

Moldova Country Assessment



Safeguarding support for Ukrainian refugees

Resource and Support Hub, Eastern Europe
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Contents

Introduction	3
Methodology.....	4
Country Context.....	5
Refugee Response	5
Legal framework for safeguarding.....	7
Criminal and civil laws.....	7
Key safeguarding networks and stakeholders	9
Prevention	9
Safeguarding-related risks	10
Interpersonal risks and challenges	10
Organisational/ systemic risks and challenges	11
Recommendations	13
Systemic.....	13
Organisational	13



Introduction

Governments, non-governmental organisations (NGOs) and volunteers across Eastern Europe have mobilised to welcome and offer support to Ukrainian refugees, including in Moldova. Around the world humanitarian workers have been found to engage in sexual exploitation and abuse (SEA) during the delivery of humanitarian and development assistance (**Feather, Martin, Neville**, 2021) and unfortunately the Ukrainian response in Moldova is no exception.

The Safeguarding Resource and Support Hub Eastern Europe in Moldova aims to support Moldovan civil society organisations (CSOs) to strengthen their safeguarding policy and practice whilst they protect and support people affected by the war on Ukraine.

This report summarises the full Country Assessment prepared for the Safeguarding Resource and Support Hub Eastern Europe in Moldova¹. It provides an overview of safeguarding for refugees from Ukraine, including the risks, legal protections, stakeholders and initiatives to address safeguarding from SEA. Whilst the original country assessment provided recommendations to the Safeguarding Hub Eastern Europe, this summary adapts those recommendations, so that they are relevant for safeguarding in all state and civil society organisations engaged in the humanitarian response to the Ukraine refugee crisis.

Working Definitions

Safeguarding: Safeguarding means preventing harm to people in the delivery of development and humanitarian assistance. The Resource and Support Hub for Eastern Europe understands safeguarding as taking all reasonable steps to prevent harm from occurring both to the recipients of aid and to people delivering it, and responding appropriately when harm occurs.

Sexual exploitation and abuse (SEA): This is an umbrella term for a number of different types of behaviour. It is a term commonly used by the UN and INGOs.

Sexual exploitation: Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. This includes profiting monetarily, socially, or politically from sexual exploitation of another. Under UN regulations it includes transactional sex, solicitation of transactional sex and exploitative relationships (UN, 2017).

Sexual abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It includes rape as well as sexual assault

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(any sexual activity with another person who does not consent, which may be committed by means other than force or violence). Under UN regulations, all sexual activity with someone under the age of 18 is considered to be sexual abuse regardless of the age of majority or consent locally. Mistaken belief in the age of a child is not a defence (UN 2017).

Sexual harassment: A continuum of unacceptable and unwelcome behaviours and practices of a sexual nature that may include, but are not limited to, sexual suggestions or demands, requests for sexual favours and sexual, verbal, or physical conduct or gestures, that are or might reasonably be perceived as offensive or humiliating (UN, 2018).

Protection from sexual exploitation and abuse (PSEA): This term is used by the UN and INGO community to refer to measures taken to protect people from - and respond appropriately to - sexual exploitation and abuse by their own staff and associated personnel targeted at community members (Davey, Taylor, 2017).

For further definitions see the [Safeguarding Support and Resource Hub Eastern Europe](#)

Many staff, associates and volunteers of aid agencies are highly committed and principled people, but we must recognise that some may misuse their positions of power to engage in abuse of vulnerable people. People at most risk of safeguarding violations are those that already experience discrimination in society (such as women, children, people with disabilities, ethnic/racial minorities and Lesbian, Gay, Bisexual, Transgender, Queer or Intersex (LGBTQI+) individuals). Staff, associates and volunteers of aid agencies are not immune to harm and may themselves experience abuse in the workplace at the hands of their colleagues.

A whole organisational approach that addresses organisational culture is required to tackle these underlying problems to ensure that robust safeguarding policies and practices are implemented.

Methodology

The country assessment was informed by a literature review conducted in English and Romanian. It was followed by 17 key informant interviews with public authorities, CSOs, international non-government organisations (INGOs) and United Nations (UN) agencies representing all regions of Moldova. Limitations are acknowledged; the report generalises the information gained from the interviewees and may therefore not represent the national situation fully. Similarly, we recognise there is no in-depth analysis of those who

may face particular risks, such as children or persons with disabilities. Nonetheless, outputs provide a valid enough context analysis and serve as a basis for future comprehensive and exploratory studies.

