



Convention on the Rights of the Child

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Summary record of the 1706th meeting

Held at the Palais Wilson, Geneva, on Monday, 4 June 2012, at 10 a.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (*continued*)

Initial report of Nepal on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/NPL/1; CRC/C/OPSC/NPL/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Nepal took places at the Committee table.*

2. **Mr. Paudel** (Nepal) gave an overview of Nepal's progress in codifying children's rights and said that aligning the country's legislative and institutional framework with international and regional child rights instruments remained a priority. The provisions of the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography were reflected in the Interim Constitution of Nepal. For the first time in the country's history, children's rights, including the right to protection from physical, psychological and other forms of exploitation, had been enshrined in the Constitution as fundamental rights. New legislation provided for support to child victims and harsher penalties for offences against minors. The bill to replace the Children's Act of 1992, which had been approved by the Council of Ministers, raised the age of majority to 18, defined the rights of and obligations towards children and explicitly prohibited sexual abuse of children, including their use in pornographic materials. The Supreme Court had issued rulings on the establishment of youth courts, the rights of adopted children and the protection of female workers in establishments where they were vulnerable to physical or psychological abuse. The aim of the recently approved 2012 national policy on children, in conjunction with the Three-Year Plan (2010–2013), was to foster a culture of children's rights. A revised version of the Plan of Action for Children (2005–2015), which took into account emerging issues and new priorities, was pending approval, while the National Master Plan on Child Labour (2004–2014) and the National Plan of Action against Trafficking in Children and Women for Sexual and Labour Exploitation (2011) were being implemented with a view to strengthening the State's capacity to react to those problems.

3. Turning to the institutional framework for the protection of children, the Minister of Women, Children and Social Welfare chaired the Central Child Welfare Board, and the 75 district child welfare boards coordinated activities at the local level. The Government provided financial and technical support to eight district rehabilitation centres and standards had been set to regulate alternative care homes. The national police ran 110 service centres for women and children and, as part of a pilot project, youth courts had been established in 26 districts. All staff of those agencies received training on children's rights and the National Judicial Academy held seminars for the judiciary, lawyers and law enforcement personnel. Non-governmental organizations were active in promoting and protecting children's rights and toll-free hotlines were available to children. Independent monitoring was conducted by the Office of the Special Rapporteur on Trafficking in Women and Children, which reported to the National Human Rights Commission.

4. Pursuant to the Domestic Violence (Offence and Punishment) Act of 2009, services and legal remedies had been made available to children, including 15 shelters for women and children who were victims of domestic violence. Thanks to Government support, community-based initiatives, such as poverty reduction schemes, children's clubs and programmes to empower women and teenage girls not enrolled in school, had been extended to 3,360 of the country's 3,915 village development committees. Since 2010, some 400,000 children, including those in remote areas and those belonging to the Dalit caste, had benefited from a child protection allowance which entitled families to 200 Nepalese rupees per month for up to two children under 5 years of age. A Government plan

to institute child-friendly local governance had been piloted in 2008 and now covered 21 districts, 4 municipalities and 129 village development committees, while at least 10 per cent of Government grants had to be spent on programmes that directly benefited children living in extreme poverty.

5. The authorities had been striving to guarantee children's access to vital services such as health care and education. In 2011, vaccination coverage had increased to 87 per cent, the proportion of underweight children had declined to 29 per cent and child mortality had fallen to 54 per 1,000. Net enrolment at the primary level was 95.1 per cent, the survival rate to grade five was 82.8 per cent and the gender parity index for enrolment up to higher secondary level was 0.99 or higher. Enrolment stood at 72.9 per cent in the country's more than 33,000 early childhood development centres. The Asia-Pacific Regional Report 2009–2010 had revealed that Nepal was on track to meet the Millennium Development Goals, except for targets under goals 1 and 7. Nepal would welcome international assistance in building institutional and administrative capacity, including for data collection.

