

Submission to the UN Committee on the Rights of the Child
For its consideration of the sixth and seventh periodic review of Nepal

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Background

From 1996 to 2006, people in Nepal from various social groups were subjected to conflict-related sexual violence in a civil war between the armed forces and rebel groups (Maoist). Most victims of conflict-related sexual violence, including rape, gang rape, sexual torture, and sexual slavery, came from low-income and marginalised populations. Many were children when they suffered the violence, and children were born from those rape. The exact numbers of these children are unknown.

The effects of the conflict are felt still today, with survivors facing dire situations as a direct result of conflict-related sexual violence, including lost opportunities linked to missed education (because many child survivors dropped out of school), exclusion from socio-economic opportunities leading to persistent poverty, untreated physical and mental health issues, and severe stigmatisation and discrimination.

This report focuses on two areas that have ongoing impacts on children in Nepal: 1) the absence of remedies and reparations for persons affected as children, and 2) obstacles to obtaining identity documents for children born of conflict-related sexual violence.

Throughout this report, ‘children affected by conflict-related sexual violence’ broadly encompasses four categories: child survivors of conflict-related sexual violence; children born of conflict-related sexual violence; children who witnessed sexual violence; and children whose parents/caregivers are survivors of sexual violence. In the case of Nepal, many of them are now adults. However, their specific needs – due to the fact that they were affected as children – require a tailored approach.

Cluster 1. General measures of implementation

Subject: Access to justice and remedies

Situations

After 18 years since the peace agreement, survivors and victims of conflict-related sexual violence, including children, remain largely unrecognized, and little has been done to repair and rebuild their lives through justice and remedies. In the absence of any formal reparation to them, the Global Survivors Fund (GSF) and Nagarik Aawaz have been implementing an interim reparative measures project in Nepal since 2023. The initiative is co-created with survivors, who serve as members of the project steering committee with decision-making powers. The project, which takes place in 5 districts, has identified 437 survivors so far, many of which were children when they suffered the violence, as well as seven children born of conflict-related sexual violence. (More information on the project: <https://www.globalsurvivorsfund.org/our-work/nepal>)

The passage of the Truth and Reconciliation Commission (TRC) Act in August 2024 marked a critical turning point for survivors of conflict-related sexual violence in Nepal, re-opening a long-awaited window for them to register their cases for reparation. It is crucial that the process is administered in a way that is inclusive and accessible by all survivors entitled to reparations, is survivor-centered, and takes into account intergenerational consequences of conflict-related sexual violence. Under the current Act, survivors of conflict-related sexual violence who were children when they suffered the violence, and children born of rape are considered eligible. While this advancement is welcomed, all other children affected by conflict-related sexual violence, including children of survivors and child witnesses, should qualify as well, as they were also negatively affected by the crimes.

Recommendations

- The Government of Nepal, TRC, and responsible agencies must ensure that all children affected by conflict-related sexual violence are included in the process under the Act. Given the culture of silence and shame around sexual violence, the Government should create a conducive environment for survivors, including children, to be able to come forward.
- The Government, TRC and responsible agencies should ensure that survivors and children affected by conflict-related sexual violence are fully engaged and supported to co-create reparation policies and programmes, while their privacy and the confidentiality of information are strictly protected. The full and effective participation of survivors, including children, in designing these policies and programmes ensures that reparations and other forms of support have the greatest and most meaningful impacts on their lives.
- The Government should prioritise addressing the most urgent needs of survivors and victims, including children affected by conflict-related sexual violence, but also provide long-term support, including financial assistance, free healthcare services, educational support including scholarships, and access to socio-economic opportunities such as training and income generation activities.

Cluster 3. Civil and political rights

Subject: Name and nationality / Birth registration

Situations

The legislative framework in Nepal allows birth registration under the mothers' name. However, in practice, single mothers often face pressure to provide the name and identity of the father at the registration, or they are required to provide reasons for his absence. This practice creates a barrier

for children born of conflict-related sexual violence in obtaining legal identity documents, such as birth certificates. As a result, they remain a largely unidentified population until today.

The challenge of obtaining legal identity documents is a persistent problem for the children, impacting their lives not only during childhood but extending into adulthood. Many of these children face difficulties accessing basic services such as education and healthcare, as well as opportunities for scholarships and employment, which compounds the already dire situation many survivors and their children live in, and contributes to intergenerational discrimination and poverty.

Recommendations

- The Government should develop special measures to allow children born of sexual violence to obtain identity documents such as birth certificates without burdens. In no circumstances, by act or omission, should the Government implement policies that may render children born of conflict-related sexual violence stateless.
- The Government should ensure women's equal rights with men in relation to the transmission of their nationality to their children and their registration.
- The government officials in charge of registration of citizens should be trained properly to register children of single mothers without questions/pressure to provide the name of a father, and be equipped with knowledge on the rights of the child including those affected by conflict-related sexual violence.