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SUMMARY REPORT
ON REFUGEE SITUATION IN THE CONTEXT OF THE
ARMED CONFLICT IN UKRAINE
February - December 2022

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INTRODUCTION

Monitoring observance of the rights of refugees in the Republic of Moldova has been a priority for the People's Advocate Office since February 2022, when Moldova suddenly became a host or transit country for those seeking refuge following the Russian military invasion of Ukraine on February 24, 2022.

To ensure an efficient monitoring process and provide expertise and consultancy related to refugee rights, a **Consultative Council for the prevention of violation of the rights of refugees** fleeing the war in Ukraine was temporarily created under the People's Advocate Office (PAO). The Consultative Council brings together representatives of the People's Advocate Office, including the People's Advocate for Children's Rights, and civil society. Additionally, 2 representatives of the People's Advocate Office have been delegated to engage in monitoring and protecting the rights of Ukrainian refugees.

The partnership with the Office of the United Nations High Commissioner for Refugees (UNHCR)¹ has strengthened the monitoring capacities of the People's Advocate Office and of the Consultative Council. At the same time, the Ombudsman institution was given the role of co-chair of the Working Groups and Consultative Group for Refugee Protection. Including a PAO representative in the Protection Group and participation in the working sessions helped improve the understanding of the systemic challenges related to humanitarian aid management and provision faced both by refugees and the central and local governments.

The monitoring of refugee rights was carried out by the Consultative Council and PAO representatives and was a three-stage process, covering the periods of February 25, 2022 – April 2022, May – July 2022 and August – December 2022. Each monitoring exercise ended with a **thematic report** that is publicly available on <http://ombudsman.md/rapoarte/tematic/>. The monitoring reports were presented to relevant decision-makers and the implementation status of the recommendations was discussed during the working sessions held with the national authorities². In total, PAO undertook **121 monitoring visits** to the border checkpoints, temporary placement centers and other facilities known to accommodate displaced persons.

BACKGROUND

¹<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>

²<http://ombudsman.md/news/nivelul-de-implementare-al-recomandarilor-avocatului-poporului-privind-respectarea-drepturilor-persoanelor-refugiate-au-fost-puse-in-discutie-cu-autoritatile-nationale/>
<http://ombudsman.md/news/recomandarile-avocatului-poporului-si-consiliului-consultativ-privind-respectarea-drepturilor-refugiatilor-puse-in-discutii-la-o-sedinta-de-lucru-cu-autoritatile-publice-nationale/>

The armed conflict started by Russia in Ukraine put the national authorities in the position to act immediately to ensure prompt management of the entry-exit segment of the state border and focus on protecting the rights of Ukrainian refugees on the territory of our country fully in line with the UN emergency standards, priorities and indicators.

On February 24, 2022³ the Moldovan Parliament declared a nation-wide 60-day state of emergency. The state of emergency was further extended repeatedly, most recently on February 4, 2023 for another 60 days.⁴ Article 2 of the Parliament Decision no.41/2022 authorizes the Commission for Emergency Situations of Moldova (CES) during the state of emergency to issue decisions on the implementation of specific measures, including establishment of a special entry-exit regime; when necessary, allocation of funds to enforce CES decisions; taking actions to manage the migration flows, as well as accessing and managing international aid.

This report provides a summary of the key findings and recommendations following the monitoring conducted by the People's Advocate Office and the Consultative Council that have had a stronger impact on protection of refugee rights in the Republic of Moldova between February and December 2022.

Finally, the report assesses the response of the national authorities to the refugee influx against the international, regional and national standards related to the access to territory, asylum procedures and other forms of protection, non-discrimination, social and medical assistance and, last but not least, child protection.

