



## CONCEPT NOTE ON THE NATIONAL CHILD POLICY

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### Table of Contents

1. Context and background	2
2. Critique of Current Policy Options and Approaches	4
3. Policy Recommendations	5
4. Cross Cutting Issues	6
5. Process and Indicative Timeline	7
6. Major Impediments or Risks Foreseen in the Development of the Policy	8
Annexure: Definitions of Key Terms Used in the Concept Note	8



## National Child Policy Concept Note

### 1. Context and background

The establishment of the National Commission for Women and Children (NCWC) in 2004 enabled the Royal Government of Bhutan to invest in women and child protection issues by coordinating and monitoring activities related to promoting and protecting the rights of women and children, and reporting to treaty bodies. Furthermore, the establishment of NCWC was a testament of the high priority accorded to children and to the regional and global commitments of the Royal Government of Bhutan in protecting children. Moreover, the visionary monarchs have always placed children and their development at the center of the country’s agenda and emphasized the importance of children as custodians and the future of the country.

Though child protection is a relatively new programming area in Bhutan, progress has been made in creating an enabling environment to prevent and respond to violence, abuse, exploitation and neglect against children in the country. The focus has so far been on (1) enactment of key child protection legislation and the rules and regulations thereof, and (2) establishment of select protection services, namely by the National Commission for Women and Children, Royal Bhutan Police, as well as some NGOs. Some efforts are also currently being undertaken to create awareness among key stakeholders, including the general public as well as service providers on protection issues as well as available services. Further efforts are necessary to strengthen the child protection system in the country, as outlined in the National Plan of Action for Child Protection (2012), including operationalizing child protection services and mechanisms such as alternative care, justice for children (as per the Child Care and Protection Act Rules and Regulations 2015), and birth registration, and as well as adoption of protective practices among communities, families and children.

To ensure that children in Bhutan are protected from abuse, neglect, violence and exploitation, it is important to address the root causes, including social norms and cultural practices that promote essential protective actions and behaviours among children, families and communities. A qualitative study on violence against children (2015) generated important information on knowledge, attitudes and practices – including social norms – that contribute to a child’s risk to or protection from violence in many settings, identified a number of drivers and causes of violence against children, as well as factors that promote and contribute to protecting children from violence.

According to the Population and Housing Census of Bhutan (PHCB), 2017, the population of children constitutes about 33.6% (244,579<sup>1</sup>) of the total population (727,145) with 123,779 (17%) male children and 120,800 (16.6%) female children. Considering the large share of children in the

<sup>1</sup> The figure includes boys & girls aged 18 yrs



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country it is vital for the state to reinforce its duty “to take appropriate measures to ensure that children are protected against all forms of discrimination and exploitation, including trafficking, prostitution, abuse, violence, degrading treatment and economic exploitation” as enshrined in Article 9.17 & 9.18 of the Constitution of the Kingdom of Bhutan (2008).

According to the Bhutan Multidimensional Poverty Index, 2017 report of the National Statistics Bureau (NSB), 7.1 percent of the children aged 0–9 and 5.1 percent of the children aged 10-17 in Bhutan were estimated to be multidimensionally poor. The study also recommends research into the pathways of poverty reduction and exploring ‘child- focused policies’ as children aged 0-9 are the poorest age cohort.

The Multidimensional Child Poverty Index and Qualitative Interviews with Poor Children – study conducted in 2010 also indicated that children in Bhutan, like most of the children in developing countries, face a multitude of violence. Approximately 30% of girls married before the age of 18 years and 16.0% of girls 15-17 years reported being victims of domestic violence. Overwhelmingly, seven out of every ten (72.3 %) girls aged 15-17 years believed domestic violence is justifiable.

The above results were reaffirmed by both the qualitative assessment and quantitative study carried out during the phase II and III of the Violence Against Children (VAC) Study in 2014 through 2016. The results indicate that children in Bhutan face a wide range of child protection issues, particularly violence. The types of violence include physical and emotional violence in addition to sexual violence and exploitation. Children from all socio-economic backgrounds are not immune to the various forms of violence and face them in a multitude of settings – homes, schools, institutions, communities and the workplace. Based on the findings of Phase III of the VAC study, a high prevalence of violence against children in different forms exists in the country. Furthermore, the study also indicates that children rarely report to or are unaware of agencies responsible for protection of their rights.

In the 12<sup>th</sup> Five year plan, the NCWC will focus on a more comprehensive and holistic approach on the development of the child including child wellbeing aspects. This approach is in keeping with the development philosophy of GNHC as only through efforts investing in critical areas of child development, health, education and protection, a child can thrive and grow. It is recognized that on agency or sector alone can fulfill the needs and safeguard the rights of children. As such, the policy will engage a multi-stakeholder approach and coordinated efforts contributing towards child wellbeing by ensuring their survival, development and participation, and protection.

