



THE Reconstruction Punarnirman

Rural Reconstruction Nepal (RRN) Newsletter



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Editorial

Violation of human rights is a worldwide phenomenon. It is only the type and intensity that differs. There is, however, no denial that developing societies are more subjected to violation than the developed ones.

Monitoring of human rights violation is an area to which human rights and development organisations can contribute. There has been a lot of work in the area of the monitoring of civil and political rights (CPR) in Nepal. But, the work in the sphere of economic, social and cultural rights (ESCR) has yet to be systematic. Here, we see the relevance of Dr. Arjun Karki's discussion note. It presents a framework for the analysis of the violation of ESCR in Nepal.

It has been 15 years since RRN stepped into human rights and development work in Nepal with a strategy to intervene in the areas of health, livelihood, education and self-government. Indu Gautam's contribution (page 6) and Prakash Kafle's narration of the story of Nirmala Chaudhari (page 11) give us a confidence that our strategy is working well.

We also present you the situation of children caught in the People's War and other information relevant to the work of RRN. We expect your comments and suggestions.

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Cover photo: Irrigation Canal constructed by RRN in Damak, Jhapa with financial assistance from the European Commission.

Violation of Economic, Social and Cultural Rights (ESCR) in Nepal¹

Dr. Arjun Karki
President, RRN

Violation of human rights, including ESC rights, is a condition where the rights of people are not protected. Protection of ESC rights is the responsibility of the State as spelled out in the International Covenant on Economic, Social and Cultural Rights 1996 (ICESCR), to which Nepal is a State Party.

The Covenant requires the State Parties to take appropriate legislative measures and create conditions to achieve the full realisation of the rights recognised in the Covenant progressively. The meaning of progressive realisation is the maximum allocation of resources for the creation of conditions (see below) whereby everyone is able to entertain their rights. Creating conditions is a gradual process; developing countries--resource poor as they are--cannot create such conditions overnight. They need to move gradually in compatibility with available resources. But they should move ahead decidedly and dedicatedly.

In line with the ICESCR, Sub Clause 2 of Article 25 of the Constitution of the Kingdom of Nepal 1990 gives the following directives to the State:

“The fundamental economic objective of the state shall be to transform the national economy into an independent and self-reliant system by preventing the available means and resources of the country from being concentrated within a limited section of society, by making arrangements for the equitable distribution of economic gains on the basis of social justice, by making such provisions as will prevent economic exploitation of any class or individual, and by giving preferential treatment and encouragement to national enterprises, both private and public.”

Although the State is the principal actor to protect ESC rights, we individuals also have duties to observe the rights in such a manner that protects the rights of other individuals and that does not harm the community to which we belong.

In the following sections, I will discuss first the conditions or parameters, as stipulated in the ICESCR, that protect ESC rights, then present with examples, where possible, the nature of violations of these rights in our context.

Conditions Protecting ESCR

The right to work and employment is one of the fundamental ESC rights. To enable workers and employees to entertain this right requires proper work opportunities and a wage that gives workers and their families a decent life. Other conditions related to the right to work would include: technical and vocational guidance, skills training, national policies and programmes governing such guidance and training, equal opportunity (based on merit and experience) for promotion, and reasonable time for rest and leisure.

There should be no restriction for workers and employees to *form or join trade unions or organisations of their choice* for the protection and promotion of their interests. Working mothers should be given paid leave or leave with adequate social security benefits before and after childbirth.

To ensure the *right to an adequate standard of living* the State should, in cooperation, if needed, with regional and international institutions, improve methods of production, conservation and distribution of food; reform agrarian systems in such a way as to achieve the most efficient development.

¹ A discussion note shared at the “National Training cum Workshop on Economic, Social and Cultural Rights”, organized by INSEC (Informal Sector Service Centre) in Dhulikhel, Nepal on 12-14 September 2003. The editorial team hopes that this note provides some useful references for looking into the violation of ESC rights in Nepal.

Similarly, to enable everyone to *enjoy the highest attainable standard of physical and mental health* the State should invest in the reduction of infant mortality and the development of the child, in the improvement of environmental and industrial hygiene (pollution control), in the control and treatment of epidemic diseases, in the creation of hospitals and health centres and supply of medicines and health professionals.

The State should *recognise the right of everyone to education* and make sure that primary education is free, compulsory and available to all, secondary education, including vocational and technical secondary education, is made gradually available and accessible to all free of cost, higher education is made equally accessible to all; schools are sufficiently available, and, schemes and systems of teacher-training are in place.

The State should ensure that no one is *deprived of their cultural life and the benefits of scientific progress and its applications*. The State should conserve, develop and diffuse science and culture, and encourage the concerned to build international contacts for the development of scientific research.

