

## FOREWORD

Child Rights Movement is one of the systematic social movements in Nepal. It began in the mid-80s when child right was not an issue at all. The movement gradually converted non-issue to issue and has now become one of the major socio-political agendas. By now, thousands of child rights organizations and number of coalitions of those organizations are working for the promotion of rights of the child. In this connection, submitting alternative report (both adult and children led) on CRC has been high priority of the coalitions.

Consortium-Nepal, being a champion network of organizations working for Child Participation, had initiated discussion, on behalf of children for the preparation of Children Led Reporting in 2012. However, in order to submit the comprehensive civil society report, CRC Reporting Coalition came into existence in 2013, where seven child rights national level networks converged as member organizations including Consortium-Nepal to support the noble cause.

In the Reporting Coalition also, there was in depth discussion on production of the Children Led Report on CRC. Based on the discussion, Consortium-Nepal was selected to lead the preparation of first ever children led report in the context of Nepal. Consortium-Nepal is thankful to the CRC Reporting Coalition for this historic opportunity.

Children Led Report on CRC observed a rigorous process to accomplish this report in this form. In this process, children brought the issues from the grass root level. Consultations were made in regional and national levels. Report, then, came in draft form and was shared among the stakeholders in national level by the children themselves.

There has been a challenge to support children to lead this reporting process. Despite all, the tools that we used in facilitating the process remained really effective. Thus, we adults are merely the facilitators, and we have supported to compile views and ideas of children.

Children are the mind and heart of this process. So, first and foremost heartfelt thanks go to the children from all the regions, who participated in the process representing entire children of the country.

The whole concept of children led reporting gained maturity through the incorporation of decades of experiences of Child Rights activist. I would like to take this opportunity to express our gratitude to Mr.UddhavRaj Poudyal for his immense contribution from its inception. I am equally indebted to Mr. Krishna Subedi, the coordinator of CRC Reporting Coalition for his cooperation during the process.

Ideas become great only when it is translated into action. Therefore, I would like to applaud the genuine effort of Mr.KiranThapa, General Secretary/Consortium-Nepal and Mr.Santosh Maharjan, Steering Committee Member/Consortium-Nepal to convert the concept into reality, who were involved in the process since its conceptualization.

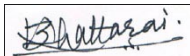
I would like to thank Mr.ChandrikaKhatiwada, Child Rights Activist for providing technical expertise in report preparation process. Thank you to Ms. Nina Maharjan, Ms.Kushum Sharma and Mr. Shiva Thapaof ILRC for facilitating the national consultation of children and offering support in compiling this report. I would like to laud their endeavour to bring substantive product from the discussions held and materials received from five development regions and National Level. Likewise, I would specially acknowledge Mr.ChandrkaKhatiwada for guiding the team to prepare the report from the front.

I would offer deepest appreciation to the partner organizations namely Save the Children International, PLAN Nepal and World Vision International Nepal for their never-ending support to this process and child rights movement as a whole.

Of course, this whole process would have been incomplete without the best wishes from all the member networks CRC Coalition and stakeholders who are working to make sure that children have an environment where children are able to exercise their rights to the fullest. So, I would also like to show admiration to all of them for their encouragement, enriching insights and constructive feedbacks.

Last but not least, I would like to highly commend the works undertaken by all the steering committee members and staff of the secretariat of this organization to ensure that whole process is on a right track and yield the desired result.

On behalf of children



Kumar Bhattarai,  
Chairperson of Consortium-Nepal

## LIST OF ABBREVIATIONS/ACRONYMS

AFHA	Active Forum for Human Rights Awareness
BS	<i>BikramSambat</i> (Calendar used by the Government of Nepal)
CBO	Community Based Organization
CCWB	Central Child Welfare Board
CDS	Child Development Society
CFLG	Child Friendly Local Governance
CRC	Convention on the Rights of the Child
CWIN	Child Workers in Nepal- Concerned Centre
CWISH	Children-Women in Social service and Human rights
DCWB	District Child Welfare Board
FOHREN	Forum for Human Rights and Environment
GAN	Global Action Nepal
GoN	Government of Nepal
ILRC	Institute for Legal Research and Consultancy
ISK	IndreniSamaj Kendra
NACRO	National Alliance of Child Rights Organizations
NGO	Non-Governmental Organization
NGOs	Non-Governmental Organizations
NNSWA	Nepal National Social Welfare Association
NPA	National Plan of Action
SAC	Social Awareness Centre
SLC	School Leaving Certificate
SOS	Save Our Soul
UN	United Nations
UNICEF	United Nations Children's Fund
VDC	Village Development Committee
WSHC	Women Self Help Centre

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# 1. INTRODUCTION

## 1.1. The Context

The child rights movement initiated by Eglantyne Jebb in 1923 took a formal shape after almost 66 years on 20 November 1989 when the UN General Assembly adopted the UN Convention on the Rights of the Child (CRC). This is the only convention focused on children to ensure their overall rights to survival, development, protection and participation. We, the children of Nepal in solidarity, show our gratitude to the United Nations for its concerns to ensure human rights of children all around the globe by adapting the specific convention for betterment of children. We understand that, this Convention has received almost universal ratification and every State party has expressed commitments to fulfil the rights of their children.

The child rights movement formally began in Nepal soon after the ratification to the CRC on 14<sup>th</sup> September 1990. The Government of Nepal has pledged its full commitment to guarantee the principles and provisions of the convention and to ensure rights of every children of Nepal. It's been 24 years since Nepal became a State party to the CRC. During this period Nepal has made several efforts to realize the rights of every child. As we are aware, the CRC has been the guiding document for all national policies and legislations related to children introduced in Nepal. After ratification of the convention, the Children's Act, 1992 and its Regulations, 1995 were enforced as an integrated legislation for children; National Plan of Action for Children, 2004-05 to 2014-15 and National Children's Policy, 2012 were introduced to ensure rights of every child in Nepal. Besides, various other policies and programmes have been implemented targeting to special groups of children, which asserts rights of children in various conditions, such as children working as child labours, children in need of care and protection, children in conflict with the law, children with disabilities etc.

We, the children of Nepal, also understand that, as per the provisions of Article 44 of the CRC, all the State parties are obliged to submit their Initial Country Report to the UN Committee on the Rights of the Child (hereafter called CRC Committee) within two years of the ratification. Thereafter every five years, the State parties are required to submit their periodic National Reports containing the progress made and updating the efforts made to translate the principles and provisions of the CRC into reality.

Accordingly, Nepal as a State party submitted its Initial Country Report on 10 May 1995 and the first and second combined periodic National Report was submitted on 3 December 2004 to the CRC Committee. The third, fourth and fifth combined periodic National Report was submitted on 27 December 2013.

Apart from the reports from the State parties, the CRC Committee also welcomes reports from the civil society as per the provisions in Article 45 (a) of CRC. These reports serves as a supplement to the reports submitted by the State party and also supports the CRC Committee to have second opinion on the situation of the rights of the child in the country. As such, we, many groups of children, decided to prepare and submit this 'Children led Report on the CRC to the CRC Committee.

## 1.2. Why we prepared this report?

Children's participation has been considered both a guiding principle as well as one of the four pillars of CRC. The participation provides opportunities for children to express their views in matter of their concern. Hence, the Government has an important obligation to develop policy with due participation of children for promoting rights of the children and design mechanisms for implementing the same. However, we do understand that, it does not mean we can now tell our parents and the Government what to do and have full authority over adults.

We, many groups of children of Nepal-affiliated to Child Clubs and their network, are conscious of the children's participation provisions of the CRC such as Article 12 (right to form and express views/opinions freely), Article 13 (right of children to freedom of expression), Article 16 (right to privacy), Article 23 (1) (dignity, self-reliance and active participation of mentally or physically disabled

children) and Article 31(2) (right to participate in cultural, artistic, recreational and leisure activity) are related to individual child whereas Article 15 (rights to freedom of association and peaceful assembly) and Article 17 (the right to information) etc. are related to collective group. We have also learned that the 'right of the child to be heard' (Article 12) has been further elaborated by the CRC Committee in its fifty-first session in 2009, which is termed as General Comment No. 12 (2009).

As per the General Comment No. 12, children's right to participation is applicable in all the other rights provided by CRC. It is to say that, the CRC as well as the General Comment No. 12 asserts children to show their participation in all process which reciprocates that children have right to submit own understanding regarding situation of child rights to the Government as well as to the CRC Committee too. Therefore, we, many groups of children, prepared and submitted this Children led report on CRC which is also significant for ensuring our meaningful participation as well as reflects our own perspectives on the issues raised by the CRC committee.

According to the National Census, 2011, children in Nepal represent almost half of the nation, i.e. 44 per cent of total population of Nepal is below 18 years. Thus, this report presents the glimpses of the situation of the rights of the child in the country as perceived by the children themselves.

The history of children's participation in CRC Reporting goes back to 1992, since the process of preparation and submission of Initial Country Report on CRC Committee. A group of children representing different sections of the society were involved in the process. Considering the process followed by Nepal, CRC Committee has also acknowledged Nepal's initiatives of engaging children in the report preparation process. In the same manner, series of consultations were organized with children in the preparation of first and second as well as third, fourth and fifth combined report submitted in 2004 and 2013 respectively.

Being aware of these processes, we the children of Nepal believe that, the participation of children is always sought in the CRC reporting process. In addition to this, we are delighted to know that, there is also a provision of submitting Children led Report on CRC by the children themselves to the CRC Committee. This also provoked us to think critically on various issues related to children, reflect on the policies and programmes of the Government on respective issues, how they are being translated into reality and what are the gaps. Through this report, we do have opportunity to share our view and give feedback to the Government regarding the present situation of children and child rights. Moreover, this is an excellent opportunity for us to persuade the CRC Committee to recommend the Government of Nepal to initiate concrete action to fulfil the rights of the child specially those who are at risk.

We would like to thank the CRC Committee for keeping such a provision of accepting reports from our side. We also show our heartfelt gratitude to Consortium-Nepal for supporting us and facilitating the process of preparing and submitting this Report. Also, we thank all the adults (individual and organizations) who advised us, worked with us, facilitated the processes and supported us in preparing the report.

### **1.3. How we prepared this report?**

We the children understand that, getting privilege of the right is not meaningful until and unless we do not fulfil our responsibility towards those rights. Majority of our parents have guaranteed our right to education for our overall development, henceforth, it is our due responsibility to take rigorous efforts on our studies and make the rights more meaningful. The time we have taken out for the process of this report is beyond the time we spend in our education and fulfilling other responsibilities. Though, the right to participation is the centre of all rights, it should not be overlapped with our other rights. It took almost one and a half years for us to give a formal shape to this report in this form.

