

Republic of Moldova
Country Report 2009:
Situation for refugees,
asylum seekers and IDPs



Republic of Moldova

Statistics¹

Country of Origin	Number of asylum seekers applying for refugee status				Number of asylum seekers being granted refugee status or humanitarian protection						Percentage awarded status
	2007	2008	2009	Bcero	2007	2008	2008	2009	2009	Total	Total
Total	75	57	67	199	21	4	20	0	12	57	29%
Including the following nationalities:											
Armenia	18	16	11	45	5	0	3	0	3	6	13%
Russia	13	2	7	22	0	3	6	0	0	9	41%
Afghanistan	2	8	11	21	3	0	0	0	2	5	24%
Georgia	1	5	3	9	0	0	0	0	1	1	11%
Iraq	2	0	6	8	0	0	1	0	0	1	11%
Pakistan	2	1	5	8	1	0	0	0	3	4	50%
Azerbaijan	4	4	0	8	1	0	4	0	1	6	75%
Syria	4	3	2	8	0	0	0	0	0	0	0%
Jordan	4	3	0	7	1	0	0	0	0	1	14%
Turkey	4	2	4	7	1	0	0	0	0	1	14%
Kyrgystan	0	0	7	7	0	0	0	0	0	0	0%
Sudan	3	1	1	4	5	0	1	0	0	1	20%
Uzbekistan	4	0	0	4	1	0	0	0	0	1	25%
Iran	0	3	0	3	0	0	0	0	0	0	0%
Palestine	2	0	0	2	1	1	0	0	0	2	100%
Tadjikistan	0	1	1	2	0	0	1	0	0	1	50%
Ethiopia	2	0	0	2	0	0	0	0	0	0	0%
BurkinoFaso	2	0	0	2	0	0	0	0	0	0	0%
Egypt	1	0	0	1	0	0	0	0	0	0	0%
Sierra-Leone	1	0	0	1	0	0	0	0	0	0	0%
Lebanon	0	1	0	1	0	0	0	0	0	0	0%
Nigeria	0	0	1	1	0	0	0	0	0	0	0%
Somalia	0	1	0	1	0	0	0	0	0	0	0%
Other	6	4	8	18	2	0	4	0	2	8	44%

¹ Statistics provided by the Process border Co-operation/Soderkoping process <http://soderkoping.org.ua/page12505.html>.

Asylum seekers and Refugees

Legal and Procedural Changes

In December 2001 Moldova acceded to the 1951 Convention Relating to the Status of Refugees, and its 1967 Protocol and the legislation entered into force on 1st May 2002 and 31st January 2003 respectively. A national Law on the Status of Refugees was adopted in July 2002 and it entered into force on 1st January 2003.

In May 2005, the Parliament adopted amendments introducing subsidiary (humanitarian) protection for people who do not fall under the 1951 Convention but who are in need of protection. These amendments entered into force on 7th July 2005.

In April 2006 the Moldovan government adopted a National Programme on Migration and Asylum and in June 2008 the "Action plan for the Management of Migration and Asylum systems 2008-9". On 18th December 2008 a new law was adopted, "On Asylum in the Republic of Moldova", which came into force on 13th March 2009, and replaced the Law "On the Status of Refugees²" of 2002.

The Directorate for Refugees³, under the Migration and Asylum office of the Ministry of Internal Affairs, is the government authority responsible for co-ordinating asylum activities.

On 28th June 2005, the Moldovan government passed a Resolution on refugee documentation, which stipulated that identity cards would be issued to refugees and their children for a period of 5 years and travel documents for one year. For people who have humanitarian protection status, identity documents would be issued for one year (renewable for the period of duration of humanitarian protection). At the end of 2005 the Main Directorate of Refugees (MDR) started issuing identity cards to recognised refugees.

Another step towards creating an integrated system of asylum was the construction of the first accommodation centre for asylum seekers, with support from UNHCR and the EU TACIS program. The centre, built in 2005, can accommodate some 200 people. The centre is run by the Directorate for Refugees.

