

*(Unofficial Translation)*

**"Happy Nepali, Prosperous Nepal: Concerns of all to Rights of Children"**

**State of Children in Nepal  
2018**

**(Synopsis)**



Government of Nepal  
Ministry of Women, Children and Senior Citizen  
**CENTRAL CHILD WELFARE BOARD**  
Harihar Bhawan, Lalitpur

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## Summary

1. The Constitution of Nepal has provided a remarkable space to the rights of children. The Government of Nepal promulgated Children's Act, 2075. Some other Acts promulgated in 2075 have also included issues of children.
2. According to the census of 2011, the percentage of children below the age of 18 years is 41.84.
3. Mortality rate of children below the age of five years is 39/1000 followed by infant mortality rate 32/1000 and neonatal mortality rate 21/1000.
4. Stunting among children below the age of five years is 36% followed by wasting 27% and severe malnutrition 10%.
5. According to Nepal Multiple Indicator Cluster Survey, 2014, 37.4% of children between the age of 5 and 17 years are found in labour.
6. So far 873 street children (boys 783 and girls 90) have been rescued and managed till July 15 of 2018.
7. Population Monograph, 2014 (Part 2) has found 26.3% child marriage.
8. In this fiscal year (FY), 2,330 children were recorded as lost and found only 1,017. The effort is ongoing to trace out the remaining ones.
9. The 12 Child Helplines have provided support to 3,385 needy children during this fiscal year.
10. As of record of Nepal Police, 995 children below the age of 18 years are victimized of rape.
11. Against the increased number of ECD centres, the number of children in ECD is decreased as compared to the last year.
12. Till July 2018, a total of 27 district jails are found with 65 children dependent with their parent.
13. Nepal Multiple Indicator Cluster Survey, 2014 has found 58.1% children's birth registered.
14. As of the Ministry of Home Affairs, a total of 2,262 children are in Bhutanese camps of Beldangi and Shanishchare against 3,436 children in the last year.
15. In the FY 2017/2018, 63,949 children with disabilities enrolled in basic level and 11,746 in secondary (9-12 grade) level.
16. As of Department of Central Registration, a total of 575,715 targeted beneficiaries (children, people with disabilities and endangered people) have provided with social security allowance in the FY 2017/2018.
17. A total of 59 child workers of public transportations in Kathmandu and Lalitpur districts have been rescued altogether from 1,073 public vehicles during the period of April 2<sup>nd</sup> week and 3<sup>rd</sup> week of June, 2018, and the rescued children have been rehabilitated/reunified to their families.
18. There are a total of 533 child care homes in operation in 46 districts of the total 77 districts, in which 14,864 children (boys 7,194 and girls 7,670) reside.
19. Five Martyr's Academies are providing residential facilities with basic services to 1,478 children.
20. As of Department of Education, net enrolment rate for primary level is 97.2, lower secondary level 87.4, secondary level (grade 9 – 10), 65.9 and higher secondary level (grade 11 – 12) 22.0 for the year 2017/2018. Net enrolment rate in all level increased as compared to the last year.
21. In the FY 2074/075, a total of 7,391,524 children (girls 3,769,124 and boys 3,622,400) are enrolled in grade 1 – 12.
22. The number of students appeared SEE examination is decreased by 5,968 in 2018 than in 2017.
23. The total number of schools was 34,739 in the previous FY, where as it is 35,601 in the FY 2017/2018. On the contrary, the total number of students was 7,446,098 in the previous FY, and is 7,391,524 in the FY 2017/2018. A total of 54,574 students were decreased this year.
24. Twelve in Kathmandu Valley and some others out of the Valley FM radios air program related to children regularly.
25. A total of 23,606 child clubs are in operation, in which about 435,000 children actively participate in child related activities.

# TABLE OF CONTENTS

CONTENTS	PAGE
<b>CHAPTER – I: INTRODUCTION</b>	<b>6-11</b>
1.1 Background	
1.2 Constitutional and Legal Provisions Related to Children in Nepal	
1.3 Convention on the Rights of the Child and its Optional Protocols and Report of Nepal	
1.4 Plan, Policy, Program and Institutional Mechanism Related to Children	
1.5 Institutional Arrangement	
1.6 National census and children	
1.7 Some macro indicators and status of children	
<b>CHAPTER – II: CHILD SURVIVAL</b>	<b>12-14</b>
2.1 Introduction	
2.2 Pregnancy and Birth	
2.3 Immunization and Mortality Rate of Infant and Child	
2.4 Nutrition	
2.5 HIV/AIDS Affected and Infected Children	
<b>CHAPTER – III: CHILD PROTECTION</b>	<b>15-24</b>
3.1 Introduction	
3.2 Child Labour	
3.3 Street Children	
3.4 Child Marriage	
3.5 Rescue, Rehabilitation and Reunification of Vulnerable Children	
3.6 Dalit and Ethnic Children	
3.7 Children in Jail with Their Parent	
3.8 Birth Registration	
3.9 Adoption	
3.10 Refugee Children	
3.11 Children with Disabilities	
3.12 Social Security and Children	
3.13 Juvenile Justice.	
3.14 Child Correction Home	
3.15 Child Care	
3.15.1 Child Care Home	
3.15.2 Martyr's Academy	
3.16 Corporal Punishment and Bullying	
3.17 Child Rights Violation Cases against Children as Published in the Media	
<b>CHAPTER – IV: CHILD DEVELOPMENT</b>	<b>25-26</b>
4.1 Introduction	
4.2 Early Childhood Development	
4.3 School Education	
4.4 Compulsory and Free Education	
4.5 SEE Examination	
4.6 Number of Schools	
4.7 Others	

<b>CHAPTER – V: CHILD PARTICIPATION</b>	<b>27-28</b>
5.1 Introduction	
5.2 Children's Rights to Expression	
5.3 Children's Participation to Recreational Activities	
5.4 Child Club	
5.5 Child's Participation in Sports	
5.6 Election and Children	
5.7 Child Friendly Local Governance, Child Friendly Local Level and Wards	

<b>CHAPTER VI: CONCLUSION</b>	<b>29</b>
-------------------------------	-----------

## LIST OF TABLES

Tables	Page
Table 1: Number and percentage of children in national census	
Table 2: Macro indicators and status of children	
Table 3: Immunization details	
Table 4: Child Mortality Rate	
Table 5: Nutrition indicators and status of children	
Table 6: Dalit and ethnic children to ECD centres	
Table 7: Dalit and ethnic children enrolled in school education (2016, 2017 and 2018)	
Table 8: Population of persons with disabilities	
Table 9: CWDs enrolled in schools in 2018	
Table 10: Social security allowance for children in the FY 2017/018	
Table 11: Number of child care home and children by province	
Table 12: Martyr's academy and children	
Table 13: Success, repetition and drop-out rates in school level, 2017/018	
Table 14: Child friendly local level and ward	

## LIST OF GRAPH

Graph 1: Children victims of cases
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## **CHAPTER – I: INTRODUCTION**

### **1.1 Background**

The first ever Law of the Land, 1854, Law of the Land, 1964, and the Constitution of the Kingdom of Nepal – 1992 include some provisions for the welfare and development of children. After ratification to the United Nations Convention on the Rights of the Child (CRC), 1989 on 14<sup>th</sup> September of 1990, the Government of Nepal further intensified the provisions for children in the Constitution of the Kingdom of Nepal, 1992 as well as in the Interim Constitution of Nepal, 2007. The government promulgated the first Children's Act, 1992. The Constitution of Nepal (2015) included the provisions for rights of children under the directive principles, policy and state's responsibilities, and provided article 39 for the issues and rights of children. Noticeable provisions have been included in Penal (Code) Act, 2017 and Civil (Code) Act, 2017. Children's Act, 2018 has been promulgated by abrogating Children's Act, 1992, and it is in implementation.

With the beginning of systematic development plan in 1956, child's education and health was included in development agenda. The concerns for children were further intensified in national development plans after ratification to the CRC. Accordingly, the government improved legal, policy, institutional and programmatic measures in line with the thrusts of CRC, in turn, the situation of children is gradually improving. Notwithstanding, accelerated efforts are required to address the issues of children living in difficult circumstances.

### **1.2 Constitutional and Legal Provisions Related to Children in Nepal**

#### **1.2.1 Provisions related to children in the Constitution of Nepal, 2015**

The Constitution of Nepal (2015) has well addressed the provisions of rights of children as their fundamental rights. In addition, there are specific provisions for rights of children to justice, education and health including rights of children in conflict with law and rights against exploitation. The right to survival, protection, development and participation of children have been ensured in 10 different clauses under article 39 of the Constitution. The constitution has laid emphasis on the best interest of children through the article 51(j). The Constitution is very progressive with the view point of the right of the child as it has clearly accommodated the provision of basic principles of child rights. The child rights related provisions are presented as follows:

##### **(A) Article 39: Rights of the child**

- 1) Every child shall have the right to name and birth registration along with his or her identity.
- 2) Every child shall have the right to education, health, upbringing, nurturing, recreation and overall personality development from the families and the state.
- 3) Every child shall have the right to basic child development and child participation.
- 4) No child shall be employed to work in any factory, mine or engaged in similar other hazardous work.
- 5) No child shall be subjected to child marriage, illicit transfer, kidnapped or taken in hostage.
- 6) No child shall be recruited or used in army, police or any armed group, or be subjected, in the name of cultural or religious traditions, to abuse, exclusion or physical, mental, sexual or other form of exploitation or improper use by any means or in any manner.
- 7) No child shall be subjected to physical, mental or any other form of torture in home, school or other place and situation whatsoever.
- 8) Every child shall have the right to juvenile friendly justice.
- 9) The child who is helpless, orphan, with disabilities, conflict victim, displaced or vulnerable shall have the right to special protection and facilities from the State.

