

CDA

**Law Center of
Advocates**

in 2018

provided
legal assistance

269

PERSONS



723

**INDIVIDUAL
COUNSELINGS**



Persons assisted:

110 asylum-seekers

60 beneficiaries of humanitarian protection

43 persons with irregular residence

53 stateless persons or at risk to become
stateless in Moldova

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2018

**ANNUAL
REPORT**

**LAW CENTER OF
ADVOCATES**

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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 2018, Law Center of Advocates implemented 2 projects:

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

The Projects were implemented by NGO "Law Center of Advocates" in cooperation with UNHCR, Bureau for Migration and Asylum (BMA), National Legal Aid Council (NLAC), General Inspectorate of Border Police (GIBP); National Penitentiary Administration (NPA); National Institute for Justice (NIJ).

LEGAL ASSISTANCE FOR ASYLUM-SEEKERS AND REFUGEES IN MOLDOVA

During the implementation period of the Project, LCA achieved the following results:

Direct assistance to asylum-seekers, refugees, persons in need of international protection:

- 216 refugees and asylum-seekers: 52 Female (including 10 girls) and 164 Male (including 7 boys) and (including 46 migrants in TAC: 9 Female and 37 Men) received legal counselling through 689 legal sessions on asylum procedure, integration issues and naturalization process;
- 150 interventions with state institutions in order to assist the asylum-seekers, refugees, people in need of international protection in their needs: access to the territory and asylum procedure; ensured that procedural guarantees are respected by state authorities and ensured that the asylum-seekers understand their rights in the procedure of examination of their asylum application; facilitated the access the social and health assistance, employment and education national systems (pensions issues, social allowances, health insurance policy etc.); support the effective integration including family reunification, access to naturalization process.

Monitoring visits:

- 48 visits to Chisinau International Airport and 27 monitoring visits to border crossing points both on the Ukrainian and Romanian borders; 30 confidential interviews with asylum seekers and data collection regarding their entry in the Republic of Moldova.
- 44 visits performed to the Migration Accommodation Center (detention center), 22 persons were assisted in submitting their asylum applications, 201 legal individual counselling sessions and 46 counselling of non-asylum seekers.
- 2500 leaflets on asylum protection information were disseminated to the border crossing points and detention facilitation center for ensuring that all the persons in need of international protection have access to information on the rights to seek asylum in the Republic of Moldova, the authorities responsible for receiving asylum applications and the relevant contact information of competent government authorities, the UNHCR National Office and LCA's Green Line Phone available at any time.

Strengthened the capacity of 338 government personnel with regards to asylum through 18 trainings, informative sessions and roundtables:

- a) 2 trainings for 52 border police personnel trained on access to the territory for people in need of international protection.
- b) 5 informative sessions for 100 students trained. 4 informative sessions were planned, but LCA performed 5, based on the request of the Border Police National College.
- c) one training for 15 guardian authorities' personnel trained and 5 representatives of AID responsible for asylum cases created a platform of communication on good practices, tools, and protection of unaccompanied and separated children in the Republic of Moldova.
- d) 3 trainings for 18 social and medical staff and 25 police officers on sexual and gender-based violence (SGBV) response and prevention system and 5 Asylum and Integration Directorate personnel involved in registration, documentation and examination of asylum applications.

- e) 2 advocacy meetings for 43 representatives from different government institutions discussed about the alternatives to detention and no detention of children.
- f) 2 trainings for 17 migration officers from the north and south territorial subdivisions of BMA, 10 border police officers and 13 police officers, 3 representatives of the Permanent Secretariat trained with regards to victims of human trafficking and persons at risk to be trafficked. Identification of victims of THB in asylum procedures.
- g) 2 trainings for 25 public defenders trained on practical aspects regarding the free legal assistance provided by public defenders in asylum cases.
- h) 1 training for 15 interpreters trained with regards to asylum; a network of interpreters/translators specialized in asylum context was created and ensured that the interpreters involved in the asylum context understand the role of the interpreters in providing assistance to people in need of international protection.

Enhanced judicial engagement/strategic litigation on relevant cases:

- 10 strategic litigation cases to address systemic issues on irregular entry in the Republic of Moldova; asylum seekers declared “Undesirable persons”; RSD case; Public custody; Integration case (The cases were assisted by LCA lawyers.
- 76 RSD cases monitored at administrative and judicial instances.

