**Response of Nepal to the questionnaire on assistance and rehabilitation programs for child victims of sale and exploitation, including sexual exploitation prepared by the Special Rapporteur on the sale of children, child prostitution and child pornography**

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| 1. **Provide information on the legal, policy, institutional and budgetary framework developed by your country to establish assistance and rehabilitation programmes for child victims of sale and exploitation, including sexual exploitation.** |

Legal/Policy Provisions

* The Human Trafficking and Transportation Control Act, 2007 protects the rights of the victimized person by ensuring the right to confidentiality, social rehabilitation and reintegration in the family, among other provisions. Likewise, the Domestic Violence (Offence and Punishment) Act, 2009 provides a legal framework to deal with cases of domestic violence. The Act includes physical, sexual as well as psychological violence and other abusive practices under the purview of domestic violence.
* Section 12 of the Human Trafficking and Transportation Control, Act, 2007 explicitly mentions that the Government will arrange for the rescue of any Nepali citizen allegedly trafficked into foreign territory.
* The Government has been executing the National Plan of Action against Trafficking in Children and Women (2012-2022).
* In order to implement the National Plan of Action in its true spirit, the Ministry of Women, Children and Social Welfare (MoWCSW) has prepared and put in place a plan of action for implementation.
* The MoWCSW has prepared and brought into force a Standard Operating Procedure (SOP) to run Rehabilitation Centre for the victims of human trafficking; a National Minimum Standard (NMS) of services to be provided to the victims; and also a Psychosocial Counselling Guidelines.

Institutional Framework

* Section 13 of the Human Trafficking and Transportation Control Act, 2007 provides that the Government of Nepal (GoN) shall establish necessary rehabilitation centres for physical and psychological treatment, social rehabilitation and family reintegration aiming at the victims of sale and trafficking in person and commercial sexual exploitation.
* Section 23 of the same Act has made a provision of National Committee for Controlling Human Trafficking (NCCHT) under the chairmanship of the Secretary, Ministry of Women, Children and Social Welfare to coordinate all the activities of the government and other development partners that aim at combating human trafficking.
* Other provisions in this regard include:

1. Any legally registered organization can obtain permission to establish and run rehabilitation centre (centre hereafter). The Government regularly monitors such organizations and rehabilitation centres established by them.
2. The Government may provide financial and other support to the centre operated by non-governmental organizations.
3. The centre can make arrangement for social rehabilitation and family reintegration of the persons stationed at the centre.
4. The centre can make arrangement of medical treatment, consultation service and facility to the victims as per need.
5. No one can compel the victim staying at the centre to engage in any work against his or her wish.
6. The management, operation standard and monitoring of the rehabilitation centre, arrangement of skills training and employment, rehabilitation and family reintegration of the victims shall be carried out as prescribed by the law.

* The Children's Act, 1992 provides that juveniles under 16 years of age shall not be imprisoned along with adult prisoners (Section 50). Instead, they should be referred to the Juvenile Reform Centre (Child Correction Homes) (Section 42). Currently, Juvenile Reform Centres are operational in Sanothimi, Bhaktapur (Central Development Region); Sarangkot, Kaski (Western Development Region); and Biratnagar (Eastern Development Region).
* As per the section 34 of the Children's Act, 1992, Child Welfare Homes have been established in four districts, namely Morang, Parsa, Saptari and Rupandehi. The Child Welfare Homes have been providing residential care to orphans, victims of sexual exploitation and children from the economically downtrodden family whose parents are not able to support them.
* The gender based violence has been addressed through the National Strategy and Plan of Action (NPA) on Gender Empowerment and Ending Gender Based Violence (2012-2017). The implementation of NPA is being monitored by the Office of the Prime Minister and Council of Ministers. The GoN has set up “One Stop Crisis Management Centre” in 17 districts for responding immediately to the cases of gender-based violence. The practice of reporting gender-based violence including sexual abuse has increased in recent years mainly due to increased awareness and activeness of media, and confidence of the survivors and their families.
* The GoN has established Women and Children Service Centres in all 75 districts under Nepal Police; District Child Protection Committee (DCPC); Village Child Protection Committee (VCPC); Municipal Child Protection Committee (MCPC); and Child Help lines (1098 and 104). These structures also facilitate for rehabilitation of victims of sexual exploitation.
* In 2012, the Government promulgated regulations governing a security fund for single women, which is a key step in protecting vulnerable females.
* National Women Commission Act, 2003 has given mandate to National Women Commission (NWC) to accept the complaints related to gender based violence. The NWC is also made responsible to protect, promote and safeguard the interest of the women.

