

Implementing Situation of Economic, Social and Cultural Rights in Nepal



Campaign for Human Rights and Social Transformation
(CAHURAST), Nepal

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Foreword

Campaign for Human Rights and Social Transformation (CAHURAST), Nepal established to safeguard Human Rights of the people of Nepal with special focus on Economic, Social and Cultural (ESC) Rights have completed more than a decade long journey. During this period we tried our best to review, reflect and re-implement the National and Global commitment of Nepal government on ESC Rights.

The new Constitution of Nepal promulgated in 2015 enshrined different rights of people. But there are still doubts whether those Rights will be enjoyed by the people. To enjoy their rights people need to be educated to understand and demand their rights. So, it has been a dire need to educate, empower and engage the vulnerable community together with the local bodies for the enjoyment of human rights.

Campaign for Human Rights and Social Transformation (CAHURAST), Nepal in collaboration with Felm Nepal and LWF Nepal, initiated a 7 months monitoring program on Monitoring ESC Rights with use of **Mobile App** and then **Publishing A Year Book** every year exploring on ESC rights and its implementation at grass roots level. We expect this initiative will help to advocate changing policies related to ESC rights in Nepal.

Monitoring of ESC rights has been less practiced in the history of Nepal and use of technology on monitoring Rights is a quite innovative initiation. ESCR monitoring App is a mobile app to monitor the implementation of provisioned rights of the citizens. With this innovative tool, we made an effort to explore the conditions of right to health and right to education of freed haliya communities at the grassroots level. This app has proven a tool for bridging Human Rights with the technology.

It is our pleasure to publish 'ESC Rights Year Book' this year too. This is a summary of our small effort and output of different community interactions, monitoring works and workshops to strengthen ESC rights in Nepal. We have come up with some interesting facts and figures with this Year Book within 7 months (June-December, 2018). We expect to receive constructive feedbacks from the experts and Human Rights defenders for its improvement.

This publication is the result of hard work of Mina Sharma and Sabina Shrestha. Thanks also go to community monitors for collecting and reporting information from the field.

I would like to thank our CAHURAST staffs, NHRC Nepal, rights holders, Young Innovations, and stakeholders including government agencies at the National, district and municipality level for their direct and indirect contributions.

My special thanks go to Dr. Prabin Manandhar and Bal Krishna Chaudhary for their great contribution of editing the book. I would also like to thank RMHS for their kind support.

Bishnu Pukar Shrestha
Chairperson

Table of Content

Table of Content	Page No.
EXECUTIVE SUMMARY	1
1. ESCR NATIONAL CONTEXT	3
2. ESCR AND UPR	4
3. CONCEPT	4
3.1. Developing the ESCR Community Monitors in the Community	5
3.2. Capacity Building Training to the Monitors	5
3.3. Monitoring ESC Rights Using Mobile App	5
4. ESCR MONITORING MOBILE APP	6
5. METHODOLOGY	7
5.1. Monitoring Questionnaire	7
5.2. MONITORING AREAS	7
Dhading	7
Doti	9
5.3. DATA COLLECTION	10
Sampling	10
2.4. TOOLS AND TECHNIQUES	10
2.4.1. ESCR Monitoring	10
2.4.2. Focus Group Discussion	11
2.5.3. Observation	11
2.6. DATA ANALYSIS	11
2.7. SCOPE AND LIMITATIONS	11
2.8. MEDIA MONITORING	12
SOME GLIMPSE OF MONITORED MEDIA FILES	14
6. KEY FINDINGS / ANALYSIS	15
I. Result of Continuation/ Follow up of Monitoring in Dhading	15
KEY FINDINGS / ANALYSIS	20
Right to Education	20
Right to Health	29

CONCLUSION	35
RECOMMENDATION	37
REFERENCES	38
ANNEX	39
About ESCR app	39

Executive summary

Economic, social and cultural rights and civil / political rights are two equally important themes of the Human rights frame. But Economic, social and cultural rights are not given equal priority as political and civil rights. Nepal ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1991. Nepal was first reviewed within the framework of the UPR in 2011. Since its ratification, the ICESCR Convention has been widely used by the NGOs as an advocacy tool. Government's initiative has been monitored on the basis of ICESCR Covenant. Following the review, the Human Rights Division of the Office of the Prime Minister and Council of Ministers (OPMCM) together with the National Human Rights Commission (NHRC) and the Office of the High Commissioner for Human Rights (OHCHR) led a process to develop an action plan on the implementation of the UPR recommendations.

The new constitution of Nepal 2015 assured ESC rights as fundamental rights, Part – 3 Fundamental Rights and Duties, article 16 – 45 includes several ESC rights of the citizens. Despite of this, people of grassroots level are still facing discrimination, deprivation, exclusion and lack of basic needs like, shelter, foods, education, health etc prevailing in Nepal.

After realizing all these contexts of ESC rights in Nepal, Felm, LWF, Nepal and CAHURAST, Nepal have initiated this intervention to contribute and advocate in ESC rights sector. This is how the ESCR year book concept originated in 2017 and it is continuing in year 2018 too. This Year Book has been developed with the help of facts and figures collected by community monitors in one Municipality and one Rural Municipality of Dhading district and 1 Rural Municipality and 2 Municipalities of Doti district of Nepal. This book is strongly based on primary data of monitoring ESC rights using Mobile App especially on right to health and right to education, which was conducted in Dhading and Doti from June to December 2018.

This initiative followed both qualitative and quantitative methodology with semi-structured questionnaire which are internationally valid questions having 4A and 1Q (accessibility/availability, adequacy, affordability, acceptability and quality) theme on right to health and right to education. Altogether 120 interviews have been carried out in right to education while 80 interviews have been carried out in right to health during the monitoring in order to triangulate facts. 1/1 focus group discussion was held on each selected Rural municipality and municipalities with the participation of concerned stakeholders of school & health post. This includes school teachers, parents, students, school management committee, local politicians, health post staff, HA, and patients to discuss the various dimensions of ESC rights and its implementation in

respective areas. There are 54 government schools and 15 health posts all together in this monitoring program. This includes government schools and health posts.

1. Findings of Right to Education

Right to education is one of the most important rights under the ESC rights. Interesting findings have been discovered from the monitoring of ESC rights. For example, 80% respondents have said that books are distributed immediately after class start. Likewise, 100% respondents agreed on the idea that schools are not giving physical punishment to their students, 80% respondents said that they are getting free basic education. However, 15% respondents said free basic education is not provided. 70% respondents said that there is an arrangement of separate toilets for girl students. However, 30% respondents have said that they are not having separate toilets for girls in their schools.

On the other side, only 5% respondents have said that there is arrangements of education via Braille for visually impaired and symbol for hearing impaired students in schools. Whereas, 45% respondents said that there is no such provision till date and 50% respondents said not provided. Likewise, 60% respondents have said that the disabled-friendly toilets in schools are not available. Similarly, 60% respondents have said that the computer education is not provided in their schools.

2. Findings of Right to Health

Interesting facts have been gathered from the monitoring program of right to health under ESC rights. For instance, 80% respondents have said that there is no discrimination for freed haliya communities in health post. However, 20% respondents have said that they are facing discriminations in health posts. Similarly, 55% respondents have said that the facilities provided by the health post are good and 25% respondents have said it is satisfactory. 80% respondents have said that the drinking water facility in health post is satisfactory.

On the other hand, 40% respondents have said that their health posts are in more than 2 hours of walking distance from their community. Considerably, 70% respondents have said that the disabled friendly toilets are not available in their health post. Hospital is the main area, where disabled friendly toilets and buildings should be arranged. Unfortunately, maximum numbers of the health institutions have been found without having disabled friendly toilets and buildings. Likewise, 90% respondents have said that the medicines in health post are not adequate.

1. ESCR National Context

After the promulgation of new constitution in 2015, Nepal has committed a lot of rights for discriminated and excluded communities. It has given greater space of inclusion and justice to the disadvantaged groups of Nepal including women, Dalits, ethnic (janajati), madhesis as well as freed Haliyas and Kamaiyas. But the rights provisioned in the constitution of Nepal have not been well implemented. The previous conflict in Nepal was also due to the failure of state to ensure and protect ESC rights. The socio-economic and cultural inequalities were the root causes of armed conflict.

The different types of movement including the armed conflict in Nepal were not only to change the government but to make a radical change in the life of people ensuring and strengthening the human rights of the citizens. There is a need of economic and social justice and human rights situations to uproot the bases of conflict in the communities. Nepali people can utilize their civic, political, economical, social and cultural rights and are committed to creating an environment in which these rights will not be violated in the future under any circumstances (International Commission of Jurists, 2009).

Social exclusion, discrimination, violence, structural inequalities, corruption, and lack of political will are among the major barriers to the realization of ESC rights in Nepal. For many Nepalese communities, the most important constitutional reforms are needed pertaining to the basic quality of life concerns including livelihood, food and water, health, housing and education. This is due to the extreme poverty and underdevelopment experienced by much of the population. Nepal ranks 145 out of 179 countries according to the UNDP Human Development Index.

The aspirations of Nepalese people shown in the Jana Andolan II were not only for a change in government but also for the strengthening of a human rights culture including economic and social justice. This is reflected in human rights terms in the Comprehensive Peace Accord of 12 November 2006 that ended the conflict between the Government of Nepal and the Communist Party of Nepal (CPN-Maoist). The promulgation of Nepal's constitution 2015 has assured fundamental rights in different articles. Under the new constitution, Part -3 Fundamental Rights and Duties, article 16 – 45 (Right to live with Dignity, Food, Education, Health, Labor, Freedom, Equality etc) includes the fundamental rights of the citizens, in spite of fact that citizens are not aware about their fundamental rights. Therefore, empowering them through raising awareness on their rights and making them able to claim their rights is the necessity in the current situation of Nepal.

This concept basically came from our previous learning, where we have monitored the situation of ESC rights of the people living in 1 rural and 1 municipality of Dhading district. This year we have worked only with freed haliya communities of 1 rural and

2 municipalities of Doti district. Haliya is a system of bonded labour in the agriculture sector prevailing in western hill districts of Nepal. 97% of haliyas are from the hill dalit group while the rest are from marginalized ethnic groups. Haliyas used to work for landlords to repay the debts taken by their forefathers. The Haliya system was abolished by the Government of Nepal in 2008, thus freeing all the haliya families from debt and the system. Therefore, this initiative has tried to look closely towards the health and education facilities/situation among the freed haliya of Doti district to figure out gaps, to advocate with Nepal government and the international human rights bodies and to protect and promote citizen's rights, the most important issues are the documentation of ESCR situations and implementation of ESCR rights in Nepal.

2. ESCR and UPR

The international covenant on Economic, Social and Cultural Rights (ICESCR) as well as international covenant on civil and political rights (ICPR) known as the twin covenants were ratified by Nepal in 1991. The Nepal government has developed and action plan to monitor these rights in collaboration with NHRC and OHCHR on the implementation of the recommendations received from UPR. It is also practiced to filing the Public Interest Litigation (PIL) to address the discriminations on the basis of the rights under the ICESCR covenant. The ICESCR covenant has been widely used by the NGOs as an advocacy tool in Nepal.

3. CONCEPT

The National Human Rights Commission (NHRC), Nepal together with United Nations Office of High Commissioner for Human Rights and the Government of Nepal have produced User's Guide with Indicators for monitoring Economic, Social and Cultural rights but there is still a lack of documentation on the violation of ESC Rights in Nepal. Similarly, Nepal also lacks implementing several recommendations since the first Universal Periodic Report (UPR). Therefore, the reporting on ESC rights at the national and international level including UPR, Committee on ESC Rights is very superficial. So, a need of documentation is seriously felt to effectively work on the ESCR issues.

In this context, CAHURAST, Nepal together with Felm Nepal and LWF Nepal felt urgency to develop a Year Book on ESC Rights. This Year Book had initially consisted of the yearly facts and figures on Right to Health and Right to Education in the year 2017. The concept of this book was to analyze the ESC rights specially the right to health and right to education of the people living in Gajuri Rural Municipality and Nilkantha Municipality of Dhading district of Nepal as a pilot program. This is a

continuation of publishing a year book monitoring ESC rights situation. For the year 2018, it has focused on the right to health and right to education of freed haliyas living in Jorayal Rural Municipality, Shikhar and Dipayal Silgadhi Municipalities of Doti District plus follow up monitoring in Gajuri Rural Municipality and Nilkantha Municipality of Dhading district.

3.1. Developing the ESCR Community Monitors in the Community

As previous year, this year also we have developed 10 ESCR community monitors (3 monitors in Doti and 7 in Dhading district) from the grass root level community to monitor ESCR within their community. These monitors belong to diverse caste/ethnicity following GESI rule.

3.2. Capacity Building Training to the Monitors

‘Orientation and Capacity Building for Monitors on Monitoring ESC Rights’ program was conducted on July, 2018 in Budar, Doti in presence of monitors, local people and central team of CAHURAST, Nepal and LWF Nepal. The program was extremely interactive with attentive participants. Monitors were provided presentations and discussion sessions by facilitators for their better understanding of the overall ESC Rights Monitoring Program.

