



Plan International Submission on Moldova's Draft Temporary Protection Decision

October 2022

Introduction

Plan International joins the international humanitarian community in expressing its gratitude to the Government of Moldova for the protection it continues to offer to the over 94,500 refugees from Ukraine currently remaining in Moldova. Plan International recognises that Moldova is hosting the [largest influx of refugees from Ukraine, per capita](#) and that this is impacting on the country's institutional capacity to provide access to services and guarantee basic rights to its population and to all those with protection needs.

Since March 2022, Plan International has been working alongside Moldovan NGOs in responding to the Ukraine refugee crisis in Moldova. Plan International became a registered International Non-Government Organisation in Moldova in June 2022. The organisation is working with its partners to provide integrated child protection and education services to children and adolescents, as well as gender and age-appropriate Mental Health and Psychosocial Support (MHPSS) outreach to children, adolescents and their caregivers. Plan International is the co-lead of the Preventing Sexual Exploitation and Abuse (PSEA) Working Group.

Plan International is working to support and expand the capacities of national and local organisations and stakeholders, including social protection and formal education services in coordination with relevant ministries, to scale-up services ensuring reach and presence in areas where refugees are arriving, transiting, and staying. Due to the expected protracted nature of the crisis, Plan International and its partners will continue to expand and target transit centres, reception centres, private accommodations and host communities in the North, South and Centre of the country, with a particular focus on underserved areas in the Northern and Southern Regions.

Plan International welcomes this opportunity to provide comments on Moldova's Draft Decision on granting Temporary Protection to Displaced Persons from Ukraine. This submission seeks to complement the inputs provided by UNHCR, INGOs and local Moldovan NGOs who are also inputting into the draft temporary protection decision.

Overarching principles which should underpin Moldova's temporary protection framework

- **Alignment with EU protection standards:** Plan International recommends that Moldova's Temporary Protection Decision aligns with the [Common European Asylum System \(CEAS\)](#) to ensure all areas of protection and the provision of non-discriminatory humanitarian assistance reflect standard practice.
- **Vulnerable groups:** A definition of vulnerable people from Ukraine seeking protection with heightened protection risks should be developed and their differentiated needs identified and addressed, in consultation with these affected groups including, but not limited to:
 - Children, especially those who are unaccompanied and separated children (UASC), girls, Roma children, and those with disabilities;



- Single female heads of household;
 - Persons with disabilities;
 - The elderly;
 - Pregnant and breastfeeding women;
 - LGBTQIA+ individuals;
 - Victims of trafficking; and
 - Victims of Torture
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- **Best interest of the child:** When assessing the protection needs of children, in particular unaccompanied or separated children (UASC), Plan International strongly urges the adoption of the [principle of the best interest of the child](#) across all processes involving children. This should include all processes undertaken by the Guardianship Authority is responsible for, including applying for protection on behalf of UASCs, appointing a state social worker or social assistant or an NGO social worker or social assistant to do so, as well as family reunification and tracing and so forth.

 - **Participation:** To promote and support children’s participation is to meet human rights obligations. Children have the right to participate and influence decisions about their life therefore they must be supported to exercise their right to participation, taking into consideration gender, age, communication method, level of maturity, context, safety, security, etc. Children can work for positive change by engaging in decision-making processes according to their evolving abilities and independence. Taking responsibility and making decisions helps children develop a sense of belonging and justice. Participation strengthens accountability.

 - **Education:** All school age beneficiaries should be provided with safe, uninterrupted, quality learning opportunities. Special care is needed to identify and address the needs of children with disabilities to allow them equal opportunity to access and participate in educational programming in accessible learning environments. Parents, caregivers and legal guardians have the duty to enrol children up to the age of 16 in school.

 - **Non-discrimination:** In line with Article 10 of the [2008 Law on Asylum in the Republic of Moldova](#) which states that: *‘the provisions of the national legislation shall apply to asylum-seekers and beneficiaries of a form of protection without discrimination as to race, nationality, ethnic origin, language, religion, political membership, social category, convictions, sex, sexual orientation or age’*, Plan International encourages the Temporary Protection Decision to include a clause specifying that temporary protection will be offered to those in need of protection without discrimination. Plan International is concerned about anecdotal reports from partners and other local NGOs about refugees from Russia, being denied humanitarian assistance, including elder, single mother families, children and people with disabilities. All affected populations should be able to access humanitarian aid and be afforded protection.

 - Plan International is also aware that the lack of recognition for same sex couples in Moldova has impacted on the ability of LGBTQIA+ couples to apply for joint protection. This is especially due to the current gap in legislation which affects same-sex couples where one of the partners is a non-citizen of Moldova. In these instances, the non-Moldovan partner cannot get a residence permit based on marital status. They can be asked to leave the country and for LGBTQIA+ couples from Ukraine, seeking asylum may not be a feasible



solution given the restrictions on those with refugee status, for instance not being able to visit their home country. Plan International recommends the Temporary Protection Decision allow same sex couples to apply for joint protection, regardless of their country of origin, to ensure couples are not separated.

Plan International looks forward to its ongoing engagement with the Government of Moldova in ensuring protection and humanitarian assistance to those affected by the conflict in Ukraine and seeking protection in Moldova.

Plan International comments on specific articles

Article 1: Categories of persons to be granted Temporary Protection

As outlined above, in light of the heightened protection risks and vulnerabilities of certain groups of people, Plan International recommends the Temporary Protection decision includes a **definition of vulnerable people** and ensures they are provided with specialised services and assistance, in cooperation and coordination with UN entities, local organisations and INGOs in Moldova.