Guiding public defenders in their asylum cases:

- 10 public defenders and 4 private lawyers were guided by LCA in their asylum cases; 50 interventions; 33 cases were referred to NLAC: 26 RSD cases; 1 case -“ undesirable person”; 3 integration cases (refugees from Cyprus – universities students); 3 public custody cases.

Capacity building border police personnel

LCA organized 2 trainings to support border police personnel in fulfilling their obligations to ensure access to the asylum procedure for those who may be in need of international protection:

11 border police responsible in the investigation of cross-border crime and 41 heads of the entry border crossing points learned about:

- UNHCR’s mandate in the world. Claims for refugee status related to the 1951 Convention relating to the Status of Refugees and the regional refugee definitions.
- national legislative framework regarding cases of asylum in the Republic of Moldova.
- the role of the GIBP in the asylum procedure and the access to the territory.
- the main human rights and discrimination aspects based on international legal instruments.

Support Refugee Law Course for students of Border Police National College.

LCA conducted for 5 seminars/public lessons to support Refugee Law Courses for students of the Center of Excellence in Border Security.

4 seminars organized to support Refugee Law Courses for students of the Center of Excellence in Border Security. 100 students and 2 lectures of the Center of Excellence in Border Security learned about: UNHCR’s mandate in the world. Claims for refugee status related to the 1951 Convention relating to the Status of Refugees and the regional refugee definitions; National legislation regarding the asylum context in the Republic of Moldova: the role of the Border Police in the asylum procedure and the access to the territory; the fundamental human rights that should be respected within Border Police activity. Role-playing activities were organized during the training that developed empathy through being aware of refugees and the problems they face when applying for asylum; discovered the frustrations and emotional factors of refugees; learned the importance of both language and intercultural education.

Training for guardianship authorities’ personnel on good practices, tools and protection of unaccompanied and separated children LCA invited 20 guardianship authorities’ personnel, attended 15 guardianships personnel from Chisinau Municipalities.

15 guardianship authorities’ personnel and 5 representatives of AID responsible for asylum cases created a platform of communication on good practices, tools, and protection of unaccompanied and separated children in Moldova.

15 guardianship authorities’ personnel learned about the relevant aspects on: legal provisions regarding the protection of unaccompanied or separated children in the asylum procedure; procedure for identifying, assessing and assisting the children at risk and separated from parents; the procedure for the appointment of a legal representative to an unaccompanied child; legal aspects of child protection at international and national level: global crises of forced displacement of populations – consequences for refugee child protection.

The seminar created a platform of communication between the asylum authorities, authority specialized on child protection, UNHCR and civil society where was discussed practical aspects regarding Moldova protection of unaccompanied and separated children.

National Conference regarding the public custody and the identification of the alternatives for unaccompanied minors and asylum-seekers was organized in cooperation with Ministry of Internal Affairs.

The event created a platform of communication between the relevant authorities specialized in asylum, migration and border management, Office of the People's Advocate, UNHCR and civil society where practical aspects regarding the national legislation and policies on application public custody and recommendations for legislative amendments on alternative of detention were discussed (especially for unaccompanied minors).

43 representatives from different institutions (Mol, BMA, GIBP, national courts, Office of the People's Advocate, Romanian NGO – Legal Migration Association, ICMPD, UNHCR, and LCA) discussed about the alternatives to detention and to ensure that children are not detained; UNHCR's Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention; comment on national legislation and policies. During the event was identified the recommendation for the importance of the assessment the national legislation regarding the asylum-seekers public custody in accordance with the international treaties and related to ECHR jurisprudence and international good practice.

Trainings for migration officers involved in public custody and detention aiming at improving their knowledge on human rights standards and non-discrimination

Two roundtables on the "Mechanism of prevention and fighting of trafficking of human beings (THB)" were organized in cooperation with the Permanent Secretariat of the National Committee to Fight Trafficking in Human Beings, BMA, and LCA. During the trainings the following were involved: the BMA migration officer (and other relevant police officers from Border Police and local police inspectorates) involving situations to identify cases of asylum claims.

