COMUNICĂRI ŞTIINŢIFUICE

MIGRATION OF THE MOLDOVANS WITHIN EUROPEAN UNION BORDERS VS RUSSIAN FEDERATION

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În articolul dat se descriu tendinţele migrării cetăţenilor Republicii Moldova în ţările Uniunii Europene (UE) şi Federaţia Rusă, precum şi în alte ţări. Acest fenomen a devenit un eveniment obişnuit pentru ţara noastră. Autorităţile centrale închid ochii la migraţia masivă al cetăţenilor noştri peste hotarele ţării, mai mult ca atât remitenţele trimise de peste hotare de emigranţii din Moldova sunt o contribuţie esenţială al bugetului nostru.

Ţările Uniunii Europene (de exemplu Italia, Grecia) nu au încheiate contracte bilaterale cu Republica Moldova în vederea reglementării statutului imigranţilor şi asistenţei lor, pe teritoriul Federaţiei Ruse cetăţenii Republicii Moldova nu se simt mai în siguranţă ba chiar situaţia acestora e mai rea.

După datele statistice, în prezent în ţările UE lucrează şi domiciliază mai mult de 20 mln de migranţi din diferite ţări, dintre care jumătate de milion sunt moldoveni. Moldova îşi pierde potenţialul intelectual, afirmă oficialii europeni, referindu-se la cifrele statistice, în conformitate cu care 40% de persoane apte de muncă emigrează din ţară. Migrarea cetăţenilor prezintă un pericol real pentru Republica Moldova. Datele statistice arată că 40% din populaţia aptă de muncă munceşte peste hotarele ţării şi aduce contribuţii în bugetul altor ţări, în timp ce Republica Moldova întâmpină greutăţi financiare mari. Aproape jumătate din moldoveni emigraţi peste hotarele ţării au preferat de a pleca în fostele ţări ale Uniunii Sovietice, în mod special în Rusia şi Ucraina. Anual în Rusia emigrează 2-3 mii de persoane, iar în Ucraina 1,5 -2 mii de persoane.

Pe lângă toate, persoanele aleg fostele ţări ale Uniunii Sovietice deoarece în fostul spaţiu sovietic predominant populaţia cunoaşte şi limba rusă – o limbă ce a fost vorbită de practic toate ţările sovietice. Ca rezultat persoanele mai uşor se integrează în societate.

Cuvinte cheie: *migraţie, Uniunea Europeană (UE), Republica Moldova, Federaţia Rusă, reglementare, legislaţia.*

МИГРАЦИЯ МОЛДАВАН НА ТЕРРИТОРИЮ ЕВРОПЕЙСКОГО СОЮЗА ПО СРАВНЕНИЮ С РОССИЙСКОЙ ФЕДЕРАЦИЕЙ

В статье анализируются тенденции миграции граждан Республики Молдова в странах Европейского союза (ЕС) и Российской Федерации, а так же ряда других стран. Данный феномен становится нормальным явлением и государственные органы закрывают глаза на массивную иммиграцию граждан нашей страны за рубеж, более того бюджет нашей страны накапливается в основном за счет денежных средств из-за границы родственникам и друзьям, которые остаются в стране.

Европейские страны (Италия, Греция) не заключают договора с Республикой Молдова о регламентации и помощи наших иммигрантов в данных странах. Более того, ситуация наших иммигрантов на территории Российской Федераций не намного лучше.

Согласно статистике, в настоящее время в странах ЕС трудятся, и проживают свыше 20 миллионов мигрантов из разных стран, из которых минимум полмиллиона составляют молдаване. Миграция представляет реальную угрозу для Республики Молдова. По некоторым данным около 40

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процентов трудоспособного населения страны трудится за рубежом, и вносит вклад в развитие других стран, в это время, как Молдова сталкивается с серьезными проблемами. Примерно половина молдаван, выехавших на ПМЖ, направилась в страны бывшего СССР, главным образом в Россию и Украину. Меняют Молдову на Россию ежегодно 2-3 тыс. человек, на Украину - 1,5-2 тыс.

