

Training Manual For Monitoring Economic, Social and Cultural Rights 2021



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



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¹ 'The Member States of the European Union have decided to link together their know-how, resources and destinies. Together, they have built a zone of stability, democracy and sustainable development whilst maintaining cultural diversity, tolerance and individual freedoms. The European Union is committed to sharing its achievements and its values with countries and peoples beyond its borders'.

Training Manual for Monitoring Economic, Social and Cultural Rights 2021

ESCR training manual has been published with the financial support of the European Union to advance the campaign of stakeholders themselves monitoring economic, social and cultural (ESC) rights by preparing members of the community as trainers and developing interested of the individuals as monitors. In addition, the manual is expected to be helpful to civil society organizations, NGOs, government agencies at various levels, local bodies, individuals or groups involved in the protection and promotion of economic, social and cultural rights. There are four main chapters in this manual:

There are four main chapters in this manual:

At the beginning of each chapter there is a  food for thought section which contains some questions that can be used for open discussion and does not require previous knowledge on the subject. The same module questions can be used again after the training to see if monitors have changed their mind or would want to share further and thus their knowledge level can be examined.

There are group activities at the end of each section and they correspond to the theoretical topics mentioned in the respective section above. Such activities are indicated by  symbols.

At the beginning of the manual is a brief introduction about the Freed Haliya Empowerment (ADHICAR) project under which this training manual has been prepared.

In the first chapter, reference material on economic, social and cultural (ESC) rights and other human rights have been included with an aim to provide the observers with knowledge on subject matters relating to those rights.

In the second chapter, the laws and provisions related to the target groups of the project are briefly explained.

The third chapter contains detailed information on the art of monitoring to monitor economic, social and cultural rights as technical knowledge. An important aspect of this manual is the inclusion of art of monitoring and reporting on the human rights situation using technology. The fourth chapter informs on evidence-based advocacy. It highlights how facts and evidence collected through monitoring can be used for advocacy. Lastly, the names of a few other useful documents to assist in monitoring have also been mentioned.

This training manual focuses on four of the rights of economic, social and cultural rights (right to health, right to education, right to decent work, right to housing, and housing and rehabilitation package).

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Introduction to the Freed Haliya Empowerment (ADHICAR) Project

Project Duration:

33 months (from March, 2020
- December, 2022)

Financial support:

European Union

Partner organizations:

- Finnish Evangelical Lutheran Mission (Felm)
- Lutheran World Federation Nepal
- Campaign for Human Rights and Social Transformation (CAHURAST), Nepal
- Rastriya Mukta Haliya Samaj Federation-Nepal, Dadeldhura

District wise working Area:

Dadeldhura, Bajhang,
Kanchanpur, Baitadi and Doti

Context and Environmental Analysis: The Nepal Government officially outlawed slavery in 1925 during the Rana rule. However, especially in the far and mid-western part of Nepal, the exploitative system of agricultural bondage, the Haliya system, remained as a form of modern slavery in Nepal until 2008. Haliya's debt burden has been passed down from one generation to the next. Constitution of Nepal 2015 has a provision for free education, health care, housing and decent work etc. for all Dalits. However, the freed Haliyas have not been able to enjoy these rights due to lack of information and government response.

Government records list around 19,059 freed Haliyas from 12 districts of Karnali and Sudurpaschim Provinces of which 97% are Dalits. So far, only 43.42% of freed Haliyas have received rehabilitation packages provided by the government. Furthermore, only 56.5% freed Haliyas in the districts proposed for this work have accessed the rehabilitation package. Freed Haliya and other marginalized groups, who are discriminated against on the basis of caste, gender and disability. They have not been able to fully enjoy their economic, social and cultural rights - especially education, health, decent work and housing.

In order to address the shortcomings in the provision of these rights, it is necessary to increase the capacity of local government officials and other duty bearers. Therefore, in the context of the shrinking civil society of Nepal, the ADHICAR project has been developed with an objective of contributing to the joint efforts to fight discrimination against various marginalized groups, mainly freed Haliyas, women and persons with disabilities.

Specific objectives of the project:

- For the full realisation of economic, social and cultural rights of freed Haliyas, women and persons with disabilities, their networks, civic organizations and caretakers
- to protect their rights; strengthen all of their voices and concerns
- to ensure their meaningful political participation and representation

An introduction to the target groups of the project

Freed Haliya: Haliya system is a remnant of slavery based on bonded labour system. In general, an agricultural labourer who ploughs a field for farming is called a Haliya or Hali. According to the traditional belief and custom in Nepal, people belonging to 'upper caste' and women should not plough the land so it is usually the Dalits and people of 'untouchable' Sudra caste doing this work. Keeping Haliya or Hali was a custom practiced in the western and far western hilly regions of Nepal up until a decade ago. The custom of poor Dalit families living as Haliyas in the house of a landlord or a Sahu in order to pay off the debts taken by their parents and forefathers is called Haliya system.

Women within Haliya: As women play a role of supporting the men in Nepali society, Haliya women belong to the marginalized class more particularly. They are not paid equally, face harassment and abuse in the workplace, and are deprived of decision making at home. Women are unable to access the land that is ought to be provided by the government as part of a rehabilitation package, which raises concerns about the success of the rehabilitation process.

Persons with Disabilities: Disability is a condition due to an impairment in body parts and bodily systems that make it difficult for people to carry out their daily activities normally and to participate fully in social life due to barriers arising from physical, social and cultural environment as well as communication. According to the National Census 2011 of Nepal, people with disabilities constitute 1.94% of the total population. People with disabilities make up the largest minority group.

1. Project Activities:

- 1.1 Update mobile app to collect necessary evidence about the human rights situation of the target community
- 1.2 To inform local level employees about mobile app and data collection and get permission to collect data
- 1.3 To prepare training manual for community monitors to monitor economic, social and cultural rights
- 1.4 To develop community monitors for monitoring / data collection
- 1.5 Comprehensive monitoring of Right to Education, Right to Health, Right to Decent Work and Right to Rehabilitation Package
- 1.6 A holistic analysis of the evidence
- 1.7 Capacity building of the target group, its network and civil society organizations to form concerns of the target community
- 1.8 Publish Economic, Social and Cultural Rights (ESCR) Yearbook and link with alternative reports during the Universal Periodic Review (UPR) period
- 2.1 To conduct training for freed Haliya, persons with disabilities and their organizations on provisions on government policy, rule of law, voter rights education
- 2.2 Conduct transformation education program
- 3.1 To teach Haliya leaders, representatives of civil society organizations, persons with disabilities and government officials the lessons learned about the political participation, community participation and support, and economic empowerment of marginalized groups.
- 3.2 Training on advocacy and political participation for Haliya leaders, Haliya representatives, civil society organisation representatives and persons with disabilities
- 3.3 Inclusive audit of political parties and local governments on planning process, accountability, transparency and inclusion
- 3.4 To facilitate dialogue on political participation and democratization among trained civil society organizations, Haliya representatives, local and provincial governments, political parties and target groups
- 4.1 To strengthen the network of civil society organizations to enhance access to public services and resources through the people's advocacy campaign
- 4.2 Capacity building training to make local government representatives and officials accountable for planning, budgeting and implementation of target groups' rights
- 4.3 To have dialogues at local and provincial level with the lawmakers for formulation and implementation of freed Haliya, inclusive and gender friendly policies and laws in the changed federal context
- 4.4 To follow up and advocate with the local government to include the Haliyas not registered in the government list
- 4.5 Awareness and media campaign against racial discrimination, unequal wages and gender based violence and celebrate national and international days
- 4.6 Mobile service for access to disability card and services
- 4.7 Livelihood support
- 5.1 To develop tools for access to legal process in cases of violation of rights as seen from data combination
- 5.2 Training for representatives of Haliya and other civil society organizations for support and guidance in administrative process and general cases
- 5.3 Establishment of referral help desks for legal aid and support and establishment of mobile help desk service for remote areas
- 5.4 To follow up on cases where legal aid or referral services have been offered

Sustainability of the program: Sustainability of the program will be ensured through capacity building of target groups and their collectives, community based organizations and federations. Target group's ownership towards the program shall be promoted by emphasizing on their participation, facilitation and empowerment. The principle of whose question his leadership will be followed. By developing and mobilizing human rights defenders, coordination of target groups will be established with various agencies.

Monitoring, Evaluation and Reporting: For effective implementation of the program, results based participatory planning, implementation, monitoring and evaluation and reporting system will be adopted.

Community Accountability: Accountability will be ensured on the basis of the principle of basic human rights standards for which gender equality and social inclusion as well as persons with disabilities will be mainstreamed in the project cycle. In addition, complaint hearing mechanism will be promoted.

Chapter-1

Contextual Subject Matters on Economic, Social and Cultural Rights

Brainstorming for ideas (Food for thought)

1. Is every human born with human rights?
2. What do you do if there are any human rights violations happening near you?
3. What are the principles of human rights?
4. What is the difference between human rights and fundamental rights?
5. When monitoring economic, social and cultural rights, how appropriate do you think is it to discuss multidimensional issues such as equality and discrimination?
6. Why economic, social and cultural rights are called progressive rights?

1.1 Human Rights (Brief History, Concept and Evolution)

Human rights are one of the main bases for distinguishing human beings from other living beings. Rights that are guaranteed to ordinary citizens based on basic moral values without any discrimination is generally called human rights. In other words, human rights are the rights that human beings get naturally just because they are human. Human rights are the rights that are related to every individual and are birth rights regardless of caste gender, nationality, language, religion. Human rights include the right to life and liberty, freedom from slavery and torture, freedom to choose work, attain education etc. All citizens are entitled to these rights without any discrimination. All rights are interrelated and interdependent. Peace, freedom, justice and equality are the basic organs of human rights.

Human Rights

- It is universal and encompasses a wide range of meanings. The same applies to all people in the world.
- It is mentioned in international law, treaty (agreement), pledges or declarations.
- Its main source is the Universal Declaration of Human Rights.
- The United Nations and national and international bodies are active in its protection and promotion

Fundamental Rights

- It is limited, applies only within the state. Only for citizens within the country.
- It is mentioned in the constitution of the country.
- It is mentioned and guided in the fundamental rights section of the constitution.
- National government bodies, courts and other bodies are involved in its protection.

Some well-known definitions of human rights

"Human Rights" means rights related to life, liberty, equality and dignity of a person provided by the Constitution and other prevailing laws and this term also includes the rights contained in the international treaties regarding human rights to which Nepal is a party. (Article 2 (f) of the National Human Rights Commission Act 2068).

Human Rights are literally the rights one has simply because one is a human being" (Jack Donnelly, Universal human rights in theory and practice, p.9).

Human rights are a group of rights that are inherent in human beings naturally because they are human beings and these rights are only available if people perform their natural duties (- Dr. Gopal Sharma, International Organization for Human Rights and Humanities Law, Advocacy Publications, Nepal, 2007 p. 380). Therefore, human rights must be understood as inherent in human beings, for the dignity of human life, freedom, prosperity and happiness to be exercised equally without any discrimination.

"Human rights are universal legal guarantees protecting individuals and groups against actions and commissions that interfere with fundamental freedoms, entitlements and human dignity" (OHCHR, P.1)

Human rights are the natural and innate rights of human beings only (Cellard: 1999, p.2). The word "rights" implies that a person uses it, regards it with all due respect and are to be compulsorily followed. Human rights are the rights of every human being without being discriminated against based on race, language, religion, gender, nationality, origin, social and economic status, etc. All human beings are entitled to all rights and freedoms (UDHR: 1948, Article 2). In a general sense, all rights that people receive merely for being human beings are human rights (Hunselard: 1999, p. 3).

Human rights and fundamental freedoms are the birthrights of all human beings; their protection and promotion is the first responsibility of Governments. –VDPOA, 1993

Human rights shall mean the rights granted by the Constitution and other prevailing laws relating to the life, liberty, equality and dignity of the individual and the term also includes the rights contained in the International Convention on Human Rights to which Nepal is a party. NHRC Act, 2007

The nature and scope of Human Rights

- The success of the principles of human rights is legally binding as it appears legally in international law and is universally accepted as the latest and indispensable branch of international law.
- As it teaches people the lesson of rebellion against exploitation, injustice and oppression, it is developing the concept of the right to rebellion.
- Its territory is seen both nationally and internationally.

Principles of Human Rights

- **Universality and Inalienability:** Human rights are universal and inalienable. All people everywhere in the world are entitled to them. The universality of human rights is encompassed in the words of Article 1 of the Universal Declaration of Human Rights: "All human beings are born free and equal in dignity and rights."
- **Indivisibility:** Human rights are indivisible. Whether they relate to civil, cultural, economic, political or social issues, human rights are inherent to the dignity of every human person. Consequently, all human rights have equal status, and cannot be positioned in a hierarchical order. Denial of one right invariably impedes enjoyment of other rights. Thus, the right of everyone to an adequate standard of living cannot be compromised at the expense of other rights, such as rights to health or education.
- **Interdependence and Interrelatedness:** Human rights are interdependent and interrelated. Each one contributes to the realization of a person's human dignity through the satisfaction of his or her developmental, physical, psychological and spiritual needs. The fulfillment of one right often depends, wholly or in part, upon the fulfillment of others. For instance, fulfillment of the right to health may depend, in certain circumstances, on that of rights to development, education or information.
- **Equality and Non-discrimination:** All individuals are equal as human beings and by virtue of the inherent dignity of each human person. No one, therefore, should suffer discrimination on the basis of race, colour, ethnicity, gender, age, language, sexual orientation, religion, political or other opinion, national, social or geographical origin, disability, property, birth or other status as established by human rights standards.
- **Participation and Inclusion:** All people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being. Rights-based approaches require a high degree of participation by communities, civil society, minorities, women, young people, indigenous peoples and other identified groups.
- **Accountability and Rule of Law:** States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in international human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law. Individuals, the media, civil society and the international community play important roles in holding governments accountable for their obligation to uphold human rights.

History of the Human Rights Movement

- Values and beliefs of Eastern society
- The development of Eastern human society ahead of that of Western society
- We find the search for the value and recognition of human rights in the works of Hindu scriptures, Confucius, Buddha, etc.
- Studying the Eastern society, we find the fact that the Vedic society of 4500 years ago, the Buddhist society of 2500 years ago and the social education provided by Confucius in the society tried to protect the rights of mankind.

Therefore, when discussing the history of the human rights movement and its origins, we need to reflect on the overall philosophy and literature of Eastern society. Because the roots of human rights are based on politics, theology and the philosophy of governing society.

European perspectives and ideas

- The concept of human rights has existed among Europeans for a long time
- Christianity is the source of human rights
- Magna Carta – 1215

Human Rights Movement and Nepal

- The situation before 2007
- The situation before 2046
- The situation before 2052
- The situation before the People's Movement 2062/2063
- Current situation

Concept and Development of Human Rights

Concept:

- It is an outstanding achievement related to human interest and dignity created and developed by human beings.
- Human rights are also the conclusion of the principles of politics and legal theories up to the 21st century.
- The principle of human rights is the best principle of the welfare of mankind, so it is not separate from politics. This is widely accepted international politics of the twenty-first century.
- As the question of human rights continues in the conflict of bargain between the state and the citizens, it is a class issue.
- Human rights will be a class issue so long as the state exists or class difference persists in the society. Although impartiality can be maintained in its use, it is not so at present.
- Human rights are acquired by human beings because they are human beings, it is not a matter to be provided by anyone.

Development of human rights in the world has taken a leap since the United Nations adopted the Universal Declaration of Human Rights on December 10, 1948, recognizing human rights as the fundamental basis of peace, freedom and development.

Historical background of human rights law development

Development process before the establishment of the United Nations <ul style="list-style-type: none">- Charter of Independence - 1215- Detention of Habeas Corpus Act - 1679- Civil Rights Charter - 1689- Management Act - 1701- American Declaration of Independence - 1776- French Declaration of Human and Civil Rights - 1789	Seven major international human rights treaties <ul style="list-style-type: none">- ICCPR - 1966- ICESCR - 1966- CERD-1965- CEDAW - 1979- CAT - 1984- CRC - 1989- MWC - 1990
Development system since the establishment of the United Nations system <ul style="list-style-type: none">- Security Council- General Assembly- Economic and Social Council- Human Rights Council- International Court of Justice- Other organs and bodies	International level contributions before the establishment of the United Nations: <ul style="list-style-type: none">- Personal contribution:- Religious contribution:- Contribution to international level treaties and agreements:

Along with the development of human rights, international human rights instruments have been issued from time to time on the initiative of the United Nations to cover various aspects of human rights based on the United Nations Charter and the Universal Declaration of Human Rights.

Key International Human Rights Documents

1. The UN Charter, 1945
2. Universal Declaration of Human Rights, 1948
3. International Covenant on Economic, Social and Cultural Rights, 1966
4. International Covenant on Civil and Political Rights, 1966

All of the above documents address the overall aspect of human rights, hence these documents are collectively referred to as “The International Bill of Human Rights” (The International Bill of Human Rights, Fact Sheet No. 2 {Rev. 1}, page-3)

Attempts have been made to classify the development of human rights as the first generation, second generation and third generation: Civil and Political Rights including the rights to life and liberty and the rights to freedom of speech and worship as first-generation, Economic, Social and Cultural Rights including the right to work, right to health and right to education as second generation and Collective Rights including solidarity rights, rights to political self-determination and economic development as the third generation.

Environmental rights are now being taken as the fourth generation. However, there is a belief that human rights should not be divided into generations in this manner (those who argue that human rights are indivisible believe that generational classification of human rights challenge the inseparable nature of human rights and narrow its definition).

1.2 Economic, Social and Cultural Rights (ESCR)

Introduction

Economic, social and cultural rights are directly related to the right to human life. Economic, social and cultural rights are the rights of the individual to get adequate food, water, live in a shelter with basic amenities, get an education, health and social security, participate in cultural programs and work etc. Because it involves financial obligations, this right may not be exercised in the same way depending on the situation in the country. Therefore, the state guarantees these rights according to its capacity.

Economic, social and cultural rights are an element of social justice. Citizens cannot defend themselves without these rights being guaranteed. Citizens experience the fulfilment of their human rights only when they are able to enjoy real economic, social and cultural rights. The right to life is a major human right that necessitates food, clothes and shelter. Therefore, economic, social and cultural rights are also called the right to food, shelter and clothing.

Economic Rights	Social Rights	Cultural Rights
<ul style="list-style-type: none"> • Right to food, shelter and clothing • Right to employment • Right to choose a job • A suitable working environment • Fight to fair wage • Right to open labour union • Right to strike • Rights over property • Equal pay for equal work for men and women • Right to utilize the property of the nation • Right of land ownership 	<ul style="list-style-type: none"> • The right to a decent standard of living • Right to education • Right to social security • Right to ethnic equality • Right to be free from discrimination based on gender, caste and wealth • Right to health • Right to maternity services • Right of adults to choose a bride and groom and to run a family • Protection of children and protection of the disabled and the elderly • Right against untouchability 	<ul style="list-style-type: none"> • Right to participate in cultural life • Right to marry according to one's own customs • Right to perform the funeral/ final rituals of a relative • Right to dress according to caste • Right to practice ethnic traditions • Right to practice one's chosen religion • Right to enjoy the arts and to participate in the programmes and progress made in the field of science • Right to identity

Economic, social and cultural rights are recognized and protected in international and regional human rights instruments. Member States have a legal obligation to respect, protect and fulfil their economic, social and cultural rights.

Respect	Protect	Fulfil
<p>The state should refrain from interfering with the enjoyment of the right in any way.</p> <p><i>Example 1:</i> No laws should be enacted against the state's commitment to human rights</p> <p><i>Example 2:</i> Nepal ratified the Second Descriptive Article (1989) of the International Covenant on Civil and Political Rights to abolish the death penalty on March 4, 1998. Therefore, Nepal should not make any law recognizing the death penalty. (The death penalty is prohibited by the Constitution of Nepal 2072 BS.)</p>	<p>The responsibility is to ensure that others do not interfere in the exercise of one's rights through effective regulation and treatment. Under this, the state should stop any third party trying to violate the human rights of the citizens.</p> <p><i>Example:</i> The state must provide adequate security for its citizens. If there is a security challenge from a third party, the third-party should be punished by law and the victim should be given justice.</p>	<p>The state itself has an obligation to promote rights, facilitate access to rights, and provide necessary services if individuals and groups are unable to exercise their rights by their own means for reasons not under their control. To guarantee human rights, the state must take all positive initiatives, including the formulation and implementation of laws, policies and programs.</p> <p><i>Example:</i> It is not enough that the state brings a policy of education for all. The state must also open a sufficient number of schools, provide textbooks, and provide an adequate number of teachers</p>

While the economic, social and cultural rights were included as part of directive principles (not enforceable in any court) by the Constitution of Nepal in 1990, they were later recognized as a fundamental right in the 2007 Interim Constitution. Most of the economic, social and cultural rights are included in the fundamental rights clause of the Constitution of Nepal 2015 AD. Now, Nepali citizens deprived of these rights have been given the opportunity to go to court for the exercise of those rights.