The step-wise process of this Children led Reporting process is discussed in succeeding sections.

### 1.3.1. How the idea emerged?

With the submission of Initial Country Report by the Government of Nepal in 1995, child right organizations foresaw to submit a report completely led by the children. As shared earlier, the Government of Nepal did consult with children organizing Regional Consultations in the process in preparation of first and second combined as well as the third, fourth and fifth combined periodic reports. Encouraged by the appreciation and proactive participation of children, initiation of the Children led Reporting begins from that point.

### 1.3.2. The initial discussions

The informal discussions on the preparation of Children led Report on CRC were initiated in 2012 during a meeting of the Steering Committee of the Consortium-Nepal, meetings between the Consortium-Nepal and its partner organizations and with key stakeholders. Everyone unanimously agreed and suggested the Consortium-Nepal to lead the process because of its expertise and available resources with the organization.

### 1.3.3. Laying down the concept into action

The plan to submit Children led Report on CRC took a proper shape after Plan Nepal agreed to be part of this process in 2012. Following the footprints, the Consortium-Nepal held an orientation programme on 28 December 2012. During the orientation, some of our friends being children representatives from Child Clubs and their networks and member of Children's Advisory Board of the Consortium-Nepal participated.

The Government of Nepal submitted the (third, fourth and fifth) combined periodic report on 27 December 2013. After this, the Consortium-Nepal formally started brainstorming for the Children led Reporting process. Then, the Consortium-Nepal explored for the financial resources to accomplish the task and accordingly Save the Children, World Vision International Nepal also step up along with Plan Nepal to support for this noble cause.

An orientation as well as consultation workshop on the Children led Report on CRC was organized in central level with all the Executive Committee Members along with the Regional Coordinators of the Consortium.

Children led Report on CRC Introductory Programme	28 December 2012
Submission of Periodic National Report	27 December 2013
Exploring financial resources	
Preliminary Consultation Workshop with Executive Committee and Regional Coordinators of Consortium Nepal	9 May 2014
Regional Consultations with children representing 7-9 districts from every development region	
Eastern Development Region	1-2 June 2014
Central Development Region	31 May-1 June 2014
Western Development Region	30-31 May 2014
Mid-western Development Region	4-5 June 2014
Far-western Development Region	25-26 May 2014
Field level consultations in 41 districts	1 <sup>st</sup> and 2 <sup>nd</sup> week of June 2014
Collection of views and expression of children accumulated from field level consultations in various forms	2 <sup>nd</sup> week of June 2014
Categorization of the views and expression of children accumulated from field level consultations according to issues	3 <sup>rd</sup> week of June 2014

The modality for the process was designed during the workshop and was decided that eight districts in each development region of Nepal would be covered in

Preparation of draft Children led Report on CRC	3 <sup>rd</sup> week of June 2014
National Consultation with children representing all five development region	27-28 June 2014
Sharing the findings of draft report to stakeholders	29 June 2014
Finalization and submission of report	1 <sup>st</sup> July 2014

the consultation processes, which will represent more than half of the total 75 districts of Nepal and two children representatives (preferably a girl and a boy) accompanied by a Chaperone would be invited in regional consultations. To make it more participatory and spread it widely, the Regional Coordinators were handed over the responsibility to facilitate in the regional consultations. The participants also prepared the Plan of Action for the Regional Consultations during the workshop.

### 1.3.4. The regional consultations

All the regional consultations were organized between last week of May and first week of June 2014 with the representation of 41 districts of Nepal. Apart from these, three districts inside Kathmandu valley represented only during the National Consultation.

During the regional consultation, the groups were informed about the process of Children led Report on CRC and an intensive discussion on the situation of child rights in their region was held. At the end of the consultations, each district representatives prepared their own plan of action and presented in the larger group. Each district representatives have accepted the task of conducting at least three field level consultations in home-districts with different children's groups and gather their ideas, opinions, experiences on situations of child rights through various media such as posters, poems, stories, articles, essays, wall magazine, songs, cartoons, photographs and so on. They have also agreed to take the responsibility of dispatching the documents to the regional focal persons, so that they can be able to futhersend to the Consortium-Nepal for central collection. Furthermore, a participatory method was also used to nominate two children representatives (one boy and one girl) from each region to participate in the National Consultation that was being organized to finalize the Children led Report on CRC in the capital city. The details of the regional consultations are as follows:

**Table No. 1.2: Details of Regional Consultations**

S.N	Region	Venue (City/District)	Regional coordination by	No. of districts represented	Dates	No. of Participants		
						Boys	Girls	Adults
1	Eastern Region	Biratnagar/ Morang	FOHREN	7	1-2 June 2014	9	7	8
2	Central Region	Hetauda/ Makawanpur	Child Welfare Society	8	31 May-1 June 2014	10	9	13
3	Western Region	Tansen/ Palpa	ISK	9	30-31 May 2014	11	7	9
4	Mid-Western Region	Nepalgunj/ Banke	AFHA	8	4-5 June 2014	8	10	17
5	Far-Western Region	Mahendranagar /Kanchanpur	NNSWA	9	25-26 May 2014	9	9	14
	<b>Total</b>			<b>41</b>		<b>47</b>	<b>42</b>	<b>61</b>

### 1.3.5. District level Consultations

Children representatives with the support of the adults present during the regional consultations implemented the plan of action prepared during the regional consultations in their respective districts/areas covering more issues for the CRC reporting process.



### 1.3.6. Collection and compilation of the information

The collected information' were forwarded to central level through the district representatives and the regional focal persons/organizations. The focal person/organization compiled the documents and forwarded to Consortium-Nepal.

All the views expressed by children in different forms were scanned, analysed and compiled. Total 908 views were collected, compiled and analysed for the report that were received in different forms such as articles, autobiography, case story, comics, drama, drawing, essay, poem, song/ (*muktak* (short poem containing 7 lines), interview, news, story, letter, information, list of problems, wall magazine etc. on various issues of child rights and situation of translation of such rights into reality. The table below provides the coverage of views and opinions of children about the child rights situation by Development Region and District.

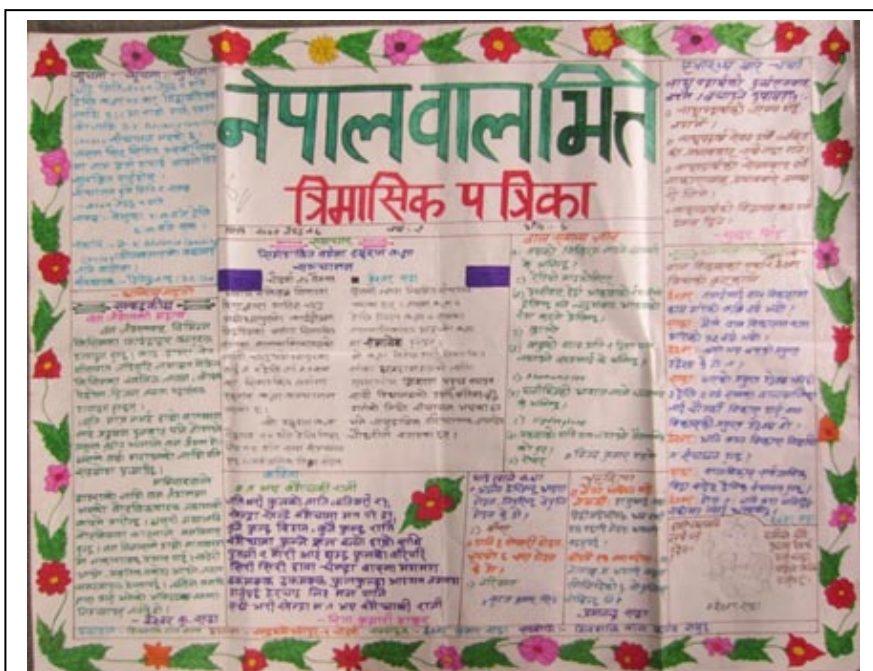


Figure 1: 'Nepal Wall Magazine' published by Shivashakti Child Club, Siraha. This includes information on environment, substance abuse, and educational services for children belonging to backward and marginalized communities through different forms such as article, drawing, interview and so on. It also shows creativity of child club members in writing poems, jokes and riddles.

Table No. 1.3: Coverage of views and opinions of children

Eastern Development Region		Central Development Region		Western Development Region		Mid-western Development Region		Far-western Development Region	
Districts	No.	Districts	No.	Districts	No.	Districts	No.	Districts	No.
Jhapa	32	Bara	14	Kapilvastu	5	Banke	16	Baitadi	64
Morang	3	Chitawan	10	Kaski	14	Bardiya	15	Bajhang	45
Sankhuwasabha	22	Dhading	19	Lamjung	6	Dailekh	9	Bajura	37
Siraha	3	Dhanusa	11	Nawalparasi	17	Dang	7	Dadeldhura	59
Sunsari	31	Kavre	14	Palpa	4	Pyuthan	6	Darchula	20
Udaypur	152	Makawanpur	40	Parbat	5	Rolpa	11	Doti	7
		Rautahat	3	Rupandehi	11	Salyan	8	Kailali	52
		Sarlahi	15			Surkhet	15	Kanchanpur	37
		Sindhuli	69						
Sub Total	243	Sub Total	195	Sub Total	62	Sub Total	87	Sub Total	321

### 1.3.7. National level consultation of children representatives

After the preparation of draft report, the report was discussed during the national consultation organized on 27-28 June 2014 in Kathmandu with the representation of children from all the regions. The support team for compiling the report shared about the findings of the report and we the children representatives were involved in verification of the facts in context of the area/district we belong to. Based on our observations and experiences, we, children provided inputs and feedback to the report and prepared the list of recommendations to be incorporated in the report. We also worked in team to capture all the issue we have raised and prepared ourselves to share the findings of the

report to different stakeholders, government authorities and civil society members as well as child rights activists in an innovative way.

### **1.3.8. Sharing of Children led Report on CRC with adults**

A separate event was organized for sharing the Children led Reporting process on 29 June 2014. Delegates from key Ministries, the CCWB, representatives of child focused national and international organizations and concerned adults were present during the event. We representing all five development regions of Nepal shared the findings of the report through different media such as skit, storytelling, poem recitation, interview etc. The delegates were enlightened with the process and findings and also encouraged us to continue our good work and initiatives.

