



Civil Society
Empowerment
for Accountable
Education



RIGHT TO EDUCATION MONITORING TOOL: ADVANCING EQUITY IN EDUCATION

Empowering civil society to identify and address gaps in the right to education through the lens of Gender, Equity & Social Inclusion

EDUCATIONOUTLOUD
advocacy & social accountability



**Karkhana
Samuha**

Published by

Karkhana Samuha



www.karkhanasamuha.org.np



karkhanasamuha



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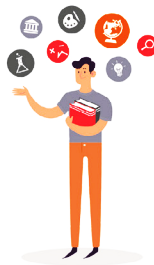
About Karkhana Samuha

Karkhana Samuha is a non-profit organization that focuses on making innovation in education inclusive and accessible to people, especially those on the margins, to achieve an equitable society. Since its inception, Karkhana Samuha has reached 535+ teachers, 24,662+ students and youths, and 33+ local government units with its programs.

Our Processes



We build **Communities of Practice (CoP)**



We **design learning resources** to scaffold the learning of CoP



We design digital platforms to ensure **continuous learning** of the CoP

Thematic Areas (IDEaS)



**Innovative &
Inclusive Education**



**Digital
Transformation**



**Education in
Emergencies**



and

**Sustainability &
Climate Adaptation**

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Acknowledgement

The development of the Right to Education Monitoring Tool: Advancing Equity in Education has been possible through the collective efforts, expertise, and commitment of individuals and organizations who share a common vision of ensuring inclusive and equitable education for all. This tool seeks to empower civil society to identify and address gaps in the realization of the right to education through the lens of Gender, Equity, and Social Inclusion (GESI). We wish to express our sincere gratitude to Meena Paudel from Nepal Disabled Women Association (NDWA), for her invaluable guidance on disability inclusion and rights-based advocacy. Laxmi Nepal from Access Planet, contributed her expertise on the empowerment and leadership of women with disabilities. Laxmi Shova Shakya from Tewa Nepal, provided her insights on women's rights and grassroots mobilization. Chesang Ghising from Queer Youth Group, provided us with queer and gender-diverse perspectives. Meanwhile, Saleena Shrestha from Powershift Nepal, contributed perspectives on youth engagement and climate justice in education.

We also extend our appreciation to the Learning Collaborative members of Kathmandu, Karnali and Madhesh, whose reflections from the ground enriched the tool and ensured contextual relevance across diverse provinces. Their feedback on the initial drafts proved valuable in shaping this tool.

Special thanks to Mohan Burja Magar, Niraj Kumar Mishra, Lalit Jung Shahi from Karkhana Samuha, and Bindeshwar Ram from Dalit Samaj Sewa Sangh, for their support during planning, designing, and drafting this tool were crucial to its realization. We acknowledge the collective spirit of collaboration, critical reflection, and solidarity among all contributors. Your roles and voices have been instrumental in shaping a tool that aspires to strengthen social accountability and advance equity in education.

And finally we would like to thank Global Partnership of Education and the Education Out Loud program for their support in creating this tool.

This tool is dedicated to civil society actors and community partners who continue to advocate for an inclusive and equitable education system in Nepal.

Karkhana Samuha

Introduction

About the Tool

This tool is meant to help civil society organizations (CSOs), community leaders, and education advocates understand whether schools in their areas are truly supporting every child's Right to Education (RTE) as guaranteed by Nepal's Constitution (Article 31) and Nepal's international commitments like SDG 4 and various human rights treaties.

It is based on Katarina Tomaševski's 4A Framework – Availability, Accessibility, Acceptability, and Adaptability which helps assess education from multiple angles. But what makes this tool especially useful is its strong focus on Gender Equality and Social Inclusion (GESI). It encourages users to look closely at whether children from all backgrounds, including girls, Dalits, children with disabilities, indigenous communities, and those from low-income or geographic margins are truly able to access and benefit from education.

With this tool, CSOs can:

- » Identify and document education-related challenges and rights violations in schools and communities.
- » Use clear indicators and guiding questions to collect information both quantitative and qualitative through school visits, interviews, or local records.
- » Highlight patterns of exclusion or inequality, especially where national laws or policies are not being followed in practice.
- » Build evidence for advocacy from the community level to local governments, ministries, and national platforms.

This tool is not just for monitoring, it's also a way to support evidence-based advocacy. The goal is to make education systems more inclusive, responsive, and accountable, so that every child, especially those most often left behind, can learn in a safe, supportive, and respectful environment.

Goal and Objectives



Goal

To support inclusive, equitable, and quality education for all children in Nepal by helping communities monitor how well schools are meeting the Right to Education, especially for those in the margins.



Objectives

1. **Assess compliance through a GESI lens:** Use the 4-A framework to evaluate whether schools are upholding education rights, with attention to the experiences of girls, children with disabilities, Dalit communities, and others who face barriers.
2. **Promote accountability:** Allow CSOs and communities to raise concerns and follow up with schools, local governments, and policymakers to ensure that education rights are being respected.
3. **Highlight issues of equity and inclusion:** Use evidence to advocate for improvements that respond to the specific needs of marginalized students and promote fair treatment for all.
4. **Track policy implementation:** Monitor how national laws like the Free and Compulsory Education Act (2018) are being put into practice and whether they are reaching those who need them most.
5. **Encourage better investment in education:** Advocate for more funding for public education – and for that funding to be directed where it can make the greatest impact, particularly in under-resourced communities.

Right to Education through the lens of GESI

What is Right to Education (RTE)?

Right to Education is a globally recognized human right that has evolved through binding and non-binding instruments, shaping how nations, including Nepal structure their education laws and policies. Article 16 of Universal Declaration of Human Right in 1948 the right of free and compulsory education for everyone. Nepal endorsed UDHR in 1955 and incorporated RTE into the constitution of Nepal in 1990 and has ratified several key international treaties derived from the UDHR from 1990 onward. The [Right to Education \(RTE\)](#) is a fundamental human right that ensures equitable access to free, quality education for all, regardless of gender, caste, ethnicity, disability, or socioeconomic status. To ensure the compliance of the Right to Education, Nepal has signed various international treaties and pacts, which are reflected in its national policies, constitution, and acts. The Constitution of Nepal specifies education as a citizen's right and the basic foundation for national development. It guarantees the right to free and compulsory basic education (Grades 1-8) and free secondary education (Grades 9-12) for all children. Article 31 of the Constitution enshrines various rights related to education, including access to basic education, free and compulsory basic education, free secondary education from the state, and free higher education for citizens with disabilities and economically indigent citizens according to law. It also covers education in mother tongues for Nepalese communities. Nepal has adopted the policy of "Education for All" and provides free education up to the secondary level in public schools.

What Constitutes a Violation of the Right to Education?

Violations of the Right to Education occur when states fail to respect, protect, or fulfill educational rights. The United Nations Committee on Economic, Social and Cultural Rights (UNCESCR), in its General Comment No. 13 (1999), clarifies that states are obligated to: "Avoid measures that hinder or prevent the enjoyment of the right to education, prevent third parties from interfering, and adopt appropriate legislative, administrative, budgetary, judicial, promotional, and other measures towards the full realization of the right to education." (UNCESCR, General Comment No. 13, para. 47). Thus, the state is obliged to plan, implement, and process the strategies to ensure that every child in Nepal has access to free and quality education without any socio-economic hindrance.

Progressive Realization

Progressive realization (non-retrogression) in Nepal's education context means the state has a duty to sustain and build upon its achievements in education access, equity, and quality—and must avoid policies or actions that take the system backwards. The principle of non-retrogression in education means that the government must not take actions that reduce or reverse the progress already made in ensuring the right to education as guaranteed by the Constitution of Nepal (2015) and various international commitments (e.g., ICESCR, SDG 4). Some of the retrogressive actions violate the constitutional rights of children, especially those from marginalized groups are reducing

education budget without strong justification like (conflict, covid, disaster, etc.), reducing or removing scholarships program for marginalized communities, introduction of enrollment fees, closing/merging public schools that hinder access for students in remote areas, etc. Thus unjustified budgetary cuts lead to violation of the right to education.

What is GESI?

GESI (Gender Equality and Social Inclusion) in education refers to applying a framework that ensures all learners, regardless of gender, ability, or social background, have equal access to quality education and inclusive learning environments. It aims to address systemic inequalities and promote a safe, supportive, and inclusive environment where all students can thrive. From the lens of GESI, RTE must guarantee access and eliminate systemic barriers that marginalized communities face.

