

# Implementing Situation of Economic, Social and Cultural Rights in Nepal

आर्थिक, सामाजिक तथा साँस्कृतिक  
अधिकारप्रति हाम्रो प्रतिबद्धता ।

सम्पूर्ण मानवअधिकारको संरक्षणमा  
अभियानको क्रियाशीलता ।

मानवअधिकार उल्लंघन तथा  
हवन सम्बन्धी घटनाहरूको  
जानकारी गराई मानवअधिकार  
संरक्षणमा सहयोग पुऱ्याऔं ।



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## ESCR Year Book 2017





Addressing ESCR monitoring App launch program by honoralbe chairperson of National Hunam Rights Commission Nepal, Anup Raj Sharma



Capacity building training to community monitors in Dhading



Community monitor with school teachers in the field.



Providing feedback from participant on ESCR monitoring App launch programme.

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**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 Rights have completed 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 Economic, Social and cultural Rights.

We believe that democracy offers environment for meaningful enjoyment of Human Rights and the protection and promotion of Rights provide legitimacy to democratic system of governance.

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. However recently, Nepal holds elections of local, province and federal structure. New poll shows the potential of majority government and in terms of their commitment they will be proactive to fulfill the rights written in the constitution. This is the prime time to educate, empower and engage the vulnerable community together with the local bodies for the enjoyment of human rights with special focus on ESC rights.

Keeping back these facts in mind and under new democratic context of Nepal, Campaign for Human Rights and Social Transformation (CAHURAST), Nepal in collaboration with Felm Nepal and LWF Nepal, has initiated a pilot program on Monitoring Economic, Social and Cultural Rights using advanced technology **Mobile App** for the first time and Publishing A Year Book. This is the initiation of publishing a year book every year exploring the condition of ESC rights, cases of ESC rights and its implementation at grass roots level. Monitoring, publication and disseminations would be a mile stone to implement and raise awareness of the ESC rights provisioned in the new constitution

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. It is very important to the citizens to enjoy their ESC rights as the fundamental rights. This is equally important as civil and political rights. ESC rights of the citizens must be implemented in every corner of Nepal. Therefore, our concern was to know and to explore the conditions of right to health and right to education at the grassroots level. We have spent 4 months (September-December, 2017) on piloting ESC rights and we have come up with some interesting facts and figures with this Year Book. We have faced challenges in reaching to target schools and health posts because of geographical difficulties in the hill areas of selected two municipalities of Dhading district. Fortunately, we have successfully monitored right to health and right to education with the help of community monitors of the same communities. We expect that this initiative will help to advocate changing policies related to ESC rights in Nepal.

It is our pleasure to publish 'ESC Rights Year Book' which is the indicator of CAHURAST Nepal's initiatives to promote and protect ESC rights. This is the summary of our small effort and output of different community interactions, monitoring works and workshops to strengthen ESC rights in Nepal.

This is our preliminary effort of launching Mobile App as tools to monitor and develop the community level monitors to monitor the implementation of provisioned rights of the citizens. This effort is the beginning of bridging the technology and Human Rights.

We are hopeful that this new and innovative intervention on monitoring the Human Rights using App will be useful to all who are interested to monitor the rights of the people.

We expect constructive feedbacks from the experts and Human Rights defenders for its improvement.

This publication is the result of hard work of Sarala Maharjan, Mina Sharma and Sabina Shrestha who contributed on preparing monitoring reports in Book form. Therefore, I would like to thank all of them for their hard work.

Thanks also go to community monitors for collecting and reporting information from the field.

My special thanks go to Dr. Prabin Manandhar and Nibha Shrestha for providing content idea and editorial guidance

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

Last but not the least I would like to thank Prof. Dr. Rajan prashad Pokharel for his great contribution of editing the book.

.....  
**Bishnu Pukar Shrestha**  
Chairperson

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## Executive summary

Economic, social and cultural rights and civil / political rights are two equally important themes of the Human rights frame. But ESC rights are not given equal priority. In the context of Nepal, several initiations have been taken, even though there still exist challenges for the full enjoyment of ESC rights. The latest improvements are the promulgation of Nepal's new constitution 2015 which assured ESC rights as fundamental rights in different articles. Under the new constitution, Part -3 Fundamental Rights and Duties, article 16 – 45 includes several ESC rights of the citizens. Despite these initiatives and some positive changes, there are still discrimination, deprivation, exclusion and lack of basic needs like shelter, foods, education, health etc prevailing in Nepal and even though the situations of grassroots communities have not changed much in reality.

In this context, CAHURAST Nepal together with Felm Nepal and LWF Nepal, felt the urgency to monitor ESC rights and develop a Year Book. 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 of Nepal. This book is strongly based on primary data of piloting ESC rights using Mobile App especially right to health and right to education, which was conducted in Dhading from September to December 2017.

This is the initiation of publishing a Year Book every year exploring ESC rights violations and implementation of constitutional provisions on the rights of citizens at grassroots levels. This piloting program 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.

100 interviews have been carried out in right to education while 12 interviews have been conducted in relation with right to health. 1 focus group discussion was held on Gajuri Rural Municipality with participation of concerned stakeholders of schools & health posts. This includes school teachers, parents, students, school management committee, local politicians, health post staff, HA and patients.

There are 52 schools and 7 health posts all together in this piloting program. This includes 100% coverage of government schools and health posts from the selected wards of one rural municipality and one municipality.

The overall findings of this ESC rights monitoring has come out with mixed results of positive and negative facts.

## 1. Findings of Right to Education

Through the piloting program of ESCR, we found varieties of facts. Some positive findings have also been gathered by this piloting program. For example, 90% respondents said that books have been distributed free of cost in their schools and 80% respondents agreed that books are distributed immediately after the commencement of the class. Similarly, most of the schools have library facility that provides free basic education to the students. Likewise, 95% respondents agreed on the idea that schools are not giving physical punishment to their students.

Talking about some concerned areas which are like; half of the respondents agreed that there is no such provision of teaching in mother tongue and no arrangements of Braille for visually impaired and symbol for hearing impaired in schools. Likewise, 70% respondents agreed that disable friendly toilets are not available in schools.

## 2. Findings of Right to Health

Lots of eye opening facts have been explored during this piloting program where some positive implementations were viewed. We found satisfactory drinking water facility and improving services to the pregnant women and delivery processes. Likewise, 90% respondents said that they have satisfactory drinking water facility in their health posts. Also, maximum respondents agreed on the regular presence of the health post staff and also they said that they are getting equal access to the health post for admission and treatment.

On the other hand, 40% respondents expressed their views that health posts are in more than 2 hours of walking distance for the access to the health post. This is because of geographical difficulties, as Dhading is one of the hill areas of Nepal and villages are also scattered. It was found that the medicines are inadequate in majority of the health posts, which is really an unfortunate scenario to observe. Most importantly, hospital is the main area, where disabled-friendly toilets and buildings should be arranged. Unfortunately, maximum numbers of the health centers have been found without having disabled-friendly toilets and buildings.

The overall conclusion of ESCR monitoring in one municipality and one rural municipality of Dhading district especially on Right to Health and Right to Education are eye opening. Some positive and many less effective implementations of government policies have been clearly found out during the piloting process. Lots of gaps in government plans, policies and implementations have been observed in the enjoyment of both rights. Similarly, management system and administrative functions in health & educational institutions are found less effective. This alarming situation needs to be changed in the coming days for the full enjoyment of ESC rights by the people of the grass roots level.

The practice of ESCR monitoring from citizens' level has been initiated by CAHURAST Nepal for the first time. The monitoring ESC rights have been less practiced in the history of Nepal.

Government should make its citizens aware of their human rights and it must take effective actions for the implementation of ESC rights. For this, government should capacitate youths from grassroots level to disseminate information about ESC rights. Likewise, monitoring of ESC rights nationwide and publishing a Year Book could also help in implementing policies nationwide.

## **1. ESCR National Context**

Centuries of entrenched practices of discrimination and exclusion of disadvantaged groups in Nepal, including women, Dalits, indigenous and ethnic (Janajatis) peoples, and Madhesis, have led a situation to a demand to bring about greater inclusion, and ensure greater justice through a human rights framework. Analysts argue that the conflict in Nepal was partly rooted in socio-economic and cultural inequalities resulting from the state's failure to ensure and protect ESC rights. In this manner, denial of equal access to socioeconomic opportunities and development directly led the situation to the armed conflict in the past.

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), wherein the parties undertook to create an environment that the 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).

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.

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**

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 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. Likewise, public interest litigations are filed to address discrimination on the basis of the rights under the ICESCR Covenant.

## **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 in Nepal. However, there is a lack of documentation on the violation of ESC Rights. As a result, the reporting on ESC rights at the national and international level including UPR, Committee on ESC Rights is very superficial. Nepal also lacks implementing several recommendations since the first Universal Periodic Report (UPR).

To further strengthen, the advocacy, promotion and protection of rights of citizens, a need of documentation is seriously felt to effectively work on the ESCR issues. Conceptualizing the issues, CAHURAST together with Felm Nepal and LWF Nepal felt urgency to develop a Year Book on ESC Rights. This Year Book will initially consist of the yearly facts and figures on Right to Health and Right to Education. The concept of this book is 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 will be extended to other rights and other parts of the country in forthcoming years.

This Year Book is developed on the basis of two pronged activities developing community monitors and monitoring their ESC rights with the use of Mobile App (ESCR monitoring app).

### **3.1. Developing the ESCR Community Monitors in the Community**

The intervention had an innovative approach of developing the monitors from the community as **ESCR Community Monitors** to monitor ESCR within the community. It has been initiated with 7 ESCR community monitors that belonged to diverse caste / ethnicity following GESI rule. Series of training related to ESCR monitoring were provided to the monitors.

### **3.2. Monitoring ESC Rights Using Mobile App**

ESCR App has been the first app developed in Nepal for monitoring and reporting on ESC rights situation in Nepal. The use of app for monitoring aims to advocate Nepal government as well as international mechanism of Human Rights bodies and UPR committee, through monitoring and abstracting the gaps in the field of ESC rights. 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. ESC rights thus are essential as much as the freedom of expression or the right to a fair trial for ensuring human dignity.

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

- To empower citizens about their ESC Rights.
- To support government with facts and figures on ESC rights.
- To advocate at national and international level for fulfilling duties by the duty bearers.
- To supplement the Government of Nepal with the information required for reporting at UPR and other human rights mechanisms.

## 4. ESCR Monitoring Mobile App

ESCR monitoring app was launched on 20th December, 2017.



Screen board of ESCR App during launch for the very first time.

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.

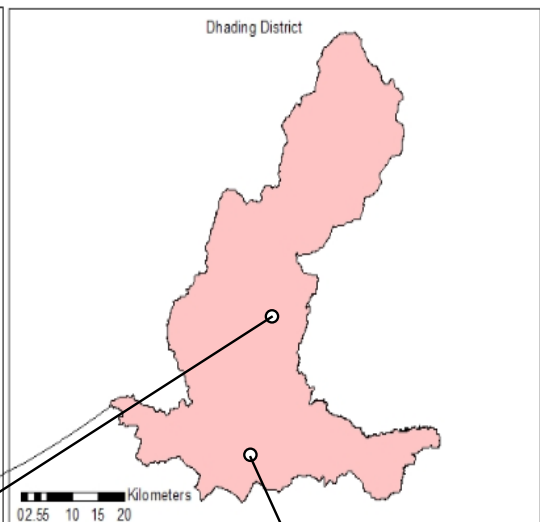
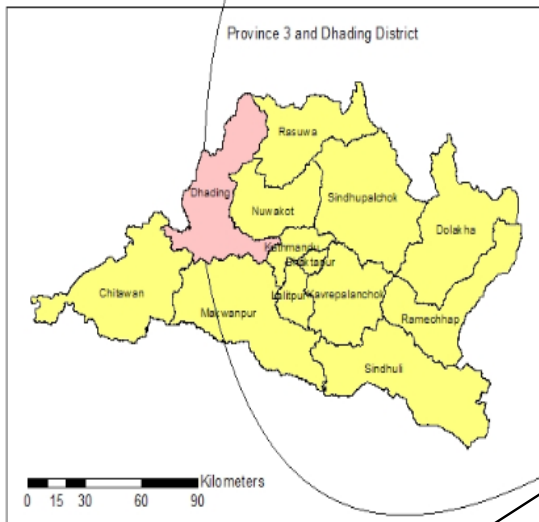
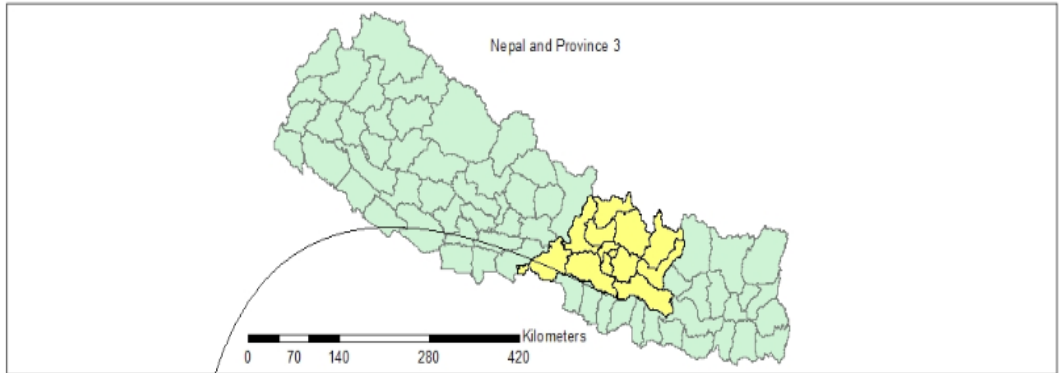
### 5.2. Monitoring Areas

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. The reasons behind the selection of this district are that it is near from Kathmandu and it is not well developed and also not a least developed district, and it comes in the middle of HDI Nepal. Both selected areas are in the middle phase of development and that is why this book aimed to see the status of health and education in both areas.

