

Between Mandate and Practice: Evaluating Performance of Nepal's National Human Rights Commission (2015-2025)

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Abstract

Human rights are universal and inherent entitlements of all human beings. National Human Rights Institutions (NHRIs) play a critical role in promoting and protecting these rights at the domestic level. Their legitimacy is derived from constitutional or statutory mandates and is assessed against internationally recognized standards, particularly the Paris Principles adopted by the United Nations General Assembly in 1993. This article examines the gap between the constitutional mandate and the practical performance of Nepal's National Human Rights Commission (NHRC), in safeguarding human rights between 2015 to 2025. Employing a qualitative doctrinal design based on secondary data, including constitutional provisions, institutional reports, legal frameworks, accreditation assessments, and scholarly literature, the study evaluates the NHRC's effectiveness against the international benchmarks set by the Paris Principles. The findings indicate that although the NHRC holds a strong constitutional mandate and formal institutional independence, its effectiveness remains constrained by political interference, limited resources, and weak enforcement of its recommendations. The persistently low rate of recommendation enforcement reflects a broader accountability deficit within Nepal's governance system. The article argues that the disconnect between normative commitments and practical outcomes undermines institutional legitimacy and public trust. It concludes that strengthening institutional autonomy, enforcement mechanisms, and accountability frameworks is essential for enhancing human rights protection in Nepal.

Keywords: National Human Rights Institutions (NHRIs), National Human Rights Commission, Paris Principles, institutional effectiveness

Introduction

Human rights constitute the normative foundation of democratic governance, safeguarding human dignity, equality, justice, and accountability. The modern human rights framework is rooted in the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, which recognized that all human beings are entitled to fundamental rights

and freedoms without discrimination based on race, gender, nationality, ethnicity, language, religion, or any other status. Since then, international human rights law has evolved into a comprehensive system of treaties, conventions, and monitoring mechanisms designed to protect individuals from abuse of power and ensure respect for human dignity (Ramcharan, 2005).

Despite the existence of extensive international human rights norms, the realization of rights ultimately depends upon domestic implementation. International obligations alone cannot guarantee protection unless states establish effective national institutions capable of monitoring compliance, investigating violations, and ensuring accountability. In this context, NHRIs have emerged as a critical mechanism for translating human rights commitments into domestic practice. Positioned between the state and broader society, NHRIs serve as independent institutions tasked with monitoring human rights situations, investigating violations, advising governments on legal and policy reforms, and promoting human rights awareness.

The international legitimacy of NHRIs is primarily measured against the Paris Principles, adopted by the United Nations General Assembly through Resolution 48/134 in 1993. These principles establish minimum standards concerning institutional independence, pluralism, autonomy, broad mandates, adequate resources, and effective functioning. NHRIs' compliance with these principles has become the global benchmark for assessing their credibility and effectiveness. Consequently, the establishment and strengthening of NHRIs have become central components of democratic governance, the rule of law, and human rights protection worldwide.

In Nepal, the development of NHRIs reflects broader political and constitutional transitions. The restoration of multiparty democracy in 1990, the subsequent expansion of constitutional rights, the internal armed conflict (1996-2006), and the transition to a federal democratic republic created increasing demands for institutional mechanisms capable of protecting human rights and ensuring state accountability. Responding to these developments, Nepal established the National Human Rights Commission (NHRC) as a statutory body through the National Human Rights Commission Act (1997). The Commission was subsequently elevated to constitutional status under the Interim Constitution of 2007 and retained as an independent constitutional body under Article 248-250 of the Constitution of Nepal (2015) (hereby referred to as "the Constitution").

The Constitution further institutionalized

a range of constitutional commissions aimed at protecting the rights of historically marginalized groups, including women, Dalits, indigenous peoples, Madhesi, Tharu, Muslims, and other excluded communities. While these commissions function within their respective mandates, the NHRC remains Nepal's principal national human rights institution under international accreditation frameworks and serves as the apex constitutional body responsible for the promotion and protection of human rights.

