Code of Conduct on Prevention of School Related Gender Based Violence in Schools

Ministry of Education

2006

Code of Conduct on Prevention of School Related Gender Based Violence in Schools

Ministry of Education

2014
Code of Conduct on Prevention of School Related Gender Based Violence in Schools

Ministry of Education

2006

2014
Preamble

WHEREAS it is mandatory to respect rights of equality, dignity and freedom of humanity according to the constitution of FDRE, International Human Rights Agreements and declarations, all children have the right to learn freely within friendly and conducive learning environment;

WHEREAS gender based violence is also violence of human rights. Gender based violence that is happening around schools is becoming a great obstacle against healthy and smooth teaching learning process;

WHEREAS both women and men are victims of school related gender based violence, females are more vulnerable. This makes it difficult for girls to attend their schooling at equal footing with boys and hence hinders their attendance, academic performance and efficiency;

WHEREAS it is crucial to create a teaching-learning environment that is free from gender based
Part One: General
violence; to prevent, minimize and eventually eliminate acts of gender based violence at pre-school, primary school (1st to 8th grades) as well as secondary school (9th to 12th grades) levels.

This code of conduct is issued by the Federal Ministry of Education with its mandate given to it by Proclamation number 691/2010, to regulate the power and responsibility of its executive bodies.
Part One: General

1. Shorter Title

This regulation can be referred to as “Code of Conduct on Prevention of School Related Gender Based Violence in Schools, shortly SRGBV.”

2. Definitions

Unless and otherwise the terminologies implied another definition, under this regulation:

2.1. “Gender Based Violence”: includes any form of sexual, physical, psychological, social as well as economical violence based on sex or gender that results in harming psychological, physical wellbeing and, growth and personality of an individual.

2.1.1. “Sexual Violence”: includes sexual harassment, sexual exploitation, rape, trafficking/forcing for commercial sex work.
2.1.2. "Physical Violence":
includes gender based beating, physical punishment at school, robbery, labor exploitation.

2.1.3. "Psychological Violence": includes gender based harassment, name-calling, threatening, bullying, negative psychological influence.

2.1.4. "Social and Economic Violence": gender based denial of social and economic services as well as benefits.

2.2. "School Society":
includes regular and extension students, teachers, principals and support staff in pre-school, primary school (1st to 8th grades) as well as secondary school (9th to 12th grades).

2.3. "Principals": one who is entrusted to manage a school which also includes the vice
principal

2.4. “Administration and Support staff”: includes staff of a school that is engaged in administration, business management, Finance and Accounting, Maintenance, Security and other similar activities

2.5. “Teacher”: a staff that is engaged in teaching or facilitating regular, part-time as well as extension class sessions.

2.6. “Student”: includes a person who is attending formal, non-formal and/or extension class sessions.

2.7. “Parent Teacher Student Association”: an association in a school that is established to create and follow-up healthy relationship and conducive teaching-learning environment amongst parents, students and teachers which is entrusted with the responsibilities as indicated in the school management guide line of the MoE

2.8. “Education Bureau”: regional office that is established to guide and lead the academia (teaching and training) in a region
2.9. "ተምህርት እና" ወለት ባትምህርት ያቀጣል ጥቃትን የሚፈፀም ጾታዊ ጥቃትን ለመከላከል የወጣ ረቂቅ መመሪያ

2.10. "ለጠቃሚ የመንግስት" ወለት በኢትዮጵያ ፌደራልዊ ዲሞክራሲያዊ ግዳት ሕገ መንግስት አንቀጽ 47(1) የተገለጹትን የክልል መንግስታትን ሲሆን የአዲስ አበባና የድሬደዋ ከተሞች አስተዳደሮችን የጨምራል።

2.11. "ስምንት ይግባኝ አቤቱታ አጣሪና ይህን ሃሳብ አቅራቢ ኮሚቴ" ወለት ባትምህርት ያቀጣል ጥቃትን ያቀጣል መንግስት አንቀጽ አስተዳደር አካል እንደ በትምህርት ቤቱ የሚቋቋም የፆታዊ ጥቃት አቤቱታ አጣሪና የውሳኔ ሃሳብ አቅራቢ ኮሚቴ ነው፡፡

2.12. "ተገቢ ጥበቃ" ወለት በመመሪያ መሰረት አቤቱታ ላቀረበ፣ የጾታዊ ጥቃት አጣሪና የውሳኔ ሃሳብ አቅራቢ ኮሚቴ አባል፣ምስክርነት ወይም ባቀረበዉ የዉሳኔ ሃሳብ ከሚደርስበት አሉታዊ ጫና ለመከላከል የሚደረግ ጥበቃ ፡ና።