Violation of ESCR in Nepal

a. Violation of the right to work: If we look at the workers in the informal sector we see them condemned to exploitation at the hands of elusive employers. There are no laws that govern workers in the informal sector, which consumes a massive amount of the workforce; hence the sector is “characterized by diversities in wage rates, conditions of employment and discrimination based on gender and age”(NESAC 1998: 106). Even the workers in the formal sector lack working conditions and terms that give them and their families a decent life. The minimum wage they are paid “is insufficient even to cover consumption at the subsistence level” (NESAC 1998: 104). In many cases women are paid less than men for the same work and are hardly given paid leave and social security benefits in times of childbirth.

b. Violation of the right to a decent living: The right to a decent living (adequate food, clothing and housing) should in the case of Nepal be seen

in relation to people’s access to land, as Nepal is predominantly an agrarian society, with 87.6 per cent of people living in rural areas completely dependent on subsistence agriculture (Karki 2001). But the pattern of landholding is such that those who are dependent on agriculture for their livelihoods are landless or land-poor. As statistics show, over 70 percent of peasants own less than one hectare of cultivable land (NPS 1998 as cited in CSRC 2003: 6). According to Nepal Human Development Report 1998 (NESAC 1998: 117-118), “the bottom 40 percent households operate only 9 percent of the total agricultural land area, while the top 6 percent occupy more than 33 percent.” The latest population census of 2001 reports 24.4% households as being landless. And “the main reason for landlessness is the unequal distribution of land and the policies of alienating the cultivators from the land they have been cultivating” (CSRC 2003:8). Since a small segment of the population controls most of the land resources and the opportunities rendered by land, a striking majority, who does not have other means of livelihood, is left to languish in want.

A progress report prepared by HMG/N and UN in 2002 on the achievement of the MDGs (Millennium Development Goals) states that not only do a large proportion of Nepalese go to bed hungry, food security remains a consistent topic of deeply-worrying daily discussions among many households and communities. The percentage of the population below the minimum level of dietary energy consumption is 47 (HMG/N and UN 2002:11).

The other major problem facing the land-poor is the lack of state subsidy in pesticides, improved seeds, fertilizer and other agricultural inputs, the use of which would enable the low-income people to have good production even in a small piece of land. But this has not been possible.

Failing to carry out necessary agrarian reform, which would pave way to re-distribution and proper management of land, and providing subsidies in pesticides, improved seeds and fertilizer, the government of Nepal has contributed to the violation of the right to a decent living.

c. Violation of the right to physical and mental health: Health is the wealth of a nation. This wealth is at stake in our country lacking proper health guidance and services. Good hospitals have been privatised and centralised in Kathmandu. They are accessible only to a rich minority. Government hospitals, where available, are slow and often suffer from a shortage of doctors and basic equipment, particularly in rural areas. Consequently, thousands die each year of basic preventable diseases. A striking majority of women do not have access to health attendants during childbirth. They run the risk of being killed, as do the newborns.

The crucial point is that people in rural parts of the country are unaware of the need of health and sanitation issues. And, it is the obligation of the State to ensure that people are aware of basic health issues and that they have access to basic health services. All this has resulted in the following: under five mortality rate per thousand live births is 91, maternal mortality ratio per 100,000 live births is 539, HIV/AIDS prevalence rate among adults of 15-49 years of age group is 0.29 (HMG/N and UN 2002: 23-31).

The increasing level of pollution and the mismanagement of sewage in Kathmandu pose a severe risk to environmental hygiene. It has implications for physical as well as mental health.

d. Violation of the right to education: The fact that 53.7% Nepalese people are illiterate (CBS 2001) and nearly 1 million children of 6-10 age group are not enrolled in primary education (NESAC 1998: 78) explain the intensity of the violation of the right to education. We thus see that the State has failed to implement primary education freely and compulsorily, and to develop mechanisms to ensure quality education. Although said to be free (primary education), there are fees imposed on various titles and heading which general people cannot pay. Production of trained teachers is a precondition of quality education. But, as the following data show, we face a severe shortage of trained teachers: 48.20% primary teachers, 59.53% lower secondary teachers and 43.52% secondary teachers are untrained (CBS 2002).

The current spate of the privatisation of education poses a serious threat to the future of the nation as those belonging to certain sectors can have access to good education while others, belonging to low-income families, will be left far behind. Those poorly educated cannot compete with those educated in expensive private institutions hence will be deprived of access to better employment and policy-making options, which absorb the so-called talented. The current education system is thus producing unequal citizens, which is a gross violation of the principle of equality and non-discrimination.

Besides, the lack of schools in accessible places and the delay in the supply of textbooks keep many school-going children deprived of educational opportunities in rural areas. Various studies confirm that thousands of school-age children continue to toil in inhuman labour conditions at the cost of their schooling. We can imagine what their future will be.

