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## Rights and Safeguarding of Children: A Qualitative Investigation in Arghakhanchi

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### Abstract

*In Nepal, there are many intricate issues surrounding child abuse and neglect, especially in rural areas. The objective of this research is to give a thorough knowledge of these problems that goes beyond simple information. The study uses a qualitative methodology and was carried out in Arghakhanchi. It involved two focus group discussions (FGDs) and five one-on-one interviews. The study, which takes a rights-based methodology, identifies inadequacies in child protection and takes into account the intersectionality of gender and poverty in rural Nepal. Qualitative information was analyzed by making themes, sub-themes, and categories. The study looks into a number of pieces of information that affect children's rights, including cultural norms, socioeconomic situations, and the efficiency of safety. The content that has been identified is financial resources, social values and beliefs, family dynamics, and service structures. It is found that dysfunctional homes, early pregnancy, school dropouts, exploitation, homelessness, child labor, and physical and emotional abuse are the hindrances to child rights. The findings placed a strong emphasis on community-based insight that can play a major role in defending children's rights. The ramifications go beyond guiding policy and community-based initiatives, with the goal of enhancing the general welfare of children in comparable rural environments in Nepal.*

**Keywords:** Child rights, safeguarding, rural Nepal, qualitative methodology, financial resources

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### Background

Arghakhanchi, situated in the Lumbini Province of Nepal, is a district with its headquarters in Sandhikharka. Covering an expanse of 1,193 km<sup>2</sup>, the district had a population of 197,632 as of the 2011 census. Bordered by Palpa to the east lies Gulmi; to the north is Kapilvastu district, and to the south and west lies Pyuthan; Arghakhanchi plays a vital role in connecting Kapilvastu and Bhalubang, Lalmatiya, Dang, with a 4.18 km busy road forming part of the East-West Highway, running parallel to the Rapti River. The district's history is rooted in two preunification principalities, Argha and Khanchi. Argha, named after ritual offerings made at the Bhagwati temple, and Khanchi, possibly derived from the term Khajanchi, or tax collector, were integral to the Chaubisi Rajya, a collection of 24 principalities centered in the Gandaki basin. In 1786 A.D., during Nepal's unification, Gorkha annexed both principalities. Subsequently, the amalgamation was named Arghakhanchi (Subedi & DeCandido, 2014).

The average household size was 4.22, and the sex ratio was 77.5 males per 100 females. The primary language spoken by 97.5% of the population was Nepali, followed by Magar (1.3%), Kumhali (0.5%), and others. In terms of ethnicity and caste, the majority were Hill Brahmin (32.8%), followed by Chhetri (18.2%), Magar (18.0%), and others. Regarding

religion, 97.0% identified as Hindu, 1.9% as Buddhist, 0.9% as Muslim, and 0.1% with other affiliations (Central Bureau of Statistics [CBS], 2021). The district of Arghakhanchi in Nepal faces notable obstacles concerning child rights, which are mostly caused by a confluence of socio-cultural norms and beliefs that are strongly embedded with impoverished economic circumstances (Thapa, 1996).

Children's susceptibility is increased by the widespread effects of poverty in this rural environment, which restricts their access to fundamental rights and safeguards. Furthermore, a setting where children may experience different types of abuse, exploitation, and neglect is facilitated by deeply ingrained cultural norms and values. Given the pressing need to address these concerns, it is essential to carry out a thorough investigation into the rights of children in Arghakhanchi. This kind of research not only reveals the complexities of the difficulties that children in this area confront, but it also provides important groundwork for well-informed interventions and policies that might improve children's rights and well-being in the midst of these cultural and economic hardships.

