

# 2017

## ANNUAL REPORT



### Law Center of Advocates

Public Association, Non-Governmental Organization

## Summary of the Annual Report

2017

### GENERAL BACKGROUND

The Law Center of Advocates (LCA) – is a non-governmental, non-political, non-profit association. LCA's mission lies on the implementation of the projects and programs aimed at: promotion of the Rule of Law; promotion of human rights; promotion of advocacy institution development, endorsement and draft law expertise; legal education program development; developing continuous training programs and legal improvement trainings; legal assistance to all refugees, asylum seekers, beneficiaries of humanitarian protection and stateless persons etc.

With the support of the UNHCR, LCA had settled and accomplished continuously along years the following objectives: advocacy and legal representation services, interpretation services, border monitoring, legal publications and training events aiming to promote refugee law and international standards of refugee protection, provision of a course on laws and treaties related to refugees and statelessness issues previously taught at key universities from Moldova, legal counseling on socio-economic rights aiming to facilitate integration of all beneficiaries of international protection

#### **In 2017, Law Center of Advocates implemented 2 projects:**

- (1) Legal assistance for asylum-seekers and refugees in Moldova and refugee law empowerment, and*
- (2) Legal aid to stateless persons in Moldova.*

The following actions have been done during the implementation of the Projects:

- Increasing capacity to the relevant stakeholders, namely: Bureau for Migration and Asylum, Border General Inspectorate for Border Police (GIBP), National Legal Aid Council (NLAC), National Institute for Justice (NIJ), IS CRIS REGISTRU, Registry Office/Civil Status Office, Transnistrian counterpart Club 19 through capacity development events (trainings, seminars, workshops, roundtables, conferences and official meetings on relevant topics).
- Transferring experience and supporting National Legal Aid Counsel in providing legal assistance on asylum cases (lawyers' counselling and providing Country Origin Information).
- Monitoring access to asylum of those in need for international protection at the border crossing points and detention facilities.
- Providing guidance and expertise to stakeholders in asylum and integration process.
- Providing direct legal assistance on strategic cases through counselling and representation on asylum matters.
- Providing legal counselling on asylum procedure, social integration and naturalization process.
- Creating NGOs network in asylum and stateless context (including Transnistrian region) which will be involved in mutual assistance on strategic litigation, counselling/assistance, rising awareness etc.
- Promoting the Refugee Law Course.
- Lobbying and advocacy on relevant issues to ensure that the rights and well-being of people in need of protection are in line with international standards and human rights beings.
- Provided guidance and expertise to stakeholders on statelessness.
- Advocacy and lobby interventions, legal matters related to target group through an established network of stakeholders.
- Provided direct legal assistance through counseling.
- Provided legal counseling on naturalization.
- Identified the stateless cases in three regions (Edinet, Orhei, Cahul) and researched legal context in reducing and prevention statelessness phenomena in Moldova.

## MAIN ACTIVITIES IN 2017

### Legal assistance for asylum-seekers and refugees in Moldova and refugee law empowerment

#### Refugee Law Courses



LCA extended his activity by supporting the national high-level educational institutions in providing Refugee Law Courses for students: **Armed Forces Military Academy "Alexandru cel Bun"; Police Academy "Stefan cel Mare"; Moldova State University**. The goal of this activity was to promote that universities introduce in their programs the curriculum for studying refugee law. The students have access to a comprehensive range of laws, policies and politics in asylum context and will promote the human right and beings without discrimination or marginalization. During the reported period **97 students from 3 universities** attended the courses and explore the international refugee protection law on relevant topics: international and regional framework,

national and international conflicts and the protection of internally displaced place, Asylum Law in Republic of Moldova and the role of international organization in refugee protection and UNHCR mandate.

#### Manuscripts for NLAC lawyers developed and approved

To strengthen the quality of legal advice and representation made by public defenders, LCA elaborated 3 legal instruments on:

- Guide for public defenders in asylum field /Curriculum in asylum field.
- Asylum standards for Operational Procedures for lawyers.
- Monitoring Tools for Lawyers.