ACCESS TO TERRITORY

The State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely subject to any regulations applicable to aliens generally in the same circumstances.⁵ The Contracting State may issue a travel document to any other refugee in its territory; it shall in particular give sympathetic consideration to the issue of such a travel document to refugees in its territory who are unable to obtain a travel document from the country of their lawful residence⁶. In accordance with the national legal provisions, the control at state border checkpoints is to be carried out fully respecting human dignity, regardless of race, nationality, ethnic origin, language, sex, religion, beliefs, political affiliation, wealth, social origin, disability, age, and other similar criteria.⁷

KEY FINDING AND RECOMMENDATION

³ https://www.legis.md/cautare/getResults?doc_id=130658&lang=ro

⁴ https://www.legis.md/cautare/getResults?doc_id=135398&lang=ro

⁵ Geneva Convention relating to the Status of Refugees, article 26

⁶ Geneva Convention relating to the Status of Refugees, article 28

⁷ Law no.215/2011 on the state border of the Republic of Moldova, article 19, paragraph (5)

- Some derogations adopted by CES in relation to the management of the influx of foreigners in the context of the armed conflict in Ukraine led to unjustified border crossing conditions for refugees fleeing the war.
- Any unjustified conditions for state border crossing and any unfair treatment of refugees fleeing the armed conflict in Ukraine should be eliminated.

When the armed conflict in Ukraine started, CES adopted several derogations on the entry, stay and exit of Ukrainian refugees on the territory of the Republic of Moldova that were mentioned in the three thematic reports⁸. Initially, the entry to Moldova was allowed to foreigners and minors from Ukraine based on any available identity document, including expired ones. The stay of the displaced persons in the Republic of Moldova was allowed for the state of emergency period and, for specific categories of people, for up to 90 days after its end date. The state of emergency was extended several times in 2022⁹. In the meantime, while the rules for the stay of refugees did not change, the derogations further adopted by CES changed the border crossing rules. More specifically, on May 4, 2022, CES limited the number of possible border crossings by foreign citizens to Ukraine based on the documents with which they entered to only one. Thus, the crossing of the Romania – Moldova border and through the Chisinau International Airport by refugees was limited, as they fell under the law on the legal regime of foreigners and did not have the right to cross the border even with a valid internal identity document.¹⁰ The Moldovan authorities justified this limitation as a necessary measure to ensure state security and encourage refugees to obtain valid travel documents. Later, however, this limitation was temporarily cancelled through CES Decision no.55 of December 22, 2022 in order to facilitate the state border crossing on the above-mentioned segments for Ukrainian citizens returning to Ukraine for the winter holidays. Therefore, Ukrainian citizens were allowed to enter Moldova through Moldova-Romania checkpoints and through Chisinau Airport checkpoint based on the identity documents stipulated in CES Decision no.1 of February 24, 2022 only till February 1, 2023. At the same time, they were allowed to travel from Moldova to Ukraine based on the documents they used to enter the country.

⁸ <http://ombudsman.md/wp-content/uploads/2022/06/Report-No-1-on-the-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.pdf>
<http://ombudsman.md/wp-content/uploads/2022/09/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-.pdf>
<http://ombudsman.md/wp-content/uploads/2023/02/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.pdf>

⁹ CES Decision no.1 of February 24, 2022;

¹⁰ Report no.3 on the monitoring of the respect for the rights of refugees in the context of the armed conflict in Ukraine, pg.10;
<http://ombudsman.md/wp-content/uploads/2023/02/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.pdf>

The analysis of the measures taken by the national authorities reveals a strong oscillation between the humanitarian approach to refugees' needs and the concern for national security. However, the rationale supporting such measures are not clear. In particular, it is unclear why the Moldovan authorities assessed that national security was not at risk until February 1, 2023 when border crossing was allowed under the initial border crossing conditions. Moreover, the requirement for refugees to have a passport or travel document to enter the Republic of Moldova from Romania instead of a valid internal identity document is not proportional to the declared goals. The Geneva Convention stipulates that *when refugees need the assistance of a foreign country to exercise their rights and they cannot make use of such assistance, States shall issue identity papers to any refugee in their territory who does not possess a valid travel document*¹¹. The above mentioned conditions also point to the association of the status of Ukrainian refugees with the status of aliens, which leads to unfair treatment given the risks faced by the former and the reasons why they left their country of origin.