The United Nations Convention on the Rights of the Child (United Nations Children's Fund, 1989; 2008; 2012; 2015) contains explicit provisions that emphasize every child's right to loving care, support, and a safe environment free from all forms of abuse. However, in Nepal, putting these provisions into practice effectively remains a significant challenge. The Australian Institute of Family Studies (AIFS) offers a widely recognized definition of child abuse and neglect. The Australian Institute of Family Studies (2015) defines child abuse and neglect as circumstances in which parents, guardians, other adults, or older siblings use their position of authority to purposefully or inadvertently harm a child by physical, sexual, or emotional abuse as well as by acts of omission. This context highlights the ongoing battle to guarantee children's safety and well-being in spite of the global commitment to their rights. Even though there is a wealth of literature on child abuse and neglect, these problems continue to be given little attention by policymakers in Nepal. Cultural differences in the definitions of suitable childcare or child-rearing techniques and what constitutes child abuse are the root cause of this issue (Baker & Hinton, 2001; Gurung, 2001; Larmar et al., 2017; Morrow et al., 2023).

Nonetheless, it is clear that there are insufficiently strong child protection laws in fragile governments like Nepal. There may not be any laws or policies in place to preserve children's rights and give them the extra protection they need since child care and protection are not prioritized. Child rights policies play a crucial role in protecting and advancing children's welfare and guaranteeing that they are not exploited. Adopted by the UN General Assembly in 1989, the Convention on the Rights of the Child (CRC) provides a key international framework that directs state child rights strategies (UNICEF, 2019). In order to address the particular requirements of their child populations, countries frequently design their special policies in accordance with the CRC principles. The Child Rights Act, for example, provides the legal foundation for safeguarding and advancing children's rights, including those regarding healthcare, education, safety from violence, and the right to an attorney's opinion (Baker & Hinton, 2001; Morrow et al., 2023; Yildiz et al., 2023). In addition to demonstrating a dedication to protecting children's rights, these policies offer a framework for cooperation between NGOs and INGOs in fostering an atmosphere that supports each child's holistic development.

The international community has become divided as a result of disagreements and conflicts over child rights and protection laws that have arisen both within and between nations. These policies have changed over time, having their roots in the 1924 Declaration of the Rights of the Child, which was later expanded upon in 1959, and the United Nations Convention on the Rights of the Child (CRC), which was ratified by General Assembly Resolution (United Nations Children's Fund, 1989). The 1924 and 1959 declarations were criticized for being aspirational and having a paternalistic emphasis due to their ambiguity and lack of clarity regarding who was responsible for implementing the enumerated rights (Shohel, 2023; Timalisina et al., 2023).

In order to address these shortcomings, the CRC includes 42 articles that address different facets of child protection and rights, distinguishing between rights pertaining to civil status, general rights, and other entitlements, as well as outlining safeguards against sexual, economic, and abusive exploitation (Khanal & Dhakal, 2020). State parties are expressly required under Articles 18, 19, and 39 to safeguard children from domestic abuse and to put preventive and therapeutic measures in place for victims' rehabilitation and social reintegration. The CRC is commended for being binding and thorough, outlining children's rights without bias, and questioning the power structures that prevent kids from voicing their opinions (Freeman, 2009; Shohel, 2023; Yildiz et al., 2023).

Nonetheless, the CRC has been criticized for fostering a Western conception of infancy and ignoring social, familial, religious, and economic realities that are common around the world (Yildiz et al., 2023). Child rights in Nepal are grounded in various international treaties and national legislation, emphasizing the protection, well-being, and development of children. One of the key international instruments guiding child rights is the United Nations Convention on the Rights of the Child (CRC), to which Nepal is a signatory. The CRC outlines a comprehensive framework for the rights of children, encompassing civil, political, economic, social, and cultural rights. Nepal ratified the CRC in 1990, reaffirming its commitment to ensuring the rights and welfare of children (United Nations Children Fund, 1989; 2008; 2012; 2015).

