

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 44 OF THE CONVENTION

**Concluding Observations of the Committee on the Rights of the Child:
NEPAL**

1. The Committee considered the second periodic report of Nepal (CRC/C/65/Add.30) at its 1032nd and 1033rd meetings (see CRC/C/SR.1032 and 1033), held on 20 May 2005, and adopted at the 1052nd meeting, held on 3 June 2005, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's frank and informative second periodic report and the written replies to its list of issues (CRC/C/Q/NPL/2), which gave a clearer understanding of the situation of children in the State party, though it regrets the late submission of the report. The Committee further notes with appreciation the open and constructive dialogue it had with the delegation and the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

3. The Committee notes the adoption of the following laws aimed at enhancing the implementation of the Convention:
 - a) Child Labour (Prohibition and Regularization) Act in 2000, which defines hazardous work and prohibits the employment of children under the age of 16; and
 - b) *Kamaiya* Prohibition Act in 2002, which codified the emancipation of bonded labourers, penalised employers engaged in *Kamaiya* labour practices, and established governmental *Kamaiya* relief funds.
4. The Committee welcomes the ratification of the following Conventions aimed at enhancing the implementation of the Convention:
 - a) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, in 2002; and
 - b) ILO Conventions No. 29 on Forced Labour in 2002, No.138 Concerning Minimum Age for Admission to Employment in 1997 and No.182 on elimination of the worst forms of child labour, in 2002.

5. The Committee welcomes the adoption of the National Plan of Action for Children (2005-2015).
6. The Committee also welcomes the inclusion of child development policies in line with the Convention in the Ninth Plan (1997-2002).
7. The Committee further welcomes establishment of the following bodies whose mandates include enhancing the implementation of the Convention:
 - a) National Human Rights Commission, in 2000, in particular, the Child Rights Desk;
 - b) National Commission on Women, in 2002;
 - c) National Dalit Commission, in 2002;
 - d) Children's Clubs, established in more than 20 districts; and
 - e) National Poverty Alleviation Fund.

8. The Committee welcomes the agreement entered into by the State party with the Office of the United Nations High Commissioner for Human Rights (OHCHR) on 11 April 2005, providing for the establishment of an OHCHR Office in Nepal that will "monitor the observance of human rights and international humanitarian law, bearing in mind the climate of violence and the internal armed conflict in the country".

C. Factors and difficulties impeding the implementation of the Convention

9. The Committee acknowledges challenges faced by the State party with regard to the general state of insecurity and violence due to the armed conflict. The Committee also notes very high levels of poverty which is exacerbated by the heavy debt burden; and the existence of many traditional beliefs and customs and the caste system, all of which impede progress to the full realisation of children's rights enshrined in the Convention.

D. Principal areas of concern and recommendations

Impact of the armed conflict on the implementation of the Convention

10. The Committee notes the extremely negative impact of the armed conflict between the State party and the Communist Party of Nepal (the Maoists) on children in Nepal, and that it has created conditions in which even a minimal implementation of the Convention is difficult. The Committee notes that the climate of fear, insecurity and impunity resulting from the armed conflict and the state of emergency, declared in 2000 and 2004, have had seriously negative physical and psychological impact on the sound development of children in the State party. The Committee is extremely concerned at the large scale bombing, destruction and closing of schools by Maoists insurgents which is a violation of the fundamental rights to education of children. The Committee also notes with deep concern that the conflict has also exacerbated the existing problems in the implementation of the Convention in the State party, as outlined in the present concluding observations.

11. The Committee further notes with serious concern that the absence of the Parliament which was dissolved in 2002, does not allow the State party to enact or amend legislation, nor to ratify international conventions, including the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.
- 12. While noting the de facto control by non-State actors of area's of the State party's territory, the Committee emphasizes the full responsibility of the State party, and urges the Communist Party of Nepal (the Maoists) to respect child rights within the areas under which they operate. The Committee reminds the State party of its obligation to respect the Convention at all times and not to derogate from any of its provisions, even in exceptional circumstances, including the state of emergency. The Committee further recommends the State party to take strengthened measures to combat impunity with regard to violence against children.**
- 13. The Committee recommends the State party to undertake all necessary measures to restore the regular functioning of the State party, including the Parliament, and to ratify the Optional Protocols to the Convention.**

**1. General Measures of Implementation
(arts. 4, 42 and 44, paragraph 6 of the Convention)**

Previous recommendations

14. The Committee regrets that some of the recommendations in its concluding observations (CRC/C/15/Add.57) adopted following consideration of the State party's initial report (CRC/C/3/Add.34) have been given insufficient follow-up , particularly those contained in paragraphs: 25 (legislation); 26 (non-discrimination); 29 (data collection); 30 (resource allocation for children); 31 (birth registration); 32 (access to basic services); 33 (refugee children); 34 (abuse and neglect); 35 (street children); 36 (child labour); 37 (sale and trafficking); 38 (juvenile justice). Those recommendations are reiterated in the present document.
- 15. The Committee urges the State party to make every effort to address the recommendations contained in the concluding observations on the initial report that have not yet been implemented and to implement the concerns contained in the present concluding observations.**

Legislation

16. The Committee welcomes the State party's plans to amend its domestic legislation, most notably the 1992 Children's Act, to ensure full conformity with the principles and provisions of the Convention. However, it expresses some concern about the pace of such undertakings.
17. The Committee also reiterates its previous concern regarding the disparities in the legislation, in particular, in local, customary and religious laws, which result in uneven and discriminatory protection and promotion of children's rights.