The other obligation on the State is that it provide for scholarship opportunities for the needy. While there could be some options in place, they are not widely known and available. It is rather blamed that those who have access to power and privileged positions fill such quotas. Given the non-transparent nature of functioning of the government, it cannot be denied that the blame just stands as 'blame'.

e. Violation of cultural rights: While the Constitution of the Kingdom of Nepal 1990 guarantees fundamental rights of the people and directs the State to create conditions for the realisation of them, it itself violates the cultural rights of the Nepalese people by giving Hindu religion (and cultural manifestation of this religion) a status of State religion. People having faith in other religions are thus given a lower status. The prevailing caste outlook divides people not only as superior and inferior but also as the 'untouchable'. This outlook is against the principle of equality, one of the key human rights principles, and has an implication for socio-economic opportunities. Dalit people suffer physical and social exclusion and are denied their rights to dignified life, to basic livelihoods, to contest and vote freely in elections, and to practice their own

religion and culture (Oxfam 2000). Lawoti (2000) claims that there are glaring disparities in leadership positions in several areas of governance such as the judiciary, executive, legislature, public administration, and politics, as well as in the industrial and commercial sectors and education, largely attributable to the caste outlook. That Brahmin and Chhettries, the high caste groups, combined make up 29 per cent of the total population, but control 77 per cent of the bureaucracy, army and police positions, 67 per cent of state and constitutional bodies, and 63 per cent of current legislature (ESP 2001:13; 184-185) confirms Lawoti's observation.

This biased and unequal representation in policy-making affects badly those who are not represented or under-represented.

Concluding Points

Human rights are global concerns. Promotion and protection of human rights of all members of the human family, as the Universal Declaration of Human Rights (UDHR) has envisioned, is a common responsibility of all States, particularly those aligned to the United Nations structures.

Our State is required to enact specific laws and develop policies to protect and promote ESC rights. It should invest in creating such socio-economic conditions that enable all the people of Nepal to entertain their rights. To do so it can seek support from rich States. As members of a global system that governs human rights, all the States in the world are equally responsible to make sure that no one in the world is deprived of their rights. Any one deprived of any rights anywhere is the one denied of human dignity, the very foundation of freedom, justice and peace in the world (Preamble 1 of UDHR).

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Project Work: Women's Perspective

Indu Bhushan Gautam¹

In this article, we are going to discuss what women think about the “OUTCOME of the development project” and what they value, if they have been involved right from the beginning of the project. During our assessment process we heard some heartening success stories coming from the women. If we had done a traditional style of project evaluation (socio-economic survey, comparison between project areas and control areas) we could have missed this valuable information, because we are using project developed indicators to measure the success of the project. During the evaluation process we did not use the project developed indicators-once we had finished the information collection stage then we looked at our indicators to measure the success.

We evaluated the Community Health Development Project (CHDP)²-a poverty focused community health development project in which we used participatory rural appraisal (PRA) and anthropological research methods. This evaluation emphasized the outcome as well as the outputs.



Evaluator and Participants

The participatory methods of evaluation also embraced the best practices in the communities.

The Community people and evaluators³, RRN and University of Calgary⁴ team conducted the project evaluation by participatory methods and shared the information and analysed the impact of the project. In the participatory applications of evaluation, many tools are used such as Focus Group Discussion (FGD) (women /men and both sex group), case study, time line, resource map, histogram, livelihood analysis etc. HMG Women Development Officer of Surkhet facilitated the Women FGD and case study, and RRN staff documented the respective programme without giving their own judgments. In the process of participatory evaluation applications major topics like: skills of women, change in alternative occupation, social and cultural change, change in women in decision making level, some cases of leadership success, major achievements of women groups on CHDP perspectives, helping and hindering factors for the government which provided health services have been discussed to know the project’s impact on women. The following topic will be discussed about the project’s impact on the women’s life and their perspective.

Skills of Women: The Women’s group was satisfied about the project works for their skills and knowledge development. They highlighted the following points:

- ◆ Agro- based activities were addressed as their main occupation. However, kitchen gardening was regarded as an alternative skill. Women stated that the project has been encouraging and gave enough knowledge and skills on kitchen gardening and agro-based activities honey, ginger, dairy production.

¹ The author of this article has worked as Project Director and would like to thank Mr. Rup Lal Aidi RRN District Coordinator of Surkhet and Intern Miss Arpana Karki, RRN Centre Office for their valuable contribution while preparing this article. The author welcomes any comments, clarifications and suggestions.

² Community Health Development Project was funded by the Canadian International Development Agency and jointly executed by the Rural Reconstruction Nepal and University of Calgary Canada in 1998 - 2003. “CHDP has started in 1996 but there was no significant progress, since RRN came (in 1998) progress also came” the community people told the evaluators during our evaluation.

³ Evaluators of the CHDP were DDC Chairman/LDO of Surkhet and HMGN Regional Officer (Health, Training) and HMGN District Officers Education, Health, Women Development, Agriculture, Livestock, Cooperative, Water Supply, Irrigation and Surkhet based NGO-SAC, Participatory Evaluation full report is available upon request: Email: indugautam@rrn.org.np

⁴ University of Calgary was the implementation partner of RRN.

- ◆ They had the skills to prepare straw mats, straw cushions and baskets out of paddy straws, maize cover skin and grasses as well as skills of knitting, weaving, tailoring or sewing.
- ◆ Handloom clothes, woollen and traditional carpet making skills.
- ◆ Selling of home made liquor, running of teashop and small business - after the literacy classes supported by the project women have developed their calculation skills.
- ◆ Women collect the leaf to make disposal leafy plate (*Tapari* and *Duna*). They also make bamboo mats and leaves called '*Ghum or Seu*' which is an alternative to the umbrella especially for the rainy season.
- ◆ Women are not feeling shy to sell thing at market and they said that "we have overcome our shyness and have even learned to calculate ourselves".
- ◆ Overall they have gained self esteem and self-confidence

Social and Cultural Change: Through discussion it was found that for a proper functioning of a group social cooperation and coordination are very essential. According to them, before the project intervention there was caste/ gender discrimination but now things have changed. People have mutual respect and have learned about the importance of working with one another for the proper functioning of community activities.