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 hectares.

### Project Area



**Gajuri Rural Municipality**



**Nilkantha Municipality**



## 5.3. Data Collection

### 5.3.1. Primary Data:

Primary data were collected through semi-structured questionnaire on right to health and right to education via Mobile App. 100 interviews have been carried out in right to education while 12 interviews have been carried out in right to health during the piloting program in order to triangulate facts. 1 focus group discussion was held on Gajuri Rural Municipality 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 particular 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 two sets of questionnaire. One 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 and patients. There are 52 schools and 7 health posts all together in this piloting program. This includes 100% coverage of government schools and health posts from the selected wards of one rural municipality and one 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 112 interviews on monitoring have been carried out in this piloting program.

### **2.4.2. Focus Group Discussion**

One focus group discussion was conducted in Gajuri Rural Municipality involving 8 participants from two areas of piloting program. They are local political leaders, parents, teachers, students, school management committee, HA & patients.

### **2.5.3. Observation**

This piloting 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 piloting ESC Rights in the selected areas. A huge number of primary and secondary data have been generated during the piloting 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 piloting ESC Rights from September to December 2017. Because of time constraint, it has certain limitations on selecting the piloting area, budget and covering the ESC rights. Considering these various limitations, we selected only two areas covering Nilkantha Municipality (ward no. 3, 5, 6, 9) and Gajuri Rural Municipality (ward no. 1, 2, 6, 7) of Dhading district. Likewise, this piloting 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 2017.

There has been the shortage of treatment wards and Intensive care unit in the Government Hospitals of Kathmandu. Not only of the treatment wards but also of the man power, there was some shortage. In addition, it is reported that it has been difficult for the general people to access the health services because only the accessible and economically able people could get the prompt services. **Source: Gorkhapatra, September 10, 2017**

Government of Nepal has announced that there is the provision of free treatment and free medicine distribution to some diseases. The report of Kailali shows in reality that there is a lack of such free medicines in that area, and only the medicine that need to be bought are available. **Source: Gorkhapatra, September 6, 2017**

The public have been cheated by the pharmacy of Narayani Sub-regional Hospital, Birgunj. Since June 2017. The hospital started the pharmacy by the Hospital Management Committee in order to provide the medicines slightly cheaper than other pharmacies outside the premises. But it was reported that the government pharmacy has been charging more than the actual price. **Source: Annapurna, December 2, 2017**

The news was published on December 28 from Baitadi that a 3 months' pregnant woman Kalawati Dhama went to ask iron tablet in the nearest health post of Sigash Rural Municipality 2 and returned empty-handed. **Source: Kantipur Daily, December 28, 2017**

Soap just inside the door, full bucket of water and hanging mug on the basket. Orderly hanging brushes in the pockets of clothes. Nail cutters in the same place. It feels like that they are so aware about hygiene and sanitation. Maintaining good hygiene and sanitation in the school, Radhachandra Primary School Childcare Centre of Kapilbastu Municipality, Jamohara -3 has become example of hygienic school in that area. **Source: Kantipur Daily, December 27, 2017**

# Media Monitoring



## 6. Key Findings / Analysis

### 6.1. 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 one municipality and one rural municipality of Dhading district. For this, we followed the 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 piloting 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.

Through the piloting program of ESCR, we found varieties of facts. Some positive findings have also been gathered by this piloting program. For example, 90% respondents said that books have been distributed free of cost in their schools and 80% respondents agreed on the fact that books are distributed immediately after class start. Similarly, most of the schools have library facility providing free basic education to the students. Likewise, 95% respondents agreed on the idea that schools are not giving physical punishment to their students.

Talking about some concerned areas are like: half of the respondents agreed that there

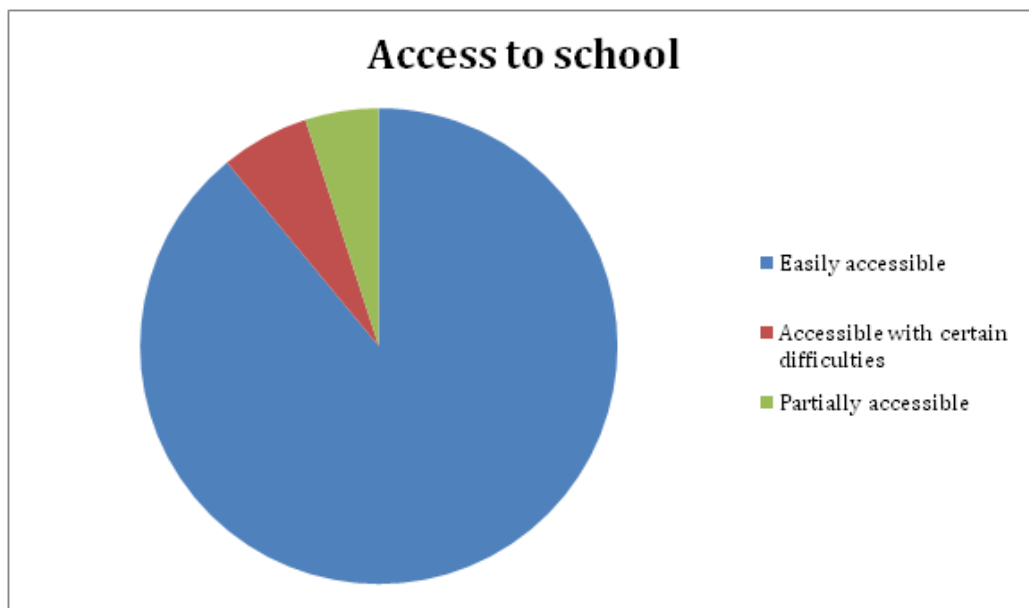
is no such provision of teaching in mother tongue and no arrangements of Braille for visually impaired and symbol for hearing impaired in schools. Likewise, 70% respondents agreed on that the disabled-friendly toilets in schools are not available.

It was found that people are not fully enjoying their Right to Education of the ESC rights because of lack of information. Majority of the respondents of this piloting program agreed on that they have to walk to get access to the schools and still they believe that they have easy access to the schools. This means that they are not aware about their fundamental rights.

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.

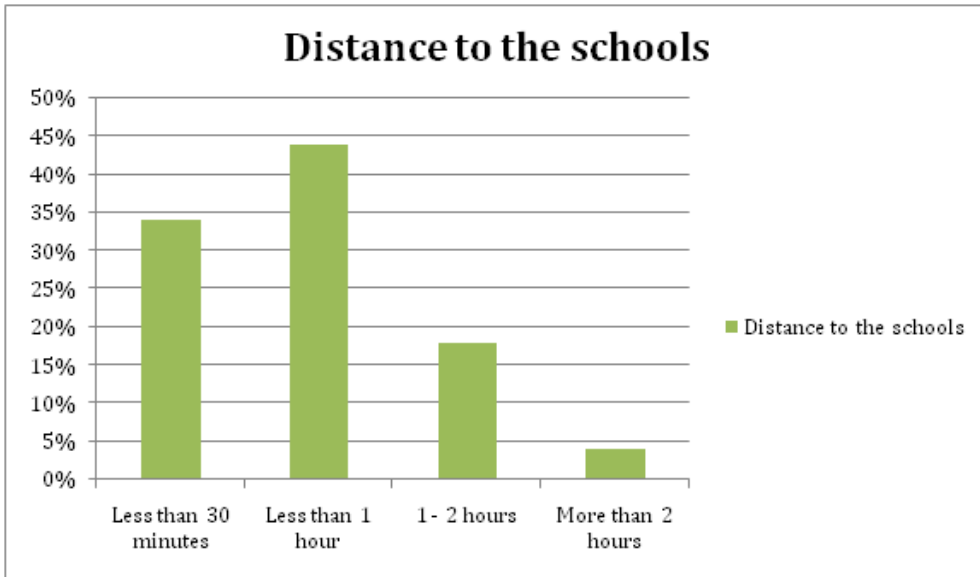
## Access / Availability

### Access to schools



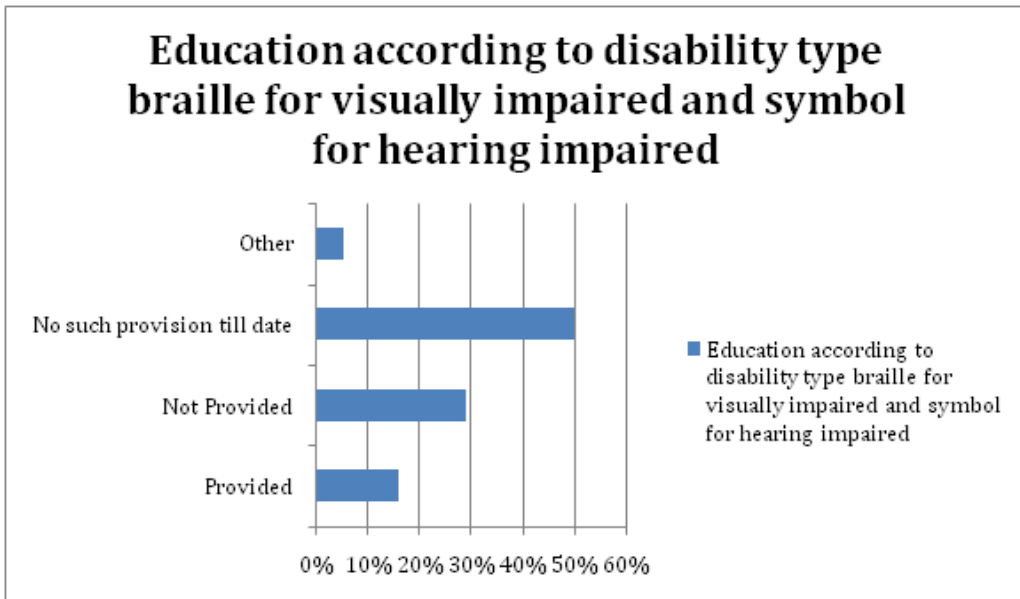
*Figure 1: Access to schools*

Access to school is the prime concern while monitoring right to education, because it provides the scenario of that place. So, in 1 municipality and 1 rural municipality of Dhading district, 89% of the respondent agreed on the idea that they have easy access to the school, 6% said that schools are accessible with certain difficulties & 5% said that they are partially accessible. But easy access does not mean everything. The right to education will only be fulfilled when students get all the facilities as mentioned in the provisions.



**Figure 2: Distance of school from villages**

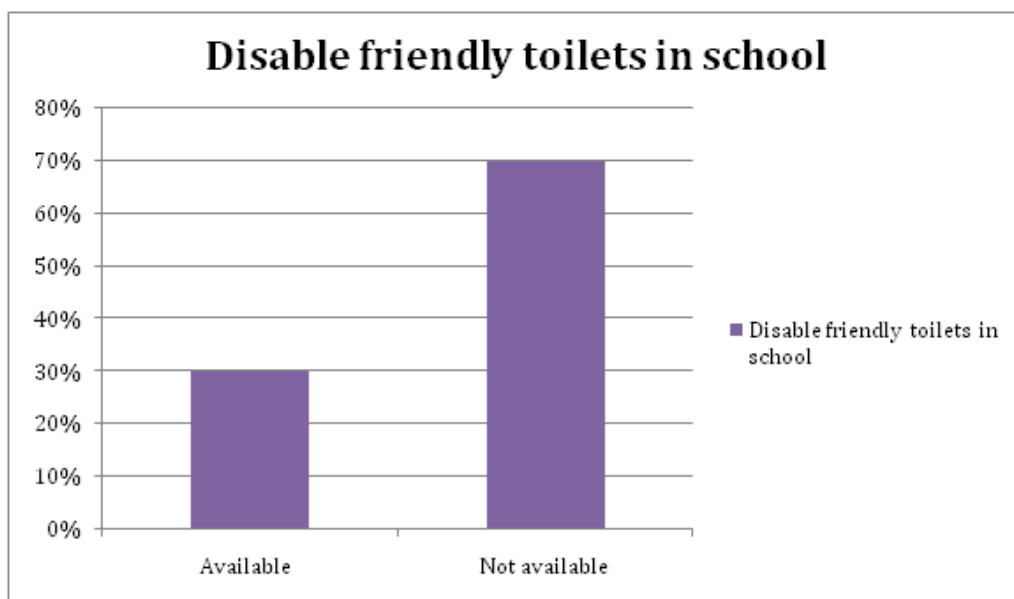
It was found that maximum numbers of students have to spend 1 hour to reach their schools, and still they consider that they have easy access to their schools. This data also shows that 4% respondents out of the total respondents from small piloting area still have to spend more than 2 hours per day to get access to their schools.



**Figure 3: Education according to the disability type Braille for visually impaired and symbol for hearing impaired.**

Right to education is the fundamental right of every Nepali citizen according to the new constitution of Nepal 2015. This means, every citizen including people with disability shall have the right to get education according to their disability type, i.e. Braille for visually impaired and symbol for hearing impaired. But in terms of implementation, there are few countable number of schools in which the education has been provided to the people with disability as per their needs.

This data also shows that less than 20% schools have been providing education to the people with disability as per their disability type and needs, maximum respondent (50%) expressed that there is no such provisions in their schools yet. And 30% expressed it's not provided.