The Instruments for lawyers intends to strengthen the quality of legal advice and representation made by public defenders available to asylum-seekers, refugees, and beneficiaries with humanitarian protection and monitor the quality of legal representation of asylum cases by public defenders.

#### Asylum induction for newly employed specialists elaborated

LCA elaborated an Asylum induction for newly employed, that has the aim to help relevant stakeholders in their work and for newly employed specialist is a vast resource in initiating their knowledge in asylum field. The guidelines serve as basic asylum courses/self-training for all specialists in asylum field. The final version of the Asylum Induction provides guidance to caseworkers, lawyers, border police, and judges responsible for receiving and for deciding asylum claims in accordance with Moldova's obligation under the 1951 United Nations Convention relating to the Status of refugee and the 1967 Protocol, the European Convention on Human Rights and other relevant international and national legal instruments. The Asylum Induction provides specific guidance on: practical issues in asylum procedure started with international and regional framework on international protection; fundamentals principles and procedural guarantees; authorities competent to receive asylum application; the detailed aspects regarding the examination of asylum procedure.

#### Activities with Transnistria region, NGO "Club 19"

LCA in collaboration with NGO Club 19 organized 3 meetings (2 held in Tiraspol (Transnistria region) and one at LCA premises) for establishing future cooperation with other civil organization from the region. Based on the meeting, LCA established good collaboration with 2 other NGOs from Transnistria region, namely: NGO "Independent Institute for Law and Civil Society", NGO "Centre of Innovations and Social Development". During the year, LCA assisted the colleges from the Transnistria region sharing knowledge and LCA expertise on international protection; how to provide legal counseling to people in need of protection and provide details and directions where and how to be documented. The staff from mentioned NGOs were invited to access the E-learning EASO and to involve of the NGO's lawyers from Transnistria region at the LCA and UNHCR trainings; to access of the COI on the Refworld Russian Platform.

### Training on interview techniques for interpreters

In February 2017, LCA organized a national seminar “**Training on interview. Techniques for interpreters**”. 12 interpreters attended the training and learned about:

- Relevant terms on asylum procedure and explanation of this terms; Interpreters Code of Conduct regulations approved by BMA; Interviews techniques; Understanding the applicants’ rights and obligations during the asylum procedure; Relevant legislative aspects regarding the interpretation; Practical exercises to relate the intercultural dissimilarity.

### Regional Conference for legal aid providers on providing legal assistance to asylum-seekers and refugees in collaboration with UNHCR Moldova.

- 44 legal professions from 12 countries and 6 international experts created a platform for discussion regarding the experience of each country in providing Legal Aid Service for asylum-seekers and refugees. Moldova presents his expertise on legal aid service provided by National Legal Aid Counsel and shared with new instruments for lawyers drafted this year: The Guide for lawyers/Curriculum for lawyers; Standard Operational Procedures for lawyers in asylum cases and Monitoring tools for lawyers. Relevant links:
- <http://www.unhcr.org/md/2743-avocati-din-12-tari-au-facut-schimb-de-experienta-domeniul-azilului-la-o-conferinta-regionala-desfasurata-la-chisinau.html>;
- <http://md.one.un.org/content/unct/moldova/ro/home/presscenter/press-releases/lawyers-from-12-countries-exchanged-their-experience-in-the-asyl.html>

### National events for NLAC lawyers\public defenders.

LCA in collaboration with NLAC participated as facilitators for 2 trainings for public lawyers on national seminar “State guaranteed legal aid for the asylum seekers, beneficiaries of humanitarian protection, stateless and applicants for stateless status”.

42 lawyers increased their knowledge on relevant asylum issues:

- Refugee definition. Inclusion clauses; Legal aspect regarding the asylum interview; Burn of proof in asylum procedure; Procedural guarantees and the right to an effective remedy in cases where applicants are threatened with expulsion.