In the Republic of Moldova, the State has an obligation to provide legal assistance to foreign citizens and stateless persons in all matters and procedures within the competence of government. Unfortunately at the present time the State is not able to finance the provision of this legal aid.

On 10th October 2007 Moldova and the EU signed an agreement on the readmission of persons in irregular situations. At the end of 2009 not a single person had been returned to Moldova under this agreement.

2 Of 25.07.2002

3 Before 13.03.2009 called "The Main Directorate of Refugee Affairs"

Limited government finances slow down the process of building capacity in government agencies (including difficulties of retaining qualified staff) and negatively affect the implementation of legislation. Bringing national legislation into line with international standards remains a priority.

The Refugee Status Determination Procedure

As of January 2003 all active cases were transferred from UNHCR to the Moldovan Directorate for Refugees (MDR). Since that time applications for refugee status are initially examined by the MDR, and appeals are heard by courts.

There are two instances to the appeals procedure: The Appeals Chamber (which hears appeals at first instance) and the Supreme Court of Justice (which hears appeals against decisions of the Appeals Chamber).

After receiving a negative decision from the Directorate of Refugees, the applicant has 30 days to appeal the decision in court. If the decision is not appealed within 30 days, the applicant must leave the country within 15 days. If he/she appeals the decision in court, this requirement is suspended. Following a decision by the Appeals Chamber, parties have 15 days to appeal to the Supreme Court of Justice whose decision is final.

Detention

The temporary accommodation centre for foreigners (TAC) opened in 2009. Foreign citizens awaiting the implementation of court decisions on deportation are housed in this centre for up to six months. In 2009 71 people were housed in the centre, including 4 minors held there with their parents. 13 people, including 4 minors, applied for asylum from the TAC in 2009.

Social Rights

The Republic of Moldova is a transit country for irregular migrants and asylum seekers travelling to Western Europe. Due to economic and political difficulties (including the global financial crisis of 2009-2010) Moldova remains the poorest country in Europe.

A large percentage of the Moldovan population, especially those living outside the big cities, live below the subsistence level (some sources say that up to one third of the population are in this situation). Moldova remains heavily dependent on international aid. Due to the high levels of unemployment many Moldovan citizens are forced to seek employment in other countries (mostly illegally) and send their earnings home – where they make a significant contribution. In this light, prospects for refugee integration and self-sufficiency in Moldova are limited.

Refugees and people with humanitarian protection have the same social rights as Moldovan citizens. Under national law social protection is provided from citizens' contributions to the insurance system. Those included in the national insurance system

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are entitled to cash benefits provided by law. For example, a one-time childbirth allowance, pension, disability allowances, paid sick leave, etc. Those who have not made fifteen years' worth of contributions to the system are only entitled to allowances for the elderly. Elderly refugees are entitled to these.

A law on social assistance to vulnerable families was adopted on 13th June 2008. This form of social assistance is also provided to refugee families.

Recently, the quality of social assistance to refugees has significantly improved, but there are still some restrictions on the assistance available to refugees in comparison with the local population.

UNHCR and the European Commission currently fund some social projects, which help refugees learn the language, culture and customs of Moldova, and provide professional training. A monthly housing allowance is provided as is help finding employment, but this assistance is insufficient.

According to Article 23 (paragraph 2) of the Refugee Act and the Regulation on Payments to Refugees⁴, people with humanitarian protection and refugees are entitled to financial aid for up to 6 months from the time they receive status. The financial assistance set by the Government is 10% of average earnings. In 2009, the level was 314 lei, about US\$ 28.

- **Accommodation**

In Moldova, the majority of asylum seekers live in a temporary accommodation centre, which is free of charge, and financed by the Moldovan Government. The temporary accommodation centre is intended only for asylum seekers but vulnerable refugees are sometimes allowed to stay on longer at the centre after they have been recognised. This applies to families with young children, sick people, those with very little means.