- 18. The Committee recommends the State party to continue and strengthen the process of achieving compliance of its legislation, in particular, the 1992 Children's Act, with the principles and provisions of the Convention. The Committee further recommends that the State party removes the current age restriction in the Children's Act to ensure that children of all ages are able to approach the court for protection.**
- 19. The Committee urges the State party to strengthen its implementation of the existing legislation aimed at the protection and promotion of children's rights, through, inter alia, legal enforcement and awareness-raising activities.**

National Plan of Action

20. The Committee, while welcoming the adoption of the National Plan of Action for Children (2005-2015), remains concerned that the current security concerns in the State party which has significantly shifted resources away from basic social services, may hamper the implementation of this NPA.
- 21. The Committee urges the State party to allocate sufficient resources required for an effective implementation of the National Plan of Action. In this regard, the Committee recommends that the State party seek technical assistance from, inter-alia, UNICEF and involve civil society in its implementation.**

Coordination

22. The Committee notes that the District Child Welfare Board, the Central Child Welfare Board, the Ministry of Women, Child and Social Welfare, Department of Women Development, District Women Development Section and District Development Committee all play a role in matters relating to the implementation of the Convention. The Committee expresses concern about the lack of clear and well structured coordination among these bodies, including in the implementation of the recently adopted National Plan of Action. The Committee is also concerned that resources currently allocated to these bodies may not be sufficient for it to effectively carry out their functions.
- 23. The Committee recommends the State party to appoint or establish a single inter-ministerial and inter-sectoral mechanism for the coordination, monitoring and evaluation of all activities regarding the implementation of the Convention. Such body should be closely coordinated with the National Planning Commission and be provided with strong mandate and sufficient human and financial resources to carry out its functions effectively, and include members of the civil society, child rights experts and other professionals as well as governmental representatives.**

Independent Monitoring

24. The Committee welcomes the existence of the National Human Rights Commission in particular, the Child Rights Desk, and the National Commission on Women and the District Child Welfare Boards in the State party. The Committee is nevertheless concerned about the accessibility and availability of these complaint mechanisms to

all children within the State party and the limited mandate of the Child Rights Desk. The Committee is also concerned about the inadequate political and financial support given by the State party for these bodies to carry out their mandate. Furthermore, the Committee is concerned that only a limited number of the District Child Welfare Boards is currently active.

- 25. In light of its General Comment no. 2 on national human rights institutions, the Committee encourages the State party to ensure that the NHRC and other independent monitoring bodies are allocated sufficient human and financial resources to enable it to effectively monitor the implementation of the Convention, and to take all effective measures to ensure that they are easily accessible to and user-friendly for all children. The Committee suggests the State party to consider extending the mandate of the Child Rights Desk to include individual cases and complaints from children. In this regard, the Committee encourages the State party to reinforce its awareness raising efforts to facilitate the effective use by children of the complaint mechanisms. The Committee further suggests the State party to consider strengthening the mandate of the District Child Welfare Boards.**
- 26. The Committee strongly urges the State party to maintain the effectiveness and independence of the National Human Rights Commission after the expiration of the term of the present Commission on May 25 2005.**

Resources for children

27. The Committee, aware of the economic and political difficulties facing the State party, and of the efforts taken to increase spending on basic social services and education, is nevertheless concerned at the lack of sufficient budget allocation for children and the implementation of their rights.
- 28. With a view to strengthening its implementation of article 4 of the Convention and in the light of articles 2, 3 and 6, the Committee recommends that the State party prioritise budgetary allocations to ensure the implementation of the rights of children to the maximum extent of available resources and using the rights-based approach. In this connection, the Committee urges the State party to ensure that resources are efficiently and effectively allocated within the framework of international cooperation.**

Data collection

29. The Committee is concerned at the absence of comprehensive and up-to-date statistical data in the State party and the lack of an adequate national data collection system on all areas covered by the Convention.
- 30. The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age, and in different parishes and dependencies. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children living in poverty, children with disabilities and children from single-parent families. It further encourages the**

State party to use these indicators and data in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF, in this regard.

Dissemination

- 31.** While taking note of the efforts made by the State party to involve members of civil society, including children, in the preparation of its periodic report and to disseminate information about the Convention, the Committee is concerned that these measures to raise awareness on the principles and provisions of the Convention are insufficient. In particular, the Committee regrets that the principles and provisions of the Convention have not been incorporated into the curricula at all levels of education, and at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children.
- 32.** **The Committee recommends that the State party strengthen its efforts to ensure that the provisions and the principles of the Convention are widely known and understood by adults and children alike. It also recommends the State party to undertake systematic education and training on the rights of the Convention for children and their parents, as well as all professional groups working for and with children, in particular parliamentarians, judges, magistrates, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel and social workers. In this regard, the Committee recommends that human rights education is included in the official curriculum, at all levels of education. The Committee also recommends that the State party consider seeking technical assistance from UNICEF and OHCHR in this regard.**

Cooperation with civil society

- 33.** **The Committee expresses concern over the wide-ranging restrictions placed by the authorities on civil society organizations such as re-registration requirements, censorship, travel ban, and requirement to obtain prior governmental authorisation for receiving grants from donors.**
- 34.** **The Committee underlines the importance of the role of civil society in the full implementation of the Convention and recommends that the State party remove all legal, practical and administrative obstacles to the free functioning of civil society organizations in the State party.**

2. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

- 35.** While noting that discrimination is prohibited under the Constitution and other relevant legislation, as well as the various efforts undertaken by the State party to eliminate discrimination, the Committee reiterates its deep concerns about the

widely prevailing *de facto* discrimination against girls and children belonging to the most vulnerable groups such as *Dalit* children, children belonging to indigenous or ethnic minority groups, refugee and asylum-seeking children, street children, children with disabilities and children living in rural areas. The Committee notes with grave concern that as a consequence of prevailing discriminatory attitudes, children belonging to vulnerable groups are particularly likely to fall victim to abuse and exploitation.

36. With reference, inter alia, to the concerns of the Committee on the Elimination of Racial Discrimination (CERD/C/64/CO/5, 12 March 2004) regarding the persistent *de facto* caste-based discrimination against *Dalit* in education, employment, marriage, access to public places including water sources and places of worship, the Committee expresses serious concern about the harmful effects of this prevailing form of discrimination on the physical, psychological and emotional well-being of the *Dalit* children in the State party.
- 37. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the right to non-discrimination, and to adopt appropriate legislation, where necessary, to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. In this regard, the Committee urges the State party to prioritise and target social services for children belonging to the most vulnerable groups, and to take all effective measures to ensure their protection from exploitation. The Committee encourages the State party to launch comprehensive public information campaigns to prevent and combat all forms of discrimination.**
- 38. The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of General Comment no. 1 on article 29(1) of the Convention (aims of education).**

Respect for the views of the child

39. While noting the initiatives taken by the State party in cooperation with members of the civil society to promote children's right to be heard, the Committee is concerned that the views of the child are not given sufficient consideration in all areas of children's lives and that the provisions of article 12 are not fully integrated into the State party's legislation and administrative and judicial decisions, or in policies and programmes relevant to children.
- 40. The Committee recommends that the State party:**
 - (a) Promote and facilitate respect for the views of children and ensure their participation in all matters affecting them in all spheres of society, particularly in the family, in school and in communities, in accordance with article 12 of the Convention;**

