



A Right Difficult to Reach: Inequity and Discrimination in Nepal's Education System

A Parallel Report submitted by the National Campaign for Education Nepal on the occasion of the examination of the report of Nepal during the 101st session of the UN Committee on the Rights of the Child

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The main organisations submitting this report are:

National Campaign for Education (NCE) Nepal and its 490 member organizations

NCE Nepal is a civil society movement and national network for advocating inclusive and equitable quality public education system in Nepal. It has UN Economic and Social Council (ECOSOC) status and has more than 490 member organizations, including INGOs, NGOs, teacher organizations, journalists and community organizations. It was established as a national chapter of Global Campaign for Education in 2003. It focuses for evidence-based policy advocacy to ensure the equitable quality inclusive education for all children and believes in 'Quality and inclusive public education is possible only when fundamental right to education is fully realized'. See more on <http://ncenepal.org.np/>

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1. Introduction

1. The Convention on the Rights of the Child (1979) considers inequality and discrimination in education, is a human right violation¹, and the UNESCO Convention against Discrimination in Education (1960) obliges member states to eliminate discrimination in education and ensure educational opportunities and equal access to all levels and types of education². The Government of Nepal (GoN) has ratified these Conventions, including others and has Constitutional (2015) mandates to create society free from discrimination and ensure equitable and inclusive quality educational opportunity for all³. However, it fails to take concrete actions to realize its commitments into practice for the right to education of marginalized children, especially girls, Dalit children, Children with Disability (CwD), Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ+) children and youths.

2. The right to education for all, without any forms of discrimination, is an ongoing challenge in Nepal. The major barriers for realizing equity and non-discrimination for marginalized groups include, but not limited to the following:

- a. Non-adherence to the Constitutional mandates to equity and non-discrimination
- b. Absence of Federal Education Act leads to misinterpretation of right to education and constitutional mandates of non-promotion of private education
- c. Lack of concrete measures translating constitutional provisions
- d. Failing to develop appropriate financial strategy with sufficient budget allocation
- e. Limited capacity of government to enact legislation into practice

3. Given the above concerns, the GoN undermines its commitment to inclusive and equitable public education as a state responsibility. Marginalized children and youth face limited access to education, while discrimination remains prevalent in Nepal. Furthermore, Compulsory and Free Education Act (2018) and policy instruments, like Consolidated Equity Strategy (2014), School Education Sector Plan (2022), National Education Policy (2019), and among others facilitated privatisation in education through different partnership models. As a result, inequity and discrimination are promoted in Nepal's education system, which is non-adherence to human right principles and a source of other human rights breaches.

4. This report is developed applying interpretive research design with a rigorous review of education policies from anthropological and sociological lens, and in-depth interviews and Focus Group Discussions (FGDs) with - a) 10 policymakers and 15 service providers to understand their perspectives on the right to education, and b) 250 right holders and 200 Civil Society Organizations (CSOs) to understand their concerns on attaining equity and non-discrimination in Nepal.

2. Framework on equity and non-discrimination in education

¹ <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

² <https://humanrightscommitments.ca/wp-content/uploads/2019/04/UNESCO-Convention-against-Discrimination-in-Education.pdf>

³ https://ag.gov.np/files/Constitution-of-Nepal_2072_Eng_www.moljpa.gov_npDate-72_11_16.pdf

5. Nepal has signed several international covenants related to the right to education for ensuring equity and non-discrimination in the education system. Likewise, the right to education is one of the key principles underpinning the global policy instruments, which are adopted by the GoN. Moreover, the Constitution of Nepal (2015) is the main legislative framework in Nepal, which guarantees the right to compulsory and free education up to a basic level and free up to secondary level with non-discrimination and equity through affirmative provisions. However, private education discriminates, and segregates marginalized groups by providing separate education from privileged students, violating human rights⁴. This reflects the state's failure to regulate private education providers effectively. Additionally, private owners and supporters misinterpret Article 31(5) and Article 51(h) of the Constitution to justify education privatization. While these articles emphasize mother-tongue education and public service-oriented private investment, they are exploited for personal gain. Parliamentarians and senior policymakers in separate in-depth interviews highlight:

The Constitution does not provision to close private schools, rather it allows individual and companies to open and operate schools for their private benefits, while providing education services.

