

**Approved by
Ceslav PANICO,
People's Advocate (Ombudsman)**

**Report on the monitoring of the respect for the rights of refugees,
in the context of the armed conflict in Ukraine
for the period January – June 2024**

Chisinau, Republic of Moldova
July 2024

This Report has been prepared by the Office of the People's Advocate (OPA) with the involvement of members of the Consultative Council for Preventing Violation of Rights of Refugees, in the context of the armed conflict in Ukraine, established under the Office of the People's Advocate in March 2022.

Author:

Lilia Nenescu - independent expert, member of the Consultative Council;

Co-authors:

Carolina Cazaciuc – Head, Examination of Complaints and the Protection of Persons Department/project manager within the Office of the People's Advocate, coordinator of the Consultative Council;

Victor Morari - Senior Consultant, Examination of Complaints and the Protection of Persons Department/project assistant within the Office of the People's Advocate, member of the Consultative Council.

Contributors:

Gheorghina Drumea - Coalition for Inclusion and non-Discrimination (CIN), member of the Consultative Council;

Andrei Lutenco - Center for Policies and Reforms (CPR Moldova), member of the Consultative Council;

Carolina Bagrin - National Center for Child Abuse Prevention (NCCAP), member of the Consultative Council;

Gheorghe Bosii - Centre for the Rights of Persons with Disabilities (CRPD), member of the Consultative Council;

Vitalie Mester - Centre for the Rights of Persons with Disabilities (CRPD), member of the Consultative Council;

Yulia Zenchenko - Female Support Force, member of the Consultative Council.

This Report is published with the support of the United Nations Refugee Agency (UNHCR) Moldova. The views expressed in this publication belong to the authors and do not necessarily reflect the official policy of the funding institution.

Acronyms

CHI - compulsory health insurance

NEA - National Employment Agency

NHIC - National Health Insurance Company

TPCR - Temporary Placement Center for Refugees

SLI - State Labour Inspectorate

MLSP - Ministry of Labour and Social Protection

OPA - Office of the People's Advocate

TP - temporary protection

THB – trafficking in human beings

UNHCR - UN Refugee Agency, (United Nations High Commissioner for Refugees)

Contents

| | |
|--|-------------------------------------|
| Acronyms | 3 |
| Introduction | 5 |
| Methodology..... | 6 |
| Summary | 7 |
| Chapter I. THE RIGHT TO WORK OF PERSONS ENJOYING TEMPORARY PROTECTION | 10 |
| 1.1 Profile of persons enjoying temporary protection..... | 10 |
| 1.2 Accessible employment measures for persons enjoying temporary protection | 12 |
| 1.3 Structural barriers limiting access to work for persons enjoying temporary protection. | 14 |
| 1.4 Working conditions | 23 |
| 1.5 Labour exploitation..... | 25 |
| Chapter II. ACCESS TO RELATED RIGHTS..... | 28 |
| 2.1 Access to health..... | 28 |
| 2.2 Access to social insurance..... | 32 |
| 2.3 Access to housing | 32 |
| Recommendations..... | 34 |
| Annex 1. Questionnaire for NEA territorial structures | Error! Bookmark not defined. |
| Annex 2. Questionnaire no. 2 for beneficiaries of temporary protection | 39 |

Introduction

The Government of the Republic of Moldova approved the granting of temporary protection to refugees from Ukraine for a period of one year, as of March 1, 2023. Subsequently, the term was extended for another year until March 1, 2025. According to the updated information of the General Inspectorate for Migration¹ in the period from March 1, 2023 to June 3, 2024, a total of 60 147 persons were pre-registered in the information system of the General Inspectorate for Migration on temporary protection. Of these, 49 227 identity cards of persons enjoying temporary protection were issued, including 13 778 for minor beneficiaries.

Government Decision no. 21/2023 on granting temporary protection to displaced persons from Ukraine transposes the EU Directive and ensures the right to stay in the Republic of Moldova, the right to health, education, access to the labour market, social assistance and accommodation for refugees from Ukraine. With the adoption of temporary protection, the beneficiaries of TP have the right to work in the Republic of Moldova, without obtaining the right of temporary stay for work purposes. According to available data², in the period from March 1, 2022 to June 14, 2024, the NEA has received notifications from economic operators about the employment of 1428 citizens from Ukraine. Most of them are employed in Chisinau (1104), ATU Gagauzia (59), Balti (69).

Given the high degree of vulnerability of refugees, the role of the OPA together with the Consultative Council is to monitor how de facto the rights of beneficiaries of temporary protection are ensured, prevent abuses and promote national and international human rights-based standards. To this end, the OPA conducts monitoring visits to Temporary Placement Centers for Refugees, organizes workshops with local and national public authorities responsible for the implementation of Temporary Protection, and subsequently prepares reports and recommendations for ensuring compliance with the rights of beneficiaries of temporary protection. Thus, the previous report of the OPA focused on the analysis of how the right to social assistance for beneficiaries of temporary protection is ensured³. In particular, this report aims to assess how **access to work** is realized, the structural barriers faced by job seekers and the working conditions of beneficiaries of temporary protection working in Moldova.

Therewith, the report continues to monitor the right to housing and how the implementation of the “EXIT” strategy to strengthen the TPCRs affects the realization of the right to housing for beneficiaries of temporary protection. The study recognizes that, for successful integration into the labour market, both medium-term and long-term policies for the integration of displaced persons into host societies are needed. In this context, the other rights stipulated in the GD on TP, i.e. guaranteeing access to essential public services, such as access to housing, education,

¹ General Inspectorate for Migration

² NEA, Updated information on economic operators’ notifications on employing Ukrainian nationals <https://anofm.md/ro/node/20103>

³ Office of the People’s Advocate, Report on the monitoring of the respect for the rights of refugees from Ukraine, for the period July-December 2023 <https://ombudsman.md/post-document/raport-privind-monitorizarea-respectarii-drepturilor-persoanelor-refugiate-in-contextul-conflictului-armat-din-ucraina-pentru-perioada-iulie-decembrie-2023/>

health, social assistance, are crucial for integration into the labour market. In this study, we shall specifically analyse the access to health and access to housing.

Methodology

This Report has been prepared based on documentary research, fieldwork and completion of two questionnaires. Documentary research includes the identification and analysis of relevant documentation (national legislation, strategies, reports) on the realization of the right to work for beneficiaries of temporary protection on the territory of the Republic of Moldova.

Questionnaire no. 1 - the questionnaire was sent by email to all NEA territorial subdivisions. Questionnaire aims to assess the employment measures offered to beneficiaries of temporary protection by the territorial subdivisions of the NEA, as well as the barriers encountered in the application of GD 21/2023 by the NEA subdivisions. Questionnaire was filled in by 20 territorial subdivisions of the NEA: Donduseni, Sorooca, Stefan Voda, Glodeni, Leova, Briceni, Drochia, Cimislia, Comrat, Balti, Soldanesti, Riscani, Falesti, Ialoveni, Straseni, Cahul, Ungheni, Calarasi, Causeni, Taraclia.

Questionnaire no. 2 - the questionnaire was distributed online to displaced persons from Ukraine. Questionnaire was aimed to assess the access to work, barriers faced in job search and working conditions of refugees from Ukraine working in Moldova. Questionnaire was filled in by **137** persons.

Data on respondents' profile:

- 95% are Ukrainian nationals and 5% are nationals of other countries;
- 84% ethnic Ukrainians, 10% ethnic Russians and 6% other ethnicity;
- 84% beneficiaries of TP, 9% residence permit, 7% citizenship of the Republic of Moldova.
- 90% are women;
- 84% aged between 35-65, 14% aged between 18-35, 3% aged between 65+;
- 70% live in Chisinau, 23% live in another city and 7% in rural areas;
- 93% live in private dwellings and 7% live in placement centers;
- 64% live in Moldova more than 24 months; 23% between 12-24 months; 13% less than 12 months;

Methodological limitations:

The number of questionnaires, territorial distribution of respondents, methodology of dissemination among displaced persons from Ukraine - all these do not allow us to establish a representative sample. The questionnaire for NEA territorial subdivisions was filled in by 20 out of 35 territorial structures. **The Chisinau territorial subdivision did not reply to the questionnaire**, which directly affects the results of the report as 77% of the persons employed via the NEA were employed via the Chisinau subdivision. However, the research does not include the Eastern region of the Republic of Moldova (Transnistrian region).

Summary

This Report analyses the specific peculiarities of refugees from Ukraine and the structural barriers that make it difficult for them to find a job in the Republic of Moldova. The structural barriers addressed in this report are: lack of compliance with the legal framework; difficulties in the recognition and equivalence of qualifications; low wages and gender pay gap; domestic and care work that does not allow integration into the labour market; discrimination; restriction of access to entrepreneur's patent.

Integration programmes for refugees from Ukraine should take into account the specific peculiarities that define the profile of refugees from Ukraine, such as gender profile, family structure, educational profile and intention to return to Ukraine. Peculiarities related to **gender profile** and **family structure** indicate that the majority of employable refugees are women, caring for their children and other dependants, which creates specific challenges for integration into the labour market. It is therefore crucial that labour market integration measures are gender sensitive. Taking into account the increased economic vulnerability of beneficiaries of temporary protection, it is important that the ability to engage in employment does not condition access to other rights such as the right to housing or the right to health.

The legal framework on the integration of foreigners into the labour market, i.e. *Law No. 274 of 27.12.2011 on Integration of Foreigners* and *Law No. 105/2018 on the Promotion of Employment and Unemployment Insurance* - have NOT been adjusted to include persons enjoying temporary protection. We find that the **lack of harmonization of the general legal framework on the rights of persons enjoying temporary protection affects the right to work and creates significant impediments to the integration of refugees from Ukraine.**

Beneficiaries of temporary protection have access to only a few employment services (information, career guidance and labour intermediation), and do NOT have access to active employment measures, employment facilitation programmes and unemployment insurance. Integration measures offered by the NEA do not meet the needs of beneficiaries of temporary protection. Thus, 39% of the respondents to Questionnaire no. 2 indicated a need for Romanian language courses and 21% indicated a need for professionalization or reprofessionalization courses. We find that the **integration measures to which TP beneficiaries have access are much lower compared to other categories of beneficiaries of international protection.**

Therewith, according to Article 4 of *Law No. 274/2011 on Integration of Foreigners in the Republic of Moldova*, the process of integration of foreigners in the Republic of Moldova is carried out in compliance with the principle of non-discrimination and equal treatment. We find that the **exclusion of beneficiaries of temporary protection from the services for the integration of foreigners represents an unequal and discriminatory treatment** in relation to other categories of beneficiaries of international protection.

Recognition and equivalence of qualifications of beneficiaries of temporary protection is carried out according to the general procedure, which creates difficulties in employment. The

Republic of Moldova is still in the process of negotiating with the Ukrainian authorities a **Treaty on Mutual Recognition of Educational Documents and Qualifications**.