This is a welcome initiative, as the state is trying to improve the situation for refugees and asylum seekers by allowing them to benefit from free accommodation for extra time. Refugees and those with humanitarian protection are obliged to find themselves accommodation outside the accommodation centre. Most live in Chisinau, and only a few live outside the capital. In addition there is a temporary shelter at the Charity Centre for Refugees for emergency cases.

Save the Children - Moldova has also run an integration programme for refugees since 2008, which helps refugees with accommodation costs. However, this only provides for a very few people. This programme is aimed at supporting those refugees who agree to live in the countryside. There is no system of social housing in Moldova, so people who leave the temporary accommodation centre have the problems of finding their own accommodation.

4 approved by Government Resolution 1622 from 31.12.2003

The draft law on Integration could provide a solution. Local authorities do not have available housing and legislative gaps further complicate the situation. The few refugees who are married to citizens of the Republic of Moldova try to solve this problem through their relatives and family members. Others have not been able to solve this urgent problem.

Housing is the most difficult problem for refugees, and the fact that people cannot stay at the TAC after the initial 6-month period can cause indignation and discontent amongst refugees. Some people complain that they are “thrown out”, but they had been asked to leave by the Centre management after the 6-month period had ended.

- **Employment**

Under Moldovan law, recognized refugees and people with humanitarian protection have the same social and economic rights as Moldovan citizens. However, due to the general economic situation and high unemployment in Moldova, asylum seekers and refugees face many challenges in finding employment, both in the official and unofficial sectors of the economy. Employment remains a major challenge for refugees and asylum seekers in Moldova.

The two main issues are:

- High levels of unemployment
- The fact that refugees are not able to compete in the labour market

Other influencing factors are:

- A lack of education certificates and documentation, or a lack of recognition of these documents in the Republic of Moldova. At the present time it is not possible to validate education diplomas in Moldova. The majority of refugees and those with humanitarian status do not have professions, nor have they finished secondary school – and although current legislation allows refugees to enrol at job centres, there is no policy at present on addressing this issue in a systematic manner;
- The majority of refugees live in Chisinau, where the labour market is saturated, and salaries are low. Therefore, refugees find it very difficult to find work to support themselves and their families. Most can only find temporary and unofficial work.

UNHCR and its implementing partners in Moldova, continue to provide assistance to refugees. The Business Advisory Centre, a UNHCR partner, offers professional training courses and also helps with employment through agencies. Save the Children Moldova provide similar assistance. In addition refugees can also apply to the National Employment Agency to find work, but usually they prefer to contact NGOs about this issue.

Refugees wishing to pursue higher education receive support from UNHCR to negotiate admission with education institutions, and for partial payment of study fees.

- **Integration programmes**

Integration programmes for refugees and asylum seekers are currently run mainly by NGOs while state participation remains insignificant.

There are no comprehensive state programmes to help refugees integrate. These would require significant financial support from the international community. Access to the labour market is also key to improving future integration prospects.

Drafting a law on refugee integration is a priority. Until such a law exists it is extremely difficult to talk about the integration of refugees in Moldovan society.

The integration programme is currently implemented by UNHCR through its partners in the "Local Integration Project for Refugees in Belarus, Ukraine and Moldova", and by the EU AENEAS project "Consolidation of conditions of asylum and international protection in the Republic of Moldova" which is implemented by Save the Children Moldova.

These two projects promote the idea of setting up an integration programme for refugees which would include: language courses, courses on civic education; professional training; help with finding employment; some support with solving housing issues; and assistance with resettlement to other parts of the country.

The NGO Charity Centre for Refugees (CCR) organises some assistance with refugee integration, such as professional training but these are open only to recognised refugees or those with humanitarian protection. The courses focus mainly on technical training. CCR introduced Romanian language courses, and in cooperation with the Legal centre for Advocates, organised specialised courses for refugees to study the Moldovan Constitution for several months. In addition CCR and partners in the MATRA project ran workshops on topics such as the history of Moldova, culture, gender and others.