Before the project the knowledge was limited to individuals, but after the project, community people know each other and are sharing their knowledge and skills.

Change in Alternative Occupation:

Traditionally women are working as cheap labour for agriculture and they don't have skills in handling other alternative occupations. Women stated that they got support from the project and they enhanced their knowledge and skills which resulted in:

- ◆ Increased *Pewa* amount (personal saving amount)
- ◆ Increased goat rearing and poultry activities and earning extra.
- ◆ Growing seasonal and off seasonal vegetable for their own consumption and selling surplus
- ◆ Some women's group learning from the project how to grow vegetables commercially.
- ◆ Women started cooperatives in the community through which they have been able to solve the immediate and emergency financial needs. Before they were dependent on the local moneylenders who used to give loans at high interest rates and so the people were always in debt.
- ◆ Women are more vocal and able to advocate their needs - they gave an example that women's groups went to the HMGN Irrigation office and water supply office and demanded irrigation schemes. Government district level line agencies gave some commitment to implement their projects.

- ◆ Upper caste used to spray holy water in case they were touched by untouchable/lower caste people, but this is no longer the practice.
- ◆ People used to stay/sit away from *Dalits*⁵ but now they sit together at the same table.
- ◆ People of all castes attend the funeral/death ceremony of anyone of the community.
- ◆ There is no restriction for *Dalits* in entering the superior caste people's houses, from which they were banned in the past.

Change in Women's Decision Making

Level: The women expressed that they have been performing community roles too along with reproductive and productive works. The women are given more opportunities than before and they are also trying to fulfil their given responsibilities. (The women shareholder members outnumbered the cooperatives established in the project VDCs.)

- ◆ Lower caste (Dalit) and women were not given management responsibility in any community level positions but now they are serving as a Chairman of big cooperatives.
- ◆ There are women representatives in almost all the user committees.
- ◆ Women are serving as executive members of the users committees, forestry, and school management committees.
- ◆ Previously, their husbands did not support their wives but now they encourage their wives to attend meetings and public functions. Now,

⁵ All occupational caste groups are known as *Dalits*.

they have their own recognition or identity and they do not need to be called by their husband's name.

Some Cases of leadership Success: The main purpose of the participatory evaluation was to identify the required behaviour changes to achieve long-term goals, not the assessment of individual women's personalities. For the project itself it is difficult to quantify the long term targets, but we can assess some of the behavioural factors which contribute to the outcomes, and decide what else needs to be done to get better results. In this regard, the evaluators drew up some successive case studies focusing on their behavioural aspects especially their leadership capacities. They are outlined as follows:

Mrs. Kaushila Thapa, Salkot VDC, ward # 7: Kaushila had no confidence that she could fulfil the duty as a chair person of the users committee. She was afraid of failure and refused to work as the chairperson of a committee. The skills she learned from the project she assessed herself, and after further requests from the committee members (both male/female) she agreed to be the Chairperson of the Construction Committee. She performed her duties well, precisely on time and with quality. So everyone learned a lesson that if works are done under the leadership of a woman, it is effective and work tends to finish on time. Since then the community also learned that women can do as well as men.

She highlighted one story that when her husband wanted to sell her buffalo which was given by her father as a gift she strongly opposed and denied. Her husband couldn't sell the buffalo; she stopped him making decisions on her behalf. She feels quite confident in making her own decisions. She said that working in project activities, she has been able to develop herself. About the managing of the project she said that *"Our record keeping system in the co-operatives and Users Committees are very clear and transparent. We decide within the group, during meetings and nobody blames each other. All programmes were completed with full public participation and were completed timely- we learn these skills from CHDP"*

Gauri Majhi, Salkot VDC, ward#8: Gauri took a leadership role in Sundar Janajagan School's latrine building project which was successfully completed. She served as a Chairperson for that users committee. As a result of her leadership success she is serving as the Chairperson of the School Management committee. She said, " I led the community for the projects works and I have been trained by the projects so they offered me for the chairperson of the school committee then I accepted it."

Ratna Devi Shahi, Gadhi, and ward #4: Ratna is the Chairperson of Gadhi Saving and Cooperative Office Building Construction Users Committee, she was able to complete the construction of the cooperative. The shareholders of the cooperative elected her as a chairperson.

Community people are prepared to take over the responsibilities of CHDP through their co-operation and have formed sub-committees accordingly to divide the work responsibility. They are committed to sustain the project on their own.

