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

Agreement between the Government of the Republic of the Sudan and the United Nations Office of the High Commissioner for Human Rights concerning the establishment of a country office in Sudan. New York, 25 September 2019

Entry into force: *25 September 2019 by signature, in accordance with article XXVIII*

Authentic text: *English*

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

Accord entre le Gouvernement de la République du Soudan et le Haut-Commissariat des Nations Unies aux droits de l'homme relatif à l'établissement d'un bureau de pays au Soudan. New York, 25 septembre 2019

Entrée en vigueur : *25 septembre 2019 par signature, conformément à l'article XXVIII*

Texte authentique : *anglais*

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Agreement between

**The Government of the Republic of the Sudan
and**

**The United Nations Office of the High
Commissioner for Human Rights**

concerning the establishment of a country office in Sudan

The Republic of Sudan

and

United Nations, represented by the Office of the United Nations High Commissioner for Human Rights

1. *Reaffirming* the purposes and principles of the Charter of the United Nations, in particular those under article 1, paragraph 3 in regard to achieving international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion;
2. *Recognizing* the importance of observing the provisions contained in 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;
3. *Considering* further the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995, the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001, and the 2005 World Summit Outcome adopted by the General Assembly on 16 September 2005;
4. *Bearing* in mind the mandate conferred on the United Nations High Commissioner for Human Rights by the General Assembly of the United Nations in its resolution 48/141 of 20 December 1993, in promoting and protecting human rights and the mandate of the Office of the High Commissioner for Human Rights (OHCHR);
5. *Considering* that the Country Office established pursuant to this Agreement has significant potential in promoting and protecting fundamental human rights, as well as facilitating the implementation of human rights commitments undertaken, including those contained in the international human rights treaties signed and ratified by the Government of Sudan;
6. *Considering* that the Government of the Republic of Sudan has expressed its consent to the establishment of an OHCHR Country Office in Sudan within the mandate conferred on OHCHR by the General Assembly of the United Nations in its resolution 48/141 of 20 December 1993;

7. *Considering* the commitment of the Government of the Republic of Sudan, reflected in the Constitutional Document signed on 17 August 2019, to facilitate the work of OHCHR in Sudan;
8. *Considering* that Sudan has acceded, without any reservation, on 21 March 1977, to the Convention on the Privileges and Immunities of the United Nations of 13 February 1946;
9. Have agreed as follows:

Article I: Definitions

10. For the purpose of this Agreement the following definitions shall apply:
 - (a) "Host Country" means the Republic of Sudan (or "Sudan");
 - (b) "Government" means the Government of the Republic of Sudan;
 - (c) "OHCHR" means the Office of the United Nations High Commissioner for Human Rights;
 - (d) "Parties" refers to the Government and the United Nations;
 - (e) "Country Office" means the OHCHR Office in Khartoum, Sudan, and any other sub-offices which may be additionally established in Sudan, in consultation with the Government;
 - (f) "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;
 - (g) "Agreement" means the current agreement signed between the Government and OHCHR;
 - (h) "Premises of the Country Office" means the building or part of building occupied permanently or temporarily by the Country Office or by meetings convened in Sudan by the Country Office, and as defined in this Agreement or in any Supplementary Agreements entered into with the Government;
 - (i) "Archives of the Country Office" means all records, correspondence, documents, manuscripts, computer records, still and motion pictures, film and sound recordings, belonging to or held by the Country Office in furtherance of its functions;
 - (j) "Property of the Country Office" means all property, including funds, income and other assets belonging to the Country Office or held or administered by the Country Office in furtherance of the functions of the Country Office";
 - (k) "Representative of the High Commissioner" means the United Nations official in charge of directing and supervising the activities of the Country Office of OHCHR, on behalf and under the authority of the High Commissioner for Human Rights;
 - (l) "Competent Authorities" means local, regional and central governmental authorities of Sudan, whether civil, police, security, military or other;
 - (m) "Officials" means the Representative of the High Commissioner and all members of the OHCHR Country Office staff, irrespective of nationality, 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;
 - (n) "Experts on Mission" means individuals, other than officials of the United Nations mentioned under paragraph (k) and (m), who are performing missions at the request of or on behalf of the OHCHR Country Office;
 - (o) "Persons Providing Services" means service contractors, operational experts, volunteers, consultants and juridical as well as natural persons and their employees;
 - (p) "OHCHR Personnel" means Officials, other OHCHR officials, persons recruited

locally and assigned to hourly rates, Experts on Mission and Persons Providing Services on behalf of OHCHR;

- (q) “Secretary-General” means the Secretary-General of the United Nations;
- (r) and “Telecommunications” means any emission, transmission or reception of written or verbal information, images, sound or information of any nature by wire, radio, satellite, optical, fibre or any other electronic or electromagnetic means.

Article II: Purpose of this Agreement

- 11. The Government agrees to the establishment of the OHCHR Country Office in Sudan.
- 12. The purpose of the present Agreement is to regulate the conditions and modalities relative to the functioning of the OHCHR Country Office, its status and the status of OHCHR Personnel and Premises, and to facilitate its activities in cooperation with the Government.
- 13. The Government confirms that the treatment afforded to the Country Office shall be equal and the same as that afforded to any other accredited foreign mission in the Host Country.

Article III: Application of the Convention

- 14. The Convention shall be applicable to the Country Office, its properties, funds and assets and to its Officials, Persons Providing Services and Experts on Mission in the Republic of Sudan.

Article IV: Legal personality

- 15. OHCHR shall possess legal personality in the Republic of Sudan, and shall have the capacity:
 - (a) to contract;
 - (b) to acquire and dispose of immovable and movable property; and
 - (c) to institute legal proceedings.
- 16. For the purpose of this Article, the Country Office shall be represented by the Representative of the High Commissioner.

Article V: Mandate and functions of the Country Office

- 17. In accordance with the Charter of the United Nations and the mandate of the United Nations High Commissioner for Human Rights as set out in the General Assembly resolution 48/141 of 20 December 1993, the Country Office shall advise and assist the Government of Sudan on the formulation and implementation of policies, programmes and measures for the promotion and protection of human rights in Sudan. To this end, the Country Office shall provide advisory services and technical assistance to the Government and other relevant actors with a view to implementing international human rights norms, in particular, international human rights instruments ratified by Sudan, and outcomes of the processes of international human rights mechanisms.