

REPORT

of the Centrul de Drept al Avocaților on the International Conference
*"Actual problems in identifying stateless persons,
reducing and preventing statelessness"*
1-2 November 2023

On 1-2 November 2023, the Centrul de Drept al Avocaților (CDA), with the support of the UN Refugee Agency (UNHCR), organised the International Conference, *"Current issues of identification of stateless persons. Reducing and preventing statelessness."* The event took place in the context of the Campaign, launched by UNHCR in November 2014, with the aim of ending statelessness within ten years by identifying and protecting stateless persons, addressing existing statelessness situations and preventing new cases from emerging.



Over two days, discussions on this topic were held by national and international experts, representatives of central public authorities, representatives of UNHCR, human rights defenders, and representatives of civil society. Speakers included a Member of Parliament of the Republic of Moldova and representatives of the Ministry of Internal Affairs, General Inspectorate for Migration, Public Services Agency, People's Advocate Office and Equality Council, as well as experts from national and international organizations.



Statelessness refers to a situation where a person is not considered a national of any State under operation of its law. Citizenship is one of the fundamental human rights. Holding citizenship is essential for full participation in society and is a prerequisite for enjoying one's full range of human rights. Stateless persons may have difficulties accessing basic rights such as education, healthcare, employment, and freedom of movement. Without these rights, they can face obstacles and disappointments throughout their lives. Today, statelessness affects millions of people worldwide.

According to government statistics, as of 30 June 2023, 1906 stateless persons reside in Moldova, of whom 966 were born in the country such that they are entitled to the citizenship of the Republic of Moldova. Also on the territory of the Republic of Moldova reside 1361 persons who have an undetermined legal status, meaning that their citizenship of any other states has not been confirmed.

Attending the event, the State Secretary of the Ministry of Internal Affairs, Jana Costachi, noted that existing good practices in the Republic of Moldova in the field of statelessness are internationally recognized and that the authorities are still planning actions aimed at preventing and reducing cases of statelessness in the future. Immediate activities planned by IGM include undertaking an assessment of the situation of persons holding stateless status and establishing a dialogue with them so as to confirm their status and to provide them with necessary services and assistance.



Bertrand Blanc, UNHCR Deputy Representative in the Republic of Moldova said: "UNHCR is mandated by the United Nations General Assembly to identify and protect stateless persons, and to prevent and reduce the number of stateless persons in the country. In Moldova, UNHCR fulfils its mandate by working closely with the government, other UN agencies and civil society on activities towards these ends. We have witnessed positive progress in Moldovan legislation aimed at reducing and eliminating statelessness in the country." "UNHCR is committed, pursuant to its mandate, to support the government of Moldova in 2024 in solving the phenomenon of statelessness."

The conference included 5 sessions, which were moderated by:

- Andrew Painter, Senior Protection Officer, UNHCR Moldova,



- Tatiana Chebac, civic activist, member of the Secretariat of the Government Commission for Coordination of Activities in the Field of Migration and Asylum,
- Sabina Sandu, Associate Protection Officer, UNHCR Moldova,
- Mariana Ianachevici, Executive Director of AVE Children Public Association,



- Ian Feldman, President of the Equality Council.

During the conference, discussions were held about:

- Ending statelessness globally and in Europe, speaker Sam Mosallai, Statelessness Officer, Regional Office for Europe, UNHCR.
- Obligations of the Republic of Moldova in light of the provisions of the Convention on the Status of Stateless Persons of 1954 and of the Convention on the Reduction of Statelessness of 1961, speaker Valentin Rosca, Doctor of Law, Associate Professor.
- Situation of stateless children globally, speaker Tatiana Danilescu, Child Protection Officer, UNICEF.



- Situation regarding statelessness in Europe, presented by Patricia Cabral, Statelessness Policy Officer at the European Network on Statelessness (ENS)

- The Statelessness Index, presented by Alexia Tizzano, ENS Protection Officer.