- (b) **Amend legislation so that the rights of the child to be heard and to have her/his views taken into account, inter alia, within custody disputes and other legal procedures affecting children; and**
- (c) **Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary and society at large on children's rights to have their views taken into account and to participate.**

3. Civil rights and freedoms
(arts. 7, 8, 13-17 and 37(a) of the Convention)

Birth registration and the right to nationality

41. While noting that birth registration is mandatory by law, the Committee is concerned that despite the efforts taken by the State party, low rate of birth registration remains a problem, particularly in rural areas, and has been exacerbated by the conflict which has reduced the ability of local authorities to carry out “state administration services”, including birth registration. The Committee is concerned that children who have not been registered at birth are more vulnerable to abuse and exploitation, including recruitment into armed groups, as their age cannot be established.
42. The Committee is also concerned that many groups of children are not registered and/or ineligible for Nepalese citizenship, with gravely negative consequences on the full enjoyment of fundamental rights and freedoms by those children, in particular, the right to know and be cared for by parents. The Committee is particularly concerned that under the current provisions of the Birth, Death and other Personal Incidences (Vital Registration) Act of 1976 a mother may experience difficulties in registering her child, and similarly, the Citizenship Act of 1964 does not allow a child to claim nationality with his/her mother's name. As a consequence, children born to foreign fathers, abandoned children, orphans, children born to single mothers and children from the *Badi* community who may not be able to identify their fathers are unable to obtain citizenship. In addition, the Committee expresses concern that birth registration of Bhutanese refugees is not carried out by the authorities.
- 43. In the light of article 7 of the Convention, the Committee urges the State party to increase its efforts, including awareness-raising campaigns, to ensure the registration of all children at birth. In this regard, the Committee recommends that the State party ensures that local government authorities which are entrusted with the task of birth registration actively engage with the local communities to ensure that births are registered in a timely and effective manner. In this regard, the Committee urges the State party to seek assistance from, inter alia, UNICEF, non-governmental organisations and other members of the civil society.**
- 44. The Committee further recommends the State party to amend, as a matter of priority, the relevant legislation, most notably the Birth, Death and other Personal Incidences (Vital Registration) Act of 1976, the Citizenship Act of 1964 and articles 9 (1), (2) and (5) of the Constitution to ensure full compliance**

with articles 7 and 8 of the Convention. The Committee also urges the State party to, as a matter of priority, review its policy regarding birth registration of refugee children and ensure that all children of refugees and asylum seekers born in the State party are issued with birth certificates.

Protection of privacy (article 16)

45. The Committee notes with concern that “the identity of child offenders, rape victims or children in difficult circumstances continue to be disclosed in the media”, (para. 124) which is a clear infringement of article 16 of the Convention.
46. **The Committee urges the State party to establish mechanisms to ensure that all materials broadcast in Nepal respect the child’s right to privacy such as a code of conduct and/or self-regulation, and to ensure that appropriate human rights training is given to media professionals, paying particular attention to children’s rights to privacy.**

Corporal punishment

47. The Committee is concerned that corporal punishment and ill-treatment of children is prevalent in the family, in schools and in other institutions. The Committee is concerned by the provisions in the 1992 Children’s Act and the 1963 Muluki Ain which provide for corporal punishment in the home, in schools and in other institutions and forms of childcare, which is in a clear contravention of article 19 of the Convention. The Committee underlines the importance of specific legal prohibition of traditional practices which are harmful to children by law.

48. **The Committee recommends that the State party:**

- (a) **Expressly prohibit corporal punishment and ill-treatment of children by law in the family, schools and other institutions;**
- (b) **Expedite the process of amending the relevant provision of the Children’s Act and the 1963 Muluki Ain to ensure compliance with article 19 of the Convention;**
- (c) **Strengthen awareness-raising campaigns to inform parents, teachers and professionals working with children, particularly in institutions, as well as the public at large about the negative impact of corporal punishment and ill-treatment on children and actively involve children and the media in the process; and**
- (d) **Ensure that positive, participatory, non-violent forms of discipline are administrated in a manner consistent with the child’s human dignity and in conformity with the Convention, especially article 28 (2) as an alternative to corporal punishment at all levels of society.**

4. Family environment and alternative care

(arts. 5; 18 (paras.1-2); 9-11; 19-21; 25; 27 (para.4); and 39 of the Convention)

Separation of children from parents/ children deprived of a family environment and alternative care

49. The Committee is deeply concerned that an increasing number of families and children are facing the risks of family disintegration and separation as a consequence of the current armed conflict in the State party. The Committee is equally concerned at the increasing number of children placed in residential care facilities not only as a result of the armed conflict, but also of HIV/AIDS, and that many of these children still have both or one of the parents and/or close relatives. Furthermore, the Committee is concerned that these residential care facilities do not meet the standards set by the State party, and that many of them are not registered. The Committee is also concerned that adequate and effective monitoring of the quality of these facilities is lacking.

50. The Committee recommends the State party:

- a) to develop and implement programmes through community structures and social security benefits to support parents in the performance of their parental obligations, and to pay particular attention in this regard to families affected by the armed conflicts and the vulnerable families such as single parent households;**
- b) to undertake effective measures for the reunification of separated children, by implementing programmes for the reinforcement of existing structures such as the extended family, and for the introduction of a foster care system that is well resourced, with adequately trained staff;**
- c) to ensure that residential care facilities meet quality standards in conformity with the Convention, that they are registered and regularly monitored, and that the placement of children in these facilities is regularly reviewed in accordance with article 25 of the Convention, to ensure that such placements are only used as the last resources and for the shortest time possible.**

Children with parent(s) in prison

51. The Committee is concerned about the significant number of children who are living in adult prisons with their parents, often in poor conditions that fall short of international standards.

52. The Committee recommends the State party to review the current practice of children living with their parents in prison, with the view to limit the stay to instances in which it is in her/his best interest, and to ensure that the living conditions are suitable for their needs for the harmonious development of her/his personality. The Committee also recommends that children of parents in prison should be provided with adequate alternative care, for instance, within the extended family, and be granted with regular contact with their parents.

