

NGO Alternative Report  
to the Republic of Moldova Combined 4<sup>th</sup> and 5<sup>th</sup> periodic Report on the  
implementation of the UN Convention on the Rights of the Child

Romanian: APSCF 2016, Raport alternativ la Raportul national periodic al 4-lea  
comasat cu al 5-lea al Republicii Moldova privind implementarea Conventiei cu  
privire la drepturile copilului

Russian: APSCF 2016, Альтернативный доклад к четвёртому объединённому с  
пятым Национальным периодическим докладом Республики Молдова об  
осуществлении Конвенции ООН о правах ребёнка

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## Introduction

This Report is the initiative of the Alliance of NGOs active in the field of Social Protection of the Child and Family (ASPCF) of the Republic of Moldova that envisaged to present a meta-analysis of the implementation of the child's rights in our country.

The presented data covers the period from January 1, 2009 to December 31, 2014. For some aspects, data/information from 2015 and 2016 has also been considered. The Report covers almost all the clusters with focus on the implementation of Recommendations of the Committee for the Rights of the Child from January 30, 2009.

The development took more than half a year and consisted of two large stages: 1) data collection by clusters and 2) analysis and synthesis of experts for each cluster, followed by editing. Data was collected in groups by NGOs interested in a specific cluster with 1-2 NGOs responsible for the process. The process was public, the groups were also open to organizations that are not members of ASPCF.

The process did not consider child participation given that a Report developed by children was in the editing process.

The Alliance of NGOs active in the field of Social Protection of the Child and Family is a network of 88 NGOs that are mostly working in Chisinau and its suburbs and most of them work within small projects, primarily providing social services in a specific community. Some of them do this with co-financing from the local public administration. Few of these organizations are involved in advocacy or are actively monitoring the local, regional or national implementation of government policies.<sup>1</sup>

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<sup>1</sup> ASPCF internal capacities evaluation. ASPCF and ChildPact, 2016. Not published

## Main areas of concern and recommendations

### General measures of implementation (art. 4, 42 and 44 (paragraph 6) of the Convention)

#### Legislation

The Republic of Moldova has significantly emphasized legislation over implementation: according to the Child Protection Index, Moldova scores 0.420 out of a possible score of 1.0 in terms of the implementation of its UNCRC commitments and the gap between law and policy (0.767) and implementation scores (0.420) indicates that the difficult work of capacity building and resource-driven actions is still not considered<sup>2</sup>.

For instance, although a child rights protection specialist should be employed in every community<sup>3</sup> starting with 2014, in reality, there are only a few units of such specialists in the country and the main reason claimed by the authorities<sup>4</sup> is the lack of funds at local level.

The 3<sup>rd</sup> optional protocol (communication procedure) of the CRC has not been ratified.

#### National Strategy for CRC implementation

There is not a single comprehensive strategy for the CRC implementation, but there are a few sector or – a new trend – inter-sector strategies with focus on children, for example, the Strategy on Child Protection 2020<sup>5</sup> & the Strategy on Education 2020 (see chapter on education). Children and their rights are included as part of other more general strategies, e.g. health<sup>6</sup>.

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<sup>2</sup> Child Protection Index. Moldova country profile. ChildPact and World Vision, 2015

<http://www.childprotectionindex.org/country/moldova>

<sup>3</sup> Art. 3 and 6, Law no. 140 of 14.06.2013 on the Special Protection of Children at Risk and Children Separated from Parents  
<http://lex.justice.md/md/348972/>

<sup>4</sup> State Chancellery of the Republic of Moldova and the ASPCF with support of UNICEF, study visits and exchange of experience for representatives of local public authorities to promote positive practices in developing and ensuring the sustainability of social services, Report, Chisinau 2016 (not published)

<sup>5</sup> Government Decision no. 434 of 10.06.2014 on Approving the Strategy on Child Protection for 2014-2020  
<http://lex.justice.md/md/353459/>

<sup>6</sup> Government Decision no. 1032 of 20.12.2013 on Approving the National Public Health Strategy for 2014-2020

The National Action Plan of the EU-Moldova Association Agreement (AA)<sup>7</sup> is the most comprehensive strategy from the perspective of children and their rights. The AA and the corresponding NAP have a separate chapter (chapter 27) on the cooperation in promotion and protection of children's rights. The NAP includes strengthening and establishing of GMI such as coordination, rights-based monitoring (data collection and analysis, ombudsoffice, etc. and a number of actions related to juvenile justice, education, protection from violence, family-based and alternative care.

