

REPORT no.3

on the monitoring of the respect for
the rights of refugees,
in the context of the armed conflict
in Ukraine for the period
August - December 2022

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This Report has been prepared by the Office of the People’s Advocate with the involvement of members of the Consultative Council for Preventing Violation of Rights of Refugees, in the context of the armed conflict in Ukraine, established under the Office of the People’s Advocate.

Organizations and initiative groups involved in the monitoring and reporting of the respect of the rights of refugees:

- Office of the People’s Advocate (OPA)
- Law Center of Lawyers (LCL)
- Center for Policies and Reforms (CPR Moldova)
- Center for the Rights of Persons with Disabilities (CRPD)
- Moldova for Peace (MfP)
- Women’s Law Center (WLC)
- National Center for Prevention of Child Abuse (NCPCA)
- Institute for Criminal Justice Reform (ICJR)
- Center for Policies, Initiatives and Research ‘Platforma’
- Coalition for Inclusion and Non-Discrimination (CIN)

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ABBREVIATIONS

PA - People's Advocate (Ombudsman)
OPA - Office of the People's Advocate
MIA - Ministry of Internal Affairs of the Republic of Moldova
GIBP - General Inspectorate of Border Police
BMA - Bureau for Migration and Asylum
CIA - Chisinau International Airport
BPS - Border Police Sector
BCP - Border Crossing Point
BP - Border Police
UNHCR - United Nations High Commissioner for Refugees
OP CAT - Optional Protocol to the UN Convention against Torture
CES - Commission for Exceptional Situations of the Republic of Moldova
NSAA - National Social Assistance Agency
UN - United Nations Organization
EU - European Union
SCMC - Single Crisis Management Center
NATA - National Auto Transport Agency
NPHA - National Public Health Agency
TSAS - Territorial Social Assistance Structure
MLSP - Ministry of Labour and Social Protection
MH - Ministry of Health
MER - Ministry of Education and Research
NCPDP - National Center for Personal Data Protection
TPCR - Temporary Placement Center for Refugees
MPHI - Medical public health institution
CPA - Central public administration
LPA - Local public administration

MONITORING STANDARDS

- Universal Declaration of Human Rights, 1948;
- Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), 1950;
- International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966;
- International Covenant on Civil and Political Rights (ICCPR), 1966;
- Geneva UN Convention Relating to the Status of Refugees, 1951;
- Protocol Relating to the Status of Refugees, 1967;
- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984;
- UN Convention on the Rights of the Child, 1989;
- Standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);
- CoE Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers;
- Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof;
- Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC;
- Law no. 215/2011 on the state border of the Republic of Moldova;
- Law no. 283/2011 on the Border Police;
- Law no. 200/2010 on the regime of foreigners in the Republic of Moldova;
- Law no. 270/2008 on asylum in the Republic of Moldova;
- Government Decision no. 147 of 09.03.2022 on the approval of the National Air Transport Facilitation Program;
- Law 52/2014 on the People's Advocate (Ombudsman);
- Law 164/2015 for the approval of the Regulation on the organization and operation of the Office of the People's Advocate.

INTRODUCTION

The People's Advocate ensures promotion and protection of fundamental human rights and freedoms, exercising his/her activity under Art. 59¹ of the Constitution of the Republic of Moldova, in accordance with provisions of Law no. 52 of 03 April 2014 on the People's Advocate (Ombudsman), based on the Principles Relating to the Status of National Human Rights Institutions (the Paris Principles) from 1993.¹

The Office of the People's Advocate (OPA) through its specific mechanisms examines the requests of natural persons who live permanently, are or have been temporarily on the territory of the country, whose rights and freedoms are assumed to have been violated by the Republic of Moldova, regardless of race, nationality, ethnicity, sexual or gender identity, language, religion, social status, political opinion and any other circumstances or criteria.

To ensure the respect for human rights, the OPA employees make from time to time monitoring visits to various institutions, such as: detention facilities, temporary placement centres for foreigners or asylum seekers, institutions that provide social, medical or psychiatric assistance, special institutes of education and re-education, treatment and re-education institutes for minors or any other places. Violations of human rights notified during the monitoring visits are included in monitoring reports that also contain recommendations for the concerned authorities. The situation of the respect for the rights of refugees is monitored and reported by using the methodologies and tools developed, for this purpose, within the Office of the People's Advocate.

The methodology used to prepare this Report consists of:

- office research: analysis of official web pages of relevant public authorities, data collection, storage and processing; analysis of the national legal framework and international standards;
- field research: performance of 30 monitoring visits to Temporary Placement Centres for Refugees and State Border Crossing Points. During the monitoring visits, the following qualitative research methods have been used:
 - semi-structured interviews with beneficiaries, with TPCR managers and representatives of territorial social assistance structures (TSASs), as well as with BCP representatives, and with the persons responsible for implementing the inter-sectoral mechanism for protection of separated/unaccompanied children; analysis of submitted information;
 - direct observation of the activity of TPCR and BCP employees;
 - analysis of the relevant documentation.

Given the exceptional situation created by the war in Ukraine, from February 2022, monitoring of the respect for the rights of refugees transiting, or whose destination is, the territory of the Republic of Moldova has become a priority of the OPA activity. To make the monitoring process more efficient, the Ombudsman has temporarily established the Consultative Council for the Prevention of Violation of the Rights of Refugees.²

¹ <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris>;

² Created by the PA Order no. 01-1/56 of 01.11.2022;

The monitoring capacity of the Office of the People's Advocate and of the Consultative Council were strengthened by establishing the partnership with the Office of the United Nations High Commissioner for Refugees (UNHCR).³

At the same time, the Ombudsman institution has the role of co-lead of the Working Groups and the Consultative Council for the Prevention of Violation of the Rights of Refugees. Inclusion of the OPA representative in the Protection Group and participation in the working sessions have improved the understanding of the system problems faced by both refugees and local and central public authorities in the management and provision of humanitarian assistance.

In the period from August-December 2022 till the third stage of monitoring, the Office of the People's Advocate and the members of the Consultative Council continued monitoring and documentation visits to the temporary placement centres for refugees (TPCRs or Centres), the Center for Temporary Placement of Foreigners (CTPFs), at state border crossing points (BCPs), as well as at the crossing point - Chisinau International Airport.⁴

Following the first two stages of monitoring, two thematic reports containing 37 recommendations for relevant authorities were drawn up.⁵ The Ombudsman's recommendations were discussed at several meetings with the State Chancellery, relevant ministries, the SCMC and other institutions responsible for managing the influx of refugees in Moldova, as well as, within the Human Rights and Equality Forum 2022 (6-7 December 2022). At the same time, a part of the recommendations of the People's Advocate and the Consultative Council were taken into account in the development of state policies for refugee management in 2022.

This Report contains observations, findings, conclusions and recommendations. The recommendations are aimed at improving the situation of refugees and strengthening the capacities of the responsible authorities. It should be mentioned that, during the monitoring, access to the information requested by the OPA was guaranteed, with some exceptions.

3 <https://www.unhcr.org/md/en/14089-unhcr-and-the-republic-of-moldovas-ombudsman-join-forces-to-bolster-advocacy-and-support-for-the-human-rights-of-refugees-and-host-communities.html>.

4 https://ombudsman.md/wp-content/uploads/2022/12/RAPORT-TEMATIC-Accesul-str%C4%83inilor-%C3%AEn-MD-PTF-AIC-2022_FINAL_FINAL_pe-site.pdf?fbclid=1wAR0hiOZ1s-dtBPNEOdEUvvlU4i6pS-gmr53O8nrKZ4zYcfomn7eiZXWgvTc.

5 <http://ombudsman.md/rapoarte/tematice/>;

EXECUTIVE SUMMARY

This Report summarizes the results of the third stage of monitoring carried out by the OPA and members of the Consultative Council between August and December 2022, which is the third stage of the monitoring of the respect for the rights of refugees, which began in March 2022.

