



THEMATIC REPORT

Respect for the rights of displaced children from Ukraine

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ABBREVIATIONS

NSAA - National Social Assistance Agency

PPA – Professional parental assistance

GA – Guardianship authority

TGA – Territorial Guardianship Authority

Barnahus – Integrated support service for child victims/witnesses of crimes

UNCRC – UN Convention on the Rights of the Child

EC – Equality Council

CES - Commission for Emergency Situations

TPCR - Temporary placement centre for refugees

NHIC - National Health Insurance Company

UDHR – Universal Declaration of Human Rights

GIM - General Inspectorate for Migration

GPI - General Police Inspectorate

ECEI - Early childhood education institutions

MIA – Ministry of Internal Affairs

MER - Ministry of Education and Research

MLSP - Ministry of Labour and Social Protection

LBSE - Local bodies specialized in the field of education

TSSA - Territorial structures of social assistance

RM – Republic of Moldova

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INTRODUCTION

In February 2022, an armed conflict broke out in Ukraine that entailed instability, forcing many people, including children, to seek safety, protection and assistance in neighbouring countries. The armed conflict in Ukraine made the national authorities to act urgently in order to manage the migration flow. Thus, on 24 February 2022¹, the Parliament of the Republic of Moldova declared the state of emergency throughout the Republic of Moldova, which was regularly extended. In accordance with Art. 2 of Parliament Decision No. 41/2022, during the state of emergency the Commission for Emergency Situations of the Republic of Moldova was authorized to issue instructions to make actions required to manage the flow of refugees during the state of emergency, in particular to ensure that their rights are respected. These circumstances made society as a whole to mobilize its efforts to support people in need of support and protection.

In humanitarian crises, the first critical phase follows immediately after the outbreak of armed conflict, when it is absolutely necessary to ensure that the basic needs of the affected people are met. This initial period is characterized by extreme vulnerability, where access to drinking water, food, shelter and healthcare becomes a core priority for survival of affected people. Thus, immediately after the outbreak of the conflict, the Moldovan authorities, civil society organizations, state enterprises created Temporary Placement Centres for Refugees (TPCR) to meet the immediate and basic needs of displaced people from Ukraine (housing, food, hygiene).

As the humanitarian crisis evolves, another phase is taking shape, which requires the authorities to adopt and apply considerable and sustainable measures to guarantee the fundamental rights of refugees. At this phase, in addition to ensuring that basic needs are met, comprehensive strategies shall be implemented to ensure inclusion of displaced people.

Children were the most seriously affected, becoming innocent victims of the acts of violence. Due to their vulnerable nature and the inability to protect their own rights, they have been exposed to various risks related to violence. In accordance with Article 22 of the UN Convention on the Rights of the Child (UNCRC), refugee children or those seeking such status have the right to special protection, and the state is obliged to cooperate with governmental and non-governmental organizations that ensure such protection or assistance.

Through the thematic report '*Respect for the rights of displaced children from Ukraine*', we aim to evaluate the effectiveness of the humanitarian actions undertaken by the Republic of Moldova in the two phases of the humanitarian crisis, addressing the challenges faced by both persons legally responsible for displaced children from Ukraine, as well as specialists/authorities in meeting basic needs and adopting, respectively implementing, the measures required to guarantee the respect for their fundamental rights.

¹¹ https://www.legis.md/cautare/getResults?doc_id=130658&lang=ro

The data collected and analyzed in this Thematic Report covers the period February 2022 – October 2023.

SUMMARY

The Thematic Report *‘Respect for the rights of displaced children from Ukraine’* presents the key measures taken by the national authorities to ensure that the rights of displaced children from Ukraine are respected in the Republic of Moldova, making an emphasis on three core aspects: the right to protection and social assistance of displaced children from Ukraine; the right to healthcare of displaced children from Ukraine; the right to education of displaced people from Ukraine.

In the context of addressing the measures taken to respect the right to protection and social assistance of displaced children from Ukraine, the actions adopted to provide a shelter for refugee children were analyzed, the steps taken in managing the situation of unaccompanied children were highlighted and the process of legalizing their stay on the territory of the Republic of Moldova was evaluated. Also, the way of treating cases of displaced children from Ukraine who were victims of crimes was addressed with a focus on their protection and assistance. Challenges encountered by specialists and parents in this area were highlighted separately and allowed making certain recommendations to improve some aspects of accessibility and quality of social protection.

In terms of provision of shelter for displaced children from Ukraine, the state managed, by its interventions, to cover, to a large extent, their basic needs by creating Temporary Placement Centres for Refugees. However, there were certain shortcomings, in particular segregation of Roma children and lack of clear standards to ensure protection of children placed in TPCR against the risks of violence, neglect, exploitation and trafficking. Moreover, in the context of the TPCR reform, by transforming them into social services, which will be available only to the most vulnerable groups of displaced persons, the state should provide alternative measures to support families with children who will not be eligible for this service, at least for a certain period.

The situation of unaccompanied children or of those accompanied by unauthorized third parties was adequately addressed. These children enjoyed all forms of protection and all the services available to children from the Republic of Moldova. Placing unaccompanied children in PPA satisfies the best interest of the child and helps ensuring the right of the child to family.

Analysis of the normative framework of temporary protection highlighted certain restrictive provisions. Thus, Ukrainian children in Moldova with only one parent, who are neither Ukrainian, nor stateless persons, but who had a legal residence permit in Ukraine until 24

February 2022, are deprived of the possibility to legalize their status and benefit from related rights provided by temporary protection.

Some of the displaced children from Ukraine who were victims of crimes benefited from specialized services (Barnahus). They could not include all the child victims, because the service is currently available only in the northern part of the country.

As for healthcare, the Report highlights the measures taken by the authorities to ensure access for every displaced child from Ukraine to the necessary healthcare in the country. The main finding on this matter is that the volume of healthcare and the tactics of conduct changed over time. The state has recently decided that the number of healthcare services offered free of charge to displaced children from Ukraine, beneficiaries of temporary protection, should be extended to cover people without temporary protection status. However, in fact there are cases where fees are charged for healthcare services provided to displaced children from Ukraine.

