

**No. 44969\***

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**United Nations (Office of the High Commissioner for Human Rights)  
and  
Uganda**

**Agreement between the United Nations High Commissioner for Human Rights and the Government of the Republic of Uganda concerning the establishment of an Office in Uganda. Gula, 9 January 2006**

**Entry into force:** *provisionally on 9 January 2006 by signature and definitively on 18 July 2007 by notification, in accordance with article XXII*

**Authentic texts:** *English*

**Registration with the Secretariat of the United Nations:** *ex officio, 1 May 2008*

*\*The texts reproduced below are the original texts of the agreement as submitted. For ease of reference, they were sequentially paginated. The relevant Treaty Series volume will be published in due course.*

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**Organisation des Nations Unies ( Haut Commissariat aux droits de l'homme)  
et  
Ouganda**

**Accord entre le Haut Commissariat des Nations Unies aux droits de l'homme et le Gouvernement de la République de l'Ouganda relatif à l'établissement d'un Bureau en Ouganda. Gula, 9 janvier 2006**

**Entrée en vigueur :** *provisoirement le 9 janvier 2006 par signature et définitivement le 18 juillet 2007 par notification, conformément à l'article XXII*

**Textes authentiques :** *anglais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *d'office, 1er mai 2008*

*\*Les textes reproduit ci-dessous sont les textes authentiques de l'accord tel que soumises pour l'enregistrement. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Le volume correspondant du Recueil des Traités sera disponible en temps utile.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT BETWEEN  
THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND THE  
GOVERNMENT OF THE REPUBLIC OF UGANDA CONCERNING THE  
ESTABLISHMENT OF AN OFFICE IN UGANDA**

The United Nations High Commissioner for Human Rights (hereinafter: the "OHCHR") and the Government of Uganda (hereinafter: the "Government"):

Reaffirming the purposes and principles of the Charter of the United Nations, in particular international co-operation 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, the Rome Statute of the International Criminal Court and other international human rights instruments;

Bearing in mind the commitment undertaken by the Government of Uganda, in signing and ratifying international human rights treaties, in extending invitations to mechanisms of the Commission on Human Rights and in implementing the recommendations made to it by the treaty bodies as well as the special mechanisms of the Commission on Human Rights;

Bearing in mind the interest of The Government of Uganda to establish an OHCHR Office in Uganda with a mandate to assist the authorities of Uganda in formulating and implementing policies and programmes for the promotion and protection of human rights, and to monitor developments in the country's human rights situation, including the observance of international humanitarian law and submit to the High Commissioner and, through her, to the Commission on Human Rights and the General Assembly, analytic reports on the human rights situation in Uganda including the observance of international humanitarian law, and an overview of activities carried out by the OHCHR in Uganda.

Considering the implementation of this commitment by the Government of Uganda through the establishment of the Uganda Human Rights Commission under article 51(1) of the Constitution of the Republic of Uganda (1995) and also by the Uganda Human Rights Commission Act No.4 of 1997 in accordance with the Principles Relating to the Status and Functioning of National Institutions for Protection and Promotion of Human Rights (hereafter the Paris Principles);

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,

Recognizing the grave and grievous violations of human rights and humanitarian law which has characterized the conflict in northern Uganda and recalling the request of the Uganda Human Rights Commission for international assistance to strengthen its response thereto;

Bearing in mind the need to strengthen the monitoring and investigative capacity of the Uganda Human Rights Commission in the war-affected regions and to complement it with international human rights presence;

Considering also that the detailed technical modalities and logical framework for technical assistance envisaged shall be established in a separate instrument to be implemented under the auspices of the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Development Programme (UNDP) and the Uganda Human Rights Commission (UHRC) entitled "Comprehensive programme for assistance to northern Uganda in the area of human rights";

Have agreed as follows:

#### **Article I      Definitions**

For the purposes of the present Agreement (MOU), the following definitions shall apply:

"Office" means the Office of the United Nations High Commissioner for Human Rights in Uganda, and any other sub-offices which may be established in Uganda, in consultation with the Government of Uganda;

"Convention" means the Convention on the Privileges and Immunities of the United Nations, adopted by the United Nations General Assembly on 13 February 1946;

"Parties" means the signatories to this Agreement;

"Head of the Office" means the United Nations official in charge of directing and supervising, on behalf and under the authority of the High Commissioner, the activities of the Office

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

"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 and territorial scope of the Agreement**

The purpose of this Agreement is to establish the Office of the United Nations High Commissioner for Human Rights in Uganda, regulate the status of the Office and its personnel, and facilitate its activities in cooperation with the Government of Uganda.

