National School Child Protection Policy – Nepal
Concept Paper

What is a School Child Protection Policy?

The intention of the School Child Protection Policy is to safeguard and promote the rights, protection, welfare, and health of students in schools by fostering an honest, open, caring and supportive educational environment.

Child protection means promoting, protecting and fulfilling children’s rights to protection from abuse, neglect, exploitation and violence. It works to prevent, respond and resolve the abuse, neglect, exploitation and violence experienced by children in all settings. This policy promotes establishing a policy framework for the protection of children and young people’s rights in educational institutions.

The policy will ensure the highest standards of professional and personal practice to do no harm to children and young people who attend school. The policy will outline the protection of children in educational institutions as defined by the United Nations Convention on the Rights of the Child and other recognised international and national instruments.

The Government of Nepali is implementing the National Child Protection Policy (NCPP). The NCPP establishes the standards and principles required of the State and all state actors in protecting the rights and dignity of all children and young people in Nepal. The National School Child Protection Policy and School Code of Conduct will be linked to the obligations and responsibilities articulated in the NCPP. Therefore, schools will be required to implement a SCPP and Code of Conduct in accordance with the NCPP.

Why is a School Child Protection Policy necessary?

Children spend up to 180 -220 days in schools in Nepal, therefore, a significant amount of a child and young person’s physical and mental development is spent at school. The NSCPP will provide specific standards and interventions in the school environment. As soon as children and young people enter the school grounds their safety and security is the priority of the school and the Government. To ensure a safe and secure learning environment, a School Child Protection Policy would formalise the protection and support of students
attending educational institutions by adhering to the minimum standards for child protection in schools.

Recognition of the child’s right to protection is not limited to the Convention on The Rights of the Child. There are several United Nations and other international instruments that reiterate the importance of protecting children from all forms of abuse and exploitation. These conventions outline the human rights standards and principles for the protection of children and young people:

- United National Convention on the Rights of the Child (CRC)
- United Nations Optional Protocols On The Rights of The Child
- Universal Declaration on Human Rights (UDHR)
- International Covenant on Civil and Political Rights (ICCPR)
- Convention on the Elimination of all Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution
- SAARC Convention on Regional Arrangement for the Promotion of Child Welfare in South Asia
- ILO Minimum Age Convention 1973
- Convention on the Rights of Persons with Disabilities (signed not ratified)

It is important to note that the Nepali State has ratified and signed most of the international instruments mentioned above. Therefore, there is an obligation on the State to enforce these universally enshrined rights and protection standards in Nepal. The CRC requires the state to take appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse while in the care of parents, legal guardians or any other person who has care of the child.


Article 2.1 – "…respect and ensure the rights…to each child… without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status."
Article 2.2 – "...take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3.1 – "In all actions concerning children...the best interest of the child shall be a primary consideration".

Article 3.2 "...institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 6 – "...Every child has the inherent right to life...survival and development..."

Article 19 – Children must be protected from "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child".

Article 23.3.3 – Disabled children have the "...effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development".

Article 24 – All children have the right to "the highest attainable standard of health...primary health care...nutritious foods and clean drinking water".

Article 28.1 – "...the right of the child to [an] education..."

Article 28.1(e) - Implement "...measures to encourage regular attendance at schools and the reduction of drop-out rates"

Article 28.2 - Ensure children's and young people's rights are protected by taking "... appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity ..."

Article 29.1 "...the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

Article 31.1 – Respect “…the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child”.

Article 31.2 – “… promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity”.

Article 37 – ” No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment…”

The Nepali State enacted legislation that provides some protection for children and young people in Nepal. These are the:

- Nepal Children’s Act 1992
- Civil Code of Nepal
- Child Labour (Prohibition and Regulation) Act 2000
- Labour Act 2048

The Children’s Act is being amended to reflect the Supreme Court 2007 court ruling. The decision stipulates that teachers and schools will be required to pay compensation for staff found to be administering corporal punishment in school. This decision has been endorsed by the Government.

However, there is a disconnect between the decision of the Supreme Court and wording in the Civil Code, as the Code advocates minor physical punishment, like slapping and hitting. There is a need for consistent language that supports the rights of the child in education facilities. The Civil Code requires a clear
definition of child abuse, including corporal punishment, and the penalties for breaching the Code.

Taking proactive rights based measures to eradicate all forms of abuse in schools supports the development of children and young people to better equip them to be active individuals that contribute positively to Nepali society. Otherwise, the harm caused by children experiencing child abuse in schools creates additional burdens on the Nepali social welfare system and contributes to a decline in the overall welfare and health of Nepali society.

In accordance with the above rights based standards and principles, a National Policy will provide guidance for practitioners and front-line managers, senior and operational managers, who have particular responsibilities for safeguarding and promoting the welfare of children and young people, and responsible for commissioning or providing services. It will explain the responsibilities of the Department of Education, Teachers, Students, and Parents in protecting children and young people from harm\footnote{Dr Yagya Bahadur Karki and Ms Saloni Singh. ActionAid Nepal. 

