

NEPAL

Stakeholders' Submission on the Ratification of the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OP3 CRC)/Individual Complaint (OPIC), 2020

EXECUTIVE SUMMARY

1. Ratify OP3CRC Coalition Nepal is a civil society network established with a mandate to advocate with the Government of Nepal (GoN) to ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OP3CRC)/Individual Complaint (OPIC). It was established in the year 2017 and been continuously advocating with the GoN to ratify OPIC. The secretariat organization of the Coalition, Child Nepal (CN), has advanced the movement of the ratification of OPIC since its adoption by the United Nations General Assembly in 2011.
2. The GoN received the recommendation to ratify OP3CRC in the second cycle of the Universal Periodic Reviews (UPR) in 2011 and 2015 respectively. Also, the same recommendation has been made to the Government of Nepal by the UN Committee on the Rights of the Child in its Concluding Observations in 2016. In Nepal, National Human Rights Commission (NHRC) has also recommended the ratification of OPIC in its annual reports.
3. With regards, to the preparation of this stakeholders' submission to the OHCHR, the coalition did series of meetings and follow-up meetings with the prominent political leaders and government authorities. These meetings helped to capture the general perception of the GoN towards the ratification. In addition, the Ratify OP3CRC Coalition Nepal produced and broadcasted television program viz. "*Baal Bimarsha*" (Children's Discourse) where pertinent stakeholders on children's rights were invited and interviewed to take their commitment towards the ratification of OPIC.
4. The Coalition organized a high level dialogue with the Member of UN Committee on the Rights of the Child Mrs. Mikiko Otani and the governmental representatives of Nepal. She was invited in Kathmandu, Nepal for this dialogue where she gave her deliberation on the significance of the ratification of OPIC. It was followed by high level meetings with relevant two Ministries in Nepal where she discussed about OPIC with the concerned Ministers.
5. Civil Society Organizations (CSOs) come together to discuss on the relevance of the ratification of OPIC to ensure children's rights to justice. CSOs in Nepal have a common voice regarding its ratification which is profoundly raised in the regular meetings and dialogues of the Coalition.
6. Although several efforts are made by the CSOs in Nepal for the ratification of OPIC in Nepal, the Government of Nepal has still kept this agenda under study and observation. The Government is yet to take significant action in political level, parliamentarian level and bureaucratic level. However, in course of discussions and formal delegations, the Government of Nepal hasn't presented its unwillingness towards the ratification of OPIC. Thus, the third cycle of UPR is a platform where it is very significant to raise the issue and further encourage the Government of Nepal to ratify of OPIC to ensure its accountability towards Nepali children.

METHODOLOGY

7. In course of finalizing this stakeholders' submission to OHCHR, following methodology were adopted:
8. **Civil Society Meetings/Dialogues on OPIC:** In the year 2017, Ratify OP3CRC Coalition was established. It comprises 31 member organizations and 11 solidarity members throughout the country. Before its establishment, Child Nepal, the secretariat organization of this Coalition, was leading and coordinating the movement since the beginning of the adoption of the optional protocol in 2011. Within the civil society organizations, there was a fragmented opinion regarding the ratification of OPIC during the inception of the movement in Nepal. However, CSO movement has got a unanimous voice to ratify OPIC at present after the continued meetings/dialogues with civil society organizations led by the Coalition. It is able to create a critical mass in the CSO that regularly engage to lobby and advocate with the Government of Nepal regarding the ratification of OPIC in Nepal. Thus, the agenda of civil society organization
9. **Meetings with Political Leaders and Government Authorities:** The Coalition is in a continued meeting and dialogue with the political leaders and government authorities to acquainting them about the significance of OPIC ratification in Nepal. In course of the meetings and dialogues, political commitment has been received regarding the ratification. Also, the coalition developed several information materials in print and online that gives the detail information about OPIC especially targeting to political leaders and government authorities. As the Government of Nepal has already ratified the UNCRC and its two optional protocols, it is the only optional protocol that the Government needs to ratify and it is not giving additional financial and other burden to the government. Thus, the discussions and decisions of these meetings with political leaders and government authorities have been referenced in this report.
10. **Media Advocacy:** The Coalition initiated a media advocacy program in order to enrich the advocacy process for the ratification of OPIC in Nepal. It was a television program viz. "*Baal Bimarsha*" (Adults opinion on children's issues) where pertinent stakeholders on children's rights were invited and interviewed. The interviewees involved Ministers of the relevant ministries, representatives from National Human Rights Commission (NHRC), Political Leaders, Parliamentarians and Civil Society Leaders on child and human rights. The program assisted to mainstream the agenda of OPIC among the stakeholders engaged in the decision making strata. Also, the interviewees shared their commitments towards ratification. These commitments have been referenced in course of finalizing this report.
11. **MoU with NHRC for Advocacy on OPIC:** The Coalition has done a formal MoU with the National Human Rights Commission of Nepal for carrying on joint programs for the ratification of OPIC in Nepal. A joint annual advocacy programs are designed to carry out the advocacy and preparation and submission of the UPR report is also one of the major advocacy works.
12. **High level dialogue with Member of UN Committee on the Rights of the Child and Government of Nepal:** A high level dialogue with the member of the UN Committee on the Rights of the Child Mrs. Mikiko Otani and Government of Nepal was organized in Kathmandu Nepal. A status presentation of the rights of children in Nepal was presented by

the Coalition while Mrs. Otani presented a deliberation regarding the significance of the ratification of OPIC (View Annex for the deliberation). There was the participation of government authorities, Ministries, various Commissions and CSOs where the interaction focused on the ratification of OPIC by the Government of Nepal.

STATUS

13. In the second cycle of UPR, Chile, Montenegro and Slovakia recommended the Government of Nepal to ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OP3 CRC)/Individual Complaint (OPIC). Also, the Concluding Observations of the UN Committee on the Rights of the Child (2016) stated the Government of Nepal to ratify OPIC.
14. "The Government of Nepal is under discussion regarding the ratification of OPIC and is positive towards it", said former Honorable Minister Mrs. Tham Maya Thapa during the first episode of the television program- "*Baal Bimarsha*". Similarly, "National Human Rights Commission (NHRC) is always ready for cooperation and collaboration for the ratification of OPIC regarding its massive awareness and advocacy with the Government of Nepal", said Honorable Chairperson of NHRC Mr. Anupraj Sharma in the second episode of "*Baal Bimarsha*". "If the civil society is able to convince the Government of Nepal regarding the agenda of OPIC; the Government will definitely ratify the OPIC", said Dr. Rajan Bhattarai, Advisor of the Prime Minister on Foreign Affairs. The secretary of Ministry of Women, Children and Senior Citizens Mr. Chandra Kumar Ghimire stated in the television program that "the Ministry doing its assessment on the consequences of this protocol on different layers of the government and will begin its process on the ratification of OPIC"

RECOMMENDATION

15. Ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OP3 CRC)/Individual Complaint (OPIC).