6. **Ms. Lee** (Country Rapporteur for the Optional Protocol on the Sale of children, child prostitution and child pornography), recalling that she and the Chairperson had visited Nepal in April 2010, said that the Interim Constitution adopted in 2007 included 12 articles on the fundamental rights of children. However, the Constituent Assembly had since been dissolved, with the adoption of the final Constitution still pending. The Committee nonetheless welcomed the ratification by Nepal of several international and regional treaties relevant to children and the adoption of domestic legislation in favour of children, commended the State party on its efforts to protect children, including those belonging to marginalized groups, and urged it to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

7. Poverty and corruption were two major challenges to full implementation of the Optional Protocol. Nepal ranked among the 15 poorest countries in the world and in 2010 Transparency International had ranked it 146th out of 178 countries. The report before the Committee cited low literacy rates as the cause of the population's inadequate awareness of human and children's rights, and yet education remained neither compulsory nor free, despite its recognition as a basic right.

8. Referring to the Interim Constitution and the judgement in *Dinesh Kumar Sharma v. Office of the Prime Minister and the Council of Ministers*, she asked for clarification as to the status of international treaties in the domestic legal system. She also wished to know in what way the new Children's Act would incorporate all the provisions of the Convention and both optional protocols thereto, as claimed in the replies to the list of issues, and stressed that the offences covered in the Optional Protocol under discussion should be explicitly criminalized in the Criminal Code. She expressed concern that current legislation focused on the trafficking rather than the sale of children and that there was inadequate funding and coordination of all the bodies with child protection mandates. She enquired about Government plans to supplement the fragmented programmes run by NGOs, which did most of the hard work in the area of child protection. She was also concerned about the statelessness and associated risk of trafficking and exploitation of children that would ensue if a new constitutional provision denying children citizenship unless both parents could legally establish their Nepali citizenship was approved. She wished to know whether the Human Trafficking (Control) Act of 2007 provided for exercising extraterritorial jurisdiction in the case of offences covered by the Optional Protocol and whether article 5, paragraph 2, of the Optional Protocol had ever been cited as grounds for extradition. Lastly, she drew attention to the issue of so-called "VIP adoptions", which took place despite a moratorium on international adoptions, and the use of orphanages as a base for unlawful adoption, child prostitution and child pornography.

9. **Ms. Al-Asmar** asked how the State party was coordinating the numerous entities and programmes related to child protection.

10. **Ms. Nores de García** stressed that it was impossible to prevent and detect cases of trafficking without a commensurate budget. She commended the State party for signing the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, but asked how the authorities ensured that the paperwork filed by foreign adoptive parents was legitimate and how they monitored the living conditions of children given up for domestic adoption. She also enquired about measures being taken or considered to abolish certain practices that adversely affected women and girls.

11. **Mr. Cardona Llorens** asked if the State party was considering ratifying the Hague Convention. Highlighting the risk of trafficking associated with having so many children living in institutions even though they were not necessarily orphaned, and noting that informal adoption was rampant, he asked if amendments to the Civil Code would address those issues and what corrective measures were envisaged.

12. **Ms. Sandberg** asked what targets and indicators were defined under the Plan of Action for Children, how that plan fitted in with other policies such as the National Master Plan on Child Labour, and how activities under the plans were coordinated.

13. **Mr. Koompraphant** asked what mechanisms were in place to monitor the living conditions of children in alternative care; how the State party detected cases of the sale of children, child prostitution and child pornography; how the authorities identified particularly vulnerable groups, such as street children; whether children had access to legal protection; the number of convictions for offences against children in relation to the number of complaints; the nature of psychosocial support provided for child victims by the Government; the nature of measures taken to assist and support child victims throughout the legal process and to minimize potential negative effects of judicial proceedings; whether there were witness and victim protection programmes in place; whether parents involved in offences covered by the Optional Protocol were liable for their actions; and how child victims were reintegrated into their families.

14. **Mr. Kotrane**, noting the varying definitions of the child provided in the report, asked whether all children under 18, irrespective of gender, were equally protected against offences covered by the Optional Protocol. He requested additional information on which acts — such as the use of forced labour, facilitating unlawful adoption or the possession of pornographic material — were explicitly considered offences under the Criminal Code. He also requested clarifications regarding the exercise of extraterritorial jurisdiction by Nepalese courts.

