
The Government of Nepal (hereinafter "the Government") and the United Nations High Commissioner for Human Rights (hereinafter the "OHCHR" or the "High Commissioner"),

Reaffirming the purposes and principles of the Charter of the United Nations, in particular international cooperation in promoting and encouraging respect for human rights,

Recognizing the importance of observing the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and other international human rights instruments,

Considering the commitment undertaken by the Government of Nepal, in signing and ratifying international human rights treaties, in extending invitations to the mechanisms of the Human Rights Council, and in implementing the recommendations made to it by the treaty bodies and special mechanisms of the Human Rights Council,

Recognizing the long struggle of Nepalese people for democracy and human rights through Peaceful Peoples' Movement and welcoming the parties' renewal of their commitment to protecting human rights in the Comprehensive Peace Agreement (hereinafter the "CPA") concluded between the Government and the Communist Party of Nepal (Maoists) on 21 November 2006,

Noting progress in the peace agreement including the election of the Constituent Assembly and the reduction in conflict-related human rights violations and abuses, as well as steps taken towards improving the long-term human rights situation such as policies to eliminate discrimination, whilst recognising the need for further measures to be taken to fulfil the international and national human rights commitments made by Nepal, including in the CPA and the Interim Constitution,

Bearing in mind the central role of national human rights mechanisms, particularly the National Human Rights Commission, in protection and promotion of, and monitoring the human rights in the country,

Considering the centrality of the promotion and protection of human rights in bringing the peace process to a conclusion and in providing the basis for ongoing sustainable peace and development in Nepal,

Bearing in mind the mandate conferred on the High Commissioner by the General Assembly of the United Nations in its resolution 48/141 of 20 December 1993, in promoting and protecting human rights,

Have agreed as follows:

Article I. Definition

1. For the purposes of the present Agreement, the following definitions shall apply:

(a) "Office" means the Office of the United Nations High Commissioner for Human Rights in Nepal;

(b) "Government" means the Government of Nepal;
(c) "Convention" means the Convention on the Privileges and Immunities of the United Nations,
adopted by the General Assembly of the United Nations on 13 February 1946 and to which Nepal
is party since 28 September 1965;

(a) "Parties" means the United Nations and the Government of Nepal;

(e) "Head of the Office" means the United Nations official in charge of direction and supervising,
on behalf and under the authority of the High Commissioner, the activities of the Office;

(f) "Officials of the Office" means the Head of the Office and all members of its staff, employed
under the Staff Regulations and Rules of the United Nations, with the exception of persons who are
recruited locally and are assigned to hourly rates, as provided for in United Nations General
Assembly resolution 76 (1) of 7 December 1946;

(g) "Experts on missions" means individuals, other than officials of the United Nations,
performing missions for OHCHR within the scope of article VI of the Convention.

Article II. Purpose of the Agreement

1. The purpose of this Agreement is to establish the framework of cooperation between the Office
of the High Commissioner in Nepal and the Government, to regulate the status of the Office and its
personnel and to facilitate its activities in cooperation with the Government of Nepal, including for
providing capacity building, technical support and advisory services to national human rights
institutions in the promotion and protection of human rights.

Article III. Application of the Convention

1. The Convention shall be applicable to the Office, its property, funds and assets and to its
officials and experts on missions in Nepal.

Article IV. Mandate, general objectives and standards for operation of the Office

1. In accordance with its mandate set out in General Assembly Resolution 48/141 of 20 December
1993 and this Agreement, the Office shall support national human rights institutions in monitoring
the observance of human rights and international humanitarian law with a view to advising the
authorities of Nepal on the formulation and implementation of policies, programmes and measures
for the promotion and protection of human rights in Nepal, and the submission by the High
Commissioner of analytic reports to the Human Rights Council, and the Secretary-General. The
Office shall provide advisory services and support in the areas of its competence to representatives
of civil society, human rights non-governmental organizations and individuals.

2. The activities of the Office shall be guided by the following standards:

(a) All activities of the Office shall be aimed at fulfilling its mandate and achieving its objectives;

(b) The Office shall act and shall be guided, in its relations with all sectors involved in the areas of
its competence, by the principles of the United Nations, including non-selectivity, impartiality,
independence, objectivity and transparency.

