



Convention on the Rights of the Child

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Committee on the Rights of the Child

Sixtieth session

29 May–15 June 2012

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

List of issues concerning additional and updated information related to the consideration of the initial report of Nepal (CRC/C/OPSC/NPL/1)

The State party is requested to submit in writing additional, updated information (15 pages maximum), if possible before 1 March 2012.

The Committee may take up all aspects of children's rights contained in the Optional Protocol during the dialogue with the State Party.

1. Please provide statistical data (disaggregated by sex, age and urban and rural residence) for 2008, 2009 and 2010 on:

(a) Reported cases of sale of children, child prostitution and child pornography, with additional information on the type of actions taken as a result, including the prosecution and punishment of perpetrators;

(b) Reported cases of children trafficked into and out of Nepal and children trafficked within the country for the purpose of sale, prostitution or pornography as defined in article 3, paragraph 1, of the Optional Protocol;

(c) Child victims who have been given assistance for recovery and social reintegration and been paid compensation, in accordance with article 9, paragraphs 3 and 4, of the Optional Protocol.

2. Please provide information on the revision process of the 1992 Children's Act and whether the revised version of this Act will cover and protect the rights of all children below the age of 18 in accordance with the Convention on the Rights of the Child and the Optional Protocols thereto.

3. Please provide information on steps taken to fully harmonize domestic legislation with the Optional Protocol. With reference to paragraph 152 of the report (CRC/C/OPSC/NPL/1), please indicate whether the State party intends to replace the prohibition of involvement of children in "immoral acts or professions" by an explicit definition and criminalization of all offences covered by the Optional Protocol.

4. Please provide information on the revision process of the National Plan of Action for Children 2004/2005-2014/2015 and of the National Plan of Action against Trafficking in Children and Women for Sexual and Labour Exploitation. Please also indicate whether those plans contain targets, indicators, goals and budgetary allocations to address the situation of child victims of offences under the Optional Protocol.
5. Please indicate the measures taken to clarify the mandates and rationalize the work of the multiple child protection bodies (the Central Child Welfare Board and the 75 District Child Welfare Boards) in order to ensure their effective coordination and cooperation under the authority of the Ministry of Women, Children and Social Welfare.
6. Please provide information on the measures recently adopted by the State party to prevent offences under the Optional Protocol, to ensure coordination of the prevention efforts and to address the root causes of these offences, in particular gender- and caste-based discrimination, early and forced marriages, and domestic violence, as well as sexual abuse of girls and boys. Please also clarify whether mechanisms exist to detect and identify children at risk of becoming victims of the offences under the Optional Protocol.
7. Please indicate whether policies and laws have been formulated in regard to adoption and foster care in accordance with the priorities set up in the Three-Year Interim Development Plan (2007/08–2009/10). Please also indicate what progress has been made towards the adoption of an appropriate legislation on intercountry adoption and the creation of a centralized system through which adoption can be planned, managed and authorized.
8. Please indicate whether the State party will revise the Electronic Transaction and Digital Signature Act-Ordinance, also known as the “Cyber Law”, to define and address specifically child pornography, and to explicitly prohibit the viewing and downloading of pornographic material involving children.
9. Please indicate what concrete measures have been taken to remove from prostitution the thousands of girls referred to in paragraphs 76 and 77 of the State party’s report. Please also comment on the information that child victims of sexual exploitation have been and continue to be at high risk of being arrested for disturbing order and safety in accordance with provisions of the Public Offences Control and Punishment Act.
10. Please provide information on the measures taken to end harmful practices, including *deuki*, *jhuma* and *kamlari*.
11. Please explain the reasons behind the very low reporting rate of offences under the Optional Protocol, and please provide information on the incidence of private settlement of those cases and explain if such settlements are encouraged by the police and the courts. Please also provide detailed information on the investigations, prosecutions and convictions of government officials for their complicity in trafficking during the reporting period.
12. Please indicate the measures taken in order to:
 - (a) Set up a system to identify victims of offences under the Optional Protocol;
 - (b) Establish the rights of child victims to receive free-of-cost medical treatment, mental health and other care, and legal services during the entire criminal justice process;
 - (c) Protect child witnesses from the risk of retaliation from offenders against whom they provide evidence and to ensure that the privacy of child victims is fully respected.
13. Please provide detailed information on the measures taken by the State party to provide assistance, care, shelter and compensation to victims of offences under the Optional Protocol, in accordance with article 9, paragraphs 3 and 4.