

The right to education, to healthcare, and to legal representation of children under different forms of protection in the Republic of Moldova

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The Right to Education

Education is a fundamental human right and a vital element for restoring hope and dignity to minors who are forced to leave their countries of origin.

It is an essential tool of integration, placing responsibility on all actors involved to support the active participation of these children in the society of the host country, as education is a key factor in facilitating their adaptation and integration into the new environment.

Who can submit an application for enrolling a child in school (preschool/general education) in Moldova?

- A child may be enrolled in school based on an application submitted by the parent, legal guardian, or legal representative of the child.

What steps must a parent/legal representative/legal guardian take to enroll a child in school?

1. Completion of the application form, which must include the following information:

- General information about the child (surname, first name, patronymic, date and place of birth);
- General information about the parent/legal representative/legal guardian (surname, first name, patronymic, date and place of birth);
- Information regarding the applicant's status;
- Information on the type of enrollment/education services being requested;
- Preferred language of instruction/communication;
- Address of residence/temporary residence/place of temporary stay within the territory of the Republic of Moldova;
- Contact details (telephone number, email address) of one of the parents/legal representatives/legal guardians of the child.

2. Collection of the required documents (listed below).

3. Submission of the application and required documents to the appropriate educational institution.

What documents are required for enrolling a child in school?

- a) Application form;
- b) National identity document of one of the parents/legal representatives/legal guardians;
- c) Child's birth certificate and/or national identity document;
- d) The child's medical record from the country of origin or a medical certificate issued by the authorities of the Republic of Moldova, allowing for the child's integration into the educational environment;
- e) Supporting documents regarding the child's prior education.

Where and when can the school enrollment application be submitted?

- Applications for enrolling children may be submitted at any time during the school year. If the school has reached its maximum capacity,

it will refer prospective students to another nearby school.

- Although displaced children who benefit from legal protection in the Republic of Moldova may enroll in any school in Moldova where there are available spots, additional schools have been designated with available places specifically for refugee students.

If issues arise with enrolling a child in school, whom should parents/legal representatives/legal guardians contact?

- In the event of difficulties related to enrolling a child in school, parents are advised to contact the local education authority.

Contact information in Chişinău: Department of Public Education – 022-233460, 022-232785.

Will students studying in Moldova receive, like Moldovan students, an official certificate issued by the Ministry of Education and Research, confirming that they attended an educational institution in the Republic of Moldova?

- Upon completion of primary school, graduates will receive a certificate confirming that they have passed the assessment.
- Graduates who pass the state examinations at the end of lower secondary school (9th grade) are issued a certificate (Certificate of Secondary Education).
- Upper secondary school graduates (12th grade) may request to take the national baccalaureate exam.
- After passing the state baccalaureate exam, graduates receive a Baccalaureate Diploma, which entitles them to apply for admission to higher education institutions or post-secondary and non-tertiary technical vocational institutions.
- The educational institution issues a Certificate of Lyceum Studies, which grants the right to enroll in vocational training programs at technical secondary and post-secondary vocational institutions to:
 1. students who did not apply to take the baccalaureate exam;
 2. candidates who failed the baccalaureate exam but have completed the full lyceum curriculum.

Certification of the level of education

- Graduates of gymnasiums take state graduation exams in accordance with the Regulation on State Graduation Exams in Gymnasiums, approved by Order of the Minister of Education No. 48/2018.
- Admission to the gymnasium graduation exams is granted by the Pedagogical Council of the educational institution in which the student was enrolled, based on the academic results obtained in school subjects.
- Graduates who successfully pass the state exams for the gymnasium level are issued a state-recognized certificate (Certificate of Secondary Education).
- Lyceum graduates may apply to take the baccalaureate examination. The national baccalaureate exam is conducted in accordance with the Regulation on the National Baccalaureate Examination, approved by Order of the Minister of Education No. 47/2018.
- Upon passing the state baccalaureate exam, the graduate is awarded a Baccalaureate Diploma, which grants the right to apply for admission to higher education institutions and to technical and vocational secondary education.

- The educational institution also issues a Certificate of Completion of Lyceum-Level Education, which entitles:
 1. students who did not apply to take the baccalaureate exam;
 2. candidates who failed the baccalaureate exam but completed the full lyceum curriculum to pursue vocational training programs in technical and vocational secondary institutions.