Article V. Functions of the Office

1. The Office shall have the following functions, as prescribed by its mandate, which shall be
exercised under the authority of the High Commissioner:
(a) Monitor the situation of human rights in cooperation with the National Human Rights Commission (NHRC) pursuant to its constitutional mandate;

(b) Engage all relevant actors for the purpose of ensuring the observance of relevant international human rights and humanitarian law;

(c) Without prejudice to the autonomy of the Office to establish such contacts as it considers necessary to carry out its activities, the Office shall maintain constant communication with all competent government agencies, both civil and military, and with civil society organizations for the promotion and defence of human rights, with a view to observing and ensuring the independent and impartial follow-up of the human rights situation, taking into account the national context. To that end, the Office shall agree with the Government and with the competent State entities on the design and implementation of permanent mechanisms for communication, consultation and dialogue with the above mentioned sectors;

(d) Advise national human rights mechanisms in the implementation of human rights policies, as may be necessary;

(e) Advise representatives of civil society and individuals on all matters related to the promotion and protection of human rights, including the use of national and international protection mechanisms;

(f) Provide technical assistance to the NHRC in the discharge of its constitutional mandate, including promotion and protection of, and reporting on, human rights;

(g) Advise State and non-governmental organizations on human rights policies, human rights education programmes and appropriate professional training programmes;


2. The Office shall share with the Government regularly assessments it has with regard to issues covered by its mandate with a view to encouraging dialogue on those issues. The Office shall issue public reports and statements as and when determined by the High Commissioner for Human Rights.

3. The Office shall report to the High Commissioner on the activities it carries out pursuant to its mandate and functions, any conditions which have facilitated or impeded its work, commitments and subsequent measures undertaken by the Government and recommendations on further actions.

4. The High Commissioner shall submit detailed and analytic public reports to the Human Rights Council of the United Nations as well as to the Secretary-General on the observance of the human rights situation in Nepal, as well as an overview of activities carried out by the OHCHR in Nepal. It shall also make such comments and recommendations, as it deems appropriate. For the purposes of implementing their respective mandates, the High Commissioner shall make the relevant information gathered by the Office available to the monitoring bodies for those human rights treaties to which Nepal is a party and to other United Nations human rights mechanisms and programmes.

The conclusions of the Office shall be based on an analysis and evaluation of elements concerning the facts and responsibility. Those conclusions and its recommendations shall be the results of the observation prescribed by its mandate and shall be aimed at encouraging the relevant actors to act in conformity with international human rights instruments and international obligations. The High Commissioner shall share the report with the Government at least one month prior to its submission.
to the Human Rights Council. The Government may give its opinion on the report of the High Commissioner, making any observations it deems appropriate on its content, which the High Commissioner will transmit to the Human Rights Council.

5. The Government shall make every effort to ensure that government institutions, including the National Human Rights Commission, receiving cooperation and advisory services from the Office are provided with sufficient resources to implement their mandate and the recommendations formulated by the Office. In this respect, the independence and integrity of the National Human Rights Commission will be safeguarded, in conformity with the Paris Principles adopted by the General Assembly in 1993.

6. The Government shall make every effort to disseminate the Office’s mandate and its statements and reports to all its officials, including the security forces, with a view to promoting cooperation by State authorities and institutions and to effectively contributing to the full implementation of the Office’s mandate.

7. The Government shall make every effort to respond to inquiries by the Office, and take prompt remedial action to ensure compliance with Nepal’s international human rights and humanitarian law obligations.

Article VI. Status of the Office

1. The headquarters of the Office shall be located in Kathmandu. The size of the Office and its staffing levels, in terms of international and national staff, shall be decided by the High Commissioner in consultation with the Government. Its field offices, if any, shall be phased out as expeditiously as possible.

2. The Office, its property, funds and assets wherever located and by whomever held, shall enjoy immunity from every form of legal process, except insofar as in any particular case, the Secretary-General of the United Nations has expressly waived its immunity. It is understood, however, that no waiver of immunity shall extend to any measure of execution.

3. The premises of the Office shall be inviolable. The property, funds and assets of the Office, wherever located and by whomever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

4. The archives of the Office, and in general all documents belonging to or held by it, shall be inviolable.

5. The appropriate authorities shall not enter the Office premises, except with the express consent of the Head of the Office and under conditions agreed to by him or her.