Following the monitoring, the OPA has found several management, practical or legislative shortcomings in managing the influx of refugees.

The main findings of the Report are as follows:

1. The conditions for crossing the state border for refugees, especially Ukrainian citizens, are disproportionate, causing violations of the right to free movement and the right to information;
2. Asylum on the territory of the Republic of Moldova remains partially accessible to refugees, and temporary protection has not been applied, despite many requests to the relevant institutions;
3. By virtue of the enormous efforts on the part of public institutions, with the involvement and the support offered by the international organizations and ONCs in the management of ensuring the rights of refugees, the management of temporary placement for refugees is still not coherent. No complex system for identifying the problems of beneficiaries, especially those coming from marginalized groups, has been established so far;
4. In March, the CES ordered the ex officio closure of the TPCRs not approved by the NSAA⁶, in cases when the latter is not informed about the organized accommodation of refugees. In the framework of the previous monitorings, it has been found that there was no functional mechanism to identify the centres that did not notify the authorities about their activity and how they would be closed ex officio. **Several centres not approved by the NSAA has been operating** so far;
5. Identification of premises and creation of temporary placement centres at the onset of the state of emergency was a circumstantial process, requiring the authorities to use any available location for the accommodation of refugees. Although almost a year has already passed since then, **the re-evaluation of the premises intended for placement centres**, in order to establish their compliance with the minimum standards approved by the MLSP, has not been carried out yet;
6. **Regulation of the Organization and Operation of Temporary Placement Center for Refugees**, approved by Order of the MLSP no. 21 of 26 February 2022, still remains the basic document that regulates the activity of the centres. Following the monitoring visits, it has been found that the minimum standards established by the Regulation had been fully implemented. In this regard, it has been recommended the relevant authorities to revise the minimum standards for temporary placement centres,⁷ taking into account the needs of people with special needs and other socially

⁶ CES Decision no. 12 of 25 March 2022 (p. 12);

⁷ Report no. 1 on the monitoring of the respect of the rights of foreigners from Ukraine in the context of the state of emergency for the period 25 February – 30 April 2022;

vulnerable groups (mothers with young children, elderly people, etc.). Despite the recommendation, at the moment, the situation in this regard **has not significantly changed**, as most centres have conditions similar to the initial stage of activity;

7. There is no any coherent, predictable and safe process for recording and keeping personal data at TPCRs. Also, it is not clear if there is a unique and secure database that would ensure that records of the beneficiaries are kept at the placement centres.
8. Humanitarian assistance and services provided by international organizations and NPOs are distributed disproportionately for the individual needs of the refugees and are not fully available to the refugees accommodated in premises other than accredited temporary placement centres;
9. By virtue of the previous reports of the Office of the People's Advocate and international organizations, the phenomenon of segregation and unfair treatment, on the basis of ethnicity, still exists due to the intolerance shown by some representatives of local public authorities and/or TPCR administrators;
10. One year after the declaration of the exceptional situation in the Republic of Moldova against the background of the armed conflict in Ukraine, the national authorities have not approved and applied the National Refugee Management Plan, with its components of socio-economic activities;⁸
11. The safety and security conditions of refugees on the territory of the Republic of Moldova do not correspond to the principles of respect for human dignity and protection of the life and physical and psychological integrity of the person;
12. The respect for the right to education is ensured only in part, and the protection mechanisms for refugee children on the territory of the Republic of Moldova are not effective.

8 The People's Advocate in Report no. 2 recommended the authorities to urgently develop the National Plan of the management of the influx of refugees and to develop at the national level minimum standards and accommodation procedures for beneficiaries of temporary protection on the territory of the Republic of Moldova
<http://ombudsman.md/wp-content/uploads/2022/10/Raport-nr.2-ro.pdf>;

CHAPTER I. CROSSING THE STATE BORDER

1. According to the UNHCR Moldova data, from 24 February 2022, 721,469 people crossed the state border from Ukraine to the Republic of Moldova, and 358,398 refugees - to Ukraine.⁹
2. The most crowded state border crossing points remain those in Otaci and Palanca. The results of the monitoring of the situation at the border points still show that the border is mainly crossed by women with children, elderly people accompanied by relatives, Roma people, as well as by men, who are fleeing conscription and need documentation support.

The majority of people from Ukraine who cross the border of the Republic of Moldova want to reach the EU countries, others cross the border for shopping (food products, oil, clothing, etc.) or to stay temporarily on the territory of the country.

Mainly, the goals of those who return to Ukraine are: visiting relatives, checking goods and making documents. Recently, the trend of the displacement of refugees in the Transnistrian region has been noticed, due to low costs of living during the cold period of the year, especially for provision and rent.¹⁰

3. According to the national legal framework, the authorization of crossing the state border consists in recognising the legality of crossing the state border, and the grounds are valid travel documents provided for by the legislation on the exit from and entry into the Republic of Moldova, on the regime of foreigners in the Republic of Moldova, as well as other documents provided for by regulatory acts.¹¹ According to the legal provisions, the control at the state border crossing is to be carried out fully respecting human dignity, regardless of race, nationality, ethnic origin, language, sex, religion, opinion, political affiliation, wealth, social origin, disabilities, age or any other similar criterion.¹²
4. As the armed conflict has broken in Ukraine, the Commission for Exceptional Situations (CES) has made several exemptions regarding the entry, stay and exit of refugees from Ukraine to/in/from the Republic of Moldova, as reflected in previous reports.¹³ At present, the provisions of the CES decisions remain valid. Thus, crossing the state border to enter the Republic of Moldova is allowed ***without epidemiological restrictions***, and foreigners coming directly from Ukraine *are authorized to cross the state border upon submission of one of the identity documents, including expired ones*.¹⁴ On 4 May 2022, the CES limited the possibility of foreign citizens to cross the border to Ukraine, ***based on the documents with which they entered, only on one date***.¹⁵
5. Following the monitoring of state border crossing, cases of denying the entry into the Republic of Moldova for refugees missing passports or travel documents at the border crossing points with Romania, and also through the Chisinau International Airport, have

⁹ <https://data.unhcr.org/en/country/MDA>;

¹⁰ <https://data.unhcr.org/en/working-group/329?s=0&geo=680>;

¹¹ Art. 15 of Law no. 215/2011 on the state border of the Republic of Moldova;

¹² Art. 19(5) of Law no. 215/2011 on the state border of the Republic of Moldova;

¹³ http://ombudsman.md/wp-content/uploads/2022/05/Raport-nr.l-persoane-str%C4%83ine-refugiate-18_05_22.pdf;

<http://ombudsman.m/wp-content/uploads/2022/09/Raportul-NR-2-privind-monitorizarea-respectarii-dr-pers-refugiate-din-Ucraina.pdf>;

¹⁴ CES Decision no.l of 24 February 2022;

¹⁵ CES Decision no. 20 of 4 May 2022;

been found, which fall under the scope of the legislation on the legal regime of foreigners.¹⁶ Therefore, refugees who transited or left the Republic of Moldova to reach one of the EU countries under facilitated regime according to the CES Decision no. 1 of 24 February 2022, are unable to return to Ukraine through the Republic of Moldova as a transit country. In most cases these are mothers or grandmothers with children.

At the same time, by way of derogation from Law no. 200/2010 on the regime of foreigners in the Republic of Moldova, carriers that brought to the Republic of Moldova foreigners who do not meet the requirements for entering the territory of the Republic of Moldova, within a period not exceeding 24 hours from the moment of issuing the Decision to deny the entry to the Republic of Moldova, must ensure that they are transported to the place of boarding or to another place that foreigners accept and where they are accepted. The carrier is obliged to pay the expenses of provision and expenses of return of foreigners.¹⁷

By the CES Decision no. 55 of 22.12.22, the return of **Ukrainian citizens-refugees** to Ukraine was facilitated by authorizing, **until 1 February 2023**, the crossing of the state border to enter the Republic of Moldova through the Moldovan-Romanian border crossing points and by the air Chisinau crossing point, with the identity documents mentioned in point 1 of the CES Decision no. 1 of 24 February 2022. At the same time, they have been authorized to leave the Republic of Moldova for Ukraine with the documents on the basis of which they entered.