Objectives of the training

- Inform monitors about ESC rights and its importance in human lives.
- Strengthen the skills, knowledge and necessary methodologies form monitoring.
- Strengthen monitor’s capacity of data collection from the field.
- Inform them about mobile App and its implications and also to provide them practical knowledge on monitoring using ESCR mobile App in the field.

3.3. Monitoring ESC Rights Using Mobile App

ESCR App has been developed for the first time in Nepal in 2017 for monitoring and reporting on ESC rights situation. With evidence gathered in this app through monitoring and abstracting the gaps in the field of ESC rights, this initiative aims to advocate Nepal government as well as international mechanism of Human Rights bodies and UPR committee. This could enhance the condition of ESC rights on the level of implementations. Economic, Social and Cultural Rights (ESCR) include the rights to decent work, an adequate standard of living, housing, food, water and

sanitation, social security, health and education.

This Year Book after the publication and dissemination holds following objectives:

- Improved advocacy capacity of freed Haliya from local to global level on their rights.
- Improved local to global advocacy by generating evidences from local level.
- Capacity building of citizens to make them able to claim their rights

4. ESCR Monitoring Mobile App



Screen board of ESCR App.

The ESCR Monitoring App has various features and information. Mainly home screen is the main screen of the App. At the bottom of the screen, four sections can be seen, namely: Learn, Monitor, About, Profile. The learn part of this app is all about ESCR (Economic, Social Cultural Rights). Learning ESCR is categorized as learn how SDG (Sustainable Development Goals) aims to achieve ESCR and learn ESCR through Constitutional Provisions on Health and Education.

Sustainable development is well described in this app in the section: Good Health and

Well-being and Quality Education. Also the Constitutional Provisions relating to the Constitution of Nepal 2015 have been listed as Fundamental Rights and Duties and Directives, Principles, Policies and Responsibilities.

App flow: Logging in and Registration

The monitor section is used by the monitors. New monitor can be registered through the registration process by clicking on the **Send Request** button. The necessary information should be filled to send **registration request**. If the monitor is already registered, he/she can simply **log in** with the login credential (username and password).

5. Methodology

This book relies on qualitative approach that applies the dynamic nature of the interview or group discussion process, which engages respondents more actively along with the quantitative data collection for facts and figures.

5.1. Monitoring Questionnaire

Questionnaire of monitoring for right to health and right to education are internationally valid questions based on 4A and 1Q. This includes accessibility/ availability, adequacy, affordability, acceptability and quality. The entire questionnaire has been prepared in consideration with the international provisions related to right to health and right to education.

5.2. Monitoring Areas

Dhading

The areas of 'Monitoring Economic, Social and Cultural Rights and Publishing a Year Book' are Nilkantha Municipality (ward no. 3, 5, 6, 9) and Gajuri Rural Municipality (ward no. 1, 2, 6, 7) of Dhading district. Both selected areas are in the middle phase of development where we have continued monitoring.

Dhading is one of the remote districts in the central region of Nepal. It includes 52 schools and 7 health posts all together. Although the district is located at the border of Kathmandu valley in Bagmati Zone, many parts of it are still inaccessible by road. The social fabric of different castes and creeds also represent a variety of Indo-Aryan and Mongoloid cultures inherited from time immemorial.

The district extends from 27° 40' N to 28° 14' N Latitude and 84° E to 85 ° 1' East longitudes. It borders with Gorkha district in the west, and Kathmandu and Nuwakot in

the east, Makawanpur and Chitwan in the south and Rasuwa district in the north. The north frontier also borders with Tibet Autonomous Region of the People's Republic of China. The district represents different agro-climate zone comprising valley, Tars (flat land), middle hills and high hills. It has a total area of 192,487 hectare

Dhading district map

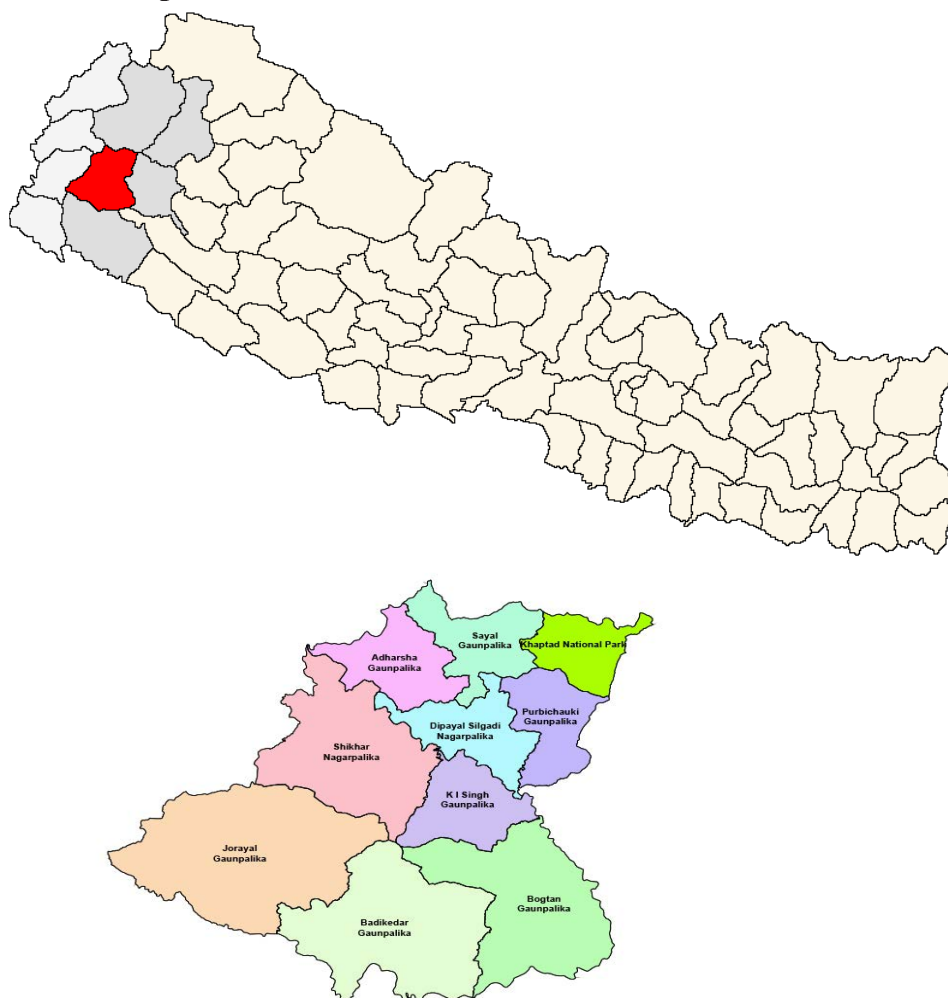


Doti

The areas of ‘Monitoring Economic, Social and Cultural Rights and Publishing a Year Book’ are Joroyal Rural Municipality (ward no. 2, 3, 4, 5, 6) Shikhar Municipality (ward no. 3, 4, 6, 11) and Dipayal Silgadhi Municipality (ward no. 1, 2, 9) of Doti district. The reason behind the selection of this district is to observe the real ESC rights of freed haliyas who are one of the marginalized communities in Nepal. These Municipalities and Rural municipality have massive population of freed haliyas, so this monitoring aims to see the status of health and education in these areas.

Doti District is one of the 77 districts of Nepal. This district, with Silgadhi as its headquarters, covers an area of 2,025 square kilometres (782 sq mi) with a population of 207,066 in 2001 and increasing marginally to 211,746 in 2011.

Doti District Map



5.3. Data Collection

Primary Data:

Primary data were collected through semi-structured questionnaire on right to health and right to education via Mobile App. 120 interviews have been carried out in right to education while 80 interviews have been carried out in right to health during the monitoring in order to triangulate facts. 1/1 focus group discussion was held on selected Rural municipality and municipalities with the participation of concerned stakeholders of school & health post. This includes school teachers, parents, students, school management committee, local politicians, health post staff, HA, and patients to discuss the various dimensions of ESC rights and its implementation in respective areas.

5.3.2. Secondary Data:

Secondary data was collected through media, books, journals, articles, reports and previous studies related to ESC rights especially on right to health and right to education.

Sampling

Purposive sampling was done with eight sets of questionnaire. Four related to right to education was focused to school management committee, school head teachers or teachers, parents and the students. Another is related to right to health that focused to the health posts, hospital authorities, local officials and patients. Altogether 54 schools and 15 health posts are there in this monitoring program. This includes government schools and health posts from the selected wards of one rural municipality and two municipalities of Doti district, where majority of freed haliya people lives in, plus one rural municipality and 1 municipality of Dhading district.

2.4. Tools and Techniques

2.4.1. ESCR Monitoring

Semi-structured questionnaire related to right to health was asked to health post authorities and patients. Similarly, questionnaire related to right to education was asked to the school authorities, students and parents using advanced technology of ESCR monitoring Mobile App. All together 200 interviews on monitoring have been carried out in this piloting program.

2.4.2. Focus Group Discussion

One/one focus group discussion was conducted in Jorayal Municipality and Dipayal shilgadhi Municipality involving 8 participants from two areas of monitoring program. They are local political leaders, parents, teachers, students, school management committee, HA & patients.

2.5.3. Observation

This monitoring program also adopted observation technique for collecting data about local people and culture, social capitals and social resources, physical capitals, human capitals and financial capitals in particular municipalities. Observation of public health posts, schools, community forests, lands, markets, roads, community groups, natural resources, caste & ethnicity and languages etc was done.

2.6. Data Analysis

Data analysis is fully based on information gathered by the community monitors via monitoring ESC Rights in the selected areas. A huge number of primary and secondary data have been generated during the monitoring period. To handle it conveniently, the collected raw data are processed by statistical tool. Coding, sorting, grouping, editing and analyzing have been done. Then the processed data has been analyzed and represented through pie-chart, table, graphs and other necessary statistical methods accordingly. In case of quantitative data, frequency, average and percentage have been used. On the other hand, descriptive method of analysis has been applied for qualitative data. SPSS and Excel are the major software used to analyze the collected data and information. The data has been analyzed to draw conclusions.

Analysis has been presented theme-wise as per the questionnaire design. 4A and 1Q (Availability/Accessibility, Affordability, Acceptability, Adequacy and Quality) are the major theme in both the monitoring questionnaire.

2.7. Scope and Limitations

This book has been prepared with the help of monitoring ESC Rights from June to December 2018. Because of time constraint, it has certain limitations on selecting the monitoring area, budget and covering the ESC rights. Considering these various limitations, we selected only three areas one rural municipality and two municipalities of Doti district and also continued monitoring previous areas covering Nilkantha Municipality and Gajuri Rural Municipality of Dhading district. Likewise, this monitoring program is limited on covering only right to health and right to education of ESC rights. Therefore, there is a lot of scope of monitoring in expanding budget, areas and duration of the program.

2.8. Media Monitoring

Media monitoring includes some portion of news and reviews related to health and education of ESC rights that were collected from various newspapers during the monitoring period September – December 2018.

Education and health related issues are still not prioritized by the media. The government has provided the facilities of free medicine and health services but media is increasing the news that still many people are not getting these facilities. The medicines that should be provided for free are not being provided and some media are publishing such news that even the paracetamol is also not being provided in some places.

Doctors are not present in some of the health post and because of such incidents many people are losing their lives. There is some good news like; rural municipalities are providing free health services to the old age peoples in their house. And in some places due to over crowd of patients, women are giving birth in the passage.

On July 15 Annapurna post published news that a women from Morang Sunabarsi 9 Dulat Kumari Shah gave birth in the toilet of the health post because of the absence of health workers in the health post.

Some don't get health facilities and seek for the facilities and some stay at home in the absence o the health facilities. Likewise, on August 12 Gorkhapatra published news where a man was forced to stay at home as he didn't have enough money for his treatment, on July 28 a boy is collecting amount for his treatment, this news tells us all Nepali people that the health related policies written in the Constitution of Nepal are not being followed properly.

'The facilities of the health post are not being provided, Ones death due to lack of treatment, entitled news was published in the Gorkhapatra on August 10. A man lost his life in East Rukum Charjahari because of the patient didn't get treatment. Such news was published where there are no health facilities and because of such many people are losing their lives.

On June 1 a boy named Basanta Bibek studying in grade 12 went to pick some yarshagumba in Dolpa Rural Municipality 9. He bunked his classes to go to pick the yarshagumba.

The percentage of students is getting low in the Government Schools whereas, the government has started a new campaign of giving education facilities to every child. Such news is being published as well.

Some schools have 1 student, some have 3 students and 3 teachers and some schools have 103 students and only 1 teacher for them. Some media have published news that some of the schools are engaging the children in agricultural activities and farm work. Likewise, Gorkhapatra has news entitled “One child one vegetable”.

On December 25 Gorkhapatra published news with the annex of a school from Surkhet. Students are decreasing in the winter season due to sickness and in summer season students suffer from Diarrhea and Malaria.

On December 18 news was published where students were taken triple amount as an amount for showing the film.

