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**REPORT no. 2**  
**on monitoring the observance of the rights of refugees from Ukraine in the context of the**  
**state of emergency for the period May - July 2022**

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This Report has been drafted by the People's Advocate Office with the participation of members of the Advisory Council for the Prevention of Violations of the Rights of Refugees from Ukraine, established by the People's Advocate Office.

Organizations and initiative groups involved in the process of monitoring and reporting on the observance of the rights of refugees from Ukraine:

- People's Advocate Office ( PAO);
- Council for Prevention and Elimination of Discrimination and Ensuring Equality;
- Law Center of Advocates (LCA);
- Moldova for Peace;
- Promo-LEX;
- Women's Law Centre (WLC);
- Institute for Penal Reforms (IPR);
- "*Memoria*" Center;
- Center for Policies, Initiatives and Research "Platforma";
- Coalition for Inclusion and Non-discrimination;
- Centre for Policies and Reforms (CPR).

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## **ABBREVIATIONS**

MIA - Ministry of Internal Affairs

CES - Commission for Exceptional Situations of the Republic of Moldova

NASA - National Agency for Social Assistance

BMA - Bureau for Migration and Asylum

UN - United Nations

EU - European Union

CUGC - Single Crisis Management Centre

ANTA - National Agency of Road Transport

ANSP - National Agency for Public Health

STAS - Territorial Structure of Social Assistance

MLSP - Ministry of Labour and Social Protection

MoH - Ministry of Health

MEC - Ministry of Education and Research

NCPDP - National Center for Personal Data Protection

CPTR - Temporary Placement Centre for Refugees

PHI - Public health institution

CPA - Central Public Administration

LPA - Local Public Administration

SBCP - State Border Crossing Point

CALM - Congress of Local Authorities of Moldova

UNDP - United Nations Development Programme

OSCE - Organization for Security and Cooperation in Europe

## EXECUTIVE SUMMARY

According to the updated official data, in the period 24.02.2022 - 14.08.2022,<sup>1</sup> a total of 571,011 foreign citizens entered the territory of the Republic of Moldova, of which 80,904 remained, 42,637 of them minors.

Since the early days of the refugee crisis, caused by the Russian Federation invasion of Ukraine, the People's Advocate Office has been monitoring the situation of displaced persons from Ukraine and the way Moldovan authorities are fulfilling their international human rights obligations in their respect. To this end, an Advisory Council for the Prevention of Violations of the Rights of Refugees from Ukraine was established and tools for monitoring the rights of refugees were developed.

On May 18, 2022, the People's Advocate's Office and the Advisory Council released their first Report on the monitoring of observance of the rights of refugees from Ukraine in the context of the state of emergency for the period February 25 - April 30, 2022.<sup>2</sup> The report included the main findings on the observance of the rights of persons displaced from Ukraine due to the war and a number of recommendations addressed to the national authorities involved in the management of the crisis situation and the influx of foreigners. The recommendations focused in particular on improving the management mechanisms and achieving a high level of respect for the human rights in respect of the refugees from Ukraine.

In the period that followed, the monitoring of the situation of refugees from Ukraine from the human rights perspective remained a priority of the People's Advocate and the Advisory Council.

**The purpose** of this Report was to monitor the *follow-up* actions of the national authorities involved in the management of the influx of foreigners, to the recommendations of the People's Advocate formulated in the previous report, as well as to monitor the respect of the rights of refugees from Ukraine, in the context of ensuring the legal guarantees established by international and national standards.

**The objective** of the report is to identify shortcomings and/or impediments that create certain risks in the process of ensuring the rights and freedoms of refugees by the national public authorities, and to formulate constructive recommendations necessary for the proper management of the refugee situation.

**The monitoring methodology** consisted of the analysis of legislation, existing standards in the field of management of an influx of foreigners/refugees, the decisions of the Commission for

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<sup>1</sup> <https://mai.gov.md/ro/news/sinteza-ministerului-afacerilor-interne-pentru-15-august-2022-ora-1000>;

<sup>2</sup> [http://ombudsman.md/wp-content/uploads/2022/05/Raport-nr.1-persoane-str%C4%83ine-refugiate-18\\_05\\_22.pdf](http://ombudsman.md/wp-content/uploads/2022/05/Raport-nr.1-persoane-str%C4%83ine-refugiate-18_05_22.pdf);

Exceptional Situations of the Republic of Moldova (CES), the regulations of temporary placement centres for refugees, the analysis of services provided by temporary placement centres and data collection. At the same time, the monitoring methodology included *ex officio* documentation - analysis and generalization of information submitted by public authorities, analysis of relevant legislation and internal regulations; **26 monitoring visits** to temporary placement centres for refugees; **7 documentation visits** to territorial social assistance structures; **5 monitoring visits** to state border crossing points; **7 visits** to locations other than NASA-approved centres where refugees were accommodated; **discussions with refugees and public actors**, as well as **analytical work**.

**Monitoring period:** May - July 2022. The Report is the product of the People's Advocate Office, in consultation with the members of the Advisory Council.

