

Ε.Ε. Παρ. Ι(ΙΙΙ)
Αρ. 4241, 15.12.2017

Ν. 21(ΙΙΙ)/2017

Ο περί της Συμφωνίας μεταξύ του Γραφείου της Ύπατης Αρμοστείας του Οργανισμού των Ηνωμένων Εθνών για τους Πρόσφυγες (UNHCR) και της Κυβέρνησης της Κυπριακής Δημοκρατίας (Κυρωτικός) Νόμος του 2017 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 21(ΙΙΙ) του 2017

ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗ ΣΥΜΦΩΝΙΑ ΜΕΤΑΞΥ ΤΟΥ ΓΡΑΦΕΙΟΥ ΤΗΣ ΥΠΑΤΗΣ ΑΡΜΟΣΤΕΙΑΣ ΤΟΥ ΟΡΓΑΝΙΣΜΟΥ ΤΩΝ ΗΝΩΜΕΝΩΝ ΕΘΝΩΝ ΓΙΑ ΤΟΥΣ ΠΡΟΣΦΥΓΕΣ ΚΑΙ ΤΗΣ ΚΥΒΕΡΝΗΣΗΣ ΤΗΣ ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

- | | |
|---|--|
| Συνοπτικός τίτλος. | 1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Συμφωνίας μεταξύ του Γραφείου της Ύπατης Αρμοστείας του Οργανισμού των Ηνωμένων Εθνών για τους Πρόσφυγες (UNHCR) και της Κυβέρνησης της Κυπριακής Δημοκρατίας (Κυρωτικός) Νόμος του 2017. |
| Ερμηνεία. | <p>2. Στον παρόντα Νόμο -</p> <p>«Συμφωνία» σημαίνει τη Συμφωνία μεταξύ του Γραφείου της Ύπατης Αρμοστείας του Οργανισμού των Ηνωμένων Εθνών για τους Πρόσφυγες (UNHCR) και της Κυβέρνησης της Κυπριακής Δημοκρατίας, η διαπραγμάτευση και υπογραφή της οποίας έγιναν κατόπιν της Απόφασης του Υπουργικού Συμβουλίου με αρ. 80.241 και ημερομηνία 16 Φεβρουαρίου 2016, και η οποία υπογράφηκε στη Γενεύη και στη Λευκωσία στις 17 Νοεμβρίου 2016.</p> |
| Κύρωση της Συμφωνίας. Πίνακας. Μέρος Ι, Μέρος ΙΙ. | <p>3. Με τον παρόντα Νόμο κυρώνεται η Συμφωνία, το πρωτότυπο κείμενο της οποίας εκτίθεται στην Αγγλική γλώσσα στο Μέρος Ι του Πίνακα και σε μετάφραση στην Ελληνική γλώσσα στο Μέρος ΙΙ του Πίνακα:</p> <p>Νοείται ότι σε περίπτωση διαφοράς μεταξύ των κειμένων που εκτίθενται στον Πίνακα, υπερισχύει το κείμενο που εκτίθεται στο Μέρος Ι αυτού.</p> |

ΠΙΝΑΚΑΣ
(Άρθρο 3)
ΜΕΡΟΣ Ι
(Αγγλική γλώσσα)

Agreement
between
The Office of the United Nations
High Commissioner for Refugees (UNHCR)
and
the Government of the Republic of Cyprus

WHEREAS the Office of the United Nations High Commissioner for Refugees was established by the United Nations General Assembly Resolution 319 (IV) of 3 December 1949,

WHEREAS the Statute of the Office of the United Nations High Commissioner for Refugees, adopted by the United Nations General Assembly in its resolution 428 (V) of 14 December 1950, provides, *inter alia*, that the High Commissioner, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the Statute and of seeking permanent solutions for the problem of refugees by assisting governments and, subject to the approval of the governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities,

WHEREAS the Office of the United Nations High Commissioner for Refugees, a subsidiary organ established by the General Assembly pursuant to Article 22 of the Charter of the United Nations, 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 Statute of the Office of the United Nations High Commissioner for Refugees provides in its Article 16 that the High Commissioner shall consult the governments of the countries of residence of refugees as to the need for appointing representatives therein and that in any country recognizing such need, there may be appointed a representative approved by the government of that country,

WHEREAS the Office of the United Nations High Commissioner for Refugees has offered significant humanitarian assistance to over two hundred thousand internally displaced Cypriots since July/August 1974 and has been supporting the Government of the Republic of Cyprus in establishing and strengthening its asylum systems and procedures,

WHEREAS the Office of the United Nations High Commissioner for Refugees and the Government of the Republic of Cyprus wish to establish the terms and conditions under which the Office, within its mandate, shall be represented in the Country,

NOW THEREFORE, the Office of the United Nations High Commissioner for Refugees and the Government of the Republic of Cyprus, in the spirit of friendly co-operation, have entered into this Agreement.