15. **Ms. Varmah** said that the Committee had received reports that children born of single mothers, mothers who were married to a foreigner, or mothers who were refugees or stateless persons were denied registration, despite the fact that birth registration was a universal right. She wished to know what measures the Government had taken or envisaged taking to ensure that those children were registered. Noting with concern that the sale of organs was reportedly widespread in certain areas, she enquired as to the overall risk of children being sold for organ transplants and as to the measures taken by the Government to prevent children's organs from being smuggled out of the country.

16. While some harmful traditional practices had been prohibited, a number of such practices persisted and continued to violate the rights of women and girls. She asked what steps had been taken to eradicate such harmful practices from Nepalese society.

17. **Ms. Aidoo** said that the Government was to be commended on the awareness-raising initiatives it had launched, as they had targeted specific issues addressed by the Optional Protocol and had involved a number of civil society organizations. However, it appeared

that the majority of those activities took place in isolation. She would like to know how the Government coordinated such activities and how it reinforced the idea that the Optional Protocol on the sale of children, child prostitution and child pornography did not address children's rights in general but referred to specific crimes against children. Furthermore, she would be interested to know how laws related to those crimes were disseminated following their enactment. In that connection, she also wished to know how the Government disseminated the principles of the Optional Protocol among the 80 per cent of the population who lived in rural areas and among the illiterate, given that their circumstances often precluded them from accessing the information through conventional means. She also asked whether the Optional Protocol had been translated into Nepali and into other local languages and whether the Government had incorporated the principles of the Optional Protocol into the curriculum in primary and secondary schools. Similarly, she wished to know whether the principles of the Optional Protocol were included in the training provided to all professionals working with children.

18. **Mr. Guráň** said that he would like to receive an update on the progress made since 2005, when the Committee had voiced its concerns about the accessibility of the country's independent monitoring bodies. He wished to know whether there was now an independent unit within the National Human Rights Commission, how many complaints had been received and how they were dealt with. He underlined the importance of ensuring easy access to all human rights institutions, especially to the National Commission on Women in view of the prevalence of gender-based discrimination in Nepal. Lastly, he enquired as to the Government's strategy for guaranteeing all children access to local child welfare services.

19. **Ms. Wijemanne** said that she would like to know whether the Government intended to develop a comprehensive data-collection system and, if so, what kind of system it envisaged. She asked whether the data collected by the national police, the Office of the Attorney-General and the Supreme Court were fed into a central database and how the data collected by children's helplines and NGOs were collated.

20. She wished to know whether the Village Development Committees could participate in preventive programmes and whether the block grant for children in extreme poverty could be used to prevent the sexual exploitation, prostitution and sale of children. In addition, she would welcome information on the efforts undertaken by the Government to improve the protection given to child victims and witnesses in order to encourage more of those children to come forward.

21. **Mr. Madi**, noting that eight paedophiles had been arrested from 1995 to 2001, asked whether any information was available for the last decade, for example on the number of arrests made and the number of paedophiles tried and convicted by the courts. He requested clarification on the function of the commission set up to combat paedophilia and the sexual and commercial exploitation of children through tourism; he would like to know how the Government had reacted to the commission's recommendations. Referring to the draft code of conduct for the hotel industry, he enquired as to whether it was still a draft and, if so, as to the reasons for the delay in its approval and distribution.

22. **Ms. Al-Shehail** said that many investigators and prosecutors still failed to link forced labour and exploitation to the sale of children. She wished to know what steps had been taken to strengthen the child protection framework and what initiatives had been launched at the grass-roots level to assist the most vulnerable segments of society.

23. **Ms. Maurás Pérez** said that the Government of Nepal still clearly encountered difficulties in identifying the child victims of trafficking, illegal sales, pornography and prostitution. Training legal professionals and police officers to identify those victims did not obviate the need for a more comprehensive system for identifying such cases. Noting

that health workers were best placed to identify victims of the aforementioned crimes and to refer cases to the competent authorities in the first instance, she enquired as to the steps taken to equip them with the skills necessary to fulfil that role.