Major provisions relating to Covenant related to economic, social and cultural rights

The right to self-determination	Achieving economic, social and cultural rights by making maximum use of available resources
Trade union rights	Right to work
Right against discrimination	Equality between men and women
Right to work in appropriate and favourable conditions	Right to social security
Family, mother and child protection rights	The right to intellectual progress and protection
The right to a decent standard of living including food, shelter and clothing	The right to a higher level of health
Right to primary education and health	Right to participate in cultural life

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is one of the most comprehensive expressions of ESCR in international law. As mentioned below, its provisions protect human rights related to the workplace, family life, community life and cultural life. In addition, other international treaties determine the rights of special groups and include relevant provisions in the ABCDEF.

Committee on the Rights of the Child (CRC), especially Article 23-32

International Convention on the Elimination of Racial Discrimination (ICERD), especially Article 5

Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), Part 3

Convention on the Rights of Persons with Disabilities (CRPD), especially Article 23-28

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), especially Article 27-31

Rights	Description	Provision
Right to education	Right to education includes free and compulsory primary education. Schools must meet minimum educational standards. Parents or legal guardians have a right to choose their children's school based religious education.	ICESCR: Article 13 CRC: Articles 28 and 29 ICERD: Article 5 CEDAW: Article 10 CRPD: Article 24 ICMW: Articles 30,43 and 45
Right to health	Right to health includes the right to physical and mental health. This includes access to essential medical and social services.	ICESCR: Article 12 CRC: Article 24 ICERD: Article 5 CEDAW: Articles 12 and 14 CRPD: Article 25 ICMW: Articles 28, 43 and 45
Right to housing	Right to housing includes access to adequate facilities such as proper drinking water, sanitation and energy. It also includes protection and protection against a threat to security, such as harassment or forced eviction.	ICESCR: Article 11 CRC: Articles 16 and 27 ICERD: Article 5 CEDAW: Article 14 CRPD: Articles 2, 5, 9, 19, 22 and 28 ICMW: Article 43
Right to decent work	Right to decent work includes the right to employment. It also includes rights to work, such as fair wages, safe working conditions and the right to join a union.	ICESCR: Articles 6-8 ICERD: Article 5 CEDAW: Article 11 CRPD: Article 27

ICESCR General Comment No. 3

At the request of the Economic and Social Council (ECOSOC), and as per the decision of the third session of the council the CESCR Committee, general comments have been made on various articles of international treaties on economic, social and cultural rights. General Comment No. 3 prepared on the basis of Article 2 (1) to clarify the nature of state obligation under the covenants explains the main purposes of the covenants.

Section 21: Each of the countries party to the given Convention shall take steps to apply the rights endorsed by the given covenant in a progressive manner. This shall be done through all appropriate means including optimal usage of all available resources solely and with international assistance and aid, especially economic and technical assistance, and, basically, adherence of legal remedies. *ICESCR Article-2 (1)* General Comment No. 3 clarifies the main purpose of the whole covenant. The meaning of 'to take steps' in different languages can be understood differently. Thus, the Committee interpreting this, says 'Such steps should be deliberate, concrete and targeted as clearly as possible towards meeting the obligations recognized in the Covenant'. Similarly, steps towards that goal are required to be taken within a reasonably short time after the Covenant's entry into force. The interpretation says that all appropriate steps means remedies to be taken by concerned states including the inevitability adoption of legislative measures. The report states that although the "appropriateness" of the measures depend on states and situations, "states parties' reports should indicate not only the measures that have been taken but also the basis on which they are considered to be the most "appropriate" under the circumstances... Among the measures which might be considered appropriate, in addition to legislation, is the provision of judicial remedies with respect to rights which may, in accordance with the national legal system, be considered justiciable." According to the committee, the provision of judicial or other effective remedies will often promote such rights without discrimination.

Some of the rights mentioned in ICESCR:

Equal pay for equal work (Article 7. A), prohibition of child labour (Article 10), compulsory and free provision of primary education (Article 13.2) can be made an immediately achievable right, although these rights are called progressive consumption rights. The experts of the committee have suggested that the resources available nationally and internationally should be included in the range of available resources. Therefore, it is difficult to fully enjoy the economic, social and cultural rights of developing countries without international assistance.

The state cannot escape the responsibility of economic, social and cultural rights of the citizens under any pretext of armed conflict, natural calamity or lack of resources.

1.3 Universal Periodic Review (UPR) and Economic, Social and Cultural Rights (ESCR)

Introduction

The Universal Periodic Review (UPR) is a new human rights mechanism established by the 60/251 resolution of the General Assembly on March 15, 2006, and detailed in the 5/1 resolution of the Human Rights Council on 18 June 2007. The Human Rights Council has gotten the responsibility to periodically review whether each of the 192 member states of the United Nations has fulfilled its human rights obligations and commitments. The UPR is a collaborative mechanism and is based on the interactive dialogue between the countries under review and the Council members and observers. It is intended to complement, not repeat, the work of human rights treaty bodies.

It operates on a four-year cyclical basis and consists of several stages, including the preparation of documents based on reviews, the review itself and the follow-up of the findings and recommendations from the review. The participation of representatives of civil society, including regional intergovernmental organizations, national human rights organizations and non-governmental organizations, human rights defenders, academic institutions and research institutions, has been considered in the relevant stages of the review process. Every 4.5 years, the human rights situation of all nations is reviewed by other member states under the organization of the Human Rights Council. The Working Group periodically reviews how member states have fulfilled their human rights obligations towards their citizens. Nepal's human rights review has been completed three times. Following the review, Nepal has received recommendations from other member states for further protection and enhancement of human rights. Civil society organizations can play an important role in monitoring the implementation as well as advocating for the effective implementation of the recommendations received from the UPR. Civil society organizations can submit collective or individual reports on the human rights situation in the nation. The main objective of the UPR is to improve the human rights situation in all member states and to address human rights violations in member states.

Objectives of the Universal Periodic Review

Really improving the human rights situation

- To evaluate the progress made by the nation in fulfilling its human rights obligations and commitments and the challenges it faces.
- To increase the capacity and provision of technical assistance with the consent and consultation of the concerned State.
- To exchange the best practices between the nation and other stakeholders.
- To assist in the promotion and protection of human rights.
- To encourage full cooperation and engagement with the Human Rights Council, other human rights bodies and the Office of the United Nations High Commissioner for Human Rights.

How does Universal Periodic Review work?

- 1. Periodicity:** UPR operates on a four-year cyclical basis. In its sixth session in September 2007, the Human Rights Council adopted a timetable for review of all UN member states during the first cycle.
- 2. Order of Review:** The order of review of nations is guided by the principles of universality and equal treatment. The 5/1 proposition sets out the following provisions to determine the order of review:
 - All member countries of the Council will be reviewed during the period of their membership.
 - The early member states of the Council - especially the nations elected for one or two years – should be reviewed first.
 - Both the members of the Council and the observer nations should be reviewed and
 - Equal geographical distribution should be respected in the selection of countries for review.
- 3. The basis of the review:** The study of each nation is done based on the following
 - Charter of the United Nations
 - Universal Declaration of Human Rights
 - Human Rights Documents that the country is a signatory to
 - The voluntary pledges and commitments presented during the candidacy for the council election, and the implemented international humanitarian law.

Review process documentation

Preparing information for review is an early stage of this process. The nation's review is based on information contained in three documents

- Information prepared by the nation under review
- Collection of United Nations information prepared by the Office of the High Commissioner and
- Summary of stakeholder information

Nepal's first and second UPR reviews took place in 2011 and 2015, respectively. Similarly, the third review cycle took place on January 21, 2021, where the UPR Working Group made 233 recommendations for Nepal. While approving the report in July 2021, Nepal has accepted 196 recommendations and noted 37 recommendations.

Of the recommendations, 47 are related to economic, social and cultural rights, including the right to food, education, health, housing and employment. The other 12 recommendations are related to poverty alleviation where 5 recommendations are related to collective rights including the SDGs.

Recommendations on economic, social and cultural rights to the Government of Nepal in the Universal Periodic Review conducted by the United Nations Human Rights Council.

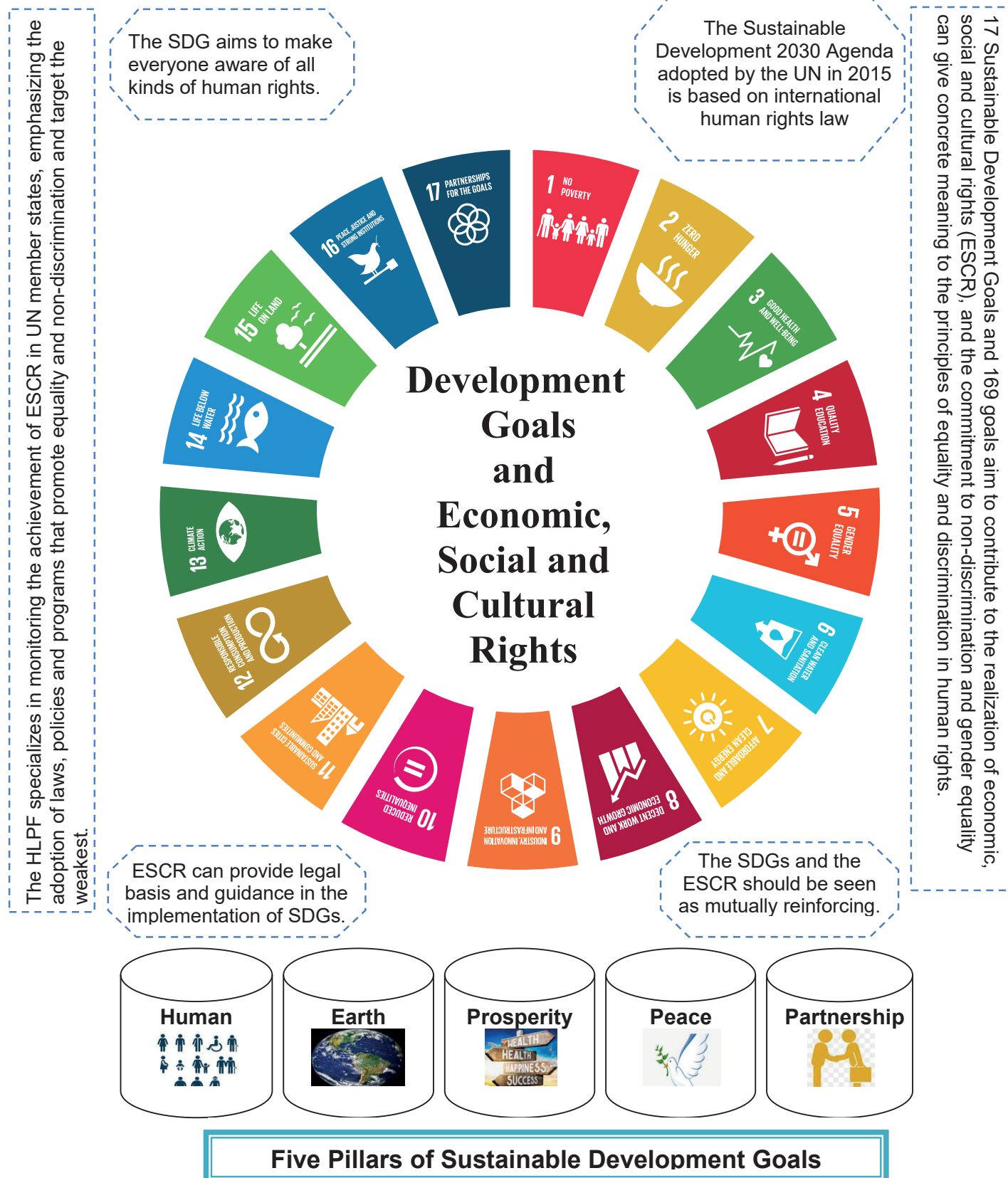
Recommended number	Recommendations
Right to Health	
159. 15	Continue to consolidate the successful social policies for the benefits of its people in the areas of health
159.138 159.143 159.147	Continue efforts to facilitate access to health services and to create favourable conditions for ensuring access to public health for all
159. 146	Continue the Government's efforts to strengthen integrated networks of health services
159.137	Implement the commitment made at the Nairobi Summit on the twenty-fifth anniversary of the International Conference on Population and Development to ensure that marginalized groups are able to exercise their reproductive rights through universal access to quality family planning services, the upscaling of adolescent-friendly health services and the full integration of comprehensive sexuality education, consistent with the evolving capacities and needs of youth.
159.141 159.142	Take steps to reduce neonatal mortality, in line with Sustainable Development Goal
159. 139	Ensure leprosy training within the health-care community and implement the principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members
159. 132	Maintain its commitment to implementing health plans and programmes to ensure the protection of the right to health during emergencies and pandemics.
159.110	Continue to promote access to safe drinking water and sanitation, especially in rural and hard-to-reach areas.
159. 112	Consider taking additional steps to raise the number of people having access to upgraded water facilities nationwide.

Recommended number	Recommendations
159.121	Pursue the good management of policies related to the basic needs of citizens such as the rights to drinking water
159.129	Step up efforts to safe drinking water and sanitation
COVID-19	
159.140	Take all necessary measures to strengthen the promotion and protection of the human rights and dignity of older persons, particularly in the current situation of extreme vulnerability they face in the context of the COVID-19 pandemic.
159.144	Continue to expand efforts towards universal health coverage while minimizing disruption in the access to basic health-care services during the pandemic, taking into consideration the ongoing COVID-19 pandemic.
159.134	Ensure the inclusion of vulnerable children and families in policy responses to the COVID-19 pandemic in order to minimize the risk of children getting involved in child labour.
159.145	Strengthen the implementation of World Health Organization's guidelines on preparedness, prevention and control of COVID-19 in prisons and other places of detention.
159.133	Make progress in social economic recovery with a human rights perspective to face the effects of the COVID-19 pandemic, taking into consideration the special needs of vulnerable groups in society.
159.181	Step up efforts to provide equal access to online education for girls, especially during the COVID-19 lockdown.
Right to Education	
159.15	Continue to consolidate the successful social policies for the benefits of its people in the area of education
159.121	Pursue the good management of policies related to the basic needs of citizens such as the rights to education.
159.138	Make efforts in furtherance of the rights to education.
159.147 159.151 159.152	Continue its efforts to create favorable conditions for ensuring access to free and quality education for all without discrimination.
159.154 159.155	Expand the scope of such initiatives as the Act relating to Compulsory and Free Education of 2018 and provide more scholarships on an equal basis
159.149	Enhance measures to scale up school enrolment at the secondary level.
159.148	Step up further efforts to ensure gender parity in both primary and secondary education.
159.150	Take all necessary measures to ensure full inclusion and improve learning results for all children belonging to the Dalit community, underrepresented castes and indigenous peoples, including children with disabilities, at all levels of education, and to ensure the representation of these groups, especially women, in teaching positions.
159.153	Continue its efforts to ensure an all-inclusive education system that leaves no one behind, including children with disabilities.
Right to Employment	
159.105	Continue to take measures to further strengthen implementation of the Right to Employment Act and the contributory social security system and, in particular, implement targeted interventions for vulnerable groups.
159.121	Pursue the good management of policies related to the basic needs of citizens such as the rights to work.

Recommended number	Recommendations
Right to Housing	
159.121	Pursue the good management of policies related to the basic needs of citizens such as the rights to adequate housing.
159.131	Further strengthen effective collaboration with the international community to increase investment in food, housing, poverty reduction, employment generation, health care, education, social security and the development of people-centric infrastructures
159.130	Continue the measures aimed at poverty alleviation, ensuring adequate housing and providing water and sanitation to the population.
Recommendations on Rehabilitation of Bonded Workers/Freed Haliyas (Bonded Workers/Freed Haliya Community)	
159.100	Take further steps to end trafficking in persons and bonded labour practices, with special emphasis on children.
159.131	Further strengthen effective collaboration with the international community to increase investment in food, housing, poverty reduction, employment generation, health care, education, social security and the development of people-centric infrastructures

1.4 Sustainable Development Goals and Economic, Social, Cultural Rights

The SDG 2030 Agenda must be implemented in accordance with the obligations of states under international law, without discrimination. Obligations include respecting, protecting and fulfilling economic, social and cultural rights.



Suggested Activities (Group Activities)



1. When Mahesh came home during Dashain he had an argument with his neighbour Raman who was from the Dalit community. The argument turned into a physical fight where Raman was seriously injured and was taken to the hospital. He died shortly after arriving at the hospital. A complaint was lodged with the police after Raman's death but the police did not investigate the case. As a result, Mahesh fled from the incident.

- Is this a human rights violation?
- Is it a crime, not a human rights violation?
- Neither of it



2. Joheb and Mita are husband and wife. It has been two years since the two separated along with the partition of inheritance. But Mita has not received any share. Mita went to the district court to enforce the verdict. Joheb started threatening her for this. There came obstacles in the implementation of the decision. Joheb is also a former Secretary to the Government of Nepal.

- Is this a human rights violation?
- Is it a crime, not a human rights violation?
- Neither of it



3. All of you get divided into three groups. Group A should list the economic rights, group B should list the social rights and group C should list the cultural rights. Each group will be given 5 minutes to do this and then each group will have to give a presentation.

Economic Rights	Social Rights	Cultural Rights
•	•	•
•	•	•
•	•	•
•	•	•
•	•	•



4. What are the differences between human rights and fundamental rights? Each group will be given 5 minutes to do this task and then each group will have to give a presentation.

Human Rights	Fundamental Rights
•	•
•	•
•	•
•	•
•	•

Chapter – 2

Laws and Provisions Related to Haliya and People with Disabilities

(Mainly education, health, right to get work with dignity and centred towards the right to housing and rehabilitation)



Brainstorming for ideas (Food for thought)

1. One of your friends is visually challenged and is unaware that there is a law in Nepal that allows them to study for free because of their disability. What information would you provide them regarding the education act?
2. Are you aware of the special legal provisions made for Dalits in technical and vocational higher education?
3. Did you get the right to choose your employment yourself?
4. Is there any defined provision for the children of the freed Haliya family?

Economic, social and cultural rights within the interim constitution

Right to Education (Article 31)	<ul style="list-style-type: none"> • Every citizen shall have the right to access to basic education. • Every citizen shall have the right to get compulsory and free basic education, and free education up to the secondary level. • The physically impaired and citizens who are financially poor shall have the right to free higher education as provided for in law. • The visually impaired person shall have the right to free education with the medium of brail script. • Every Nepali community living in Nepal shall have the right to acquire education in its mother tongue up to the secondary level, and the right to open and run schools and educational institutions as provided for by law.
Right to Health (Article 35)	<ul style="list-style-type: none"> • Every citizen shall have the right to seek basic health care services from the state and no citizen shall be deprived of emergency health care. • Every person shall have the right to be informed about his/her health condition with regard to health care services. • Every person shall have equal access to health care • Every citizen shall have the right of access to clean water and hygiene.
Right to employment (Article 33)	<ul style="list-style-type: none"> • Every citizen shall have the right to employment. Terms and conditions of employment and unemployment benefits shall be as determined by Federal law. • Every citizen shall have the right to select employment.
Right to housing (Article 37)	<ul style="list-style-type: none"> • Every citizen shall have the right to appropriate housing. • No citizen shall be evicted from the housing owned by him/her, or encroached on the housing, except in accordance with law.

