Using Rights-Based Approaches to Mobilize for Social Justice

The Action Aid Nepal RELECT Process

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LIST OF ABBREVIATIONS USED:

AA: Action Aid
AAN: Action Aid Nepal
CBOs: Community-based organizations
CEDAW: Convention on the Elimination of all Forms of Discrimination Against Women
CIRAC: International REFLECT Circle
CRC: Convention on the Rights of the Child
CSOs: Civil society organizations
DDCs: District Development Committees
DJKYC: Dalit Jana Kalyan Yuba Club
DSSS: Dalit Samaj Sewa Sangh
HRBAP: Human Rights-Based Approach to Programming
ICERD: International Convention on the Elimination of all Forms of Racial Discrimination
IEU: Information and Education Unit
INGOs: International non-governmental organizations
MDGs: Millennium Development Goals
NDC: National Dalits Commission
NFE: Non-formal education
NGOs: Non-governmental organizations
NHRC: National Human Rights Commission
NPC: National Planning Commission
OHCHR: Office of the United Nations High Commissioner for Human Rights
REFLECT: Regenerated Frerian Literacy through Empowerment Community Technique
SCDF: Saraswati Community Development Forum
SKVDA: Shiva Kedar Village Development Association
ToFs: Training of local facilitators
ToTs: Training of trainers
UNDP: United Nations Development Programme
VDCs: Village Development Committees
VPGs: Village People’s Government
1. Background and Rationale: The Status of Human Rights in Nepal

**Country and Programme Context:** The land-locked Kingdom of Nepal was one of the first countries to produce a Millennium Development Goals (MDG) country report in 2002. In the field of health and education, Nepal had made significant progress during the 1990’s with primary school enrolment rates rising from 64% to 80% and infant mortality rates declining from 165 to 64 per 1000 births. However, a recent study by the National Planning Commission (NPC) and the United Nations Development Programme (UNDP) concluded that unless the country receives additional foreign assistance, the MDGs will be hard to achieve by 2015. At present, the country receives half of its development budget from donor funds. As well as targeting foreign direct investment more towards the attainment of the Goals, there is also a need to consider the possibility of debt relief to release funds for development.

**Policy and Legal Framework:** The reason for this declining rate of progress can be attributed to the political turmoil that the country has witnessed in the last one and a half decades. Following the restoration of democracy in 1990, power became centralized in the Kathmandu Valley with governance responsibility jointly shared between the Monarchy and the Parliament. This gave rise to a liberal middle class, which benefited from globalization. Often hailing from the upper castes, this middle class was the segment most represented in both the political and economic structures of the country. However, rural communities and people belonging to the lower castes continued to suffer a mixture of injustices, of which overriding poverty has been the one consistent factor.

With a succession of democratically elected Governments dismissed through the 1990’s, a heavy toll continued to be borne by the country – politically, economically and socially - and these have been reflected in its very low development indicators and progress towards such.

The political instability has been further compounded from the mid-1990s with the growth of the movement called the People’s War of the Maoists – this movement was growing in strength largely due to the political insecurity and the growing inequities amongst the people. Originating in the villages and rural, remote areas of the country, the movement has grown in strength mainly due to the large support base it enjoys amongst the working “blue-collar” class of people and particularly amongst the often educated but unemployed youth and Dalits (a group belonging to the lowest strata of the Hindu caste system).

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4 Ibid. Refer to footnote No. 3.
5 http://southasia.oneworld.net/guides/nepal/conflict
6 The country is currently ranked at a very low UN Human Development Indicator Index of 140 out of 177 countries. Source: http://hdr.undp.org/statistics/data/cty/cty_f_NPL.html
At present, the growing strength of the movement - the Maoists have currently taken over authority of the Government-constituted Village Development Committees (VDCs) and the District Development Committees (DDCs) in large pockets of the country and have substituted this set-up with their own local governance structures called the ‘Village People’s Government’ (VPGs); these VPGs are today the dominant structures of local power that exist in Nepalese villages and rural interior areas - and the resultant backlash by the security forces to curb their activities has intensified the conflict situation in the country to such an extent that the Monarchy dissolved the Parliament in February 2005 and has since taken over control of the Government.

Amidst this political turmoil, human rights violations have became rampant during police operations (named Kilo Sera II) launched in May 1998 in the western and central regions of the country and abuses have been perpetrated by both sides – the Maoists and the Army (that owes its allegiance to the Monarchy) since that time.

Against this backdrop, while Nepal has ‘acceded’ to several international human rights instruments, its ratification and/or implementation in this regard has been weak. Those few treaties and conventions that have been ratified include the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). The country has however only signed but not ratified the CEDAW Optional Protocol or the two Optional Protocols on Children.

**Human Rights and the Role of Civil Society:** In the current backdrop of a “three-pronged” power struggle between the Monarchy, the Maoists and the Parliament, the socio-economic struggles that the poor, excluded and marginalized sections of the populace faces have further intensified. As in all conflict situations, it has been the women and children belonging to the “lowest” strata of the Hindu caste system – the Dalits, the Kamaiyas, the Chamars, the Mohis or the Haliyas (all groups belonging to this “lowest” strata) – that have often suffered the most due to such inequities in the system. This situation has been further exacerbated by the State mechanism that has become unable to deliver socially inclusive policies and programs in the desired manner. Though the Nepal Constitution, through various articles - (Article 14(4)) prohibits caste-based discrimination and Article 20 prohibits serfdom – and the legal system, through various laws - like the Civil Liberties Act of 1954, the Civil Code (Section 10A that prohibits some forms of discrimination against the Dalits, but excludes places of religious practice from the scope of the Act) and the Kamaiya Bill (passed by the House of Representatives) - have tried to tackle caste-based discrimination, such prejudices persists. To raise awareness against racial discrimination, the National Human Rights Commission (NHRC), established in 2000, undertakes a project entitled “An Integration of Dalit Rights Promotion Project”; currently, the Commission is however preoccupied with tackling complaints of violations bought to its notice due to the prevailing conflict situation. A related Commission that is supposed to work dedicatedly on Dalit issues - the National Dalits Commission (NDC) - has not yet been given a legal mandate that can empower it to