ARTICLE I DEFINITIONS

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

- a) "UNHCR" means the Office of the United Nations High Commissioner for Refugees.
- b) "High Commissioner" means the United Nations High Commissioner for Refugees or the officials to whom the High Commissioner has delegated authority to act on his/her behalf.
- c) "Government" means the Government of the Republic of Cyprus.
- d) "Host Country" or "Country" means the Republic of Cyprus.
- e) "Parties" means UNHCR and the Government.
- f) "General Convention" means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946.
- g) "UNHCR Office" means all the offices and premises, installations and facilities occupied or maintained in the Country.
- h) "UNHCR officials" means all members of the staff of UNHCR employed under the Staff Regulations and Rules of the United Nations, with the exception of persons who are recruited locally and assigned to hourly rates as provided in General Assembly resolution 76(I), adopted on 7 December 1946.
- i) "Experts on mission" means individuals, other than UNHCR officials or persons performing services on behalf of UNHCR, undertaking missions for UNHCR.
- j) "Persons performing services on behalf of UNHCR" means natural and legal persons and their employees, other than nationals of the Host Country, retained by UNHCR to execute or assist in the carrying out of its programmes.
- k) "UNHCR personnel" means UNHCR officials, experts on mission and persons performing services on behalf of UNHCR.

ARTICLE II

PURPOSE OF THIS AGREEMENT

1. This Agreement embodies the basic conditions under which UNHCR shall, within its mandate, co-operate with the Government, open and/or maintain an office or offices in the Country, and carry out its international protection and humanitarian assistance functions in favour of refugees and other persons of its concern in the Host Country.

ARTICLE III

CO-OPERATION BETWEEN THE GOVERNMENT AND UNHCR

1. Co-operation between the Government and UNHCR in the field of international protection of, and humanitarian assistance to, refugees and other persons of concern to UNHCR shall be carried out on the basis of the Statute of UNHCR, of other relevant decisions and resolutions relating to UNHCR adopted by United Nations organs and of Article 35 of the Convention relating to the Status of Refugees of 1951 and Article 2 of the Protocol relating to the Status of Refugees of 1967 (attached as Annex I and II to the present Agreement).

2. The UNHCR Office shall maintain consultations and co-operate with the Government with respect to the preparation, implementation and review of projects for refugees and other persons of concern to UNHCR.

3. For any UNHCR-funded projects to be implemented by the Government, the terms and conditions including the commitment of the Government and the High Commissioner with respect to the furnishing of funds, supplies, equipment and services or other assistance for refugees shall be set forth in project agreements to be signed by the Parties.

4. The Government shall at all times grant UNHCR personnel unimpeded access to refugees and other persons of concern to UNHCR and to the sites of UNHCR projects in order to monitor all phases of their implementation.

ARTICLE IV

UNHCR OFFICE

1. The Government welcomes that UNHCR establishes and maintains an office or offices in the Country for providing international protection and humanitarian assistance to refugees and other persons of concern to UNHCR.

2. UNHCR may designate the UNHCR office in another Country to serve as a Regional Office and to support the UNHCR Office in the Republic of Cyprus.

3. The UNHCR Office will exercise functions as assigned by the High Commissioner, in relation to his/her mandate for refugees and other persons of his/her concern, including the establishment and maintenance of relations between UNHCR and other governmental or non-governmental organizations functioning in the Country.

ARTICLE V UNHCR PERSONNEL

1. UNHCR may assign to the Office in the Country such officials or other personnel as UNHCR deems necessary for carrying out its international protection and humanitarian assistance functions.

2. The categories of officials and the names of the officials included in these categories, and of other personnel assigned to the UNHCR Office in the Country, shall be made known to the Government upon their appointment.

3. UNHCR officials, experts on mission and other persons performing services on behalf of UNHCR shall be provided by the Government with a special identity card certifying their status under this Agreement.

4. UNHCR 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 refugee work in connection with:

- a) the review, preparation, monitoring and evaluation of international protection and humanitarian assistance programmes;
- b) the shipment, receipt, distribution or use of the supplies, equipment, and other materials, furnished by UNHCR;
- c) seeking permanent solutions for the problem of refugees; and
- d) any other matters relating to the application of this Agreement.

ARTICLE VI FACILITIES FOR THE IMPLEMENTATION OF UNHCR HUMANITARIAN PROGRAMMES

1. The Government shall take any measure necessary to exempt UNHCR officials, experts on mission and persons performing services on behalf of UNHCR from regulations or other legal provisions which may interfere with operations and projects carried out under this Agreement. This exemption shall