The period between 2015 and 2025 represents a particularly significant phase in Nepal's human rights governance. The promulgation of the Constitution initiated the transition to a federal system of governance, creating both opportunities and challenges for institutional accountability and human rights protection. During this period, Nepal experienced major political transitions—implementation of federalism, debates surrounding transitional justice, the Generation Z movement, and growing concerns regarding civic space and accountability. These developments placed significant demands upon the NHRC and tested its capacity to function as an independent and effective guardian of human rights.

Despite the NHRC's extensive constitutional jurisdiction aligning with the Paris Principles (OHCHR, 1993), uncertainties persist over the Commission's practical efficacy in exercising its mandate. The restricted execution of NHRC recommendations has been recorded in the Commission's yearly reports (National Human Rights Commission Nepal, 2015–2024). GANHRI has emphasized concerns related to political interference in appointments, institutional independence, and resource limitations during the NHRC accreditation process (GANHRI, 2023).

These concerns became particularly visible during international accreditation reviews conducted by the Global Alliance of National Human Rights Institutions (GANHRI), which highlighted challenges relating to the Commission's compliance with international standards.

Against this backdrop, this article critically examines the performance of Nepal's National Human Rights Commission between 2015 and 2025. The central research question guiding

this study is: To what extent has Nepal's NHRC demonstrated institutional independence and effectiveness in safeguarding human rights when assessed against the Paris Principles? Subsidiary inquiries consider (i) the alignment of Nepal's constitutional and legal framework with the Paris Principles, (ii) the NHRC's effectiveness in fulfilling its constitutional responsibilities, and (iii) the institutional, political, and structural factors shaping its performance.

Methodologically, this study adopts a qualitative doctrinal research design grounded in the analysis of secondary sources. The primary materials comprise constitutional provisions, statutory frameworks, reports of the National Human Rights Commission (NHRC), accreditation assessments, and relevant international human rights instruments. These are complemented by scholarly literature on national human rights institutions, institutional independence, accountability, and governance. The Paris Principles constitute the principal analytical framework against which the NHRC's legal and institutional mandate is assessed, while institutional and accountability theories provide the conceptual lens for examining the relationship between formal legal mandates and their practical implementation. By focusing exclusively on the NHRC over the period 2015–2025, the study offers an in-depth assessment of Nepal's compliance with international standards governing national human rights institutions and critically examines the Commission's effectiveness in promoting and protecting human rights during a transformative decade of constitutional implementation.

Conceptualizing NHRI Performance:

Literature Review and Theoretical Framework

Literature Review

The emergence of NHRIs represents a significant development in the domestic implementation of human rights norms. Established to bridge the gap between international human rights obligations and national governance systems, NHRIs promote, protect, and monitor human rights at the domestic level (Smith, 2006). The adoption of the Paris Principles by the United Nations General Assembly in 1993 established internationally accepted standards for the status,

independence, composition, and functions of NHRIs (UNGA, 1993). The Paris Principles require NHRIs to possess a broad mandate, institutional independence, pluralistic representation, adequate resources, and effective investigative powers. Consequently, compliance with the Paris Principles has become the primary benchmark for assessing NHRI legitimacy and effectiveness (OHCHR, 2018).

A substantial body of literature identifies institutional independence as the most critical determinant of NHRI effectiveness. Reif (2000) argues that legal guarantees alone are insufficient unless institutions are protected from political interference in practice. Similarly, Cardenas (2014) emphasizes that operational autonomy, adequate resources, and a supportive political environment are essential for enabling NHRIs to hold state actors accountable. Where governments influence appointments, budgets, or priorities, NHRI effectiveness is often compromised.

Scholars also highlight the importance of implementation and enforcement. Although many NHRIs possess extensive investigative mandates, they frequently lack authority to enforce their recommendations. This creates a persistent implementation gap between institutional findings and accountability outcomes (Carver, 2011). Consequently, NHRI effectiveness depends not only on their ability to document violations but also on the willingness of governments to implement their recommendations and provide remedies.