Chapter three covers inclusion of displaced children from Ukraine in the national educational system. Analyzed data on this matter lead to the conclusion that the state formally managed to provide opportunities to access the national system for displaced children from Ukraine in various forms (either online by continuing to follow the Ukrainian programme, or with physical attendance by enrolling in national educational institutions). The figures provided show that 89.17% of the children who decided to enrol in the national educational system chose those institutions that provide teaching in Russian. Analysis of the information provided by the MER and of the information received from the LBSE, shows some inconsistencies between the registration and appropriate approach to all legal incidents of violence, bullying and discrimination in the school environment among children.

METHODOLOGY OF ANALYSIS

This Report was prepared by collecting, analyzing and interpreting the following:

- (i) legal documents. In this context, the international standards and the national normative framework related to the field concerned were analyzed to establish whether adopted laws or normative acts ensure adequate protection in accordance with the international standards in the field of human, child and refugee rights.
- (ii) data and information received from central and local public authorities and TPCR administrators. In this regard, information and data relevant to the analyzed aspects were requested from the relevant authorities, especially from the Ministry of Education and Research, the Ministry of Labour and Social Protection, the Ministry of Health, the General Police Inspectorate, the General Inspectorate for Migration, territorial structures of social assistance, territorial health care structures, LBSE, administrators of Temporary Placement Centres. An information collection grid was developed for this activity, which was sent with the request to fill out/answer questions (questionnaires are attached).
- (iii) information obtained from discussions with parents/caregivers or companions of displaced children from Ukraine.
- (iv) relevant information from various studies, analyses, researches carried out during the reference period by other non-governmental organizations/institutions, to which the appropriate reference was made.

Limits of the analysis

To prepare the Report, 30 responses of the territorial structures of territorial assistance were analyzed; 31 responses from territorial education directorates; 2 responses from health directorates and 2 from public healthcare institutions; information provided by two Temporary Placement Centres. 2 focused discussions were held with a group of displaced adults from Ukraine who care for children: a group of 5 adults accommodated in a Temporary Placement Centre and a group of 2 adults accommodated in the community. The conversations were recorded by the interlocutor, given that the persons concerned refused to have the conversation recorded. Therefore, the information shared by them could be misinterpreted and/or inaccurate. No discussions were held with children. Parents preferred to answer on their own, without involving the children.

Ethical considerations

The entire process of data collection, analysis and interpretation was guided by following ethical principles:

- (i) the purpose of the study was explained to each participant and his or her consent to answer the questionnaire was requested;

- (ii) participants were selected otherwise than based on discriminatory criteria, all those who wanted to answer were given this opportunity;
- (iii) personal data, which were found out and/or became known in the course of this analysis, are confidential.

I. RIGHT TO PROTECTION AND SOCIAL ASSISTANCE OF DISPLACED CHILDREN FROM UKRAINE

International standards

The right to protection and social assistance of displaced children from Ukraine is an essential component of human rights. The UN Convention on the Rights of the Child, in Article 22, states that refugee children or those seeking such status are entitled to special protection, and the state is obliged to cooperate with governmental and non-governmental organizations that provide such protection and assistance.

According to the Convention, assistance and protection of refugee children shall be focused on four primary aspects:

- a. Respect for the best interests of the child (Article 3). All decisions concerning children shall be made in the best interests of the child, taking into account all factors that may matter such as the child's age, gender, cultural background, general background and previous experiences.
- b. Right to life, survival and development (Article 6). Children have the right to life and physical, mental, social, moral and spiritual development. This involves access to health services, education, food and safe and healthy living conditions.
- c. Right to non-discrimination (Article 2). All children, regardless of their national, ethnic and social origin, social status, language, religion or beliefs, age, sex, gender identity, sexual orientation, disability, health status, HIV status, opinion, wealth, birth or any other criterion, have equal rights in terms of protection, assistance and access to services.
- d. Right to participate and express opinion (Article 12). Every child has the right to decide on his or her own life and to participate in making decisions concerning him or her.

Provision of shelter for displaced children from Ukraine

In the first phase after the outbreak of the armed conflict, the national authorities focused their efforts on providing a shelter for displaced children from Ukraine to ensure children's safety and well-being. According to the data available on the UNHCR website², from the moment of outbreak of the conflict until late October 2023, 333,769 Ukrainian children arrived in the Republic of Moldova.

Thus, by Instruction No. 1 of the Commission for Emergency Situations (CES) of 24 February 2022, creation of temporary placement centres for refugees was ordered, and by Order No. 21/2022 of the Ministry of Labour and Social Protection, the Regulation on the organization and operation of the placement centre for refugees was approved. During this period, people were accommodated in the centres through the green line opened within the Single Centre for Crisis Management. Although the basic criterion for the accommodation of people was availability of

² <https://data.unhcr.org/en/working-group/336?sv=54&geo=10784>

places at the TPCR, Roma persons, as well as other ethnic minorities, ended up being accommodated mainly in a few centres in the country, which caused their segregation.

This was a prompt response of the authorities to the massive flow of refugees aimed at covering basic needs (accommodation, hygiene and food), failing to pay due attention to the regulation of a minimum number of standards on protection of accommodated persons, especially children, against the risks of violence, neglect, exploitation and trafficking. The lack of internal mechanisms to ensure protection of accommodated persons, shortage of qualified personnel to ensure security and internal order within the centres, is an increased risk factor of abuse against the refugees accommodated in these centres.

During the management of the crisis determined by the humanitarian settings, the Moldovan authorities established a total of 133 temporary placement centres for refugees (TPCR) throughout the country. As of 30 January 2023, 65³ were operating, and as of 01 October 2023, there were 45 operating Temporary Refugee Placement Centres, which were created under the orders of the National Social Assistance Agency. The reform of TPCR from temporary placement services to social services, in which assistance to beneficiaries is provided with respect for the dignity and rights of refugees, is underway.

According to the data provided by TSSA, on 07 October 2023, 530 displaced children from Ukraine were registered within TPCR in the country who were placed with their parents and or other legal representatives, including a 17-year-old child placed alone at his or her request. According to the NSAA data, there were 341 children placed together with their parents or legal representatives in TPCR in Chisinau municipality as of 10.10.2023. At the same time, according to TGA data, as of 07 October 2023, 2,478 children were registered in the community.