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7 Ibid. Refer to footnote No 3.
work on behalf of this particular section of the population. Other bills like the “Bill to Uplift and Protect Dalits” that was introduced in 2001 are yet to come into force.8

Thus, poverty, illiteracy, the hierarchical caste system, ongoing political turmoil and lack of implementation of the existing legislations and lack of adherence for the constitutional provisions have also led to a situation where such groups have faced immense discrimination in all spheres – from social exclusion to being denied entry to high-caste Hindu temples to being ostracized for marrying above their castes.9 People belonging to these groups are often found living in isolated neighborhoods and forced to perform menial tasks (such as removing dead animals or cleaning human excreta) and are often chastised if they refuse to do so.10 All such acts of discrimination and exclusion are in direct contravention to internationally agreed upon human rights principles and the provisions of the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD).

Against this setting, the Maoists have cajoled some of these groups, like the Dalits, into joining their militia and mobilized them effectively to generate violent conflicts.11 This has perpetrated further violence against the Dalits by the Government armed forces.

While policy and legal frameworks, as highlighted above, have not been able to protect Dalits from discrimination, it has been observed that civil society in Nepal is quite active in helping such marginalized groups realize various rights. Nepal’s civil society - reflected in the large number of non-governmental organizations (NGOs) and international non-governmental organizations (INGOs) that exist in the country – have been performing an array of services in this regard, ranging from traditional service delivery roles to building capacities for social activism to claim social justice.12 At present, however, the role of Nepali civil society has become marginalized due to the political situation – on one hand, civil society functions are hampered due to many parts of the country becoming inaccessible as a result of the Maoist conflict; on the other hand, the current assumption of all power by the Monarchy has led to a situation where civil society group activities are being seriously curtailed. For instance, despite a plethora of vibrant electronic, print, and broadcast media, journalists trying to report human right abuses have been victims of both Government as well as Maoist sides. Such denial of democratic rights and frequent bans on political assembly further exclude the civil society in particular and the Nepali people in general from participating in governance processes.

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Against such challenges that have particularly intensified in the last one decade, a process of empowerment initiated by an INGO from 1996 onwards - Action Aid Nepal (AAN) - via a model called REFLECT (Regenerated Friarian Literacy through Empowerment Community Technique) stands out as a rights-based model due to its focus on building capacities of one vulnerable and marginalized group – the Dalits - across parts of the country to mobilize to access social justice and to lead a life free from discrimination, which is a basic human right. This approach is carried out in partnership with AAN local partners and has been used, with modifications, by other NGOs and social movements countrywide. The following sections will document this process and the outcomes and lessons learned in some details.


Case Study/Project Context - The REFLECT Process Worldwide: Over the past decade, in collaboration with hundreds of organizations around the world, Action Aid (AA) has developed an innovative approach to learning, communication, empowerment and social change called REFLECT. This process, very much in line with a rights-based approach to development, aims to build capacities to improve the meaningful participation of people in decisions that affect their lives, by strengthening their ability to communicate. The approach has shown large impacts and has even been used, with modifications, in northern countries. It encourages the active involvement of learners, built on their existing knowledge and respected oral traditions and other types of ‘literacy.’ REFLECT focuses on knowledge building rather than attaining literacy; (active) writing rather than (passive) reading; uses learner-generated materials (derived from the communities themselves) rather than prepackaged texts; mainstreams acknowledged gender concerns; and, aims to be responsive and relevant to the local contexts and needs.13

Working with partner organizations in El Salvador, Uganda and Bangladesh, AA developed REFLECT between 1993 and 1995 through a process of action research in 100 villages in these three countries. Nearly 2,000 people participated in literacy circles, each composed of between 10 and 30 learners. The most innovative aspects of these circles are that they did not use textbooks and primers. Instead, with support from trained local facilitators, participants produced their own learning materials by analyzing their communities and circumstances. Using locally available materials such as sticks, stones, seeds or beans, participants constructed maps and calendars of their villages, including maps of households, land use or land tenancy, calendars of agricultural work, gender workloads and income; matrices to analyze health practices, credit sources or household decisions; and diagrams of the relationships between groups in the community. As these graphics were developed, the participants used simple pictures to label them and transfer them from the ground to a large piece of paper – a first step towards literacy. The facilitators then assisted them to introduce words in places where their spatial location helped to reinforce recognition. Over

time, a wider range of literacy and innumeracy activities were built on the basis of the graphics. The development of the graphics led to intense group dialogues about the issues they raised, and gradually to deeper analysis of individual and community problems and possible solutions.\textsuperscript{14}

The approach proved very powerful, not only as a means of building literacy skills, but as a way to encourage local analysis of problems and local ownership of solutions. Currently, the REFLECT process is being used by more than 350 organizations in 60 countries, including by local, national and international NGOs, social movements, peoples’ organizations, and district and regional Governments. In 2000, with support from AA, REFLECT practitioners established the International REFLECT Circle (CIRAC) to communicate, exchange, learn and build a wider movement.\textsuperscript{15}

Though initially conceived as an adult literacy and empowerment model, the movement has grown and expanded to respond to varying contexts.\textsuperscript{16} Thus, the REFLECT process that has been used by AA in other countries like India, Pakistan, Uganda, Nigeria and South Africa have demonstrated varying goals and outcomes based on the ground realities the project operates in – for instance, the political system in a country, the nature and level of involvement of local agencies/NGOs in the process and the end goals that the process wants to achieve (see Box below).