Article VII. Fund, assets and other property

1. Without being restricted by financial controls, regulations or moratoria of any kind, the Office:

(a) May hold and use funds or negotiable instruments of any kind and maintain and operate accounts in any currency and convert any currency held by it into any other currency;

(b) Shall be free to transfer its funds or currency from one country to the other or within Nepal to other organizations or agencies of the United Nations system;

(c) Shall enjoy the most favourable, legally available rate of exchange for its financial transactions.
Article VIII. Exemption from taxation

1. The Office, its funds, assets, income and other property shall:

(a) Be exempt from all direct taxes. It is understood, however, that the Office will not claim exemption from taxes which are, in fact, charges for public utility services;

(b) Be exempt from customs duties and prohibitions and restrictions on articles imported or exported by the Office for its official use. It is understood, however that articles imported under such exemptions will not be sold in Nepal except under conditions agreed upon with Government;

(c) Be exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Article IX. Communications

1. The Office shall enjoy, in respect of its official communications, communications facilities not less favourable than those accorded by the Government to any diplomatic mission or other intergovernmental organization in matters of establishment and operation, priorities, charges on mail, cables, telegrams, radiograms, telephotos, telephone and other communications, as well as rates for information to the press and radio.

2. No official correspondence or other communication of the Office shall be subject to censorship. Such immunity shall extend to printed matters, photographic and electronic data communications and other forms of communications as may be agreed upon between the Parties. The Office shall have the right to use codes and to dispatch and receive correspondence either by courier or in sealed bag pouches, all of which shall be inviolable and not subject to censorship.

Article X. Officials of the Office

1. Officials of the Office shall:

(a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall continue to be accorded after termination of employment with the Office;

(b) Be immune from inspection and seizure of their baggage;

(c) Be exempt from taxation on the salaries and emoluments paid to them by the United Nations;

(d) Be exempt from national service obligation;

(e) Be exempt, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(f) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable ranks forming part of the diplomatic missions accredited to the Government of Nepal;

(g) Be given together with their spouses and relatives dependent on them and other members of their household the same repatriation facilities in time of international crisis as diplomatic envoys;

(h) Have the right to import free of duty their furniture, personal effects and all household appliances at the time of first taking up their post in Nepal.
2. Officials of the Office, except for those who are Nepalese nationals or permanent residents shall also be entitled to:

(a) Import free of custom and excise duties limited quantities of certain articles intended for personal use or consumption and not for gift or sale;

(b) Import or acquire in Nepal a motor vehicle free of custom and excise duties, including value-added tax, in accordance with existing regulations of Nepal applicable to members of diplomatic missions of comparable ranks.

3. In addition to the privileges and immunities specified above, the Head of the Office, if he or she is not of Nepalese nationality, shall be accorded in respect of himself or herself, his or her spouse and minor children, the privileges and immunities, exemptions and facilities normally accorded to Heads of international missions. The name of the Head of the Office shall be included in the diplomatic list by the Ministry of Foreign Affairs of Nepal.

Article XI. Experts on missions

1. Representatives of OHCHR on temporary mission to Nepal and other persons on business of the Office shall be granted the privileges, immunities and facilities specified in Article VI, Sections 22 and 23 and Article VII, Section 26, of the Convention.

Article XII. Personnel recruited locally and assigned to hourly rates

1. Personnel recruited in Nepal other than Nepalese citizens and assigned to hourly rates shall be accorded immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity.

Article XIII. Waiver of immunity

1. The privileges and immunities accorded under the present Agreement are granted in the interests of OHCHR, and not for the personal benefit of the persons concerned. The Secretary-General of the United Nations has the right and the duty to waive the immunity of any individual referred to Articles X, XI and XII in any case where, in his opinion, such immunity impedes the course of justice and can be waived without prejudice to the interests of OHCHR.

2. OHCHR shall cooperate at all times with the appropriate authorities to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities accorded under this Agreement.

Article XIV. Freedom of movement and access to relevant information

1. The staff of the Office shall enjoy freedom of entry into, exit from, and movement throughout Nepal. The Government shall facilitate freedom of movement in areas of restricted access in coordination with the competent authorities. Freedom of movement shall include the following prerogatives exercised in accordance with the mandates of the Office:

(a) Access to all prisons and places of interrogation and detention. Officials of the Office shall have the option of meeting in private with any detained person or anyone held in those places, in accordance with the provisions of article V, paragraph 1 (a);

(b) Access to the central and local authorities of all sectors of the Government;
(c) Direct and unsupervised contacts with individuals, representatives of non-governmental sectors, private institutions, hospitals and medical centres, and the mass media;

(d) Access to such office documents and materials that may be needed for the proper discharge of the activities of the Office, except for those documents containing privileged information, and as stipulated by the Interim Constitution of Nepal.