Some schools do not have proper building and the students are forced to study under the open space and due to lack of proper toilet many female students leave the school during their menstruation period.

On December 28 Kantipur published news from Rasuwa, Nilkantha Namuna Secondary School. The school did not have a building so they kept all the students in one room and taught them.

Naya patrika published one page news except on Saturday and Gorkhapatra also publishes one page news one day. They publish news on the basis of the taste of the reader, where health related news was published more comparative to the education news. The education news are mostly related to politics, ministers, education minister, teachers strike and the effect of the strike on the schools education, lack of school building and toilets are the highlights of the news.

SOME GLIMPSE OF MONITORED MEDIA FILES



6. Key Findings / Analysis

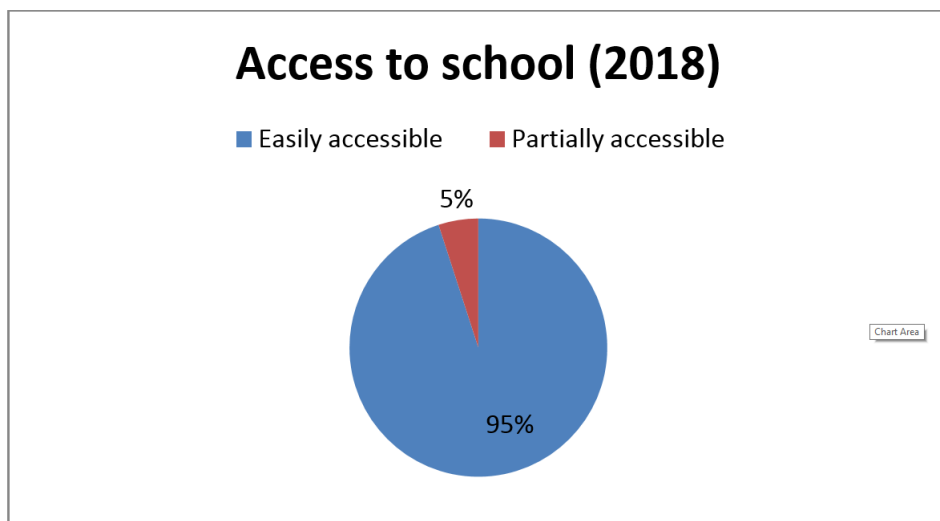
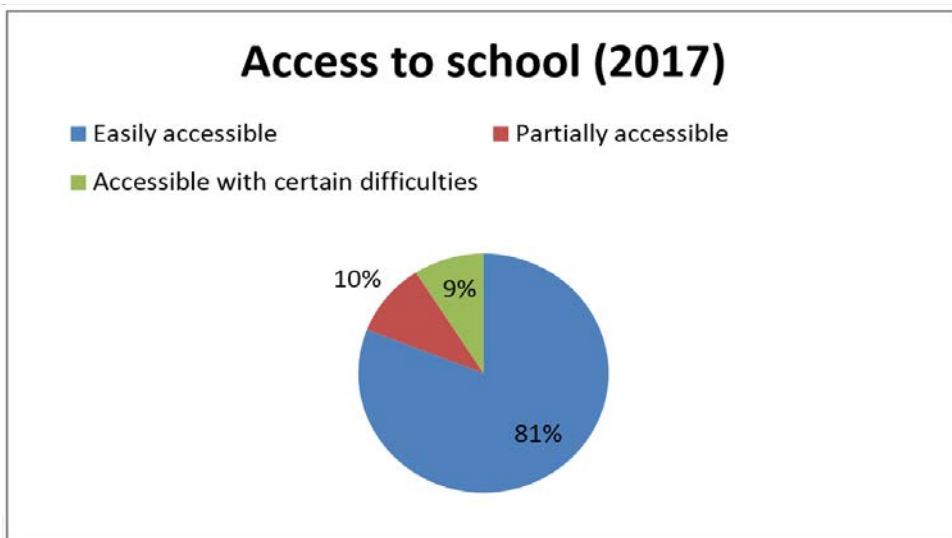
I. Result of Continuation/ Follow up of Monitoring in Dhading

Previously, the piloting monitoring program was totally focused in two areas of Dhading district. The ESCR Year Book has been published in the year 2017 including facts and figures of implementing situation in the area. This year also we have continued monitoring the same areas specially focusing on right to health and right to education.

Right to Education

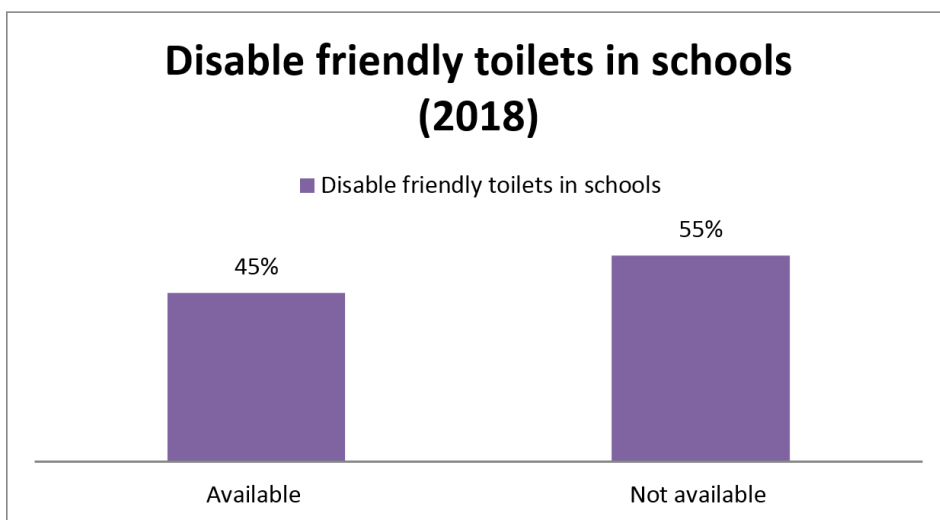
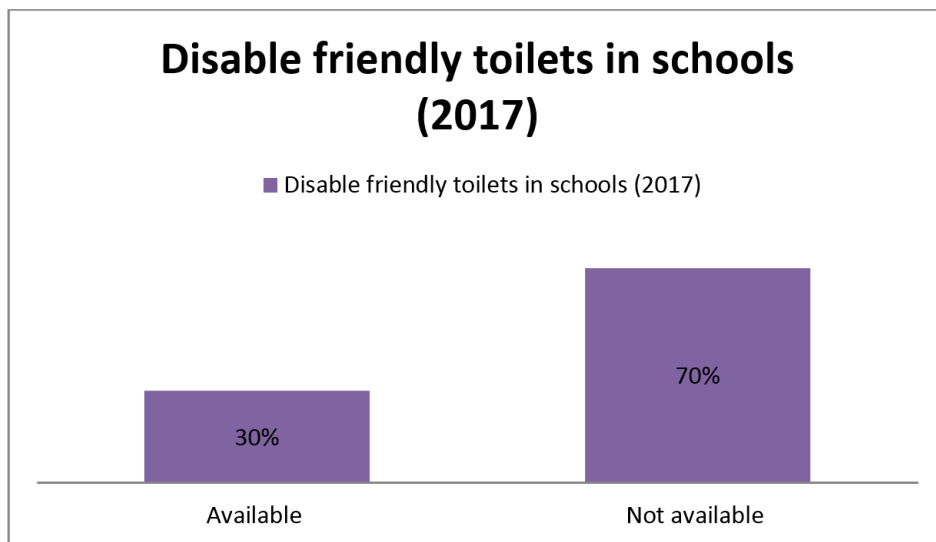
Below are some key areas of comparative result between year 2017 and 2018.

Accessibility



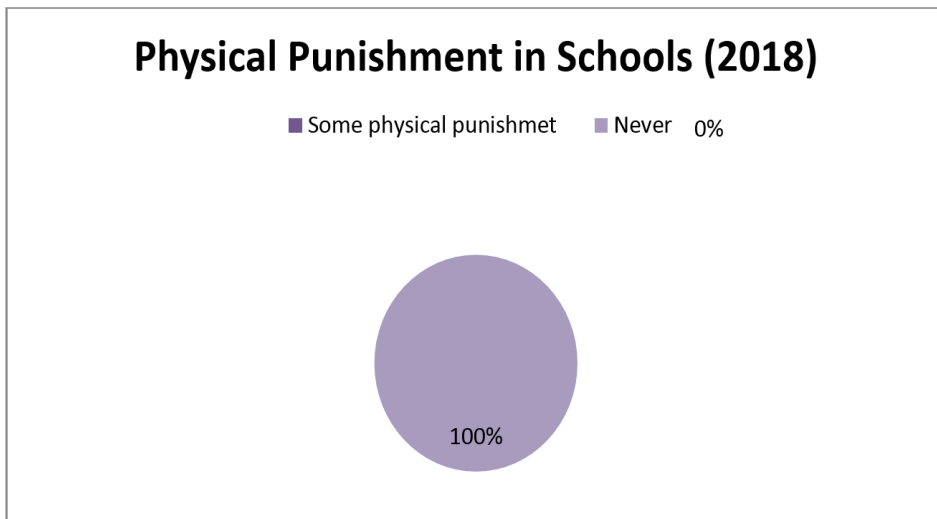
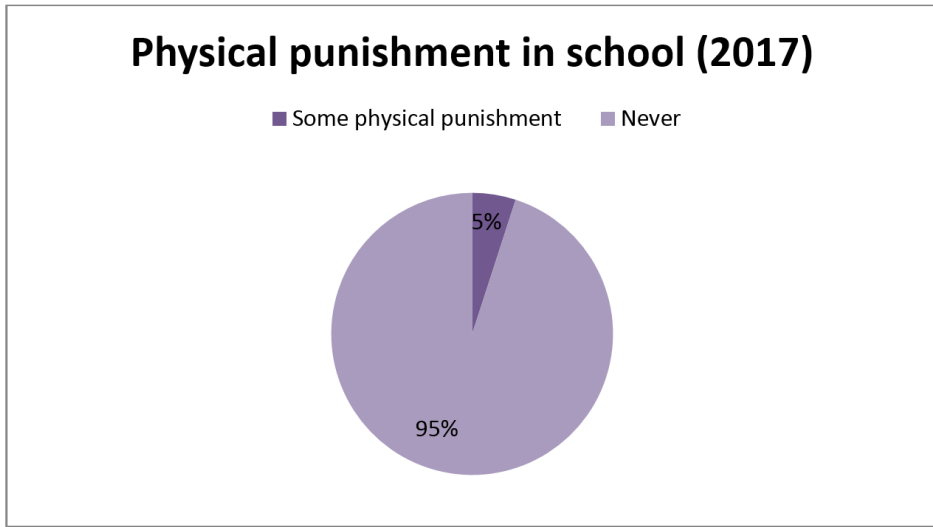
In comparison to previous year (89%), in the case of access to school, 95% respondents have said that they have easy access to the schools. Similarly, 10% of the respondents have said partially accessible in 2017, whereas in 2018, 5% of the respondents have said partially accessible.

Disable friendly toilets in schools



Previously, only 30% respondents have said that there is an availability of disable friendly toilets in their schools. Whereas, this year 45% respondents have said that they have access to disable friendly toilets in their schools. This is an important area of progress comparing to last year.

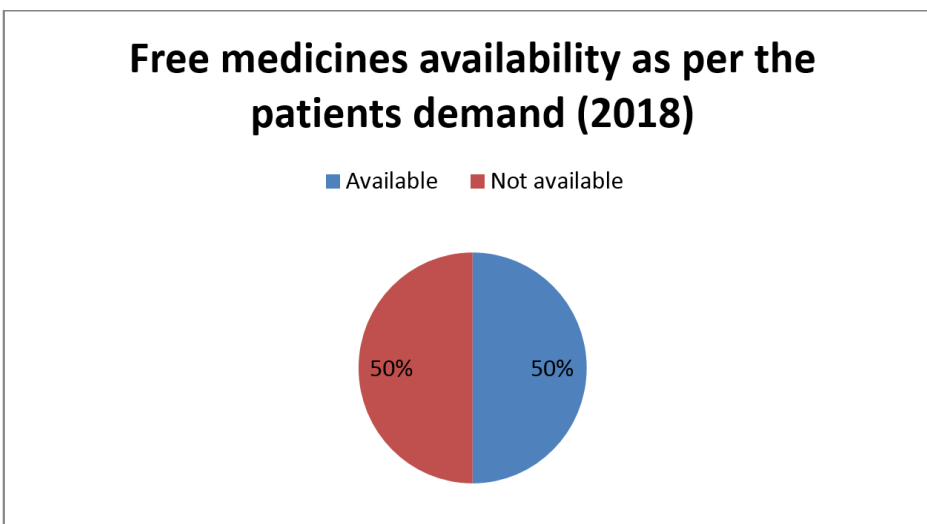
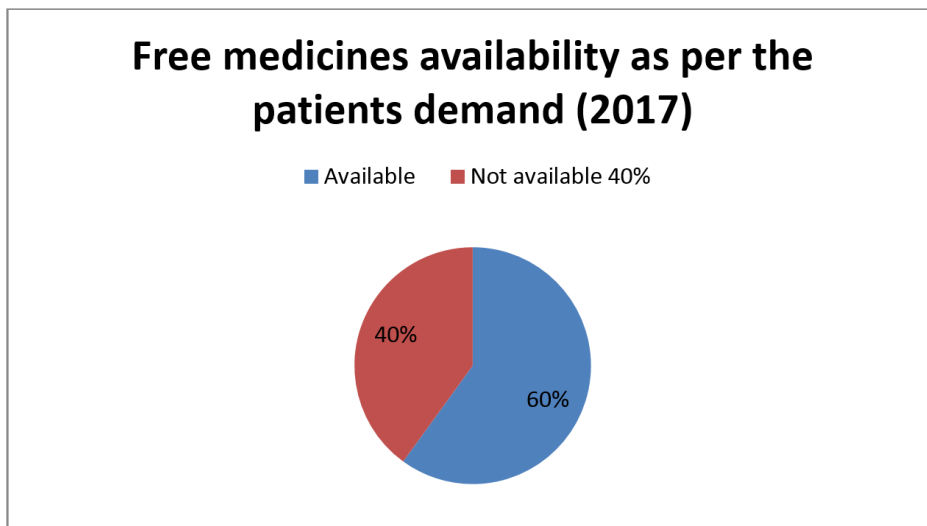
Physical Punishment in schools



Previous year, 5% students have agreed on the option of some physical punishment has been given. But this year 100% respondents have said that they don't have to bear any physical punishments in their schools.