### Coordination

In general, according to the Child Protection Index, Moldova scores 0.48 out of 1 in terms of the country's efforts to effectively coordinate between different ministries, agencies and levels of government<sup>8</sup>.

Although, the Ministry of Labor, Social Protection and Family was appointed as the central authority in the field of child protection in 2007, and the duties of local and territorial guardianship authorities were regulated in the following period<sup>9</sup>, inter-sector cooperation (at national and local level) continues to be a challenge. There are a number of efforts that are made to establish cooperation between the sectors. Two new strategies are inter-sector: the already mentioned Strategy on Child Protection and on Parenting. An inter-sector cooperation mechanism for the protection of children from violence has been adopted and multidisciplinary teams have been established at local level. More efforts should be invested in their capacity building.

On the other hand, the role of the National Council for Child Rights Protection to ensure the enforcement of the UNCRC and to coordinate the development of governmental strategies and programs on child rights and family protection<sup>10</sup> continues to be vague, both because of the outdated provisions of the Regulation, and of the lack of financial and human resources at national and local level that are required for the achievement of these objectives. At National level, the

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<sup>7</sup> Government Decision no. 808 of October 7, 2014 on approval of the National Implementation Plan of the EU-Moldova Association Agreement <http://dcfta.md/uploads/0/images/large/title-iv-economic.pdf>

<sup>8</sup> Child Protection Index. Moldova country profile. ChildPact and World Vision, 2015  
<http://www.childprotectionindex.org/country/moldova>

<sup>9</sup> Art. 6 and 7, Law no. 140 of 14.06.2013 on the Special Protection of Children at Risk and Children Separated from Parents  
<http://lex.justice.md/md/348972/>

<sup>10</sup> Government Decision no. 409 of 09.04.1998 on Approving the Regulation of the National Council for Child Rights Protection  
<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=296260>

ministries are rather in a competition than in cooperation. The above mentioned inter-sector strategies have not been developed under the aegis of the NCCRP, but by ministries separately.

Although, the Council works under annual work plans, through a number of technical groups and ad-hoc working groups, as well as councils at the district level, its operation is rather cursory, without real information sharing and coordination. Its decisions are not taken into consideration by the authorities of all levels, because they are perceived as recommendations, and the follow up on the recommendations is not systematically monitored.

### **Independent monitoring / Ombudsoffice**

The Republic of Moldova has an Ombudsman for children since 2008, when the Law on the Ombudsman was amended. The appointment of the first Ombudsman for children was made on the basis of political criteria. As a result, the image of the Ombudsman for children suffered and lost the trust of the society<sup>11</sup> and NGOs.

When the new Law came into force in May 2014<sup>12</sup>, the Ombudsoffice was reformed. The Ombudsman for Children's Rights is one of the two Ombudsmen appointed by the Parliament through a competition. The law is vague in several aspects, including the relation between the two Ombudsmen.

This time, the candidates for the position of Ombudsman for Children's Rights were also selected with violation of the procedure<sup>13 14</sup>, largely referring to 1) violation of the terms for holding the contest for candidates' selection, 2) quality of the candidates' selection process, 3) professional quality of the selected candidates, 4) the whole selection process was political.

The Constitutional Court declared the Parliament Decision no. 140 of 03.07.2015 on the Appointment of the Ombudsman for Children's Rights unconstitutional and retained, from the analysis of the circumstances of the cause, the impossibility to ascertain the conditionality of notorious activity in the field of protection and

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<sup>11</sup> <http://anticoruptieold.hm.md/investigatii-jurnalistic/avocatul-copilului-sau-al-firmelor-de-adoptii/#comments>

<sup>12</sup> Law no. 52 of 03.04.2014 on the Ombudsman <http://lex.justice.md/md/352794/>

<sup>13</sup> More transparency in the selection of the Ombudsman. The call of the ASPCF of 20.05.2015 to the Moldovan Parliament <http://www.aliantacf.md/sites/aliantacf/files/publicatii/Avocatul-Copilului.PDF>

<sup>14</sup> Open competition, transparency and equal treatment in the selection of the Ombudsman for Children's Rights. The call of the ASPCF of 27.02.2016 <https://www.facebook.com/apscf/photos/pcb.966242336776737/966242336776747/?type=3&theater>

promotion of human rights in general and of children's rights, in particular. The Court also called the Parliament to act in the spirit of legality and with prudence when selecting, assessing and appointing candidates for the position of Ombudsman<sup>15</sup>. However, the following selection was conducted with the same violations.

