

MOLDOVA

Part I: Executive Committee Summary

(a) Context (*beneficiary population and theme*)

The Republic of Moldova remains one of the last countries in Europe that has no functional asylum system. Confronted with unchecked illegal migration and a growing number of asylum-seekers, in 1997 UNHCR was invited to Moldova to assist to establish an asylum system and help draft legislation. In 1998 a host country agreement was signed. Moldova acceded to the 1951 Convention in December 2001 and adopted the refugee legislation on 25 July 2002. The Government remained committed to asylum building and tangible progress was achieved (adoption of refugee law, accession to 1951 Convention and European Convention on Nationality, establishment of central authority and allocation of its first budget from a Government reserve, the registration of asylum seekers and refugees and their effective protection from *refoulement*).

With regard to the Transdniestrian conflict, although no serious security incidents were recorded and the last minefields were cleared, the internal border became more problematic to cross. In July 2002 the mediators (OSCE, the Russian Federation and Ukraine) proposed federalisation as a solution to the conflict and the negotiation is being continued in this line.

Pending the creation of Government structures, UNHCR exercises its core mandate functions and provides basic protection and assistance to asylum-seekers and refugees. As of July 2002, 182 persons were recognised as refugees under the mandate of UNHCR. Given the fluid developments with regard to TD and Gagauzia, UNHCR also increased its focus on the situation. Arrivals continued from Iraq, Iran, Afghanistan, several African states, including Sierra Leone, and from Russia (Chechnya). Protection from *refoulement* was ensured only for those who managed to register with UNHCR in country and not at borders. The precarious situation of a/s improved as UNHCR issued Protection Letters were recognised by the authorities and the courts developed jurisprudence based on international standards. In practical terms the newly created the Main Directorate for Refugees within the Ministry of Justice (MDR), endowed with co-ordinating functions until a national law enters into force, started to observe UNHCR work with a view of a hand-over in all relevant spheres (RSD, local integration, social assistance, income generation *etc.*). The nascent authority was initially allocated seven staff and a mandate to prepare for Moldova to assume its international obligations. The MDR is scheduled to expand to 25 staff by the end of 2002 and, at this stage, it has only basic equipment with no infrastructure in place (no reception facility or trained staff). It still works from temporary office premises allocated in an existing Government building. While Moldova undertook a number of concrete steps to align itself with international practice in the area of refugees and statelessness, the authorities remained confronted with competing domestic priorities (economic considerations and being on the periphery of EU interest, as well as the uncontrolled entry through the porous Eastern frontier and a gradual tightening of border controls with Romania), which made it difficult for them to assume new obligations in the field of asylum.

BO Moldova sought to intensify co-operation with Offices in neighbouring States through joint training events for border guards and judges with Romania and to help the Government network with other more advanced refugee authorities (Czech and Slovak Republics, Hungary, Romania, Ukraine, Switzerland *etc.*). The inability of the Government to identify and allocate adequate office space and a facility that could be refurbished for a refugee reception centre, triggered the postponement of the implementation of key programme areas by at least 6 months.

In the absence of operational Government mechanisms, UNHCR was by default the provider of protection as well as of direct assistance to vulnerable persons of concern, with highlight on self-sufficiency projects through recently established NGOs. UNHCR continued to promote the strengthening of an effective and attentive NGO structure, which could

complement Government efforts. While the number of beneficiaries of direct cash grants and rental supplements dipped, safety nets remained in place for all. Humanitarian assistance of food and hygienic items continue to be distributed to all interested persons. Children are assisted to attend school and to procure educational requisites (books *etc.*) or winter clothes and shoes. Those who for various reasons are ineligible for cash allowances have access to a soup kitchen and all are guaranteed access to medical care. Once the MDR starts to assume its responsibilities, UNHCR social and other assistance through NGOs will need to continue. An effort will need to be made to transfer it to Government structures, *e.g.* by placing some social services funded by UNHCR into Government run centres. So far only one international NGO agreed to co-operate as UNHCR's implementing partner (to address issues of self-sufficiency and income generation). Generally nascent NGO structures remain fragile and can realistically be expected on to remain dependent primarily on UNHCR funding for years to come. Considerable efforts are therefore being exerted towards helping NGOs to diversify and to attract other donors. As a part of this strategy UNHCR has mediated with municipal authorities to provide rent-free premises and to guide IPs in drafting realistic project proposals to other donors. UNHCR's lobbying has led to modest complementary (but psychologically up-lifting) inputs from ADRA, the US funded "International Partnership for Human Development", the Soros Foundation, ABA-CEELI, the Norwegian Embassy and ICS (Italy), (supplementary food items, clothing, *etc.*).

