

Ensuring the Right to Education of Children in Nepal

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ABSTRACT

Nepal experienced Maoist insurgency spanning 10 years from 1996 to 2006. The effects of the unrest on the right to education were felt mostly due to the enrolment of children in armed conflicts as soldiers. To counteract these threats to the right to education, the Schools as Zones of Peace (SZOP) campaigned at initiating strategic interventions towards the government and the Maoist party to protect children's right to receive education. I applied the narrative inquiry to explore the role of SZOPs in ensuring children's right to education in conflict situations. The main aim of SZOP programme is to establish peace and decrease violence so that education can be sustained. This research revealed that SZOP strategies ensured the maintenance of children's rights to education by securing their safe access to education. As a result, the government of Nepal officially supported this initiative. Both SZOP and Children as Zones of Peace (CZOP) programmes significantly helped in mitigating the adverse effects of armed conflicts on schools.

1. Introduction

During the decade-long Maoist conflict (1996-2006), community schools in rural areas of Nepal became battlegrounds. Students and teachers were caught in the conflict, with children at times kidnapped, forced to labor, or even recruited as soldiers, scouts and couriers by the government security forces and Maoist rebels. Increased insecurity led to declining enrolment, alarming drop-out rates (Parker *et al.*, 2012), and an overall decline in educational quality. Moreover, the conflict widened socio-economic and caste-

based inequalities, affecting women, children of the marginalised lower-caste community (viz. Dalit) and the remote and conflict-prone areas of the country (Parker *et al.*, 2012). The evidence of these effects is both subtle and paradoxical; for instance, while the direct effects of school children's abduction were decline in educational participation, measures of conflict intensity and casualties were curiously associated with local improvements in female educational participation rates, reflecting complex changes in family dynamics and labor markets during the conflict (Valente, 2013).

The child's fundamental right to education includes protection from civil strife and conflict. However, the Maoist movement, which commenced in 1996, had a direct impact on children and resulted in their deaths during the conflict. The conflict resulted in the deaths of 475 minors, including 137 females (Dhital, 2006). During the conflict, 561 minors sustained injuries. Of these, 74 per cent were injured by the Maoists, 17 per cent by the government, and 9 per cent were injured during the firing between the Maoists and the government. Similarly, 32,550 children were abducted during the conflict period; however, there is no information regarding the number of children who were rescued (Dhital, 2006).

From a rights-based perspective, each state must protect, respect, and fulfill the rights of its citizens; therefore, the Constitution of Nepal also ensures the rights of children, and there is a child protection policy to uphold those rights. The Constitution of Nepal has established the right to education and the rights of children as fundamental rights, as well as the responsibility to prioritise the best interests of the child as a state policy. The Constitution stipulates in Article 31(2) that every citizen is entitled to receive compulsory and free education up to the fundamental level, as well as free education up to the secondary level, from the state. In the third sub-article of the same article, it is recommended that the state establish laws to guarantee free education for indigent citizens and individuals with disabilities, up to a higher level (CAS, 2015).

A person under eighteen is considered a child under the Child Act of 2018, which aligns with the Convention on the Rights of the Child (CRC) (p. 2). CRC Article 2 clearly describes safeguarding children from discrimination, including caste-based, religious, and other factors. CRC article 26 emphasises the right to receive social security. CRC article 28 mentions the student's

educational rights without discrimination based on caste, religion, gender, or economic factors, while also respecting their dignity (OHCHR, 1989, p. 8).

The concepts and campaigns of "children as a zone of peace (CZOP)" and "schools as a zone of peace (SZOP)" were first introduced in 2001 to address the emergency protection needs of children and prevent conflict between the government and the rebel party. This initiative subsequently expanded to include the prevention of violence, abuse, and discrimination against children in schools and communities, as well as the political use of children and schools. The promotion and implementation of the SZOP in practice have been facilitated by over 100 civil society organisations, 100000-plus children and adolescents, and a number of journalists (CZOP, 2010).

Hancock and Mitchell (2007) define the term "Zone of Peace" as a designated constituency, whether geographical or not, intended to ameliorate conflict conditions, support the establishment of peace, or facilitate post-conflict reconstruction. Traditionally, the zone of peace is defined as a special geographical location, humanitarian service centers, and areas settled by displaced and refugees. In contemporary initiatives, the Personal Zone of Peace, the Site-Specific Zone of Peace, and the Limited Zone of Peace have been identified as constituencies of the zone of peace, in addition to the conventionally defined zone of peace (Hancock & Mitchell, 2007).