The Government of Nepal came up with a flagship Program, Provincial and Local Governance Support Program ([Gender Equality and Social Inclusion \(GESI\) Strategy 2021-2023](#)), to ensure that all Provincial and Local Governments are fully functional, sustainable, inclusive, and accountable to their citizens. It emphasizes inclusive access to education and service delivery as part of social justice.

GESI and RTE violation

Gender Equality and Social Inclusion (GESI) is a critical framework that ensures the equitable participation and benefit of all individuals, especially those who are marginalized due to gender, caste & ethnicity, religion, disability, geography, or economic status. In the context of education, GESI aims to address systemic barriers that prevent equal access to quality education for all children regardless of their

background. RTE is not only about physical access to schools, but also about ensuring inclusive, equitable, and quality learning for all children, especially those who are socially, economically, or structurally marginalized. GESI highlights how social norms, power relations, and identity-based barriers restrict certain children from even reaching school or staying enrolled. These barriers are often invisible in general statistics but are significant violations of RTE. RTE violation is severe when schools fail to acknowledge quality and dignity of the learning experience and ensure meaningful participation of parents, communities, and children from GESI backgrounds during the planning and monitoring of education services.

Common GESI-linked RTE Violations:

» Gender-based Discrimination:

Girls may face early marriage, lack of safe school environments, or absence of menstrual hygiene facilities, leading to high dropout rates.

» Caste and Ethnicity Discrimination:

Children from Dalit and Janajati communities often face exclusion, humiliation, or low teacher expectations in schools.

» Religious discrimination:

Schools failing to accommodate diverse religious practices and unequal treatment of children from minority religions. During religious festivals like Eid, Muslim students are marked absent.

» Disability Exclusion:

Lack of inclusive teaching practices, assistive devices, and trained teachers for children with disabilities violates their right

to accessible and quality education.

» **Geographic Marginalization:**

Children in remote or conflict-affected areas may be deprived of functioning schools, qualified teachers, or learning materials.

» **Economic Disadvantage:**

Marginalized families may not afford school-related costs (uniforms, transport, stationery), leading to exclusion, despite the law promising free education.

Why the GESI Lens is Important in Addressing Right to Education (RTE) Violations

- » The GESI lens helps identify invisible exclusions despite overall enrollment figures.
- » GESI recognizes social barriers that limit participation of marginalized groups.
- » It guides the design of tailored interventions to promote inclusive and context specific solutions based on diverse needs.
- » It enables critical analysis of legal and policy accountability to know if they are reaching and benefiting the most excluded groups.
- » The GESI lens addresses root causes, not just symptoms (like gender bias or caste-based exclusion) that underpins many RTE violations.

Ways to ensure GESI to address RTE violation

- » Disaggregate data by gender, caste, disability, etc.
- » Involve marginalized groups in planning.
- » Use GESI indicators in school assessments.
- » Design targeted, inclusive interventions.
- » Train teachers on GESI and inclusive practices.
- » Review policies and budgets through a GESI lens.
- » Strengthen safe complaint and redress systems.
- » Monitor outcomes for excluded groups.

Monitoring Framework for Right to Education Violations

Based on Katarina Tomaševski's 4-A Framework, this tool provides key indicators that can be used within educational institutions to ensure the Right to Education. These indicators help assess whether institutions providing formal education are upholding the right to education as outlined in Nepal's Constitution, laws, and policies. This framework focuses on the following four key aspects in cases of violation of the Right to Education:



» Availability:

Educational infrastructure, teachers, and learning materials must be accessible even in remote and marginalized areas.



» Acceptability:

Education must be culturally relevant, non-discriminatory, and provided in a manner that upholds dignity.



» Accessibility:

Education must be physically, economically, and socially accessible to all, especially girls, Dalit children, children with disabilities, indigenous communities, and other marginalized groups.



» Adaptability:

Education must be flexible and responsive to the diverse learning needs of children, especially those outside the school system, and must offer context-appropriate and adaptive learning pathways.

Data Collection

The standards and indicators provided below will be used to assess whether any formal educational institution has violated the Right to Education. Data can be collected using the worksheet provided in Annex C.

Method of Analysis

If a violation is found under any of the indicators, it will be considered a breach of the Right to Education. Civil society organizations (CSOs) can use the data collected through this process to advocate for the Right to Education and hold all three tiers of government accountable.

AVAILABILITY

Dimension	Indicator	Means of Verification	GESI consideration	Violation if (Example)
School Infrastructure	Ratio of schools to the school going population	Census Data Data from the Local Education Plan for the Local government Units	Assess distribution of schools with high concentration of students from marginalized communities	Schools are not available in regions that have a high concentration of children from marginalized communities (For e.g. rural settings, settlements of indigenous communities)
	% of communities without a nearby school	Community Validation	Focus on indigenous, rural and nomadic communities	Children from communities who migrate seasonally for work (or other reasons) don't get to go to school for the migration season.
	Frequency and duration of school closures	Administrative records Community reports	Track closure of the effects of school closures on the vulnerable groups i.e. girls and politically and ethnically marginalized groups	Prolonged school closures lead to high number of girls dropping out of school
Human Resources (Teachers and non-teaching staff)	Student teacher ratio by region, schools, grades	EMIS	Data needs to be disaggregated based on GESI principles	Schools that are attended by majority of students from a traditionally marginalized communities have a high student to teacher ratio
	Teacher development opportunities offered to teachers	Teacher Service Commission Data	Monitor based on underserved communities and regions	Classes are delivered by unqualified teachers with very little teacher development support
	% of female teachers & teachers from marginalized communities in basic schools	EMIS, Local government data	Lack of female and local teachers and staff in school. Lack of female in school leadership	Female students drop out due to lack of female teachers, staff and school leaders
	Restrictions on teacher recruitment	Teacher recruitment policy and process	Monitor exclusion of teachers from the marginalized communities & non-citizens from teacher recruitment and career advancement	Employment rules block competent teachers from being hired and promoted. Schools can't recruit teaching staff (especially in basic levels) that can communicate with students in their first language.

Dimension	Indicator	Means of Verification	GESI consideration	Violation if (Example)
Education Financing and Investment	% of public education budget allocated to basic education	MoEST red book, Local government's red book, Public Expenditure Tracking Surveys (PETS)	Assess budget allocation to basic schools based on caste/ethnicity density or socio economic vulnerability	A rural local government incapable of generating enough funds from their constituency isn't been allocated lesser funds by the federal government for basic education, compared to other local governments with lesser need but closer to the power center
	Ratio of funding to different schools in the same local government unit	School Financial Audit	Assess budget allocation to different schools in the same local government unit based on caste/ethnicity density or socio-economic vulnerability	More budget and resources is being allocated to public schools where mostly community members coming from privilege attend while neglecting schools being attend by students from the marginalized communities
Regulation and Legal redress	Enforcement of school licensing and quality assurance systems for both public & private schools	Compare legal framework with number of licensed/ unlicensed schools; inspection reports	Focus on whether poorer or minority-serving schools face neglect or leniency vs. elite schools	Government fails to regulate schools, exposing disadvantaged learners to substandard education
	Freedom for communities and individuals to establish schools, subject to non-discriminatory regulation	Review of education law provisions, license approval data, court cases involving denied registrations	Focus on religious, linguistic, indigenous, and women-led groups trying to open schools—are their applications rejected or delayed unfairly? Are such schools after opening supported by the government?	Government restricts specific groups from opening schools, or applies regulations that suppress diversity and inclusion
	Availability of legal remedies for students harmed by unrecognized institutions	Legal aid case tracking; interviews with affected students; NHRC data	Are poor and marginalized learners the most likely to be defrauded or blocked from progression?	No legal path to address damage done by fraudulent or unrecognized education providers