### **1.3.9. Report write-up, consultation with children and adults and incorporation of the input into the report**

A parallel task of compilation of the report was going on along with all the associated activities we have talked above. After every activity, the update on the report took place based on the input received. First of all, we understood the process of writing reports to CRC Committee. We received the contribution from our friends all across the country in different forms. The contributions were processed and an outline for the report was developed complying with the issues our friends have brought in. Accordingly, the report writing process formally started. During national consultation, we shared the findings of the report to our friends representing all five development region and based on the feedback received during this process, the report was further revised. After going through all these processes, the final report appeared in this form.

## **1.4. Who were Involved?**

It is encouraging for us to inform that, 89 children from 41 districts were part of direct consultation process during regional consultations and 21 children were part of national consultation representing all five development regions and 18 districts. Inclusion of children with all backgrounds and conditions is sought in this process. There was a representation of children of various age-groups, caste, creed, class, religion as well as various socio-economic conditions.

Apart from that, over 3,000 children were informed about the process and were facilitated to express their views on situation of child rights.

Though, representation of children directly and indirectly involved in this process is proportionately less as compared to the total population of children below 18 years (44% of total population); we believe that this report is the voice of children of Nepal.

### **1.4.1. Groups/categories of children who have directly engaged in the reporting process**

Talking about the special categories of children, the participation of children from following categories was observed in the regional consultations:

- Child labours
- Freed *Kamalari* girls
- Children of refugee family
- Children with disabilities

However, the representation of children with disability, children in institutional care, etc. could not be witnessed during regional consultations. The representation of children of these sections has been achieved during national consultation for accomplishing wide spectrum of the report.

Moreover, the participation of children of below mentioned categories helped us to uplift the status of this report through their opinions in different forms.

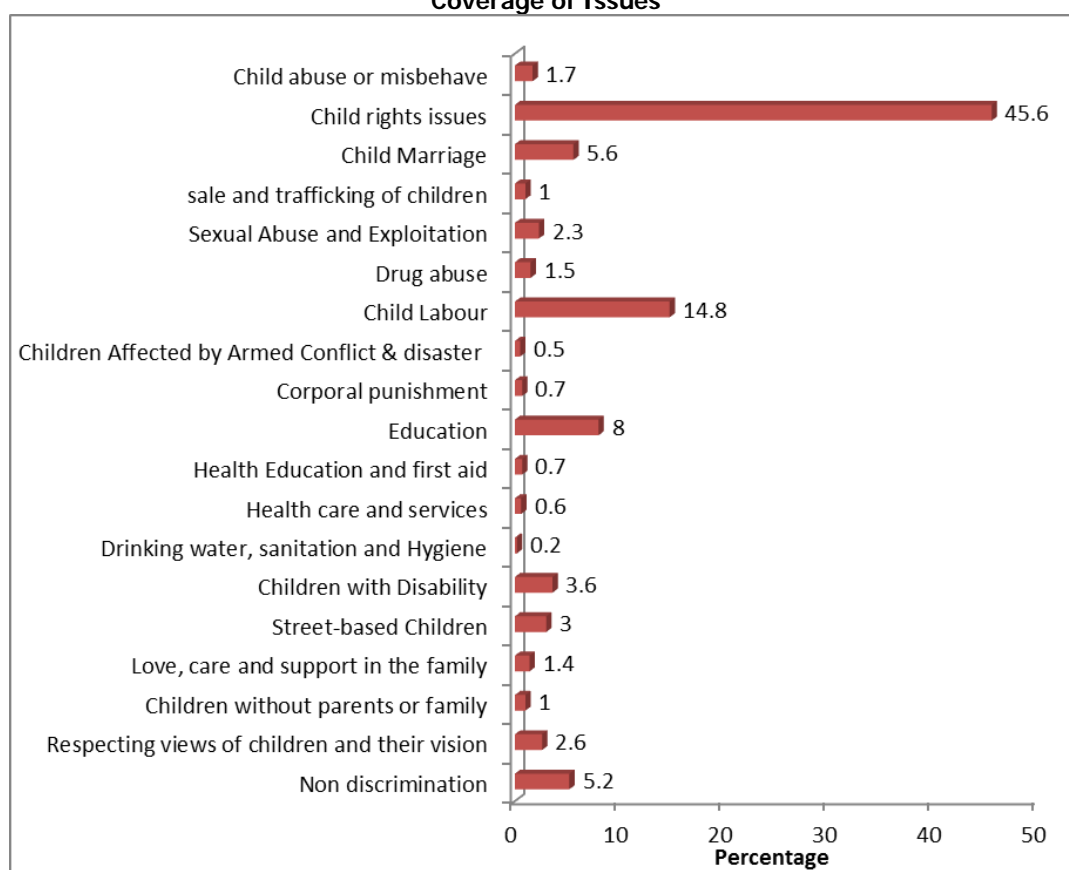
- i. Children with disability
- ii. Children of *Badi* Community

- iii. Children of Bhutanese refugee
- iv. Child labours- Stone quarrying
  - Child domestic worker
  - Children working in brick kilns
  - Children working in hotels and restaurants
  - Freed-*Kamalari* girls
  - Hawker children

### 1.4.2. Number of contribution received from the children (including their forms)

Total 908 contributions have been shared by our friends from 38 district of Nepal on the situation of child rights in their locality/area/district/country focussing on various issues related to children. We have categorized the contributions received from our friends into 17 categories. They are Articles, Interview, Newspaper clippings, Jokes, *Muktak* (short poem), Letter, Case Story, Photograph, Wall magazine, Drama, Song, Autobiography, Story, Poem, Drawing, List of problems and Recommendations. Of total 908 contributions from our friends, 2/3 of them were in form of list of problems. Around 20 per cent are drawings, 16 per cent are in form of articles and 13 per cent contributions are poem. Three per cent each are in form of story and autobiography. Songs, newspaper clippings and drama constitute 1 per cent each. The overall scenario of the coverage of various child rights related issues in this report is shown in the following figure:

**Chart No. 1.1**  
**Coverage of Issues**



As regard to the coverage of issues, we have classified the contribution of our friends into 19 categories. It is observed that, almost 15 per cent friends have raised the issue of child labours who are working in different settings such as brick kilns, stone quarrying, tea gardens, porter-sector, domestic work, hotel and restaurants etc. The issue of child marriage has been stated by 5.6 per cent contributors and 5.2 per cent have raised discrimination on the basis of caste, class, gender, educational capacity, background etc. The issue of childhood disability has been raised by almost 4 per cent of contributors. All the 18 issues are also highlighted in one or the other form by half of the

contributor friends who have reported multiple issues in one contribution. Many of our friends have reported multiple issues of children as regard to the situation of child rights in their understanding. Almost half of total contributor friends (45.6%) have stated more than two issues of children. Following it, it is to say that, the issues of children have been raised very extensively during the Children led Reporting process.

## **1.5. What do we expect this report to contribute?**

### **1.5.1. Expectation from the facilitating organization/s**

We have prepared this report with the expectation that, the report may be submitted to the CRC Committee as it is without any change; and the report should be used to create repetitive pressure on concerned authority for bringing about change in the lives of children. The Consortium-Nepal may also collaborate with the Government of Nepal for implementing the programmes as expected by children in this report.

### **1.5.2. Expectations from organizations, coalitions and networks working in child rights sectors in Nepal**

We do expect from our deep feeling that, this report may help to change the life of children involved in labour and also all sectors of children who are not being able to enjoy their childhood and for those who needs special measures for protection. Henceforth, we do expect from all the organizations, coalitions, and networks working in child rights sector to come forward, become more committed and take innovative initiatives for bringing about change in the lives of all children, so that they are not deprived of any rights and lead their life.

### **1.5.3. Expectation from the CRC Committee**

The CRC Committee may discuss the issues and concerns raised by us with the Government of Nepal during the consideration of the State party report of Nepal. We also hope that, the CRC Committee will keep us informed about specific recommendations the committee would make for Nepal. To do so, we can follow up the implementation of the recommendations in the future. We also expect that, we may become a part of best practices of Children led Reporting and become an example to other countries.

### **1.5.4. Expectation from our Government**

This report is also shared with the Government of Nepal for consideration in its policies and programmes for children in future. We have provided some recommendations too to our government. We expect the Government of Nepal to adapt the recommendations, formulate policies considering them and strengthen implementation for betterment of all children.

## **1.6. How we have organized this report?**

In this report, we have raised various issues to be crosschecked and evaluated, so that the concerned agencies may pay appropriate attention on the same. Each issue is described in different section and each section highlights the relevant provisions of rights of the child. Each section is also comprised of our purview about the present situation as we observe them. At the end of every section, we have also tried to present our recommendations to the Government of Nepal for the five upcoming years.

## **2. THE POLICY EFFORTS IN THE RECENT YEARS TO IMPLEMENT THE CRC IN NEPAL**

### **2.1 The Interim Constitution of Nepal, 2063 BS (2007)**

We know that the Interim Constitution of Nepal, 2063 BS (2007) has recognized the right of the child as Fundamental Right. This is for the first time that, the rights of the child has been guaranteed in the constitution itself. Article 22 of the Constitution has guaranteed child's right to identity and has stated about the obligation of the state to protect street based children, children without parental care, and children victimized of abuse and exploitation. Likewise, the Constitution has prohibited children to join in armed forces and has incorporated the provision of right to education.

### **2.2 National Child Policy, 2069 BS (2012)**

We are aware that the Government of Nepal has introduced the National Child Policy, 2069 BS (2012) for the first time in Nepal's history. We believe that the policy was made for creating favourable environment for all children of Nepal. In the policy, the Government of Nepal has given priority to promote child's right to survival, right to development, right to protection and right to participation.

In regards to children's participation, the National Child Policy, 2069 BS (2012) has incorporated provisions such as providing opportunities to children to express opinions on all issues related to us. Likewise, the policy focus on making arrangement for ensuring children's participation in designing, planning, implementation and evaluation of programmes related to children that are to be implemented by the Government agencies, Non-Governmental Organizations (NGOs) and Community Based Organizations (CBOs). It has highlighted that priority shall be given to form and mobilize Child Clubs in communities, schools, and residential Child Care Homes to provide opportunity to express our collective voices.

Concerning right to protection, the National Child Policy, 2069 BS (2012) mainly focus on protecting children from any sorts of sexual abuse and exploitation, discrimination and violence as well as child marriage. Likewise, protection of different groups of children who are at risk such as child labour, street based children, children with disability and children without parental care are primary concern of the policy. The National Child Policy, 2069 BS (2012) has incorporated issue of birth registration as a means to ensure child's right to identity.