### Student Conference on refugee

53 participants attended inter-university Student Conference “International Human Rights Day” on December 11, 2017 at Free International University of Moldova (ULIM), Chisinau.

45 students present relevant topics on national and international refugee protection and humanitarian protection of human rights. Its’ the 14<sup>th</sup> edition of the Conference were students analyzed and reported the current migration crisis and the importance to role of the international protection. The conference offered a platform for students from Free International University of Moldova and Armed Forces Military Academy "Alexandru cel Bun" to reflect and discuss the refugee rights, practical obstacles to seeking asylum and relevant aspects regarding the humanitarian crises.

### Border monitoring activities

During the year, LCA has continued to cooperate with General Inspectorate for Border Police (GIBP) on access to territory for persons in need of international protection. This cooperation began in 2009 when a quadripartite agreement signed between GIBP, BMA, UNHCR and LCA and establishing Border Monitoring framework to ensure access to territory in compliance with non-refoulement principle. In this regard, BPD facilitates the monitoring activities of UNHCR and LCA and share relevant information and statistical data related to persons of concerns and training activities of the GIBP.

### Legal assistance

In 2017, LCA provided legal assistance to asylum-seekers, refugees and beneficiaries of humanitarian protection.

**138 refugees and asylum-seekers (38 Female and 100 Male) received legal assistance through 542 legal sessions on:**

- (i) direct legal counseling of persons of concern that are in need of international protection on asylum procedure, integration issue and naturalization process through individual or group informative sessions.
- (ii) legal representation in national courts.

### **LEGAL AID TO STATELESS PERSONS IN MOLDOVA Project**

#### **Legal services provided in identifications of statelessness persons during the Mapping process**

In 2017 LCA started the process of identification and analyses the current situation of the statelessness phenomenon in Moldova.

An **Analytical Report on Statelessness legislation in Moldova** have been drafted with relevant recommendation and suggestions in prevention and reducing the number of undocumented people in Moldova.

The main direction of researching was provided on the following actions:

- Demography of statelessness in the Republic of Moldova;
- Determination of statelessness and rights attached to the status in the Republic of Moldova
- Reduction and prevention of statelessness in the Republic of Moldova;
- Testimonies of stateless persons and persons at risk of statelessness in the Republic of Moldova.

Recommendation:

- **Identification and registration of statelessness persons in Moldova**
  - review the notions used by different institutions regarding stateless persons in order to standardize them.
  - authorities to provide for a mechanism of determining the identity of the person entering the procedure of recognition of the status of stateless person. It must stipulate clear rules of establishing the identity of persons seeking recognition of their status of stateless and have no evidentiary document regarding their identity. In this regard, it is recommended that the authorities supplement the existing regulatory framework with the provisions that would describe the procedure for determining the identity of applicants for the status of stateless.
  - authorities provide for a mechanism of referral of unaccompanied minors requesting the recognition of their status of stateless to the guardianship authority. It must stipulate actions to be taken by the responsible authority in case of foreigners in situations when the application for recognition of the status of stateless is filed by an unaccompanied minor. In all actions and decisions concerning minors, the authorities must take into account that the interests of the minor should prevail.
- **Rights of stateless persons**
  - examine the possibility of widening the spectrum of rights enjoyed by applicants for the status of stateless during the procedure of determination of their status. It is proposed to provide rights of access to emergency medical assistance, access to compulsory education, access to social assistance in the case of the family with children and unaccompanied minors.
  - state authorities to avoid detention of persons whose citizenship is not determined and those who have applied for the status of stateless persons post factum, after detention. As regards the mentioned categories of persons, it is recommended to develop and implement alternatives of detention.
- **Prevention and reduction of statelessness**
  - state authorities facilitate the naturalization of stateless persons, based on the rational use of residence criteria, language and shortening of the current term of 8 years of legal residence required for naturalization.
  - to conduct a large-scale naturalization campaign for stateless persons, as well as the replacement of Soviet-type passports with valid identity documents.
  - authorities facilitate access to the procedures of citizenship confirmation and issuance of identity documents, so that individuals who are eligible for citizenship are not overcharged or excluded in case of vulnerable persons.
  - authorities to elaborate a mechanism for the enforcement of Article 11 para. (2) of Law no. 1024 as of 2 June 2000 on the Citizenship of the Republic of Moldova (granting the citizenship of the Republic of Moldova to the children found on its territory). It should provide for the procedure of recognizing the citizenship of children found on the territory of the Republic of Moldova, the authority responsible to examine such cases and the powers of the responsible authority in determining the citizenship of the found children.