Nepal has also incorporated child rights into its national legal framework, notably through the Children's Act of 1992. This legislation recognizes the rights of children and aims to provide them with protection against exploitation, abuse, and neglect. The Children's Act aligns with the principles outlined in the CRC, reflecting Nepal's commitment to international standards for child protection (Government of Nepal, 1992). Additionally, the Interim Constitution of Nepal guarantees fundamental rights to all citizens, including children, ensuring equal protection and non-discrimination. The constitution emphasizes the right to education, health, and a safe environment for children, reflecting a holistic approach to their well-being (Chetri, 2018).

While these legal frameworks establish a strong foundation for child rights in Nepal, challenges persist in the implementation and enforcement of these rights, particularly in rural areas. Factors such as poverty, cultural practices, and inadequate infrastructure can hinder the realization of child rights. Non-governmental organizations (NGOs) and civil society play a crucial role in complementing government efforts, working towards the effective implementation of child protection policies and programs in Nepal (Pandey & Dhungana, 2017).

Child rights in Nepal are enshrined in both international treaties and national legislation, with a commitment to ensuring the holistic development and protection of children. However, addressing challenges and ensuring effective implementation requires collaborative efforts from the government, NGOs, and broader society. Ongoing initiatives and advocacy aim to strengthen the enforcement of child rights, contributing to the overall well-being of children in Nepal. Significant progress has been achieved in the research on children's rights in rural Nepal, revealing a range of potential and problems. Still, there is a significant research deficit that has to be addressed. Documenting cases of abuse, neglect, and exploitation of children as well as the sociocultural factors that contribute to these violations is a common emphasis of the research now in publication. However, there are few comprehensive studies examining the shortcomings and efficacy of child protection laws and initiatives implemented in rural areas.

Furthermore, further research is necessary to fully understand how issues like gender, poverty, and education intersect with children's rights. Developing comprehensive plans requires an understanding of the subtleties of local perspectives and practices around child rights, as well as the functions of non-governmental organizations, government policies, and community-based initiatives. Subsequent investigations must explore the firsthand accounts of youngsters, offering a forum for their viewpoints and opinions. Scholars may make more informed policy recommendations and actions that are specifically tailored to the needs of children in rural Nepal by filling in these research gaps.

### **Method**

The district of Arghakhanchi was selected for research on child rights because it is rife with child labor in a variety of industries, including the brick industry, motor garages, restaurants, and hotels. Concerns over the rights and welfare of the many children in the neighborhood who work at these facilities, doing jobs like washing clothing and pans, are raised. In addition, the fact that it is my hometown could have had an impact on my decision to do a study on children's rights in the Arghakhanchi region.

The United Nations Children's Fund (UNICEF) 2008 concept of child protection served as the basis for this study's design and participant recruitment. In this context, child protection refers to the prevention and response to different types of child abuse, exploitation, and violence. These include problems like child labor, trafficking, and child marriage. In order to obtain a thorough grasp of child protection issues, the study classified all people under the age of 18 as children. Mapping Nepal's child protection system was part of the qualitative study design, and participants were chosen based on their ethnicity, affiliation with neighborhood organizations, and other services that help children. In order to maintain ethical norms, written agreement from each participant and parental clearance for children's participation were sought before beginning fieldwork and data collection. Participants' anonymity was assured for any study publications. Focus group discussions (FGDs) and in-depth interviews were used in the data collection process. Five children from different backgrounds participated in one-on-one interviews, and two focus group discussions (FGDs) with a total of twelve participants were held to delve deeply into participant narratives, child protection frameworks, and other factors impacting child safety. Data saturation was ensured through repeating the information provided by the participants during FGDs and in-depth interviews. The conversations and interviews were conducted in settings that the participants were acquainted with, and the data collection personnel underwent training to guarantee

consistency and confidentiality. After gathering data, member verification, data saturation, and transcription of field notes and audio recordings were all part of the analytical process. Finding overarching themes and sub-themes in the FGDs and interviews was the goal of qualitative data analysis, which enhanced the validity of the findings and offered insightful information about the state of child safety in rural Nepal.