In the context of the above provisions, it is found out that the **status** of refugees from Ukraine **is associated** with the status of foreigners, which determines an unfair treatment, considering the risks to which the former are subjected and the conditions for which they left their country of origin.

It is appropriate to reiterate that *any person is free to leave any country, including his/her own country*.¹⁸ The freedom of movement is an indispensable condition for free development of the person.

As the entry of foreign citizens or stateless persons into the country may be restricted, the restrictions shall be consistent with the international human right commitments undertaken by the state concerned.

Restrictions of the exercise of rights are legitimate only if they meet the condition of necessity, *to protect national security, public order, public health and morality* and the condition of consistency with the other rights recognized in the International Covenant on Civil, Economic and Political Rights.¹⁹ Moreover, the restriction needs to be justified and to pursue a well-defined goal, or the **mandatory requirement** to have a passport or a travel document in an exceptional situation, such as armed conflict, **despite the existence** of another valid identity document, cannot be a requirement proportional to the stated goals. Contextually, the restriction shall not harm human dignity **or be associated with unfair treatment**. Similarly, the restriction to facilitate the crossing of the border only for a determined period is disproportionate as it is based on the same association above and is contrary to the legal purpose for which it is necessary.

¹⁶ <https://www.facebook.com/border.gov.md>; posted on 16 December 2022, at 07:41 a.m.;

¹⁷ CES Decision no. 54 of 16 December 2022;

¹⁸ Art. 12 of the International Covenant on Civil and Political Rights;

¹⁹ Art. 12 of the International Covenant on Civil and Political Rights;

6. The right to free movement is interdependent with the right to information, and the actual exercise of the latter involves positive obligations and responsibilities on the part of the State. As the source of information about the conditions of entry and exit for refugees, including in the light of the CES decisions, remains the official page of the border police of the Republic of Moldova, it is found out that the right to information is restricted from the part of the authorities. However, the official web page of the border police points to the **lack of clear and relevant information** on entry and exit requirements during the exceptional period for refugees. Moreover, both the CES decisions and the official website of the border police are accessible **exclusively in Romanian**.

CHAPTER II. MANAGEMENT OF THE REFUGEE CRISIS

7. To strengthen the national effort of managing the respective humanitarian situation, the SCMC had to develop the Plan of Management of the Influx of Refugees from Ukraine, (National Plan), and submit it for approval to the CES. Additionally, the CPA entities, which are part of the SCMC structure, had to develop activity plans for particular fields, according to the scenarios determined by the SCMC and based on the National Plan. The SCMC shall cooperate on issues related to public order with the National Center for Integrated Coordination of Public Order Actions, which operates under Government Decision no. 1206/2016.²⁰

As a result of the recommendation set out in the previous report to expedite the development and implementation of the plans concerned, before this report has been written, they had not been carried out. In the opinion of the People's Advocate, their approval would facilitate the unitary management by the involved authorities of the situation of refugees and would contribute to the prevention of possible violations of the rights of refugees.

CHAPTER III. TEMPORARY PROTECTION AND OTHER FORMS OF PROTECTION

8. According to the data of the Bureau of Migration and Asylum, in the period 24.02.2022 - 16.12.2022, **11,532 asylum applications** were processed.²¹ Reiterating the findings of the People's Advocate within the previous monitorings, situations have been found out where asylum seekers had indirectly to violate the legal framework of border crossing, or have faced direct limits of the right to free movement.²² At the same time, partial accessibility of refugees to the asylum system has been found.

²⁰ https://www.legis.md/cautare/getResults?doc_id=129492&lang=ro;

²¹ <http://bma.gov.md/ro/content/%E2%80%9Eprimul-la-datorie%E2%80%9D-%E2%80%93-mai-prezint%C4%83-activitatea-%C3%AEncep%C3%A2nd-din-data-de-24-februarie-prin>;

²² <http://ombudsman.md/wp-content/uploads/2022/09/Raporul-NR-2-privind-monitorizarea-respectarii-dr-pers.-refugiate-din-Ucraina.pdf>;

9. A factor that directly affects the access to asylum is **the limited access to information** regarding the procedure, rights and obligations of asylum seekers, as well as the benefits of obtaining it on the territory of the Republic of Moldova at border points.

In most cases, the accessible information in this regard is provided by the Law Center of Lawyers; however, it refers to the **legal assistance provided** in case where the person is interested in applying for asylum. It should also be mentioned that legal assistance is provided by the LCL representatives on the territory of the border crossing points. They have no special places arranged.

10. Partial mobilization of reservists declared by the Russian Federation from 21 September 2022 generated an increased influx of **Russian citizens** into the EU countries, which in turn applied travel restrictions for tourist and leisure purposes. Some countries remained open for certain categories of Russian citizens, journalists, dissidents, civil society representatives, people travelling for essential purposes, family members of EU citizens, etc.²³

Several people have tried to avoid mobilization in the Russian Federation leaving it to the Republic of Moldova, especially using the state border crossing point - Chisinau International Airport.²⁴ Although the 90-day term granted to the Russians for legal stay in the country has not been legally conditioned in any way by the CES, they have been denied the entry. As a result, the silent actions of the border police made foreigners to apply for asylum in order to enter the country.

11. The explanations of some refugees, who have notified the Ombudsman's Office, have **highlighted the reluctance and abuses on the part of the border police** in response to the intention to apply for asylum:

'After my friend and I have been denied the access to the territory of the Republic of Moldova, even though we had submitted documents confirming the presence of relatives, we have been taken to the sterile area, where we have not have access to water and food for a long time, and we have been allowed to go to the bathroom only with a security service representative, who has been often absent. After some time, UNHCR representatives have approached us and helped us to fill in the asylum application. After they have left, a worker has approached us (who has not introduced himself) and has threatened us 'you will not be given refugee status, you will only be apprehended here for a few days and will be deported. Don't create any impediments. I suggest you go to Turkey, buy a ticket and go.'

'After I had been denied access to the territory of the country, I has asked the representatives of the border police to talk to the chief, but I has been told 'he will not come to you'. Then I have asked the representative of the border police, who was overwatching me if it was possible to apply for asylum, and I has been told 'it's already late now. You should have been told this at the beginning, when the passport has been checked.'

²³ <http://www.zg.ro/business-international/evetia-ia-atitudine-si-suspenda-facilitatile-acordate-cetatenilor-21167626>;
<http://romania.europalibera.org/a/rusi-intrati-in-ue-fuga-mobilizare-razboi/32055693.html>;

²⁴ http://ombudsman.md/wp-content/uploads/2022/12/RAPORT-TEMATIC-Accesul-str%C4%83inilor-%C3%AEn-MD-PTF-AIC-2022_FINAL_FINAL_pe-site.pdf;

Also, during the monitoring at the BCP of the CIA, a case has also been identified, when the person who had applied for asylum has been denied it on the grounds that ‘*asylum is given to Ukrainian citizens only*’.

12. **Temporary protection** is an exceptional form of protection intended to ensure, in the event of a massive and spontaneous influx of displaced persons who cannot return to their country of origin, immediate and temporary protection for such persons, if there is a risk that the system of asylum would not be able to process this influx without adverse effects for its efficient functioning, in the interest of the persons concerned and others who need protection, **is still not granted**. Although, since the beginning of October 2022, the Government has drawn up a draft Government Decision on giving temporary protection, it has not yet been approved, therefore the temporary protection has not been implemented, and therefore it has been **delayed**.²⁵

During the working meeting of representatives of the relevant national authorities on the implementation of the recommendations of the People’s Advocate and the Consultative Council,²⁶ it has been mentioned that the provision of temporary protection **remains a current issue** and a determining factor due to limited funds.