2.13. "ይራንተት ሽንኩ" ወለት እንደ የመመሪያ መሰረት አቤቱታ ላቀረበ፣ ለመከላከል የሚለስ የድርስ የሚገኝ ጥወቃለት ለመለስ የሚደርስ የቋቋም የፆታዊ ጥቃት አቤቱታ አጣሪና የውሳኔ ሃሳብ አቅራቢ ኮሚቴ ነው፡፡

2.9. "School": a private, governmental or non-governmental institution that provides education at pre-school, primary school (1st to 8th grades) as well as secondary school (9th to 12th grades) levels

2.10. "Regional Government": regional governments that are listed in the constitution of the Federal Democratic Republic of Ethiopia, Article 47(1) including the federal city administrations of Addis Ababa and Dire Dawa.

2.11. "School Related Gender Based Violence Complaints Investigation and Decisions Recommending Committee": a committee established by the school principal to hear complaints of gender based violence, clarify the complaints and provides decisions

2.12. "Legitimate Protection": a protection from negative influences provided for those who make complaints of gender based violence, the members of Gender Based Violence Complaints investigation and Decisions Recommending Committee , those who testify to/against these cases, decision makers who conduct according to this regulation.

2.13. "Discipline Committee":
2. Limit of Application

3.1. This code of conduct is applicable on whoever commits acts of school related gender based violence in pre-school, primary school (1st to 8th grades) as well as secondary school (9th to 12th grades) setting.

3.2. This code of conduct is also applicable in pre-schools, primary schools (1st to 8th grades) as well as secondary schools (9th to 12th grades) within city administrations of Addis Ababa and Dire Dawa.

3.3. The regional education bureaus may contextualize without suppressing the purpose for which the code of conduct is issued, or may put into effect this regulation as it is.
Code of Conduct on Prevention of School Related Gender Based Violence in Schools
Part Two: Types of School Related Gender Based Violence
Part Two: Types of School Related Gender Based Violence

4. Light and Grave forms of School Related Gender Based Violence

The definitions listed under number 2 of this code of conduct are applicable while acts of SRGBV include the following:

4.1. Less Severe forms of School Related Gender Based Violence

4.1.1. Exposing sexual/body parts and showing movements/dancing in a way that is sexually provocative,

4.1.2. Revealing the body in an immodest way that is sexually provocative in school hours against the regulations and Code of Conducts of the school by not wearing uniforms (for the school community that has uniforms like teachers and students) or dressing up in a way that provokes others sexually (for the school community that does not have uniforms)
4.1.3. Bringing to school, showing or posting writings, magazines or pictures that discriminate a specific gender,

4.1.4. Gender discrimination, blackmailing, belittling, telling and communicating erotic jokes, comments, questions, encounters or other similar activities done against the will of the other,

4.1.5. Using negative comments, discriminations, name calling, belittling explanations while talking/speaking about a person's gender, physique or way of dressing

4.1.6. Showing or passing sexually provocative pictures, gender discriminating pictures and photographs and text messages via electronic devices such as mobile phones, computers and websites for a person who has not openly expressed willingness to watch or receive them,
4.1.7. Deliberate showing of body gestures/movements that imply sexual harassment during practical academic sessions (physical education or laboratory sessions).

4.1.8. Drawing pictures or writing texts that are sexually provocative in nature or devaluate a specific gender on work uniforms, walls of laboratories, class and training rooms, toilets, dormitories as well as other areas of the school.

4.1.9. Wearing tattoos that are sexually provocative in a way that they are revealed to others while in the school compound.

4.2. Grave forms of Gender Based Violence

4.2.1. Showing or passing erotic/pornographic pictures, photos or texts that are in print or digitalized (on mobile phones, computers and websites).
4.2.2. Communicating messages that reveal sexual personality or devaluate gender using electronic devices (mobile phones, computers), school mini-media, web-pages or other similar methods and making use of pictures or imitations of any member of the school community, families and relatives for such purposes.

4.2.3. Making physical contact, caressing, petting or kissing the bodies of others in a way for sexual initiation.

4.2.4. Persuading or involving any member of the school community for sexual activities.

4.2.5. Making use of learning assessment grading or marking for the sake of sexual exploitation or persuading with the use of money, shelter, food or other necessities in an attempt to have sex with the other person or actually engaging in sexual activity.
4.2.6. Jeopardizing test and learning assessment grades such as giving incomplete results or imposing negative influences based on denial of sexual advances or rejection of initiation for sexual activity.