The literature further recognizes NHRIs as important actors in democratic governance and accountability. By facilitating citizen engagement, monitoring state compliance with human rights obligations, and promoting legal and policy reforms, NHRIs contribute to the institutionalization of human rights norms (Hafner-Burton et al., 2015). Their role is particularly significant in transitional and post-conflict societies where accountability mechanisms remain weak.

In South Asia, NHRIs commonly face challenges regarding political interference, resource constraints, weak institutional autonomy, and lackluster implementation of recommendations (Ramcharan, 2005). Nepal reflects many of these challenges. The existing literature recognizes

the NHRC as a key accountability institution while highlighting persistent concerns regarding institutional independence, resource adequacy, and the implementation of recommendations (Giri, 2022). Despite the enhanced constitutional status granted by the Constitution, the NHRC continues to face difficulties in translating its constitutional mandate into effective human rights protection.

The literature therefore suggests that NHRI effectiveness depends upon the interaction of legal authority, institutional independence, political support, resource adequacy, and enforcement capacity. However, there has been limited research to systematically assess Nepal's NHRC against international standards and institutional effectiveness indicators during the post-constitutional period (2015–2025). This study seeks to address that gap.

Theoretical Framework

This study draws upon Natural Rights Theory and Social Contract Theory to examine the normative foundations and democratic legitimacy of Nepal's NHRC. Natural Rights Theory, associated with John Locke and Immanuel Kant, posits that all individuals possess inherent and inalienable rights by virtue of their humanity, including rights to life, liberty, equality, and dignity (Locke, 1689/1988). From this perspective, the protection of human rights constitutes a fundamental obligation of the state, and NHRIs serve as institutional mechanisms through which this obligation is fulfilled. Social Contract Theory further explains that political authority derives its legitimacy from an implicit agreement between citizens and the state, whereby governments are entrusted with protecting rights and promoting public welfare (Rousseau, 1762/1968). Within this framework, the NHRC functions as an intermediary institution that monitors state compliance with its human rights obligations and strengthens democratic accountability and public trust.

The study also employs Institutional Theory and Accountability Theory to assess the effectiveness of the NHRC in practice. Institutional Theory emphasizes that organizational performance depends not only on formal legal mandates but also on institutional autonomy, political context, organizational culture, and

operational capacity (March & Olsen, 2010). This perspective is particularly useful for examining the gap between the NHRC's extensive constitutional powers and its factual performance. Complementing this, Accountability Theory conceptualizes accountability as comprising answerability and enforcement, requiring both the provision of information and the ability to ensure compliance (Schedler, 1999). NHRIs occupy a central position within accountability systems by investigating violations, monitoring state conduct, and recommending corrective action. However, where implementation mechanisms are weak, accountability outcomes remain limited. Together, these theoretical perspectives provide a comprehensive framework for evaluating the NHRC's legitimacy, independence, effectiveness, and capacity to promote accountability in Nepal between 2015 and 2025.

Analytical Framework

Drawing on these theoretical perspectives, the study evaluates the NHRC through four interrelated dimensions: (i) normative legitimacy, derived from Natural Rights Theory; (ii) democratic accountability, informed by Social Contract Theory; (iii) institutional independence and effectiveness, examined through Institutional Theory; and (iv) implementation and enforcement capacity, assessed through Accountability Theory. Together, these dimensions provide an integrated framework for evaluating the extent to which the NHRC has effectively fulfilled its constitutional and international mandate between 2015 and 2025.

Constitutional and International Framework Governing Nepal's NHRC

Constitutional Basis of the NHRC

The NHRC derives its authority from the Constitution of Nepal (2015), which establishes it as an independent constitutional body under Articles 248–250. The Constitution mandates the NHRC to promote, protect, and ensure the effective enforcement of human rights, thereby positioning it as the apex national human rights institution in Nepal's governance architecture. Article 249 of the Constitution assigns the NHRC a broad range of functions, including independent investigation of human rights violations, recommendation of prosecution or departmental

action against perpetrators, monitoring of treaty implementation, review of domestic legislation for human rights compliance, and promotion of human rights education and awareness. It also empowers the Commission to recommend compensation for victims and to publish the names of individuals who fail to implement its recommendations (Art. 249).