\textit{Box 1: REFLECT in Operation –Diverse Ground Realities leads to Different Outcomes}

It is not only the country context but also the implementing organisation which impacts on the possibilities for a REFLECT process. This is both due to the aims and objectives of the organisation, its size and profile, and the type of organisation it is. For instance, Idasa in South Africa is a national NGO that has established good links with the Government. They have carried out research and have run trainings for elected members and Government officials, and thus have a high profile, and influence and access to key players in Government at all levels. This means that they can draw on a certain amount of support for their work with REFLECT - taking advantage of prior contacts, and linking the REFLECT work into their wider initiatives supporting strong and accountable Government. One key example of this is the work they undertake on budget analysis, which can be used to inform REFLECT circles.

In Nigeria, AA coordinates the REFLECT programme and works with a mixture of Government partners and locally based civil society organizations (CSOs). This impacts on both the framing of the REFLECT work (and is linked to the AA strategy of ‘Fighting Poverty Together’ using a rights-based framework) and the target of the work, focusing on the most poor and marginalized communities. AA has some links with the Nigerian Government at the national level, but the implementing organizations have differing connections at local and State level and this leads to different amounts/levels of support that REFLECT participants can expect. As part of

\textsuperscript{14} Ibid. Refer to footnote above.

\textsuperscript{15} Ibid.

\textsuperscript{16} Ibid.
an international organization, AA Nigeria (as is the case with AAN) have to question whether they can be considered part of civil society in Nigeria, or if they are external actors. This again impacts on the types of relationships they can expect with the Government.

In Nepal, REFLECT is used by a wide variety of people's and social movements. The social or people's movements have differing aims and objectives, and use the process to differing extents and therefore faces differing issues and challenges (these are highlighted in Section 5). However, in all cases, REFLECT is part of a larger process in which different groups of people unite with a common specific aim (for instance, to achieve land reforms, to realize rights for groups like the Dalits and so on). Many of these movements link local level work with national level movements for change. There is thus less of a project focus and a much more explicit overall goal that focuses on social empowerment and change in the Nepal REFLECT process than in many other REFLECT projects/processes.

Source: Education Action 18, Governance and Reflect, by Kate Newman, Information and Education Unit (IEU), Action Aid UK

REFLECT as initiated in the Saptari District in Nepal: As highlighted in Section 1, the inequitable social processes and corresponding weak policy and legal implementation have led to some sections of the Nepali populace – including the Dalits - becoming the most marginalized and disempowered. For instance, the Dalit community, though comprising nearly ¼ of the total population of the country, is and always has been marginalized by the status of ‘untouchability’ practiced against them. Though ‘untouchability” attacks the very roots of realization of human rights and has been declared a crime under the 1990 Constitution, the practice continues unabated, especially in the rural and interior parts of the country; the situation is further compounded by the very low rates of literacy and by their resultant lack of awareness of related Governmental polices and programmes.

AAN, through the REFLECT process and in collaboration with local partners (including both development-oriented NGOs and Dalits rights-focused NGOs like the Shiva Kedar Village Development Association (SKVDA), the Dalit Samaj Sewa Sangh (DSSS), the Dalit Jana Kalyan Yuba Club (DJKYC), and some others) have however been able to mobilize and help develop capacities of these groups and transform them from passive beneficiaries to active claim-holders and in the process, is enabling them to access and realize social justice. In the Saptari district in the eastern Terai region, for instance, the REFLECT process has been instrumental in capacitating the Dalits to enable them to confront the huge social, economical and political discrimination they face in everyday life. Such developing of capacities has led to a process of empowerment that has enabled this group to realize basic human rights - more importantly, the right to be free from discrimination in many spheres, the right to equal wages and the right to an education.

**Stakeholders Involved:** The REFLECT process has been initiated by AAN in collaboration with its local partners (local NGOs) and involves the local communities as claim-holders at every stage. This in keeping in tune with the overall AA mode of programming that does not directly implement sector-specific and separate projects any more but which now supports local people and partners to take responsibility for implementing their own developmental programmes and initiatives.18

**Objectives:** The process seeks to empower excluded, vulnerable and marginalized groups to organize and claim rights-based outcomes through the realization of various rights.

3. **Process:** This section documents the rights-based processes used under REFLECT in one district - the Saptari district – where the vast majority of Dalits work as landless agricultural workers, dependent on the high caste landlords for their survival. The higher castes also wield undue influence over every institution of power in society – including the police and local Government - leaving Dalits vulnerable to harassment and intimidation. As a result of such vulnerabilities, challenges to the caste system in Nepal – either individual or organized – have been rare and practically unheard of before.

**Box 2: Action Aid and the Rights-Based Approach**

AA believes that lasting solutions to poverty and injustice are rooted in helping people who are poor and marginalized to discover and secure their rights themselves. These include realization of the vital social, economic and cultural rights - such as to education, shelter, food, water, livelihoods, participation and health - as well as the fundamental civil and political rights. The realization of such rights can however occur by not only the efforts of the supporters of such marginalized and poor people to influence public policy in ways that they think will benefit the poor but also by helping develop the capacities of such people to participate in decision making - effective participation requires creating opportunities and capabilities for people who are poor, vulnerable and marginalized to analyze their own situations and find possible solutions, take decisions in their own ways, and build trusting relationships with those who support them.