Any act contrary to clauses (4), (5), (6) and (7) shall be punishable by law, and a child who has suffered of such act shall have the right to obtain compensation from the perpetrator, in accordance with law.

In addition to the special provisions for children under the Fundamental Rights and Duties of article 39, other 11 articles are also related to the child development and protection. Under the title of 'Citizenship' in part two of the Constitution, article 11(4) has stated that "Every child found in Nepal whereabouts of whose paternity and maternity is not known shall, until the mother or father is traced, be deemed a citizen of Nepal by descent".

#### (B) Article 18. Right to equality

The following clauses under 'Right to equality' under article 18 are also related to children:

- 1) All citizens shall be equal before law. No person shall be denied the equal protection of law.
- 2) No discrimination shall be made in the application of general laws on grounds of origin, religion, race, caste, tribe, sex, physical condition, condition of health, marital status, pregnancy, economic condition, language or region, ideology or on similar other grounds.
- 3) The State shall not discriminate citizens on grounds of origin, religion, race, caste, tribe, sex, economic condition, language, region, ideology or on similar other grounds.
- 4) All offspring shall have the equal right to the ancestral property without discrimination on the ground of gender.

The following clauses related to 'Right against exploitation' under article 29 also encompasses the issues of children:

- 1) Every person shall have the right against exploitation.
- 2) No person shall be exploited in any manner on the grounds of religion, custom, tradition, usage, practice or on any other grounds.
- 3) No one shall be subjected to trafficking nor shall be held in bonded labour or servitude.
- 4) No one shall be forced to work against his or her will.

Act contrary to clauses (3) and (4) shall be punishable by law and the victim shall have the right to obtain compensation from the perpetrator in accordance with law.

Under the 'Right to clean environment' article 30 (1), states "Every citizen shall have the right to live in a clean and healthy environment". This article may also perceive to be related to children.

The following clauses of 'Right to education' under article 31, 'Rights to health' under article 35, and 'Right to Social security' under article 43 are also related to children:

#### (C) Article 31. Right Relating to Education

- 1) Every citizen shall have the right of access to basic education.
- 2) Every citizen shall have the right to get compulsory and free education up to the basic level and free education up to the secondary level from the State.
- 3) The persons with disabilities and the economically indigent citizens shall have the right to get free higher education in accordance with law.
- 4) The visually impaired citizens shall have the right to get free education through brail script and the citizens with hearing or speaking impairment, to get free education through sign language, in accordance with law.
- 5) Every Nepalese community residing in Nepal shall have the right to get education in its mother tongue and, for that purpose, to open and operate schools and educational institutions, in accordance with law.

#### (D) Article 35. Right to health

- 1) Every citizen shall have the right to free basic health services from the State, and no one shall be deprived of emergency health services.
- 2) Every person shall have the right to get information about his or her medical treatment.
- 3) Every citizen shall have equal access to health services.

4) Every citizen shall have the right of access to clean drinking water and sanitation.

(F) Article 43. Right to social security

The indigent citizens, incapacitated and helpless citizens, helpless single women, citizens with disabilities, children, citizens who cannot take care themselves and citizens belonging to the tribes on the verge of extinction shall have the right to social security, in accordance with law.

(G) Article 51, the following policies under this article are also related to children:

Article 51(i) Policies relating to labor and employment:

(3) To abolish all forms of labor exploitation including child labor.

Article 51 (j) Policies relating to social justice and inclusion:

(4) To evaluate economically the work and contribution in regard to care of children and families.

(5) To take into consideration primarily of the best interests of the child.

### **1.2.2 Children's Act, 2018 and Others**

The Act encompasses the principles and four dimensions (survival, protection, development and participation) of CRC. It further includes provisions of the CRC, and defines children who need special protection from the state (federal to local government).

The Local Government Operation Act, 2017 includes provisions for school education, basic health and sanitation, and child protection issues.

### **1.3 Convention on the Rights of the Child and its Optional Protocols and Report of Nepal**

Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (OPAC), 2000; Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC), 2000; and Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure, 2011 are three optional protocols which were provisioned in order to further elaborate the different dimensions of the CRC. Except Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure, 2011 other two optional protocols have already been ratified by Nepal.

Though belatedly, Nepal as a state party to the convention, submitted its third, fourth and fifth combined state report in 2012 in accordance with the article 44 of the CRC. The report was discussed during the 72th session of UN Child Rights Committee in May 19, 2016. The Committee has provided its observations and recommendations. The CCWB has published a book covering the concluding observations made by the UN Child Rights Committee on Nepal's third, fourth and fifth combined state report on CRC and reports on its optional protocols ratified by Nepal. The Committee has admired Nepal for the inclusion of provisions of child rights into the Constitution of Nepal, 2072. The concluding observations have emphasized on adopting reform measures on the various issues of children related to definition; introduction; discrimination and violence; best interest; respect to children's views; violence and brutal punishment; misbehavior and negligence; sexual exploitation and abuse; and harmful practices as mentioned in the CRC. The recommendation also includes the need to focus on administering a disaggregated information system on children and inter-ministerial coordination mechanism.

### **1.4 Plan, Policy, Program and Institutional Mechanism Related to Children**

#### **1.4.1 Plan and Action Plan**

The fourteenth periodic plan (2016/017-2018/19) has come up with the vision to create a conducive environment to ensure the rights of children and adolescents, and make them determined and competent citizens of the country. The plan aims to protect children and adolescents from all types of physical and mental violence including all sorts of degrading behavior and, the specific objectives are to – a) protect and promote full rights of children and adolescents; b) end all types of discrimination, exploitation, violence, negligence, and degrading behavior against children and adolescents. In order to achieve the

objectives, strategies related to survival, protection, development and participation including management of street children have been adopted.

The Government of Nepal has already implemented National Plan of Action for Children for the decade of 1990 and a 10-year National Plan of Action for Children for the year 2004 – 2014, and is in the process of preparation of next National Plan of Action. In addition, national plan of actions related to education, health, adolescents, human rights, human trafficking are under implementation.

#### **1.4.2 National Policy**

Protection and promotion of the rights of all children by guaranteeing entire child rights is the major objective of National Child Policy, 2012. To protect children from all forms of physical and mental violence, loss or abuse, abandonment, neglect, exploitation and sexual abuses; to promote physical, mental and educational development of children by providing them with necessary care, nutrition and education before and after the birth; to promote child participation by providing opportunities to express their opinion on all issues related to them; to end discrimination against children; and to strengthen the juvenile justice system are other specific objectives or focuses of the policy.

#### **1.4.3 Some Major Programs and Services that Benefit Children Directly**

There are various programs and services for children run by different government line ministries. Of which some main programs are – free textbooks, scholarships, child health & nutrition; child labour eradication fund; emergency child rescue fund; child correction home; program for conflict affected children; street children free campaign; local level program for multidimensional development of out of school adolescent girls; golden thousand days program; family protection service for children at-risk under community supervision; awareness program against child marriage and child sexual abuse; integrated child health and nutrition program; national vaccination program; community based integrated management program for new-born babies and child diseases; free medicine and health service etc. Likewise, mid-day meal program at school, free course book distribution, about 25 different residential and non-residential scholarships for students. In addition, non-government organizations and other development partners are also providing direct and indirect support to children.

The CCWB is implementing a street children free Kathmandu Valley campaign in collaboration and coordination with the Ministry of Women, Children and Social Welfare and other development actors. There is a plan to extend this campaign to other major cities also. The CCWB has been advocating and facilitating for child rights and protection related programs with concerned ministries. In addition, rescue, rehabilitation and support to the children at-risk; monitoring of child homes; operation and management of center for children at risk (toll free no. 104); operation and management of Child Helpline (Toll Free No 1098) are in implementation. Similarly, awareness raising activities for the rights of children are going on.

The CCWB has published materials – a) Local level's role in child's rights to education and health, b) Child protection in local level, c) Local level's role in promoting child's participation, and d) Some key functions relating to rights of children in local level. These publications deserve a value in intensification of child related interventions in changed federal structure. The CCWB has conducted interaction among the key stakeholders of all seven provinces regarding child rights issues and role of provincial government. Child related E-portal has been developed. For making media more sensitive towards child rights issues, CCWB, Press Council Nepal, Federation of Nepalese Journalists and Department of Information have jointly developed 'Child-friendly Media Guidelines, 2017. It contributed to focus on child related information in media sector. In addition, child sensitive national journalism award has been established from 2017.

