

# Right to Education: Scholarship to Ensure Accessibility

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## Abstract

*Right to education has a broad scope in human rights instruments including UDHR, 1948 and International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966. Rights to education is a prime concern regarding the accessibility of education and its' compulsorily enjoyment especially in primary level, and generally technical, vocational and up to higher education. Scholarship and incentives have been considered as means to improve the access, participation, enrolment and achievement of the children from the poor and disadvantaged background. Scholarship is generally distributed in different forms of incentives as subsidies, food, dress, hostel facility, allowances, uniform, accommodation and so on. Scholarship impacts positively in accessibility features of students to enjoy rights to education because accessibility has these three overlapping dimensions: Non-discrimination, physical accessibility and economic accessibility.*

*Key Terms: Rights to Education, Access to Education, Scholarship Provision, ESC Rights*

## Introduction

There are major five dimensions of human rights, namely Civil, Political, Economic, Social and Cultural rights, among which the right to education is of prime concern, and inherent in Economic, Social and Cultural (ESC) rights. Educational rights are the means to enjoy all other rights. In the area of right to education, the compulsory education and accessibility are the main area of study. Specially, the accessibility aspects are directly related to the fulfillment of rights concerning Economic, Social and Culture Rights. Right to education has got place in UDHR, 1948 and as well as in International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966. The UDHR article 26 states the right to education in the following three points:

1. Everyone has a right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Thus the right to education is a prime concern regarding the accessibility of education and it is compulsory especially in primary level and generally in technical, vocational and up to higher education.

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In this connection, Centre for Educational Research and Social Development (CERSOD) Kuleswar, Kathmandu has conducted a field research in July 2010, entitled 'A Study on Scholarship Management and its Effectiveness in terms of Enrolment and Retention', which mentions, 'Scholarship and incentives have been considered as a means to improve the access, participation, enrolment and achievement of the children from the poor and disadvantaged background. Scholarship is generally distributed in different forms of incentives as subsidies, food, dress, hostel facility, allowances, uniform, and accommodation and so on. In Nepal, scholarship is distributed in the form of cash and incentives are distributed in both forms of cash and kind.<sup>2</sup> So, scholarship is one of the various means which effectively ensures the accessibility to education for the downtrodden peoples of the society.

As mentioned by general comment 13 article<sup>3</sup> 13(2),<sup>6</sup> there are four interrelated essential features of right to education; they are availability, accessibility, acceptability and adoptability. So, the accessibility issue is emerging and needs to be ensured by the states of UN. In this sense the scholarships provisions should be manage and is the concern of study for human rights community and its stake holder.

### **Rationale and Objectives**

Rights to education have been deserving attention and is being included in a number of international human rights instruments, such as International Convention on the Elimination of All Forms of Racial Discrimination, 1965 (article 7)<sup>4</sup>, International Covenant on Economic, Social and Cultural Rights, 1966 (article 13)<sup>5</sup>, Convention on the Elimination of All Forms of Discrimination against Women, 1979 (article 10)<sup>6</sup>, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (article 10)<sup>7</sup>, Convention on the Rights of the Child, 1989 (article 29)<sup>8</sup>, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990 (article 33)<sup>9</sup>, Convention on the Rights of Persons with Disabilities, 2006 (articles 4 and 8)<sup>10</sup> and United Nations Declaration on the Rights of Indigenous Peoples, 2007 (articles 14 and 15)<sup>11</sup>. So, rights to education is in top priority among UN mechanism, states and human rights society.

The Committee on Economic Social and Cultural Rights (CESCR), under the Office of the High Commissioners of Human Rights has described the right to education by general comment 13, which states that; 'Education is both a human right in itself and an indispensable means of realizing other human rights. As

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2 CERSOD, (2010), a study on scholarship management and its effectiveness in terms enrollment and retention, field study report  
3 (E/CN.4/1999/49, para. 50).

