

Bridging the gap between Policy and Practice: A Right-based approach to Education in Nepal

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Abstract

In Nepal, education is legally recognized as a fundamental human right, yet for millions of children, it remains an unrealized promise. The country's rights-based approach (RBA), rooted in the 2015 Constitution and international conventions, envisions education as a catalyst for social justice. However, despite this progressive legal architecture, a profound gap persists between policy and practice. Employing a qualitative narrative review of secondary sources, this paper utilizes the Participation, Accountability, Non-discrimination, Empowerment, and Linkage (PANEL) (and Availability, Accessibility, Acceptability, Adaptability (AAAQ) frameworks as analytical lenses. The study investigates how the RBA's implementation is crippled by systemic obstacles, including chronic underfunding, entrenched socio-economic and caste-based discrimination, geographic isolation, and weak institutional capacity. These deep-seated barriers perpetuate a system where education, intended as a great equalizer, functions instead as a mechanism of exclusion, particularly for marginalized communities. This analysis argues that bridging this gap is a matter of social justice that transcends mere legal commitments. Fulfilling the right to education in Nepal requires unwavering political will to implement comprehensive reforms—including decentralized governance, robust accountability systems, and the integration of inclusive pedagogies. Ultimately, ensuring education as a fundamental right is an ethical obligation to unlock the full potential of every child in Nepal.

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Introduction

A Rights-Based Approach (RBA) to education is increasingly recognized in Nepal as a key framework for advancing social justice and equity. Central to this approach is the promotion of inclusive education, which is viewed as a fundamental instrument for empowering marginalized communities. Specifically, the RBA aims to address systemic discrimination faced by individuals on the basis of gender, ethnicity, and disability, thereby positioning education as a transformative tool for societal progress.

Education is a potent catalyst for transformation, equipping individuals to participate actively in their communities and fostering a just society. Consequently, the state holds the primary responsibility for establishing an education system that is responsive to the rights of all individuals, especially those who have been historically disadvantaged. As highlighted by UNESCO (2022), fulfilling this duty requires a multifaceted commitment that includes implementing inclusive policies, allocating equitable resources, and reforming curricula, as a single approach is insufficient to dismantle systemic barriers. By adopting such comprehensive strategies, Nepal can work toward eliminating obstacles to quality education, thereby empowering all members of society and driving national progress.

The principle of education as a fundamental human right is established in multiple international legal instruments. This right was first articulated in the Universal Declaration of Human Rights (1948) and subsequently detailed in conventions addressing specific populations, including the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention on the Rights of the Child (1989), and the Convention on the Rights of Persons with Disabilities (2006). This commitment is further reinforced by the 2030 Agenda for Sustainable Development, particularly Goal 4, which calls for inclusive and equitable quality education (Sustainable Development Goals, 2015). As a signatory to these agreements, Nepal has aligned its national legal framework with these international standards. Accordingly, the Constitution of Nepal (2015) codifies education as a fundamental right, creating a state obligation to ensure equitable and inclusive educational access for all citizens.

A Rights-Based Approach (RBA) to education functions as a practical framework for integrating international human rights standards into the development and execution of policy. It shifts the focus from theoretical assertions to actionable plans by clarifying the responsibilities of duty-bearers (e.g., state institutions) and affirming the claims of rights-holders (e.g., citizens). A critical tool for implementing this is the *Participation, Accountability, Non-discrimination, Empowerment, and Linkage* (PANEL) framework, used as human rights standards. This model requires the meaningful involvement of marginalized communities—such as women, indigenous populations, and minorities—to ensure educational reforms are context-sensitive and

equitable. While a single, universally defined RBA does not exist, United Nations agencies have broadly agreed on its core tenets: using human rights as development goals, guiding all programming by these principles, and empowering rights-holders while enhancing the capacity of duty-bearers (Sandkull, 2005).