6. The private owners and interest groups are extensively promoting the above narrative as opposed to constitutional provision. Additionally, absence of Federal Education Act is a major threat in education, which potentially leads to establishing narrative on promoting privatization through upcoming Act. Furthermore, Nepal enacted Compulsory and Free Education Act (2018), and Article 27 allows to open and operate early childhood and basic schools for private individual and company benefits⁵, which contradict with Constitutional provision, and the 'Abidjan principles on the human rights to education as state responsibility'⁶. Likewise, Article 19 of the Act disqualify citizen obtaining basic services from the State, failure to acquire basic education. This is truly a deficit concept of blaming citizen, and the State trying to escape from its core responsibility of providing compulsory and free education.

7. Similarly, the Act Relating to Children (2018)⁷ and the Local Government Operation Act (2017)⁸ do not carry the essence of the Constitution as they facilitated private and commercial actors to deliver education through different partnership modalities. Similarly, other education policy instruments of the GoN do not offer substantial programs and provisions to deliver equity and non-discrimination in practice and allow private sector to deliver education, which contradict with the principles of right to education.

3. Inequality and discrimination in Nepal's education system

3.1. Discrimination in education based on gender

⁴ <https://www.right-to-education.org/resource/alternative-report-crc-segregating-education-discriminating-against-girls-privatisation-and>

⁵ <https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/112157/NPL112157%20Eng.pdf>

⁶ <https://static1.squarespace.com/static/5c2d081daf2096648cc801da/t/61484ef2125d785da37eb98d/1632128758265/ABIDJAN+PRINCIPLES+ENGLISH+August2021.pdf>

⁷ <https://faolex.fao.org/docs/pdf/nep209414.pdf>

⁸ <https://lpr.adb.org/resource/local-governance-act-2017-nepal>

8. Equitable access to educational opportunities for girls, boys and sexual minorities and elimination of discrimination based on gender and other forms are fundamental human rights as provisioned in the Constitution of Nepal. Nepal ranked the 101st out of 153 countries on the gender gap index⁹, and there is still a 15% gender gap in disfavour of women¹⁰. Likewise, child marriage has affected a staggering 750 thousand girls, who are under the age of 15¹¹, and one out of every four Nepalese women and girls' experiences gender-based violence¹². Moreover, girl's access to education is still determined by the social tradition and taboos, including menstruation¹³ and LGBTIQ+ people constantly experience humiliation, harassment, stigmatization, and discrimination because of their sexual orientation in Nepal¹⁴. Furthermore, the gender can significantly influence trends in literacy, 24% dropout of girls at basic level¹⁵ and disparity in educational attainment between boys and girls, which ranges in scale scores of 12 in mathematics, 5 in science and 10 in English¹⁶ and the reason behind this can range from social power structure and gender norms¹⁷, inadequate teacher training and discrimination in Nepal. Women led CSOs and girls in in-depth interviews and FGDs highlight:

Girls and LGBTIQ+ students face harassment, abuse, and discrimination from school authorities and teachers. We don't have toilet, sanitary and water facilities for girls. If this continues, girls and LGBTIQ+ students perform low and dropout of schools.

9. The above statistics and concerns of girls/women and LGBTIQ+ people reflect interconnected gender-based discrimination, which affect children's performance. This is an alarming situation given the several national frameworks in place to address inequity and discrimination in Nepal.

3.2. Discrimination in education based on caste and ethnicity

10. Discrimination in any forms is major barrier to realize the right to education and promote equity in Nepal¹⁸. The Constitution guarantees no person shall be treated with any forms of untouchability and discrimination in private or public place. Likewise, the caste-based discrimination and untouchability are prohibited by Act in Nepal¹⁹. However, there is still a discrepancy between what is taught in the classroom and what happens in the real life, and Dalit children face severe restriction in gaining education due to social norms in Nepal²⁰. Likewise, 65% of cognitive energy of Dalit children is used on trauma of discrimination since

⁹ https://www3.weforum.org/docs/WEF_GGGR_2020.pdf

¹⁰ <https://mowesc.gov.np/downloadfiles/Gender-Equality-Report-1715242038.pdf>

¹¹ <https://www.unicef.org/nepal/media/21151/file/ECM%20-%20Main%20Report.pdf>

¹² <https://iris.who.int/bitstream/handle/10665/344677/GER-Nepal-eng.pdf?sequence=1&isAllowed=y>

¹³ <https://www.dandc.eu/en/article/lives-young-women-nepal-are-determined-traditions-and-taboos-even-though-constitution>