## I. MANAGING THE CRISIS OF REFUGEES FROM UKRAINE

1.1 In the first monitoring report on the process of management of refugees from Ukraine, the PAO found that the Moldovan authorities did not apply the **national Mechanism for the unified and coherent management of the situation in the event of an increased influx of foreigners**, as approved by Government Decision No. 1146/2017.<sup>3</sup>

Instead, the CES created a Single Crisis Management Centre, CUGC, which was tasked with carrying out the necessary measures for the timely management of the influx of refugees from Ukraine (receiving, accommodating and ensuring their transit, accumulating and managing the humanitarian assistance received, generalizing and disseminating data and information to the general public).<sup>4</sup>

In order to facilitate the process of integrating the national efforts to manage the humanitarian situation, the CUGC was to draw up the management Plan for the influx of refugees from Ukraine (National Plan), and submit it to the CES for approval. In addition, the CPA entities within the CUGC structure were to develop work plans on their respective areas of intervention, in line with the scenarios drawn up by the CUGC and based on the National Plan. On public order issues, the CUGC is to cooperate with the National Centre for Integrated Coordination of Public Order Actions, which operates under Government Decision No. 1206/2016.

During the initial monitoring it was established that CUCG did not have a National Action Plan.<sup>5</sup> As a consequence, the action plans on thematic areas were also missing. The monitoring report included the findings and recommendations to this effect.<sup>6</sup>

In response to the recommendations, the MIA communicated that the **Mechanism** provided for by Government Decision No. 1146/2017 **had only been partially implemented**, given that the existing situation does not correspond to its original concept. At the same time, the Ministry of Internal Affairs mentions that it has drawn up situational plans and contingency plans at national level to manage the refugee situation, but that the content of these documents qualifies as state secret.

On a separate note, the MIA informed the OPA that its temporary centres ensured the provision of psychological assistance, transportation, protection, asylum, accommodation, food supply etc.

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<sup>3</sup> Page 10 Report No.1 PAO;

<sup>4</sup> CES provision No.13 of 31.03.2022, Annex no.3;

<sup>5</sup> Page 11 Report No.1 PAO

<sup>6</sup> Recommendation No.2; 3; 4 of Report No.1 PAO; Page 26;

## II. RIGHT OF RESIDENCE AND STATUS OF REFUGEES FROM UKRAINE

2.1 At the initial stage of the crisis, refugees from Ukraine were granted the right to enter and stay in Moldova. Subsequently, when the legal period of stay expired, the CES decided that Ukrainian citizens have to register with the BMA and apply for temporary residence in order to be granted the permission to stay.

Our previous report suggested that the condition that foreigners from Ukraine have to register in order to stay in Moldova, provided for in the CES Provision No. 14 of April 14, 2022, was unjustified. Consequently the People's Advocate advised that this requirement is annulled<sup>7</sup> which happened in a subsequent decision. By way of derogation, the Commission for Exceptional Situations allowed the stay on the territory of the Republic of Moldova during the state of emergency and for up to 90 days after its expiry for Ukrainian citizens, stateless persons recognized by the competent authorities of Ukraine and their family members, who entered the Republic of Moldova during the state of emergency, as well as those who were legally present in the Republic of Moldova at the date when the state of emergency was declared, without observing the 90 calendar days deadline during any period of 180 calendar days.<sup>8</sup>

At the same time, these persons were given the right to apply to the Bureau for Migration and Asylum for temporary residence for employment purposes, without being obliged to comply with the condition of paying an average monthly salary on the economy forecast for the reporting year, as well as the right of temporary residence for study purposes, without presenting the document confirming a livelihood.<sup>9</sup>

2.2 Given that everyone has the right to seek asylum from persecution and to be under the protection of such asylum,<sup>10</sup> the initial monitoring of the crisis situation revealed that although **refugees from Ukraine were able to submit individual asylum applications, they were exempted from the possibility of temporary protection** in view of the situation arising from the armed conflict. Intended as an immediate response to the influx of refugees to remove any barriers to the exercise of fundamental rights, temporary protection has nevertheless been ignored by the relevant authorities as a legal means to secure a status for the persons arriving from Ukraine.

*Despite the high flow of persons from Ukraine at the borders of the Republic of Moldova on the MD-UA segment, which has tested the reaction capacities of the border officials under*

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<sup>7</sup> Page 13 of Report No.1 on monitoring the observance of the rights of foreigners from Ukraine in the context of the state of emergency for the period from February 25 to April 30, 2022 (*hereinafter Report No.1*); [http://ombudsman.md/wp-content/uploads/2022/05/Raport-nr.1-persoane-str%C4%83ine-refugiate-18\\_05\\_22.pdf](http://ombudsman.md/wp-content/uploads/2022/05/Raport-nr.1-persoane-str%C4%83ine-refugiate-18_05_22.pdf)

<sup>8</sup> Point 12 of the CES Provision No.21 of 18.05.2022 with subsequent amendments;

<sup>9</sup> Point 13 of CES Provision No. 30 of July 13, 2022;

<sup>10</sup> Article 13 of the Universal Declaration of Human Rights;

*unprecedented pressure*,<sup>11</sup> as well as the recommendation of the People's Advocate to grant temporary protection to refugees from Ukraine for a period of 1 year,<sup>12</sup> **so far temporary protection has not been granted.**

According to the MIA, meetings and working groups were held on the subject of the possibility of granting temporary protection. The ministry estimates that granting temporary protection to 100,000 foreigners, would involve costs of up to MDL 2,433,000,000. The solution found by the authorities was to institute, through the Commission for Exceptional Situations, adjustments and exceptions that will ensure the respect of human rights under the 1950 European Convention on Human Rights.