** In the Republic of Moldova, the gymnasium level includes 9 grades of school education, while the lyceum level corresponds to 12 grades of school education.*

The Right to Health Care

The right to health care is one of the most important rights we exercise throughout our lives. According to the World Health Organization (WHO), health — more precisely, access to medical information and services aimed at maintaining the health of all people — is one of the fundamental human rights.

According to the WHO, the “right to the highest attainable standard of health” entails a clear set of legal obligations for every state to ensure that all individuals within its territory have the necessary conditions for good health, free from discrimination.

The right to health care is part of a broader set of rights established at the international level within human rights standards, and this right is indivisible from other rights.

This means, in particular, that the right to health care is connected to—and dependent on—the realization of other human rights, such as the rights to food, housing, work, education, information, and participation. These rights apply not only to adults but also to the rights of the child.

Do minors who have legal protection status in the territory of the Republic of Moldova have the right to free medical care?

Children displaced from Ukraine receive free medical care regardless of whether they have temporary protection status.

The expenses for these services are covered by the United Nations Children's Fund (UNICEF) through the National Health Insurance Company (CNAM), in accordance with the supplementary agreement to the Partnership Agreement Action Plan for 2023–2024 signed between the two institutions.

It should be noted that both children with temporary protection status in the territory of Moldova and children of asylum seekers, regardless of their nationality and without any form of distinction or discrimination, have access to medical care under the same conditions as minors who are citizens of the Republic of Moldova.

The package of services provided free of charge to this category of beneficiaries includes:

- emergency pre-hospital care;
- primary care (provided by family doctors);
- emergency inpatient care.

Registration with a family doctor

To access primary medical care, it is necessary to register with a family doctor at a primary healthcare facility.

You may choose only one primary healthcare facility, preferably the one closest to your place of residence.

Steps for registering with a family doctor:

- Contact the chosen family doctor to obtain consent to be added to their patient list.
- Complete the application form.
- Submit the completed application to your family doctor.
- Within 10 days, the medical institution will inform you of your registration on the doctors' list.
- To verify which family doctor you are registered with, visit the section "Verification of registration with a family doctor" on the website www.cnam.md.
- A sample application form for registration with a family doctor and other useful information are also available at this link.

The list of diseases and conditions requiring medical care, as well as the scope of care provided to individuals by medical institutions that have contracts with the National Health Insurance Company and its territorial agencies, is regulated by the Unified Mandatory Health Insurance Program.

Pre-hospital emergency medical care and primary medical care are provided to all individuals, including the uninsured, within the limits established by the Unified Program. This includes the prescription of medicines and medical devices reimbursed in accordance with current regulations, without any charge for these services.

The unified national emergency call service is 112.

Legal Representation of Children Under Different Forms of Protection in the Republic of Moldova

Every unaccompanied foreign child, separated from their parents or at risk, who is currently present in the territory of the Republic of Moldova, requires a legal representative in order to exercise their fundamental rights and enjoy the privileges to which they are entitled.

In critical situations involving threats to life and health and the urgent need to leave the country of residence, not every person has time to prepare the necessary documents. Moreover, many parents, due to forced circumstances, leave their children in the care of grandparents, close relatives, or even friends for a certain period.

In conditions of conflict or war in many countries around the world, some children find themselves without a guardian or caretaker when leaving their country of origin. For these reasons, it becomes necessary to appoint a legal representative for children separated from their parents, to ensure that they can exercise their fundamental rights and have the opportunity for continuous development in a safe environment, wherever they may be.

According to the legislation of the Republic of Moldova, children are entitled to protection without any discrimination, regardless of race, skin color, sex, language, religion, political or other beliefs, nationality, ethnic or social origin, status acquired at birth, financial situation, degree and type of disability, characteristics of upbringing and education of the children, their parents or other legal representatives, or their place of residence (family, educational institution, social service, medical institution, community, etc.).

Unaccompanied minors

The legislation of the Republic of Moldova defines an unaccompanied minor as a foreign national under the age of eighteen who arrives in the territory of the Republic of Moldova without being accompanied by an adult responsible for them under the law or a legal act, until such time as they are effectively placed under the care of such a person; this term also applies to a minor who becomes unaccompanied after their arrival in the territory of the Republic of Moldova.