¹⁴ <https://jndmeerut.org/wp-content/uploads/2025/01/11.pdf>

¹⁵ https://old.cehrd.gov.np/file_data/mediacenter_files/media_file-17-428622471.pdf

¹⁶ <https://www.ero.gov.np/category/10>

¹⁷ <https://www.icimod.org/article/gender-analysis-of-school-dropout-and-out-of-school-rates-in-the-koshi-basin-nepal/>

¹⁸ <https://brokenchalk.org/nepal-discrimination-in-the-educational-system/>

¹⁹ https://giwmscdnone.gov.np/media/app/public/275/posts/1721033275_100.pdf

²⁰ <https://brokenchalk.org/nepal-discrimination-in-the-educational-system/>

they have the sense of caste²¹, which effect their educational attainment as Dalit students achieve significantly lower than non-Dalit students²². Furthermore, socio-economic, cultural, social stigma, and discrimination towards vulnerable groups have contributed to low literacy rate²³ and 33% Dalit children dropout of school in Nepal²⁴. The free and compulsory education provisions have not sufficiently empowered marginalized children, like Dalits²⁵, there are entrenched discriminatory practices against gender, disability, and caste/ethnicity²⁶ and cases of discrimination have not reduced²⁷. Furthermore, Nepal's education system continues to exclude the diverse indigenous knowledge and leads to poor educational outcomes for many children²⁸. Dalit and ethnic groups in in-depth interviews and FGDs share:

The government has not done anything to end discrimination as we still face discrimination in public and private places, including in school, and the provision of scholarship of Rupees 400 (equivalent to 3 USD) does not address our educational needs.

11. Additionally, Terai Dalits highlighted that they were not aware of constitutional provision of the right to education, and the State has not done anything to improve their situation.

12. Research evidence and the voices of rights holders highlight that caste/ethnicity-based discrimination remains prevalent, undermining the law and hindering equitable education for Dalit and marginalized children. Furthermore, there are widespread inequalities of educational opportunity and attainment due to social and cultural issues in Nepal.

3.3. Discrimination in education based on disabilities

13. Around 2.2% of the Nepalese population has some form of disability²⁹, which is significantly lower than global figure of 16% PwD³⁰. This raises questions on the understanding and capacity of the GoN on disability. Access to education is a fundamental human right for all, regardless of abilities or limitations. Unfortunately, CwD face various barriers to education in Nepal. Only 3% of the disabled children attend school due to inaccessible educational environment, discrimination, lack of specialized instructional materials and technology and negative attitude from teachers and peers³¹. Likewise, limited infrastructure, transportation, assistive technology, and teacher training³² and negative attitudes and stigma towards disability, limited curriculum adaptations, and insufficient support

²¹ <https://ukeraa.com/news/detail/157275/>

²² <https://www.ero.gov.np/category/10>

²³ <https://www.unicef.org/reports/unicef-annual-report-2021>

²⁴ https://old.cehrd.gov.np/file_data/mediacenter_files/media_file-17-428622471.pdf

²⁵ <https://doi.org/10.51474/jer.v11i2.558>

²⁶ <https://www.right-to-education.org/resource/alternative-report-crc-segregating-education-discriminating-against-girls-privatisation-and>

²⁷ <https://www.amnesty.org/en/documents/asa31/7980/2024/en/>

²⁸ <https://www.culturalsurvival.org/sites/default/files/Nepal%20CEDAW%20FINAL.pdf>

²⁹ <https://nfdn.org.np/news/disability-data/>

³⁰ <https://www.undrr.org/report/2023-gobal-survey-report-on-persons-with-disabilities-and-disasters>

³¹ <https://ehs.se/en/wp-content/uploads/sites/2/2023/05/barriers-to-education-nepal-report-5mr445-2023.pdf>

³² <https://www.unicef.org/reports/unicef-annual-report-2021>

systems³³ hinder education of CwD. Additionally, CwD in the in-depth interviews and FGDs share:

CwDs are placed in separate classrooms with inadequate support from teachers, and early screening practices are absent. Children with multiple disabilities face even worse conditions, with the government unaware and inactive in addressing their needs.

14. The above context creates significant barriers to education for CwD in Nepal and poses critical questions to the GoN on its accountability and commitments to the educational right of CwD.

