

Agreement
between the Office of the United Nations High Commissioner
for Human Rights and the Government of Ukraine concerning the deployment
of a short-term UN Human Rights Monitoring Mission in Ukraine

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

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 mission of OHCHR;

Whereas the Government expressed its consent to the establishment of a UN Human Rights Monitoring Mission in Ukraine;

Considering that this Agreement is an integral part of and supplementary to the Agreement between the United Nations and the Government of Ukraine relating to the establishment of a United Nations Interim Office of 6 October 1992 according to its Article XVIII;

Have agreed as follows:

Article I Definitions

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

- a) "OHCHR" means the Office of the United Nations High Commissioner for Human Rights;
- b) "the Government" means the Government of Ukraine;
- c) "Parties" refers to OHCHR and the Government of Ukraine;
- d) "the HRMMU" refers to UN Human Rights Monitoring Mission in Ukraine;
- e) "Convention" means the Convention on the Privileges and Immunities of the United Nations, adopted by the United Nations General Assembly on 13 February 1946;



- f) "Premises" means the premises of the UN Human Rights Monitoring Mission in Ukraine established in Kyiv and elsewhere on the Ukrainian territory, in agreement with the Government;
- g) "The Team Leader" means the United Nations official in charge of directing and supervising the activities of the HRMMU of OHCHR, on behalf and under the authority of the High Commissioner for Human Rights;
- h) "Competent authorities of Ukraine" means local, regional and central governmental authorities of Ukraine, whether civil or other;
- i) "Officials of the HRMMU" means the Team Leader and other personnel, who are employed in conformity with the United Nations Staff Regulations and Rules irrespective of their nationalities excluding locally recruited persons paid at an hourly rate";
- j) "Experts on missions" means individuals, other than officials of the United Nations mentioned under paragraph (i), who are performing duties within the scope of article VI of the Convention.

Article II Purpose of the Agreement

The Government of Ukraine agrees to the establishment of the HRMMU of the United Nations High Commissioner for Human Rights. The purpose of this Agreement is to regulate the conditions and modalities relative to the establishment and functioning of the HRMMU, its status and the status of its Officials and premises, and to facilitate its activities in cooperation with the Government.

Article III Application of the Convention

The Government shall apply to the HRMMU, Officials and Experts on Mission, Persons performing services on behalf of the HRMMU the provisions of the privileges and immunities, and accept the related obligations, set out in the Agreement between the United Nations and the Government of Ukraine relating to the establishment of a United Nations Interim Office of 6 October 1992.

Article IV Mandate and functions of the HRMMU

1. 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 General Assembly resolution 48/141 of 20 December 1993, the HRMMU has the following objectives:

- a) Monitor the human rights situation in the country, with particular attention to the Autonomous Republic of Crimea, Eastern and Southern regions of Ukraine, and provide regular, accurate and public reports by the High Commissioner on the human rights situation and emerging concerns and risks;

- b) Recommend concrete follow-up actions to relevant authorities of Ukraine, the UN and the international community on action to address the human rights concerns, prevent human rights violations and mitigate emerging risks;
- c) Establish facts and circumstances and conduct a mapping of alleged human rights violations committed in the course of the anti-government demonstrations and ensuing violence between November 2013 and March 2014;
- d) Establish facts and circumstances related to potential violations of human rights committed during the course of the deployment.

2. Principles for the functioning of the HRMMU:

- a) All activities of the HRMMU contribute to the realization of its mandate and objectives;
- b) The HRMMU shall act, subject at all times to the provisions of the present Agreement, as a center for management 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 Government;
- c) The HRMMU 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 Activities of the HRMMU

The HRMMU, acting within its mandate and under the authority of the High Commissioner, performs the following activities:

1. Monitoring, reporting and advocacy: The submission of regular updates and analysis to the High Commissioner on the human rights situation and principal concerns, with a specific focus on, and identification of, issues likely to have an impact on the overall security situation in Ukraine. This shall include recommendations for action to be taken by the relevant authorities, the international community and the UN in the country, and steps necessary to provide protection for persons at risk.
2. Coordination and collaboration with other human rights monitoring activities: The HRMMU will actively coordinate and collaborate with other human rights monitoring capacity within the country and deployments by other international organizations (including OSCE-ODIHR, Council of Europe).
3. Advisory role of the Resident Coordinator and UN Country Team (UNCT): The HRMMU, with the support of the Human Rights Advisor, will provide advice and recommendations to ensure the integration of a response to the key human rights

concerns within the strategy of the UNCT. This will include advice to the Resident Coordinator on advocacy measures to be undertaken with key national actors in relation to human rights concerns, and may undertake direct advocacy with specific partners and stakeholders, in coordination with the Resident Coordinator and OHCHR. The HRMMU will also provide guidance to relevant members of the UNCT, and input to UNCT meetings.

Article VI Status of the HRMMU

The Team Leader will be based in Kyiv and be responsible for the staff in other locations of the country, including Donetsk, Kharkiv, Lviv, Odessa and Simferopol. OHCHR will aim to co-locate OHCHR team members within UN premises in these locations, if available, or at the offices of other international organizations, including OSCE-ODIHR. OHCHR will also locate OHCHR team members at hotels, guest houses or other rented premises in accordance with Ukrainian legislation.

To accomplish its mandate, the HRMMU can establish auxiliary offices on the Ukrainian territory in agreement with the Government.