4.2.7. Denying freedom of movement or following up and tagging along in a way that results in psychological influence on any member of the school community based on gender whether inside or outside the school compound, dismissing from class or training rooms without adequate and appropriate reason.

4.2.8. Putting sexual relationship as a pre-requisite for recognizing or grading as good performance, results of trainings, job promotions, opportunities for further academia and trainings and imposing other negative influences.

4.2.9. Denying appropriate performance evaluation results, results of trainings, job promotions, opportunities for further academia and trainings and imposing other negative influences based on a person’s rejection of request for sexual intimacy.
4.2.10. Imposing negative influences on third parties that are related to the person who was asked for sexual intimacy or a person who is a victim of gender based violence.

4.2.11. Robbing, hiding, or snatching academic materials or valuables as a means of persuading in the intention of obtaining sexual gratification.

4.2.12. Any form of gender based violence committed on pre-school, primary school or secondary school students by teachers, administration, deputy directors or support staff.

4.2.13. Committing gender based favor.


4.2.15. Attempt of rape or committing rape.

4.2.16. Not learning from previous disciplines for Common forms of gender based violence and committing them repeatedly.
4.2.17. Any Common forms of gender based violence that are committed against persons with disability are considered as a Grave form of gender based violence,

4.2.18. Any member of the school community who cooperated or participated in committing any of the Common or Grave forms of violence listed in this code of conduct will be subjected to punishment which is explained in number 5 of the third part of this code of conduct.
Part Three: Types of Punishments
Part Three: Types of Punishments

5. Types of Punishments

If any member of the school community commits any one of the gender based violence listed under number 4 of part two of this regulation, the following punishments are applicable in addition to the punishments stipulated in other parts of the law with the punishment determined according to the severity of the violence.

5.1. Light form of Punishment applicable on a student

a) Oral warning which is put on recording in writing
b) Written warning

5.2. Severe form of Punishment applicable on student

a) suspension from education for a year and denying a formal withdrawal to prohibit transfer to another school
2. Against the code of conduct, the perpetrator, in whatever form, shall face the following measures:

3. Against those who violate the code of conduct, the perpetrator may face the following measures:

4. In cases of serious violence where harm has been inflicted:

5.3. Light form of Punishment applicable on teachers, school administration and support staff

5.4. Severe form of Punishment applicable on teachers, school administration and support staff

b) suspension from education for three years and denying a formal withdrawal to prohibit transfer to another school

c) If s/he is sitting for national exam (8th, 10th or 12th grader) prohibiting from attending the exam for a year or two depending on the severity of the violence, if the violence is committed after sitting for national exams denying certificates and clearance for a year or two depending on the severity of the violence

d) Prohibiting from attending in any of the schools in the country for 5 years
አ. የቅጣት ዉሳኔዉ ከተላለፈበት ቀን ጀምሮ ለሶስት ዓመት ከስራ ማገድና እና በተመሳሳይ ሙያ ለሶስት ዓመት

5.5 የሶስት ወር ደመወዝ መቀጮ፣ ለአንድ ጊዜ ባለበት ደረጃ ቤቶች የሚፈፀም ጾታዊ ጥቃትን ለመከላከል የወጣ ረቂቅ መመሪያ

5.6. የሶስት ወር ደመወዝ መቀጮ፣ ለአንድ ጊዜ ባለበት ደረጃ ቤቶች የሚፈፀም ጾታዊ ጥቃትን ለመከላከል የወጣ ረቂቅ መመሪያ

5.5. Light form of Punishment applicable on the school Principal

a) Penalty of 3 months’ salary

b) Lowering the salary to two scales, if it’s a junior keeping the scale the same for a certain period of time

c) Dismissal from work

5.6. Severe form of Punishment applicable the school Principal

a) suspension from work for three years starting from the date the decision of punishment is rendered and passing a circular letter that
suspends the principal for three years from being hired for the same post in other schools

b) Suspending the Job permit for five years

c) Dismissal from work, passing circular letter to prohibit from working at a similar post or responsibility
Code of Conduct on Prevention of School Related Gender Based Violence in Schools
Part Four: Concerning School Related Gender Based Violence Complaint Investigation and decisions recommending committee
Part Four: Concerning School Related Gender Based Violence Complaint Investigation and decisions recommending committee

6. Organization of the School Related Gender Based Violence Complaint Investigation and decisions recommending committee

6.1. The School Related Gender Based Violence Complaint Investigation and decisions recommending committee has 7 members constituted of both sexes

6.2. The following are the members of School Related Gender Based Violence Complaint Investigation and decisions recommending committee

a) A student who is the school’s Gender Club representative

b) A representative who is elected by the students

c) Chairperson of the Parent Teacher Student Association

d) Chairperson of the school’s Teachers’ Association

e) A representative elected by the
6.3. Since the members listed under 6.2. a and b cannot be members at pre-school and primary school (1st grade – 4th grade) levels, the issue is to be investigated by the rest of the committee members.

