**PROJECT PERFORMANCE REPORT (Revised Harmonized) \***

**Section 1: Basic Information – Project Data**

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| **Project title:** | *Legal assistance to refugees, asylum-seekers and stateless persons in Moldova* |
| **Project Start Date:** | *01/01/2021* |
| **Project Planned End Date:** | *31/12/2021* |
| **Total Project Budget:** | *195,696.80 MDL* |
| **Situation(s):** | *1900, 2900* |
| **Operation/Country:** | *HUN MC ABC* |
| **Population Planning Group(s):** | *1HUNO Refugees and asylum-seekers in Moldova**2HUNB People at risk of statelessness in Central Europe* |
| **Goal(s):** | *PR Advocacy for Protection and Solutions* |
| **Cost Centre(s):** | *21101 Moldova* |
| **Partner Code:** | *1178006* |
| **Submitting Partner Name:** | ***Law Center for Advocates, Moldova*** |
| **Reporting Period:** | *01.01.2021-31.12.2021* |
| **Date of Report:** | ***07.02.2021*** |

**Section 2: Core Questions**

1. **Overall Performance:**

Provide a discussion of the overall performance and results of the project to date, with reference generally to the objectives of the project. Specifically note the project’s impact on the different needs of women, men, boys, girls, and vulnerable individuals. (Suggested length: 1/2 to 1 page)

The important achievements of the project have been realized through:

* 424 asylum-seekers, refugee and beneficiaries of humanitarian protection benefited of 808 direct counselling.
* 24 international border crossing points visited.
* 35 monitoring reception and detention conditions in Temporary Accommodation Centre and Migration Accommodation Center.
* building capacity of relevant state authorities involved in asylum context and ensuring that the rights and dignity or the asylum-seeker, refugee and beneficiaries of humanitarian protection are respected.
* addressing systematic issues on refugee status determination, national security, family reunification, discrimination and access to national social and health care via judicial engagement and strategic litigation.
* Refurbishment of one vaccination room for Border Police
1. **Changes and Amendments:**

During the implementation, project was amended to cover the refurbishment of the vaccination room of the Medical Department of the National Inspectorate of the Border Police.

In November, project was amended second time with an information campaign for officials in town halls, district councils, directorates of social assistance and child protection, territorial offices of the Public Services Agency including through the distribution of a calendar with information about statelessness determination procedure.

1. **Measuring Results:**

Describe the progress in achieving the outputs, outcomes and associated targets in the project proposal, according to the benchmarks, milestones, or indicators that were established.

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| **Results Chain** |
| **Population Planning Group:** | *1HUNO Refugees and asylum seekers in Moldova* |
| **Goal:** | *PR Advocacy for protection and solutions* |
| **Rights Group:** | *1 Favorable protection environment* |

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| **Objective Name** | ***114 Access to the territory improved and risk of refoulement reduced*** |
| **Problem Description:** | *Although the law provides for access to the territory and the asylum procedure, there are allegations of denial of access to procedures. Border guards are reluctant to grant asylum-seekers access to the territory following instructions of their superiors who prioritize national security.* |

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| **Output1** | **Status Update on Progress Achieved** |
| *114AA Advocacy conducted* | During reporting period LCA performed **12 protection monitoring** visits and 25 interventions to Migrant Accommodation Center ( MAC), 68 foreigners benefited of 163 individual counselling sessions. 14 foreigners with LCA support lodged asylum applications. Countries of origin of AS in detention- India 1, Azerbaijan-2, Ukraine-1, Iraq – 2, Turkey- 3, Bangladesh – 1, Russia- 3 and 1 person from Russia didn’t submit the request for asylum to the authorities even though LCA helped him to write it (he wasn't sure if he wants to apply, but he needed to have it as a backup).     **Strategic litigation on detention:** LCA represented 2 AS from Iraq in Comrat and 1 AS from Azerbaijan in Balti court hearings as a result AS were release from public custody. Chisinau court did not release AS from Russia 1, Turkey 1 and Ukraine 1. Chisinau court admitted LCA request to cancel the 6 months of public custody and made it only till 30 days, the Court of Appeal denied our request and maintained the decision on public custody for AS.  **Advocacy interventions with relevant state authorities:** - LCA informed the Ombudsperson Office about the exceed term of detention in MAC and the quality of legal assistance provided by the state lawyers/public defenders. As a result, no more decisions are issued by the Courts with exceeded term of 30 days detention.**Findings/recommendation**: the quality of legal assistance provided by NLAC lawyers is very poor and speeches resumed to 1-2 min. Courts cannot provide any other interpretation except from Russian. BMA has to realize legal provisions which allows the Head of BMA to release from custody foreigner from the moment he is not qualified to be placed in custody.**Training for border police officer on human rights, access to the territory and asylum procedure**LCA organized one day training for border police officers at the Ungheni Center of excellence in border security in May 2021. As a result, 21 border police officers have been trained on UNHCR’s mandate and identification of persons in need of international protection at the border. **Seminar on mechanisms of identification, assistance and referral of vulnerable persons for BMA Staff**LCA in collaboration with De Toy foundation Moldova and Ombudsperson office organized a seminar for 24 staff of the BMA on mechanism of identification, assistance and referrals of vulnerable persons. Participants were trained on issues like sexual and gender violence, how to identify and where to refer victims.**Seminar on asylum for the Border Police College students**LCA in collaboration with BMA and GIBP, organized a seminar for 4 groups of students, in October 2021. 79 students from Border Police College were trained on asylum, access to the territory and country of origin information. |
| **Performance Indicator(s)** | **Site/Location** | **Performance Target** | **Actual progress**  |
| *# of advocacy interventions made to promote access to entry points and detention centres* | *All regions of Moldova* | *17* | *17[[1]](#footnote-1)* |

