

**COMMITTEE ON THE RIGHTS OF THE CHILD**  
**Forty-ninth session**

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

**Concluding observations: BHUTAN**

1. The Committee considered the second periodic report of Bhutan (CRC/C/BTN/2) at its 1353rd and 1354th meeting (see CRC/C/SR.1353 and 1354) held on 22 September 2008, and adopted at the 1369th meeting, held on 3 October 2008, the following concluding observations:

**A. Introduction**

2. The Committee welcomes the submission of the State party's second report, the written replies to its list of issues (CRC/C/BTN/Q/2/Add.1) and the constructive dialogue with a high-level, cross-sectoral delegation. The Committee however regrets the delay in the submission of the second report.

**B. Positive aspects**

3. The Committee notes with appreciation the adoption of several legislative and programmatic measures taken with a view to implementing the Convention, including:
- a. The adoption of the Constitution on 18 July 2008 and the inclusion of child rights specific provisions therein;
  - b. The inclusion of child related provisions in the Penal Code, 2004 and the Civil and Criminal Procedure Code, 2001;
  - c. The adoption of the Labour and Employment Act of 2007, which establishes 18 years as the minimum age for employment and prohibits the worst forms of child labour;

- d. That the minimum age for voluntary enlistment in the armed forces has been raised to 18 years;
  - e. The establishment of a Woman and Child Protection Unit within the police in 2007.
4. The Committee welcomes the State party's accession to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction 1997 on 18 Aug 2005.

## **C. Main areas of concern and recommendations**

### **1. General measures of implementation (art 4, 42, 44(6))**

#### **Legislation**

5. The Committee welcomes that the Constitution of 2008, the Penal Code of 2004 and the Civil and Criminal Procedure Code of 2001 contain explicit provisions for children. The Committee furthermore welcomes the inclusion of fundamental rights in the Constitution, however expresses concern that article 7.22 may be used to unduly restrict these by the adoption of new legislation. The Committee notes that a draft Child Care and Protection Act is expected to be adopted by the end of 2008.

**6. The Committee reiterates its previous recommendation (CRC/C/15/Add.157, paragraph 13) to adopt a comprehensive children's code which incorporates the principles and provisions of the Convention. The Committee recommends the State party to ensure that the draft Child Care and Protection Act is harmonised with the Convention and furthermore encourages its speedy adoption.**

#### **Coordination**

7. The Committee welcomes the establishment of the National Commission for Women and Children (NCWC) in 2004 as the national mechanism in charge of the coordination of actions taken to protect children's rights. The Committee acknowledges the NCWC's initiatives to improve the monitoring of the implementation of the CRC, however notes that an assessment of the work of the NCWC has yet to be undertaken.

**8. The Committee recommends the State party to further support the work of the National Commission for Women and Children ensure that it is provided with adequate human and financial resources, including for carrying out coordination at the local level.**

#### **National Plan of Action**

9. The Committee notes that provisions of the Convention are being integrated into the National Plan of Action for Gender, however regrets the absence of a National

Plan of Action for children in order to establish a comprehensive rights' based approach to the implementation of children's rights.

10. **The Committee recommends that the State party develop a National Plan of Action for children in consultation with civil society and all sectors involved in the promotion and protection of children's rights, with the aim of implementing the principles and all the provisions of the Convention, and taking into account, *inter alia*, the Plan of Action "A World Fit for Children" adopted by the General Assembly special session in May 2002 and its mid-term review of 2007. The Committee also recommends that adequate human and financial resources be allocated both at national and local level for the implementation the National Plan of Action for Children.**

### **Independent monitoring**

11. The Committee welcomes the efforts of the State party to improve monitoring of the implementation of the Convention and provide a complaints mechanism for children through the NCWC; however the Committee reiterates its concern as stated in the previous concluding observations that there is no independent national human rights institution to monitor and promote the Convention.

