so because, according to Section 226(2)<sup>21</sup>, engaging in unnatural sexual activity carries a maximum sentence of three years in prison or/an NPR 30,000 fine. However, a young man from Baglung was just given a 12-year prison term for having unnatural intercourse with a boy. (Refer to News 2 of Annex 2 for the translated version)

27. Even when the media agencies cover stories of sexual abuse against boys, instead of considering it rape, they consider it unnatural sex. For example, in recent news published on the Nepal Press - an online news portal, the very title of the news was 'Unnatural sexual intercourse for 4 months continuously with a child brought for education from Solukhumbu to Kathmandu'<sup>22</sup> (Refer to News 1 of Annex 2 for the translated version).

28. In Section 219 (8)<sup>23</sup>, a provision states that if a woman is raped by a person with whom she shares a prohibited degree of relationship by blood or marriage, the offender will be subject to the punishment for incest in addition to the sentence stated in Section 219 (3)<sup>24</sup>. However, there is no similar provision for a male survivor. Section 220<sup>25</sup>, which pertains to the Prohibition of Incest, does not include

<sup>18</sup> The National (Penal) Code 2017.

<sup>19</sup> Ibid

<sup>20</sup> The National (Penal) Code 2017.

<sup>21</sup> Ibid

<sup>22</sup> 'पढाउने भन्दै सोलुखुम्बुबाट काठमाडौं ल्याइएका बालकसँग ४ महिना लगातार अप्राकृतिक मैथुन'.

<sup>23</sup> The National (Penal) Code 2017.

<sup>24</sup> Ibid

<sup>25</sup> The National (Penal) Code 2017.



any provision concerning the sexual relationship between two males who are closely related by blood or marriage.

29. Section 225<sup>26</sup> states that children shall not be sexually misused (In Nepali 'Durupayog', misuse in English, has been used). And the punishment has been determined accordingly.
30. A report 'Assessing and Understanding the Risk: Sexual Exploitation of Children Online in Nepal 2017'<sup>27</sup> found that 47 percent of the boys reported online abuse in Kathmandu Valley.
31. The research report 'A Study on Online Child Sexual Exploitation in Nepal, 2020'<sup>28</sup> showed that boys have to withstand more pressure compared to girls when it comes to producing and sharing nude images, audio and videos. It was found that 24.53 percent, 19.81 percent and 12.26 percent of boys were forced do such things in Kathmandu, Dhanusa and Morang districts. The same report revealed that of 1,714 total respondents, 58 boys were forced to pose nude live online, which is still more compared to girls. In the same report, 224 male respondents shared that they experienced unwanted sexual exploitation.
- The male-child participants of the consultations revealed that they have experienced sexual abuse through the Internet. However, they expressed their helplessness to approach the relevant body due to fear of being judged and lack of knowledge that such incidents need to be shared.
- I became a victim of internet sexual abuse. It was a difficult step for me, as I felt incredibly helpless and trapped, unsure of how to approach the relevant authorities for assistance. The fear of being judged and the lack of knowledge about the importance of sharing such incidents overwhelmed me. I had to suffer for a long period due to this.

- A male child participant of the Bagmati Province consultation
32. A study "Assessing and Understanding the Risk: Sexual Exploitation of Children Online in Nepal 2017"<sup>29</sup> pointed out that none of the existing acts clearly defines child pornography or child abuse material, corruption of children, grooming, solicitation of children for sexual purposes, sexting, sextortion, online child sex abuse, live streaming, sex tourism, and cyber stalking/bullying. As a result, concerned parties are not able to fully comprehend crimes related to these issues. Additionally, corruption of children and solicitation of children for sexual purposes through grooming is not considered criminal activities under the current Act. The same study suggested that there has not been a systematic reporting mechanism for cyber crimes.
33. According to the study<sup>30</sup> conducted by VOC and Ecpat Luxembourg, internet service providers in Nepal are generally not able to monitor, filter, or store the content accessed by their customers, and they are not under any legal obligation to do so. Consequently, internet content is typically accessible to all users without any age verification or filtering.
34. During the 'Baseline Survey and Policy Gap Analysis on Online Child Sexual Abuse'<sup>31</sup>, the child participants shared that lack of awareness, family rearing

<sup>26</sup> [CSL STYLE ERROR: reference with no printed form.].