### **1.5 Institutional Arrangement**

The Government of Nepal put its attention in creating institutional structures from the central level to the local level to address the issues of child's rights and protection. For instance, Ministry, Department, CCWB, Central Juvenile Justice Coordination Committee and Women and Children Service Directorate

under Nepal Police at the center level. There are provincial ministries that deal with the issues of children. Similarly, there are District Juvenile Committee, Juvenile Bench and social development division/unit in all 753 local governments. There are 35,601 schools (30,568 public and 6,120 institutional/private), and 6 central, 2 regional, 3 sub-regional, 1 regional TB, 10 zonal, 85 district/other hospitals including 200 primary health care centres, 3,808 health posts, 12,180 outreach clinics, 16,022 expanded immunization outreach clinics to provide services for children.

The CCWB and Nepal Police jointly conducts National Centre for Children at-Risk (Hotline no. 104) from Vrikutimandap, Kathmandu, and CCWB on behalf the government of Nepal supports 12 Child Helplines in 12 districts. These helplines cover cases of about 60 districts. There is Juvenile Justice Coordination Committee under Hon'ble Judge of Supreme Court, and each district has juvenile bench. Child correction home is in operation in eight districts. In addition, 23,606 child clubs are in operation all over the country, and Municipal & Village Child Protection Sub-committees are also functioning.

## 1.6 National census and children

National census 1991, 2001 and 2011 found the population growth as 2.08, 2.25 and 1.35% respectively, and the ratio of boys to girls is also increasing in each census. The table below shows the percentage of children below the age of 18, 16 and 14 years:

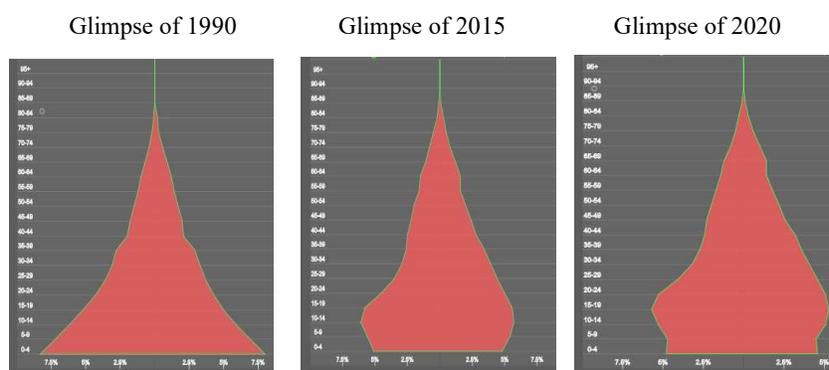
**Table 1: Number and percentage of children in national census**

Census year	Total population	Child population	% of children < 18	% of children < 16	% of children < 14	% of children < 5
2048	18491097	8,923,621	48.26	44.57	40.22	14.64
2058	23,151,423	10,585,791	45.72	41.65	36.96	12.11
2068	26494504	11,084,311	41.84	37.37	32.35	9.69

The table shows that the child population has decreased by 3.88 percentage point in 2011 as compared to the last census.

With increased awareness in health and education and health services, the population growth rate has been in decreasing trend. It affected to the population pyramid, which is shown in the below graph.

**Graph – 1 Population pyramid**



Source: [Website-worldlifeexpectancy.com/Nepal-population-pyramid](http://Website-worldlifeexpectancy.com/Nepal-population-pyramid)

## 1.7 Some macro indicators and status of children

The Government of Nepal is very effortful to protect and promote the rights of children. As results of all efforts made in response to the provisions of CRC, the following improvements have been in child related indicators.

**Table 2: Macro indicators and status of children**

<b>SN</b>	<b>Indicator</b>	<b>(1991/92)</b>	<b>2074/075 (2017/18)</b>
1.	Total population <sup>®</sup>	1,84,91,097	2,64,94,504
2.	Children < 18 - $\bar{U}$ <sup>®</sup>	48.28	41.84
3.	NER at primary level <sup>‡</sup>	64	97.2
4.	NER at basic level <sup>‡</sup>	-	92.3
5.	NER in grade 9-10 <sup>‡</sup>	-	65.9
6.	NER in grade 11-12 <sup>‡</sup>	-	22
7.	NER in secondary level (grade 9-12) <sup>‡</sup>	-	43.9
8.	Girls' ratio to primary level <sup>©</sup>	0.56	1.09
9.	Girls ratio to secondary level (grade 9-10) <sup>©</sup>	0.43	1.0
10.	Survival rate to grade 8 <sup>‡</sup>	-	77.4
11.	Survival rate to grade 10 <sup>‡</sup>	-	57.1
12.	Neonatal mortality rate/1000 <sup>¥</sup>	50	21
13.	Infant mortality rate/1000 <sup>©</sup>	108 <sup>©</sup>	32 <sup>¥</sup>
14.	Child mortality rate <sup>©</sup>	162	38
15.	Malnutrition (wasting) – 6-59 months children	57 <sup>©</sup>	27 <sup>¥</sup>
16.	Malnutrition (stunting) – 6-59 months children	60 <sup>©</sup>	36 <sup>¥</sup>

*Note: Close year's data has been used in case of unavailability of data for particular year.*

© MDGs: Final report of Nepal, 2000-2015, NPC, 2016

¥ Nepal Demographic Health Survey, 1996-2016

® Census, Central Bureau of Statistics, 1991, 2001 and 2011

‡ Department of Education

‡ Economic Survey, Ministry of Finance, 2017/018

## CHAPTER – II: CHILD SURVIVAL

### 2.1 Introduction

This chapter includes state of pregnancy and birth, risk of childhood disease and vaccination, infant and child mortality rate, child nutrition, HIV/AIDS infected and affected children etc. as stipulated under the articles 6 and 24 of the CRC.

The Constitution of Nepal includes the provisions for free basic health services. Similarly, Children's Act, 2018 provides for child rights to health and made government responsible to provide basic services for children who are in need of special protection from the state. These provisions indicate that the government is sensitive towards child rights to survival.

### 2.2 Pregnancy and Birth

Penal (Code) Act, 2017 has provision for abortion up to 12 weeks with some physical and mental conditions. Similarly, Safer Motherhood and Reproductive Rights Act, 2018 along with Safer Adaption National Policy, 2003 mention provision for safer abortion. And, forced abortion and gender discriminated abortion is taken as illegal.

Safer motherhood program has been in implementation for over two decades aiming at improving health of mother and child that generally includes protective, promotive and curative measures. The main services cover birth safety package, safer motherhood tablet, iron, folic acid, calcium, nutrition program, golden thousand days program, incentives to institutional delivery, free health check up, etc. Eventually the rate of institutional delivery has reached to 59 percent in the FY 2016/017 against 52 percent in the FY 2013/014.

Despite policy and program measures adopted to improve health status of mother and children, it has been challenge to improve health status of expectant mothers, infants, to make effective rererral mechanism as well as Comprehensive emergency obstetric and neonatal care, to avail 24/7 services for delivery and care, and increase health awareness to all communities.

### 2.3 Immunization and Mortality Rate of Infant and Child

Improvement on infant and child health has been very encouraging as a result of government's priority on child health related policies and programs. According to Nepal Demographic Health Survey, 2016, under five mortality rate per thousand is 39, infant mortality rate is 32 per thousand, neo-natal mortality rate (infant up to 28 days old) is 21 per thousand and total fertility rate is 2.3.

According to the latest (2016/017) annual report of Department of Health Services, there are 6 central, 2 regional, 3 sub-regional, 1 regional TB, 10 zonal, 85 district/other hospitals including 200 primary health care centres, 3,808 health posts, 12,180 outreach clinics, 16,022 expanded immunization outreach centres to provide services for children. A total of 51,470 FCHVs are playing an important role on maternal-child health as well as minimizing the mortality rate of children.

Vaccination is a top priority program of the government as Nepal is considered as one of the best countries implementing vaccination program successfully and effectively. It is worth mentioning that 97 percent of the population in Nepal have access to vaccination without any discrimination. Nepal has been recognized as polio free country on 27<sup>th</sup> March of 2014. The details of immunization are as follows:

**Table 3: Immunization details**

SN	Vaccine	2014/015	2015/016	2016/017
1.	BCG (< one year)	94	87	91.34 <sup>#</sup>
2.	DPT-Hib-Hep1 (< one year)	-	-	90.73 <sup>#</sup>
3.	DPT-HipB-Hep2 (< one year)	-	-	88.50 <sup>#</sup>
4.	DPT-HepB3 (< one year)	91	82	86.49 <sup>#</sup>
5.	Opv1 (< one year)	-	-	90.14 <sup>#</sup>
6.	Opv2 (< one year)	-	-	88.23 <sup>#</sup>
7.	Opv3 (< one year)	90	79	85.93 <sup>#</sup>

8.	Measles/Rubela (< one year)	85	77	84 <sup>#</sup>
9.	Japanese Encephalitis (12-23 months)	53	63	67 <sup>#</sup>

Source: Nepal Demographic Health Survey, Ministry of Health and Population, 2016

<sup>#</sup> Department of Health Services, 2017

The above table shows that there are still significant children for whom specific vaccination is to be reached. For making immunization universal, a lot of effort is to put in place for instances, enough human resources for immunization campaign, systematic information management, proper storage of vaccines, strategic plan for immunization, etc.