"We have established the co-operative ourselves. We have started financial transactions from the individual savings. Each shareholder member is responsible to upgrade the performance of the co-operative. As the members have their fund in the co-operative, they have ownership of the co-operative. CHDP has built up the capacity of each individual member through training and workshops and meetings held during the project period. The co-operative now has a lot of trained manpower. Therefore, we are very hopeful and committed for the sustainability of this co-operative institution"

Laxmi Chapain and Gauri Maji Salkot, cooperative women members collected Rs.1500 by playing *Deushi and Bhailo* (in Tihar/ Deepawali) and have helped to increase the fund. The women have decided to give free treatment to the poorest of the poor at least one person in a month, using the emergency fund in the co-operative and emergency loan for health which are provided to women with less interest rate.

Major Achievements of CHDP in Women's Perspectives: Women were actively involved in every stage of the project cycle. Women and Dalits were given priority, to encourage them, to make them active plus to awaken them in the work of development.

Women reported that now women can read, write and can do their signature when required, no more need of thumbprints. They have better knowledge on nutrition, food handling, household sanitation, garbage management, kitchen gardening, and they know the importance of fresh vegetables for their daily requirements. They have started to use improved cook stoves (smokeless stoves). Knowledge on health care and cleanliness has increased tremendously. They keep their environment clean. There is use of garbage pits and domestic household (HH) latrines. HH latrines were made with the support of the project and later by the government organisations. They get clean water from the tap, constructed with the support of the project, throughout the year. Rainwater collection tank technology has been found very appropriate to meet the demand of the high hills poor people. Women have realised that the significant water fetching time has been reduced and they are using that saved time for caring for children and for other entrepreneurial purposes.

Health: Pregnant women go to trained Traditional Birth Attendants and these TBAs are referring their cases to the health institutions for regular check ups. They call paramedics, TBAs or go to health centres or even hospital in Birendranagar during the delivery period when it is possible. They eat a lot of fresh vegetables, and they buy a child delivery kit box a month prior to their delivery. Children are immunised timely. Women reported that only one or two maternal deaths a year are observed which is a significant reduction on the 10 to 15 deaths a year experienced in the past. Similarly one or two children died in one year, which is a significant reduction from 10 child deaths a year. Women remember some of the heartbreaking cases "Before the project, community people had believed in superstitions and adopted very bad practices such as during the delivery period, nobody touched the delivering woman except only one female person. They told us if anybody touches or sees a delivering mother, the child dies or the mother suffers from excessive bleeding. They never went to hospital. If the child or placenta did not come out, they used to use open dirty hand and hard string hung

(2 KG weight iron spade). In case of twins during the delivery, the mother used to be separated from the twins believing that the mother would die at any time. They used to feed turmeric powder soup to control bleeding. The mother was not allowed to eat fruits, ghee (butter), meat, fishes, green vegetable and salt due to the fear of diarrhoea and cold problem." "From the training given by the CHDP we realised that were practicing some groundless beliefs and suffering or killing ourselves. We learnt from the project that we have to check-up our pregnancy regularly and during and after the delivery " the whole women group said. Other successful health related activities highlighted by the groups include:

- ♦ TBA's, Female Community Health Volunteer (FCHVs) and traditional healers referring people to go to regular check-ups in health, and the numbers of family planning contraceptive users has increased.
- ♦ Many women are aware of the family planning concept. Whatever they have learned is with the help of the project.
- ♦ Dila B.K. recalls, "My child was suffering from diarrhoea and was wanting to drink water but my mother and mother-in-law did not allow to do so. But in their absence I gave my child *Jeevan Jal* and plenty of boiled water and my child recovered quickly, I had learned this at the TBA training conducted by CHDP. I told this case to my mother in law and now she is also practicing.
- ♦ The project has supported the establishment of the Community Drug Programme, and community people are getting medicine from the Community Drug Programme (CDP).
- ♦ Their Out Reach Clinics (*Gaun Ghar Clinic*) were not functioning before, but after the project the community has restructured their ORC Management Committee and trained them so now it is functioning well. Most of the female members are very active managing these clinics because these clinics are very useful for women.
- ♦ They had an opportunity to learn from other projects while they were in exposure visits. Women feel proud when they found that they are doing far better than other projects did.
- ♦ Women realised that their social networks are further strengthened by the project activities. In the community, there are various social, cultural and economic social networks such as landowner and tenant relationship, priest

and client relationship, Katuwal and client, Bista system, parents groups, *Parma and Pareli* system (exchange of labourers) and mothers groups, which are eventually strengthened.

- ◆ It is seen that women have been saving more than the men and women have control over their savings. It has been easier for them to save in the village cooperative. They feel more secure because of having some money for emergency needs.

Helping and hindering factors: Project area women were able to tell their feelings towards the government health system. They have been able to categorise what are the helping factors and hindering factors. Evaluators realised that their comments are genuine and valid.

Hindering factors for health services use:

- ◆ **Lack of privacy in the health institutions:** Due to lack of women health workers in the health centre pregnant women cannot spell out their problem easily to male workers. In some health institutions there isn't a place where a young mother can breastfeed their baby (though it is open in the Nepalese society usually in public areas, but some young mothers are shy to do that.)
- ◆ **Lack of staff in Health Institutions:** a lack of experienced health manpower on women's health is also found to be a hindering factor.