A significant barrier to employment is low wages, which do not cover the cost of living in Moldova. Low wages are the most frequently cited problem among employed respondents (44.8%), and 10% of respondents indicated that they are not employed due to low wages. In addition to low wages, women are paid less than men. In the Republic of Moldova in 2022, women earned on average 15.5% less than men (84.5% of the men's average wage earnings).

Another barrier is discrimination. Thus, 6% of respondents experienced **discrimination in employment or at work**. They report job refusal, low pay, unequal treatment and workload.

The pressure of domestic and care work for refugee women from Ukraine is another barrier. Data on the structure of refugee families indicate that 36% of households are composed of a single adult with dependants and 35% of the members of refugee families from Ukraine are children⁴. Care work for refugee women is also proliferated by the fact that a significant proportion of their children attend online education, and this adds an additional barrier to integration into employment as opposed to other groups of women.

Therewith, the TP beneficiaries who wish to carry out a self-employed activity **cannot operate under the entrepreneur's patent**. According to *Law No. 93/1998 on Entrepreneur's Patent*, foreign citizens can be holders of a patent only if they have a permanent residence permit in the Republic of Moldova. Therefore, the TP beneficiaries have to comply with more complicated and bureaucratic processes, which hinders their economic inclusion and encourages activity in the informal economy.

Due to barriers to employment, the results of Questionnaire no. 2 show that many refugees from Ukraine are employed in **atypical employment relationships**, in particular informal employment or under service contract. These employment practices of beneficiaries of temporary protection affect the job security and employment rights of refugees from Ukraine.

In the Republic of Moldova, employees are eligible for sick leave allowance if they have at least 3 years of paid employment or at least 9 months of paid employment in the last 2 years. We find that, **beneficiaries of temporary protection cannot benefit during the first 9 months of legal work in the Republic of Moldova, from paid sick leave and paid leave for the care of sick children**. Compared to the required contribution periods in the EU, the Republic of Moldova has an extremely long contribution period which creates barriers to accessing sick leave allowance for beneficiaries of temporary protection as well as for Moldovan citizens.

Beneficiaries of temporary protection who work under a service contract do not have the status of an insured person in the CHI system, although they are subject to health insurance tax, nor

⁴ UNHCR, *Lives on hold: intentions and perspectives of refugees and IDPs from Ukraine*, July 2023 <https://reporting.unhcr.org/ukraine-lives-hold-intentions-and-perspectives-refugees-and-idps>

can they insure themselves individually as they are not included in the category of persons with this right. Moreover, not having the status of a resident person, they cannot claim reimbursement of the tax paid for health insurance. Therewith, beneficiaries of temporary protection cannot insure themselves individually, as Law No. 1593/2002 does not include beneficiaries of temporary protection among the categories of payers of compulsory health insurance premiums in fixed amount who insure themselves individually. We find that **the right to health is seriously affected in the case of TP beneficiaries working under a service contract.**

On the right to housing, we find that the **EXIT Strategy restricts the rights of beneficiaries of temporary protection** and limits access to essential services, amplifying the state of vulnerability, contrary to Article 13 of [Directive 2001/55/EC](#). We find that, persons who are in employment risk to lose the right to state-provided housing.

Chapter I. THE RIGHT TO WORK OF PERSONS ENJOYING TEMPORARY PROTECTION

1.1 Profile of persons enjoying temporary protection

Refugees are one of the most vulnerable groups in the labour market. According to the data⁵, it can take up to 10 years for half of all refugees in a country to have a job and up to 20 years to have an employment rate similar to that of people born in the destination country. Refugee women have lower employment rates (45% compared to 62% among refugee men). It is crucial that the integration of beneficiaries of temporary protection into the labour market takes into account the general challenges of integration of refugees as well as the specific particularities that define the flow of refugees from Ukraine.

Gender profile of the flow of refugees from Ukraine. The majority of employable refugees are women, who have children and other dependants in their care, which creates specific challenges for their integration into the labour market. An OECD report indicates that the flow of refugees from Ukraine is atypical because the majority of adults are women. And the unusual gender dimension of Ukrainian refugees is a challenge for most host countries. In almost all host countries, at least 70% of adult refugees from Ukraine are women; in the Republic of Moldova, women account for 80% of all adult refugees⁶. This is very different from other recent refugee flows. According to the UNHCR⁷, by the end of 2021, women accounted for about 49% of global displaced people.

Educational profile. In general, refugees are much more likely to be overqualified than migrants. In total, almost 60% of employed refugees with tertiary education in the EU are overqualified for the jobs they occupy, which is more than twice the level of those born in the country of origin and also well above the levels of other migrant groups. The reasons for this discrepancy are due to the fact that most of them have foreign-recognized qualifications that employers may have difficulty evaluating, and also often lack documentation related to their diplomas⁸. Data show that the educational attainment of refugees from Ukraine is higher than that of other refugee groups, even higher than the average of the Ukrainian and EU population⁹.

The results of Questionnaire no. 2 show that 65% have higher education, 32% have vocational education, 3% have secondary education and 2% have secondary education. At the same time,

⁵ European Commission, Directorate-General for Employment, Social Affairs and Inclusion, Organisation for Economic Co-operation and Development, How are refugees faring on the labour market in Europe? – A first evaluation based on the 2014 EU Labour Force Survey ad hoc module. 1/2016, Publications Office, 2016, <https://data.europa.eu/doi/10.2767/350756>

⁶ UNWOMEN, gender profile of refugees, 2022 <https://moldova.unwomen.org/sites/default/files/2022-03/Profilul%20refugiilor%20din%20perspectiva%20de%20gen.pdf>

⁷ UNHCR, Global trends. Forced displacement in 2021 <https://www.unhcr.org/media/global-trends-report-2021>

⁸ European Commission, Directorate-General for Employment, Social Affairs and Inclusion, Organisation for Economic Co-operation and Development, How are refugees faring on the labour market in Europe? – A first evaluation based on the 2014 EU Labour Force Survey ad hoc module. 1/2016, Publications Office, 2016, <https://data.europa.eu/doi/10.2767/350756>

⁹ OECD (2023), “What we know about the skills and early labour market outcomes of refugees from Ukraine”, OECD Policy Responses on the Impacts of the War in Ukraine, OECD Publishing, Paris, <https://doi.org/10.1787/c7e694aa-en>

58% indicated more than 10 years of professional experience and 31% between 1-10 years. In comparison, only 5% indicated no work experience and 6% less than 1 year.

Family structure. The UNHCR study¹⁰ found that only 28% of households consist of one or more adults (18 - 59 years) without dependants. At the same time 36% of households are composed of one adult with dependants, 30% are composed of two or more adults with dependants. Also 35% of the members of refugee families from Ukraine are children. According to protection monitoring data provided by UNHCR¹¹, 56% of the Ukrainian refugee population were adults, of which about 40% represent the non-disabled adult refugee population. Also, 12% of Ukrainian families living in Moldova have at least one family member with a serious medical condition. According to Questionnaire no. 2, 20% of the respondents are unable to work because they are caring for a dependent person (15% children and 5% an adult in need of care).

Intention to return which affects the ability to plan life in the medium and long term. For the majority of refugees from Ukraine, Moldova is a temporary refuge, with a persistent intention to return to Ukraine as soon as possible. The fourth round of the UNHCR's intentions survey, conducted between April and May 2023, found that 71% of Ukrainian refugees hosted in countries neighbouring Ukraine express a desire to return to Ukraine, compared to 57% of refugees in other European countries¹². Even if there is uncertainty in the long term, the results of Questionnaire no. 2 indicate a higher proportion of people intending to stay in Moldova in the short and medium term. Thus, 80% of respondents indicated that they intend to stay in Moldova in the next 3-6 months, while 18% are undecided.

Taking these particularities into account, several countries have adopted integration measures or modified existing ones to better respond to the needs of refugees from Ukraine. Typically, these have focused mainly on improving the transferability of skills and the assessment of qualifications acquired abroad.

However, integration measures have not been adapted to take account of the atypical gender profile. This is partly due to the fact that many countries have mainstreamed employment into the labour market through the mainstream integration system. In several OECD countries in the EU, including Austria, Finland, France, Germany, Spain, Sweden and the Netherlands, general integration policies for migrants already incorporate gender-sensitive measures or follow a gender mainstreaming approach. But this is not the case everywhere, and mainstream integration systems may not be able to effectively support the labour market integration of refugee women from Ukraine¹³.

¹⁰ UNHCR, Lives on hold: intentions and perspectives of refugees and IDPs from Ukraine, July 2023 <https://reporting.unhcr.org/ukraine-lives-hold-intentions-and-perspectives-refugees-and-idps>

¹¹ UNHCR, Ukraine Situation - Moldova: Moldova Participatory Assessment Report 2023 <https://data.unhcr.org/en/documents/details/106941>

¹² UNHCR, Lives on hold: intentions and perspectives of refugees and IDPs from Ukraine, July 2023 <https://reporting.unhcr.org/ukraine-lives-hold-intentions-and-perspectives-refugees-and-idps>

¹³ Jean-Christophe Dumont, Ave Lauren, The labour market integration challenges of Ukrainian refugee women, 2023 <https://www.oecd-ilibrary.org/sites/fead3dca-en/index.html?itemId=/content/component/fead3dca-en>

Given the increased economic vulnerability of beneficiaries of temporary protection, it is crucial that integration measures are gender-sensitive. According to a study conducted by the NRC, while in 2023 the majority of respondents relied on savings, in 2024, 71% of respondents reported that their main source of income was assistance from humanitarian agencies. This indicates a worrying trend, as Ukrainian refugees in Moldova are increasingly dependent on humanitarian support at a time when humanitarian funding in Moldova is declining. In the Republic of Moldova, 37% of respondents stated that they could not meet their basic needs, and 38% of respondents cited this as the reason for their desire to return to Ukraine¹⁴.

1.2 Accessible employment measures for persons enjoying temporary protection

The right to work is a **fundamental socio-economic right** and is guaranteed to all persons by both international and national acts. Article 43 of the Constitution of the Republic of Moldova states that everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

In the Republic of Moldova, the main document regulating the right to work is the Labour Code (Law No. 154 of 2003), but provisions referring to the right to work can be found in other laws. According to Article 3 of the Labour Code of the Republic of Moldova, the rights and guarantees of employees in the **Labour Code are applicable to all employees** in the Republic of Moldova, including beneficiaries of temporary protection who work for an employer operating in the Republic of Moldova.