Adoption

53. Given the significant number of Nepalese children who are adopted by foreigners and in the context of the current armed conflict in the State party, the Committee is concerned at the lack of a clear policy and appropriate legislation on inter-country

adoption, which result in **various practices**, such as trafficking and smuggling of babies. The Committee is particularly concerned about the absence of due judicial process, including technical assessment of capacity of the parents or guardians, in cases involving termination of the parental responsibility. The Committee also expresses concern regarding the practice of the so-called informal adoption, which may entail exploitation of children as domestic servants.

54. The Committee recommends the State party to develop and implement policies and legal provisions regarding inter-country adoption to guarantee that the practice of this form of adoption is in full conformity with the principles and provisions of the Convention, in particular, article 21. In this regard, the Committee recommends the State party to, in particular:

- a) Ratify the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption, in order to inter alia, prevent trafficking and smuggling of children;**
- b) Review the current mechanisms and procedures for domestic and inter-country adoption, particularly the role and the responsibilities of the national and district level decision-making bodies with a view to ensuring that professionals responsible for adoption cases are fully equipped with the technical expertise needed to review and process cases in light of the Hague Convention;**
- c) Develop and implement strict criteria for the adoptability of Nepalese children, ensuring in particular that reasonable time is given for an effective tracing of the parents or close-relatives of children separated from them as a result of the armed conflict, and abolish the provisions in the Conditions and Procedures made to provide Nepalese Children to Foreign Nationals for Adoption (2000), that states that poverty of the parents of a child can be a legal ground for adoption;**
- d) Ensure that exhaustion of all means to prevent termination of parental responsibility and/or separation of the child is set as a clear criteria in all cases involving adoption; and**
- e) Regulate and monitor the practice of placing children with close relatives or others, to prevent children from being exploited, and to ensure that all their rights, including the right to education and to healthcare are fully respected.**

Abuse and neglect

55. While noting that the Children's Act prohibits any cruel treatment of children by parents, guardians or teachers, the Committee is alarmed by the prevalence of child abuse and domestic violence in the State party, and is of the view that the domestic legislation currently in place in the State party does not afford adequate protection to children and women against abuse and domestic violence. In particular, the Committee notes that the Children Act which protects children from cruel treatment does not provide for an effective remedy mechanism, and that violation of the Act is not considered as a state crime and thus only provides remedy under civil court procedure. The Committee further regrets that the Domestic Violence Control Bill which was passed in April 2002 by the Parliament before it was dissolved, was never enacted. The Committee is concerned that insufficient awareness exists in the

State party, of violence against women and children as a crime punishable by law, including among law enforcement officials.

56. The Committee, while noting that the Children's Act also provides for inspection of care provided in children's homes, rehabilitation centres and orphanages, is concerned about the lack of appropriate complaint filing mechanism and of designated places of safety for child victims of abuse and neglect. The Committee is also concerned that prosecution against child abuse and neglect may be impeded as a result of major infrastructural problems in the legal system.
- 57. The Committee recommends the State party to take the necessary measures to prevent child abuse and neglect, by, inter alia,**
- (a) Undertake a study on the causes and scope of this phenomenon and establish a comprehensive strategy to address the high and increasing number of child abuse, neglect and domestic violence, with the aim of preventing and reducing this phenomenon;**
 - (b) Introducing legislation making reporting obligations mandatory for suspected cases of abuse and neglect for all professionals working for and with children, and train them in the identification, reporting and management of ill-treatment cases;**
 - (c) Carrying out public education campaigns that raises awareness of consequences of ill-treatment of children and the alternative measures of discipline for children, addressing sociocultural barriers that inhibit victims from seeking assistance;**
 - (d) In addition to existing laws and procedures, establishing effective mechanisms to receive, monitor and investigate complaints in a child sensitive manner and ensure proper prosecution of persecutors of child abuse and neglect, with appropriate witness and victim protection system in place;**
 - (e) Providing services for the physical and psychological recovery and social reintegration to victims of sexual abuse and any other child victims of abuse, neglect, ill-treatment, violence or exploitation, and take appropriate measures to prevent the criminalisation and stigmatisation of victims, including through cooperation with NGOs; and**
 - (f) Seeking technical assistance from, inter alia, UNICEF and WHO.**

5. Basic health and welfare

(arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3 of the Convention)

Children with disabilities

- 58.** While acknowledging the development of a national policy on persons with disabilities and the existence of laws that provide for the rights of children with disabilities, including the 1982 Disabled Protection and Welfare Act, the 1971 Education Act and the 1992 Children's Act, and the establishment of a National Disability Service Coordination Committee in 2000 to develop and support programmes for persons with disabilities, the Committee remains concerned that:

- a) Implementation of these legislation and programmes have been ineffective and that the necessary resources have not been allocated by the State party;
- b) There is no national system for early detection and intervention with regard to children with disabilities; and
- c) Insufficient efforts have been made to facilitate the inclusion of children with disabilities into the educational system and society in general, including efforts to change traditional attitudes towards persons with disabilities and improve the access to information, medical facilities, etc.

59. The Committee recommends that the State party:

- a) **Expedite the process of establishing a comprehensive policy for children with disabilities and take the necessary measures, in particular, the provision of sufficient resources for an effective implementation;**
- b) **Conduct a study to identify causes of and ways to prevent disability and establish a national system for early detection, referral and intervention;**
- c) **Assess the situation of these children in terms of their access to suitable health care, education services and employment opportunities, and allocate adequate resources to strengthen services for children with disabilities, support their families and train professionals in the field;**
- d) **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), further encourage the integration of children with disabilities into the regular educational system and their inclusion into society, *inter alia* by giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities; and**
- e) **Seek technical cooperation for the training of parents and professional staff working with and for children with disabilities including teachers, from, among others, UNICEF and WHO.**

Health and health services

60. The Committee welcomes the establishment of a working group to implement the Integrated Management of Childhood Illness (IMCI) strategy in 1997 and commends the State party's efforts in improving the immunisation coverage for children under 5, including the recent completion of the comprehensive measles vaccination campaign. The Committee nevertheless shares the concerns of the State party that the health and social services are under a tremendous resource constraints and that the overall quality and availability of healthcare available to children in the State party is seriously inadequate, in particular among poor families and in rural areas. In particular, the Committee is concerned about:

- a) High rates of infant, under-five mortality and maternal mortality, and the low life expectancy in the State party;
- b) Continuing threats to survival and development of children by preventable childhood diseases, including diarrhoea, malnutrition, anaemia, intestinal infectious diseases; bacterial infection; measles; pneumonia;

- c) Inadequate pre-natal and post-natal care which also constitute factors hindering child survival and development;
- d) Inadequate sanitation and access to safe and clean water, especially in rural areas which generally suffer from lack of services;
- e) Low awareness about health, hygiene and sanitation, particularly in rural areas and prevalence of traditional practices which could be harmful to the health of children, such as that of consulting witchdoctors instead of modern medical facilities and not giving water to children suffering from diarrhoea.