It is not clear how these calculations were made and what are the exact costs they cover. Moreover, the determination of the legal status has the key role in obtaining the guarantees laid down in the 1951 Geneva Convention. In this respect, the *legal status of the refugee is a primary concern of the Convention*,<sup>13</sup> to be corroborated with the guarantees of the 1950 European Convention on Human Rights.

Consequently, the failure to grant temporary protection to refugees from Ukraine has led to problematic situations at state border crossing points and in the process of examining asylum seekers' applications.

► When registering their asylum application at the SBCP, asylum seekers had their identity papers taken from them and a report was drawn up confirming this. The report was drafted in Romanian and the asylum seeker was obliged to sign it. The asylum seeker was not issued a provisional identity document, which meant that, *de jure and de facto*, the person was in the border area without identity documents. Thus, were created premises for the detention at any time of persons by the Border Police, with a possible liability of the person for violation of the state border regime (Article 332 of the Contravention Code of the Republic of Moldova - *staying in the border area without identity documents*), a fact about which the BMA was notified.

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<sup>11</sup> CES Provision No.15 of 20.04.2022; CES Provision No.31 of July 27, 2022 *refugee crisis management* section;

<sup>12</sup> Point 7, subpoint 1 of Report No. 1 on monitoring the observance of the rights of foreigners from Ukraine in the context of the state of emergency for the period from February 25 to April 30, 2022 (*hereinafter Report No. 1*); page 26;

<sup>13</sup> [https://irido.ro/irido/pdf/819\\_ro.pdf](https://irido.ro/irido/pdf/819_ro.pdf)

► Later, when crossing the state border, refugees from Ukraine, especially males aged 18-60, apply for asylum on the territory of Moldova. After filling in the asylum application, the asylum seeker is issued with a report on the submission of the asylum application at the state border. The act of receiving and handing over the identity document is drawn up, with the issuance of a temporary identity document of the asylum seeker (with the right to work). Subsequently, asylum seekers submit a request for withdrawal of the asylum application. The time period between the submission and the withdrawal of the asylum application varies, on average, from 2 to 5 days. The reason for withdrawing the asylum application is usually travelling abroad for work.

► Asylum seekers who expressly request to give up asylum on the territory of the Republic of Moldova, pending the issuance of a decision on it, are delayed in returning their identity documents. Refugees are thus indirectly obliged to remain in the country, even if they wish to leave the territory of the Republic of Moldova as soon as they have requested to give up asylum. At the same time, despite the request to give up asylum, refugees are obliged by the BMA to fulfil the obligations set out in Article 31 (1) of Law No. 270/2008, including undergoing medical examination, taking blood samples, taking photographs, etc. These actions are contrary to the provisions of Directive 2013/31/EU (Article 18), which requires the state to ensure the asylum seeker the *completion of the examination of the application*.

Thus, the risks anticipated by the national state authorities of *generating an increase in fictitious asylum seekers crossing the state border*,<sup>14</sup> which, moreover, were the basis for the extension of the state of emergency, are consciously materialised by the authorities responsible for border management and asylum policies.

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<sup>14</sup> CES Provision No. 31 of July 27, 2022;

### III. MANAGEMENT OF TEMPORARY PLACEMENT

3.1 According to official data provided by NASA, as of July 15, 2022, **68 temporary centres for the accommodation of refugees from Ukraine** were active in Moldova.<sup>15</sup>

The previous monitoring report identified the **lack of national regulations on the accommodation of foreigners under temporary protection on the territory of the Republic of Moldova**, establishing minimum standards and procedures for accommodation. A recommendation was submitted to this end by the People's Advocate.<sup>16</sup> Repeated monitoring has uncovered new situations which generate threats for the rights of refugees.

► Some refugees, who crossed the state border with Ukrainian ID cards instead of passports, faced the situation that, in order to access various social services on the territory of the Republic of Moldova – accommodation, food and hygiene packages from warehouses – they had to obtain border crossing confirmation certificates. In international passports border crossing is confirmed by the stamp affixed at the SBCP. In the case of crossing with an identity card, the confirmation consists of an electronic entry in the border police database. The border police do not issue paper confirmation certificates at the border crossing point – they can only be obtained at the central office in Chisinau, at a cost of MDL 54, and are issued only the next day.

► Refugees are caught in a paradoxical situation: to be provided with accommodation they need to confirm they crossed the state border, but to obtain the confirmation they have to go to Chisinau, but the transport and accommodation are available to them only if they have this confirmation.

► At the same time, there is no order or legal provision that would make it compulsory to present the confirmation. Thus this practice is illegal.