Country Context

Moldova is one of the poorest countries in Europe. The country is made up of a majority of Romanian speakers with a significant pro-Russian minority, mainly concentrated in the breakaway republic of Transnistria.

Moldova is currently facing a number of challenges due to the impacts of the COVID-19 pandemic, the war on Ukraine and the energy crisis. Gender inequality and other forms of discrimination are still widespread as is human trafficking, especially women and girls, who are trafficked into the sex industry.

Refugee Response

Between the start of the war on 24 February and December 2022, the Republic of Moldova (RoM) received over 721,469 refugees (649,270 Ukrainian citizens), with the majority traveling directly onwards to other destinations in Europe ([UNHCR, 2022](#); [Bureau for Migration and Asylum, 2022](#)). More than 98,027 refugees (81,093 Ukrainian citizens) currently remain in Moldova, the majority of whom are women and girls (64%) (ibid). Considering its own population size, Moldova hosts the highest number of refugees from Ukraine per capita.

The authorities in Moldova responded promptly to the challenges caused by the war on Ukraine. They created a Single Crisis Management Centre to provide protection and assistance. More than 90 external partners mobilised to help the Moldovan authorities. Working groups were created that include representatives of public authorities, international organisations and CSOs, for a more efficient coordination of activities.

In order to provide accommodation to displaced persons, starting from 24 February 2022, 180 Temporary Refugee Placement Centres (CPTR) were opened and authorised. Of these, 68 were active at the time of the study with a 55% occupation (approximately 2,200 persons accommodated). The National Social Assistance Agency (ANAS) was delegated to approve the activity of the CPTRs. There has been some criticism that the CPTRs do not sufficiently uphold principles of human rights and equality ([The People's Advocate of the Republic of Moldova - Ombudsman, 2022](#)).

Territorial Social Assistance Structures (STAS) have played a key role in the provision of social services at the local level, including the efficient delivery of assistance to displaced persons.

With the exception of a few older and more experienced NGOs in child protection, most NGOs in Moldova are relatively newly established, with little to no experience in working with refugees and people affected by war, or safeguarding. There is a recent trend for new NGOs to be opened since the crisis started, possibly motivated by the existence of international funds and donors dedicated to the war on Ukraine.





Legal framework for safeguarding

Criminal and civil laws

A sample of legislation which may offer safeguarding protections are shown below:

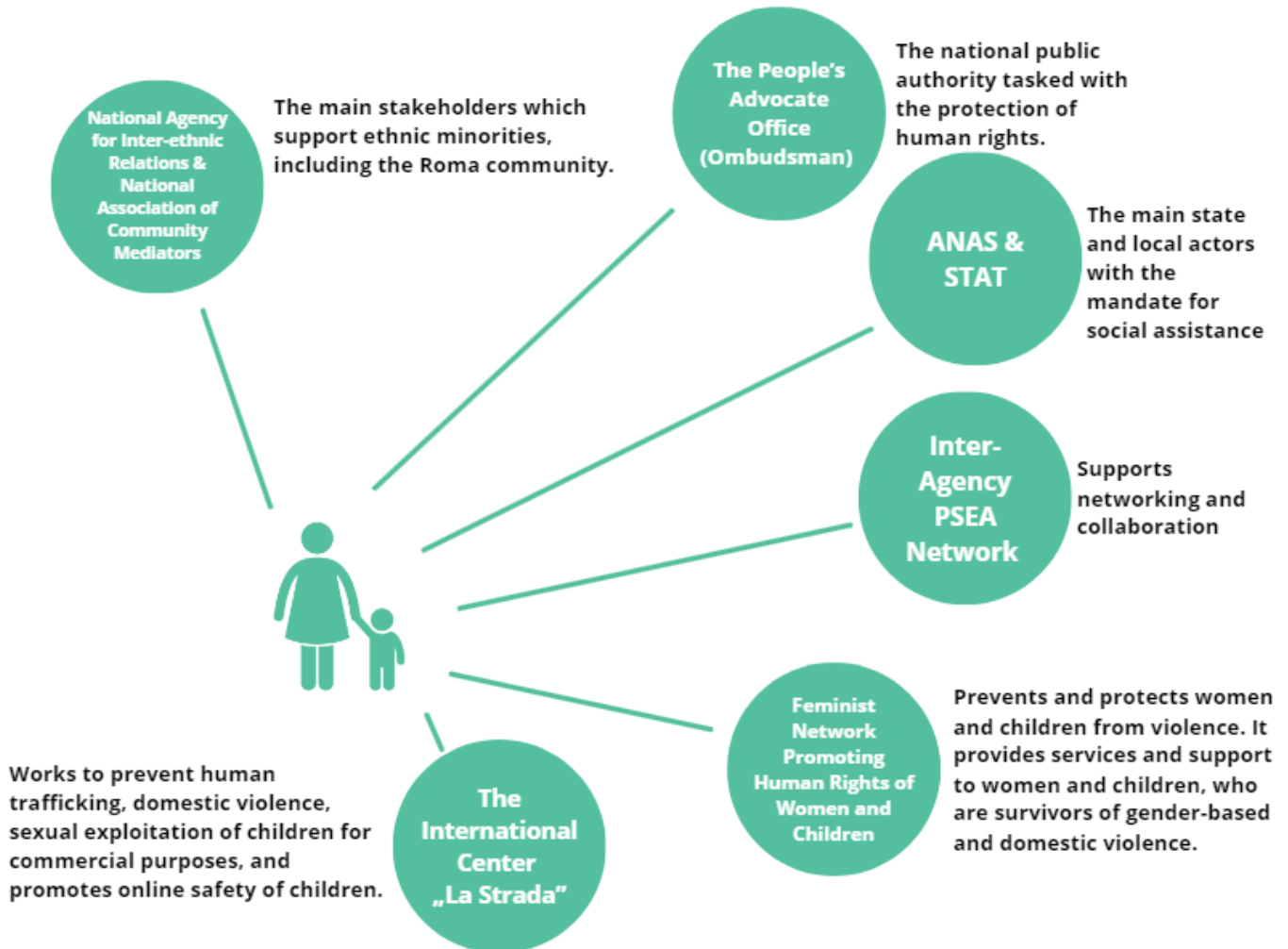
Name of law	Protections offered
Law no.121 of 25.05.2012 on Ensuring Equality	Prohibits discrimination in the political, economic, social, cultural and other spheres of life.
Law no. 5 of 09.02.2006 on equal opportunities between women and men	Prevents and eliminates all forms of discrimination of women and men in political, economic, social, cultural and other spheres of life. Defines sexual harassment as any form of physical, verbal or non-verbal conduct of a sexual nature, which adversely affects the person's dignity or creates an intimidating, hostile, degrading, humiliating or insulting atmosphere. Obligates the employer to undertake preventive measures against sexual harassment of women and men at work. Obligates the employer to prevent any persecution for lodging complaints on discrimination with the competent body.
Moldovan Law no. 45-XVI of March 1, 2007, regarding the prevention and combating of family violence	Sets out the norms on preventing and combatting domestic violence in the Republic of Moldova. Is applicable to Moldovan citizens, foreign nationals, and stateless persons living in the territory. Ensures the victim of domestic violence has the right to assistance for physical, psychological and social recovery via special medical, psychological, legal and social actions.
Criminal Code of the Republic of Moldova, no. 985-XV of 18.04.2002	Sets out crimes related to sexual violence. These include socially dangerous acts committed intentionally, which injure – exclusively or in principle – the social relations related to a person's sexual life.
The Contravention Code of the Republic of Moldova no. 218-XVI of 24 October 2008	Prescribes as a contravention the violation of equality in the field of work (art. 54 (2)).
Labour Code of the Republic of Moldova, no 154-XV of 28 March 2003 Article 5	Obligates the employer to undertake preventive measures against sexual harassment at work. Mandates the employer to take measures to prevent persecution for lodging a complaint on discrimination.