AA’s human rights-based approach to programming (HRBAP) is therefore based on the following set of elements19:

* People are the center of a rights-based discourse. People are the ones who need to benefit from this approach;
* The State and civil society need to protect and promote the rights of people and in doing so, Governments must be totally accountable;
* This approach focuses on vulnerable groups. But, on the whole, the structure needs to be democratic without any room for discrimination against people by the State; and,

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* People, empowered and conscious of their rights, need to demand and assert their rights.

AA thus supports and enables people to better negotiate on their own behalf for their basic needs and basic rights by challenging the very notion that poor people cannot formulate or understand the causes of poverty and what needs to happen to bring about change in their lives. It believes that poor people need to be able to negotiate their own position and be given space and opportunity to do so at local and international levels. The REFLECT process that it introduces in countries worldwide is such a process – this process harnesses people’s own capabilities to produce outcomes that help them realize their own rights.  

Figure 1: The REFLECT cycle approach and outcomes visualized between 2000-2005 in Nepal

Challenging these well-entrenched power relationships had hitherto thus seemed unthinkable. Though the basic groundwork for an emerging movement of the Dalits was in place – an awareness of the systematic discrimination and the beginnings of a leadership core developed through political and development activities was gradually

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20 [http://www.actionaid.org.uk/517/the_rightsbased_approach.html](http://www.actionaid.org.uk/517/the_rightsbased_approach.html)
21 REFLECT in Nepal; PowerPoint presentation by Khemraj Upadhaya at the joint UNDP Nepal/OHCHR workshop held in Kathmandu in March 2005.
on the rise - the community, as a whole, lacked the forum to harness this collective power and develop an alternative vision for their future. Thus, AAN, in collaboration with a local partner – the Saraswati Community Development Forum (SCDF) - provided the critical capacity development support that helped the movement to emerge, grow, organize and finally, demand and claim rights.

The REFLECT process in Nepal, as highlighted in Box 1, was therefore conceived as a way of systematically and collectively mobilizing the Dalits for building a social movement. Thus, the REFLECT process became part of a sustained effort around an issue – in this case, linking local level action to national mobilization and raising the profile of the most marginalized groups in society so that the Government takes their situation and condition into account. As detailed in the article “Reflect – A forum for Dalits to organize for their rights in Nepal”, by Manvi Shrivastav and Keshav Gautam, the REFLECT process as initiated in the Saptari district consists of:

- Identification of the problem through a situational analysis – Focus on political literacy and social stratification: As a first step in the strategy of addressing the inequitable power relations, REFLECT promotes ‘political literacy’- a critical understanding of how power relations work - through a critical analysis of power structures in society. REFLECT empowers individuals by helping them develop a politically literate attitude and behavior that can be then used to impact upon wider institutional and societal changes from the local to the national level. Since power relationships are overlapping and has macro-level impacts (for example, without raising awareness and addressing societal discrimination related to HIV/AIDS, overall country health indicators will not record any improvement), analysis of social stratification is a primary step towards critical and in-depth social analysis and forms the initial part of the REFLECT process - whether in training of trainers (ToTs), training of local facilitators (ToFs) or community- level REFLECT circles. The process of situational analysis helps to understand how a given reality is constructed, its institutional mechanism, its history and current dynamism.

While the common participatory tools like social and resource maps and preference ranking have been used in the political literacy process, the REFLECT process in Nepal, while promoting political literacy and developing a situational analysis, has gone a step further and have used seasonal calendars, song writing, myth and story telling to enlist community participation. The use of such locally appropriate participatory tools helps to structure the analysis in a systematic way. Each participant in the REFLECT trainings has the opportunity to contribute his/her perspective and experience. In REFLECT, this analysis develops from an individual to a collective experience, from household to community level, from local to global and also from simple to complex issues.

In the Saptari district, through such situational analysis conducted by AAN/SCDF, Dalit discrimination was identified as the primary area of concern during the initial
work that was undertaken in four VDCs in early 1998. Specifically, the local Dalits raised the issues of education, landlessness, local governance, and citizenship (lack of documentation of citizenship places obstacles in these people accessing the policy and legal systems) as areas of concern. The process and outcome of the situational analysis strongly supported the formation of a social movement/organization to represent the Dalits²⁴.

- **Community organizing activities:** After the situational analysis was undertaken in these areas, SCDF staff realized that they had to rethink their service delivery functions and began to modify their roles to start taking on capacity development functions; thus, they began serving as community organizers/facilitators. As facilitators and organizers, they began visiting villages and communities throughout the working area to discuss the problems facing Dalits and to educate and make them aware about their entitlements/rights. As part of a strategy to focus on (much needed) women’s issues, female trainers and activists are being used – these trainers and activists live among the people, learning from them, building upon their strengths, analyzing their weaknesses and mobilizing them. Their presence have put into operation, for instance, gender-sensitive land tenure context mapping. Outcomes and impact of such mapping on empowerment levels of women have already been visualized – it has led to planning the development of joint land occupancy rights, including gaining independent rights for women (for instance, for divorced women and widowers).

With the help of these facilitators, the Dalits began to understand the importance of coming together to counter social injustice. The main community organizing activities consisted of:

- **i) Creation of REFLECT circles:** The early stages of organizing the Dalits was greatly facilitated by the structure of REFLECT circles created by AAN/SCDF. 15 such circles were launched in 1998 in the Saptari district.