► This was discussed at one of the working meetings of the Moldova for Peace initiative with the CUCG. The existence of the practice was pointed out and the CUCG could not argue as to its legality. An additional problem is that refugees arriving at the border do not know about the need to request this confirmation certificate. Moreover, the Border Police does not consider it necessary for their employees to issue these confirmation certificates to all those who cross the border with an ID card and pass the responsibility to volunteers, other institutions.

► The requirement for confirmation certificates is an additional barrier to refugees' access to basic services such as accommodation in accommodation centres or access to food and hygiene products at distribution points.

<sup>15</sup> <https://www.anas.md/wp-content/uploads/2022/07/Capacitatea-de-munca-1.pdf>;

<sup>16</sup> Page 11 of Report No. 1 PAO, point 16;

At the moment, the MLSP together with development partners is in the process of drafting the Government Decision on the organization and functioning of temporary placement centres for refugees.<sup>17</sup>

During the reporting period, it was noted that the authorities' policy regarding the accommodation of refugees was to accommodate them in centres outside Chisinau, designated as "centres of the week", regardless of their wishes, on the grounds that the capital city is overcrowded. This not only restricts the right of the person to choose their place of residence, but can also limit their access to other services essential to meet certain needs – documentation, medical and psychological assistance, transportation abroad, etc.

3.2 In the context of the CES Order No. 12 of March 25, 2022<sup>18</sup> as of March 30, in order to avoid the risks of trafficking in human beings, **it was prohibited to provide organized accommodation for refugees in centres not approved by NASA without notifying it.** Unapproved centres operating without notifying the NASA will be closed ex officio. However, it was found that there is no mechanism in place to implement this provision. It is not clear who is responsible for

► As part of the monitoring process, refugee accommodation centres, not approved by NASA, were identified operating in some localities. Although STAS is aware of the existence of these centres, it argues they have no competence in interfering in their operations, as it is private property and the MLSP Regulations would not apply to such centres.

► Thus, during the monitoring, it was reported by STAS that the manager of one of the refugee accommodation centres created around a religious organisation refused the access of STAS staff on its premises and impeded the provision of informational services to refugees. Access of law enforcement bodies was also restricted, on the claim that the center constitutes private property. It should be noted that the mayor of the locality refused to take action, thus endorsing the administrator's approach.

► In another case, it was reported that the administrator of a center not approved by NASA abused the resident refugees. The administrator has been violent towards a minor, staying at the centre, after the latter refused to leave the area of a non-functioning pool in the vicinity. This situation led to a conflict between the administrator and the minor's mother, the former asking her to leave the centre at night. It should be noted that the STAS representatives mentioned that they are not responsible for the activity of the centre, given that it is a private environment and would intervene only in case of conflicts and upon referral to the police.

<sup>17</sup> Response No. 14/2166 of 30.06.2022;

<sup>18</sup> Page 16 of Report No.1 PAO;

identifying unauthorized centres and what is the procedure to be followed presuming, it being presumed that this would be the direct responsibility of NASA.

According to NASA's reply to OPA's request,<sup>19</sup> between March 30 and July 28, 2022, it has received two notifications at [info@anas.md](mailto:info@anas.md) about unauthorised centres. Other notifications could have been made to the 080080011 toll-free number, but the Agency does not have information on this, since the line is operated by CUGC. In this context, NASA mentioned that **it has not been delegated** with the task of controlling and identifying unapproved centres.

3.3 It is also further noted that the provisions of the CES Order No. 12 of 25.03.2022 on the *ex officio* closing down of unauthorised temporary centres are formal, without having a positive impact on reducing the risks of human trafficking and other types of exploitation and abuse.

The initial monitoring<sup>20</sup> of the implementation of the Regulation on the organization and functioning of temporary placement centres, approved by the MLSP order no.21/2020, revealed that the standards do not provide for mandatory requirements for reasonable accommodation of persons with special needs and mothers with children (0-3 years).

At the same time, the first monitoring report found that, despite the positive intentions of volunteers involved in the humanitarian effort, there were reports of abusive behaviour on their part, including violating the rules of ethical conduct, manifested by photographing the beneficiaries without their consent, alcohol abuse, creation of conflicts, etc. On the other hand, serious allegations were made about cases of abuse towards volunteers. Such situations are prejudicial to the personal security of both beneficiaries and volunteers, which is why a recommendation has been made to legally regulate the services provided by volunteers. Although the number of volunteers providing support to the refugee crisis management has decreased at the moment, the recommendation remains valid given the potential risks.

Adopting the practice of implementing the Codes of Conduct for volunteers and personnel involved in humanitarian aid of refugees would be a first step in this respect.

3.4 The previous monitoring report also stressed the importance of **ensuring the confidentiality of personal data** of beneficiaries in temporary placement centres for refugees. It found that overall no delimited spaces were identified for the storage of personal information, a fact subsequently reconfirmed by the National Centre for Personal Data Protection. In this context, the NCPDP stressed that the Regulation, approved by the MLSP Order no.21/2022, does not contain guarantees for ensuring confidentiality and personal data protection . Moreover, the Regulation

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<sup>19</sup> Response of NASA NR.01/1530;

<sup>20</sup> Page 16 of Report No.1 PAO;

does not establish conditions and time limits for the storage of such data after the expiry of the accommodation period. During repeated monitoring, the situation in this respect has not improved.