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| **Output2** | **Status Update on Progress Achieved** |
| *114AI Systematic and independent border monitoring established or conducted* | To monitor and prevent the cases of refoulment, LCA performed **12 monitoring visits** to the IAC border crossing point and 20 interventions to monitor 58 flights: Istanbul-Chisinau-33, London Luton-7, Kyiv Boryspil-16, Moscow-1, Tel Aviv Ben Gurion-1 on Mondays and Thursdays from 20:00-22:00. LCA border monitor had access to the transit zone, and during the visits, no incidents were recorded. **9 foreigner’s adults and 2 children claimed asylum at the airport in 2021.** The BP consider that children are represented by the parents and only adults can be included in this AS register. Reports of the monitoring visits to the IAC were shared with the General Inspectorate of Border Police.  There are 2 functional rooms for asylum seekers. Due to the pandemic situation, COVID-19, International Airport Chisinau has limited flights, with rigorous evidence of all persons that arrive. International Airport Chisinau has an information panel and updated leaflets on asylum in Moldova.LCA performed **2 monitoring visits to the border crossing points**: "Palanca", "Tudora-2" and the sector of the border police "Tudora-1". The lawyer of LCA had access to the transit zone, and during the visits, no incidents were recorded. **1 foreigner claimed asylum at the "Tudora - 2" in 2021.**  **Main findings:** Only BCP "Tudora-2" have the old information panel, the other two have none. "Palanca", "Tudora-2" and the sector of the border police "Tudora-1" have the updated leaflets on asylum in Moldova, but not being accessible to public. There are 3 functional rooms for asylum-seekers at the sector of the border police "Tudora-1" which is located from the BCP "Palanca" and "Tudora-2" for about 10 min driving.  Surveillance cameras that they had in these 3 rooms last year have been removed.**3** **border crossing** points were monitored by the multifunctional team with representatives of LCA, BMA , Ombudsperson office and UNHCR: Giurgiulesti-Galati, Giurgiulesti-Reni and Cahul-Oancea. **2 unannounced monitoring visits** were performed to the border crossing points: "Ocnița-2", " Otaci" and the sector of the border police " Ocnita”. **3 unannounced monitoring visits** were performed by LCA with UNHCR representative to the border crossingpoints: „ Cosauti”, „ Soroca”, „ Vasilcău”. The team had access to the transit zones, and during the visits, no incidents were recorded. No foreigner claimed asylum at these BCP in 2021. **Main findings:** "Ocnița-2", " Otaci" „ Cosauti”, „ Soroca” have the old infoboard, „ Vasilcău” has none. Leaflets on asylum in Moldova, while available, are not accessible to the public. There are 2 rooms for AS and 1 room for detention in the basement of the border police sector " Ocnita” which is located from the BCP "Ocnița-2" for about 5-7 min drive.  The rooms in the basement are not ventilated, the fire extinguishers are expired. No improvements in adapting the rooms for persons with disabilities were taken from last recommendation of Ombudspersons office. Other BCP’s had no spaces for asylum-seekers.**2 monitoring visits to the border crossing points**: " Ceadâr-Lunga-Maloiaroslaveț", "Basarabeasca-Serpniovo*-*1" and the sector of the border police " Basarabeasca". The lawyer of LCA had access to the transit zone, and during the visits, no incidents were recorded. No foreigner claimed asylum at the "Tudora - 2" in 2021. **Main findings:**" Ceadâr-Lunga-Maloiaroslaveț", "Basarabeasca-Serpniovo*-*1" have the old information panel, the sector has none. They all have updated leaflets on asylum in Moldova, but not being accessible to public. There are 2 functional rooms for asylum-seekers at the sector of the border police " Basarabeasca" which is located from the BCP "Basarabeasca-Serpniovo*-*1" for about 3 min driving. No incidents were recorded.   Reports of the monitoring visits to the BCP were shared with the General Inspectorate of Border Police. With UNHCR support, LCA produced 60 new info boards for the border crossing points to change the old ones. Info boards have been delivered to Border police Inspectorate for further dissemination to the border crossing points.  |
| **Performance Indicator(s)** | **Site/Location** | **Performance Target** | **Actual progress**  |
| *# of border monitoring visits conducted and recorded* | *All regions of Moldova* | *24* | *24[[2]](#footnote-2)* |

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| **Results Chain** |
| **Population Planning Group:** | *1HUNO Refugees and asylum seekers in Moldova* |
| **Goal:** | *PR Advocacy for protection and solutions* |
| **Rights Group:** | *2 Fair Protection Processes and Documentation* |

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| **Objective Name** | ***213 Access to and quality of status determination procedures improved*** |
| **Problem Description:** | *The quality of the procedures is poor because of the limited capacity of the first instance body, staff turnover, an underdeveloped quality assurance mechanism and poor reasoning of the decisions. The legal framework presents some challenges; for instance, refugee status may be denied on national security grounds. Public defenders are often not familiar with asylum issues and are reluctant to take RSD cases. At the administrative level, asylum-seekers are provided legal aid only during Adthe RSD interview, prior and post interview counselling is not ensured. Most judges trained in asylum law have been moved to other courts and the new judges are not familiar with it. There is a general unawareness about SGBV among staff of national authorities, they lack training and capacity on the prevention and response to SGBV and referral mechanism to address SGBV is ineffective.* |