Nepal's commitment to a rights-based approach to education is demonstrated through a succession of national strategic plans, each building on its predecessor. This began with the School Sector Reform Plan (SSRP, 2009–2016), which was foundational in establishing basic education as a fundamental right and focused heavily on expanding access for all children. Following this, the School Sector Development Plan (SSDP, 2016–2023) aligned the education system with the 2015 Constitution and the Sustainable Development Goals, shifting the focus from mere access towards ensuring quality and equity. The current framework, the School Education Sector Plan (SESP, 2022–2032), continues this trajectory by aiming to improve learning outcomes, integrate digital learning, and fully operationalize the right to education within Nepal's federal structure (Ministry of Education, Science and Technology, 2022).

In Nepal, basic education is recognized as the foundation for lifelong learning, designed to foster essential skills and support the holistic development of children. This principle is enshrined in national policies and legal frameworks that guarantee education as a fundamental right. However, a significant gap persists between these legislative commitments and their effective implementation. The education system faces systemic challenges, including pronounced inequities in access, inadequate infrastructure, underfunded schools, and insufficient teacher training, with these issues being particularly acute in rural and marginalized communities. These barriers effectively obstruct the realization of a truly rights-based educational framework.

The causes of this implementation gap are multifaceted. While decentralization and local governance are identified as crucial for enhancing transparency and efficiency, their potential is often unrealized (Neupane, 2023). The execution of well-intentioned policies is frequently undermined by persistent budgetary constraints, political instability, and a lack of effective collaboration among federal, provincial, and local stakeholders (Vienet & Pont, 2017). Consequently, evaluating the efficacy of policy measures and their practical application is vital to ensuring that quality education becomes a reality across diverse settings.

This analysis, therefore, investigates the alignment of Nepal's educational initiatives with a Rights-Based Approach (RBA), revealing that while policy foundations are strong, their execution remains deficient. To bridge this divide and realize the potential of education as a fundamental right for all, this article underscores the necessity for three key actions:

implementing robust evaluation systems to monitor outcomes, strengthening stakeholder engagement at all levels, and directing targeted investments toward underserved regions.

Conceptual Framework: A Rights-Based Approach to Education

This study's conceptual framework is grounded in the Rights-Based Approach (RBA) to education, which translates international legal standards into actionable principles. The foundation of this right is established in instruments like the Universal Declaration of Human Rights (United Nations, 1948) and the Convention on the Rights of the Child (United Nations, 1989), which mandate that signatory nations ensure free and compulsory basic education. The RBA operationalizes this mandate through two core, complementary components. First, it defines state obligations using Eide's (2005) tripartite typology: the duty to respect existing access, protect it from infringement by third parties, and fulfill the right by proactively providing educational opportunities. Second, it defines the quality of that education using the AAAQ framework, which requires that it be Available, Accessible, Acceptable (culturally relevant and of high quality), and Adaptable to diverse needs (Sandkull, 2005).

Within this framework, educational stakeholders are positioned as either rights-holders or duty-bearers. Students are the primary rights-holders, entitled to an education that meets the AAAQ criteria. The state is the primary duty-bearer, responsible for respecting, protecting, and fulfilling this right. Other stakeholders, such as parents and teachers, act as crucial facilitators and advocates in this system, supporting the educational process (Viswanath, 2010). The RBA, therefore, provides a comprehensive analytical lens, viewing education not as a service but as a legally binding entitlement that empowers stakeholders and establishes clear lines of accountability for its realization.

Methodology

This study employed a qualitative research design, utilizing a comprehensive document and policy analysis to investigate the application of a rights-based approach (RBA) within Nepal's education system. The research is grounded in an analysis of secondary sources. The data focused on foundational legal and policy instruments in Nepal's education sector, such as the Constitution of Nepal (2015), the Education Act (1971), the Free and Compulsory Education Act (2018) and its Rules (2019), as well as key national education sector plans. To enhance analytical rigor, these documents were triangulated with other secondary sources, including peer-reviewed academic literature, official government reports, and publications by international organizations.