The described situations lead to the conclusion that the delay in giving temporary protection, coupled with the restriction of certain rights and freedoms, further favours violations of fundamental human rights and undermines the institution of asylum.

CHAPTER IV. MANAGEMENT OF TEMPORARY PLACEMENT

13. According to the data of the Ministry of Internal Affairs,²⁷ as of **19 December 2022** there was a total of **87,289 foreign citizens** on the territory of the Republic of Moldova, of whom 43,960 were minors (citizens of Ukraine and other nationals who entered the Moldova-Ukraine border segment).
14. According to the data provided by the National Social Assistance Agenda (NSAA), as of 12 December 2022²⁸, **66 Temporary Placement Centres for Refugees (TPCRs)**, approved by the NSAA, operated throughout the Republic of Moldova. The reported capacity of the TPCR was 3,684 accommodation places, of which 2,415 were occupied, which is approx. 3% of the total number of refugees who were currently in our country.

25 <https://particip.gov.md/ru/document/stages/proiectul-hotararii-de-guvern-privind-acordarea-protectiei-temporare-numar-unic-771mai2022/9701>;

26 <http://ombudsman.md/news/recomandarile-avocatului-poporului-si-consiliului-consultativ-privind-respectarea-refugiatilor-puse-in-discutii-la-o-sedinta-de-lucru-cu-autoritatile-publice-nationale/>;

27 [Synthesis of the Ministry of Internal Affairs for 19 Friday December 2022. 10:00 h. | Ministry of Internal Affairs \(gov.md\)](#);

28 https://www.anas.md/wp-content/uploads/2022/12/REACH_MDA_Factsheet_RAC-Weekly-Needs-Monitoring_2022-12-12_RO.pdf;

3.1. Regulation of the Activity of Temporary Placement Centres for Refugees

15. On 24 February 2022, the Parliament of the Republic of Moldova declared the state of emergency on the entire territory of the Republic of Moldova for a period of 60 days.²⁹ The state of emergency has been later extended by Parliament Decision no. 105/2022, Parliament Decision no. 163/2022, Parliament Decision no. 245/2022, Parliament Decision no. 278/2022, this last time it was extended by Parliament Decision no. 330/2022 by 60 days starting from 6 December 2022.

On 24 February 2022, the Commission for Exceptional Situations of the Republic of Moldova³⁰ (CES) ordered:

- a. To local public authorities, public institutions, companies with state capital and trade union organizations to make available to territorial social assistance structures (TSASs) subordinated accommodation facilities to arrange temporary placement centres for refugees;
- b. To the National Social Assistance Agency to approve the creation of temporary placement centres and to develop their activity regulations;
- c. To territorial social assistance structures to designate community social assistants and social workers to serve the temporary placement centres;
- d. To the Ministry of Finance to allocate to the local public authorities of level I and II and to the Ministry of Labour and Social Protection the resources necessary for *adaptation and operation* of the accommodation facilities in the temporary placement centres, based on the requests of the territorial social assistance structures, which shall be centralized and submitted by the Ministry of Labour and Social Protection.

On 26 February 2022, by Order no. 21,³¹ the Ministry of Labour and Social Protection approved the Regulation on the Organization and Operation of the Temporary Placement Center for Refugees and the standard number of employees and expenditure standards. In accordance with point 3 and point 4 of Order no. 21/2022, the territorial social assistance structures shall submit to the NSAA, the request to create a Temporary Placement Center for Refugees, which shall be approved by the NSAA.

16. On 2 March 2022, the CES³² ordered the Commissions for Exceptional Situations of the Local Public Administration Authorities (CES - LPAs), to meet, to carry out the analysis of spaces that can be used for temporary placement of refugees and to inform within 12 hours the CES about the identified spaces, their condition and the list of needs for their arrangement and operation.

Although the regulatory framework for the organization and operation of TPCRs has been established, in fact many Centres have been opened based on the requests addressed

²⁹ Decision of the Parliament of the Republic of Moldova no. 41/2022 on the declaration of the state of emergency;

³⁰ CES Decision no.1 of 24 February 2022 (p. 19);

³¹ <https://www.anas.md/wp-content/uploads/2022/03/Ordin26022022.pdf>;

³² CES Decision no. 5 of 2 March 2022 (p. 4);

directly to the NSAA, without informing the territorial social assistance structures. Some centres operate without requesting permission from the authorities to create them.

17. In March, the CES ordered the ex officio closure of TPCRs not approved by the NSAA³³ in the case where the latter has not been notified about the organized accommodation of refugees. Previous monitorings have revealed the lack of a functional mechanism to identify centres that had not notified the authorities about their activity and how they would be officially closed ex officio. At the moment, **some centres not approved by the NSAA continue to operate**. This is important as the centres that have not been approved do not operate based on a regulation that includes certain activity standards, as well as, does not provide a clear and secure mechanism on the placement and living of people in these centres. Or, the authorization/approval of a centre offers better security in terms of protection and exercise of the rights of the persons accommodated in the centres (from accommodation conditions to exercise of other rights).

Following these findings,³⁴ the OPA has submitted to the CES³⁵ the recommendation *to revise point 12 of the CES Decision no. 12 of 25.03.2022 in order to directly determine the public authority responsible for identifying the locations not approved by the NSAA, where refugees are placed*. At the time of drafting this report, no functional mechanism for identification, evaluation and decision-making regarding further activity of unapproved centres has been determined.

During the monitoring visits, non-approved (non-accredited) centres have been identified, which were operating with obvious risks to the life and security of the beneficiaries, for example the 'Dumbrava Alba' centre in Balti municipality. After several notifications to the Single Crisis Management Center, which has been asked to intervene in order to ensure humanitarian assistance to the centre's beneficiaries, as well as, as a result of the Ombudsman's opinion addressed to the centre's manager regarding the implementation of the provisions of point 12 of the CES Decision no. 12 of 25 March 2022, the persons responsible for managing the centre have informed that they had submitted the necessary documents for its approval.

In this context, it is necessary to reiterate that the *decisions of the Commission for Exceptional Situations of the Republic of Moldova are binding on and enforceable for managers of the public central and local administration authorities, of economic operators, of public institutions, as well as citizens and other persons on the territory of the Republic of Moldova*.³⁶

Thus, since the head of the Local Public Authority of Level II *represents the district in relation to the Government and other central authorities and exercises the powers of chair of the Commission for Exceptional Situations*,³⁷ he/she has the primary obligation to implement the provisions of the decisions of the Commission for Exceptional Situations at local level.

33 CES Decision no. 12 of 25 March 2022 (p. 12);

34 <http://ombudsman.md/wp-content/uploads/2022/10/Raport-nr.2-ro.pdf>;

35 Letter of sending the Report (ref. no. 12-5/19-1746 of 25 August 2022);

36 Point 18 of the CES Decision no. 12 of 25 March 2022;

37 Art. 52(3) of Law no. 436 of 28.12.2006 on local public administration;

18. **The Regulation on the Organization and Operation of Temporary Placement Center for Refugees**, approved by the MLSP Order no. 21 of 26 February 2022 (*hereinafter the Regulation*), still remains the basic document that regulates the activity of the centres. Following the monitoring visits, it has been found out that the minimum standards established by the Regulation have been implemented in part. In this regard, the relevant authorities have been recommended to revise the minimum standards for temporary placement centres,³⁸ *taking into account the needs of people with special needs and other socially vulnerable groups (mothers with small children, elderly people, etc.)*. Despite the recommendation, at present, the situation in this regard **has not changed significantly**, as most centres have the same conditions as at the beginning of their activity.
19. Although recommendations have been previously made in order to increase **the visibility of the rights and obligations of refugees** accommodated in the centres, laid down in the Regulation, there are **no actions** in this regard. Moreover, during the monitorings, situations have been noticed when some representatives of the TSASs or managers of the centre, have been aware only about the standard request for accommodation in the centres of the beneficiaries, without knowing that this is a part of a Regulation.
20. In accordance with point 2 of the Regulation concerned, the Placement Center is a social structure engaged in managing the territorial social assistance structure. In fact, even if the established procedure for the creation and operation of the TPCR has been followed, it is found that **many centres have not received enough support from the TSAS in their activity**, therefore they had to manage themselves and solve the problems and challenges encountered independently.