Helping factors for health

services use: Besides above mentioned factors it has been easier to get better health services because of the following factors:

- ◆ The drugs are available throughout the year at Health Institutions and at private dispensaries at reasonable cost (cheaper price due to the regulation from Community Drug Programme) and good quality.
- ◆ In some health institutions there is provision of a separate room to check women related diseases.
- ◆ Increased public awareness to go to health institution for regular check ups.
- ◆ Health education and awareness has increased, even mother in laws are aware to

send their daughter in laws for regular check ups. If daughter in laws want to go to the health institutions they don't need to get special permission from their mother in laws, previously they had to get permission. Illiterate and unaware mother in laws were calling faith healers instead of sending their daughter in laws to the health institutions.

- ◆ Because of the CHDP intervention health institution paramedics are more trained and skilled than before. Their behaviour is also very friendly. Due to the availability of drugs in the health institutions, equipment and infrastructure and motivation by the project, the health institutions paramedics' absenteeism is reducing.

It was discussed in the workshop about the women and Dalits' participation in planning, implementation and management of project activities. The degree of women's and Dalits' participation and especially quality of participation (more in decision making level, participation of non project activities and other community role) are gradually changing over time even after the project phased out. Women are able to express the helping and hindering factors of getting any types services from the government institutions. They know their roles in a society and are aware



DDC Chairman/ LDO Presenting Participatory Project Evaluation Findings and Report

about the social discrimination and the social obstacles. They are satisfied with the project and their efforts to overcome these barriers. It has been found that there are strong ties connecting women in the communities and some linkages with district level line agencies. The Evaluators also realised that now they are aware about women's demands.

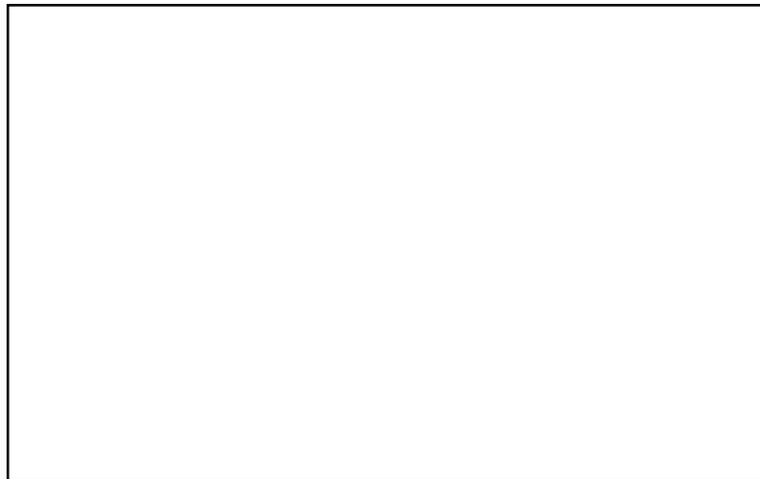
Nirmala Chaudhary¹ Revisited: Story of the “Freed” Children of Liberated Kamaiyas

Prakash Kafle

“I remembered the day, when the males of my master’s family crowded around the radio to listen the government’s decision to abolish the Kamaiya system. The next day I asked our teacher about the government’s decision, he conveyed that the kamaiyas were declared liberated”. Shared Nirmala- a daughter of a liberated Kamaiya- the day when she heard about the Kamaiyas’ liberation. After years of agitation by the civil society groups (including NGOs and human rights organisations), political parties and the Kamaiyas themselves, the government was forced to

districts and in the capital city of Kathmandu. The real taste of “liberation” manifested into the expulsion of Kamaiyas by their landlords amidst the monsoon. The landlords were unhappy with the government’s decision of declaring the Kamaiyas’ debt null and void. Mr. Dhan Bahadur Air, District Coordinator of Rural Reconstruction Nepal-RRN, who was also the member secretary of the “Support Committee for the Kamaiyas Movement” in Bardiya district, said that the government’s haste and unplanned decision of liberation threw Kamaiyas from the fire into the frying pan. This situation was worse in Kailali and Kanchanpur districts of far west than in Dang, Banke and Bardiya districts of mid west.

Three grown up members of Nirmala’s family were working at the landowner’s house at the time of liberation-her father as Kamaiya, mother as *Bukrahi* (helper of Kamaiya) and she as *Kamlahari* (domestic servant). Nirmala thought that the liberation could bring relief, happiness and freedom. She could go to the schools and markets, roam with her friends and visit her relatives as and when she desired. The next day villagers gathered under the *badghar* (elected village leader of Tharu village) and



Nirmla Chaudhary (extreme left) with her friends, Janatanagar Village, Bardiya

declare the emancipation of Kamaiyas and abolishment of the Kamaiya system of bonded labour in July 2000.