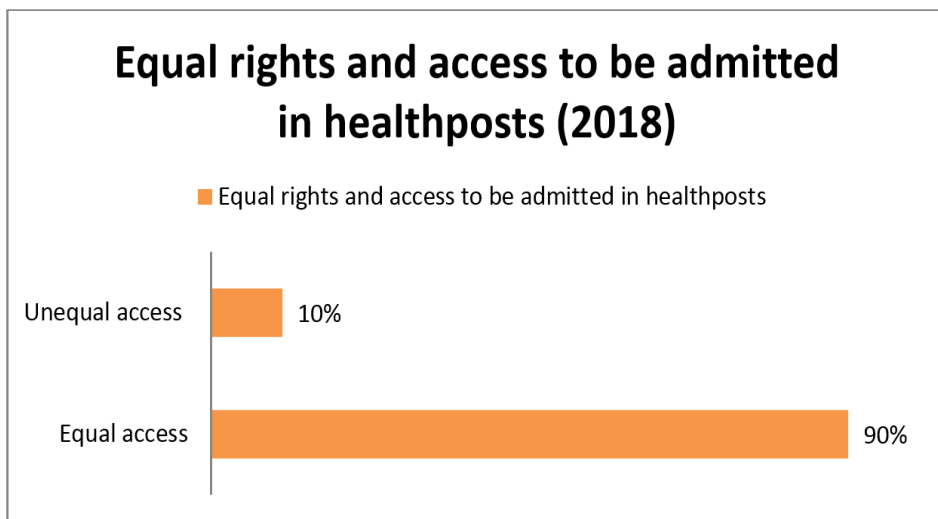
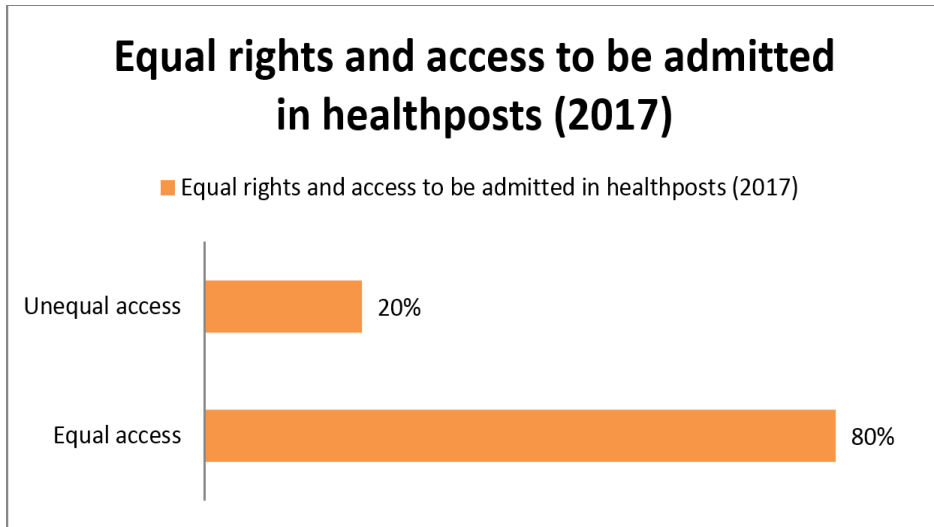
Right to Health

Free medicines availability as per the patients demand



This year 50% respondents have said that the free medicines are available in their health post and 50% respondents have said it is not available. Whereas, in the year 2017, 60% respondents have said free medicines are available.

Equal rights and access to be admitted in healthposts



The equal right and access to be admitted in healthpost has been increased in comparison to previous year. This year 90% respondents have expressed that they have equal access and only 10% respondents have expressed that they have unequal access. Previous year 80% respondents have said they have equal access.

Key Findings / Analysis

Right to Education

Nepal government has provided right to education as a fundamental right in the constitution of Nepal 2015. Under right to education, following are some provisions:

- (1) Every citizen shall have the right of access to basic education.
- (2) Every citizen shall have the right to get compulsory and free education up to the basic level and free education up to the secondary level from the state.
- (3) The citizens with disabilities and the economically indigent citizens shall have the right to get free higher education in accordance with law.
- (4) The visually impaired citizens shall have the right to get free education through Braille script and the citizens with hearing or speaking impairment to get free education through sign language in accordance with law.

In this context, this monitoring program somehow tried to analyze the actual condition of right to education in Jorajal Rural Municipality (ward no. 2, 3, 4, 5, 6) Shikhar Municipality (ward no. 3, 4, 6, 11) and Dipayal Silgadhi Municipality (ward no. 1, 2, 9) of Doti district. For this, we followed 4A and 1Q theme while preparing the questionnaire considering international standard and indicators of right to education.

4A and 1Q include accessibility/availability, adequacy, affordability, acceptability and quality. This monitoring program tried to find out the access of students in educational institutions, the access of people with disabilities and poor people to free higher education, educational arrangements of Braille for visually impaired and symbol for hearing impaired, availability of disabled-friendly toilets, implementation of right to education in mother tongue, availability of free books on time or not, the infrastructure condition of the school, fundamental education is free or not, capacity of the parents to buy school dress or not, availability of first aid treatment, water and sanitation condition in schools etc.

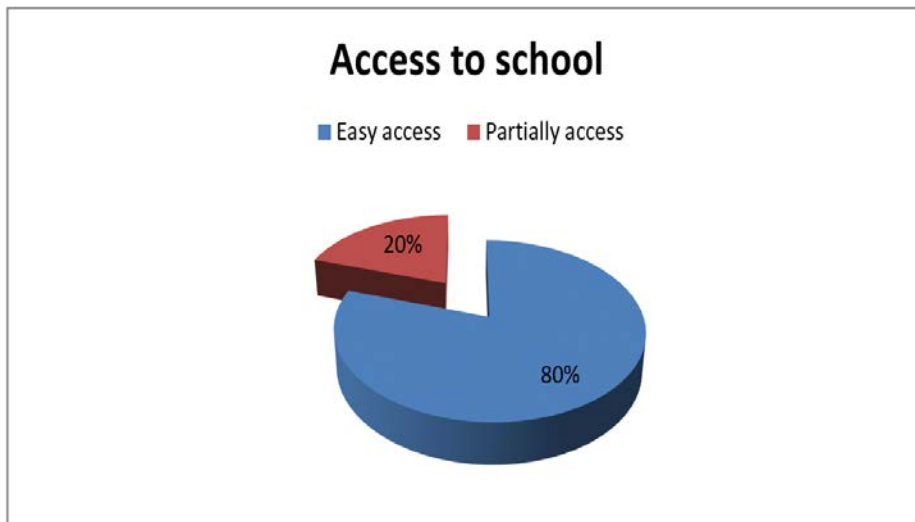
Interesting findings have been discovered from the monitoring of ESC rights. For example, 80% respondents have said that books are distributed immediately after class start. Likewise, 100% respondents agreed on the idea that schools are not giving physical punishment to their students, 80% respondents said that they are getting free basic education. However, 15% respondents said free basic education is not provided. 70% respondents said that there is an arrangement of separate toilets for girl students. However, 30% respondents have said that they are not having separate toilets for girls in their schools.

On the other side, only 5% respondents have said that there is arrangements of education via Braille for visually impaired and symbol for hearing impaired students in schools. Whereas, 45% respondents said that there is no such provision till date and 50% respondents said not provided. Likewise, 60% respondents have said that the disabled-friendly toilets in schools are not available. Similarly, 60% respondents have said that the computer education is not provided in their schools.

It was found that people are not fully enjoying their Right to Education of the ESC rights because of lack of information and inadequate distribution of government facilities. To support the above mentioned arguments and explore more findings about the ESC rights monitoring program on right to education, following facts and figures have been prepared.

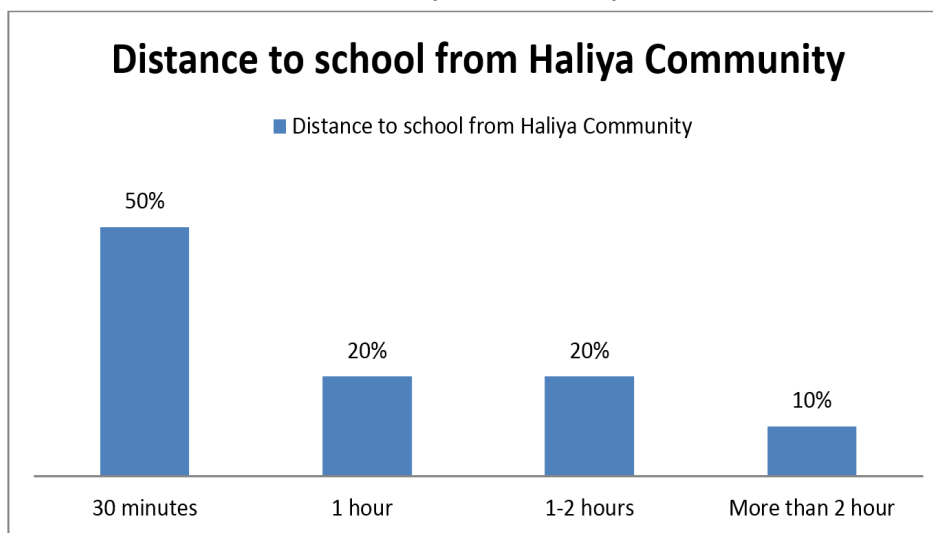
Access / Availability

Access to schools



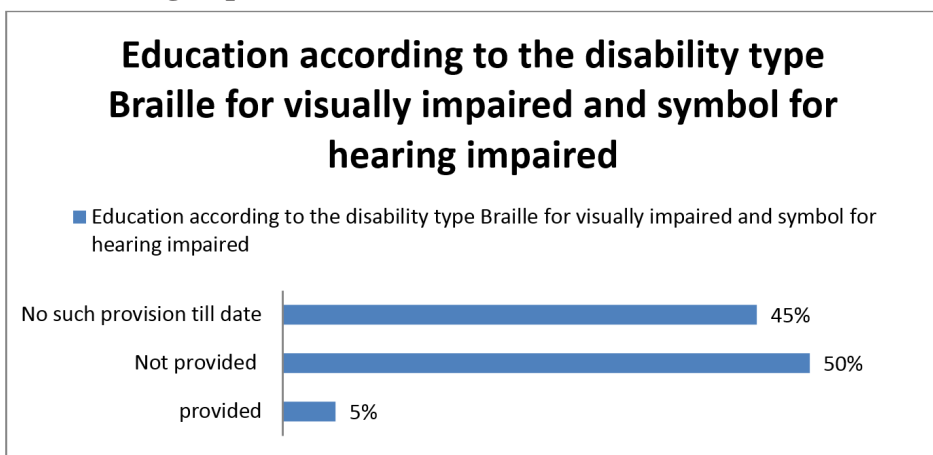
Access to school is the key while monitoring right to education, because it provides the scenario of that place. 80% respondents said that they have easy access to the school and 20% respondents said that they have partially access to the school.