The analytical process was guided by thematic analysis, structured around the core principles of an RBA. Specifically, the PANEL framework was employed as an analytical lens, assessing

policies for their adherence to Participation, Accountability, Non-discrimination, Empowerment, and Linkage to international human rights standards (UNICEF, 2000). Data were coded manually to facilitate a deep, context-sensitive interpretation of the material. This methodological approach enabled an in-depth examination of the alignment and dissonance between legal mandates and implementation realities, the nature of governance gaps, and the degree of inclusivity within Nepal's education system.

The Legal Commitments to Education: A National and International Perspective

The original document provides an excellent overview of Nepal's legal and policy landscape concerning the right to education, drawing on both national and international instruments. To rewrite it with separate citations and references for national and international law, while maintaining an academic tone, we'll organize the text to clearly delineate these sources.

International Legal Frameworks

Nepal's commitment to a rights-based approach to education is firmly anchored in its adherence to a comprehensive suite of international laws. The ratification of foundational treaties, including the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC), provides the legal and moral impetus for domestic policy. These legally binding instruments obligate the state to guarantee education as a right for all. ICESCR, (1966, Art. 13) recognizes the right to education, stipulating that primary education must be compulsory and free, while secondary and higher education should be made progressively accessible. The CRC, particularly in Articles 28 and 29, reinforces these duties, mandating the state to eliminate discrimination in education.

This framework is further specified by conventions targeting the rights of historically marginalized groups. The Convention on the Elimination of All Forms of Discrimination against Women [CEDAW], (1979, Article 10), requires Nepal to ensure women and girls have equal rights with men in the field of education. Furthermore, the Convention on the Rights of Persons with Disabilities [CRPD], 2006, Art. 24, through its landmark Article 24, obligates the state to ensure an inclusive education system at all levels, where persons with disabilities are not excluded and are provided with reasonable accommodation. Together, these instruments form a robust international legal scaffolding that establishes clear standards for Nepal's domestic efforts.

National Legal and Policy Architecture

International principles for the right to education are powerfully enshrined within the Constitution of Nepal, promulgated in 2015. This landmark document was a turning point for

the nation, formally establishing a federal democratic republic and codifying a comprehensive set of fundamental rights (The Constitution of Nepal, 2015). Education is given a place of prominence in Article 31, which unequivocally guarantees that basic education is not only free and compulsory but also ensures that secondary education is provided at no cost to the citizen. This represents a significant expansion of the state's responsibility compared to previous legal frameworks. Furthermore, the Constitution includes specific provisions for citizens with disabilities and those who are economically marginalized to receive education with special support and scholarships (The Constitution of Nepal, 2015).

To operationalize this vision, the government enacted enabling legislation, most notably the (Compulsory and Free Education Act, 2018). This law provides the legal foundation for safeguarding educational rights and defining the responsibilities of different tiers of government. Policy is driven by multi-year sector-wide plans, the most current being the School Education Sector Plan (SESP, 2022–2032), which succeeded the School Sector Development Plan (SSDP, 2016–2023). The SESP builds on its predecessor, prioritizing equity, inclusion, quality, and participation. It aims to strengthen governance, improve learning outcomes, and dismantle structural barriers for marginalized groups (MOEST, 2022). These plans are complemented by targeted policies like the Inclusive Education Policy (2017) and the National Education Policy (2019).

A cornerstone of the current reform agenda is the localization of education governance, a direct consequence of the 2015 Constitution. The federal structure, comprising federal, provincial, and 753 local governments, was designed to bring decision-making closer to communities. The Local Government Operation Act, (2017) formally operationalized this by devolving significant authority for basic and secondary education to local governments. These responsibilities include school establishment and management, teacher and staff administration, curriculum adaptation, and program monitoring. This decentralization aims to enhance accountability, foster local ownership, and ensure that educational planning is responsive to specific community needs. In theory, this federal model provides a powerful mechanism for realizing the right to education. However, its success is contingent on the capacity of local governments to effectively exercise their newfound powers, a condition that has proven to be a major stumbling block.