The indicators of mortality and status of children are given in the following table:

**Table 4: Child Mortality Rate**

Indicator	1991/92	2001/02	2011/12	2017/18
Neonatal mortality rate/1000 <sup>¥</sup>	50	39	33	21
Infant mortality rate/1000 <sup>©</sup>	108 <sup>©</sup>	64 <sup>©</sup>	46 <sup>¥</sup>	32 <sup>¥</sup>
Child mortality rate/1000 <sup>©</sup>	162	91	54	38

Note: Close year's data has been used in case of unavailability of data for particular year.

© MDGs: Final report of Nepal, 2000-2015, NPC, 2016

¥ Nepal Demographic Health Survey, 1996-2016

The reduction of mortality rates among children below the age of five years are encouraging. It is hoped that the situation will be remarkable for coming years too.

## 2.4 Nutrition

The Constitution of Nepal (2015) has ensured child rights to health and nutrition. Children's Act, 2018 has provisions for child rights to nutrition, safe drinking water and breast feeding up to two years. Like wise, there are provisions for rights to have all integens, physical and mental health services as per national standards including free basic health services.

The Government of Nepal has been putting its effort to improve nutritional status of children for more than four decades. Programs such as National vitamin A, monitoring and counseling of children's growth, anemia control and prevention, prevention of iodine deficiency, de-worming, distribution of nutritious food are being implemented massively and the school health and nutrition program is ever expanding. Nutrition Rehabilitation centers are being run by the government and also by non-governmental organizations. This service is available in Sunakothi, Lalitpur and other 18 government hospitals.

According to the 'Nepal Demographic Health Survey, 2016, 36 percent of children under 5 are stunted, 27 percent are under weight (weight for age), and 10 percent are of severe malnutrition. Though progress has revealed through this survey in this front, various news coverage and studies have revealed the fact that situation of child nutrition has not been improved as expected. The government is committed to implement multi-sectoral nutrition plan of action. The table given below shows the status of child nutrition.

**Table 5: Nutriion indicators and status of children**

SN	Indicator	1991/92	2001/02	2011/12	2016/17
1.	Wasting – under weight to hight (6-59 months) %	57 <sup>©</sup>	43 <sup>¥</sup>	29 <sup>¥</sup>	27 <sup>¥</sup>
2.	Stunting – low hight to age (6-59 months) %	60 <sup>©</sup>	57 <sup>¥</sup>	41 <sup>¥</sup>	36 <sup>¥</sup>
3.	Severe malnutrition (%)	-	11	13	11
4.	Low birth weight (%)	-	-	12 <sup>¥</sup>	11.5*
5.	Obesity (< 5 years) %	-	-	-	2.1
6.	Anaemic children (< 5 years) %	-	-	46	53

Note: Close year's data has been used in case of unavailability of data for particular year.

- © MDGs: Final report of Nepal, 2000-2015, NPC, 2016  
¥ Nepal Demographic Health Survey, 1996-2016  
\* Department of Health Services, 2016/017

Despite the measures taken for over four decades, drastic reduction of malnutrition especially protein energy malnutrition has been a great challenge. It requires to adopt more strategic policy and program for the days to come.

## **2.5 HIV/AIDS Affected and Infected Children**

Nepal has been sensitive to the rights and protection of HIV/AIDS affected and infected people including children. HIV/AIDS focused various programs are in implementation in collaboration with development partners to address the problems of HIV/AIDS and manage properly. Prevention of Mother to Child Transmission (PMTCT) program has been in operation to control transmission of HIV/AIDS from mother to child. The HIV/AIDS infected rate is estimated to be 0.17 in 2016/017. Children have also been affected and infected, and it is estimated that there are 1,196 children below the age of 14 years out of total infected persons (32,735).

Cash Transfer Program Operational Guidelines for HIV/AIDS Infected and Affected Children, 2013 has been in implementation and, cash support (Rs. 1000/month) is providing for 1,358 children living with HIV/AIDS in collaboration with development partners. This support should be integrated with social security benefits to the children.

Improving information management, coordination as well as collaboration between government actors and development partners, increasing service facilities and services are some of the key challenges to address the issues of children living with HIV/AIDS.

## CHAPTER – III: CHILD PROTECTION

### 3.1 Introduction

This chapter includes subject matters related to preventing and protecting children from any type of risk, loss and damages that is caused by activities and behavior which negatively affect their physical, mental, emotional, social, moral and intellectual development as specified in the CRC. For instance, child protection (article 4), Parental care (article 5), birth registration, name/identity and nationality (articles 7 and 8), not to separate from parents/guardians (article 9), family reunification (article 10), protection of right to secrecy (article 16), protection from all types of violence (article 19), special or alternative care for children who do not get family care (article 20), adoption (article 21), refugee children (article 22), child labour (article 32), drug abuse (article 33), sexual exploitation (article 34) abduction and sale (article 35), confinement and punishment (article 37), war and armed conflict (article 38), rehabilitation of child victims (article 39), Juvenile justice (article 40).

Children's Act, 2018 includes children of 13 different categories who are in need of special protection, and also mentions that the state has responsibilities to manage alternative care and financial resources for taking care those children together with other 10 required actions for children at-risk. The Act also provides child rights to protection issues. All provisions of the Act indicate that the government of Nepal is sensitive towards ensuring the protection rights of children.

### 3.2 Child Labour

The Constitution of Nepal (2015) prohibits child labour in factories, mine and other risky sectors. Similarly, Children's Act, 2018 mentions that each child should be protected from labour and economic exploitation.

Nepal has ratified ILO's Minimum Age Convention, 1973 (no. 138) and Worst Form of Child Labor Convention, 1999 (no. 182) in 2003 and 2004 respectively. Nepal is also a signatory to Forced Labor Convention (no. 29) and Tripartite Consultation (International labor Standard) (no. 144). Accordingly, the government should protect children from labour.

The Fourteenth Plan (FY 2016/017 to 2018/019) has accorded the highest priority to the issue of child labor, and planned to review the existing related policies, laws and programs. Moreover, it has planned to implement programs to rescue and rehabilitate child labors including worst form of child labors. However, allocation of adequate budget and concrete programs toward this end are still inadequate.

Children in Nepal are found to be employed particularly in informal sector (restaurant, transportation, construction work, agriculture, small and cottage industries, carpet factory, brick factory, Jari factory, porter etc.) and also as domestic workers. Incidents of involving children in hazardous work by lying their real age have also been exposed.

National Population Census of Nepal has revealed the fact that a total of 104,714 children (56,267 boys and 48,447 girls) are involved in work. According to Nepal Multiple Indicators Cluster Survey (NMICS), 2014, a total of 37.4 percent children of age between 5 and 17 years are child labor. Updated information is believed to be available through ongoing labor force survey being carried out by Central Bureau of Statistics.

There are different reasons behind wide spread child labor problem in various sectors. Children are more convenience to use at work as compared to adults in terms of availability of children in less salary with more number of working hours, inadequate awareness among stakeholders regarding negative dimensions of child labor, social acceptance of child labor, unavailability of adult because of foreign labor migration are some of the important reasons in this regard.

The government in collaboration with development partners has been carrying out different programs for decades including awareness raising and other supports to address this problem. As a result of this endeavor, some municipalities, metropolises and cities have initiated remarkable efforts for minimizing child labor and the process of making child labor free wards, markets and cities has begun.

Sustainable development goals also include eradicating child labour by the year 2025. The second Master Plan of Operation (2018 – 2027) is in implementation. The Plan aims at making the country child labour free by eradicating all forms of child labour. The goals are as – a) By the year 2022, end extreme forms of child labour, and b) By the year 2025, eradicate all forms of child labour.

### **3.3 Street Children**

The Children's Act, 2018 [section 7 (4)] mentions that the state provides special protection for vulnerable or street children. Similarly, other legislative measures make the state responsible for management of street children. Under the 'Street children rescue, protection and management guidelines, 2015' developed by the then Ministry of Women, Children and Social Welfare, CCWB is working for managing street children in the Kathmandu Valley with the slogan 'no street children require to live in street'. The Ministry has a joint committee to steer this endeavor. This effort is being carried out in joint collaboration with Kathmandu Metropolitan Corporation, metropolitan police, DCWBs (Kathmandu and Lalitpur), NCCR (104) together with the support of NGOs (VoC, Child Watabaran Centre Nepal, CPCS, UCEP, Raksha Nepal, APC Nepal, Sobar Recovery Treatment and Rehabilitation Centre). So far 873 street children (783 boys and 90 girls) have been rescued and managed till July 2018. Of which, 601 children's (69%) both parents are found alive. Among rescued children, 429 have already been integrated to their families, 111 are in socialization centres, 32 are in child care homes, about 100 got skill trainings, and the rest are drop-outs. This is ongoing effort.

### **3.4 Child Marriage**

Constitution of Nepal (2015), Civil (Code) Act, 2017 and other relevant laws restrict marriage under the age of 20 years. South Asia Initiative to End Violence against Children (SAIEVAC) has been implementing a 'Regional Plan of Action to end Child Marriage (2015- 2018) in SAARC countries including Nepal. Question of ending child marriage has been included with priority by SDGs (2016-2030).