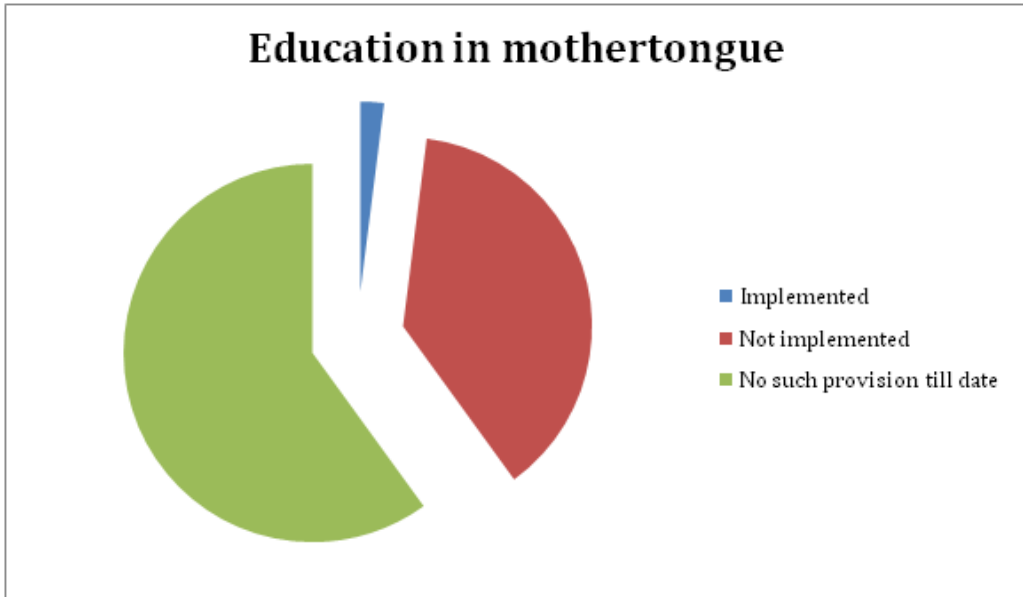


**Figure 4: Disabled friendly toilets in school**

Disabled friendly toilet is one of the most essential things that every institution should consider about. But most of the schools are not being able to implement it in Nepal so far. This could directly affect on people with disability and results as no educational attainment at all.

It can be clearly seen that 70% of the respondents found no disabled friendly toilets in their schools. Only 30% respondents found disabled friendly schools in their schools.

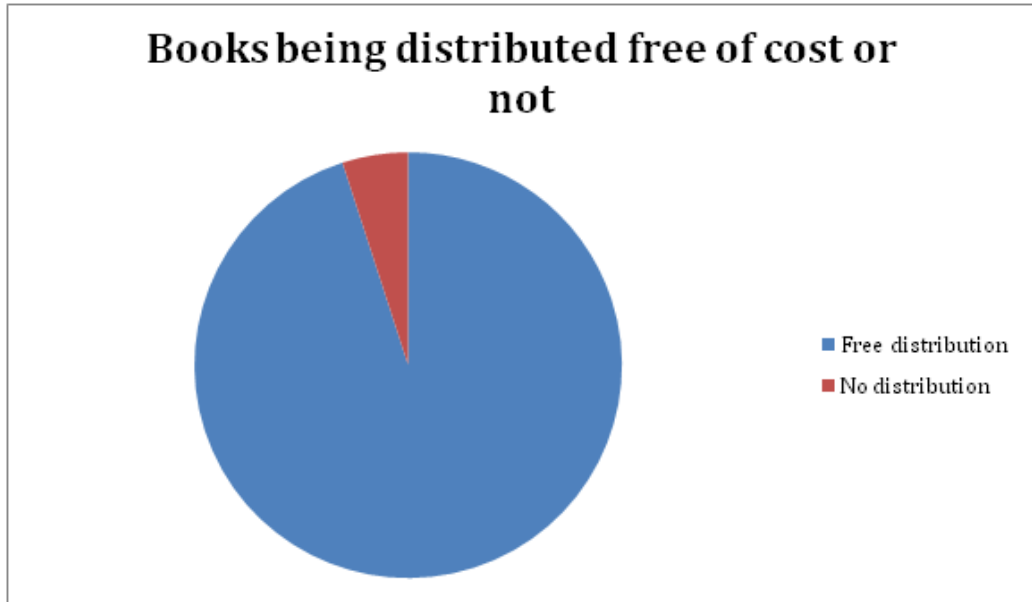




*Figure 5: Education in mother tongue*

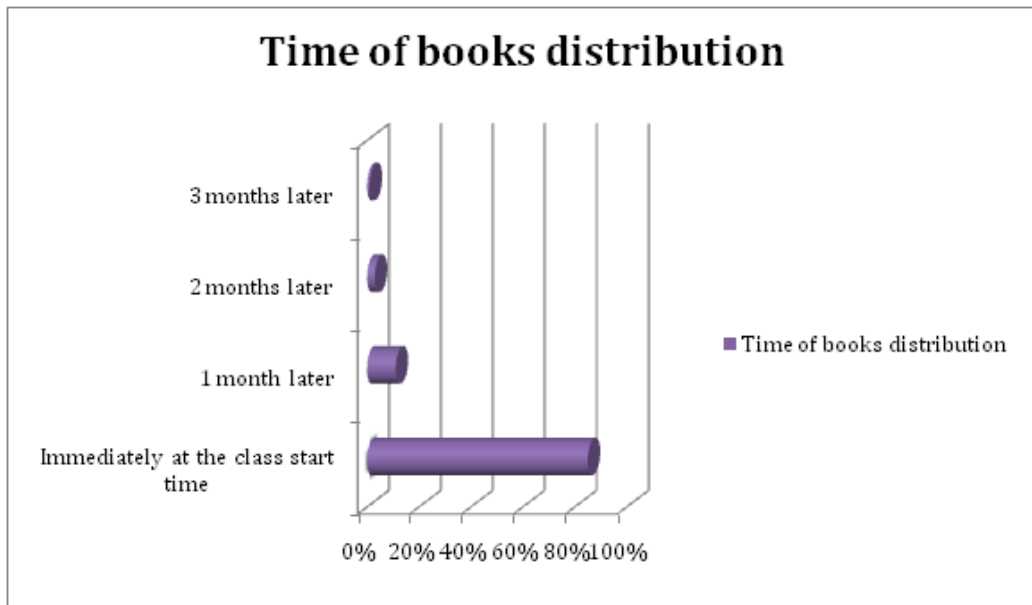
Under the constitution of Nepal 2015, part 3 fundamental rights and duties, 31 (5) mentioned that every Nepali community living in Nepal shall have the right to acquire education in their mother tongue up to the secondary level.

But it was found that maximum schools of two piloting areas of Dhading district do not have the provision of teaching in mother tongue yet. It shows the ineffective commitments and implementation of the government that is visible everywhere and need to be improved.



**Figure 6: Books distribution**

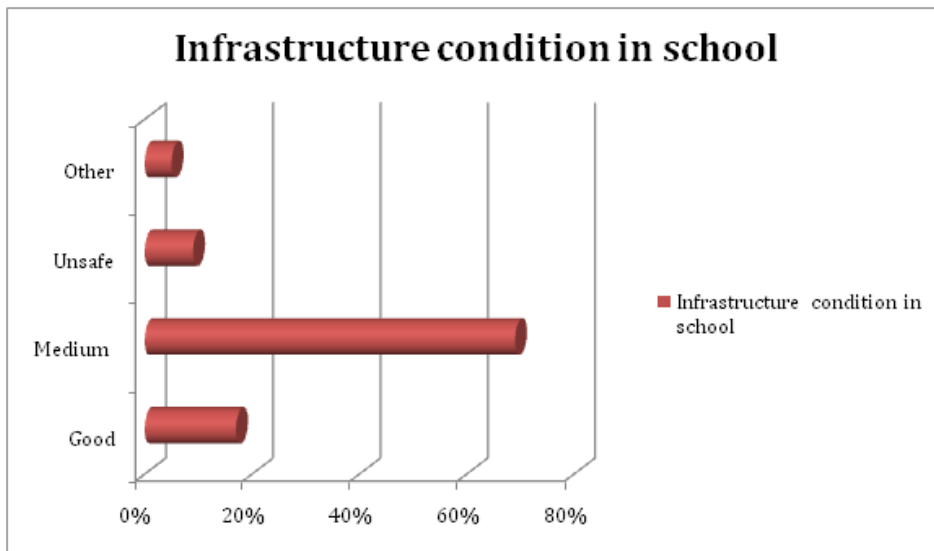
Nepal government has provided free books facility for the school students up to the secondary level. This figure shows the positive result on books distribution in schools. 90% of the respondents have agreed on the fact that books are being distributed free of cost. Only 10% respondents expressed that the books are not distributed freely.



**Figure 7 : Time of books distribution**

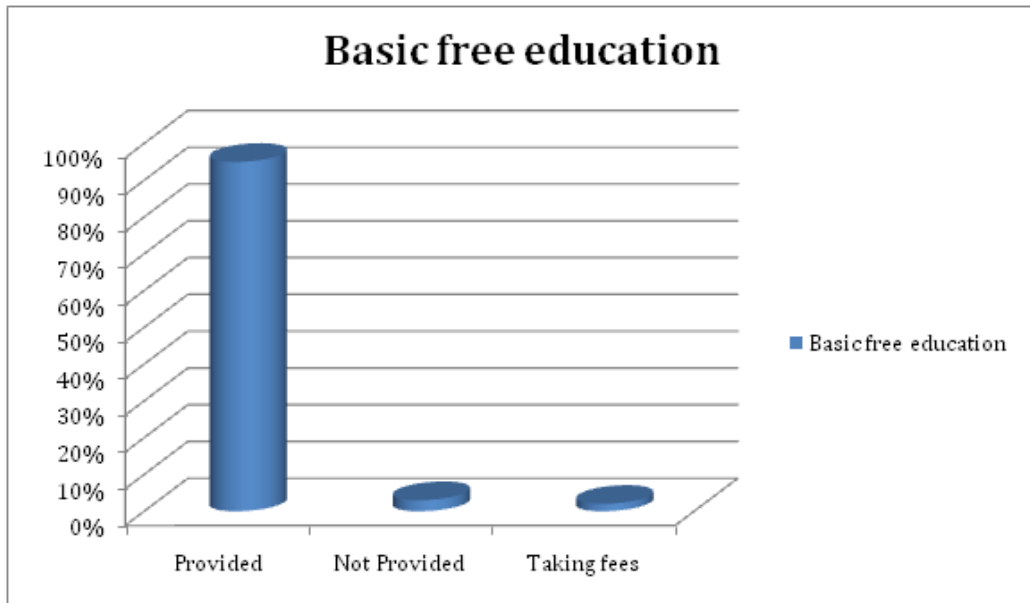
Distribution time of the books is equally important as the free books distribution.

Distributed books will not be worthy if they are not being distributed on time. Positively, this data shows that books are being distributed immediately at the class start time in majority of the places. However, some places are still left out due to late distributions.



**Figure 8: Infrastructure condition in school**

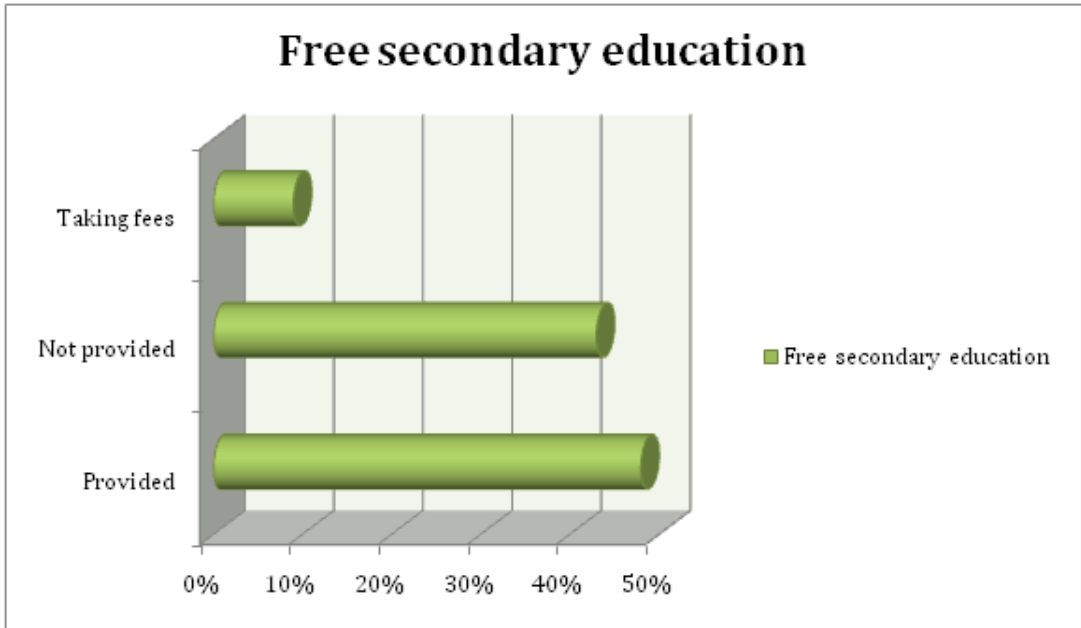
Infrastructure is another important indicator of right to education. Institutions will not be sustainable without infrastructure development. During the piloting program near 80% of the respondents agreed on that they have medium quality infrastructure in their schools, whereas, only near 20% respondents agreed that they have good infrastructures in their schools. This means that they still need lots of improvements in infrastructures development.