The 2018-2023 National Strategy to Prevent and Combat Violence against Women and Domestic Violence and the 2018-2020 Action Plan for its implementation	Sets the standard for preventing gender-based violence, protecting victims of violence and punishing perpetrators. Aligned with the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).
The 2018-2023 Strategy on Preventing and Combating Trafficking in Human Beings (THB)	Mandates the government, non-governmental and intergovernmental organisations to implement measures aimed at preventing and combating THB. Promotes the rights of victims and presumed victims of THB, and gender equality.
Council for the Prevention and Elimination of Discrimination and Ensuring Equality	The Council is mandated to assess the existing legal framework and draft laws from the perspective of equality and non-discrimination standards. Reviews complaints of alleged discrimination. Issues decisions, which are legally binding unless contested in court.

Key safeguarding networks and stakeholders

The safeguarding system is supported by a number of actors.



Prevention

Some efforts are in place to raise safeguarding awareness and reduce safeguarding risks. These include:

- The international community quickly established relevant coordination mechanisms, such as the PSEA Network, the taskforce on the prevention and combating of trafficking in persons, and the working groups on child protection and GBV. The PSEA Network has managed to attract a large membership of 48 organisations. They run training sessions in both English and Romanian.
- The PSEA Network advocates for PSEA minimum operating standards.

- INGOs and UN Agencies are providing training on PSEA and safeguarding for their partners.
- Many organisations were already implementing child safeguarding policies and procedures before the influx of refugees. Training on PSEA and safeguarding was slower to start, but have now been rolled out by several UN agencies and INGOs.
- The Government has established a number of mechanisms, which can be accessed by refugees from Ukraine. These include dopomoga.gov.md, the green line (0 800 800 11) and the Bureau for Migration and Asylum's hotline (0 800 015 27), which offers non-stop information services.
- Despite some restrictions around safe recruitment practices for CSOs according to Moldovan law, a few international and local organisations have been able to implement criminal record checks for new staff. This has particularly been the case where organisations work with populations at higher risk of safeguarding abuses, such as children and women who are already experiencing violence.

Safeguarding-related risks

During crises and large movements of people, safeguarding risks increase. The most common risks and safeguarding challenges that surfaced during the data collection were the following:

Interpersonal risks and challenges

Gender-based violence

Levels of GBV are high in Moldova. One in seven girls experience sexual violence before their 18th birthday and 34% of women have experienced physical and/or sexual Intimate Partner Violence (**The International Organization for Migration (IOM), IMAS, and the Centers for Disease Control and Prevention**, 2019; **UN Women**, undated)

The risks of gender-based violence are important given the high numbers of Ukrainian women accompanied by vulnerable family members (children and older relatives) crossing the border. Few men are entering Moldova due to the mandatory conscription of Ukrainian men.

Sexual assault and harassment, human trafficking, intimate partner violence, and sexual exploitation and abuse have been identified as particular issues for refugees in Moldova (**UNFPA**, 2022). The risk of GBV increases in the context of private/host accommodation, private arrangements for transport, in reception and transit facilities, and refugee accommodation centres (ibid).



Access to GBV and child protection services are also limited due to a culture of 'silence'. This affects both refugee and non-refugee survivors, resulting in a lack of awareness of available services and a lack of trust in the capacity of services to provide quality support that meets refugee needs (ibid). There is also a lack of specialized, integrated services and mechanisms for LGBTIQ+ refugees, victims of human trafficking and child victims of violence. At the moment, only one Barnahus-type centre has been opened by the Ministry for Labour and Social Protection in partnership with the National Centre for the Prevention of Child Abuse.

Loss or theft of documentation

Moldova remains a top country of origin of trafficking in persons despite efforts to prevent and protect potential victims (**US State Department**, Trafficking in Persons Report, 2022).

To date, no confirmed cases of trafficking in refugees (i.e., reported to law enforcement agencies and investigated by specialized police) were known to the authors.

Inter-related risks

Risks are inter-related, for example, a lack of information can make a person accept assistance from a person or organisation with malintent who commits an act of GBV, or SEA. Should the person in need also have lost their documentation, then reporting and accessing justice or other safe services is even more arduous.

It is important to recognise the inter-related nature of risks and to develop risk assessment systems that identify multiple and complex risks. Organisational systems and programme management processes must mitigate identified risks throughout emergency programmes.