61. The Committee also notes with concern that little has been done to address the particular health vulnerabilities and needs of children at risk, including street children, child labourers, child sex workers and *Dalit* children.

62. The Committee recommends that the State party:

- (a) **Continue taking all appropriate measures to improve the health infrastructure, including through international cooperation, in order to ensure access to basic health care and services adequately stocked with appropriate resources, including basic medicines for all children, and target rural areas in particular;**
- (b) **Continue and strengthen its efforts to extend the immunisation coverage to all parts of the country;**
- (c) **Facilitate greater access to primary health care services;**
- (d) **Continue and strengthen measures to combat childhood illnesses, paying particular attention to the needs of children belonging to high risk groups;**
- (e) **Engage in awareness raising efforts to provide the general public, in particular, families, children and healthcare providers, including traditional health practitioners, with appropriate knowledge of basic first aid and healthcare;**
- (f) **Strengthen the data collection system, inter alia, with regard to important health indicators, ensuring timeliness and reliability of both quantitative and qualitative data and using it for the formulation of coordinated policies and programmes for the effective implementation of the Convention; and**
- (g) **Pursue additional avenues for cooperation and assistance for the improvement of child health with, among others, WHO and UNICEF.**

Adolescent health

63. The Committee is concerned that insufficient attention has been given by the State party to adolescent health issues, including developmental, mental and reproductive health concerns. The Committee expresses concern that adolescents face particular physical and mental health risks, including from sexual abuse, violence, drug and alcohol abuse and sexually transmitted illnesses (STIs) including HIV/AIDS, and the low level of awareness on reproductive health issues among adolescents.

64. The Committee recommends that the State party:

- (a) **Undertake a comprehensive study to assess the nature and extent of adolescent health problems and, with the full participation of**

- adolescents, use this as a basis to formulate adolescent health policies and programmes with a particular focus on the prevention of sexually transmitted illnesses (STIs), especially through reproductive health education and child-sensitive counselling services, and take into account the Committee's General Comment No.4 (2003) on adolescent health and development in this regard;
- (b) Provide developmental and mental health counselling services as well as reproductive health counselling and make them known and accessible to adolescents;
 - (c) Take measures to incorporate reproductive health education in the school curriculum and conduct awareness raising campaigns to fully inform adolescents of reproductive health rights, including prevention of sexually transmitted diseases including HIV/AIDS and early pregnancies; and
 - (d) Continue to work with international agencies with expertise in health issues relating to adolescents, inter alia, UNFPA, UNICEF and WHO.

Early marriages

65. While acknowledging that the minimum age of marriage for girls is 18 years, the Committee shares the concern of the State party that the custom of early marriage is widespread in practice, especially in certain ethnic and religious communities, and that girls, once married, are not afforded the protection for the enjoyment of their rights as children as enshrined in the Convention, including the right to education.
- 66. The Committee recommends that the State party strengthen its enforcement of the existing legislation to prevent early marriages and that the State party develop sensitisation programmes, involving community and religious leaders and society at large, including children themselves, to curb the practice of early marriages. It also recommends to the State party that it take measures to ensure that when underage girls are married, they continue fully enjoying their rights as set out in the Convention, including the right to education.**

Harmful traditional practices

67. The Committee notes with concern that certain harmful traditional practices continue to prevail in the State party, most notably the caste system and traditions such as the *Deuki*, *Kumari*, *Jhuma*, *Badi*, *Kamlari* and *Chaupadi*, causing extreme insecurity, health hazards and cruelty to girl children. The Committee regrets the absence of legal prohibition and sufficient interventions on the part of the State party to address harmful effects of these traditional practices on the enjoyment of rights by children who are affected by these practices.
- 68. The Committee recommends that the State party, as a matter of urgency, take all necessary measures to eradicate all traditional practices harmful to the physical and psychological well-being of children, by strengthening awareness-raising programmes. The Committee further recommends the State party to adopt legislation prohibiting such practices.**

HIV/AIDS

69. The Committee welcomes the efforts made by the State party to prevent and control HIV/AIDS including the establishment of the National Centre for AIDS and STD Control, but remains concerned about the increasing incidence of the infection and its wide prevalence, particularly among the high risk groups. The Committee is concerned at the very serious impact of HIV/AIDS on the cultural, economic, political, social and civil rights and freedoms of children infected with or affected by HIV/AIDS, including the Convention's general principles and with particular reference to the rights to non-discrimination, health care, education, food and housing, as well as to information and freedom of expression.
- 70. The Committee recommends that the State party further integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies on behalf of children infected with and affected by HIV/AIDS, as well as their families, including by taking into consideration the recommendations the Committee adopted at its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80, para. 243), and involve children when implementing this strategy.**

Social security and standard of living

71. The Committee expresses concern about the high level of prevailing poverty in the State party, which hampers the respect for and fulfilment of the rights of children, particularly those living in rural areas, those living in slums and squats, and among the lower castes and ethnic minorities, and the ability of their families to provide them with adequate protection.
72. In view of the significant proportion of children living in poverty, the Committee notes with regret the paucity of information concerning the rights of the child to benefit from social security, and expresses concern at the absence of comprehensive legislative and regulatory social security system that is in full compliance with article 26 of the Convention.
- 73. In accordance with articles 26 and 27 of the Convention the Committee recommends that the State party:**
- (a) Strengthen its strategy to combat poverty, with due emphasis on monitoring impact on the rights of children, and that it allocate sufficient human and financial resources, including through international assistance, to ensure the implementation of its strategy;**
 - (b) Reinforce its efforts to provide support and material assistance to economically disadvantaged families, notably those living in rural areas, slums and squats, and to guarantee the right of children to an adequate standard of living;**
 - (c) Establish poverty indicators and an official poverty line that will enable the State party to define the extent of poverty, and to monitor and evaluate progress in alleviating poverty and improving the standard of living for children in the State party; and**

- (d) Establish a social security policy along with a clear and coherent family policy, as well as effective strategies for using the social safety net benefits to further the rights of children, and provide adequate financial resources to the social security system.**

74. The Committee therefore recommends that the State party make efforts to revise and/or establish a social security policy along with a clear and coherent family policy in the framework of poverty reduction strategy, as well as effective strategies for using the social safety net benefits to further the rights of children.