ACCESSIBILITY

Dimension	Indicator	Means of Verification	GESI consideration	Violation if (Example)
School Infrastructure	Tuition and indirect costs charged in primary education	Review of school fee notices, parent interviews, expenditure tracking	Are girls, Dalit, indigenous, and poor children excluded due to hidden costs (uniforms, exams, "voluntary" fees)?	Basic education is not truly free; costs block marginalized learners <i>A Dalit family in a rural village withdraws their daughter from school because they cannot afford the exam fee labeled as 'voluntary contribution'.</i>
	Availability of scholarships or stipends for disadvantaged students	Local Government program data, Local government budgets expenditure, Local government scholarship criterias	Are financial supports reaching girls, children with disabilities, ethnic minorities, etc.?	No financial support exists or is inaccessible to those most marginalized <i>A child with a disability in a remote district is eligible for a stipend but never receives it due to difficult application process</i>
Human Resources (Teachers and non-teaching staff)	Distance to nearest school by community type	School Mapping	Remote, mountainous, flood-prone, or urban-poor areas may have no nearby schools, esp. for girls, gender minorities or disabled students	Students can't access school due to long distance and unsafe commute <i>In monsoon girls and disabled students can't go to school for 3 to 4 months as the schools are too far and roads usually damaged due to floods and landslides</i>
	Disability-friendly & Gender friendly school infrastructure (ramps, toilets, seating)	School inspections, infrastructure audits	Are schools physically accessible to children with disabilities? Are there clean and safe gender segregated accessible toilets?	Schools don't have ramps and necessary structures in washrooms for wheelchair users. Girls don't have access to clean and separate washrooms. Girls don't have facilities in the washroom to change sanitary pads. Children from gender minorities (LGBTQIA+) don't have access to safe and clean washrooms
	Safety of school route (violence, harassment)	Interviews with parents/students	Girls or children from gender minorities may face harassment or assault en route to school; children from marginalized groups may face caste-based violence	Girls, Children from gender minorities or children from marginalized groups drop out of school because of violence faced in route to their school <i>Girls from a Madhesi village stop attending school after repeated harassment on the way to school through an isolated path.</i>

Dimension	Indicator	Means of Verification	GESI consideration	Violation if (Example)
Non-Discrimination Access	Admission practices and criteria	Review school enrolment policies; spot checks; interviews with denied applicants	Are disabled, pregnant, Dalit, LGBTQIA+, or married students being denied access?	School rejects students based on identity, condition, or social status <i>A girl is refused admission to a public secondary school because she is pregnant, even though she wants to continue learning.</i>
	Dropout or repetition rates disaggregated by group	EMIS or school-level data	Do girls, children from minorities, or low-income households have disproportionately high dropout/repetition rates?	Education system fails to retain marginalized learners due to unequal treatment or lack of support <i>A Dalit boy repeats grade 5 three times due to lack of support, and mid day meal is only provided till grade 5, and is eventually forced to drop out to work in the fields.</i>
	Presence of discriminatory practices in schools (segregated seating, caste-based chores)	Classroom observations, student interviews, community feedback	Are Dalit or ethnic children given menial tasks or made to sit separately?	Discrimination within school creates hostile or exclusionary environment <i>In a school, students belonging to a certain community are made to sit in the back, separate from other students.</i>
Legal and policy framework for inclusion	Enforcement of policies mandating compulsory and free education	MoEST monitoring data; civil society reports	Are marginalized communities aware of their legal right to free education? Are they aware of the benefits and the consequences of the right to free education	Discrimination within school creates hostile or exclusionary environment <i>In a school, students belonging to a certain community are made to sit in the back, separate from other students.</i>
Parental Freedom of Choice	Extent to which parents can choose schools aligned with their values (language, religion, culture, pedagogy)	Community surveys, focus group discussions, education policy review	Do indigenous, religious minority, linguistic, or low-income families have real choices—or are they forced into underfunded, low in quality or culturally irrelevant schools? Do they have sufficient information to choose their preferred schools	State restricts choices or makes diverse schools inaccessible/unaffordable to the marginalized <i>The school runs two different programs - one in nepali and another in English. A school charges compulsory fees of Rs 1000 per month for its English language program, making it inaccessible for a lot of students.</i>
	Legal and regulatory support for alternative schooling (e.g., community based schools, religious schools)	Education Policies, Interviews with school leaders running different types of schools, Specific community focused group discussions	Do government policies allow religious, mother-tongue, or community-led schools or other alternative schooling like seasonal schooling, mobile schooling or homeschooling to operate without discriminatory restrictions?	Licensing laws are used to deny or delay schools serving minority or non-mainstream communities <i>The government doesn't give permission to run a mobile school in the brick kilns for workers who migrate seasonally to work in them</i>

ACCEPTABILITY

Dimension	Indicator	Means of Verification	GESI consideration	Violation if (Example)
Curriculum & Textbook Content	Inclusion of non-discriminatory, inclusive curriculum that promotes human rights and diversity	Curriculum framework review, textbook analysis, teacher training module evaluation	Check for gender bias, caste/ethnic invisibility, omission of minority cultures or languages	Curriculum or textbooks perpetuates stereotypes, excludes minority perspectives, or omits human rights education <i>A Grade 5 textbook uses only male pronouns for leaders and shows women only in household roles, reinforcing gender stereotypes</i>
	Use of mother tongue or first language for class delivery in early education	Curriculum and textbook audit, teacher interviews and class observations	Do indigenous, minority children learn in their first language during early grades?	Language barrier prevents students learning and participation in classroom activities <i>A Maithili-speaking child in Province 2 receives instruction only in Nepali, resulting in disengagement and early dropout.</i>
Safe and Respectful Environment	Presence of corporal punishment, degrading or humiliating discipline	Child rights monitoring, student surveys, observation reports	Are children with disabilities, Dalit, or girls facing disproportionate punishment?	Punishment undermines dignity, safety, or disproportionately affects marginalized students <i>A student is regularly beaten for not completing homework and made to stand outside the classroom, violating his dignity and rights. The student is singled out for his caste.</i>
	Anti-bullying and gender-based violence prevention policies, systems and its implementation	School policy review, incident report logs, student focus groups	Are girls, LGBTQIA+ students, and minority children protected and able to report safely?	Harassment, violence, or discrimination is tolerated or underreported in schools <i>A female student drops out after repeated verbal abuse by a teacher and no action by the school authority.</i>

Dimension	Indicator	Means of Verification	GESI consideration	Violation if (Example)
Teaching Methodology & Capacity	Use of inclusive, participatory, child-centered pedagogies	Classroom observations, teacher self-assessments, student feedback	Do teachers engage all students equitably? Are students with learning and physical disabilities in the class being engaged by the teachers?	Marginalized students (i.e. students speaking a particular language or students with disabilities) aren't being engaged by the teachers.
	Contextualization and cultural relevance of learning materials	Lesson plan reviews, material content analysis, Student feedback, Classroom observations	Do lessons and materials designed by teachers reflect local culture and context?	Students feel alienated due to irrelevant or culturally insensitive teaching in the classrooms <i>Lessons on agriculture exclude local crops and techniques practiced by indigenous communities, making learning feel disconnected.</i>
	Pre-service and in-service training on human rights, diversity, and anti-discrimination	Training curriculum audits, teacher survey, training attendance records	Are teachers equipped to recognize and counter discrimination and bias in class? Are teachers capable of identifying learning disabilities among students?	Teachers reinforce stereotypes or fail to create inclusive classroom environments <i>A teacher assumes Dalit students are 'weaker' learners and discourages them from participating in class discussions</i>
	Diversity among teaching staff & school leadership (gender, ethnicity, caste, religion)	School HR data, teacher recruitment statistics, teacher promotion criteria and processes	Are teachers and school leaders reflective of the communities they serve, providing diverse role models?	Homogeneous teacher and school leader profiles fail to represent or relate to student diversity affecting student learning outcomes <i>A Muslim-majority school has no Muslim teachers, leading students to feel underrepresented and misunderstood.</i>