Rights of Dalit (Article 40)	<p>The constitution has announced the following special guarantees to protect the rights of the members of the Dalit communities:</p> <ul style="list-style-type: none"> • Dalit shall have the right to participate in all agencies of the State on the basis of the principle of proportional inclusion. • Special provision shall be made by law for the empowerment, representation and participation of the Dalit community in public services as well as other sectors of employment. • Provision of free education with scholarship, from primary to higher education, shall be made by law for the Dalit students. Special provisions shall be made by law for the Dalit in technical and vocational education. • Special provisions shall be made by law in order to provide health and social security to the Dalit community. • The Dalit community shall have the right to use, protect and develop their traditional occupation, knowledge, skill and technology. • The State shall accord priority to the Dalit community in modern businesses related to their traditional occupation and provide skills and resources required for it. • The State shall provide land to the landless Dalit once in accordance with the law. • The State shall, in accordance with the law, arrange settlement for Dalit who do not have housing. • The facilities conferred by this Article (40) of the Constitution to the Dalit community must be distributed in a fair manner so that Dalit women, men and Dalit in all communities can obtain such facilities proportionately.
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Several new laws under the new constitution for the implementation of protected new economic, social and cultural rights are on the way to being formulated. The following are some of the laws from the centre to the local level demanding direct or indirect effective role of the commission:

Education	<p>The Act Relating to Compulsory and Free Education, 2075</p>	<p>There is a compulsory provision to complete the basic level education in the act made to implement the fundamental right of each individual to obtain an education. The state via every local level has tried to make the access to education for all easier by making a provision to provide compulsory basic level education to every child between 4-13 years of age. This act has also made a provision of alternative and informal education for the students who are unable or do not have access to study regularly by getting admitted to a school. By providing the right to every individual to obtain free secondary level education, it has clarified that free education is when the educational institutions do not charge any fee under any topic.</p>
	<p>Education Act, 2028</p>	<p>This act is expedient to promote quality education through improvements in the management of existing and future schools all over Nepal in order to prepare human resources for national development and to maintain good conduct, decency and morality of the people in general in consonance with the federal democratic republic system. It is a crucial act to create the required legal environment to bring the rights relating to education. Section 6 A of the Education Act, 1971 (seventh amendment), mentions that the operation of special education will be equivalent to general education.</p>
	<p>Education Rule, 2059</p>	<p>Article 60 has the provision that special education can be provided to children with disabilities because of loss of vision, loss of hearing capacity, mental disease and Article 66 states that the facilities as specified by His Majesty's Government shall be granted to the institutions providing special education. Article 151 (2) has the policy to provide scholarships to at least five percent of total students to students belonging to poor, disabled, female, suppressed and ethnic classes. Article 12 (1) and (2) of The Protection and Welfare of the Disabled Persons Rules 2051 (1994) the Ministry may provide necessary assistance to the associations who arrange education as well as training to the disabled persons, the ministry shall make arrangements for free education up to two descendants of a disabled person.</p>
		<p>This act seems crucial to increase access to education of the people in the state of poverty and destitution. The act has the provision to protect the scholarship obtained by the government of Nepal for destitute, women, persons with disabilities, <i>janajatis</i>, <i>dalits</i> and people from designated rural areas. For the purpose of the act 'destitute' is defined as the individual who has been recommended by the respective village development committee or municipality stating the reason of destitution among those that have studied in a community school.</p>

Right to work with dignity	The Right to Employment Act, 2075	Regarding the right to employment, this act has provisioned that there would not be any discrimination on any ground while providing employment by guaranteeing the right to employment. To guarantee the right to employment in practice it has provisioned that the government of Nepal, provincial governments and local governments should run programs to provide the unemployed individuals with minimum employment and has the provision to prioritize the women, Dalits, economically destitute, martyr's families and families of the persons enforced to disappear. Another important aspect of this act is livelihood allowance. If the unemployed person listed in the Employment Service Center is not provided with minimum employment, the livelihood allowance is provided in a sum of fifty percent of the amount equal to such minimum wages of one hundred days as fixed by the Ministry in one fiscal year.
	Labor Act, 2074	The labour act is the law having special importance regarding poverty alleviation. The letter of appointment stating the nature, conditions and facilities of the work clearly stated in the labour rights criteria prescribed under the Act, the right to be registered as a worker, protection from unjust eviction, the minimum age for employment, regular payment of wages and minimum wage, weekly leave, maternity leave, sick leave, occupational safety and health come under the standards of labour rights according to the act. Similarly, workers should not be deprived of education, social security and dignified working conditions, protection from all kinds of abuse and harassment, fixed working hours (8 hours a day), overtime allowance and minimum wage are all ensured in the law.
	Bonded labour (prohibition) act, 2058	Bonded labour or Kamaiya labour is a major problem in Nepal. Bonded Labor Prohibition Act, 2058 has come into existence to eradicate and prohibit it. As per the decision of the Council of Ministers on 2 Shrawan 2057 BS, the Kamaiya Act was enacted in 2058 BS to release all Kamaiya workers. The purpose of rehabilitation is to raise the living standards of the Kamaiyas.
The right to housing and rehabilitation	Land Act, 2071	The objective is to maintain the convenience and economic interest of the general public by promoting equitable distribution of cultivable land and providing necessary knowledge and resources related to agriculture to improve the living standard of real farmers dependent on land and encourage a maximum increase in agricultural production. The most important provision of the Act is the demarcation of land mentioned in Article 7. At the same time, the arrangement of acquiring land in excess of the demarcation and distributing it to landless farmers is equally important. Another important point is that the landowners should be given 50 percent of the main crop by the tenant and the right against the eviction of the tenant i.e. their protection has been provided by the Act.
	Land Act (Seventh amendment) 2075	In the Seventh Amendment to the Land Act, the Government of Nepal has made provision to provide land to landless Dalits for one time. The work of providing land has to be completed within three years of the passing of the Act.
	Housing	The Act provides for the provision of financial assistance to the homeless and also covers the issue of collecting data, issuing identity cards and managing the homeless.
	Cooperatives Act, 2048	The Cooperatives Act creates a legal basis for the formation and operation of various types of cooperatives and unions on the basis of mutual assistance and co-operation for the economic and social development of the country, including farmers, low-income groups and workers, landless and unemployed. Under this Act, farmers can open and operate cooperatives for purposes including food production and sales distribution.

	The Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2068	To make untouchability and discrimination punishable and to protect the equality, freedom and dignity of the individual, the provisions of this Act include provisions for compensation to the victims of discriminatory acts. The Act lists various activities of caste discrimination and untouchability. These include, among other things, restrictions on entry into public places, expulsions, deprivation of public services, restrictions on any business, occupation, denial of employment on the basis of ethnic origin or caste.
	Legal Aid Act, 2054	This act has been formulated and implemented with the objective of not being deprived of access to justice due to economic deprivation. According to the amended provision of Section 2 of the Legal Aid Act, 'unable persons' include persons earning less than the stipulated annual income or victims of sexual violence or armed conflict. Victims of future sexual violence or armed conflict are now automatically considered eligible for free legal aid. The law provides for access to justice by providing legal aid to those earning less than the stipulated annual income. The law provides for a legal aid fund for this purpose.

Various sections of laws of Nepal including the issue of disability (mainly focused on right to education, health, decent work and housing and rehabilitation).

1. Civil Act, 2020: Part 2, Chapter 1: On-court proceedings Section. 11, 24, 25, 83, Chapter 2: Section 1, Part 3, Chapter 1: On Document Scrutiny Section 6 and 7, Chapter 5, On Pauper Section 5, 7 and 8, Part 4, Chapter 17: On Marriage Section 4, 5 and 9
2. Labor Act, 1992: Article 38
3. Drugs Act, 2049: Article 1, 2 and 2 (b) and (c) of Section 34
4. Labor Rules, 1993: Section 16 of 1 and 2, Section 21
5. Education Rules, 2002: Paragraph 8, Section 47, Chapter 11, Sections 60 to 66, Chapter 21, Section 132, Chapter 26, Section 151 (2), Chapter 33, Section 192 (c).
6. Teachers Service Commission Rules, 2000: Section 9 (1) of Chapter 3 (a), (b), (c) and 9 (2) (Note: For the detailed study several acts, laws, policies, directives and collection of international declarations published by the Government of Nepal, Ministry of Women, Children and Social Welfare on the subject of 'disability' can be seen)

(Source: Various Act collections)

National Policy and Action Plan on Disability, 2007 and Freed Haliya rehabilitation Action plan, 2014

	Programs and Activities	Implementing body		Time Period
		Main Body	Helping Body	
Education	To run freedHaliya Literacy Program, Continuing School Enrollment for Children and Conducting Scholarships	Ministry of Education, Science and Technology	Ministry of Women, Children and Senior Citizens, District level committee of freed Haliyas	3 years
	To provide basic technical and vocational education	Ministry of Industry, Labor, Education	District level committee	3 years
	To allocate scholarship quotas for the children of freed Haliyas for higher education (up to undergraduate level)	Ministry of Education, Science and technology	Ministry of Land Management, Cooperatives and Poverty Alleviation	3 years
	To prioritize the disabled freed Haliya families while giving facilities	Ministry of Health and Population, Ministry of Federal Affairs and General Administration, Ministry of Labor, Employment and Social Security, and Ministry of Women, Children and Senior Citizens.	Health institutions and bodies at the districts	3 years
	To provide free quality primary education to more than 505 school-age children with disabilities.	Ministry of Education and Sports, Department of Education, Special Education Council	Ministry of Women, Children and Social welfare, Ministry of local development, Local levels, Council of social welfare, UNICEF, UNESCO, NGOs and INGOs.	10 th and 11 th plan period (Upto 2012)
	Obstacle free and accessible arrangements in schools	Ministry of education and sports	Ministry of Physical Infrastructure Development, Social Welfare Council, International Development Agencies, Local Levels, NGOs	10 th and 11 th Plans
	To make higher education free to increase the access of disabled with suitable facilities	Ministry of education and sports, Council of Higher Secondary Education, Universities, Council of Special Education	NGOs, INGOs, Local levels	Period of the 10 th plan

Health	To increase access to health service	Ministry of Health and Population	Health institutions in the districts	3 years
	To produce women health volunteers of the targeted community	Ministry of Health and Population	Health institutions in the districts	3 years
	To treat serious diseases like heart diseases, kidney and cancer of the targeted community	Ministry of Health and Population	Health institutions in the districts	3 years
	To provide health service to disabled individuals in central, regional and district level hospitals for free and with priority	Ministry of Health and Population, regional and district level hospitals, health centres, health post and sub-health posts	Ministry of Women, Children and social welfare, Ministry of local development, World Health Organization, INGOs and hospitals of local level and private sector.	10 th and 11 th plan period
Safe housing and rehabilitation	To distribute land to landless families	Ministry of Land Management, Cooperatives and poverty alleviation	Ministry of Finance	3 years
	To provide financial assistance to build houses (To include the freed Haliya housing program under it)	Ministry of Urban Development	Ministry of Land Management and Poverty Alleviation and Ministry of Finance	3 years
	To make the families of disabled people build a home to benefit the disabled while building according to the code	Ministry of Local Development, Ministry of Physical Infrastructure	Local levels, National Federation of Disabled Nepal, NGOs and INGOs	10 th and 11 th plan period
	To manage and operate the disabled household	Ministry of Women, Children and Social Welfare, National Planning Commission	Ministry of Finance, Ministry of Land Reforms and Management, NGOs	Started from 2009
	Community rehabilitation and to develop other human resources	Ministry of Women, Children and Social Welfare, National Planning Commission	Ministry of General Administration, ILO, WHO, UNICEF, NGOs.	Continuous from the 10 th plan
	Disabled rehabilitation and to run therapeutic services	Ministry of Health and Population, hospitals, health centres, health post and sub-health posts, community-based rehabilitation centres	WHO, NGOs and INGOs, CBR National Network Nepal	10 th and 11 th plan period

Right to Employment	To facilitate the produce of freed Haliya to get to market	Ministry of Agriculture and Livestock	Government office overseeing the district	3 years
	To make a subsidized loan available for small enterprises via income fund	Ministry of land management, cooperative and poverty alleviation	Ministry of Finance, Various donor agencies, district committee	3 years
	To facilitate to obtain financial and technical assistance for the youth wanting to go for foreign employment	Ministry of Labor, Employment and Social Security	District level committee, Central committee, Department of foreign employment	3 years
	To provide free professional and employment-oriented training to five percent disabled individuals (with hostel). Women disabled persons to be prioritized in it.	Ministry of Environment, Science and Technology, Ministry of Women, Children and Social Welfare, Ministry of Labor and Transportation Management, Ministry of Industry, Commerce and Supplies, Social Welfare Council	Local levels, NGOs, INGOs, CTEVT	10 th and 11 th plan period
	To have a provision of affirmative action in all sectors (government, non-government and private) for employment for five percent to the disabled individuals	Ministry of law, justice and parliamentary affairs, Ministry of Women, Children and Social Welfare, Ministry of General Administration, Ministry of Labor and Transportation, Ministry of Industry, Commerce and Supplies	ILO and INGOs, Social Welfare Council	10 th and 11 th plan period
Inclusion and Indiscrimination	To ensure the participation of freed Haliyas in the committees and consumer committees formed at local levels	Ministry of Federal Affairs and General Administration	Ministry of Women, Children and Senior Citizen	3 years
	To conduct programs to minimize untouchability and discriminatory behavior	Ministry of land management, cooperative and poverty alleviation	District committees	3 years
	To give priority to the women of freed Haliya families in women development programs for empowerment in social sectors	Ministry of Women, Children and Senior Citizens	District-level committees and local levels	3 years
	To conduct programs of coordination and cooperation with non-Haliya communities	Ministry of Land Management, Cooperations and Poverty Alleviation	Ministry of Women, Children and Senior Citizens	3 years
	To study and amend laws discriminating against disabled persons according to the contemporary context, human rights of disabled persons and international commitments	Ministry of Women, Children and Social Welfare	Ministry of law, justice and parliamentary affairs. NGOs and INGOs	10 th periodic plan period
	To add the provision of affirmative action in the laws to ensure the rights of women and girls with disabilities	Ministry of Women, Children and Social Welfare, Ministry of Law, Justice and Parliamentary Affairs	Line ministries, NGOs and INGOs	10 th Plan period

Source: National Policy and Plan of Action-NPC – Nepal 2006(<https://rcrdnepa.wordpress.com/nepalese-disabilitypolicy-documents/plan-of-action-npc-nepal-2006-nepali/>)

Constitution of Nepal, 2015

Policies regarding Haliya

Disability Resource Book, Facilitating booklet for people with disabilities regarding available services, facilities, opportunities and important legal provisions.

Chapter - 3

Technical Part: Monitoring of Fulfilment of Economic, Social and Cultural Rights



Brainstorming for ideas (Food for Thought)

1. Your mother comes back from a local hospital. She tells you that there were no medicines in the hospital. She bought medicine from a pharmacy at a high price while she could get the same medicines for free. What will be your reaction?
2. One day you wake up and see that there is no poverty anywhere, communities around are healthy and happy and people have access to education and employment. There is no inequality in the world and all people have equal access to medicines, clean water and their city has developed financially too. How does it make you feel?
3. Is monitoring of any rights possible in reality?
4. Can monitoring of human rights be done through a mobile phone?

3.1 Monitoring ESC Rights (Focus on Rights to Health, Education, Decent Work and Rehabilitation Package)

What is monitoring?

Monitoring is the continuous supervision and scrutiny of development works carried out by public bodies at the local level at every stage of implementation. This work is also done by government bodies. Monitoring done from the level of citizens is citizens' watchfulness to make the public sector transparent and accountable.

Why do monitoring?

Monitoring is done to measure the effectiveness of development plans being delivered from the side of the state, to decrease the distance between the state and the people, to maintain good governance by controlling unjust use of resources, to make the people with authority accountable and transparent, to increase the quality of development activities. Regular monitoring also helps to solve the problems that arise in planning.

How to do monitoring: tools for monitoring economic, social and cultural rights (human rights indicators)

Use of human rights indicators as the main tool to evaluate if the state of consumption of economic, social and cultural rights is in progressive, status quo or regressive state is increasing. The human rights indicators are based on the provisions of international human rights treaties. While identifying the indicators of human rights, the legal provisions of the related rights should be transferred into the characteristics of certain numbers as the starting point, based on which the suitable monitoring indicators are identified. After identifying the characteristics of any rights, a clear, concrete and perhaps even more "experiential" classification can be reached in the process of selecting indicators or a group of indicators. Identification of these characteristics should be based on the complete study of the legal standard of the related right. After the identification of fundamental characteristics of right, the question of what sort of indicators are to be used should be selected by the objective to bring forth the evaluation of the steps taken by the state to fulfil its responsibilities.

Procedural indicators relate the documents of the state to the distinct and aimed programs and other implementation efforts. Again, the results are consequential indicators that may be more directly related to the exercise of related rights. State policy documents refer to specific interventions by the state to accept public programs and human rights standards and to implement its intent to achieve the ultimately recognized results. By defining performance indicators in terms of a cause-and-effect relationship, the state's accountability to its obligations can also be assessed. At the same time, these indicators also help in direct monitoring of the actual exercise of the right or its effective protection as required for the exercise of the relevant rights. Procedural indicators are more sensitive than outcome-oriented indicators. Thus, they better include the gradual consumption of rights or better reflect the efforts of the state to protect the rights.

The outcome-oriented indicators include individual or collective achievements that reflect the status of the enjoyment of rights in a particular context. Because it reinforces the effects of various underlying processes over time (it can be summed up by one or more procedural indicators), the outcome-oriented indicator is often less sensitive than the pragmatic index to accommodate slower and momentary changes. For example, the average age or mortality index may have been a result of vaccinations, education or public health awareness or increased availability and access to adequate nutrition for individuals.

Note: The table of indicators of human rights for the monitoring of selected economic, social and cultural rights is in schedule 1

Indicators can be both quantitative and qualitative and can be objective and subjective

	Objective	Subjective
Quantitative	Numerically represented indicators such as objects, events or facts that can be seen or proved. <i>Example 1:</i> Number of underweight infants under five <i>Example 2:</i> Recorded extrajudicial killings	Numerically presented perspectives, ideas, conjecture indicators that are usually presented in percentages. <i>Example 1:</i> Percentage of people who feel safe walking alone at night <i>Example 2:</i> The percentage of scores given by journalists or experts on the state of freedom of speech, the percentage of journalists who say that the state of freedom of speech is good in Nepal, etc.
Qualitative	Explicitly presented qualitative indicators such as objects, events or facts that can be seen or proved. <i>Example 1:</i> Status of ratification, ratification, incorporation, ratification or non-ratification of human rights treaties and conventions. <i>Example 2:</i> A factual description of an incident such as a description of physical violence, a description of the victim or the perpetrator's condition, etc.	Indicators that can be qualitatively presented as explanatory, such as point of view, opinion, conjecture. <i>Example 1:</i> Explain the extent to which courts are independent and fair <i>Example 2:</i> Explanatory analysis of whether the right to food has been fully implemented in a legal and practical way
	Objective	Subjective
Quantitative	Numerically represented indicators such as objects, events or facts that can be seen or proved. <i>Example 1:</i> Number of underweight infants under five <i>Example 2:</i> Recorded extrajudicial killings	Numerically presented perspectives, ideas, conjecture indicators that are usually presented in percentages. <i>Example 1:</i> Percentage of people who feel safe walking alone at night <i>Example 2:</i> The percentage of scores given by journalists or experts on the state of freedom of speech, the percentage of journalists who say that the state of freedom of speech is good in Nepal, etc.
Qualitative	Explicitly presented qualitative indicators such as objects, events or facts that can be seen or proved. <i>Example 1:</i> Status of ratification, ratification, incorporation, ratification or non-ratification of human rights treaties and conventions. <i>Example 2:</i> A factual description of an incident such as a description of physical violence, a description of the victim or the perpetrator's condition, etc.	Indicators that can be qualitatively presented as explanatory, such as point of view, opinion, conjecture. <i>Example 1:</i> Explain the extent to which courts are independent and fair <i>Example 2:</i> Explanatory analysis of whether the right to food has been fully implemented in a legal and practical way

Source: Human Rights Indicators A Guide to Measurement and Implementation, OHCHR, HR/PUB/105_ Citizen Monitoring Guide of Economic, Social and Cultural Rights, 2075, Justice and Rights Organization Nepal (JuRi-Nepal), I. M. Swedish Development Partner

Some issues to be mindful of while monitoring:

- In general, one should be aware of national and international laws relating to economic, social and cultural rights as a method of monitoring other human rights issues.
- Must be aware of national policies related to economic, social and cultural rights
- Must know about the policies and programs of the government
- Must be aware of the budget related to the area being monitored
- Must be aware of the allocated special budget and its use
- Programs of governmental and non-governmental organizations at the local level and their use etc.

While monitoring, more emphasis should be given to the following things. It is also called 4 A/Q.

- Availability
- Accessibility
- Adequate
- Acceptability
- Quality

The monitors of civil society should pay attention to the following matters while monitoring human rights:

- The monitor should collect facts, data from Rural Municipality, Municipality, school, health institutions and individuals of the community. Full information should be taken from the monitoring committee organized by the government.
- Information about the legal constitutional rights of the community should be kept.
- The monitor should collect information from the concerned stakeholders on whether the work has been done as per the prescribed criteria.
- Before starting the monitoring work, a list of things to be monitored should be prepared. A questionnaire should be prepared on that basis.
- Information obtained from the concerned stakeholders through the questionnaire should be collected and analyzed and the problem should be found out.
- If there is no problem the superior body should be contacted.
- Activeness should be shown to solve the problem by making the acquired information public.
- The main goal of the monitor should be to help the target group to get the facilities they need easily and simply.
- The target group or community should teach and help those who do not know how to get social security assistance as per the rules.
- While monitoring, it is necessary to look at the basis of caste, gender, religion, age, disability, geographical area, socio-economic status.