Rehabilitation Fund

* According to the Human Trafficking and Transportation (Control) Act 2007, the government shall establish a rehabilitation fund for establishing and running rehabilitation centres as well as to offer other necessary support to the victims (Section 14). As such, the Government of Nepal has established Rehabilitation Fund for providing services to the victimized women and children According to the MoWCSW[[1]](#footnote-1), till the end of 2014, the total amount in the fund deposited is NRs. 2,728,550.00
* Moreover, the GoN has established Gender-based Violence Eradication Fund with the purpose of rescue, medical treatment, counselling, legal aid and rehabilitation of victimized women and children. The Fund has collected[[2]](#footnote-2) NRs 30,370,795.00 till the end of 2014.

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| 1. **Based on your experience, what elements are necessary for a comprehensive and rights-based cure and recovery system of child victims of sale and exploitation, including sexual exploitation?** |

The following aspects could be considered while designing comprehensive and rights-based cure and recovery system of child victims:

* A comprehensive, integrated and rights-based approach to future legislative reforms and implementation mechanisms on child protection in Nepal should be adopted by taking into account the entirety of children’s lives, all risks and all vulnerabilities facing children. In addition to setting out rights and principles, emphasis should be given on empowerment and accountability of those responsible for implementing the laws. It should also emphasize on detailing implementation of the plans, establishing and resourcing all the measures necessary for effectively implementing the laws at national, regional, district, municipal and village levels.
* Formulate a multi-sector National Child Protection Operational Plan utilizing sector wide approach to child protection that operationalizes existing laws, rules, policies, plans, standards, directives and guidelines in a coherent, integrated and streamlined manner. The Operational Plan should clearly outline mandates, roles, structures, mechanisms, human resources, costing, protocols/procedures, indicators, targets, data collection, inter-ministerial coordination, monitoring and evaluation, programmes and services required within, between and across sectors to prevent and respond to child protection risks and violations along the entire continuum – converging at all levels and with strong linkages to informal systems of protection.
* Ensure that the National Child Protection Operational Plan is the standard child protection reference across sectors for purposes of service provision, coordination, advocacy, resource mobilization, monitoring and evaluation. All government and non-governmental actors and sectors should contribute to its implementation, thereby precluding duplication, maximizing resources and promoting even coverage of services taking into account equity considerations.
* Establish child protection standards and procedures governing the identification, reporting, assessment, treatment, repatriation and follow up of child protection cases for each key sector (justice and security, labour, education, health) and local government, as well as the interactions between them.

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| 1. **Provide examples of good practices and successful initiatives of assistance and rehabilitation programmes which facilitate the rehabilitation and reintegration of child victims of sale and exploitation, including sexual exploitation.** |

The Ministry of Women, Children and Social Welfare has been providing support to ' Service Centres' operational in 17 districts for protection and rehabilitation of women and children victims of sexual and gender-based violence. A total of 10,193 applications/complaints were received in these centres in Fiscal Year (FY) 2013/2014. Of them, a total of 8,896 cases have been settled down and the victims were reunited with the family[[3]](#footnote-3).

The Women and Children Service Directorate (WCSD) under Nepal Police is tasked especially to deal with the matters related to women and children. At present, Women and Children Service Centres (WCSC) are actively operating in 75 districts across the nation apart from 7 Metropolitan Circles in the Kathmandu Valley[[4]](#footnote-4).

The WCSCs are dealing with the following cases: i) Human trafficking, ii) Sexual offence (rape or attempt to rape, incest,  sexual abuse and exploitation of children and marital rape), iii) Domestic violence (physical, sexual, mental and economic violence), iv) Polygamy, child Marriage, v) Illegal abortion, vi) Untouchability, and vii) Allegation of witchcraft. One of the key tasks of WCSCs is to provide support to the victimized women and children in co-ordination with concerned agencies.

Moreover, the Government has been running 8 Rehabilitation Centres throughout the country to accommodate victims of human trafficking. The victims can stay in the Centre up to six months. During the period, they get skills training and seed money to start up small enterprises enabling them to reintegrate with their families and societies with pride and dignity.