ADAPTABILITY

Dimension	Indicator	Means of Verification	GESI consideration	Violation if (Example)
Curriculum Flexibility	Extent to which curriculum can be adapted to local needs, culture, and realities. Inclusion of local languages, histories, and cultural content in teaching	Curriculum Curriculum and textbook content audit, Classroom observations	Can schools integrate content relevant to indigenous knowledge, local context, and marginalized communities?	Rigid national curriculum prevents adaptation to community needs or learner diversity <i>A Tharu child learns in Nepali and sees no mention of Tharu language or culture in textbooks, making school feel foreign and disconnected.</i>
Crisis Responsiveness	Adaptability of schooling during conflict, disasters, or pandemics	Review of emergency education plans, remote learning options, attendance records during crises	Do responses consider gender, poverty, disability, and remoteness in continuing education?	Crisis response ignores needs of most vulnerable learners (e.g., poor, girls, rural, disabled) <i>During COVID-19, a rural girl from a Dalit household couldn't attend online classes due to no internet access, while wealthier peers continued learning uninterrupted</i>
Alternative pathways and second chances	Availability of flexible learning pathways (remedial classes, learning at community learning centers, , re-entry for dropouts)	Local Education Policy and program review, enrollment records, interviews with returnee learners	Can married girls, child laborers, or displaced youth return to education flexibly?	Rigid systems block re-entry or flexible learning options for marginalized groups <i>A girl who left school after marriage at 14 is denied re-admission at 16 because no re-entry pathway exists for married students</i>
	Availability of flexible schooling options for working children (e.g., evening classes, shift schools, accelerated learning)	School operation schedules, student enrolment records, interviews with working children and families	Do schools accommodate children involved in agriculture, domestic work, or wage labor - especially girls and children from marginalized communities?	Rigid systems can't accommodate working children in school <i>A 13-year-old boy working in a brick kiln with his family cannot attend school for 6 months of seasonal work because he can't be transferred to a new school in the working location.</i>

Dimension	Indicator	Means of Verification	GESI consideration	Violation if (Example)
Support for Learners with Disability	Availability of differentiated learning support and adaptive learning for students with disabilities	availability of special education teachers, classroom observation	Are there systems in place for adapting pace, content, or methods for children with disabilities?	Children with special needs are left behind or excluded due to lack of support or adaptation <i>A child with low vision is forced to use standard-size textbooks without any assistive tools or teacher support, causing them to fall behind and eventually drop out.</i>
	Integrated schools and classrooms for children with disabilities	Interviews with school leaders, local government units, Classroom observation	Are children with disabilities learning alongside peers in a way that promotes respect and participation?	Children with disabilities are denied an opportunity to learn with their peers in integrated classrooms (They only learn in special schools) <i>A child with hearing impairment is technically enrolled but sits isolated with no interpreter or peer engagement, making integration nominal but ineffective.</i>
Teacher Training and Support	Training and mentoring on how to adapt teaching to diverse learner needs and changing contexts	Teacher professional development records, training content review, classroom observation	Do teachers know how to adapt for different paces, styles, and cultural backgrounds?	Teachers are unprepared to adjust instruction for diversity or change <i>Teacher is using only lecture based methods in a multilingual classroom that also has students with learning disabilities.</i>

RTE Monitoring & Reporting Steps

Monitoring from a human rights perspective involves systematically tracking the State's obligations and the realization of the right to education by individuals. It aims to ensure accountability, inform advocacy strategies, and guide public policies. The mechanism is grounded in legal frameworks and relies on a structured set of indicators

Structural Indicators

Measure state commitments (e.g., treaties ratified, laws adopted). The list of state commitments made by Nepal can be found in the Appendix.

These indicators assess the State's formal commitment to human rights and its legal and institutional frameworks to promote inclusive and equitable education for all marginalized groups. This includes constitutional provisions for RTE of marginalized communities, ratification of global treaties like CRC, CEDAW, CRPD, etc.

Process Indicators

Track the efforts (e.g., policies, programs, budgets). At local level tracking the local level education plans, the local government's red book, as well as their annual expenditure sheet would be helpful. The government's are obligated to disclose this information.

These indicators track the actual actions and programs undertaken to implement GESI commitments in the education sector. They focus on how resources, programs, and policies are being used to progressively realize the right to education to ensure equity focused programs. Some of the examples are proportion of budget allocation for inclusive education, gender responsive teaching learning environment, implementation of culturally appropriate curriculum, supportive mechanism for inclusive participation of teachers, parents and students in decision making process.

Outcome Indicators

Assess actual realization of rights by marginalized groups from education in a meaningful and equitable way. Some examples of outcome indicators are enrollment and retention rate, learning outcomes, any kind of discrimination or violence faced by children from marginalized communities, and their parents' involvement and satisfaction.

These are supported by both quantitative and qualitative data and require disaggregation to capture inequalities (e.g., by region, gender, or disability).

Monitoring Process

The monitoring process involves six key steps:

Define the Focus

Identify the issue/theme, geographic scope, and context. It helps to define who is left behind and the reason. Focusing on specific issues helps ensure that monitoring efforts are targeted and relevant to local realities. For example, it helps to identify the issues faced by dalit girls from rural Madhesh.

Use of Evidence

Leverage findings in advocacy through campaigns, reporting, and litigation. For example, evidence of low enrollment among Muslim girls in urban slums could support community dialogues or legal action demanding better access. Sharing data in accessible formats such as local languages or audio versions ensures broader impact.

Process Evaluation

Examine transparency, accountability, and participation in education systems. It monitors the meaningful participation of marginalized communities and highlights structural exclusion that may occur among education stakeholders.

Collect Data

Gather existing official data and generate new data through surveys, interviews, and observations. Disaggregating data by gender, caste, ethnicity, and disability is crucial to highlight inequalities.

Legal and Policy Review

Analyze laws, policies, and their implementation. This step involves assessing whether Nepal's laws and education policies protect and promote the rights of marginalized groups. Reviewing both policies and their on-ground application ensures gaps are identified.

Resource Tracking

Assess budget generation, allocation, and expenditure in education. Tracking how budgets are allocated and spent reveals whether resources are reaching those who need them most. Analyzing this helps advocate for more equitable and transparent spending.

Monitoring Process in Action

1. Define the Focus

We will be focusing on how our formal education process systematically excludes students with disabilities.

2. Collect Data

One on one interviews would be a good method to collect primary data. Here are a list of potential interviewees

- » Children with disabilities who are out of school
- » Guardians of children with disabilities, who are out of school
- » Children with disabilities that are currently attending schools, and their guardians

- » Teachers who have taught children with disabilities, both special schools and integrated schools
- » School leaders who run integrated schools as well as special schools
- » Education head of the local government unit

Focus Group Discussions are another useful tool to collect data. Here are the groups that you can focus on

- » Local Community on their perception of children with disabilities
- » Education Committees at the Local level
- » Local Government Unit's leadership

We can also use IEMIS/Flash plus surveys, local education plans, budgets and audits to collect quantitative data. If the information isn't provided we can also use the [Right to Information \(RTI\)](#) process to gain necessary information. The process should be used only if local government units are unwilling to share information.

3. Legal and Policy Review

Reviewing legal and policy documents is an important step. At the federal level we can review Nepal's Constitution, the Free & Compulsory Act (2018), the Rights of Persons with Disabilities Act (2017), and the Inclusive Education Policy (2017), and list out the commitments that ensure Right to Education for children with disabilities. Similarly we can also review local level policies on education and inclusion. Using the government's own plan, policies and commitments is the best way to hold them accountable.

4. Resource Tracking

Budgets can be assessed from federal to school level to see if resources are allocated to ensure children with disabilities can continue formal education. Look for budget allocation and spending on disability friendly physical infrastructure like ramps, accessible toilets, braille or assistive technology. Also look for budget allocation on scholarships for children with disabilities, teacher training on special education, and parent orientation. It's not enough to track these resources on paper, as we have experienced ground realities to be different like the ramps being built are too steep to be used for wheelchairs. Physical audits on schools for inclusive infrastructure and environment should also be a priority.

5. Process Evaluation

The focus here is on governance: Are parents of children with disabilities or people with disability represented in School Management Committees and other education committees? Are scholarships, budgets, and decisions made transparent? Are grievances addressed? This reveals whether participation and accountability mechanisms are inclusive.

6. Use of Evidence

We need to convert your findings into advocacy tools reports, scorecards, briefs in local languages, and advocacy campaigns. Evidence supports community dialogues, budget reprioritization, and legal remedies. By doing so, the process ensures that the right to education for children with disabilities moves from paper commitments to practice.

National Reporting Mechanism

In Nepal, violations of the right to education can be reported through several key institutions depending on the nature of the issue:

Local Education Committees *(School Management Committees – SMCs, ward/level education committee, etc)*

- a. **Function:** SMCs oversee individual schools and are responsible for budget transparency, infrastructure, uniforms, and ensuring non-violence in schools. Local Ward Level Education Committees work to mobilize communities, monitor schools, support enrollment and retention, coordinate with local government, and ensure inclusive, accountable, and participatory education at the grassroots level.
- b. **How to act:** Raising concerns at SMC or ward level education committee meetings is an effective first step for school-specific issues like harassment, fee irregularities, or lack of facilities (e.g. sanitation, access for children with disabilities). You can find a sample letter to raise issues with the Local Education Committees in Annex 4 of this document.