While *everyone shall be free to leave any country, including his own*¹², any restriction to such rights must be legitimate and necessary *to protect national security, public order (ordre public), public health or morals*, and consistent with the other rights recognized in the International Covenant on Civil and Political Rights¹³. Moreover, such restriction should not harm human dignity. The three monitoring exercises conducted by the People's Advocate revealed that some requirements for entering and leaving the country for refugees were disproportionate resulting in the limitation of the right to free movement.¹⁴

JURIDICAL STATUS

The personal status of a refugee and the rights previously acquired by a refugee deriving from his/her personal status shall be respected by the Contracting State.¹⁵ The state must put in place legislation to govern access to the asylum procedure in the context of temporary protection in the event of a mass influx of displaced persons in conformity with the Member States's international obligations and the Treaty. Temporary protection shall not prejudice recognition of refugee status under the Geneva Convention. Member States shall apply temporary protection with due respect for human rights and fundamental freedoms and their obligations regarding non-refoulement¹⁶. The competent authorities shall ensure access to the asylum procedure to every foreigner on the territory of the Republic of

¹¹ Geneva Convention relating to the Status of Refugees, article 27

¹² International Covenant on Civil and Political Rights, article 12

¹³ International Covenant on Civil and Political Rights, article 12

¹⁴ Report no.3 on the monitoring of the respect for the rights of refugees in the context of the armed conflict in Ukraine, pg.10

¹⁵ Geneva Convention relating to the Status of Refugees, article 13

¹⁶ Council Directive 2001/55/EC of 20 July 2001 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, article 3

*Moldova or at the border upon written or verbal expression of his/her will from which it follows that he/she requests the protection of the Republic of Moldova.*¹⁷

KEY FINDING AND RECOMMENDATION

- Despite the safeguards and the forms of protection provided by the national legal framework on asylum, the monitoring found that there had been delays in granting temporary protection to refugees fleeing the armed conflict in Ukraine and that the asylum institution had been compromised.
- Any impediments and conditions directly affecting the access to forms of refugee protection on the territory of the Republic of Moldova should be removed.

In the context of the launch of the urgent humanitarian appeal to address the protection and assistance needs in Ukraine, the UN High Commissioner for Refugees welcomed the support expressed by many EU Member States for the activation of temporary protection provided for in the Council Directive 2001/55/EC to allow immediate and temporary refuge for people fleeing Ukraine, the reason for activation being the mass influx of displaced people. Although refugees were provided services and humanitarian assistance in various social sectors during their stay in Moldova based on CES Decisions, the monitoring found that they did not have access to temporary protection. While all the 2022 monitoring reports recommended the national authorities to speed up the process of granting this form of protection, it was not implemented until January 2023 when the Moldovan Government adopted its Decision no.21 to enter into force on March 1, 2023.

According to the data provided by the Migration and Asylum Bureau, between February 24, 2022 and December 16, 2022 it received 11,532 asylum applications¹⁸. The delays in providing temporary protection to refugees created a burden for the Moldovan asylum system, compromising it in some cases. More specifically, during the monitoring period, cases were reported when asylum claims, although necessary as a form of protection, gradually became an instrument used to enter and then transit the Republic of Moldova to EU countries, especially by the men fit to fight¹⁹. Although the international standards do not stipulate a minimum period of stay on the territory of a state where asylum has been claimed, the monitoring revealed that the time between submission of asylum applications by Ukrainian

¹⁷ Law no.270/2008 on asylum in the Republic of Moldova, article 41

¹⁸ <http://ombudsman.md/wp-content/uploads/2023/02/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.pdf>, pg.12

¹⁹ <http://ombudsman.md/wp-content/uploads/2022/09/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-.pdf>, pg.10

refugees and renouncing such form of protection in the Republic of Moldova varied on average from two to five days. On the other hand, the partial mobilization of reservists announced by the Russian Federation led to an increased influx of Russian citizens to the Republic of Moldova. While the Commission for Emergency Situations did not introduce any legal conditions related to the ninety-day legal stay of foreigners in the country, there were reports of access to Moldova denied to Russian citizens, in particular at the Chisinau International Airport checkpoint. Consequently, the tacit actions of the border police made foreigners apply for asylum in Moldova.²⁰

In conclusion, the actions or lack of actions by national authorities, in some cases involuntarily, caused impediments to the asylum procedures and in some cases opened the way for refugees to misuse them.