Distance to the school from freed haliya community



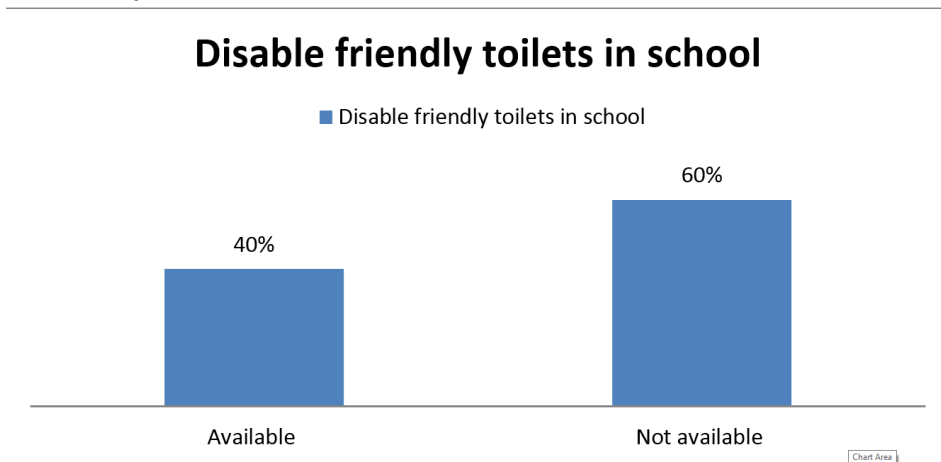
As this monitoring program was focused to freed haliya communities living in different parts of Doti district, we wanted to find out the distance of schools from the community. Here, 50% respondents have said that they have 30 minutes distance to school from haliya community, 1 hour and 1-2 hour of distance for 40% respondents and 10% respondents still have to walk more than 2 hours.

Education according to the disability type Braille for visually impaired and symbol for hearing impaired



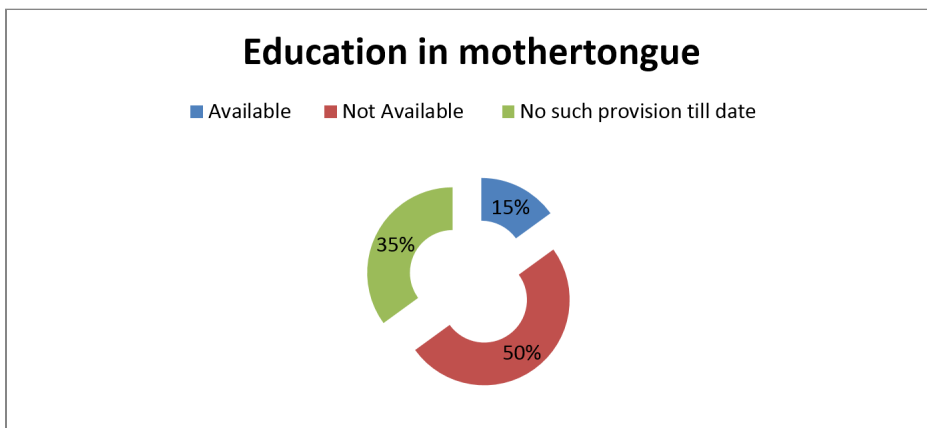
This figure shows that the education for people with disability has not been provided. 50% respondents have said that they are not getting such type of education in their schools. Similarly, 45% respondents have said that no such provision has been implemented till date. Only 5% respondents have said that there are such provisions.

Disable friendly toilets in schools



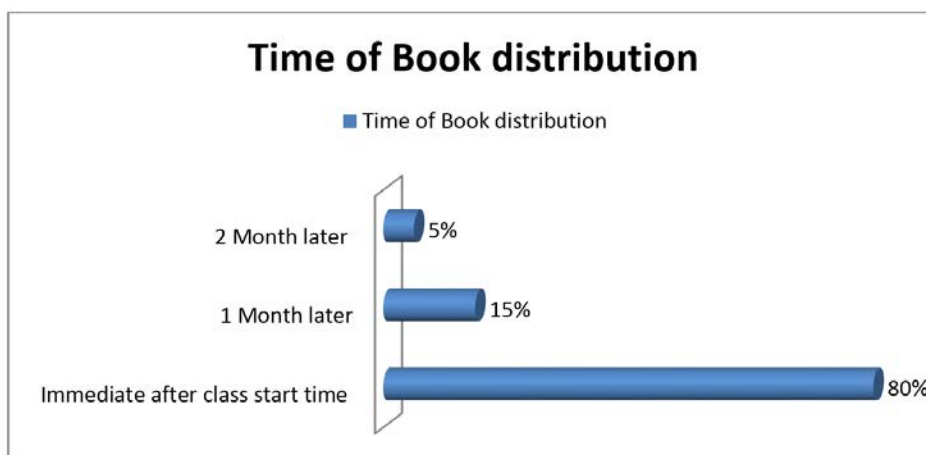
Disable friendly toilets and buildings are the most important infrastructure for schools, so that the students with disabilities could come and attend school. This monitoring found that the disable friendly toilets in schools of Doti are not disable friendly in most of the places. As shown in the figure, 60% respondents have said that they do not have disable friendly toilets in their schools, only 40% respondents said they have disable friendly toilets in their schools.

Education in mother tongue



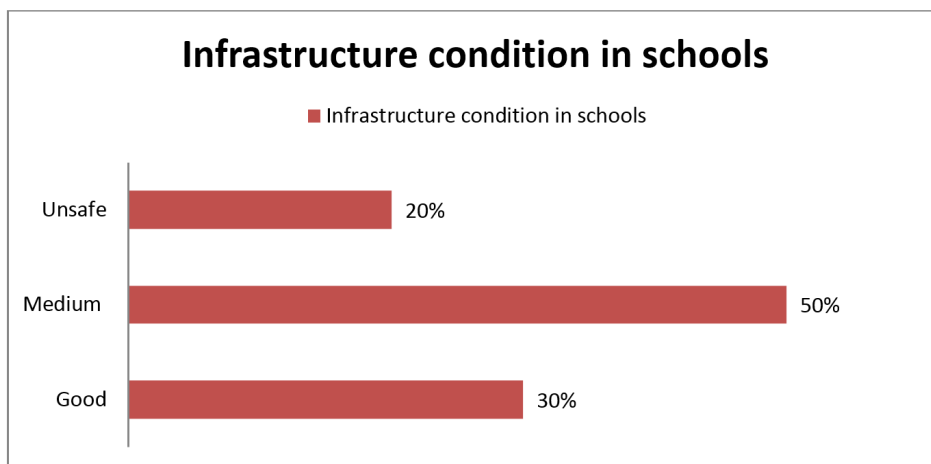
Nepal government has made the provision that the education should be provided in mother language. This monitoring program found that the education in mother tongue has not been provided in most of the schools. Only 15% respondents have said that they have facility of getting education in their mother language in their schools. 50% respondents said such facility is not available in their schools and 35% respondents have said that there is no such provision till date in their schools.

Time of book distribution



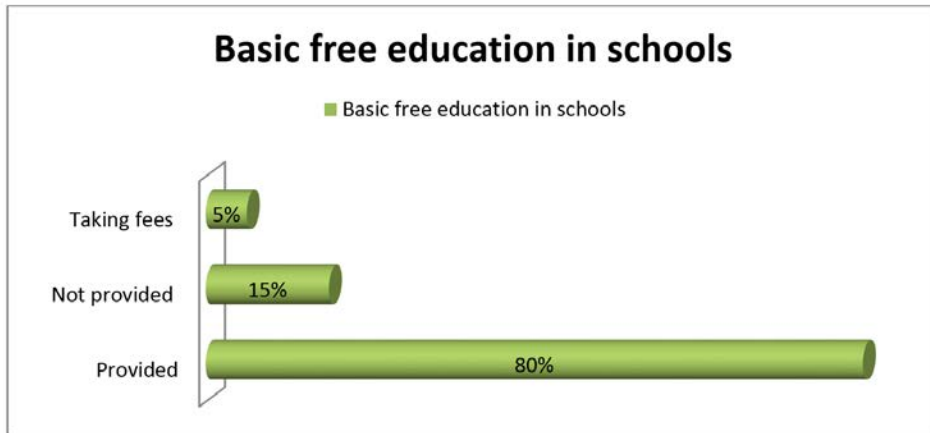
As shown in the figure, 80% respondents have said that their schools have distributed books immediate after class start. Likewise, 15% respondents have said that the books have been distributed after 1 month of class start time and 5% respondents have said that the books have been distributed after 2 months of class start.

Infrastructure condition in schools



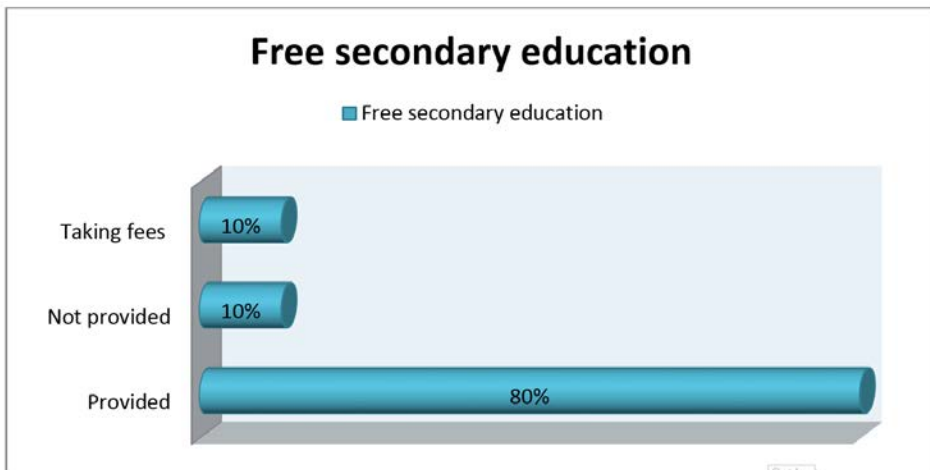
Infrastructure condition of most of the schools is medium. 50% respondents have said that they have medium condition of infrastructure in their schools. Similarly, 30% respondents have said their infrastructures are in good condition and 20% respondents have said that their infrastructures are in unsafe condition.

Basic free education in schools



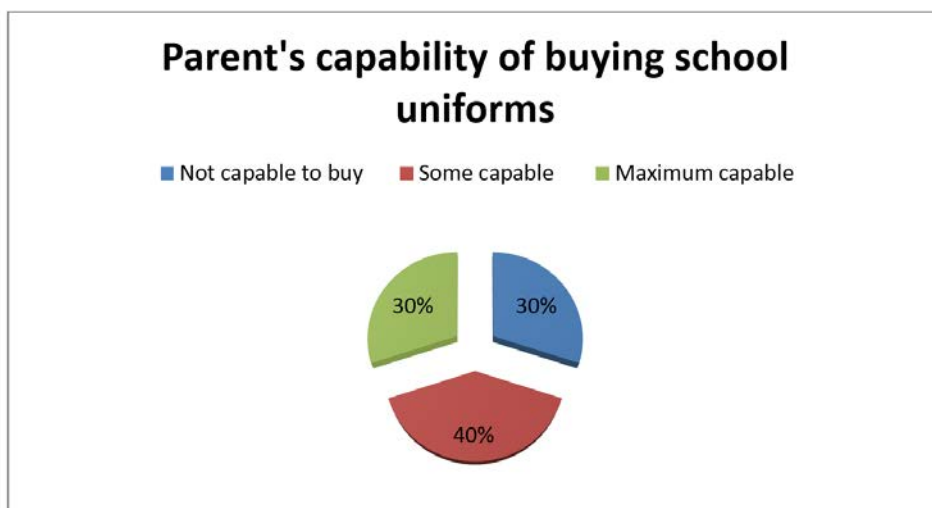
Government of Nepal has made a policy of free basic education in government schools and it is being implemented in maximum schools. In Doti district also, 80% respondents have said that their schools are providing free basic education. But still 5% respondents have said schools are taking fees and 15% respondents have said that their schools are not providing free basic education.

Free secondary education



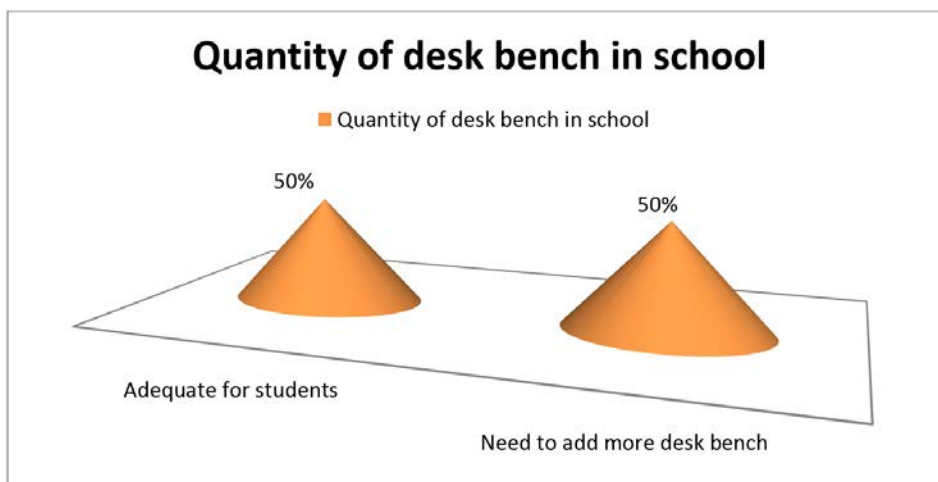
This figure shows that the free secondary education policy has been implemented in most of the schools of Doti. 80% respondents have said that free education up to secondary has been provided. However, 10% respondents have said it's not provided and 10% respondents said schools are taking fees.