Institution and capacity building continued to target various spheres of Government. The judiciary, border guards and several Ministries have benefited from grants, usually in the form of equipment and training. Grants to the educational and health spheres ensured access for persons of UNHCR concern who would otherwise given their precarious legal status not be eligible at all. While this approach definitely yielded dividends and facilitated a greater acceptance of the refugee issue, it remains a delicate balancing act not to support structures unrelated to core functions and not to develop a dependency syndrome. UNHCR also sought to build alliances with other relevant actors, including the WB, the Moldovan Social Investment Fund (MSIF), UNICEF, OSCE and UNDP. Training activities for Government officials, lawyers and judges were organised and generated direct results. Persons of concern are not subjected to administrative or penal sanctions for their abode in Moldova and instances of detention are extremely rare. The BO continued to emphasise the sub-regional dimension by inviting relevant colleagues from Belarus, Ukraine and Romania. Judges of all levels were acquainted with refuge law concepts and selected international jurisprudence was translated into Romanian. UNHCR also co-operated closely with the Council of Europe on the rights of aliens, including asylum seekers and stateless issues. Guest lecturers familiar with the British immigration system and courts and from the UN High Commissioner for Human Rights enhanced the impact of training events. UNHCR participated in the drafting of a new citizenship law and eventually greeted it as compliant with international refugee standards. In 2002 the Constitutional Court sought UNHCR's views on an amendment of the citizenship law.

Moldova continues to suffer from the consequences of the Transdnistria conflict, which in 1992 displaced over 100.000 persons (51.000 IDPs). Although most individuals found a solution, an estimated 1.000 persons have not. UNHCR continued to try to respond to Government requests to help find solutions for IDPs, accenting the right of return. Assistance, although phased down already in 2001, was always as a rule provided in such a way that it benefited asylum seekers and refugees. Close co-operation was maintained with the OSCE mission and the Office of the High Commissioner on National Minorities, especially in regard to preventive measures, reconciliation and the promotion of tolerance between the divided communities. The Russian Federation which maintains a military presence and Ukraine play key roles in the negotiation process facilitated by the OSCE mission.

Given UNHCR guidelines on the involvement with IDPs, Government requests will be referred to UNDP, save instances when UNHCR will be in a position to provide advice on applicable standards. All indirect assistance will be marginal and focussed on encouraging returns or full integration into host communities. UNHCR's operations will promote reconciliation; aim to alleviate renewed pressures on irregular departures and generally complement efforts of the international community not only to settle the conflict, but also to prevent its re-occurrence. UNHCR may play a key role in providing the humanitarian and operational umbrella to implement the project it conceived and successfully submitted ("*Reconciliation through General Secondary Education* " in TD) for funding to the Japanese Government through the WB. The project remains the first of its kind in the former conflict area. The main theme to be pursued will be the prevention of statelessness and the effective application of the citizenship

law in regard to persons of concern. Given the introduction of visas for Moldovans and/or soon to be introduced requirement to exchange old soviet era internal passports for new ids, the number of *de facto* and *de jure* stateless is expected to rise.

(b) Main programme goals and principal objectives

Name of Beneficiary Population/Theme: a/s and refugees (includes capacity building for Gvt and NGOs)	
Main Goal(s): The refugee law is implemented; advocacy of protection needs of displaced population; further displacement is prevented; capacity building in zones affected by the conflict in support of refugee and a/s structures; public and Gvt will be receptive to refugee, a/s and IDP issues.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • a central refugee authority formulates and implements a Government policy; • displaced population benefits from national legislation conforming to international standards; • communities in former zones of conflict are reconciled; • the public and Gvt understand the distinction between a/s, refugees, IDPs and economic migrants, and the relevance of refugee protection as an element of Moldova's obligations to be part of Europe. 	<ul style="list-style-type: none"> • A central refugee authority starts implementation of refugee law; • Complementary legislation reviewed and amended in compliance with international standards; • law on IDPs passed and implemented in compliance with international standards; • a central authority for IDPs (aside from a refugee authority) created; • project "Reconciliation through General Secondary Education" (WB, Gvt, UNHCR) implemented in TD; • public and Gvt familiarised with refugee issues not only in the Moldovan context, but also in the world; • observation of human rights understood as a pre-condition of membership in European structures.

Name of Beneficiary Population/Theme: Statelessness	
Main Goal(s): Statelessness will decrease and potential for statelessness will be avoided; stateless people will enjoy, at a minimum, a status consistent with 1954 Convention standards.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • the new citizenship law is implemented to the benefit of refugees • increasing awareness of refugees, Gvt representatives and public at large of citizenship issues • Moldova accedes to UN instruments relating to prevention and reduction of statelessness 	<ul style="list-style-type: none"> • stateless people acquire citizenship • relevant information on citizenship issues is available and used • number of <i>de jure</i> and <i>de facto</i> stateless persons decreases and further statelessness is prevented • naturalisation procedures are properly applied