From the beginning of the armed conflict in Ukraine until the adoption of the Temporary Protection Mechanism, the rights of refugees from Ukraine, including the right to work, were regulated by the Provisions of the Commission for Exceptional Situations. Therefore, in the period from March 1, 2022 to May 15, 2023, Ukrainian citizens who did not benefit from international protection had the right to work based on the provisions of Provision No. 4 of March 1, 2022 of the Commission for Exceptional Situations of the Republic of Moldova¹⁵. According to paragraph 7 of this provision, by derogation from the general legal framework, Ukrainian citizens had the right to work on the territory of the Republic of Moldova without obtaining the right of temporary residence for work purposes during the state of emergency (60 days). At the same time, the Commission for Exceptional Situations, by its Decision No. 21 of 18.05.2022, cancelled the obligation to pay the average salary on the economy when employing Ukrainian citizens. Ukrainian citizens who wished to take up employment for a period longer than 60 days had to obtain the right of temporary residence according to the standard procedure. Only exception was the fact that this service was free of charge for Ukrainian citizens, since by the Commission for Exceptional Situations' Decision No. 21 of 18.05.2022 the state fee of MDL 1440 was cancelled.

Since March 1, 2023, with the adoption of temporary protection, beneficiaries of TP have the right to work on the territory of the Republic of Moldova, without obtaining the right of

¹⁴ NRC, Enduring hardships: Ukrainian refugees' realities in Moldova and Poland two years on, 2024 https://www.nrc.no/siteassets/reports/20240416_report_two-year-mark-research-pl-and-md.pdf

¹⁵ https://gov.md/sites/default/files/document/attachments/dispozitia_cse_4_01.03.2022.pdf

temporary residence for work purposes¹⁶. According to paragraph 24 of GD no.21/2023, the employment of beneficiaries of temporary protection is made based on the individual employment contract, with mandatory notification by the employer, within 5 days from the date of conclusion of the contract, to the National Employment Agency about the fact of employment of the beneficiary of temporary protection¹⁷. According to paragraph 25 of GD no. 21/2023, an additional condition in the case of employment in the health care system is the need to obtain the opinion of the Ministry of Health. Based on the Order of the Minister of Health no. 460 of 26.05.2023 *“On the employment of beneficiaries of temporary protection in medical institutions”*, the Commission on the employment of medical workers, beneficiaries of temporary protection were established.

According to available data¹⁸, in the period from March 1, 2022 to June 14, 2024, NEA received notifications from economic operators about employment of 1428 citizens of Ukraine, of which 978 women and 450 men. Most Ukrainian citizens are employed in Chisinau (1104), ATU Gagauzia (59), Balti (69).

According to the employers' notifications, Ukrainian citizens have taken up jobs in the following fields: programmer, engineer, tailor, salesperson, sales-consultant, cook, waiter, doctor, educator, sub-assembler, nurse, operator in the production sector, customer service agent, manager various fields, data entry operator, others. At the same time, since the beginning of 2024, 158 employers have shown their readiness to employ Ukrainian citizens, declaring 1536 job vacancies for these people¹⁹.

According to the NEA, beneficiaries of temporary protection are registered as persons looking for a job but without the right to hold unemployment status. According to NEA data, **190 beneficiaries** of temporary protection were registered in the period 2023-2024 (of which 129 beneficiaries in 2023 and 61 persons in the period January - March 2024)²⁰. **The results of questionnaire no. 1** indicate that **132 persons were registered in only 20 territorial subdivisions** of the NEA. It should be noted that there is a confusion between the number of persons registered with the NEA and the number of persons who participated in collective information sessions organized by the territorial subdivisions. For example, one subdivision indicated that 294 persons were registered, which is confusing because this number exceeds the official statistics of the NEA for all the territorial structures taken together.

- 2 subdivisions indicated zero persons;
- 8 subdivisions indicated between 1-9 persons;
- 9 subdivisions indicated between 10-20 persons;

¹⁶ Paragraph 23, annex no.1 of GD 21/2023, “Conditions for granting temporary protection to displaced persons from Ukraine”

¹⁷ Paragraph 24 annex no.1 of GD 21/2023

¹⁸ NEA, Updated information on economic operators' notifications on employing Ukrainian nationals <https://anofm.md/ro/node/20103>

¹⁹ NEA, Updated information on economic operators' notifications on employing Ukrainian nationals <https://anofm.md/ro/node/20103>

²⁰ NEA response no. 03-461 of 03.06.2024, sent to the OPA's request for information

TP beneficiaries registered at the NEA can benefit from the following services: labour market information; career guidance; labour intermediation. However, the **results of Questionnaire no. 1** indicate that 12 subdivisions provide information, 6 provide intermediation and 4 provide career guidance. Therefore, labour market information is the service most often provided by the territorial subdivisions of the NEA. At the same time, TP beneficiaries, respondents to questionnaire no. 2, indicated that they had benefited from the following services: information about vacancies (67%); Romanian language courses (49%); vocational courses (39%); assistance in writing CVs and motivation letters (32%), financial help and legal assistance for starting a business (17%), assistance in recognition of diplomas (3%). We note that **only 2% of the respondents had benefited from employment measures from the NEA**, 53% from NGOs and 45% from other sources.

Integration measures offered by the NEA do not meet the needs of beneficiaries of temporary protection. TP beneficiaries, respondents to Questionnaire no. 2 indicated that they do not consider themselves sufficiently qualified to integrate into the labour market in the Republic of Moldova. Thus, 39% indicated that they need Romanian language courses; 21% indicated that they need professionalization or reprofessionalization courses. Therewith, the NEA territorial subdivisions indicated in Questionnaire no. 1 that beneficiaries of temporary protection mostly request vocational training and Romanian language courses, followed by information on available jobs, then recognition of qualifications, possibility of working under a patent, financial support for job adaptation. It should be noted that one territorial subdivision indicated that beneficiaries of temporary protection have requested housing from the NEA.

Although the general profile of refugees from Ukraine indicates a predominance of people with higher education, the **results of Questionnaire no. 1** show that the majority of people who turn to the NEA for employment support are people with no education. Thus, 32% are uneducated, 29% with secondary education, 22% with vocational education, 6% with high school education and 11% with higher education. It should be noted that not all territorial subdivisions of the NEA collect disaggregated data on the educational and professional profile of TP beneficiaries. According to Questionnaire no. 1, out of the total number of TP beneficiaries employed through the territorial subdivisions of the NEA, only 29% were employed according to their education and professional experience gained in Ukraine. It should be noted that 10 territorial subdivisions indicated that none of the persons were employed according to their previous education and professional experience.

1.3 Structural barriers limiting access to work for persons enjoying temporary protection

Respondents to Questionnaire no. 2 indicated that the 5 most common barriers that prevent them from getting a job are:

- lack of part-time or flexible jobs (24%);
- work caring for children or dependent persons (15% children and 5% adults);
- lack of jobs matching qualifications (13%);

- low wages (10%);
- health problems (7%)
- Other barriers mentioned: language barriers, impossibility to open patent, recognition of studies, lack of work experience.

Territorial subdivisions of the NEA indicated as barriers to employment:

- lack of jobs appropriate to studies (9 subdivisions);
- language barriers (8 subdivisions);
- low wages (7 subdivisions);
- work caring for young children (3 subdivisions);
- Other barriers identified by the NEA structures: lack of jobs in the locality; social stigma; seasonal nature of work and informal employment as day labourers; lack of interest to work.

In this report we refer to structural as opposed to individual barriers. Structural barriers refer to the fact that, no matter how good an individual's qualifications are, elements within social and economic structures make it difficult to get a job. The structural barriers addressed in this report are: lack of compliance with the legal framework; recognition and equivalence of qualifications; low wages and gender pay gap; domestic and care work; discrimination; restriction of access to entrepreneur's patent.

→ **Lack of compliance with the legal framework** on the integration of foreigners into the labour market of the Republic of Moldova that has not been adjusted to include beneficiaries of temporary protection. We refer in particular to:

- Law No. 274 of 27.12.2011 on Integration of Foreigners;
- Law No. 105/2018 on the Promotion of Employment and Unemployment Insurance.

Article 2) paragraph (1) of the Law No. 274 of 27.12.2011 on Integration of Foreigners in the Republic of Moldova, stipulates that the Law is applicable to the following categories of foreigners: beneficiaries of the right of temporary or permanent residence; stateless persons recognized by the Republic of Moldova; refugees; beneficiaries of humanitarian protection or political asylum. At the same time, Article 2) paragraph (2) expressly stipulates that the **Law does not apply to beneficiaries of temporary protection**. The lack of harmonization of the general legal framework on the rights of beneficiaries of temporary protection affects the right to work and creates significant impediments to the integration of refugees from Ukraine.

According to the Law on Integration of Foreigners, the State provides free Romanian language courses for beneficiaries of international protection. Therewith, all categories of foreigners referred to in Article 2 paragraph (1) benefit from employment measures in line with the provisions of Law No. 105/2018 on the Promotion of Employment and Unemployment Insurance.

According to Law No. 105/2018, the NEA, through its territorial subdivisions implements employment measures which include:

1. **Measures to promote** employment (employment services and active employment measures). Employment services include: labour market information; career guidance; labour intermediation; pre-dismissal services; vocational rehabilitation of persons with disabilities; supported employment; identification of NEET youth. Active employment measures include: vocational training; subsidizing jobs; support for job creation or adaptation; stimulating workforce mobility. Vocational training is delivered through: voucher-based vocational training courses; on-the-job training within the unit; work placements; certification of knowledge and skills acquired in non-formal and informal education contexts.
2. Employment **facilitation programmes**;
3. **Unemployment insurance**.

Thus, the general legal framework on the integration of foreigners and facilitating employment is NOT applicable to beneficiaries of temporary protection. According to the NEA's response²¹, beneficiaries of temporary protection have access to only a few employment services (information, career guidance and labour intermediation), and do NOT have access to active employment measures, employment facilitation programmes and unemployment insurance

Therewith, according to Article 4 of Law No. 274/2011 on Integration of Foreigners in the Republic of Moldova, the process of integration of foreigners in the Republic of Moldova is carried out in compliance with the principle of non-discrimination and equal treatment. We find that the exclusion of beneficiaries of temporary protection from the services for the integration of foreigners represents an unequal and discriminatory treatment in relation to other categories of beneficiaries of international protection.

According to Article 12 of the EU Directive, States shall ensure not only access to work but also **access to vocational training services**. *"The Member States shall authorise, for a period not exceeding that of temporary protection, persons enjoying temporary protection to engage in employed or self-employed activities, subject to rules applicable to the profession, as well as in activities such as educational opportunities for adults, vocational training and practical workplace experience"*.

In most EU countries, beneficiaries of temporary protection have access to employment measures on equal terms with other categories of beneficiaries of international protection. For example, in Germany, beneficiaries of temporary protection are treated equally with German nationals. They have unfettered access to the labour market, including self-employment, under the same conditions as German nationals. TP beneficiaries are entitled to all support measures offered by the employment agency. These include qualification offers and training programmes, but also the costs for the recognition of studies and qualifications²². In Spain, funding is offered

²¹ NEA response no. 03-461 of 03.06.2024, sent to the OPA's request for information

²² AIDA, Temporary Protection in Germany, report from 2022 https://asylumineurope.org/wp-content/uploads/2023/04/AIDA-DE_Temporary-Protection_2022.pdf

for vocational training and reprofessionalization, including for language learning, computer literacy, technical skills and competences²³.

