

Office of the Special Representative for Children and Armed Conflict

Input to the Universal Periodic Review of the Human Rights Council Report on Nepal

23 July 2010

(The source of the information below is the Secretary-General's report on Children and Armed Conflict, A/64/742-S/2010/181 pertaining to the reporting period from January to December 2009, unless indicated otherwise).

1. The Unified Communist Party of Nepal-Maoist (UCPN-M) was listed in the annexes of the recent Secretary-General's annual report on children and armed conflict for recruitment and use of children.

Dialogue and action plans to halt the recruitment and use of children, as called for in Security Council resolutions 1539(2004), 1612 (2005) and 1882 (2009)

Action plans to end the recruitment and use of child soldiers, and association of children, as well as to secure their release was signed between the United Nations, the Government of Nepal and the UCPN-M on 16 December 2009. The signing of the action plan was witnessed by the UN Special Representative for Children and Armed Conflict, and resulted in the discharge and release of 1,843 personnel verified as minors in the United Nations-led verification process in 2007. The discharged minors will have access to a range of rehabilitation options provided by the Government, with assistance from the United Nations. A total of 1,130 children, the remainder of the caseload, did not present themselves, as many had fled on earlier occasions or were fearful to return to the cantonments. Those children will obtain discharge notifications and will be traced in their home communities for assistance and protection.

2. There were no cases of recruitment or use, killing and maiming of children or sexual violence against children by the UCPN-M during the reporting period. However, reports indicate that many children are involved in the youth wings of major political parties, such as the UCPN-M-affiliated Young Communist League (YCL), the United Marxist Leninist-affiliated Youth Force and the Nepali Congress-affiliated Tarun Dal. Friction between cadres from those youth wings has continued, with violent clashes taking place in the eastern and mid-western regions, resulting in injuries on all sides. The UN country task force reported that a significant number of children participated in 42 protests and demonstrations in 2009, of which 14 were organized by UCPN-M and its sister organizations, including YCL and the All Nepal National Independent Students Union-Revolutionary (ANNISU-R). While all political parties are accountable for the activities of their respective youth wings and should ensure that the activities are carried out within the limits of the law, a particular responsibility rests with UCPN-M to fulfil its commitments to end the violent activities of YCL. Furthermore, the protests resulted in the frequent closure of schools: 120 separate instances of school closures were reported, of which 36 were related to the series of protests, rallies and demonstrations organized by UCPN-M and its sister organizations.

3. In 2009 64 casualties, including 7 deaths and 28 severe injuries from victim activated explosions caused by mines, improvised explosive devices and such other explosive devices as hand grenades and socket bombs, were documented. A majority of incidents involved children from 5 to 14 years of age. In one case of the explosion of an improvised explosive device, a Tarai-based armed group, the Tarai Rastriya Mukti Sena, claimed responsibility. In three other cases, other Tarai-based armed groups, including the Madhesi Freedom Tigers, the Nepal Defence Army and the Great Madhesi Revolutionary Army, were identified as perpetrators.

4. Public security remains an issue of serious concern in many Tarai districts and impeded the ability of the country task force to monitor and verify information on grave violations against children. However, 10 cases of children abducted by Tarai armed groups and criminal gangs were documented. Some children were also found to be involved with Tarai armed groups as messengers and, in some cases, children were used for cross-border smuggling.

Latest developments in Nepal on children and armed conflict – January to June 2010

1. The use of large numbers of children by the UCPN-M and its sister organizations, YCL and ANNISU-R, in Tanahun, Parbat and Terathum districts, remains of great concern as it put children at risk of political violence. Cases have been documented of UCPN-M cadres asking school children to participate in political rallies. Some families have also been threatened to contribute one member to the protests. The UN Monitoring Team established under the joint leadership of OHCHR and UNICEF to monitor compliance to the provisions of the Action Plan signed by the Government of Nepal and the UCPN-M on 16 December 2009, observed that a number of discharged Maoist army personnel enrolled in rehabilitation training in different districts joined the party for demonstrations and a general strike organized by the UCPN-M in the first week of May in Kathmandu. According to verified information, a number of discharged complied with these instructions out of fear and intimidation.

2. In general, the monitoring teams found reliable and credible information confirming continual links between the Maoist army and a number of the disqualified verified minors. The UN Monitoring Team concluded that numerous verified minors remain indirectly under the military chain of command similar to that of the Maoist army, with titles such as Commanders, Vice-commanders, or Section Commanders, and portfolios similar to those in the cantonment. Maoist army commanders provide them financial assistance, approve their leaves, and task them to participate in training (in or outside the cantonment), instruct them to participate in UCPN-M led activities or political rallies. The UN Monitoring Team also found evidence that the UCPN-M and the Maoist army have discouraged or obstructed access by verified minors to rehabilitation packages in several districts. Numerous verified minors have shared with the UN Monitoring Team their disappointment with the party and plan to opt for rehabilitation packages in the near future. Many will not inform the UCPN-M of such decisions because fear of intimidation.

Attachments:

- 1. Report of the Secretary-General on children and armed conflict in Nepal (S/2010/183, 13 April 2010)**
- 2. Security Council Working Group Conclusions on Children and Armed Conflict in Nepal (S/AC.51/2008/12, 5 December 2008)**
- 3. Press release - United Nations, Government of Nepal and UCPN-M sign Action Plan for discharge of minors disqualified from the Maoist army, 16 December 2009**
- 4. Press release – Nepal: Conclusion of Discharge of Child Soldiers in Nepal is Crucial for the Peace Process, 9 February 2010**