**Situational Analysis**

Recent studies demonstrate the need to improve the standards of education intuitions in Nepal. It is evident to CWIN that many schools in Nepal have not implemented SCPP or a Code of Conduct. For instance, from 18 schools requested for interviews to discuss their SCPP and Code of Conduct, 8 schools declined the invitation, indicating the lack of a standard policy.

Moreover, there is a notable gender disparity in school enrolment and attendance, particularly in rural areas. There is also little opportunity for females to obtain higher education opportunities once leaving secondary school. The ActionAid quantitative survey reported that out of the 92.3 percent of females surveyed 30.3 percent felt they were discriminated against in school, with 31 percent experiencing fear\footnote{Dr Yagya Bahadur Karki and Ms Saloni Singh. ActionAid Nepal. 
*Violence against Girls in Education Institutions*. Kathmandu, Nepal, 2008, p.30.} at school. This is an unacceptable percentage comparative to the number of females attending schools throughout Nepal. Violence and abuse against girls in schools impact on their overall quality of live, particularly educational, mental and physical development.

Over one third of the girls interviewed stated the teacher rarely paid attention or engaged with them and female students were given stereotypical tasks like
carrying water containers, cleaning toilets and classroom facilities. Additionally, female students were not able to fully participate in school sporting activities or educational trips and were given little economic and social support by schools.

Even more disturbing is the number of female students experiencing emotional violence at school, enduring physical punishment, sexual violence and verbal teasing. It is significant to note that out of the 20 females surveyed, 18 said they felt like dropping out of school due to the nature and level of the violence they experienced at school. Another reason for the non-enrollment of females is the nature and supply of education. For instance, the school environment may not have female teaching staff, use stereotypical educational material (i.e. books) and ways of teaching (not encouraging female participation), and the cost of attending school. It is these types of discriminatory practices that have resulted in the lack of female school attendance and enrollment.

The ActionAid found that a significant number of girls mentioned being punished and beaten by their teachers and enduring physical violence inflicted by their male classmates. Many female students experience sexual abuse in school. A high percentage of girls were being raped, sexually abused and exploited by male teachers and male classmates. To avoid this abuse many female students drop out of school, enter the menial workforce and are exploited by traffickers. Research undertaken by Save The Children Norway in 2005 found that 14 percent of students dropped out of school due after experiencing physical and mental punishment administered by teachers.

In addition, there have been numerous newspaper reports and recent research on caste discrimination, prejudices against children with disabilities, mental illnesses, and health issues, like HIV AIDS in schools. This is attributed to intolerance for differences and lack of awareness about notions of equality and tolerance. The NSCPP advocates for the rights of marginalised and at risk children and is a mechanism through which to redress these rights violations.

---

5 Dr Yagya Bahadur Karki and Ms Saloni Singh. ActionAid Nepal. *Violence against Girls in Education Institutions*. Kathmandu, Nepal, 2008, p.38. At least 26 percent of students experienced emotional violence; this includes yelling, swearing, humiliation, threatening physical violence, and irritation at school.
The use of corporal punishment is prevalent in Nepal, particularly in the rural regions, where social recognition of child abuse is limited. In 2008, there were 330 corporal punishment cases reported to CWIN.\textsuperscript{11} According to a study conducted by Hatemlao Sanchar, 82 percent of students surveyed from different schools said they had experienced corporal punishment.\textsuperscript{12}

What is the Objective of a National School Child Protection Policy in Nepal?

A National Child Protection Policy will require all education institutions, including government schools, community schools, private and independent schools, and Academies, the Government Ministry and Department of Education and Local Authorities exercising education functions, to implement and enforce appropriate child protection policies and procedures in schools across Nepal.

A National School Child Protection Policy and School Codes of Conduct will safeguard children from all forms of abuse and will enable education institutions to manage allegations of abuse made against teachers and education staff. The policy would contain:

- minimum protection standards to be met by educational institutions and adherence to the International Convention on the Rights of the Child
- a school code of conduct for students and teachers
- a process for addressing grievances and provision of reparations
- privacy and confidentiality standards
- standards for the involvement of child clubs or forums in school activities
- anti-discrimination standards and
- special standards of care for students with disabilities
- the promotion of ongoing life skills training for students and teachers

For example, a standard NSCPP would incorporate the following principles:

Protection

i) The guaranteed right:
   a. to protection
   b. participation; and
   c. equal opportunities
   for all students attending school.

ii) The prohibition of all forms of abuse, including sexual harassment, sexual

\textsuperscript{11} State of Rights of Child in Nepal. Annual Report. January-December 2008. CWIN provided data for this report. Of the 330 reported cases, 36 incidents involved girls, 59 boys, 235 were unidentified cases, and 72 were managed through the Child Helpline.

\textsuperscript{12} Anjali, Subedi. ‘Corporal Punishment Doesn’t Work Try Counselling’ The Kathmandu Post. 23 January 2007.
assault, psychological, physical, emotional abuse and bullying, including cyber bullying, in schools.