After introducing these circles and determining their effectiveness over a period of time, AAN now has ceased undertaking any other forms of non-formal education (NFE) activities in Nepal. More than 100 REFLECT circles are functioning each year and are being used as a platform by AAN’s partner organisations to organise the poor and excluded people in more than 30 districts of Nepal. In 2005, AAN has facilitated the development of 100 local trainers (the composition being 50% female, 50% male, 50% from AAN partner organisations and 50% from outside of AAN) throughout the country to produce circle facilitators as a *modus operandi* to build connections between the people, provide an opportunity for them to identify and discuss issues, as well as build their basic literacy skills, confidence and leadership.²⁵

- **ii) Formation of women’s Sanghams:** In their meetings at the circles, the women began conducting an analysis of the caste system and the situation of women therein. Groups discussed the importance of creating an action plan to counter discrimination and identified the need to develop an organization to create and sustain

²⁴ Ibid. Refer to footnote No. 22.
²⁵ Ibid. Refer to footnote above.
group strength to undertake cohesive action on issues. In response, eight women’s Sanghams (community-level organizations) were formed among the circle members in the Saptari district.26 Several similar community-level organisations have been formed in different districts across the country.

The Sanghams themselves served to break down caste barriers, raising the participants’ self-confidence and dignity. The rigid caste separation (between Dalit and non-Dalit women) evident in the circles in the beginning began to break down. For instance, when the adult literacy classes were initially started by AAN/SCDF, Dalits had to sit outside the class and were not allowed to use the same water tap or share food with the non-Dalit class members. These rigid caste divisions were analyzed and discussed in depth in the Sanghams. Barriers were gradually broken down and conscious changes were made to rectify the unjust treatment meted to the Dalits. After a period of time, non-Dalit and Dalit women started mingling, sharing food together and sat together in the class. This, in itself, was a major achievement, given the stringent cultural taboos surrounding ‘appropriate’ caste behaviour.27

<table>
<thead>
<tr>
<th>Traditional</th>
<th>Naïve</th>
<th>Critical</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;We are Kamaiya by age old tradition&quot;</td>
<td>&quot;We can't repay the Sauki (the debt), how could we be liberated&quot;</td>
<td>&quot;We can survive freely; we do not want to be bonded like bulls&quot;</td>
</tr>
<tr>
<td>&quot;We are Kamaiya by birth and it is our Karma (belief in fatalism)&quot;</td>
<td>&quot;We are exploited and sold by landlords time and again, what is our option for liberation?&quot;</td>
<td>&quot;Slavery is illegal, it must be punished by law in practice&quot;</td>
</tr>
<tr>
<td>&quot;We will not die of hunger in landlords house being Kamaiya&quot;</td>
<td>&quot;How to secure to our daily wages?&quot;</td>
<td>&quot;Our labour must be valued and be calculated&quot;</td>
</tr>
<tr>
<td>&quot;Without having a piece of land how will we survive?&quot;</td>
<td>&quot;We do not wish to be bonded, but we are landless&quot;</td>
<td>&quot;Government should provide security in food and shelter&quot;</td>
</tr>
</tbody>
</table>

Figure 2: An example of critical situational analysis conducted by bonded laborers during the REFLECT process in a Nepali village28

iii) Creation of Dalit Sanghams: The circles and women’s Sanghams, coupled with direct organizing by the facilitators in the villages, created an enormous momentum for forming Dalit Sanghams in these communities. Once a core group of support was

26 Ibid. While these community-level organizations are called “Sanghams” in the Saptari district, they are variously named by the local people based on the local contexts and the area of the country they are residing in.
27 Ibid.
28 Ibid. Refer to footnote No. 16.
solicited in each VDC, SCDF sought to widen involvement and support by organizing mass meetings of all Dalits in the area. Each Dalit Sangham is a federation of children, women's and men's organizations. In each Sangham, a Working Committee of 9 to 15 members was democratically elected at the end of each organizing meeting. Although there was no official reservation system for women, SCDF staff encouraged the group to ensure significant women’s representation and each of the Working Committees included women.  

SCDF used the REFLECT circles and women’s Sanghams as platforms to launch the community’s discussions and stand on Dalit rights and to provide the initial structure for the Sanghams. Historically, a lack of unity had kept the Dalit community from regaining its guaranteed rights. These organizations – the Dalit Sanghams – became the force that began connecting them and building their power. The structure of the Sangham creates a long-standing forum for debate and discussion, identifying issues and leading campaigns. Establishing such an organization also provides a means for the community to pursue change beyond a single campaign or effort.

While organized separately across the VDCs, the Dalit Sanghams have, from the beginning, worked closely together and began initiating activities by the end of 1998. Working in coordination, the Dalit Sanghams are beginning to tackle caste-based discrimination in education, land reforms, and citizenship rights issues. Perhaps, more importantly from a rights perspective, the Dalits, as claim-holders, are also reclaiming their dignity by refusing to perform traditional caste-based jobs, such as removing dead animals and eating left-over food from high caste households.

vi) Using the tools of campaign, advocacy and lobbying: The creation of the homogenous networks and alliances through the various REFLECT circles and Sanghams (both the women’s Sanghams and the Dalit Sanghams) enabled them to mobilize around issues of concern. Though even amongst the Dalits there exists various groups, the coming together and bonding via these alliances made them a cohesive force that enabled them to conduct campaigns, advocacy and lobbying around many vital issues that impact their rights. The outcomes of the use of such tools are documented in Section 4.

v) Tapping into coalitions and networks: One of the strategies used is the building up on linkages and coalitions with other NGOs and community-based organizations (CBOs) in the country who are working on education or land rights-related issues. As mentioned elsewhere in this paper, the RELFCT process is used by other NGOs and CBOs in Nepal in varying contexts – for instance, for campaigning on land rights issues or for accessing and realizing the right to primary education - and with various communities. Such linkages and coalitions enable tapping into the relative strengths, capacities and skills that each of these agencies possesses on using REFLECT and other related strategies and can be stated as a vital strategy that AAN uses.