The National Human Rights Commission (NHRC) of Nepal, established in 2000 and elevated to a constitutional body in 2007, is tasked with protecting and promoting human rights, including the right to education. Rights-based education focuses on principles like equality, non-discrimination, and social justice within educational frameworks. This response explores the NHRC's contributions to rights-based education in Nepal (The Constitution of Nepal, 2015).

However, challenges persist. Only 15.30% of NHRC recommendations were fully implemented in FY 2079-80, reflecting government inaction. Political interference and inadequate resources hinder effectiveness,

Gaps between Policy and Practice

Despite the strength of this legal and policy architecture, a critical analysis reveals a profound and persistent disconnect between rights-based objectives and their practical implementation. This chasm is rooted in legislative contradictions, governance gaps, and a chronic lack of institutional capacity and financial resources. While Nepal's framework appears to advance an RBA on paper, it is systematically weakened by internal inconsistencies that undermine the very concept of education as a universal public good.

A primary contradiction lies within the (Local Government Operation Act, 2017). While it empowers local authorities to manage public schools, it also permits them to register and oversee private, for-profit institutions. This has entrenched and accelerated the commercialization of education, fostering a two-tiered system where well-resourced private schools cater to the affluent while the public system—the designated guarantor of the right to education—is often left under-resourced. This policy choice directly conflicts with the RBA principles of equity and non-discrimination. Furthermore, the Act Relating to Compulsory and Free Education (2018), while defining the roles of the three tiers of government, is hampered by a lack of clear, enforceable guidelines for ensuring universal access. It fails to establish robust mechanisms for tracking out-of-school children or to specify sanctions for non-compliance, making its implementation inconsistent across local jurisdictions.

The National Education Policy, (2019) further exemplifies these shortcomings. While it reaffirms commitments to the Constitution and the Sustainable Development Goals (SDGs), it offers little clarity on the specific duties and financing mechanisms for local governments. Critically, although the policy vows to increase funding for education, it fails to establish a specific, time-bound target to align with the global benchmark of dedicating at least 20% of the national budget to the sector (MOEST, 2019). This omission undermines the entire financial framework necessary to guarantee the right to education for all.

These systemic weaknesses are reflected in the inconsistent implementation of specific programs. The nationwide midday meal program, for instance, is a flagship initiative designed to increase enrollment and improve student nutrition. However, its implementation highlights the very gaps it seeks to address, with frequent reports of funding delays, inconsistent food quality, and inadequate logistical support at the local level. While the SESP aims to strengthen this program, its success remains contingent on resolving underlying issues of local capacity

and financial accountability (MOEST, 2022). Similarly, other key interventions have faltered. The School Improvement Plans (SIPs), a core component of past sector plans, were intended to be community-driven tools for quality enhancement. However, a study by (Budhathoki, 2023) highlights that many head teachers and Parent-Teacher Association members lack the necessary knowledge for effective implementation, revealing disconnect between central policy design and local-level capacity. This was starkly exposed during the COVID-19 pandemic. While the government issued the Student Learning Facilitation Guideline, 2077 and (MOEST, 2020) to promote distance learning, its effectiveness was severely limited by the digital divide and the varied capacities of local authorities. Moreover, the widespread use of schools as quarantine centers, as noted by (Ghimire, 2020), demonstrated a fundamental disregard for the principle of child-friendly, safe learning environments.