Organisational and systemic risks and challenges

Lack of understanding of the concept of safeguarding

Safeguarding and especially PSEA were not a commonly known concepts prior to the war on Ukraine.

International agencies, which started to roll out PSEA training brought with them varied safeguarding terminology. While there was already some understanding of child safeguarding procedures in Moldova before the war on Ukraine, concepts such as PSEA, SEAH and safeguarding were less well understood. This multitude of related - but slightly different - approaches has created some confusion amongst local actors.



Unsafe service provision

Accommodation centres housing refugees are not implementing sufficient safeguarding standards to keep refugees safe, especially those most at risk of experiencing violence.

The Temporary Placement Centres are regulated by the Ministry of Labour and Social Protection under Order No. 21/2022, of 26 March 2022. There has been inadequate provision for people with disabilities, mothers with young children and displaced non-Ukrainians. Sufficient safeguarding standards have also been lacking for the centres. There have also been documented reports of discrimination against Roma in temporary placement centres of persons fleeing Ukraine and ‘unethical conduct’ amongst volunteers (**The People’s Advocate of the Republic of Moldova – Ombudsman**, 2022).

Some specific support has been provided to women and girl refugees through “Orange Safe Spaces”. These provide immediate support and counselling, as well as an entry point to access specialised services regarding GBV and sexual and reproductive health.

Weak safeguarding organisational standards

Few NGOs have written codes of conduct or safeguarding regulations, especially in relation to PSEA.

The lack of understanding of the importance of safeguarding has led to weak internal regulations and codes of conduct in national NGOs. Where this is available, it tends to focus on safeguarding children only. This creates risks of harm to programme participants by staff, associates, volunteers, and partners through:

- A lack of thorough background checks for new staff and volunteers. This results from a belief that the national legislation does not allow employers to request personal data, including criminal records. However, it is important to note that some organisations do require newly recruited staff and volunteers to sign adherence to safeguarding provisions. This good practice was identified in both INGOs and local CSOs.
- Little to no measures in place to mitigate personal data and privacy violations for their beneficiaries and staff. This can lead to safety and security risks for both beneficiaries and staff, especially for vulnerable groups.

Lack of internal reporting mechanisms

Few organisations have robust reporting mechanisms.

Many organisations lack safe and trusted reporting mechanisms. However, some reporting channels are in place. These include feedback and complaints boxes, which are often used by smaller CSOs and in temporary refugee placement centres. Other organisations are



trialling using QR codes, which are placed on leaflets and shared with every beneficiary as a way to encourage reporting. However, so far there are few reports.

Lack of investigative capacity

There is a lack of investigators who can investigate safeguarding violations.

When complaints are lodged there is a lack of capacity to investigate, bring justice to survivors and accountability to perpetrators. There is a lack of specialised investigators in cases of disciplinary and workplace misconduct in Moldova.

Recommendations

Systemic

- Further in-depth analysis of the safeguarding system in Moldova to build upon this assessment, including around child safeguarding.
- Continue to roll out PSEA training while ensuring approaches and terminology around safeguarding are properly harmonised and localised.
- Increase advocacy efforts directed towards the government calling for strengthened understanding and mainstreaming of safeguarding through public services. This should include supporting minimum standards in accommodation centres and other service delivery to refugees.
- Amend the Labour Code to require all employers to integrate safeguarding measures throughout the employee life cycle and in disciplinary processes.

Organisational

- Take a whole organisational approach to safeguarding to ensure that programme participants, staff and volunteers are protected in every engagement with the organisation. This includes risk assessments to understand inter-related risks and apply mitigation throughout the organisation's functions and programmes. A specific focus should be made in relation to PSEA, which is least implemented amongst CSOs in Moldova.
- Continue to strengthen internal safeguarding capacity through accessing learning opportunities and information.
- Provide access to a grant scheme for CSOs to enable them to develop a safeguarding policy and put in place relevant procedures.
- Ensure the organisation has at least one safeguarding lead/ focal point.



About the Safeguarding Resource and Support Hub Eastern Europe reports:

Safeguarding Resource and Support Hub Eastern Europe Hub is funded by the Disaster Emergency Committee (DEC). The services of the Hub are provided by the consortium of partners led by Social Development Direct. For any further request or enquiry, contact info@safeguardingsupporthub.org.