

**Guidelines for cooperation between the
National Human Rights Commission (NHRC)
and the
Office of the High Commissioner for Human Rights in Nepal
(OHCHR-Nepal)**

Considering that the National Human Rights Commission, Nepal (NHRC) is a constitutional body whose mandate is defined by the Interim Constitution of Nepal, which has elevated the NHRC to a constitutional body, providing wider jurisdiction for the promotion and protection of human rights in Nepal;

Considering that the mandate of Office of the High Commissioner for Human Rights in Nepal (OHCHR-Nepal) is defined in the agreement signed between the United Nations High Commissioner for Human Rights and the Government of Nepal in April 2005, and renewed in April 2007, until 9 June 2009;

Recognising that the strengthening of human rights in Nepal benefits greatly from the complementary relationship between NHRC and OHCHR-Nepal and that their maximum cooperation based on diverse skills, knowledge and experiences is highly desirable;

NHRC and OHCHR-Nepal have devised the following principles to guide collaboration and cooperation between them:

1. OHCHR-Nepal will provide technical assistance and advisory services to strengthen NHRC's capacity in the promotion and protection of human rights and share best practices.
2. Activities relating to technical assistance and promotion of human rights including for example, education, training, publications and dissemination of information and educational materials shall be carried out either in collaboration or independently by both institutions, in a spirit of complementarity.
3. OHCHR-Nepal shall provide technical support to NHRC in jointly agreed areas that may include training for NHRC staff, contributions to human rights orientation for CA members, government, law enforcement and judicial officials and civil society members and human rights defenders organised by NHRC, and other capacity building endeavours.
4.
 - a. OHCHR-Nepal will refer all new complaints and cases related to human rights violations to NHRC. NHRC and OHCHR-Nepal shall jointly develop internal procedures in this regard and discuss case strategy in the context of regular meetings at the regional and national levels.
 - b. OHCHR-Nepal will continue to work on cases on which it has initiated an investigation and shall discuss case strategy in the context of regular meetings.
 - c. On conflict related cases prior to the CPA, the OHCHR will consult with NHRC.

- d. In order to fulfil its mandate, including to keep the High Commissioner for Human Rights apprised of human rights situations and to enable her to report to the UN Human Rights Council on Nepal, OHCHR will continue its general monitoring activities as needed. If, in the course of its general monitoring activities, situations arise where there are serious and urgent protection concerns, OHCHR-Nepal will immediately respond as required by the situation, with information provided to NHRC as promptly as possible, and will request the NHRC to take appropriate action.
- e. Should (1) the human rights situation deteriorate significantly, (2) specific human rights-related incidents pose a potential direct or indirect threat to the peace processes or (3) new and serious human rights concerns emerge, OHCHR may review its case investigation strategy, in consultation with NHRC.
- f. NHRC and OHCHR-Nepal will hold regular meetings at the national and regional levels to share information, undertake collaborative protection advocacy and promotional activities, facilitate OHCHR's referrals as above, address issues of mutual concern and analyse the human rights situation.
5. NHRC and OHCHR-Nepal shall cooperate in developing strategy, procedural guidelines, or check lists, etc. to monitor and take other action in relation to the Government of Nepal's compliance with international human rights treaties to which Nepal is a party.
 6. NHRC and OHCHR-Nepal shall cooperate in the transfer of technical assistance and advisory services to further their effective engagement with the regional and international human rights system.
 7. NHRC and OHCHR-Nepal shall cooperate regarding socio-cultural issues and legal matters of Nepal.
 8. The NHRC and OHCHR-Nepal may, as and when required, identify and extend further areas of cooperation.
 9. These guidelines shall take effect from the date of signature and will remain valid as long as the agreement between Nepal Government and OHCHR-Geneva subsists.
 10. These guidelines may be amended through mutual consent of NHRC and OHCHR-Nepal, as and when deemed necessary.

On behalf of NHRC:

On behalf of OHCHR-Nepal:

Bishal Khanal
Secretary, NHRC

Richard Bennett
OHCHR-Nepal Representative

Date: 20 February 2009