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| **Output** | **Status Update on Progress Achieved** |
| *213AA Advocacy conducted* | During the reporting period, the LCA assisted: -152 beneficiaries, (102 refugees and 50 asylum-seekers) which benefited of 808 counselling sessions-229 interventions with state authorities in respect of (asylum authorities, border authorities, civil authorities, free legal aid authorities) to facilitate the communication between the government and the asylum-seekers and refugees.-35 asylum-seekers were provided assistance during RSD interviews. LCA identified cases when decision makers miss the relevant info of the asylum application. Also, several interviews were conducted without a certified translator of Romania-Russian. When a person is applying for asylum in BMA’S office, the personnel convince the asylum seekers to be assisted by an LCA representative and totally ignores the option for an NLAC lawyer. Applying for an NLAC lawyer is difficult process.**Temporary Accommodation Center**LCA maintained and improved the communication with asylum-seekers accommodated in TAC via phone and Viber/WhatsApp and Zoom. -12 monitoring visits and 37 regular visits were performed at Temporary Accommodation Center. - 162 individual counselling sessions were conducted with 28 asylum-seekers from Bangladesh, Ukraine, Syria, Romania, Turkey, Uzbekistan, Rwanda. **Events organized:** LCA organized **5 info session** for residents of the TAC:**1 info session** at TAC on NLAC legal assistance for AS and Refugees. Cases when NLAC omitted terms of court proceedings were identified. **1 informative session** on SGBV for female residents of the TAC in collaboration with Centre for family justice. 8 participants have been counselled and informed on the SGBV phenomenon and where to seek support in needed.**1 informative session** for residents of the TAC on RM rules of law and World Refugee Day. 15 participants attended the event.**1 informative session** for residents of the TAC on pandemic rules and regulations, PSEA, asylum rights and hate speech. Newly arrived AS were provided information on asylum procedure. 19 AS attended the event.**1 informative session** in collaboration with Asylum and Integration Directorate, BMA for the 35 residents of the TAC. There were discussed issues related to data protection and rights and obligations in the asylum procedure.**1.Round table with security services officers and BMA on human rights and asylum procedure**During the event on June 11, 2021 competences of the security services were discussed as well as asylum procedure. LCA presented the judicial practice of examining the security services notes on national security threat and public order of some categories of foreigners and asylum seekers. LCA presented the decision of the Constitutional Court from 13.11.2020 which declared unconstitutional and contrary the ECHR case law, legal provisions which prohibit foreigner’s information on supposed risks to national security and public order.SS officers agreed with BMA to provide a secret informative note available only for RSD counsellor from BMA, and an annex available for the asylum seekers or persons declared undesirable. The annex will not contain state secret data and information. **2.Info on session with child protection authorities.** LCA in cooperation with BMA organized an info session with child protection authorities from Chisinau municipality. 8 specialists from the child protection specialist were informed on the issue of asylum seekers and statelessness children in need of protection.  Asylum seekers children accommodation, legal representation and documentation of stateless children were discussed. It was agreed to continue collaboration and make joint efforts to act in the best interest of the children.**3.Seminar for NLAC lawyers**LCA organized a seminar for the 5 NLAC public defenders engaged in asylum cases. Public defenders were provided information on the country-of-origin information (Turkey, Afghanistan), interview, role of legal representative in asylum procedure. LCA shared information on new courts practice concerning the examination of the public custody cases; facilitation of the communication and signing of the representation document between the state-guaranteed lawyer and the asylum seeker. <https://www.facebook.com/224068174372880/posts/4311660738946916/> **4.Seminar for judges**LCA organized in cooperation with National Institute of Justice and Bureau for Migration and Asylum organized a training for 15 judges from Chisinau Court ( Riscani) and Court of Appeal. Participants were provided information on actual situation on asylum: regional and global trends, country-of-origin information (Turkey, Afghanistan). Invited judges/experts from Romania provided experience on EctHR Case law on asylum, gender-based violence as a reason to seek asylum and membership of a particular social group as a reason for asylum.**5.Info session on RSD procedure for BMA Staff**LCA organized an info session for the newly employed staff of the AID on RSD procedure in Moldova. Participants were trained on issues like procedural guarantees, access to asylum procedure, active role, COI, interview, identification of vulnerabilities, SGBV, role of legal representative in asylum procedure. <https://www.facebook.com/CentruldeDrept/photos/pcb.4266464486799875/4266464250133232> **Strategic litigation:** 1. LCA presented to Security Services the decision of the Constitutional Court from 13.11.2020 which declared unconstitutional and contrary the ECHR case law, legal provisions which prohibit foreigners information on supposed risks to national security and public order. SS officers agreed with BMA to provide a secret informative note available only for RSD counsellor from BMA, and an annex available for the asylum seekers or persons declared undesirable. The annex will not contain state secret data and information.
2. Some provisions of the citizenship law are unconstitutional because they contradict several international treaties to which the Republic of Moldova is a part. The situation is more difficult for persons in detention without a residence document generates stateless situations. LCA prepared a draft of appeal to the Constitutional Court and a MP signed it and sent to Constitutional Court. <https://www.constcourt.md/public/ccdoc/sesizari/103a_2021.05.12.pdf> .
3. LCA lawyer provide legal assistance for an AS victim of domestic violence. Case application was submitted to Chisinau Court.
4. LCA assisted a recognized refugee to apply for an online visa to be granted access to RM. Due to joint efforts with the BMA, beneficiary received an online visa and was informed on additional documents needed to be granted entry. LCA monitored the entrance at the Chisinau International Airport in May 2021.
5. Law Center of Advocates (LCA) assisted public defenders in asylum cases to improve professional skills on representation of asylum cases. Relevant protection information was provided to 7 lawyers/public defenders in public custody cases: sharing with the new courts practice concerning the examination of the public custody cases; facilitating the communication and signing of the representation document between the state-guaranteed lawyer and the asylum seeker; sharing with country origin information.
6. LCA addressed several requests to embassies of Bulgaria, Germany, Italy, Slovenia, Hungary on the necessary documents needed to be presented by refugees and stateless persons to benefit of visa free regime. Response stated there are two travel documents for refugees and stateless persons that exempt the holder from visa requirements and that same regulations apply as for the holders of general biometric passports.
7. LCA reported a case of torture of an asylum seeker from Tajikistan by police officers to the Ombudsperson office. LCA provided legal assistance to the beneficiary, criminal cases were initiated against police officers.
8. LCA counselled a refugee from Turkey on possibilities to travel to Germany with visa. LCA offered the letter from Ministry of External Affairs while applying online for visa to Germany. Refugee was return back because he had a previous unpaid fine in Germany.
9. Even if application for family reunification was not possible in the case of a BHP from Syria, because marriage was registered after beneficiary received BHP, with intervention of LCA his wife was granted a visa to RM and allowed to enter the territory.
10. By LCA lawyer intervention, prosecutors office ordered the cessation of the criminal investigation for committing the crime provided by art. 362 paragraph 1 of the Criminal Code, because the person came to the Republic of Moldova to use the right of asylum granted by the Republic of Moldova, legal circumstances that exclude the criminal investigation.
11. LCA assisted an AS from Nigeria, which have been denied asylum before and repeated access to asylum procedure. In 2015 AS addresses to ECHR, case is pending. Being represented by LCA in the Court, he was granted tolerant status (with BMA approval) until final decision on his case at ECHR.
12. LCA assisted an AS from Ukraine (Donetsk region). AS with support of Ukrainian Consulate in Balti managed to receive Ukrainian passport. AS was able to register birth of a child born in 2021 and will be able to register marriage with a national of RM.