12. **The Committee recommends that the State party establish an independent national human rights institution in full compliance with the Paris Principles. Such an institution should be accessible to children and be provided with adequate human and financial resources to receive, monitor and investigate complaints from or on behalf of children on violations of their rights as well as recommend remedies. In this regard, the Committee draws the attention of the State party to its General Comment No. 2 (2002) on national human rights institutions.**

### **Allocation of resources**

13. The Committee notes with satisfaction that a considerable part of the State party's public expenditure is allocated to health and education and that education figures among the sectors prioritised for foreign assistance. The Committee however regrets that the impact of budgetary allocations on the implementation of child rights has not been systematically assessed.

14. **The Committee urges the State party to continue to allocate a high percentage of its public expenditure for education and health and conduct assessments of the allocations specifically for children and the implementation of the Convention.**

### **Cooperation with the civil society**

15. The Committee notes that the State party recognises the important role played by NGOs in carrying out, monitoring, evaluating child rights related programmes and welcomes the inclusion of civil society representatives in the NCWC. The Committee

however expresses concerns that the Civil Society Act of 2007 may result in restrictions on civil society organizations.

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

- a) Promote, without undue restrictions, the establishment of civil society organizations and involve rights-based non-governmental organizations working with and for children more systematically throughout all stages of the implementation of the Convention;**
- b) Seek UNDP and UNICEF assistance for capacity building of the civil society (NGOs) on children rights.**

**Data collection**

17. The Committee is pleased to note that the National Statistical Bureau is currently developing a database to disaggregate statistics. It also acknowledges the completion of the National Population and Housing Census in 2005 carried out with the assistance of UNFPA. However the Committee is concerned that there still are not sufficient and reliable data in relation to children and the implementation of their rights.

**18. The Committee recommends that the State party ensure the development of a database in order to assess the implementation of the Convention on the Rights of the Child. It also recommends that the State party establishes a national central database on children, in order to attain disaggregated data, including on health and education with emphasis on vulnerable groups, such as refugee children, children without parental care, children of Nepalese ethnic origin (Lhotshampas), child victims of violence, sexual exploitation and child labour. In this regard, the Committee encourages the State party to seek technical assistance from UNICEF.**

**Dissemination of the Convention and training activities**

19. The Committee notes with satisfaction that the State party has translated the Committee's previous recommendations into Bhutanese and disseminated them among government officials and the media. The Committee however notes that the Convention has not been translated into local languages and integrated into the school curriculum.

**20. The Committee recommends that the State party strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by children, parents, community and religious leaders. The Committee recommends that the Convention and the concluding observations be translated into relevant local languages. Furthermore, the Committee recommends that human rights education be included in the official curriculum at all levels of education and that the State party conduct public awareness campaigns giving particular attention to people with low literacy skills.**

21. The Committee notes that that a series of trainings have been undertaken for professional groups, parents and children and that the government has cooperated with UNICEF in the development of promotional material on the Convention.

22. **The Committee recommends the reinforcement of systematic training of all professional categories working for and with children, including teachers, police, lawyers, judges, health personnel, social workers, the media and personnel of monasteries and childcare institutions, including those in rural and remote areas. The Committee suggests that the State party seek technical assistance from UNICEF for the above recommendations.**

## **2. Definition of the child**

23. The Committee notes that domestic legislation still lacks a clear definition of the child.

24. **The Committee reiterates its recommendation (CRC/C/15/Add.157, paragraph 27) that the State party continue to review its legislation with a view to ensuring that the definition of the child and minimum age requirements conform to the principles and provisions of the Convention, are gender neutral, explicit and enforced by law. In particular, the Committee recommends that the State party adopt a clear provision on the definition of the child in its Child Care and Protection Act which is due to be adopted.**

## **3. General principles**

### **Non-discrimination**

25. The Committee notes that the State party is undertaking efforts to improve the situation of vulnerable children, particularly those living in rural-remote areas, and children with disabilities. However, it remains concerned over gender discrimination, the lack of services for children with disabilities, the gap of resources between rural and urban areas and the disparities in the enjoyment of rights experienced by children of Nepalese ethnic origin, particularly in relation to their right to a nationality, to education and to health services.