We find that in the Republic of Moldova, beneficiaries of temporary protection benefit from differential treatment, having access to fewer rights and services than other categories of beneficiaries of international protection. This also applies to access to employment measures. We find that through the prohibitions established by *Law 274/2011 on Integration of Foreigners* and *Law 105/2018 on the Promotion of Employment and Unemployment Insurance*, beneficiaries of temporary protection are limited in their access to employment measures, such as the right to free vocational training or the right to unemployment benefits.

→ The recognition and equivalence of qualifications for TP beneficiaries is another structural barrier.

Skills assessment and the recognition of professional qualifications are key measures to help beneficiaries validate and accredit their skills, which enhances opportunities for integration into the labour market. Data show that displaced persons from Ukraine are highly educated, with the majority of them having completed tertiary education. In order to integrate this category of people into the labour market, a simplified process of recognition of qualifications is needed. Recognizing this, the EU Commission has issued Recommendation (EU) 2022/554 of 5 April 2022 on the recognition of qualifications of persons fleeing the Russian invasion of Ukraine²⁴.

Portugal has adopted legislation on the recognition of qualifications and competences of beneficiaries of temporary protection. As a consequence, applications for recognition of qualifications from beneficiaries of TP are given priority and are exempted from a number of bureaucratic requirements such as legalization of documents issued by foreign entities, certification of copies and authentication of translations. Applicants are also exempt from paying fees. Portugal has issued an ordinance regulating the recognition of the professional qualifications of beneficiaries of temporary protection, laying down, among other things, procedures in the event of missing documents due to war.²⁵ Latvia and the Slovak Republic waived the apostille requirement for beneficiaries of temporary protection. In Spain and Romania, measures have been introduced to speed up the recognition of non-university qualifications for beneficiaries of temporary protection. Thus, applicants can submit an affidavit stating that they meet the conditions for the recognition of qualifications²⁶.

In the Republic of Moldova, beneficiaries of temporary protection report difficulties in having their qualifications recognized and equated. According to the UNHCR Participatory

²³ European Migration Network Inform, Access to services for beneficiaries of temporary protection, 2022 https://home-affairs.ec.europa.eu/system/files/2022-11/EMN_INFORM_services.pdf

²⁴ <https://eur-lex.europa.eu/legal-content/RO/TEXT/?uri=CELEX:32022H0554>

²⁵ AIDA, Access to socio-economic rights for temporary protection beneficiaries, 2023 <https://asylumineurope.org/wp-content/uploads/2023/08/Access-to-SER-for-temporary-protection-beneficiaries.pdf>

²⁶ European Migration Network Inform, Access to services for beneficiaries of temporary protection, 2022 https://home-affairs.ec.europa.eu/system/files/2022-11/EMN_INFORM_services.pdf

Assessment²⁷ of 2023 only 5% of respondents were able to formally engage according to their qualifications and work experience, partly because they face difficulties in having their qualifications recognized. **The results of Questionnaire no. 2** indicate that 29% of those who have worked or are working were employed according to their qualifications. At the same time, 48% indicated that they would like a job according to their qualifications, 33% indicated proximity to their place of living as a criterion, 14% indicated that they are ready to engage in any job.

The procedure of recognition and equivalence could be simplified either by adopting simplified procedures for beneficiaries of temporary protection or by signing an agreement on mutual recognition of educational documents between Moldova and Ukraine. E.g., a respondent to Questionnaire no. 2 indicated that *“The Moldovan Ministry of Health asked for a document stating that there are no restrictions to practice from Ukraine, which I have been waiting for 3 months already.”*

It should be noted that the Agreement between the Government of the Republic of Moldova and the Cabinet of Ministers of Ukraine on Mutual Recognition of Educational Qualifications, signed on May 18, 2001, expired on November 28, 2018. According to the response of the Ministry of Education and Research²⁸, the Republic of Moldova is in the process of negotiating a new treaty on mutual recognition of educational documents and qualifications with the competent Ukrainian authorities, but this process seems to be too lengthy, given the importance of equivalence of educational documents.

Currently, the recognition and equivalence of qualifications of beneficiaries of temporary protection is carried out according to the general procedure, based on the Regulation on the recognition of educational documents and qualifications acquired abroad, approved by the Order of the Ministry of Education, Culture and Research no. 1702/2019. According to paragraph 24 of the Regulation, in order to access the labour market in the Republic of Moldova, the Ministry of Education, Culture and Research recognizes and equalizes the educational documents acquired abroad. According to paragraph 25, in the case of some professions regulated by international law (architecture, medicine, veterinary medicine, dentistry, general nursing, midwifery and pharmacy), the Ministry of Education and Research recognizes the educational documents, without the right to practice the regulated profession. The right to practise the professions referred to in paragraph 25 shall be authorized by the competent authorities or professional organizations of the Republic of Moldova in line with the sectoral regulatory framework.

For beneficiaries of temporary protection, if they have the documents referred to in paragraph 13 of the Regulation, if they are continuing their studies, and in paragraph 28 if they have professional qualifications, the same procedure shall apply. If the beneficiary of temporary protection partially possesses or does not possess the documents referred to in paragraph 13 and paragraph 28 of the Regulation, the Ministry of Education, Culture and Research shall support

²⁷ UNHCR, Participatory Assessment Report 2023, <https://www.unhcr.org/md/19921-240229.html>

²⁸ Response of the Ministry of Education, Culture and Research no. 03/3/3559 of 03.06.2024

him/her in applying for the European Qualification Passport for Refugees, a standardized document issued within the framework of a project run by the Council of Europe and its partners, including the Ministry of Education, Culture and Research.

→ Low wages and pay gap

10% of the respondents to Questionnaire no. 2 indicated that they are not engaged in the labour force because the wages are low. Therewith, low wages are the most frequently cited problem among employed respondents to the questionnaire (44.8%). Respondents indicate that:

“Existing assistance programmes are helping refugees from Ukraine find the lowest-wage jobs. That is, the jobs that locals don’t want to take.”

“The problem is the low salaries that do not allow us to live in Moldova. What’s the point of working, being away from home all day, not being able to take care of children, if wages don’t even cover minimum expenses?”

“A low salary is offered (MDL 8.5 thousand net). Housing costs EUR 300 + utilities. This salary is only enough to pay for the accommodation.”

“As salaries are very low, support can be offered in the form of housing or compensation for accommodation, because living in Moldova on a salary alone is not enough to live on rent”.

In the Republic of Moldova, wages are low, both in relative terms (compared to neighbouring countries) and in absolute terms (compared to the country’s minimum subsistence level). The minimum wage in the Republic of Moldova is MDL 5000 (gross), i.e. about EUR 260, compared with EUR 663 in Romania, EUR 978 in Poland and EUR 2054 in Germany.²⁹ According to the National Bureau of Statistics³⁰, 3.6% of Moldovan employees in September 2023 were paid less than MDL 4000 (gross) and 30.2% had salaries between MDL 4 and 7 thousand (gross). Therefore, 1 in 3 employees earn a net salary of up to MDL 5600, which is only twice the subsistence minimum.

In addition to low wages, women are paid less than men. Women earned on average 15.5% less than men (84.5% of men’s average wage earnings) in 2022 (SDG indicator 8.5.1). Expressed in absolute value, the discrepancy amounted, on average, to about MDL 1762.3³¹.

→ Discrimination

According to the Equality Council’s report, in 2023, cases of discrimination in employment ranked second by the number of decisions issued by the Council³². Taking into account the gender profile of refugees from Ukraine, it is important to mention that refugee women often

²⁹ Euronews, Minimum wages in Europe <https://www.euronews.com/business/2024/02/05/how-do-minimum-wages-compare-across-europe-in-2024>

³⁰ National Bureau of Statistics, Wage earnings and labour costs https://statistica.gov.md/index.php/ro/statistic_indicator_details/2

³¹ National Bureau of Statistics, Statistical portrait of women and men in the Republic of Moldova, https://statistica.gov.md/index.php/ro/portretul-statistic-al-femeilor-si-barbatilor-in-republica-moldova-9617_61008.html

³² Equality Council, Equality in the Republic of Moldova, 2023 <https://egalitate.md/wp-content/uploads/2021/01/brosura-sumar-2023-1.pdf>

face a “triple disadvantage”, as gender-related challenges, immigration status and forced migration influence each other and affect the integration of refugee women into the labour market³³. Therefore, beneficiaries of temporary protection may face discrimination in employment both on the grounds of gender, nationality, migration status, as well as ethnicity (especially Roma), age, disability, language. For example, 3 territorial subdivisions of the NEA indicated that they have difficulties in employing Roma people. One subdivision indicated “lack of jobs for Roma people”.

Questionnaire no. 2 shows that 6% of respondents have experienced discrimination in employment or at work. They report refusal of employment, low pay, unequal treatment and workload. Respondents report that:

“In the workplace, managers have a disrespectful, hateful attitude towards Ukrainians.”

“Open discrimination! They told me to go to Ukraine and work there”

“Everywhere I haven’t applied; the answer is the same - we don’t hire Ukrainians!”

“All leading positions are assigned to Moldovans, even if a Ukrainian has a higher level of education and more work experience, he or she fails to reach “the top.”

“I looked for many jobs, everywhere I was refused official employment. I was told they don’t hire Ukrainians. I looked unofficially but the salary is very low. Vacancies are hanging everywhere but when we call or come for an interview we are told that they do not hire Ukrainians.”

“Through the Robota project I was offered several job vacancies. They were temporary, low paying, but although I was interested in one of them - I was rejected because of my age. I’m only 41.”

→ Domestic and care work

The integration of beneficiaries of temporary protection takes place within a pre-existing socio-economic framework. And in the Republic of Moldova, refugees have to integrate in a context in which family responsibilities are the main cause of economic inactivity for every second woman aged 25-54 (55.0% of all inactive women aged 25-54), while among men in the same age group this reason is given by only 1.7% of men.³⁴

The structures of economic and gender inequality place a disproportionate share of reproductive labour on women in all societies, however in the case of refugee women from Ukraine, this social phenomenon is of such a different magnitude that it can be called “forced single motherhood”, whereby the entire responsibility for reproductive labour falls on women’s shoulders³⁵. Ukrainian refugee communities are mainly female-headed households, where women are under pressure to provide for the well-being of their families, both in the productive sphere (livelihood provision) and in the reproductive sphere of work (domestic and care work).