4 UN Charter, UDHR and Core Human Rights treaties and Annexes, pp63/GPS/KS L/2013-14

5 UN Charter, UDHR and Core Human Rights treaties and Annexes, pp28/GPS/KS L/2013-14

6 UN Charter, UDHR and Core Human Rights treaties and Annexes, pp73/GPS/KS L/2013-14

7 UN Charter, UDHR and Core Human Rights treaties and Annexes, pp85/GPS/KS L/2013-14

8 UN Charter, UDHR and Core Human Rights treaties and Annexes, pp111/GPS/KS L/2013-14

9 UN Charter, UDHR and Core Human Rights treaties and Annexes, pp148-149/GPS/KS L/2013-14

10 UN Charter, UDHR and Core Human Rights treaties and Annexes, pp182-183 and pp 184-185/GPS/KS L/2013-14

11 Available at [www.ohchr.org/EN/Issues/IPeoples/Pages/Declaration.aspx](http://www.ohchr.org/EN/Issues/IPeoples/Pages/Declaration.aspx)

an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth. Increasingly, education is recognized as one of the best financial investments States can make. But the importance of education is not just practical: a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence."<sup>12</sup>

Similarly, about the feature of accessibility, the same general comment 13 article 6(b) describes that educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the state party. Accessibility has three overlapping dimensions:

“Non-discrimination - education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds;

Physical accessibility - education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g. a neighbourhood school) or via modern technology (e.g. access to a “distance learning” programme);

Economic accessibility - education has to be affordable to all. This dimension of accessibility is subject to the differential wording of article 13 (2) in relation to primary, secondary and higher education: whereas primary education shall be available “free to all”. States parties are required to progressively introduce free secondary and higher education."<sup>13</sup>

Among these provisions the economic accessibility is directly related to the scholarship provisions and its practices in the society and educational institutions. So, it is essential to study the scholarship provisions and practices which have been applying in the sector of education to ensure the rights to education. Thus, the researcher has expected that the findings of this study will play role in arousing consciousness among stakeholders about the role of scholarship to promote accessibility for deserving targeted population.

The objectives of this study were:

1. To identify the scholarships practiced and provisioned by MoE and educational institutions in Nepal.
2. To describe the role of scholarships to ensure accessibility for enjoyment of rights to education.

However, the study was limited to the materials available in the internet and web pages of human rights concerns and the softcopies regarding rights to education and scholarship practices and provisions.

### **Rights to Education Instruments and Mechanisms**

As mentioned above there are various provisions of Rights to Education in various instruments. Among them, the ICESCR Articles 13 and 14; and CEDAW Articles 5, 10, 11(c), 14(2) (d) focus on the rights to education of children, women and disadvantaged, marginalized and economically backward groups.

Education has been regarded both as an end in itself and as a means for the individual and society to grow.

<sup>12</sup> CESCR General comment 13, adopted on 8 December, 1999, OHCHR

<sup>13</sup> CESCR General comment 13, 6(b), adopted on 8 December, 1999, OHCHR

It is the key to full economic, social, cultural, civil and political participation in society. It encompasses two broad components: enhancement of access for all to education on the basis of equality and non-discrimination and freedom to choose the kind and content of education, which is available, accessible, acceptable and adaptable. The scholarship facility for the backward community, poor scholar, dalits, women, disadvantaged and marginalized is most.

Similarly, access to primary education is a minimum core obligation; universal primary education must be compulsory and free of charge for all deserving children, women, disadvantaged, marginalized and poor. States should implement temporary special measures to ensure de facto equality for all low income and status population and in all educational settings, including higher education. The state should adopt legislation and policies to ensure the same admission criteria for boys and girls at all levels of education. State parties should ensure, in particular through information and awareness-raising campaigns, that families desist from giving preferential treatment to boys when sending their children to school, and that curricula promote equality and non-discrimination. State parties must create favorable conditions to ensure the safety of children on their way to and from school as well as while there. Educational systems and policies must also account for intersectional discrimination which affects girl children, such as disability and migratory or citizenship status. States also must provide vocational and adult education and lifelong learning which are crucial for all beings to enjoyment of human rights, as well as to ensure de facto equality in each endeavor of the society.

