



ASIAN HUMAN RIGHTS COMMISSION



**FOR IMMEDIATE RELEASE**

February 28, 2012  
AHRC-OLT-004-2012

**An Open Letter from the Asian Human Rights Commission, Advocacy Forum, Concern for Children and Environment (Concern) Nepal, Backward Society Education (BASE) Nepal and Himalayan Human Rights Monitors (Himrights) to the Prime Minister of Nepal**

To,  
Rt. Hon. Dr. Baburam Bhattarai  
Prime Minister of Nepal  
Office of the Prime Minister and Council of Nepal  
Singh Durbar  
P.O. Box: 43312  
Kathmandu  
Nepal  
Fax: +977 1 4211 086  
Email: [info@opmcm.gov.np](mailto:info@opmcm.gov.np),  
[bhattaraibaburam@gmail.com](mailto:bhattaraibaburam@gmail.com)

**Re: Ratification of the third Optional Protocol to the United Nations Convention on the Rights of the Child on a Communications Procedure**

Your Excellency,

As Nepal has been a State Party to Convention on the Rights of the Child (CRC) since 1990, the Asian Human Rights Commission (AHRC) and a group of national NGOs working for children's rights take this opportunity to call on you to ratify the third *Optional Protocol to the Convention on the Right of the Child on a communications procedures*, adopted on 19 December 2011 by the General Assembly in its resolution 66/138. The signing ceremony is scheduled for 28 February 2012 in Geneva, Switzerland and thereafter at United Nations Headquarters in New York.

This new Optional Protocol will enable children, or their representatives, who claim that their rights have been violated, to bring a complaint to the UN Committee on the Rights of the Child, in cases where domestic remedies have been exhausted. This procedure recognizes the rights of the child as forming an integral part of the human rights framework. It will be the only complaint mechanism covering the full range of rights guaranteed under the CRC and should significantly contribute to empower victims whose rights have been violated under the CRC in seeking remedies.

Since joining the United Nations in 1955, Nepal has made being an active member of the UN a key pillar of its foreign policy. In addition, Nepal has further shown its commitment to the rights of the child by ratifying the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in 2006 and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict in 2007. The ratification of the third Optional Protocol to the CRC would further enhance the image of Nepal as a positive player in the international community. It would also send an important message to the world that Nepal is fully committed to the protection and promotion of child rights both at home and internationally.

The new Optional Protocol does not impose new substantive obligations on the government of Nepal, but assists it in fulfilling its obligations under the CRC. We believe that the speedy ratification of the Optional Protocol should be possible as a result of this. On the occasion of its Universal Periodic Review, Nepal accepted recommendations by numerous States, including Egypt, the Philippines, Azerbaijan and Cuba concerning the need to strengthen measures protecting child rights, notably through the development of a robust juvenile justice system. The communication procedure established by the Optional Protocol would assist Nepal in upholding these commitments. It complements the government reporting to the CRC and, as the Optional Protocol takes effect where the local remedies have failed or are inexistent, will encourage State Parties to develop such domestic remedies and mechanisms for the promotion and protection of child rights and in order to provide effective remedies.

Your Excellency, we call on you to show leadership on this issue. By becoming a party to the new Optional Protocol, your government would reassert its commitment to respect and protect the child rights and to fulfill the obligations it accepted when it became a party to the CRC. Furthermore, this represents an opportunity for Nepal to play an important role at the forefront of efforts to protect child rights in South Asia.

Thank you,

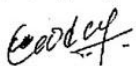
Sincerely yours,



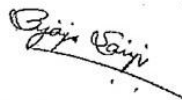
Mr. Wong Kai Shing  
Executive Director  
Asian Human Rights Commission



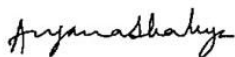
Dr. Hari Bansh Tripathi  
Director  
Advocacy Forum- Nepal



Churna Bahadur Chaudhary  
Executive Director  
Backward Society Education (BASE) Nepal



Dr. Bijaya Sainju  
Executive Chairperson/Director  
Concern for Children and Environment (Concern)  
Nepal



Anjana Shakya  
Chairperson  
Himalayan Human Rights Monitors (Himrights)

Cc: Ministry of Women, Children and Social Welfare  
Ministry of Foreign Affairs  
Ministry of Law and Justice