### **Dissemination of the Convention and training**

The dissemination of the UNCRC continues to be mostly the concern of the CSOs. There is no unique approach based on the CRC, both in terms of the basic training for all professionals (social workers, legal experts, teachers, doctors, etc.), and of the in-service training.

Human Rights Education (HRE) has not been integrated into the Moldovan education system. There are separate competences and topics that are related to HRE in a few mandatory subjects. There is no example of a mandatory subject that would have been conceptualized from the HRE perspective. Civic education is most explicitly linked to human & children's rights education. Yet, within the civic education course, children's rights are, usually, reduced to one lesson per school year, when they are not linked to the other topics of civic education and are not addressed in the local context, but in an abstract manner unrelated to children's lives.<sup>16</sup>

Children's rights are also rarely part of professionals' pre-service training. If at all, the topic of children's rights is discussed only marginally, in a fragmented manner and as a theoretical concept. Only one Pedagogical University (the State Pedagogical University "Ion Creanga") is providing specific training for Civic Education teachers and runs several courses that are based on children's rights. Unfortunately, a unique Master Study Program on Children's Rights (State University) has been closed after several years of existence.<sup>17</sup>

In-service training on children's rights is also fragmented, sporadic and mostly conducted by NGOs in cooperation with the ministries, as indicated in the government report.

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<sup>15</sup> <http://constcourt.md/libview.php?l=ro&idc=7&id=658&t=/Prezentare-generală/Serviciul-de-presă/Noutăți/Numirea-dnei-Ecaterina-Burlacu-in-functia-de-Avocat-al-Poporului-pentru-drepturile-copilului-neconstitucionala>

<sup>16</sup> C. Gavriiliuc, 2016. Mapping of the EDC/HRE system in the Republic of Moldova

<sup>17</sup> C. Gavriiliuc, 2016. Mapping of the EDC/HRE system in the Republic of Moldova

## Cooperation with civil society

More than 10,800 civil society organizations (CSOs) are registered in Moldova,<sup>18</sup> but not all are active. Despite their participation in dialogue platforms with the authorities, the impact of CSOs on policies remains limited<sup>19</sup>. At the same time, NGOs play an important role in terms of child protection, especially, in promoting and implementing reforms<sup>20 21</sup>, including for the consistent financial contributions.

The funding of CSOs mainly comes from foreign sources. Few ministries provide small amounts of funds for projects of cooperation with CSOs.<sup>22</sup> In 2014, the Tax Code was amended with a view to establish a framework for individuals to donate two percent of their income taxes to CSOs with the status of public benefit<sup>23</sup>. No regulations had been implemented by the end of 2015<sup>24</sup>, and the first amendments intended to adjust the current legislation in response to the previous ones were only made in August 2016<sup>25</sup>. In addition, there is no mechanism for service procurement.

Very often, the Government's cooperation with civil society is rather about transferring the responsibility. The NGOs deliver services and the commitment of the authorities (national and local) to implement children's rights seems to weaken. They neither deliver nor monitor, coordinate, take care of coherence and quality or feel accountable for the services delivered by NGOs.

There is no clear and transparent framework for the cooperation of the government with civil society. There are also examples of politization of the public

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<sup>18</sup> State Register of Non-Commercial Entities <http://rson.justice.md/organizations>, accessed on 27 October, 2016

<sup>19</sup> L. Litra for Freedom House, Moldova. Nations in Transit 2016. <https://freedomhouse.org/report/nations-transit/2016/moldova>

<sup>20</sup> "The reduction of children in institutions is partly the consequence of the ...direct and indirect interventions by local public administrations and NGOs to prevent new admissions to institutions and to deinstitutionalize children residing in institutions", P. Evans for UNICEF, 2013, Evaluation on Implementation of the National Strategy & Action Plan for the Reform of the Residential Childcare System in Moldova 2007-2012