- authorities to review the current mechanism of the child birth registration so that this right is ensured, irrespective of the legal status and social and economic situation of the parents.
- state authorities to ensure the documentation of all children born on the territory of the Republic of Moldova with identity and civil status documents. One option would be to issue birth certificates in the maternity ward and to conduct awareness raising campaigns at the level of local public authorities on the issue of undocumented children.

Also, during the Research study was identified undocumented people in 3 regions: Edineț , Orhei and Cahul. From 256488 persons living in the reported regions, **260 persons were reported as undocumented people, from which 35 minors under 16 years old, 199 adults and 25 retired old persons.**

Identified obstacles in documentation:

- Social vulnerabilities of this category of persons (lack of financial sources).
- In several cases was reported the refuses to be documented because of religious conviction.

<b>Edinet</b>	<b>Orhei</b>	<b>Cahul</b>	<b>TOTAL</b>
<u>Children – 3</u>	<u>Children – 11</u>	<u>Children – 21</u>	<u>Children – 35</u>
<u>Adults – 38</u>	<u>Adults – 80</u>	<u>Adults – 81</u>	<u>Adults – 199</u>
<u>Elderly persons - 2</u>	<u>Elderly persons - 10</u>	<u>Elderly persons - 13</u>	<u>Elderly persons - 25</u>
<b><u>TOTAL Edinet – 44</u></b>	<b><u>TOTAL Orhei – 101</u></b>	<b><u>TOTAL Cahul – 101</u></b>	<b><u>TOTAL– 260 undocumented persons</u></b>
<b><u>undocumented persons</u></b>	<b><u>undocumented persons</u></b>	<b><u>undocumented persons</u></b>	

### Conference on Statelessness

**Roundtable on Good practices on statelessness – relevant aspects of policies, strategies surrounding the statelessness status determination procedure.**

32 relevant stakeholders from seven countries - Tajikistan, Croatia, Hungary, Romania, Bulgaria, Czech Republic and Moldova shared their experience and promote best practices in addressing common challenges in the area of statelessness: Updates on the iBelong campaign; Development and implementation of the Statelessness Determination Procedure in all participant countries; The quality assurance mechanism of SDP in Hungary; Procedural safeguards within SDP; Rights of stateless persons; Overview of the rights of stateless persons in Europe.

### Legal services, legal representations in courts

**Case regarding direct discrimination of beneficiaries of international protection and persons with recognized statelessness status in access of identity card based on their nationalities** – the basic fee for beneficiaries of international protection **and persons with statelessness status** services of the Identity Card production is 350 MDL (approx. 20,50 USD) within 30 days, and the same service for the same period is provided to the citizens the Republic of Moldova at the price of 130 MDL (8,79 USD), i.e. refugees and persons with statelessness status pay 220 MDL (12,90 USD) more for production of their identity documents only because there are not citizens of the Republic of Moldova.

During the year LCA provided legal assistance to 56 statelessness persons. The legal assistance was assured through direct legal counseling of persons of concern through individual sessions:

- access to free quality legal assistance during statelessness procedure, social integration issues and naturalization process in Moldova;
- informed about the rights and duties during statelessness procedure.
- counseled on different aspect regarding integration: documentation; birth registration of children born in Moldova; civil acts.
- counselled on naturalization/recognition procedure.

## **Thank you to our donor - UNHCR, partners and beneficiaries**

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### **Law Center for Advocates**

*Team*

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