Table No. 1 Data on displaced children from Ukraine in the records of the social system authorities

Total number of registered children	Refugee children accommodated in TPCR together with parents or legal representatives	Refugee children accommodated in TPCR alone	Refugee children accommodated in the community (including those placed at the PPA, guardianship/curatorship, custody)
3,009	530	1	2,478

³ file:///C:/Users/user/Downloads/REACH_MDA_Factsheet_RAC-Monthly-Needs-Monitoring_2023-01-30_RO.pdf

Table No. 2 Age disaggregated data of children from Ukraine in the records of the social system authorities

Total number of registered children	Refugee children aged 0-2 years old	Refugee children 3-6 aged years old	Refugee children aged 7-15 years old
3,009	380	754	1,524

Situation of unaccompanied children

One of the challenges of ensuring protection for displaced children from Ukraine in humanitarian settings concerned the management of the flow of unaccompanied children or children accompanied by unauthorized third parties.

At the onset of the conflict, the Commission for Emergency Situations (CES) of the Republic of Moldova approved several exemptions regarding the entry, stay and exit of displaced people from Ukraine to, on and from the Republic of Moldova. Thus, access to the Republic of Moldova was initially authorized for foreigners and children from Ukraine, subject to submission of one of the identity documents, including expired ones. During the management of the humanitarian crisis, these requirements were changed. However, there was a considerable flow of children arriving unaccompanied or accompanied by unauthorized persons in the Republic of Moldova. These made representatives of the MLSP and the Ministry of Internal Affairs (MIA) to take urgent actions to develop the legal framework for the protection of children in Ukraine, in accordance with the UN Convention on the Rights of the Child. Thus, by Instruction No. 14 of 14.04.2022 of the CES approved the Regulation on establishment of the inter-sectoral cooperation mechanism for the identification, assistance and monitoring of children in risk situations, coming from the territory of Ukraine during the declaration of the state of war in Ukraine.

According to this normative act, groups of children from Ukraine in a situation of risk, who needed immediate intervention of the guardianship authority, were as follows: (i) unaccompanied children, (ii) children with unauthorized companions, (iii) children accompanied by legal representatives, but in respect of whom there were doubts as to the identity (of both the children and the legal representatives), (iv) children declared to be in danger or existence of a supposed imminent danger, (v) children without identity documents, with expired, damaged identity documents, (vi) other groups of children at risk.

To implement this normative act, the MIA and the MLSP subsequently adopted specific orders whereby they established two ways of controlling the border crossing by unaccompanied refugee children from Ukraine: (i) the template document authorizing the exit of unaccompanied children or those accompanied by unauthorized persons by crossing of the state border of the Republic

Moldova⁴; (ii) the template document of rapid evaluation of the best interests of the child at risk, coming from the territory of Ukraine, during the declaration of the state of war in Ukraine and the Form of record of the behaviour, actions, wording and states of the child and the accompanying adult⁵.

According to the same normative act, the MLSP is responsible for keeping records of refugee children from Ukraine, starting from April 2022. The MLSP collects on a weekly basis the relevant information from TSSA. According to the information on displaced children from Ukraine unaccompanied or accompanied by unauthorized persons during this period, including on the documents issued to leave the country:

- ✓ in 2022⁶, 497 unaccompanied children and 1175 children accompanied by unauthorized persons were registered on the territory of the Republic of Moldova. During this period, 475 documents were issued to authorize children to leave Ukraine by crossing the border with the Republic of Moldova;
- ✓ in 2023⁷, 177 unaccompanied and 531 children accompanied by unauthorized persons were registered. During this period, 359 documents were issued to authorize children to leave Ukraine by crossing the border with the Republic of Moldova.

Displaced children from Ukraine benefit from all forms of protection and all services that are also available to children from the Republic of Moldova. The most widespread form of protection granted to displaced children from Ukraine is custody (temporary form of protection of the child established at the request of the parents to ensure adequate growth, care and education of the child as long as his or her parents are in another settlement or abroad of the Republic of Moldova for more than 2 months). Also, to ensure the well-being of displaced children from Ukraine, who were identified without legal representatives on the territory of the Republic of Moldova, the MLSP made efforts to develop child-friendly social services, and namely family-type social services – Professional Parental Assistance to place these children.

Thus, after the evaluation of unaccompanied children or those accompanied by unauthorized persons, they are referred either for their reintegration into their biological families if their legal representatives are found, or they are placed in extended families (through the establishment of guardianship/curatorship or custody) or referred to the Professional Parental Assistance (PPA) services, in coordination with the territorial social assistance offices.

As of 07 October 2023, there were 109 displaced children from Ukraine in custody in the TGA records. The vast majority of these children arrived in the Republic of Moldova together with

⁴ Order No. 169/34 of 22.04.2022

⁵ Order of the MLSP No. 36 of 05.05.2022

⁶ Information as of 28 December 2022

⁷ Information as of 28.12.22 – 07.10.2023

their parents. Also, on 07 October 2023, according to the data provided by TGA, there were records of:

- ✓ 3 unaccompanied children and 14 children accompanied by unauthorized persons;
- ✓ 4 refugee children placed at PPA;
- ✓ 7 refugee children placed at the guardianship/curatorship service.

These steps, which satisfy the best interest of the child and help ensuring the right of the child to family, are welcome.

Legalization of stay on the territory of the Republic of Moldova

According to the Law No. 270/2008 on asylum in the Republic of Moldova, temporary protection is a form of exceptional protection aimed at providing, in the event of a massive and spontaneous flow of displaced persons who cannot return to their country of origin, immediate and temporary protection to such persons, if there is a risk that the asylum system is not able to process this flow without adverse effects for its effective operation, in the interests of the persons concerned and of others who need protection. By Government Decision No. 21/2023, the Government of the Republic of Moldova granted temporary protection to displaced people from Ukraine. This is an exceptional measure aimed at providing immediate and temporary protection to people who meet the eligibility criteria. According to the normative act, temporary protection is granted to:

- Ukrainian citizens residing in Ukraine before 24 February 2022;
- Ukrainian citizens who were in the Republic of Moldova before 24 February 2022;
- stateless persons with recognized status in Ukraine before 24 February 2022;
- nationals of third countries, other than Ukraine, who enjoyed international or national protection in Ukraine before 24 February 2022 and who cannot safely return to their country or region of origin;
- family members of the persons mentioned above.