Article VII Freedom of movement and access to useful information

1. The HRMMU and its officials shall enjoy freedom of entry into, exit from, Ukraine, without delay or hindrance to its officials, property, supplies, equipment, spare parts and vehicles.

2. The HRMMU and its officials enjoy full freedom of movement throughout Ukraine. Without prejudice to the freedom of movement, the HRMMU will coordinate with the Government its activities regarding the provisions of the below mentioned points (a), (b) and (d). In order to facilitate the exercise of freedom of movement, the Government will facilitate access when needed, especially in areas where traffic is restricted or difficult. Freedom of movement includes freedom of observation and investigation in compliance with the HRMMU's mandate:

a) Access, under the procedure provided for by the legislation of Ukraine, to all places of arrest, interrogation, detention and to all prisons. The HRMMU officials and experts on mission are able to converse in private with any person arrested, interrogated, detained, imprisoned or present in these places in accordance with international human rights instruments;

b) Direct contacts with the competent national authorities;

c) Direct contact with individuals, representatives of associations, NGOs and civil society, private institutions, hospitals and medical centers, and the media;

d) Access to all documents and materials necessary for the proper functioning of the HRMMU's activities, including official records for which the Government shall grant the

necessary permits, except for official documents to which access is restricted under the Ukrainian Constitution and legislation.

Article VIII Laissez-Passer, Certificates and visas

The Government shall recognize and accept the United Nations Laissez-passer issued to Officials of the HRMMU as a valid travel document equivalent to a passport.

Article IX Flags, emblems and distinctive signs

The HRMMU may fly or display the United Nations and OHCHR flags and/or emblems on its premises, on official vehicles, and to make them visible in any other manner agreed upon by the Parties. The HRMMU vehicles shall carry the emblem of the United Nations and OHCHR or a distinctive sign.

Article X Identification

1. At the request of the Team Leader, the Ministry of Foreign Affairs shall issue to the Officials of the HRMMU appropriate identity documents.
2. Officials of the HRMMU 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 HRMMU or upon his transfer, the HRMMU shall ensure that his identity documents are promptly returned to the Ministry of Foreign Affairs.

Article XI Cooperation between the Office of the High Commissioner for Human Rights and the Government

A. The Government's engagements

1. The Government shall provide to the HRMMU and its Officials security as required on the Ukrainian territory for the effective performance of their activities. To this end, the appropriate authorities of Ukraine shall ensure the security and protection of the HRMMU and Officials, and exercise diligence to ensure that the tranquility of the HRMMU 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 HRMMU and its Officials, and to ensure that anyone associated with the HRMMU is not subjected in any way to abuses, threats, sanctions, reprisals or legal prosecution by reason of their status.
3. The Government shall disseminate this Agreement, in particular, to the national and regional, civil and military authorities and police authorities. To that end, the Government shall use all communication means to inform the population in general.



4. It shall also inform the competent authorities of Ukraine of the recommendations made by the HRMMU in order for domestic legal procedures applied by these authorities to be consistent with those set forth in international instruments.

B. OHCHR's engagement

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

2. Officials of the HRMMU, without prejudice to their recognized privileges and immunities, shall comply with national laws of Ukraine and to refrain from any action or activity incompatible with the impartial and international nature of their functions.

Article XII Settlement of disputes

1. Any dispute between the United Nations 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 by other agreed mode of settlement shall be submitted to arbitration at the request of either Party.

2. In the latter case, each Party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third, who shall be the chairperson. If within thirty days of the request for arbitration either Party has not appointed an arbitrator or if within fifteen 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 arbitrators, 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 XIII Liaison with the Government

The HRMMU communicates with the Ukrainian authorities via the Ministry of Foreign Affairs.

Article XIV Final provisions

1. This Agreement is an integral part of and supplementary to the Agreement between the United Nations and the Government of Ukraine relating to the establishment of a United Nations Interim Office of 6 October 1992.

2. This Agreement shall enter into force upon signature by both Parties.



3. The present Agreement shall be amended by mutual consent through the exchange of written communications expressing their intention to that effect. Amendments shall enter into force upon signature by both Parties.

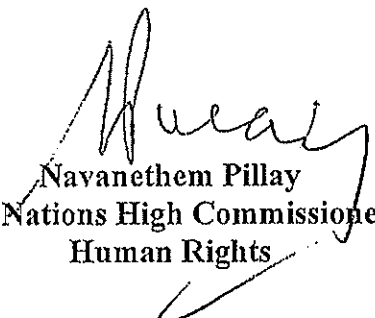
4. Questions not expressly mentioned in the present Agreement shall be settled by the Parties in conformity with the Convention.

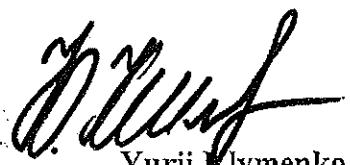
5. The present Agreement shall remain in force for the duration of the HRMMU up to 3 months. It may be extended for the period up to 3 months at the request of the Ukrainian Party. It may terminate by a mutual agreement between the Parties. In this case, the Agreement remains in force within a period of two weeks following the cessation of the HRMMU activities in the country in order to facilitate the disposal of its properties and assets.

Done at Geneva on 31 July 2014 in two originals in the English and the Ukrainian languages. In case of disagreement in the interpretation of the provisions of the Agreement, the English version shall prevail.

For OHCHR

For the Government of Ukraine


Navanethem Pillay
United Nations High Commissioner for
Human Rights


Yurii Klymenko
Permanent Representative of Ukraine to
the United Nations Office and Other
International Organizations in Geneva