Ко всему, исторически сложилось так, что почти повсеместно на постсоветском пространстве говорят на русском языке - языке межнационального общения в бывшем Союзе. В итоге эмигрантам легче интегрироваться в новую среду.

Ключевые слова: *миграция, Европейский союз (ЕС), Республика Молдова, Российская Федерация, регламентация, законодательство.*

Key words: *migration, the European Union (EU), the Republic of Moldova, Russian Federation, regulation, legislation.*

This article tries to pose and answer some of the questions that have come with the confusion about another kind of national identity – that of citizen of Europe or elsewhere. In particular it focuses on the discrimination issues, a problem that challenges the migrants crossing borders of the European Union countries. Its aim is to look at the one of the main foundations of European citizenship – free movement and to seek a comprehensive understanding a part of the fundamental human beings right: the principle of non-discrimination in relation to social advantages. Additionally it will be researched the legal frame of Moldovan immigrants within European Union and Russian Federation space and on the territory of the Republic of Moldova.

An Australian Aborigine woman said: „If you have come to help me you can go home again. But if you see my struggle as part of your own survival then perhaps we can work."[1] Moldovans immigration out of the country's territory became a normal event starting since 90' years. People are struggling to leave the country in order to find better life conditions. Despite this fact the receiving country are not happy and are less hospitable toward legal or even more illegal immigrants.

Professor Philip Martin stated: „Out-migration provides jobs for individuals and remittances for their families; these remittances have multiplier effects when spent, benefiting non-migrants. Many migrants are youth from rural areas and small towns who return to cities rather than their places of origin. In this way, out-migration accelerates changes underway inside the sending country, including rural-urban migration (urbanization) and the shift from agriculture to services[2]".

Gender relations are thus important as a frame for nationalist practices, and nationalism as an ideology is important for the configurations of gender relations within the national space. Biology and culture are key elements in the construction of new political space and of new discovers of empowerment. However, as Walby has commented, more work needs to be done on nationalism's economic consequences for women's lives such that the division of labour is not simply 'subsumed under biology or culture 'but is made visible of national development[3].

Markets pose another issue for men and women. Globally, women on about 1 per cent of the world's property; therefore, they are involved in the globalization process through their access to labour markets rather than through their participation in financial or investment markets. They are the providers of services – sexual, domestic, and increasingly as workers in export production – and are employed in lower-paid work; they are not in control of the huge financial and export flows in a globalized economy. The family power structure and the consequent gender segregation thus of work affects the ways in which markets operate and how women and men operate within these. The public-private sector divide is as much constitutive of markets as the markets consolidate this binary between men and women's place in economy[4].

[1] The Manila Declaration on People's Participation and Sustainable development, see Shirin M.Rai, p. 198.

[2] Philip Martin. Migration research. Viena, Austria: ICMPD, 2012, p. 1.

[3] Shirin M.Rai. Gender and the Political Economy of Development. Cambridge, UK: Blackwell Publishers Ltd, 2004, p. 13.

[4] Ibidem., p. 98.

European community law creates rights which are directly enforceable in the national courts, and which prevail over any conflicting national provisions. In the field of free movement, it creates rights in an area, that in of immigration control, traditionally marked by the high degree of discretion reserved to the national authorities. It draws not only on the free movement provisions themselves, by also on the general principle prohibiting discrimination which requires Community nationals to be treated equally with nationals of the host State[5].

Thus, within the Council of Europe, in addition to the European Convention on Human Rights, important achievements have been made in recent years, especially through:

a) The European Charter on Minority Languages (1992);

b) The Convention on the Participation of Foreigners in Public Life at Local Level (1992);

c) The Framework Convention for the Protection of Minorities (1995).

The European Union and Moldova started negotiations on an EU-Moldova Association Agreement in Chisinau on 12 January 2010. The Association Agreement replaces the EU-Moldova Partnership and Cooperation Agreement which entered into force in July 1998 and sets at present the framework for EU-Moldova relations. The European Union and Moldova intend to establish a Deep and Comprehensive Free Trade Area (DCFTA), when the relevant conditions are met and expressed their commitment to make progress in line with the agreed set of steps towards that objective. Moldova is a priority partner country within the Eastern Partnership. Moldova is a partner country within the Black Sea Synergy.