³³ Jean-Christophe Dumont, Ave Lauren, The labour market integration challenges of Ukrainian refugee women, 2023 <https://www.oecd-ilibrary.org/sites/fead3dca-en/index.html?itemId=/content/component/fead3dca-en>

³⁴ National Bureau of Statistics, Statistical portrait of women and men in the Republic of Moldova, https://statistica.gov.md/index.php/ro/portretul-statistic-al-femeilor-si-barbatilor-in-republica-moldova-9617_61008.html

³⁵ Dutchak O., Together We Stand: Enforced Single Motherhood and Ukrainian Refugees’ Care Networks <https://lefteast.org/enforced-single-motherhood-and-ukrainian-refugees-care-networks/>

For the Republic of Moldova, the pressure of domestic and care work for refugee women from Ukraine is evident from the data on the structure of refugee families, where 36% of households consist of a single adult with dependants and 35% of the members of refugee families from Ukraine are children. During monitoring visits, the OPA has identified several situations where women are unable to take up employment due to the responsibilities of raising young children. Therewith, as of June 2024, new eligibility conditions for UNHCR's financial assistance are being implemented, so some refugees are no longer eligible for financial assistance. This may create risks of increased vulnerability for people who are unable to engage in employment, such as mothers with children.

Refugee women's care work is also proliferated by the fact that a significant proportion of their children attend online education, constituting an additional barrier to their integration into the labour market compared to other groups of women. In the Republic of Moldova, according to the NRC, 40% of respondents indicated that their children attend online education offered by a Ukrainian school. Therewith, according to UNHCR, almost half of households with school-age children reported that at least one child does not go to school in the host country. Two thirds of young children also lack access to formal education and care services³⁶. **Questionnaire no. 2** shows that 15% of the respondents are unable to take up employment due to childcare work. *"In my case, in order to engage in work, I need someone to take care of my daughter who has a disability group"*. Therewith, 24% indicate the need for flexible working hours to combine work and care work. *"We need a flexible regime because it's difficult to plan our working day as there is no one to look after the children in case of need."* In addition to family care work, some refugees also have additional work caring for host families. One respondent indicated that she could not get a job because she was obliged to take care of the elderly person who accommodated them.

In order to cope with the pressure of *"forced single motherhood"*, in the absence of accessible childcare services, refugee women from Ukraine, choose, depending on the possibility, to take refuge in the country of destination with the support network existing in Ukraine (often these are other women from the extended family, such as grandmothers), or to create support networks in the host countries. From the results of **Questionnaire no. 2**, we observe that another solution for people with sufficient income is to hire a nanny. However, the people who indicated that they work as nannies indicated that they work informally. *"I work informally as a nanny in a Ukrainian family"*.

The availability of childcare services is a precondition for the integration of refugee women into the labour market. Some countries have tried to address these challenges, for example by opening new childcare centers or hiring private childcare centers (e.g. Latvia and Poland), while others provide help with childcare costs (e.g. Denmark, Estonia, Ireland and the UK). Childcare pressures are not limited to young children, as relatively low school enrolment rates and a

³⁶ UNHCR, Ukraine Situation: Regional Refugee Response Plan and Moldova Country Chapter - January-December 2024

preference for distance learning among Ukrainian children can also have a negative impact on women's labour market outcomes.

In the Republic of Moldova, in order to respond to the limited childcare options, the Law No. 367/2022 on Alternative Childcare Services was adopted, which regulates employer-organized childcare services at the workplace, individualized childcare services or alternative family-type childcare services. Therewith, with UNDP support a certified training programme for individualized alternative care workers (nannies) has been developed, which is available for both Moldovan citizens and Ukrainian refugees.

→ Restriction of access to entrepreneur's patent is another administrative barrier limiting the access to work of the TP beneficiaries.

According to Law No. 93/1998 on Entrepreneur's Patent, the holder of a patent can be any citizen of the Republic of Moldova with legal capacity and any foreign citizen or stateless person, permanently residing in the Republic of Moldova and entitled to carry out entrepreneurial activity. Taking into account that beneficiaries of temporary protection do not have the right of permanent residence, they cannot operate under a patent.

The patent regulates the conduct of certain types of entrepreneurial activity through a simplified system of registration, taxation, record-keeping and reporting based on the use of the entrepreneurial patent. The conduct of entrepreneurial activity under a patent does not require state registration of the holder of the patent and receipt of a licence. The requirements concerning the submission of financial and statistical reports, the keeping of accounting and financial records, the performance of cash transactions and settlements, as well as the provisions of Article 90 of the Tax Code do not extend to the patent holder. As a result, *beneficiaries of temporary protection have to comply with more complicated and bureaucratic processes, not only in terms of business registration, but also in terms of tax compliance, which hinders their economic and self-reliant inclusion.*³⁷

The results of Questionnaire no. 2 show that 9% of the respondents are informally self-employed in trade or providing services in the field of education, alternative childcare (babysitting) as well as house cleaning services. These activities could be registered under a licence. In comparison, only 1% report that they have opened a limited liability company. One respondent indicated that one measure that would encourage the employment of beneficiaries of temporary protection is to regulate the activity under a patent. *"Many people do manual labour at home, the patent would help people to work officially and pay taxes". Another respondent states that "Temporary protection status does not allow us to work on our own under a patent (which is the only convenient form of work with minimal initial resources)".*

Association "Center for Policies, Initiatives and Research PLATFORMA" reports about the case of some beneficiaries of the project *"Robota: Career Counselling for Refugees from*

³⁷ UNHCR Moldova, Briefing Note Protection Working Group, Refugee Coordination Forum in Moldova, May 2024

Ukraine” who chose to seek refuge in the EU because of the barriers to accessing the patent. An elderly couple with special needs, refugees from Ukraine, benefited from career counselling and two professionalization courses in the field of massage therapy. With the money saved from the UNHCR’s financial assistance facility, they purchased the necessary equipment to open a massage parlor. After all these efforts, the individuals were not able to operate in the field of massage because patenting was the only form of entrepreneurship that suited the needs of the beneficiaries, as opposed to opening and running a limited liability company which was perceived as too complicated and a long-term commitment.

1.4 Working conditions

Due to barriers to employment, the results of Questionnaire no. 2 show that many refugees from Ukraine are employed in **atypical employment relationships**, in particular informal employment or under service contract. These employment practices of beneficiaries of temporary protection affect the job security and employment rights of refugees from Ukraine.

“Atypical work refers to employment relationships that do not conform to the standard or “typical” pattern of full-time work, performed on a regular basis, under a contract of indefinite duration with a single employer. In addition, typical work involves a degree of job security, standard working hours, a regular income and, through the social protection systems that cover employees, the payment of a pension, coverage of medical treatment in case of sickness and unemployment benefit.³⁸”

The results of **Questionnaire no. 2** show that 23% of the respondents are employed (of which 13% part-time and 10% full-time); 21% were employed on a fixed-term contract which has ended; 1% opened a limited liability company; 9% are informally self-employed. At the same time 35% say they cannot find a job and 9% have not looked for work or are not interested. Also:

- 29% are employed under an individual employment contract;
- 3232% work under a service contract;
- 39% worked or are working unofficially (of which 29% are currently working; 7% initially worked officially, now working unofficially and 3% initially worked unofficially, now working officially)

The same trends are confirmed by the Norwegian Refugee Council (NRC) survey, which showed that 43% of employed respondents did not have official employment contracts³⁹. UNHCR’s protection monitoring indicates lower figures, with 23% of them not having official contract.

We note that a considerable proportion of the respondents work unofficially or under service contracts, which generate vulnerable labour practices and protection risks for beneficiaries of

³⁸ European Industrial Relations Dictionary <https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/atypical-work>

³⁹ NRC, Enduring hardships: Ukrainian refugees’ realities in Moldova and Poland two years on, 2024 https://www.nrc.no/siteassets/reports/20240416_report_two-year-mark-research-pl-and-md.pdf

temporary protection. In the case of legal employment relationships based on service contracts, civil law rules are applied as a matter of priority and labour law rules are usually applied in a subsidiary manner.

Employees who are employed in typical employment relationships are entitled to all the employment rights and enjoy the social and economic protection guaranteed by the state through labour law. These rights are not ensured or are only partially respected in atypical employment relationships, such as employment relationships based on a service contract.

Persons employed under an individual employment contract:

- shall benefit from working conditions appropriate to health and safety at work;
- shall be entitled to an official salary which may not be lower than the state-guaranteed minimum wage;
- are insured in the public social insurance system and receive various social insurance benefits;
- are insured under the compulsory health insurance system and benefit from health care throughout the territory of the Republic of Moldova, in the volume and quality provided for in the Single Programme;
- are insured for accidents at work and occupational diseases;
- shall benefit from annual rest leave;
- shall benefit from sick leave;
- shall benefit from study leave;
- shall benefit from maternity leave;
- shall benefit from paternity leave;
- shall benefit from partial paid leave for childcare up to the age of 3 years and additional unpaid leave for childcare for children aged 3 to 4 years;
- can associate or join trade unions to better protect their rights and interests;
- enjoy other rights and guarantees provided for by the legislation in force.

Asked what problems they face in the workplace, respondents to **Questionnaire no. 2** indicated:

- 49% the salary is too low;
- 39% have no employment contract;
- 20% non-payment of overtime work;
- 18% non-payment of wages on time;
- 7% compulsory overtime work;
- 6% discrimination;
- 6% non-compliance with conditions of health and safety at work;
- 6% not providing a lunch break;
- 2% threat of dismissal;
- 1% illegal dismissal;
- 1% sexual harassment.

“The problem is that many Moldovan employers do not want to legally conclude an employment contract, but at the same time, within the service contract, they try to “impose” all the terms and conditions of the employment contract, but only in terms of the employee’s obligations. Unfortunately, people are not aware of their rights and find themselves in situations from which they can get out of fairly and with the preservation of their interests only with the help of a professional lawyer, but they do not know how to turn to him or are simply afraid to do so.”

“I struggled to find a job. I worked overtime without being paid for working overtime. I was given no contract or social package. I was fired when I got sick and was paid only half the agreed amount.”

“I was refused to sign an employment contract, then imposed a probationary period, which was not to be paid, under a service contract. I was then required to perform work tasks that were not stipulated in the contract, at the end of the contract the last month’s pay was delayed by almost a month and the penalty stipulated in the contract was not paid.”

“They took me on work experience. After I did the internship for a week, they told me to do another week. The next week was over and nobody knew anything. The boss went on vacation and I was told to wait a few more days while I got more and more work. Eventually I quit but I didn’t get paid for the internship.”

“I now have an official job, but no health insurance. Insurance and contracts are temporary - there is no confidence in the future. The salary is not enough to live on, but this is due to part-time work. Before that I had an unofficial job, working overtime and the salary was very low, not enough to pay the rent.”

„It is necessary to adopt the necessary laws to regulate labour relations for Ukrainians. Now Ukrainians have only obligations but not equal rights with Moldovan citizens! We pay taxes, but the tax service illegally denies Ukrainians with temporary protection the right to tax refunds! Tax is deducted from our salaries for a medical policy, and Ukrainians with temporary protection cannot activate this policy.”