Individuals who are directly or indirectly affected by war, significant incidents, and disasters undergo traumatic experiences. Despite the absence of physical injury, many individuals who are impacted experience welfare issues and catastrophic loss. Children and their families are directly or indirectly engaged in a variety of ways in contemporary

conflicts and wars. The consequences of conflict, injury, displacement, and loss may disproportionately impact them compared to combatants. Psychosocial issues and/or psychiatric disorders are experienced by a significant proportion of individuals (Williams & Drury, 2011).

The epicenter of Nepal's civil conflict has been education. The school, instructors, and pupils have encountered challenges, misuse, and threats from both state militaries and the Maoists. Pupils and teachers were frequently abducted by Maoist insurgents during the conflict to participate in "revolutionary training programs" (Pyakurel, 2006, p. 55). The Maoists imposed mandatory donations on teachers throughout the country, and schools were frequently compelled to close. Private schools were particularly at risk (Pherali, 2006). The objective of the study is to explore the role of SZOPs in ensuring children's right to education in conflict situations. The SZOP movement in Nepal was based on protecting children from conflict and ensuring the right to education, while promoting a violence-free school.

2. Methods and Materials

In over two years timeframe, I came to understand SZOP in a complex way while working with CZOP organisation. I used a narrative inquiry approach to conduct the study. Narrative inquiry is a qualitative research method that has gained significant popularity for its focus on collecting personal experiences and realities (Creswell, 2012). The main research technique used in the study is the key informant interviews, which involves collecting the experiences of SZOP advocates (Green *et al.*, 2006). To gain a deeper understanding of personal stories, I adopted this strategy to compile personal experiences that unveil the depth of their experiences and everyday life situations (Connelly & Clandinin, 1990).

I collected six individual experiences from the subjects and later analysed them, as part of the research process, to generate narrative information. The approach allowed for a more detailed explanation of the events participants have undergone and how they perceive them, thereby contributing to a better understanding of those experiences. I gathered information through open-ended interviews and recordings of conversations that began with their initial SZOP experiences, and used secondary sources (Patton, 2002).

Qualitative research participants were selected based on their work experiences on SZOP to provide information for the research. This method ensured resources have been used most effectively by examining those who best reflect the larger group being studied. I compiled a list of key people involved in the SZOP movement and the years of their involvement. Based on the number of years of involvement, I chose six research participants who participated in SZOP movements (Saldana, 2011). Of the total, three were female and three were male, all involved in the field of SZOP since its establishment. Three were from civil society, two from government, and one from a development partner.

My field information analysis began with coding as it involved transcription. I coded the transcription by associating a single word or phrase with each recurrence of the same phenomenon to investigate how the codes were connected. This enabled me to develop some theoretical notions and to explain how they related to past research (Bryman, 2008, 2012).

3. Results and Discussion

3.1 SZOP for education rights

The socialisation process, culture, and the developmental situation of society are factors that determine children's agency as

political and social actors (Smith, 2007). The growth of an open and free society in a democratic culture is determined by the level of knowledge among citizens regarding the democratic system, the critical participation of citizens in the governance process, and the influence of the education system in adoption of a decent citizenry role and values (Dias & Menezes, 2014).

The SZOP movement is dedicated to promoting peace and conflict prevention for ensuring education rights. So, SZOP has broadened its involvement in the education field in accordance with the context, and its SZOP frameworks are closely interrelated, despite its campaign to address the education and protection requirements of children during the internal conflict period. Male participants shared their experiences:

SZOP was started in a critical situation and tried to exert moral pressure. Currently, the results show that it is effective because there are fewer strikes and reduced use of children. Regarding intervention from the government side, we coordinate with the concerned agencies and implement jointly. Nowadays, schools also maintain studies and courses by opening on holidays and have a mutual understanding regarding school opening. The programmes are more decorative and less effective because SZOP could not move toward its objectives; therefore, it is necessary to sensitise within each structure. Most stakeholders have the misconception that only schools that are closed or open are SZOP, but it is necessary to understand that the protection part should be covered, like bullying, corporal punishment, and discrimination.