A child at risk - is any child in relation to whom, as a result of an assessment, one or more risk situations have been identified: when they are subjected to violence; they are neglected; they roam or beg; they engage in prostitution; they are deprived of parental care and supervision due to the absence of parents at the place of residence for unknown reasons; their parents have died; they live on the street, have run away or been expelled from home; their parents have refused to fulfill their duties to raise and care for the child; they are abandoned by their parents; their parents have been declared legally incapacitated by a court decision).

In the best interests of the child, namely to ensure proper conditions for the harmonious growth and development of the child, taking into account the individual characteristics of their personality and the specific situation they find themselves in, the legislation of the Republic of Moldova provides for several forms of legal representation for displaced children.

Representation by Power of Attorney – a method whereby one or both parents of the child authorize an adult (a relative or another trusted person) to represent the child on their behalf before government authorities.

It should be noted that such a power of attorney can be executed both in the Republic of Moldova and in other states.

According to Article 15, paragraph 1 of the Treaty between the Republic of Moldova and Ukraine on Legal Assistance and Legal Relations in Civil and Criminal Matters, concluded in Kyiv on December 13, 1993 (entered into force April 24, 1995):

“Documents drawn up or legalized by the competent authority of one of the Contracting Parties, sealed with the official seal and signed by the authorized person, shall be valid on the territory of the other Contracting Party without any additional legalization. This applies to copies and translations of documents legalized by the competent authority.”

A power of attorney can be executed either through a notary or via consular services.

Unaccompanied children and children separated from their parents are assigned the status of temporarily left without parental care.

This status is established by the territorial guardianship authority where the child is registered (at the child's place of residence).

When determining the status and the assistance provided to displaced children, the guardianship authority will consider the best interests of the child for return to the country of origin, family reunification with biological or extended family, when there is confidence in the safety of the children.

In this context, if refugee children are temporarily or permanently in the Republic of Moldova without a legal representative, the country's legislation provides for two legal forms of child representation and protection: temporary guardianship and guardianship/custodianship.

Temporary guardianship – a form of temporary protection for children separated from their parents, in connection with the temporary absence of the legal representative(s)/one legal representative of the child for more than two months in another location within the country or abroad, or when they are unable to fulfill their duties regarding the upbringing, care, and education of the child due to health reasons.

A temporary guardian may be an individual or a married couple (husband and wife), appointed in accordance with the law, to ensure proper upbringing and education of the child separated from their family.

Temporary guardianship is established by the guardianship authority at the place of residence based on a standardized application form with all necessary documents attached.

Following this, a child rights specialist or social worker assesses the conditions of upbringing, care, education, as well as the family environment of the person(s) to whom the child will be entrusted, and within 5 days issues a corresponding conclusion on the legitimacy of establishing temporary guardianship.

This form of guardianship may be terminated when the child returns to their family, to one of the parents, or into the care of their legal representative, as well as in other cases provided by law, such as when the guardian is removed or voluntarily renounces this responsibility.

To establish this form of representation and protection of the child's interests, you may contact the local guardianship and custodianship authority or the local social worker.

Guardianship/Custodianship – temporary protection with the right of representation, provided to children with the status of a child temporarily left without parental care or a child deprived of parental care, by placing them in the family of a guardian or custodian.

A guardian of a child under the age of 14, who is under guardianship and custodianship, may be an individual or a married couple (husband and wife) who provide care, upbringing, and legal representation of the child in their home, and who, without a power of attorney, perform the necessary legal actions on behalf of and in the interests of the child.

A **custodian** may be an individual or a married couple (husband and wife) who provide care, upbringing, and legal representation for a child aged 14 to 18, who has been entrusted to the guardianship and custodianship service, and who consent to perform legal actions that the warded child is not entitled to perform independently.

Guardianship and custodianship are established based on an application submitted by the applicant to the territorial guardianship and custodianship authority, along with all necessary documents. The person seeking the status of guardian/custodian must undergo an assessment of their socio-domestic living conditions, conducted by the local guardianship and custodianship authority upon the request of the territorial guardianship and custodianship authority. Based on the results of the assessment, within 10 days a conclusion is issued regarding whether the child should be placed at the applicant's place of residence. Throughout this process, consideration is given to the child's relationship with the applicant, the degree of attachment, the child's opinion (depending on their age), and other factors provided by law.

More detailed information about the guardianship/custodianship procedure can be obtained from the local or regional guardianship authority and from the local social worker.