In institutional terms, these provisions establish a constitutionally entrenched mandate that is consistent with the global expectations for national human rights institutions. However, the NHRC's authority is primarily recommendatory in nature, as it lacks binding enforcement power over executive or judicial bodies. This structural limitation has significant implications for its effectiveness in ensuring compliance with its findings and recommendations.

Statutory Evolution and Institutional Design

The NHRC was originally established under the National Human Rights Commission Act, 1997, and subsequently strengthened through constitutional inclusion in the Interim Constitution of 2007, the National Human Rights Commission Act 2009, and the Constitution of 2015. This evolution reflects Nepal's gradual transition from a conflict-affected state to a constitutional democracy committed to human rights protection and rule of law principles (National Human Rights Commission Nepal, n.d.).

The institutional design of the NHRC reflects core principles of independence and autonomy, including security of tenure for commissioners, financial allocation through the state budget, and a constitutionally defined appointment process. Commissioners are appointed by the President on the recommendation of the Constitutional Council, followed by parliamentary hearings, which is intended to ensure transparency and pluralism in line with international standards (Art. 248). Despite these safeguards, concerns have been raised regarding the practical independence of the appointment process, particularly regarding the political influence exerted through the Constitutional Council. Such concerns have also been reflected in periodic reviews by the GANHRI, which evaluates NHRI compliance with the Paris Principles.

The Paris Principles as an International Benchmark

The Paris Principles, adopted by the United Nations General Assembly in 1993, constitute the foundational international framework governing the establishment and functioning of National Human Rights Institutions (UNGA, 1993). They require NHRIs to demonstrate independence in law and practice, pluralism in composition, a broad human rights mandate, adequate powers of investigation, and sufficient financial and administrative autonomy (OHCHR, 2018). Scholars such as Reif (2000) have underscored that compliance with these principles significantly correlates with institutional effectiveness, while Cardenas (2014) identifies political independence and resource adequacy as determinants of NHRI's operational autonomy. The reference to these global benchmarks and scholarly literature shows that the performance of NHRIs depends not only on legal mandates but also on political will, civil society engagement, and operational capacity. The findings of the above-mentioned previous work reveal that although NHRIs have made significant strides in aligning with international standards, their capacity to safeguard human rights effectively is hampered by systemic governance challenges in Nepal.

According to the GANHRI, compliance with the Paris Principles is assessed through a peer-reviewed accreditation process conducted by the Sub-Committee on Accreditation (SCA). Institutions that fully comply are awarded "A status," granting them enhanced participation rights within the United Nations human rights system, while partially compliant institutions receive "B status" accreditation (GANHRI, 2025). The Paris Principles also emphasize that effectiveness depends not only on legal design but also on practical independence, adequate resources, and the ability to follow up on recommendations. In this regard, accreditation assessments increasingly focus on both *de jure* compliance and *de facto* institutional performance (GANHRI, 2025).

NHRC's International Position and Compliance Status

Nepal's NHRC has generally been regarded as a constitutionally robust institution with formal

compliance with the Paris Principles and has historically maintained “A status” accreditation under GANHRI. This status reflects recognition of its broad mandate, constitutional independence, and engagement with international human rights mechanisms (National Human Rights Commission Nepal, n.d.). However, accreditation reviews have also highlighted persistent concerns regarding implementation gaps, particularly in relation to the follow-up of recommendations, transparency of appointment processes, and perceived political influence over institutional functioning. These concerns illustrate a broader tension between formal compliance and substantive effectiveness, a common challenge among NHRIs in transitional democracies.

The NHRC’s engagement with international mechanisms, including reporting to UN treaty bodies and cooperation with regional human rights networks, reflects its role as an interface between domestic accountability structures and the global human rights system. Nevertheless, the effectiveness of this engagement is ultimately dependent on domestic political will and institutional responsiveness.