3.4. Discriminating youth in education

15. In Nepal, young people account for approximately 20.8% of total population of the country (age group 16-25 years) while 40.68% lies in the age group 16-40³⁴. The youth will continue to constitute a dominant demographic cohort until 2035; however, they have limited access to basic service, and participation in civic and political spheres³⁵. Likewise, Nepal committed to provide relevant technical and vocational skills with functional literacy, numeracy and Information and Communication Technology (ICT) skills for employment, decent jobs and entrepreneurship for youth³⁶. Moreover, the Constitution provisions to create opportunities for young people in education and employment aimed at boosting their personal development and empowerment and promotes youth participation in all round development of the country. However, the youth have not been benefited from the Constitutional provisions³⁷ that leaves marginalized youth behind. Their unemployment rate for individuals aged 15 to 24 was 20.36% in 2023³⁸. Youths in FGDs and in-depth interviews express:

We are compelled to leave the country in droves due to the government's failure to deliver basic education facilities and employment, decent and entrepreneurship with relevant skills for us.

16. To secure better future, it is essential to safeguard the rights of young people through education with ICT skills. However, the above concerns of youth clearly exhibit that they have significantly low access to education, skills, employment, decent jobs and entrepreneurship in practice.

4. Privatization effect on the right to education

³³ <https://documents1.worldbank.org/curated/pt/590781562905434693/pdf/Equity-and-Inclusion-in-Education-in-World-Bank-Projects-Persons-with-Disabilities-Indigenous-Peoples-and-Sexual-and-Gender-Minorities.pdf>

³⁴ <https://nepal.unfpa.org/en/news/young-people-young-people>

³⁵ https://un.org.np/sites/default/files/doc_publication/2018-12/UNDP_NP-Youth-Strategy.pdf

³⁶ https://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en_2.pdf

³⁷ <https://nepjol.info/index.php/jbkc/article/view/60435/45161>

³⁸ https://www.macrotrends.net/global-metrics/countries/npl/nepal/youth-unemployment-rate?utm_source=chatgpt.com

4.1. Privatization effect on equity and non-discrimination

17. Privatisation in education is a growing concern to realize equity and non-discrimination in Nepal. CEDAW voiding private instruments of any kind, which is directed at restricting the legal capacity of women/girls³⁹, and other Conventions induce States providing education without discrimination in any forms, as their primary responsibility. However, privatisation process in education transfer assets and responsibilities from government to private individuals and agencies⁴⁰. Through unregulated private education, access to education and equitable educational opportunities are denied and overlooked on discriminatory grounds for girls and marginalized children⁴¹ and privatization in education creates segregation and discrimination based on caste/ethnicity and gender⁴². Moreover, equity and non-discrimination have not been the key focus in discussions on privatisation of education and re-direction of the state responsibility to private sector can have a long-term detrimental effect on equity and non-discrimination⁴³. The marginalized groups and CSOs in different FGDs and in-depth interviews share:

Private schools enrol fewer girls, Dalit students, CwDs, and ethnic minorities compared to public schools, which support marginalized children. Private schools, concentrated in urban areas, mainly serve affluent and privileged students, driving inequality and deepening social divides.

18. The evidence highlights how privatization has increased inequity and discriminating against girls and marginalized children. It undermines the right to education, jeopardizing equity and non-discrimination, and perpetuating injustice in Nepal.

4.2. Privatization effect on the right to free and compulsory education

19. The right to free and compulsory education is established by international conventions and policy instruments and the Constitution of Nepal (2015). Likewise, the GoN claims that Free and Compulsory Education Act (2018) is a noticeable initiative to ensure the right to education. However, the government does not live up to this, as it leaves a large of its responsibility on private sector⁴⁴. Furthermore, the Act does not in reality ensure full provision of free and compulsory education for marginalized children. It only provisions free textbooks, free admission, enrolment, tiny scholarship and mid-day meal to targeted communities. Additionally, profit oriented business in education challenges the norms of free and compulsory education and threatens the GoN sovereignty to deliver Constitutional mandates. Education service providers and CSOs claim:

³⁹ <https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article10>

⁴⁰ <https://unesdoc.unesco.org/ark:/48223/pf0000133075>

⁴¹ <https://unesdoc.unesco.org/ark:/48223/pf0000243823>

⁴² <https://www.right-to-education.org/resource/alternative-report-crc-segregating-education-discriminating-against-girls-privatisation-and>

⁴³ <https://www.right-to-education.org/resource/privatisation-education-global-trends-human-rights-impact>

⁴⁴ https://actionaid.org/sites/default/files/publications/nepal_country_report.pdf

Private school promoters in Parliament manipulate the interpretation of the right to education in the Constitution, influencing the upcoming Federal Education Act to benefit the expansion of private schools for their own gain.

