

Prot No. 22

Prot No. 519/1

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE, PRESENCE IN
ALBANIA
AND
THE DIRECTORATE OF FREE LEGAL AID**

on

“On ensuring citizens’ access to justice through the provision of free legal aid services, according to the provisions of law no. 111/2017, ‘On the legal aid guaranteed by the state’”.

The **Organization for Security and Co-operation in Europe** (hereinafter, “the OSCE”), through its **Presence in Albania** (hereinafter, “the Presence”),

and

The **Free Legal Aid Directorate**” (hereinafter, “the Directorate”),

jointly referred to as “the Parties”, and individually – “the Party”,

Appreciate the importance of the legal aid system guaranteed by the state within the framework of increasing citizens’ access to justice as a fundamental constitutional principle;

Consider that one of the key elements of access to justice is the provision of legal aid services guaranteed by the state in a professional, qualitative, efficient and effective manner;

Affirm the will and determination to cooperate and contribute to the realization of the purpose of this Memorandum;

Hereby enter into this Memorandum of Understanding (hereinafter, “MoU”).

Article 1
Aim of the MoU

This MoU creates a general framework for co-operation between the Presence and the Directorate in relation to planned 2024 activities supporting increased access to justice for citizens, in particular vulnerable categories including, but not limited to, persons with disabilities, victims of gender-based violence, and minority communities.

Article 2
Areas of Co-operation

1. The Parties intend to co-operate for the provision of material and training support to Directorate staff and affiliated civil society personnel/volunteers as well as support increased awareness raising activities and outreach.
2. The Parties intend to co-operate to support the development and training of students and staff affiliated with the currently under development Free Legal Aid clinic at the University of Elbasan.

Article 3
Role of the Presence

In line with the provisions of this MoU, the Presence in Albania intends to:

1. Provide material donations in the form of physical and electronic copies of guidelines on intake and interviewing vulnerable free legal aid recipients, as well as electronic and physical copies of English-language How to Access Free Legal Aid guides, and physical braille copies of the Manual to visually-impaired focused civil society organizations.
2. Facilitate and provide training opportunities for civil society personnel working in the provision of free legal aid services, specifically in regard to working with vulnerable persons.
3. Facilitate links between the Directorate and State University level student run Free Legal Aid clinics.

Article 4
Role of the Directorate

In line with the provisions of this MoU, the Directorate intends to:

1. Carry out joint analyses and studies and making them available to the Parties, who shall subsequently examine the needs and design interventions in accordance with the powers accorded to them by law.
2. Provide training and guidance as appropriate for the staff and students working with the University of Elbasan Free Legal Aid clinic in addition to supporting the referral of individuals to the clinic where appropriate.
3. Cooperating and providing informational support in regard to Presence human rights information gathering field visits.
4. Facilitating experience sharing meetings as well as discuss issues of common interest as appropriate.

Article 5
Liability

1. The Parties shall not assume liability for any third-party claim for damages arising out of the performance of this MoU by another Party.

Article 6
Communication

1. All communication relating to the implementation of the MoU shall be addressed as follows:

For the OSCE the Presence

Erjola Likaj

Address: OSCE Presence in Albania
"Italia" Square, MAK Albania Hotel
1st Floor, 1010 Tirana, Albania
Telephone: +355 69 40 10 112
E-mail: erjola.likaj@osce.org

For the Directorate

Patricia Pogaçe

Address: Rr. "Jordan Misja", Godina nr.3,
Njësia Bashkiake nr.9, Tiranë
Telephone: +355 68 25 83 445
E-mail: patricia.pogace@drejtesia.gov.al

2. Should these designated focal points change, the other party will notify the opposite part as soon as possible.

Article 7
Settlement of Disputes

The Parties shall use their best efforts to settle amicably all disputes arising out of or in connection with this MoU or its interpretation. Any dispute, controversy or claim arising out of or in relation to this MoU shall will be settled through negotiations between the Parties.

Article 8
Privileges and Immunities

Nothing in or relating to this MoU shall be deemed a waiver of any of the privileges and immunities enjoyed by the OSCE and its personnel.

Article 9
Non-binding Nature

This MoU is non-binding. Accordingly, nothing in the MoU gives rise to legal or financial obligations upon any Party. To the extent that any activity may give rise to a legal or financial obligation, a separate agreement will be concluded prior to such activity being undertaken

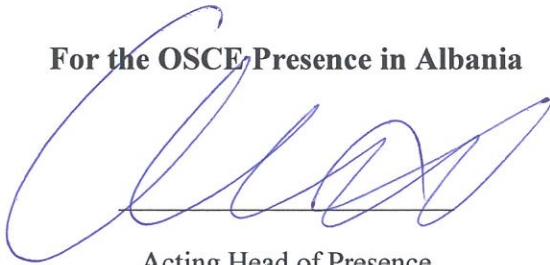
Article 10
Amendments

Any modification of this MoU may be made with the mutual and written approval of both Parties. Additionally, consultations with a view to amend this MoU may be held at the request of either of the Parties.

Article 11
Final Provisions

1. Activities pursuant to this MoU may commence upon the signature by all Parties. It shall remain valid for one (1) year, subject to extension upon the approval of both parties. The MoU may alternatively be terminated in writing by either Party with 30 days written notice to the other Party.
2. This MoU is concluded in four (4) original copies in the English and Albanian languages. Each party shall receive two (2) copies, one in each language. In case of disagreement in the interpretation of the provisions of this MoU, the English version shall prevail.

For the OSCE Presence in Albania



Acting Head of Presence
Clarisse Pasztory

Date: _____

22/4/22

For the Free Legal Aid Directorate

General Director
Ergys Qirici

Date: _____