The meeting was suspended at 11.05 a.m. and resumed at 11.25 a.m.

24. **Mr. Paudel** (Nepal) said that the rights of the child were enshrined in the Nepalese Constitution. Several institutions shared responsibility for protecting children's rights; they included the Ministry of Women, Children and Social Welfare and the Central Child Welfare Board. The Board was chaired by the Minister of Women, Children and Social Welfare. There were child welfare boards in all 75 districts of Nepal, and they coordinated activities and implemented Government policy at the local level.

25. The national committee on combating human trafficking came under the authority of the Ministry of Women, Children and Social Welfare and was chaired by the Secretary of that ministry. The committee was composed of secretaries from the Ministry of Labour, the Ministry of Home Affairs and the Ministry of Foreign Affairs and representatives of the Office of the Attorney-General and the Nepalese police. Women's representatives and female survivors also contributed to the fight against human trafficking. The national committee was responsible for devising programmes and policies aimed at preventing human trafficking, for making recommendations to the Ministry of Women, Children and Social Welfare and for implementing approved programmes and policies. It also carried out monitoring activities, facilitated the repatriation of victims of trafficking, oversaw the running of rehabilitation centres and ensured that Nepal complied with the obligations arising from the international instruments on human trafficking to which it was a party.

26. **Ms. Al-Asmar**, noting that the Central Child Welfare Board was composed of secretaries from different ministries, enquired as to the nature of its meetings and as to whether an executive secretary was responsible for coordinating their activities.

27. **Mr. Paudel** (Nepal) said that a separate secretariat and a group of dedicated staff within the Central Child Welfare Board were responsible for coordinating efforts among the ministries.

28. **The Chairperson** requested clarification on how the activities undertaken to address the different issues referred to in the Optional Protocol were coordinated in practice, given that the Government appeared to subsume them under the issue of trafficking, which was a factor contributing to the sale of children, child prostitution and child pornography. He wondered whether the issue of trafficking did not fall within the purview of the Ministry of Law, Justice and Parliamentary Affairs rather than within that of the Ministry of Women, Children and Social Welfare. Moreover, he requested clarification on the relationship between the general policy on children's rights and the specific policy to address the issues referred to in the Optional Protocol.

29. **Mr. Paudel** (Nepal) said that the Government had recently approved a national policy on children which was in keeping with the principles of the Convention on the Rights of the Child and its optional protocols. The Ministry of Women, Children and Social Affairs and the Central Child Welfare Board were ultimately responsible for coordinating efforts in the area of children's rights and collaborated with multiple stakeholders, such as NGOs and development partners. In addition, a child welfare committee was responsible for coordinating all activities at the district level.

30. **Ms. Lee** requested additional information on the national policy for children which the Government had recently approved. Noting that the State party had referred to an internal discussion on redefining the roles and functions of certain institutions in its written replies to the list of issues, she emphasized that effective coordination was contingent on clearly defined roles and responsibilities. She wished to know how the State party

effectively monitored the implementation of policies if the mandates of key institutions remained ambiguous.

31. **Mr. Paudel** (Nepal) said that the national policy for children had been approved in 2012. Furthermore, the new Children's Act would facilitate its implementation.

32. **Ms. Lee** asked whether the new Children's Act would include the provisions on identification, referral, treatment and follow-up set out in the Optional Protocol.

33. **Mr. Paudel** (Nepal) confirmed that those provisions were included in the bill. With regard to monitoring issues relevant to the Optional Protocol and the efficacy of action taken to prevent abuse and exploitation and provide support for victims, he said that an integrated data-collection system was key and that the Nepalese authorities, led by the Central Child Welfare Board, were working to improve current practice in that area. Pertinent information was available from numerous sources, including the health and education management information systems, the police and court records systems and the various Government ministries that were required to report to the National Planning Commission several times a year, and the Ministry of Women, Children and Social Welfare aimed to develop a comprehensive, centralized system that would facilitate the analysis of data drawn from all those sources.