Child Welfare and Protection Entities

- a. **Entities:** Child Welfare Committees, Girls in Education Networks (GIEN), etc. established by local governments and NGOs work actively to protect children's rights, including education.
- b. **How they help:** These organizations can assist victims in reporting issues, providing legal aid, monitoring education quality, and advocating for systemic change.

3. National Human Rights Commission (NHRC)

- a. **Mandate:** Nepal's NHRC is the constitutional body with authority to investigate human rights violations, including breaches of the right to education under Article 31 of the Constitution.
- b. **How to report:** Complaints can be submitted in written and oral format in person at their office in Pulchowk, Lalitpur, or through their website. They accept petitions from individuals or groups, and can initiate investigations on their own. Here is the [video tutorial](#) on how to register a complaint on RTE violation through NHRC [web-site](#):

Ministry of Education, Science and Technology (MoEST)

- a. **Role:** Addresses administrative and policy-level issues within the schooling system. If violations involve denial of free basic education, irregular fees, poor infrastructure, or discrimination, the Ministry can be notified for corrective action.
- b. **How to report:** Submit a formal letter or petition to the local District Education Office or directly to the Ministry's central office in Sanathimi, Bhaktapur. You can find the sample of a formal letter to be submitted to the District Education Office or directly to MoEST in Annex 4 of this document.

Judiciary: District and High Courts

- a. **When to use:** If administrative or commission-based complaints don't resolve the issue, courts are the legal route to enforce constitutional rights. Seeking legal justice would be the final step if all else fails.
- b. **Action:** Affected individuals can file writs in the appropriate court to compel the state or schools to uphold the right to education.

Reporting Steps at a Glance



These steps create a layered pathway for responding to education rights violations, ensuring accountability at every level, and empowering communities especially marginalized groups to seek justice through both formal and grassroots mechanisms. This approach empowers excluded communities to claim their rights, strengthens systemic accountability, and ensures that educational justice is not just available but truly accessible, acceptable, and inclusive for all.

Tips for Reporting

- » Collect evidence such as photos, admissions records, fee details, and witness statements. Also refer to the Means of Verification in the 4A table above for more details about evidence collection
- » Document how your right under Article 31 or relevant laws and policies was violated. Find the details on Article 31 in Annex A.
- » To report a violation of the right to education in Nepal, you can start at the local level with SMCs and the District Education Office.
- » If unresolved, escalate to the Ministry of Education or NHRC. Support and advocacy can be sought from NGOs, and legal enforcement pursued through the courts if needed.

International Reporting Mechanism

At international level, we can report shadow/alternative reports during periodic state reviews to different authorities of UN Treaty Bodies and specific committees, Nepal has ratified. Some of them are mentioned below:

1. [Committee on the Rights of the Child](#): Nepal submits periodic reports on child rights implementation every five years highlighting violations e.g., exclusion of children with disabilities from schools.
2. [Committee on Economic, Social and Cultural Rights](#): State reports on rights to education, health, work, etc. in every five years.
3. [Committee on the Rights of Persons with Disabilities](#): State submits implementation reports on disability rights every four years.
4. [Committee on the Elimination of Discrimination Against Women](#): State reports on gender equality and women's rights every four years.
5. [Committee on the Elimination of Racial Discrimination](#): States can report on measures to end caste and ethnic discrimination in every two years.
6. [Human Rights Committee \(ICCPR\)](#): State reports on civil and political rights, including equality and non-discrimination every four years.

Nepal, as a State Party to several UN human rights treaties, is required to submit periodic reports to the respective treaty bodies on the implementation of its obligations. Civil society organizations (CSOs) and non-governmental organizations (NGOs) play an important role in this process by submitting alternative (shadow) reports and providing oral briefings that highlight gaps and violations following the submission of Nepal's state reports. Individual complaints are not currently applicable, as Nepal has not ratified the Optional Protocols of most committees, with the exception of the CEDAW Committee. Collective submissions from CSOs serve to strengthen the reporting process. In line with the specific criteria of reporting formats, CSOs are encouraged to report any violations to the relevant committees, with appropriate references and supporting documentation.

Annex 1

Legal and Policy Framework related to RTE in Nepal

Articles in the Constitution	Acts related to the article	What constitutes its violation?	Consequences of the violence	Complaint Mechanism of the violation
Article 31: Right to Education Right to get compulsory and free education up to the basic level and free education up to the secondary level from the State. The citizens with disabilities and the economically indigent citizens shall have the right to get free higher education Right for the blind and deaf students to get education right to get education in its mother tongue	Compulsory and Free Education Act, 2075 (2018 AD) - Guarantees free and compulsory basic education (grades 1-8) and free secondary education (grades 9-12). -Ensures free textbooks, educational materials, and scholarships for marginalized groups (e.g., Dalits, persons with disabilities, and economically destitute children). - Free and Compulsory Education Act, 2018, ensures the implementation of Article 31. It also induces private schools to provide free education to 10 to 15 % of their total students. -The Free and Compulsory Education Act, 2018, has also specified the violation of RTE, its consequences, and the complaint mechanism.	As per Section 32, the following are considered offenses: - Refusing admission to a child without a valid reason (Section 9). - Expelling or preventing a child from acquiring or continuing basic education (Section 10). - Refusing readmission or transfer certificates (Sections 11 and 13). - Violating provisions related to traditional education (education provided by institutes such as Gurukul, Gumba, madarsa) (Section 16). - Breaching rules regarding free education in private schools (Section 27).	Penalties under Section 32(3): -Up to an NPR 5,000 fine for denying admission or transfer documents. -Up to an NPR 3,000 fine for expelling a student or violating Section 16. -Up to NPR 50,000 or equivalent to the claimed amount, for breaching Section 27 (scholarship reservation in private schools). -Any illegally collected amount must be refunded. -As per Section 19, by 2085, failure to pass the standard of 8 will be prohibited, including or having access to any legal opportunities/facilities provided by the government, such as owning a business, applying for candidacy for any job openings by the government, being a part of any party, or legal bodies.	Who can file: The guardian of the affected child. Where to file: To the Judicial Committee of the Local Level (Article 217 of the Constitution of Nepal). When to file: Within 15 days of the offense. Appeal: If dissatisfied, the guardian can file an appeal to the District Court.

Articles in the Constitution	Acts related to the article	What constitutes its violation?	Consequences of the violence	Complaint Mechanism of the violation
Article 38: Right to Women Ensures the rights of women, guarantees equal lineage rights, and protects women from any form or degree of violation. It requires the state to provide women with special opportunities in education, health, employment, and social security based on affirmative action.	No Acts has been formulated for the implementation of this article in education	N/A	N/A	N/A
Article 39 - Rights of the Child • Every child has the right to a name, identity, care, health, education, and development. • Children must be protected from abuse, exploitation, child labor, trafficking, and violence. • Children in vulnerable situations deserve special protection. • No child should be involved in armed conflict. • Children in conflict with the law should be treated with dignity and given child-friendly justice.	The Children's Act, 2018, is a comprehensive law enacted to protect and promote the rights of children, ensure their welfare, development, and justice. • It is aligned with Nepal's constitutional provisions and international commitments like the CRC (Convention on the Rights of the Child).	• Not providing free and compulsory basic education to children (Section 15(2)) • Discriminating against children in educational access (Section 5) • Child subjected to physical, mental, or any other form of torture in the home, school, or other place or situation whatsoever (Section 7) • Preventing Dalit or disabled children from receiving special support (Sections 15(4), 12(3)) • Engaging children in labor that harms education (Section 17(4), Section 7(6)) • Attacking or disrupting schools during conflict or strikes (Section 7(8)) • Failing to admit a school-age child to school (Section 17(3))	Section 72 - Punishment • Section 72(1): Violation of child rights (including RTE) or failure to fulfill duties may result in: Fine up to NPR 50,000 for individuals/organizations. • Section 72(2): If parents/guardians misuse the child's identity or neglect their duties, they may be fined up to NPR 100,000. • Section 73: Offenders must pay compensation to the child victim. If not paid, compensation is to be provided from the Child Fund managed by the government. Option 1: Judicial Committee at the Local Level (Section 64) • The affected child or stakeholder can file a complaint to the Judicial Committee of the respective municipality/rural municipality. • The Committee will: Summon the accused within 24 hours. Conduct an inquiry, Issue orders within 30 days to enforce the right or fulfill obligations Option 2: High Court (Section 65) • In serious cases, complaints can be directly submitted to the High Court. • The Court can: Issue orders; Impose fines or warnings, and Order compensation if rights are violated. Section 68 - Reporting Obligation • Teachers, health workers, guardians, or anyone aware of violations must inform the police immediately. • Police must also notify the child welfare authority and provide protection	