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

- a) **Takes effective measures, including enacting or rescinding legislation where necessary, to prevent and eliminate discrimination, in accordance with article 2 of the Convention, in all fields of civil, economic, social and cultural life;**
- b) **Establish accessible and effective mechanisms and procedures to monitor, receive and address complaints of discrimination (e.g. prompt appeal in circumstances of denial of school enrolment);**

- c) **Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes towards different ethnic groups.**

#### **Best interests of the child**

27. The Committee notes with appreciation that national legislation incorporates the principle of the best interests of the child. However, the Committee is concerned that this general principle is not fully applied in practice.
28. **The Committee recommends that the State party take further measures to ensure that the principle of the best interests of the child be duly integrated in the implementation of the legislation, policies and programmes of the State party as well as in administrative and judicial decisions.**

#### **Respect for the views of the child**

29. The Committee notes with appreciation the measures undertaken by the State party to improve the respect for the view of the child, such as the setting out of child-friendly procedures and giving children the opportunity to be heard in criminal and civil procedures. The Committee also welcomes the involvement of children in studies through child-friendly interviews and the organization of trainings for persons involved with the care of children. However, the Committee is concerned that certain practices and customary attitudes may still limit the full implementation of the right to be heard contrary to article 12 of the Convention.
30. **The Committee recommends that the State party:**
  - a) **Promote and facilitate, within the family and in schools as well as in judicial and administrative proceedings, respect for the views of children and their participation in all matters affecting them, in accordance with their ability to form their own views and in accordance with their age and maturity;**
  - b) **Develop a systematic approach to increase public awareness of the participatory rights of children and encourage respect for the views of children within the family, school, care institutions, monasteries, community and the administrative and judicial system;**
  - c) **Take into account the recommendations adopted by the Committee on its Day of General Discussion on the right of the child to be heard, held on 15 September 2006.**

#### **4. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37(a) of the Convention)**

## **Birth registration**

31. The Committee notes that by law, all children born in the home must be registered at the local Gup's (county headman) office within one month of the birth. The Committee is however concerned that there is no central authority for registration of births and that the lack of birth registration certificates may prevent the child's access to education.
32. **The Committee recommends that the State party strengthen and further develop institutional structures that are accessible and free in order to implement effective birth registration, e.g. by introducing mobile units, especially in rural and remote areas to ensure that all children born within the national territory are registered. The Committee furthermore recommends the State party to ensure that the lack of registration not impose an impediment for school attendance. The Committee recommends the State party to seek technical assistance from UNICEF for the implementation of these recommendations.**

## **Nationality and identity**

33. The Committee is concerned over the restrictive conditions to acquire Bhutanese citizenship and notes that the Constitution requires both parents to be of Bhutanese nationality in order for the child to acquire their nationality. The Committee is concerned over children who, as a consequence of the restrictive citizenship requirements, risk being or are stateless.
34. **The Committee urges that State party to:**
  - a) **In accordance of article 7 of the Convention, take the necessary measures to ensure that no child is or risks being stateless;**
  - b) **Consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

## **Torture and other cruel, inhuman or degrading treatment**

35. The Committee notes that Bhutan has included in its Penal Code (Chapter 14) severe penalties for crimes against children, but it remains concerned by the lack of the definition and prohibition of acts of torture and other cruel, inhuman or degrading treatment or punishment against children in its Penal Code.
36. **The Committee recommend that the State party introduce the definition of the crime of torture and other cruel, inhuman or degrading treatment or punishment in its Penal Code.**

## **Corporal Punishment**

37. The Committee, while noting that the State party is undertaking measures to promote alternative forms of disciplining, is concerned that corporal punishment has yet to be prohibited at home, in schools and in alternative care settings, including monasteries. The Committee is concerned that corporal punishment is still practiced.
38. **The Committee recommends that the State party:**
- (a) Adopt legislation as soon as possible, explicitly prohibiting all forms of corporal punishment of children in all settings, including the home;**
  - (b) Take all measures to ensure the enforcement of the law, conduct capacity building of professionals working with children, carry out awareness raising and public education campaigns against corporal punishment and promote non-violent, participatory methods of child-rearing and education, while taking into account the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.**