34. **The Chairperson** suggested that, since the issues addressed by the Optional Protocol extended beyond the mandate of the Ministry of Women, Children and Social Welfare and since any integrated information and monitoring system would also need to encompass legal, health, education and immigration issues, it might be more appropriate for the database to be developed and maintained by a national statistics institute that was also involved in research and planning instead of by an individual ministry.

35. **Mr. Koompraphant** asked how an integrated information and monitoring system would help to identify actual or potential child victims of prostitution, pornography and other forms of abuse and ensure that they were able to access Government support services.

36. **Mr. Paudel** (Nepal) said that access to the website through which the database could be consulted would be limited and that it was always difficult to disseminate information in remote parts of the countries. However, the database would be of great value to regional and central authorities in planning services and programmes and would help pinpoint those segments of the population that were most vulnerable. Thus, its main purpose would be to enable the authorities to prioritize areas of action rather than to raise awareness.

37. **Mr. Upreti** (Nepal) said that law enforcement agencies were currently the main source of assistance and information for children affected by offences under the Optional Protocol and for members of their families. The integrated database system was still in the development stages and was not intended for public access.

38. **The Chairperson** asked whether a helpline was available through which children could seek help and report incidents, given that there was no publicly accessible national information system.

39. **Mr. Paudel** (Nepal) confirmed that both Government- and NGO-funded helplines were available.

40. **Mr. Upreti** (Nepal), turning to the question of the legal status of treaty provisions, said that their primacy over domestic legal provisions in the event of conflict was clearly established in Nepalese law. Section 156 of the 2007 Interim Constitution contained detailed provisions concerning the ratification of and accession to international treaties and agreements, while the 1990 Nepal Treaty Act expressly stipulated that if any provisions of an international treaty to which Nepal was a party were inconsistent with those of a

domestic law, the law would be invalid and the treaty provisions would apply as if they were law. Treaty provisions should, however, be transposed into domestic law to ensure their full implementation and the draft Children's Act currently before Parliament had been developed precisely for that purpose, i.e. to ensure that all definitions, concepts and rights established in the Convention on the Rights of the Child and the Optional Protocol were fully incorporated in the domestic legal order.

41. **Ms. Lee** said that it was important that social services and child protection bodies should work alongside the police in cases involving child victims of offences under the Optional Protocol. She sought reassurance that counselling and rehabilitation were favoured over punitive, police-led responses in such cases. She also sought clarification regarding reports that the official in charge of the national child protection system was paid by an NGO rather than by the Government. More generally, she wondered whether sufficient Government funding was available for national victim support plans and policies, given that virtually all Nepal's rehabilitation centres, including the high-profile Maiti Nepal project, appeared to be donor-run and funded.

42. **Mr. Upreti** (Nepal) said that social workers, medical staff and counsellors worked with the law enforcement authorities to ensure that child victims of abuse and exploitation received the requisite support, protection and rehabilitation. While it was true that the majority of rehabilitation centres were funded, resourced and managed by NGOs, in an impoverished country where resources were stretched a multisectoral response was frequently the only viable option. The Government did, however, operate and fund four child rehabilitation centres directly, besides monitoring NGO-run institutions in order to identify gaps in provision and any improvements that might be needed.

43. **The Chairperson** asked whether the specific offences of child prostitution, sale of children and child pornography that the Optional Protocol addressed were expressly defined in domestic law, and specifically in the Criminal Code.

44. **Mr. Upreti** (Nepal) said that the draft of the new Children's Act covered all the rights guaranteed under the Convention on the Rights of the Child and the Optional Protocol on the sale of children, child prostitution and child pornography. It also raised the upper age limit of the legal definition of a child from 16 to 18 years. The bill had not yet been translated, but he would ensure that the Committee received the English version as soon as it was available.

45. **Ms. Sandberg** said that she would have expected to find provisions establishing definitions and penalties for the sale and prostitution of children and other offences addressed under the Optional Protocol in criminal legislation rather than in the Children's Act, and asked in which legal instruments those offences were specifically criminalized.