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29 Ibid. Refer to footnote No. 22.
30 Ibid.
31 Ibid.
32 Ibid.
vi) Using the participatory review reflection process and social audits: Realizing the value-added of having inbuilt monitoring mechanisms that document outputs, outcomes and impacts of the processes used and which would involve the collaboration of all stakeholders (the communities, related Government officials, AAN and SCDF), AAN uses the tools of both the Participatory Review Reflection process and Social Audits (more information on how these two tools have been used for monitoring are outlined in the following sections). The most important objectives of using these participatory tools from a rights-based perspective is that it enables maintaining of transparency at all levels; solicits accountability; evaluates the institutional performance (and resultant learnings from such); pressurizes duty-bearers to work with the poor, marginalized and vulnerable groups; helps develop community capacity and sense of ownership and confidence; and, assists in promotion of overall good governance.

Monitoring to Ascertain Rights-Based Outcomes from the Rights-Based Programming Strategy: Two forms of monitoring are used by AAN to ascertain outcomes from the REFLECT process as follows:

Participatory Review Reflection Process: This process is an ongoing one and is used by the claim-holders throughout their involvement in the REFLECT process. This process develops community capacity to view changes and outcomes analytically and to internalize the impact of such outcomes. The “real” qualitative change perceived by the poor and excluded claim-holders is the main objective of this process. In a way, many of the process activities that the REFLECT communities undertake as a part of the REFLECT strategies have this ongoing monitoring process inbuilt. The following activities/tools (or a mix of these) were adopted in the Nepal REFLECT Participatory Review Reflection process:

(a) Social mapping by the community members;
(b) Mapping of resources, programme benefits, etc;
(c) Community meetings – of both male and female claim-holders;
(d) Learners’ achievement test in non-formal education/alternate schools;
(e) Visit to sites of physical assets created by the project;
(f) Visit to sites of physical assets/programmes undertaken by the Government;
(g) Discussions with community members who have been imparted training in RELFECT methodologies;
(h) Discussions with the community members who have been left out by the project;
(i) Discussions with the Government teacher/any employee that could be easily contacted in the village during the exercise.

Social Audits: Social Audits have been gradually used by AAN to review and evaluate programmes and results jointly by all stakeholders on a regular basis - justifying accountability and maintaining transparency at the larger level is the central theme of such audits. AAN also uses these audits to review its own accountability systems. In a way, social audits differs from the above Participatory Review Reflection Assessments – while the Assessments are inbuilt and an ongoing part of the activities

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33 Email discussions with Khemraj Upadhyaya of AAN with the author.
that the communities undertake and often involves the judging of performance of such activities by understanding changes (intended or otherwise) experienced by primary stakeholders over a period of time, the social audits emphasize the periodic review of result against plans, their consequences and assesses degrees of accountability and transparency. It also helps ensure that all communities have the right to be informed about policies and programmes that impact them. Such a process not only makes stakeholders transparent, accountable and helps solicit instant opinion and feed back for immediate action but also attracts communities’ ownership over any initiatives undertaken, which eventually leads towards demonstrating effectiveness, efficiency, relevance, impact and ultimately, sustainability of outcomes.

AAN would like to promote such audits as a core practice, which, it hopes, will ultimately take a form of permanence in the community over a period of time.

**Capacity of Duty-Bearers (including the Private Sector/Related Frameworks) in Addressing Demands:** In both the processes mentioned above, active participation of all concerned stakeholders, including the relevant duty-bearers, are being sought as a requisite. The public officials have started using these platforms of social audits to keep communities informed about any new public policies and programmes that are relevant to these communities. These forums also serve to educate the officials about the issues/problems facing the communities and how best to handle them in a manner that ensures that the needs and interests of the communities are reflected. Equipped with knowledge of communities needs and demands, local public officials assists in the process of carrying these messages to the higher policy levels for appropriate action.

4. Outcome (Results) of the REFLECT Process as visible in the Saptari District

- **Tackling caste-based discrimination at the workplace:** The most visible rights-based outcome that also targets exploitation of human beings on the basis of caste or class and in realizing social justice is in the Sangham’s decision to abandon or boycott their traditional jobs as dictated by the caste system. Carcass throwing was a job relegated only to the Chamar (or shoemaker) caste and although the Chamar in this community had not protested against this caste-based profession before, they were distinctly aware of the systemic oppression and exploitation it represented. The Sangham was able to unite all the Dalit castes in supporting the ban because this job was a perfect example of the caste-based exploitation and discrimination suffered by all so-called “untouchables”. The Dalit community’s solidarity – reinforced by their coming together through the Sanghams - and ultimate victory in sustaining the boycotts, confirmed their faith and commitment to the movement, helping to attract new members and in spreading the Dalit movement throughout the region.