'National Strategy to End Child Marriage, 2015 aims ending child marriage by the year 2030. The strategy has put forward a campaign of 'Child Marriage Free Local Bodies (local governments)'. Accordingly, initiation of declaring child marriage free local body has also been initiated.

According to the chapter 2 (Social Demography) of Population Monograph published by Central Bureau of Statistics, 26.3 percent of children aged 10-18 years were married. Of this, marriage of children aged 17 and 18 year consists of 75.66 percent. A negligible event of marriage observed among children of age group 10 - 14 years. This indicates positive outcome of efforts against child marriage.

Nepal Multiple Indicator Cluster Survey, 2014 revealed the fact that 15.5 percent of women aged between 15 and 49 were found married before the age of 15 years. The same survey covering girls aged between 15 and 19 years showed that 24.5 percent were married before the age of 18 years.

Children themselves have also been active against child marriage through child clubs. There were incidents in which child marriage was stopped and ignored the wedding party as well. Efforts of declaring child marriage free zone have also been initiated in cooperation with concerned stakeholders. The government as well as development partners have to intensify their efforts in reducing child marriage.

### **3.5 Rescue, Rehabilitation and Reunification of Vulnerable Children**

#### **3.5.1 Rescue and Rehabilitation of Lost/Found Children**

Each and every media publicizes the news of child lost almost in each week. National Centre for Children at-Risk (Toll Free no. 104) as a joint effort of Nepal Police and CCWB is in operation for a decade to deal with the cases of child lost/found.

In the last FY (2016/017), a total of 2,772 children (1,047 boys and 1,725 girls) were reported lost, where as 2,330 children (923 boys and 1,407) were recorded lost in this FY (2017/018). Of which, 1,017

(407 boys and 610 girls) have been found, and the search for the rest is going on. Generally, it is observed that the family reports to the police or NCCR (104) or any other agency as soon the children are lost, but the family does not report back to the police or NCCR (104) when the children are found. Due to this simple reason, we find huge gap between the numbers of lost and found information. During this year NCCR (104) found 442 (286 boys and 156 girls) as unidentified/unaccompanied/abandoned, of which, 270 (173 boys and 97 girls) have been reunified to their families, 167 (110 boys and 57 girls) have been in protection of child care homes, and the rest 5 (3 boys and 2 girls) ran away.

### **3.5.2 Rescue and Family Reunification of Vulnerable Children**

Children's Act, 2018 [section 7 (5)] mentions that each child has a right to be protected against corporal punishment, neglect, sexual exploitation & abuse and all forms of discrimination. With this provision, it is hoped that vulnerable children can have enabling environment in their life. The Act also clarifies the specific acts as violence against children for instances, engaging children in entertainment sectors, inhuman activities, corporal punishment, economic and sexual exploitation and so on.

CWIN Nepal for the first time established CWIN Helpline in Kathmandu to respond the problems of vulnerable children, which was turned into Child Helpline in 2007 by developing a 'Guideline for Child Helpline Operational Procedures, 2007'. The Helpline is known as Toll Free no. 1098 (10,9,8). Nepal Telecommunication Authority provides free service for it. Currently, there are 12 Child Helplines in 12 districts<sup>1</sup>, which provide services for about 60 districts. These Helplines are operated by NGOs.

In the FY (2017/018), a total of 3,385 children have been provided with required services through these Helplines. In this FY, CCWB provided financial support for 469 vulnerable children (218 boys and 251 girls). There are many vulnerable children all over the country. The government (federal, province and local) as well as development partners should increase investment/efforts for those children who need special protection from the state or others.

### **3.5.3 Children Affected by Sexual Exploitation and Abuse**

Legal provisions prohibit sexual exploitation and abuse against children. Children's Act, 2018 [section 66 (3)] mentions specific acts against children as sexual exploitation and abuse for instances, audio-visual pornography, sexual exploitation and abuse including any act relating to sexual intension, etc. against children. Notwithstanding, children are victims from sexual exploitation and abuse. Almost in every day, child sexual exploitation & abuse cases are publicized in media. Among all such cases, few are reported to Nepal Police or concerned authorities. In the FY (2016/017), there are a total of 1,131 rape cases that were reported to Nepal Police, where as the cases are 995 in the FY (2017/018). Of which, 261 cases are against the girls below the age of 10 years. In addition, there are a total of 402 attempt to rape cases registered to Nepal Police. This is one of the crucial crime against children. All concerned stakeholders should be aware of and initiate action against culprits so that each and every child can have better environment to live.

CCWB does media monitoring against child rights violation cases. Among all cases, 243 cases were against child rape and attempt to rape. Few cases were of child murder after the rape. It was found that rape is happened usually by familiar persons, neighbours, teachers, army/police, government staff, house owner and also by fathers.

Children are also being victimized or exploited and abused through online, who use mobile phones and/or internet regularly. This is one of the new sources that children are vulnerable to be exploited and abused. It has been one of the challenges for protecting children from possible risks.

## **3.6 Dalit and Ethnic Children**

The Constitution Nepal (2015) mentions that no one will be discriminated irrespective of origin, religion, caste, gender, physical condition, language, ethnicity and so on. Rather, there are provisions for

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<sup>1</sup> Kathmandu, Chitwan, Surkhet, Banke, Morang, Kailali, Makwanpur, Kaski, Sunsari, Udaypur, Dailekh and Bajura.

affirmative actions or specific measures to be taken to empower to the marginal groups of the society. Regarding access of Dalit and ethnic children to education especially ECD, the below table shows the number and percentage of them to the total enrolment in the year 2016, 2017 and 2018.

**Talbe 6: Dalit and ethnic children to ECD centres**

Children	Children enrolled in ECD Centre								
	Total 2016	Dalit %	Ethnic %	Total 2017	Dalit %	Ethnic %	Total 2018	Dalit %	Ethnic %
Girls	4,70,520	18.6	39	4,59,069	17.9	39.3	4,52,259	18.4	39.2
Boys	5,06,845	17.2	38.7	5,14,344	17.1	38.8	5,05,868	17.7	39.1
Total	9,77,365	17.9	38.8	9,73,413	17.5	39	9,58,127	18	39.1

Source: Flash I Report, Department of Education

The above table shows that the number of children enrolled in ECD is in some what decreasing trend. This can be because of decreasing rate of population growth. But the number of ECD centre is in increasing trend – it was 35,991 in 2016 and 36,093 in 2017, and is 36,568 in 2018.

Dalit and ethnic children enrolled in school education is given below:

**Table 7: Dalit and ethnic children enrolled in school education (2016, 2017 and 2018)**

Level	Total (2016)	Dalit %	Ethnic %	Total (2017)	Dalit %	Ethnic %	Total (2018)	Dalit %	Ethnic %
Primary (1-5)	4,264,942	19.7	34.4	4,135,253	20.7	36.6	3,970,016	19.9	36.8
L. Secondary (6-8)	1,862,873	14.4	38.6	1,859,359	15.5	40.8	1,866,716	16	40.9
Basic (1-8)	6,127,815	18.1	35.7	5,994,612	19.1	37.9	5,836,732	18.7	38.1
Secondary (9-10)	938,897	11	38.4	958,502	9.9	33.1	970,720	11.1	33.8
H. Secondary (11-12)	450,753	6.6	29.3	492,984	6.2	26.9	584,072	6.5	23.3
<b>Grade 1-12 (Total)</b>	<b>7,517,465</b>	<b>16.5</b>	<b>35.65</b>	<b>7,446,098</b>	<b>17.1</b>	<b>36.56</b>	<b>7,391,524</b>	<b>16.7</b>	<b>36.35</b>

Source: Flash I Report, Department of Education

From the data mentioned in the above table indicates that Dalit children's enrolment in higher grades of school education is low unlike to the children of ethnic communities. It requires to initiate intensified efforts for improving access of Dalit children to higher level of education.

Sexuality and gender minority children face some specific problems like, bullying in house, community and schools. Few such children are put off from their own family. It requires to study and formulate policies on situation of such kinds of minority children.

### 3.7 Children in Jail with Their Parent

Some children are compelled to stay in jail with their parent due to absence of care for them in their own home. In the FY 2016/017, a total of 79 children were found staying in jails of 32 districts, where as 65 children are in jails of 27 districts in this FY (2017/018). Some NGOs are also working for protection of such children taking out of jail and rehabilitating to institutional care. Currently, 299 children are in institutional care. Of which, 194 (98 boys and 96 girls) are in Bandi Sahayata Nepal, 50 (20 boys and 30 girls) in Paramvik Bal Bikas Kendra, 32 (18 boys and 14 girls) in Bandi Sahayata Niyog and 23 (14 boys and 9 girls) in Pidit Sewa Sangh.

### **3.8 Birth Registration**

It has been over four decades that the government of Nepal introduced Civil Registration Act. Article 7 of the CRC states that every child has rights to be registered for their legal identity. The government of Nepal is committed to register the birth of all children by the year 2023.

Each local government registers the birth of children. According to the law, parents have to register their newly born child within 35 days of the birth and additional 35 days is the grace period. Exceeding this limit of the period is subjected to some fine as delayed registration fee. The birth registration certificate is generally used for enrolling child to school, having social security benefits including some other legal uses. According to Nepal Multiple Indicators Cluster Survey, 2014, birth registration rate is 58.1 percent.