**Figure 9: Free basic education**

Nepal government has the provision of free basic education all over Nepal. As a result, approximately 90% respondents agreed on the idea that free basic education has been provided in their schools. Likewise, 6% respondents said that it is not provided freely and 5% respondents said that the schools are taking some fees. However, this is a positive finding.

During the interview with one of the parents of Nilkantha secondary school in Nilkantha Municipality expressed his view on the provision of free basic education as; ***“Nepal government has strictly implemented this provision in all the area here. This is really appreciating and encouraging to those parents who belong to poor family background”.*** - Hari Bhakta Subedi.



**Figure 10: Free secondary education**

This data shows that the free secondary education has not been provided as free basic education. Near 50% respondents said that the free secondary education is provided, 10% said that the schools are taking fees and 40% respondents claimed that free secondary education has not been provided in their schools. This means that schools are being flexible on free secondary education. Some of them are not following the provision of free basic education.

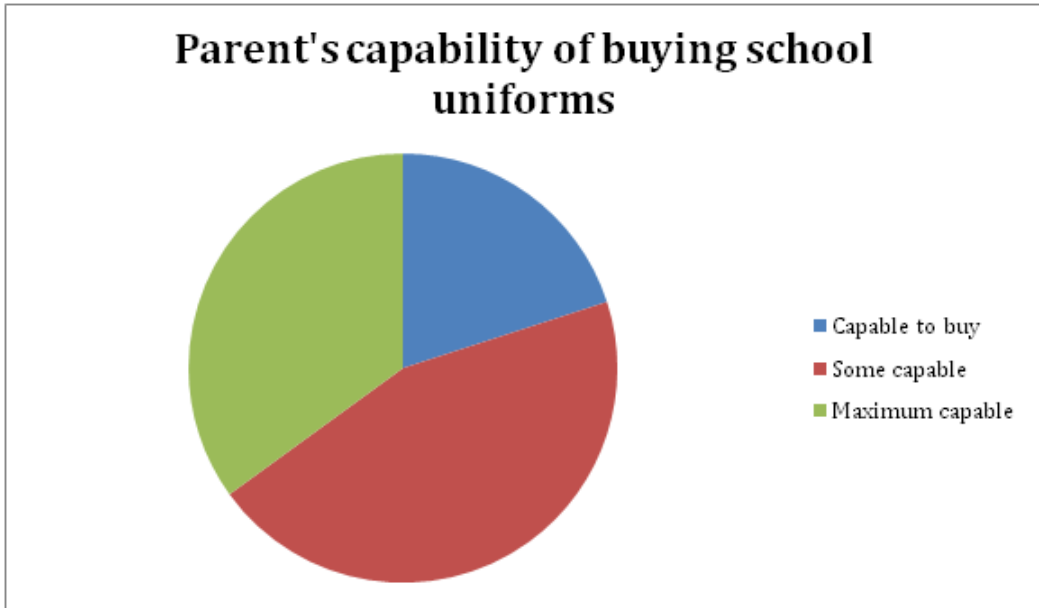


Figure 11: Parent’s capability of buying school uniforms

Parent’s capability of buying school uniforms somehow represents how much they are enjoying their ESC rights. It was found that very few numbers (20%) of parents are capable of buying school uniforms to their children. On the other hand 45% of the respondents agreed that only some parents are capable of buying school uniforms, and 35% agreed on the idea that maximum are capable. This means maximum numbers of parents in the villages still do not have the capability of buying school uniforms to their children.

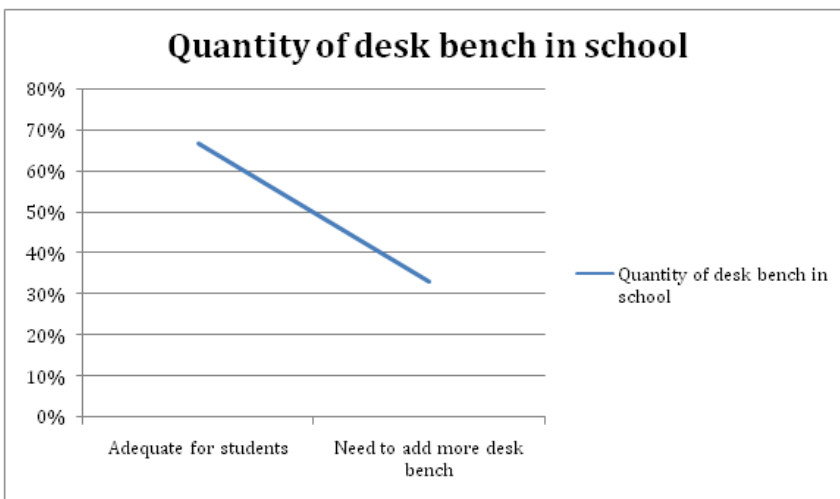
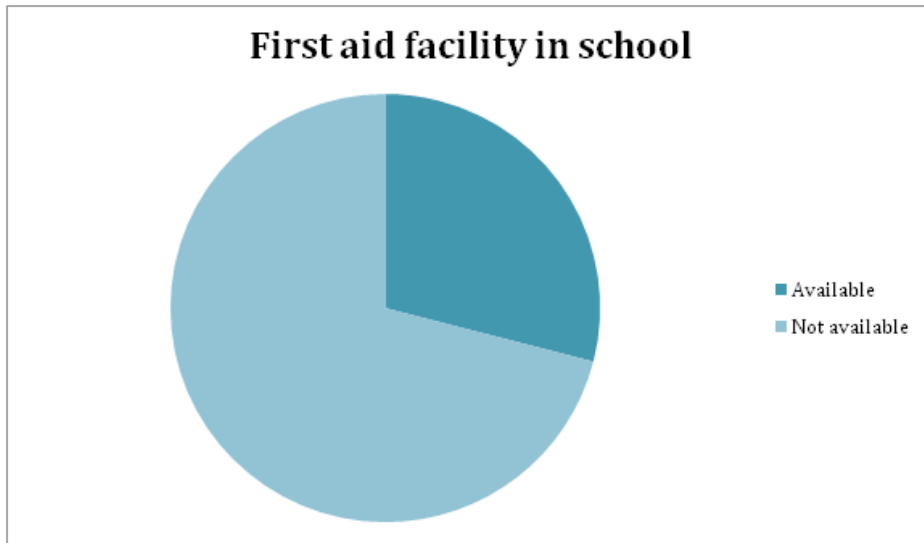


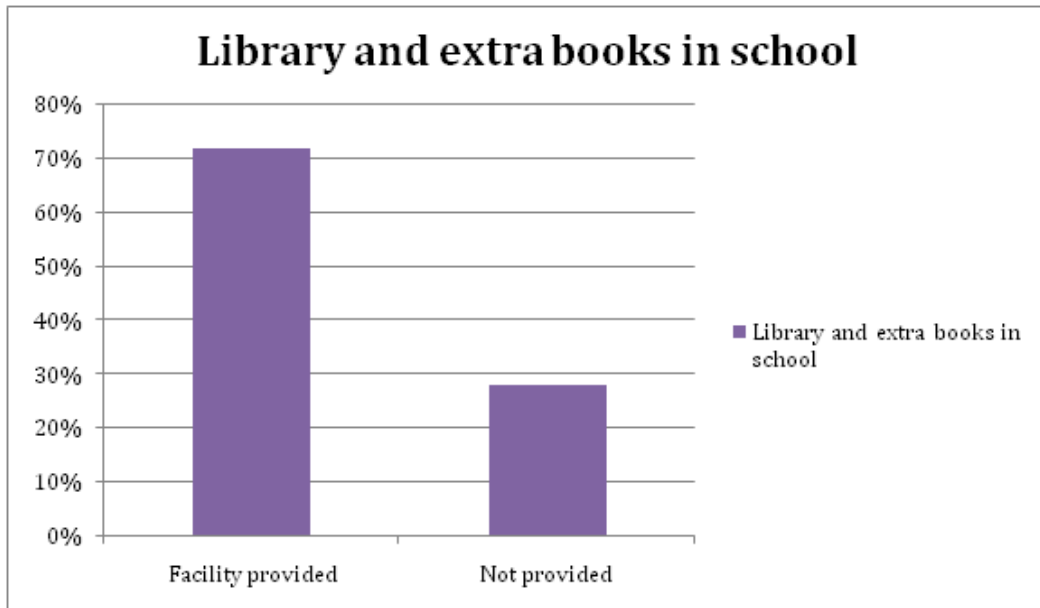
Figure 12: Quantity of desk bench in school

Quantity of desks and benches in school is one of the most important indicators of right to education. Surprisingly, this figure shows that approximately 70% of the schools have adequate numbers of desk and bench for the students. On the other hand approximately 30% respondents expressed their views that they need to add more desk and bench in their schools. This could also be considered as a positive finding indeed.



*Figure 13: First aid facility in school*

First aid is the very important facility that should be available to 100% people of every sector. Emergency does not come with a notice. During this piloting program, 71% of the respondents agreed on the fact that the first aid facility is not available in their schools. However, 29% of respondents said that they are getting first aid facility in their schools.

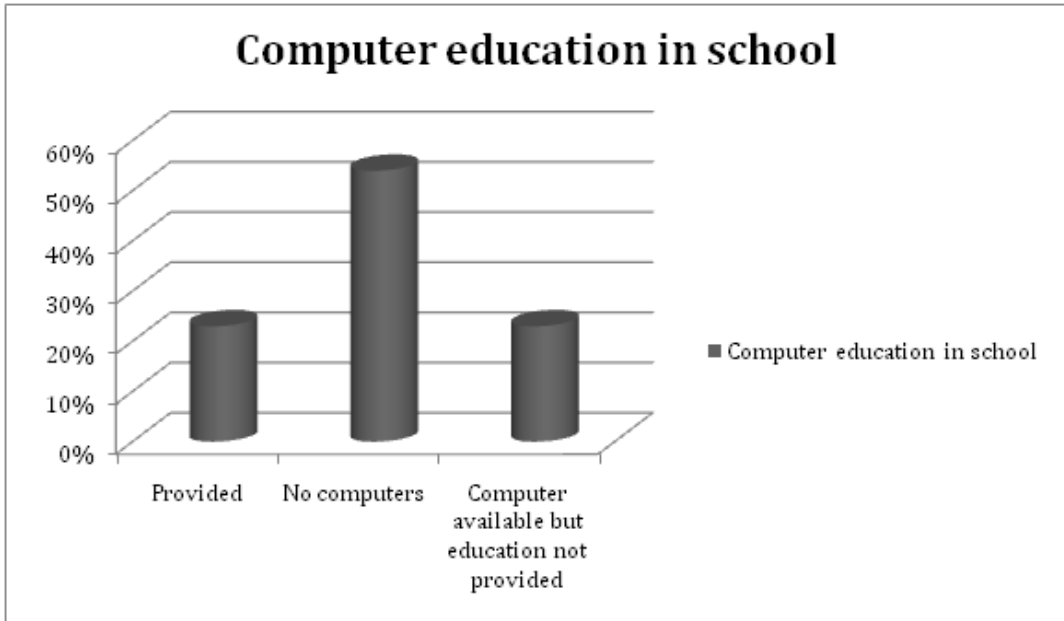


**Figure 14: Library and extra books in schools**

Knowledge is a very powerful tool and it should be gathered from everywhere. Specially, in the case of school students, gathering knowledge from various fields is even more important, because school life is the critical phase, and what we learn in this phase will left massive impact in our future. Also students explore themselves in this phase and they tend to decide what their interest is and what they want to become in their future. For this reason, students need to learn from various books, articles, poems & library materials. Library should be available in every school, so that students will be able to gather knowledge from multidimensional field and will also be able to explore their interests.

After piloting two areas of Dhading district, it was found that approximately 70% schools have their library and extra books facility for their students. However, near 30% schools still do not have library and extra books facility for the students. One of the essential reasons of not having library is the recent devastating earthquake in Nepal, which damaged many school buildings in Nepal.



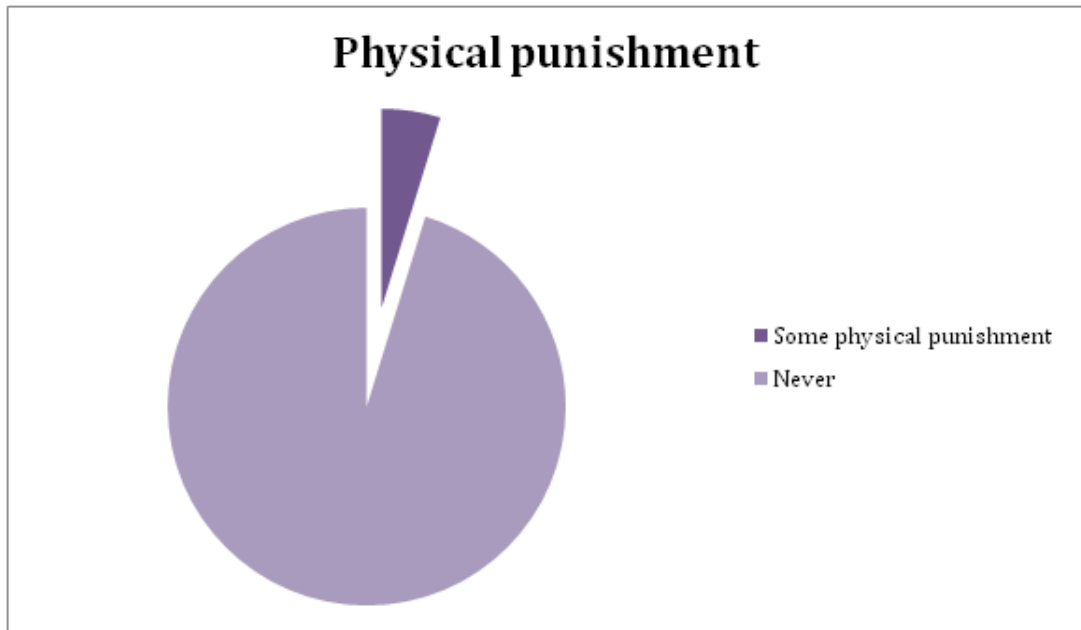


**Figure 15: Computer education in schools**

Technology has a huge impact in the context of global development. Nepal is a developing country. Students of Nepal need to be even more competitive in terms of advancement in order to compete globally.