Training for lawyers

LCA organized 2 seminars for lawyers on practical aspects regarding the free legal assistance provided by public defenders in asylum cases. The role of the seminar was to familiarize the public lawyers with relevant aspect regarding the examination of asylum procedure and preparation of the asylum application to Court. 25 public defenders (2 NLAC staff) learned about: the administrative asylum procedure: access to territory; authorities responsible in receiving asylum application; the procedure of examination of asylum applications; the procedure of ceasing and canceling refugee status; the role of the lawyer during the asylum interview.

Guiding public defenders in their asylum cases

According to national legislation, free legal assistance guaranteed by the state is available only to those who lack sufficient resources. Based on the Agreement signed by LCA, BMA, and NLAC, all the parties are responsible for ensuring that all people have access to free legal assistance. In 2018, LCA continued to assist public defenders in asylum cases and assist in improving professional skills in the representation of asylum cases. The main goal of this activity is that legal counselor provided all the required assistance that the asylum cases represented by the public defenders (UNHCR guidelines/protection positions; ECHR case-law), COI reports and relevant information.

Training for interpreters/translators

The aim of the training was to create a network with trained interpreters on asylum context that will provide quality translation/interpretation services on asylum procedure.

15 interpreters/translators learned about: the general aspects regarding the asylum procedure and the definitions used in asylum context; the Code of Conduct for interpreters during the asylum procedure (rights and duties as interpreter; confidentiality aspects; accuracy in interpretation); the role of the interpreter at administrative level and the relevant practical aspect.

Legal counseling

During the year LCA provided legal assistance to 216 asylum-seekers, refugees and beneficiaries of humanitarian protection either by:

- had access to free quality legal assistance during asylum procedure, social integration issues and naturalization process in Moldova.
- were informed about the rights and duties during asylum procedure; the importance of early legal assistance (the role of asylum interview and other relevant aspects regarding the asylum application).
- were counselled on different aspect regarding integration: access to the labor market; documentation; birth registration of children born in Moldova; civil acts; marriage; education; employment; travel documents for refugees (TCD); family education and rights to be included in national medical and social assistance care.
- were counselled on the naturalization procedure.

Conducted informative sessions for persons of concern

Additionally, to ensure that all persons of concern have access to relevant information on rights and duties on asylum procedure, on relevant integration issues and other relevant problems as discrimination; human trafficking, LCA conducted 6 informative sessions to TAC residents.

LEGAL AID TO STATELESS PERSONS IN MOLDOVA

The overall objectives of the Project are to identify and to reduce the number of the statelessness persons including those with underdetermined citizenship and those at risk of being statelessness (persons of concern) in the Republic of Moldova.

Legal assistance is accessible to persons of concern

During the year, LCA provided timely protection information and free-of-charge legal assistance to stateless persons through:

54 individuals ensuring timely high-quality protection information and counselling in other relevant issues on integration.

Training on International Standards in the Field of Asylum and Statelessness for judges

LCA organized four-days specialized training for 15 judges in cooperation with UNHCR and National Institute for Justice. The aim of the training was to familiarize the participants with the procedure for determining statelessness status and the causes of statelessness and preventing this phenomenon in Moldova. Additionally, the event was attended by the lawyers, legal counselors and government staff who provide specialized service on statelessness and asylum filed.

15 judges, 5 representatives of Bureau of Migration and Asylum and 4 lawyers/legal counselors learned about: the standards that need to be respected in the asylum application and statelessness determination procedure, practical aspects of interviewing asylum seekers and stateless persons and how to identify the elements of the refugee and stateless definition; the evidence in asylum and statelessness procedure; assessment the credibility in the asylum procedure. Also discussed general aspects regarding the legal framework on the identification, protection, prevention and reduction of statelessness.

Training for social workers from penitentiaries/prisons

LCA organized a roundtable/informative session for social workers from penitentiaries/prisons – to inform about the legal assistance provided by LCA to undocumented persons and statelessness persons in Moldova; documentation process in Moldova with birth certificates and identity card for persons in detention; identification process and SDP in Moldova (and procedure for referring the application for statelessness).

25 social workers from all national prisons were familiarized about LCA activities facilitation of identifications of persons in risk to be statelessness; stateless status determination procedure; documentation and identification procedure.

The input achieved on 24th of October 2018, location – Goian.