Temporary protection status gives the right to:

- stay on the territory of the Republic of Moldova during the period of granting temporary protection (until 01.03.2024);
- employment;
- have access to accommodation in temporary placement centres for people in difficulty;
- benefit from primary and emergency healthcare;
- have access to general education, in case of children;
- benefit from social assistance.

According to the data provided by GMI, on 13 October 2023, 6,358 children were registered with an identity document of beneficiary of temporary protection.

Table No. 3 Age and sex disaggregated data of displaced children from Ukraine documented with identity card of beneficiary of temporary protection

Displaced children from Ukraine holding an identity card of beneficiary of temporary protection					Total
Age	0-7 years old		8-17 years old		
sex	Female	Male	Female	Male	
	1,465	1,475	1,645	1,771	
					6,358

Through the reports prepared by the Office of the People's Advocate (OPA), with the involvement of members of the Consultative Council for the Prevention of Violation of the Rights of Refugees, created within the Office of the People's Advocate in March 2022, in the context of the armed conflict in Ukraine, the following impediment was found. Ukrainian children on the territory of Moldova with only one parent, who are neither Ukrainians nor stateless persons, but who had a legal residence permit in Ukraine before 24 February 2022, are deprived of the possibility to legalize their status and benefit from related rights provided by temporary protection. A paradoxical situation occurs when the same child accompanied by the second parent, who is a Ukrainian citizen, as well as not accompanied by either parent, is eligible in both cases and would benefit from temporary protection⁸.

Protection of child victims of crimes

Article 19 of the UNCRC governs the right to protection against abuse, exploitation and neglect. Thus, all children shall be protected against all forms of violence, including sexual or emotional abuse, economic exploitation or forced labour in hazardous conditions. Child refugees from war also benefit from this protection. The responsibility to provide them with the necessary protection in such situations rests with the state where they are.

Refugee children are exposed to various risks such as family separation, physical or sexual abuse, psychological violence or mental disorders, exploitation and trafficking or even death. Child protection in humanitarian settings involves implementation of preventive measures and ensuring a prompt response to every suspected case of violence, neglect, exploitation and trafficking against children, risks enhanced by armed conflicts.

Protection of refugee children involves collaboration between different institutions/authorities and non-governmental organizations, including local communities. Monitoring and reporting of

⁸ <file:///C:/Users/user/Downloads/raport-privind-monitorizarea-respectarii-drepturilor-persoanelor-refugiate-ianuarie-iunie-2023.pdf>, page 29

incidents is essential for assessing the effectiveness of existing policies and interventions, as well as for constant improvement of refugee child protection systems.

Data provided by the GPI show that between February 2022 and July 2023, 10 crimes were registered in which 11 displaced children from Ukraine were victims, of whom 7 were girls and 4 were boys. Most children were affected by acts of domestic violence.

Table No. 4 Age and sex disaggregated data of displaced children from Ukraine who are victims of crimes

Article	Year	Age	Sex
188	2022	17	Female
187	2022	14	Male
201/1	2022	15	Female
264	2022	12	Female
152	2023	16	Male
172	2023	9	Female
192	2023	14	Female
201/1	2023	17	Male
201/1	2023	14	Female
201/1	2023	11	Female
264	2023	10	Male

According to the Criminal Procedure Code, child victims/witnesses of sexual crimes, child trafficking or family violence are approached after a specialized procedure, which is adapted to their specific needs. Thus, these children, according to the domestic normative framework⁹, enjoy specialized assistance in the justice system, in particular when: they are heard in special conditions (in a friendly space, through a specialist who adapts the process to be clear to them); psychological assistance in moments of crisis or psychological evaluation, if necessary; medical examination in a friendly space. Specialized assistance services for child victims/witnesses of crimes are provided within regional integrated assistance centres for child victims/witnesses of crimes¹⁰.

Since the outbreak of the humanitarian crisis, 6 displaced children from Ukraine were assisted within the North regional service (Barnahus-type service). In 2022, 3 children benefited from these specialized services (a child victim of physical violence in a case of offence; 1 child victim

⁹ https://www.legis.md/cautare/getResults?doc_id=119740&lang=ro

¹⁰ https://www.legis.md/cautare/getResults?doc_id=119740&lang=ro

in a sexual crime case; 1 child witness of a sexual crime¹¹). In 2023, three child victims of domestic violence benefited from the specialized services of the Centre.

Availability of specialized services to assist displaced children from Ukraine who are victims of crimes proves a sensitive and integrated approach to the management of the humanitarian crisis.

Other protection and social assistance measures provided to displaced children from Ukraine

Families with children and unaccompanied children enjoying a form of protection on the territory of the Republic of Moldova can benefit from all the social assistance measures provided, in accordance with the legislation in force, to the children of citizens of the Republic of Moldova.

Between September 2022 and August 2023, the Ministry of Labour and Social Protection and UNICEF provided financial aid and social services through the ‘Support for families with children’ service, thus preventing separation of children from their parents and other risk situations in case of over 14 thousand of families and 34 thousand children. More than 436 children of them were displaced children from Ukraine¹².

Also, Ukrainian children with disabilities who obtained a form of protection on the territory of the Republic of Moldova can benefit from determination of the degree of disability subject to the procedure established by law. To initiate the procedure for referral of persons for the determination of disability, the public healthcare institution where the child with disabilities is supervised, draws up the referral form F-088/e. In the first 9 months of 2023, the National Disability Determination Council determined the degree of disability in only 6 minors, given the difficult medical investigation process¹³.

Challenges faced by professionals and parents in realizing the right to protection and social assistance

Discussions with displaced people from Ukraine who care for children focused on the challenges they faced in applying for assistance and social protection, revealed the following challenges:

¹¹ Child witnesses are not included in the official statistics

¹² <https://www.unicef.org/moldova/protec%C8%9Bie-incluziune-bun%C4%83stare?fbclid=IwAR0vdhsv9RJL3qFK4qtNs3tWro4qxWpb8IUXZZXBLVBDCfvLXpXiMpHL-1A>

¹³ <file:///C:/Users/user/Downloads/raportul-avocatului-poporului-privind-evaluarea-accesibilitatii-serviciilor-esentiale-de-sanata.pdf>, page 26

- Lack of information about the availability of certain services was an obstacle in accessing social assistance services.
- Lack of necessary documents as a barrier for accessing social services.
- Language barriers.