For the collection of qualitative information, 8 themes, 19 sub-themes, and 7 categories are prepared.

Themes	Sub-themes	Category
Child Rights and Safeguarding	1. Issues with Coordination and Harmonization	1. Legal and Statutory Framework
	2. Legal Framework and Statutory Entities	
Child Mistreatment and Abuse	1. Impact of Regional Views	2. Cultural Norms and Practices
	2. Practices and Representations	3. Social Issues and Child Abuse
	3. Coordination Issues in Child Protection	
Child Labor	1. Economic and Cultural Practices	4. Child Labor and Poverty
	2. Effects on Education and Well-Being	
Gender Discrimination	1. Opportunities for Education	5. Children with Disabilities
	2. Household Duties	6. Local Governance and Traditional Beliefs
	3. Barriers to Individual Development and Independence	
Alcoholism and Gender-based Violence	1. Relationship and Effect on Issues with Education High Dropout Rates	7. Comprehensive Interventions
	2. Child Abuse	
Child Labor Exploitation	1. The connection between abuse and poverty hazardous work environments	
	2. Need for socioeconomic reforms	
Children with Disabilities	1. Increased Dangers	
	2. Emotional Maltreatment and Social Isolation	
	3. Child Abuse and Human Trafficking	
Local Government Structures and Traditional Beliefs	1. Weaknesses in Local Government	
	2. Poverty	
	3. Entrenched Traditional Beliefs	

### Findings

The study's objective was to conduct a thorough evaluation of the resources available in a remote Arghakhanchi village to advance child rights and protection. Examining the effects of regional attitudes, beliefs, and practices around child abuse and maltreatment was part of this. The results show that there are still issues with organizing and coordinating interventions, even with the participation of both official and informal entities in child protection, such as law enforcement and governmental organizations. The different subsystems that oversee social services, justice, childcare, and law enforcement typically operate independently of one another and ineffectively. Weak capacities, financial constraints, and inadequate monitoring mechanisms contribute to the fragmented child protection landscape, aligning with challenges reported in other districts in Nepal.

Important information on how cultural norms affect children's lives has been found through a qualitative inquiry into the rights and protection of children in rural Nepal. Child labour is common in several commercial enterprises, including restaurants, hotels, auto garages, and the brick industry, as a result of the strongly rooted local culture that promotes children earning money from an early age. This puts their right to a safe environment and an education at risk, and it also raises questions about their general well-being. The study also emphasizes how gender discrimination still exists, with differences in opportunity between boys and girls. Girls are more likely to be involved in household responsibilities and frequently encounter more obstacles in their pursuit of an education, which restricts their freedom and impedes their personal growth. In rural Nepal, addressing these cultural norms is essential to creating a safe environment that protects children's rights and well-being.

The study's conclusions show that alcoholism, gender-based violence, and dysfunctional families interact in a worrisome way, greatly increasing the likelihood of child abuse. These problems also have an impact on schooling, as evidenced by the startlingly high dropout rates among impacted youth. Moreover, the widespread issue of child labor exploitation, which adversely affects the social lives of children, emphasizes the complex relationship between poverty and abuse. The study demonstrates how child neglect as a result of financial difficulties pushes kids to look for work, frequently in dangerous settings. Radical socioeconomic reforms are required, the report emphasizes, in response to these severe realities. In order to bridge the gap between well-intentioned frameworks for child safety and their effective implementation on the ground, comprehensive measures are required to address poverty at its source.

The findings of the study underscore the severe disadvantages faced by children with disabilities, encompassing heightened risks of sacrifice, emotional abuse, and social exclusion. These vulnerabilities align with global evidence indicating an increased likelihood of abuse among children with disabilities. Particularly disturbing is the persistence of the issue of child sacrifice, involving, trafficking often rooted in superstitions and ritual beliefs. The study identifies weak local government structures, pervasive poverty, and entrenched traditional beliefs as significant contributors to the challenges of addressing these deeply rooted issues. The research underscores the urgent need for comprehensive interventions that address the interconnected issues of poverty, family dysfunction, and cultural beliefs. Such interventions are crucial to effectively protecting children and ensuring their rights are upheld in the study area.

