

Informed refugees – protected refugees



THE PEOPLE'S
ADVOCATE
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What does “refugee status” mean?

Refugee status is a form of protection, recognised by the Republic of Moldova, of a foreign national or stateless person who meets the conditions set out in the Convention relating to the Status of Refugees, concluded in Geneva on 28 July 1951, and in the Protocol on the Status of Refugees of 31 January 1967¹.

How do refugees differ from other migrants, asylum seekers or internally displaced persons?

Refugees leave their country of origin due to well-founded threats of danger or persecution and because they are not protected by their own Government. Migrants, on the other hand, can leave their country for any reason, such as employment, family reunification or education. Migrants remain under the protection of their own Government, even if they are abroad. Whereas refugees are protected by international law, migrants are subject to the country-specific rules where they migrate.

¹ Art.3 of Law no.270/2008 on Asylum in the Republic of Moldova

What are the rights and obligations of refugees under international law?

Refugees have the right to a form of asylum and the right not to be returned for possible persecution in their country of origin. According to the 1951 Geneva Convention, refugees enjoy the basic rights that belong to any other foreigner in the host country, in particular, to practise their religion, to access education and to move independently. Refugees should respect the laws of the country that accepts them. Sometimes arrivals of refugees can be sudden and at large-scale. In this regard, according to the provisions of the Government Decision nr.21/2023, the Government of the Republic of Moldova has decided to grant temporary protection to displaced persons from Ukraine as of 1 March 2023. The beneficiaries of

temporary protection have the following rights: to remain on the territory of the Republic of Moldova; to work; to have access to accommodation; to have access to primary and emergency health care services; to have access to general education for minors and to benefit from social inclusion measures.

What are the provisions of the national legal framework regarding the rights and obligations of refugees?

The provisions of the legislation of the Republic of Moldova apply to applicants for a form of protection without discrimination, regardless of race, citizenship, ethnicity, language, religion, political affiliation, social status, beliefs, sex, sexual orientation, age².

Accompanied or unaccompanied minors seeking a form of protection are protected and receive appropriate assistance to enjoy all the rights recognised by the UN Convention on the Rights of the Child and other international human rights instruments to which the Republic of Moldova is a party³. Unaccompanied minors shall be subject to measures for the protection of children at risk and children separated from their parents, under the legislation in force in the Republic of Moldova.

2 Art.10 of Law no.270/2008 on Asylum in the Republic of Moldova

3 Art. 14 of Law no.270/2008 on Asylum in the Republic of Moldova



Are you a refugee from Ukraine on the territory of the Republic of Moldova and you consider that your rights have been violated by representatives of national authorities or other organisations regardless of the legal form and type of property?

Notify the People's Advocate or the People's Advocate for Child's Rights about the actions or inactions of national authorities or other organisations regarding the violation of human or child rights and freedoms, both when crossing the border and during the period of stay or residence in the Republic of Moldova.

Who is the People's Advocate and the People's Advocate for Child's Rights?

They are persons appointed by the Parliament of the Republic of Moldova to ensure the observance of the fundamental human or child rights and freedoms on the territory of the Republic of Moldova. **The Ombudspersons shall ensure that the actions and the acts issued by public officials, civil servants, and representatives of institutions with private status, do not admit violations of human or child rights.**

Jurisdiction of the People's Advocate and the People's Advocate for Child's Rights to examine applications

People's Advocate examines the applications on decisions, actions or inactions by public authorities, organisations and enterprises, regardless of the type of ownership and legal form of organisation, non-profit organisations and persons with positions of responsibility at all levels, which in the petitioner's view violated human rights and freedoms.

People's Advocate for Child's Rights examines the applications of children or applications submitted in their interests, concerning decisions, actions or inactions of public authorities, organisations and enterprises, regardless of the type of ownership and legal form of organisation, non-profit organisations and persons with responsibilities at all levels, which in their view seriously affect the realisation of their rights and freedoms. The People's Advocate for Child's Rights provides protection and assistance to the child without requesting the consent of the parents or legal representatives.





What should the application to the People's Advocate or the People's Advocate for Child's Rights include?

- **Personal details** > your name, surname *or* name of the person/child in whose interests you are making the request, *would help us to interact.*
- **Contact details** > your address/place of residence, postal address and/or e-mail address and a telephone number *would allow us to have more active communication.*
- **A brief description of the circumstances of the case** > it is very important to provide us with us the name of the authority and/or the the personal details of the person responsible who in your opinion would have admitted a possible violation. Do not hesitate to report in what way or circumstances the actions and/or inactions of the authority/person in charge were admitted, which led to the restriction of the right, *or it allows us to obtain details that will facilitate the process of finding the violation of human/child rights.*
- **Signature and date of issue** > it is essential to indicate them, *as this confirms your agreement to act in your interests.*

! Important: if the problem reported by you, has been previously reported to other authorities, being subject to examination, please inform us and attach a copy of their replies. If the request to other authorities has not been answered, attach a copy of the *application* with the registration number and the date of the request, so that we take less time collecting the preliminary information necessary to examine the claims.

!!! Attention: The People's Advocate and the People's Advocate for Child's Rights can also be informed on the abusive actions or inactions of the international organisations' representatives, admitted at the time of crossing the state border or during the period of stay on the territory of the Republic of Moldova, which in your opinion, lead to an obvious limitation of human or child rights and freedoms.

You need to know, that:

- within 10 days, from the receipt of the application, you will be informed if the application is accepted, rejected or referred to other authorities for examination;
- the decision to reject the application cannot be appealed;
- a repeated application made in relation to the same persons and facts shall be accepted for examination only if new circumstances arise.



You can notify the People's Advocate and the People's Advocate for Child's Rights to the following addresses and telephone numbers:

Chişinău Municipality, 11/3 Calea leşilor street

tel.: 0(22)234-800

tel.: 060002657

Child's Phone (FREE)

0 800 11116

Send us an e-mail:

e-mail: secretariat@ombudsman.md

web: www.ombudsman.md

*at the section **depune cerere online***

(submit an online application)

We are also in the regions:

1 Independenței
Street,
BĂLȚI Municipality
tel.: 0231 2-81-49

6 Piața Independenței
Street,
CAHUL city
office 415, 4th floor
tel.: 060002671
tel.: 0299 2-17-81

207 Lenin Street
**COMRAT
Municipality**
tel.: 0298 2-51-05

VARNIȚA village
**ANENII-NOI
district**
66 Tighina Street
tel.: 060002684

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The People's Advocate contributes to the protection of the human rights and freedoms through the prevention of their violation, through monitoring and reporting on the modality of protection of the fundamental human rights and freedoms at the national level through the improvement of the legislation related to the human rights and freedoms, through international collaboration in this area.

www.ombudsman.md

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

www.coe.int



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