The analysis of the information provided by TSSA shows that the challenges in ensuring social protection of displaced children from Ukraine include the following:

- Large flow of displaced persons in the first period after the outbreak of the armed conflict. This created difficulties in keeping records of everyone to assess the needs for assistance, provide the necessary assistance and ensure adequate protection. The information shared show that many people who found refuge in the Republic of Moldova initially began to live at relatives, without informing the authorities. Later, after their stay on the territory of the country was prolonged, they applied to the authorities for assistance, and were registered accordingly.
- Lack of clear intervention mechanisms in the initial period (the first months after the outbreak of the conflict) as well, which caused granting assistance intuitively, sometimes chaotically, focusing on covering basic needs and solving urgent problems.
- Lack of experience in providing assistance to displaced children from Ukraine, including in overcoming language barriers.

As the crisis continues and following the interventions of the national authorities, TSSA representatives observed the following challenges that make it difficult for them to provide assistance to displaced children from Ukraine:

- Lack of a single database of displaced people from Ukraine to track their route and services they benefited from. In fact, it was found out that some families benefited from certain excessively offered assistance, and for other families they were not enough.
- Shortage of services available to displaced people from Ukraine, and those available are not made accessible to accommodate children with disabilities.
- Documentation of children who do not have documents or whose documents are not in order.
- Difficulties in confirming the permanent/temporary residence address in order to obtain temporary protection in the Republic of Moldova.

II. THE RIGHT TO HEALTHCARE OF DISPLACED CHILDREN FROM UKRAINE

International standards

Ensuring the right to health care of refugee children implies responsibility of host states to ensure that quality health services are provided to children affected by armed conflicts. Article 24 of the UNCRC recognizes the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States shall strive to ensure that no child is deprived of his or her right of access to such services. This provision includes the right to healthcare for refugees, especially emergency medical treatment and health care for refugee children.

Measures taken by the authorities to ensure the right to healthcare

In the first phase after the outbreak of the humanitarian crisis, free healthcare for refugees from Ukraine covered healthcare services available only to those who met the COVID-19 case criteria, as well as in surgical emergencies (point 20 of the CES Instruction No. 2 of 25 February 2022).

In accordance with Instruction No. 9/2022 of the Commission for Emergency Situations of the Republic of Moldova, by derogation from Art. 9 of Law No. 1585/1998 on compulsory healthcare insurance, foreign citizens displaced from Ukraine, who do not enjoy the right of residence in the Republic of Moldova, benefit from healthcare from healthcare service providers included in the compulsory healthcare insurance system.

After the opening of the TPCR, medical offices were established within them, through which healthcare was provided. In accordance with the Order of the Ministry of Health No. 166 of 26.02.2022¹⁴, heads of public hospital institutions, primary healthcare providers, regardless of the type of ownership and legal form of organization, territorial Public Health Centres of the National Agency for Public Health ensured:

1. secondment of healthcare personnel to the medical offices within Provisional Centres for the management of flows of foreigners on the territory of the Republic of Moldova, at the request of representatives of the Ministry of Internal Affairs, and to the medical offices within the Temporary Placement Centres for refugees, at the request of representatives of territorial social assistance offices and local public authorities;
2. equipping the respective Centres with medical kits for provision of the medical first aid;
3. testing with a rapid SARS-CoV-2 antigen diagnostic test of all persons accommodated in the respective Centres.

¹⁴ <https://msmps.gov.md/wp-content/uploads/2022/02/Ordinul-MS-nr.-166-din-26.02.2022.pdf>

Later, the list of healthcare services provided to displaced people from Ukraine was completed. Thus, by Order of the Ministry of Health No. 210/2022 of 4 March 2022 on the procedure for organizing healthcare for refugees from Ukraine¹⁵, the procedure for ensuring continuous treatment of patients displaced from Ukraine with diabetes, cancer, psychiatric, tuberculosis, etc., was established, with free release of medicines purchased in a centralized manner by the Ministry of Health.

After adoption of Government Decision No. 21/2023, the Order of the Ministry of Health No. 143/2023 on healthcare services provided to beneficiaries of temporary protection, whereby the List of healthcare services by types of healthcare provided to beneficiaries of temporary protection and the public health institutions providing healthcare services to beneficiaries of temporary protection, was approved¹⁶. Although the list of healthcare services provided free of charge to beneficiaries of temporary protection is quite wide, it does not cover all specialized healthcare services available to displaced people from Ukraine for a fee.

The state has recently decided that the package of healthcare services offered free of charge to displaced children from Ukraine, beneficiaries of temporary protection, should be extended to include those without temporary protection status. Thus, by Instruction No. 88 of 13.10.2023 of the CES (point 6) it was established that the National Health Insurance Company pays for emergency healthcare, primary healthcare and free medical examination for reasons of public health, provided from 1 March 2023 by public healthcare institutions, included in the system of mandatory healthcare insurance for displaced children from Ukraine, including those without temporary protection status. The package of services offered free of charge to such beneficiaries includes pre-hospital emergency healthcare, primary healthcare (offered by the family doctor's team) and hospital emergency healthcare.

Table No. 5 Data on the amount of healthcare services provided to children displaced from Ukraine (0-18 years old) in the period February 2022 - June 2023

#	Type of sub-programme related to provided healthcare services	Number of provided healthcare services (consultation, investigation, treated case)	Amount related to provided services (MDL)

¹⁵ <https://msmps.gov.md/wp-content/uploads/2022/03/Ordin-nr.-210-din-04.03.2022-Modul-de-organizare-si-acordare-a-AM-refugiatilor-din-Ucraina-2.pdf>

¹⁶ https://www.legis.md/cautare/getResults?doc_id=135924&lang=ro

1	Pre-hospital healthcare sub-programme	3038	4.185.613,76
2	Primary healthcare sub-programme	4754	470.587,69
3	Specialized outpatient healthcare sub-programme	4217	478.163,00
4	Hospital healthcare sub-programme	2588	14.216.876,62
5	High performance healthcare services sub-programme	4	876,00
6	Community and home healthcare sub-programme	175	13.036,00
Total:		14.776	19.365.153,07

These provisions suggest that the amount of healthcare and the tactics of conduct changed according to the period.