<sup>27</sup> 'Assessing and Understanding the Risk: Sexual Exploitation of Children Online in Nepal 2017'.

<sup>28</sup> 'A Study on Online Child Sexual Exploitation in Nepal'.

<sup>29</sup> 'Assessing and Understanding the Risk: Sexual Exploitation of Children Online in Nepal 2017'.

<sup>30</sup> 'Assessing and Understanding the Risk: Sexual Exploitation of Children Online in Nepal 2017'.

<sup>31</sup> 'Baseline Survey and Policy Gap Analysis on Online Child Sexual Abuse'.

bearing challenges and availability of free internet services including illiteracy are the major challenges to fight against online sexual abuses.

35. The consultation participants expressed alarming concerns regarding the rampant bullying of junior boys including sexual abuse by seniors in hostels. However, due to a lack of belief that their problems will be addressed, these incidents largely remain concealed from scrutiny.

While I was in a hostel for my high school level, I had to face bullying from my own seniors. Sometimes, I used to skip my dinner, so that I didn't need to face them. Being bullied by seniors in the hostel was a distressing reality, but even more troubling was the disclosure that some of my friends experienced sexual abuse.

- A male child participant of the Gandaki Province consultation

36. Adult participants in the consultations shared that sexual violence against boys primarily occurs in hotels or other private accommodations, where surveillance is often inadequate. Disturbingly, the majority of individuals have no reservations about providing accommodation to individuals of the same gender, as there exists a prevailing disbelief that boys can be victims of sexual abuse.

## V. Suggested Recommendations

Respectfully, we would like to request the Committee on the Rights of the Child to make the following recommendations to the Government of Nepal:

37. Immediately initiate a comprehensive study to examine the extent, nature, patterns, and practices of sexual violence against boys. The study's findings shall serve as a baseline for developing precise and effective intervention strategies, leaving no room for ambiguity or delay.
38. Introduce a new law that recognises and defines all forms of online sexual violence and exploitation against children. Also, the law shall have a provision for punishment in accordance with the intensity of the crime. The law shall also ensure fair investigation and prosecution, justice delivery, and confidentiality while requiring internet service providers to monitor and regulate their platforms to prevent such exploitation. Additionally, the Electronic Transaction Act shall be amended as well.
39. Amend the language used in section 219 (2)<sup>32</sup> to recognise anal penetration of children of all genders, including boys, as rape. Also, amend the language used in section 219 (8)<sup>33</sup> to a person from a woman covering all genders. Further, amend Section 220<sup>34</sup> to include the provision relating to incest between the same sex.
40. The term child sexual misuse shall be amended to child sexual abuse in section 225.

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<sup>32</sup> The National (Penal) Code 2017.

<sup>33</sup> Ibid

<sup>34</sup> Ibid

41. Develop and implement comprehensive programs to raise awareness among parents, communities, and schools about the issue of sexual abuse and violence against boys. These programs shall include targeted education on prevention, gender sensitivity, healthy relationships and response strategies to foster a supportive environment for boy survivors, empowering them to speak out and seek justice.
42. Compulsory incorporate sexual violence against boys in the school curriculum that specifically deals with sexual and reproductive health rights.
43. Make it compulsory for all hotels and private accommodations to implement a consent verification process when a minor including a boy is accompanied by someone other than their parents. This process should involve checking a consent form signed by the parents or cross-checking directly with the parents to ensure that the boy has proper authorization to stay at the accommodation.
44. Make it mandatory for all settings where children have access, including schools, colleges, and hostels, to implement child safeguarding policies that explicitly incorporate provisions relating to anti-ragging policies. These policies should encompass comprehensive measures to prevent and address instances of bullying and abuse among boys. Furthermore, make a provision for counselling and support services by qualified professionals to survivors within the educational institutions.
45. Design and implement awareness campaigns on cybercrime and develop a mechanism to cater to the needs of boys who have experienced cybercrime.

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