Articles in the Consitution	Acts related to the article	What constitutes its violation?	Consequences of the violence	Complaint Mechanism of the viola- tion
Article 40: Right of Dalits: Dalits have the right to free education from basic level to higher education. Special provisions shall be made for Dalit students in technical and vocational education.	Compulsory and Free Education Act, 2075 (2018 AD) Includes provisions mandating 10–15% reservation for marginalized students—such as Dalits—within schools Ensuring free basic and secondary education, and provides free higher education for Dalits	• If a Dalit student is denied admission, scholarships, or is discriminated against, it violates Article 40.	• Penalties under education laws (as outlined in the Compulsory Education Act), • Sanctions under the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2011.	• The complaint can be filed with the: National Child Rights Council National Dalit/Women/Inclusion Commission, Human Rights Commission Judicial Committee at the local level, or the District Court • The Constitution also allows for a writ petition to be filed directly with the Supreme Court for the enforcement of fundamental rights (Article 133).
	The Act Relating to Rights of Persons with Disabilities, 2074 (2017) • It guarantees free and inclusive education for persons with disabilities, including exemption from admission fees and access to alternative learning formats like Braille and sign language. • The Act also mandates scholarships for uncovered education levels, financial aid to special schools, teacher training (including for disabled teachers), and free educational materials to ensure quality and continuity of learning.	• Denying free or inclusive education. • Failing to provide reasonable accommodation (e.g., Braille, sign language, assistive technology). • Discrimination in admission, learning resources, or infrastructure. • Neglect by schools, institutions, or guardians to fulfill legal obligations.	• Section 55(6): Violation of any right under the Act (including education rights) or failure to perform responsibilities can result in a fine up to NPR 50,000. • Section 55(7): Heads of organizations violating provisions can also be fined up to NPR 50,000. • Section 55(2): Acts that insult, neglect, or hinder a person's access to educational assistive materials may result in 3 to 9 months imprisonment or a fine of NPR 30,000 to 90,000, or both.	• 1. To the Chief District Officer (CDO) - (Section 51): • The person with a disability, a family member, or a guardian may file a complaint. • The CDO must investigate within 7 days and issue orders or make recommendations to ensure enforcement of the right or performance of duty. • A dissatisfied party may appeal the CDO's order to the High Court within 35 days. • 2. Directly to the District Court - (Section 52): • The complaint can also be filed directly in the District Court where the affected person resides. • The court can issue orders, warn violators, or impose penalties and compensation.

Annex 2

International Pacts & Declarations on RTE signed by Nepal

The following are the International Pacts signed by the Nepal Government, along with the reflection of them in the policies, acts, and laws of Nepal, Nepal's obligations, followed by the actions that constitute its violation.

International Pact / Declaration	National Reflection in Law/Policy
<u>Universal Declaration of Human Rights (UDHR) (1948):</u> Article 26: (1) Free and compulsory primary education. (1) Accessible secondary and higher education. (2) Education must promote human dignity, tolerance, and peace. (3) Parents have the right to choose their children's education.	Ratified in 1955 <u>Constitution of Nepal (2015)</u> Article 31: (1) Every citizen shall have the right of access to basic education. (2) Every citizen shall have the right to get compulsory and free education up to the basic level and free education up to the secondary level from the State
<u>International Covenant on Economic, Social, and Cultural Rights (ICESCR), 1966</u> Article 13: (2) (a) Free and compulsory primary education is a legal obligation. (2) (b,c) Secondary and higher education should be progressively free and accessible. (2) (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education. (3) Recognition of parental freedom and the right to establish private institutions. Article 14: Each State that joins the Covenant without having free and compulsory primary education in place must, within two years, create and adopt a plan to progressively implement it within a set timeframe.	Ratified in 1991 <u>Constitution (Art. 31); Free and Compulsory Education Act (2018)</u> (3) The citizens with disabilities and the economically indigent citizens shall have the right to get free higher education in accordance with the law. (4) The visually impaired citizens shall have the right to get free education through Braille script, and the citizens with hearing or speaking impairment, to get free education through sign language, in accordance with the law. (5) Every Nepalese community residing in Nepal shall have the right to get education in its mother tongue and, for that purpose, to open and operate schools and educational institutes, in accordance with law.
<u>Convention on the Rights of the Child (CRC), 1989:</u> Article 17 (c): States should encourage the production and dissemination of children's books, supporting access to reading and learning materials. Article 23 (3): Children with disabilities must have access to education, training, and support services that ensure full development and integration.	Ratified in 1990 <u>Constitution (Art. 39 – Rights of the Child)</u> (2) Every child shall have the right to education, health care, maintenance, proper upbringing, sports, recreation, and personality development. (4) Children with physical or mental disabilities shall have the right to special protection and facilities from the State.

International Pact / Declaration	National Reflection in Law/Policy
Article 28 (1) (a): States must make primary education compulsory and free for all. Article 28 (1) (b): States must encourage access to general and vocational secondary education, including through free education and financial aid where needed. Article 28 (1) (c): Higher education should be made accessible based on capacity. Article 28 (1) (d): States must ensure that educational and vocational information and guidance are available to all children. Article 28 (1) (e): States must take steps to encourage regular attendance and reduce dropout rates. Article 28 (2): School discipline must respect the child's dignity and follow the CRC principles. Article 28(3): States should promote international cooperation in education, especially to support developing countries. Article 29 (1) (a): Education should develop the child's personality, talents, and abilities to their full potential. Article 29 (1) (b): Education should foster respect for human rights and fundamental freedoms. Article 29 (1) (c): Education should promote respect for the child's cultural identity, language, and values. Article 29 (1) (d): Education should prepare the child for a responsible life in a free society, promoting peace, tolerance, and equality. Article 29 (1) (e): Education should encourage respect for the natural environment. Article 29 (2): Allows private educational institutions, provided they meet state standards and respect the CRC goals. Article 30: Minority and indigenous children have the right to use their language, religion, and culture in education and community life. Article 32 (1): Protects children from economic exploitation that interferes with their education and development.	(5)No child shall be employed in factories, mines, or in any other hazardous work or shall be used in the army, police, or in conflicts. (6) Children of minority communities shall have the right to get education in their mother tongue and to preserve their language and culture. (7) No child shall be subjected to physical, mental, or any other form of torture in the home, school, or other place or situation whatsoever <u>Child Act 2018 (Right to education):</u> (1) Children below six years of age shall have the right to learn properly according to their age and level of development and to pre-child development. (2) Every child shall have the right to acquire free and compulsory education up to the basic level and free education up to the secondary level pursuant to the prevailing law in a child-friendly environment. (3) Every child shall have the right to acquire education through proper study materials and teaching methods according to his or her special physical and mental condition, pursuant to the prevailing law. (4) Dalit children shall have the right to acquire free education with a scholarship pursuant to the prevailing law.
<u>Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979</u> Article 10 States Parties shall take necessary steps to eliminate discrimination against women and ensure equal rights with men in education by guaranteeing: (a) Equal access to all levels and types of education, including preschool, general, technical, professional, and vocational training, in both rural and urban areas. (b) Equal access to the same curricula, exams, qualified teachers, and facilities of the same standard. (c) Removal of gender stereotypes in education by promoting coeducation, revising textbooks, updating school programs, and adapting teaching methods.	Ratified in 1991 <u>Constitution (Art. 38),</u> (5) Women shall have the right to obtain special opportunities in education, health, employment, and social security, based on positive discrimination. <u>Education Policy 2019</u>