### **Discussion**

The findings of this study align with existing literature on the adverse effects of dysfunctional households and domestic violence on children. Research has consistently shown that children in dysfunctional families, particularly those characterized by domestic violence and alcohol abuse, face heightened risks of physical and psychological harm (Evans et al., 2008; Stith et al., 2000). The nexus between extreme poverty, exposure to alcoholism, and increased incidents of domestic violence is well documented (Room et al., 2005). Reports of parents engaging in violent behaviors towards each other or neglecting their children, leading to deprivation of basic needs, echo previous studies highlighting the detrimental impact of such environments on child development (Herrenkohl et al., 2008). Moreover, the study sheds light on the additional challenges faced by children in the context of stepfamily dynamics, aligning with existing literature suggesting that changes in family structure,

particularly the introduction of a stepmother, can exacerbate the risks of abuse and prompt some children to flee these toxic situations (Fergusson et al., 2008).

At the community level, the study's findings resonate with literature discussing the multifaceted factors contributing to the infringement of children's rights. Economic hardships, abuse, and exploitation within communities have been documented as significant challenges affecting the well-being of children (Krug et al., 2002). The study highlights the prevalence of physical and psychological exploitation, as well as sexual abuse by nonfamily community members, underscoring the broader societal implications of such violations (Finkelhor, 2009). Financial exploitation, school dropouts due to financial difficulties or early pregnancy, and the detrimental impact of drug addiction and substance misuse on children's lives are consistent with literature emphasizing the link between socio-economic factors and child rights violations (UNICEF, 2019; Gilbert et al., 2009). The accounts of sexual exploitation at work, particularly in markets and trading, resonate with research documenting the vulnerability of young individuals to exploitation in various work settings (Doyle, 2007). Overall, these findings contribute to the existing body of literature by providing context-specific insights into the interconnected challenges faced by children in dysfunctional households and communities, offering a foundation for targeted interventions and policy recommendations.

The study's findings on the exploitation and discrimination faced by young people resonate with existing literature on the vulnerability of marginalized populations, particularly those living on the streets. The link between neglect, inactivity, and the resort to begging as survival strategies aligns with research that underscores how economic and social marginalization can push young individuals towards precarious living situations (Ennew & Swart-Kruger, 2003). Moreover, the identification of drug addiction as a coping mechanism, especially among people with disabilities, underscores the intersecting challenges faced by this population, emphasizing the importance of addressing substance abuse within the context of disability (Berrick, 2022). The study's emphasis on discrimination in various forms, including corporal appearance, ethnicity, dress coding system, religious belief, gender, and demographics, mirrors the broader literature on the detrimental impact of multiple layers of discrimination on children's well-being and rights (UNICEF, 2019; Humphreys, 2019). The findings highlight the intricate web of socioeconomic concerns that interact to violate children's rights in their communities, emphasizing the need for targeted interventions to address the systemic issues contributing to exploitation and discrimination.

The accounts of hardships faced by children with disabilities align with literature documenting the stigma and marginalization experienced by this vulnerable group. The ridicule, mockery, and mistreatment they endure from their families and communities resonate with studies highlighting the pervasive social exclusion faced by children with disabilities, leading to a range of negative outcomes (Evans & Kim, 2007; Shakespeare, 2013). The risk of sexual exploitation for disadvantaged girls and boys with disabilities is a distressing finding consistent with research that underscores the heightened vulnerability of disabled individuals to various forms of abuse (Collins, 2017; Shakespeare, 2013). The difficulty in disciplining adults who mistreat these vulnerable children further emphasizes the urgent need for societal and policy-level.