Similarly, policies related to right to development has stipulated provisions to address concerns like free health service, free education up to secondary level, activities to improve children's nourishment status and establishment of primary child development centres. We are hopeful that the different mechanisms and programmes would be implemented to achieve the goal of the National Child Policy, 2069 BS (2012). We do hope that efforts would be made to raise awareness about rights of the child targeting to adults and children; child rights are incorporated in school curriculum, and reproductive health education is conducted in a regular basis. The Government should take strict approach to protect children from abuse, exploitation and violence and to declare school as "zone of peace".

### **2.3 Children's Act, 2048 BS (1992)**

We know that Children's Act, 2048 BS (1992) is the only integrated act relating to our rights and interest of children and child protection. This Act obligates our parents to provide us education, health care, sports and recreation facilities according to the financial status of our family. We are aware that the Act has a provision for every child to have a name according to their religion and cultural and traditional practices. We know that this Act prohibits the discrimination to be made between son and daughter, between sons and between daughters in matters relating to upbringing, education and health care.

The Act has created Central Child Welfare Board (CCWB) and District Child Welfare Board (DCWB) in the central and district level respectively. We do understand that, children have right to live with their own parents and it is the first care priority while deciding care provider for any child as guaranteed by

this act. Institutional care related provisions for children without parental care have also incorporated in the Act.

## **2.4 National Strategy on Child Friendly Local Governance and its Operational Guideline, 2068 BS (2011)**

The Government of Nepal has implemented strategy on Child Friendly Local Governance (CFLG) to enhance good governance at the local level and to make the local government responsible for promoting rights of the child. Following the spirit of the strategies, the Village Development Committee (VDC) and Municipalities have started to develop and implement child focused plans and programmes. VDC and Municipalities are allocating 10 per cent budget for promoting right of the child and empowering children. We are happy about the provision. There are several examples of inviting representatives of Child Clubs in VDC and Municipal Council meeting as a member. In some cases, there are representatives of Child Clubs in the Village and Municipal level committee of Child Friendly Local Governance. As such, we believe that the Child Friendly Local Governance implementation process would promote meaningful participation of children in the matters concerning to us at VDC and Municipality.

### 3. THE SITUATION OF NON-DISCRIMINATION AND RESPECTING THE VIEWS OF CHILDREN IN NEPAL

#### 3.1 Non-discrimination

According to the State of Children of Nepal, 2013, a total 73 cases of discrimination against children of various types have been reported in 2013. Total 75 children have been victimized in which, 56 are girls, 13 are boys and sex of six children is not reported. Of total 73 cases-

- 48 cases are reported of gender-based discrimination,
- 10 cases of caste-based discrimination,
- 6 cases of discrimination against children with disability,
- 7 cases of discrimination being HIV affected, and
- 2 cases of other types of discrimination.

#### 3.1.1 What is the situation as we have observed?

The discrimination on the basis of caste, ethnicity, class, gender, age is still prevailing in the society. Still, there is a different role set for sons and daughters in the family. Many parents do not recognize the best deeds of their daughters, whereas always appreciate their sons even though they are wrong. Girls are assigned household tasks to complete beyond their physical capacity. Some girl children are still deprived of education. Those girls who are school going too also face discrimination. Considering girls as future

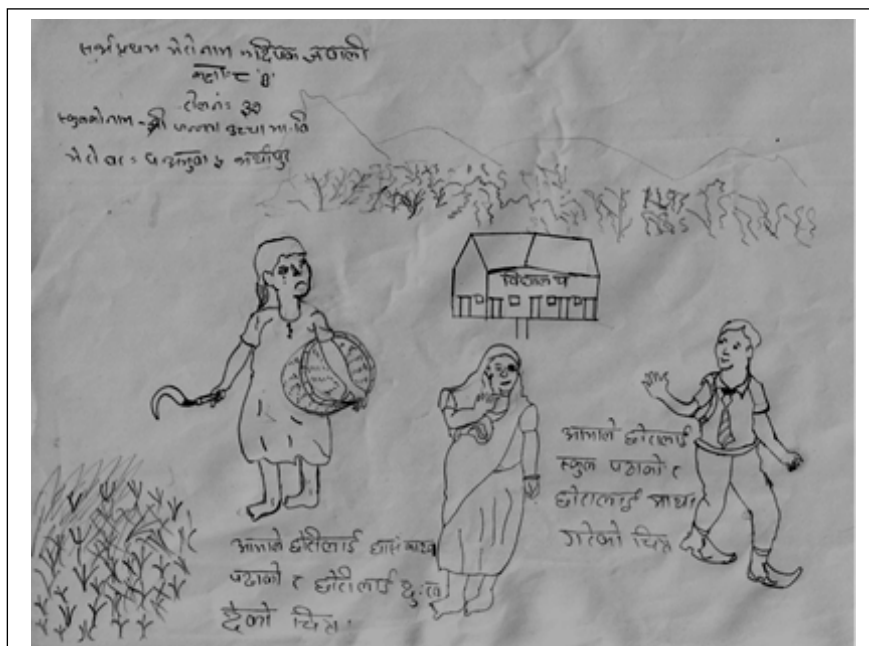


Figure 2: A concrete scene of gender discrimination; son goes to school and daughter is sent to forest for collecting fodder. Art by: A boy studying in Class 8 in Shree Janata Higher Secondary School, Parbat.

#### Daughter's Sorrow

Mother father educate me,  
I want to go to school  
Will return back home  
Learning many good things

Brothers go to school  
Why am I discriminated  
Agricultural labours take me  
For work at school time

Flowers blossom in forests  
Daughters are treated like this

Mother father please do not just desire for a son  
Now daughters have started doing funeral procession  
A girl studying in Class 9  
Star Child Club, Manikapur-6, Banke,

bride who will ultimately leave the home, they are given less importance and opportunity for education. Generally, boys are sent to English medium private schools whereas the girls remain in Nepali medium public schools. In our context, private schools are preferred for quality education.

'Chhaupadi', the peculiar custom of far-western region, in which girls and women are kept in Chhaughar (small hut like cow-shade built in distance out of the house) mainly in to remain during menstruation cycle, is still prevailing.

Caste and ethnicity-based discrimination is another social problem enrooted in the culture and structure of Nepali society. The school enrolment of children of *Dalit* families is proportionately less. Untouchability based on caste is also still a problem.

As regard to class discrimination, there are frequent incidents, however these are not reported.

In schools, children are discriminated based on their educational capacity. It is very common in majority of the schools in Nepal that, teachers concentrate only on few students while teaching who are comparatively more intelligent than others and give least interest on average and below-average students in the classroom. These incidences have been reported by some freed *Kamalar* girls too, who have experienced negligence and discrimination of teachers, being less competent in education than other students in the classrooms. It is mainly because *Kamalar* girls are enrolled in school at their late age than the other students of the class.

### 3.1.2 Our recommendations

- ✚ Girls should be empowered to claim their rights. They should also get equal opportunity as boys are getting for education according to the capacity of the parents. Girls should be encouraged for education and career not limiting them to household chores.
- ✚ Policy level decisions and programmes are needed for abolishing '*Chhaupadi*' custom. They should in fact be provided with love, affection as well as nutritious food during menstruation cycle.
- ✚ Efforts should be made to develop attitude of equality considering all human beings are same irrespective of Name, caste, background, race, gender or any other division of human beings.
- ✚ Trainings should be imparted to teachers for delivering quality education giving more emphasis to average and below average students. Positive discrimination to these students may help in improving their studies and pursue their career.
- ✚ Providing support to children of economically weaker sections and families for encouraging them in studies.
- ✚ Equal opportunities should be provided to each and every children residing in all geographic regions of Nepal.

## 3.2 Respecting the views of children

According to the State of Children of Nepal, 2013, a total 17,864 Child Clubs have been formed and functional in Nepal and total 4,03,553 children have joined them as member, of them 188,583 are girls and 214,970 are boys.

### 3.2.1 What is the situation as we have observed?

There is a huge movement of Child Clubs going on across the country for ensuring participation rights of children. Child Clubs, as child-led-institution, are comparatively more privileged to give their views and opinions and are acknowledged in many forums as it is the collective voice of many children. They are able to claim their own rights. However, in case of an individual child, there is a very less occurrences that adult really listen to children and respect their views whether it is in family, community or in larger society.

The Government of Nepal has initiated implementation of Child Friendly Local Governance Strategies, 2068 BS (2011). This policy document has introduced 27 child rights related indicators including sets of indicators for promotion of children's participation in local government bodies. As a result, children are mandatory participants of many committees and fora in the Village Development Committees and Municipalities. Still, there require to ensure that participation of children in such committees and fora are really done in an ethical and meaningful manner.



### 3.2.2 Our recommendations

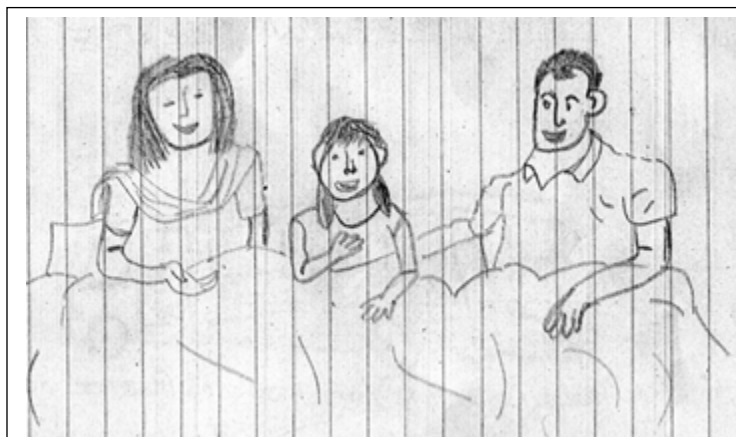
- ✦ Children being change makers should be given opportunity and platforms in the community to participate in matters directly concerned to them respecting the norms of ethical and meaningful participation.
- ✦ There is a need of inclusive participation of children from all sectors including those who belong to marginalized groups while organizing programmes for children. They should be informed about the plan of actions and policies related to children.
- ✦ The views and opinions expressed by children should be considered in the process of drafting of new Constitution too.
- ✦ Legislations related to children should be enforced in an effective manner by developing implementation measures (defining procedures, allocation of resource and developing capacity of concerned offices).
- ✦ With the increase in number of Child Clubs, efforts should be made to increase quality aspects of the Child Clubs and their networks. The facilitating organizations and network like Consortium-Nepal should design a training package for training and capacity development of members of Child Clubs and every members of Child Club should be benefitted with such package. This will help every member of Child Club to grow and become conscious about the issues and will help in their personality development too.
- ✦ The mandates of the Child Clubs should be defined, so that the concept of meaningful and ethical participation of children can be understood by all children and seek their ethical and meaningful participation in all levels.