International Pact / Declaration	National Reflection in Law/Policy
(d) Equal chances to receive scholarships and other forms of study support. (e) Equal access to continuing education and literacy programs, especially to close the education gap between men and women. (f) Reduction in dropout rates among girls and women, and the provision of re-entry programs for those who leave school early. (g) Equal opportunities to take part in sports and physical education. (h) Access to educational information on health and family well-being, including guidance on family planning.	
<u>Convention on the Rights of Persons with Disabilities (CRPD), 2006</u> Article 24 Education 1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and based on equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to: (a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity; (b) The development by persons with disabilities of their personality, talents, and creativity, as well as their mental and physical abilities, to their fullest potential; (c) Enabling persons with disabilities to participate effectively in a free society. 2. In realizing this right, States Parties shall ensure that: (a) Persons with disabilities are not excluded from the general education system based on disability, and children with disabilities are not excluded from free and compulsory primary education or secondary education based on disability (b) Persons with disabilities can access an inclusive, quality, and free primary and secondary education on an equal basis with others in the communities in which they live (c) Reasonable accommodation of the individual's requirements is provided (d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education; (e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.	Ratified in 2010 <u>Constitution (Art. 41),</u> <u>Disability Rights Act (2017)</u> Objective: 8.7 To ensure access to appropriate education for all individuals with disabilities by making necessary legal arrangements and providing opportunities for inclusive education based on their abilities and learning needs. Plan to meet the objective: 9.16: Develop disable friendly, gender-responsive, inclusive, and equitable curriculum, pedagogy, textbooks, physical infrastructures, and teaching-learning materials. 9.17: Based on the principle of inclusivity and according to the needs of the disabled children, provide accessible special education and educational opportunities. Policy 10.1.7: Provide free Early Childhood Development opportunities to the economically challenged and disabled students.

International Pact / Declaration	National Reflection in Law/Policy
3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as community members. To this end, States Parties shall take appropriate measures, including: (a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication, and orientation and mobility skills, and facilitating peer support and mentoring; (b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community; (c) Ensuring that the education of persons, and in particular children, who are blind, deaf, or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development. 4. To help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means, and formats of communication, educational techniques, and materials to support persons with disabilities. 5. States Parties shall ensure that persons with disabilities can access general tertiary education, vocational training, adult education, and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.	
<u>International Labour Organization (ILO) Convention No. 138 (1973); Minimum Age Convention</u> Article 2 (3): The minimum age shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years. International Labour Organization (ILO) Convention No. 182 (1999) Article 7 (3c) Ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour. International Labour Organization (ILO) Convention No.169 (1989) Part VI: Education and Communication Article 26: Measures shall be taken to ensure that members of the peoples concerned have the opportunity to acquire	Ratified in 1997 and 2002 <u>The Act relating to Children, 2075</u> Section 17 (4) Father, mother, another member of the family, or guardian shall not engage the child in labour, which may adversely affect his or her education, health, and physical or mental development. <u>Compulsory Education Act (2018)</u> Section 14- Provision for alternative education if formal schooling is not possible Section 15- Provision for non-formal and open education Section 17- Provision for technical and vocational education after basic education Section 6 (1)- Compulsory basic education for all children aged 4-13 years

International Pact / Declaration	National Reflection in Law/Policy
education at all levels on at least an equal footing with the rest of the national community Article 27: Education programmes and services shall be developed and implemented in cooperation with the people concerned to address their special needs, and shall incorporate their histories, knowledge, technologies, and values.	Ratified in 2007 Education Policy 2019 10.1.6 and 10.1.7 address ensuring access and free pre-primary education for children from remote, disadvantaged, and disabled backgrounds Policy 10.12.3 aims to create opportunities for vocational development for women, youth, the differently-abled, marginalized communities, and ethnic groups Policy 10.8.2 discusses preparing curriculum and teaching materials in mother tongues with the involvement of provincial and local stakeholders Policy 10.8.3 enables local levels to conserve and develop their local mother tongues, scripts, literature, and culture, and arrange for teaching in those languages Policy 10.8.4 supports multilingual teaching methods based on mother tongues in multilingual classrooms Policies 9.16 and 9.17 (referenced in objectives) emphasize making the educational system inclusive and disability-friendly, providing appropriate opportunities through special and inclusive education for children with disabilities Policy 10.3.2 mentions local plans for providing opportunities to learn in mother tongues or through multilingual approaches in diverse classrooms Policies 10.16 and 10.24 focus on the role of provincial universities and higher education in studying and researching Nepal's diverse languages, ethnicities, cultures, and traditional knowledge
<u>Dakar Framework (2000)</u> The Dakar Framework for Action firmly establishes that education is a fundamental human right, reaffirming the rights-based approach to education supported by the Universal Declaration of Human Rights. It emphasizes states' obligation to ensure that all citizens have opportunities to meet their basic learning needs, with primary education being free, compulsory, and of good quality. The framework outlines several key strategies to realize this right, including the development of national action plans with increased investment in basic education, the promotion of EFA policies within sustainable development frameworks, ensuring the engagement and participation of civil society, developing responsive and accountable governance systems, and the systematic monitoring of progress towards EFA goals. The framework calls for a broad-based approach extending beyond formal education and highlights the need for strong political commitment and enhanced financial allocations at national and international levels.	Ratified in 2000 <u>Constitution of Nepal, SSDP, SESP, National Education Policy (2019)</u> Ratified in 2015 Constitution of Nepal 2015: Article 31, Compulsory Education Act (2018): Section 3,4,6 National Education Policy 2019 Provincial and Local Governance Support Programme PLGSP (GESI) Strategy

International Pact / Declaration	National Reflection in Law/Policy
Incheon Declaration (2015) -Education as a Fundamental Human Right and Public Good: 4 -Ensuring Inclusive and Equitable Quality Education: 11, 19 -Promoting Lifelong Learning Opportunities for All: 10,15 -Gender Equality -Addressing the Needs of Marginalized and Vulnerable Groups: 8,9,15 -Quality Education and Learning Outcomes: 4, 5, 21, 22, Target 4.1 -Means of Implementation, including Financing and Scholarships: SDG goals 4a,b, 11,12,14 -Governance, Accountability, and Partnerships: 12, 13, 78	

Annex 3

Worksheet - Monitoring RTE using the 4A framework

The following are the International Pacts signed by the Nepal Government, along with the reflection of them in the policies, acts, and laws of Nepal, Nepal's obligations, followed by the actions that constitute its violation.

AVAILABILITY

Dimension	Indicator	RTE violation seen	Article/Act Violation	Method of Documentation & Reporting
School Infrastructure	Ratio of schools to the school going population % of communities without a nearby school Frequency and duration of school closures			
Human Resources (Teachers and non-teaching staff)	Student teacher ratio by region, schools, grades Teacher development opportunities offered to teachers % of female teachers & teachers from marginalized communities in basic schools Restrictions on teacher recruitment			

Dimension	Indicator	RTE violation seen	Article/Act Violation	Method of Documentation & Reporting
Education Financing and Investment	% of public education budget allocated to basic education			
	Ratio of funding to different schools in the same local government unit			
Regulation and Legal redress	Enforcement of school licensing and quality assurance systems for both public & private schools			
	Freedom for communities and individuals to establish schools, subject to non-discriminatory regulation			
	Availability of legal remedies for students harmed by unrecognized institutions			

ACCESSIBILITY

Dimension	Indicator	RTE violation seen	Article/Act Violation	Method of Documentation & Reporting
Financial Accessibility	Tuition and indirect costs charged in primary education			
	Availability of scholarships or stipends for disadvantaged students			
Physical Accessibility (Proximity & Infrastructure)	Distance to nearest school by community type			
	Disability-friendly & Gender friendly school infrastructure (ramps, toilets, seating) Safety of school route (violence, harassment)			

Dimension	Indicator	RTE violation seen	Article/Act Violation	Method of Documentation & Reporting
Non-Discrimination Access	Admission practices and criteria			
	Dropout or repetition rates disaggregated by group Presence of discriminatory practices in schools (segregated seating, caste-based chores)			
Legal and policy framework for inclusion	Enforcement of policies mandating compulsory and free education			

Dimension	Indicator	RTE violation seen	Article/Act Violation	Method of Documentation & Reporting
Parental Freedom of Choice	Extent to which parents can choose schools aligned with their values (language, religion, culture, pedagogy) Legal and regulatory support for alternative schooling (e.g., community based schools, religious schools)			

ACCEPTABILITY

Dimension	Indicator	RTE violation seen	Article/Act Violation	Method of Documentation & Reporting
Curriculum & Textbook Content	Inclusion of non-discriminatory, inclusive curriculum that promotes human rights and diversity Use of mother tongue or first language for class delivery in early education			