For this reason, computer education for school students is the essential factor that every school should provide it compulsorily. Above figure shows that only 20% schools have provided computer education to the school students. 50% schools do not have computers yet. Furthermore, 30% schools have computer but they are not being able to provide computer education to their students because there is also lack of teachers who are capable of teaching computer education.

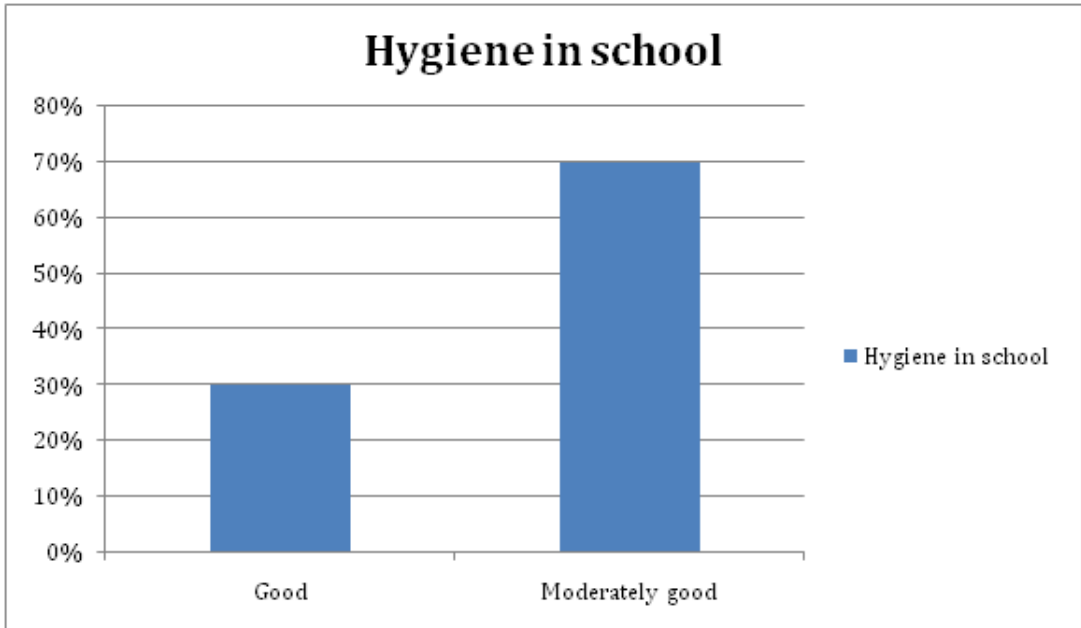
Therefore in fact, Nepal is not yet being able to produce those competitive human resources and it is still hanging on the same status **‘less resources and high demands’**.



*Figure 16: Physical punishment to the students*

This figure shows good improvement in terms of giving physical punishments to the school students. 95% respondents agreed on second option. No such physical punishments have been given to the school students. Only 5% said giving some physical punishment. This is because Nepal government has prohibited every type of physical punishment to the students in the school environment, considering the fact that the punishments could badly affect the child psychology. This is the positive result found in course of this piloting program.

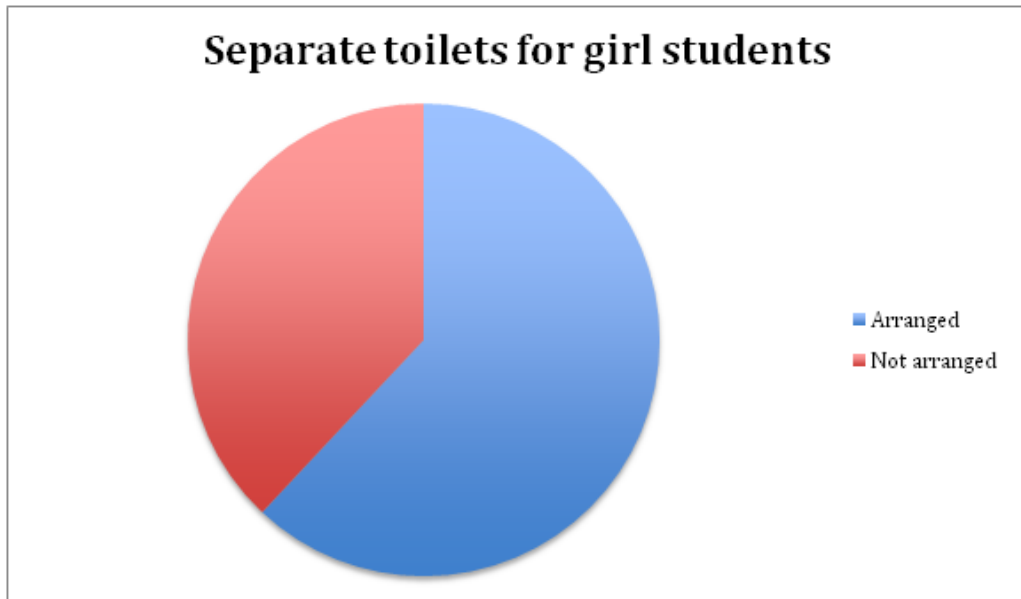
Head teacher of Dharapani basic school, Dhan Kumari Lamsal expressed her view during the interview as; ***“we are providing child friendly environment to our students because we care about their psychology. Therefore, we strictly follow the rule of no physical punishments in our school”***.



**Figure 17: Hygiene in school**

Hygiene in school is one of the most important parts of right to education. This shows the behavioral teaching aspects of the educational institution which broadly depends on what the students are learning in their schools and they act accordingly. So, practicing hygiene behaviors and teaching them to maintain hygiene is very important for the growth of good health of the school students.

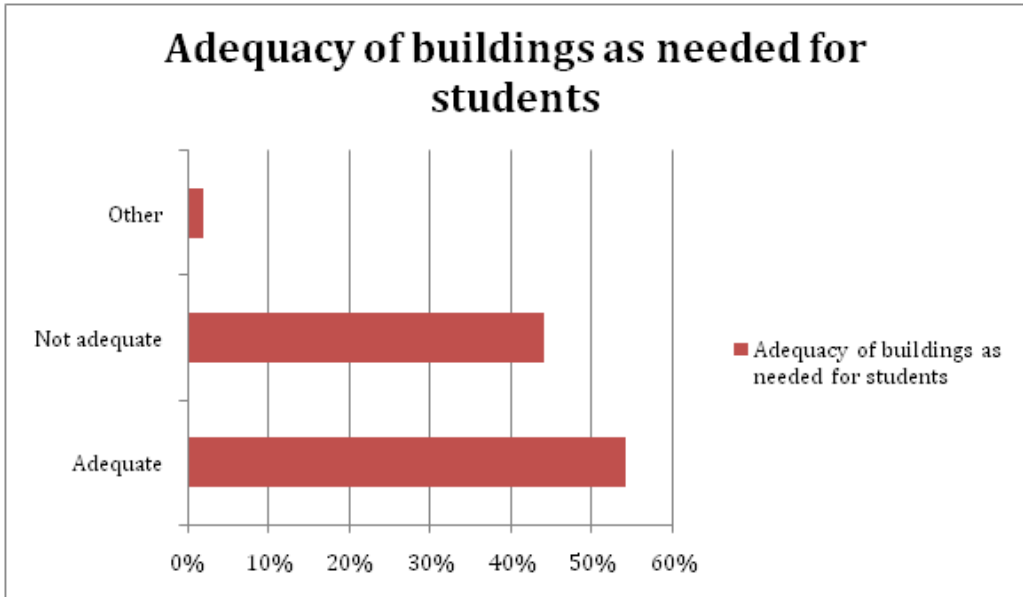
According to the above figure, 70% respondents feel moderate condition of good hygiene in their schools. However, 30% respondents expressed that their schools have maintained good hygiene.



*Figure 18: Separate toilets for girl students*

Separate toilet arrangements for girl students is important. Above figure shows that 50% respondents agreed on the arrangement of separate toilets for girl students in their schools. However, near 40% respondents still see that the separate toilets for girl students are not arranged and 10% expressed it differently.

During the interview, head teacher Narahari Lamsal from Palpa Samari Bhanjyang Secondary School expressed his view regarding inadequate girl toilets in schools as; ***“we are still in construction phase after the devastating earthquake in 2015. That is why most of the schools are not complete yet and therefore they are not being able to provide adequate girl toilets in schools”.***



**Figure 19: Adequacy of buildings as needed for students**

Buildings are the foundation for any institution. It must be safe and adequate for the students who come to learn in that school. According to the above figure, 53% respondents agreed that their schools have adequate buildings as needed for the students. Furthermore, this is really an alarming situation that 43% respondents claimed that there are not adequate buildings as needed for the students in school and 4% respondents mentioned other.

The overall finding of right to education via piloting program in two municipalities of Dhading district is not so very satisfactory. During the piloting program, it explored various root causes. Lack of full realization of rights has been strongly exposed from this program. Most importantly, gaps in government plans, policies and implementations and management system in the educational institution have been clearly observed during the piloting program. This scenario must be addressed by the concerned authorities.

## 6.2. Right to Health

Right to health is one of the important 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.

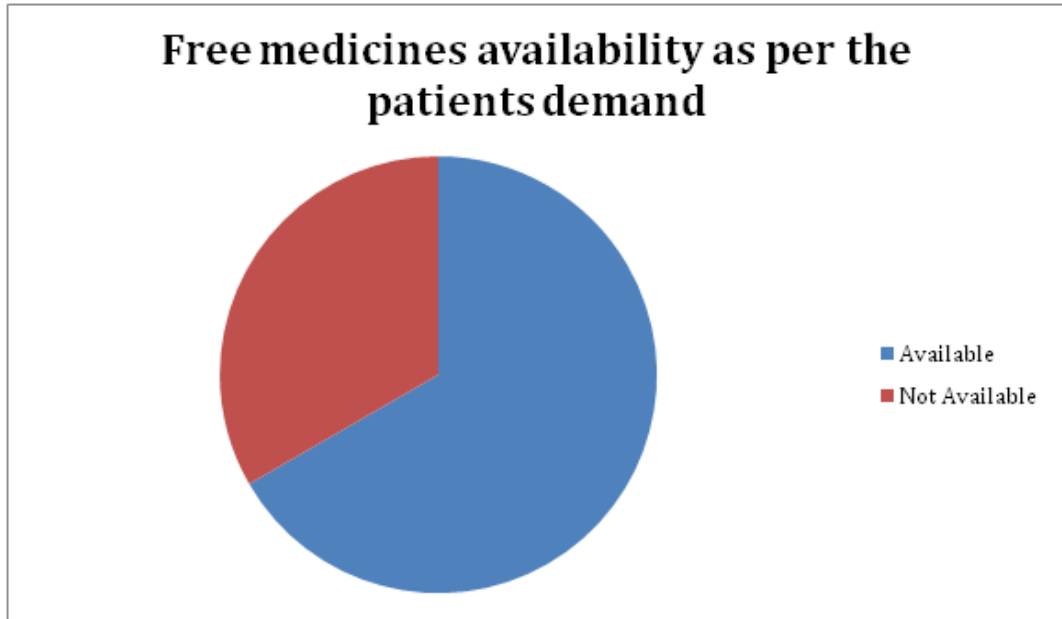
The monitoring questionnaire for right to health is based on international standard 4A & 1Q.

4A and 1Q includes accessibility/availability, adequacy affordability, acceptability and quality. It 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.

Lots of eye opening facts have been explored during this piloting program. Some positive implementations were captured during the piloting program. Like, we found satisfactory drinking water facility and improving services to the pregnant women and delivery processes. Likewise, 90% respondents said they have satisfactory drinking water facility in their health post. Also, maximum respondents agreed on health post staff's regular presence and they are getting equal access to be admitted in the health post.

On the other hand, 40% respondents expressed their views that their health posts are in more than 2 hours of walking distance for their access. This is because of geographical difficulties as Dhading is one of the hill areas of Nepal and villages are also scattered. It was found that the medicines are inadequate in majority of the health posts, which is really an unfortunate scenario to observe. Most importantly, 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.