In 2009 a group of refugees and migrants who had attended Romanian language courses and lessons on the Moldova constitution passed an exam and were awarded certificates by the Ministry of Education of Moldova, needed to apply for Moldovan citizenship.

A centralized policy co-ordinated by the government is needed, as is an effective state integration program which would include language training, vocational training and concrete measures to improve refugees and asylum seekers' access to employment, and thus facilitate their future integration. However, the top priority for refugees remains having a roof over their head.

- **Education**

All children in Moldova, including refugees, asylum seekers and persons with humanitarian asylum have access to preschool and school education. The NGO "Save the Children – Moldova" covers the costs of stationery, textbooks and school costs for these groups of children. The education program provides children with an opportunity to learn the language. Save the Children Moldova also covers costs of school supplies, winter clothing

and additional costs in kindergartens and schools, by running a small grant scheme funded by UNHCR. The NGO organises summer camps for children as well as trips to theatres, museums and the cinema.

UNHCR Moldova supports young refugees to gain access to further education at the Independent International University of Moldova and pays 50-60% of the tuition fees each year.

- **Medical services**

Moldovan citizens have medical insurance policies either through their work or purchased individually at the beginning of the year. Elderly people, children, pregnant women receive free health care. The level of medical care is determined by The Programme of Compulsory Health Insurance⁵. Refugees, people with humanitarian protection and asylum-seekers receive medical care through Save the Children – Moldova, funded by UNHCR. In 2009 changes were implemented in the medical care people receive with positive results. This was brought about by the Ministry of Internal Affairs agreeing to provide refugees and asylum seekers with medical care through the MIA hospital, which provides a good standard of medical care. The costs of hospitalization are partially covered (some 40%) by the MIA hospital.

In this way a great number of refugees' medical problems were solved in 2009. Refugees and those with humanitarian status are covered by health insurance policies are free to decide where they wish to be treated.

Psychological assistance to refugees, people with humanitarian status, and asylum seekers is provided by the NGO „Memoria”.

- **Legalisation and Citizenship**

The main problem related to documentation is the refugee travel document, despite the fact that legislation provides for the issuance of such documents. The lack of this document compromises a refugee's right to freedom of movement, and the right to life and health when they are prevented from travelling abroad for an operation for instance. They are not able to travel to see relatives or to attend funerals. It also complicates refugee's business activities, as they cannot travel abroad to research market opportunities or partners. The lack of travel documents is an example of violation of refugee rights.

Despite the fact that recognized refugees and stateless persons have the right to acquire Moldova citizenship after 8 years of continuous and legal residence in the territory of Moldova, the issue of naturalization remains a serious problem.

5 approved by Government Decree 1387 of 10.12.2007

- **The role of NGOs**

In the absence of a strong government policy on procedures to protect refugee rights, refugees continue to rely on NGOs for moral, social, cultural and legal assistance. The main NGOs are the Charity Centre for Refugees (CCR), Save the Children - Moldova (SC), the Legal Centre for Advocates (LCA), all of whom work in partnership with UNHCR Moldova. Refugee communities in Moldova also cover refugee issues in a magazine on legal issues, which is published quarterly.

LCA provides free legal assistance to refugees and other people of concern to UNHCR. In 2009 LCA also trained judges and other migration officials on the rights of refugees and asylum seekers, and ran a training course on the Moldovan constitution.

The Helsinki Committee for Human Rights in Moldova also provides legal assistance to refugees and asylum seekers, supporting them in appeals against violations of their rights in the Republic of Moldova.

- **Cultural Adaptation and Integration**

The NGO CCR provides cultural, social and moral assistance to refugees and asylum seekers in Moldova, as well as providing them a place where they can meet, discuss issues, share ideas, and find solutions to common problems. The average number of beneficiaries of the centre for 2009 was 30-35 per day. CCR mainly help with initial integration support, and the organisation of cultural and leisure activities for more vulnerable persons. Together with other NGOs CCR organised various cultural activities for refugees and asylum seekers to help them integrate into Moldovan society, and to facilitate community development and self-sufficiency.