Though there are enough legal provisions for registering the birth of each and every child found within the country, it has come to know that there is difficulties in registering the birth of some children for instances, abandoned children or children whose parents and whereabouts is known, children who lack proper documents. The government as well as development partners have to accelerate their efforts for increasing birth registration of children in course of ensuring the rights of children to identity.

### **3.9 Adoption**

Article 21 of CRC deals with child adoption. Further, the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, 1993 has provision for adoption management. The 'Terms and Conditions and Process for Granting Approval for Adoption of Nepali child by an Alien, 2065' and Inter-country Adoption Management Development Committee (Formation) Directive, 2010 include various provisions for adoption.

Civil (Code) Act, 2017 states the provisions for in-country and out-country adoption. National children's policy, 2012, Residential Childcare Home Operation and Management Standard, 2012 including Inter-country Adoption Management Development Committee (Formation) Directive, 2010 mention about the alternative care of children.

Currently, there is no international adoption. In-country adoption is dealt by district court since 2015, and the information is not available for this year from all district courts.

### **3.10 Refugee Children**

According to the provisions of the CRC, the state has responsibility to ensure rights of refugee including refugee children. Accordingly, the Government of Nepal has been respecting this provision. According to the Ministry of Home Affairs, 698 immigrants from Iran, Iraq, Myanmar, Pakistan, Bangladesh, Somalia, Srilanka, Afganistan and Congo are living in Nepal except from Bhutan and Tibet. Among this number there is no specific number of children.

There were a total of 9,804 Bhutanese refugees in the FY 2016/017. This number decreased to 6,809 in the FY 2017/018. Of which, 2,262 are children (1,095 girls and 1,167 boys).

### **3.11 Children with Disabilities**

The Government of Nepal has promulgated 'Persons with Disabilities' Act (First Ammendment), 2018. This Act, together with other general provisions, includes six specific provisions for children with disabilities – rights to dignified life, rights to education, health, personal development, expression, best interest, recreation, and specific protection. Children's Act, 2018 has also specific provisions for children with disabilities by which their rights and development are intensified and ensured.

National census of 2011 estimates about 513,321 persons with disabilities of any type (1.94 percents of the total population). The details are as follows:

**Table 8: Population of persons with disabilities**

	Physical	Low vision	Hard to hearing	Deaf-Blind	Speech problem	Mental disable	Intellectual disable	Multiple disable	Total
Male	108279	47041	41204	4803	33190	16787	8280	20502	280086
Female	78178	47724	38103	4633	25665	14210	6608	18114	233235
Total	186457	94765	79307	9436	58855	30997	14888	38616	513321
Percent*	0.70	0.36	0.30	0.04	0.22	0.12	0.06	0.15	1.94
Percent#	36.32	18.46	15.45	1.84	11.47	6.04	2.90	7.52	100

Source: Statistical Pocket Book of Nepal, CBS, 2014

\* Percentage of the total population 26,494,504 (2011)

# Percentage of the total persons with disabilities

According to the Population Monograph, Volume 2, of the total, there is 0.99 percent of the population between the age of 0 – 14 years (92,012 persons) has any type of disability. The ratio of each disability-type is more or less similar to the above person as given in the last row of above table (#).

The Government of Nepal is sensitive towards protecting rights of children with disabilities (CWDs). Disable or differently able persons' Inclusive Education Policy, 2016 has been in implementation. A total of 32 special education schools, 22 integrated schools, 380 resource classes and braille books/materials and other IEC materials are available for differently able children.

According to Department of Education, there are 63,949 CWDs in basic level and 11,746 CWDs in secondary level (up to 12<sup>th</sup> grade). Details are given in below table:

**Table 9: CWDs enrolled in schools in 2018**

Level		Types of Disabilities							Total
		Physical	Intellectual	Deaf	Blind	Low vision	Deaf-blind	Speech problem	
Primary (1-5)	Girl	6,764	5,942	3,488	399	1,992	382	2,924	21,891
	Boy	7,528	6,365	3,658	395	1,978	412	3,428	23,764
	Total	14,292	12,307	7,146	794	3,970	794	6,352	45,655
	ER	0.36	0.31	0.18	0.02	0.10	0.02	0.16	1.15
L. secondary (6-8)	Girl	3,276	1,366	1,132	197	1,376	193	1,305	8,845
	Boy	3,444	1,434	1,295	176	1,238	180	1,682	9,449
	Total	6,720	2,800	2,427	373	2,614	373	2,987	18,294
	ER	0.36	0.15	0.13	0.02	0.14	0.02	0.16	0.98
Secondary (9-10)	Girl	1,757	583	542	117	692	94	317	4,102
	Boy	1,737	678	526	126	570	100	353	4,090
	Total	3,494	1,261	1,068	243	1,262	194	670	8,192
	ER	0.36	0.13	0.11	0.03	0.13	0.02	0.07	0.84
H.secondary (11-12)	Girl	558	75	136	44	123	67	969	1,972
	Boy	435	71	139	38	87	32	777	1,579
	Total	993	146	275	82	210	99	1,746	3,551
	ER	0.17	0.02	0.05	0.01	0.04	0.02	0.30	0.61
Secondary (9-12)	Girl	2,316	658	677	161	815	162	1,287	6,076
	Boy	2,172	750	665	164	657	132	1,130	5,670
	Total	4,488	1,408	1,342	325	1,472	294	2,417	11,746
	ER	0.29	0.09	0.09	0.02	0.09	0.02	0.16	0.76

Source: Flash I Report, Department of Education, 2017/018

It is found that the number of CWDs has been slightly increased as compared to the last year. The government provides the both residential as well as non-residential scholarship for CWDs. Similarly, development partners also provides incentives for them. Despite all these incentives, it has been difficult to ensure the rights of all CWDs.

### 3.12 Social Security and Children

The Constitution of Nepal (2015) has provisions of social security for needy sections of the society including children. Similarly, Children's Act, 2018 states that PWDs, conflict affected people, vulnerable children including street children have rights to have specific protection from the state. The Act includes 13 groups of children under specific protection frame. The government has adopted various social security schemes -cash and kind transfer including free services.

The government provides Rs. 2,000/month to completely disable persons followed by Rs. 600/month to unable disabled persons, Rs. 2,000/month to endangered person, Rs. 400/month to children below the age of five years of Karnali areas and Achham, Rautahat and Bajhang districts including Dalit children of all over the country. There is a limit of upto two children of a mother. Similarly, Rs. 5,000/month is provided to martyr's family and Rs. 5,000/month to upto three children of martyrs. There are various levels of scholarships (residential and non-residential) for different categories of children together with free textbooks, stationery including daymeal to some schools. Free health services and enlisted drugs are provided to children.

The table below provides some information about budget release from Ministry of Federal Affairs and General Administration for social security allowance to children.

**Table 10: Social security allowance for children in the FY 2017/018**

SN	Types of social security scheme	No. of beneficiary	Budget (Rs)
1	Child grant (nutrition)	5,21,507	2,50,32,33,600
2	Completely disable children*	16,530	39,67,20,000
3	Very unable children with disabilities*	27,318	19,66,89,600
4	Children of endangered group*	10,360	24,86,40,000
	<b>Total</b>	<b>5,75,715</b>	<b>3,34,52,83,200</b>

Source: Department of Civil Registration, 2018

\* No. of children is calculated from the percentage (41.84) of child population

The Ministry of Federal Affairs and General Administration released Rs. 40,000/- millions under social security allowance for the FY 2017/018. Of which Rs.3,340/- millions is for children. This figure does not include allowance for martyr's family and children, conflict affected children, and scholarships. Similarly, various humanitarian support, emergency support including support provided by development partners are not included. Altogether, cash and kind support provided to children may be pretty higher than above amount.

**Some examples of initiation currently taken by local government, as publicized in media:**

- Sayal rural municipality of Doti district has decided to provide Rs. 1,500/month to orphan children as educational support.
- Dogadakedar rural municipality of Baitadi district has decided to provide Rs. 2,000/month to orphan children as educational support.
- Omsatiya and Gaidahawa rural municipality of Nawalpasari have initiated girl insurance program from this fiscal year to control child marriage.
- Khandadevi rural municipality of Ramechhap district started to cover educational expenses of all children of Thami ethnic group (marginalized group).

### 3.13 Juvenile Justice.

The government has formed a central level 'Juvenile Justice Coordination Committee' under the chairpersonship of honorable Judge of Supreme Court, whereas there is district level 'Juvenile Justice Coordination Committee' in each district under the chairpersonship of district Judge as per the direction of the Central Committee. Children who perpetrate actions against law come under the conflict with law. The state adopts corrective measures for children who act against law or show delinquent behavior, which is recognized as juvenile justice. With the notion that a child may commit mistakes but not crime, the Government of Nepal is committed and sensitive to juvenile justice.

In the FY 2017/018, there were a total of 185 cases filed related to juvenile delinquency. Among them, 117 cases (63%) were decided, whereas the rest (68) was in the litigation (process). The juvenile delinquents are mostly accused in rape, attempt to rape, theft, drugs trafficking and attempt to murder charges. Out of them, 116 cases were that of rape followed by burglary, which was 21 in number.