6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

75. While welcoming the development of the National Plan of Action on Education for All, and the Basic and Primary Education Master Plan, BPEP (1997-2002) and the BPEP II (1999-2004), the Committee is seriously concerned that primary education has not been made compulsory and that the target set by the State party to achieve universal primary education by 2000 was never met and has been extended to 2015. The Committee also remains concerned about the low public expenditure in education and structural lack of resources, largely responsible for the shortage of qualified teachers, poor physical infrastructure, overcrowding in schools and material shortages in school. The Committee is also concerned about the high rates of drop-out, and that significant inequality exists in access to education, in part due to the hidden costs associated with schooling, and that a large proportion of girls and children from disadvantaged backgrounds such as *dalit* children and children with disabilities remain deprived of educational opportunities.

76. The Committee recommends that the State party carefully examine the budget allocations and measures taken within the field, with regard to their impact on the progressive implementation of the child's right to education and leisure activities. In particular, the Committee recommends that the State party:

- (a) Make primary education compulsory and free for all children and for more years than the 5 years of primary school;**
- (b) Continue and strengthen measures aimed at increasing enrolment rates and school attendance, as well as reducing the high drop-out rates in primary and secondary education and ensure that children receive the full schooling to which they are entitled;**
- (c) Undertake additional efforts to increase the budget allocated to education;**
- (d) Take further measures to improve the accessibility, in particular for girls, to education of all children, with a view to eliminating the prevailing disparities between girls and boys, as well as between urban and rural areas;**
- (e) Take measures to improve the quality of education, *inter alia*, by building more schools, improving physical infrastructures and ensuring schools are adequately equipped;**

- (f) **Prioritise efforts at teacher training and expand recruitment of qualified teachers, in particular women and persons from all ethnic groups;**
- (g) **Introduce and fully implement targeted programmes for children from poor families and children from marginalised groups;**
- (h) **Continue and strengthen public provision of early childhood education, in particular in rural areas, and increase the number of trained pre-school teachers, and raise awareness amongst parents about the value of early childhood education;**
- (i) **Adopt appropriate legislative measures to combat the use of corporal punishment in schools;**
- (j) **In the light of the Committee's general comment No. 1 on article 29 (1) of the Convention (aims of education), include human rights education, including the rights of children, in school curriculum at all levels of education;**
- (k) **Ratify the Convention against Discrimination in Education (1960) and the Convention on Technical and Vocational Education (1989); and**
- (l) **Seek further technical assistance from, inter alia, UNICEF and UNESCO.**

77. The Committee further recommends to the State party to take all measures, as a matter of priority, to eliminate negative impacts of the conflict [and the state of emergency] on the educational system, and to facilitate reconstruction and reopening of schools, return of teachers and pupils to schools and ensure that adequate resources are provided for these purposes.

7. Special protection measures

(arts. 22, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Refugee/asylum seeking and internally displaced children

78. The Committee welcomes the adoption in August 2004 of an official policy that is grounded on the principle of *non-refoulement*, but it regrets that the State party has not yet ratified the 1951 Convention relating to the Status of Refugees, 1954 Convention on the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness, and that there is no domestic legislation that covers the rights of refugees and asylum-seeking persons. In this regard, and given the fact that a large population of these persons are children, the Committee is concerned about:

- (a) The reports of discrimination and ill-treatment, including high incidence of sexual abuse, of women and children in Bhutanese camps in Nepal;
- (b) The reports of deportation of Tibetan asylum seekers to China by Nepal, including unaccompanied minors, and the closure of the Tibetan Refugee Welfare Office in January 2005;
- (c) The rule that refugee status can only be sought by certain categories of asylum-seekers, specifically, the Tibetans who arrived in Nepal before 1990 and the Bhutanese; and
- (d) The restrictions on Bhutanese refugees on their freedom of movement, as well as their enjoyment of the right to health and education.

79. The Committee notes with regret the lack of information provided by the State party on the situation of internally displaced persons, including children, who have been forcibly displaced from their homes due to the ongoing armed conflict.

80. **The Committee recommends that the State party:**

- a) **Ratify, as a matter of priority, the Convention relating to the Status of Refugees, 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;**
- b) **Seek to ensure, as a matter of priority, that all internally displaced, refugee and asylum seeking children and their families have access to health and education services, and that all their rights contained in the Convention are protected, including the right to be registered at birth;**
- c) **Take immediate measures to ensure that all internally displaced, refugee women and children under its jurisdiction are protected from all forms of sexual exploitation and that perpetrators are duly prosecuted;**
- d) **Include in its next periodic report detailed information pertaining to the situation of internally displaced, refugee and asylum seeking children, including unaccompanied minors; and**
- e) **Continue and strengthen its collaboration with, among others, UNHCR.**

Children affected by conflict

81. The Committee is highly alarmed by the number of children who were killed in armed conflicts in the State party. The Committee notes with grave concern the reports of abduction and forcible conscription of children by the armed groups for political indoctrination and for use as combatants, informants, cooks or porters, and as human shields. The Committee is equally concerned that government forces target under-18s suspected to be members of the armed groups and about the highly alarming reports of disappearances and arbitrary detention and of the government forces allegedly using children as spies and messengers. The Committee is also deeply concerned that there are reports of detention of children under the 2004 amendment to the Terrorist and Disruptive Activities (Control and Punishment) Ordinance (TADO). The Committee is concerned at the direct effects of these violence on child victims, including child combatants, and about the severe physical and psychological trauma inflicted upon them. The Committee also expresses concern about children who were separated due to the conflict, including children who have fled to India, and that little efforts have been taken by the State party to reunite these families. The Committee is also concerned about the negative impact of the armed conflict on food supplies, education and healthcare.