Parent’s capability of buying school uniforms



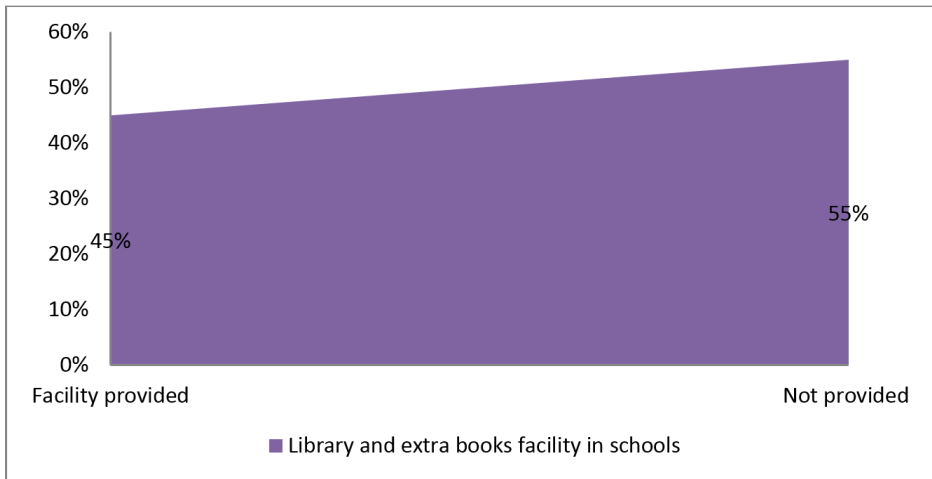
Parent’s capability of buying school uniforms and other necessary materials for their children is also very important indicator for monitoring right to education. Above figure shows that 40% respondents responded as some parents are capable of buying uniforms for their school going children. 30% respondents said maximum parents are capable and 30% said parents are not capable.

Quantity of desk bench in schools



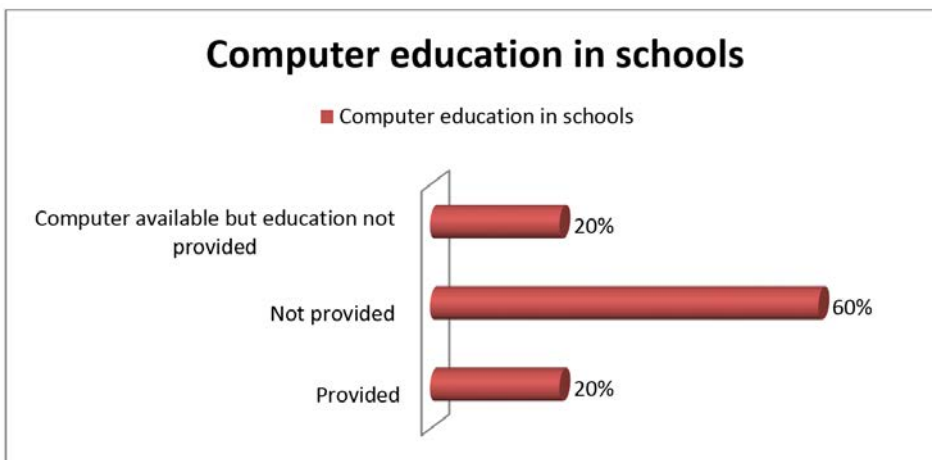
As shown in the figure above, 50% respondents said that they have adequate number of desk bench in their school. On the other hand 50% respondents said need to add more desk bench in their schools.

Library and extra books facility in schools



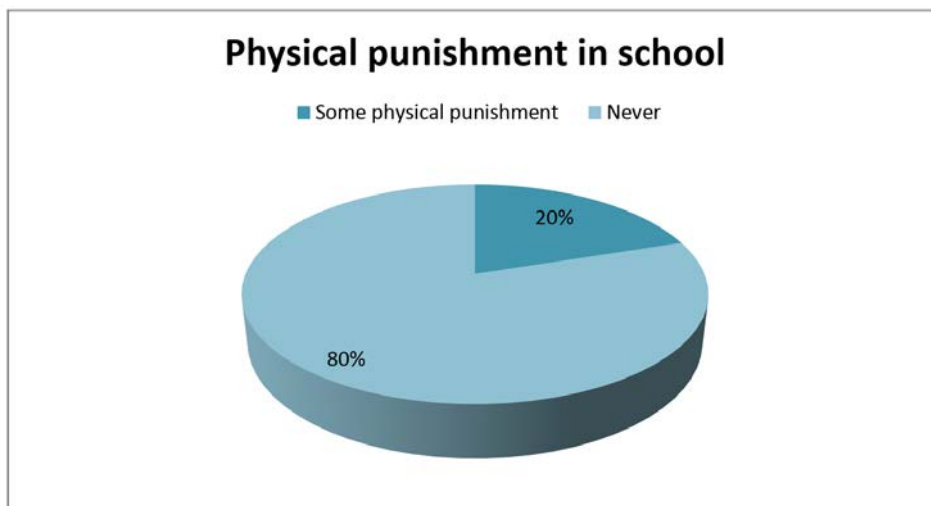
Library in school is one of the most important parts for quality education. Here as shown in the figure, 45% respondents have said that library and extra books facility in schools has not been provided. Whereas 55% respondents said that the facility has been provided in their schools. Maximum number of respondents has responded that the facility has not been provided.

Computer education in schools



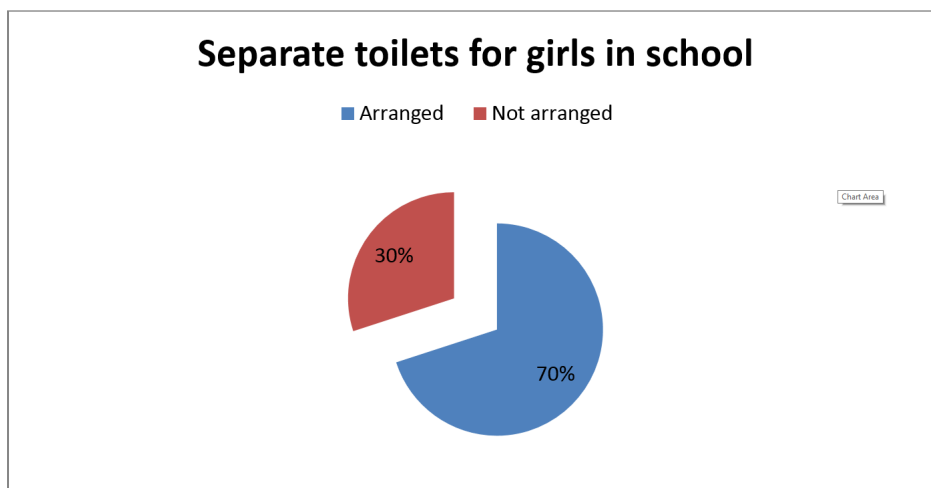
Computer education is the need of today’s education for the competitive educational service. This is one of the most important indicators in monitoring right to education of ESC rights. As shown in the above figure, 60% respondents have said that the computer education has not been provided in their schools and. Only 20% respondents have said that the computer education has been provided in their schools and 20% respondents have said that the computer is available in their schools but the education has not been provided.

Physical punishment in school



Giving physical punishment to the school going student is legally banded by the government of Nepal. As shown in the figure above, 80% respondents have given positive answer that haven't receive such punishment in their schools. However, 20% respondents have said that they have received some physical punishments in the schools by their teachers.

Separate toilets for girls in school



Separate toilets for girls in the schools must be the prime concern while constructing toilets in the schools. From the monitoring of right to education in 3 local levels of Doti, positive finding has been gathered. 70% respondents have said that the separate toilets for girls in school have been arranged. 30% respondents have said it has not been arranged in their schools.

Right to Health

Right to health is one of the major fundamental rights in the new constitution of Nepal 2015. Under this right, following are the provisions.

- (1) Every citizen shall have the right to free basic health services from the State, and no one shall be deprived of emergency health services.
- (2) Every person shall have the right to get information about his or her medical treatment.
- (3) Every citizen shall have equal access to health services.
- (4) Every citizen shall have the right of access to clean drinking water and sanitation.

The monitoring questionnaire for right to health is based on international standard 4A & 1Q.

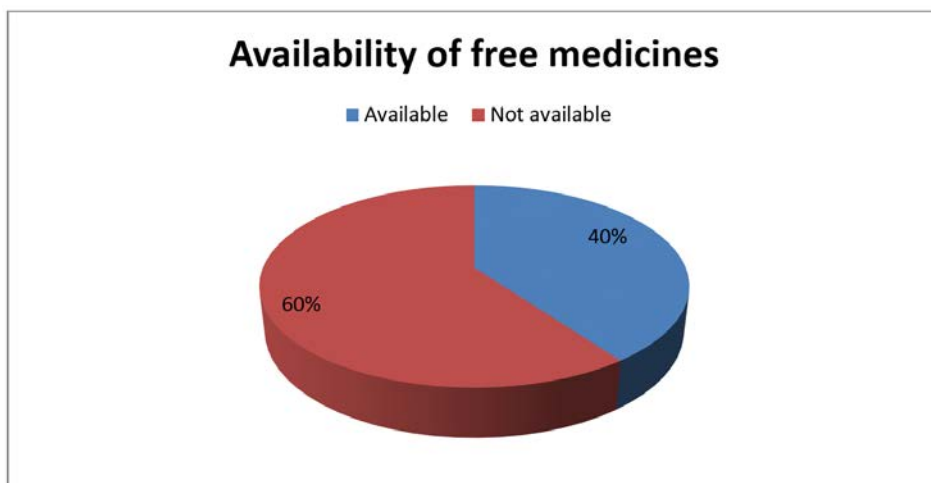
4A and 1Q includes accessibility/availability, adequacy affordability, acceptability and quality. It has tried to find out the access of patients in health institutions, the access of people with disabilities and poor to free medicines and health care services, availability of disabled friendly toilets and buildings, how about the availability of free medicines, services provided by the health posts, the infrastructure condition of health post, capacity of the patients to buy medicines, water and sanitation condition in health post etc.

Interesting facts have been gathered from the monitoring program of right to health under ESC rights. For instance, 80% respondents have said that there is no discrimination for freed haliya communities in health post. However, 20% respondents have said that they are facing discriminations in health posts. Similarly, 55% respondents have said that the facilities provided by the health post are good and 25% respondents have said it is satisfactory. 80% respondents have said that the drinking water facility in health post is satisfactory.

On the other hand, 40% respondents have said that their health posts are in more than 2 hours of walking distance from their community. Considerably, 70% respondents have said that the disabled friendly toilets are not available in their health post. Hospital is the main area, where disabled friendly toilets and buildings should be arranged. Unfortunately, maximum numbers of the health institutions have been found without having disabled friendly toilets and buildings. Likewise, 90% respondents have said that the medicines in health post are not adequate.

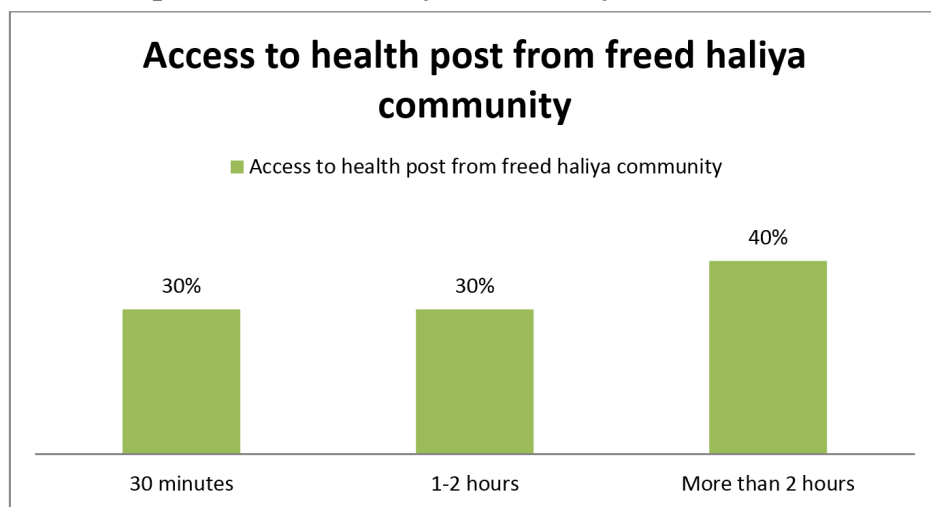
Some findings of the ESC rights monitoring program on right to health has been presented in following figures.