## **Follow-up to the UN Study on Violence against Children**

39. With reference to the United Nations Secretary-General's study on violence against children, the Committee recommends that the State party:
- a. Take all necessary measures to implement the recommendations of the United Nations Study on violence against children (A/61/299) taking into account the outcome and recommendations of the Regional Consultation for South Asia, held in Pakistan from 19-21 May 2005. In particular, the Committee recommends that the State party pay particular attention to the following recommendations;**
    - i. Prohibit all forms of violence against children;**
    - ii. Strengthen national and local commitment and action;**
    - iii. Promote non-violent values and awareness-raising;**
    - iv. Enhance the capacity of all who work with and for children;**
    - v. Ensure accountability and end impunity; and**
  - b. Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse; and**



- c. **Seek technical cooperation in this respect from OHCHR, UNICEF and WHO, and other relevant agencies, inter alia, ILO, UNESCO, UNHCR, UNODC, as well as NGO partners.**

**5. Family environment and alternative care  
(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)**

**Parental guidance**

40. The Committee notes a lack of services in the State party to support families to raise their children.
41. **The Committee recommends that the State party continue to develop family education and awareness through, for example, providing support, including training for parents on early childhood care, parental guidance and joint parental responsibilities, in light of article 18 of the Convention.**

**Separation from parents and family reunification**

42. The Committee reiterates its concern that as a result of events following the census in the late 1980s, there may be children in southern Bhutan who are separated from their parents, or whose parents are residing abroad as refugees.
43. **The Committee recommends that the State party seek a prompt solution regarding family reunification in accordance with article 10 of the Convention and with due consideration of the best interests of the child.**

**Children without parental care**

44. The Committee notes information indicating the absence of alternative care other than monasteries in the State party. The Committee notes that most separated children remain in the extended family without sufficient support from the State party.
45. **The Committee recommends the State party, while taking into account the recommendations issued by the Committee following its day of general discussion on children without parental care, held on 16 September 2005, strengthen its efforts to provide protection for children in case of separation from their family by improving legislation, policies, guidelines and institutional structures in this regard. The Committee encourages the State party to ensure that an appropriate assessment, monitoring and follow-up mechanism is put in place, including for children in monasteries. The Committee recommends the State party to continue trainings on child rights in monasteries. In this regard, the Committee recommends the State party to seek technical assistance from relevant international organisations and agencies.**

**Adoption**

46. The Committee notes that, while there are no regulations or guidelines in relation to adoption, a draft Adoption Act is pending.
47. **The Committee recommends that the State party evaluate its adoption practices and enact legislation in accordance with the best interests of the child and article 21 of the Convention. The Committee also recommends the State party to consolidate its data collection system and provide more information on domestic and inter-country adoptions. Furthermore, the Committee recommends that the State party ratify the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption in order to avoid the sale of children through irregular adoptions.**

#### **Violence, abuse, neglect and maltreatment**

48. The Committee, while welcoming the measures undertaken to combat domestic violence, including the establishment of the Women and Child Protection Unit within the police, notes that cases of abuse and violence remain underreported and that physical and psychological recovery measures for victims are lacking.
49. **The Committee urges the State party to;**
  - (a) **Reinforce mechanisms for monitoring the number of cases and the extent of violence, sexual abuse, neglect, maltreatment or exploitation considered by article 19, including within the family, in schools and in institutional or other care;**
  - (b) **Ensure that professionals working with children (including teachers, social workers, medical professionals, members of the police and the judiciary) receive training on their obligation to report and take appropriate action in suspected cases of domestic violence affecting children;**
  - (c) **Strengthen support for victims of violence, abuse, neglect and maltreatment in order to ensure their access to adequate services for recovery, counselling and other forms of reintegration;**
  - (d) **Establish a 24-hour three digit toll free child helpline service, in order to be able to reach out to children throughout the country.**

### **6. Basic Health and Welfare**

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

#### **Children with disabilities**

50. The Committee notes measures the State party has undertaken in order to enhance access to specialised services and education for children with disabilities. However, the Committee regrets that there still are no accurate

figures on the number of children with disabilities in Bhutan and that the resources dedicated to guaranteeing the implementation of the rights of children with disabilities are inadequate.