20. The GoN plays a dual role: recognizing education as a public good, social endeavour and human right, while also permitting businesses to operate schools for private benefits. This is paradoxical with human right principles and illegal to the Constitutional mandates. For instance, the Constitution mandates a service-oriented private education, making profit-driven education unlawful.

4.3. Privatization effect on public education system

21. Public education system in Nepal has gone through significant challenges in recent times and has failed to gain the momentum as envisioned. The reason being lack of adequate support system and resources particularly in rural areas. The 10.95% education budget for the current fiscal year is significantly lower⁴⁵, than the government constitutional and global commitments to allocate at least 4-6% education budget from GDP and 15-20% from national budget. A pattern of low funding on public education has effect on consequent growth in privatization of education. However, private schools do not ensure equity and non-discrimination and fail to follow the norms and regulation set by the Nepal's constitution⁴⁶. Privatization of education has profound impact on the entire education system in Nepal. It encourages the private investment in education while reducing government budget and regulatory procedure in educational sectors⁴⁷. Education service providers and CSOs express:

Inadequate public education funding leads to the rise of private institutions, compromising citizens' right to education. These unregulated entities entrench themselves in the system, avoiding accountability and weakening public education through lobbying and policy influence.

22. Many education policy instruments and current Acts facilitate to promote privatization, which weaken state system and mechanisms. This is further fuelled by the political leaders' financial investment in private schools in Nepal⁴⁸. As a result, the state undermines free and compulsory education, allowing the private sector to dominate education in Nepal.

5. Conclusion

23. Despite constitutional mandates for free and compulsory education and a society free from discrimination, the GoN has failed to uphold its education commitments. While Nepal has made international pledges, it has not fully implemented measures for equity and non-discrimination in education. The GoN's low priority, weak institutions, and insufficient resources hinder progress in equity and non-discrimination. Additionally, Nepal's Free and Compulsory Education Act (2018) and other policies have regressed, promoting privatization through various partnerships. Influenced by private school owners and political leaders with financial interests, these policies prioritize profit over public education. This threatens the

⁴⁵ <https://mof.gov.np/content/277/budget-speech-2081-82/>

⁴⁶ <https://www.right-to-education.org/resource/nepal-patterns-privatisation-education>

⁴⁷ <https://english.onlinekhabar.com/privatisation-of-education-nepal.html>

⁴⁸ <https://kathmandupost.com/national/2022/08/28/school-education-is-free-but-public-schools-are-forced-to-raise-fee>

fundamental principle of education as a public good. Nepal's education budget has been declining annually, lacking financial disaggregation to address marginalized groups' diverse needs. This limits government intervention, weakens systemic reforms, and enables corporate influence in education. Addressing education issues in isolation, without considering broader social and structural factors, hinders meaningful progress. Additionally, the absence of a Federal Education Act and ineffective policy implementation undermine equity and non-discrimination in education.

6. Recommendations

24. Following are the key recommendations for action by the Government of Nepal:

1. Consider all Acts and policies void, including Free and Compulsory Education Act (2018) that do not enshrine Constitutional mandates.
2. Enact Federal Education Act to effectively implement the Constitutional right to equity, non-discrimination and non-promotion of privatization.
3. Develop and implement appropriate financing strategies with allocation of at least 4-6% education budget from GDP and 15-20% from national budget to implement free and compulsory education from early childhood to secondary level as States responsibility.
4. Implement targeted programs along with ear-marked funding for reducing dropout, increasing school enrolment, improving learning and secondary school completion, and promoting non-discrimination for marginalized children, especially girls, Dalits, CwD, ethnic groups, LGBTIQ+ and youths.
5. Enforce laws and conduct awareness campaigns to eliminate discrimination based on gender, caste, and all other forms in and through education.
6. Reform Nepal's education system for marginalized groups that promotes social justice, non-discrimination and equity, including deployment of qualified teaching and non-teaching staff, knowledge and mindset, resources, pedagogy, curriculum, safe, healthy and green schools, learning and skills for life, and digital learning and transformation.
7. Disavow privatization in education, as it undermines the government system and exacerbates inequity and discrimination. Additionally, challenge the outdated stereotype that public schools cannot provide quality education and work to reorient this mindset.