3.2. Staff

21. The MLSP approved minimum recommended number of **staff units** for the temporary placement centres of refugees: 1 unit - person responsible for the centre's activity; 2 units - persons responsible for social assistance, who will work in shifts; 1 unit - medical assistant/doctor; 2 units - persons responsible for cooking, except for cases of contracted catering services; 1 unit - person responsible for keeping the rooms clean; 2 units - persons responsible for security and other maintenance services of the spaces of the centre, who will work in shifts.³⁹

The staff of temporary refugee placement centres shall be designated by the order of the head of the territorial social assistance structure. Staff salaries shall be paid in accordance with the provisions of Law 270/2018 and Decision No. 1 of the CES of 24 February 2022.

During the monitoring, it has been found that in some TPCRs no staff had been appointed by the TSAS. Thus, the activity of the centres created within educational institutions or student dormitories is managed by the employees of the respective institutes.

In some centres the managers would have been appointed by order, but in most cases, they are not involved in the direct activity of the centres (e.g., deans, heads of services within the territorial social assistance structures, heads of departments, etc.), thus, in fact the activity of the centres is carried out by other staff, for example superintendents of dormitories, principals of educational institutes, etc.

³⁸ Report no. 1 on the monitoring of the respect of the rights of foreigners from Ukraine in the context of the state of emergency for the period 25 February – 30 April 2022;

³⁹ <https://www.anas.md/wp-content/uploads/2022/03/Anexa-2-la-Ordin-Norme-1.pdf>;

Continuous monitoring reveals that the staff who also fulfil managerial duties are over-demanded. Most people do not know many aspects related to the implementation of the minimum standards established by Regulation no. 21/2022, as well as the rights of different categories of refugees. Thus, asylum seekers were identified in some centres, where neither the superintendents, nor the managers have been aware of the specifics of this status, and their rights.

22. An important role in ensuring the activity of the TPCR is played by **representatives of non-commercial organizations**, which support the staff of the centres. They are particularly involved in providing legal, psychological, social and primary medical assistance to the refugees. In some centres there are also volunteers, but their number has decreased compared to the initial number present in the centres.
23. As the monitoring of the temporary placement centres for refugees started, the People's Advocate has recommended the authorities to **ensure the training of the staff** responsible for ensuring the management of the TPCR, in order to prevent discrimination, hate speech and ensure equal treatment for all beneficiaries.⁴⁰

Despite the efforts of the authorities to strengthen the capacity of the TPCR staff, it is still observed that they do not have skills to interact with refugees, especially with people who are part of the most vulnerable groups, in accordance with the principle of non-discrimination and ensuring equal treatment. One often comes across expressions like *'we don't accept people with disabilities, because we don't have conditions. From the very beginning I tell them not to send them to me. We don't have an elevator to take them upstairs'* or *'we almost don't have Roma people, but the ones we have are clean and cared'*.

24. In conclusion, the capacity of the staff to fulfil the duties with respect to human rights, remains a major concern for the national authorities.

3.3. Beneficiaries' Record Keeping

25. Refugees are accommodated based on the request for placement, according to Annex No. 2 to the Regulation on the Organization and Operation of the Centres. Based on the requests, the Centre's administration is obliged to prepare a Book of Beneficiaries' Records. A large number of the requests for placement are gathered in folders. The Regulation stipulates that the manner of recording, maintaining and keeping the files is determined by the order of the head of the TSAS. During the monitoring, it has been found that there were no orders on how to keep records, maintain and keep the files.
26. In accordance with the provisions of point 3 letter h) of the Regulation on the Organization and Operation of Placement Centres, service providers shall create conditions to ensure the confidentiality of information on personal data of the beneficiary, his/her family members and subordinate staff.

⁴⁰ http://ombudsman.md/wp-content/uploads/2022/05/Raport-nr-persoane-str%C4%83ine-refugiate-18_05_22.odl;
<http://ombudsman.md/wp-content/uploads/2022/10/Raport-nr.2-ro.pdf>:

According to the previous findings⁴¹, no recommended conditions have been found in the centres. At the time of drawing up this Report, that situation has not changed.

During the monitoring visits, the lack of specially arranged spaces for safe keeping of personal data is still noticed. In most cases, the information collected is kept in various places, such as the reception of the placement centres, the offices of the territorial social assistance structures, the service offices of the persons who manage the activity of the centres, even if officially, the persons are not employed at the centre.

Situations have been observed, in which the beneficiaries' data were kept in different notebooks, on rough papers or even in personal phones. In some centres, the staff has told that the record book was only electronic, in others has told it was only on paper, but mixed records were also kept.

In conclusion, there is no a coherent, predictable and safe process for the preservation of personal data in the TPCR. In the same way, it is not clear if there is a unique and secure database that would keep the records of the beneficiaries in the placement centres.

3.4. Temporary Accommodation

27. By the MLSP Order no. 21/2022, some **minimum standards** were approved for **temporary placement centres for refugees**.⁴²
28. The first standard refers to the organization of TPCRs in separate buildings or their segments, intended exclusively for serving refugees. Following the monitorings, several centres have been observed that had been created in student dormitories, religious institutions, hotels, specialized institutions, where both refugees and students, hotel clients, other beneficiaries, etc. had been accommodated. The segmentation of buildings in these cases is more formal.

Although almost a year has passed since the outbreak of the conflict, **the re-evaluation of the premises intended for the placement centres**, in order to determine their compliance with the minimum standards approved by the MLSP, has not been carried out yet.

29. Another standard sets forth that the centres shall be provided with water, sewerage, heating, natural gas (if applicable), electricity, ventilation systems, natural lighting and shall have an authorization of operation. During the monitoring, a temporary placement centre for refugees has been found that had not been approved by the NSAA, and where the rooms of the beneficiaries, mostly mothers with children, have not been connected to the heating system, despite the low temperatures outdoors.
30. Likewise, according to the minimum standards, the Centres shall have space and furniture for sleep; bed linen; space and furniture for meals; dishware of first necessity; sanitary unit; shower; space for keeping the personal belongings of the beneficiaries.

During the monitoring visits, the following has been observed: the existence, in some centres, of common sanitary units for men and women, in some cases, their doors could not be locked from the inside.

⁴¹ <http://ombudsman.md/wp-content/uploads/2022/10/Raport-nr.2-ro.pdf>.

⁴² <https://www.anas.md/wp-content/uploads/2022/03/regulament-centru-refugiati-rom.pdf>;

Likewise, it has been found that most TPCRs **do not have separate spaces for keeping goods** of the beneficiaries, keeping them in the bedrooms. In many cases, the personal belongings of the beneficiaries are excessive, and occupy too much space in the accommodation rooms.

31. Another mandatory requirement is that people must be accommodated in rooms based on gender criteria, with the exception of members of a family (keeping the nuclear family) or declared couples, who are accommodated in the same room. During the monitorings, no deviations from this provision have been observed. A particular situation is represented by Roma families for whom the family is not limited to the nuclear family, but includes the extended family, and therefore the Roma people who form an extended family often request accommodation in the same room. Most often, requests for accommodation in a room of Roma families are disregarded and ignored, due to the lack of rooms with a large capacity for accommodation.
32. An important aspect in ensuring the TPCR activity is the financing mechanism for the temporary placement centres for refugees, approved on 21 March 2022 by the MLSP Order no. 29.⁴³ According to it, expenses may be financed from funds allocated by the founding entities, as well as by the Government's Intervention Fund, only if the resources allocated by the founder are insufficient or the founder (non-budgetary entity) has concluded a service contract with the MLSP.
33. Many people at the TPCRs have told that they have needed warm clothes and footwear for the cold period of the year. The financing mechanism of the temporary placement centres for refugees, according to Annex no. 3 to the MLSP Order no. 21/2022, provides that these expenses are eligible and can be covered from the Government's Intervention Fund. However, in fact these expenses are not covered by the financing mechanism. Partially, the necessary clothes and shoes are provided by donors.
34. In most of the visited centres, the persons responsible for their activity have told that they had the impression that the financing mechanism was difficult, as there had been often 3-4 months delay in labour remuneration and provision with hygiene products, etc.