The Royal Government of Bhutan (RGoB) has always been cognizant of the fact that children are the nation’s most valuable asset. Therefore, an adequate legal framework has been put in place for ensuring the rights of women and children. In its commitment towards furthering the rights of children, the RGoB ratified the Convention on the Rights of the Child (CRC) in 1990 and thereafter



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the two Optional Protocols to the CRC on the Involvement of Children in Armed Conflict and the Sale of Children,; Child Prostitution and Child Pornography in 2009. In addition, the Child Care and Protection Act of Bhutan 2011 (CCPA) and the Child Adoption Act of Bhutan 2012 (CAA) were enacted and the rules and regulations for both these legislations came into effect on January 1, 2015. The government also established various institutional mechanisms including the setting up of Women and Child Protection Division/Units/Desks and a One Stop Crisis Centre at the JDWNRH.

Despite having the legal framework in place and the government and non-government agencies providing a wide range of services to our children in need of care and protection, there still exists scope to strengthen efforts in establishing an effective and sustainable child wellbeing and protection system in the country. An important component of the child wellbeing and protection system is the drafting and implementing the National Child Policy, which can provide affirmative measures to children and an avenue to provide targeted interventions.

## 2. Critique of Current Policy Options and Approaches

Many of the existing policies have ‘minimal reference to children issues particularly child wellbeing and rights’ as evidenced from the concluding observations of the CRC 3rd to 5th periodic report recommended by the UN CRC Committee on July 5, 2017. Despite concerted efforts, the NCWC has not been in a position to adequately strengthen child wellbeing in Bhutan given the lack of a comprehensive guiding mechanism.

In terms of the wellbeing, there are different approaches to outline the issue. Through drafting this policy it is expected to comprehensively include physical, cognitive, social, spiritual and socio-emotional functions which extends across the life-course of the child. The child’s wellbeing is the responsibility of three main key stakeholders: the State, Family and Community. Furthermore, the policy will clearly outline dimensions to be addressed by all the relevant and key stakeholders such as: home environment, social wellbeing, health and environment, education and employment.

As part of the policy formulation process, the NCWC is provided the opportunity to review policies from a gender equality and child protection and wellbeing perspective. However, the GNH Policy Screening Tool does not include variables concerning child wellbeing and protection. It is also a matter of concern that minimal actions are taken on the policy statements that address gender and child care and protection needs. These challenges have been repeatedly raised and discussed at the various Commission meetings and Child and Gender Focal Persons meetings, which are the most significant forums for the NCWC as an organization.



### 3. Policy Recommendations

As its guiding principle, the proposed National Child Policy will establish a coherent strategic multi-sectorial policy framework (that is non-existent presently) for the promotion of child wellbeing and protection in the country. The policy will also advocate and promote to invest on children as an important factor for ensuring a sustainable future.

At the programmatic level, the National Child Policy will provide specific policy directives and guidance to address issues concerning the respective sectoral plans, programs and activities. In addition, having a strong policy basis will leverage for accountability and ownership.

The following are some of the key policy recommendations (most of which were beyond the scope of the Mapping and Assessment Report & National Plan of Action for Child Protection, 2012 and the Research on Violence Against Children in Bhutan 2016), that the proposed Policy will aim to facilitate and provide basis for:

- Prioritize the establishment of a body with special responsibilities for the provision of services for children and their families.
- Reviewing and drafting of relevant acts and regulations to integrate child wellbeing and rights issues;
- Strengthening effective coordination and partnership between governmental (including LGs) and non-governmental bodies with streamlined responsibilities and accountabilities;
- Development and implementation of mechanism aimed at child responsiveness in all aspects of public policy, planning, programming and service delivery;
- Establishment of a comprehensive and sustainable child development and protection system in the country;
- Capacity building among the institutions and public officials to understand and undertake planning and implementation of child related programs and projects;
- Creating an enabling environment for children to participate in the decision making process;
- Promote social change to reduce the prevalence of Violence against Children;
- Develop a national strategy to counter peer violence, bullying and corporal punishment in all settings;
- Develop a strategy for understanding the impact and risks associated with exposure to pornography and child sexual abuse and exploitation and online safety;
- Incorporate requirements of the Convention on the Right of the Child (CRC) and the two Optional Protocols to the CRC;
- Planning and implementation of targeted interventions to address specific and critical issues related to child participation and decision making;
- Implement national legislations and plan objectives and international goals such as the Sustainable Development Goals (SDGs).



- Ensuring financial resources for child related issues and monitoring of effective utilization of resources; and
- Development of necessary child statistics and information base for program formulation, implementation, monitoring and evaluation.