The participants' observations on legal and regulatory frameworks echo existing literature, highlighting the challenges posed by corrupt government officials and customary



rules that perpetuate harmful practices. Corrupt governance has been identified as a barrier to effective child protection, hindering the implementation and enforcement of laws designed to safeguard children's rights (Allden et al., 2009). Customary rules, particularly those endorsing harmful practices like forced marriage and witchcraft, have been previously documented as impediments to child well-being, perpetuating inequality and contributing to adverse experiences for children (Tran et al., 2017). The emphasis on cultural distinctions in child rearing techniques underscores the importance of cultural sensitivity in understanding and addressing child rights within an African context, aligning with literature that advocates for context-specific approaches to child protection (Auðardóttir, 2023).

The discussion on the impact of financial constraints on child protection aligns with literature highlighting the crucial role of resources in maintaining effective child rights and protection frameworks. Financial limitations emerge as a significant obstacle at various levels, from individual families to governmental initiatives, hindering the ability to prioritize and intervene promptly in cases of child abuse (Korkiamäki & Kaukko, 2023). The observed differences between wealthy and financially struggling families mirror the broader literature on the socioeconomic determinants of child well-being and underscore the pervasive impact of poverty on child protection initiatives (Mitra et al., 2011). The participants' insights highlight how financial constraints contribute to stress, rejection, and feelings of abandonment among children, emphasizing the need for targeted interventions to address the impact of poverty on child protection.

The participants' observations on the challenges faced by children taken from their families align with literature discussing the complex consequences of child removal from familial environments. The discussion underscores the interconnected nature of issues such as child labor, barriers to education, and a vicious cycle of problems, including early pregnancies and insufficient healthcare (Doyle, 2007; Lansford et al., 2002; Cabezas, 2004). The economic downturn's exacerbation of these challenges further highlights the need for comprehensive strategies addressing both the immediate and long-term welfare of children separated from their families (Jones et al., 2012). Multicultural education better helps to ensure children (Sherpa, 2019). Promoting inclusive classroom is a way to solve these problems (Acharya, 2020). Community participation helps to minimize issues of children (Khanal, 2013). Acharya et al., (2022) show the importance of activity-based learning in the school garden to motivate students in Nepal. In the same way, safeguarding children is a way of making them happy (Acharya et al., 2020).

The emphasis on community commitment to child safety and rights, coupled with obstacles like alcohol consumption and poverty, aligns with research emphasizing the role of the broader community in child protection (Gilbert et al., 2009; Herrenkohl et al., 2018). The participants' call for a comprehensive strategy encompassing nutrition, healthcare, and education resonates with literature advocating for a multi-dimensional approach to child protection, recognizing the interplay of various factors influencing children's experiences (Evans et al., 2008; Finkelhor, 2009; Fergusson, 1996). Overall, the participants' insights underscore the complex and diverse aspects of child protection, reinforcing the need for holistic, context-specific strategies to ensure the welfare and entitlements of children.

### **Conclusion**

The proposed child protection system extends beyond capacity building, emphasizing prevention and accountability for perpetrators. A robust legal framework is crucial to holding

wrongdoers accountable. Addressing the conflict between customary and statutory laws, especially regarding parenting styles, is essential. Customary law often promotes hierarchical communication and corporal punishment, while statutory laws should integrate dimensions fostering child welfare and use elders and other indigenous knowledge and resources to fight child maltreatment. Stricter compliance with current regulations and legislation against abusive parenting techniques, corporal punishment, and domestic violence is necessary to protect children effectively. The child protection system must align with poverty reduction frameworks, recognizing the interconnectedness of social issues. Without a holistic approach, children will continue to be vulnerable to various forms of abuse and exploitation. Policymakers and stakeholders must collaboratively work towards the establishment and enforcement of a child protection system that ensures the safety and well-being of all children.

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