Child friendly schools and Child Participation

i) Adults should provide children with comfort, encouragement and praise in order to develop a sense of pride and achievement.

ii) The atmosphere in which children participate should be friendly and relaxed. This enables those who are shy or fearful to find ways of expressing themselves.

iii) Ensuring a child-friendly atmosphere at school where children's participation is encouraged. This is achieved through children influencing issues affecting their lives in schools, speaking out or taking action in partnership with school management system.

Discrimination

i) Eliminating the discrimination of children based on caste, ethnicity, religion, disabilities, ethnic traditions and actions of parents.

Equal Opportunities

i) The equal treatment of children who are poor, helpless, physically disabled and mentally challenged.

ii) Children are able to express their right to religion and culture without persecution.

Schools as Zones of Peace

i) The promotion of peace education in schools

ii) Advocate for schools as zones of peace

iii) Educational facilities, including staff should not encourage children to leave school to engage in armed activities and enter the labour force.

i) Raise awareness about the importance of all children and young people receiving a quality education.

School Safety Measures

i) Adhering to minimum standards in the provision of appropriate school infrastructural (e.g. classrooms are hygienic and safe, sufficient number of clean toilets, separate toilets for males and females, clean drinking water,
buildings are structurally safe).

ii) School playgrounds are separated from public access.

iii) Provision of primary health care check-ups for all children.

iv) The availability of an on-site school counselor.

v) Parents are provided with identity cards to be presented to the relevant school authority before approval is given for a child to be removed from the school.

vi) Making schools a tobacco, drugs and alcohol free zone.

**Management System**

i) Rigorous recruitment processes for the recruitment of suitably qualified teachers.

ii) The provision of ongoing teacher training as required by the School Sector Reform provisions.

iii) Zero Tolerance approach to teachers found to be abusing children. This is a breach of the teacher’s duty of care to the students, resulting in employment termination.

iv) The implementation of a school committee consisting of teachers, students, child clubs, and selected community members to monitor and evaluate the operation of the school according to the SCPP and Code of Conduct.

v) The establishment and active involvement of PTA’s and SMC’s in the democratic governance of schools. For example, hiring staff according to qualifications and experience, rather than family/friend connections (nepotism).

Every school will review their SCoC every two years or earlier if necessary.

A national policy provides guidance and procedures to encourage safe learning environments for children and young people, and this is crucial for the well being
and development of students, the teaching staff and the community. Significantly, a dignified childhood leads to dignified citizens of tomorrow.
School Code of Conduct

What is a School Code of Conduct?

A School Code of Conduct outlines the expected conduct essential to the development of responsible and self-disciplined students and to the operation of an effective school. The School Code of Conduct provides consequences for inappropriate actions of students and teaching staff within the school environment.

The Code outlines the principles, standards of behaviour, identification of disruptive behaviours, consequences of non-compliance, and conduct specifically forbidden, for example, corporal punishment and emotional abuse. The purpose of the School Code of Conduct is to establish a safe and productive learning environment by outlining expected behaviour in schools.

A good school conduct must be based on three principles: respect for oneself, respect for the worth and dignity of others, and respect for one’s own and others’ property. Good conduct is not only a matter of observing a list of rules but also a matter of care, sensitivity, leading by example, and children and young people’s involvement in the school as a community.

Why is a School Code of Conduct necessary?

The School Code of Conduct is the primary supporting document which implements, at the teacher-student level, the School Child Protection Policy.

Very few Nepali educational institutions have established School Codes of Conduct. This results in an education system that does not value individual thinking and innovative approaches to education delivery.

The Code creates an environment for children and young people to feel happy, safe and important when attending school. The Code will enable children to develop a sense of responsibility for their actions and an awareness of the need to care for and value the rights of others.

What will a School Code of Conduct Achieve?

A School Code of Conduct sets out the parameters of the roles and responsibilities of the education facility, the teachers and students. If a breach of the Code occurs then appropriate action will be taken according to measures described in the Code, and if it is a serious breach, then refer to the SCPP.
What should a SCoC incorporate?

A School Code of Conduct would work towards outlining the minimum standards in relation to the roles and responsibilities of the education institutions, teachers and other staff, children and young students, and the parents and community.

A School Code of Conduct provides strategies, guidelines and detailed procedures for maintaining a safe school learning environment. It sets up mechanisms to prevent violence and to promote positive relationships including: programs on conflict resolution, peer support, anti-racism programs, anti-discrimination and harassment programs, student leadership and mediation training programs. The development of the strategies, guidelines and procedures will include the participation of students, and that of teachers, parents and caregivers.

A minimum standards approach would cover Basic Standards (hygiene, sanitation, space and facilities), Legal Status of children and the organization, Documentation (student files), Education, Recreation, Children and Young People Participation, Child Protection Policy, Human Resources (staff training and qualifications), Management (training and code of conduct).

The SCoC would outline the provision of proper school management and regular training of staff in current child protection methodology and practices. This would include the implementation of positive discipline approaches as the alternative to corporal punishment. The SCoC would advocate for the provision of support, guidance, facilitation, mediation and advice for staff, students and parents in delivering on the minimum standards.

To ensure the delivery of minimum standards, a monitoring system will be implemented to track and evaluate the effectiveness of the SCoC and provide recommendations for improvements to meet expectations.