NON-DISCRIMINATION

The Convention stipulates that refugee protection shall be provided without discrimination.²¹ Regarding the treatment of persons enjoying temporary protection under the Council Directive 2001/55/CE of July 20, 2001, Member States must fulfill their obligations under the international law instruments to which they are parties and which prohibit discrimination.²² All citizens of the Republic of Moldova are equal before the law and public authorities, regardless of race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, wealth or social origin.²³ Foreign citizens and stateless persons shall enjoy similar rights and duties as the citizens of the Republic of Moldova with the exceptions provided by the law.²⁴

KEY FINDING AND RECOMMENDATION

- The monitoring revealed circumstances indicating inequitable treatment of refugees belonging to certain social and ethnic groups at all stages of accommodation process.
- It is necessary to promote a positive approach to refugees in Moldova through measures aimed at reducing hate speech, xenophobia and discrimination against them, in particular against those with special needs and from marginalized groups.

²⁰ <http://ombudsman.md/wp-content/uploads/2023/02/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.pdf>, pg.13

²¹ Geneva Convention relating to the Status of Refugees, article 3

²² Council Directive 2001/55/EC of 20 July 2001 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, article 13

²³ Constitution of the Republic Moldova, article 16

²⁴ Constitution of the Republic of Moldova, article 19

According to the data of the Ministry of Internal Affairs, in total there were 87,289 foreign citizens in Moldova as at December 19, 2022, of which 43,960 were minors. According to the data provided by the National Social Assistance Agency (NSAA), as at December 12, 2022, there were 66 operational Temporary Placement Centers approved by NSAA in Moldova.²⁵

The Ministry of Labor and Social Protection approved the Regulation on the organization and operation of the temporary placement center for refugees and the minimal operational standards by its Decision no. 21 on February 26, 2022. The regulation allowed Ukrainian refugees to request accommodation in temporary placement centers for up to 3 months. The accommodation time was later extended for the period of the state of emergency declared in Moldova. Accommodation could be requested by calling the *green line* managed by the Unified Crisis Management Center launched to facilitate accommodation of refugees.

Since the beginning of the state of emergency there have been reports of direct discrimination against refugees with disabilities or those belonging to ethnic minorities. Some managers of accommodation centers refused to accommodate persons with disabilities on the grounds that they could not provide reasonable accommodation or specialized services meeting their needs. The Roma people and other ethnical minorities were subjected to unfair treatment in the accommodation process and were involuntarily segregated.²⁶ The monitoring also revealed a hostile attitude of service and assistance providers towards Roma refugees and the poorer physical conditions and technical facilities in the temporary placement centers accommodating mainly Roma refugees compared to the other accommodation centers.

In order to prevent discrimination and placement of refugees in hostile conditions, the national authorities were recommended to make sure services and humanitarian assistance are provided in a fair manner to all the categories of refugee beneficiaries and in such a way as not to leave room for segregation and discrimination.

Despite the Government's efforts to put in place positive mechanisms for the distribution of refugees in accommodation facilities and strengthen the capacities of the staff in temporary placement centers²⁷, the latter still lack the skills to interact with refugees, in particular those belonging to ethnic groups.

²⁵<http://ombudsman.md/wp-content/uploads/2023/02/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.pdf>, pg. 14

²⁶<http://ombudsman.md/wp-content/uploads/2022/06/Report-No-1-on-the-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.pdf>, pg. 19

²⁷<http://ombudsman.md/wp-content/uploads/2022/06/Report-No-1-on-the-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.pdf>
<http://ombudsman.md/wp-content/uploads/2022/09/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-.pdf>

Moreover, the monitoring data indicate unfair treatment in some temporary placement centers for refugees driven by prejudice and preconceived social ideas.

WELFARE

The Contracting States shall accord to refugees the same treatment with respect to public relief and assistance as is accorded to their nationals.²⁸ The Member States shall make provision for persons enjoying temporary protection to receive necessary assistance in terms of social welfare and means of subsistence, if they do not have sufficient resources, as well as for emergency medical care and treatment. The Member States shall provide necessary medical or other assistance to persons enjoying temporary protection who have special needs.²⁹ The Member States' obligations as to the conditions of reception and residence of persons enjoying temporary protection should be determined. These obligations should be fair and offer an adequate level of protection to those concerned.³⁰

KEY FINDING AND RECOMMENDATION

- In the temporary placement centers for refugees, especially those that were not approved by the National Social Assistance Agency, risks were identified that may directly affect the life and safety of accommodated refugees.
- It is necessary to design and put in place reliable mechanisms for reporting abuse, discrimination, violence and human trafficking in order to avoid any potential risks and protect refugees against them.

