"Development of a Forced-Return Monitoring System in the Republic of Moldova" (FReMM)

Project Description

Background and Introduction

Forced-return operations must be conducted in a humane manner, respect the dignity of the persons being returned and comply fully with human rights. States are the main entities responsible to ensure that public authorities respect and guarantee human rights. They have the duty to set up mechanisms for the prevention of human rights violations and to ensure proactively their protection. Within the framework of forced-returns, the escort officers that accompany the returnees have to ensure their safe return, with due respect to their dignity and in accordance with the relevant legal framework. In support of effective human rights compliance, independent forced-return monitors shall closely observe and subsequently report whether the return was enforced in compliance with human rights.

In the Republic of Moldova, the Bureau for Migration and Asylum under the Ministry of Internal Affairs is the state authority in charge of organising return operations and their technical implementation – both for national return operations (NRO) from Moldova to other third-countries and collecting return operations (CROs)[1] from European Union Member States to Moldova. The People's Advocates Office (Ombudsman) has the mandate to monitor the protection of human rights and fundamental freedoms at the national level. Moreover, the Bureau for Migration and Asylum has a cooperation agreement with the Law Center for Advocates, according to which they provide legal counselling to returnees kept in public custody. Currently, there is no legislative and procedural framework in place yet that regulates the monitoring of forced-return operations to and from Moldova.

Duration and Budget

15 months (1 December 2020 – 28 February 2022)

120,000 EUR, funded by the Ministry of the Interior and Administration of the Republic of Poland

Beneficiaries

The project targets institutions in the Republic of Moldova that have the mandate to monitor human rights compliance such as the People's Advocates Office and the Law Center for Advocates. Moreover, the project targets the Bureau for Migration and Asylum under the Ministry of Internal Affairs, which is the state authority in charge of organising return operations and their technical implementation. The indirect beneficiaries are persons who are forcibly returned to and from the Republic of Moldova.

Overall Objective

The **overall objective** of the project is to contribute to a functioning return system in the Republic of Moldova in compliance with human rights as enshrined in relevant international, regional and national legislation and protecting the human rights of returnees through independent and transparent forced-return monitoring.

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[1] In CROs, the means of transportation and the escorting officers are provided by the country of return.

Specific objectives

1) Strengthen the legal and institutional framework relevant to forced-return monitoring.
2) Increase the capacities of the relevant institutions to monitor forced-return operations.
3) Contribute to effective communication and cooperation between the return enforcing institutions and the monitoring bodies.

Activities and Results

0) Management and coordination of the project

ICMPD is responsible for the overall effective management and implementation of the project. Within this component, it will organise regular coordination meetings with the relevant stakeholders and a closing event.

1) Strengthen the legal and institutional framework relevant to forced-return monitoring:

Within this component, the project team will gather good practices and experiences from other countries, based on which they will suggest jointly with the relevant national stakeholders amendments to the national legislation. At the same time, the responsible national institutions will assign an independent forced-return monitoring body that will then identify a group of forced-return monitors.

2) Increase the capacities of the relevant institutions to monitor forced-return operations:

Within this component, the project team will draft jointly with the forced-return monitoring body a management framework for the monitoring system and elaborate a set of guidelines for forced-return monitoring. The group of monitors assigned by the forced-return monitoring body will receive training in forced-return monitoring[2]. Moreover, the project team will organise a training of trainers and a human rights training for escort officers.

3) Contribute to effective communication and cooperation between the return enforcing institutions and the monitoring bodies:

Within this component, the project team will design and set up jointly with the relevant national stakeholders a coordination and information sharing mechanism for the relevant institutions.

At the end of the project, the independent forced-return monitoring body(ies) in the Republic of Moldova shall be able to launch the actual **deployment** of forced-return monitors based on the management framework and the coordination and information sharing mechanism developed within the project. Ultimately, they shall be able to **monitor forced-return operations** based on the guidelines and monitoring tools developed within the project.

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[2] The training curriculum and material for the basic forced-return monitor training is elaborated within the framework of the Forced-Return Monitoring III (FReM III) project that is co-funded by the Asylum, Migration and Integration Fund (AMIF) of the European Union. The training is also implemented within the FReM III project.