6.4. The gender representative for the school’s Teachers Association becomes the chairperson for the committee.

6.5. The deputy chairperson of the committee is elected by the members of the committee.

6.6. The term of service of the committee is two years while the members of the committee who are known for better accomplishments could be elected to serve for one more additional term.
7. Criteria for choosing members
SRGBV Complaint Investigation and decisions recommending committee

Any one of the members of SRGBV Complaint Investigation and decisions providing committee should be:

7.1. Exemplary in good discipline

7.2. Never been accused and punished for gender based violence or other crimes

7.3. Have been in the school for at least a year

8. The Authority and job descriptions of the SRGBV Complaint Investigation and decisions providing committee

8.1. Introducing the code of conduct and creating awareness to the community of the institution

8.2. The SRGBV Complaint Investigation and decisions providing committee prepares forms that contain the lists under
8.3. When complaint informing that gender based violence has occurred in the school and is received, the committee investigates and provides decisions.

8.4. Whenever complaints are investigated, the committee calls for the person who filed the complaint, the person who is accused of violence or witnesses to listen to the testimony; requests for documents (be it written or digital evidences) that are related to the matter under investigation, be present physically to look through the documents if they are not presented to them and performs other activities necessary for the investigation.

8.5. Whenever complaints of school related gender based violence are received against the school director or deputy director, the committee investigates the matter and passes the decisions to the next upper hierarchy in the education structure for its decision.

8.6. The committee should inform the person who is accused
of violence 10 days prior to the appointment.

8.7. The committee passes temporary orders that prevent the gender based violence from happening before decisions are provided on the complaints of violence.

9. Meetings

9.1. The committee holds meetings once in 15 days and also when complaints of violence are received by the SRGBV Complaint Investigation and decisions providing committee.

9.2. The decision provided by the committee passes when voted by the majority. If equal numbers of the committee are for it and against it, decision is passed based on which decision the Chair person has voted for.

9.3. The committee is said to be able to undergo a meeting when more than half of the members are present.

9.4. Whenever complaints are received in the absence of the chair person for the committee the vice-chair leads the meetings.
10. Principles of discipline followed by the Committee Members

10.1. Confidentiality should be maintained concerning any complaints and issues handled by the committee.

10.2. Any member of the committee should not take part in the investigation and decision making of complaint when the complaint is related to her/himself, a close friend or relative or will not be allowed to take part when witnesses, information or evidence is presented about it.

10.3. Any member of the committee should not favor based on gender, race, religion, political stands, disability or any other reason while working on complaint reports.

10.4. Any member of the committee who conducts against the principles listed above or hindered the work of the committee in anyway is removed from.
11. Formalities to be fulfilled while making a Complaint

11.1. Anyone who complains that a less severe form of SRGBV has been committed on her/him, family memeber or care giver or any party whom the issue concerns should report within the next 10 working days since the violence was committed or was known to be committed in written form to the chair person or the secretary of the committee.

11.2. Anyone who complains that a severe form of SRGBV has been committed on her/him, family or care giver or any party whom the issue concerns, it should be reported within the next 30 working days since the violence was committed or was known to be committed in written form to the chair person or the secretary of the committee.

11.3. While 11.1 of the code of conduct is applicable if the person reporting the violence explains that...
11.4. Details to be included in the Report of Complaint

Every report of complaint should include the following:

a) Full name of the person reporting the complaint

b) The classroom s/he attends in, the department s/he teaches in or the department s/he works in

c) The date, place and time of the committed violence

d) The type of the school related gender based violence/expressions of the act

e) The name, classroom, teaching or work department or any form of identification of the person who is accused of committing the violence (if known)

f) The name and address of the witness (if there is/are witness/es)
12. Legitimate Protection for the member/s of the School Community who needs Protection

a) When it is a student that needs protection, safeguard her/his classroom attendance and ensure legitimate learning assessment results.

b) When a teacher, administration staff or support staff needs protection, ensure her/his safety, or secure a signature of restraint form any attempt to harm the compliant.

c) When the school principal needs legitimate protection make the person who is accused of committing the violence sign commitment of restraint from any harm.

g) Written or other forms of evidence that are in the hands of the person who reports the complaint or if they are not available with the person who reports the complaint, the place where they are found.

h) The signature of the person who reported the complaint and the date when the report is submitted to the committee.
13. Conditions where Complaints are not to be Reported

13.1. If the time limited specified in 11.1 and 11.2 has passed and if in any way one year has passed since the SRGBV has been committed

13.2. If the issue has already been investigated by the committee and the final decision has been made by the appropriate authority in the academic structure

14. The right of the accused

Anyone who is accused of committing gender based violence has the right to know the complaints reported against them, defend themselves and to be listened to of any possible explanations.