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| 1. **Describe the challenges that your country has identified in the establishment and management of assistance and rehabilitation programmes for child victims of sale and exploitation, including sexual exploitation.** |

* Political instability and the protracted armed conflict for more than a decade have weakened public institutions and service delivery systems.
* The apparent under-reporting of cases of child abuse and neglect (attributed to social taboo; fear of undermining the social status of the family; and other structural factors) remains a challenge.
* The local bodies, which are the vehicles of devolution, decentralization and good governance at the local level, have remained without political leadership for long. This has adversely affected the efficient and effective delivery of basic services to the people.
* The reporting of cases of gender-based violence has increased over the period, but remedies from state mechanisms need to be made more effective[[5]](#footnote-5).
* As compared to other social sectors, budgetary allocations specific to child protection is low. The MoWCSW has been trying to increase the allocation for spending on children. Out of the total allocated budget (NRs. 1795 million) to the MoWSCW, it has allocated 9.2 per cent (NRs.165 million) for children during the Fiscal Year 2014/2015 whereas it was only 6.9 per cent in the last FY 2013/2014.

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| 1. **How do you ensure that the views and needs of children are duly taken into account in the design and provision of care and recovery services?** |

* Children’s role in their self-protection and the protection of their peers is crucial. The Child Protection structures at the community level are inviting children's representation in the structures and engaging them in prevention (awareness raising activities) as well as empowering them to be assertive of the incidents of child protection risks.
* The MoWCSW remains an indefatigable advocate of the adolescent girls’ right to health. The Ministry, through the Department of Women Development, has been implementing, programmes to empower the adolescent girls as well as eliminate all kinds of discriminations against the girl child across the country. A number of programmes have been implemented with special focus on the empowerment of women and the girl child and bringing them in the mainstream of the society. Likewise, child clubs, through various activities, are active in raising awareness in the community and advocating against the existing social prejudices and discriminatory practices against children.

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| 1. **How do you ensure access of child victims to support services?** |

There are both formal and informal child protection mechanisms from local to national level where any type of child protection cases can be filed and processed. The following are some examples of community based child protection mechanisms that are playing important role to ensure access of child victims to support services:

* Village/Municipal Child Protection and Promotion Sub-Committees (V/MCPC): There are altogether 1,688 V/MCPC (1,661 VCPCs and 27 MCPCs) currently functioning in the country.[[6]](#footnote-6)
* Women and Children Service Center (WCSC): The Women and Children Service Centres (WCSC) under Nepal Police are functional in all 75 districts that have adopted convenient procedure for women to file complaint and seek protection.
* District Child Welfare Board (DCWB): The DCWB is responsible for overall child rights issues within a district. It is also accountable for providing support services to child victims. Moreover, District Child Protection and Promotion Sub-committees are functional with the mandate of taking forward child protection work including referral for rehabilitation of victimized children.
* Women and Children Office (WCO): As the district office under MoWCSW, the WCOs are working to empower women and girls as well as to coordinate services to victimized women and children.
* Child Friendly Local Governance (CFLG) Committees: The GoN has adopted Child Friendly Local Governance (CFLG) National Framework, 2009 and its Implementation Guidelines, 2010. The Local Bodies specifically adopting the CFLG approach have been allocating up to 15 per cent of their capital budget for programmes targeted to children. Following the implementation guidelines, CFLG committees have been formed at the Village Development Committees and Municipalities where CFLG programmes have been implemented. These committees have the mandate of ensuring child protection as well.
* NGOs and Civil Society Organizations (CSOs) Service providers: The GoN is collaborating and mobilizing the services of NGOs and CSOs for accessing support services to the victimized women and children.

As mentioned in response to question number 1 above, there are different institutions, namely Child Welfare Homes, Child Correction Homes, Rehabilitation Centres, Service Centres, Women and Children Service Centres and One Stop Crisis Management Centres to provide services to the victims, especially children. To ensure the access of such services to the victims, the provisions of such services are widely publicised, and children are given topmost priority in these institutions.

However, the available services for rehabilitation may not be sufficient to provide effective rehabilitation services to all the children victimized of human trafficking.

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| 1. **How do you ensure the adoption of a gender perspective in the establishment and management of the assistance and rehabilitation programmes? Do the programmes provide gender-specific measures for the care and recovery of boys and girls?** |

As discussed earlier, the focus of rehabilitation programmes is limited to girls and women victimized by sexual abuse and exploitation as well as gender-based violence, and the GoN has yet to take the victimized boys and men into consideration.