One training for lawyers/NGOs from Transnistria and Moldavian local authorities

LCA established a paralegals network to identify statelessness people in uncontrolled regions. The majority of the registered stateless persons residing in the Transnistrian region of the country and the central authorities do not have access to the documentation archives in that region and are, therefore, unable to promote naturalization. LCA continued to cooperate with NGOs and paralegals from Transnistria. The role of the partnership was to identify the undocumented persons and to refer the persons on the need for documentation and protection to relevant actors: Bureau of Migration and asylum, Public Service agency.

One round table was organized for Transnistrian lawyers and ONG's activists, who assisted the people in Transnistria in statelessness and citizenship issues.

12 lawyers from Transnistria region learned about the stateless status determination procedure in Moldova; transcriptions by Moldovan authorities the Transnistrian civil acts; recognizing Moldovan citizenship for Transnistrian people; documentation with Moldovan ID's. Total participants: 24 participants (12 – Lawyers from Transnistria, 6 – LCA, 4 – Public Services Agency, 2 – BMA).

Analysis of stateless people in detention

In 2017 LCA initiated a process to analyze the situation of undocumented persons in Moldova. The process was started with the elaboration of one Analytical Report regarding stateless persons in Moldova with legislative

analysis (laws, policies, and practices with reference to Moldova's international obligations) and identification of undocumented people in three regions of Moldova (Edinet, Cahul, Orhei).

In 2018, LCA continued to identify undocumented persons in penitentiaries/prisons. 17 prisons were visited where is detained 7303 persons and identified 1527 undocumented persons.

A legal counselor was engaged in the mapping process that performed visits to all prisons to conduct individual counseling with undocumented persons, persons who are at risk of becoming stateless and statelessness persons. In order to achieve the proposed outcomes, LCA signed on the 03.03.2018 the Memorandum of collaboration with the Department of Penitentiary Institutions (DIP)¹.

On 15th of March 2018 the National Penitentiary Administration (NPA), distributed to all penitentiaries a notice - allowing the LCA representative access to the penitentiaries and collect the data and assist identified persons of concern. For the facilitation process, LCA elaborated "Recommendations regarding the documentation of the detainees who do not hold identity documents from the National Passport System". The Recommendations were developed with support from the Public Services Agency (PSA) and distributed to the social workers from the penitentiaries, who are also responsible for documenting the detainees with identity and civil status documents.

The following situations have been noticed by the National Penitentiary Administration regarding the problems identified in the documentation process:

Financial aspects:

- Although the first documentation is free, detainees have to pay 30-40 MDL (4 US Dollars) for the photo;
- The issue of duplicates of civil status certificates is for a fee;
- Many undocumented detainees have no financial resources to pay the additional costs of documentation.

Organizational aspects:

- Children detainees (up to 18 years) cannot sign proxies (to represent their interests at Public Service Agency for issue the identity document);
- The Public Service Agency does not recognize the proxies signed by the head of the penitentiary as the guardian of minors. In this situation, the juveniles are totally dependent on the "goodwill" of their parents, in the matter of documenting. If the parents do not cooperate with the administration of the penitentiary in order to document the child detainee, the documentation becomes possible only after the detainee is 18 years old.
- The medical service of some penitentiaries refuses or does not have the necessary equipment for establishing the blood type.
- The social service of the penitentiary is overburdened with different activities and responsibilities. Documenting detainees is an additional task that is not always given priority.

Good Practices:

- With support from the local NGO "Center for Women's Rights" - 20 persons from the Rusca penitentiary were documented with identity papers.
- At the initiative of Penitentiary 12 Administration, an information session was held in June 2018 for the detainees who have documents' problems with decision-makers from the Varnița Territorial Office of PSA.

Recommendations from ANP employees:

- National Penitentiary Administration cooperation with the Public Services Agency for the organization of PSA visits prisons in order to verify the status of the undocumented persons and to carry out pre-documenting activities (taking relevant information and documents, photographing people.) This would significantly reduce the time-limit for verifying existing acts and the documentation deadline. It would exclude the additional costs of photographing people and the multiple movements of the social worker in the penitentiary to PSA and other institutions.
- Free issuance of civil status and identity documents for persons under state custody.
- Recognition by PSA of the proxies signed by the head of the penitentiary as a juvenile guardian.

¹ On May 16, 2018, the Department of Penitentiary Institutions was reorganized into the National Penitentiary Administration (NPA).

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