Availability of free medicines



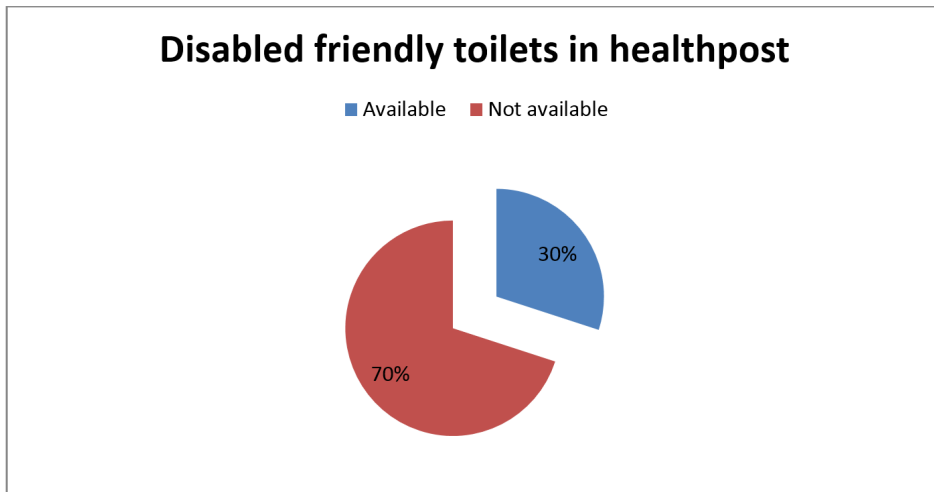
Availability of free medicines in health post is the major indicator that gives an overview of right to health. 60% respondents have said that the free medicine in the health posts is not available. Only 40% respondents have said it is available in their health post.

Access to health post from freed haliya community



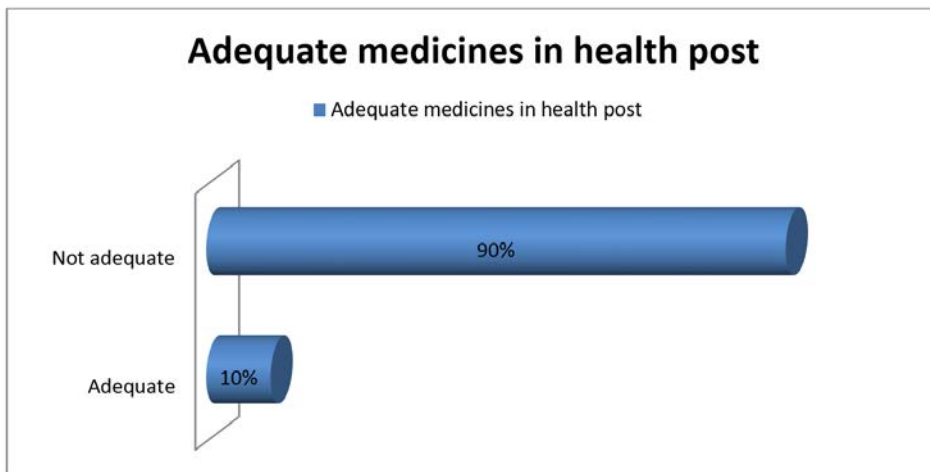
Accessibility is another prime concern when we monitor something. This figure shows that the access of health post from freed haliya community is in more than 2 hours distance. 40% respondents have said that their health post is in more than 2 hour of distance from their community. 30% respondents said their health post is in 30 minutes distance and 30% respondents have said it is in 1-2 hours distance from their community.

Disabled friendly toilets in health post



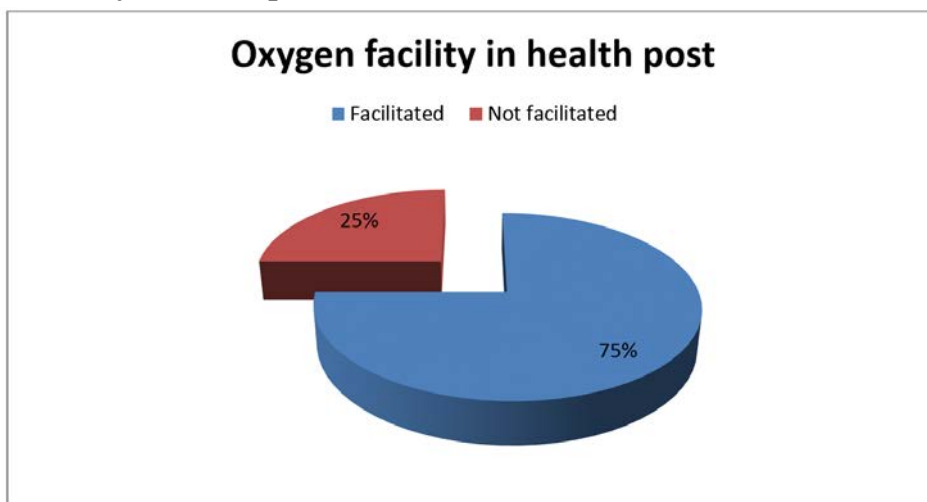
Disabled friendly toilets are another most important side of monitoring ESC rights. Here, maximum numbers of respondents (70%) have said that they don't have disabled friendly toilets in their health post. Only 30% respondents have said that they have disabled friendly toilets in their health post.

Adequate medicines in health post



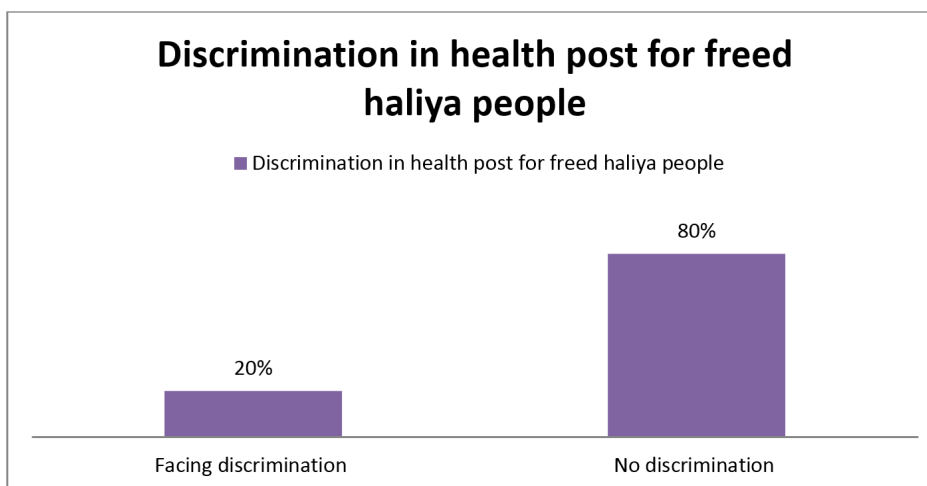
Adequate medicines in health post are the most important aspect of right to health. Here, 90% respondents have said that the medicines availability in their health post is not adequate. Only 10% respondents have said it is adequate.

Oxygen facility in health post



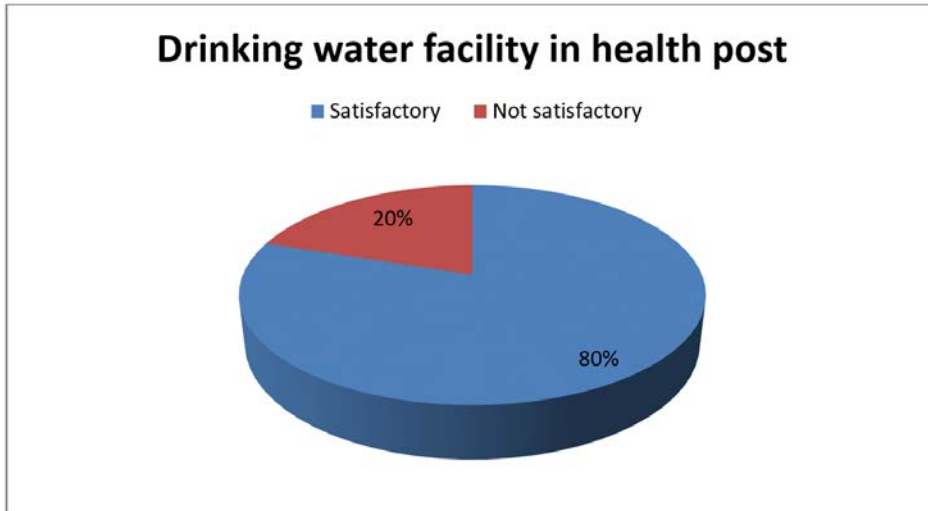
As shown in the figure above, 75% respondents expressed that the oxygen facility has been facilitated in their health post. However, 25% respondents still aren't having oxygen facility in their health post.

Discrimination in health post for freed haliya people



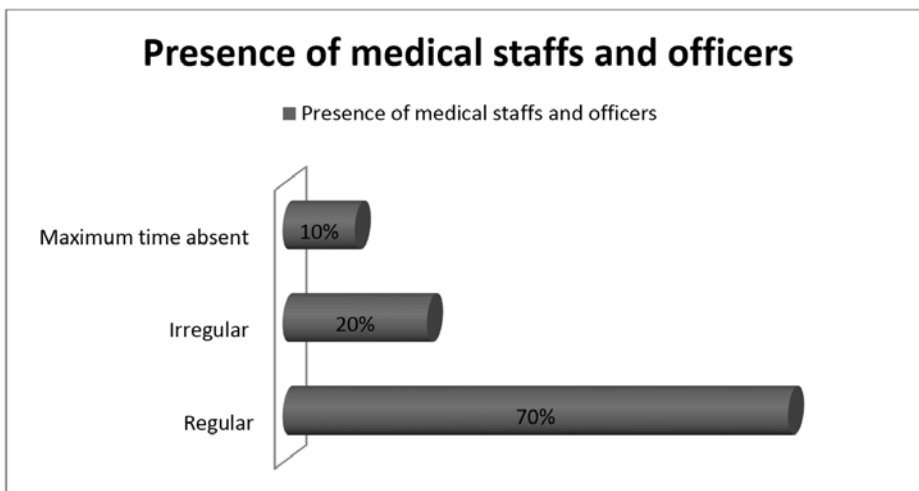
Here, 80% respondents have said that there is no discrimination in health posts for freed haliya people. However, 20% respondents still feels that they are facing discrimination in their health posts.

Drinking water facility in health post



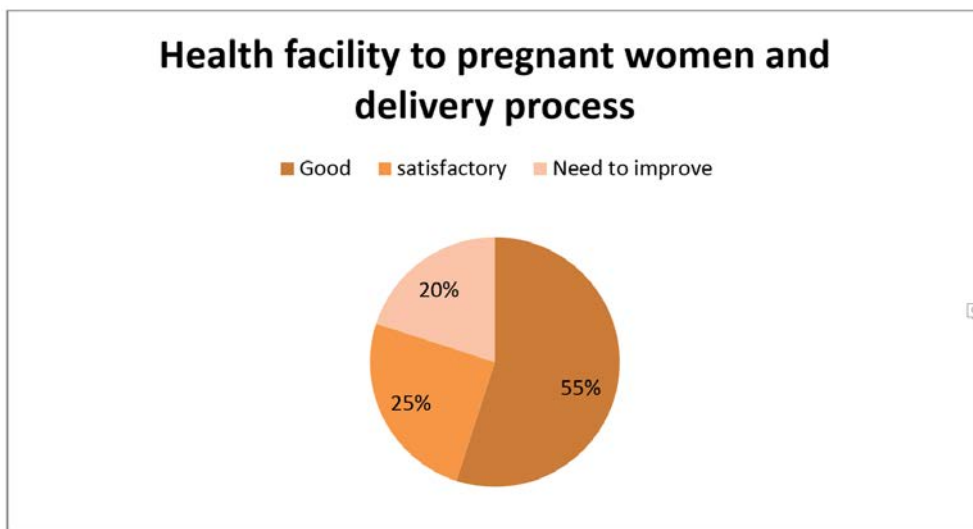
As shown in the figure above, 80% respondents of the monitoring areas have said that they have satisfactory drinking water facility in their health post. However, 20% respondents still feels that they don't have satisfactory drinking water facility in their health posts.

Presence of medical staffs and officers



70% respondents of this monitoring have said that the presence of medical staffs and officers is regular. However, 20% respondents said irregular presence of medical staffs and 10% respondents have said that they have seen maximum time absence of medical officers in their nearest health posts.

Health facility to pregnant women and delivery process



As shown in the figure, 55% respondents feel that the health facility to pregnant women and delivery process provided by the health post is good. Likewise, 25% respondents feel that the facility provided by the health post is satisfactory and 20% respondents feel needs to improve the facilities.

Conclusion

The situation of ESC rights in two Municipalities of Dhading district has changed in some of the context comparing to the year 2017. For example, previous year 81% respondents have said that they have easy access to the school; this year 95% respondents have said so. Similarly, previously 30% respondents have said they have disabled friendly toilets in their school, this year 45% respondents have said they have disabled friendly toilets in school. Likewise, 95% respondents have said no physical punishment in their school in 2017; this year 100% respondents have said no physical punishment that there is punishment in their schools. In health sector, 60% respondents have said free medicines available in the health post and this year only 50% respondents have said so. Likewise, previously 80% respondents have said that they have equal rights and access to be admitted in health post; this year 90% respondents have said so.

The major impact this program has left out in grassroots level is that the citizens/right holders themselves are being engaged in the process of ESC rights monitoring. This will ultimately contribute to the advocacy process in the future. Providing capacity building training to them was the effective step to make them understand about their rights and they are now able to claim their rights.