Strategic considerations to keep in mind while monitoring economic, social and cultural rights:

Economic, social and cultural rights include social security, the right to choose one's religion, the right to identity, health, food, education and many more. Relevant issues of specific groups are selected according to strategic ideas and beliefs and in the context of the country. The following two strategies should be defined below:

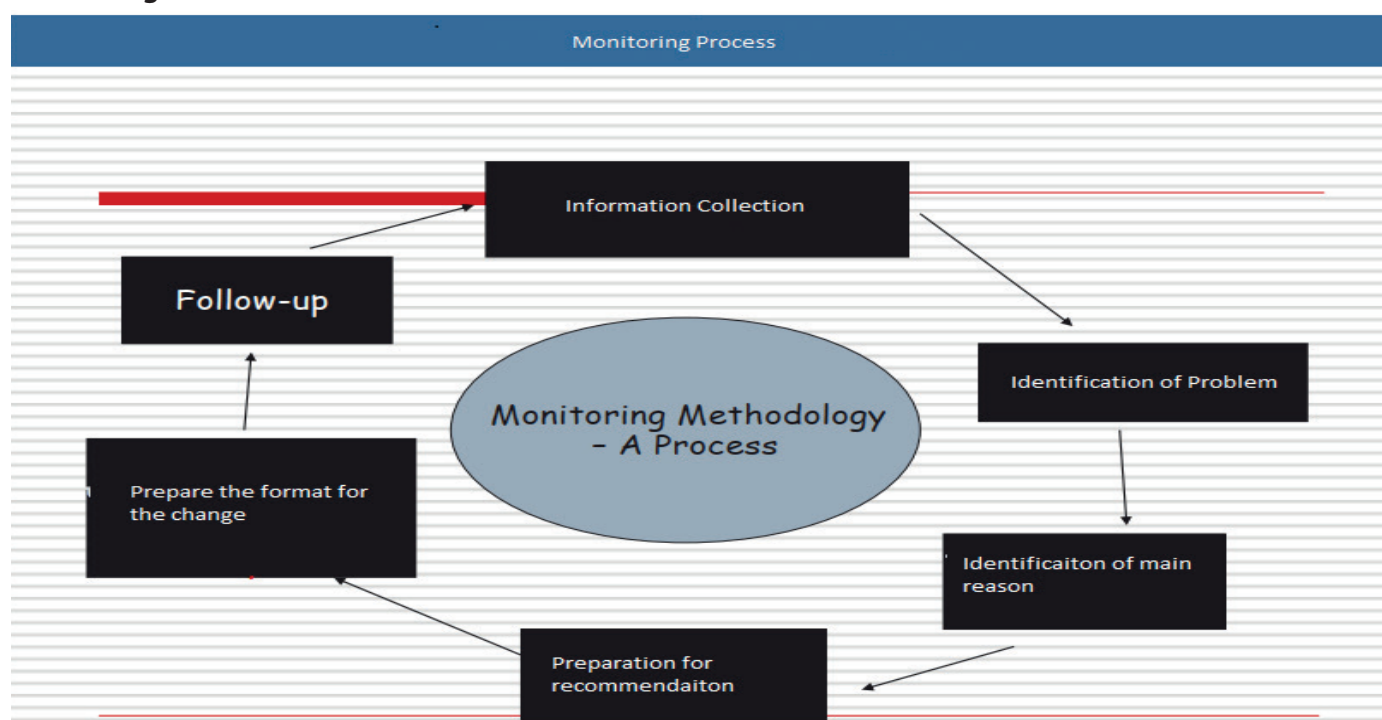
One Right and specific population centred: While monitoring economic, social and cultural rights, it is suggested to focus on one right and one population group for a specific analysis of rights. However, this is not the only option. Monitors may focus on specific population rights, such as freed Haliya, women within Haliya and their health, right to education, right to housing, or equal choice for persons with disabilities.

Monitoring of multidimensional issues: While monitoring the violation of every aspect of human rights, not only economic, social and cultural rights, it is very important to pay attention to multidimensional issues like equality, non-discrimination, property and land issues. At the national and international levels, questions often arise about economic, social and cultural rights being the subject of judicial review. If Nepal ratifies the arbitrary articles of the International Convention on the Rights of the Child to bring economic, social and cultural rights to justice, the way will be open to lodge complaints with international human rights bodies, including the ICESCR. In order to approve this wishful thinking article, human rights defenders and civil society organizations need to conduct adequate advocacy and awareness-raising programs.

Equality and Non-discrimination: Equality and non-discrimination give special importance to participation. Nepal's constitution has embraced inclusiveness and participation. When implementing economic, social and cultural rights, the state of discrimination on the basis of various kinds such as gender, caste, disability, nationality, health status, etc. should also be monitored. All citizens must be provided equal access to all services provided by state bodies without any discrimination. For this, fragmented data of service recipients should be prepared.

Access to land and property: Access to land facilitates the enjoyment of many other human rights, such as right to food, right to housing, right to work, and so on. Similarly, land rights make access to natural resources possible. The availability of land perpetuates the cultural ties of some indigenous with the land and in some places, the land is taken as social prestige. Land enables people to borrow from banks and the private sector. Farmers make their living from the land. In some places, large-scale projects have been staged without prior notice to communities that have been living for generations, without consultation on alternative accommodation and without adequate compensation, which is considered a violation of international human rights law. This kind of forced uprising has even increased the conflict in society. Since property rights affect all sectors including education, health, employment, these rights are multidimensional or cross-cutting issues.

Monitoring Method:



Information Collection:

Take primary information about the subject of monitoring

- ☐ Background
- ☐ Act, laws, policies
- ☐ Status and trait of violation of economic, social and cultural rights
- ☐ Collection of information can be done indirectly
- ☐ Media
- ☐ Human rights organizations
- ☐ Government sectors
- ☐ Victim
- ☐ Information can be collected from Local-level representatives etc

Authentication of information and identification of problems

- ☐ This step helps to identify the issues and problems to be monitored
- ☐ Authentication of information received in the first stage
- ☐ Problem identification based on authentication
- ☐ What should be monitored?
- ☐ Who is the stakeholder?
- ☐ Who could be a knowledgeable person?
- ☐ Where to go for monitoring and whom to meet?
- ☐ The tendency and occurrence of violation of rights or
- ☐ Problems including discrimination in the exercise of economic, social and cultural rights must be identified.

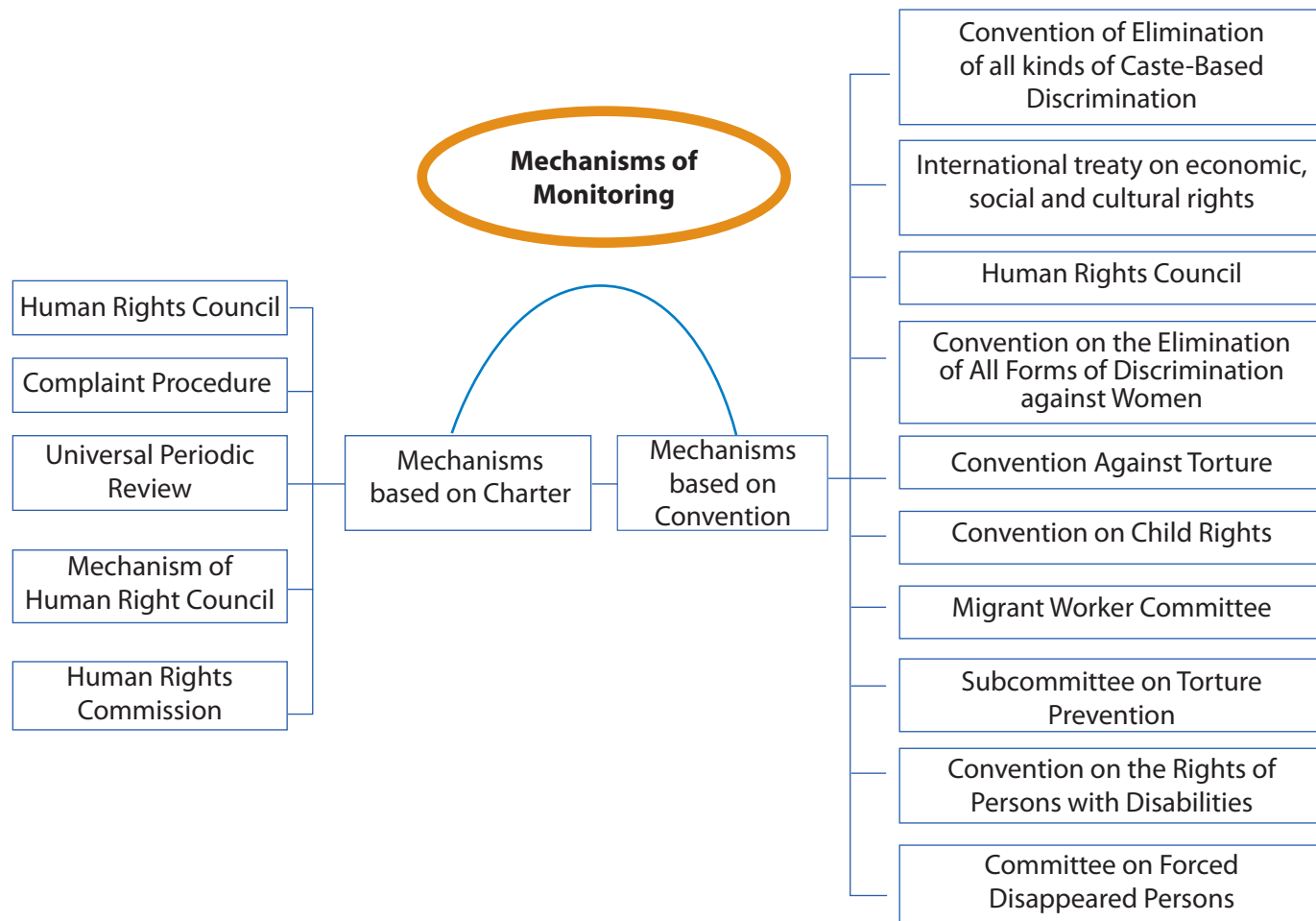
Validation of information and identification of the problem

- ☐ At this stage, the fact that the economic, social and cultural rights situation is not satisfactory will be obtained.
- ☐ The information received in the second phase should be analyzed in this phase.
- ☐ The analysis should be done based on universal principles of monitoring.
- ☐ At this stage, the root cause of the situation cannot be satisfied.
- ☐ At this stage, the element that contributes to human rights abuses is found.
- ☐ The element of continuous violation of rights should be achieved at this stage. Suggestions for future work.
- ☐ Suggestions or recommendations should be made based on the facts obtained from the monitoring and its findings.
- ☐ Suggestions or recommendations made in this way should be clear, realistic, result-oriented
- ☐ It should be clear to whom the recommendation will be made
- ☐ Recommendations should be related to what needs to be done immediately or in the long run.
- ☐ Prevent incidents of violation of economic, social or cultural rights
- ☐ Treatment, relief and compensation of the victims
- ☐ The perpetrator should be targeted for action etc.

Prepare a framework for change

- ☐ Based on the facts and conclusions obtained from the monitoring, what should be done to prevent the recurrence of such incidents?
- ☐ What are the priorities for change?
- ☐ What can be done to address the underlying cause? Should be focused on issues including.
- ☐ Regular follow up

Human Rights Monitoring Mechanisms



Charter-based human rights monitoring mechanisms

The key organs of the United Nations established at the time of its establishment and the bodies created for the protection and promotion of human rights through their various preambles are called charter based human rights mechanisms. The Human Rights Commission has been transformed into the Human Rights Council.

Convention based human rights monitoring mechanisms

To monitor the implementation of major human rights laws, the UN Human Rights Council sets up committees of independent experts, called the Convention on the Rights of the Child. Since the agreement between the concerned nation and the United Nations is to be implemented, the treaty laws are binding and create legal obligations on the state.

A committee of independent experts is formed to monitor treaty laws. For example, there is a CESCR committee of 18 experts on the subject to monitor the International Covenant on Economic, Social and Cultural Rights (1966). Each of the parties should submit periodic reports to the committee every five years. The committee studies the report and makes its recommendations available to the nation concerned in the form of foreclosure. In addition, the committee needs to explain its provisions from time to time, as well as general comments.

A framework of accessible ideas for conducting activities with target groups, conducting interviews, and conducting subject-focused group discussions (FGD)

1. Venues (e.g. meetings, FGDs, interviews)

- Make it a priority for respondents to visit places that are comfortable
- Ensure access for those who use mobility devices (for example, ignore locations like stairs, narrow sections, narrow rooms, etc. or choose these locations)
- Ensure access to accessible toilets
- Ensure an environment in which participants can get to the place through cost-effective and accessible transportation
- (For example Braille symbols, greeters)
- Consult with DPOs to identify accessible needs.

Whenever possible, consult with participants directly to ensure that their special needs are met.

2. Printed materials (e.g. training manuals, information on the monitoring process, consent forms, questionnaires)

- Be sure to take publications / printed materials in all formats and languages needed to reach people with all types of disabilities or respondents (for example Braille, uppercase/print, electronic, sign language, easy-to-read and understand formats or some printed questionnaires in local languages).

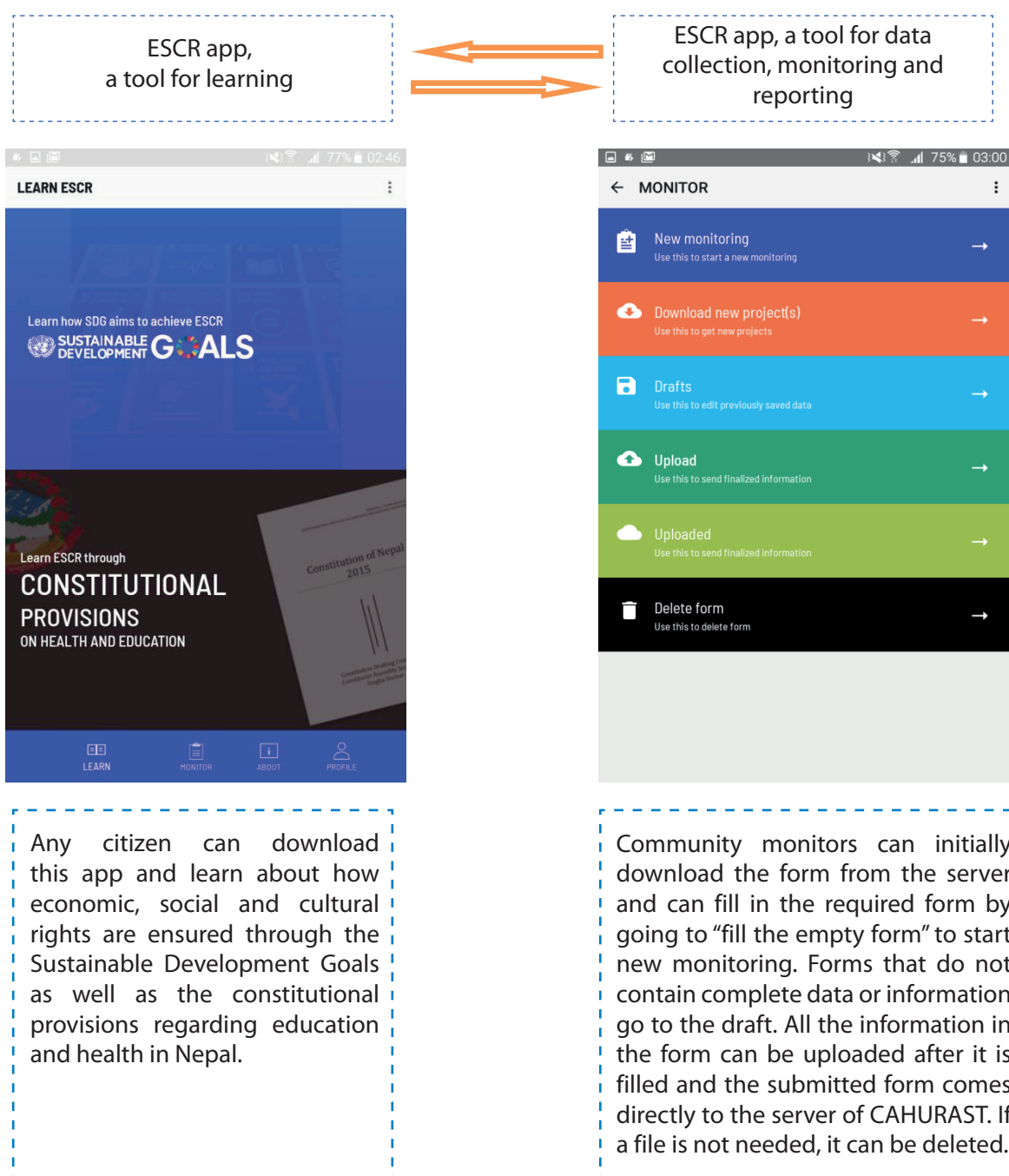
3. Verbal communication (e.g. face-to-face and telephone meetings, audiotape, monitoring interviews)

- People with hearing impairments, hearing or sight impairments, people with intellectual disabilities who can use alternative communication to understand things or express their thoughts/ideas. They need to ensure adequate time allocation and the involvement of necessary interpreters/facilitators. (E.g. sign-language interpretation, real-time transcription, communication assistant)
- Instead of asking too many questions, the questioner should focus on what the respondents are trying to say. If the respondents do not understand the question well, the questioner should explain in a simple way that he can understand without any hesitation. Questioners should focus on thematic discussions rather than other topics.

Please note that these ideas are not complete. The monitor should remember that the issues should be addressed in an accessible manner.

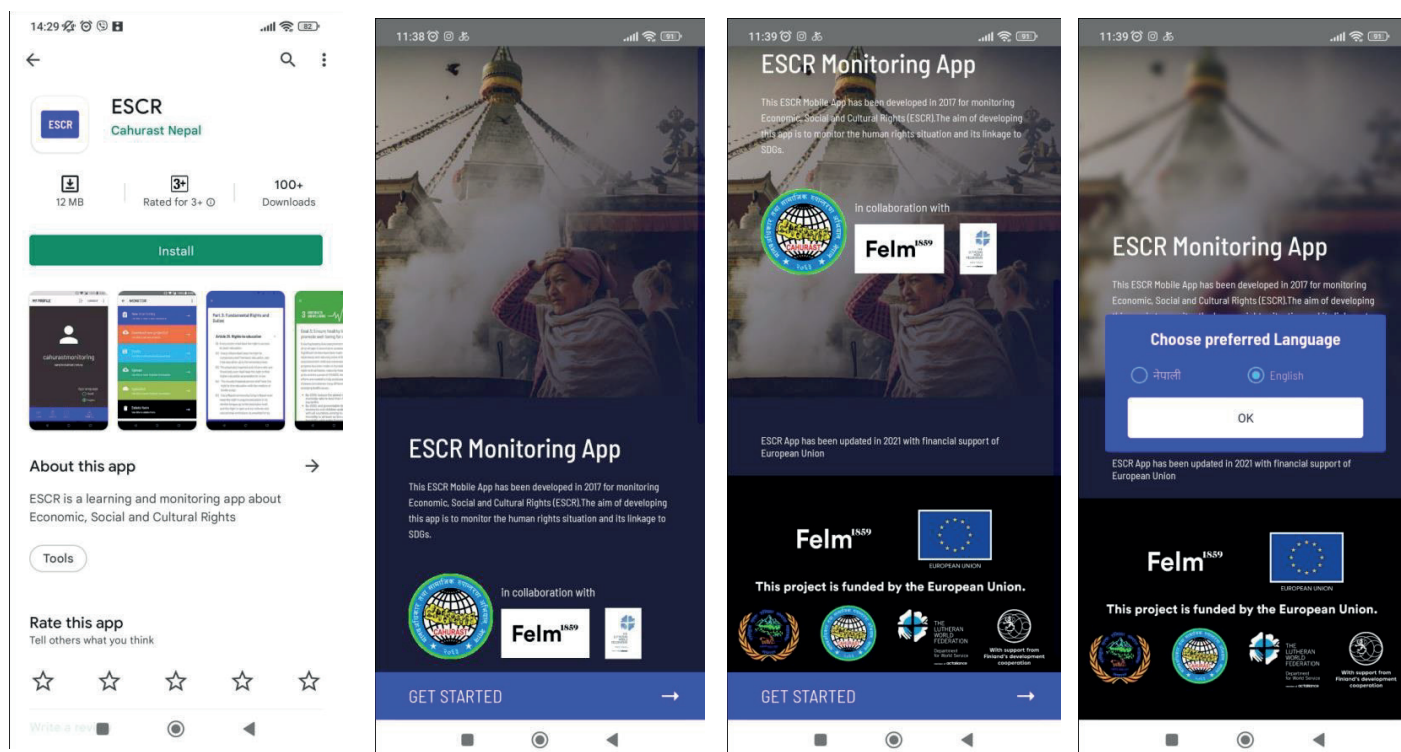
3.2 ESCR App and Its Use for Monitoring and Reporting

ESCR mobile app is an offline app designed to monitor economic, social and cultural rights. This app was created in 2017 by CAHURAST Nepal in collaboration with Felm, and LWF Nepal. Monitoring Economic, Social and Cultural Rights (ESCR) mobile app has been developed as a public forum for all human rights activists, researchers, and other stakeholders to learn about this right and its relationship to sustainable development goals. The use of this app can be used to monitor the status of economic, social and cultural rights in different places in Nepal. This monitoring app has many features, information, and functions. This app is constantly being updated and will continue to be updated later.