51. **The Committee recommends that the State party, while taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 on the rights of children with disabilities, take all necessary measures to:**
- (a) Adopt an inclusive education strategy and elaborate a plan of action in order to increase the school attendance of children with special needs and focus on day care services for these children in order to prevent their institutionalisation;**
  - (b) Ensure that all children with special needs receive the appropriate care;**
  - (c) Support activities of NGOs (including organisations of parents) and cooperate with them in the process of developing community based day care services for children with special needs;**
  - (d) Consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol;**
  - (e) Undertakes a survey on the causes and extent of disabilities of children;**
  - (f) Seek technical assistance from relevant international organisations and agencies.**

#### **Health and health services**

52. The Committee welcomes the reduction of infant mortality and the measures the State party has undertaken to expand and improve access to the public health care system. It also welcomes that article 9.21 of the Constitution provides for free access to basic public health services. However, the Committee is concerned over the number of children who continue to be malnourished and over the lack of trained health workers and medical practitioners.

53. **The Committee recommends that the State party:**
- (a) Continue to make efforts to give free access to health services and ensure equitable access for the entire population;**
  - (b) Develop a strategy to combat malnourishment and food insecurity;**
  - (c) Build national capacities to train health workers and medical practitioners.**

## **Adolescent Health**

54. The Committee notes the introduction of the Adolescent Reproductive Health Education and Life Skills Programme in 2002. However, the Committee remains concerned that further measures are required in order to address adolescent sexual and reproductive health issues.
55. **The Committee recommends that the State party:**
- (a) **Take all necessary measures, including by providing information and education, with respect to adolescent reproductive health and by making a comprehensive range of contraceptives widely available and by increasing knowledge about family planning;**
  - (b) **Undertake a comprehensive and multidisciplinary study to assess the scope of adolescent health problems including mental health issues;**
  - (c) **Take into account the Committee's general comment no. 4 on adolescent health (CRC/GC/2003/4) of 2003.**

## **Standard of living**

56. The Committee welcomes the improved access to safe drinking water and basic sanitation and notes that the objective of the Ninth Five Year National Development Plan was to improve the poor living conditions of large segments of the population, in particular in rural areas and to provide the entire population with access to safe drinking water, sanitation and health services. The Committee however is concerned over the lack of data on the percentage of the population which has access to these basic provisions.
57. **The Committee recommends that, in accordance with articles 4 and 27 of the Convention, the State party improve its coordination and reinforce its efforts to allocate adequate human and financial resources to provide support and material assistance, with a particular focus on the most marginalized and disadvantaged families, and to guarantee the right of children to an adequate standard of living. In this regard, the State party is furthermore encouraged to seek international cooperation and assistance.**

## **HIV/AIDS**

58. The Committee welcomes the State party's policy on providing free anti-retroviral therapy. Furthermore, it notes the relatively low HIV/AIDS prevalence rate and that State party is formulating a comprehensive prevention policy. However, the Committee is concerned that the reported cases of HIV are increasing; including through mother-to-child transmission and that infected children may face stigmatization. The Committee is also concerned over the low use of condoms.
59. **The Committee recommends that the State party, while taking into account the Committee's general comment no. 3 (2003) on HIV/AIDS and the**

**rights of the child and the international guidelines on HIV/AIDS and human rights by OHCHR and the Joint United Nations Programme on HIV/AIDS (2006):**