In fact, despite the listed regulations, cases were reported in which parents of displaced children from Ukraine were asked to pay for the healthcare provided to their children.

Challenges faced by professionals and parents in realizing the right to healthcare

The following challenges were revealed from what refugees who care for children said, from talks focused on challenges they faced in requesting healthcare:

- Family doctors are not informed about the types of healthcare that children can benefit from for free and the procedure (*they had to call colleagues to ask what to do in this case*).
- Period of appointment with specialist doctors is long (*and in such cases, whether you like it or not, you seek private services*).

Also, two other situations were reported to the Office of the People's Advocate.

Case No. 1

In a recent case, a child (born in 2020) was taken from the accommodation centre in Carpineni village, by the Emergency Service at the Hancesti District Hospital, and was offered emergency healthcare, after which the administration of the Hancesti District Hospital requested a fee for the emergency healthcare services provided to the child because they were foreign persons. Following the intervention of the representative of the People's Advocate Office, the administration gave up the demand for payment, but asked them to leave the hospital.

Case No. 2

In another case, a child (born in 2014) was brought to the public healthcare institution Anenii Noi District Hospital with injuries; the diagnosis established according to the

medical extract was cut wound. Following the emergency healthcare services provided to the child, the mother was handed a bill to pay referring to the fact that the child could not benefit from free healthcare services because temporary protection was granted.

The analysis of the information shared by specialists of healthcare directorate revealed the following challenges:

- Language barriers in communication with patients.
- Unclear vaccination status.
- Lack of a regulatory document and distribution of patients depending on diagnosis, healthcare level, complications, etc.
- Neglect by parents of the need for inpatient healthcare, refusal of certain investigations or therapeutic tactics.
- Lack of much medical information (personal history, existence of allergies, severe illnesses) that have a major impact on the patient's behaviour.
- Promotion of information about the amount of healthcare (both primary and specialized one) that can be provided in public healthcare institutions.

III. THE RIGHT TO EDUCATION OF DISPLACED CHILDREN FROM UKRAINE

International standards

Article 28 of the UNCRC recognizes the right of children to education and prescribes the obligation of states to make primary education compulsory and free and to facilitate access to secondary and higher education. The Universal Declaration of Human Rights (UDHR) enshrines the fundamental right to education in Article 26, stating that education must be aimed at the development of the human personality and strengthening of the respect for human rights and fundamental freedoms. Article 22 of the Convention concerning to the Status of Refugees (CSR) stipulates the obligation of states to guarantee the right to education for refugees, similarly to other foreigners, in the country of residence. The Global Agenda for Education 2030, adopted within the framework of the United Nations Educational, Scientific and Cultural Organization (UNESCO) reiterates the importance of ensuring access to quality education for all, including refugee children.

Measures taken by the authorities to ensure the right to education

The Constitution of the Republic of Moldova grants everyone, including foreigners, the right to education. Law No. 200/2010 on the regime of foreigners in the Republic of Moldova¹⁷ makes clear that foreigners can have access to education through the national education system, and the educational authorities shall establish conditions for the recognition and equivalence of studies for enrolment in the national system (Art. 86). The Law on asylum in the Republic of Moldova¹⁸ reaffirms this right and provides for that children enjoying temporary protection are granted the right of access to compulsory general education under the same conditions as its own citizens.

The total number of children who took refuge in the Republic of Moldova from Ukraine was quite large (*in general, children accounted for almost half of the total number of people who arrived in the Republic of Moldova*), making the authorities to intervene promptly and place children in the national school system.

Organization of the educational process of refugee children from Ukraine was ordered by CES Instruction No. 10 of 15 March 2022, whereby the Ministry of Education and Research committed to develop the mechanism for the inclusion of refugee children in the educational system. In March 2022, the Ministry of Education and Research (MER) issued Order No. 178

¹⁷ https://www.legis.md/cautare/getResults?doc_id=138267&lang=ro#

¹⁸ https://www.legis.md/cautare/getResults?doc_id=136582&lang=ro#

(2022) on enrolment of Ukrainian refugee children in national schools¹⁹. The Order provided several options for inclusion in the educational system:

- (i) schooling of displaced children from Ukraine, as students, who passed the procedure of recognition and equivalence of studies and who legalized their stay;
- (ii) attendance by displaced children from Ukraine of classes, as auditors, which implies participation in educational activities without the obligation to be enrolled in school as children are registered in a provisional register. This option was valid for all displaced children from Ukraine;
- (iii) participation in online classes organized by the educational institutions where they studied in Ukraine, or accessing educational platforms and resources created by the Ministry of Education and Science of Ukraine.

To organize the educational process, rooms were arranged and provided with equipment in TPCR and schools to facilitate online education.

By granting temporary protection authorities commit to ensure equal access to public education for displaced children from Ukraine, who enjoy temporary protection, under the same conditions as citizens of the Republic of Moldova. According to point 17 of the normative act mentioned above, the Ministry of Education and Research ensures access to education for children who benefit from temporary protection in public general education institutions and under the same conditions as for minor citizens of the Republic of Moldova. The phrase '*subject to the possibilities of the educational system*' is ambiguous and subjective and could unjustifiably restrict the access of displaced children from Ukraine to the educational system. Moreover, such a criterion is not governed in any way by the Education Code or the Admission/Enrolment Regulations of educational institutions of any level. Exclusion of this phrase would amount to a responsible approach and would make the system to adapt and find solutions to ensure access to education for all.

To implement GD No. 21/2023, by Order No. 1109 of 04.09.2023, the Ministry of Education and Research of the Republic of Moldova approved the Instruction on integration of children from refugee families from Ukraine in the general education institutions of the Republic of Moldova²⁰. The Instruction governs the procedure for enrolling children from refugee families from Ukraine in general education institutions in the Republic of Moldova. According to this document, children citizens of Ukraine who arrived in the Republic of Moldova after 24 February 2022:

- (i) can enrol in preschool and general education institutions;
- (ii) have the opportunity to study through online classes organized by the educational institutions they attended in Ukraine, having access to educational platforms and resources created by the MER within the educational institutions.