Agitating groups celebrated the decision with victory rallies, songs and dances in the dilapidated streets of the headquarters of five western terai

decided not to relieve any of the Kamaiyas the landowners hold. Said the father of Nirmala “the decision didn’t promise the land to us and moreover that was in the middle of monsoon”. We accepted the decision of the village gathering and conveyed the decision to Nirmala and her mother. They nodded their heads, added the beleaguered father. Nirmala’s house of dreams now collapsed, she continued to work with the

¹ Nirmala Chaudhary, 16 is a daughter of a former Kamaiya. She hails from Bhawara village of Rajapur delta, Bardiya, western Nepal. I have known her since 2000, when she was a participant of OSP I in the UNICEF/RRN Kamaiya OSP programme. She is currently enrolled in the OSP II in the ILO/IPEC/Declaration/RRN children’s education and empowerment programme (CEEP). In 2000, I conducted a focus group discussion (FGD) with the bonded children of Kamaiya including Nirmala in her own village (Please see CWA Newsletter, May-August 2000). This article therefore is a vivid reflection of the status of children before and after the declaration of freedom of Kamaiyas.

landowner family for another two years after the liberation. She recalled that she had to work around 14-16 hours a day, with the working day stretched up to 18 hours during planting and harvesting seasons. She was employed as collateral employee, a sort of forced labourer against the will of employee. Nirmala said that she was provided with three quintals of rice and a set of clothes for her hard work.

The government succumbed to the pressure of the agitating groups and had decided to provide up to five kaththas² of land to the liberated landless Kamaiyas. The rest of the months in 2000 and 2001 passed collecting Kamaiyas information and searching the unregistered government land to resettle the newly liberated Kamaiyas. The annual contract day (the first of Magh month, usually falls in the second week of January) was approaching. The liberated Kamaiyas had no option but to choose either temporary relief camps or to venture with an agreement to work with the landowners. Nirmala's family chose the latter. This left the young Nirmala disappointed, her dream was shattered again. She conveyed that she was not interested to work as domestic servant. She liked to go to school as she has just completed the basic children's out of school programme (OSP I). Unfortunately, the landowner didn't allow her to go school; she was again confined to the four-walls of the house. Though later the government programme brought colour, Nirmala's family obtained around five kaththas of unirrigated land in the eastern part of district. "The land provided to us wasn't sufficient to feed the seven members of my family," said her father adding, "There was no other work opportunities available around the resettled village, which forced me to work with the same landlord even after the abolishment of the system". The entitled land was left barren for about two years with his relatives looking after the land.

In January 2003, Nirmala's family terminated their contract with the landowner and decided to come to the resettled area. In the first week of

February 2003, they hired a tractor and brought all their belongings to the new "liberated village". Nirmala formally bade farewell to her lovely village. "I often remembered my village and friends, many were left behind and in this new village there are very few friends whom I know, and now I am "freed", I don't have to work in the house of landowner nor was I kept as collateral by my father to secure the landowner's land for sharecropping."

In the meantime, she learnt to ride a bicycle. She said, "Now, I feel really freed as I can go everywhere". After arriving at the new village, she joined the advanced non-formal class (OSP II) being run by Rural Reconstruction Nepal-RRN, a national NGO. "The programme aims at providing primary education to the children of liberated category A and B kamaiyas³ for two years with the financial and technical support from ILO/IPC/Declaration" informed Ratna Karki, the regional programme coordinator based at Nepalgunj, mid west Nepal.

After arriving at the new village, her working routine has also been changed. She has now more free time and leisure. She has no regular work except the class. She roams into markets, visits the neighbours and spends time with her family and fellow friends. She looks after vegetables and other crops, which are planted in the land provided by the government. "I feel delighted to work in the kitchen and in the farm as this is my own", conveyed Nirmala with her nose in the air. As the land is too small to feed the seven members of her family, Nirmala is planning to work as a wage labourer during planting and harvesting seasons. The grown-up children of her class are thinking to close down the school during summer so that they can go to other villages for agricultural wage labour. "The villages are far from here so we have to wake up early to catch the job," said a friend of Nirmala.

The difference between "now" and "then" is the realisation of freedom. Though in the banned

² Thirty kaththas is equal to one hectare of land.

³ The landless kamaiyas and kamaiyas residing in unregistered government land at the time of liberation were grouped into Category A and Category B respectively.

Kamaiya system, domestic servants like Nirmala were assured “full-stomach”, their specific requirements were ignored. The children were denied freedom, the basic fundamental right, besides their rights to education, affection, proper care and development. “The master and other members of the family scolded profusely and beat us severely even for minor mistakes,” recalled Nirmala. “We weren’t provided leave and weren’t allowed to go to the non-formal school during daytime. That’s why in my previous village we had arranged night classes, where 25 other domestic servants studied. Unlike past years, now we have arranged classes during the morning” concluded Nirmala.

The situation is not improved yet. Many girls are working as *kamlahari*, while young boys left the villages to work in the cities. Nirmala’s own younger sister is working as *kamlahari* in the city of Kohalpur. “We know about the abolishment of the Kamaiya system and that child labour is punishable under the laws, but it is our poverty that forces us to send the children to the house of others as domestic servants” said the parents of Nirmala in one voice. Generally children and specifically the girls are more vulnerable because they may be kept as collateral by their parents to secure the land for sharecropping. Nirmala regretted not going to formal schools. “My utmost desire is to continue my education beyond the primary level, but the present public schools aren’t suitable for us—they levy the fees and classes are conducted in the day-time” continued Nirmala “I would rather join such schools which are running during ‘off-time’ (morning or at the night)”.

