

- 13,000 girls and women are exploited in the “night entertainment industry” in Kathmandu valley alone).
¹³ Cases of trafficking and sexual exploitation often go under-reported in Nepal.¹⁴

2.3 Justice for children

Despite the ratification of several human rights treaties including the CRC, and the enactment of the Children's Act (1992) and Juvenile Justice Procedural Rules (2006), children in contact with justice system face multiple problems within the existing justice system. Child-sensitive procedures are not applied at every stage of the proceedings. Children in conflict with law, child victims and witnesses have limited access and referral to social services. Cases involving child victims and witnesses of crime are dealt by the ordinary court benches, rather than by juvenile benches. For children in conflict with law, legal measures and mechanisms for diversion, restorative justice, and alternatives to custodial sentencing are yet to be finalized and reintegration services are very limited. Access to justice is difficult due to limited awareness on judicial remedies among the general public and limited trained personnel (such as the judges, court officials, public prosecutors, legal aid providers and the police) on child-friendly and gender-sensitive services. Similarly, there is limited physical access to police stations, courts and independent monitoring body as well as limited availability of specialized legal aid services. In the year 2015, there were 1,132 child victims in contact with the justice system.¹⁵

3. Theory of Change for Programme Components

Outcome:

By 2022, children and adolescents have improved protection from all forms of violence, abuse and exploitation

Specifically, UNICEF will contribute to this outcome through the following three outputs:

- *State institutions and other partners have increased capacity to legislate, plan and budget to prevent and respond to child protection concerns including during humanitarian situations*
- *Children, families/caregivers, teachers, communities and state institutions have improved knowledge, skills and capacity to prevent and respond to violence and exploitation of children*
- *Justice/security professionals and social workers have improved knowledge and capacity to provide child friendly and gender-sensitive services to protect children in contact with the justice system*

Robust child protection systems are critical for the prevention response to child protection rights' violations and to this end, concerted efforts will be needed for systems strengthening, targeted awareness raising and inter-personal dialogues to bring about changes in deep-rooted social norms with regards to violence and exploitation, and improved knowledge and capacity to address justice for children.

¹³ TDH (2010). Trafficking and Exploitation in the Entertainment Sector and Sex Industries in Nepal – A Handbook for Decision Makers

¹⁴ Global Study on Sexual Exploitation of Children in Travel and Tourism (2016) available at: <http://www.ecpatusa.org/wp-content/uploads/2016/05/Global-Report-Offenders-on-the-Move-Final.pdf>

¹⁵ Office of the Attorney General, 2015. The Attorney General's Annual Report Fiscal Year 2014/15. Kathmandu: Author.

3.1 Strengthening child protection systems, including for DRR and CCA

During the next country programme, UNICEF will support the government in the development and implementation of a comprehensive, timely, age- and gender-sensitive child protection system to prevent and respond to all forms of violence, abuse and exploitation of children. This includes support to best transit to the new federal model while avoiding disruptions. Through capacity development, UNICEF will support the implementation of case management procedures to ensure cohesive and standardized management of child protection cases. UNICEF will also support the government to develop and adopt formal best interest determination procedures and criteria in making decisions in the areas of long-term alternative care placements, removing children from their parents and guardians and child custody during parental separation. UNICEF will support efforts to strengthen the capacity of the parents, caregivers and community members as first line protectors of children and strengthen the referrals between existing groups and networks of community members working on child protection issues (such as GBV watch groups, village/municipal child protection committees, anti-human trafficking committees) and the government-mandated child protection statutory bodies.

In order to address the issue of skilled workforce, another important element of systems strengthening, UNICEF will advocate for the recruitment of a professional and dedicated child protection frontline social workforce and support efforts to professionalize 'social service workforce' through training in partnership with academic institutions.

UNICEF will continue to support government efforts to compile and analyse child protection data from several government institutions to enable production and dissemination of child protection reports. This will be in the form of a Child Protection Sector Information Management Platform as a part of government's child rights resource management efforts. The expansion of the web-based platform for information management of child (Protection-Related Information Management - PRIMERO) will also be a source of child protection data.

UNICEF will continue its focus on improving legislations, their operationalization/enforcement, and monitoring. For example, UNICEF will support the government in disseminating the new Children's Bill revised in 2016 which is expected to be enacted by the parliament in 2017. UNICEF will also provide support for the implementation of the National Action Plan for Children.