Parallel to its federalization process, Nepal has integrated the SDGs, particularly SDG 4 on quality education, into its national planning frameworks. The government's roadmap, Sustainable Development Goals: Status and Roadmap (2016–2030) (National Planning Commission [NPC], 2017), and the Nepal National Framework for SDG 4 (2020) outline a vision for localizing these global targets. The framework explicitly called for all provincial and local governments to develop their own SDG 4 roadmaps by 2020. However, this initiative has largely faltered. Many local governments remain uninformed and unsupported, lacking the technical capacity and resources to undertake such strategic planning. This institutional gap means that despite the national commitment, the SDG agenda has failed to gain meaningful traction where it matters most—in the communities and schools across the country.

Findings and Discussion

This section presents a critical analysis of the persistent challenges hindering the realization of the right to education in Nepal, utilizing the (Participation, Accountability, Non-discrimination, Empowerment, and Linkage) PANEL framework as an analytical lens. Despite the presence of robust legal and policy frameworks, a discernible chasm exists between Nepal's *de jure* commitments and the *de facto* realities experienced by millions of children, particularly those from marginalized communities. This implementation gap is attributed not merely to slow progress but to deep-seated, systemic failures that permeate the core principles of a Rights-Based Approach (RBA).

The principle of participation in Nepal's educational governance structures remains significantly constrained, creating an illusion of inclusion rather than a reality of empowerment. A Rights-Based Approach (RBA) requires the active and meaningful engagement of communities and learners. However, while formal mechanisms are in place, they consistently fail to achieve this goal, undermining the effectiveness of the entire education system.

This failure is most evident in community governance bodies like School Management Committees (SMCs) and Parent-Teacher Associations (PTAs). Although legally empowered, their efficacy is frequently compromised by a lack of necessary resources, adequate training, and genuine devolved authority. This deficiency impedes their capacity to foster meaningful engagement, particularly from marginalized groups (UNESCO, 2018). Consequently, the voices of historically excluded communities—including Madhesi, Dalit, Muslim, and Janajati groups—are often not adequately integrated into educational decision-making processes. This leads to an insufficient consideration of their distinct needs and perspectives in policy formulation and practical implementation (UNICEF Nepal, 2022).

Furthermore, this lack of participation extends directly into the classroom, where pedagogical practices are a critical component of an RBA. Prevailing teaching methods, particularly in rural school settings, remain predominantly teacher-centric and reliant on rote memorization. This instructional methodology, by its very nature, restricts student agency and circumvents the empowerment of learners as active rights-holders in their own educational journeys. As noted by Save the Children (2018), this approach not only stifles critical thinking but also fails to cultivate the confidence and skills students need to claim their rights.

The role of the National Human Rights Commission in coordinating and collaborating with the Ministry of Education and the Curriculum Development Center for human rights-based education is important, but it has been limited by systemic problems. It has also issued press releases at various times to urge and direct the government and relevant stakeholders to be responsible for ensuring the right to education (National Human Rights Commission, 2057-2080 BS). However, due to lack of resources, lack of implementation of laws, and the government's apathy to implement the recommendations of the commission, children from Dalit, Madhesi, disabled and indigenous communities in particular are deprived of their right to education.

Accountability is the bedrock of the RBA, requiring that duty-bearers (primarily the state) be answerable for their obligations and that rights-holders have access to effective remedies for violations. In Nepal's education sector, the accountability framework is demonstrably weak, hampered by profound deficiencies in legal enforcement, financial transparency, and political will. This creates a system where policies are declared without consequence and rights are violated with impunity.

Legal accountability is undermined by a critical lacuna between legislation and enforcement. Despite robust prohibitions against discrimination and the guarantee of free and compulsory education enshrined in the Constitution (2015) and the Compulsory and Free Education Act (2018). Empirical evidence consistently documents the persistence of discrimination within

schools, notably on the basis of caste and ethnicity, where Dalit children face humiliation and segregation (UNICEF Nepal, 2022). This observation underscores a critical systemic failure to translate legal provisions into actionable safeguards. Without clear grievance redressal mechanisms that are known, trusted, and accessible to marginalized communities, legal guarantees remain purely aspirational.