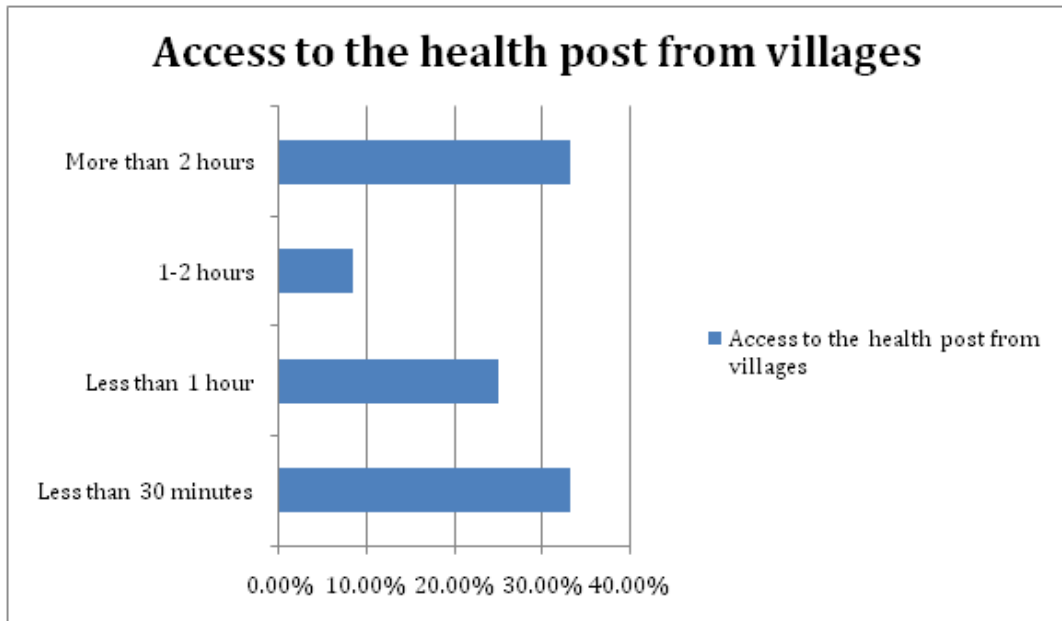
Some findings of the ESC rights monitoring program on right to health has been presented in following figures.



**Figure 1: Free medicines availability as per the patients demand**

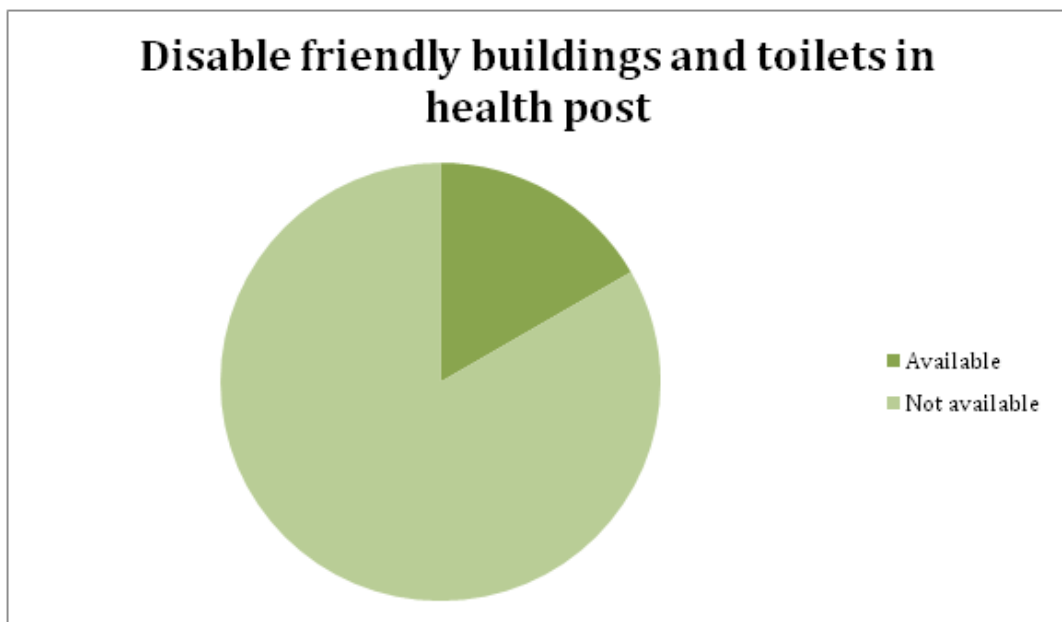
Nepal government has provided some of the medicines free of cost to its citizens. After piloting some health posts of one municipality and one rural municipality in Dhading, above figure shows that 66% respondents feel free medicines are available as per the patients demand, whereas 34% respondents still see that the free medicines provided by the government are not available in their nearest health post.

Nirmala Dhungana, patient of Pida health post expressed her view as; ***“free medicines provided by the government are mostly not available to the normal people. According to my knowledge, few low cost medicines are only provided free, what about expensive medicines? We have to buy all of it with our own and hospital costs other charges too. We are always lagging behind and I stopped expecting anything from the government now”.***



**Figure 2: Access to the health post from villages**

Access to the health post from the villages is one the most essential concerns when we talk about right to health. From this piloting program, 30% respondents said that they have to spend only 30 minutes to have access to the health post. On the other hand, 30% of the respondents expressed that they have to spend more than 2 hours to have access to the health post. While 30% said less than 2 hours and 10% said 1-2 hours.

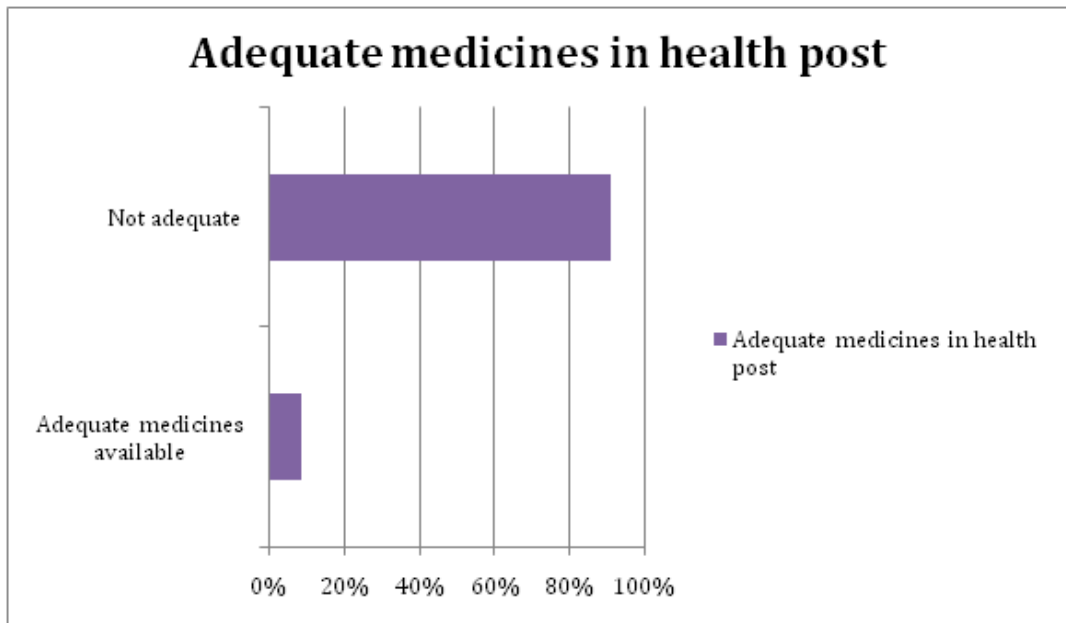


**Figure 3: Disabled friendly buildings and toilets in health post**



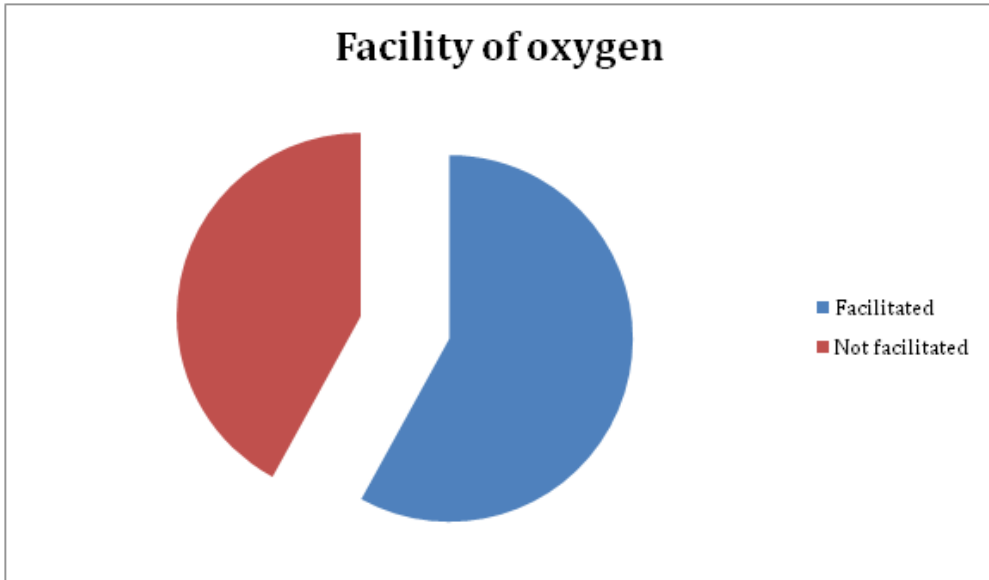
Disabled friendly buildings and toilets are the most important facilities that every health center should provide. 85% respondents agreed that disabled friendly buildings and toilets are not available in their nearest health post. Only some 15% respondents agreed that disabled friendly buildings and toilets are available in their nearest health post.

Differently, a class 8 students Dipesh Pandey expressed his view as; ***“I have a problem in walking, so I face difficulty in going to toilets and class rooms too. Teachers say that we will be having disabled friendly toilets and buildings soon but I don’t know when”.***



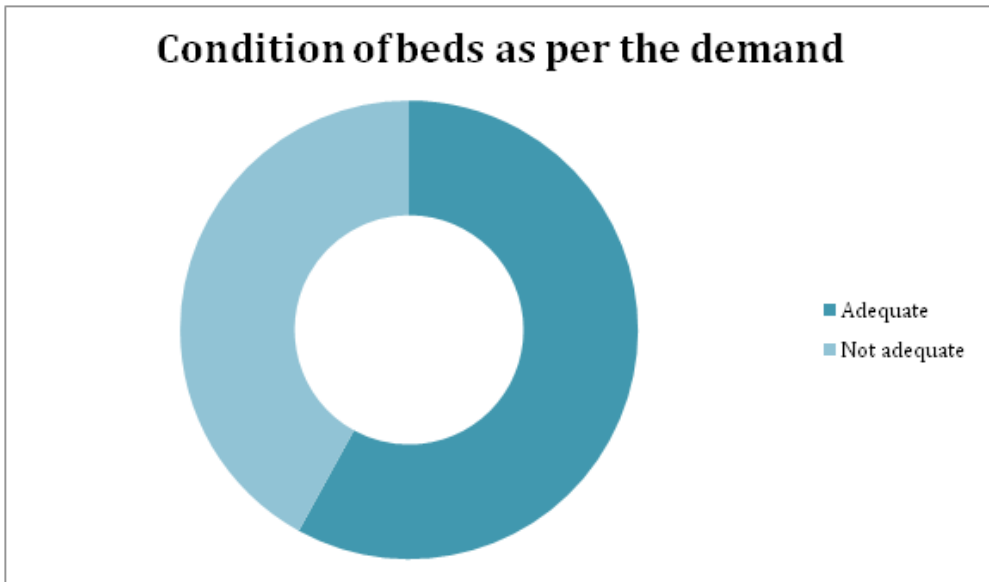
**Figure 4: Adequate medicines in health post**

Availability of adequate medicines in health post as per the patient’s demand is part of the right to health. Without medicines there is no way of treatment. In this finding 90% of the respondents said that there are not adequate medicines in their health post. This is really an alarming scenario that patients couldn’t get medicines as per their need. Only 10% said that there are adequate medicines available.



*Figure 5: Oxygen facility*

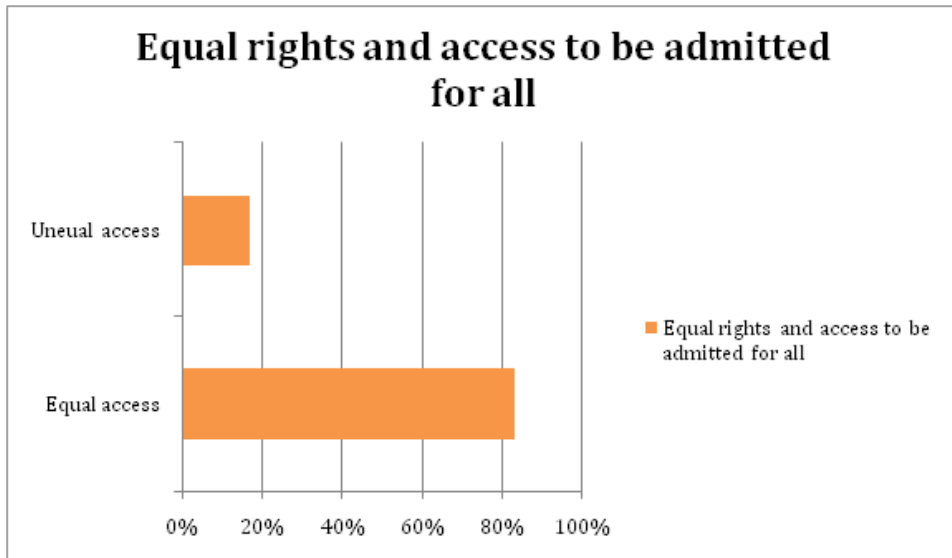
Oxygen is important facility for treatments. According to above figure, 60% respondents agreed that oxygen facility is provided in their nearest health post. On the other hand, 40% respondents see that oxygen facility is not yet provided in their nearest health post.