46. **Mr. Upreti** (Nepal) said that it had previously been impossible to make explicit reference to offences of a sexual nature and that in Nepalese law they had generally been referred to only obliquely, as unethical or immoral conduct. However, sexual abuse, sexual exploitation, pornography and other related offences were all expressly defined and criminalized in the new law.

47. **Mr. Kotrane** said that he had been concerned to note that the new legislation did not use the definitions found in the Optional Protocol and instead defined the offences covered therein in very general terms only. For example, the definition of sale of children was not extended to include forced prostitution and other forms of forced labour that, in his view, met the definition of sale of children and should be punished as such.

48. **Mr. Upreti** (Nepal), acknowledging that the bill was not fully aligned with the Optional Protocol, said that its content was still open to debate and amendment and that the Committee's observations and advice would provide input for that process. Furthermore,

any lacunae in the provisions of the Children's Act should be covered by the Criminal Code.

49. **The Chairperson** expressed concern that under the 1970 Public Offences Control and Punishment Act children involved in sexual offences might be treated as criminals instead of victims and asked whether those provisions had been repealed or amended.

50. **Mr. Upreti** (Nepal) said that juvenile justice mechanisms in Nepal met the requirements established in the Convention and the Optional Protocol. For example, in application of new rules of procedure for the administration of juvenile justice introduced in 2006, separate juvenile chambers with social workers, child psychologists, child-friendly rooms and in camera facilities were currently operating in 26 judicial districts and had between them heard 118 cases in 2010 and 2011. A further 14 juvenile chambers were due to be established in the near future and additional resources were likewise being assigned to the correction centres used to accommodate children in conflict with the law, which were currently home to over 500 minors, including 22 girls.

51. **The Chairperson** said that, according to information before the Committee, child victims of sexual exploitation, prostitution or pornography continued to be arrested simply for being involved in those offences under the Some Public Offences and Penalties Act of 1970. He asked if that act would be amended to remedy the situation.

52. **Mr. Upreti** (Nepal) said that his Government would look into the issue and, if necessary, amend the act to bring it into line with the Convention and the Optional Protocol on the sale of children, child prostitution and child pornography.

53. **Ms. Sandberg** asked whether any of the 22 girls in juvenile detention centres were being held in detention because of their involvement in offences such as prostitution, pornography or the sale of children.

54. **Mr. Upreti** (Nepal) said that his delegation would provide that information in writing at a later date. With regard to the question on adoption, before ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, the Government was identifying the resources and legislative and structural changes needed to comply with it. In 2009 the Government had issued guidelines on international adoption establishing an order of priority for adoption: preference should first be given to placing the child with his or her parents or other relatives, followed by national adoption, with international adoption used only as a last resort.

55. The guidelines also established a very transparent system in which no intermediaries were involved in the adoption process; the required documents were accepted only from a legitimate representative recognized by the authorities of the country involved. A committee had been established in 2011 to process those documents, and the Government was considering ways to implement effective systems and regulatory mechanisms like those used in other countries.

56. **Mr. Cardona Llorens** said that, based on that information, he took it that the suspension of international adoptions was no longer in effect. He asked if that was indeed the case and, if so, how many international adoptions had taken place since the suspension had been lifted.

57. **Ms. Nores de García** asked what mechanisms were in place for follow-up on national adoptions.

58. **Ms. Wijemanne** asked whether there was a committee responsible for matching children with prospective adoptive parents, and if so how that committee operated.

59. **Mr. Upreti** (Nepal) said that the files on children available for adoption and on prospective adoptive parents were indeed sent to a special matching committee that was

made up of representatives of the police force, the Ministry of Law and Justice and other relevant agencies. If Nepal did become a party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, it would need to draft a specific law on adoption that was in line with that Convention. The Civil Code did include a section on adoption, but those provisions would need to be strengthened. International adoptions had been suspended from 2007 to 2009, but then guidelines had been issued and a system established to handle international adoptions: 294 international adoptions had taken place in 2009, and 50 in 2010.