Relationship Between Constitutional Mandate and International Standards

A comparative reading of Nepal’s constitutional framework and the Paris Principles reveals substantial formal alignment. Both frameworks emphasize independence, broad human rights mandates, investigative authority, and engagement with civil society and international institutions. However, a critical divergence emerges in relation to enforcement capacity. While the Paris Principles encourage effective follow-up mechanisms and practical impact, Nepal’s constitutional design limits the NHRC to recommendatory powers. This structural limitation creates a persistent “implementation gap,” whereby findings and recommendations issued by the Commission are not legally binding on state authorities.

This gap between normative design and practical authority forms a central analytical concern of this study. It highlights the distinction between institutional legitimacy (derived from constitutional recognition and international

accreditation) and institutional effectiveness (measured through implementation outcomes and accountability impact).

The constitutional and international framework governing the NHRC reveals a dual structure of strong normative legitimacy but constrained operational authority. On one hand, Nepal’s constitutional provisions and adherence to the Paris Principles provide a solid foundation for institutional independence and human rights protection, but the absence of binding enforcement powers limits the Commission’s capacity to ensure compliance with its recommendations. This structural tension underscores the importance of examining not only the formal design of human rights institutions but also their practical ability to influence state behavior. It further highlights the need for empirical assessment of implementation patterns, political dynamics, and institutional constraints in evaluating NHRC performance between 2015 and 2025.

Empirical Findings Framework: NHRC Performance Data Structure (2015–2025)

The period between 2015 and 2025 represents a structurally transformative decade for NHRC, coinciding with the promulgation of the Constitution and the consolidation of a federal governance system. During this period, the NHRC operated under an expanded constitutional mandate and within a significantly altered political and administrative environment characterized by decentralization, post-conflict transition, and evolving governance structures.

Evidence indicates that the NHRC maintained active engagement in monitoring, documentation, and reporting of human rights violations across civil, political, economic, social, and cultural domains (National Human Rights Commission Nepal, n.d.). However, its overall effectiveness in ensuring accountability and securing remedial action remained uneven, particularly in relation to the enforcement of recommendations and the prosecution of violators.

A key limitation in existing assessments of Nepal’s NHRC is the absence of systematically structured longitudinal data on institutional outputs and implementation performance. Although annual reports provide aggregate figures, they are rarely

synthesized into an analytical dataset that allows for trend-based evaluation. This section reconstructs NHRC performance between 2015 and 2025 into an empirical framework that enables assessment of institutional effectiveness, particularly in relation to complaint handling, investigation outcomes, and implementation of recommendations. The dataset is derived from NHRC annual reports, GANHRI assessments, and secondary institutional documentation (NHRC, 2024; GANHRI, 2025).

- a. **Complaint Handling, Investigations, and Institutional Output:** During the study's review period, the NHRC received a substantial volume of complaints, reflecting its growing institutional visibility and accessibility across Nepal's federal structure. The establishment of provincial offices contributed to improved geographic presence, particularly for marginalized and remote populations, thereby strengthening access to human rights grievance mechanisms. This enabled the Commission to conduct investigations into a broad range of human rights violations, including excessive use of force, custodial violence, gender-based violence, discrimination, and rights violations during emergencies such as the COVID-19 pandemic. The NHRC also issued urgent recommendations and preventive directives in high-risk cases. However, despite this expanding investigative output, the Commission's ability to ensure systematic follow-up and compliance remained limited, revealing a persistent gap between institutional activity and remedial effectiveness.
- b. **Recommendation Implementation and Enforcement Deficit:** A central finding of the study is the persistent implementation gap in NHRC recommendations. According to the NHRC Annual Report (2080/81 B.S.), only 13.66 percent of recommendations were fully implemented by relevant state authorities (NHRC, 2024). Implementation is largely concentrated in compensation or relief measures, while recommendations involving prosecution or disciplinary action against perpetrators remain largely unenforced. This reflects a structural limitation in the NHRC's design as a recommendatory body lacking

binding enforcement authority. Compliance, therefore, depends on executive discretion rather than legal obligation, weakening the accountability cycle envisaged under international standards (Schedler, 1999; Carver, 2011). The result is a weakened deterrent effect, reduced victim trust, and a predominantly "diagnostic" rather than corrective institutional role.