### 3.14 Child Correction Home

Children's Act, 2018 provisions for child correction home for rehabilitating those children who are decided as delinquent by the court. The children are provided with education and training services during their stay in the home. There are eight child correction homes in operation in eight districts – Morang, Parsa, Makwanpur, Bhaktapur, Kaski, Rupandehi, Banke and Doti. Currently, there are a total of 382 (368 boys and 14 girls) children in eight homes – highest number of 148 in Bhaktapur followed by 77 in Morang and 58 in Kaski, where as only 3 in Parsa and 5 in Makwanpur. The juvenile delinquents are mostly accused in rape (221) followed by murder (60), attempt to murder (8), drugs trafficking (41) and others like theft, human trafficking, attempt to rape, etc.

### 3.15 Child Care

Article 18 of the CRC states that both parents (and legal guardians) have common and primary responsibilities for the upbringing and development of the child. If they are not able to take care of their children, the government has to render appropriate assistance to parents and legal guardians enable them to take care of their children. According to the same article, the government is obliged to take appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible. Similarly, the article 20 of the CRC mentions that the responsibility of the alternative care of children without parents lies on the shoulder of the state.

According to the clause 34 of Children's Act, 1992, the government can establish or allows any person of organization to establish Children's Welfare Home in the various regions of the country as per requirement. The clause 35 of the same act has provision to keep abandoned or lost child in such welfare homes until and unless their parents are traced out. In addition, the clause 43 of the same act has the provision of establishing orphanage and center for orphans, disabled or mentally retarded children having no parents. The Government has enacted 'Standard for Operation and Management of Residential Child Care Homes, 2012.

Children's Act, 2018 defines orphan children as well as children who need special protection from the state, and states that the government should manage to take care the children who need basic services. Similarly, the Act mentions that no child below the age of six years is let alone or unaccompanied without company of any adult.

Nepal Multiple Indicator Survey, 2014 shows that 23,132 children between the age of 0 and 17 years are orphan (without both parents), where as 474,209 children have only one parent. There should be a mechanism to care the orphan children.

#### 3.15.1 Child Care Home

There are 533 child care homes (CCH) in operation in 46 districts. No such home is in rest of the other districts. The number of child care homes is given in the table below.

**Table 11: Number of child care home and children by province**

Province	No. of CCH	Boy	Girl	Total
1	24	280	260	540
2	12	211	73	284
3	401	5,174	5,695	10,869
4	52	748	850	1,598
5	19	391	421	812
6	13	206	255	461
7	12	184	116	300
	<b>533</b>	<b>7,194</b>	<b>7,670</b>	<b>14,864</b>

Source: Central Child Welfare Board, 2018

CCWB has developed a software to manage the information of CCH. So far staff of 361 CCH is provided with software training. The information of 7,485 children has already been entered to the software. The effort is going on. The software includes information like, details of children and their family, annual estimated budget of CCH, renewal status, religion, health status, and status of family reunification of children. CCWB monitors CCH as per 'Residential CCH operation and management standard, 2012'. In the FY 2017/018), a total of 407 CCHs (By CCWB 131 and DCWB 276) were monitored, in which CCWB rescued 147 children (81 boys and 66 girls) from nine CCHs of Kathmandu, Lalitpur and Chitwan, and the CCHs were informed to close as soon as possible. The rescued children have been rehabilitated to other well operated CCH in Kathmandu and Lalitpur. It has also come to know that some CCHs are operated from religious perspective as well as some CCHs are in operation without proper registration in government mechanism. A detail study is required to conduct to find out the situation of all forms of CCH.

### 3.15.2 Martyr's Academy

According to the Procedures, 2011 regarding rehabilitation of children who lost their parent during armed conflict, five Martyr's academy was established one each in Sunsari, Dolkha, Kaski, Dang and Doti districts. Details are as follows:

**Table 12: Martyr's academy and children**

SN	District	Boy	Girl	Total
1	Sunsari	179	161	340
2	Dolkha	132	83	215
3	Kaski	149	105	254
4	Dang	272	157	429
5	Doti	174	66	240
	<b>Total</b>	<b>906</b>	<b>572</b>	<b>1,478</b>

Source: Martyr's Academy, 2018

In the last FY, the number of children stayed in martyr's academies was 1,395, where as it increased to 1,478 in this FY 2017/018.

### 3.16 Corporal Punishment and Bullying

Children's Act, 2018 states that each child has rights against discrimination, exploitation, abuse, corporal punishment, bullying and any forms of inhuman behavior from parents, other family members, guardians, teachers and other persons. However, corporal punishment and bullying against is rampant in family, schools and in the places where children are associated. Normal cases of corporal punishment and bullying are not reported to legal and administrative channels. Very few such cases are found reported to concerned authorities. Such serious cases are used to publish from media.

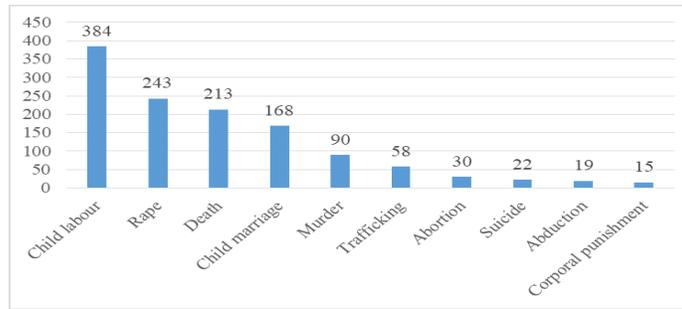
Serious corporal and mental punishment and bullying affect to the life of children for long-term, and even it hinders to the personality development of children. Some initiations like awareness raising and action against serious cases have been initiated for some years. This issue should be taken seriously for protecting children from such punishment and bullying especially within family, schools and common places of children.

Although, some policies and guidelines developed by Ministry of Education, the incidence of corporal punishment and bullying has not been noticeably decreased.

### 3.17 Child Rights Violation Cases against Children as Published in the Media

Central Child Welfare Board has been doing media monitoring of child rights related issues for over three years. As compared to the past, child rights violation cases have increased in this fiscal year (2017/018). The CCWB recorded 583 cases in this year. Details are shown in the below graph.

**Graph 1: Children victims of cases**



Source: National Daily Newspapers, 2017/018

All the cases of child rights violations are inhuman behavior. There should be study and taken serious action from the government.

CCWB in collaboration with Press Council Nepal, Federation of Nepalese Journalists and Department of Information developed Child Friendly Media Guidelines, 2016 and, it is in practice.

## CHAPTER – IV: CHILD DEVELOPMENT

### 4.1 Introduction

This chapter includes child development issues such as child education, sports, and others mentioned in Article 28, 29 and 31 respectively of CRC. Children's Act, 2018 has included provisions for child development and free as well as child-friendly education.

### 4.2 Early Childhood Development

The Constitution of Nepal (2015) has included early childhood development in the fundamental rights. Similarly, Compulsory and Free Education Act, 2018 includes ample provisions for ECD and child development and education.

The number of ECD centres is increasing year by year. In the FY 2017/018, a total of 36,568 ECD centres are in operation. It was 36,093 in the last year. Against the increased number of ECD centres, the total number of children in ECD centres has been in decreasing trend. For instance, the total number of children in ECD centres in 2017/018 is 957,087, where as it was 973,413 in 2016/017 and 977,365 in 2015/016. The simple reason is decrease total fertility as well as population growth rate.

The percentage of children enrolled in grade 1 with ECD experience has increased to 64.7 in the FY 2017/018, where as it was 62.4 in the previous year.

### 4.3 School Education

The Constitution of Nepal has included education as a fundamental right. Because of the investment from the government and NGOs and also because of educational awareness programs, the enrollment in primary education has been increasing. The NER in primary level reached to 97.2 percent, in lower secondary level to 87.4 percent, in secondary level (grade 9-10) to 65.9 percent and in higher secondary level (11-12) to 22.0 percent. The NER in school education is gradually increasing. The success rate, repetition rate and drop-out rate of the FY 2017/018 is as follows:

**Table 13: Success, repetition and drop-out rates in school level, 2017/018**

Level	Success rate			Repetition rate			Drop-out rate		
	Boy	Girl	Total	Boy	Girl	Total	Boy	Girl	Total
Primary (grade 1-5)	89.9	89	89.5	6.8	7.2	7.0	3.3	3.8	3.6
L. Secondary (grade 6-8)	92.0	91.4	91.7	3.8	4.1	4.0	4.2	4.5	4.4
Secondary (grade 9-10)	93.4	93.4	93.4	2.9	3.0	2.9	3.7	3.6	3.7

*Source: Flash I Report, Department of Education, 2017/018*

All the success rate has increased by 1.3, 1.0 and 2.0 percentage point as compared to the last year. Similarly, repetition and drop-out rates are also getting better.

Regarding the total students in school education, it was 7,446,098 in the previous year and is 7,391,524 in this fiscal year (2017/018). Of which, 51 percent are girls. In the higher secondary level (grade 11-12), the girl's percentage is 54.5. It is assumed that due to decreasing rate of population growth, number of school enrolment is gradually decreasing.

