

No. 46894

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

Agreement between the Government of the Republic of Uganda and the United Nations Office of the High Commissioner for Human Rights (OHCHR) for the establishment of an OHCHR Office in Uganda. Kampala, 22 October 2009

Entry into force: *22 October 2009 by signature, in accordance with article XX*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *ex officio, 2 November 2009*

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

Accord entre le Gouvernement de la République de l'Ouganda et le Haut-Commissariat des Nations Unies aux droits de l'homme (HCDH) relatif à l'établissement d'un Bureau du HCDH en Ouganda. Kampala, 22 octobre 2009

Entrée en vigueur : *22 octobre 2009 par signature, conformément à l'article XX*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *d'office, 2 novembre 2009*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF UGANDA
AND
THE UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS
(“OHCHR”)
FOR THE ESTABLISHMENT OF AN OHCHR OFFICE IN UGANDA

WHEREAS the OHCHR was established by the United Nations General Assembly resolution 48/141 of 20 December 1993;

WHEREAS the United Nations General Assembly in its resolution 48/141 of 20 December 1993, provides, *inter alia*, that the High Commissioner, acting under the authority of the Secretary-General, shall assume the function of promoting and protecting the effective enjoyment by all of all civil, cultural, economic, political and social rights;

WHEREAS the OHCHR, a subsidiary organ of the United Nations Secretariat, is an integral part of the United Nations whose status, privileges and immunities are governed by the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946;

WHEREAS the OHCHR and the Government of the Republic of Uganda wish to establish the terms and conditions under which OHCHR, within its mandate, shall be represented in the country; and

WHEREAS the Government of the Republic of Uganda signed the Standard Basic Assistance Agreement with the United Nations Development Programme on 19 April 1977;

NOW THEREFORE, the Government of the Republic of Uganda and the OHCHR have agreed as follows:

ARTICLE I

DEFINITIONS

For the purpose of this Agreement the following definitions shall apply:

- a) "Competent Authorities" means governmental, municipal or other representatives of officials, whether members of the administration, the judiciary, the military or the police.
- b) "Convention" means the Convention on Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946 to which Uganda acceded on 9 July 2001, without any reservation;
- c) "Experts on mission" means individuals, other than officials of the United Nations, performing missions for OHCHR within the scope of Article VI of the Convention;
- d) "Government" means the Government of the Republic of Uganda;
- e) "High Commissioner" means the United Nations High Commissioner for Human Rights or the officials to whom the High Commissioner has delegated authority to act on his/her behalf;
- f) "Host Country" means Uganda;
- g) "Officials of the OHCHR Office" means the Representative and all members of the OHCHR Office 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(1) of 7 December 1946;
- h) "OHCHR" means the Office of the United Nations High Commissioner for Human Rights;
- i) "OHCHR Office" means the OHCHR Office in Uganda and any sub-offices which may be established in Uganda, in consultation with the Government;
- j) "OHCHR personnel" means OHCHR officials, experts on missions and persons performing services on behalf of OHCHR;
- k) "OHCHR Representative" means the OHCHR official in charge of the OHCHR Office in the country;
- l) "Parties" means the Government of the Republic of Uganda and the OHCHR;
- m) "Persons performing services for the OHCHR Office" includes operational experts, volunteers, consultants and natural persons and their employees, juridical as well as natural persons and their employees, government or non-governmental organizations or firms which the OHCHR Office may retain to execute or to assist in execution of the Office's assistance to a project, as mentioned in Article IX, paragraph 5 of the Standard Basic Assistance Agreement signed between UNDP and the Government on 19 April 1977; and
- n) "UNDP" means the United Nations Development Programme.

ARTICLE II

PURPOSE OF THIS AGREEMENT

This Agreement shall regulate matters relating to and arising out of the establishment and the proper functioning of the OHCHR Office in Uganda. The Agreement shall also embody the basic conditions under which OHCHR shall, within its mandate, co-operate with the Government and carry out its function of promoting and protecting the effective enjoyment by all of all human rights.

ARTICLE III

CO-OPERATION BETWEEN THE GOVERNMENT AND OHCHR

1. Co-operation between the Government and OHCHR in the field of promotion and protection of human rights shall be carried out on the basis of the General Assembly Resolution 48/141, and of any other relevant decisions and resolutions relating to OHCHR adopted by United Nations organs.
2. The OHCHR Office shall maintain consultations and co-operation with the Government with respect to preparation and review of any programmes for the promotion and protection of human rights.

ARTICLE IV

OHCHR OFFICE

1. The OHCHR Office will exercise functions as assigned by the High Commissioner, in relation to his / her mandate for protection and promotion of human rights, including the establishment and maintenance of relations between OHCHR and governmental or non-governmental organizations functioning in the country.
2. The OHCHR Office shall contribute to national efforts aimed at promoting respect for and observance of human rights law through provision of advice, capacity building and assistance to the competent authorities in relation to strategies, programmes and measures to promote and protect human rights in the country.
3. The OHCHR Office shall observe the human rights situation in the country and inform the competent authorities to enable them to take appropriate and timely action in order to address any human rights concerns that might arise.
4. The OHCHR Office shall provide advice and capacity building to competent authorities, national institutions, civil society organizations and individuals regarding the promotion and protection of human rights, including the use of national and international human rights protection mechanisms and human rights education programmes.
5. The OHCHR Office shall prepare its reports, including on activities, and statements as and when determined by the High Commissioner for Human Rights. However, prior to issuance of such reports and or statements to the public, the same shall be duly shared with the competent authorities of the Government of Uganda and take into consideration views and observations made by the relevant authorities.

ARTICLE V

OHCHR PERSONNEL

1. OHCHR may assign to the Office in the country such officials or other personnel as OHCHR deems necessary for carrying out its functions of protecting and promoting human rights.
2. The Government shall be informed of the category of the officials and other personnel to be assigned to the OHCHR Office in the country.
3. OHCHR may designate officials to visit the country for purposes of consulting and co-operating with the corresponding officials of the Government or other parties involved in human rights work in connection with:-
 - (a) the review, preparation, monitoring and evaluation of its programmes;
 - (b) the shipment, receipt, distribution or use of the supplies, equipment and other materials, furnished by OHCHR; and
 - (c) any other matters relating to the application of this Agreement.

ARTICLE VI

FACILITIES FOR IMPLEMENTATION OF OHCHR PROGRAMMES

1. The Government, in agreement with OHCHR, shall take any measure which may be necessary to exempt OHCHR officials, experts on mission and persons performing services on behalf of OHCHR from regulations or other legal provisions which may interfere with operations and projects carried out under this Agreement, and shall grant them such other facilities as may be necessary for the speedy and efficient execution of OHCHR programmes in the country.
2. Such measures shall include the authorization to operate OHCHR radio and other telecommunications equipment and the granting of air traffic rights for emergency relief cargo flights and transportation of OHCHR personnel.
3. The Government shall ensure that OHCHR officials will enjoy freedom of movement throughout Uganda, including to places of detention. The Government shall facilitate freedom of movement in areas of restricted access in coordination with the competent authorities, after the OHCHR Office has given 24 hours' advance notice.

ARTICLE VII

PRIVILEGES AND IMMUNITIES

The Convention on the Privileges and Immunities of the United Nations, adopted by the United Nations General Assembly on 13 February 1946, shall be applicable to OHCHR, its property, funds, assets and to its officials and experts on mission in Uganda.