- c. **Institutional Independence and Political Constraints:** Although the Constitution guarantees the NHRC's formal independence, its operational autonomy has been periodically affected by political dynamics. Concerns regarding appointment procedures through the Constitutional Council and perceived executive influence over commissioner nomination have been raised in institutional assessments, including GANHRI accreditation reviews (GANHRI, 2025). This illustrates a broader gap between *de jure* independence and *de facto* autonomy. Institutional Theory explains this divergence by highlighting how informal political structures, resource dependence, and bureaucratic relations can constrain formally independent institutions (March & Olsen, 2010). As a result, institutional independence remains procedurally strong but practically contested.
- d. **Transitional Justice and Conflict-Related Accountability:** The NHRC has played a significant role in documenting conflict-era violations and supporting transitional justice processes. However, its effectiveness has been constrained by weak coordination with transitional justice bodies, particularly the Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP). The lack of political consensus and legal ambiguity has contributed to prolonged delays in case resolution, resulting in unresolved grievances for many victims. Consequently, transitional justice outcomes remain largely symbolic, with the NHRC's role restricted to documentation, reporting, and recommendations rather than enforcement or adjudication.

- e. **Crisis Response and Federal Transition:** During the COVID-19 pandemic, the NHRC actively monitored human rights conditions, including quarantine management, healthcare access, detention conditions, and discrimination against vulnerable groups. It issued urgent recommendations to address immediate rights violations in emergency governance contexts. Similarly, federal restructuring expanded the NHRC's operational reach through provincial offices, improving accessibility and localized monitoring. However, coordination challenges across federal, provincial, and local levels limited the effectiveness of follow-up mechanisms. This indicates that while institutional reach expanded, enforcement and inter-governmental coordination did not evolve at the same pace.
- f. **International Accreditation and GANHRI Review:** The NHRC has retained "A status" accreditation under GANHRI, indicating formal compliance with the Paris Principles. This enabled active participation in international human rights mechanisms and strengthened global institutional recognition. However, accreditation reviews between 2022 and 2024 raised concerns regarding appointment transparency, institutional independence, and follow-up effectiveness. These concerns highlighted the gap between formal compliance and substantive performance, positioning accreditation as both a recognition mechanism and a diagnostic accountability tool for institutional weaknesses.

Across 2015–2025, the NHRC demonstrates a mixed performance profile characterized by a strong constitutional mandate and high investigative activity, expanded accessibility through federalization, persistent implementation deficits (13.66 percent), limited enforcement authority, periodic concerns regarding independence, and an active but constrained role in transitional justice and crisis response.

Overall, the NHRC functions effectively as a monitoring and investigative institution but remains structurally constrained in ensuring enforcement and compliance. This reflects a

systemic implementation gap within Nepal's human rights accountability framework. From an accountability perspective, the NHRC performs relatively strong answerability functions (documentation, monitoring, reporting) but weak enforcement functions, resulting in an incomplete accountability cycle (Schedler, 1999; Gustafsson et al., 2023).

Analytical Interpretation of Core Indicators

- **Complaint Volume and Accessibility:** Complaint inflow increased steadily, reflecting enhanced public trust and expanded access after federalization. However, rising caseloads were not matched by enforcement improvements, indicating structural capacity constraints.
- **Investigation Capacity:** While investigative activity expanded, particularly through provincial offices, efficiency was constrained by resource limitations, logistical challenges in remote areas, and reliance on executive cooperation for enforcement follow-up.
- **Recommendation vs Implementation Gap:** The NHRC consistently generated high volumes of recommendations, but implementation remained structurally low (approximately 11–16 percent). Implementation was largely limited to compensation measures rather than prosecution or disciplinary action, confirming reliance on a soft compliance framework (Carver, 2011).
- **Structural Enforcement Deficit:** The average implementation rate of 13.66 percent reflects systemic governance constraints, including a lack of legally binding authority, weak inter-agency coordination, political sensitivity in prosecutions, and the absence of sanctions for non-compliance. This represents a breakdown in the enforcement dimension of accountability.
- **Crisis Period Performance (COVID-19):** The pandemic revealed both responsiveness and limitations. While monitoring and emergency recommendations increased significantly, enforcement outcomes remained weak, demonstrating that crisis responsiveness does not translate into structural compliance capacity.
- **Transitional Justice Performance:** Despite extensive documentation, implementation

remained limited due to institutional fragmentation, political delays, and weak prosecutorial follow-up, reinforcing the pattern of “documentation without enforcement.”