### **Accessibility and Scholarship**

The accessibility feature for right to education is seriously described in each human rights instrument. In this regard the general comment 3 describes that the primary, secondary, technical and vocational and education of each state party of ICESCR must include the features of availability, accessibility, acceptability and adaptability in their educational system. As described by the same comment article 12 (2), "Primary education includes the elements of availability, accessibility, acceptability and adaptability which are common to education in all its forms and at all levels."<sup>14</sup>

The committee obtains guidance on the proper interpretation of the term "primary education" from the World Declaration on Education for All which states: "The main delivery system for the basic education of children outside the family is primary schooling. Primary education must be universal, ensure that the basic learning needs of all children are satisfied, and take into account the culture, needs and opportunities of the community" (art. 5). "Basic learning needs" are defined in article 1 of the World Declaration. While primary education is not synonymous with basic education, there is a close correspondence between the two. In this regard, the Committee endorses the position taken by UNICEF: "Primary education is the most important component of basic education."

"As formulated in article 13 (2) (a), primary education has two distinctive features: it is "compulsory" and "available free to all". For the committee's observations on both terms, see paragraphs 6 and 7 of general comment No. 11 on article 14 of the Covenant."<sup>15</sup>

14 CESCR General comment 13, article 12 (2)

15 CESCR General comment 13, article 13 (2) (a)

Thus the accessibility of rights to education is a challenging and mandatory part for every nation to respect, protect and fulfill the rights to education. This is more difficult in the countries such as Nepal. Due to the resources constraints and the transitional period from political, social and economical perspective it becomes very difficult to assure free and compulsory education to all. So, some practices and provisions of scholarship in Nepalese education system need to be discussed.

### Scholarships in Nepal

There are various types of scholarships distributed between the targeted students in Nepal. These various types of scholarship may be categorized in following points: (a) Scholarships on basic and primary level education, (b) Scholarships on secondary level education, (c) Scholarships on higher secondary level, (d) Scholarships by Council on Technical Education and Vocational Training, (e) Scholarships by University Grants Commission (UGC) Nepal, (f) Scholarships provided by various Universities and Academic Institutions, (g) MBBS, BDS, B.Sc. Nursing, B. Pharmacy, Forestry etc. scholarships provided by MOE, (h) Scholarships funds created by public sectors and social service organizations and individuals. Among these scholarships the following detail may clarify the concept of scholarships in Nepal. Indeed these are the steps to promote accessibility in education to the citizens.

#### Types of scholarships provided to Nepalese students by government of Nepal<sup>16</sup>

Forms of scholarship	Scholarship amount	Eligibility Criteria	Distribution process/ Remarks
Booster scholarship	A student gets 500/- for the first year of his/her schooling	first son or daughter of those parents who were excluded from primary education	Not found in the observed schools at present
Dalit scholarship	Rs. 350 per student per annum but Rs. 250 is given to the student and Rs. 100 taken by the school to improve the learning environment of the same students	All of the primary age level boys and girls from Dalit communities. Districts will make allocation to schools' account as per the decisions of District Incentive Management Committee (DIMC)	Allocation is made as per the Flash Report and schools distribute as per the decisions of SMC. Variation is found in distribution
Disabled scholarship	Rs. 10000, 5000, 3000 and 500 as per the category of disabilities for 10 months	Disable students studying in community schools (based on the available quotas) Different categories (A, B, C, D) of disabilities as per the policy.	Only for selected students (quota basis)
50% girls scholarship except in Karnali zone	Rs. 350 per student per annum but Rs. 250 is given to each girl student and Rs. 100 given to school to improve the learning environment of girls	50% of girl students of 6-10 years of age studying at primary level District will make allocation to schools in the first trimester of fiscal year and school will distribute as per their convenient time	Allocation is made as per the Flash Report and schools distribute as per the decisions of SMC