Save the Children provides assistance and support for the social integration of refugees, asylum seekers, people with humanitarian status, and, in particular, for children from these families. Save the Children organises integration programs for children, such as educational courses, civic education, cultural excursions and summer camps. They also provide medical, humanitarian and material assistance to refugees, asylum seekers and persons with humanitarian status.

Recommendations to the government of Moldova and the International Community:

1. Continue efforts to bring national refugee and asylum legislation in line with Moldova's international obligations and international norms.
2. Organise training for judges and government officials who work on refugee status determination, in accordance with the law "On Refugees".
3. Find ways to simplify access to the labour market for refugees and asylum seekers, and to facilitate their integration.

4. It is particularly important to organise Romanian language courses and employment programmes. The existing programmes are being implemented by NGOs, and there is a need for more active governmental participation in this work.
5. Resolve the issues with refugee documents. Travel documents should be issued to refugees as stipulated by law.
6. Improve medical care is needed for refugees and asylum seekers.
7. State authorities should provide minimal financial assistance to refugees, asylum seekers, people with humanitarian protection.
8. There is a need to better inform asylum seekers, refugees and those with humanitarian protection about their civil and political rights and freedoms especially in relation to naturalization issues;
9. Establish an effective mechanism for monitoring asylum applications from the time they are submitted to the time a decision is made by the Main Refugee Directorate.
10. Co-operation between government authorities and NGOs in Moldova must be strengthened, which will ensure respect for the rights of refugees, asylum seekers and internally displaced persons in the country, and provide them with as much assistance as possible.

Internally displaced persons (IDPs)

Political clashes in the Eastern region of Moldova (now Transnistria) from 1989 - 1992 resulted in violence. After the military conflict ended in 1992 the region was taken over by the separatist authorities. The Transnistrian authorities have not been recognized by the international community, and a political solution to this problem has not yet been found. Some 100 000 people were displaced by the conflict. Despite there being no large-scale displacement since 1992, relations between the Republic of Moldova and the Transnistrian authorities have not improved. A group of people who consider themselves as internally displaced by the conflict in 1992 is still suffering from the consequences of displacement.

Property rights and restitution are a main issue. For example, the majority of teachers from Tiraspol State University moved to Chisinau and are now living in small rooms in student

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hostels in poor living conditions. Some of them are still not reunited with their families and continue to travel regularly to Tiraspol.

On October 21 1993 the Moldovan Government issued a Decree "On Providing living space to citizens forced to leave their places of residence in the Eastern regions of the Republic of Moldova", which emphasizes that these families should receive housing within 5 years, i.e. in 1998.

The Moldovan government does not keep records of all displaced persons. Before 2001 internally displaced persons were registered at the national level, but since then only the Municipal Council of Chisinau keeps a record.

In 2008 an accommodation centre was brought into use in Chisinau for this group of displaced people. The list of internally displaced persons to be housed here did not include officials from Tiraspol State University. Chisinau Municipal Council said that information about these people had been considered by special commission and that they will be included in the lists for housing from 2010, despite the fact that they have been waiting since 1992.

Property rights are fundamental to ensure a successful integration process and prevent the renewal of conflict. The issue of property rights of IDPs in Moldova has received little attention on the national or international levels. It was not properly addressed during negotiations between the Moldovan government and the Transnistrian authorities, nor during the international negotiations in the 5 + 2 format (Moldova, Tiraspol, Russia, Ukraine, OSCE, the United States and the European Union).

Recommendations to the Government of Moldova and the international community:

1. The government should work with NGOs and international organizations to ensure that return, reintegration or resettlement of IDPs are long-term, dignified solutions.
2. Particular attention should be paid to the provision of housing for internally displaced persons.

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