**Representation in Courts:**LCA represented 13 beneficiaries in national courts: **Decisions:** 7decisionsat Chisinau Court( 4 positive, 3 negative, 2 left the country), 6 decisionsat Chisinau Court of Appeal( 5 positive, 1 negative), 3decisionsat the Supreme Court of Justice(2 positive, 1 negative). **Applications submitted**: 1 application to Chisinau Court (first level), 2 applications to the Chisinau Court of Appeal (second level) and 3applications to Supreme Court of Justice. **Hearings**:first court 25, Court of Appeal 20.**Pending cases**: 1 pending case at Chisinau Court, 1 pending case at Chisinau Court of Appeal, and 5 pending cases at the SCJ.Chisinau court (first level) , with LCA interventions, recognized as refugee an AS from Uzbekistan, Chisinau Court of Appeal confirmed refugee status for an Turkish AS and 2 Kirgizstan AS, and Supreme Court of Justice confirmed  positive decisions of previous courts in case of two AS from Turkey recognized as refugees.An AS from Nigeria was granted tolerated status.In two cases of three undocumented children, Chisinau Court made two positive decisions and obliged the PSA to issue birth certificates.**Monitor Refugee Status Determination (RSD) jurisprudence****54 RSD cases** monitored at the judicial level. At the end of reporting period there were 20 cases pending before the Chisinau Court: 5 cases before the Court of Appeal, and 1 cases pending before the Supreme Court of Justice.**37 decisions issued by the national courts in the reported period**:* 16 decisions of the first court: 1 positive decision (the court cancelled the negative BMA’s decision and ordered to grant refugee status); 11 negative and 4 cases court accepted beneficiaries waived their asylum applications
* 13 decisions of the Court of Appeal – 4 positive decisions and 8 negatives. In 1 case court accepted beneficiaries waived their asylum applications
* 8 decisions of the Supreme Court of Justice- 2 positive decisions, 1 case cancelled Court of Appeal’s decision and sent case back to the Court of Appeal for re-examination, 5 cases rejected

Lawyers who represents the cases:* NLAC lawyers – 40 cases (7 lawyers).
* LCA lawyer – 9 cases (one lawyer).
* Private lawyers – 4 cases (2 lawyers).

 **LCA signed a MOU with Ombudsperson office on respecting human rights in asylum area, statelessness, citizenship and residence of foreigners in RM**. Institutions will cooperate in order to monitor and improve the legislative framework in the field of asylum, statelessness, citizenship, residence of foreigners; monitoring the compliance with international agreements, ratified by the Republic of Moldova, which establish the international regulatory framework in the field of asylum, statelessness, citizenship, residence of aliens; will monitor the observance of the rights of asylum seekers, beneficiaries of international protection, undocumented persons, stateless persons applicants, stateless persons, foreigners, returned persons. <http://ombudsman.md/news/oap-si-cda-vor-colabora-pentru-promovarea-si-protectia-drepturilor-solicitantilor-de-azil-persoanelor-nedocumentate-solicitantilor-statutului-de-apatrid-apatrizilor-strainilor-persoanelor-return/?fbclid=IwAR3b-bAQVTD4F6usbrdROQLek2234tD6MPfNk0YaePzGVvyxfhUQRgDbgY4> |
| **Performance Indicator(s)** | **Site/Location** | **Performance Target** | **Actual progress**  |
| *# of events, workshops and seminars organized* | *All regions of Moldova* | *9* | *10* |
| *# of advocacy interventions made for establishment or improvement of government status determination procedure* | *National courts* | *12* | *12* |

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| **Results Chain** |
| **Population Planning Group:** | *1HUNO Refugees and asylum seekers in Moldova* |
| **Goal:** | *PR Advocacy for protection and solutions* |
| **Rights Group:** | *6 Durable Solutions* |

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| **Objective Name** | ***613 Potential for integration realized*** |
| **Problem Description:** | *Although Moldovan law accords rights and entitlements to refugees on par with citizens except for political and land property rights, their integration is difficult. The State budget for integration of refugees is insufficient, access to certain services is hindered because neither service providers nor the refugees themselves are aware of the applicable legal provisions and rights of refugees, and refugees often do not feel empowered to claim them or they do not have the skills and knowledge to improve their quality of life. Integration falls under the Bureau for Migration and Asylum (BMA). However, BMA does not have the required resources or staff, due to both unfilled vacancies and gaps in the organizational structure. Instead, it relies on NGOs to provide a wide range of social services to refugees. The Government does not engage with the refugee community and does not consult them on policies and decisions that affect them. The lack of attractive employment opportunities coupled with negative perceptions of employers vis-à-vis refugees in general impacts on the wellbeing of the latter. Overall, even though there are integration services available, there is no comprehensive approach and coordination of integration activities among stakeholder leading to duplication of efforts and gaps.*  |