Ironically, it was their other traditional caste-based duty – the role of Chamar women as midwives – that made such discrimination clearer. Chamar women are renowned

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34 For the considerable labour of disposing of the upper castes’ dead animals, the Chamar receive nothing from the landlord except the right to ‘beg’ from the landlord’s house during religious festivals. The whole system degrades the Chamar, making them totally dependent on the high caste.

35 Ibid. Refer to footnote No.22.
for their role as midwives and are called upon by high caste women for most deliveries. The midwife is required to stay with the family for seven days following the birth of the child for which she is paid only one-half kilo of rice per day. While in this role, the midwife is allowed to tend to the newborn baby but she becomes an “untouchable” again once her services are terminated. The Chamar midwives also face a second level of discrimination as none of the Government appointed health workers are from the low castes despite the Chamars’ long experience in this field. In both these situations, the Chamars clearly saw that they were conveniently ‘touchable’ and worthy of interaction with the high castes when their services were needed. Although they took pride in their skills in these two professions, it was for this very same work that the high castes deemed them untouchable. 36

Reinforcing the right to education: The Dalit Sanghams had identified, through the process of political literacy and the situational analysis exercises, that along with the exploitation they face in their work, the issue of lack of access to education was a major barrier to their accessing other rights. For many Dalits, access to an education was not possible due to an interplay of factors: the inability to pay the school fees charged; the poor quality of education and the low rate of attendance by the teachers; and, more importantly, the discrimination that the Dalit children would face in the classroom. Even those who could pay received education of appalling quality, as research by SCDF revealed. The result was startlingly high rates of illiteracy and a large dropout rate in the area. Through analysis in the REFLECT circles, Dalits began to mobilize around education issues. Field visits from SCDF and AAN advocacy staff helped support the education campaign by providing inputs on the strategies and activities. They started holding in depth discussions with the Sangham activists and mobilized them to claim their right to education through collective action. During such visits, the staff joined women from the Dalit Sanghams as the women met with teachers to demand their consistent attendance in schools. In mid 1999, 1,000 Dalit women and children protested at a rally in front of the District Education Office, demanding free education. The group’s actions led to visible policy changes at the local school level – as a result of the protest, two schools began to waive school fees for Dalit children.

In January 2000, SCDF released a study measuring the effectiveness of primary education in 4 VDCs. The report’s release was coordinated with outreach efforts by the Sangham to help support the improvements needed as identified in the study.

Demonstrated high levels of women’s empowerment: As in other countries like Uganda 37 where the REFLECT process has been able to demonstrate high levels

36 Ibid. Refer to footnote above.
37 In the REFLECT process initiated by AA Uganda, there was a focus on empowering women on micro-credit issues. The value-added that REFLECT brings into the process can be gauged from the fact that the process:
* Ensures easy mobilization of communities, especially women. The processes also ensure group cohesion. This means that women are not only brought together for credit, but generate other development ideas.
* Micro-credit is not an end in itself. REFLECT provides an opportunity for further discussion and generation of ideas around utilization, investment opportunities available and marketing options.
of women’s empowerment, the same has witnessed in Nepal. The rights-based aspects of this process - especially the focus on poor, vulnerable and marginalized groups and the processes of empowerment inherent therein- cannot be ignored. The other interesting observation is the types of social action and resultant changes that have been noted, again occurring in a relatively short period of time. In Saptari district, it has been reported that women who previously used to sit separately and eat separately due to the social customs associated with caste hierarchy and “untouchability” have begun sitting together after discussing and analyzing in the REFLECT circles the reasons behind such norms/prejudices and how best to overcome them (this was undertaken systematically via the formation of the Sanghams). In addition to this, the “lower” caste women within the wider community were now able to gather water from the local well, rather than having to walk long distances to fetch water from a different source. A major outcome of the movement was when - going back against the social backlash that they knew they would encounter - they took the decision to abandon their traditional jobs as dictated by the caste system. Although this resulted in a backlash at the local level, the Dalit movement has gone from strength to strength and is spreading throughout Nepal, as all these outcomes reveal.

5. The Value Added of Using Rights-Based Programming Strategies:

Positive Lessons Learned:

- **Focus on real participation of the poor, marginalized and vulnerable groups:** The strategies that REFLECT uses go farther than just enlisting “token” participation of the poor, marginalized and vulnerable groups. REFLECT enlists the participation of these groups in the entire process – from planning, designing to implementation - with AAN and SCDF, in this case, helping develop the capacities and acting as the

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* REFLECT equips women with reading, writing and numerical skills, hence enabling those involved to follow up easily on their records.
* The discussion process enables women to begin making their own decisions on issues affecting them.
* REFLECT provides a channel for information dissemination and sharing;
* It generates a critical mass that can lobby and advocate for their rights; and,
* It helps build a resource base - facilitators who could be used in other development interventions.


38 Ibid. Refer to footnote No. 22.
39 Through analyzing gender differences in workloads, participants in REFLECT learning circles in another district - Taplejung district of Nepal - became aware of discriminatory wage rates between women and men. It had been a longstanding practice that, whether they are paid in cash or grain, women receive only half the pay of men for completing the same number of hours of work. This issue was first discussed in the learning circle but was eventually taken beyond it. Discrimination in wage rates soon became a community issue and various conflicting views started to be expressed. REFLECT circle participants and many others in the village - both women and men - felt that the discriminatory wage-rate practice was an injustice that needed to be reformed. They managed to change the beliefs of some community members who had initially supported discriminatory wages. Despite resistance and pressure, circle participants and other community members, have succeeded in putting equal wages into practice. And the benefits have accrued manifold for women in the communities. “Literacy & REFLECT in Nepal: An Overview”, by Sara Parker, 2003. Source: www.staff.livjm.ac.uk/socspark/ - research page
catalysts in the process of accessing and realizing social justice. In the REFLECT process, participants are involved in a thorough analysis of their reality, including an analysis of power relations, and planning their action for change. They can re-discover their reality, identify their respective positions in it, and also explore the potential for a positive change in the status quo. Everyone has the potential to thus grow and empower himself or herself. The strategies used thus focuses on the process (of building capacities) and the outcomes (that help groups realize their rights). The results of such an empowering process have been evident and have been amply highlighted in the case of women in the communities. Such a process also helps ascertain that the outcomes gained in terms of social change and empowerment are sustainable.