At the same time, it is noted that in some centers personal data of a medical nature, which requires greater protection, is not protected to a sufficient degree.

3.5 In terms of the **staffing** of the CTPRs, the previous report noted that there is a need of training the personnel in centers in managing and communicating with vulnerable and multicultural groups.

In response to the recommendations made in this regard, the Ministry of Labour and Social Protection highlighted that a number of positive actions have been achieved through effective cooperation mechanisms with UN Agencies, in particular the UN High Commissioner for Refugees based on a multi-sectoral approach to ongoing interventions. To this end, the capacity building of 212 frontline workers trained in preventing and combating gender-based violence and trafficking, as well as 60 members of staff and volunteers from different humanitarian sectors, was achieved.

At the same time, the MLSP noted that the methodology on the LPA capacity and needs assessment on refugee crisis management to be carried out by CALM and UNDP covering up to 898 LPAs has been revised and a roadmap on strengthening the prevention of trafficking in human beings will be developed to implement the recommendations of the OSCE Special Representative *on Combating Trafficking in Human Beings*.

While acknowledging the effort made so far, these measures are nevertheless insufficient in relation to the number of staff and the number of CPTRs that require capacity building, including in the areas of prevention of hate speech and discrimination.

3.6 The **treatment of refugees** must be based on the **principles of equality, non-discrimination and respect for human dignity**. According to previous findings,<sup>21</sup> the efforts made in this area were minimal, with a discriminatory approach towards certain ethnic groups, fuelled by hate speech by certain public figures, and a preferential selection of accommodation for refugees from Ukraine, with a negative impact on these groups. In this context, the previous report has contained recommendations to prevent and combat discrimination in the accommodation process and to provide services in a fair manner, as well as recommendations on the implementation of actions to combat stereotypes, discriminatory and hate speech.<sup>22</sup>

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<sup>21</sup> Page 18 of Report No.1 PAO;

<sup>22</sup> Page 28 of Report No.1 PAO;

In response to the recommendation submitted, the MLSP communicated that, according to the information provided by NASA, no complaints have been received regarding the possible application of discriminatory and/or unequal treatment towards refugees.<sup>23</sup>

► Furthermore, Roma refugees are accommodated in centres with unfavourable conditions compared to other categories of refugees from Ukraine. Most of the monitored centres, where Roma are accommodated, have been overcrowded at the time of the monitoring visit.

► There is also evidence of hostile attitude by some centre managers and LPA representatives towards the Roma. There were also situations where people who provide accommodation in private premises for beneficiaries, especially Roma, are intimidated and threatened by LPA representatives. Some are directly asked not to accommodate Roma people in the village or town.

► Expressions such as: *"we don't accommodate Roma because they behave badly"*; *"they are very dirty and they steal"*; *"if they're Roma, how do they come so they can leave"* etc. are very often encountered during discussions with the employees of the centres;

However, in the reporting period monitoring visits have found that in one case segregation on the basis of ethnicity took place within the same placement centre, so that Roma people were accommodated in a separate building, with poorer conditions and limited access to services compared to other categories of refugees accommodated in the same centre.

The above shows that the situation in terms of ensuring equality remains unchanged and, moreover, there is a risk that it will worsen, given the sporadic approach of the authorities to

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<sup>23</sup> MLSP response no.14-2166 dated 30.06.2022;

intervene only when they are notified of possible cases of discrimination, rather than taking measures to prevent such situations.

At the same time, the **phenomenon of segregation and unequal treatment** is also perpetuated, due to the way people are distributed to accommodation centres once the *hotline* is called. Thus, there have been reported cases, where refugees who called the hotline for accommodation in centers, the operator referred them to centers with predominantly Roma beneficiaries, if the family is large.

A problem reported by the managers of the temporary placement centres where Roma people are accommodated is the lack of qualified community mediators who would facilitate the communication with the beneficiaries. On the other hand, some personnel of the centres report that some community mediators themselves create challenges between the beneficiaries and the representatives of the public authorities.

Another problem in providing placement for refugees is the lack of a mechanism for housing single men. Several cases of refusal of accommodation to this category have been noted, without alternatives being offered. Although at one of the meetings of the CUGC with representatives of the Moldova for Peace initiative it was agreed to examine the advisability of designating a placement centre for this purpose, no action was taken.

The safety and security situation of people placed in centres also remains problematic. There have been reported cases of aggressive and/or violent behaviour in the centres, which have been only partially addressed by the authorities (the person is interviewed, a minutes is drawn up and then the person is returned to the centre without protective/preventive measures being taken). It is recommended to develop an intervention mechanism in such cases to ensure the rights of the person and the safety of the people around them.

► In the monitoring process, it was found that the persons with special needs from Ukraine are referred mostly to the same centres, whose founders initially agreed to house this group of persons jointly with others. Gradually this phenomenon became a practice, as all refugees with special needs were from the outset referred to these centres, indirectly creating a situation of segregation. This phenomenon is also aggravated by the fact that, besides the hotline, people providing transportation services to refugees with special needs would directly contact CPTR managers to accommodate the beneficiaries.