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| **Output** | **Status Update on Progress Achieved** |
| *613AB Advocacy conducted* | Advocacy interventions:1. 135 counselling sessions were informed about the naturalization procedure: exams for citizenship that includes the language and constitutional test; the procedure and the term of examination.
2. 116 interventions with public authorities regarding naturalization cases.
3. 28 cases on integration issues were referred to NLAC lawyers and provided counselling on the issues of pension and marriage issues.
4. LCA advocate with head of Citizenship and Political Asylum Unit of Administration of the President of the Republic of Moldova for a beneficiary with severe health problems to be prioritized in the examination for citizenship.
5. LCA identified a problem in naturalization cases for beneficiaries who have a residence visa in the Transnistrian region.  Beneficiaries from Transnistria cannot present the certificate from the place of residence regarding the family component with the mention of the domicile address. The only possible solution is to register residence in Moldova.
6. The BMA database does not fully reflect the legal and continuous residence terms for beneficiaries who applied for asylum in the early 2000s, this causes problems in reflecting the residence term for the citizenship file of the Republic of Moldova. LCA recommended beneficiaries to make a copy of their individual files from BMA to demonstrate legal and continuous residence.
7. LCA provided counselling and necessary documents for a beneficiary who applied for citizenship being a minor. Because of delays citizenship committee meetings, documents expired, beneficiary made 18 and new documents were requested by the PSA. LCA advocate his application to be accepted as child application.
8. LCA provide assistance and intervene with PSA for a beneficiary which received the citizenship of the Republic of Moldova without having a birth certificate. After the oath of the citizenship, he was not granted a temporary identity card but was left with the document of beneficiary of humanitarian protection, which can no longer be valid in his case.
9. Being granted citizenship, a refugee from Uzbekistan cannot be documented because of lack of documents from country of origin and health disability. LCA made necessary request to the PSA for documentation. PSA made 2 requests and is waiting for the info from Uzbekistan. LCA will try to organise with PSA the documentation of the person, if health status will permit.
10. Ombudsman was  informed on the issue of the risk of children born on the territory of the Republic of Moldova, to become stateless, due to certain conditions in the Law on Citizenship, and the decision of the UN Human Rights Committee of 29 12 2020. Committee obliged the Netherlands to change the status of the child born on Dutch territory of unknown citizenship to a citizen of the Netherlands. The committee ruled that the nationality of a child born in the Netherlands was a Dutch national, regardless of his mother's status. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26631&LangID=E>  As result Ombudsman submitted a notification to Constitutional Court in accordance with Art. 25 letter i) of the Law on the Constitutional Court no. 317/1994, Art. 38 para. (1) letter i) and Art. 39 of the Constitutional Jurisdiction Code no. 502/1995 and Art. 26 of the Law on the People's Advocate (Ombudsman) no. 52/2014. Exercising control over the constitutionality of the phrase “provided that, at the time of birth, at least one of the parents has the right of residence or benefits from international protection granted by the competent authorities of the Republic of Moldova or is recognized stateless by the competent authorities of the Republic Moldova” of Art. 11 para. (1) letter c) of the Law on Citizenship of the Republic of Moldova no. 1024/2000, in the wording of Law no. 132/2017 for amending and supplementing the Law on Citizenship of the Republic of Moldova no. 1024/2000, in the part related to the conditioning of the granting of the citizenship of the child born on the territory of the Republic of Moldova by the legal form of the parents / parent on the territory of the Republic of Moldova
11. The LCA sent to a Member of Parliament a draft of appeal for the Constitutional Court, which is directed to change some provisions of Citizenship Law, which does not permit to be recognised as citizens of the Republic of Moldova children born on the territory but whose parents stay irregularly here. Draft appeal was sent to Constitutional Court, LCA lawyer is empowered to represent the MP if hearings will be organised. <https://www.constcourt.md/public/ccdoc/sesizari/103a_2021.05.12.pdf>
12. With LCA representation in court, undocumented child born in North Cyprus Turkish Republic was documented with birth certificate and recognized RM citizen.
13. LCA represented in court 2 children born in a refugee camp in Syria (mother is a citizen of RM). Children have been documented with birth certificates and recognised as citizens.
14. LCA succeeded in eliminating an important barrier for its beneficiaries in freedom of movement through advocacy actions before the Ministry of Foreign Affairs and European Integration. Thus, the visa requirement for statutory refugees and stateless persons, recognized and documented in the Republic of Moldova are exempt from visa obligation to-6 EU Member States / Shenzhen Area (Bulgaria, Germany, Italy, Hungary, Slovenia, Iceland). LCA informed the profiling service at Chisinau International Airport about the existence of legal norms and the letter from the Ministry of Foreign Affairs and European Integration. The profiling service of the Republic of Moldova informed the German Border Police through internal communication. Thus, 5 successful cases of refugees departure to Germany was possible.
15. LCA advocate to eliminate the online visa invitation requirements in some cases, in particular for its beneficiaries. According to the provisions of art. 30, letter I) of Law no.200/2010- husband, wife and children are exempted from invitation procedure to reintegrate families for our beneficiaries. Beneficiaries from Syria and other risky countries can not apply for a visa at Moldovan consulates in their countries.
16. LCA succeeded to document a stateless person from Kazakhstan. , and thanks to the CDA's advocacy actions, it was possible to confirm the identity of the beneficiaries. LCA subsequently solve the issue of documenting the beneficiary who could not identify a place to establish a residence visa. With the assistance and counseling of the LCA, beneficiary managed to visit Kazakhstan.
17. LCA assisted two beneficiaries from the Transnistrian region to apply for citizenship. The problem for them is the residence visa on the left bank of the Dniester. PSA did not receive the file because it claimed that the stay was legal but not continuous. With LCA support files were submitted.
18. With legal support of LCA, 38 beneficiaries were granted citizenship, 3 by court decisions or decisions of PSA, 30 by president decree and 3 by PSA order in 2021.
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| **Performance Indicator(s)** | **Site/Location** | **Performance Target** | **Actual progress**  |
| *# of advocacy interventions made for realization of Convention rights* | *All regions of Moldova* | *18* | *18* |

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| **Results Chain** |
| **Population Planning Group:** | *2HUNB PEOPLE AT RISK OF STATELESSNESS IN CENTRAL EUROPE* |
| **Goal:** | *PR Advocacy for protection and solutions* |
| **Rights Group:** | *1 Favorable protection environments* |