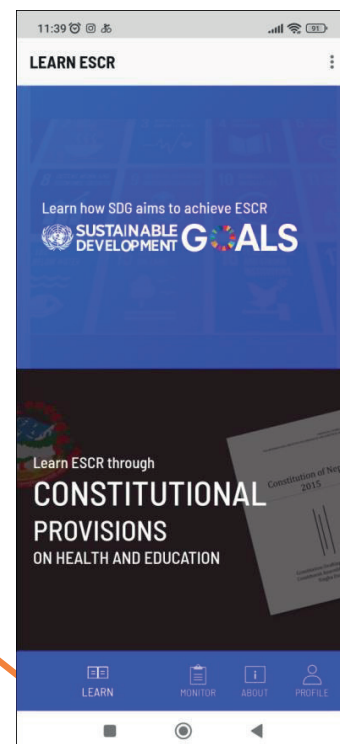
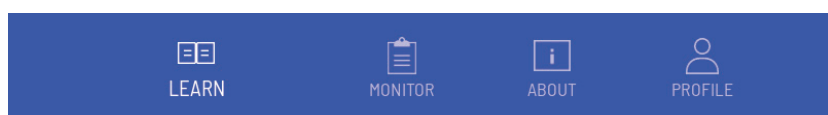


Detailed information about the use of the ESCR app

To use the ESCR mobile app, you must first go to the Play Store of the Android mobile and install the ESCR app. When you click on **Open** in the installed app, the home page of the app comes up. The home page is its main page. If you swipe up, you will find the partners logo. As soon as you click on **Start** on the main page, the language selection section appears. From this section you can choose the language you feel comfortable with (Nepali or English). Select and press **OK**.



After that you reach directly to Learn part. Four parts can be seen below the same page. Learn, Monitoring, About us and Profile respectively. One can directly go into any of the four parts.



ESCR Mobile App

1. Learn

This section focuses primarily on economic, social and cultural rights, and especially on constitutional provisions relating to health, education and decent work. Within this, one can learn about the fundamental rights and duties in Part 3 of the Constitution of Nepal 2015 and the guiding principles, policies, and responsibilities of the state in Part 4. Also one can learn about Sustainable Development Goals too. Sustainable Development Goals 3, 4, 8 and 11 can be learned from this app.



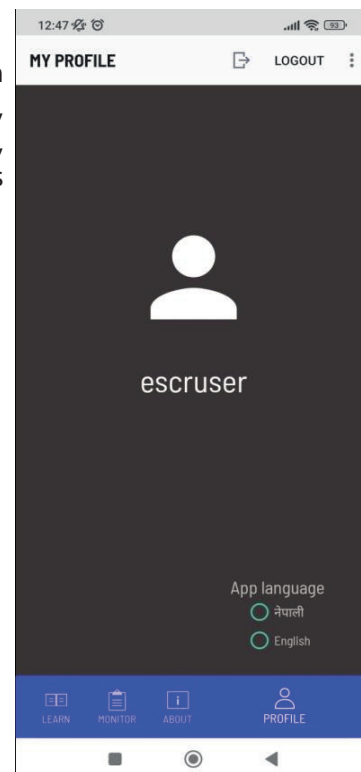
2. About Us

This section contains a brief introduction to the app, as well as a brief introduction to CAHURAST. This section provides information on what these organizations do and what the goals of this organization are.



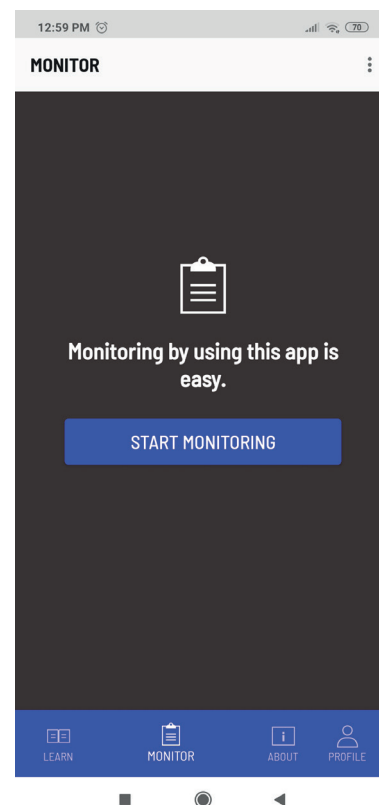
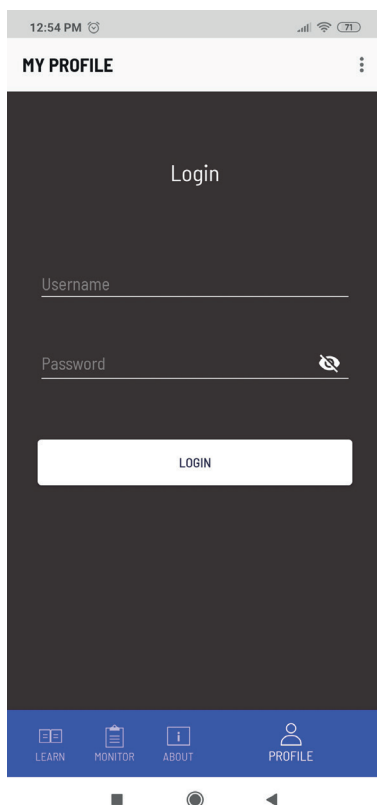
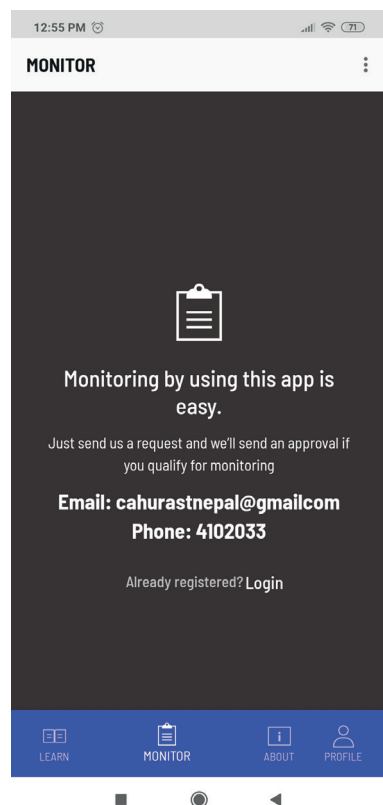
3. Profile

In this section, you can see your login name, profile photo, username, and user email address information



4. Monitoring:

Community monitors from CAHURAST Nepal are trained on this app to monitor economic, social and cultural rights using the ESCR app. After that, the names of the trained monitors with general information will be registered as ESCR monitors or community monitors. After registration, username and password are provided by CAHURAST Nepal. To start the monitoring work, you have to go to the login and enter the username and password given by the organization. In the same way, if you are not a trained monitor of CAHURAST Nepal but want to monitor then you have to send the request to the CAHURAST Nepal and only after you are qualify for monitoring then CAHURAST Nepal will send you approval. If the name is already registered, monitoring can be taken forward directly by going to log in.



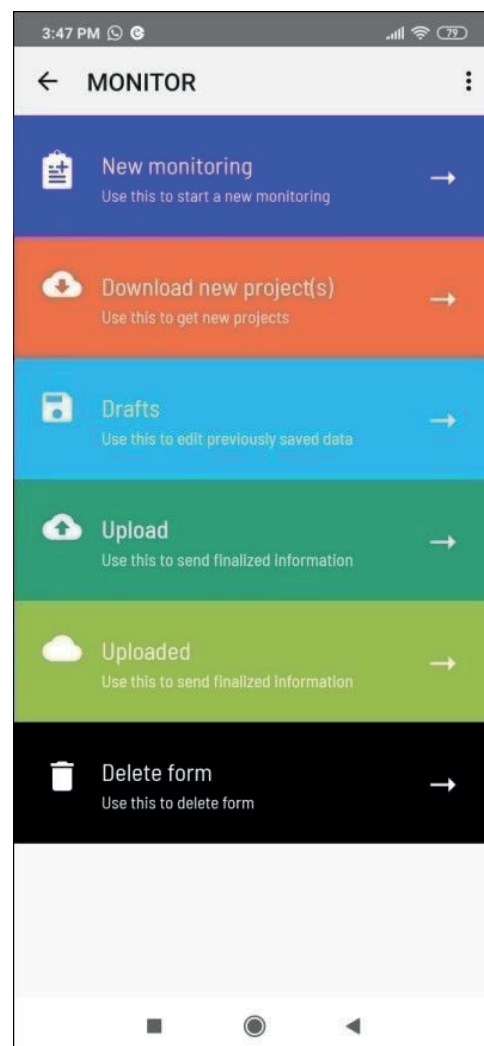
A glimpse of the ESCR monitoring app

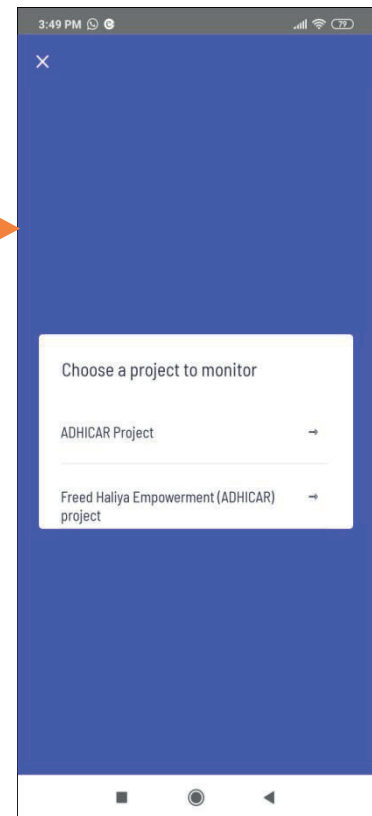
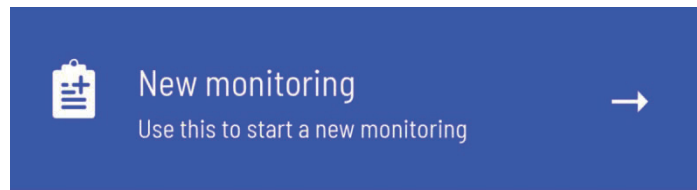
Registered ESCR monitors or community monitors can proceed with the monitoring by going to the Start Monitoring section. The menu and section for monitoring are as shown in the picture.

Internet is required to download the forms from the server. To start the monitoring, you have to go to the section that says fill in the blank form. There are some forms out of which you have to select the “Freed Haliya Empowerment (ADHICAR)” project that you want to monitor. After that, the monitoring process starts gradually.

Detailed Information on each part is given below

Part 1: Fill up the blank form: This section contains forms downloaded from the server. From these, the monitors select the monitoring project forms and fill in the information and data obtained during the monitoring in this form.

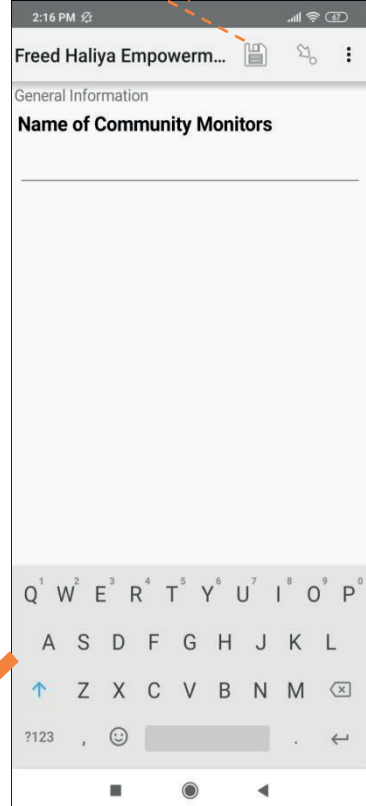
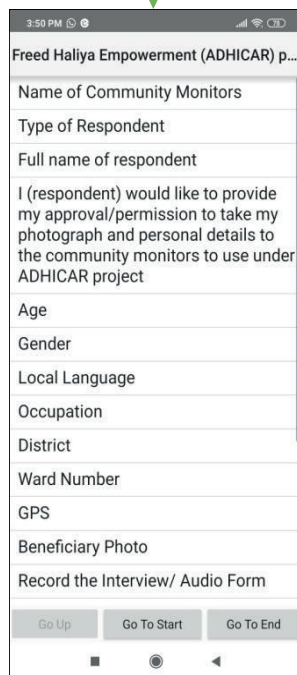
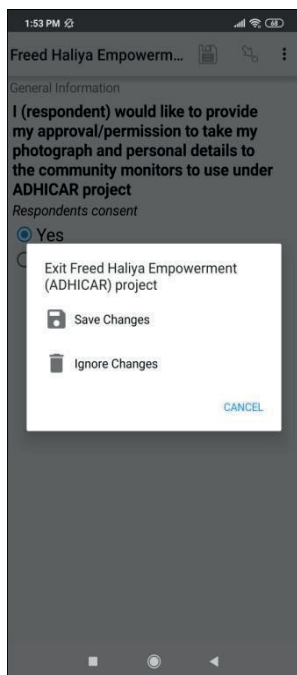
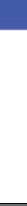
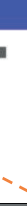
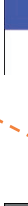
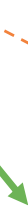




Save Button

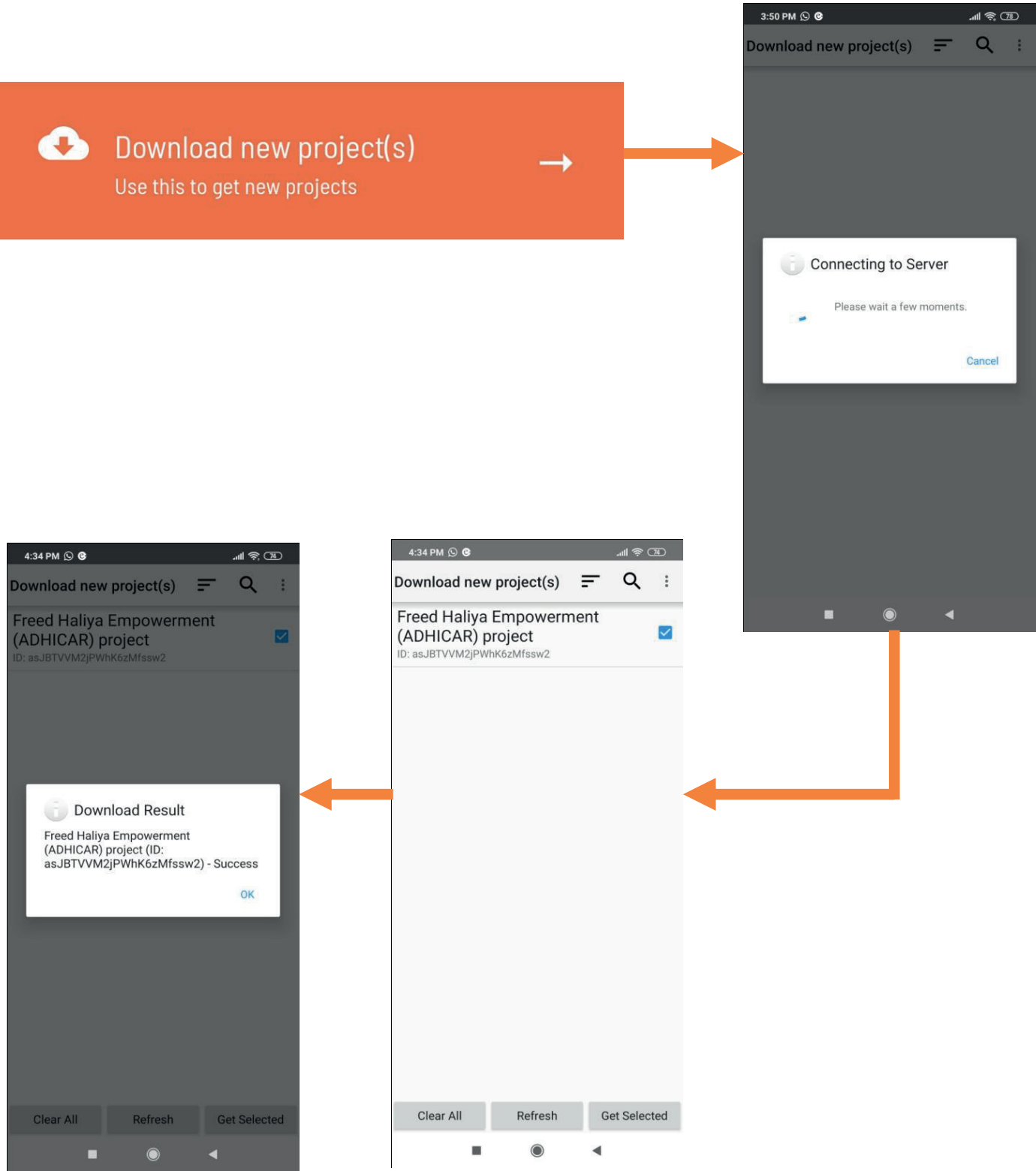
Draft Button

Setting Button



If you have to stop in between for some reason, you can tap on back button then on **Save Changes** to directly save the form that is being filled

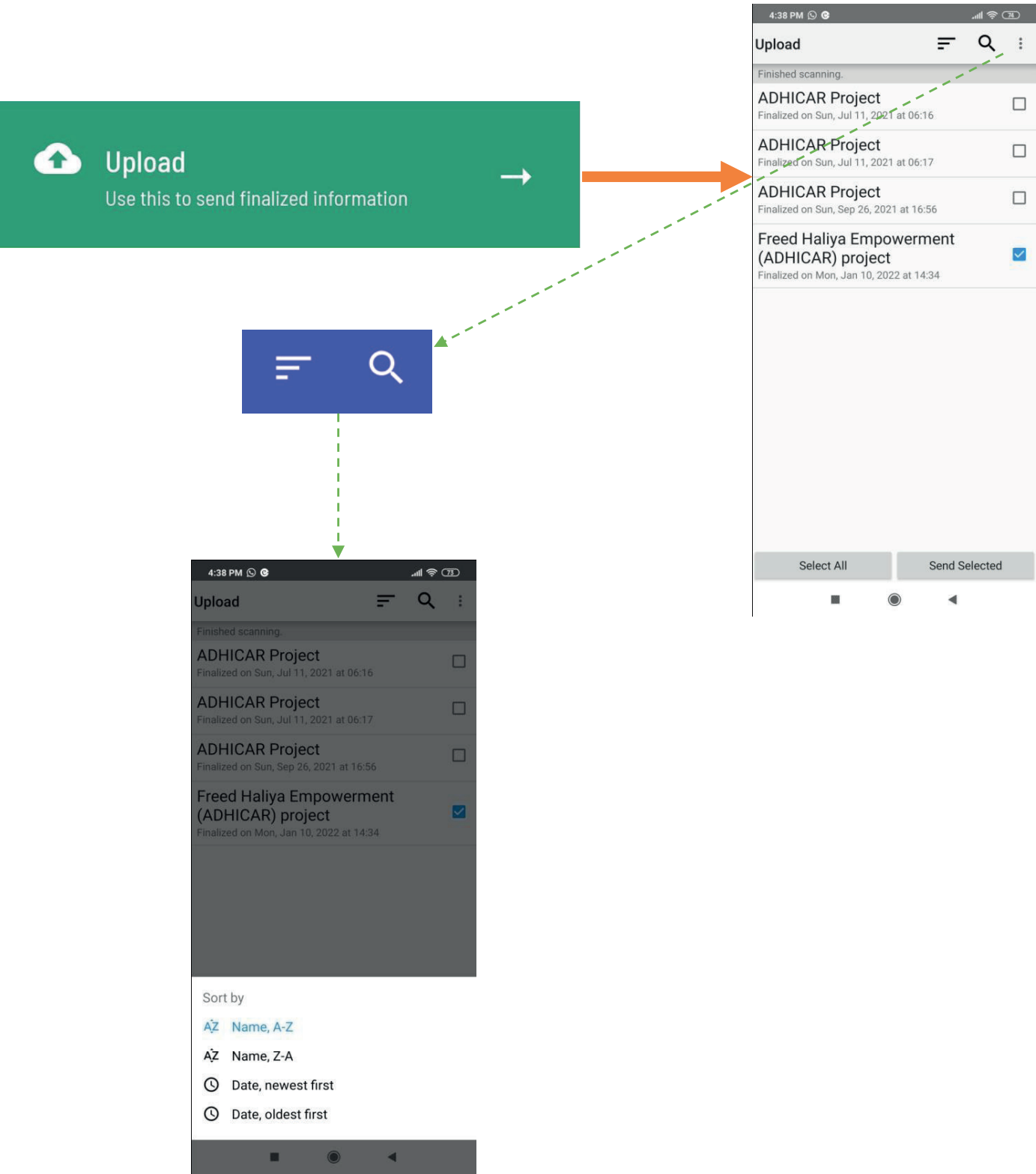
Part 2: Download New Monitoring Forms: This section downloads new monitoring forms from the server.