It is also found that estimation of maintenance expenses of the TPCRs is difficult, especially for goods and services, such as consumption of: electricity, gas, heat, water and sewerage, other utilities. This is due to the fact that the TPCRs, which are organized within other institutions, do not have separate meters, which would account for utility expenses, for example, only on one floor of the building, or only in some rooms, etc.

The hotline for refugees from Ukraine 080080011 has been created to facilitate accommodation of refugees. However, during the monitoring it has been found that the activity of the green line has not often met the needs of the beneficiaries. Thus, phone calls have been received from refugees from Ukraine, in which they have said that although they had been directed, through the Green Line, to stay in a certain centre, the TPCR staff has refused to accommodate them.

Despite the previous recommendation addressed to the national authorities to prioritize the objectives for accommodation in the administrative and territorial areas located near the state border with Ukraine, the situation in this regard remains unchanged.

⁴³ <https://www.anas.md/wp-content/uploads/2022/03/Mecanismul-de-finantare-a-CRTR-aprobat-prin-Ordin-MMPS.pdf>:

A change in the mechanism for the distribution of refugees in the TPCRs is the establishment by the Single Crisis Management Center of the **Center of the Week**. The mechanism provides for the designation every week of a centre responsible for the accommodation of refugees in each of the 3 regions of the country (south, centre and north).

The new mechanism for the distribution of refugees does not take into account their particular needs, who, for example, require accommodation in a place close to Chisinau, for preparation of documents, for special health care or access to transit transport to the EU. At the same time, the uneven distribution of the refugees is observed, which leads to an excessive number of beneficiaries in some centres, while others, in some cases, have just up to 10 accommodated persons.

The monitoring of the temporary placement centres in Balti showed the lack of ethnic Roma refugees in them; this phenomenon would be due to the unofficial indication of the local public authority not to admit Roma people for accommodation in the centres.

By virtue of the created mechanism, the results of the monitoring visits show another flawed process, and namely the **uneven distribution of refugees**, as most of them are accommodated in temporary centres in Chisinau municipality, regardless of their intentions. Thus, there is a surplus of beneficiaries in some centres, while others, in some cases, have up to 10 beneficiaries.

Therefore, there are situations when the distribution of goods and/or the provision of humanitarian services in some centres are excessive, while in others they are not enough.

There are cases where the managers of the centres do not accommodate new refugees, because they reserve places for those who temporarily leave the country for Ukraine. Moreover, the green line is not the only mechanism for distribution of beneficiaries among the centres, they often recommend certain centres to close people or relatives for accommodation.

In conclusion, the accommodation mechanism for refugees is still deficient. The minimum standards for the proper functioning of the centres are not always complied with, the staff in the centres is not always competent to provide qualified assistance from a human rights perspective, the beneficiary distribution mechanism does not take into account the particular needs of the refugees.

3.5. Safety and Security of Accommodated Persons and Their Goods

35. In accordance with the provisions of point 30 of the Regulation approved by the MLSP Order no. 21/2022, the exercise of the rights of the accommodated persons shall not harm the rights and legitimate interests of other persons, including other accommodated persons, as well as shall not violate the manner and conditions of operation of the centres.
36. According to letter i) of point 29 of the Regulation mentioned above, the beneficiaries can leave and return to the centre by informing the staff. Between 22:00 h. and 7:00 h., people shall refrain from any actions that would disturb the peace or cause any other disturbance to the people accommodated in the Center.

37. According to the Regulation, people shall not temporarily leave the centre for over 48 hours. However, during the monitorings, the staff of the centres has told that many refugees often travel to Ukraine and leave the centre for a week or even more and then return. At the same time, it is noted that in some cases the beneficiaries do not submit requests to leave the centre for a period longer than 48 hours. The reason is that the staff of the centres is not aware of the obligation to document the absence or the beneficiaries leave without inform the staff in due time.
38. To ensure the security of the Center, the accommodated people, as well as those who come to visit them, upon request, are obliged to present the goods held with them so as not to allow bringing into the premises of the Center white weapons and firearms, explosive substances, toxic or narcotic drugs, as well as alcoholic beverages. If such situations are detected, the staff of the Centres or the guard is informed to take appropriate measures.

Although the standard number of employees provides for a minimum of 2 persons responsible for guarding and for other services of maintaining the centre spaces, who will work in shifts, it is found out that **in most centres there is no specialized staff employed for guarding**. Security is provided formally, usually by receptionists, porters. In most cases, these people do not have the appropriate training to identify toxic, narcotic substances, etc. In case of some incidents, the police is called, which, according to the staff of the centres, often hesitates to apply sanctions and intervene according to the law.

39. Another issue related to the safety of the temporary placement centres is the **surveillance systems** installed in them. Although their purpose is to ensure their security, however, cases of violation of the right to private life, i.e. privacy have been identified. In some centres with common accommodation space, without providing customized rooms, and in the absence of delimitation in the special surveillance areas, continuous 24/7 video recording of the beneficiaries has been admitted. Moreover, it has not been possible to determine the person responsible for the processing of personal data obtained following the registration of the beneficiaries, as well as the place of storage of recorded information.

Despite the previous recommendations addressed to the national authorities to ensure legal mechanisms for storage and processing of personal data of the beneficiaries from the temporary placement centres, the situation remains unchanged.

40. Previous findings highlighted individual situations of aggressive behaviour within the temporary placement centres, with the involvement of people who offered volunteer services. To avoid risks that may affect the life and integrity of the refugees, recommendations have been submitted to the national authorities to identify a mechanism of accountability and improvement of the manner of provision of volunteer services.⁴⁴ At the moment, a protection and safety mechanism in this regard is being worked out.

⁴⁴ Report no. 1 and no. 2 on the monitoring of the respect of the rights of refugees (foreigners) from Ukraine, <http://ombudsman.md/rapoarte/tematice/>;

3.6. Hygiene

41. According to the standard number of employees, approved in Annex no. 2 to Order no. 21/2022, each centre shall have at least 1 staff unit responsible for taking care of the rooms. During the monitoring visits, it has been found that, in most cases this rule is complied with. Sanitation in common spaces is provided by the staff of the centres or, for example, in case of student dormitories, hotels, school institutions - by cleaning staff or service staff, etc. However, centres have been identified where there was no person employed or responsible for the sanitation of common spaces, and this responsibility has been entirely taken over by the refugees.

Moreover, in some centres hygiene products necessary for the sanitation of the common spaces have also been missing, and have been bought with the money of the refugees.

Although the accommodated persons are obliged to comply with sanitary and hygienic rules, in many cases the staff of the centre have reported difficulties in checking and ensuring compliance with them in the living rooms of the centres. We consider that this is due to the fact that the beneficiaries are not made aware of their rights and obligations during their accommodation in the centres, or the employees of the centres, as in the case of the police, do not intervene as they do not want to have problems.

Likewise, it has been noticed that not all centres provide separate bathrooms and toilets for women and men. Some WCs do not close from the inside, which creates potential laughing situations. Moreover, there are bathrooms and toilets intended for common use, not just for refugees. Some bathrooms are arranged outside the building, the access to them is not facilitated for all categories of people. Moreover, they are not intended to be used in the cold period of the year, and this creates discomfort especially for women, children, elderly or disabled people.

3.7. Food Security and Nutrition

42. Food for the accommodated people is still provided to a large extent through the catering system. As a whole, the beneficiaries are satisfied with the quality of the food. It is further noticed that there is no a menu specially adapted for children, but most centres have reserves of food products for them (fruit purees, vegetables, porridges, powdered milk, etc.), which have been donated.