Freed haliya communities mostly belong to Dalit castes and majority of population from freed haliya lives in Doti district. It was found that freed haliya communities of 1 Rural Municipality and 2 Municipalities of Doti district are not fully enjoying their right to health and right to education. For example, 70% respondents said that there is an arrangement of separate toilets for girl students. However, 30% respondents have said that they are not having separate toilets for girls in their schools. Only 5% respondents have said that there is arrangements of education via Braille for visually impaired and symbol for hearing impaired students in schools. Whereas, 45% respondents said that there is no such provision till date and 50% respondents said not provided. Likewise, 60% respondents have said that the disabled-friendly toilets in schools are not available. Similarly, 60% respondents have said that the computer education is not provided in their schools.

In the monitoring of right to health, 55% respondents have said that the facilities provided by the health post are good and 25% respondents have said it is satisfactory. 80% respondents have said that the drinking water facility in health post is satisfactory.

On the other hand, 40% respondents have said that their health posts are in more than 2 hours of walking distance from their community. Considerably, 70% respondents have said that the disabled friendly toilets are not available in their health post. Hospital is the main area, where disabled friendly toilets and buildings should be arranged. Unfortunately, maximum numbers of the health institutions have been found without

having disabled friendly toilets and buildings.

CAHURAST-Nepal has initiated the practice of ESCR monitoring from citizens' of grass root level with use of technology. This has not been practiced in the history of Nepal. It has become a historical bridge to collaborate Human Rights with technology. This could add value to National Human Rights Commission Nepal (NHRCN) works which seems inactive in monitoring ESC rights till date. In addition, such initiation can be the foundation to institutionalize democracy. It can be said that the practice of monitoring using Mobile App will be extended in mass basis and can be a very lubricating tool for the full enjoyment of human rights.

It has been utmost need to address the problems of disadvantaged, marginalized and minority groups ensuring that their voices are heard and their interests protected in the new federal and legal structures. This can be achieved by incorporating legal provisions into the constitutional and legislative framework aimed at addressing social injustice and ending discrimination based on class, caste, language, gender, culture, religion or region.

Recommendation

Right to education

- Implementation of government plans and policies should be monitored frequently
- Disabled-friendly toilets and building must be built compulsorily in schools
- Education should be provided in mother-tongue as government has policies for that
- Computer education should be provided to the students to be competitive in their future

Right to health

- Free medicines should be distributed from the health post to the people as mentioned in government policies
- Disabled-friendly toilets and building must be built compulsorily in health posts
- Adequate medicines should be provided in health posts, so that the people of grassroots level could easily get it

References

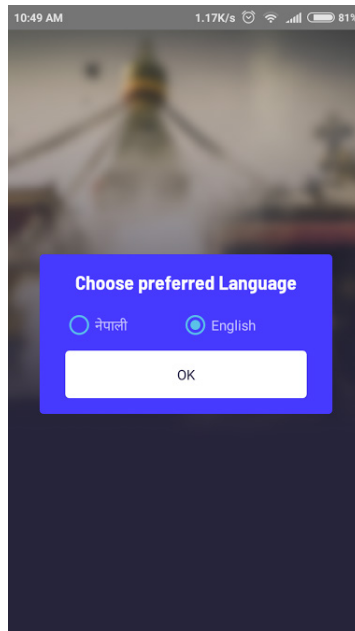
- D. J. Ravindran, (1998). *Human Rights Praxis: A Resource Book for Study, Action and Reflection*. Asian Forum for Human Rights and Development, 124, Bangkok
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Annex I: Glimpse of ESCR monitoring App



1. On Board Screen

This screen is loaded when the App is launched for the very first time.



2. Select Language

In this screen, the preferred language i.e English or Nepali is chosen.



3. Home screen

This is the main screen of the App.

At the bottom of the screen, four sections can be seen, namely:

- Learn
- Monitor
- About
- Profile

4. Learn

The learn part of this app is all about ESCR (Economic, Social Cultural Rights).

Learning ESCR is categorized as

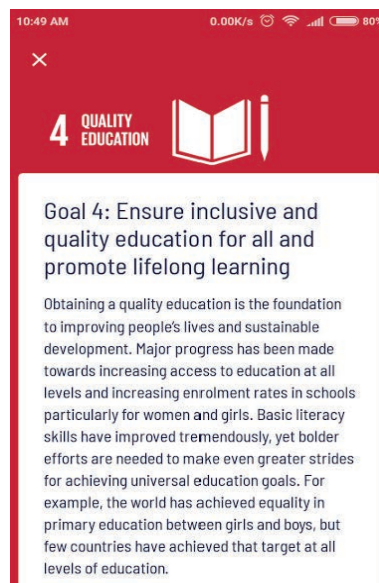
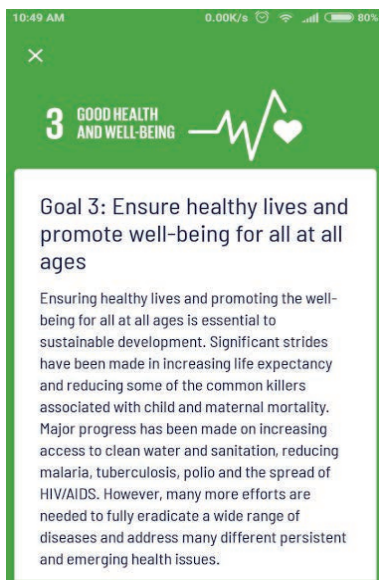
- Learn how SDG (Sustainable Development Goals) aims to achieve ESCR.
- Learn ESCR through Constitutional Provisions on Health and Education.

5. Learn how SDG (Sustainable Development Goals) aims to achieve ESCR.

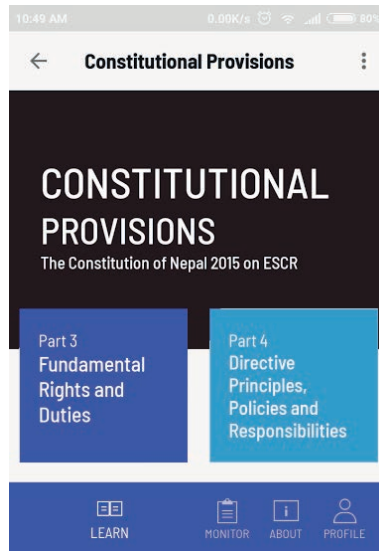


Sustainable development goals helps in achieving ESCR by ensuring healthy lives and promoting the well-being for all at all ages and providing quality education.

This is well described in this app in the section **Good Health & Well-being and Quality Education.**

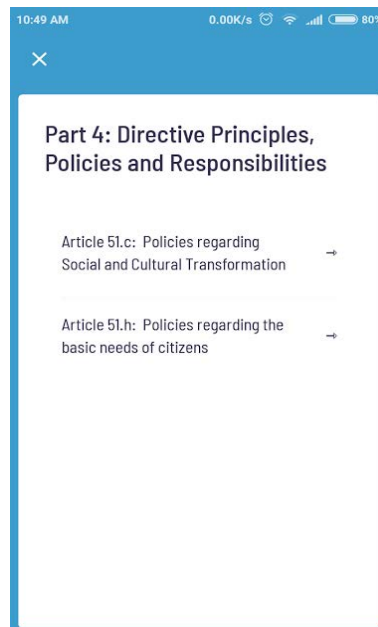
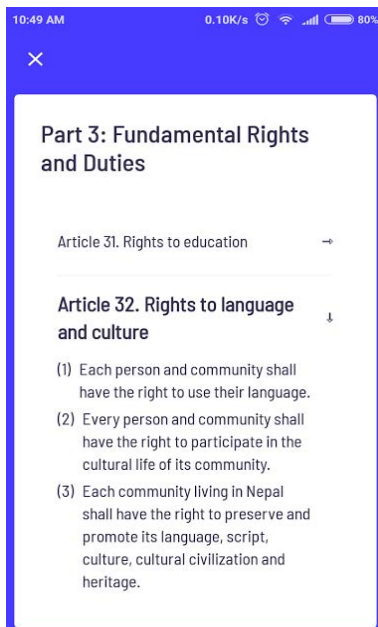


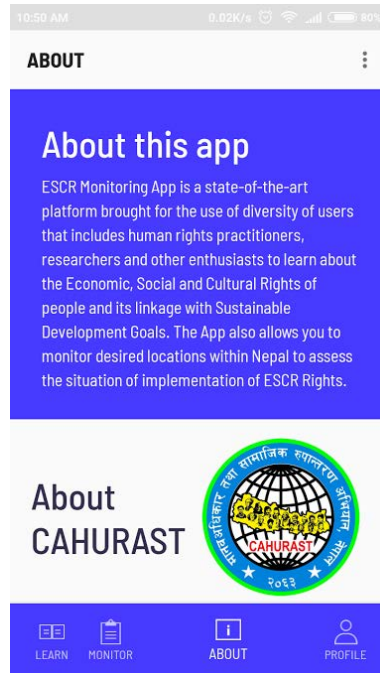
6. Learn ESCR through Constitutional Provisions on Health and Education



In this section of the app, the Constitutional Provisions relating to the Constitution of Nepal 2015 has been listed. The constitutional provisions is divided into;

- Fundamental Rights and Duties
- Directive, Principles, Policies and Responsibilities





7. About

This section is about the App and about CAHURAST.

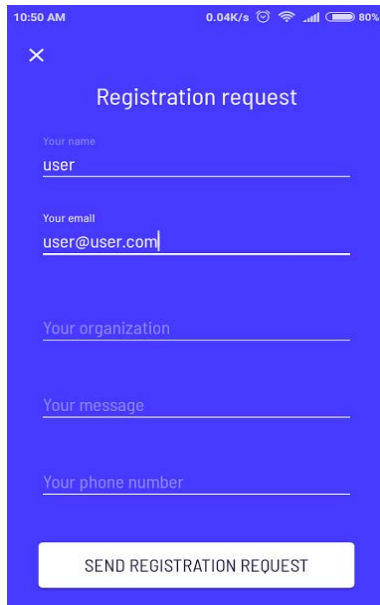


The profile section displays the currently logged in user information. The information includes user profile picture, username and user email address.

9. Monitor

9.1 Logging in and Registration

The monitor section is used by the monitors. New monitor can be registered through the registration process by clicking on the **Send Request** button. The necessary information should be filled to send **registration request**. If the monitor is already registered he/she can simply **log in** with the login credential (username and password).



10:50 AM 0.04K/s 80%

Registration request

Your name
user

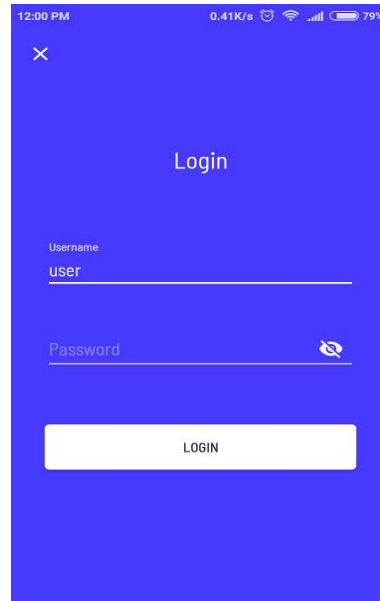
Your email
user@user.com

Your organization

Your message

Your phone number

SEND REGISTRATION REQUEST



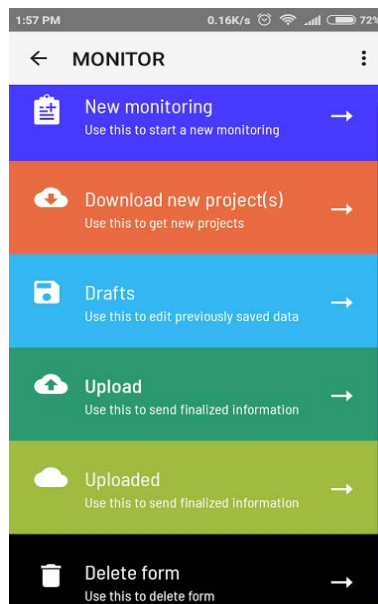
12:00 PM 0.41K/s 79%

Login

Username
user

Password

LOGIN



1:57 PM 0.16K/s 72%

MONITOR

- New monitoring
Use this to start a new monitoring
- Download new project(s)
Use this to get new projects
- Drafts
Use this to edit previously saved data
- Upload
Use this to send finalized information
- Uploaded
Use this to send finalized information
- Delete form
Use this to delete form

9.2 Monitoring

The menu for Monitoring is as shown in the image.

1. New Monitoring

The monitors can use this option to start a new monitoring. This option allows to choose between the available monitoring forms.

2. Download new project(s)

This option is used to download new forms from the server.

3. Drafts

The preliminary version of the monitoring forms that have been filled by the monitors reside in this section

4. Upload

This option is used for sending the finalized form to the server.

5. Uploaded

The list of forms that are already uploaded to the server is listed in this category.

6. Delete form

To delete the forms this option can be used.