¹⁹ https://mecc.gov.md/sites/default/files/ordin_mec_178_instructiune.pdf

²⁰ https://mecc.gov.md/sites/default/files/ordin_mec_1109_din_04.09.2023_instructiune_refugiati.pdf

According to the findings of the report of the Law Centre of Advocates on the implementation of Temporary Protection granted in the Republic of Moldova to displaced people from Ukraine: after 6 months²¹, the Instruction mentioned above would limit access to education for an important category of beneficiaries of temporary protection, and namely Ukrainian children who were in the Republic of Moldova before 24 February 2022 (page 31). Also, the phrase ‘subject to the possibilities of the educational system’ is considered an obstacle that could unjustifiably restrict the right of children to education (page 32).

According to the data provided by the MER, in the period 24 February 2022 - August 2023, more than 2,450 children from refugee families from Ukraine were integrated into the educational system of the Republic of Moldova. 683 children of them attended early education institutions (in 250 institutions); 1,429 were enrolled in primary schools, gymnasiums and high schools throughout the country (more than 250 institutions), and 340 children attended various extracurricular educational institutions throughout the country (50 institutions).

In the period September 2022 – May 2023, over 1400 children in grades 1-12 (in 230 institutions) were enrolled in the Moldovan educational system, over 960 children in early education institutions (230 institutions), about 320 children attended various extracurricular educational institutions throughout the country (42 institutions).

The MER data show that, as of 16.10.2023, 582 children were enrolled in 199 early education institutions (EEI).

Table No. 6 Sex and age disaggregated data on the number of displaced children from Ukraine enrolled in EEI in the 2023-2024 academic year

Sex	0-2 years old	2 years old	3 years old	4 years old	5 years old	6 years old	7 years old	Total	%
Girls	8	11	39	86	82	59	8	293	50.34
Boys	6	11	56	73	70	61	12	289	49.66
Total	14	22	95	159	152	120	20	582	

The Instruction on integration of children from refugee families from Ukraine in the general education institutions of the Republic of Moldova requires the MER to facilitate access to free courses of Romanian language in order to increase inclusion of refugee children in the educational system. Currently, the education of refugee children is organized in schools with Romanian and Russian teaching languages.

²¹ <https://www.undp.org/ro/moldova/publications/implementarea-protectiei-temporare-acordate-pe-teritoriul-republicii-moldova-persoanelor-stramutate-din-ucraina-situatia-dupa>

On 16 October 2023, there were 1,542 students enrolled in 221 primary schools, gymnasiums and high schools in the country.

Table No. 7 Data on the level of education and the language of instruction of displaced children from Ukraine enrolled in educational institutions in the 2023-2024 academic year

Language of instruction	Gr. 1	Gr. 2	Gr. 3	Gr. 4	Gr. 5	Gr. 6	Gr. 7	Gr. 8	Gr. 9	Gr. 10	Gr. 11	Gr. 12	Total	%
Romanian	24	26	18	14	22	15	15	17	13	2	1	0	167	10.8
Russian	216	175	134	165	167	163	114	102	78	40	17	4	1375	89.2
	240	201	152	179	189	178	129	119	91	42	18	4	1542	

Violence, bullying and discrimination in school settings

As regards the cases of bullying and discrimination against refugee children observed in educational institutions, the MER informed that it does not keep separate records, nor were such cases noticed. The Council for Equality informed that during the reference period (February 2020 – June 2023), it did not have any notifications of situations of discrimination and harassment against refugee children from Ukraine for examination. However, this does not exclude that such situations occurred.

Moreover, the analysis of the information provided by local bodies specialized in the field of education (LBSE²²) shows that impediments in ensuring the education of refugee children included possible intimidation of refugee Roma children by their classmates due to the fact that they do not match the age. Talks held with the TPCR staff in Glodeni²³, in October 2023, revealed that out of the 50 children accommodated at that time, only 6 were registered at school, but they did not attend the school and preferred to study in the Centre, which has a study room. The fact that all children follow a study programme organized within the Centre was confirmed by the administration.

In a case reported by LBSE, it was not possible to enrol a child in the educational institution due to the lack of classes taught in Russian. The parent went to another settlement to find a place in an institution, which delivered classes in Russian.

²² Glodeni

²³ The Temporary Placement Centre is located in the building of the former 'V. Coroban' High School in Glodeni town. This Centre was established by DSAFP Glodeni and is managed by the staff of the Directorate. It has a capacity of 80 seats. The Centre has a study room with laptops. 2 employees work here, one of them has the role of Community Mediator, and the other is a Romanian language teacher.

The circumstances described above allow presuming discrimination against and bullying of Roma children in educational settings. The fact that they were not reported to the competent institutions most likely suggests that these children, as well as their parents, do not have information about their existence and duties. As for teachers, this situation would outline a lack of knowledge of their obligation to report such cases.

The most recent study developed on the aspects concerned is the study *Knowledge, attitudes and practices regarding child protection in school settings*, developed by the National Centre for the Prevention of Child Abuse (NCPCA), in partnership with the United Nations High Commissioner for Refugees (UNHCR). The findings of this study highlight different situations of bullying or violence by classmates or school for 10-30% of the surveyed students²⁴. According to the data of the study mentioned above, only 84.9% of the children participating in the study consider that refugee children have the right to attend school like all other children. On the other hand, the study data show that 69.2% of teachers had several discussions with students about discrimination and the need to treat all students equally and respectfully, 22.1% had such discussions once or twice, compared to 8.7% who did not carry out such activities with students.

Challenges faced by professionals and parents in realizing the right to education

The analysis of the information provided by LBSE outlines the following challenges encountered by them in organizing the educational process for refugee children from Ukraine:

- Lack of the documents required for enrolment: identity documents, education documents, medical documents (vaccination sheet). Most noted that, despite these challenges, they managed to organize the education for all displaced children from Ukraine who came into their sight. In this regard, parents of undocumented children submitted an affidavit whereby they committed to submit later the missing documents, therefore they were enrolled provisionally, until submission of those documents.
- Uncertainty in continuing studies and failure to inform the authorities about leaving the locality or changing the educational institution.
- School enrolment of and attendance by Roma children was mentioned as a complex challenge, since either parents refused to enrol their children in school/kindergarten or, even if they were enrolled, many of them dropped out of it after a short time.
- Refusal of some parents to enrol their children in the educational system, considering that their children were following the online program or intend to return to Ukraine. This was considered a challenge since it was impossible to monitor the situation of these children. If online attendance of classes by children accommodated in TPCRs can be monitored, LBSE have no monitoring levers for those accommodated in the community. In this regard, it was also emphasized that, although in some educational institutions spaces were arranged to facilitate online education, parents preferred that their children learn from home.