A joint ENP Action Plan was adopted in February 2005 by the EU-Moldova Cooperation Council. This Action Plan still serves as a tool for supporting Moldova's own program of democratic and economic reform. The EC assistance focuses on the reform priorities agreed in the ENP Action Plan. It increased over the years substantially and has reached about € 70 million will get to a € 100 million annually until 2013.

Moldova benefits from a mobility partnership as one of the two pilot countries in the world. The mobility partnership offers a political framework for cooperation between the Union and third countries in the field of migration, and includes items of relevance for both the EU and interested third countries. Three major dimensions of the Global Approach – legal migration, migration and development, and fighting against illegal migration – are joined in one, coherent policy framework. The pilot Mobility Partnership with the Republic of Moldova is the best example of such well-balanced framework. Through an EU Border Assistance Mission which is helping to ensure transparent management of the Moldova-Ukraine border, improving customs service, making the border more secure and increasing revenue[6].

A new poll shows Moldovans are losing interest in the post-Soviet country's European integration and is warming up to the idea of joining a Commonwealth of Independent States' (CIS) free-trade zone led by Russia, RFE/RL's Moldovan Service reports. The poll - published in Chisinau on November 16, 2011 showed that the number of Moldovans willing to join the European Union has dropped 15 % since a similar poll in May, falling to 47 %. That is the lowest percentage of EU support measured in Moldova in nearly a decade. Likewise, 46 % of respondents said their country would benefit economically from joining the Russia-Belarus-Kazakhstan customs union, while 34 % favoured entering the EU's free-trade zone. More than 60 % of Moldovans believe Russia should be their country's „main strategic partner", while just 23 % prefer the EU.

The new opinion poll was published by the Moldova's West-leaning think tank Institute of Public Politics (IPP) with financing from the Soros Foundation and was performed in late October and early November by the CBS-AXA polling centre. Moldova is a CIS member and one of the six former Soviet republics covered by the EU's Eastern Partnership program, which promises tighter integration with the EU in exchange for economic and democratic reforms.

In an interview with RFE/RL today, IPP Director Arcadie Barbarosie said the Moldovans' new „Euroskepticism" was most likely caused by the economic downturn in the EU and by people's

[5] Advocate General, F. G. Jacob. The legal framework and social consequences of free movement of persons in the European Union. Cambridge: Kluwer Law International, 1999, p. 3.

[6] EU Border Assistance Mission. [On-line]: http://eeas.europa.eu/delegations/moldova/eu_moldova/index_en.htm. (Visited on 07.08.2012).

disenchantment with the vocally pro-European ruling coalition in Chisinau, the Alliance for European Integration[7].

Chisinau's pro-EU government hopes to start negotiating a free-trade agreement with Brussels before the end of the year and to obtain visa-free travel for its citizens inside the 27-member bloc as early as next year. The poll also shows a record percentage of Moldovans (83,5 %) saying their country is heading in the wrong direction and a status quo in support for the country's main political parties, which have failed in parliament during the last two years to elect a full-time president of the country.[8]

Nether less, the National Bureau of Statistics in 2011, established according to the Dates comparatively to previous years has emigrated more than immigrated. The gender differences are significant in the meaning that there are more women who emigrate and immigrate from / into the country.

According to the Minister of Informatics Technologies and Communication of the Republic of Moldova, during last year from Republic of Moldova leaved the country and had established permanently abroad 3920 persons. The Moldovans prefer to leave the country in favour of Ukraine and Russian Federation. The numbers of the Moldovan citizens who had chosen permanently residences in the following countries are: US - 538 persons; Israel – 204; Germany – 179. Mainly the emigrants both male and female are between the age 20-29 years old and 30 – 39 years old[9].

In majority of the cases all the emigrants have medium level of education lyceum. Emigrants who hold higher education degrees are less than 18,6 % of total. A part of the emigration is compensated by the repatriated persons born on the territory of the Republic of Moldova and immigration.