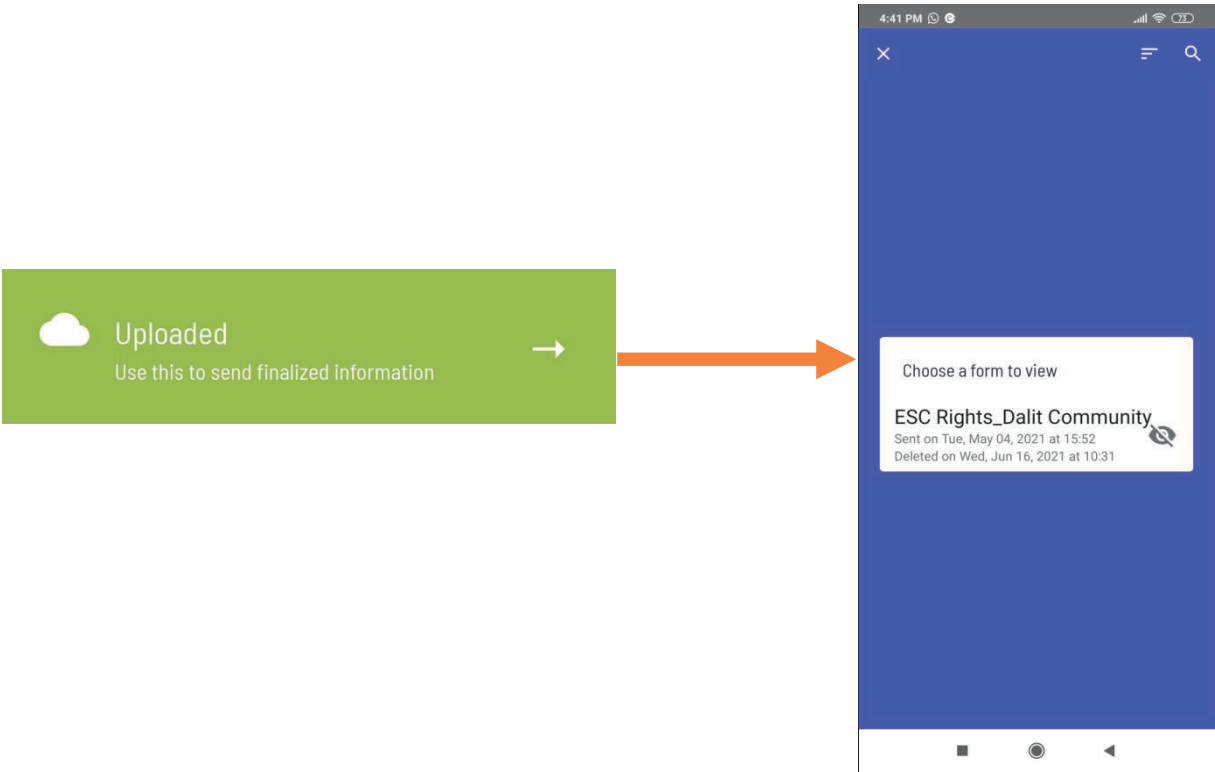
Part 3: Drafts: Forms that are initially filled out by monitors and do not contain complete information and facts are contained in this section.



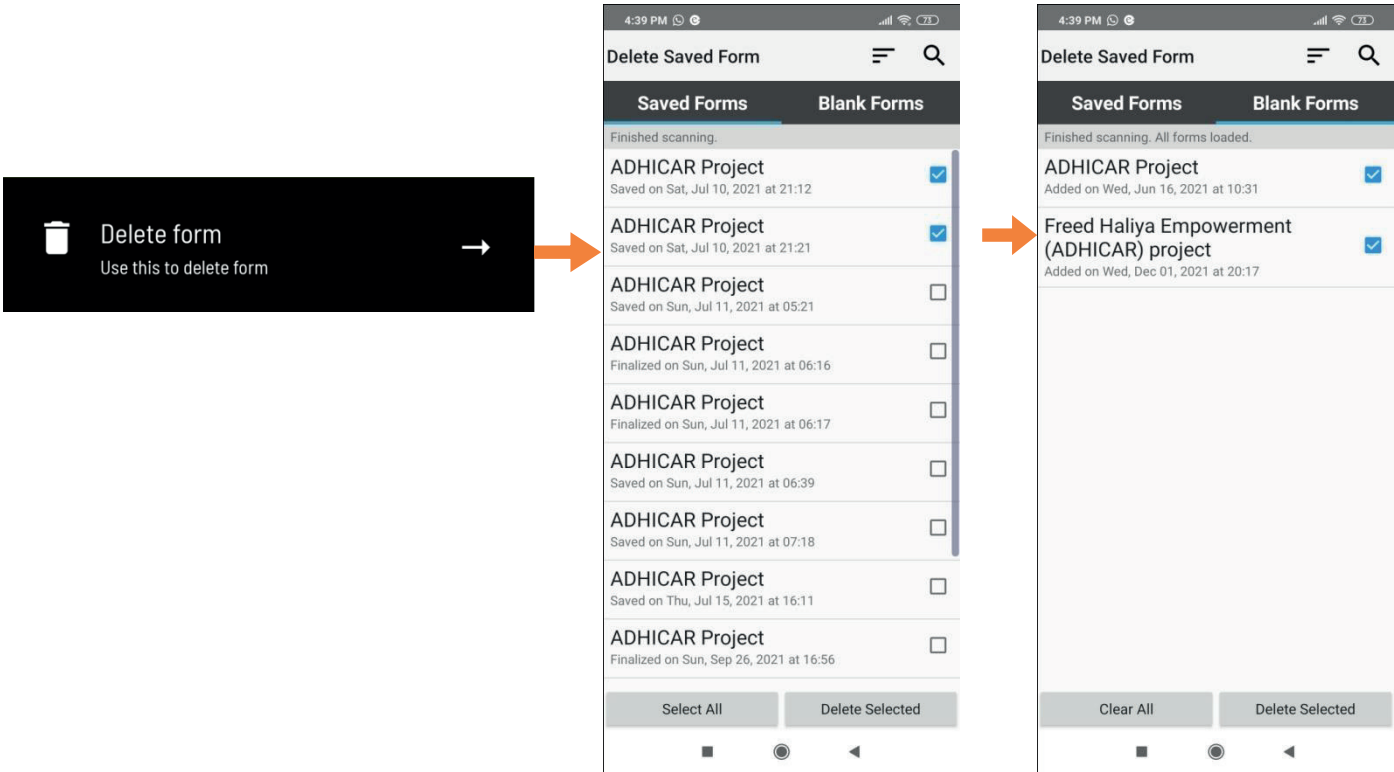
Part 4: Send data to the server: Final forms could be sent to the server from here.



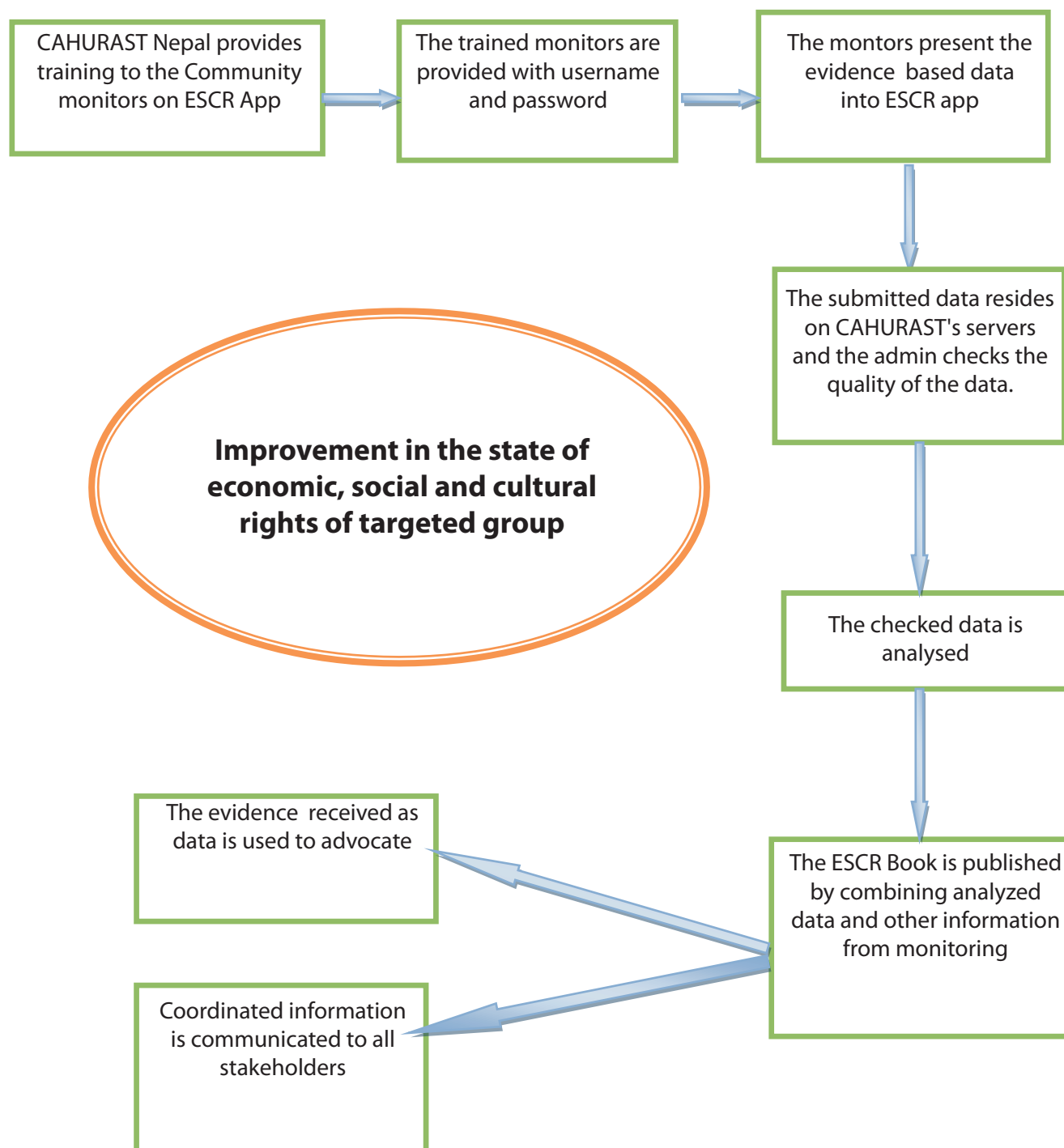
Part 5: Forms sent to the server: the forms uploaded on the server can be seen on this server.



Part 6: Cancel file or delete file: The files that are not required or are of no use can be deleted from this part.



ESCR Monitoring App Workflow:



3.3 Monitoring of Violation of ESC Rights via Mobile Help Desk and Referral Help Desk Mechanism

Violations of economic, social and cultural rights occur when a state fails in its obligation to ensure that they are obliged to respect, protect and fulfil them without discrimination. Often a violation of one right is linked to a violation of other rights. Some examples of economic, social and cultural rights violations:

- **Violation of the right to education:** Students with disability kept away from the mainstream schools
- **Violation of the right to employment:** Failure to prevent employers from discriminating in recruitment (based on gender, disability, race, political affiliation, social origin, HIV status, etc.). Failure to ensure an adequate minimum wage for a decent living. Failure to provide reasonable working hours in public and private sectors.
- **Violation of rights relating to health:** Contaminated water, for example, state-owned waste. Denying access to sexual and reproductive information and services.
- **Violation of the right to housing:** Forcibly evicting people from their homes

Monitoring of Emblematic Case

Meaning of Emblematic Case

Emblematic cases are incidents of human rights violations that rise above the individual and represent the problems faced by a particular group or class. In cases of the same nature, no case has been filed in any court before or as a case of public interest, but such cases of human rights violations, which are reduced in a systematic and planned manner, are raised in a representative manner. Such cases are often cases of structural human rights violations, such as forms of violence against women, forms of discrimination, discriminatory legal provisions, etc. Laws related to these incidents may have been enacted or are yet to be enacted. All other communities can also benefit if such cases are decided by the court. Civil society organizations working in the field of social change have made such violations an example of widespread debate.

Basis and process of selection of emblematic case

Basis of selection of emblematic case

The constitution of Nepal, the laws, the decisions of the courts, the precedents of the courts have not been mentioned before

- Incidents where no decision has been made or no precedent has been set.
- Incidents of recurring violations.
- Questions affecting a large number.
- Questions that have not been resolved for a long time.

Process of selecting the emblematic case:

- Review articles, essays, studies and related news in the media.
- Review the decisions made by the courts.
- Identify problems by discussing them with representatives of the affected communities.

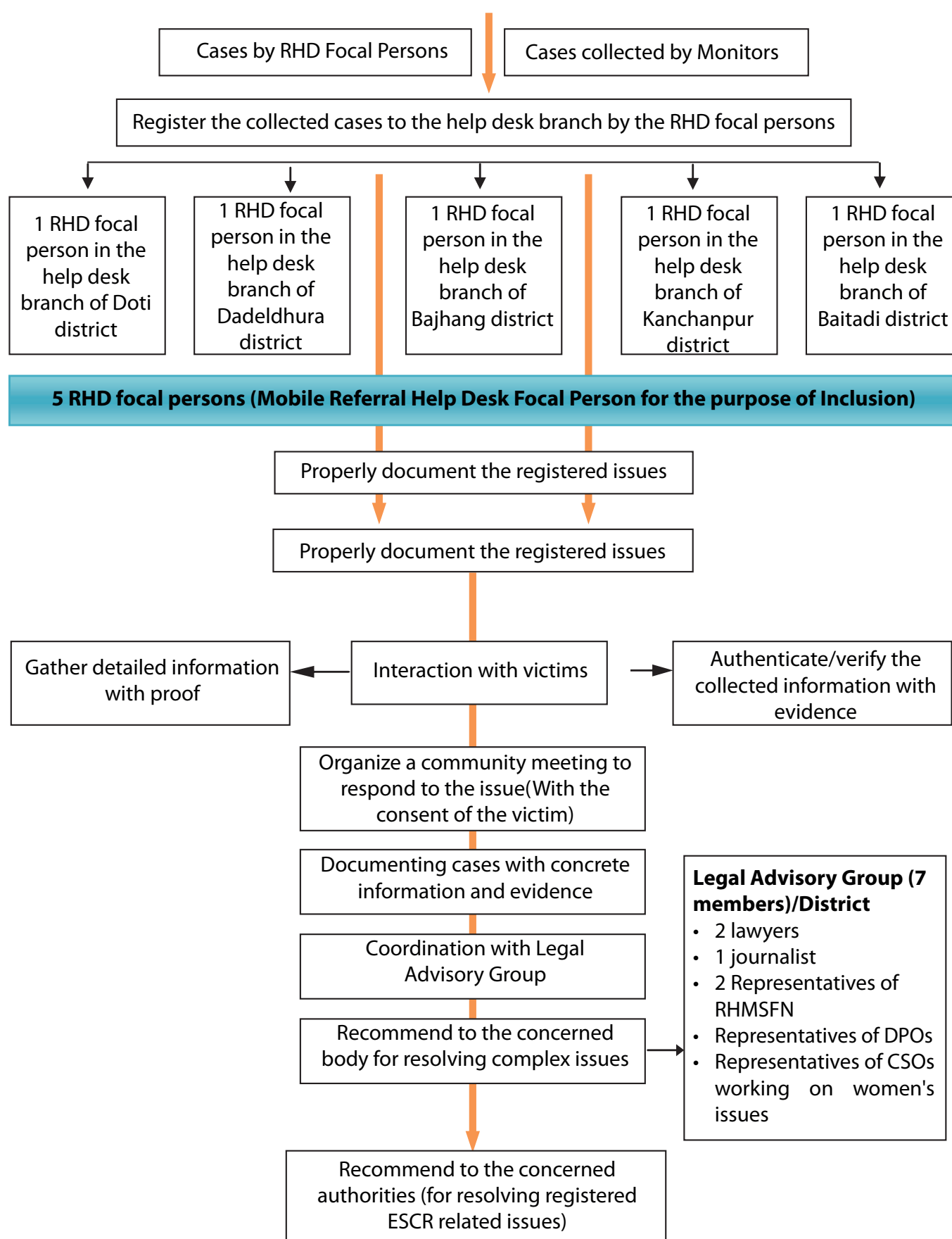
To find out if any organization has raised the same issue in the past, if someone has raised the issue, to make sure how far the process has progressed.

Some examples of ECSR rights violations already in court around the world

- Forcible eviction
- Removing an employee without any reason
- Deliberate mixing of toxins in water supply
- Discrimination in access to medical care, work, housing, education, etc.
- Restricted unions
- Depriving children of adequate food and water
- Failed to provide any primary level education
- Failed to provide basic health care facilities
- Educational institutions are in such a bad state that they are at risk for safety
- Accommodation in such poor condition that it is a risk to safety

Source: CESR, Basic Primer on ESC Rights, at: <http://www.cesr.org/article.php?id=275>.

The Workflow of Mobile Referral Help Desk



During our monitoring, we visit different villages and meet different people. In these meetings, they share information about the incidents they have experienced. Incidents that seem necessary to be presented among other people are formed into case stories. Things that should be included in the case story are: What is the incident in this case story? How did the incident happen? Why did it happen? etc.

Event Details/ Key Things to Be Included in a Case Story (Format)

S.N.	Title	Description
1	Name	
2	Age	
3	Full Address	
4	Number of people in the family	
5	Marital Status	
6	Physical Conditions	
7	Main Problem – What, When	
8	Efforts towards solving problems – What, When	
9	What challenges were faced – What, When	
10	Current and previous condition	
11	Social Status and Attitude of the Community	
12	Economic Status	
13	Psychological Condition	
14	Direct Statements	
15	Occupation	
16	Currently Relevant Legal Provisions	
17	Needs	
18	Photo (With Consent)	
19	Future Plans	

Proposed Activities (Group Activities)



1. During the monitoring, you met a single woman with a disability. She told you that she was earning her living by begging because she was from the Haliya community and could not find any other job. Also, you came to know that she is being a victim of multiple discriminations and that her rights are being violated. Write down the details of the situation in a few points. For this task divide yourselves into three groups and present your points.



2. Joheb and Mita are husband and wife. It has been two years since the two divorced with a partition of inheritance. Mita, however, has not received her share. She went to the district court to enforce the verdict but Zoheb started threatening her for this. There was an obstacle in the implementation of the decision. Joheb is also a former Secretary to the Government of Nepal. In this situation, think of yourself as a monitor and the focal person of the referral help desk. Discuss in your groups how justice can be delivered to Mita in this situation and who the appropriate stakeholder to discuss Mita's case is.



3. Write 5 systems based on the charter and the 10 systems based on the treaty separately on small pieces of paper. Then, collectively identify which systems fall under a charter and which systems fall under a treaty.

Systems based on Charter	Systems based on Treaty
• _____	• _____
• _____	• _____
• _____	• _____
• _____	• _____
• _____	• _____



4. Create groups of only three or two people to monitor from the ESCR app. Assuming that each group is monitoring some right, learn how to fill in as much information or data as possible in the app as instructed by the facilitator and as taught in the training manual.

Chapter – 4

Evidence-Based Advocacy

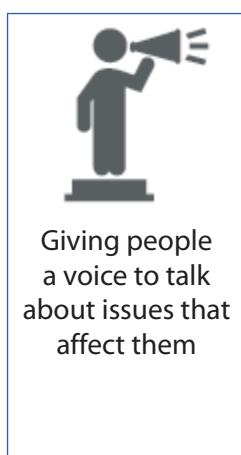


Brainstorming for ideas (Food For Thought)

1. A friend of yours with a disability doesn't know who his father is. For the same reason, the friend has neither obtained citizenship nor has a disability identity card. The government agencies say that citizenship can only be provided under the name of the father and as such, asks him to bring the father's citizenship first. What can you and young people like you do in such a situation?
2. A single woman from the Haliya community has been forced to cultivate the land of a merchant because she has taken loans from him. The woman says that she will pay off the loans by doing some other work, but the merchant does not agree. What role can you play in protecting this woman's rights?
3. A public official had promised to install street lights in a dark alley in your area. However, street lights have not yet been installed in the city. Why do you think this is not happening? What do you do?