Financial accountability is equally tenuous. While Nepal's transition to federalism was intended to make public spending more transparent and responsive, the reality has been fraught with challenges. The centralized nature of education funding persists in practice, with the federal government retaining significant control over budget allocation. Resources often flow through opaque channels, with marginalized and remote regions receiving disproportionately less funding per capita compared to more accessible and politically influential areas (Action Aid Nepal, 2019). This inequitable distribution represents a fundamental breach of the state's obligation to use the maximum available resources to fulfill the right to education progressively. Furthermore, the actual disbursement and utilization of allocated funds are frequently hindered by administrative delays, bureaucratic impediments, and corruption (Neupane, 2023). Local governments, newly tasked with managing education, often lack the technical capacity for sound financial planning and reporting, making it difficult to track whether funds designated for specific programs—such as scholarships for girls or resources for children with disabilities—reach their intended beneficiaries.

This accountability deficit is exacerbated by a lack of reliable data. A robust monitoring and evaluation system is essential for holding duty-bearers to account, yet Nepal's Education Management Information System (EMIS) has been criticized for inconsistencies and inaccuracies, particularly in capturing data on out-of-school children and learning outcomes among different demographic groups (World Bank, 2021). Without credible data, it is impossible to assess the impact of policies, identify implementation bottlenecks, or hold officials accountable for performance.

The core RBA principle of non-discrimination faces substantial challenges in Nepal, evidenced by persistent inequalities and exclusionary practices that directly impact the Availability, Accessibility, Acceptability, and Quality (AAAQ) of education. Deep-seated socio-economic and geographic marginalization generate compounded disadvantages, severely restricting educational access for historically marginalized communities such as the Madheshi, Dalit, Muslim, and Janajati groups (UNICEF Nepal, 2022). This exclusion is further exacerbated by systemic issues including poverty, societal stigma, and gender-based violence, with girls and children with disabilities experiencing a particularly disproportionate impact on their ability to access and benefit from education (UNESCO, 2022).

Geographic disparities are equally profound, directly undermining the availability and accessibility dimensions of the AAAQ framework. Nepal's rugged terrain presents significant barriers for children in remote mountainous regions, who contend with a scarcity of qualified teachers and inadequate infrastructure (ADB, 2020). Such conditions constrain both the physical presence of educational institutions and the ease with which children can reach them. Furthermore, the acceptability of education is compromised by the continued documentation of discrimination based on caste and ethnicity within schools, despite explicit legal prohibitions (UNICEF Nepal, 2022). This indicates a systemic failure to cultivate genuinely non-discriminatory and inclusive learning environments that are welcoming and culturally relevant for all children, thus diminishing the acceptability of the educational experience for many. The cumulative effect of these factors also negatively impacts the quality of education provided to these groups.

The empowerment of both students and educators is significantly undermined by pervasive systemic failures in teacher preparation and professional support. While RBA principles advocate for learner-centered, participatory, and respectful pedagogy, these remain largely unrealized in practice. A significant proportion of educators lack the requisite skills to implement inclusive teaching methods that adequately accommodate student diversity (Save the Children, 2018). The prevalence of teacher-centric classrooms and an over-reliance on rote memorization actively restrict student agency and hinder their development as active participants in their learning process, thereby undermining their educational empowerment. Furthermore, the challenges of low teacher morale and high attrition rates critically exacerbate these pedagogical gaps. Inadequate salaries and demanding working conditions, particularly in remote areas, demonstrably exert a negative influence on the quality of education delivered and degrade the overall learning environment (UNESCO, 2022). These factors directly impede the capacity of teachers to foster student empowerment and cultivate a supportive and engaging educational setting.

The final principle of the PANEL framework, Linkage, emphasizes that the right to education is indivisible from and interdependent with all other human rights. It also requires that national laws and policies be explicitly linked to and consistent with international human rights standards. In Nepal, a critical impediment to the RBA is the weak linkage between policy formulation and practical implementation, resulting in fragmented, contradictory, and soloed efforts.