1.5 Labour exploitation

The vulnerable situation of people fleeing from Ukraine has further increased the risks of trafficking and exploitation, including for labour purposes. The increased risks of trafficking and exploitation for refugees from Ukraine are caused by the fact that the majority of people are women and children, family separation, limited access to existing protection mechanisms and the limited capacity of existing mechanisms to respond to the increased needs⁴⁰. In 2022, the authorities did not identify any actual or potential victims among refugees from Ukraine. According to experts the lack of confirmed trafficking cases reflects the failure of the authorities to identify cases of trafficking and not the complete lack of trafficking among these population

⁴⁰ https://www.legis.md/cautare/getResults?doc_id=139888&lang=ro

groups⁴¹. In 2023, authorities identified **a victim of labour trafficking among refugees from Ukraine**, the first trafficking victim identified from this group since the beginning of Russia's large-scale invasion⁴².

According to the U.S. Department of State's annual Trafficking in Persons Report⁴³, in 2023, the government of the Republic of Moldova identified a total of 167 trafficking victims, 92 of which were labour trafficking victims. The vast majority of the identified victims were foreign national males exploited in labour trafficking and forced criminality. In 2023, the government reported spending approximately 3 times less than in 2022 for the protection of victims of human trafficking (MDL 5.7 million compared to MDL 14.5 million in 2022). Thus, although the authorities referred all identified victims to assistance services, only 22% benefited from state assistance.

Although there is no evidence to support the trend of significantly increasing rates of exploitation in the context of displacement from Ukraine, the prevalence of informal employment as well as in low-paid jobs in host countries points to the potential risk of exploitation at work. The EU Fundamental Rights Agency's 2023 report, based on a survey of a sample of 14,685 Ukrainian refugees, found that 30% of respondents had experienced some form of labour exploitation; 16% had worked overtime and 10% had been poorly paid or not paid at all. As mentioned above, the same trends are also confirmed in Moldova by respondents to Questionnaire no. 2.

To prevent the risks of trafficking and exploitation, on March 27, 2022, Europol issued an early warning notice to alert Member States to the risks of labour exploitation and other purposes of refugees from Ukraine⁴⁴. In response to these challenges, the EU Solidarity Platform has unveiled a Joint Plan to fight trafficking in human beings⁴⁵. Recommendations directly aimed at preventing, identifying and combating labour exploitation include the following:

- Collaboration with the private sector, relevant EU agencies and international organizations to prevent trafficking, in particular labour exploitation.
- Providing information to refugees working in sectors at high risk of trafficking about the risk of labour exploitation and their labour rights.
- Strengthening the capacity of labour inspectorates and facilitating cooperation to identify victims and report cases of trafficking in human beings.

In the Republic of Moldova, collaboration with the private sector to inform and discourage practices that generate THB is *Specific Objective 2.2* of the *Programme for Preventing and*

⁴¹ U.S. State Department, Trafficking in Persons Report 2023: Republic of Moldova <https://md.usembassy.gov/wp-content/uploads/sites/210/2023-Trafficking-in-Persons-Report-Moldova-RO.docx.pdf>

⁴² U.S. State Department, Trafficking in Persons Report 2024: Republic of Moldova <https://www.state.gov/reports/2024-trafficking-in-persons-report/moldova/>

⁴³ U.S. State Department, Trafficking in Persons Report 2024: Republic of Moldova <https://www.state.gov/reports/2024-trafficking-in-persons-report/moldova/>

⁴⁴ Europol, 'War in Ukraine – refugees arriving to the EU from Ukraine at risk of exploitation as part of THB, March 2022, <https://bit.ly/3PEIv8M>

⁴⁵ European Commission, 'A Common Anti-Trafficking Plan to address the risks of trafficking in human beings and support potential victims among those fleeing the war in Ukraine', 2022, <https://bit.ly/437TQRR>

Combating Trafficking in Human Beings for 2024-2028. And informing refugees about protected access to the labour market is *Specific Objective 2.3*⁴⁶.

Therewith, in 2023 considerable efforts were made to strengthen the State Labour Inspectorate⁴⁷, in particular through the reorganization of the institution and the reform to combat undeclared work. Therewith, by Law No. 355 of 22.12.2022 on Amending Certain Normative Acts (Combating Undeclared Work), legislative amendments were made to allow unannounced controls in case of possession of information/indications on the use of undeclared work, on trafficking in human beings or labour exploitation at employers (effective as of 01.03.2023); as well as empowering the SLI with the right to apply direct sanctions for cases of undeclared work (effective as of 01.07.2023)⁴⁸. In the SLI reform concept⁴⁹, it was foreseen for 2023-2024 to integrate the needs of refugees into the overall SLI approach by creating a task force of 20 inspectors to deal with refugees and illegal labour, human trafficking and labour exploitation. The task force was to carry out unannounced inspections in at-risk workplaces, with a focus on refugees. We could not find the order on the creation of the task force, but the U.S. State Department's report on Trafficking in Persons confirms that the Ministry of Labour and Social Protection has hired and trained 20 inspectors to conduct workplace inspections to detect human trafficking through labour.

As of November 2023, the State Labour Inspectorate has been running the "Going White" campaign, during which it identified 1052 people working informally, and more than half have already been legalized⁵⁰. The data of Questionnaire no. 2 indicate that 39% have worked or are working informally, but we do not have data on the number of cases found by the SLI, as the SLI did not respond to our request for information on the cases found by the SLI of violations of the rights of beneficiaries of temporary protection.

We can also consider that in the Republic of Moldova a measure to prevent the exploitation of TP beneficiaries in the workplace can be considered the obligation to notify the NEA about the conclusion of an employment contract with TP beneficiaries. For example in Switzerland, employers not only notify the authorities but also have to submit contracts for approval to the cantonal employment office⁵¹.

⁴⁶ GD No. 715 of 26-09-2023 on the approval of the Programme for Preventing and Combating Trafficking in Human Beings 2024-2028

⁴⁷ By Government Decision no. 725 of 26.11.2022 amendments were made to Government Decision no. 788/2013 on the organization and functioning of the State Labour Inspectorate, approving a new structure of the SLI by creating new departments based on institutional priorities and optimizing the number of inspectors.

⁴⁸ SLI, Report on the activity of the State Labour Inspectorate, 2023
<https://ism.gov.md/sites/default/files/document/attachments/Raport%20privind%20activitatea%20Inspectoratului%20de%20Stat%20al%20Muncii%20pentru%20anul%202023.pdf> 0.pdf

⁴⁹ SLI reform concept <https://soros.md/wp-content/uploads/2024/03/Conceptul-reformeii-Inspectoratului-de-Stat-al-Muncii.pdf>

⁵⁰ SLI, press release, the results of the "Going White" campaign <https://ism.gov.md/ro/content/rezultatul-campaniei-trecem-pe-alb>

⁵¹ AIDA, Access to socio-economic rights for temporary protection beneficiaries, 2023
<https://asylumineurope.org/wp-content/uploads/2023/08/Access-to-SER-for-temporary-protection-beneficiaries.pdf>

Chapter II. ACCESS TO RELATED RIGHTS

2.1 Access to health

Beneficiaries of temporary protection have access to *primary health care* and *emergency health care*. Beneficiaries of temporary protection who are employed under an individual employment contract benefit from a more comprehensive range of services under individual insurance by paying the health insurance premium⁵².

Thus, by Law No. 98 of April 25, 2024, the Parliament adopted amendments to the *Law on Health Protection* in order to include in the compulsory health insurance system the beneficiaries of temporary protection who have the status of employees under an individual employment contract.

Previously, beneficiaries of temporary protection who were employed in the labour force benefited from compulsory health insurance based on the provisions of the Provision of the Commission for Exceptional Situations No. 69/2023, which was cancelled once the state of emergency ended. We note that the state of emergency ended on December 30, 2023. Therefore, for 4 months, from January 1 to April 25, 2024, the beneficiaries of temporary protection employed in the labour force did not have the status of insured persons in the CHI system.

Even if they have the right to work in the Republic of Moldova, beneficiaries of temporary protection do not benefit from some of the fundamental guarantees of employees because **the existence of a minimum contribution period in the Republic of Moldova** conditions access to some wage guarantees such as sick leave or sick leave for childcare.

According to Law No. 289 of 22.07.2004 on Temporary Work Disability Allowances and Other Social Insurance Benefits, only employees who have a total contribution period of at least 3 years or confirm a contribution period of at least 9 months in the last 24 months are entitled to:

- temporary work disability allowance due to ordinary illness or non-work-related accidents (i.e. sick leave);
- allowance for caring for a sick child;
- allowance for the prevention of illness (quarantine);
- allowance for regaining working capacity;

Therefore, beneficiaries of temporary protection cannot benefit during the first 9 months of legal work in the Republic of Moldova, from paid sick leave and paid leave for the care of sick children.

The aim of social protection in the event of sickness is to ensure access to healthcare and adequate financial protection. Sick leave and sick pay are key social protection instruments to

⁵² The OPA has previously drafted and published a thematic report on assessing the accessibility of essential health services to refugees in the Republic of Moldova <https://ombudsman.md/post-document/raportul-avocatului-poporului-privind-evaluarea-accesibilitatii-serviciilor-esentiale-de-sanata-2/>

replace loss of income during periods of ill health. Guaranteeing the right to sick leave and sick pay is essential for respecting and guaranteeing employees' right to health. This is also supported by the findings of a study⁵³ showing that people without paid sick leave are 3 times more likely to forgo health care for themselves and 1.6 times more likely to forgo health care for their family compared to adults with paid sick leave.

In other words, if refugees from Ukraine do not have access to sick-leave allowance, they will be more likely to forego medical care for themselves and sick children. As a consequence, the health of both employees and public health in general is affected.

At the international level, sick leave and adequate compensation for sick leave is enshrined in the Universal Declaration of Human Rights (Articles 22 and 25), ILO Social Security (Minimum Standards) Convention No. 102, ILO Medical and Sickness Benefits Convention No. 130, ILO Decent Work Agenda, World Health Organization International Convention, International Covenant on Economic, Social and Cultural Rights.

In general, employees' right to health should not be conditional. However, the right to sick pay is conditional in most EU countries. About one third of Member States, including Austria, Italy and Luxembourg (with some exceptions) do not require a specific length of contribution period to qualify for sick pay. The same is true for the Czech Republic, Finland, Hungary, Sweden, Slovenia, Slovakia, the Netherlands, Latvia. In the other Member States, the required contribution period is usually between two and three months, but with wide variations: from 14 days in Estonia to 9 months in Hungary, and even more than a year in Greece⁵⁴.

In the Republic of Moldova, employees are eligible for sick leave allowance if they have at least 3 years of paid employment or at least 9 months of paid employment in the last 2 years. Compared to the required contribution periods in the EU, the Republic of Moldova has an extremely long contribution period which creates barriers to accessing sick leave allowance for beneficiaries of temporary protection as well as for Moldovan citizens.

The right to health is seriously affected in the case of TP beneficiaries working under a service contract. According to the results of Questionnaire no. 2, 32% of respondents work under such a contract. Among the most important rights that are not guaranteed for these people is the right to health.

According to accounting practices in the Republic of Moldova, the taxes withheld from service contracts are the same as for individual employment contracts: 24% social fund contribution, 12% income tax and 9% health insurance premium. Although persons working under a service contract pay health insurance contributions, they do not acquire the status of an insured person in the CHI system.