According to the National Bureau of Migration and Asylum of the Minister of Internal Affairs of the Republic of Moldova, in 2011 in the country had repatriated 654 persons. The distribution of the repatriated persons according to the nationalities is following: Moldovans – 53,5%; Russians – 15,0%; Ukrainians -17,7%; Gagauz – 7,4%; Bulgarians – 2,0%; Jewish – 1,2%. Mainly the repatriated persons had arrived from Russia and Ukraine, respectively 57,4% and 31,5%.

During 2011 in the Republic of Moldova had arrived 2704 immigrants, out of which 32 persons have obtained permanent residence, and 2672 persons – permits for a fixed period. The scope of their journey to the Republic of Moldova is characterized in this way: studies – 26,6 %; work – 32,0%; family immigration – 31,6% and other causes 9,8%[10].

None less the Republic of Moldova politics toward local immigrants are quite discriminatory, because it people are not used to, many immigrants coming to our country, and internal immigration policy is not so diversified as in other countries. There are not so many programs dedicated to integrate immigrants on the territory of Republic of Moldova.

Opposite to the Republic of Moldova situation is in Italy. In Italy the Prime Minister of Italy – Andrea Riccardi, announced that the new born children on the Italian territory might get Italian citizenship.

In this context the Prime Minister of Italy, said that in Italy they have to recognize the right of citizenship not only in the moment of born of the Italian territory, for the foreign immigrants' sons, even though if their parents did not hold the citizenship.

The Prime Minister is firmly sure that he will insist upon this legislation modification and will fight for it as much as he can, because he stated „the solidarity and integrity culture in Italy have to increase more and more".

For example in European Union countries, the political participation of immigrant groups has become a key policy issue in European cities. Local governments in cities as far apart as Athens, Barcelona, Birmingam, Brussels, Marseille, Lisbon and Paris are now making more and more efforts to incorporate their ethnic minorities into decision – making processes. Some cities have created consultative structures between the local government and immigrant populations to make it

[7] Arcadie Barbarosie, director of IPP. [On-line]: www.ipp.md. (Visited on 07.08.2012).

[8] Poll shows Moldovans losing interest in EU, warming up to Russian Federation. [On-line]: www.rferl.org/content/moldova_european_union_russia/24394351.html. (Visited on 07.08.2012).

[9] National Bureau of Statitics of the Republic of Moldova annual report of 2011. [On-line]: http://www.statistica.md/newsview.php?l=ro&idc=168&id=3777&parent=0. (Visited on 10.07.2012).

[10] Statics dates of the Bureau of Migration and Asylum. [On-line]: www.bma.gov.md. (Visited on 21.12.2011).

easier for ethnic minorities to articulate their political preferences. In some countries, including Ireland, Sweden, Denmark, Norway and the Netherlands, resident non-citizens have been officially granted local voting rights[11].

Even though the Moldovan immigrants are complaining because of cruel attitude of the hosting countries as Russian Federation, European Union countries (Spain, France, Germany etc.) our citizens are less hospital too toward immigrants and in particular state's politics toward immigrants, the foreigners has a lot of barriers because of Minister of Internal Affairs, Minister of Foreign Affairs and European Integration, Local Police Offices bureaucracy.

National legal framework that settles migrants' rights is following comprised of:

1. Law no. 108 of 17.05.1994 regarding the state frontier;
2. Law. No. 1518 of 06.12.2002 regarding migration;
3. Law. No. 269 of 09.11.1994 regarding the exiting and entering the Republic of Moldova;
4. Law no. 275 of 10.11.1994 regarding the legal status of the foreign nationals and stateless persons in the Republic of Moldova;
5. Government Decision no. 376 of 6.06.1995 regarding additional measures to realize de National Passport System;
6. Law no. 180 of 10.07.2008 on labour Migration;
7. Law no. 1024 of 02.06.2000 on Moldovan Citizenship;
8. Government Decision no. 746 of 21.06.2003 regarding the education of foreign nationals and stateless persons in the Republic of Moldova education institutions;
9. Law no. 270 of 18.12.2008 regarding the asylum in the Republic of Moldova;
10. Government Decision no. 71 of 30.01.2004 on the creation of Migrants Accommodation Centre;
11. Information Development Ministry's Order no. 278/70 of 08.08.2008 regarding the approval of Instructions on providing documents of humanitarian protection in RM with identity cards[12].