The empirical evidence reveals four consistent patterns: expanding institutional reach, stable investigative output, high recommendation generation, and persistent enforcement deficits. Together, these trends indicate a high-output but low-enforcement institutional model.

In theoretical terms, the NHRC demonstrates strong answerability (Schedler, 1999), weak enforcement capacity, partial compliance with Paris Principles in practice, and a persistent gap between formal independence and substantive effectiveness (March & Olsen, 2010). The implementation deficit is therefore structural rather than incidental, suggesting that meaningful reform must focus on enforcement mechanisms rather than procedural adjustments.

Structural Constraints and Enabling Conditions Framework of Nepal’s NHRC (2015–2025)

The performance of Nepal’s NHRC between 2015 and 2025 reflects a dual institutional reality characterized by strong constitutional legitimacy and expanding operational activity alongside persistent enforcement constraints. While the Commission demonstrates increased visibility, improved geographic presence under federalization, and consistent investigative output, its effectiveness remains constrained by a structural implementation gap and governance-related limitations. This section synthesizes these dynamics through an integrated framework of institutional capacities, structural constraints, enabling conditions, and risk environment.

Institutional Capacities and Strengths

The NHRC’s core institutional strength lies in its constitutional validity and alignment with international human rights standards, particularly the Paris Principles (UNGA, 1993). The Constitution of Nepal (2015) provides a broad mandate covering civil, political, economic, social, and cultural rights, ensuring formal independence and institutional legitimacy.

The Commission retains a wide investigative mandate enabling inquiry into human

rights violations, issuance of recommendations, and advisory functions on legal reforms. Federal restructuring has further enhanced institutional accessibility through provincial offices, improving outreach for marginalized and geographically remote populations. Additionally, sustained engagement with international mechanisms such as GANHRI and UN treaty bodies has strengthened its normative credibility and global institutional standing.

Structural Constraints and Operational Limitations

Despite its strong legal foundation, the NHRC is primarily constrained by limited enforcement capacity. Its recommendations remain non-binding, resulting in a persistent implementation deficit. Empirical evidence indicates that only around 13.66 percent of recommendations have been fully implemented, with compliance largely restricted to compensation-related measures rather than prosecution or disciplinary action (NHRC, 2024).

Operational limitations are further compounded by resource constraints, administrative delays, and weak follow-up mechanisms, particularly amongst provincial units under federal restructuring. Concerns regarding political influence in appointment processes and perceived limitations in institutional independence—highlighted in international accreditation assessments—further affect institutional credibility (GANHRI, 2025). These constraints collectively weaken the Commission’s ability to convert findings into enforceable corrective action.

Enabling Conditions and Institutional Opportunities

Federalism presents a significant enabling condition for strengthening human rights monitoring through decentralized governance structures and provincial institutional expansion. This has improved access to justice mechanisms and increased institutional responsiveness at the local level.

Technological developments also provide opportunities for enhancing complaint management systems, digital monitoring, and real-time documentation of human rights violations. Furthermore, engagement with civil society

organizations, media institutions, and human rights defenders strengthens demand-side accountability mechanisms, allowing for greater public scrutiny of state performance (Gustafsson et al., 2023).

International cooperation through GANHRI, the Asia Pacific Forum, and UN human rights mechanisms further provides technical assistance, capacity-building opportunities, and normative guidance for institutional strengthening.

Risk Environment and Governance Challenges

The NHRC operates within a broader political and governance environment characterized by executive dominance, institutional instability, and contested accountability practices. These conditions pose significant risks to institutional autonomy, particularly in relation to appointment processes and budgetary dependence.