- Procedures for determining the status of stateless persons and difficult cases in the procedure for determining the status of stateless person, as well as the identification of stateless persons, presented by Iulian Popov, Head of the Asylum and Statelessness Directorate of the General Inspectorate for Migration of the Ministry of Internal Affairs.



- Aspects of acquisition/reacquisition of citizenship by stateless persons, presented by Vladislav Poghirca, Head of the Citizenship, Pardon and State Award Section of the Apparatus of the President of the Republic of Moldova.



- Amendments to the Law on Citizenship, which entered into force on 1 November this year, to prevent cases of statelessness at birth, presented by Angela Munteanu-Pojoga, Member of the Parliament of the Republic of Moldova and author of the draft legislative amendment.



- Documentation of children at risk of becoming stateless, presented by Avelina Viziru, Head of Control, Evaluation and Examination of Files Department, Civil Status Department of the Public Service Agency (PSA).



- Eligibility of children born on the territory of the Republic of Moldova for recognition of citizenship, presented by Alexandru Doni, Head of Citizenship and Persons Records Department, PSA.
- Preliminary findings of the study on statelessness, conducted by the Ombudsperson's Office, presented by the Ombudsperson, Ceslav Panico.



- Key aspects of the activity carried out in the field of avoiding and reducing statelessness cases carried out during 2016-2023, presented by Maia Banarescu, former People's Advocate for Children's Rights.



- Problems of stateless women, reported by Tatiana Chebac, civic activist, member of the Secretariat of the Governmental Commission for Coordination of Activities in the Field of Migration and Asylum.



At the end of the conference, the following findings were made by the speakers and conference participants:

- Addressing statelessness requires:
 - Political will
 - A clear understanding of the statelessness situation in the country and of challenges in addressing it
 - Clear strategy to building capacity of relevant stakeholders
 - Multilateral involvement in resolution
 - Inclusion of civil society and affected people

- The state has clear obligations to prevent statelessness among children and to ensure everyone's right to an identity. The right of every child to acquire citizenship is a fundamental right.
- It is necessary to develop procedures to avoid and reduce cases of statelessness at the national level, to train professionals working in this field, and to increase the institutional capacities of the authorities involved.

The following recommendations were made:

For Parliament

- Analyze the possibility of legislative amendments to facilitate the naturalization of stateless persons, in accordance with the obligations of the Republic of Moldova assumed by ratifying the 2006 Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession, the 1954 UN Convention on the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Statelessness.
- Adopt amendments to Law 200/2010 on the regime of foreigners so as to grant to stateless applicants rights similar to those granted to asylum-seekers under Law 270/2008 on asylum.

For the IGM of the MIA

- Assess/map the situation of stateless persons in Moldova, especially persons who obtained stateless status before 2012. For those persons who have since acquired citizenship of other states, remove them from the list of stateless persons in the Republic of Moldova. For persons who have not yet acquired the citizenship of another states (within a reasonable time), restore their citizenship of the Republic of Moldova, according to existing law, which provides for this procedure.
- With the support of UN agencies, civil society and local authorities, undertake a mapping of statelessness in all raions in the Republic of Moldova.

For PSA

- Verify/map the legal status of the 1,409 persons recorded in the State Register of Population as of 30 June 2023 as having an undetermined legal status and document them as necessary/possible.
- Establish the necessary procedures to ensure that the births of all children on the territory of the Republic of Moldova are registered and that birth certificates are issued, regardless of the legal status and identity of the parents.

For IGM, PSA and civil society

- In order to verify/map the situation of stateless persons and undocumented persons in in the districts on the left bank of the Nistru River and Bender municipality, establish the necessary procedures to ensure cooperation between state bodies and civil society representatives who have access to persons of interest living on the left bank of the Nistru River.
- Organize information campaigns on reducing and avoiding cases of statelessness and on documentation of the population. Integrate these campaigns into existing information campaigns.

- Organize information and training of officials from local public authorities, social assistance bodies, NGO members and civil society on the issue of statelessness, how to reduce and avoid statelessness and the need to ensure that all persons are properly documented.