Dimension	Indicator	RTE violation seen	Article/Act Violation	Method of Documentation & Reporting
Safe and Respectful Environment	Presence of corporal punishment, degrading or humiliating discipline			
	Anti-bullying and gender-based violence prevention policies, systems and its implementation			
Teaching Methodology & Capacity	Use of inclusive, participatory, child-centered pedagogies			
	Contextualization and cultural relevance of learning materials Pre-service and in-service training on human rights, diversity, and anti-discrimination Diversity among teaching staff & school leadership (gender, ethnicity, caste, religion)			

ADAPTABILITY

Dimension	Indicator	RTE violation seen	Article/Act Violation	Method of Documentation & Reporting
Curriculum Flexibility	Extent to which curriculum can be adapted to local needs, culture, and realities. Inclusion of local languages, histories, and cultural content in teaching			
Crisis Responsiveness	Adaptability of schooling during conflict, disasters, or pandemics			

Dimension	Indicator	RTE violation seen	Article/Act Violation	Method of Documentation & Reporting
Alternative pathways and second chances	Availability of flexible learning pathways (remedial classes, learning at community learning centers, , re-learning centers, , re-entry for dropouts) Availability of flexible schooling options for working children (e.g., evening classes, shift schools, accelerated learning)			
Support for Learners with Disability	Availability of differentiated learning support and adaptive learning for students with disabilities Integrated schools and classrooms for children with disabilities			

Dimension	Indicator	RTE violation seen	Article/Act Violation	Method of Documentation & Reporting
Teacher Training and Support	Training and mentoring on how to adapt teaching to diverse learner needs and changing contexts			

Annex 4

Sample of Application

स्थानीय शिक्षा समितिमा दिने निवेदन पत्रको नमूना

मिति:

श्री विद्यालय व्यवस्थापन समिति /नगर शिक्षा समिति /वार्ड शिक्षा समिति /टोल शिक्षा समिति
विद्यालय/पालिकाको वार्ड/टोल को ठेगाना

विषय: शिक्षा अधिकार हनन सम्बन्धी जानकारी र आवश्यक कारबाहीको लागि अनुरोध

आदरणीय अध्यक्षज्यू,

उपरोक्त विषयमा नेपालको संविधानको धारा 31 तथा निःशुल्क तथा अनिवार्य शिक्षा ऐन, 2075 बमोजिम प्रत्येक बालबालिकाले गुणस्तरीय, समान, सुरक्षित र भेदभावरहित शिक्षा प्राप्त गर्ने मौलिक अधिकार प्राप्त गरेका छन्। तर, हाल (विद्यालय/क्षेत्र/समुदाय) मा देखापरेका निम्न समस्याहरूले सो अधिकारमा प्रत्यक्ष हनन भएको देखिएको छः

1.
2.

उक्त समस्याले बालबालिकाको सिकाइ, विद्यालयमा पहुँच र उनीहरूको शैक्षिक प्रगतिको अधिकारलाई नकारात्मक रूपमा प्रभावित पारेको छ।

अतः, यस विषयमा तपाईंको समितिले तुरुन्त छानबिन गरी सम्बन्धित निकायहरूसँग आवश्यक समन्वय र कारबाही अगाडि बढाइ, बालबालिकाहरूको शिक्षा अधिकार सुनिश्चित गर्न आवश्यक कदम चालिदिनुहुन विनम्र अनुरोध गर्दछौं। साथै यस सम्बन्धमा अगाडि बढाइएका निर्णय/कार्यबारे यस समितिलाई लिखित जानकारी गराइदिनुहुन पनि अपेक्षा गर्दछौं। तपाईंको सकारात्मक पहलले मात्र हाम्रो समुदायका बालबालिकाले आफ्नो संविधानिक अधिकार अनुरूप शिक्षा प्राप्त गर्न सक्नेछन् भन्ने विश्वास राख्दछौं।

बोधार्थ

1. प्रमुख प्रशासकीय अधिकृत, नगरपालिका/गाउँपालिका
2. शिक्षा शाखा, नगरपालिका/गाउँपालिका
3. शिक्षा विकास तथा समन्वय इकाई, जिल्ला
4. सम्बन्धित सरोकारवाला

निवेदक,

..... (नाम, पद)

..... (संस्था/समुदाय/संपर्क)

मन्त्रालयलाई दिने निवेदन पत्रको नमुना

मिति:

[तपाईंको संस्था/समुदाय/व्यक्तिगत नाम]

[ठेगाना]

[सम्पर्क नम्बर/इमेल]

[मिति]

श्री सचिवज्यू,

शिक्षा, विज्ञान तथा प्रविधि मन्त्रालय,

सानोठिमी, भक्तपुर

विषय: [शैक्षिक सेवामा देखिएका समस्या समाधानका लागि निवेदन वा अन्य कुनै]

महोदय,

हामी तल हस्ताक्षर गर्ने [नागरिक/अभिभावक/शिक्षक/समुदायका सदस्य/संस्थाका प्रतिनिधि]हरू यस पत्रमार्फत हाम्रो समुदायमा शिक्षा क्षेत्रमा देखा परेका गम्भीर समस्याहरू सम्बन्धमा तपाईंको ध्यानाकर्षण गराउन चाहन्छौं।

नेपालको संविधानको धारा 31 ले हरेक नागरिकलाई शिक्षाको हक सुनिश्चित गरेको छ भने, "निःशुल्क तथा अनिवार्य शिक्षा ऐन, 2075" र "विद्यालय शिक्षा क्षेत्रीय योजना (SESP) 2022-2032" ले अझै प्रष्ट रूपमा सबैलाई समान, गुणस्तरीय र समावेशी शिक्षा प्रदान गर्ने राज्यको जिम्मेवारी तोकेको छ। तर हाम्रो क्षेत्रमा हाल तलका चुनौतीहरू देखिएका छन्:

- [समस्या स्पष्ट रूपमा उल्लेख गर्नुहोस् – जस्तै: योग्य शिक्षकको अभाव, पुस्तक वितरणमा ढिलाइ, विद्यालय भवन वा पूर्वाधारको कमी, नियमित अनुगमनको अभाव, सीमान्तकृत समूहहरूको बहिष्कार, आदि]
- [यदि प्रमाण वा उदाहरण छ भने छोटकरीमा उल्लेख गर्नुहोस्]

यी चुनौतीहरूले संविधानले प्रत्याभूत गरेको शिक्षा अधिकारलाई उल्लङ्घन गर्नुका साथै हाम्रो बालबालिकाको भविष्यलाई पनि खतरामा पारेको छ।

त्यसैले, हामी यस पत्रमार्फत निम्न माग गर्दछौं:

1. [मुख्य माग – जस्तै: आवश्यक शिक्षकहरूको तत्काल नियुक्ति/स्थायी व्यवस्थापन, पाठ्यपुस्तक वितरण समयमै सुनिश्चित गर्ने, आवश्यक बजेट विनियोजन गर्ने, विद्यालय अनुगमन प्रणालीलाई सबल बनाउने, स्थानीय तहसँग समन्वय मजबुत गर्ने, आदि]
2. [अन्य थप विशेष माग भएमा उल्लेख गर्ने]

हामी हाम्रो समुदायका बालबालिकाले सुरक्षित, समावेशी र गुणस्तरीय शिक्षा पाउनेमा तपाईंको शीघ्र ध्यानाकर्षण र प्रभावकारी कदमबाट यी समस्या समाधान गर्न सकिनेछ भन्नेमा विश्वस्त छौं।

सकारात्मक पहलको आशामा,

विनम्रतापूर्वक,

[दस्तखत/छाप]

[नाम]

[पद, भएमा]

[संस्था/समुदाय/अभिभावक संघको तर्फबाट]

Annex 5

Access to Toolkits

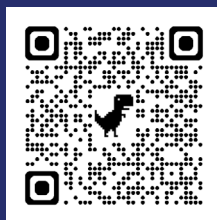


**Useful link from
RTE Monitoring Tool**



**Tutorial on Complain
Mechanism of RTE
Violation**

Nurturing a spirit of **innovating locally**
to make a **global impact**



SCAN THE QR CODE
TO VIEW CSE TOOLKIT



Civil Society
Empowerment
for Accountable
Education