

MEMORANDUM OF UNDERSTANDING

between

**THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR
REFUGEES**

and

**THE OSCE OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN
RIGHTS**

The Office of the United Nations High Commissioner for Refugees (hereinafter “UNHCR”) and the OSCE Office for Democratic Institutions and Human Rights (hereinafter “ODIHR”) (hereinafter the “Parties”);

RECOGNISING UNHCR’s responsibility to lead and co-ordinate international action to protect refugees worldwide and to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country; also recognizing that UNHCR has a mandate for stateless people and is authorized by the UN General Assembly to engage in situations of internal displacement, for which it assumes, in an inter-agency context, global cluster leadership for protection and co-leadership of camp co-ordination/management and shelter;

ACKNOWLEDGING that ODIHR is the specialized institution promoting the human dimension of the OSCE and the implementation of commitments in the field of human rights, democracy and the rule of law; recognizing that ODIHR’s mandate is to assist OSCE participating States to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and to build, strengthen and protect democratic institutions;

RECALLING the importance of the 1950 Statute of the Office of the United Nations High Commissioner for Refugees, the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees, the Executive Committee Conclusions on International Protection, the International Convention on the Elimination of All Forms of Racial Discrimination, the OSCE Ministerial Council Decisions No. 12/04, 13/06, 10/07 and 9/09, and the Durban Declaration and Programme of Action, UNHCR and ODIHR agree to use these documents as a basis for the joint activities foreseen by this MoU.

SEEKING to enhance the long-standing partnership between the Parties in the interface between international refugee protection and human rights, and to further deepen institutional relations with a view to creating synergies between the activities of the Parties for the benefit of both, states and the individuals concerned;

COMMITTED to promote the rights of all refugees or other persons of concern to UNHCR, according to international refugee and human rights law and taking into account their specific situation and needs;

THE PARTIES have agreed as follows:

ARTICLE 1. PURPOSE AND SCOPE OF THE MEMORANDUM OF UNDERSTANDING

- (1) The Memorandum of Understanding (MoU) covers activities of the parties in the interface between the human dimension of the OSCE and international protection in areas of common interest, including human rights issues, legislative support and legal reviews, asylum and migration issues, tolerance and non-discrimination, Roma and Sinti

issues, as well as gender equality and inclusion of refugee and internally displaced women in public life.

- (2) The purpose of this Memorandum of Understanding (MoU) is to further institutionalize the existing cooperation between the parties in the interface between the human dimension and international protection with a view to creating synergies, avoiding duplication of efforts and maximizing outcomes through jointly developed and organized activities.

ARTICLE 2. AREAS OF RESPONSIBILITY

- (1) UNHCR has been entrusted by the international community to provide international protection for refugees and to assist States in finding durable solutions for them. UNHCR's competence *ratione personae* also includes asylum-seekers, returnees, stateless persons and internally displaced persons. Based on its mandate, UNHCR is engaged in protection issues which impact on persons of concern to the Office.
- (2) ODIHR is the OSCE's principal institution tasked with assisting its 57 participating States¹ in implementing their human dimension commitments and thereby enhancing security in the region. ODIHR works in five broad areas: i) elections; ii) democratization; iii) human rights; iv) tolerance and non-discrimination; and v) Roma and Sinti issues.

ARTICLE 3. LEGAL AND OPERATIONAL FRAMEWORKS FOR THE COOPERATION

- (1) The Parties will implement activities falling under the scope of this MoU in line with applicable international law, most notably international human rights and refugee law, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1969 International Convention on the Elimination of All Forms of Racial Discrimination, and the 1981 International Convention on the Elimination of All Forms of Discrimination against Women.
- (2) The Parties will draw from their positive co-operation in the past, in particular with regard to the 2011 Zagreb Declaration of the Conference on the Provision of Civil Status Documentation and Registration in South Eastern Europe, and its follow-up activities, and establish co-operation on addressing the lack of civil registration documents for people without documents and particularly of Roma and Sinti in the Western Balkans region by paying particular attention to displaced persons from these communities.

¹ The 57 participating States of the OSCE as of 20 August 2014 are: Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, The former Yugoslav Republic of Macedonia, Malta, Moldova, Monaco, Mongolia, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, United Kingdom, United States of America and Uzbekistan.