- (a) Strengthen its preventive efforts by conducting campaigns and programmes in order to raise awareness on HIV/AIDS including on prevention methods and the use of contraceptives;**
- (b) Strengthen measures to prevent mother to child transmission;**
- (c) Provide psycho-social support to HIV/AIDS infected and affected children and their families as well as advocacy on early interventions;**
- (d) Take effective measures to counter stigma and discrimination faced by children and families infected and affected by HIV/AIDS.**

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

**Education, including vocational training and guidance**

60. The Committee welcomes that the Constitution guarantees free education to all children of school going age up to the class ten. The Committee also notes achievements in education indicators, such as the decrease of the gender gap, and the planned construction of primary and community schools. However, the Committee is concerned that informal fees are still charged in schools, that additional costs have not been waived for all parents and that education has not been made compulsory. The Committee is furthermore concerned that a remarkable number of children are not enrolled, that regional disparities persist, that repetition and dropout rates are still high and that gender parity has yet to be still achieved. The Committee is also concerned that early childhood care and education as well as vocational training are not yet expanded to the extent needed.

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

- (a) Ensure that primary education is compulsory and free of all costs and accessible in an equitable manner for all children;**
- (b) Strengthen efforts to achieve enrolment of all children in school and completion of primary education with a view to expand secondary education by, inter alia, building new schools and providing better equipment of all schools;**
- (c) Improve the quality of education by adapting curricula to new developments and introducing interactive teaching and learning methods;**
- (d) Provide more early education facilities and vocational training centres accessible in all regions of the country;**

- (e) **Give children who have left school before graduation or never attended school non-formal opportunities to begin or complete their education;**
- (f) **Seek technical assistance from UNICEF and UNESCO in this regard.**

### **Education of children of Nepalese ethnic origin**

- 62. The Committee, while noting as positive the planned re-opening of schools in south Bhutan and the abolishment of the “no objection certificate” announced by the State party during the dialogue, is still concerned over prevailing discrimination in the field of education against children of Nepalese ethnic origin. The Committee notes with concern that these children have reduced access to education due to the lack of educational institutions at all levels and that they are denied education in their own language. The Committee is concerned over the lack of data on children of Nepalese ethnic origin attending school.
- 63. **The Committee recommends that the State party, in light of its obligations under articles 28, 2 and 30 of the Convention to provide education for all children within its jurisdiction, including for children of Nepalese ethnic origin, non-Bhutanese and stateless children.**

### **8. Special protection measures (arts. 22, 38, 39, 40, 37(b)-(d), 32-36 and 30 of the Convention)**

#### **Refugee children**

- 64. The Committee notes information by the State party report indicating efforts to negotiate an agreement for Bhutanese refugees living in camps in Eastern Nepal, particularly the institution of the Joint Verification Team to identify refugees for resettlement. However, the Committee notes with concern that no durable solution has yet been found. The Committee is concerned over the number of refugee children who have been separated from their family in Bhutan and over the lack of measures to achieve family reunification.
- 65. **The Committee recommends that the State party:**
  - (a) **Enhance efforts in negotiations in order to find peaceful and prompt solution for either return or resettlement of people living in refugee camps, with particular attention to children and reunification with their families;**
  - (b) **Ensure the transparence of the procedure for the determination of the nationality of refugees, and based on the right to a nationality and the right to leave and return to one’s country, with due consideration of the best interests of the child;**

- (c) **Consider acceding to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol;**
- (d) **Seek technical assistance from UNHCR and the ICRC.**

### **Economic exploitation**

66. The Committee welcomes that the State party has established the minimum age for admission to employment at 18 in the Labour and Employment Code of 2007, however notes that underage children are still required to work under certain circumstances. The Committee is concerned over the high incidence of child labour, insufficient awareness among the public of the negative effects of child labour and the lack of available data on the number of children affected, as recognised in the State party report.
67. **The Committee recommends that the State party:**
- (a) **Undertake a national study to ascertain the root causes and extent of child labour;**
  - (b) **Design and conduct campaigns to raise awareness of the negative effects of exploitative child labour;**
  - (c) **Consider membership in the ILO and subsequently ratify the ILO Convention No. 138 concerning the Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;**
  - (d) **Seek technical assistance from the ILO and UNICEF.**