²⁴ Study developed on the basis of the group of 568 students from grades 6-12 from 9 educational institutions

- Impossibility to manage requests related to preferred language of instruction. Some LBSE mentioned requests to organize the study process in the mother tongue (Ukrainian), which is impossible to do.
- The language barrier was also pointed out as an education challenge. Some LBSE mentioned that the youngest (kindergarten) children adapted more easily, compared to those of school age. For the latter, teachers worked individually to help them fit in, including linguistically.
- Difference between the Ukrainian and the national curriculum.

Based on the talks with parents, they found out that education was the highest priority, and the greatest difficulties encountered were the followings:

- Difficulties in choosing the language of instruction. Some noted that they did not want their children to learn in either Romanian or Russian because both were foreign to them and would cause them difficulties in speaking, which could entail intimidation from their classmates.
- Parents were also dissatisfied with the quality of online education, because the quality of the Internet was not always good; classes were often postponed due to the lack of electricity in Ukraine. However, they mentioned that they did not want their children to miss the programme from Ukraine (including the contact with teachers) as they planned to return as soon as possible.
- Curriculum differences between Ukraine and Moldova.
- Difficulty of submitting all the documents required for registration, given the fact that they must be brought from Ukraine.

CONCLUSIONS

Analyzing the information provided by the authorities on their response to the management of the flow of refugees, in particular ensuring the respect for the rights of refugee children in the Republic of Moldova, two phases can be outlined: the initial phase of the emerging crisis and the phase of functional management and inclusion. The initial phase was marked by the unplanned aspect of the flow of people, including of children taking refuge on the territory of the Republic of Moldova, for whom the authorities attempted to establish measures covering basic needs (accommodation, hygiene, food). This phase was characterized by a massive flow of people. The second phase can be described as a functional one, during which the national authorities developed procedures and implemented intervention and assistance mechanisms aimed at respecting the rights of refugees, including of children. At this phase, the approval of the Regulation on establishment of the inter-sectoral cooperation mechanism for the identification, assistance and monitoring of children at risk, coming from the territory of Ukraine, granting temporary protection to displaced persons, can be revised.

Along with the evolution of the TPCR reform, which will lead to the closure of several placement centres for refugees, the lack of stable housing will be a challenge in accessing social protection services. In the medium and long term, the best way to protect refugees is to include them in national systems, strengthening the capacity of the national child protection system. Priority shall be given to inclusion of refugee children in national child protection systems, including to facilitation of access to specialized services and alternative care services.

Granting temporary protection was an essential step to ensure safety and well-being of refugee children. Temporary protection status allowed extending the range of services that children can benefit from not only in respect of social protection, but also significant improvements in terms of access to healthcare. This contributed substantially to enhancing the realization of the fundamental rights of refugee children. Improving the situation of children should be a constant priority and further supported by government decisions and actions aimed at removing all barriers that still prevent full realization of rights of refugee children.

Despite the efforts made to ensure the right to education for refugee children, a complex reality is taking shape. In general, there is a formal recognition of the provision of this fundamental right, but the quality of education raises questions, as vulnerabilities and structural challenges are revealed. However, initially many refugee children were included in the educational system as auditors, others studied on the online platforms of the Ukrainian education system, without effective monitoring. Educational inclusion of Roma children is still a distinct challenge for the education system. Ensuring the right to education for refugee children is not only about guaranteeing access, but also about providing quality education adapted to the needs and specific context of these children.

Further, it is essential to strengthen and improve these measures, ensuring that refugee children are included in the decision-making processes that concern them and that they are given real chances for development and integration into society.

RECOMMENDATIONS

To the Government of the Republic of Moldova:

(i) Approve the Framework Regulation on the organization and operation of the Social Service Temporary Placement Centre for people displaced from the territory of other states and of the Minimum Quality Standards, developed by the Ministry of Labour and Social Protection, with increased attention to the following:

- Ensuring that procedures will be adopted and applied to ensure protection of children from any form of violence, neglect, exploitation and trafficking in all Temporary Placement Centres for persons displaced from the territory of other states.
- Ensuring a mechanism of admission in the Social Service Temporary Placement Centre for people displaced from the territory of other states to prevent segregation based on ethnicity.

(ii) Revise some provisions of Government Decision No. 21/2023 on granting temporary protection to displaced people from Ukraine, in particular:

- point 1 of the GD by expanding the group of persons eligible for temporary protection to include ‘non-Ukrainian third parties and stateless persons who prove that they have legal residence in Ukraine, based on a permanent residence permit issued in accordance with Ukrainian legislation and who cannot safely return to their country or region of origin.’
- Point 17 by excluding the phrase – subject to the possibilities of the educational system.

To the Ministry of Labour and Social Protection:

(iii) Establish alternative measures to support families with children who will not be eligible for the Social Service Temporary Placement Centre for people displaced from the territory of other states, at least for a certain period.

(iv) Strengthen the institutional and professional skills of the staff of all social services to respond to the assistance needs of families with refugee children.

(v) Inform families with children about all available social services and the conditions for accessing them.

To the Ministry of Health:

- (vi) Expand the list of healthcare services provided free of charge to children enjoying temporary protection, within the framework of specialized outpatient healthcare.
- (vii) Inform all managed healthcare entities of any level about the healthcare services to be provided free of charge to displaced children from Ukraine, issuing a circular to this effect.

To the Ministry of Education and Research:

- (viii) Make the ways and conditions for the recognition and equivalence of previously acquired studies and skills, as well as identification and promotion of flexible educational interventions that facilitate rapid removal of educational gaps and overcoming the language barrier, more flexible.
- (ix) Establish an intensive preparatory course of Romanian language in the context of the enrolment of the child in the national education institution.
- (x) Encourage school attendance and support/make parents responsible for placing the child in the educational system.