⁵³ Vicky Lovell, Institute for Women's Policy Research, [*Valuing Good Health: An Estimate of Costs and Savings for the Healthy Families Act*](#), 2005

⁵⁴ European Commission, Sick pay and sickness benefit schemes in the EU: background report for the Social Protection Committee's in-depth review on sickness benefits, Brussels, 2016

“I work under a service contract, all taxes are paid, but I can’t benefit from health insurance, sick leave, vacation leave and I can’t get a tax refund as a non-resident of the country”.

The legislation concerning beneficiaries of temporary protection is incorrectly applied and interpreted, as contributions are withheld in the form of a percentage contribution, although these persons are not covered by *Law No. 1593 of 26-12-2002 on the amount, procedure and terms of payment of compulsory health insurance premiums*. Article 2 of the Law lists the subjects to whom the action of the law is extended, and as regards foreigners, it specifies “[...] *the foreigners referred to in Article 4 paragraph (4) letter o) and Article 9 of Law No. 1585-XIII of February 27, 1998 on Compulsory Health Insurance.*” Therefore, the foreign persons to whom Law 1593 applies are:

- **beneficiaries of temporary protection who are employed under an individual employment contract; foreigners with the right of permanent residence in the Republic of Moldova and beneficiaries of international protection** (Article 9, paragraph 1 of Law 1585).
- also, **beneficiaries of international protection** have the status of persons insured by the government for the duration of the integration programme (Article 4, paragraph (4), letter o) of Law No. 1585)

At the same time, Article 4 of Law No. 1593/2002 establishes in paragraph (1) that the categories of payers of compulsory health insurance premiums in the form of a percentage contribution to the salary and other rewards are set out in Annex no. 1. This Annex includes a list of situations in which only employees are obliged to pay compulsory health insurance premiums in the form of a percentage contribution. The law also clearly specifies in Article 1 that an “employee” is a person employed by the employer under an individual employment contract, in line with the Labour Code, regardless of the term of employment and the form of remuneration for work.

Therefore, the law in no way provides for the obligation of the individuals to contribute and of the legal entities to deduct the compulsory health insurance premiums as a percentage contribution from the service contracts. The absence of this obligation is also confirmed by the Regulation on granting/suspension of the status of insured person in the CHI system, approved by Government Decision no. 1246 of 19.12.2018, where service providers are not included as persons eligible to be registered in the Register of insured persons in the compulsory health insurance system.

According to Article 6 of the Regulation, the status of an insured person in the CHI system is a quality attributed to an individual by categorization into one of the categories of insured persons:

- **employed persons** (under an individual employment contract, IT park residents and drivers performing road passenger transport by taxi). Persons working under a service contract do not have the status of an employed person.

- **persons insured by the government**, including beneficiaries of international protection included in an integration programme, during the duration thereof. Beneficiaries of temporary protection are not an eligible category for persons insured by the government.
- **individually insured persons.**

On the other hand, beneficiaries of temporary protection who are not employed under an individual employment contract do not have the possibility to be individually insured, because Law 1593/2002, in Annex 2, does not include beneficiaries of temporary protection among the categories of payers of compulsory health insurance premiums in fixed amount who insure themselves individually. In the list we can identify in point 3 “foreigners with the right of permanent residence and beneficiaries of international protection, who are not employed and do not belong to any of the listed categories and are not insured by the Government, according to Article 4, paragraph (4) of the Law on Compulsory Health Insurance, who provide proof of stay in the Republic of Moldova for at least 183 days (during the budget year)”, and in point 4, “Foreigners who have been granted the right to stay temporarily on the territory of the Republic of Moldova for family reunification, studies, humanitarian, voluntary or religious activities and who are not employed, unless otherwise provided for by international treaties.”

Thus, beneficiaries of temporary protection who work under a service contract do not have the status of an insured person in the CHI system, although they are subject to health insurance tax, nor can they insure themselves individually as they are not included in the category of persons with this right. Moreover, not having the status of a resident person, they cannot claim reimbursement of the tax paid for health insurance.

A group of beneficiaries of temporary protection applied to the People’s Advocate for intervention in defence of their legitimate rights and interests as victims of discrimination based on professional status determined by the form of legalization of employment relationship and discrimination based on social status of displaced persons from Ukraine working under the service contract in realization of the right of access as insured persons to health care and other health services.

Analysing the information presented, the People’s Advocate considers that in the case of beneficiaries of TP working under a service contract, **the elements of direct and indirect discrimination are present in the realization of the right of access to health care and other health services as an insured person.** The beneficiaries of TP, employed under a service contract, pay the compulsory health insurance premium at the rate of 9%, which is equivalent to the rate deducted from the salary of employees under an individual employment contract, but they do not have the status of insured persons and cannot benefit from the medical and other health services covered by the compulsory health insurance policy. In this regard, the OPA referred the matter to the Equality Council.

It should be noted that in the European Union, the degree of access to health services for beneficiaries of TP varies from country to country. However, in most cases, TP beneficiaries have full access to the public healthcare system on equal terms with national citizens.

2.2 Access to social insurance

Bilateral social insurance agreements specify the social insurance guarantees enjoyed by migrant workers from both countries who are or have been legally employed and are currently residing in the territory of one of the Contracting States.

Such an Agreement has been signed between the Republic of Moldova and Ukraine on August 29, 1995, but according to MLSP⁵⁵, we presume according to MLSP's Response that this Agreement is no longer in force, and currently, by the Decree of the President of the Republic of Moldova No. 1344/2024, negotiations on a new Agreement in the field of social security between the Republic of Moldova and Ukraine have been initiated. The new Agreement will regulate, including the pension entitlement of beneficiaries of temporary protection who work in the Republic of Moldova, entitling them to a pension from these countries based on the contributions paid.

2.3 Access to housing

According to Article 13 of Directive 2001/55/EC, the Member States shall ensure that persons enjoying temporary protection have access to suitable accommodation or, if necessary, receive the means to obtain housing. Paragraph 18 of GD no.21/2023 transposes this standard and provides that beneficiaries of temporary protection, upon request, have access to accommodation in Temporary Placement Centers for Refugees (TPCR).

As of June 2023, the TPCRs are in the process of consolidation, based on the *“EXIT” Strategy for the Consolidation of Temporary Placement Centers for Refugees*. The Strategy is being implemented by the Ministry of Labour and Social Protection (MLSP) in collaboration with development partners, **in the absence of a normative act**, approved in line with the legislation in force.

The Office of the People's Advocate raised protection risks related to the implementation of the EXIT Strategy in the previous report, recommending the authorities *to ensure transparency in the implementation of the Strategy and to exclude unjustified conditionalities that create impediments in accessing temporary placement or alternative housing rental programmes for refugees from Ukraine*⁵⁶.

Subsequently, the OPA, the Refugee Rights Council and civil society organizations published a joint statement⁵⁷ expressing their concern about the implementation of the EXIT Strategy, as

⁵⁵ Response of the MLSP, No. 16/2872 of 31.05.2024

⁵⁶ OPA, Report on the monitoring of the respect for the rights of refugees, in the context of the armed conflict in Ukraine for the period July – December 2023 <https://ombudsman.md/post-document/raport-privind-monitorizarea-respectarii-drepturilor-persoanelor-refugiate-in-contextul-conflictului-armat-din-ucraina-pentru-perioada-iulie-decembrie-2023/>

⁵⁷ Public statement of the People's Advocates, Consultative Council and civil society organizations on the “EXIT” Strategy https://ombudsman.md/declaratia-publica-a-avocaturilor-poporului-consiliului-consultativ-si-organizatiilor-societatii-civile-cu-privire-la-strategia-exit/?fbclid=IwZXh0bgNhZW0CMTEAAAR0Q7f11Ip0xnliYzxqUz_CUJujUpxcF1mOavqSzJFDUjLqm1cHTz9wqwG0_aem_R6B6fy2jkZe4jJK9jL17DQ

it contravenes the human rights-based approach, the principle of legality and transparency, restricts the rights of beneficiaries of temporary protection as well as limits access to essential services, exacerbating the state of vulnerability.

We find that the **Strategy restricts the rights of beneficiaries of temporary protection** and limits access to essential services, exacerbating the state of vulnerability, contrary to Article 13 of [Directive 2001/55/EC](#). According to the Strategy, only the most vulnerable categories can benefit from accommodation in the TPCR: pregnant women; single-parent families, persons with disabilities, people with chronic diseases and elderly people.⁵⁸ However, the data show that **the majority of persons living in TPCRs are vulnerable and risk being left without state-provided accommodation**. According to the data of National Social Assistance Agency⁵⁹, the profile of the beneficiaries from TPCR is as follows: 62% are women, 41% are children, 46% are adults, 13% are elderly people, 8% are persons with disabilities or serious medical conditions. Despite the increase in requests for accommodation from temporary protection holders, the State is closing placement centers without providing sufficient places for relocation. People who still qualify for relocation to another TPCR are given only one accommodation option without taking into account their social, educational or health needs. Under these circumstances, people are forced to refuse relocation and sign an application renouncing the accommodation offered by the state.

Individuals who do not qualify for accommodation in TPCR can apply for financial rental assistance programmes offered by international organizations. These programmes have their own eligibility conditions, and assistance is granted for a maximum of 6 months to those who intend to stay in Moldova for more than half a year and can demonstrate that they will be able to pay the rent thereafter (by having an employment contract or other sources of income).

Therefore, persons who are in employment risk to lose the right to state-provided housing for beneficiaries of temporary protection. While official employment is the basic eligibility criterion, beneficiaries of temporary protection are not eligible for active employment measures, employment facilitation programmes or unemployment insurance, according to Article 12 of Law No. 274/2011. Under these circumstances, the sustainability criterion in the strategy is unjustified and may limit the right to accommodation.

We note that refugees report significant difficulties registering for rental assistance programmes. *“I have to find my rent on my own, convince the owner to sign a contract, have the money to pay the first month’s rent plus the equivalent of one month’s rent for the security deposit. In other words, I have to have at least EUR 600 to conclude the contract, because in Chisinau you can’t find anything cheaper than EUR 300. Once the contract is signed you have to wait to see if you are eligible for the rental programme. I know of families who rented, paid and were not eligible”*.