► Even if the managers of such centres make efforts for reasonable accommodation for people with special needs, the conditions in these centers still do not correspond to the state policy in the field of accessibility, approved according to the Law no.60/2012 on social inclusion of people with disabilities.

► In some temporary accommodation centres for refugees there are cases of refusal of accommodation to people with mental disabilities, on the grounds that there are no specialized support services relevant to this group of people. It was also found that there were no mechanisms for identifying and referring people with mental health disorders.

**3.7 The provision of food and basic necessities** remains an essential component of the social services offered to refugees from Ukraine in temporary placements.

The process of providing food to beneficiaries in placement centres has been taken over by the World Food Programme, which provides food distribution in the centres through a catering system. In the overall monitoring, both centre managers and beneficiaries did not report any complaints in this respect.

**3.8** The provision of basic necessities and clothing in general is made from external donations. These are distributed both through STAS and directly by donors.

However, some beneficiaries complained about the unequal distribution of humanitarian goods by donors in some CPTRs. According to them, this creates a dispersion of beneficiaries into groups favoured by the centre managers, leading to conflicts between beneficiaries themselves.

**3.9** Other situations of mismanagement of accommodation centres included unfounded refusals by the administration to provide humanitarian goods to refugees. Thus, there were detected shortcomings in the work of the centre with regard to ensuring the quality of food, providing hygiene products, as well as the hostile attitude towards the beneficiaries.<sup>24</sup>

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<sup>24</sup> <http://ombudsman.md/news/autoritatile-publice-au-luat-atitudine-fata-de-solicitatea-avocatului-poporului-privind-respectarea-drepturilor-refugiatilor-la-centrul-de-plasament-temporar-din-satul-popeasca/>



## IV. HEALTHCARE

4.1 With the outbreak of the armed conflict in Ukraine, the CES has adopted decisions derogating from the national legislation, providing medical assistance in all cases of medical and surgical emergencies, the expenses being paid from the state budget. For this purpose, mobile medical teams have been set up at the SBCP with Ukraine and within the CPTRs, exceeding the number of 100 refugees, and when needed the 112 service has been called.

The findings of the previous monitoring report<sup>25</sup> included the poor equipment of ambulances to provide medical assistance relevant to the established diagnosis, lack of medications, necessary for patients with chronic diseases, as well as the lack of continuity of supervision and provision of medical assistance at the medical points in the temporary accommodation centres.

In response to the recommendations,<sup>26</sup> the Ministry of Health *claims that all medical teams are continuously provided with medicines and medical devices. Medicines, protective equipment and medical devices from humanitarian aid are distributed to all institutions as needed and are intended to ensure the continuity of treatment of refugees with chronic diseases.*<sup>27</sup> At the same time, the Ministry of Health has assured that all medical services are provided from the available resources of the compulsory health insurance funds with the support of international organizations.

4.2 Despite the assurances given by the Ministry of Health, further monitoring confirmed some of the previous findings. In most cases CPTR managers mention that they are provided with protective masks, anti-COVID-19 tests, disinfectants, paracetamol, espumisan, and bandages. Anti-inflammatory products, which are often needed by mothers with young children, are insufficient or missing.

4.3 Beneficiaries also claimed that when vouchers offered by donors for the purchase of medicines were presented in pharmacies in some localities, it was explained to them that they could only purchase certain products, which were often cosmetic products, but not medicine or treatment products. Despite the MoH's disagreement with the poor supply of medicines to medical points in temporary placement centres, allegations to this effect continued to be made during the monitoring.

4.4 In addition, it was reported there are adults and children in the centres who, judging by their aspect and behaviour, have mental health disorders or physical disabilities, but do not have their disability recognized by a legal act. Thus, they are reported to the STAS for registration as persons without disabilities, which means authorities ignore their special needs and do not provide them

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<sup>25</sup> Page 23 of Report No. 1 PAO;

<sup>26</sup> Page 27 of Report No.1 PAO;

<sup>27</sup> MoH response No.08/2173;

with specialized assistance Furthermore, if the persons do not have documents confirming the degree of disability, they are unable to receive the appropriate social benefits. It should be noted, that managers do not consider these circumstances a problem, noting, that *if they do not ask and do not want it, we will not impose them.*

4.5 It is therefore noticeable that there are no clear mechanisms that need to be developed and implemented by the MoH in conjunction with the MLSP for the identification and referral of refugees with mental health disorders, based on the respect of ethics and confidentiality. It is equally important that these mechanisms are accessible and visible to both temporary placement beneficiaries and centre managers.

4.6 According to media sources,<sup>28</sup> and based reports heard during monitoring visits, there has been an increase of COVID-19 infections among beneficiaries of refugee centres. Some refugees in accommodation centers also showed pathological signs of pediculosis, which constitute serious public health concerns, both for refugees and the staff of temporary accommodation centres.

CUGC and the MoH have been notified about these concerns and. from 27.05.2022 the temporary placement centres approved by NASA, submit weekly to ANSP data on the epidemiological status of refugees and cases of infectious diseases recorded in these centres. The latter in turn communicates this data to the CUGC.