In addition, UNICEF will also support efforts to operationalize the Alternative Care Procedure Rules (which is expected to be approved by the government by 2017), enforce minimum standards of care for registered child care homes along with training of managers and caregivers on the minimum standards, and supporting deinstitutionalization of children who are currently in residential care by reassessing their cases through individual case management services. The latter will be conducted as pilot to demonstrate a professional process of family reunification, community reintegration and follow-up support. Through advocacy and awareness raising, UNICEF will seek to address some of the root causes of the influx of child care homes and widespread practices of 'orphanage volunteering' in the country which is promoting the proliferation of residential care homes and unnecessary separation of children from families.

Apart from earthquake, climate change has been exacerbating the hydro-meteorological disasters such as floods, landslide, droughts and extreme temperatures (cold wave and heat wave). It is, therefore, important to protect children from its immediate and longer term effects. UNICEF will focus on building a stronger evidence base that is needed in terms of understanding the current burden of climate-sensitive issues affecting child protection rights, and how that burden is changing over time. In view of the country's vulnerability to disasters, UNICEF will support DRR, CCA and emergency preparedness efforts at all levels through development of standardized training manuals and cascade training through training of trainers as part of capacity development efforts. Based on the experience from the past emergencies including 2015 earthquake, UNICEF will support the government as the co-lead of the Protection Cluster for system strengthening including coordinating emergency preparedness, mitigation and response. Similarly,

UNICEF will continue to provide assistance to the government in fulfilling its child protection obligations enshrined in international human rights framework and monitor the implementation of child protection related recommendations stemming from the concerned human rights treaty bodies, in particular the Concluding Observations on the Third to Fifth Periodic Reports of Nepal on the implementation of the Convention on the Rights of the Child (CRC).

3.2 Preventing and reducing violence (including violent discipline, GBV and child marriage) and exploitation (including child labour and child trafficking) of children

During the next country programme, UNICEF will continue its work on strengthening the enabling environment to protect children from violence and exploitation. UNICEF will support the government to develop and revise national legal and policy framework related to violent discipline, child trafficking, and child labour in alignment with respective international standards. UNICEF will provide support to generate evidence to inform policy and programming. UNICEF will support the government for the implementation and operationalization child protection-related national strategies. Similarly, UNICEF will continue to strengthen the capacity of municipalities to address child labour. With a view to advocate against child trafficking, UNICEF will advocate and support the government to continue engagement in cross border collaboration with neighbouring countries as well as countries of destination. In addition, in high risk areas, surveillance will be strengthened.

In order to improve the quality of service delivery, UNICEF will continue to support efforts to develop government capacity to respond to and provide age and gender-appropriate services to survivors of violence in selected areas. UNICEF will also assist in efforts to improve service provision for children (with special attention to the worst and hazardous forms of child labour in urban settings) through rescue operation, rehabilitation and community reintegration. UNICEF will assist with the establishment of GBV and violence against children (VAC) case reporting mechanisms within schools and referral pathways, in collaboration with the education sector. Support will also be provided to government agencies for effective coordination and referral mechanisms of GBV and VAC cases in selected local levels.

Work on legislation, policy, strategies and systems strengthening for effective response and service delivery alone however will not be enough. Unless deep-rooted, harmful social norms are addressed, children will not be free from violence, abuse, and exploitation. To this end, UNICEF will focus on changing existing social norms to bring about collective changes through Communication for Development (C4D) strategies and interventions.

UNICEF will also continue to support government and community-based mechanisms to promote positive social norms in an inclusive manner, bringing in men and boys, religious and community leaders (by identifying positive role models) in addressing GBV and child marriage.

Lack of access to information on issues like the negative consequences of violent discipline and alternative positive discipline methods are bottlenecks to preventing violence and exploitation of children. To this end, UNICEF will, for example, support capacity development of individuals (like teachers, parents, communities) through awareness raising and training on positive discipline methods in selected districts. Such awareness raising efforts will also include participation of children themselves and community-based groups in selected districts. To shift societal acceptance of violent discipline, UNICEF will implement C4D strategies and interventions through a combination of mass media and community-level inter-personal dialogue, based on findings of a formative study (to be conducted). In collaboration with the education sector, parental education will be enhanced to ensure parents of young children gain necessary knowledge and skills related to positive discipline. This will also contribute to the early childhood development (ECD) of children.

The child protection section will act as the secretariat for cross-sectoral child marriage coordination within NCO as well as child marriage focal point for government inter-ministerial bodies.