Plan International welcomes the inclusion of **stateless people and Third Country Nationals** in the categories of persons who will be granted protection; however, Plan encourages further specification relating to Roma people as also being afforded protection. Roma people encounter additional challenges, in Moldova and elsewhere, in accessing equitable services, housing, education and other forms of humanitarian assistance. Roma children also face higher protection risks. Plan International also recommends including **Third-country nationals who resided in Ukraine prior to 24 February 2022** and who are unable to return to their place of origin and may be exposed to higher vulnerability due to the existing crisis, regardless of whether they previously received international protection.

Plan International further recommends the inclusion of terminology in Article 1 committing to the provision of humanitarian assistance to all of those in need of protection, in a **non-discriminatory** manner.

Article 2: persons considered to be part of a family

Among the persons listed in article 2 as being a family member of a person eligible for protection include husband or wife; or a third-country national living with a person and with whom he/she has at least one child. Clarity is sought as to whether only de facto relationships where there is at least one child will be recognised as being partners eligible for protection.

Plan International further recommends:

- Families coming from Third Countries residing in Ukraine should also be provided with temporary protection.
- The recognition of other close relatives who lived together as part of the family unit at the time of the circumstances surrounding the mass influx of displaced persons, and who were wholly or mainly dependent on a person seeking temporary protection.

Article 3: granting of temporary protection for one year

Plan International welcomes the provision in the draft allowing people seeking protection from Ukraine, third country national and stateless persons the ability to apply for protection for 12 months and recommends an extension of an additional 12 months, if needed. This will provide these



persons with greater stability to find longer-term protection, access to services such as health, education, accommodation, and employment. If needed, Plan International encourages the Government of Moldova to then extend its provision of protection, as long as these persons are not able to return to Ukraine or their places of origin safely.

Article 4: proof of identity and documentation

Plan International cautions that the requirement to provide Moldovan authorities with identity documents will be particularly challenging for Roma persons, stateless persons and other vulnerable groups in need of protection fleeing from the conflict in Ukraine who are often undocumented. The list of documents should be indicative instead of being exhaustive and a process should be established by Moldovan authorities to verify the identity of individuals, including unaccompanied and separated children, who are not in possession of this extensive list of documents.

Article 5: persons authorised to cross the border

Plan International recommends this also includes stateless persons and Third Country Nationals who reside inside in Ukraine and for them to be allowed to cross the border into Moldova. For separated children, the examination of the family links should be processed after they cross the border, from the Guardianship authority, or appointed by the authorized state or NGO workers.

Article 7: Unaccompanied and separated children requesting temporary protection

All unaccompanied and separated minors, as well as all other children who have fled the conflict in Ukraine have the right to apply for temporary protection. The current draft article only provides information about the lodging of the request but not about the process or procedure to ensure that UASCs are meaningfully participating in the decision-making process; if decisions taken consider first and foremost the best interest of the child and, whether a risk assessment was carried out to ensure that such decision would not result in further harm towards the child.

In the current draft version of article 7, responsibility for depositing the request is given to a public administration representative. The Guardianship Authority should appoint either a state or an NGO social worker from the Social Assistance Department or other professionals from mandated NGOs to assist an unaccompanied minor to apply for temporary protection. In case the UAM resides in an administrative institution, the Guardianship Authority should appoint a legal representative from the institution, a state or an NGO social worker or assistant. Unaccompanied minors should be able to log their own application for protection through the following avenues: an administrative institution; through multidisciplinary teams and NGOs, and even through the phoneline 116111, where the unaccompanied minor should be referred for legal support.

It is important that procedures for UASC encompass not only the role of border police and the office of asylum and migration, but also the full process including ensuring meaningful participation of the minor, the implementation of the do no harm principle and the reflection of current international practice on, examination of family links and family reunification with family members either inside or outside of Moldova.

Article 13: provision of address of residence in the Republic of Moldova

Plan International recommends that a clause be added explaining that individuals or families who have been granted temporary protection can update their address if they are to move, so as not to suggest that once they have listed a place of residence that they cannot move from that registered address if needed. The majority of displaced women and their children are staying in unvetted



private accommodation where they can be susceptible to gender-based violence (GBV), sexual harassment and abuse. It is important that women, especially single female heads of households are aware that they can seek alternative accommodation if needed and then update their place of residence.

Article 15: Information in the language of the persons seeking Temporary Protection

Plan International recommends facilitating access to information regarding the Temporary Protection status in the language that the beneficiaries understand throughout the entire process of the Temporary Protection application. This will ensure that beneficiaries have access to reliable information and that they are holders of their rights and are aware of their obligation under this status.

Article 18: placement of minors who are beneficiaries of temporary protection in education institutions

All children affected by the conflict in Ukraine up to the age of 16, including Roma children, should be able to access formal education. Essential elements of providing education in emergencies include: a) access to education; b) ensuring a safe and accessible teaching and learning environment; c) ensuring enough teachers and other educational personnel and ensuring they are also trained on how to teach children who have fled conflict; and d) developing and implementing the necessary education policies which highlight that it is the duty of national authorities and international community to respect, protect and fulfil the education right for all children. To support this, education authorities and other key stakeholders should develop and implement an emergency education plan.

Plan International recommends the Ministry of Education and Research implement a series of activities designed to provide safe, uninterrupted, quality learning opportunities to children of all ages (including early childhood) affected by conflict in Ukraine. The Ministry of Education and Research and educational institutions need to also ensure children with disabilities also have access to education and that the learning environments are accessible and offer an opportunity to promote the rights of crisis-affected children and young people with disabilities.

Article 30: Termination of Temporary Protection Period

Plan International suggests including a grace period prior to or after the expiration date of the protection status ID card for persons who need to extend their stay in Moldova.

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