The policy is envisaged to benefit NCWC by:

- Recognizing children as a cross cutting issue, it will call for stronger ownership, accountability and results.
- Resulting in better cooperation, collaboration, partnerships and most importantly targeted outputs and outcomes;
- Supporting resource allocation and mobilization;
- Strengthening NCWC’s positioning;
- Leveraging for enhanced human resources and logistics support for fulfilment of child related mandates.

The policy will not encounter huge additional costs. While it may call for government resource allocation, including human resources, over the longer term, the social benefits will outweigh such short and mid-term financial costs.

#### 4. Cross Cutting Issues

In line with the policy recommendations, this policy will lead to a more child inclusive approach to development. The policy, if approved, will endeavor to reach out to all people in the society, which can result in informed, educated and valued societies. This will contribute towards the wellbeing of Bhutanese people.

The policy will reconstruct the social systems, which may hinder the creation of an enabling environment for economic growth and wellbeing of the society. The very intentions of this policy is to create an environment for child’s wellbeing and participation in decision making which is in the best interest of the child.

Child participation and wellbeing, as evidenced in various researches across the globe can result in improving mental and psychological well-being of the children. While culture is seen as a challenge, the policy can result in better research on cultural and traditional practices including positive nurturing practices towards children, which are beneficial to their wellbeing and need to be promoted.

Access and utilization of basic social services will be enhanced through this policy. It will ensure that children have equal access and benefits from health, education including early childhood care and development and other basic necessities.



Therefore, given the above arguments, a proper implementation of the policy will have direct impact on creating an environment where men, women, girls and boys can thrive and grow to their full potential.

### 5. Process and Indicative Timeline

The NCWC is the proponent of the National Child Policy, which will be formulated through adequate research and consultative process engaging all stakeholders and taking into account all issues of sensitivities that the policy may invoke both during its approval stage as well as during the course of implementation after it is developed and approved. All efforts will be made to ensure that the proposed Policy:

- Is consistent with the provisions of the Constitution of the Kingdom of Bhutan;
- Does not violate provisions of any of the existing laws and policies of the country;
- Does not contradict with the provisions of any of the regional and international conventions to which Bhutan is a party;
- Adheres to the positive aspects of social norms, tradition and culture and proposes remedial measures to countervail the adversarial issues; and
- Promotes enhancement of GNH values.

During the drafting stage of the policy, stakeholders from all walks of life including the children and youth groups and CSOs, the Child and Gender Focal Points network representing implementing agencies, local governments, teachers, parents, communities, etc. will be engaged through meetings/consultative workshops and other mediums. Once the draft is prepared incorporating all concerns from the stakeholders and implementing agencies, it will be reviewed and endorsed by the Commission members. The draft policy will thereafter be submitted to the GNH Commission for approval as per the policy protocol.

The timeline for drafting, appraisal, review and approval of the policy is expected to take from six months to a year as tentatively indicated in the table below:

#.	Activity	Indicative Timeline
1	Submission of Policy Concept Note to GNH Commission	Last Week of October, 2018
2	Approval of Concept Note by the Cabinet	Second week of March, 2019



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3	Recruitment of Consultant for Preparation of draft Child Policy	First week of April, 2019
4	Drafting of the policy with engagement of all stakeholders and implementing agencies	Third week of April, 2019
5	Consultation with stakeholders to review the draft policy	June, 2019
6	Appraisal and review of the draft policy by NCWC and GNHC	September, 2019
7	Review and approval by the Cabinet	November, 2019

**6. Major Impediments or Risks Foreseen in the Development of the Policy**

In the development of the National Child Policy, the following are the major hindrances envisaged based on assessment of the present situation in terms of need and readiness of the society and the Government:

- Lack of ownership and coordination for there is no entity within the government with specific responsibility to provide services for children;
- Limited capacity and understanding on child wellbeing and related issues;
- Limited resource allocation for child related issues and activities; and
- Socio-cultural factors that may prevent both stakeholders and officials from adopting a comprehensive view towards the child policy.



## Annexure: Definitions of Key Terms Used in the Concept Note

**Abuse:** Physical and psychological harm; threats or harm.

**Neglect:** Not providing adequate food, shelter, clothing, health care, supervision, physical contact or a safe home.

**Violence:** Actions causing physical or sexual harm; threats and insults that causes emotional and psychological harm.

**Exploitation:** Making a person work or do sexual acts by physical force, threats or deceit.

**Physical Violence:** Physical acts of violence are intended to inflict bodily harm and include the use of physical force, the use of weapons and the forcing of children to withstand extraneous and excessive physical endurance.

**Emotional Violence:** Emotional violence includes being called bad names, being made to feel unloved or being threatened with abandonment.

**Sexual Violence:** Sexual violence is any act of a sexualized nature that is perpetrated against someone's will and encompasses a broad range of behaviours, many of them criminal offences.