3.3 Justice for children

UNICEF will support the government to improve legislations/policy frameworks to enhance children's access to justice through reviewing and drafting amendments to existing laws, developing regulations, protocols and guidelines. As part of evidence generation, UNICEF will undertake assessments and studies to understand the reasons behind the limited access to justice and other services by children and to generate information on linking justice/security with social welfare services. Similarly, with a view to improve evidence-based programming and accountability, UNICEF will help expand and strengthen the current information management system on justice for children maintained by the Judiciary and integrate it into the larger system maintained by the Supreme Court. Similarly, efforts will be supported to harmonize data, including through consistent use of definitions and categorization, collected by the security, prosecution and justice sectors for better analysis.

As part of service delivery, UNICEF will provide technical assistance to counterparts and service providers to address the needs of children in conflict with the law and child victims and witnesses of crimes by establishing child-friendly law-enforcements services, and by providing specialized support as well as modelling new concepts, such as diversion and case management in selected areas. In addition, UNICEF will continue to support capacity development of justice and security professionals, social workers and psychosocial counsellors through National Judicial Academy, Nepal Police, Office of Attorney General and Juvenile Justice Coordination Committee on child friendly justice procedures and diversion as well as restorative justice. UNICEF will focus on strengthening linkages between justice and security stakeholders with social welfare structures for integration and follow-up services to children. In selected areas, UNICEF will support judicial and security outreach programmes in schools and communities as well as legal aid services through existing correction homes and legal aid committees with a view to address legal and procedural barriers that children face in accessing justice systems.

3.4 Major assumptions, key risks associated and mitigation measures

A number of assumptions underlie the above. The first and foremost is that the child protection sector improvement is recognized as a priority on the government agenda and that government capacity, including financial and human resources and political commitment are adequate to sustain child protection interventions at local and provincial levels. Secondly, it is assumed that the establishment of a federal state structure with substantial devolution of power to the provinces as part of the implementation of Nepal's new constitution will proceed smoothly. In particular, it is assumed that the transition in the role of key child protection government agencies such as CCWB will be smooth and the transfer of the mandate to handle child protection cases from the CCWB to the DWC will be carried out without major impediments and implications. It is also assumed that natural disasters do not overwhelm government and UNICEF resources. Finally, it is assumed that communities are open to receiving information on issues like violent discipline, child labour and child marriage, and that family preservation services are available for communities with the greatest risks (for example of child trafficking and child labour).

One of the key risks includes Nepal's vulnerability to natural disasters. Recurrent hazards erode development gains and perpetuate vulnerability, and exacerbate child protection issues such as trafficking, child labour, child marriage, gender-based violence, as well as disrupt regular programming. Key mitigation measures will include continued advocacy to mainstream DRR within all child protection work and child protection systems strengthening for preparedness and response. In addition, political instability and the frequent change in government are major sources of uncertainty. Key mitigation measures will include supporting and strengthening ongoing participative processes (including UN

coherence) and political dialogues. Another major risk includes the frequent transfer of government staff which may lead to delay in programme implementation or failure to achieve results. This is particularly challenging in the context of child protection where responsibilities and accountabilities are spread across several ministries and departments. Key mitigation measures will include rapid orientation of transferred staff as well facilitation of knowledge sharing and learning across local levels. In addition, government bureaucracy as well as budget (delay in planning and budget allocations) and cash management practices may pose risk as well. Key mitigation measures include mechanisms that have already been put in place to reduce risks related to high cash transfer including a monitoring system of payment to partners as well as providing support to national budget planning process and harmonizing UNICEF's annual and multi-year planning process with the government's framework. Another significant risk relates to limited prosecution of child protection cases leading to children and families losing trust in the existing systems which may further deter others from reporting child protection cases to justice/security systems.

Schematic Illustration of the Theory of Change

Impact Indicators

IMPACT
Realizing the rights to protection by all children, especially the most disadvantaged

Outcome Indicators

OUTCOME
By 2022, children and adolescents have improved protection from all forms of violence, abuse and exploitation

Output Indicators

OUTPUT 1
State institutions and other partners have increased capacity to legislate, plan and budget to prevent and respond to child protection concerns including during humanitarian situations

OUTPUT 2
Children, families/caregivers, teachers, communities and state institutions have improved knowledge, skills and capacity to prevent and respond to violence and exploitation of children

OUTPUT 3
Justice/security professionals and social workers have improved knowledge and capacity to provide child friendly and gender sensitive services to protect children in contact with the justice system

Strategic Interventions (illustrative)