4.1 Lobbying/Advocacy

Advocacy means



Giving people
a voice to talk
about issues that
affect them



Building evidence
on what needs to
change and how
it can change



Positive change
in society towards
social justice and
equality



Influencing
people with
power and
changing how
they think and act

Speaking Truth for Power

The word advocacy is thought to have originated in ancient Rome and Greece. The practice of speaking on behalf of the weak and voiceless in society has been around for a long time. However, history has shown that advocacy in the modern era began in the mid-eighteenth century in Britain, when the issue of political representation and socio-economic change began to be advocated at the same time, especially on capital, markets and the proletariat.

There is no similarity in the definition and the understanding of advocacy. Some definition of advocacy emphasizes the process, some definition emphasizes the outcome, and some other definition covers both the process and the outcome. As advocacy is conducted with different beliefs, political views and goals, its definition and understanding have varied. For example, some advocate for policy change only at the upper level, while others advocate for change in the situation of the weaker community by empowering them. Advocacy through the empowerment and participation of women, marginalized and minority communities are different from policy advocacy that challenges power structures or power relations and emphasizes change through a balance of power.

Conceptual Clarity of Advocacy

Advocacy is the act of making a positive impact on the outcome of decisions made under political, economic and social systems and institutions that have a direct impact on the lives of citizens. It is a planned political process that brings about a change in policies, behaviours, ideas and beliefs towards eliminating inequality, intolerance and exclusion from the coordinated efforts of citizens. Advocacy is speaking, representing and writing together with or on behalf of a person for their welfare as well as the provision and promotion of their human rights. It is a political process that helps advance the process of social transformation. It is also an ongoing and non-violent process. Advocacy is also a process of effectively raising questions or voices to influence others and helping to raise public awareness in the community. It is done to express the views and interests of individuals or communities. Advocacy helps to provide access to information and services, to protect and promote one's rights and accountabilities and to seek alternatives. It is also a process of helping to enable.

By empowering the weak, marginalized and victimized parties and changing the thinking of decision-makers, effective advocacy influences results and challenges the power imbalance.

Additional definitions for understanding advocacy:

Advocacy is a strategic act that influences the decision-making level to improve the economic, social and political environment and ultimately the condition of the community. According to this definition, advocacy can influence outcomes.

Advocacy is the process of bringing about change at every level of society by identifying the issues, asserting one's position, mobilizing resources, activating the mechanisms of the organization, and implementing strategies. This second type of definition associates advocacy with action or process.

The third type of definition covers both process and outcome. According to this definition, advocacy is an ongoing process that works to initiate positive change in all social institutions, including attitudes, behaviours, family relationships, workplaces, communities and nations.

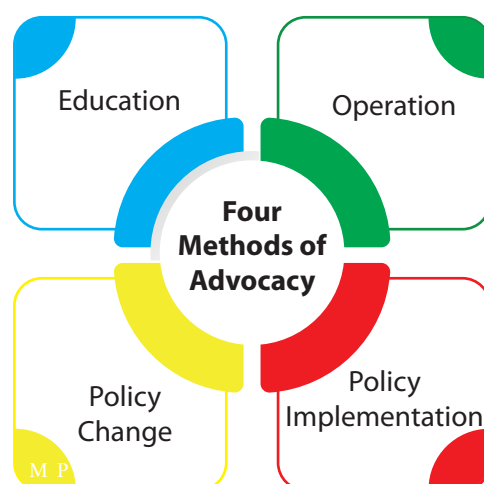
Objectives of Advocacy

- To encourage organizations, policymakers, or key policy stakeholders for supporting goals and policies in order to influence their mind-set. Or/Motivate organizations, policy makers, or key policy makers to take action in support of goals and policies to change attitudes.
- To know the purpose of advocacy, and, if you want to change, understand who the change-makers are and also when.
- Advocacy strategies can include more than one objective. This will help you to implement your policy and achieve long term goals.

Components of Advocacy's Objectives

- Target audience
- Expected policy, action or decision to be taken by the target audience
- Timeline and degree of change

Four Methods of Advocacy



Why is Advocacy necessary?

Advocacy is needed for a specific cause, policy, idea, recommendation for political, economic or social policy, for public support or the voice of the people, and for bringing about change in society. The objectives of your advocacy should be SMART. This means that each objective should be as follows:

S – Specific

M – Measurable

A – Achievable

R – Relevant

T – Time-Bound

6 types of Advocacy

Public Interest Advocacy: Public interest advocacy is widely practiced in large and massive area with the involvement of professionals, media, commentators, etc. It is advocacy facilitated by any individual or an organization in matters of public interest.

Policy Advocacy: Policy advocacy is advocacy focused on achieving certain policy objectives, in which policy change is believed to lead to real change.

Social Justice Advocacy: Social justice advocacy is done for policy and political intervention focusing directly on the issues of poor and marginalized individuals or communities. Studying real situations and power relations, various activities are carried out in a phased manner emphasizing the public participation of different sections of the society.

People's Advocacy: People's Advocacy is done for changing the policies, behaviours, ideas and values to end the existing inequality, injustice, oppression and exclusion in the society through the joint and coordinated efforts of the citizens.

Participatory Advocacy: Participatory advocacy is advocacy aimed at increasing access to policymaking in which both civil society and government have a responsibility to establish democratic governance.

Feminist Advocacy: Feminist advocacy is done to eliminate inequality between men and women in the social sphere by intervening in the decision-making process using strategies, skills and tools.

Evidence-based Advocacy

Evidence-based advocacy is a process based on information and data. This process includes information and data from areas such as research, policy, working groups, and its analysis provides the basis for advocacy. Advocacy is done through this prepared basis. Advocacy represents the interests of the target group. (For example poor people letting policymakers know about their problem)

Evidence in Advocacy

Evidence refers to the outcome or result of the research process carried out by individuals, organizations, etc. for the transformation of society. The goal of social transformation is measured by the assurance of the rights of voiceless and marginalized people, and that is possible only through evidence-based advocacy.

Advocacy Strategies

Quiet Advocacy

- Discuss with each other directly.
- Build trust through mutual understanding.
- Quiet advocacy is a small discussion or closed meeting with a contractor or a monitor.
- Risk - in this case, it is their responsibility to address the people in power directly and to act after the meeting, and there is only one person at the meeting representing them.
- How do people respond to advocacy? A good response enhances effectiveness and mutual trust.
- Someone can manage the constructive conversation and get a lot of feedback.

Loud Advocacy

- If any issues are raised in public in the presence of stakeholders, those issues can be resolved effectively.
- The aim is to target influential people in open meetings through the use of media, public demonstrations and advocacy.
- Stakeholders should respond publicly in such cases. If they do not respond (or the issues are not resolved) they will be ashamed.
- Sometimes raising issues in public targeting stakeholders can be counterproductive because they can get angry for being publicly embarrassed and react strongly (especially when they are already popular and do not need further public support). This might be a risk for the advocacy.
- Additionally, in loud advocacy, some government officials may respond harshly, especially on sensitive issues.

Things to consider during Advocacy:

- There should be a suitable opportunity and an event for advocacy.
- A network should be formed including all concerned stakeholders regarding common issues.
- A maximum expansion of the constructed network should be done.
- Advocates should assess their internal capacity.
- The political environment should be evaluated.
- What is expected from the advocacy, who should be involved, what kind of support is received and from where should be assessed.
- The implementation of the plan should be eased by a proper analysis of allies and opponents.
- Monitoring and evaluation should be done regularly to check if the programme is being done according to the plan.

Advocacy Scheme:

- Make an inclusive and detailed plan:
- Goals: Smart Goals (Specific, Measurable, Achievable, Relevant, Time-Bound)
- Resources and Assets: Funds, Human Resources, Communications, Facilities
- Support and Opposition: Allies and opponents
- Goals and agents of change: Decide who the target audience is, which agents can exert pressure on the target.
- Strategy: Plan your strategies using your resources, exert a favourable influence on opponents, the plan should be flexible so that you can respond to change.



8 Levels of Advocacy planning

Level 1: Identify and understand the topic for Advocacy. What do these problems look like?

- What is your topic?
- Who is affected by this issue?
- What is the measure of this subject (national, local, community)?

Level 2: Identify the main problems? Is there still work on this?

Level 3: Identify the point of the task.

Now that you have prepared some thoughts about some kind of change, select the group as per the change you want to bring.

Level 4: Identify your advocacy goals.
Find out which agency or body has the authority to change or can provide the money that you are looking for.


Level 5: Gather background information.
What kind of facts, figures and stories are required for this work?

Level 6: Identify your personal strengths
Create a plan to contribute with your goals, insights and resources.

- Level 7: Create an advocacy plan.
- What are the goals of your advocacy?
 - What steps will you take to achieve this goal?
 - Which organization or person can help you achieve this goal?

Level 8: Prepare to track and account for results.
What is your timeline for achieving your goals?
Target Assignment Estimated date of completion

What are the quality outcomes of your advocacy plan?

**Suggested Activities (Group Activities)**

1. Make an advocacy plan for the rehabilitation of all Haliyas

4.2 Exercise of Right to Information



Question: What is meant by "information"?

Answer: Any written document, material or notice related to the work of public importance, or any action or decision relating to it.

Question: What is "right to information"?

Answer: "Right to Information" is the right to seek and receive information on matters of public importance in a public body. The term refers to the study or observation of any written material or work of a public body, obtaining a certified copy of such writing, visiting and observing a construction site of public importance, taking a certified sample of any material or even any kind of information stored on any device.

Question: Who has the right to seek and receive information?

Answer: Every Nepali citizen has the right to seek and receive information from public bodies.

Question: What personal information can be requested and obtained?

Answer: Information related to the work and the post of any person holding public office can be requested and the concerned body should provide the information as requested.

Each public body has an Information Officer and, if necessary, an Assistant Information Officer. Citizens should seek information from the Information Officer.

Question: How to ask for information?

Answer: If a Nepali citizen wants to get information, they should submit an application to the information officer of the concerned government office or public body with a reason why such information is necessary.

Question: In how many days is the requested information available?

Answer: If the nature of the information is such that it can be made immediately available, it can be acquired immediately. If not, the information can be acquired within fifteen days from the date of receiving the application. However, if the request for information is related to the safety of a person's life, such information can be acquired within 24 hours of the request.

If the requested information cannot be made available immediately, the Information Officer should inform this to the applicant along with the reasons.

Question: What information cannot be given?

Answer:

- (a) That can seriously disrupt Nepal's sovereignty, integrity, national security, public order and international relations,
- (b) That has a direct impact on the investigation and prosecution of a crime,
- (c) That inflicts serious damage on economic, trade and monetary interests, intellectual property or banking and trade secrecy,
- (d) That causes direct disruption between different castes or communities,
- (e) That endangers personal privacy and life, property, health or safety of the person

But public bodies cannot escape the obligation to disseminate information unless there is a reasonable and sufficient reason to do so.

Question: What to do if you don't get information or get the wrong information?

Answer: If the Information Officer does not provide information or provides partial information or incorrect information or denies information stating that you are not a concerned person, then you should lodge a complaint with the head of the concerned office or body within seven days from the date of not receiving information or receiving partial information.

The head, upon verifying the above situation, will order the Information Officer to provide the required information and the Information Officer will have to provide the information.

If the situation described above existed, that is, if any information officer has done such an act intentionally or in bad faith, the office head may even take departmental action.

Question: What are the information requesting processes?

Answer: Procedure for requesting information – Article 7 (1).

1. Nepali citizens who want to get any information will have to submit an application to the concerned information officer along with the reason why they want such information. There is no charge or fee for applying. Normal sizes (8.3 inches wide and 11.7 inches long) up to 5 pages will not be charged, but if more, then charges at the rate of Rs. 5 per page will be applied.
2. If information is requested in a larger size, it will cost Rs. 10 per page, and there will be no obligation to provide the first five pages for free.
3. As much information as possible should be provided in the requested format.
4. If there is a possibility of spoiling, breaking or destroying the source of information, the information may be provided in an appropriate format.
5. If the application requires a study or observation of any written material or work, an appropriate time should be given for the same.
6. If the requested information is unrelated to the body, information should be given immediately.
7. If the head of the office, upon investigation, finds that the information requested cannot be given, they will have to inform the petitioner along with the reasons.

Question: How much does it cost to get information?

Answer: The fee for using the information is as per Article 8

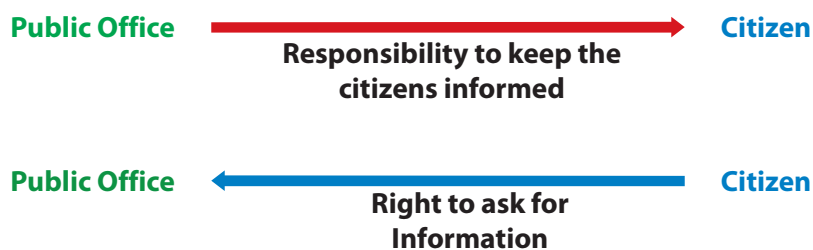
1. When requesting information, the applicant will have to submit the prescribed fee to the concerned body.
2. However, if there is a specific fee described in the law, the fee is set accordingly.
3. The fee will be determined based on the actual cost of providing the information.

Question: What happens when information is misused?

Answer: No person should misuse the information obtained from a public body for a reason other than for which it was obtained.

If any person misuses the information, the concerned public body may lodge a complaint before the Commission in this regard. A fine of Rs 10,000 to Rs 50,000 can be imposed for such misuse.

Relationship between the information seeker and the Information Officer



Background to the Right to Information in Nepal

Although a separate law could not be made as per article 16 of the Constitution of Nepal 1990 which constitutionally guaranteed the right to information regarding matters of public concern, the Supreme Court made an important decision on it and efforts were made under joint initiative of the Federation of Nepali Journalists and the Press Institute. The draft bill was registered in the parliament in 2003 AD, but no work could be done after the dissolution of the parliament and the subsequent active rule of the King.

Article 27 of the Interim Constitution of 2007 recognized the right to information as a right of every citizen and declared that every citizen shall have the right to seek or receive information on any subject of their or the public's interest.

1. In order to enforce this right of the citizen, the Right to Information Act was ratified on 21st July 2007 AD and came into force on the 30th day of the same.
2. Right to Information Rules 2007 as per rights given by the Act.
3. This Act guarantees the right of every Nepali citizen to seek and receive information from public bodies. However, no one will be considered compelled to give information that is required to be kept confidential by law.

Things to consider when preparing a request for information

- Date
- The Information Officer must be addressed,
- Assurance of the concerned body,
- The purpose should be mentioned,
- The information requested should be certain (What information, what is sought?),
- Vague demands should not be made,
- As the right to be informed is granted to a citizen, the request for information should also be made from the position of a citizen,
- It is appropriate to mention the basis (Article 3) of the Right to Information Act,
- It should be mentioned that the charge for providing information will be paid,
- The name, address, signature and contact numbers of the applicant should be clearly mentioned

It is also advisable to pay attention to these things

- What to ask?
- Why ask?
- Where and to whom to ask?
- How to use the information received on request?
- Is it a matter of personal concern or information of public concern?
- In what form are you requesting the information?
- Is it a certified copy or is it intended to be studied?
- Do you want to observe or take a sample of the object?

Proposed activities (Group activities)



Sample Acting

Description of the situation

A citizen comes to a public body and asks for copies of all the decisions regarding the construction of the water pipeline. He says the public has paid more than needed for the construction because some of the money given by the government for the pipeline was used by the local administration for road maintenance. But the official replies that "such documents cannot be given to everyone." The citizen goes to the head of the organization. The head explains the situation but rejects the request.

The citizen makes a request by addressing a team of independent judges. Judges hear from both sides and give their verdict with explanations of the reasons for the verdict.

Acting: Character 1

You act as the citizen requesting information.

In all cases, you seem to be known about nothing. In fact, you are a disguised journalist testing the response of a public institution. Keep being persistent in getting the information you asked for. You don't even tell the judge who you are. Gossip and be stubborn.

Sample acting: Character 2

You act as the information officer

The requested information cannot be published as some of the decisions taken in this case were taken arbitrarily without proper means. Look for any reasons to divert the person requesting information from the main topic. For example: Say that the information has already been published in the newspaper, or it had come on TV, meetings had been held about it, why do you need documents about it – the main concern is to get water, and the matter is resolved after having water. When you are called to the chief – pretend you are very innocent. When you come before a judge, admit your mistake: "I didn't know," "I didn't want to lose my job," "The law is not obeyed in everything." etc.

Sample acting: Character 3

You act as the head of an organization.

Listen to the one seeking information. Lie: We don't have money, we have many problems. Show that you are scolding your subordinates. When the petitioner says they will appeal to the court, show your sympathy to him – they will have to travel a long way, etc. Upon appeal, claim that you know nothing about this issue. This is the first time you've seen this request.

Sample acting: Character 4

You act as an independent judge.

You decide whether the requested information should be disclosed or not. Analyse the issue based on the facts and come to the conclusion about whether or not proper procedures were followed. Give reasons for your decision, including full details.

This Campaign for Human Rights and Social Transformation (CAHURAST) Nepal is a non-cooperative organization established in 2006 AD. This organization is active in the campaign for human rights, good governance, democracy, peace and morality. This organization has been monitoring economic, social and cultural rights through mobile App for the past four years. The issues we are advocating are based on the data derived from the same monitoring. We are advocating on issues related to the rehabilitation of Haliyas and the untouchability of Dalits within Haliyas under the Economic, Social and Cultural Rights (ADHICAR) Project. In order to collect data by monitoring these issues, personal details and photos have to be taken with the interviewees. Before taking the personal details and photo, it is necessary to get consent and sign the consent form for taking the personal details and photo of the interviewee. Accordingly, this consent form has been prepared and it is mandatory for the interviewee to sign this consent form.

Sample of the Consent Form

I give consent to CAHURAST Nepal and the monitors to take my photo and collect the information about me and the community to facilitate the monitoring process under the ADHICAR project as well as utilize it for the publicity of the project’s objectives.

Name:
Signature:
Date:

About Partner Organizations



Campaign for Human Rights and Social Transformation, Nepal

Campaign for Human Rights and Social Transformation, Nepal is a national organization working in the field of human rights. It is an organization established with the objective of providing assistance in the field of human rights for the social transformation, the main goal of the political change brought to Nepal by the People's War that had been going on in Nepal since 1995 AD and the United People's Movement of 2006 AD. Working in the fields of good governance, morality, democracy, peace and human rights, this organization is basically working in the field of guaranteeing economic, social and cultural rights. In particular, this organization has envisioned a dignified, cultured and just society. In addition, this organization is also committed to and is working on establishing civil and political rights in the areas of human rights.



Felm is an internationally active organization founded in 1859 AD and is one of the largest Finnish Civil Society Organizations working on global development. The aim of Felm is to promote human dignity and justice around the world. Felm currently works in 12 countries in Asia, Africa and Latin America, and with more than 30 partner organizations. Felm strives for positive and lasting change in developing countries, where the voice of all can help build the world through the realization of human rights. Since 2009, Felm has been working as Felm Nepal, a non-governmental organization affiliated with the Social Welfare Council. Felm has been working in Nepal since 1977.



LWF Nepal is a program of LWF World Service (WS) which has been working with the marginalized and deprived classes or communities of Nepal since 1984 AD. The World Service is an internationally recognized humanitarian and development branch operating in 28 countries around the world and is headquartered in Geneva, Switzerland. It works with those in need, regardless of their race, gender, religion, nationality or political affiliation, and seeks to bring people from all backgrounds of this increasingly complex and fragmented world in a shared quest for justice, peace, and reconciliation.



The Haliya Federation is an umbrella organization for freed Haliya registered in the District Administration Office, Dadeldhura in 2007 AD. It includes 12 district branches of Sudurpaschim and Karnali Pradesh. After reaching a five-point agreement with the Government of Nepal, this organization is working for the liberation and rehabilitation of Haliyas and has been continuously lobbying for the promotion of human rights and social justice of the freed Haliyas.

Vision: Creation of equitable society and liberation from social slavery, Haliyas' prosperity

Mission: To build a just society by ensuring meaningful participation and sustainable livelihood of the freed Haliya in the resources and the bodies of the state.

Goal: Dignified life for freed Haliyas is ensured following just rehabilitation.