Also, there are no menus adapted for people who require a special diet for health reasons. A solution in this regard are the vouchers offered by NCOs for procurement of additional food products. Likewise, the refugees from Ukraine, regardless of whether they are accommodated in the TPCRs or in host families, continue to benefit from a monthly financial aid in cash provided by the UNHCR Moldova in the amount of \$ 120 (2,200 MDL).

43. The visited centres are mostly provided with food serving areas provided with minimum necessary items, tables, chairs, microwave ovens, kettles, refrigerators, etc. They are provided with drinking water.

3.8. Medical Assistance

44. In accordance with the CES decisions, foreign citizens-refugees from Ukraine, who are not holders, have the right to reside in the Republic of Moldova, to benefit from medical assistance, in cases of surgical and COVID-19 emergencies.

Additionally, based on the Partnership Agreement concluded between the National Health Insurance Company (NHIC) and the United Nations Population Fund (UNFPA), refugee women from Ukraine, aged between 18 and 55, may benefit from the medical services included in the Single Compulsory Health Insurance Programme (SCHIP).

Also, children aged between 0 and 18, who are refugees from Ukraine, may benefit from medical services included in the Single Compulsory Health Insurance Programme, contracted by the National Health Insurance Company (NHIC) from medical service providers included in the SCHIP system.

At the same time, the refugees from Ukraine who need dialysis services can benefit from them, according to the Single Compulsory Health Insurance Programme.

We find out that most of the monitored placement centres do not have first-aid rooms in their premises. If necessary, people go to Territorial Medical Public Health Institutions to benefit from primary and specialized outpatient medical assistance. In urgent cases, they call 112.

During the discussions held both with the staff of the centres and with the refugees, it has been found out that most of the accommodated people know the family doctors they can turn to. In some centres, their contact details are displayed.

45. As regards the availability of medicines, paramedical products, consumables (e.g. tests, insulin for diabetics) at the centres, they are not enough or even missing in some cases.

In some centres, various international organizations offer medical consultations and necessary essential medicines.

One of the problems noticed by the beneficiaries is the lack of medical documentation showing the existing chronic diseases, therefore medical re-examinations are required to continue treatment.

46. During the previous monitorings, the People's Advocate recommended the authorities to develop some mechanisms for the identification and referral of refugees with mental health problems, based on compliance with the rules of ethics and confidentiality of medical data, with the provision of specialized services, but this has not been achieved so far.

3.9. Employment

47. During the state of emergency, Ukrainian citizens have the right to work on the territory of the Republic of Moldova without obtaining the right of temporary residence for employment purpose. The employment of Ukrainian citizens will be based on the individual employment contract for a fixed period of time during the state of emergency.

According to the updated information about the notifications of economic operators about employment of Ukrainian citizens, as of 05.12.2022⁴⁵, the National Employment Agency received notices from the economic operators about the employment of **911 citizens from Ukraine**, of whom **670** are women and **241** are men. Most of the Ukrainian citizens registered with the NEA are employed in: Chisinau (**679**), Gagauzia TAU (**45**), Balti (**31**), Ungheni (**19**), Cahul (**18**), etc.

More than 180 employers have reported their willingness to employ Ukrainian citizens, declaring about **2,400 jobs** available for these people.

More than 700 Ukrainian citizens are registered with the territorial subdivisions of the NEA to receive employment support.

Following the monitoring, it is found that the small number of employed people is due to several factors:

circumstances:

- the uncertainty regarding the duration of the war affects the ability to plan life in the medium and long ter;
- for the majority of the refugees from Ukraine, Moldova is a temporary refuge, as they constantly intend to return to Ukraine as soon as possible;
- the majority of the refugees able to work are women, mothers, who have children and other dependents to care about;

structure:

- employment only for a determined period (during the state of emergency) affects predictability and security regarding the near future;
- in the absence of temporary protection, the right to education is only partially ensured in the Republic of Moldova, therefore mothers have to supervise children who are mostly involved in the online educational process in Ukraine;
- the lack of specialized nursery services arranged within the TPCR premises that would allow mothers to work;
- the lack of a simple, predictable and non-discriminatory procedure for opening a bank and salary card.

⁴⁵ <https://anofm.md/ro/node/20103>;

3.10. Social and Economic Integration of Refugees

48. Due to the exemptions approved by the CES during the state of emergency and during up to 90 days after its expiration, Ukrainian citizens, stateless persons recognized by Ukraine and their family members have been allowed to stay on the territory of the Republic of Moldova.

People who want to apply for the right of residence for employment purpose have been exempted from the obligation to pay an average salary per economy and the state tax (1,400 MDL), and the right of temporary residence for education purpose is granted without requiring the document confirming the availability of means of subsistence.

Other legislative derogations facilitating the integration of refugees have not been made, which leads to complete impossibility of exercising the right to integration of refugees on the territory of the Republic of Moldova. Activities aimed at facilitating the social integration of refugees, such as organization of courses to study the state language, visits to museums, libraries, theatres, are mostly carried out by NCOs.

CHAPTER V. SITUATION OF REFUGEE CHILDREN

49. As of 30 September 2022, according to the data centralized by the Ministry of Education and Research, provided by the local specialized education bodies (LSEBs), 1,782 refugee children from Ukraine have been enrolled in the 2022-2023 academic year in schools and kindergartens in the Republic Moldova, including 1,156 pupils and 626 preschoolers⁴⁶. 625 children attend primary education institutions, 505 pupils are enrolled in gymnasiums and 26 are enrolled in high schools, i.e. in 226 general education institutions throughout the country. Education is provided in Romanian and Russian. Thus, from the total number of pupils enrolled in general education institutes, 160 study in Romanian and 996 in the Russian language.

As regards extracurricular activities, according to the same source, 114 children participate in extracurricular activities organized at 18 extracurricular educational institutions in the Republic of Moldova.

According to the order on the enrolment in general education institutions of children from refugee families from Ukraine,⁴⁷ **schooling is available only to children, whose parents or legal representatives have applied for asylum.**

As the majority of refugees from Ukraine **do not have a legal status** offered under Law no. 270/2008 on asylum in the Republic of Moldova, their children can attend educational institutions **as auditor**, which does not correspond to educational standards provided by for the Code of Education and does not allow obtaining an educational document. Therefore, there is an **unjustified limitation** of the right to education and, respectively, a violation of the child's right to education.

⁴⁶ [Ministry of Education and Research | Government of the Republic of Moldova \(gov.md\)](https://mre.gov.md/);

⁴⁷ https://mec.gov.md/sites/default/files/ordin_mec_178_institutiune_0.pdf;

In the cold period of the year, it is more difficult to organize recreational and educational activities in the temporary placement centres, because there are not enough spaces for parallel activities. Most of the centres have a room for children. Cases of limited access to sports activities have been reported; many children come from urban settlements where they attended various sports classes, and here they are limited possibilities to continue these activities.

Previous findings have shown that most refugee children from Ukraine choose to study online. There are such situations in Romania as well. Classes are organized by the educational institutions where they studied in Ukraine and they are provided with access to educational platforms and resources created and coordinated with the Ministry of Education and Science of the neighbouring country. This situation is due to the fact that immigrants do not have legal status in the Republic of Moldova, they do not choose to get enrolled in schools and support the idea of continuing their studies online.

However, during the monitoring of the placement centres, the managers have noted that many children have been dissatisfied with online classes, because sessions are short, and Ukrainian teachers are stressed and try to end the classes faster.

Some children are interested in studying in Romanian, but they are not sure that they will succeed in acquiring the curricular objectives due to language barriers.

Likewise, as regards the Ukrainian children studying at Russian schools, conflicts arise between the children regarding the causes of the war, and the Russian curriculum provides for the study of the Russian culture, which could be considered an offense for Ukrainians.