82. **The Committee recommends that the State party develop a comprehensive policy and programme for implementing the rights of children who have been affected by conflict, and allocate human and financial resources accordingly. In particular, the Committee recommends that the State party:**

- a) **Criminalise abduction, recruitment and use of children for military purposes by any armed forces or armed group;**
- b) **Establish a separate Rule of Engagement for its security forces with regard to children;**

- c) **Amend or repeal the Terrorist and Disruptive Activities (Control and Punishment) Ordinance (TADO) in light of the international juvenile justice standards and norms;**
- d) **Develop, in collaboration with NGOs and international organisations, a comprehensive system of psychosocial support and assistance for children affected by conflict, in particular child combatants, unaccompanied IDPs and refugees, returnees;**
- e) **Take effective measures to ensure that children affected by conflict can be reintegrated into the education system, including through the provision of non-formal education programmes and by prioritising the rehabilitation of school buildings and facilities and provision of water, sanitation and electricity in conflict-affected areas;**
- f) **Ratify the 1980 Hague Convention No. 28 on the Civil Aspects of International Child Abduction;**
- g) **Ratify the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict as a matter of priority; and**
- h) **Seek technical assistance from, inter alia, OHCHR and UNICEF in this regard, and to provide maximum possible cooperation to the newly established office of OHCHR in Nepal.**

Substance abuse

83. The Committee expresses concern at the widespread prevalence of alcohol consumption by children, as well as the growing incidence of substance abuse by children, including the use of cannabis, heroin, opiates and intravenous drug use.. The Committee is also concerned by the harmful effects of alcohol and substance consumption by parents on the physical, emotional and psychological development and well-being of children in the State party. While noting that the Alcohol Act prohibits the selling of alcohol to children aged below 16, the Committee expresses concern that the Act carries no penalty in case of violation, and about the ineffective implementation of legislation prohibiting the use of alcohol by minors in general. It is also concerned at the absence of specific legislation prohibiting sale, use and trafficking of controlled substances by children, and also of treatment programmes in this regard.

84. The Committee recommends that the State party take initiatives to combat drug and alcohol abuse by children, including through public education awareness campaigns and ensure that children who abuse alcohol and/or use drug and substance have access to effective structures and procedures for treatment, counselling, recovery and reintegration. The Committee further recommends that parents are educated, through, inter alia, awareness raising campaigns, on the harmful effects of parents' use of alcohol and controlled substances on the development and well-being of children. The Committee urges the State party to adopt the necessary legislation to prohibit sale, use and trafficking of controlled substances by children, and to ensure effective implementation of all legislation prohibiting alcohol and substance use by children.

Street children

85. In view of the increasing number of children living and working on the street and the State party's recognition that they are among the major victims of abuse, neglect and exploitation, the Committee regrets the paucity of information about specific programmes and measures to address their situation.

86. The Committee recommends that the State party:

- (a) Undertake a study on the causes and scope of this phenomenon and establish a comprehensive strategy to address the high and increasing number of street children with the aim of preventing and reducing this phenomenon;**
- (b) Take effective measures to ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;**
- (c) Ensure that these children are provided with recovery and reintegration services when victims of physical, sexual and substance abuse, protected from police brutality and provided with services for reconciliation with their families and community; and**
- (d) Seek technical assistance from, inter alia, UNICEF in this regard.**

Sexual exploitation

87. While noting the efforts taken by the State party to eliminate the phenomenon of sexual exploitation of children, the Committee is gravely concerned by the large number of children in the State party who are sexually exploited. The Committee is of the view that insufficient efforts have been taken to protect the particularly vulnerable groups of children from sexual exploitation. Specifically, the Committee notes with concern that children of lower castes are disproportionately represented among the sex workers, and about the persistence of the customary practice known as *badi*, whereby young girls of the *Bedi* caste are forced into prostitution.

88. The Committee further notes that article 7 of the Children Act which protects children from cruel treatment and torture is not applicable to sexual abuse cases that do not necessarily reach the threshold of cruel treatment or torture. The Committee is also concerned at the low rate of prosecutions for perpetrators of sexual exploitation of children and that there is little in the way of public campaigns to educate the population of the laws governing sexual exploitation.

89. The Committee recommends that the State party, allocate resources as a matter of priority to:

- (a) Enact appropriate legislation that ensure protection from sexual abuse and exploitation for boys and girls under 18 years;**
- (b) Undertake a comprehensive study to examine the sexual exploitation of children, gathering accurate data on its prevalence;**
- (c) Take appropriate legislative measures and develop an effective and comprehensive policy addressing the sexual exploitation of children, including the factors that place children at risk of such exploitation, in particular children belonging to the *Badi* and other lower castes;**

- (d) **Avoid criminalising child victims of sexual exploitation and ensure proper prosecution of perpetrators;**
- (e) **Implement appropriate policies and programmes for the prevention, recovery and reintegration of child victims, including establishment of rehabilitation centres in all regions, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children; and**
- (f) **Seek assistance from, inter alia, UNICEF.**

Economic Exploitation

90. The Committee notes with satisfaction the various efforts taken by the State party to eliminate the worst forms of child labour, in cooperation with the civil society actors, the donor community, and most notably, the International Labour Organization, including ratification of relevant ILO Conventions and national laws (see paragraphs 3 & 4),, the planned adoption of a National Master Plan and of the Time Bound Programme (TBP).
91. Nevertheless, the Committee remains gravely concerned about the significant proportion of children in the State party who engage in labour, which are often full-time, and extremely hazardous. The Committee is also concerned that the enforcement of domestic legislation in this area remains weak. The Committee is concerned about the shortage of labour inspectors due to the State party's lack of financial resources. The Committee is also concerned that even though a large majority of the population, including children, work in the informal economy, the Child Labour Act which prohibits unlawful employment of children applies only to formal sectors of the economy.
92. While welcoming the abolition in 2000 of the *Kamaiya* system of bonded labour and the enactment in 2002 of the *Kamaiya* Prohibition Act, the Committee is concerned that a large number of *Kamaiya* children remain unreleased and continue to work as bonded labourers, and that many thousands of *dalit* bonded labourers (*haliya*), including children, are reported to be working in agriculture in Western Nepal and in the plains. The Committee is particularly concerned that they continue to face serious difficulties in the areas of the right to housing, land, work and education.
93. **The Committee recommends the State party to strengthen the enforcement of the existing legislation and policies to eradicate the practice of bonded labour by children. The Committee also urges the State party to make every effort, including preventive measures, to ensure that those children who engage in labour do not work under conditions which are harmful to them and that they continue to have access to education. The Committee urges the State party to amend the Master Plan for Child Labour, Child Labour Act and other relevant legislation so that the necessary regulation of child labour applies to all areas of work, including the informal sector of the economy. The Committee further recommends the State party to take action to fully implement all policies and legislation relevant to child labour, *inter alia*, through public awareness campaigns and education for the public on the protection of the rights of children.**