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| **Objective Name** | ***111 Law and policy developed or strengthened*** |
| **Problem Description:** | *At the administrative level, applicants for stateless status are provided legal aid only during the interview, prior and post interview counselling is not ensured. Absence of legal counseling for applicants for stateless status residing in detention. Relevant state authorities are not familiar with statelessness and naturalization procedure. Vulnerable stateless people and applicants for stateless status’ specific needs are unidentified and disregarded throughout the entire statelessness procedure or naturalization process.* |

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| **Output** | **Status Update on Progress Achieved** |
| *111AA Advocacy conducted* | Advocacy interventions:1. LCA provided free of charge legal assistance to:

 -20 stateless persons assisted during SSD procedure, documentation and naturalisation process -47 interventions with Public Services Agency, Bureau for Migration and Asylum, National Social Assistance departments, Psychiatric medico-legal division, 7 interventions of assistance during SSD application procedure at BMA premises.  - 60 counselling sessions and communications with stateless persons - 27 persons pending for SSD procedure and 21 stateless persons eligible for citizenship.1. LCA launched a call to 7 social assistance departments official letters on availability of legal assistance for persons at risk to become stales.
2. Ombudsman was informed on the issue of the risk of children born on the territory of the Republic of Moldova, to become stateless, due to certain conditions in the Law on Citizenship, and the decision of the UN Human Rights Committee of 29 12 2020. Committee obliged the Netherlands to change the status of the child born on Dutch territory of unknown citizenship to a citizen of the Netherlands. The committee ruled that the nationality of a child born in the Netherlands was a Dutch national, regardless of his mother's status. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26631&LangID=E>

<https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/130/D/2918/2016&Lang=en>1. On December, 23rd, LCA organized a training for the 6 staff of the statelessness unit of the Asylum and Integration Directorate, BMA. Topics such as statelessness in RM, statelessness determination procedure and reduction of statelessness were discussed
2. Information campaign for officials in town halls, district councils, directorates of social assistance and child protection, territorial offices of the Public Services Agency including through the distribution of a calendar with information about statelessness determination procedure(2400 calendars produced).
3. LCA assisted an undocumented person from Turkmenistan. He was brought to RM by his mother (citizen of RM). He has no birth certificate and can not be documented. LCA assisted him to receive Turkmen birth certificate. As in RM, there are no authorised Turkmen translators, case is on pending.
4. LCA assisted and undocumented child born in Ukraine. Her mother was an undocumented RM citizen. PSA admitted late registering of mother’s birth certificate and child was documented with birth certificate of RM.

In collaboration with European Network on Statelessness and Institute on Statelessness and Inclusion, LCA provided information on statelessness situation in Moldova for the Universal Periodical Review of human rights records in Moldova |
| **Performance Indicator(s)** | **Site/Location** | **Performance Target** | **Actual progress**  |
| *# of advocacy interventions made* | *All regions of Moldova* | *8* | *8* |

|  |
| --- |
| **Results Chain** |
| **Population Planning Group:** | *1HUNO Refugees and asylum seekers in Moldova* |
| **Goal:** | *PR Advocacy for protection and solutions* |
| **Rights Group:** | *8 Logistics and Operations Support* |

|  |  |
| --- | --- |
| **Objective Name** | ***811 Operations management, coordination and support strengthened and optimized*** |
| **Problem Description:** | *UNHCR will continue strengthening programme management mechanisms including projects monitoring, verifications of implementing partner’s financial reports as well as physical verification of projects. The Office will build on monitoring and project control measures established with emphasis on results and impact, performance monitoring, financial reporting, and internal controls through close follow-up on the project partnership agreements.**UNHCR and its partners will have the required level of programme support by the scope of programmatic interventions. UNHCR will place priority on improving reporting mechanisms for partners. Moreover, the office will follow up on audit observations and follow up to ensure efficiency and improve programme implementation where applicable.* |

|  |  |
| --- | --- |
| **Output** | **Status Update on Progress Achieved** |
| *811AH General project management services provided* | The Office will build on monitoring and project control measures established with emphasis on results and impact, performance monitoring, financial reporting, and internal controls through close follow-up on the project partnership agreements. |
| **Performance Indicator(s)** | **Site/Location** | **Performance Target** | **Actual progress**  |
| *Other project management services and support established, maintained and/or provided (yes/no)* | *Chisinau* | *Yes (100%)* | *100%* |

1. **Affected Persons:**

Provide the number of those taking part in or affected by the project or relevant part of the program, disaggregated by gender, age, and other guidance specified in the proposal.

|  |
| --- |
| *Guidance for partners:** *Provide an update the number of persons reached by the project to date. The report should use the same table below as used in the Project Description (Annex A) to provide demographic data of the project, disaggregated by gender and age as well as any particular categories of vulnerable individuals or specifically targeted individuals identified in the proposal Explain any differences between the planned and actual number of population of concern reached.*
* *If your project/program agreement requires information on affected persons with disabilities, provide an overview by stating if and how many people reached had disabilities (absolute numbers and share).*
 |

**Demographic Data for Population of Concern (Affected Persons)**

|  |  |
| --- | --- |
| **Population Planning Group:** | **Refugees and Asylum Seekers in Moldova** |
| **Sub-group (if applicable):** |  |
| **Age Group** | **Male** | **Female** | **Total** |
| **in numbers** | **in %** | **in numbers** | **in %** | **in numbers** | **in %** |
| 0-4 | 0 | 0 | 1 | 0.23 | **1** | **0.23** |
| 5-17 | 19 | 4.47 | 16 | 3.76 | **35** | **8.23** |
| 18-59 | 268 | 63.09 | 83 | 19.52 | **351** | **82.61** |
| 60 and > | 22 | 5.17 | 16 | 3.76 | **38** | **8.93** |
| **Total:** | **309** | **72.64** | **116** | **27.27** | **425** | **100** |
| **Planned** |  |  |  |  | **497** |  |
| **Variant**  |  |  |  |  |  |  |
| **Major Sites:** | Chisinau, Balti, Orhei, Calarasi, Mereni, Rezeni. |

|  |  |
| --- | --- |
| **Population Planning Group** | **Statelessness persons in all regions of Moldova** |
| **Age Group** | **Male** | **Female** | **Total** |
| **in numbers** | **in %** | **in numbers** | **in %** | **in numbers** | **in %** |
| 0-4 | 0 | 0% | 0 | 0% | **0** | **0%** |
| 5-17 | 1 | 0.5% | 0 | 0% | **1** | **0.5%** |
| 18-59 | 78 | 39% | 85 | 42.50% | **163** | **81.50%** |
| 60 and > | 15 | 7.5% | 25 | 10.50% | **36** | **18%** |
| **Total:** | **94** | **47%** | **106** | **53%** | **200** | **100%** |
| **Planned** | **65** |  |  |  |  |  |
| **Major Sites:** | Chisinau, Balti, Cahul |