Karnali zone girls' scholarship	Rs. 100 per girl per month at primary level, • Rs. 150 per girl per month at secondary level	All primary and secondary girls studying in community schools for a period of 10 months in Karnali zone	Allocation is made as per the Flash Report and schools distribute as per the decisions of SMC Not found in the observed schools in Karnali zone at present
Lower Secondary/Secondary full scholarship	Rs. 1700 per head per annum but Rs. 1000 is given to student and Rs. 700 is donated to school to create sound learning environment for the student.	Girls, ethnic minorities, backward castes, students without having any other scholarship but they should be studied at lower secondary and secondary levels.	Not found in the observed schools at present
Freeship scholarship	Rs. 700 per student per year	Girls, ethnic minorities, backward castes, students without having any other scholarship but they should be studying at class 6 and 7.	Not found in observed schools present the at
Feeder hostel scholarship	Rs. 1200 per head per month living in remote districts and Rs. 1000 per head per month living in other than remote districts.	Girls, children from remote area, backward children who are far from school	Found in Jumla among the sampled districts
Scholarship for martyr's children	Rs. 1000 per student per month in pre-primary and primary, Rs. 1500 in lower secondary and secondary and Rs. 2000 in higher secondary and higher education as declared by government of Nepal	Children (son and daughter) of Martyr's declared from the government of Nepal	Collection of application from public announcement from eligible students and districts provide scholarships to them
Scholarship for oppressed and dalits	Rs. 500 per head per year	Boys and girls from oppressed and dalit communities studying in class 6-10.	Not found in observed schools present

### Impacts of Scholarship Programmes

The scholarship program may help to create right to education friendly environment because as the research study concluded in the following points:<sup>17</sup>

- Students become more sincere after receiving scholarship and they attend in the class with required stationary regularly.

17 CERSOD, (2010), a study on scholarship management and its effectiveness in terms enrollment and retention, field study report

- Students are found more disciplined after receiving the scholarship
- They are found more active in school activities.
- Some scholarship recipient wear new dress and some carry new bag. Some are also found to buy dress by adding money for the dress.
- Parents mainly economically poor are highly motivated towards their children's education.
- Children are also highly motivated towards their own education
- Poor and talent students are mainly motivated.
- Enrolment is highly increased particularly in rural areas and Dalit and disadvantaged area, increased number of students is the result.
- Scholarship has positive impact on regularity. Except some cases, it has increased the regularity of students. Scholarship recipient should have 70% attendance at the school.
- Scholarship has changed the habit of being neat and clean
- Students come in school with proper stationary; they become more conscious about their class and home work given by their teachers.
- Scholarship has made the students and parents positive to continue education but amount should be increased. Increased number of students in school is the result of positive impact of the scholarship, especially Dalit and 50% scholarship
- Scholarships for poor and talent students have raised the feeling of competition among the students.
- Scholarship is helpful to reduce drop-out to some extent.
- Students are aware of the scholarship.
- Some students come with new school dress, some with proper stationary, few with new school bag. Again, scholarship recipient particularly poor and talented students are more curious towards education because they interact with their teachers in confused contents.
- Impact of the scholarship is found obviously in all aspects of the school program.
- It helps poor children to obtain life skills education.
- Scholarship to poor and talent students has increased the feeling and practice of competition among the students that have resulted into teaching learning activities in the school.
- Its impact is on the attainment of students' achievement.
- Scholarship program particularly 50% girl's scholarship support gender disparity.
- Scholarship has motivated the girls towards their study that resulted into reduction of gender disparity.
- It has helped in reducing gender disparity up to grade 5 however above grade 6, parents prefer sending their children to boarding school.

These results and summarized statements of that research indicate that effective scholarship program add value to the accessibility in education and indeed it helps to respect, protect and fulfill the rights to education provisions.

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