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| 1. **Provide information on prevention programmes developed by your country with a specific focus on children at risk or in vulnerable situation (e.g. children working and/or living on the street, children placed in institutions, unaccompanied migrant children).** |

Children working and/or living on the streets:

It is estimated that there are 2,958 children living on the streets throughout the country. Out of the total, 218 (7.37%) are girls and 2,740 (92.96%) are boys[[7]](#footnote-7).

* The GoN initiated the rehabilitation of street children in Kathmandu and other major cities in 2006. Many NGOs are working with and for street children in educating and providing skills including entrepreneurship development. The issues of sniffing, sexual abuse, trafficking and organised theft have been reported as issues to be addressed with high priority.
* Prevention focuses on awareness-raising and communication campaigns at the community level and among local officials, and response on rescue, rehabilitation and reintegration of children victims of all forms of violence.
* The GoN has already started the process for formulation of a Street-based Children Protection and Management Procedures.

Children placed in institutions:

The table below depicts the trend of residential Child Care Homes (CCHs) and children living there:

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| **Table: Trend of Children in residential Child Care Homes** | | | | | | | |
| **S.N** | **Indicators** | **2009** | **2010** | **2011** | **2012** | **2013** | **2014** |
| 1 | Total number of residential Child Care Homes | 444 | 444 | 602 | 767 | 797 | 594 |
| 2 | Total number of children in institutional care | 11,726 | 11,137 | 15,095 | - | 15,215 | 16,617 |
| 3 | Total number of Girls in institutional care | 5,164 | 4,904 | 6,647 | - | 7,182 | 8,194 |
| 4 | Total number of Boys in institutional care | 6,532 | 6,233 | 8,448 | - | 8,033 | 8,423 |

*Source: The State of Children of Nepal, 2009, 2010, 2011, 2012, 2013, 2014*

* The GoN has adopted the policy of de-institutionalization and promoted the approach for strengthening of family and community to enable them to provide care and support to their children, through family strengthening programmes. The provisions of the National Child Policy, 2012 has considered the institutionalization of children as the last resort in case of providing care and protection to the separated children or children without parental care. Moreover, the GoN has drafted an alternative care regulation and its implementation plan to ensure care and protection of children without parental care. The regulation is expected to be endorsed soon.
* The DCWBs, in collaboration with District Administration Office, are monitoring residential Child Care Homes. The GoN has enforced Standards for Operation and Management of Residential Child Care Homes, 2012 that covers areas such as process of admission, residential facilities, infrastructure, context, and realization of basic rights of the child, child protection, and minimum conditions for operation of residential Child Care Homes. The CWOs and CROs regularly monitor and assess these institutions and make recommendations for reforms or closures as required. The GoN has also formed separate monitoring committees at central and district levels that have strengthened their capacities to carry out regular monitoring of residential care facilities.

Abandoned children:

Children may be abandoned by their parent/s in public places, temples, hospitals, or near residential CCHs. Reasons for abandonment as mentioned by people interviewed include disability of children, children born out of wedlock, and parents being unable to look after children due to financial constraints. According to the *Balbalika Khojtalas Samanwaya Kendra* (also called National Centre for Children at Risk-2006, which is operating Toll Free No. 104), the trend of abandoned children decreased from FY 2066/067 (2009/010) to FY 2069/070 (2012/013) and increased again in FY 2070/071 (2013/014). In the past five years, 1,739 children (581 girls and 1,158 boys) were found abandoned.

* The GoN is running toll free helpline No. 1098 in 14 districts and No. 104 in Kathmandu for the purpose of immediate information of unaccompanied migrant children.

1. Annual Report, 2070/2071 BS, MoWCSW, Jan 2015 [↑](#footnote-ref-1)
2. Ibid [↑](#footnote-ref-2)
3. Annual Report, 2070/2071, MoWCSW, Jan 2015. [↑](#footnote-ref-3)
4. Official Website of Nepal Police (www.nepalpolice.gov.np) [↑](#footnote-ref-4)
5. MDG Progress Report, 2013, p36 [↑](#footnote-ref-5)
6. The State of Children in Nepal, 2014, CCWB, 2014 (www.ccwb.gov.np) [↑](#footnote-ref-6)
7. The State of Children of Nepal, 2013, CCWB, 2013 [↑](#footnote-ref-7)