In European Union discrimination between nationals of Member States is prohibited by Article 6 of the Treaty. Article 6 states: *„Within the scope of application of this treaty, and without prejudice to any special provisions contained therein, any discrimination there in, any discrimination on grounds of nationality shall be prohibited*[13]."

Furthermore the Race Relations Act 1976 highlighted: the political prejudice against further immigration was in large part the progenitor of laws against discrimination for the benefit of those who had already immigrated. Additionally the Regulation states: „Whereas the right of freedom of movement, in order that it may be exercised, by objective standards, in freedom and dignity, requires that equality of treatment shall be ensured in fact and in law in respect of all matters relating to the actual pursuit of activities as employed persons and to eligibility for housing, and also that obstacles to the mobility of workers shall be eliminated, in particular as regard the worker's right to be joined by his family and the conditions for the integration of that family into the host country"[14].

On racism and discrimination, have been founded councils and organizations aimed to protect people against racism and discrimination.

a) The European Commission against Racism and Intolerance of the Council of Europe;

b) La Ligue Internationale contre le Racisme et l'Antisémitisme (LICRA), France;

c) SOS Racisme (France);

d) UNITED for Intercultural Action - the European Network against nationalism, racism, fascism and in support of migrants and refugees;

e) The European network against racism;

f) The Internet Anti-racism Centre in Europe;

g) The European Monitoring Centre on Racism and Xenophobia (EUMC);

[11] Meindert Fennema, Jean Tillie. Do immigrant policies matter? Ethnic civic communities and immigrant policies in Amsterdam, Liege and Zurich, see. Citizenship in European cities. Immigrants, Local Politics and Integration Policies. Aldershot, England: Ashgate Publishing Ltd, 2004, p. 85.

[12] Information Development Ministry's Order no. 278/70 of 08.08.2008 regarding the approval of Instructions on providing documents of humanitarian protection in RM with identity cards. [On-line]: www.iom.md. (Visited on: 18.02.2012).

[13] Maastricht Treaty. [On-line]: http://www.eurotreaties.com/maastrichtec.pdf. (Visited on: 21.12.2011).

[14] Race Regulations act 1976. [On-line]: http://www.legislation.gov.uk/ukpga/1976/74. (Visited on: 20.12.2011).

h) Minorities of Europe (MoE);

i) Young Women from Minorities (WFM).

A right to remain for education imports a right to a residence permits to remain for that activity: Community law will not permit a right to be rendered ineffective by a failure of the host State to grant the immigration per mission necessary to enjoy the benefit provided[15]. This disagreement between neighbours and founding members of the European Union began a new debate on the parameters of Schengen cooperation, not least when Member States might reintroduce internal border controls. The European Commission has published its suggested new rules, though an agreement has yet to be reached.

„Social advantage' should be understood to mean all those advantages which, whether or not linked to a contract of employment, are generally granted to national workers because of their objectives status as workers or by virtue of the mere fact of their residence on the national territory and the extension of which to workers who are nationals of their Member States therefore seems likely to facility their mobility within the Community"[16].

Poverty has a woman's face; of the 1.3 billion poorest, only 30% are male. Poor women are often caught in a damaging cycle of malnutrition and disease. This plight stems directly from women's place in the home, and in society[17]. The conclusion made by Shirin M. Rai is that global restructuring is affecting women's lives in complex ways. First, the social compact between states and citizens, however fragile in the first instance, is being further endangered, and women are suffering the effects of this breakdown disproportionally to men. Second, global restructuring is opening up new areas of paid work for women under particularly difficult conditions, which include lack of labour codes as well as increased levels of responsibility for care. This increased burden is widening the gap between resources of well-being available to women and men. Finally, global restructuring is also widening the gap among women along class lines, and between women of the North and South. Addressing this issue remains important for the legitimacy of feminist critiques of the mainstream economics that underlines the processes of global restructuring[18].

Facing little support within the European Union, Italy summarily issued residence permits to approximately 22,000 Tunisian migrants - papers allowing them to move freely throughout much of Europe. In response, the French government moved to close its southern border with Italy and reinstated checks on trains[19].