## 4. FAMILY CARE AND CHILDREN WITHOUT PARENTS

### 4.1 Love, Care and Support in the Family

#### 4.1.1 What is the situation as we have observed?

We compare ourselves with a flower which is very fragile and need to be cared with attention for keeping it safe and protected. If it is not given due care, it does not prosper. Similarly, if children are given proper care, love and affection, they also flourish just like a flower. The love of parents is much more important aspect and treasure of the life. Hence, it is right of every child to get proper care from her or his parents and families. Generally, parents do love their children in any circumstances. In return, children too do understand their due responsibility towards household and family as per their maturity and try to fulfil them. It is a poverty, which is limiting families to fulfil the needs of children.



*Figure 3: A child getting favourable and affectionate family environment. Art by: A boy from Sundar Child Network, Dailekh*

However, the polygamy (of either of the parent) has put the present and future of children in danger. Also, the addiction (i.e. illicit drugs) of parents and alcoholism has contributed in the incidences of family violence including separation of the parents.

### 4.2 Children without parents or family

According to the State of Children of Nepal, 2013, there are 39,888 children without family, including 8,125 children without family protection, 20,549 families without adult and 2,312 are under extended family care. Similarly, there are total 797 residential Child Care Homes running in 47 districts of Nepal and are providing residential care services to 15,215 children. Among them, 7,183 are girls and 8,032 are boys.

#### 4.2.1 What is the situation as we have observed?

Due to the untimely demise of either of parent or both parents, children become support less. Some children leave homes, engage in labour for fulfilling hand to mouth problems and also seek their prospects in the streets in urban areas. Those who remain in the households have to fulfil the possibility towards younger siblings and ultimately have to head the household. They are also sent to work as a domestic worker, where the future is not really secured. One of our friends has written her own autobiography on her struggle to

#### Case Study

I lost my parents in a tender age. My sister was already married at that time and was not in state of taking care of me as she was married in very early age. Henceforth, I was forced to work in other's house for several years. I was doing very well in my studies before my parents passed away. Though my master had enrolled me in a local public school, he gave least priority to my education. One day, I got with an accident when I was studying in Std. 5. I was caught in fire while preparing food for livestock. I was taken to hospital but I could not get proper treatment, as my master did not want to spend more money on me. As an effect, I found my life very difficult. I could merely complete my daily activities and education was beyond that. Later, my sister came to meet me and decided to support me. She took me with herself in town and provided proper treatment and due care. Now, my sister supports me for my education and wish for my better future.

A girl child from Makawanpur district

education. The summary of the biography is mentioned in the adjoining box. Many children without parents or family are also referred to residential Child Care Homes for providing basic services including education and health care. Nevertheless, there are many children in residential Child Care Homes, who don't need to be and there are many children who really need residential care and are not getting it.

The physical infrastructures and services are very weak in many of the residential Child Care Homes. There are inadequate facilities in Child Care Homes including sanitation and hygiene facilities. The residential Child Care Homes are run through the money collected as charity and donations.

#### **4.2.2 Our recommendations**

- ✚ District Child Welfare Board and other concerned offices should recommend only those children who are in real need of residential care to residential Child Care Homes.
- ✚ The Village Development Committee and Municipality should play active role in strengthening child protection system at VDC and Municipal levels and provide basic services to children without parents including recommending children without parents and families due to death of parent/s for placing them in an appropriate forms of alternative care for their care and protection.
- ✚ The concerned offices should support the staff in the residential Child Care Homes with training to have child friendly behaviours and skills.
- ✚ Residential Child Care Homes should take permission from concerned government authority before running. The Government of Nepal should take stand on closing down the Homes which are running without the permission of the government.

### **4.3 Street based Children**

According to the State of Children of Nepal, 2013, there are total 2,958 street-based children, of them 2,740 are boys and 218 are girls.

#### **4.3.1 What is the situation as we have observed?**

The street based children face many problems in the street. They are deprived of their education and health care. There is direct link between orphan-hood of children and street based children. Most of these children earn their living by rag picking, begging on the streets and working as labourers. Most of the street based children are stigmatized by general public because of their living and working conditions on the streets. The drug abuse and addiction among street-based children is also a common problem. Many children have developed the habit of addiction (i.e. drug, alcohol and glue sniffing) in their younger age.

The fact is that not much has been done to explore the reasons that push these children to the streets and address those causes on time.

Many of our friends on the streets also reach there as the result of peer pressure. Even though street-based children are provided shelter in the residential Child Care Homes, they abscond from there as they are used to in the streets.

#### **4.3.2 Our recommendations**

- ✚ The Government of Nepal should implement appropriate activities which directly benefit the street-based children particularly preventing them to push to the streets.

- ✦ The Government of Nepal should design and implement programmes for rescue, family reunion and rehabilitation of the street-based children as a priority agenda.
- ✦ Regular health check-up of street-based children is needed.
- ✦ Respecting views and opinions of street-based children when they are kept in residential Child Care Homes to prevent them from absconding.
- ✦ Taking disciplinary action against those who try to exploit children in the name of providing residential care.
- ✦ The problems of street-based children should be redressed by directly talking with each individual street-based child and intervention should be planned accordingly.
- ✦ Street-based children should not be stigmatized by calling them with different names/terms.
- ✦ Separate transitional facilities must be established for residential service and socialization prior to rehabilitation of street-based children.

### ***'Street Children'***

Street is my home; I spent my whole childhood at street  
I question myself who is my father and who is my mother?

It hurts me when someone calls me '*Khatey*' (rag picker)  
I could not show my talents and innovative ideas  
I like to sing and dance,  
I want to see whether I am like others or not

Sometimes I sleep on the road and sometimes on footpath  
I get some money from the collected plastics  
I buy food from the same money  
When I feel hungry I go to search the plastics for money.

I have no idea which bird's name is love and care?  
I feel I am the most unfortunate of this world  
Street is my home; I spent my whole childhood at street  
I question myself who is my father and who is my mother?

Two boys from Itahari-5, Sunsari

## 5. HEALTH CARE AND WELFARE

### 5.1 Children with Disability

According to the State of Children of Nepal, 2013, a total 10,257 children with various types of disability have got Disability Identity Cards of different colours distributed by the Government of Nepal. Among them, 5,558 are boys and 4699 are girls.

Total 62,160 children with various types of disabilities are enrolled for basic education, i.e. Grade 1-8, which accounts nearly one per cent of total school enrolment in basic education.

According to the National Census, 2011, disability prevalence rate is 3.6 per cent.

#### 5.1.1 What is the situation as we have observed?

The school enrolment of children with disability is very low; many of our friends are still deprived of education. Discrimination due to disability is still observed in the society. Even in schools, the children with disability are stigmatized. School and other government offices buildings, structures as well as roads are not disability-friendly at all. Hence, the mobility of children with disability and access to basic services is always an issue. General public is not sensitive towards the issue of children/adults with disability; hence their language/communication is stigmatized towards them. Also, the earmarked budget for people with disability (particularly in the Village Development Committee and Municipalities) is spent in other activities. Many people including many official of the government are not sensitive enough towards person/children with disability.

#### 'Disability'

Do not discriminate me because of my disability  
I will contribute for my country  
Friends enjoy, do fun and laugh

But because of disability  
I feel burden of my own life  
Support of people with disability  
We can also help the country to grow

We have disability but our blood is also red.  
Being educated, we will serve the world.  
Do not discriminate me because of my disability  
I will contribute for my country one day.

*A boy from Star Child Club, Manikapur-6, Banke*

#### 5.1.2 Our recommendations

- ✚ The Government of Nepal should take initiatives on creating awareness for forming disability friendly environment in the country. Massive awareness campaign should be held on the Dos and Don'ts while interacting with children with disability
- ✚ Disability friendly structures should be developed in all the government offices, so that everyone can get access.
- ✚ Children with disability should be encouraged to go school and should be provided with proper support.
- ✚ Special education designed for children with disability should be implemented in all the districts.
- ✚ All forms of discrimination to children with disability should be ended and children with disability should get equal opportunities to grow and prove themselves as the responsible citizen of the country.

### 5.2 Drinking Water, Sanitation and Hygiene (including toilets in school)

#### 5.2.1 What is the situation as we have observed?

The Government of Nepal is committed for ensuring drinking water and sanitation facilities to each and every household and schools by 2017 and accordingly actions are being implemented. At present, in most of the schools, there is a drinking water facility, but the issue of regularity in water supply, the quality and maintenance of water supply system is yet another issue. The coverage of

toilets in schools is merely 28% (SWCN, 2009). In most of the schools, there are no separate toilet facilities for boys and girls. The irregularity in attending schools and dropout of girl children during adolescent age is another consequence of not having gender friendly toilets in schools. The existing toilets are not enough and are in poor conditions due to water scarcity. The water scarcity in school effects in maintaining sanitation and hygiene.

### 5.2.2 Our recommendations

- ✦ The Government of Nepal should ensure that separate gender-friendly toilets are constructed in adequate numbers in all the schools of Nepal.
- ✦ The Government and the Village Development Committee and Municipalities should work to make available safe drinking water in all schools and alternative sources (of water) should be explored to mitigate the drinking water problems in schools.

#### Efforts of Sarthak

'Susmita, I tell you a true story,' said Nabin and took out a diary from his blue bag. "Whose story it must be?" curiosity arose in my mind as soon as I saw the diary. I snatched the diary from his hand.

I went through the pages of the diary. In one of the pages, there was a picture of a man being awarded by the high profile person. As the caption of the picture, it was written, "It is my son Sarthak's effort. It was the very day when my son started to work for safe drinking water, sanitation and health."

Sarthak *dai* (Sarthak brother) lives in GhaleGaun (Ghale Village). As morning shows the day, Sarthak *dai* started social work and child development sectors from his small age.

Once a child named Hari was crying rolling his body on the ground. Sarthak *dai* asked him why he was crying. Hari had stomach ache. He had already known that none of villagers' health was good because of the unhygienic drinking water in the village and Hari too had the same problem. This event made him realize that he should do something to address this problem.