4.7 At the same time, the Ministry of Health has informed that refugees both in the temporary placement centres and in the host families have access to COVID-19 tests and vaccination .

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<sup>28</sup> <https://realitatea.md/covid-19-nu-a-disparut-la-un-centru-de-refugiati-din-chisinau-a-fost-depistat-un-focar-de-infectie/>

## V. CHILDREN

5.1 The international instruments for the protection of children's rights ratified by the Republic of Moldova stipulate that *States undertake to respect and guarantee the rights of children within their jurisdiction, regardless of their race, sex, colour, language, ethnicity, material situation, acquired status of the child or of the parents or legal guardians.*<sup>29</sup>

The previous findings on the situation of refugee children in Ukraine,<sup>30</sup> included possible cases of discrimination, the status of refugee children in the educational system of the Republic of Moldova, as well as the restriction of free movement of refugee children in transit in the context of the inter-sectoral cooperation mechanism,<sup>31</sup> for which recommendations were made.

In response to the recommendations, the MEC replied that, in order to provide support for access to education for refugee children for the period March-April 2022, several training sessions were conducted to facilitate the integration of refugee children in the education system of the Republic of Moldova (trainings for managers of general education institutions, where children from refugee families are enrolled, workshops for teachers).

5.2 According to MEC, 1889 children have been integrated into general education institutions, of which 1252 in 230 schools and 637 in 258 early childhood institutions; 649 children attend primary school, 550 pupils are enrolled in secondary schools and 53 in high schools (lyceums). Of the total number of pupils enrolled in general education institutions, 120 study in Romanian, 1123 in Russian.<sup>32</sup> Children who decide to study remotely can apply for computer equipment in educational institutions in the town or village where the temporary placement centre is located.

5.3 Some managers of temporary placement centres reported that the general trend is for children to study online. On the other hand, many children reported that they are not totally satisfied with online studies, because the sessions are short and teachers are stressed and try to finish the lesson faster. Some children also said that they would like to study in Romanian as well, but they are not sure if they will be able to master the curriculum, given the time needed to learn a new language.

5.4 Roma children are especially vulnerable from the point of view of their right to education. Some of these children gave to face a double challenge – the reluctance of their parents to enroll them to schools and other personal obstacles to their access to education, on the one hand, and the lack of interest on the part of the public authorities in motivating and encouraging these children to go to school through positive measures, on the other. At the same time, during the monitoring,

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<sup>29</sup> Article 2 of the UN Convention on the Protection of the Rights of the Child;

<sup>30</sup> Page 25 of Report No.1 PAO;

<sup>31</sup> CES Provision No.14 of April 14, 2022;

<sup>32</sup> MEC response No. 03/1-09/2294;

it was observed that in the process of distributing technical equipment to ensure access to online studies, the temporary centres where Roma are accommodated are ignored under discriminatory and prejudice-related pretexts ( in one case the words used were “*they do not need to learn*”, or “*that they are still stealing well*”).

5.5 Thus, there is a lack of measures to motivate and encourage refugee children, especially Roma children, to go to school, and community mediators would have an important role to play here.

5.6 In order to plan the enrolment of refugee children for the new school year, statistical data was requested from LPAs on the number of children and young people aged between 1 and 20, the number of refugees in temporary centres and the number of teachers per placement centre per school subject.<sup>33</sup>

5.7 The language barrier would also be a reason for impediments in accessing education, given the small number of Ukrainian and Russian-language schools in the country.

5.8 Regarding the restriction of free movement of the minors, the MLSP argued that the State's obligation is to protect children on the territory of the country, and that the authorization of entry/exit and the provision of transit must be carried out in strict compliance with the provisions of national, and not the Ukrainian legislation,<sup>34</sup> which is also a measure to prevent human trafficking. In this respect, the authorities' concern about the possible risks for refugee minors is appreciable, but it is necessary to reiterate that a child aged 16-18, a refugee from Ukraine, with valid documents and a well-defined purpose of destination, in transit through the territory of the Republic of Moldova, must be provided with security on the entry/exit segment, without being restricted in his/her freedom of movement.

In this context, the State must ensure the security of the child, but must not create obstacles to the exercise of the right to free movement, but on the contrary, by combining them, take the necessary measures to facilitate the transit and ensure the protection from possible abuse and exploitation. For the purpose of rapid assessment of the child at risk, the MLSP approved by Order No.36 of 05.05.22 the methodology of assessment of unaccompanied children identified at the SBCP, refugee from the territory of Ukraine. This being one of the positive measures of the State.

5.9 The provision of health care to refugee children from Ukraine, according to the Ministry of Health, has been granted on request for 8305 children. Thus, primary care was provided for 2725, pre-hospital emergency care – to 2794, hospital care – 2786, and 1054 children have been admitted to the hospital. A total of 123 births were assisted, including 61 at the PHI Institute of Mother and

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<sup>33</sup> MEC response No. 03/1-09/2588;

<sup>34</sup> MLSP response No. 14/2166;

Child.<sup>35</sup> In the same context, the Ministry of Health mentioned that 3 referrals of refugee children with mental health disorders were registered in the health system – these children received specialized medical assistance and were provided with medicines free of charge.