*Figure 6: Condition of bed as per the demand*

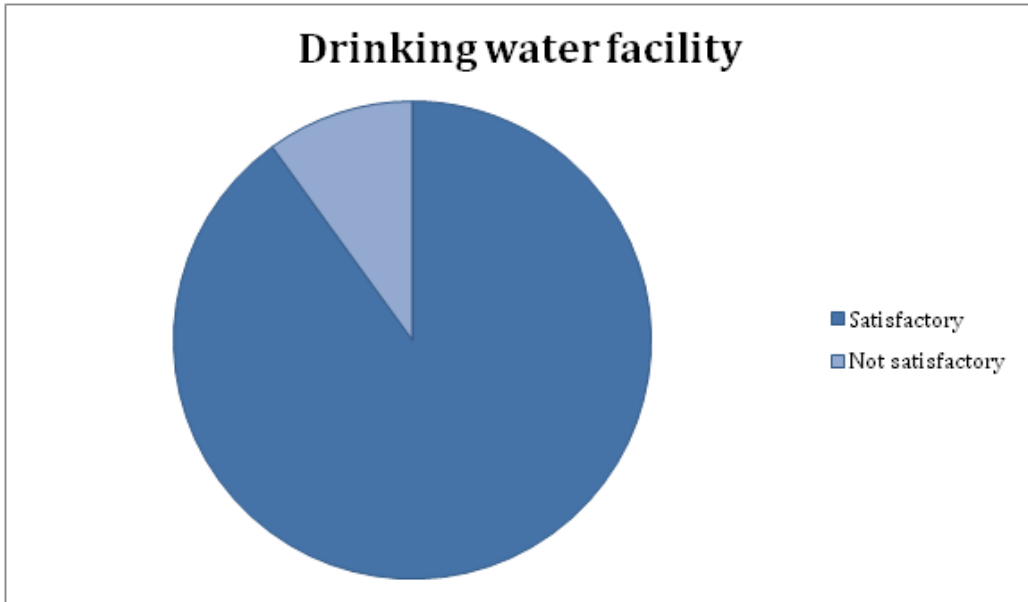
Adequate bed facility is also one of the important parts and an indicator of right to health. In two municipalities of Dhading district, it was found that 60% respondents

see the adequate numbers of bed as per the demand in their nearest health posts, while 40% respondents see inadequate beds in their nearest health post. This finding shows unequal distribution of government facility.



**Figure 7: Equal rights and access to admit in health post**

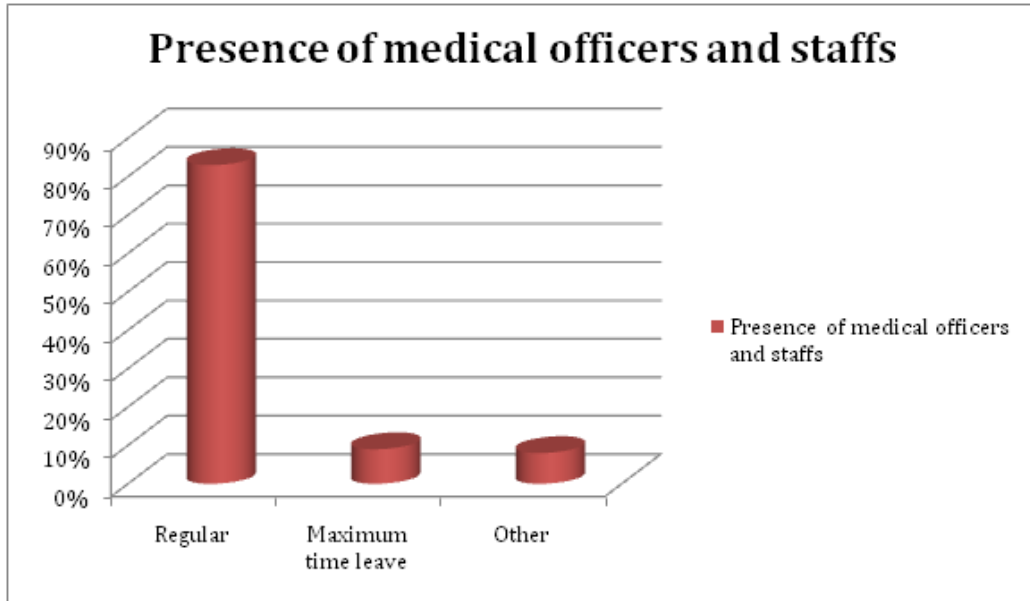
Health posts are meant for public services and every Nepali citizen has the equal right to have access to the health services. This means that there should not be any discriminations and restrictions to be admitted in any time. This figure shows positive result that 85% respondents agreed on that they have equal access to be admitted in their nearest health post. However some 15% of the respondents still claim that there is unequal access to be admitted.



**Figure 8: Drinking water facility in health post**

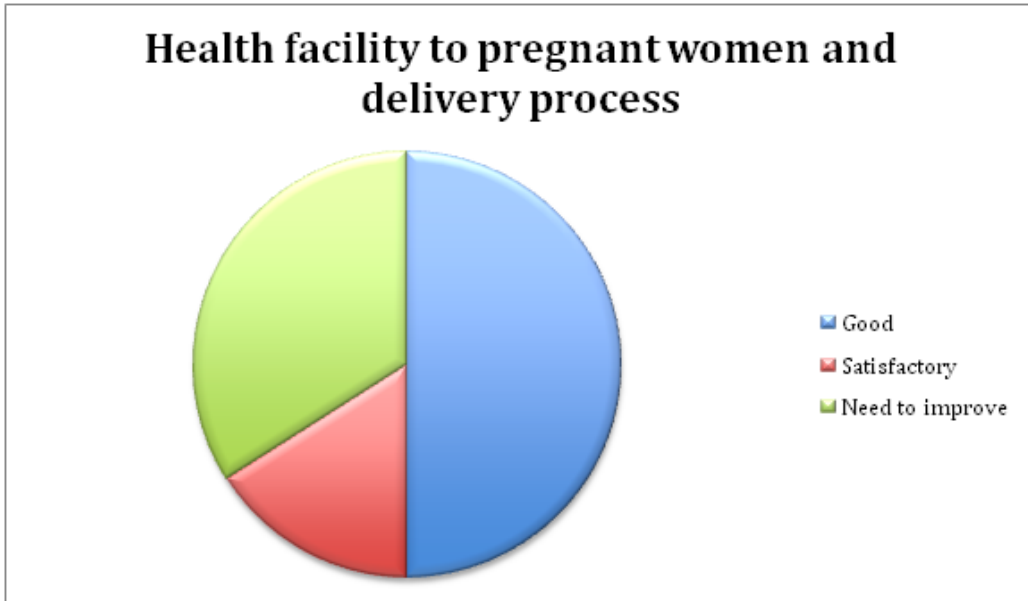
Drinking water is essential for health posts. Water helps to maintain hygienic environment in the health post. So, in this piloting program, 90% of the respondents had expressed their views as the drinking water facility is satisfactory and 10% said that it is not satisfactory. This is the positive finding so far.

Bina Adhikari, HA in Kiranchowk health post said that; ***“we have arranged drinking water facility maintaining good quality to our patients. It’s satisfactory for patients I think. We have tried our best to maintain hygiene in our health post”***.



**Figure 9: Presence of medical officers and staffs in health post**

Regular presence of medical officers and staffs is equally important as other concerns of right to health. This is also one important indicator of good health institution. Surprisingly, 80% respondents agreed on regular presence of medical officers and staffs. However, 10% said that they are on leave for maximum time and 10% respondents reacted on other option as well.



**Figure 10: Health facility for pregnant women and delivery process**

Pregnancy and delivery are critical processes in nature and they need extra carefulness. This is the moment when all need to be dependent on doctors and health post services. On this concern, 50% respondents have expressed their view as the health facility provided by the health posts to the pregnant women and the delivery process is good. Likewise, 15% of the respondents believe that it is satisfactory and 35% respondents see necessity to the improvements on health facility provided by the health posts to the pregnant women and delivery process.

Laxmi Naharki Lohani, health post staff of Khalte health post said that; ***“the biggest reason for improving health facility to pregnant women and delivery process is government’s allowances for them. After this provision, increased numbers of pregnant women have come to check up in health post on regular basis. They also come for delivery. It shows that people definitely like allowances as you know”.***

Overall finding of right to health of ESC Rights via piloting program in two areas of Dhading district is not so positive. We found lots of gap in policies and implementations. Similarly, management system and administrative functions are also found less effective. These scenarios need to be changed in coming days for the full enjoyment of ESC rights from grass roots level.

## 7. Conclusion

The overall conclusion of ESCR monitoring in two municipalities of Dhading district specially Right to Health and Right to Education are eye opening. Some positive and many less effective implementations of government policies have been clearly found out during the piloting. Lots of gaps in government plans, policies and implementations have been discovered in the enjoyment of both rights. Similarly, management system and administrative functions in health & educational institutions are found less effective. This alarming situation needs to be changed in coming days for the full enjoyment of ESC rights from grassroots level.

Right to Health and Right to Education are two important rights of ESC rights. The practice of ESCR monitoring from citizens' level has been initiated by CAHURAST Nepal for the first time. The monitoring of ESC rights using technology has not been practiced in the history of Nepal. Even National Human Rights Commission Nepal (NHRCN) is not active in monitoring ESC rights till date.

This is the preliminary effort to monitor ESC rights by the citizens. It has become a historical bridge to collaborate Human Rights with technology. Monitoring using Mobile App 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.

One of the crucial factors that will determine the success of this attempt is the need to address problems of disadvantaged, marginalized and minority groups by 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.

## 8. Recommendations

- Strengthen efforts to effectively implementing existing laws, policies and practical measures related to ESCR, particularly education and health with affirmative action to protect human rights on women, children and people with disability.
- Increase national and local budget allocation to the health sector and provide more budgetary support to reproductive health, mental health, emergency health, and new types of health hazards such as bird flu, swine flu and other epidemics.
- Strengthen physical infrastructures in the education sector, and improve teaching and learning environment in the schools along with safety and security of school children.
- Strengthen cooperation and collaboration between the local government, civil society organizations and media to increase awareness-raising campaigns on ESC Rights, with extensive monitoring and reporting nationwide.
- Ensure effective and efficient use of available resources in the schools, health posts and hospitals to improve quality and timely service delivery.
- Strengthen youth capacity building, enhance use of new technology such as mobile App and create informed critical mass for online monitoring of ESCR.
- Ensure effective implementation of ESCR-related recommendations provided to the government of Nepal during universal periodic review (UPR) process.



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## Annexes

<b>Access to Schools</b>	<b>%</b>
Easily accessible	89
Accessible with certain difficulty	8
Partially accessible	5
Grand Total	100

<b>Distance to Reach school</b>	<b>%</b>
Less than 30 minutes	34
Less than 1 hour	44
1-2 hours	18
More than 2 hours	4
Grand Total	100

<b>Access to Free higher education for disabled people and the poor</b>	<b>%</b>
Access	71
Not access	22
Taking fees	2
Other	5
Grand Total	100

<b>Facilities provided?</b>	<b>%</b>
Provided	16
Not provided	29
No such arrangements till date	50
Other	5
Grand Total	100

<b>Disability friendly toilets in school?</b>	<b>%</b>
Arranged	30
Not arranged	70
<b>Grand Total</b>	<b>100</b>

<b>Access to education in mother tongue?</b>	<b>%</b>
Provided	2
Not provided	38
No such provisions till date	60
<b>Grand Total</b>	<b>100</b>

<b>Books being distributed free of cost or not?</b>	<b>%</b>
Distributed free	97
Not distributed	2
Other	1
<b>Grand Total</b>	<b>100</b>

<b>Infrastructures situation in schools</b>	<b>%</b>
Good	17
Moderately good	69
Unsafe	9
Other	5
<b>Grand Total</b>	<b>100</b>

<b>1.058</b>	<b>%</b>
Available	95
Not available	3
Taking fees	2
<b>Total</b>	<b>100</b>

<b>1.058</b>	<b>%</b>
Available	48
Not available	43
Taking fees	9
<b>Total</b>	<b>100</b>

<b>1.058</b>	<b>%</b>
Capable	20
Some capable	45
Maximum capable	35
<b>Total</b>	<b>100</b>

<b>Quantity of desk bench as needed for the students</b>	<b>%</b>
Adequate	67
Need to add more	33
<b>Total</b>	<b>100</b>

<b>1.058</b>	<b>%</b>
Facilitated	29
Not facilitated	71
<b>Total</b>	<b>100</b>

<b>Facility of library and extra books for students</b>	<b>%</b>
Arranged	72
Not arranged	28
<b>Total</b>	<b>100</b>

<b>1.058</b>	<b>%</b>
Provided	23
No computers	54
Computers available but education not provided	23
<b>Total</b>	<b>100</b>

<b>Physical punishment to the students</b>	<b>%</b>
Physical punishments	16
Never	84
<b>Total</b>	<b>100</b>

<b>Hygiene in school</b>	<b>%</b>
Good	30
Moderately good	70
<b>Total</b>	<b>100</b>

<b>Separate toilets for girl students</b>	<b>%</b>
Arranged	62
Not arranged	38
<b>Total</b>	<b>100</b>

<b>Availability of adequate medicines and equipment</b>	<b>%</b>
Not adequate	91.67
Unaffordable	8.33
<b>Total</b>	<b>100</b>

<b>Distance of health posts from villages</b>	<b>%</b>
Less than 30 minutes	33.33
Less than 1 hour	25.00
1-2 hours	8.33
Above 2 hours	33.33
<b>Total</b>	<b>100</b>