The foundation and rationale of SZOP were to safeguard schools and children from the adverse effects of conflict and interference

from armed forces. Since 2000, there has been a significant increase in the number of internal displacements, school closures, abductions, and mobilisations of students in armed political activities. Additionally, the state military has made threats against school students. A female participant expressed her views:

Children as a zone of peace is established, and the government also owns it; therefore, it can pass the guidelines of SZOP. SZOP focuses only on the school; however, CZOP covers the school, community, and family, so SZOP is part of CZOP. The SZOP and CZOP mottos need to be managed. Due to this movement, child use in elections is radically reduced. But it is necessary to maintain the campaign's motives and be clear on movement Vs. project activities, because CZOP was initially a project-based initiative but has since been established as an institution, with a central coordination committee under the Department of Education and its members. The SZOP objectives need to be linked to other government departments, e.g., objective no. 3 which is focused on banning corporal punishment at school.

3.2 Government initiative for right to education

The School as Zone of Peace National Framework and Implementation Directive (2011) incorporated all three frames of the SZOP concept, which include the establishment of a fearless environment within schools, the protection of schools from political interference, and the designation of schools as neutral zones in the event of a conflict level (MoE, 2011). The CZOP coalition promoted Violence-Free Schools in line with objective 3 of the SZOP directives through numerous interventions following the adoption of SZOP. The CZOP coalition

has emerged as an alternative forum for communicating and responding to cases of violence against children at the district level. CZOP also incorporated issues of online safety, reduced corporal punishment in schools, and promoted institutional arrangements and child protection policies at the national. Male participants shared their views:

The SZOP was one of the key programmes of the peace movement for education rights during the conflict. The campaign on CZOP, which was almost identical to this campaign, was very successful, largely due to the networking that it facilitated from the national to the local level for education. Because the goal of CZOP aligned with and benefited state schemes, it was widely accepted by both the state and civil society. Education was severely disrupted during the war by non-government actors, who closed many schools and abducted children to fight in the war. Partly in response, the campaign arranged an orientation for the Maoist student union, which was successful in helping them to review their policy on students and schools.

CZOP has been implementing SZOP as one of its primary interventions since its inception. The concept of a school as a zone of peace encompasses a limited number of positions: i) Acknowledgment of the potential for schools, students, and instructors to be the targets of political protest and conflict; ii) Advocating for the neutrality and protection of schools, children, and teachers; iii) Involving children, teachers, and schools in the promotion of peace (MoE, 2011). The initial two components of the SZOP campaign were the primary focus of the CZOP coalition in Nepal. The CZOP coalition's members are consistently advocating for the continued establishment of schools and the recognition of children's rights to education.

Children's most basic rights are the right to education and the right to have their best interests considered. Children who participate as social or political actors in fledgling democracies place themselves in a dire situation, as these political processes may be volatile and even violent. It is necessary to strike a balance between their right to participate and extreme safety measures to protect them. This is because their participation is a fundamental right. Perhaps the implementation of temporary restrictions on participation in partisan politics, the establishment of standards for formal political action and enhancement of protection structures are crucial.

The programme contributed to raising the awareness level on SZOP and the political parties signed a commitment paper which was circulated to all political parties from central to local level. It is still applicable because the programme also protects the children from misuse in political movements. So, SZOP plays a vital role to ensure the education rights of children in political conflict situations. This programme was also implemented in Sri Lanka during the internal conflict to ensure the children's education rights. So, it needs to update based on post conflict situation and disseminate the information from federal to local level.

4. Conclusion

Success in the Institutionalisation of Armed Conflict, SZOP and CZOP campaigns have performed well in mitigating the impact of armed conflict at schools. What was initiated as a movement to prevent school closures, abducting and enlistment of children by the military has now become a government-run initiative. This was symbolized by the adoption of the SZOP National Framework and Implementation Directive in 2011.

The programmes have helped curb child exploitation during elections, avoid school

closures that arose from school strikes, and reach mutual agreements to make up for lost school days by running school on Sundays.

SZOP is a political agenda that necessitates political engagement because it asserts the right of children to remain neutral and secure, to receive political recognition, and to pursue political accountability. This necessitates the movement's political involvement. At the outset, the SZOP movement was actively involved with political movements, including both people's political institutions and political organizations.

SZOP is a governance agenda for rights to education and SZOP is committed to political accountability and recognition. Consequently, the government is the primary focus of SZOP's campaigning, both as a human rights concept and as a paradigm for children.

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