5.10 According to the Ministry of Health, one of the problems faced by the health system in relation to refugee children is the parents' refusal to vaccinate children, which could create risks of restricting their right to education, for which the authorities need to find solutions.

5.11 Children's right to rest is guaranteed, and the State must make efforts to ensure this right. Thus, despite the measures taken to ensure the participation of both resident and refugee children from Ukraine in summer camps,<sup>36</sup> children in some administrative units of the country have been deprived of this right due to the creation and organization of temporary placement centres for refugees on the territory of existing summer camps.

5.12 It is necessary to reiterate that in any decision concerning children, the State authorities must strike a proportionate balance that respects the best interests of the child. It is equally important that the integration of refugee children from Ukraine and the right to rest and recreation is ensured for children from vulnerable groups, including Roma and other ethnic communities.

5.13 In the context of the above, there are positive efforts overall to ensure the rights of refugee children from Ukraine, but the authorities need to take a strategic approach with regard to the mechanisms for enrolment in the education system, so as to cover all social groups.

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<sup>35</sup> MoH response No. 12/2643

<sup>36</sup> <https://stiri.md/article/social/copiii-refugiati-din-ucraina-primiti-la-taberele-de-vara-din-r-moldova>;

## CONCLUSIONS

Viewed through the prism of human rights, the actions taken by the national authorities remain sporadic rather than strategic and determined over the medium and long term. Moreover, the current monitoring effort confirms that, as was observed in the first months of the crisis, the authorities, especially local ones, employ a post-factum approach to crisis management, rather than being proactive. Despite a multitude of actions carried out by the authorities so far, they still lack a unified and coherent management, that would be based on a close communication between stakeholders from different levels. With international organizations taking over the bulk of assistance management in the field of food, humanitarian goods, social services and with the creation by individuals/legal entities of temporary placement centres, the State intervened only occasionally, upon request. The main reason for this is the slow pace of planning and implementation.

A first step in achieving an adequate protection of refugee's rights for national authorities is to acknowledge that the rights of foreigners in credible situations of danger or persecution, such as armed conflict, begin with the determination of their status on the territory of the receiving state, because they are NOT protected by their own government, but remain protected by the international rules and are entitled to some form of protection.

Although the right to asylum covers a large number of fundamental rights, it is a separate right itself, designed to ensure the personal safety and security of the person, as well as their life in a risk-free environment. While non-refoulement is the cornerstone of international refugee protection, the exercise of the right to asylum is much broader, starting with the admission to a safe territory and the need to treat today's asylum seekers and refugees in accordance with applicable human rights standards and as provided by refugee law. Of course the State has a wide margin to decide on the form of protection, but it is important that it responds to the factual situation of refugees. In this respect, it has been previously concluded that *temporary protection* would be a prompt and effective response in the present situation, not only as a measure to ensure the rights of the refugees, but also to alleviate the pressure on the asylum system. Where such protection is unacceptable one reason or another, the State should consider appropriate legal amendments to provide for a subsidiary protection.

This being said, we appreciate the openness of national authorities at the central level in cooperating with both international organizations and NGOs in order to ensure proper response to the needs of refugees from Ukraine, as well as their receptiveness in implementing the proposals and recommendations made. However, their involvement in the management of the refugee crisis needs to be proactive and more strategic.

## **RECOMMENDATIONS ADDRESSED TO THE GOVERNMENT AND THE COMMISSION FOR EXCEPTIONAL SITUATIONS**

1. Granting temporary protection on the territory of the Republic of Moldova to the refugees from Ukraine,
2. Expediting the development of the medium and long-term National Plan for the management of the influx of refugees from Ukraine and the activity plans on specific areas;
3. Expediting the drafting and adoption of national regulations containing minimum standards and procedures for the accommodation of beneficiaries of temporary protection on the territory of the Republic of Moldova, which should include the obligation of reasonable accommodation for persons with physical and mental disabilities, unaccompanied minors, mothers with children aged 0-3 years, as well as the prohibition of discrimination and segregation in the placement;
4. Ensuring the confidentiality of personal data, in particular medical data, during the period of temporary placement and at the end of the accommodation period;
5. Expediting the development of a single transportation mechanism for refugees, in particular in the case of an alert level of the influx of foreigners, by establishing the land road route in the case of transit, as well as the method of transportation to accommodation centres for those who wish to stay on the territory of the Republic of Moldova;
6. Revising point 12 of the CES Order no.12 of 25.03.2022 so as to directly determine the public authority responsible for identifying the locations not approved by NASA, where refugees are placed;
7. Legally regulating the activity of volunteers that provide services in refugee accommodation centers to ensure their accountability and protection;
8. Continuous training of the staff of the authorities responsible for ensuring the management of the CPTR ensure equal and non-discriminatory treatment of all beneficiaries, including the prevention of hate speech;
9. Ensuring the uniform distribution of refugees in temporary accommodation centres, while ensuring respect for the principles of non-discrimination and non-segregation;
10. Developing mechanisms for the identification and referral of refugees with mental health disorders, based on respect for ethics and confidentiality, with the provision of specialized services.