(3) The Parties will continue their positive co-operation in the field of hate crime prevention consolidated by the MoU between both Parties which came into effect on 22 June 2011 and ended on 22 June 2014, focusing on collaboration in the fields of racism, discrimination, xenophobia and related intolerance, including reporting of hate crimes, systematic and regular contributions by UNHCR to the Annual Hate Crime Reports published by ODIHR, and the use of ODIHR information for UNHCR documents;

ARTICLE 4. STRENGTHENED COOPERATION

- (1) The Parties will continue fostering co-operation through jointly developed and organized activities in common areas of interest specified in Article 1.
- (2) The Parties shall keep each other informed of and consult on matters of common interest falling within the scope of the MoU.
- (3) The Parties inform and, as appropriate, invite each other to relevant meetings or conferences convened by them or under their auspices in which the other Party may have an interest or stake. Invitations shall be subject to the procedures applicable to such meetings or conferences.
- (4) The Parties may consider reflecting their respective recommendations in each other's work and make, where appropriate, cross-references to the documents where they are inserted.
- (5) The Parties shall explore opportunities for cooperation on reviewing draft legislation or national legislation to align them with recommendations issued by human rights treaty bodies and monitoring mechanisms that impact on persons of concern to UNHCR, upon request of OSCE participating States.
- (6) The Parties shall explore the benefits of joint projects in areas falling within the scope of this agreement.

ARTICLE 5. STRATEGIC DIALOGUE

- (1) The Parties agree to meet:
 - o Annually at senior level to exchange information on planned projects and activities, to explore synergies and identify areas of cooperation.
 - o Regularly as required for the implementation of joint projects or to keep each other updated.
 - o As and when the need for consultation arises.
- (2) In order to follow up on the operational experiences realized within the framework of this Memorandum of Understanding, the Parties will, during the regular meetings, review progress and possible challenges related to activities of common concern, identifying opportunities for improvement as needed and make recommendations as required.

ARTICLE 6. INFORMATION EXCHANGE

- (1) The Parties shall give favorable consideration to provide each other, upon request, with statistics and information related to human dimension and international protection

issues, as well as to relevant trends and policy developments. In this respect, the Parties will comply with the applicable principles and policies concerning confidentiality and data protection.

- (2) The Parties shall coordinate on and contribute to the development of methodologies and working tools – such as guidelines, manuals and handbooks – pertaining to areas of common interest.

ARTICLE 7. IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING

- (1) The implementation of this MoU will comply with the respective administrative and financial rules and procedures of UNHCR and ODIHR. Joint activities will be subject to the availability of funds. Possible financial contributions under this Memorandum of Understanding, if any, shall be subject of separate agreement.
- (2) For the implementation of this Memorandum of Understanding, the competent authority for UNHCR is The Bureau for Europe, UNHCR Headquarters, in close coordination with the Division of International Protection.
- (3) For the implementation of this Memorandum of Understanding, the competent authority for ODIHR is its Office in Warsaw, Poland.

ARTICLE 8. DISPUTE RESOLUTION

Any dispute arising between the Parties concerning the interpretation or implementation of this MoU shall be settled amicably between them by negotiation or by any other non-judicial means including arbitration, as agreed by both parties hereto.

ARTICLE 9. PRIVILEGES AND IMMUNITIES

Nothing in or relating to this MoU shall be deemed a waiver express or implied, of any of the privileges and immunities of the ODIHR or the OSCE as well as of UNHCR or the United Nations.

ARTICLE 10. ENTRY IN FORCE AND TERMINATION

- (1) This Memorandum of Understanding enters into force on the day of its signature. This Memorandum of Understanding may be amended in writing signed by both Parties.
- (2) This Memorandum of Understanding may be terminated by giving three months' notice on the part of either Party, by a letter addressed to the other Party.

DONE in the English language in two originals.

Signed in Geneva, 5 March 2015

For UNHCR

A handwritten signature in blue ink, consisting of a large, stylized 'V' followed by a series of loops and a long horizontal stroke.

Volker Türk
UNHCR Assistant High Commissioner (Protection)

For ODIHR

A handwritten signature in blue ink, appearing to read 'Beatriz Balbin' in a cursive script.

Beatriz Balbin
First Deputy Director of ODIHR