<b>Disabled friendly toilets and buildings in health post</b>	<b>1.058</b>
Available	83.33
Not available	16.67
<b>Total</b>	<b>100</b>

<b>Oxygen facility in health post</b>	<b>%</b>
Available	58.33
Not available	41.67
<b>Total</b>	<b>100</b>

<b>Numbers of bed in health post</b>	<b>%</b>
Adequate	58.33
Not adequate	41.67
<b>Total</b>	<b>100</b>

<b>Equal access to all to be admitted in health post</b>	<b>%</b>
Equal access	83.33
Unequal access	16.67
<b>Total</b>	<b>100</b>

<b>Condition of drinking water in health post</b>	<b>%</b>
Satisfactory	91.67
Not satisfactory	8.33
<b>Total</b>	<b>100</b>

<b>Health treatment to pregnant women and delivery process</b>	<b>%</b>
Good	50.00
Satisfactory	16.67
Need to improve	33.33
<b>Total</b>	<b>100</b>

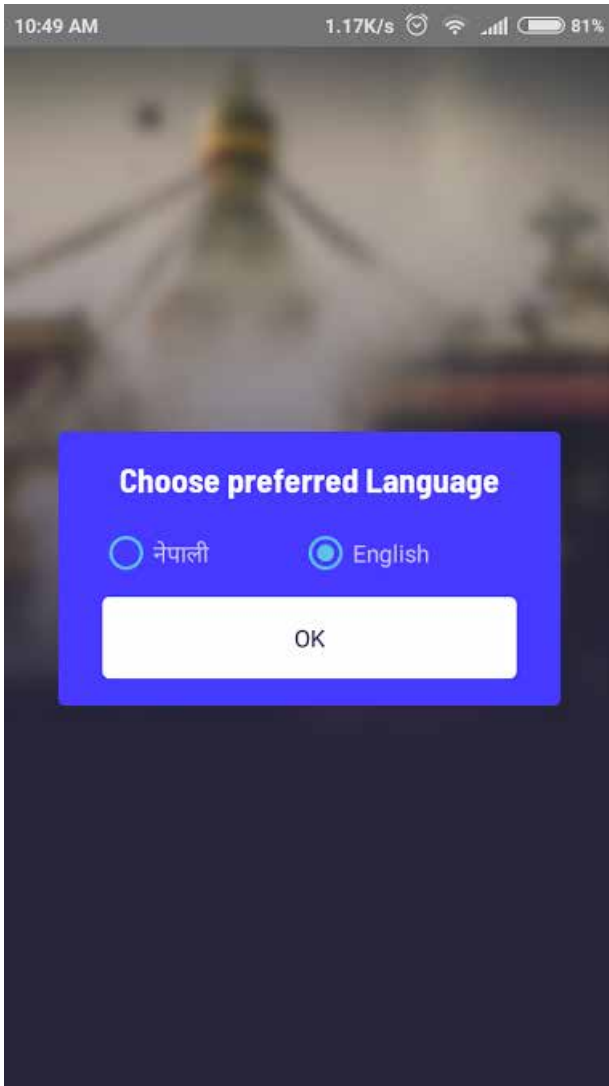


## About ESCR app

### 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.

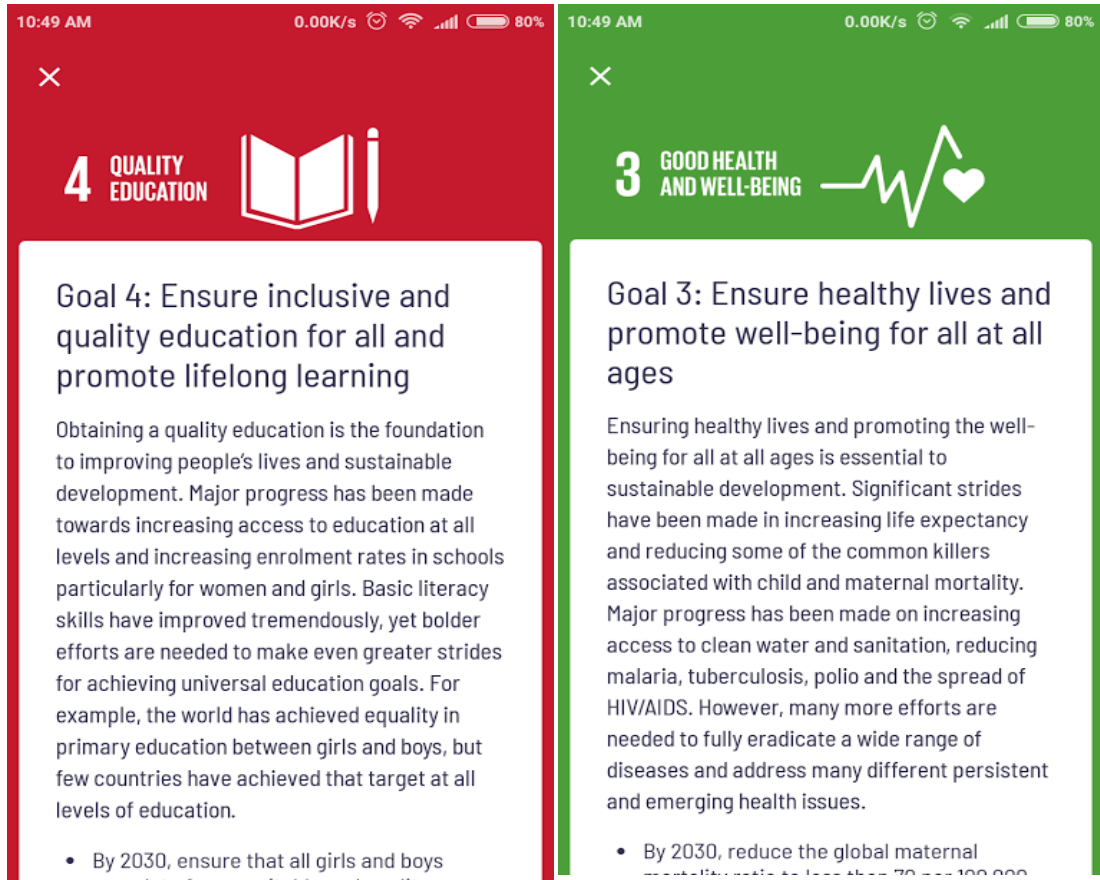
## 5. Learn how SDG (Sustainable Development Goals) aims to achieve ESCR.



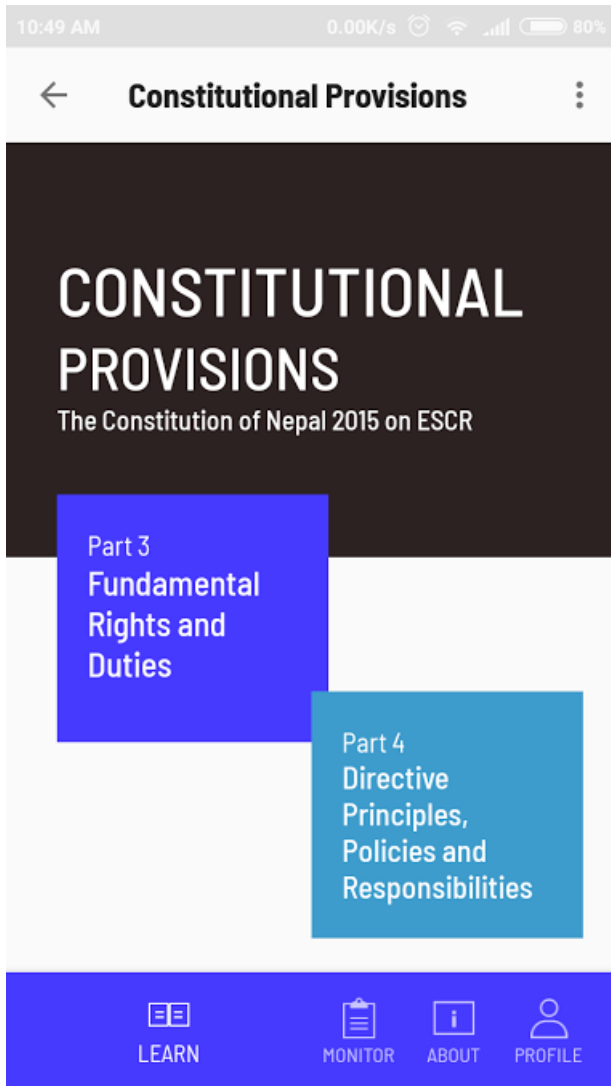
Sustainable development goals helps in achieving ESCR by ensuring healthy lives

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.**



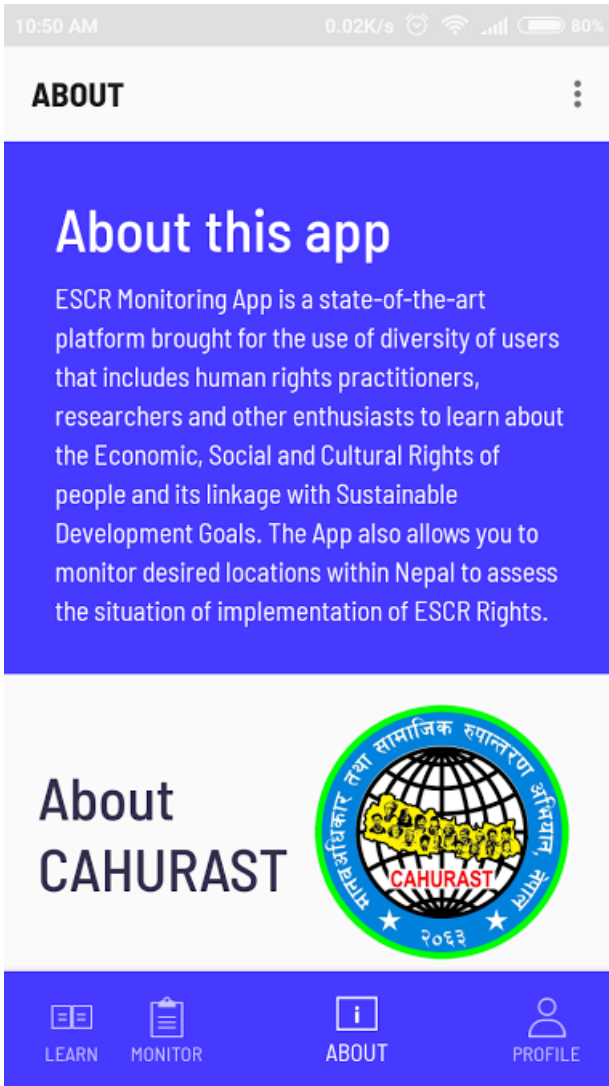
## 6. Learn ESCR through Constitutional Provisions on Health and Education



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.



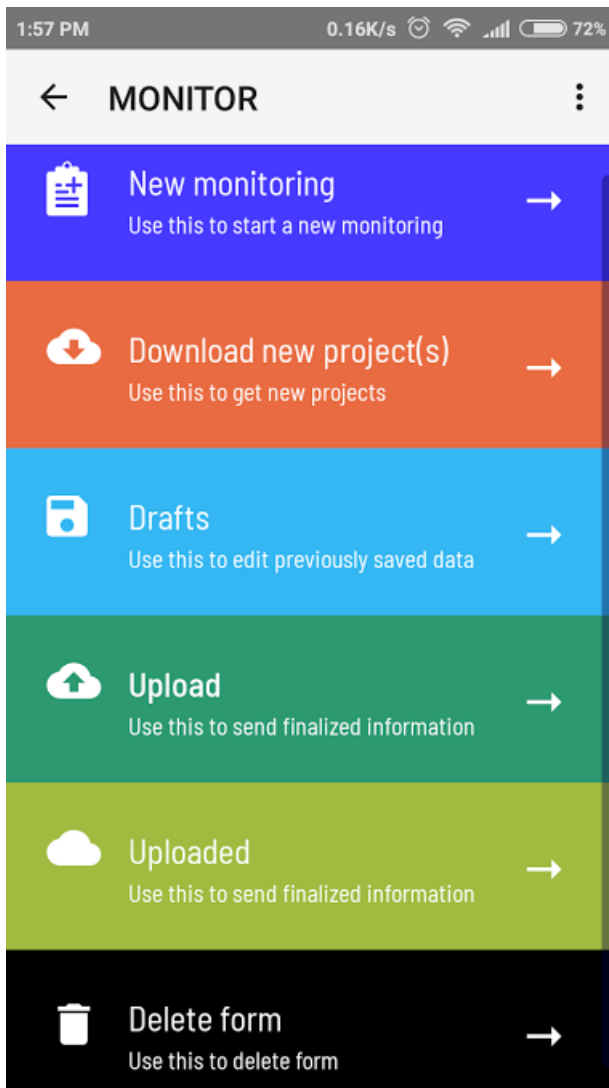
## 9. Monitor

### 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).

The image displays two screenshots of a mobile application interface. The left screenshot, titled 'Registration request', shows a form with the following fields: 'Your name' (filled with 'user'), 'Your email' (filled with 'user@user.com'), 'Your organization', 'Your message', and 'Your phone number'. A white button labeled 'SEND REGISTRATION REQUEST' is at the bottom. The right screenshot, titled 'Login', shows a form with 'Username' (filled with 'user') and 'Password' (with a toggle icon). A white button labeled 'LOGIN' is at the bottom. Both screens have a dark blue background and a white 'X' icon in the top left corner.

Field	Value
Your name	user
Your email	user@user.com
Your organization	
Your message	
Your phone number	
Username	user
Password	



## 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.