15. Formalities of recommending and making decisions

15.1. SRGBV Complaint Investigation and decisions providing committee investigates the complaint in not more than
15.2. The school director clarifies the issue in not more than 5 days since the reception of the proposed decision by the committee and endorses the decision in writing.

15.3. When complaints are reported of the school director committing gender based violence the committee investigates the issue in not more than 15 days and passes the proposed decisions to the Woreda’s education bureau.

15.4. The respective academic structure investigates the issue in not more than 30 days after the reception of the provided decisions by the committee and makes final verdict.

15.5. The decisions made should be announced for the person who has reported the complaint as well as to the school community.

15.6. Any verdict passed according to this code of conduct would not hold the person reporting the complaint or the member of school community accused for
violence from presenting the case to court to be dealt with according to other national or regional laws.

16. Appeal

16.1. Any party that is dissatisfied with the final verdict can appeal to the next ladder in the education hierarchy within 30 working days from the date the decision is announced.

16.2. The respective body in the academic structure should investigate appeals and pass a decision within not more than a month.

17. The Time Limit of the Punishment Records

17.1. Decision passed on less severe form of SRGBV will be documented in perpetrator’s personal file for one year.

17.2. Verdicts made for commitment of severe form of SRGBV will be documented in perpetrator’s file for two years after punishment is concluded.
Code of Conduct on Prevention of School Related Gender Based Violence in Schools
18. Establishing Gender Based Violence Complaint Investigation and decisions Recommending committee

Every school establishes a committee that investigates cases of school related gender based violence committed amongst the school community.

19. Third Party

19.1. The declarations specified in this Code of Conduct should also be observed in case of any work agreement the school has made and engaged any individual or group that may have used accessing the school as an opportunity of committing gender based violence on any of the school community member.

19.2. If students tour for academic reasons, sport related activities, festivals and other programs due to the agreements the school has with different
academic institutions it should be conducted according to 19.1 of this Code of Conduct.

20. Establishment of Gender Club

For the sake of the implementation of the code of conduct and addressing other gender related issues, every school should establish gender club and assign a representative for it.

21. Obligation to Cooperate

Every member of the school community should report, cooperate to testify, pass on any information and evidence that is available at one’s disposal related to work responsibilities or other reasons known to her/him. to SRGBV complaint investigation and decision recommending committee.

22. Reluctance of any School to Enforce this SRGBV Code of Conduct

Every school has the duty of enforcing the decisions passed according to this code of conduct. The respective government body takes appropriate measures on the schools that do not oblige.
23. የመሸጋገሪያ ድንጋጌ

የመውጣት የጾታዊ ጥቃት ክሶች ካሉ ቀደም ሲል በተጀመረበት ሁኔታ ውሣኔ ያገኛሉ፡፡

24. የሌላቸው መመሪያዎች

የመመሪያዎች መመሪያ የሚቃረን በተቋሙ ዉስጥ ቀደም በትምህርት መመሪያ ወይም የአሠራር ልምድ ይህ መመሪያ ከቆጥር መስማት ስር መወጣ ግሆንም፡፡

25. መመሪያው የሚፀናበት ጊዜ

የመመሪያ በትምህርት ሚኒስቴር ከቆጥር መስማት 2007 ዓ.ም ይሆናል፡፡

---

23. Transitional stipulation

Any case of SRGBV that has been investigated before the launching of this code of conduct will be handled according to pervious regulation of the school.

24. Inapplicability of the regulation

Any regulation or practice that has been applicable in the institution contrary to this code of conduct is not applicable since the day this code of conduct came in to force.

25. Entry in to force

This code of conduct is applicable starting from the day it is issued by the Ministry of Education which is 2007 E.C.
በትምህርት ቤቶች የሚፈፀም ጾታዊ ጥቃትን ለመከላከል የወጣ ረቂቅ መመሪያ

Code of Conduct on Prevention of School Related Gender Based Violence in Schools