ANNEXES

Annex - 1: Training Schedule

Time		Activities	Session Objective	Teaching Method
The first day of the Training				
10:00 – 10:15	Introductory program	<ul style="list-style-type: none"> Pair all the participants in the training with the participants they do not know Ask everyone to talk to each other when they find their partner: such as the name of the partner, their interests, their good or bad habits, etc., and recite later. 	Introduce participants to each other	Pair work (8 minutes for each pair) Nomination (7 minutes)
10:15 – 10:30	Expectation collection and Objectives of the training	<ul style="list-style-type: none"> Give participants a meta card and ask them to write down their expectations. Post newsprint where everyone can see and have the facilitator read out some of the expectations. Informing the participants about the main objective of the training and asking them if the training meets their expectations. 	To understand the main purpose of the participants attending the training and what is expected from the training	Individual work
10:30 – 10:45	Norm setting	<ul style="list-style-type: none"> Ask all participants to make a list of do's and don'ts during the training 	To conduct training in a good environment for the participants of the training	Brainstorming
10:45 – 11:00	About the ADHICAR Project	<ul style="list-style-type: none"> Explain the project through a PowerPoint presentation 	To familiarize the participants with the ADHICAR project	PowerPoint presentation (15 minutes)
11:00 – 11:15	Pre-test	<ul style="list-style-type: none"> Give all participants a questionnaire related to the subject matter of the training and ask them to write down what they already know 	To understand the participants' prior knowledge of the topics covered in the training	Working time (15 minutes)
11:15 – 11:45		<ul style="list-style-type: none"> Initially using the brainstorming method to measure participants' knowledge of human rights. Participants write their statements in newsprint in front of everyone. The facilitator will provide information on human rights in their own way, including what the participants had to say, as well as show any news or pictures about the history and current situation. The facilitator will give an oral presentation on human history and evolution 	Introduce human rights and learn about their history and development	Brainstorming (5 minutes) Oral presentation (10 minutes) Group activities (10 minutes) (5 minutes buffer time)
11:45 – 12:30	Economic, Social and Cultural Rights Sustainable Development Goals: Global Periodic Report	<ul style="list-style-type: none"> To measure the knowledge of the participants about the topics of the session. The facilitator will present the subject matter using PowerPoint or oral presentation by writing on a chart paper where PowerPoint is not comfortable. Divide into groups and make oral presentations for group activities at the end of the training support booklet. 	They will get detailed information about the economic, social and cultural rights	Brainstorming (5 minutes) PowerPoint presentation (15 minutes) Group activities (20 minutes) (5 minutes buffer time)
12:30 – 1:00	Haliyas and People with disability	<ul style="list-style-type: none"> The facilitator will use PowerPoint to give a presentation on the laws and provisions concerning Haliyas and people with disabilities. 	To provide information regarding the laws and provisions of the target groups for ease of monitoring	PowerPoint presentation and discussion (30 minutes)

1:00 – 1:45	Lunch	Make the participants download ESCR App on their mobile phones		
1:45 – 2:00	Ice Breaker	Participants play games relevant to the session		
2:00 – 2:30	Haliyas and people with disability	<ul style="list-style-type: none"> The facilitator will use PowerPoint to give a presentation on the laws and provisions concerning Haliyas and people with disabilities. 	To provide information regarding the laws and provisions of the target groups for ease of monitoring	PowerPoint presentation and discussion (30 minutes)
2:30 – 3:30	Monitoring the fulfilment of economic, social and cultural rights	<ul style="list-style-type: none"> Brainstorming according to the questions in the food for thought section of the guidebook. The facilitator will give a presentation on the subject matter using PowerPoint 	To make it easier for monitors to monitor the fulfilment of economic, social and cultural rights	Brainstorming (10 minutes) PowerPoint presentation (50 minutes)
3:30 – 4:45	Technical part: Use of ESCR mobile app for monitoring and reporting	<ul style="list-style-type: none"> The facilitator will show how to use the ESCR mobile app in PowerPoint and will teach the participants about each step. 	For the convenience of the monitors to collect data	PowerPoint presentation and practical work (75 minutes) (5 minutes buffer time)
4:45 – 5:00	End of the first day of the training			

Time		Activities	Session Objective	Teaching Method
The second day of the Training				
10:00 – 10:15	Summary of the program	<ul style="list-style-type: none"> Take an average-sized ball and pass it to whoever you want to give it to The one who gets the ball will recite one learning from the day before 	To remind the participants of the previous day's learning	Ball pass game
10:15 – 11:00	Technical part: Use of ESCR mobile app for monitoring and reporting	<ul style="list-style-type: none"> The facilitator will show you how to use the ESCR mobile app in PowerPoint and will teach according to each step. 	For the convenience of the monitors to collect data	Practical work (45 minutes) (5 minutes buffer time)
11:00 – 1:00	Monitoring of violations of economic, social and cultural rights	<ul style="list-style-type: none"> Use the brainstorming method to find out if all participants are aware of the violation of the four main rights that have been selected. The facilitator will give a presentation on the topics using PowerPoint Pay special attention to the workflow of mobile and referral help desk Divide into groups, conduct group work and make oral presentations for group activities mentioned at the end of the training support booklet. 	To facilitate the collection of data on economic, social and cultural rights violations through mobile help desk and referral help desk mechanisms.	Brainstorming (10 minutes) PowerPoint presentation (60 minutes) Group activities (20 minutes) Ice-breaking session (30 minutes)
1:00 – 2:00	Lunch Break			
2:00 – 3:00	Monitoring of violations of economic, social and cultural rights	<ul style="list-style-type: none"> Explain in detail by showing the table of human rights indicators prepared for monitoring the selected economic, social and cultural rights. 	Identification of indicators for monitoring rights	PowerPoint presentation

3:00 – 4:30	Case Story Writing	<ul style="list-style-type: none"> The facilitator will give a presentation on the themes using PowerPoint Make participants write a case story of any one incident 	To ease the writing of case stories using the data and information collected during monitoring	PowerPoint presentation (60 minutes) Group Work (30 minutes)
4:30	End of the second day of the training			

Time		Activities	Session Objective	Teaching Method
The third day of the Training				
10:00 – 10:30	Summary of the program	<ul style="list-style-type: none"> Note down some questions from the first and the second day of the session on a piece of paper and fold it Keep all the folded papers in a bowl and ask each participant to pick one paper each The participant will have to answer the question they received 	To remind the participants of the learning from previous days	Paper game
10:30 – 12:00	Evidence-Based Advocacy	<ul style="list-style-type: none"> Brainstorming according to the questions in the food for thought section of the training assistant booklet The facilitator shall give a presentation on the topics using PowerPoint Divide into groups, conduct group work and make oral presentations for group activities mentioned at the end of the training support booklet. 	To identify the problems of the target groups and enable them to solve them through advocacy	Brainstorming (10 minutes) PowerPoint presentation (50 minutes) Group activities (30 minutes)
12:00 – 12:30	Ice-breaking session (game)	Engage participants in a game that is relevant to the sessions		
12:30 – 1:00	Right to Information	<ul style="list-style-type: none"> Brainstorming according to the questions mentioned in the food for thought section of the training assistant booklet The facilitator will give a presentation on the topics using PowerPoint 	To provide detailed information on how to properly exercise the right to information during the period of data collection while monitoring	Brainstorming (5 minutes) PowerPoint presentation (30 minutes)
1:00 – 2:00	Lunch Break			
2:00 – 2:30	Right to Information	<ul style="list-style-type: none"> Divide into groups, conduct group work and make oral presentations for group activities mentioned at the end of the training support booklet. 		Group work (25 minutes)
2:30 – 3:30	Use of ESCR mobile App	<ul style="list-style-type: none"> Allow all participants to run the app with some data 	To ease the use of ESCR mobile App	Discussion
3:30 – 4:00	Discussion	<ul style="list-style-type: none"> Those who have questions can ask questions 	To discuss some uncovered topics during the training	
4:00	End of the training Distribution of ESCR training support booklets and additional reference materials			

Congratulations and best wishes to all the monitors!

Annex - 2: Indicators for Monitoring Selected Economic, Social and Cultural Rights

Right to the highest level of physical and mental health Right to Health Monitoring Index is based on five key features: (1) sexual and reproductive health, (2) child mortality and health care, (3) natural and occupational environment, (4) disease prevention, treatment and control, and (5) access to essential medicines including health centres.	
Structural indicators	<ul style="list-style-type: none"> • International human rights treaties regarding the right to adequate housing to which Nepal is a signatory and the date of their enactment. • Constitutional and other legal provisions and the date of their enactment concerning the right to adequate housing, including the acquisition of land, legal tenure, equal inheritance, protection against forced evictions and special legal provisions for land acquisition. • National policy, code of conduct and action plan for the timely implementation of the right to adequate housing including rehabilitation, resettlement and disaster management along with the thematic scope and time period to be covered by it. • The number of registered civil, governmental, semi-governmental and non-governmental organizations active in the protection and promotion of the right to adequate housing.
Procedural indicators	<ul style="list-style-type: none"> • The number and proportion of investigations into complaints regarding violation of the right to adequate housing by courts, the National Human Rights Commission and other authorized bodies, and the proportion of effective implementation by the government. • The number of legal actions taken against the illegal eviction from the residence during the reporting period and the number of court decisions. • The number and proportion of legal action taken, including court orders, to prevent eviction and demolition during the reporting period. • The average time taken to settle housing and land disputes in courts and tribunals. • The number of complaints against "forced evictions" within the reporting period (including complaints to the UN Special Mandate Holder and complaints to the Government of Nepal's Administrative Complaints Procedure). • Part of public expenditure on social and community housing. Official Development Assistance (ODA) for housing. • Total public expenditure on reconstruction and resettlement of displaced persons in proportion to public development budget and the number of housing structures constructed. • Housing area added under social and community housing during the reporting period. The proportion of target group household budget in water supply, sanitation, electricity and waste management. • Housing constructed under building construction codes and regulations (town, market and village). The proportion of the public expenditure made on maintenance, sanitation, water supply, electricity and development of other physical infrastructure. • The proportion of households living in permanently constructed buildings as per the criteria prescribed by building codes and regulations. • Number and proportion of endangered tribal and other homeless people provided public and community housing during the reporting period. • The proportion of the targeted population facilitated with sustainable access to improved water, sanitation, electricity and waste management during the reporting period. • Number and proportion of households receiving public housing assistance with concessions.
Consequential indicators	<ul style="list-style-type: none"> • The proportion of infants born with low weight. • The death rate of infants and children under five years. • The death rate of babies before being born and after some time of being born, maternal mortality rate and fertility rate. • The number or percentage of underweight children under the age of five. • The number or percentage of people living with HIV / AIDS in the total population, including women between the ages of 15 and 49. • The number of cases of diarrhoea and Incidence of pneumonia in children under five years of age. • The annual incidence of parasites like malaria, kala-azar and tuberculosis (per 10,000 people). • The proportion of those who have benefited from free health care. Number and proportion of those receiving mental health care.

Right to education

The basic features related to the right to education are 1) compulsory and free primary education; 2) access to secondary and higher education; 3) curriculum and educational materials and 4) educational opportunities and freedoms. The following indicators are based on these characteristics.

Structural indicators	<ul style="list-style-type: none"> • International human rights treaties related to the right to education to which Nepal is a signatory and the date of their implementation. • Provisions made by the constitution and other national laws regarding the right to education. • National policies, programs and action plan to ensure the right to education. • National policy, plan and code of conduct regulating private educational institutions and their thematic scope along with the time period to be implemented. • The prescribed period for compulsory education and the minimum age required to be enrolled in the school. • The proportion of educational institutions having mechanisms such as student unions to ensure students' participation in matters related to their concerns. • The number of registered governmental, semi-governmental and non-governmental organizations active in the protection and promotion of the right to education.
Procedural indicators	<ul style="list-style-type: none"> • The number and ratio of investigations by the courts, the National Human Rights Commission and other authorized bodies regarding complaints about the violation of the right to education and the proportion of effective implementation by their government. • Number and proportion of action taken against private educational institutions which do not comply with legal and policy standards. • Official Development Assistance (ODA) in proportion to public expenditure on basic, secondary and higher education and public expenditure on education to GDP. • The proportion of public expenditure on education of children with special needs (such as street children and children with disabilities) • The proportion of target group students covered under the Additional Public Financial Assistance Program for Primary Education. • Number or ratio of Centre for Early Childhood Education and Development (ECED) and Centre for Community Studies (CLC) with improved management. The proportion of female staff working in the Centre for ECED. • The number of community schools implementing free education from class 1 to 8. The number of actions taken against the schools which did not implement free education from class 1 to 8. • Number and proportion of teachers receiving in-service training on human rights and gender issues. • Number and proportion of schools managed by the community. The proportion of target group in community school management committees. The number and proportion of disability-friendly schools. The number of day-care centres or non-formal education centres. Proportion of schools with adequate inclusive physical infrastructure. • The number of schools implementing the lunch programme and the proportion of students covered by them. • The proportion of skilled and trained teachers in secondary and higher education. Teacher-student ratio as compared to students studying at the primary and secondary level (both community and private). • The proportion of female students in secondary level and higher education on the basis of caste, region and disability. • The number and proportion of schools using the multilingual curriculum. The number of community schools where computer education is implemented. The number of community schools teaching in the English language. • The number of community schools where open learning is implemented. The number of schools teaching in traditional and mother tongue languages included in the mainstream of education. • The average distance of community schools from home and the community. • The proportion of students dropping out of school due to discrimination (both primary and secondary level). • The proportion of teachers who have received training on how to teach in a fearless and child-friendly environment. • The proportion of community schools implementing inclusive education. Attendance rate of teachers in community schools (per hour/day). The number of days the schools were closed in an academic year due to strike.
Consequential indicators	<ul style="list-style-type: none"> • Literacy rate: The number and proportion of uneducated adults participating in literacy programs. • Primary school enrolment rate: The number or percentage of out-of-school children who are of school going age. The enrolment rate of target groups in the ECEDC and Community Study Centre. • Number and proportion of target groups participating in skill-based training and other educational programs. • Number and proportion of target group students enrolled for higher education in government scholarships. • Enrolment percentage of the entire marginalized community in higher education. The school dropout rate in the target group according to educational level. The proportion of students completing primary level by enrolling in class 1. • The proportion of students completing secondary and higher secondary education (per 10,000 population). The number of graduates. • Percentage of information technology users including the internet. The number of adult women benefiting from non-formal education (housewife school).

Right to work with dignity

The following basic features have been identified as the indicators for monitoring the right to work and employment: 1) access to decent and productive work; 2) proper and safe working conditions; 3) training, skill development and career development; and, 4) protection from unemployment and forced labour.

Structural indicators	<ul style="list-style-type: none"> • International human rights treaties concerning the right to decent work, including the Conventions of the International Labour Organization of which Nepal is a signatory and the date of their implementation. • Constitutional and legal provisions regarding the right to decent work. • National policies and action plans formulated to ensure the right to decent work and the issues and the time period covered by it. • Maximum working hours per week as provided by law. Minimum age for employment according to the profession. • Maternity leave period (for both men and women) and the ratio of wages paid during that period. • Number of registered governmental, semi-governmental and non-governmental organizations active in monitoring and implementing the right to decent work.
Procedural indicators	<ul style="list-style-type: none"> • The number of investigations and decisions made by the courts, the National Human Rights Commission and other authorized bodies regarding complaints of violation of the right to decent work, including fair and safe working conditions, and the proportion of effective implementation by its government. • The number of employment sectors in both formal and informal sectors monitored by the government (such as the Department of Labour) in accordance with international labour standards and the number of actions taken against employers who do not meet the standards. • The proportion of the population who have gone for foreign employment and the number of concrete steps taken by the government in response to the violation of the rights of such workers. • The number of investigations and actions taken against foreign employment-related frauds. • The number of employment-related information centres (including foreign employment) and the number of districts where such centres operate. The number of information centres established for workers going for foreign employment and the number of districts operating such information centres. • The proportion of the labour force having access to employment information. The proportion of the population having skill development and vocational training. • The number of programs targeted for increasing access to employment for women, Dalits, Janajatis, persons with disabilities and other marginalized and disadvantaged people. • The proportion of wage difference between men and women (based on geographical area and target group). • The proportion of women, Dalits, Adivasi Janajatis, persons with disabilities and other target groups in high positions of public service (managerial posts). • The number of unemployment insurance plans. The number of beneficiaries of the Targeted Social Security Program. The number of workers covered by insurance. • Minimum wage rate based on economic activity and geographical area. • The ratio of the amount allocated by the private sector industries and business organizations under social responsibility and the number of targeted programs conducted through the use of this budget. • The number of employment-oriented industries and trading companies opened and closed during the reporting period. The number of strikes that occurred during the reporting period and the estimated amount of financial and other losses incurred from it. • The proportion of the population covered under the self-employment program.
Consequential indicators	<ul style="list-style-type: none"> • The ratio of unemployed to the total population. Population employment ratio according to gender, target group and educational level. Long-term unemployment rate (one year or more) depending on gender, target group and geographical area. • The proportion of people earning less than USD 1 per day and semi-unemployed people. • The annual growth rate in employment according to educational level. • The proportion of workers switching to the formal sector from the informal sector during the reporting period. • The number of victims of workplace accidents and the number of people covered by compensation after such incidents. • The number of workers going for foreign employment who have been rescued or provided with emergency assistance. • The number of victims who have been compensated in case of death of workers who had gone for foreign employment. • The proportion of targeted unemployed people covered under the unemployment and social security services. • Proportion or percentage of women employed in the non-agricultural sector. • The proportion of workers in hazardous employment (short, definite, causal, seasonal). • The number of child labourers. • Employment growth during the reporting period.

Right to adequate housing

Right to adequate housing index is based on the following basic characteristics: (1) the suitability of the residence, (2) the availability and accessibility of goods, services, facilities, infrastructure and means, (3) purchasing power and capacity, and (4) legal tenure.

Structural indicators	<ul style="list-style-type: none"> • International human rights treaties regarding the right to adequate housing to which Nepal is a signatory and the date of their enactment. • Constitutional and other legal provisions and the date of their enactment concerning the right to adequate housing, including the acquisition of land, legal tenure, equal inheritance, protection against forced evictions and special legal provisions for land acquisition. • National policy, code of conduct and action plan for the timely implementation of the right to adequate housing including rehabilitation, resettlement and disaster management along with the thematic scope and time period to be covered by it. • The number of registered civil, governmental, semi-governmental and non-governmental organizations active in the protection and promotion of the right to adequate housing.
Procedural indicators	<ul style="list-style-type: none"> • The number and proportion of investigations into complaints regarding violation of the right to adequate housing by courts, the National Human Rights Commission and other authorized bodies, and the proportion of effective implementation by the government. • The number of legal actions taken against the illegal eviction from the residence during the reporting period and the number of court decisions. • The number and proportion of legal action taken, including court orders, to prevent eviction and demolition during the reporting period. • The average time taken to settle housing and land disputes in courts and tribunals. • The number of complaints against "forced evictions" within the reporting period (including complaints to the UN Special Mandate Holder and complaints to the Government of Nepal's Administrative Complaints Procedure). • Part of public expenditure on social and community housing. Official Development Assistance (ODA) for housing. • Total public expenditure on reconstruction and resettlement of displaced persons in proportion to public development budget and the number of housing structures constructed. • Housing area added under social and community housing during the reporting period. The proportion of target group household budget in water supply, sanitation, electricity and waste management. • Housing constructed under building construction codes and regulations (town, market and village). The proportion of the public expenditure made on maintenance, sanitation, water supply, electricity and development of other physical infrastructure. • The proportion of households living in permanently constructed buildings as per the criteria prescribed by building codes and regulations. • Number and proportion of endangered tribal and other homeless people provided public and community housing during the reporting period. • The proportion of the targeted population facilitated with sustainable access to improved water, sanitation, electricity and waste management during the reporting period. • Number and proportion of households receiving public housing assistance with concessions.
Consequential indicators	<ul style="list-style-type: none"> • The number of homeless people. Number and proportion of rehabilitated households living in unauthorized places during the reporting period. • Number and proportion of households living in risky conditions. The proportion of the urban population living in open spaces and unhygienic places. • Number and ratio of households having to walk more than 10 minutes 55 for drinking water, public transport, school, hospital and office. • Number and proportion of vulnerable households dependent on private resources for water supply. • The proportion of households having access to cooking fuels (such as gas, electricity, kerosene) including ventilation. • The average number and proportion of homeless people per 100,000 population. Average rent relative to the average income of the target population. • The proportion of households with legal tenure and legally enforceable contract or other forms of protection or having access to legal tenure. The proportion of women with real estate or wealth ownership. The proportion of households that spend more than 40 percent 56 of their monthly income on housing. • The number of households who have been rehabilitated and resettled out of those who have been displaced and evicted during the reporting period.

Each index should be broken down into prohibited bases of discrimination (such as caste, gender, religion, race, age, disability, geographical area, economic and social status).

Source: Indicators for monitoring economic, social and cultural rights in Nepal, User Manual