



COUNTRY OPERATIONS PLAN

Country: Moldova

Planning Year: 2004

MOLDOVA

Part I: Executive Committee Summary

(a) Context and Beneficiary Population

Moldova is a significant country of transit for illegal migrants and asylum seekers on route to Western Europe. This movement mixes in with the large legal and illegal migration of Moldovan citizens (it is estimated that some 20% of the total population of 4,200,000 have emigrated for economic reasons to other European countries including Russia). Simultaneously, the number of Moldovan citizens claiming asylum in Europe has grown, amounting to about 10,000 during the last two years, as has the number of trafficked women. The EC and individual European countries faced with this migration have intensified their contacts with Moldova in order to find solutions such as readmission agreements while Moldova has tried to obtain labour migration quotas. The fact that UNHCR received a substantial earmarked contribution from the EC in 2003 for the construction of the first reception centre for asylum seekers, and that IOM and OSCE have received EC contributions for anti-trafficking projects, is an indication of increased donor interest in asylum and migration issues in Moldova.

The economic situation of Moldova is critical and the political situation complex. Economic indicators have continued to plummet and an increasing percentage of the population lives below subsistence levels. The reliance on international support remains strong. Moldova was officially classified the poorest country in Europe in 2002. In combination with the extremely high unemployment and underemployment situation many Moldovans were forced to seek employment (mostly illegal) in other countries and their total remittances is estimated to be twice the national budget. Consequently, integration prospects for refugees are very limited.

Relations with the non-recognised Transdnestrrian (separatist) authorities, controlling 14% of the territory and 780,000 inhabitants, continue to be difficult. The Republic of Moldova has still not resolved the consequences of the conflict that in 1992 displaced some 130,000 persons (including 51,000 internally). Although the majority have either settled elsewhere or returned to their homes, there is still no durable solution for many IDPs. No comprehensive government response exists and the underlying issues of the conflict remain to be solved despite OSCE's mediated negotiations. OSCE, USA and Russia are in favor of federalisation of Moldova but no common agreement has yet been reached. Unregistered small-scale irregular movements continue from separatist controlled territories (*e.g.* draft evaders, political opponents) confirming findings of human rights violations documented by UNHCR and local human rights organisations.

The border between Romania and Moldova has been strengthened through EU financed projects as part of the run-up to EU accession in 2007 for Romania and visa requirement may soon be introduced. In contrast, control remains weak or absent along the Eastern border with Transdnestrria and Ukraine.

Confronted with unchecked illegal migration and a growing number of asylum-seekers, Moldova invited UNHCR in 1997 to assist to introduce an asylum system, establish relevant structures and help draft a refugee legislation. In 1998 a host

country agreement was signed and in 1999 the office was up-graded to Branch Office status headed by a Representative. In 1999 a Parliamentary Working Group started working on a draft refugee legislation and in December 2001 Moldova acceded to the 1951 Convention, which entered into force in 2002. Following intense UNHCR lobbying, the Law on the Status of Refugees was finally adopted and promulgated in July and August 2002 respectively, and entered into force on 1 January 2003. The government central authority (Main Directorate for Refugees, MDR) increased its administrative and professional capacity (18 staff) as to assume responsibility of RSD procedures in early 2003.

Pending the take-over of RSD by the government, UNHCR exercised its core mandate functions and provided basic protection and assistance to *bona-fide* asylum seekers and refugees. Arrivals continued from several states with the majority coming from Russia (Chechnya). Protection from *refoulement* was ensured for asylum seekers through UNHCR issued Protection Letters as stipulated in a co-operation agreement signed with the Minister of Interior recognising UNHCR issued Protection Letters as a legal basis for stay. Holders of UNHCR issued protection letters were not deported and many individuals managed to regularise their status.

UNHCR's main objectives in 2003 are to assist the government to assume the responsibility of the RSD procedures through a number of capacity building activities, and to continue to support national NGOs to provide legal assistance to asylum seekers and integration assistance to recognised refugees.

Lobbying for amendments to the refugee law, in order to introduce subsidiary forms of protection e.g. humanitarian status, will be an important objective for UNHCR in 2004.

Training events and familiarisation/study visits, as well as improved registration systems, will be implemented in co-operation with interested donor countries in order to enhance the capacity and professional skills of government institutions and NGOs. Particular targets will be the border guards, in order to follow up on their participation in two specialised roundtables in 2002 concerning refugee law and applicable human rights standards, and the judiciary, in order to prepare for the establishment of appeals procedures (Council for Refugees – second instance for rejected asylum seekers). Emphasis will also be made on assisting MDR to further develop working relations with their counterparts in Romania and other countries in the region.