He began the awareness campaign among the villagers and provided training. Through the street theatre, he made aware the people on the causes of unhygienic drinking water and the methods to prevent them. He gave the strong message that "Our drinking water has been unhygienic because of open defecation around the water source. You got sick not having sanitation at home and around. Disease spread through the human faeces not having the toilets at homes." The villagers were curious to know the preventive measures and wanted to know what they could do.

Sarthak *dai* said, "You should keep the water source clean to be protected from the water-borne disease. There should be toilet in each house and it should be used. We should help children to cultivate the cleanliness habit. They should be sent to the schools also."

In the village, everyone started to send their children to the school. After one year of their school going, they were not happy to go to school. Sarthak *dai* came forward to know the causes why they did not like to go to school. One of the 13 years girl shared, "There are no separate toilets for boys and girls. There is no water supply in the toilet and it is very dirty. Toilets walls are full of pornographic pictures. Teachers too abuse the children." Having all these information, Sarthak *dai* organized training on child friendly teaching for all teachers with the coordination of District Education Office (DEO). Similarly with the help of different NGOs and DEO, separate toilets for girls and boys too were constructed. After these efforts, children started to go to school. This is how the problem of the school and the village was solved.

After sometimes, Sarthak *dai* was awarded in a grand felicitation programme for his efforts to encourage the villagers for the change. Thereafter, all the adults and children of the village started to lead a happy life.

*(This story was written and shared by two children (A girl aged 14 and a boy aged 13) during the National Consultation of children for Children led Reporting, dated 27-29, 2014 with NGOs, GOs and child rights activist stakeholders.)*

## 5.3 Health Education and First Aid in School

### 5.3.1 What is the situation as we have observed?

Though school curriculum has incorporated health education, children are still unaware of importance of health education and are not being able to apply it in their life. Many schools do not possess first aid materials, and if there is availability too, they are not utilized properly.

### 5.3.2 Our recommendations

- ✚ The issues of adolescents' health, reproductive health and sex education should be incorporated in curriculum and imparted to children of adolescents' age in all schools.

## 5.4 Health Situation and Services

According to the State of Children of Nepal, 2013—

- 87% children of 12-23 months old have received complete immunization
- 98% mothers practice breastfeeding to their children

### 5.4.1 What is the situation as we have observed?

The health services and centres are very far away in the villages due to which access to health centres and services is an issue. Especially in case of emergencies, timely treatment is not possible. Also, there is still prevalence of superstitious beliefs and traditional healing. Our friends shared that, there is still a practice of traditional healers in their villages and modern health services are not taken by many of the families.

In some areas, occurrences of malnutrition among children are also substantially high. Responding the problem, 'Golden Thousand Days' project is being implemented in Nepal which provides nutritional supplements for nutrition of children since their conception to till they complete age of two years.

The immunization services are accessible in all 75 districts of the country. Parents are aware of importance of immunization and are motivated to provide immunization to their children. The country has been certified as a polio free country in 2014. Child Clubs are also mobilized for such campaigns. They inform the community about immunization day and also facilitate families to take their children to health centre for immunization. Health awareness through mass media has brought a lot of positive changes. The advertisements involving celebrities for health related issues are more effective. During the epidemics, government takes active role in prevention and control. In case of Anti-Natal Care and delivery in health centre too, as the government has scheme to provide incentives to those who come for Anti-Natal Care check-up and for delivering children in the health centre, women are motivated to access health services.

However, the supply of medicines and health care materials are not regular from Government of Nepal. In the remote districts, the medicines reach the health centre with a very less duration to expiry date. The vaccines reach in the health centre after they are not appropriate for use. The free medicines are also sold by the health care providers. The equipment is not available in the health centres. Though, government has a policy to ensure 100% child birth in health centre, there are many health centres that do not possess the basic equipment for midwifery services. Lack of motivation among health care providers in the government health centres and prioritizing on their private practice is also observed.

### 5.4.2 Our recommendations

- ✚ The Government should make availability of modern diagnostic and treatment equipment in health institutions across the country.
- ✚ The Government should ensure that all the health institutions and services are child-friendly and accessible to all the children.

- ✦ Transportation being the base of development infrastructure should be developed first, and then automatically every other service will grow and take shape gradually.
- ✦ Provision of well-equipped midwifery room in every health centres and well-trained health professional.



## 6. EDUCATION

### 6.1 Access to Education for all

According to the State of Children of Nepal, 2013-

- There are total 34,782 schools in Nepal including 818 religious schools (*Madarsa*, Monastery, *Gurukul*/Ashram).
- Total 6,399,885 in basic level, 878,047 in secondary level and 387,516 children are studying in higher-secondary level.
- The school enrolment rate in basic level is 87.5%, in secondary level 54.3% and 9.4% in higher secondary level.
- The school dropout rate is 5.2% in primary level and 6.1% in lower secondary level.
- Total 72.1% in primary level, 73% in lower secondary level and 74.2% children have received textbooks within two weeks beginning of school session in 2012-13.

#### 6.1.1 What is the situation as we have observed?

There are many good initiatives and practices adopted in Nepal in education. Many Non-Governmental Organizations have also provided scholarship to children for increasing access to education. Children are delighted to share that, the policy made by the Government of Nepal to have certain level of education for applying license is protagonist approach for promoting education. The policy of providing free education up to grade 8 is another noble policy of the Government of Nepal.

School Enrolment campaigns run by the Government across the country for ensuring 100 per cent enrolment of children in schools is praiseworthy. The Government funded (or public schools) have also started teaching in English medium upto grade 5 as an effort of enhancing the quality of education. Even parents have started keeping keen interest in education of their children.

The district authorities and the local government bodies have started declaring themselves as literate district as the consequence of

intensive literacy campaign and school enrolment campaign. The Child Clubs run in schools are also given responsibilities to facilitate the scholarship process. The members of Child Club are asked to recommending the appropriate student for each category of scholarship from the Government.



Figure 4: Children in different arenas of labour are deprived of education. Art by: A girl studying in class 8, Parbat

'We have child rights'

Give us the books and pens instead of sickles  
Let's lead a cultured life eliminating the child labour  
Books and pens look good in the small hands  
We are in the campaign to eliminate the child labour

Don't make the child to roll tears  
Don't make the future of Nepal dark  
Don't ask them to carry loads in the book carrying  
shoulders  
Let them know the good things and send to the schools

This is the age to learn new things not to work  
Children must not be asked to do hard work  
The sea is made up with the collection of water drops  
All the children expect to read and write

The nation is expecting from the children  
There should be slogan not to use domestic child labour  
There must not be child labour  
Nobody has the right to violate the child rights!!!

A boy aged 17 from Belbas-7, Pyuthan

Every child has aspiration to serve their nation after getting education and pursuing a career.

The trend of education has been changed in Nepal. The situation of non-enrolment of children in education due to lack of awareness had shifted. Now, majority of children irrespective of background, topography, and conditions get chance to enrol in the school, but gender discrimination is still prevailing in type of schools children get enrolled. In many cases, even though girls get enrolled in schools, they have to prioritize their household chores and responsibilities and studies become second priority. All of our friends engaged in this process have raised this issue and appealed adults to realize education of children as basic right and prioritize for their education. There are many incidents as shared by our friends in various forms that children hardly get time to study at homes due to loads of

household chores. Daughters generally stay back at home to look after their younger siblings.

The Government has made formal education free upto grade 8. However, many parents could not afford to buy school uniforms, stationery etc. to their children. There are scholarship schemes available for needy children in the schools, but in most of the schools it is not enough. Some schools have rules of levying fine from students for not attending the school regularly. In many cases, schools don't consider the severity of the reason for not attending school and just focus on collecting money. In the secondary grades the students have to pay school fee and money charged for one or the other reasons. If students are not being able to pay the fee and extras in time, teachers frighten them that they will not be allowed to appear for School Leaving Certificate (SLC) exam.

### School Dropout

It is observed that, children are tended to dropout from school due to different reasons in different grades. The retention rate is less than half of the students by the end of the basic level of education enrolled in the beginning. There are school dropout cases by very common reasons whereas many children dropout from schools as they have household responsibilities to fulfil and become child labours. Also, many of the children working as child labours in different fields are not getting opportunity to continue their education. Many girls are also dropped out from schools as they are married in school going age.

The other reasons causing dropout include—

- Substance abuse among school going children,
- Teachers are less interested in teaching in the school,
- The eve-teasing in the school (especially to the adolescent girls).

There are also incidences that boys leave school to work and earn money. They want to earn money to buy mobiles and electronic gadgets (to imitate their friends). Likewise, some children do not continue school after basic education as they generally are not able to afford the fee to pay in school.

### 6.1.2 What are our concerns?

The Government of Nepal has implemented 'Education for All' strategy with the goal of ensuring universal enrolment of children in school. But, there are some groups of children, who have never attended school. Some of the specific groups who still are encountering difficulties in education include:

- Children of *Badi*<sup>1</sup> community in districts like Bajhang, Kailali.
- Children belonging to ethnic group *Chepang* settled in the upper hilly area of Makawanpur and Dhading districts.
- Children from the ethnic groups who engaged in collecting and selling firewood in two VDCs in Kapilvastu district
- Children of Muslim community, especially girls do not get chance to enrol in regular school after they complete their education in *Madarasa*. Even in *Madarasa*, if a teacher is male, a curtain is fixed in between teacher and students, so that they can't see each other. This creates a communication barrier that affects effectiveness of learning process.

### 6.1.3 Our recommendations

- ✚ The Government of Nepal should take every possible measure to guarantee every child's right to education irrespective of their background, family condition, disability and any other issues.
- ✚ The campaign called 'Learning without Fear' is being implemented in some of the districts of Nepal and should be expanded in other districts of Nepal as well.
- ✚ Efforts should be made not to use or mobilize children in any activities of political parties.
- ✚ Every school should have complaint box for children to post their complaints in and to raise their child protection concerns.
- ✚ The Government should work out on alternative plan on reducing load shedding time in the evening for allowing children to study and do their homework.
- ✚ The Government of Nepal should increase the number of scholarship to freed *Kamalari children* and the scholarship amount and there should be a system of separate identity card for freed *Kamalari children*.
- ✚ Early childhood development being very crucial aspect of child development should be strengthened in all schools.