Though access of children to education is in increasing trend, the learning achievement of grade five and eight is found slightly decreased in 2015 as compared to 2012 almost in all subjects (Math, Nepali and English in grade five and Math, Nepali and Social Studies in grade eight).

### 4.4 Compulsory and Free Education

The Constitution of Nepal (2015) in the article 31 (2) of states that every citizen shall have rights to get compulsory and free education up to the basic level and free education up to the secondary level from the State. This implies that country is moving towards making compulsory and free education up to the basic level and free education up to the secondary level. Children's Act, 2018 in its section 15 mentions

that each child has rights to have compulsory and free education in the basic level, and free and child-friendly education in secondary level.

#### **4.5 SEE Examination**

Since 2015, the result of Secondary Education Examination (SEE) has been started to publish in grade system. Under the new system none of the student fails. In 2015, 437,326 students appeared in SEE examination whereas this number increased to 445,564 in the year 2016. This implies that additional 8,238 students appeared in the SEE examination in 2016 in comparison to that of 2015. However, the number of students who passed with GPA ranging from 3.6 to 4.0 has declined by 4,170 students. This has conveyed the message to all quarters that additional efforts need to be made to improve school level education. The number of students appearing in SEE examination is gradually increasing. It exceeds by 5,968 against in the last year.

#### **4.6 Number of Schools**

The number of schools was 34,739 in the previous year, where as it increased to 35,601 (29,035 public/community and 6,566 institutional/private in the FY 2017/018. Of which, 907 schools were of religious type (Madarsa, Gumba and Gurukul). The number of religious schools were 879 in the previous year, where as it increased to 907 in the FY 2017/018.

#### **4.7 Others**

School health program conducts awareness on personal hygiene as well as distributes sanitary pad to school girls. Media oftenly publicizes that some girls drop going to schools during their menstruation period. School girls have started to prepare sanitary pad themselves as reported by media.

Ministry of Education, Science and Technology initiated an effort in providing guardianship for poor and vulnerable children this year in an occasion of school enrollment process. In this effort, Prime Minister, political leaders, Ministry including Central Child Welfare Board took responsibilities of such children's guardianship.

NTV Plus conducts a visual class/program for the students of grade 9 and 10 in the subjects of Math, Science and English. The program is broadcast in each day. From this program, many students get opportunities to learn on those subjects.

Media publicizes the message of children especially ultrapoor, vulnerable and victims of various violations. In response, various development partners, institutions and also individual persons provide educational support to some of those children for continuation of their education.

Computer education and information technology have been included in schools. Student's access is increasing to internet. The government aims at increasing student's access to internet to 28.6 percent in the FY 2020/021.

## **CHAPTER – V: CHILD PARTICIPATION**

### **5.1 Introduction**

Children have right to participate in all activities affecting them at all levels – family, school, community, district, regional, and national. For the last few decades, child participation has been encouraged in the process of national periodic development planning process and other events. Generally, children participate in various activities through schools and child clubs. The Supreme Court has decreed government to provide legal recognition to child club. Different articles of CRC, namely protection of rights (article 4), respect of child views (article 12), freedom of expression (article 13), freedom of religion (article 14), freedom to be organized (article 15), right to privacy (article 16), and access to information (article 17) are related with child participation.

Children's Act, 2018 mentions that the children have rights to provide their views in the decision making process on the issues of their concerns in family, community, schools and any other public organizations. They have rights to express and information, to open institution and participate in mass gathering.

### **5.2 Children's Rights to Expression**

The Constitution of Nepal has a provision for child participation in article 39 (3). The Constitution has provisioned for freedom of expression and views under fundamental rights and also ensures freedom of running an organization. These rights are equally applicable to children. After the ratification of the CRC, child participation has massively been increased in the formulation of plans, policies and programs.

### **5.3 Children's Participation to Recreational Activities**

Nepal is recognized for having unprecedented growth of FM stations across the country over the short span of time. Some FM radios conduct child related program every day. Similarly, some TV channels have been broadcasting programs related to children including the issue of child participation.

Print media are also regularly publishing child centered materials and also encouraging children to contribute in Nepali vernaculars.

### **5.4 Child Club**

Children's Act, 2018 mentions that children have rights to open child club or institution for protecting and promoting their rights. Currently, there are 23,606 child clubs in operation all over the country, and about 435,000 children are associated with those clubs. Child clubs are based on both in schools and communities. The clubs are working for raising awareness on issues of rights of children for instances, birth registration, school enrolment, child marriage, child labor, immunization, learning without fear, etc.

### **5.5 Child's Participation in Sports**

Children's Act, 2018 states that each child has rights to participate in sports that suit to their age and interest. Each school is supposed to manage sport materials and encourage students for taking part in the sport activities out of their class time. Similarly, each child has rights to participate in their social, cultural, religious events without violating their best interest. For decades, the government has been organizing various sport competition as well as extra-curricular activities at the central, regional, district and school level. Children also participate in international sports competition.

### **5.6 Election and Children**

Election Commission issued Election Code of Conduct, 2016 in which it is mentioned that no children are involved in election publicity, assembly and procession. As per Constitution of Nepal (2015), all elections of federal, provincial and local level have been completed. Among these, CCWB and DCWB monitored basically local level election, and found some children used in the Election Day as well as

before and after the election. As reported in the media, few children were also used in federal and provincial election conducted in September and November of 2017.

### 5.7 Child Friendly Local Governance, Child Friendly Local Level and Wards

Central Child Welfare Board started the efforts of 'Child Friendly Village Development Committee (VDC) Declaration Campaign' from 2007 by developing specific indicators. In this process CCWB provided technical support to District Child Welfare Board, VDCs and Village Child Protection Committees. The then Ministry of Federal Affairs and Local Developed further developed indicators by adjusting earlier indicators and developed 'Child Friendly Local Governance: National Strategy and Procedures, 2011'. In course of implementation of the strategy and procedures, the Ministry conducted training in 64 districts and in 32 municipalities. Similarly, CCWB put its efforts in selecting 22 VDCs of 22 districts, one from each district. Accordingly, CCWB was facilitating to improve the situation of those VDCs to achieve the targeted indicators. In this process, child participation was also increasing. Prior to new federal structure, couple of VDCs were declared as child friendly VDCs. This effort was continued after the new federal structure. Consequently, two municipalites (Devchuli and Sunawal) were fully declared as child friendly municipalities, where as other local government has declared at least one ward during the FY 2017/018. Details are as follows:

**Table 14: Child friendly local level and ward**

SN	Province	District	Local Government	Ward
1.	Karnali	Kalikot	Tilgupha municipality	1,2,3&4
2.	Gandaki	Nawalparasi (BSE)	Devchuli municipality	All wards
3.	Gandaki	Parbat	Modi village munipality	8
4.	1	Sunsari	Dharan sub-metropolitan	13,14&20
5.	1	Udaypur	Triyuga municipality	15
6.	2	Parsa	Birgunj metropolitan	31
7.	2	Parsa	Parsagadhi municipality	2
8.	3	Chitwan	Ratnanagar municipality	3&5
9.	3	Makwanpur	Indrasarobar village municipality	4&5
10.	3	Kavrepalanchowk	Panouti municipality	12
11.	5	Kapilbastu	Shivraj munipality	9
12.	5	Rupandehi	Sudhdodhan village municipality	2
13.	5	Nawalparasi	Sunawal municipality	All wards

Source: National CFLG Forum, 2018

## CHAPTER – VI: CONCLUSION

The Constitution of Nepal (2015) includes child rights related provisions in Article 39, in which 10 sub-articles explain about child rights to education, health, protection and best interest of children. The Constitution is perceived as highly progressive towards ensuring rights of children. In addition, Children's Act, 2018 covers almost all thrusts of CRC by which rights and protection of children can be well addressed and, other some Acts for instances, Local Government Operation Act, 2017, Compulsory and Free Education Act, 2018, Social Security Act, 2018, Safer Motherhood and Reproductive Rights Act, 2018 have provisions related to children. With all these legislative measures, Nepal is heading towards ensuring rights of children.

The progress of almost all dimensions of the rights of children have been encouraging. It is expected that sustainable development goals and the government's commitment for achieving them with accelerated efforts contribute to improve the situation of children. The initiations taken by the government as well as development partners have been contributing to address the problems of children who need special protection from the government as well as other stakeholders.

In general, children's access to education, health as well as protection and participation concerns are increasing encouragingly; however, well addressing the issues like, child rights violation cases, sexual exploitation & abuse, child labour, protein energy malnutrition, learning achievement, corporal punishment, bullying are key challenges.

All concerned stakeholders to rights of children have been active and sensitive in gearing up their efforts to improve the situation of children; however, various cases of child rights violation especially sexual exploitation and abuse, murder, child labour, child marriage, abduction, trafficking have been frequently reported by different media. To address these situations, and to protect and promote rights of children, every concerned stakeholders have to put their effort more effectively in the coming days.

In essence, all the best practices and investing to children have to be intensified as well as all government, federal, province and local level should be more sensitive towards giving high priority to children so that each and every family, school, community can be child friendly.

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