UNHCR will continue to promote the strengthening of an effective and attentive NGO structure with the purpose to complement Government efforts. The established system meets the needs of destitute persons of concern and manages to help individuals to become more self-sufficient. Humanitarian assistance of food and hygienic items continue to be distributed to vulnerable asylum seekers and refugees. Children will be assisted to attend school and to procure educational requisites (books *etc.*) and winter clothes. Those who for various reasons are ineligible for cash allowances have access to a soup kitchen and all are guaranteed access to primary medical care.

Considerable efforts will be made towards helping our NGO implementing partners to diversify and to attract other donors. In realistic terms, however, such inputs are likely to be irregular and small in volume and UNHCR funding will still be required for

some years. Implementing partners will be encouraged to improve co-ordination amongst themselves and sign co-operation agreements with the government refugee authority.

UNHCR will continue to co-operate with the Presidential Commission on Citizenship and Political Asylum, the Department for Information Technologies, and the Main Directorate for Refugees on issues regarding statelessness and citizenship.

UNHCR will maintain good co-operation with the UN agencies in Moldova as well as the OSCE and other international missions (WB, SIDA, etc.). The established co-operation with the Council of Europe on the application of the European Convention on Human Rights will continue. Moldova's membership to the Stability Pact is an important forum particularly regarding activities aimed at preventing trafficking in human beings.

Co-operation with the ICMPD and IOM as a follow-up on the initiative to prepare a *National Action Plan on Migration and Asylum* is also an important objective.

BO Moldova will intensify co-operation with UNHCR offices in neighbouring states as well as the Swedish Migration Board and the UK Appeals Tribunal through joint training events under the Soderkoping Process and other bilateral arrangements.

Given UNHCR guidelines concerning 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. With regard to activities in Transdnistria, UNHCR will continue to play a modest diplomatic role in the Japanese funded WB reconciliation project for schools teaching in the Latin script which will entail regular visits to Transdnistria. UNHCR will monitor the situation as failed political solutions may generate more departures from the area of potential asylum seekers to EU countries. UNHCR will also continue to review protection needs of persons approaching our office and claim persecution by the authorities in Transdnistria.

(b) Main Programme Goals and Objectives

The overall objective and rationale for UNHCR's presence in Moldova is to ensure, in co-operation with the government and local NGOs, that the national institutions and organizations are capable of dealing with asylum claims in a fair, efficient and self-sustainable way and to offer durable solutions to recognized refugees in accordance with internationally accepted standards.

The theme *strengthening asylum* summarises the objectives related to UNHCR's operation in Moldova.

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| Theme: Strengthening Asylum | |
| Goal II: Asylum seekers have access to fair, efficient and effective asylum procedures and are treated in accordance with international protection standards. | |
| <i>Principal Objectives</i> | <i>Related Outputs</i> |
| Asylum seekers have access to procedures, in which their claims are heard fairly and promptly | <ul style="list-style-type: none"> Asylum seekers have access to a fair and efficient procedure, under which eligibility for refugee status and complementary protection is granted. Authorities take impartial, professional decisions in asylum cases. |
| Asylum relevant institutions develop to become effective and eventually independent of external support | <ul style="list-style-type: none"> The reception centre fulfils minimum standards according to established international criteria, including basic facilities, health care, education, security arrangements for vulnerable asylum seekers and special arrangements for those with particular needs; UNHCR and NGOs have unlimited access. Effective legal assistance programmes are established to ensure that asylum seekers interests are guaranteed in the RSD procedure. Lawyers and judges are fully trained in international standards of protection and judges apply refugee law judiciously. Appropriate registration systems are implemented. |
| Goal IV: Public opinion is receptive to the protection and solution needs of refugees. | |
| <i>Principal Objectives</i> | <i>Related Outputs</i> |
| Xenophobic trends are diminished in favour of increased tolerance. The public at large understands the relevance of refugee protection, the difference between economic migrants and refugees and that refugees are not a burden to the society | <ul style="list-style-type: none"> A more positive national media coverage contributes to better treatment of asylum seekers and refugees, facilitates local integration and decreases xenophobia. UNHCR produced teaching materials for schools is utilised; children and youth increase their knowledge and acceptance of refugees. |