Nirmala now understands that due to poverty, she was forced to work as a domestic servant. If poverty is not eradicated, children will be continuously affected because they are the cheapest labour available in the village. She is planning to capitalize the present situation and is trying to participate in skills development training.

Children Caught in the People's War in Nepal

Prem Kala Nembang

Nepal is known all over the world primarily for three things: *Mt. Everest*, the highest peak in the world, *Lumbini*, the birth place of Lord Buddha, and *Gurkha*, the homeland of brave Gurkha soldiers. Recently, it has earned an additional identity as a country wrought with internal conflict characterized by the on-going Maoist insurgency known as the People’s War. Consequently, there remains no more an image of Nepal as a peaceful land.

Following the start of the People’s War by the Communist Part of Nepal (Maoists) on 13 February 1996, internal armed conflict has become intense. It has resulted in the death of over 7000 people and destruction of millions worth of properties. Today, not a single day goes by without news of killings and destruction; not a day goes by without media commentary on rural people being displaced or migrating in fear of being caught in the crossfire between Maoist guerrillas and the State security personnel. There is no one, as an individual or a group, unaffected by this conflict today. But its effects are particularly perilous on children.¹

As of 19 September, INSEC Human Rights Yearbook Section has recorded the death of 230² children, 57 of them girls, in the Maoist related violence. As CWIN (2003) has reported, the Maoist insurgency and the government’s anti-insurgency drive has left 95 children seriously injured, 4000 homeless, 2000 orphaned and another 422 victims of other kinds. Some of these children reportedly stay with their relatives in urban areas; others are engaged in child labour including its worst forms. This is just a partial list of children who have been the victims of direct violence. Those who have been suffering indirect violence run into thousands as the insurgency intensifies nationwide and extends to urban centres. The regular flow of deadly news and television pictures of mutilated

¹ Those below the age of 18 have been referred to as *children* in this article, as per the UNCRC (United Nations Convention on the Rights of the Child, 1989) definition of children.

² In the period stated, the State was responsible for the killing of 151 children, 51 of them girls, and the Maoists were responsible for the killing of another 79, including 22 girls.

human bodies would leave a terrible impact on their fledgling minds.

Childhood is a crucial time. It is a formative stage that prepares every human person for their adulthood. But, childhood is very flexible, sensitive and magnetic. Environmental inputs received during childhood leave a lasting influence on children. Childhood is entitled to proper nurture, care and guidance. Parents and family are a primary source of guidance and influence on children. As they grow older they are more and more subjected to the influence of peers, schools and teachers, television and other forms of media. All these actors and institutions have a strong bearing on building a child into an adult member of the community in which they live. If they give proper guidance, children of the day would be decent adult members tomorrow. If, on the contrary, children are left to grow up amidst fear and violence, they will then grow up with a psyche of violence, aggressive and merciless.

The current situation of Nepalese children is thus dismal. Besides being killed and being witnesses to brutality and violence, the meaning of which they may not fully understand, hundreds of children have been allegedly abducted by the rebels to indulge them in War while more than 100 have been arrested and kept in detention accused of their support to the uprising (CWIN 2003:36).

The People's War has been responsible for the violation of children's right to life, survival, protection and their rights against torture, to name a few of the fundamental rights enshrined in the United Nations Convention on the Rights of the Child. The atmosphere of fear the War has created has violated children's right to a sound, peaceful and healthy environment. In Maoist affected rural districts, children are forced to give up their schooling because of insecurity and intimidation. It is not only that children run the risk of being killed in crossfire; they also run the risk of being abducted by Maoists.

Involving children in armed conflicts, at the age that demands love, care and education, is a mischievous act. It stands against the spirit of civilization and sows the seeds of criminal and violent psychology into the tender minds of children. Children who become combatants before

they gain emotional maturity suffer a devastating psychological damage.

Children affected by conflict must be able to complete their education and have the chance to gain skills they need to have future employment options. Parents, guardians, elders, community people and social, cultural and political institutions have a duty towards children. They all are responsible for creating an environment and infrastructure that give children love, care and protection. They are responsible for ensuring that children have time to enjoy, play, learn and, thus, grow happily.

For all this to happen, children need peace. It is only in times of peace that children will be able to entertain their rights in a practical sense. It is therefore urgent that the culture of peace, not that of war, is developed in Nepal. Such a culture can be developed through the children of the day -- investing in their quality education and health services, and supplying them with healthy and creative information. Since family is a key institution that influences the development of children, there should be serious efforts from all concerned to make family socially secure and economically sustainable. Family happiness is a precondition for peace.

We are in a difficult time of our history. The future of our children, which in fact is the future of our nation, is under threat. Nothing will be more dreadful than our failure today to give our children an enabling environment where they freely grow up and broaden their visions and perspectives in the light of healthy experiences. If we fail, we will have a future of failed children.

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