A further risk arises from shrinking civic space and increasing pressures on human rights defenders, which weakens external accountability mechanisms. A weak enforcement culture within state institutions continues to undermine compliance with NHRC recommendations, reinforcing systemic implementation failure. Socio-economic inequality, discrimination, and recurring political transitions further intensify institutional uncertainty and reduce the predictability of human rights governance.

Integrated Analytical Interpretation

The combined empirical and structural analysis reveals a consistent institutional pattern: expanding operational reach, stable investigative output, high rates of recommendation, and persistent enforcement deficits. This indicates that the NHRC functions primarily as a monitoring and advisory institution rather than an enforcement-oriented accountability body.

From a theoretical perspective, the findings confirm strong answerability but weak enforcement capacity (Schedler, 1999), partial realization of Paris Principles in practice despite formal compliance (UNGA, 1993), and a persistent gap between constitutional design and operational effectiveness (March & Olsen, 2010). The implementation deficit is therefore structural rather than incidental, rooted in institutional design limitations and political governance dynamics.

Summary of Institutional Dynamics

Overall, the NHRC exhibits a mixed institutional profile characterized by strong normative legitimacy, expanded accessibility, and sustained investigative capacity, alongside weak enforcement authority, resource constraints, and political pressures.

Enabling conditions include constitutional protection, federal decentralization, international engagement, and technological opportunities. However, these are offset by structural constraints such as non-binding recommendations, limited inter-agency coordination, executive influence in appointments, and a weak compliance culture.

The analysis confirms that the effectiveness of Nepal's NHRC between 2015 and 2025 is shaped less by mandate insufficiency and more by enforcement architecture deficits. Strengthening compliance mechanisms, ensuring appointment transparency, enhancing resource autonomy, and improving inter-agency coordination are therefore essential for translating institutional visibility into substantive human rights protection.

Conclusion

This study examined the performance of Nepal's NHRC between 2015 and 2025, considering its constitutional mandate and the international standards established by the Paris Principles. The findings demonstrate a persistent gap between normative strength and practical effectiveness, reflecting broader challenges in Nepal's human rights governance architecture.

On a normative level, the NHRC is a strongly institutionalized body with constitutional recognition, a broad human rights mandate, and formal alignment with international standards. Its establishment reflects Nepal's commitment to embedding human rights protection within its constitutional framework and aligning with global norms of accountability and democratic governance. However, despite this strong legal foundation, the Commission's functional effectiveness remains constrained. The most significant limitation is the persistent implementation gap, evidenced by low compliance with NHRC recommendations and the absence of binding enforcement authority. This structural weakness reduces the Commission's ability to ensure accountability and limits its

impact on state behavior.

The study also finds that institutional independence, while constitutionally guaranteed, is periodically undermined by political dynamics, particularly in relation to appointment processes and resource allocation. These constraints reflect a broader tension between formal constitutional design and practical governance realities in transitional democracies. Although the NHRC has played an important role in documentation, monitoring, and crisis response—particularly during the COVID-19 pandemic and in transitional justice processes—its ability to translate findings into enforceable outcomes remains limited. This reinforces its role as a monitoring and advisory body rather than a fully effective enforcement mechanism.

From a theoretical perspective, the findings support Institutional Theory's distinction between *de jure* authority and *de facto* effectiveness (March & Olsen, 2010), as well as Accountability Theory's emphasis on enforcement as a critical component of meaningful accountability (Schedler, 1999). The NHRC performs strongly in terms of answerability but weakly in enforcement, resulting in an incomplete accountability cycle.

In conclusion, Nepal's NHRC represents a constitutionally robust but operationally constrained institution. Strengthening its effectiveness requires reforms aimed at enhancing enforcement mechanisms, ensuring transparent and merit-based appointments, improving resource adequacy, and strengthening coordination across federal levels. In the absence of such reforms, the gap between constitutional promise and practical realization of human rights protection is likely to persist. Ultimately, the study underscores that the effectiveness of National Human Rights Institutions cannot be measured solely by their formal mandates or international accreditation status, but must be assessed through their tangible impact on accountability, justice, and the lived experiences of rights-holders.

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