**Cases of vulnerabilities encountered during the reporting period**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Vulnerability category** | **Child (0-17)** | **Adult (18-59)** | **Elderly (60+)** | **Total** |
| male | female | male | female | male | female |
| Child at risk | 1 | 1 |  |  |  |  | 2 |
| Separated child |  |  |  |  |  |  |  |
| Unaccompanied child |  |  |  |  |  |  |  |
| Woman at risk |  |  |  |  |  |  |  |
| Single parent or caregiver |  |  |  |  |  |  |  |
| Older person at risk |  |  |  1 |  | 2 | 3 | 6 |
| Disability |  |  | 4 | 1 | 3 |  | 8 |
| Serious medical condition |  |  | 5 | 2 | 1 | 1 | 9 |
| Mental illness |  |  |  |  |  |  |  |
| Family unity |  |  |  |  |  |  |  |
| Torture |  |  | 3 | 1 |  |  | 4 |
| SGBV |  |  |  | 1 |  |  | 1 |
| LGBTI |  |  |  |  |  |  |  |
| Other protection needs |  |  | 4 | 1 |  |  | 5 |
| **Total** |  1 |  1 |  17 |  6 |  6 |  4 |  35 |

1. **Participation of and Accountability to the Affected Population:**

Law Center of Advocates (LCA) provide to asylum-seekers and refugees (women, men, boys and girls) access to timely, accurate, and relevant information on their rights and entitlements, the national programs (access to social, economic, documentation and education rights), and the projects implemented by the UNHCR partners in Moldova. LCA facilitated communication between government authorities and persons of concern.

Law Center of Advocates elaborated and approved the mechanism of complaints. The affected people can report the incidents to email - complaints@cda.md. The information is placed in Temporary Accommodation Center visible for all people accommodated in TAC.

1. **Risk Management and Integrity:**

Describe how risks to project/program implementation were identified, managed, and mitigated, including any operational, security, financial, personnel management or other relevant risks. (Suggested length: 1/2 page)

To address the minor challenges, the Law Center of Advocates conducted meetings with the relevant state authorities such as the Ministry of Internal Affairs, the Bureau of Migration and Asylum, the National Legal Aid Council, the Ombudsperson, the Charity Center for Refugees.

For the Law Center of Advocates, the partnership with the state authorities will continue to be a strategic point in assistance the asylum-seekers, refugees, and beneficiaries of humanitarian protection.

All the staff is familiarized with LCA policies and mechanisms regarding the combatting and reporting misconduct, including fraud, corruption, sexual exploitation and abuse, violation of human rights, and non-ethical conduct. All employed LCA staff signed the consent of the UNHCR Code of Conduct.

1. **Exit Strategy and Sustainability:**

Briefly describe the exit strategy and closure steps for the project or program, and an assessment of the sustainability of the results. (Suggested length: 1/2 to 1 page)

**Referral Mechanism on requests for delivery of qualified legal aid for asylum-seekers during the asylum procedure**

Free of charge state legal aid is available for all asylum-seekers with low income. An agreement between the National Legal Aid Council (NLAC), Bureau of Migration and Asylum (BMA), and Law Center of Advocates (LCA) provided the facilitation of the LCA to refer the asylum cases to the state legal aid assistance. Following the new amendments concerning the participation of public defenders during the asylum interviews, BMA and NLAC initiated the consultations to establish a Referral Mechanism on requests for delivery of qualified legal aid for asylum-seekers during the administrative asylum procedure. Although the BMA agreed to invite the public defenders at the administrative level, no case was registered.

**Capacity building**

LCA considers that improving the capacities of the government institutions/personnel in the asylum context constituted one pillar of sustainability and that protection and welfare of persons of concern will not be affected:

- border police personnel trained on access to the territory and asylum procedure for people in need of international protection.

- the public defenders and lawyers improved the ability to analyze and lead the cases related to asylum.

- enhancing the capacity of the guardian authorities’ personnel on good practices, tools, and protection of unaccompanied children.

- enhancing the ability of the social and medical staff and the police officers on sexual and gender-based violence responses and prevention systems.

1. **Lessons Learned:**

Describe any lessons learned, and how these will be applied in future projects or programs. (Suggested length: 1/2 to 1 page)

***Law Center of Advocates will continue to lobby and advocates before the Moldova Government:***

* need to pursue the monitoring of detention practices targeting asylum-seekers and build the capacity/raise awareness of Officials of the Bureau for Migration and Asylum and Asylum to ensure protection and basic-need of asylum-seekers in Moldova.
* to introduce asylum-seekers as a category of beneficiaries of health insurance in the Law on compulsory health insurance. Asylum-seekers will be ensured individually by paying the health insurance policy similar to other foreigners that have the right of temporary residence on the territory of the Republic of Moldova.
* to create special services for unaccompanied children asylum-seekers based on the principle that all children on the territory of the Republic of Moldova benefit from the same rights as children citizens of the Republic of Moldova.
* to continue strategic litigation by representing in Court of all asylum-seekers that were detained in Migration Accommodation Center.
* to advocate through the Ombudsperson Office and other National/International Human Rights Institutions for creating the alternatives of detention and avoiding the detention of asylum seekers
* to train judges in the field of Law 200/2010 on foreigners’ provisions regarding asylum seekers and applicants for statelessness.
* monitor the situation of deprivation of liberty of asylum-seekers and foreigners with specific needs.
* to start strategic litigation if the practice of illegal deprivation of liberty of asylum-seekers in MAC will continue
* to continue monitoring the respect of the rights of foreigners under the public custody.