A fundamental dissonance is observed between Nepal's robust legal provisions and the absence of a coherent, cross-sectorial implementation strategy. For example, the right to education cannot be realized in isolation from the right to health, the right to food, or the right to be free

from poverty. A malnourished child cannot learn effectively, and a child from a family trapped in extreme poverty is likely to be engaged in child labor rather than attending school. However, government policies often operate in silos. The Ministry of Education's plans are frequently disconnected from the work of the Ministry of Health and Population or the Ministry of Women, Children and Senior Citizens. This lack of integrated policy-making means that the interconnected nature of socio-economic and geographic marginalization is never holistically addressed. Legal frameworks alone are insufficient to resolve these compounded disadvantages.

Financial policies frequently contradict stated RBA goals. While policies advocate for equity and inclusion, budget allocation practices often reinforce existing inequalities. The centralized nature of education funding, for instance, demonstrably limits responsiveness to the distinct needs of local communities (ADB, 2020), thus highlighting a weak linkage between national policy and localized resource allocation. Similarly, the government's tacit endorsement of a rapidly expanding private education sector creates a two-tiered system that directly undermines the constitutional commitment to equitable public education, creating a contradiction between policy goals and state actions (Bhatta, 2018).

This fragmentation is also evident in the federal structure. The devolution of authority was meant to strengthen linkages between communities and the state, but in many cases, it has led to confusion over roles, responsibilities, and resource flows between the federal, provincial, and local tiers of government (Viennet & Pont, 2017). This was starkly illustrated by the faltering attempt to localize the Sustainable Development Goals. While the Nepal National Framework for SDG 4 (2020) called for local governments to develop their own roadmaps, most lacked the technical and financial support to do so, demonstrating a critical break in the linkage between national ambition and local capacity (NPC, 2017).

Lastly, the absence of a comprehensive overhaul of the systems supporting the teaching workforce reflects a fragmented approach. Policies to improve student learning cannot succeed without a robust linkage to policies that ensure teacher well-being, competitive remuneration, and high-quality professional development. Without this linkage, even the best-intentioned reforms are destined to fail at the classroom level.

Conclusion

This research robustly demonstrates that despite Nepal's progressive constitutional and policy commitments to a rights-based approach (RBA) in education, a significant implementation gap persists. The comprehensive analysis, structured around the PANEL framework (Participation, Accountability, Non-discrimination, Empowerment, and Linkage), effectively identified and

elucidated the systemic barriers hindering the realization of the right to education, particularly for marginalized children.

The study's strength lies in its multi-faceted examination, pinpointing critical issues such as weak legal enforcement, inequitable and centralized resource allocation, profound socio-economic and geographic marginalization, ineffective community participation, and deficiencies in teacher training and pedagogical practices. By coherently integrating the AAAQ (Availability, Accessibility, Acceptability, and Quality) framework, we have underscored how these interconnected failures disproportionately affect vulnerable populations, including Dalit, Madheshi, and children with disabilities, thereby perpetuating cycles of poverty and exclusion.

The findings offer a clear and compelling mandate for action. Moving forward, a strategic and multi-pronged approach is essential. This necessitates strengthening legal and grievance redress mechanisms, decentralizing and increasing transparency in financial allocation, genuinely empowering local governance structures, and fundamentally overhauling teacher education to embed RBA principles and inclusive pedagogies. The NHRC can effectively use its mandate to ensure the rights of Nepali children, paying attention to the Paris Principal, by focusing on studies related to rights-based education, research, and collaboration with educational stakeholders.

This research provides a foundational understanding, emphasizing that bridging the implementation gap is not merely an administrative task but a profound moral imperative requiring unwavering political will, collaborative stakeholder engagement, and sustained global partnerships. Ultimately, ensuring education as a fundamental human right for every child in Nepal hinges on these concerted efforts.

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