### **Sexual exploitation**

68. The Committee notes with appreciation that the State party has strengthened national legislation and that a National Plan of Action is being drafted to combat commercial sexual exploitation of children. However, the Committee notes with concern that the extent and prevalence of sexual exploitation of children remains undocumented. The Committee notes that there is no formal age of sexual consent.
69. **The Committee recommends that the State party:**
- (a) **Undertake a comprehensive study to document the number of children victims of sexual exploitation and abuse and to identify the root causes;**
  - (b) **Adopt and ensure implementation of the national plan of action against commercial sexual exploitation of children, in accordance with the Declaration and Agenda for Action and the Global Commitment**

**adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;**

- (c) Continue to undertake awareness raising campaigns on sexual abuse and commercial sexual exploitation perpetrated against children, on their causes, extent and negative impact on the development of the child;**
- (d) Train professionals working with the administration of justice, in order to receive and investigate complaints in a child-sensitive manner that respects the privacy of the victim;**
- (e) Establish institutions and train professionals responsible for the rehabilitation and reintegration of child victims;**
- (f) Ensure adequate resources in order to investigate cases of sexual abuse and exploitation and prosecute and impose adequate sentences for such crimes;**
- (g) Consider including a formal age of sexual consent in the legislation.**

#### **The administration of juvenile justice**

70. The Committee notes that child related provisions have been included in the Penal Code, 2004 and the Civil and Criminal Procedure Code, 2001. Furthermore, the Committee notes that the draft Juvenile Justice Act has been amended as a draft Child Care and Protection Act. The Committee is concerned that the minimum age for criminal responsibility is 10 years.
71. **The Committee recommends that the State party:**
- (a) Expedite the adoption of the Child Care and Protection Act;**
  - (b) Ensure that a system of juvenile justice of the Convention is fully integrated into legislation and practice, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System and the recommendations of the Committee's general comment No. 10 (2007) on children's rights in juvenile justice;**
  - (c) Raise the minimum age of criminal responsibility in accordance with the general comment no. 10, notably paragraphs 32 and 33;**
  - (d) Ensure that deprivation of liberty is used only as a measure of last resort, for the shortest period of time, is expressly authorised by a court and that juveniles are separated from adult during such deprivation;**



- (e) **Provide children, both victims and accused, with adequate legal assistance throughout the legal proceedings;**
- (f) **Ensure that children have the free assistance of an interpreter if the child cannot understand or speak the language used;**
- (g) **Conduct training programmes on relevant international standards for all professionals involved with the system of juvenile justice such as judges, police officers, defense lawyers and prosecutors;**
- (h) **Be guided in this respect by the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (ECOSOC Resolution No. 2005/20);**
- (i) **Seek technical assistance and other cooperation from the UN Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.**

#### **Children belonging to a minority group**

- 72. The Committee expresses concern over the ability of children belonging to minority groups, in particular of Nepalese ethnic origin, to enjoy their own culture, to profess and practice their own religion, or to use their own language.
- 73. **The Committee recommends that State party recognise the rights of children belonging to minority groups to enjoy their own culture, practice their religion and to use their language.**

#### **9. Ratification of international human rights instruments**

- 74. The Committee notes with concern that the State party has neither ratified nor acceded to several core international human rights instruments which, in the view of the Committee, would strengthen the efforts of the State party to meet its obligations in guaranteeing the full realisation of rights of all children under its jurisdiction.
- 75. **The Committee recommends the ratification or accession of the State party to all core international human rights instruments.**
- 76. **The Committee furthermore encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

#### **10. Follow up and Dissemination**

- 77. **The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present**

recommendations, *inter alia*, by transmitting them to the upper and lower house of Parliament and relevant administrative bodies, for consideration and further action.

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

### **11. Next Report**

79. The Committee invites the State party to submit its combined third, fourth and fifth periodic report on 1 September 2012. This report should not exceed 120 pages (see CRC/C/118).
80. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).

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