50. During the monitoring at the TPCRs, it has been observed that in some centres rooms had been properly created especially for online classes. They are provided with laptops, computers, Internet connection. However, there are also centres missing spaces arranged for online education, children connect to classes through their personal phones, and the Wi-Fi network is missing or faulty.

Safety of refugee children at the temporary accommodation centres and their legal representation on the territory of the country are not fully ensured. Thus, during the monitorings, cases have been identified in which refugees had been accommodated in the centres without having documents of legal representation of the minors they accompanied. It should be noted that for such situations there is no legal mechanism, which provides for the procedure of cooperation between the managers of the centres and the guardianship authorities.

51. When **crossing the border to enter the country**, the Border Police during control identify **children in situations of risk** (unaccompanied children, children accompanied by an unauthorized companion, children missing documents, any other categories of children exposed to risks). In case of unaccompanied children or children accompanied by an unauthorized companion, the Border Policy informs the appointed person responsible from within the territorial guardianship authority, who is working at the BCP.

The Regulation on the establishment of the intersectoral cooperation mechanism for the identification, assistance and monitoring of children in situations of risk, coming from Ukraine during the outbreak of the armed conflict, adopted by the CES Decision no. 14 of 14.04.2022, assigns to the persons designated by the territorial guardianship authorities the responsibility to promptly assess the best interest of the child, in order to prevent situations of risk for the child.

During the monitoring, the persons appointed to assess child abuse situations have reported that many children had been accompanied by grandparents, aunts, relatives, missing a legal document that would confirm the right to accompany the children. Being asked why they do not have the respective documents, most of them have answered that they had not known about the requirement to hold such documents. Thus, the lack of correct information regarding the obligation of legal representation of children when crossing the state border leads to overloaded intersectoral mechanism for identification, evaluation and protection of unaccompanied or separated children.

52. After the assessment, unaccompanied children are referred to the professional parental assistance services, in coordination with the territorial social assistance structures in the districts of Orhei, Donduseni and Causeni where specialized PPAs for refugee children carry out their activity. However, it has been found that at night the coordination process becomes difficult due to the lack of transport, therefore the identified unaccompanied children are placed in a temporary accommodation centre near the border crossing point. This situation can put children at safety risks.
53. The situation of children staying in families remains unknown. In some localities, the territorial social assistance structures maintain a list to offer them humanitarian aid. There is no information about how they are treated in families, if they are informed and know about the mechanism for reporting violent acts and the support services available in such situations.

CONCLUSIONS

Following the monitoring of the respect of the rights of refugees in the context of the armed conflict in Ukraine, the Office of the People's Advocate has submitted so far to the national authorities **37** recommendations. Of the total number, **5%** of them have been implemented, **27%** have been partially implemented, **63%** have not been implemented, and **5%** are no longer relevant. Most of the recommendations have been aimed at preventing the risks that may generate human rights violations. In other cases, the recommendations have been aimed at ensuring the protection of refugees and restoring their rights.

Thus, the Office of the People's Advocate appreciates the decision of the authorities to facilitate the crossing of the state border by foreigners coming from Ukraine with expired internal identification documents, their copies or their electronic versions (diia.gov.ua). However, the restrictions recently admitted by the authorities when the crossing of the state border by refugees - Ukrainian citizens are neither proportionate, nor justified in the context of the exceptional situation.

Delaying the provision of temporary protection further undermines the institution of asylum and violates human rights. The decision of the national authorities to admit derogations through the Commission for Exceptional Situations does not provide a sustainable framework for the integration of the refugees.

The full exercise of the right to education on the territory of the Republic of Moldova by refugee children is impossible, or the opportunities offered to them by the State do not meet the educational standards provided for by the Code of Education.

Temporary placement management is still flawed. Although the National Social Assistance Agency, through the territorial social assistance structures, has been appointed responsible for the management and administration of the Placement Centres for Refugees, its involvement in these activities is formal, as the responsibility is ultimately passed to the founders of the centres.

Thus, the management of the centres remains conditional on limited financial and human resources, and the standards established by the Regulation approved by the MLSP Order no. 21/2022, are partially ensured. The authorities are still not actively involved in preventing any form of violation of human rights, as mostly they intervene only in notified cases.

RECOMMENDATIONS:

To the Government and the Commission for Exceptional Situations of the Republic of Moldova

1	Revision of the provisions of point 8 of the CES Decision no. 55 of 22.12.22 with the exclusion of the phrase 'till 1 February 2022' in order to ensure the right to free movement;
2	Urgent approval of the Government Decision on giving temporary protection to the refugees from Ukraine, as an instrument guaranteeing the exercise by refugees of certain rights enshrined by law;
3	Revision of point 12 of the CES Decision no. 12 of 25 March 2022 with the establishment of a mechanism for identification of temporary placement centres not approved by the NSAA, intended for the refugees;

To the Ministry of Internal Affairs the General Inspectorate of the Border Police the Bureau of Migration and Asylum

4	Provision of information on the website of the border police, in one of the international languages (English, Russian) and preferably in Ukrainian, about the conditions for crossing the state border by the refugees, in the light of the exemptions approved by the CES;
5	Ensuring the visibility of the information about the rights and obligations of asylum seekers, at the Border Crossing Points, in one of the international languages (English, Russian) and preferably in Ukrainian, for the refugees from Ukraine;
6	Creation and provision of specially arranged spaces intended to provide legal assistance to all asylum seekers at the Border Points;

To the Ministry of Labour and Social Protection

7	Ensuring the continuous training of the appointed staff, depending on the duties and responsibilities of the position held within the centres, based on the principle of the approach based on human rights;
8	Adjusting the financing mechanism of the centres, in order to easily apply it in a reasonable time;

To the Ministry of Health

9	Urgent development of a mechanism for identification and referral of people with mental health problems;
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To the Ministry of Education and Research

- 10 Ensuring the exercise of the right to education of refugee children according to the Code of Education;

To the Single Crisis Management Center the Local Public Authorities

- 11 Synchronization of data entry into the Green Line system (or creation of a software) that would allow identifying available, occupied and reserved places in the placement centres;
- 12 Ensuring a single mechanism for fair distribution of goods and services within the centres in accordance with their needs;
- 13 Ensuring and supplying, as needed, essential medicines, paramedical products, consumables (tests, insulin for diabetes patients) within the centres;

To the local Commissions for Exceptional Situations

- 14 Evaluation of the Temporary Placement Centres for Refugees approved by the NSAA, in order to determine their compliance with the minimum standards established by the Regulation approved by the MLSP Order no. 21/2022;

To the Territorial Social Assistance Structures

- 15 Designation by order of representatives of the Territorial Social Assistance Structures so as to ensure the required support for the proper functioning of the temporary placement centres for refugees;
- 16 Appointment by order of the staff within the temporary placement centres for refugees, in accordance with the minimum standard number of employees recommended and approved by the MLSP;
- 17 Approval of orders on the way of keeping records, maintaining and keeping the files of the refugees accommodated in the centres;
- 18 Regular monitoring of the situation of the refugees from Ukraine, in particular women, children, private households, in order to prevent possible risks (trafficking in human beings, abuses);

To the Temporary Placement Centres

19	Ensuring the visibility within the temporary placement centres of the information about the rights and obligations of the beneficiaries, in one of the international languages (English, Russian) and preferably in Ukrainian;
20	Ensuring information against signature about the rights and obligations of the beneficiaries in the temporary placement centres for refugees during accommodation;
21	Continuous assessment of needs of the beneficiaries within the centres;
22	Provision in the placement centres of separate sanitary units for men and women, including doors that close from the inside;
23	Ensuring the respect for the private life of people accommodated in the temporary placement centres, by installing video cameras in spaces where they do not affect the privacy of the beneficiaries;
24	Ensuring the actual application of the mechanism for the beneficiaries to leave the centres for a period longer than 48 hours, in accordance with the MLSP Order no. 21/2022;
25	Regular monitoring of the situation of the refugees from Ukraine, especially women, children, accommodated in the private environment, in order to prevent possible risks (human trafficking, abuses).

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