Capacity development

- Support strengthening of overall child protection system to prevent and respond to violence, abuse and exploitation of children at all levels
- Support the government to develop and adopt formal Best Interest Determination procedures
- Support the implementation and operationalization of the National Strategy to End Child Marriage, the National Master Plan on Child Labour (2016-2026), and the strategy on engaging men and boys in GBV-related work at the community level
- Support the government and community-based mechanisms to promote positive social norms in an inclusive manner, bringing in men and boys and other community level influential stakeholders to address GBV, social harmful practices including child marriage etc.
- Develop capacity of justice and security professionals and social workers on child friendly justice procedures and diversion as well as restorative justice
- Develop capacity to mainstream DRR and CCA in child protection systems

Evidence generation, policy dialogue, and advocacy

- Advocate with government to generate evidence on child trafficking, child marriage, violence against children, etc.
- Advocate for the recruitment of a professional and dedicated child protection frontline social workforce
- Advocate for the criminalization of violent discipline
- Undertake assessments/studies to understand the reasons behind limited access to justice and other services by children
- Advocate for the allocation of adequate funding for implementation and operationalisation of the End Child Marriage, the National Master Plan on Child Labour (2016-2026) and other relevant guidelines, strategies or plan.
- Support research and evidence generation on climate change and its impact on child rights.

Partnerships

- Promote partnerships with religious and community leaders to denounce social harmful practices indulging child marriage in areas which have the highest rates of child marriage and harmful practices
- Strengthen social networks within the community to enhance the capacity of communities and families to care for their children by identifying, encouraging and enhancing already existing positive traditions and coping mechanisms.

Identification and promotion of innovation

- Support scale-up of Primero (which combines field-proven tools, and the latest open_source technology to bring social workers a user-friendly and scalable solution for their data management challenges)

Support to integration and cross-sectoral linkages

- Engage with the Education, Health, and Nutrition sectors around violent discipline, parental education, early childhood development, child marriage, etc.
- Engage with C4D for addressing social norms around GBV, social harmful practices including child marriage and child labour

Service delivery

- Support judicial and security outreach programme in schools and communities as well as legal aid services through existing correction homes and legal aid committees
- Support efforts to improve coordination and referral mechanisms for survivors of GBV, including violence against children and child marriage.

Assumptions:

- X Humanitarian crises do not overwhelm human and financial capacity overall
- X Political support for addressing child protection remains strong
- X There is progress on other key sectors education/health etc.

Assumptions:

- X Governments/other stakeholders recognize that all children have the right to be protected from violence, abuse and exploitation
- X Government is willing/able to make meaningful financial investments in child protection
- X Civil society organizations also prioritize child protection interventions
- X effective coordination amongst different sectors
- X Efforts to change social norms are not undermined

Assumptions:

- X Communities are receptive to receiving information and behaviour change messages
- X There is no disasters and other political crises
- X Government planning and budgeting are timely
- X Government and other sector partners as well as communities have capacity which can be supported
- X Government and partners accord disaster risk management due importance
- X Political commitment exists to address gaps in laws and policies and to translate these changes into concrete improvements in the functioning of child protection systems
- X There is consensus on the importance of employing an approach to child protection that is based on human rights and gender equality

[REDACTED]

[REDACTED]

Note for the Record

Subject: **Environmental Impact Assessment (EIA)**

As part of the development of the [REDACTED] and in accordance with recommended practice, the UNICEF Country Office [REDACTED] has undertaken an initial screening of all proposed activities within each draft programme component to assess their potential impact on the environment.

The Country Office applied the recommended assessment methodology as described in the PPP Manual, Chapter 6, Section 3 (the Manual's 2011 version), namely Checklist 1 "Initial Screening". The completed checklist attached to this note reflects that the Country Office considers that the programme components contemplated in the draft Country Programme Document, submitted to the UNICEF [REDACTED], should have no impact on the environment.

Sincerely,

[REDACTED]

Attachment 1 – Checklist 1 "*Initial Screening*"

[REDACTED]

Checklist 1- Initial Screening

Does the proposed programme or project contain activities that fall under one or more of the following categories? If the answer is **NO**, and EIA is not required, and the process is complete

- Extraction of water (e.g., groundwater, surface water, and rain water) NO
- Disposal of solid or liquid wastes (e.g., human faeces, animal wastes, used supplies from a health centre or health campaign) NO
- Use of chemical (e.g., pesticides, insecticides, paint and water disinfectant) NO
- Use of energy (e.g., coal, gas, oil, wood and hydro, solar or wind power) NO
- Exploitation of natural resources (e.g., trees, plants, minerals, rocks, soil) NO
- Construction work above household level (e.g., hospital or school) NO
- Changing land use (deforestation, forestation, and developing industrial housing or recreational centres) NO
- Agricultural production (e.g., growing crops, fish farming) NO
- Industrial production (e.g., small scale town/village workshops) NO