#### **Article III.      Application of the Convention**

The Convention shall be applicable to the Office, its property, funds (including those disbursed to the Uganda Human Rights Commission) and assets and to its officials and experts on missions in Uganda.

#### **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 in collaboration with the Uganda Human

Rights Commission monitor the observance of human rights and international humanitarian law in Uganda, with a view to advising the authorities of Uganda on the formulation and implementation of policies, programmes and measures for the promotion and protection of human rights in Uganda, and the submission by the High Commissioner of analytic reports to the Commission on Human Rights, the General Assembly, 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 function, subject at all times to the provisions of the present Agreement, as a centre for consultations and dialogue, promoting a climate of trust in all sectors involved in and concerned by human rights issues and maintaining contact and coordination with the national Government;

(c) The Office shall act with discretion 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 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) In collaboration with the Uganda Human Rights Commission, the Office shall monitor the situation of human rights and observance of international humanitarian law in the conflict-affected parts of northern Uganda, including investigation and verification through the deployment of international human rights monitors and other human rights officers throughout the country as required.

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

(c) Inform the competent authorities on human rights violations and other abuses in cases where it believes that domestic legal procedures applied by the competent national authorities are not consistent with those set forth in international instruments, and/or in cases where no or insufficient action has been taken and formulate recommendations with a view to possible preventive or remedial action by national authorities where the Office deems that the circumstances so require. To this end, the Office shall receive any information from any source, be it particular, private, public or official on these matters, which it could find relevant; the identity of the authors of the information may be kept confidential. The Office may also recommend and promote measures to protect the authors of the information it receives, the victims and witnesses to the facts alleged therein. The Office shall counsel and encourage persons submitting information to it to bring any charges before the competent authorities as expeditiously as possible;

(d) 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 of the Republic of Uganda and with the competent State entities on the design and implementation of permanent mechanisms for communication, consultation and dialogue with the above-mentioned sectors.

(e) Advise the executive branch on the overall definition and in particular the implementation of human rights policies. Advice will also be provided to the legislative and judicial branches of the Government of the Republic of Uganda with a view to ensuring that all human rights legislation and judicial decisions are consistent with the relevant international instruments and commitments;

(f) 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;

(g) Advise and assist the Uganda Human Rights Commission in the discharge of its statutory mandate, including promotion, protection and reporting, as per article 52 of the Constitution of Uganda (1995) and Uganda Human Rights Commission Act No.4 of 1997. In this regard, the Office and OHCHR shall support the Uganda Human Rights Commission to strengthen its monitoring and investigative mandate in the war-affected regions of northern Uganda through capacity building activities and the provision of resources the details of which will be spelt out in a grant agreement;

(h) Advise State and non-governmental entities on human rights education programmes and appropriate professional training programmes;

(i) Advise the United Nations Resident Coordinator and the Country Team on human rights protection and capacity-building in support of the peace process and development programming and coordinate human rights promotion and protection activities of the United Nations Country Team in Uganda, particularly in the war-affected districts;

(j) Ensure that the recommendations and decisions of the human rights bodies of the United Nations and other international organizations are taken into account by those government entities which have authority and responsibilities in that area, and advise them on the adoption of specific measures for their implementation;

2. The Office shall inform the Government of the Republic of Uganda regularly of any concerns and assessments it has with regard to issues covered by its mandate with a view to encouraging dialogue on those issues and eliciting the Government of Uganda's views on them. 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 of Uganda and recommendations on future actions.

4. The High Commissioner shall submit detailed and analytic public reports to the Commission on Human Rights of the United Nations as well as to the Secretary-General and the General Assembly, on the observance of human rights and international humanitarian law in northern Uganda, as well as an overview of activities carried out by the OHCHR in Uganda. The report shall also make such comments and recommendations as the High Commissioner deems appropriate. For the purposes of implementing their respective mandates, the High Commissioner