According to the Logos press Moldova the problem of migration is one of the key priorities collaboration of the European Union with neighbouring countries, - mentioned Dirk Lorenz, Political Officer for EU Delegation in Moldova. In the last five years in Moldova had been invested more than 800 mln Euros for developing of 300 projects in migration field. Moreover EU in collaboration with 15 countries – member of EU had implemented more than 85 bilateral and multilateral projects to help Moldova with the migration problem, strengthening of the borders and readmission of the persons, who had been illegally staying in EU. In the same manner Mr. Lorenz stated that EU politics towards Moldovan immigrants is focused on two interfered[20].

Recently it was published on-line a world report on sexual exploitation by Scelles Foundation of France, according to which: „seven out of ten women in the Republic of Moldova, aged between 15 and 25, have had sex for money at last once. Prostitution has become one of the most bothersome industries at world level reaching the number 40-42 million prostitutes, 90% of which work with a panderer. The reasons for the phenomenon are: poverty, war, family trouble. In Moldova for instance, which is a poor country, 70% of women sold themselves at least once, *Yves Charpenel, president of Scelles said*. Organized crime groups are the main beneficiaries of prostitution services, with annual profits estimated at 27.8 billion dollars, taking the third place after drug and weapon trafficking, the report also says. Western Europe currently has between

[15] C-237/91 Kus (1992) ECR I-6781.

[16] Case 207/78 Ministere Public v. Even (1979) ECR 2019, para. 22 and Case C-310/91 Scmidt v. Belgian State (1993) ECR I-3011 para 18.

[17] Gro Harlem Brundtland. Reith Lecture 2000 on Health and Population. [On-line]: www.listeningtowords.com/location.php?id=14. (Visited on: 18.02.2012).

[18] Shirin M.Rai. *Op. cit.,* p. 132.

[19] [On-line]: http://www.migrationinformation.org/Feature/display.cfm?id=871. (Visited on: 18.02.2012).

[20] Logos Press, 23 december 2011, nr. 47, Trudovie migrant: iz Moldovi v Evrosoiuz I obratno, p. 8.

one and two million prostitutes, most of them clandestine immigrants forced into this job. Most of the victims are from Balkans and Western Europe (Moldova, Romania, Ukraine, Belarus), but also from Nigeria and the Dominican Republic.

This report has been criticized by the youth non-governmental organizations from Moldova, and the data presented in the report are totally wrong, they are based on unknown questionnaires and reports, which might be qualified as national blame of the Moldovan young girls. They should apologize publicly for the publication of the false and defamatory information.

Moldovan woman are discriminated not only within the European Union borders but also within our own country. Many women in Moldova are as capable of contributing to the country's political life as their male counterparts, but cultural and social barriers are holding them back. There are many projects implemented to contribute in enlargement of woman's participation in political and cultural life. For instance, USAID Millennium Challenge Projects has one of the goals to achieve gender equality in politics. A new joint initiative, launched, 200 female candidates will receive leadership training on how to run an effective political campaign[21]. Women hold only 13% of district councillors' seats and 18% of mayors' posts. At the upper administrative level the discrepancy is even worse. Only one woman serves in the government, and less than one forth are in the parliament. It is not easy to encourage women, because of stereotypes, migration and poverty. People are sceptical about trusting women.

The above mentioned problems are just several examples and they might be the cause of other serious and grave problems for Republic of Moldova. For 20 years Republic of Moldova is facing state crisis and still we do not see any solution for the problems, there are only some signs. The society has to fight for our future and for our children's future.

Taking into account the presented arguments we came to the following conclusions:

a) It is our own power to educate a healthy and wealthy future generation, and in particular to set the problem of demography in the Republic of Moldova;

b) To aware our local citizens about the negative aspect of people emigration from the country;

c) To conclude bilateral agreements' in order to protect our citizens who emigrate from the country (for example Russia and Italy, or to revise present clauses and conditions);

d) To create favourable conditions for the migrants who are returning home;

e) The reports published on line, as for instance Scelles reports should be sued in the court and asked for caused damage - compensation.

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[21] Moldovan women struggle for equal rights in political life. [On-line]: http://setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2011/05/25/feature-03. (Visited on: 18.02.2012).

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