Article XV. Laissez-Passer

1. The Government shall recognize and accept the United Nations laissez-passer issued to officials of the Office as a valid legal document equivalent to a passport.

2. In accordance with the provisions of Section 26 of the Convention, the Government shall recognize and accept the United Nations certificates issued to persons travel on business of OHCHR.

3. The Government agrees to issue any required visas for such certificates or laissez-passer.

Article XVI. Flags, emblems and distinctive signs

1. The Office may fly or display the United Nations flag and/or emblem on its premises, official vehicles and in any other manner agreed upon by the Parties.

Article XVII. Identification

1. At the request of the Head of the Office, the Government shall issue to the staff of the Office appropriate identity documents certifying that, as staff members of the Office, they enjoy privileges and immunities as well as freedom of movement and access to relevant information as required in the course of their duties.

2. Staff members of the Office shall show, but not surrender, their identity documents to any authorized Government official upon request.

3. Upon the termination of the functions of a staff member of the Office or upon his transfer, the Office shall ensure that his identity documents are promptly returned to the Government.

Article XVIII. Government undertakings

1. The Government shall provide to the Office and its staff throughout Nepal such security as is required and requested for the effective performance of their activities. To this end, the appropriate authorities shall ensure the security and protection of the Office and staff, and exercise diligence to ensure that the tranquility of the Office is not disturbed by the unauthorized entry of persons or groups of persons from outside or by disturbances in its immediate vicinity.

2. The Government undertakes to respect the status of the Office and its staff, and to ensure that anyone associated with the Office is not subjected in any way to abuses, threats, reprisal or legal prosecution by reason of their status.

3. In all those cases where this Agreement refers to the privileges, immunities and rights of the Office and its staff, as well as to the facilities that the Government undertakes to grant, the Government shall ensure that the competent local authorities respect such privileges, immunities and rights and grant the facilities mentioned.

4. The Government shall use all the official media to widely publicize this Agreement to the population in general and to the national and departmental civilian, military and police authorities in particular. It shall also inform the competent authorities of the recommendations made by the Office in order for domestic legal procedures applied by these authorities to be consistent with those set forth in international instruments.
Article XIX. Settlement of disputes

1. Any dispute between the Office and the Government relating to the interpretation and application of the present Agreement or any other supplementary agreement which is not settled by negotiation or other agreed mode of settlement shall be submitted to arbitration at the request of either Party. Each Party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third, who shall be the chairman. If within thirty (30) days of the request for arbitration either Party has not appointed an arbitrator, or if within fifteen (15) days of the appointment of two arbitrators the third arbitrator has not been appointed, either Party may request the President of the International Court of Justice to appoint an arbitrator. The procedure for arbitration shall be fixed by the arbitrator, and the expenses of the arbitration shall be borne by the Parties as assessed by the arbitrators. The arbitral award shall contain a statement of the reasons on which it is based and shall be accepted by the Parties as the final adjudication of the dispute.

Article XX. Liaison with the Government

1. The Ministry of Foreign Affairs of the Government of Nepal shall be responsible for communication with the Office and all communications shall be routed through the Ministry.

Article XXI. Supplementary agreements

1. The High Commissioner and the Government may conclude agreements supplementary to this Agreement, including an agreement for a gradual phase down and exit strategy of the OHCHR Office in Nepal.

Article XXII. Final provisions

1. This Agreement shall apply and enter into force on the date of its signature. It supersedes and annuls the Agreement between the OHCHR and the Government concluded on 10 April 2005.

2. This Agreement shall remain in force for a period of one year. The Parties may extend its validity for another agreed period through the exchange of written communications expressing their desire to that effect. Such communications shall be sent no later than 60 days prior to the expiration of the Agreement.

3. The present agreement shall cease to be in force six months after either of the Parties has notified the other of its decision to terminate the Agreement, except as regards the normal cessation of the Office activities in the country and the disposal of its properties and assets.

Done at Geneva, on 9 June 2010, in two original copies in the English language.

Dr. Dinesh Bhattarai
Ambassador/Permanent Representative of Nepal to the United Nations Office and other International Organizations in Geneva

H.E. Navanethem Pillay
United Nations High Commissioner for Human Rights