By its Decision no.1 of February 24, 2022, the Commission for Emergency Situations authorized local governments, public institutions, companies with state capital and trade union organizations to identify and make available to territorial social assistance units accommodation facilities to arrange temporary placement centers for refugees. Additionally, NSAA was tasked to draft the regulation of organization and operation of temporary placement centers based on the feedback received from the territorial social

²⁸ Geneva Convention relating to the Status of Refugees, article 23

²⁹ Council Directive 2001/55/EC of 20 July 2001 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, article 13

³⁰ Council Directive 2001/55/EC of 20 July 2001 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, paragraph 15

assistance units. The Regulation was approved by the Ministry of Labor and Social Protection through the Decision no.21/2022.

To address the human trafficking and abuse risks, in March 2022 the Commission for Emergency Situations decided to close ex officio the temporary placement centers that had not been approved by NSAA³¹ if the latter had not been notified about the organized accommodation of refugees. Thus, it was assumed that the approval of centers by NSAA would guarantee that the beneficiaries' rights related to accommodation, in particular their safety, are protected. The monitoring, however, found that the lack of an efficient mechanism for identification of the centers that had not notified the authorities of their operation and should have been closed ex officio made some unapproved centers unsafe places for refugees. One of the reasons for not complying with the provisions of the Regulation no.21/2022 approved by the Ministry of Labor and Social Protection was that the managers of such centers did not consider necessary to comply because the centers are private facilities. At the time of writing this report, some centers that have not been approved by NSAA were still operational.

It should be noted that many of the cases of abuse against refugees accommodated in temporary placement centers revealed during the monitoring visits happened in the centers that had not been approved by the National Social Assistance Agency. Such cases involved intimidation of female beneficiaries, including minors, and forced eviction from the accommodation premises, sometimes at night and in low temperatures. A case of ill-treatment involving physical violence against a female beneficiary and one of her two minor children was also reported to the People's Advocate Office.

Such behaviors apparently were triggered by personal animosity of abusers towards refugees, or alcohol-related aggression both from aggressors or the victims of the violent acts. Yet, the well-being of refugees was affected not so much by the conflicts themselves, but rather by the poor intervention by police jointly with the managers of the placement centers and the local governments. The quality of those interventions was also affected by the fact that the above mentioned actors lacked the necessary skills to deal and communicate with foreigners. Finally, the lack of supervision systems in most centers and shortage of staff trained to ensure security and internal order in accommodation centers unintentionally prompted such behaviors. In conclusion, the safety of refugees in accommodation facilities, especially mothers with children, should remain a priority for the authorities, given the major risks they face.

KEY FINDING AND RECOMMENDATION

³¹ CES Decision no.12 of March 25, 2022 (paragraph 12)

- The healthcare services provided by the community mental health centers are not used by potential refugee beneficiaries, while the special needs of the refugees with disabilities are only partially addressed.
- Given that refugees suffering from mental illnesses are more vulnerable compared to other categories of refugees, it is necessary to design and put in place a clear mechanism for their identification in temporary accommodation centers and referral to specialized healthcare services.

After state of emergency was declared in Moldova, the Commission for Emergency Situations authorized the access of refugees to healthcare services for medical and surgery emergencies and COVID-19 cases. The National Health Insurance Company with UNFPA support provided access to the healthcare services included in the Single Compulsory Healthcare Insurance Program to all female refugees aged 18 to 55 years. One of the components of this Program is *community and home healthcare* and the allocations for this component are intended for the services provided by the community mental health centers and youth-friendly health centers.

Besides the general shortcomings of the healthcare system identified during the monitoring, such as poorly equipped ambulances, shortage of pharmaceuticals for the treatment of chronic diseases, the impossibility to continue the previously prescribed medical treatment of refugees because of lack of medical data, there is one that deserves particular attention. It is the tacit disregard by some local public authorities and managers of temporary placement centers of the needs of refugees with disabilities or those suffering from mental illness, thus unintentionally limiting their access to specialized services intended for them.

Some managers/staff of temporary placement centers mentioned that some beneficiaries, including children, show signs of physical disability, but they are not reported to the social assistance service as persons with special needs and, therefore, they do not receive the services they need. One of the reasons they mentioned is that refugees refuse to recognize their disability and the center staff do not consider it necessary to act in this regard and are not aware that they can be referred to relevant specialists. In addition, there were also cases when refugees suffering from mental illness did not get specialized medical care because the center staff was not aware that they needed such services, as a mechanism for identification, referral and support in this regard is missing.