Therewith, we note that beneficiaries of temporary protection do not benefit from assistance in finding private housing and report problems in finding rent on their own. Here is the testimony

⁵⁸ Response of the MLSP No. 13/4928 of November 28, 2023

⁵⁹ [REACH MDA Factsheet RAC-Monthly-Needs-Monitoring 2023-12-04 RO.pdf \(anas.md\)](#)

of a refugee, mother of two children, who lives in a TPCR to be closed: *“When the owners hear that we are Ukrainians, they simply turn off the receiver and refuse to offer us rent. If there is someone who is still willing to offer rent to Ukrainians, we have to convince them to conclude a rental contract, otherwise we cannot benefit from rental assistance. If we convince them to sign a contract, they refuse as soon as they hear that we are a family with children. They just don’t want to rent apartments to families with children. If we do manage to find someone who is willing to rent to a family with children, we are turned down because the family is too big for a one-bedroom apartment. And we can’t afford a two- or three-room apartment.”*

Therefore, the EXIT Strategy disproportionately restricts and unjustifiably conditions the right to accommodation for beneficiaries of temporary protection, which is contrary to the Government Decision No. 21 of 18-01-2023 on granting temporary protection to displaced persons from Ukraine. Paragraph 18 of the GD states that *“Beneficiaries of temporary protection, upon request, have access to accommodation in the Temporary Placement Center for Persons in Need, under the conditions established by law”*. Therewith, the Strategy contravenes Directive 2001/55/EC.

We reiterate that the State’s commitment is to provide adequate accommodation to beneficiaries of temporary protection, **for as long as the temporary protection lasts**. Moreover, access to placement in the center cannot be made conditional on the person’s ability to be employed.⁶⁰

Given that refugees a priori represent a vulnerable group; we consider it unjustified to establish additional eligibility criteria for their relocation. In this regard, we note that any legal restriction that would diminish or suppress human rights cannot be admissible, or it must be proportionate to the situation that determines it, without affecting the existence of the right.

⁶⁰ OPA, Report on the monitoring of the respect for the rights of refugees, in the context of the armed conflict in Ukraine for the period July – December 2023

Recommendations

Ministry of Labour and Social Protection

1. Review the legal framework on employment integration to include beneficiaries of temporary protection as eligible for all employment measures;
 - Amendment of *Law No. 274 of 27.12.2011 on Integration of Foreigners to include the beneficiaries of TP as an eligible category for all employment measures.*
 - Amendment of *Law No. 105/2018 on the Promotion of Employment and Unemployment Insurance* to include the beneficiaries of TP as an eligible category for all employment measures.
2. Realization of the minimum contribution period stipulated by *Law No. 289 of 22-07-2004 on Temporary Work Disability Allowances and Other Social Insurance Benefits*, to reduce the minimum contribution period from 9 months to 3 months, as per EU standards;
3. Adoption of gender-sensitive employment measures;
4. Urging the adoption of the Social Insurance Agreement between the Republic of Moldova and Ukraine;
5. Ensuring access to accommodation for all beneficiaries of temporary protection;
6. Initiation of a review process of the EXIT Strategy in compliance with the legislative process foreseen by Law 100/2017 as well as with the standards foreseen by Directive 2001/55/EC;
7. Strengthening mechanisms to prevent discrimination faced by beneficiaries of temporary protection in employment;
8. Reducing wage gaps and increasing the minimum wage to reflect real living costs;

Ministry of Economic Development and Digitalization

9. Amendment of *Law No. 93 of 15.09.1998 on Entrepreneur's Patent* to regulate the issuance of the entrepreneur's patent for the beneficiaries of TP;

Ministry of Health

10. Amendment of *Law No. 1593 din 26-12-2002 on the amount, procedure and terms of payment of compulsory health insurance premiums* to include beneficiaries of temporary protection among the categories of payers of compulsory health insurance premiums in fixed amount who insure themselves individually;

Ministry of Education and Research

11. Urging the adoption of the Agreement on Mutual Recognition of Educational Documents between the Republic of Moldova and Ukraine;

Ministry of Finance

12. Review the accounting practice of withholding medical insurance tax from service contracts and publish a circular on the illegality of this practice;

Ministry of Infrastructure and Regional Development

13. Establish a price cap mechanism for the rent of housing premises.

State Labour Inspectorate

14. Strengthen the State Labour Inspectorate's efforts to prevent informal employment, forced labour and human trafficking among the employed beneficiaries of TP.

Annex 1. Questionnaire for NEA territorial structures

I. General information about the respondent

1. Surname/First name
2. Contact details (telephone/email)
3. Please specify the NEA territorial subdivision where you work

II. Employment measures available for beneficiaries of temporary protection

4. Please specify which employment measures your subdivision provides to beneficiaries of temporary protection.

- labour market information
- career guidance
- labour intermediation
- pre-dismissal services
- vocational rehabilitation of persons with disabilities
- vocational training
- subsidizing jobs
- support for job creation or adaptation
- stimulating workforce mobility
- unemployment insurance

5. Please specify how many beneficiaries of temporary protection were registered in 2023-2024 with your subdivision for employment support.

6. Please provide disaggregated data on the educational profile of persons, beneficiaries of temporary protection who have registered for employment support.

(E.g. 10 persons with no education; 5 persons with secondary education, 5 persons with high school education, 5 persons with vocational education, 5 persons with bachelor's degree (licentiate), 5 persons with master's degree).

7. Please specify the number of beneficiaries of temporary protection who have benefited from NEA services, within your subdivision, in the period 2023-2024?

8. Please provide disaggregated data on the number of beneficiaries of temporary protection who benefited from employment measures in the period 2023-2024 in your subdivision (e.g. 10 persons benefited from career guidance; 5 persons benefited from vocational training etc.)

9. Please specify how many persons enjoying temporary protection were employed via your subdivision between 2023-2024?

10. Please specify how many persons enjoying temporary protection have been employed according to their studies and work experience gained in Ukraine?

III. Barriers to employment of beneficiaries of temporary protection

11. Please specify which employment measures are requested by beneficiaries of temporary protection, even if the NEA does not provide these services for this category of persons.

12. Please specify which barriers you have identified for the employment of beneficiaries of temporary protection.

- 13.** Please specify what are the challenges for the employment of beneficiaries of temporary protection, according to the studies and work experience gained in Ukraine.
- 14.** Please specify what obstacles your subdivision faces in providing employment measures for beneficiaries of temporary protection.

Annex 2. Questionnaire No. 2 for beneficiaries of temporary protection

BLOCK I. Respondent's profile

1. Are you a person displaced from Ukraine?
 - Yeas
 - No
2. Please indicate your citizenship
 - Ukrainian
 - Citizen of another country
 - Stateless
3. Which ethnic group do you identify most with?
 - Ukrainian
 - Russian
 - Roma
 - Other
4. What is your legal status in the Republic of Moldova?
 - beneficiary of temporary protection
 - refugee status
 - asylum seeker
 - asylum beneficiary
 - holder of a residence permit for work purposes
 - citizenship of the Republic of Moldova
 - I have no legal status
5. Please specify your gender
 - Female
 - Male
 - Prefer not to answer
6. Please specify your age
 - 16-18
 - 18-25
 - 25-35
 - 35-45
 - 45-55
 - 55-65
 - 65+
7. Please specify where do you live in the Republic of Moldova?
 - Chisinau
 - Other city/town in the Republic of Moldova

- Rural environment
8. Do you live in a refugee center or private environment?
- in a center
 - in a private environment
9. How long have you lived in the Republic of Moldova?
- up to 3 months
 - 3-6 months
 - 6-12 months
 - 12-18 months
 - 18-24 months
 - more than 24 months
10. Please specify your intentions to stay in Moldova for the next 3-6 months.
- Stay in Moldova
 - Return to Ukraine
 - Emigrate to another country
 - I have not decided yet

BLOCK II. Access to work in the Republic of Moldova

11. What is your level of education?
- I never went to school
 - Secondary school
 - High school
 - vocational studies (college, center of excellence)
 - university studies
 - post-graduate studies
12. What is your previous work experience?
- No work experience
 - Less than 3 months
 - Less than 1 year
 - 1-3 years
 - 3-10 years
 - 10-20 years
 - 20 years and more
13. What is your employment status?
- I am a full-time employee
 - I am a part-time employee
 - I have been employed on a fixed period
 - I have tried to get a job but failed
 - I have not tried to get a job
 - I don't want to get a job

- I have opened a limited liability company
- I work on patent/individual entrepreneur
- I work for myself, unofficially

14. If you are or have been employed on a fixed period, have you worked according to your specialty?

- Yes
- No
- Never worked

15. What field do you work in?

16. If you are looking for a job, to what extent do you want a job that matches your education and work experience?

- I am looking for a job close to my profile
- I choose from what I can find near where I live
- I am ready to work anywhere
- I am not interested in working in Moldova

17. If you are not employed, please specify for which reason?

- I am caring for child/children
- I am caring for an adult with special needs
- Health problems
- I cannot find a job by profession
- I cannot find a job close to home
- I cannot find a part-time or flexible job
- I am discriminated against in employment
- Wages are too low
- I do not have the necessary documents
- I do not need a job
- Other

BLOCK III. Employment assistance in the Republic of Moldova

18. Do you consider that you have sufficient knowledge and skills to be employed in Moldova?

- Yes
- No, I need vocational training courses
- No, I need additional vocational qualification courses
- No, I need Romanian language courses
- Other

19. During your stay in the Republic of Moldova, have you ever benefited from support services such as: (choose all that apply):

- Information about job vacancies
- Romanian language courses

- Advice on writing CVs and motivation letters
- Assistance with the recognition of diplomas
- Vocational training courses
- Legal assistance for starting a business
- Financial assistance for starting a business

20. Who provided you with employment support services?

- National Employment Agency
- Non-governmental organizations
- Other option

21. On a scale from 1 (very useful) to 5 (not at all useful) how useful are the support services you have accessed?

1 - 2 - 3 - 4 - 5

22. What kind of support programmes or policies should be offered by the Moldovan government/organizations to facilitate access to work? (please specify)

BLOCK IV. Barriers to employment in the Republic of Moldova

23. What barriers have you encountered in looking for a job in Moldova?

- I have no work experience
- I do not know Romanian
- not understanding how to start a business
- impossibility to work with a temporary protection permit
- lack of vacancies in the work schedule that suits me
- lack of vacancies according to my specialty
- lack of jobs in the area close to my temporary residence
- low wages
- obligations to care for other dependent family members, children, parents etc.
- discrimination
- non-recognition of diplomas and qualification certificates
- lack of jobs in the sector relevant to my experience
- disability or medical condition
- other (please specify)
- no barriers encountered

24. Could you detail the barriers you encounter to employment in the Republic of Moldova?

BLOCK V. Working conditions

25. If you are or have been employed on a fixed period, have you worked legally?

- Yes, under an employment contract
- Yes, under a service contract
- I worked/work unofficially
- For a while I worked officially, now I work unofficially
- For a while I worked unofficially, now I work officially

26. What problems do you/have you encountered at work?

- I have no / did not have an employment contract
- Salary is not paid on time
- Salary is not paid in full
- Salary is too low
- We have to work overtime
- Overtime work is not paid
- No lunch break
- I do not benefit from rest days
- I do not benefit from paid leave
- I am discriminated against at work
- I am / have been sexually harassed
- Occupational health and safety rules are not respected
- I am threatened with dismissal
- I have been dismissed illegally
- Other

27. Please specify the problem(s) you are encountering.

28. Do you know where you can ask for help if your employment rights are being violated?

- Yes
- No