## 6.2 Physical Facilities in schools

### 6.2.1 What is the situation as we have observed?

The situation of physical facilities in school is varied from region to region in Nepal. In the plain belt (*Tera*), the schools are better in terms of physical infrastructure. Large area acquisition surrounded by one storey hut type buildings comprises of 1-2 classrooms in each hut look very comfortable. Conversely in hilly and mountain areas, the school infrastructure is comparatively poor. Schools do not possess school building with basic amenities. There are cases where our friends reported that, their school building does not have proper roofing; there is less number of classrooms as needed, hence multiple classes study in the same classroom. Classrooms do not have doors and windows due to which, there were incidences of defecation by cows and buffalos inside the classrooms. Many of our friends reported that, there are no sports/recreational materials in their school, whereas some even reported that children are not entitled to play with them even though school possess them.

Some of our friends also reported, long distance between school and home due to which children have to travel upto 2 hours to reach school. They generally have to skip their morning meal to reach school in time and also don't get water to drink on the way. The bridge on the way to school is wandered especially during raining season, due to which children have to cross the river. And sometimes, after walking for so long, if students reach class late, then teachers do not allow them to enter classroom.

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<sup>1</sup> A traditional mobile community of professional entertainers

### 6.2.2 Our recommendations

- ✚ The concerned agencies of the government should take immediate actions to construct school buildings that are accessible to all children (child-friendly).
- ✚ In the situation where the schools are far away from the settlements, alternative arrangements should be provided to students to continue their education.

## 6.3 Quality of Teaching and learning in Schools

### 6.3.1 What is the situation as we have observed?

It is very common in remote areas of Nepal that, teachers are not punctual and regular in schools, whereas if students do not come in time, teachers do not permit them to enter in the classroom. The bias behaviour of teachers, i.e. keeping attention only on scholar students and neglecting average and below average students raises the question mark on the quality of teaching and learning processes.

Some of the teachers consume drugs and drink alcohol while coming to school and also ask students to bring tobacco and cigarettes for them. The unavailability of well-equipped library, science lab as well as computer lab is another issue. In many schools, less priority is given to extra-curricular and co-curricular activities. The unnecessary public holidays has also affected in completing the school curriculum on time. In context of mountain districts of mid and far-western region, schools are run only for five months in a year. It is also because whole village including students and teachers travel to higher altitude areas in search and collection of *Yarsagumba*.<sup>2</sup>

Also, school textbooks are not available in the beginning of the school session. Some of our friends even reported that, in extreme cases, students receive textbooks only after completion of their first terminal examination.

### 6.3.2 Our recommendations

- ✚ All the teachers particularly those teaching in primary grades should be provided training on child-centred teaching-learning methodologies.
- ✚ The Government should make availability of basic educational amenities such as well-equipped library, science and computer lab in all the schools.
- ✚ The educational authorities should develop code of ethics for teachers and punish the teachers who come to school after consuming drugs, and alcohol. The Government of Nepal should take policy decisions on reducing the public holidays in schools, so that the minimum school days are accomplished and annual curriculum are completed on time. The Government should appoint Psychosocial Counsellor in schools.
- ✚ The Government should ensure that free and compulsory education is provided to all the children in Nepal.
- ✚ The Ministry and the Department of Education should regularize the monitoring and supervisions of schools so that the conditions of schools could be improved in terms of quality of education, school infrastructure, hygiene maintenance and other aspects.
- ✚ The Government should develop mechanisms for providing electricity to households at least in the evening, so that children get chance to study and do their home assignments given by the schools.
- ✚ The concerned authority should make electricity available inside the classrooms especially during winter season to the schools that run in morning shifts.

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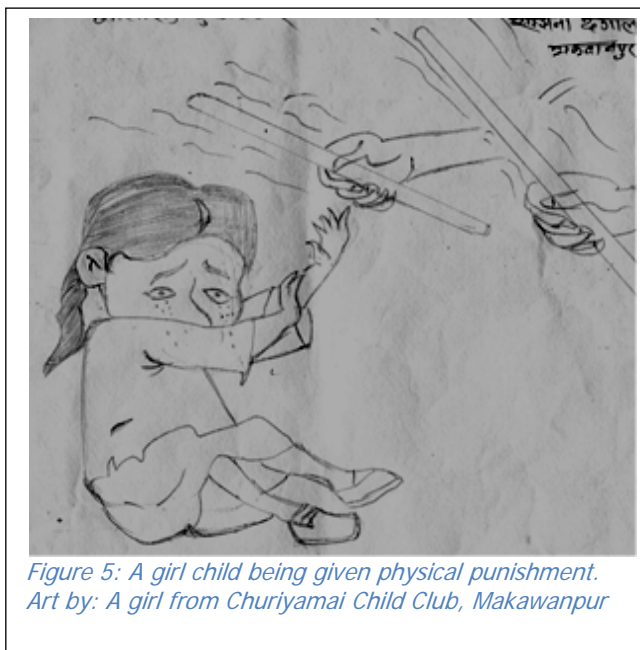
<sup>2</sup>Scientifically known as *Ophiocordyceps Sinensis* is a fungus that parasitizes larvae of ghost moths and produces a fruiting body valued as an herbal remedy or aphrodisiac.

Source: [http://en.wikipedia.org/wiki/Ophiocordyceps\\_sinensis](http://en.wikipedia.org/wiki/Ophiocordyceps_sinensis)

## 6.4 Corporal Punishment in school

### 6.4.1 What is the situation as we have observed?

It is a fact that, almost every school going children and teachers are aware of child-friendly school and fear free education (learn without fear) and do understand that children should not be punished in schools. However, many cases and incidents of corporal punishments in school come in public time-by-time. The issue of corporal punishment also has been well captured by our friends during the process through various forms such as drawing, poems and articles and almost everyone has considered corporal punishment as a problem in schools. There were cases, where children dropout from school due to prevailing corporal punishment in schools. The most common reason for punishment being not doing homework, children are hardly asked for the reason for not completing it and just given punishment.



### 6.4.2 What are our concerns?

Though, there is a clear cut act which indicates corporal punishment in schools as an offence, there is no concrete action being taken against the teachers who practice corporal punishments. The number of incidents of taking disciplinary actions against the teachers who give corporal punishment to children is very negligible. Though, the volume of corporal punishment and their adverse effects on children has substantially decreased in recent years, it is still an issue in schools. Especially, our friends belonging to Far-western development region have raised the issue of corporal punishment very openly. They shared that, almost everyone in school has received physical punishment by teachers at least once.

### 6.4.3 Our recommendations

- ✚ The 'Learn without Fear' project should be implemented in each and every school of the country. In fact, there is more need of such projects in private schools than public ones.
- ✚ Teachers should not bring stick (except for teaching aids) while coming to classrooms.
- ✚ Practical trainings on positive discipline should be imparted to teachers and teachers should be made mandatory to apply such techniques in the classrooms.
- ✚ The concept of child friendly/child-centred education has focussed more on child friendly physical infrastructures till date. There is a need to emphasize on teacher student relationship and in learning process to promote child friendly education.

## 7. CHILD PROTECTION

### 7.1 Children Affected by Armed Conflict and Disaster

According to the State of Children of Nepal, 2013 a total 1,070 children are affected by armed conflict, of them, 509 boys and 561 girls.

#### 7.1.1 What is the situation as we have observed?

Nepal experienced a decade long armed conflict during 1996 to 2006. During the insurgency, whole nation was affected by armed conflict. Many children were affected by the armed conflict in one way or another. As the armed conflict was over eight years back, we did not find any burning issue of children in armed conflict as of today. However, the effects of the armed conflict are still prevailing in case of many children and their families.

Many children became without parents as their one or both parents were died during the armed conflict. Many families were internally displaced during the period of armed conflict. The life of children after becoming without parents due to armed conflict is still an issue and many of them have not yet got any support from the Government. Many children then became street based children, child labour and were deprived of basic services including school.

Apart from such manmade conflicts, there are many natural disasters, which also affect children. The incidences of flood during rainy seasons have resulted in loss of parents, property and internal displacement etc. There were also instances that, many children can't attend school during rainy season due to flood. The change in environment and prevalence of other natural disasters such as earthquake is also considered as one of the issues of children. Our friends have raised such issues and appeal the Government to guarantee their rights during these situations too.

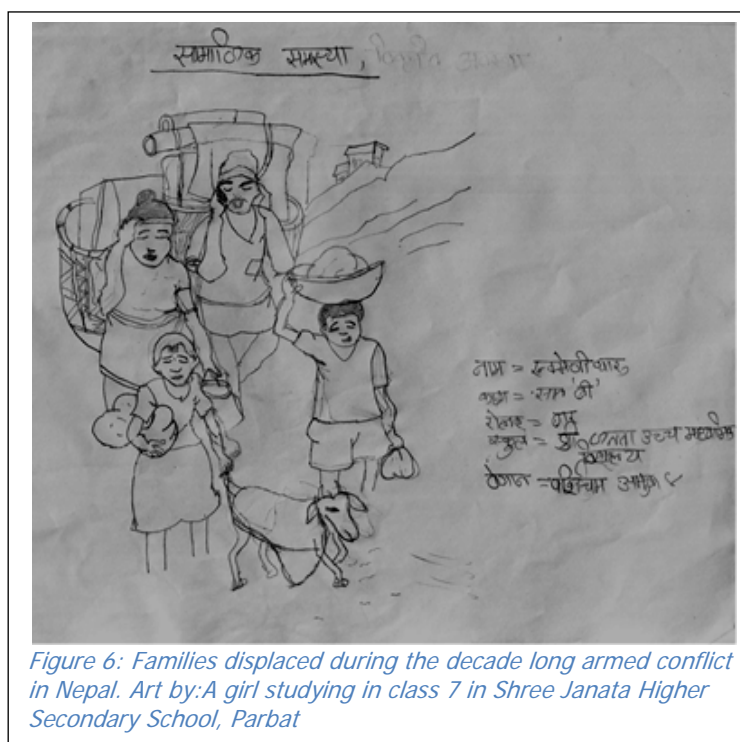


Figure 6: Families displaced during the decade long armed conflict in Nepal. Art by: A girl studying in class 7 in Shree Janata Higher Secondary School, Parbat

### 7.2 Child Labour (including Domestic Child Labour, Kamaiya's children and Haliya's children)

According to the State of Children of Nepal, 2013, a total 38,776 children are reported to be involved in different types of labour such as domestic work, daily wage, brick kilns, tea garden, *yarsagumba* collecting, hotel and restaurants. However, the proportion of children involved in labour is much higher than the reported number.

## 7.2.1 What is the situation as we have observed?



Figure 7: Different forms of child labour. Art by: A boy from Janajagriti School, Dhading

### 'Sigh of Poor'

Sister went to rear the goat and brother for wood cut  
 Why we are shepherds in our school time?  
 Mother has gone to work for others and father to plough  
 My mind asks thousands of questions to myself.