**Section 3: Additional Questions**

1. **Value for Money/Cost Effectiveness:**

Assess the value for money or cost effectiveness of the project or program.

The total grant of the Partner Project Agreement is 2,029,848.72MDL.

At the end of the reporting period, the rate of expenditure is aligned with the rate of implementation 94,43% of the total budget.

The Law Center of Advocates (LCA) managed to achieve all the targets/expected results during the year.

During the implementation of the project, the Law Center of Advocates did not register any cost overruns or high costs output/objective.

1. **Coordination:**

Describe the impact of any coordination efforts, any synergies that developed, and recommendations for improving coordination in the future.

No changes in the coordination mechanism during the implementation of the project:

- close cooperation with the UNHCR Representation for Central Europe regarding the protection and programme/financial issues.

- regular meetings and communications with relevant governmental institutions – the Bureau for Migration and Asylum, the National Legal Aid Council, the General Inspectorate of Border Police; the Department of Penitentiary Institution; the Public Agency Service; the Ombudsperson Office.

- good cooperation with the local NGOs: CCR NGO, ‘Memoria’ NGO specialized in assistance of victims of torture and trauma people; ‘Life without domestic violence’, and the Te Doy Foundation specialized in assistance of victims of domestic violence and abuse; ‘Moldovan Association of Judges’ NGO specialized in trainings for judges in achieving the outcomes of the project.

1. **Partners/Third Parties:**

List any sub-partners for this project and assess their role and contribution.

N/A

**PMC-11: Annual Feedback Forms**

**PARTNER TO UNHCR ANNUAL FEEDBACK FORM**

**Year: 2021**

**Country: Republic of Moldova**

**Agreement Symbol:**

UNHCR aims to enhance partnership and project management in order to achieve the desired results in providing protection to refugees and other Persons of Concern. Please provide concise comments and suggestions (a maximum of 2 pages, to be submitted with the end-of-year report):

|  |  |
| --- | --- |
| 1. Was your organization invited to participate in the Country Operations Plan?
 | [ ]  YES [ ]  NO |
|  If so, did you participate in the Country Operations Plan? [ ]  YES [ ]  NO |
| 1. Was your organization informed about the outcome of the Operations Plan by mid-November?
 | X YES [ ]  NO |
|  If yes, when? |
| 1. Was the Project Partnership Agreement signed before the 2nd week of January?
 | X YES [ ]  NO |
|  If no, when? |
| 1. Was there a common understanding reached during the negotiation process leading to the Project Agreement?
 | [ ]  YES [ ]  NO |
|  If no, please explain |
| 1. Was there timely release of funds in accordance with the terms of the Project Partnership Agreement and implementation rate?
 | X YES [ ]  NO |
|  If no, please provide further detail |
| 1. Was a joint monitoring plan developed within the first trimester of the Project?
 | X YES [ ]  NO |
| 1. Was the monitoring plan implemented accordingly?
 | X YES [ ]  NO |
|  If no, please provide further detail |
| 1. Did UNHCR provide timely feedback on Partner financial and performance reports?
 | X YES [ ]  NO |
| 1. Was your organization correctly informed about project closure and was it implemented in time?
 | X YES [ ]  NO |
|  If no, please provide further detail |
| 1. Was your organization informed of the results of the project audit?
 | X YES [ ]  NO |
| 1. In cases of UNHCR budgetary constraints, was the agreed Project Budget adversely affected?
 | [ ]  YES x NO |
|  If so, was your organization informed in a timely manner? [ ]  YES [ ]  NO |
| 1. Was your organization able to get in touch with UNHCR personnel when needed? x YES [ ]  NO

 If no, please provide further detail |
| 1. Do you have any suggestions for improvement in terms of partnership and project management?
 |

Name of Partner Organization: AO Centrul de Drept al Avocatilor

Name of the Authorized Official (same as the person who signed the Project Partnership Agreement): PALII Oleg

Signature: Date:

**The “8+3” template - A new way of standardizing, simplifying and harmonizing humanitarian reporting**

**FEEDBACK QUESTIONNAIRE**

This short feedback survey is designed to help those managing the common reporting pilot evaluate how well it is working, how it affects the overall reporting process, and to collect concerns or feedback about the template itself. These will be used to evaluate the overall pilot success, to develop suggestions for modifying the template or other aspects of the pilot, and to develop future recommendations for the harmonizing and streamlining reporting work stream.

It is important to fill these out at the same time partners finalize the reporting template, and submit these questions with their final report, to the donor. If, for reasons of confidentiality, partners do not wish to fully answer these question in the same form as their donor report, they may send a copy of their answers toHarmonizingReporting@gppi.net***.***

1. How long did this report take you to develop material for and fill out (excluding these pilot questions)? Was that roughly the same, more, or less than other reporting?

The report takes a week to collect, develop and fill out. It it the same as other performance reports.

2.       Have you also had to submit reporting on this common template to other donors? Which? Was it beneficial to have a similar template? N/A

3.       Were there questions that you found less useful than others in capturing project impact, or important humanitarian elements? Were there questions you would have added?

4.       Were there other reporting steps required for this project other than this reporting template, for example additional supporting documentation requests, requests for additional reports or updates by donors, or other?

 N/A

1. 12 monitoring visits MAC; 1 training on refugee law Border Police,1 training for detention authorities( BMA staff), 1 training refugee law( Border Police College), 2 strategic litigation( Iraq and Azerbaijan AS) [↑](#footnote-ref-1)
2. 12 visits to IAC, 12 visits to terrestrial border crossing points [↑](#footnote-ref-2)