94. Furthermore, the Committee recommends the State party to strengthen the implementation of the *Kamaiya* Prohibition Act, and to take effective measures to ensure the social integration of the emancipated *Kamaiya* workers. The Committee recommends that the State party include, in its next periodic report, information on the achieved results of the measures taken in this respect.

Sale, trafficking and abduction

95. The Committee takes note of the various efforts undertaken by the State party to combat child trafficking and welcomes the information that police officers are being trained in issues relating to sexual exploitation and trafficking of women and children. However, the Committee remains deeply concerned by the perversity of the phenomenon of trafficking and sale of children within Nepal and across the border for the purposes of sexual exploitation and bonded labour. The Committee notes with grave concern that certain groups of children are at a particularly higher risk of being sold and trafficked, including girls, internally displaced children, street children, orphans, children from rural areas, refugee children and children belonging to more vulnerable castes. The Committee further expresses concern that the existing legal protection for victims of trafficking, most notably the Human Trafficking Control Act, is inadequate, and that its implementation is seriously inadequate. The Committee is also concerned that the child victims of sexual exploitation do not receive adequate protection and recovery assistance.

96. The Committee recommends that the State party:

- (a) Upgrade its system of data collection on the sale, trafficking and abduction of children, and ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects;
- (b) Develop a comprehensive legal framework to protect children from trafficking;
- (c) Take effective measures to strengthen law enforcement, and intensify efforts to raise awareness in communities about the sale, trafficking and abduction of children;
- (d) Ensure that the implementation of the National Strategy on HIV/AIDS 2002-2006, EFA Programme 2004-2009, Master Plan of Action on Child Labour, are all linked to the National Plan of Action on Trafficking, in order to achieve a comprehensive and effective approach;
- (e) Ensure that appropriate assistance and support are provided to all child victims, including access to basic services by children who are awaiting repatriation;
- (f) Seek to establish bilateral agreements with neighbouring countries, in particular India, to prevent the sale, trafficking and abduction of children, and to facilitate their protection and safe return to their families;
- (g) Ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; and
- (h) Seek cooperation with and assistance from, inter alia, UNICEF and IOM.

Administration of juvenile justice

97. While welcoming the establishment of Juvenile Benches in all the district courts to deal with cases relating to children in conflict with the law, and that training programmes have been organised for law enforcement officials, including the Police Academy, the Committee remains of the view that the legislation and policies of the State party are not in conformity with international juvenile justice standards. The Committee reiterates its concern that the minimum age of criminal responsibility is set as young as 10, and that there is no official system of age verification in place. The Committee is also concerned about conditions of detention, and that persons under 18 are in most cases not separated from adults when in detention due to lack of juvenile detention facilities. The Committee is also alarmed that children are often brought to trial “without any proper investigation” and that a large proportion of juvenile cases are dealt by District Administration Offices (DAO) which are quasi-judicial. The Committee is also concerned at the lack of educational facilities in prisons.
98. The Committee is also concerned by the reports of persons under 18 held under the Terrorist and Disruptive Activities (Control and Punishment) Ordinance (TADO) which has no set minimum age and grants security forces wide powers to arrest and detain any person suspected of being associated with the armed groups, including children.
99. **The Committee recommends that the State party to review its legislation and policies to ensure the full implementation of juvenile justice standards, in particular article 37 (b) and article 40, paragraph 2 (b) (ii)-(iv) and (vii) of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee’s 1995 day of general discussion on the administration of juvenile justice. In this regard, the Committee recommends the State party, in particular to:**
- (a) **Ensure that detained persons below 18 are always separated from adults, and that deprivation of liberty is used only as a last resort, for the shortest appropriate time and in appropriate conditions;**
 - (b) **Expedite the construction of separate facilities (“Child Correction Centre”) and separate cells in detention facilities for persons below 18 to ensure that they exist in all districts;**
 - (c) **In cases where deprivation of liberty is unavoidable and used as a last resort, for the shortest appropriate time, improve procedures of arrest and conditions of detention and establish special units within the police for the handling of cases of children in conflict with the law;**
 - (d) **Ensure that persons under 18 are not held accountable, detained or prosecuted under anti-terrorism laws;**
 - (e) **Review, and where necessary amend, all [judicial, legal and protection] procedures, including those of District Administrative Offices, so as to ensure that all persons under 18 who are alleged as, or been accused of,**

breaking the law are fully guaranteed the right to a fair trial provided for by article 40 (2) of the Convention.

- (f) Provide formal training for judicial professionals on juvenile justice administration and human rights; and
- (g) Seek technical cooperation from, inter alia, UNICEF and OHCHR.

100. The Committee recommends the state party to amend or repeal the Terrorist and Disruptive Activities (Control and Punishment) Ordinance (TADO) in light of international juvenile justice standards and norms.

8. Optional Protocols to the Convention on the Rights of the Child

101. The Committee notes that the State Party has signed, but not yet ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict nor the Optional Protocol on the involvement of children in armed conflict.

102. The Committee recommends that the State party ratify the Optional Protocols to Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

9. Follow-up and dissemination

Follow-up

103. The Committee recommends the State party to take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament, and to provincial or State Governments and Parliaments, when applicable, for appropriate consideration and further action.

Dissemination

104. The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including through Internet (but not exclusively), to the public at large, civil society organisations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

10. Next report

105. In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (CRC/C/114), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention.

An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. The Committee invites the State party to submit its third, fourth and fifth reports in one consolidated report by 13 March 2010, the due date of the fifth report. This consolidated report should not exceed 120 pages (see CRC/C/148). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.