Why do we need to go to work for others?  
 Why we are untouchables and neglected?  
 They take us as unpious, discriminate as higher and lower  
 Though we have the same palpitation and red blood.

The malpractices are taken as the tradition  
 Good is in shadow despite our knowledge  
 Both parents work hard for the landlords  
 They get surprised not having anything at their own home.

It is always difficult for hand to mouth  
 And we are worried how to solve.  
 Little grain that is brought from the work  
 Should be managed for the family of 4/5 people.

We have small house and few rooms  
 For us it is our castle.  
 The East shows the light throughing away the darkness  
 We all are Nepalese from Mechi to MahaKali (across the country)

A girl studying from Janajyoti Child Club, Kavre

The issue of child labour is one among the issues raised by children across all the regions and districts. The issue has been presented in every possible form such as story, drawing, conversation, essay, poem, letter, autobiography, articles etc. and the highest number of times by highest number of children.

We see demise of parents,

desertion of family, polygamy of parents, financial crisis (due to illness of main income earner, natural disaster), child marriage and low economic conditions of family drive children to engage in various types of works to sell their labour in market. They are preferred as they are okay with low wage and do not demand as adult labours demand. The areas in which children work as child labour are hotels and restaurants, stone quarry, brick kilns, domestic works, in tea gardens, child porters, rag-pickers

### Child Labour

They say us children and say the backbone of the future  
But fulfill their interest making us child labour  
They make children work despite their promise to teach them  
They ask them to work whole day and keep them in empty stomach

The life of child labour is painful  
Some are sexually abused and pushed further in darkness.  
They sexually abuse and ask to keep quite  
And don't let go out but keep in the room.

We are the child labours and don't know our parents  
We got separated in our early age and parents don't come to see us  
We child labours wish let not happen this to others  
Let the justice system and law see us.

A boy from Shree Star Child Club, Bairiya-10, Bara

as well as conductors. Children involved in labour are deprived of many rights including rights to health and education.

### 7.2.2 What are our concerns?

The Government of Nepal has enforced Child Labour (Prohibition and Regularization) Act, 2000, but the conditions of child labour have not improved. Children involved in labour are not given time for rest and in many instances they are not paid properly. Though the law has prohibited children below the age of 15 years to work as child labour, it is still in practice.

### 7.2.3 Our recommendations

- ✚ The Government should immediately rescue all the children below the legal age to work as labour and be provided with basic services and education
- ✚ There should be collaboration with local media for production and broadcasting awareness messages targeting to parents, community members and employers against child labour.



Figure 8: Children involved in construction labour.  
Art by: A boy from SunauloBihani Child Club, Dang

## 7.3 Drug Abuse (including addiction of parents)

### 7.3.1 What is the situation as we have observed?

School going children are engaged in smoking, chewing tobacco and also into use of illicit drugs. Addiction among street-based children especially glue sniffing is another issue. The addiction of alcohol, smoking and gambling among parents (i.e. father) is associated with the problems such as family violence. As the consequence of addiction of parents, children are beaten up by father, sometimes thrown out of the house in stoned state.

Children involved in drug abuse are also involved in negative activities for money such as stealing, robbery etc. As per the prevailing law, there is a provision of NRs. 100 fine and/or imprisonment of upto 6 months for smoking cigarettes and/or consuming alcohol in public places. This is a very good law enforced in the country to discourage addiction and also prevent children from learning those habits from adults.



### 7.3.2 What are our concerns?

Even though, the Government of Nepal has prohibited engaging children below 18 years in buying and selling of tobacco, cigarettes, alcohol, and illicit drugs there are cases of sending children to bring such products by parents and teachers. These products have been promoted as the advertisements of these products indicate use of these products is matter of pride and courage. Also, illicit drugs are accessible.

### 7.3.3 Our recommendations

- ✚ Massive awareness and sensitization programmes should be run for prevention of drug abuse among school going children. Awareness programmes against drug abuse should be run through electronic and print media.
- ✚ Parents should not ask children to bring tobacco, cigarettes and alcohol and also should not consume these products in front of children. And Children of school going age should not be given tobacco, cigarettes and alcohol by the vendors.
- ✚ The person coming for buying dendrite should possess a valid identity card and vendor should ask to show it.
- ✚ Government should establish child corrections centres for those who are in drug addiction.
- ✚ School going adolescents girls and boys targeted drug abuse awareness and interaction programmes should be planned and implemented.



Figure 9: Children involved in smoking and consumption of alcohol in tender age. Art by: A girl studying in Class 9 in Palpa

## 7.4 Sexual abuse and Sexual exploitation

### 7.4.1 What is the situation as we have observed?



Figure 1: A newspaper clipping collected from 'Nagarik' a national daily of Nepal by child club members of Rupandehi on a court verdict on child rape cases.

Child sexual abuse in schools and public places is a major issue. Teachers' abuse has also led children to dropout from school. The perpetrators either attract children or threaten them and sexually abuse them. The cases of rape of children also come in public time-by-time. Child sexual abuse is considered as severe crimes against children. In the process of collecting situation for the purpose of this report, our friends also reported the cases of eve teasing, molestation

and bullying.

### Sexual abuse

Many times, sexual abuse perpetrators are not unknown persons but known and of very close relationships. Children of *Badi* community may be in more risk of sexual abuse as they remain with their families who traditionally practice commercial sex work as profession. Also, these children are not enrolled in schools which double the risk. This type of incidences gives psychological traumato us.

### 7.4.2 Our recommendations

- ✚ The Government of Nepal should take comprehensive efforts on providing psychosocial support for victim of sexual abuse.
- ✚ All the laws and legislations formulated against child abuse and exploitation should be enforced and every children and adults should be made aware of the legal provisions.
- ✚ Organizing awareness programmes for prevention of child abuse and exploitation is essential. The awareness programmes on sexual abuse and exploitations should be implemented in villages too.
- ✚ There should be access of children in the community as well as the students in school to complaint to the concerned authority against the case of child sexual abuse by teachers and any other adult.
- ✚ Trainings on self-defence should be imparted to children to protect themselves from potential risks and from perpetrator.

## 7.5 Sale and Trafficking of children

### 7.5.1 What is the situation as we have observed?

The sale and trafficking of children for different purpose is another issue related to children as observed by the children. Children are trafficked for different purpose such as to involve them in child labour/bonded labour, organ peddling, and for sexual exploitation. Many times, parents are not aware about the cause and consequences of trafficking and are unable to protect their children. But sometimes parents themselves send children for money being unknown about the consequences their children may suffer.

In the present years, the tendency to obtaining passport before the legal age is also being observed. Mainly girls before completing the age of 16 are coming up for citizenship and passport with the purpose of going for foreign employment with fake recommendation from the VDC for birth certification. This issue may bring into alarming situation of human trafficking with an excuse of foreign employment.

The District Administration Office of Makawanpur district has collaborated with the District Anti-trafficking Network to address the issue. They have kept a desk in the premises of the office and made it mandatory for all the applicants of passport to go through the process of verification of age through enquiry. They are provided with the counselling in order to sensitize them about current trend of sale and trafficking of children, so that the applicant may become alert.



Figure 2 A school going girl child being persuaded by a pimp for trafficking.

### 7.5.2 Our recommendations

- ✚ The Government of Nepal should strengthen its surveillance system to track and prevent the trafficking cases by ensuring security check in border areas.
- ✚ The initiative taken by District Administration Office of Makawanpur in the process of obtaining passport should be adapted by all the District Administration Office across the country.

## 7.6 Child marriage

According to the Situation of Children and Women, 2006 (UNICEF-Nepal)—

- Of total marriage, 21% involves girls below 16 years of age and 7% involve girls below 10 years of age,
- Median age for girls for marriage is 16.2 years.

### 7.6.1 What is the situation as we have observed?

In the present scenario, both traditional child marriage forced by parents and modern child marriage, i.e. elope marriage of children by their own will are prevailing. In fact, our friends reported that, there is more prevalence of elope marriage than the marriages of children with the consent of parents. The change in parents has been achieved as they are comparatively more aware than before due to education and awareness, legal information to this level through the continuous efforts of the local Child Clubs, who were actively involved and committed to address the problem child marriage from the society. Almost all of us, who are engaged in Child Club are aware of demerits of child marriage and have also committed not to get married before the legal age. Campaign against child marriage and a few cases of stopping child marriages have been initiated by Child Clubs. Even religious leaders and Astrologers discourage child marriage and do not perform rituals in such marriage. The incidence of child marriages is decreasing, whereas the reporting rate is increasing due to public awareness on the issue.



Figure 3: A glimpse of child marriage. Art by: A boy from Kapilvastu

Our friends have also reported that, information technology has played a crucial role in increasing the occurrences of elope marriage. Access and possession to mobile and exposure to social media and



Figure 4: Scenario of traditional child marriage. Art by: A girl aged 11 from SunauloBihani Child Club, Dang

networking sites such as Facebook are some of the reasons for children to take crucial decisions of their life without having any second thought. They also shared that self-control is the foremost aspect which drives a person to take correct decisions in this regard and in absence of this, the incidents of elope marriage are occurring in the society.

After the marriage, girl children are involved in household chores; hence, these girls are also considered the undeclared child labours. They also have to discontinue their education even though they used to go to school before.

We are aware of the adverse effects of child marriage including physical, emotional, and social and educational harms.

### **7.6.2 What are our concerns?**

Even though the, legal age of marriage for both male and female is 18 years with the consent of parents/guardian and 20 years without consent, many marriages takes place before these ages. Most of these child marriage cases are never reported and without reporting, there is no scope for taking legal action against perpetrators. The cases of punishment to the perpetrator are also very negligible.

### **7.6.3 Our recommendations**

- ✦ Awareness raising activities through street drama, training should be organized from concerned government authority for minimizing child marriage.
- ✦ Boys also should be trained in household chores since childhood to train them to become self-dependent.
- ✦ Those who are practicing child marriage due to poverty should be supported by the Government for family strengthening. Family oriented awareness programmes, family strengthening programmes should be focused.
- ✦ Scholarship should be provided to girl children so that they are encouraged to complete education and say no to marriage in early years.
- ✦ Personal commitment should be made by children not to get married in childhood and have self-control.
- ✦ Families who promote child marriage should not be entitled with any types of recommendations from local government body.
- ✦ The Government should provide sex education and reproductive health education for reality orientation.
- ✦ The Government should strictly implement the provision of the law. Showing the fear of law and social exclusion of such families promoting child marriage will help to decrease the incidences of child marriage.