It should be reiterated that the environment has a huge impact on a person's experience and disability. Health is also affected by environmental factors, which include limited access to the healthcare system. The vulnerability of the refugees with disabilities, in particular those suffering of mental illness, should be reduced through a positive approach, by removing any barriers to the access to medical or

rehabilitation services, as well as by taking actions to reduce the negative attitudes towards the refugees with disabilities.

RIGHT TO EDUCATION

The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education. The Contracting States shall accord to refugees treatment as favorable as possible, and, in any event, not less favorable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.³² Member States shall grant to persons under 18 years of age enjoying temporary protection access to the education system under the same conditions as nationals of the host Member State. Member States may stipulate that such access must be confined to the state education system.³³ The minor asylum seekers enjoying temporary protection shall have access to the compulsory educational system under the same conditions as citizens of the Republic of Moldova.³⁴ The study documents shall entitle the holder to continue studies at the next level of education³⁵.

KEY FINDING AND RECOMMENDATION

- Education is only available to the refugee children whose legal guardians or parents have obtained legal asylum-seeker status in Moldova.
- National authorities should make sure that refugee children have access to education in the context of the safeguards and educational goals laid down in the Education Code.

In order to ensure access to education, the Ministry of Education and Research was tasked with drafting and approval of Instructions on enrolling refugee children from Ukraine in the Moldovan general education institutions. Additionally, they were allowed to attend school without being required to enroll

³² Geneva Convention relating to the Status of Refugees, article 22

³³ Council Directive 2001/55/EC of 20 July 2001 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, article 14

³⁴ Asylum Law no.270/2008 of the Republic of Moldova, articles 29 and 39

³⁵ Education Code of the Republic of Moldova, article 17, paragraph 4

in the compulsory schooling system provided that they registered in a temporary attendance record. Refugee children from Ukraine could also enroll in preschool education subject to availability of state funding allocated for 2022³⁶. According to the data collected by the Ministry of Education and Research, 1,782 refugee children from Ukraine were enrolled for the school year 2022 – 2023 in the schools and kindergartens in Moldova as at September 30, 2022, of which 1,156 in schools and 626 in pre-school institutions.³⁷

The monitoring revealed that most of the refugee children chose to attend the online classes provided by the Ukrainian authorities. To facilitate their studies, the accommodation facilities were provided with internet access networks, including with the support of non-governmental organizations. However, there were also refugee children who went to the Moldovan schools, according to the reports of some managers of the temporary placement centers and social assistance representatives. Given that temporary protection had not been activated, only minor asylum-seekers fully enjoyed the right to be enrolled in the Moldovan education system, while the right only to attend classes does not provide the safeguards and finalities provided by the state educational system. Most of the refugee children, regardless of their status, chose to study in Russian or Romanian language schools in Moldova. On the other hand, the refugee children belonging to marginalized groups, such as those with disabilities or Roma children, had limited access to education, one of the reasons being the refusal of their legal representatives.

In conclusion, the monitoring revealed some challenges faced by both the national authorities and children themselves in securing and making use of the right to education. The language barrier is one of the reasons the refugee children preferred to attend the online classes provided by the Ukrainian authorities despite their desire to socialize with other children. The difference in subjects taught in Moldovan and Ukrainian schools, as well as the recognition of the study periods, recognition and equivalence of study documents, the movement of refugee families to different Moldovan localities or their leaving the country after a certain period of time were other challenges faced by the national public authorities related to securing the right to education for refugee children.

IMPLEMENTATION STATUS OF RECOMMENDATIONS

Of the 46 recommendations submitted to decision-makers in 2022 in the context of the armed conflict in Ukraine, 11% were implemented, 56% were partially implemented, 24% were no longer relevant³⁸ and 9% were not reported.

³⁶ CES Decision no.10 of March 15, 2022, paragraph 12

³⁷ <https://mec.gov.md/ro/content/1782-de-copii-refugiati-din-ucraina-sunt-incadrati-institutiile-de-invatamant-general-din>

³⁸ no longer relevant due to new circumstantial factors