<table>
<thead>
<tr>
<th>Box 3: A Checklist ---- Rights-based principles realized through the REFLECT process</th>
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<tr>
<td>• Focuses on the most poor, excluded, marginalized and vulnerable groups -- including women -- and helps capacitates them to mobilize and access social justice through the use of various rights-based strategies;</td>
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<tr>
<td>• Uses processes that are local context specific and which are locally designed and locally owned;</td>
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<tr>
<td>• Focuses on participation of all stakeholders;</td>
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<tr>
<td>• Strategies used focuses on both processes and outcomes;</td>
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<tr>
<td>• Uses processes that helps promotes transparency and accountability at all levels.</td>
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- **Using participatory techniques instead of a mother manual:** In Nepal, rather than develop a pre-formatted manual for training, participatory techniques were utilized throughout training events to impart the skills needed in order to establish and run a REFLECT circle. It was felt that the use of a manual produced by other people in the training event would be an “imposition from the top”, while a participatory bottom-up approach that focuses not only on common participatory tools such as social and resource maps, preference ranking and seasonal calendars but also alternative and more indigenous forms of participation (like song writing, drama and story telling and reinforced through the formation of the circles and Sanghams) would entail a more sustainable and community “owned” approach.

- **Based on the ground realities instead of relaying on a pre-formatted blueprint:** Following from the above, the REFLECT process is thus well grounded in those right-based principles that suggests that strategies used are adaptable to local contexts and needs. In Nepal, the entire process starts with an identification and critical situational analysis of the root causes of discrimination and non-equity by the communities themselves. Thus, the solutions/processes to combat such discrimination are also “locally-owned”, with the communities (through the REFLECT strategies used) participating and building in their stake in the entire process of social change.
Focus on political literacy instead of traditional adult literacy: The REFLECT process emphasizes the use of political literacy for empowering poor, marginalized and vulnerable people to be able to “read the world”, rather than reading the word. Political literacy enables one only not to read the world from one’s position and perspective but also to identify vulnerabilities (and find local solutions) that hamper such groups from realizing their rights. A thorough analysis of given stratifications and power relations helps to promote an understanding of social dynamism, as well as determine possibilities of change. It also contributes to a positive transformation in power relations. Outcomes of the use of this process has already been documented in the Section above and could be termed as the most important rights-based strategy used to access (and realize) social justice and rights.

Using partnerships for social action: AA worldwide has been able to demonstrate results from the use of its rights-based strategies under the RELFECT process due to its partnerships. AAN, under the REFLECT process, uses local partnerships – the partnership with SCDF is a case in point - to mobilize for social justice and work with the grassroots communities to realize rights-based outcomes. AAN is also a member of several significant education and land rights-related networks in Nepal, members of who are involved and well experienced in rights-focused work. Through such memberships, AAN has been able to undertake cross learning and cross-sharing of experiences and skills as well as undertake collaborative advocacy and lobbying to move forward and make visible the agendas of poor, vulnerable and marginalized peoples at the public policy level.

The process facilitates a two-way learning curve: In the REFLECT learning process, both participants and facilitators contribute as well as learn. Whether drawing a village resource map in a community or conducting a national level social stratification exercise or facilitating the organizing of women and analyzing their roles therein, the role of a facilitator is to initiate the process of analysis, not to dictate its content. Participants decide the content. This should not mean that a facilitator cannot share his or her views, since s/he is also a participant in the overall process. Rather, the facilitator avoids imposing “answers”. Thus, the REFLECT process facilitates a two way learning process with the facilitators sharing their skills and new learnings with the group.

Challenges in Implementing Rights-Based Programming Strategies: Lessons Learned

Current political imbroglio will hamper rights-based work: The current political situation in Nepal, as outlined in Section 1 of this paper, has clear implications for the on-going programmes and activities of civil society activities in general, and for the AAN “type” of rights-focused work in particular. The Government’s complete suspension of political activity in Nepal has excluded virtually the entire population from participation in the political process, in direct contravention of the “good governance” principles that the donor community aims to promote as a strategic priority to achieving developmental goals in Nepal. Of outmost necessity for a full and proper functioning of HRBAP strategies and resultant outcomes is a stable system of governance and this does not exist at present in the country. With civil liberties being curtailed to a large extent in the country at present,
there is fear that many of the gains accrued through the REFLECT process in the communities that AAN and its partners (as well as other organizations that has used the REFLECT approach) has worked in may be lost.

- **Challenging social status quo poses a deterrent:** A rights approach often entails challenging the current status quo. This has particularly larger implications in a caste-based society like Nepal where political, social and economic power traditionally has rested in the hands of the elite few who belong to the upper rungs of the hierarchical caste system. Accessing, co-opting and then working in collaboration with such “elite” power structures and then trying to transform the socio-economic and political status quo is a major challenge in the Nepal context and has currently assumed even more proportions due to the prevailing political situation.
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