60. **Ms. Lee** said that many unregistered children were trafficked domestically and internationally and were at risk of becoming stateless. The large numbers of children working in “cabin and dance restaurants” were particularly at risk of being sold. The Committee had also received reports of cases where children living in orphanages were not really orphans, and where the individuals running the orphanages were in fact paedophiles who exploited the children for pornographic purposes. She therefore wished to know how strictly orphanages were regulated in the country.

61. **Mr. Upreti** (Nepal) said that an action plan and reporting and monitoring systems were in place to ensure that orphanages operated in accordance with the law. On-site visits to orphanages were conducted, and any illegal activity was reported to the police, investigated and prosecuted. For example, the manager of an orphanage in northern Kathmandu had recently been accused of sex offences involving children. He was now in police custody and the children had been transferred to a reputable facility. The Government also intervened on the basis of media reports of illegal activity in orphanages.

62. **The Chairperson** asked the delegation what the Government was doing to assist child victims of offences covered by the Optional Protocol on the sale of children, child prostitution and child pornography, and to remove children from employment in bars and cabin and dance restaurants. He also asked what support programme was in place for children involved in court proceedings.

63. **Mr. Upreti** (Nepal) said that rehabilitation centres provided child-friendly services for victims of sexual abuse and prostitution. The staff of those centres had been issued with guidelines on counselling and their operating procedures had been improved to better assist and protect the victims. In addition, seven one-stop crisis management centres had thus far been established, and another eight would be set up by the end of 2013 to provide victims with counselling, medical attention, accommodation, and love and affection.

64. The Human Trafficking Control Act of 2007 provided that in cases of trafficking the court should order victim compensation equal to at least half the fine imposed on the offender. The draft 2012 Children’s Act further provided that the court should order compensation for victims of sexual abuse equal to 75 per cent of the fine imposed on the offender. If the amount the offender was able to pay was insufficient, then the victim should be provided with additional compensation through a proposed children’s fund.

65. **The Chairperson** asked about the position of child victims or witnesses during court proceedings, and whether technological means were used to avoid repeated questioning and direct confrontation with the perpetrator.

66. **Mr. Upreti** (Nepal) said that law enforcement officials did not subject child victims or witnesses to repeated questioning. The State party did have a comprehensive juvenile justice system in place, although further improvements to that system might be needed.

67. **The Chairperson** asked if the Nepalese courts could exercise extraterritorial jurisdiction in the case of offences carried out by Nepalese citizens abroad, or by foreigners who resided in Nepal, particularly when the victims were Nepalese.

68. **Mr. Upreti** (Nepal) said that the Human Trafficking Control Act was applied throughout Nepal against any foreigner who committed an offence against a Nepalese citizen. Also, Parliament was currently considering separate bills on extradition and mutual legal assistance.

69. **Ms. Lee** said that she hoped the political changes under way would not impede the realization of the rights of the child in the country. She urged the State party to speed up the process of ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and to submit its initial report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. She also encouraged the Government to establish a comprehensive child protection system; fully incorporate into the Criminal Code all the offences covered in the Optional Protocol on the sale of children, child prostitution and child pornography; establish a comprehensive data-collection system; and address the issue of stateless children in the country.

70. **Mr. Paudel** (Nepal) said that the Human Trafficking Control Act of 2007 represented a major step forward in the country's efforts to combat human trafficking, including the trafficking of children, and that the draft 2012 Children's Act aimed to further strengthen the relevant legal framework. The Government was willing to make further improvements to the draft in order to bring it into line with the Convention and the Optional Protocol. Nepal would certainly consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

71. **The Chairperson** said he hoped that Nepal would soon adopt a new constitution, and that it would include all the fundamental human rights contained in the previous draft constitution. He also hoped that the Government's commitment to children would lead to significant improvements in their situation, particularly for those who were victims of offences covered by the Optional Protocol on the sale of children, child prostitution and child pornography.

The meeting rose at 1 p.m.