[http://www.unicef.org/evaluation/files/Moldova\\_2012\\_003\\_Evaluation\\_of\\_Child\\_Care\\_Reform\\_ENG.pdf](http://www.unicef.org/evaluation/files/Moldova_2012_003_Evaluation_of_Child_Care_Reform_ENG.pdf)

<sup>21</sup> Consideration of reports submitted by States parties under article 44 of the Convention, IV and V periodic reports of States parties due in 2015, Republic of Moldova, 2016

<sup>22</sup> L. Litra for Freedom House, Moldova. Nations in Transit 2016. <https://freedomhouse.org/report/nations-transit/2016/moldova>

<sup>23</sup> Art. 15<sup>1</sup> and 15<sup>2</sup>, Tax Code of the Republic of Moldova, Code no. 1163 of 24.04.1997 <http://lex.justice.md/md/326971/>

<sup>24</sup> L. Litra for Freedom House, Moldova. Nations in Transit 2016. <https://freedomhouse.org/report/nations-transit/2016/moldova>

<sup>25</sup> Art. 33, 33<sup>1-4</sup> of the Law no. 837 of 17.05.1996 on Non-Governmental Associations

services – the most recent example involving the Child’s Helpline has probably been the most flagrant<sup>26</sup>.

### Data collection

In general, there is a lack of comprehensive, ongoing and coordinated data collection on child rights. The universities and research institutes do not have an active role in this process; the existing studies have a rather narrow focus and are looking into particular projects/programs.

Disaggregation of quantitative data is a challenge in Moldova<sup>27</sup>. National level data is available on some child rights issues, often with disaggregation by rural and urban areas, as well as by gender. However, deeper disaggregation on the situation of particularly vulnerable groups (i.e. children with disabilities, children living in poverty, Roma children, street children, children under the age of 2) is often limited or missing. In some sectors, (e.g. child protection) data is incomplete or contradictory. For example, the number of children without parental care for whom placement in the residential care system is the protection solution decided by the line authorities, does not coincide with the number of children without parental care who are actually placed in residential care. The latter is, usually, larger.<sup>28</sup>

Statistics and analytical information on the situation of children in the districts of the left bank of the Nistru River and the municipality of Bender is insufficient, and the existing one is not reliable.

Children’s perspective is provided via NGOs or by the National Council of Pupils in the education sector.

### Recommendations

- Continue harmonizing the legislation with the principles and provisions of the Convention and allocate adequate human and financial resources to support the implementation of the relevant legislation.

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<sup>26</sup> The reaction of the CSOs to the “Protected Families” campaign

<http://aliantacf.md/sites/aliantacf/files/sursa/DECLARATIE%20PUBLICA%20CAMPANIE%20VIOLENTA.PDF>

<sup>27</sup> Child Protection Index. Moldova country profile. ChildPact and World Vision, 2015

<http://www.childprotectionindex.org/country/moldova>

<sup>28</sup> ASPCF table: data processed from the CER103 and CER103A.

- Conduct feasibility studies on the signing and ratification of the Optional Protocol to the Convention on the Rights of the Child concerning the individual complaint procedure and further actions for ratifying the CRC's OP3.
- The Government should develop one comprehensive strategy that will be coherent and clearly define the state policy on children and their rights (this will provide a good basis for coherent actions).
- The capacities of the National Council for Child Rights Protection to coordinate the implementation of the CRC should be strengthened, both in terms of the authority to act and in terms of resources available to them.
- More resources should be planned for the Children's Ombudsoffice and the employees' capacities to understand and implement the CRC, including general principles should be built.
- Review and develop curricula for initial and in-service training for all professionals working with children to integrate the CRC.
- Collaborate with the Council of Europe and use the existing resources, including those developed by local NGOs to integrate Human Rights Education at all school levels, develop guides for teachers and manuals from the perspective of children's rights.
- Develop and implement transparent and clear cooperation frameworks with the civil society underpinned by the CRC principles and the understanding of human rights-based approaches.
- The participatory development, including through broad consultation with the civil society and beneficiaries, of policy documents must be considered by the authorities to a larger extent.
- Improve inter-sector cooperation and disaggregated data collection. Ensure the ongoing comprehensive analysis of the situation in children's rights. Use rights-based indicators and seek the views of children, especially, the marginalized ones, on how they enjoy their rights.

### **General principles (art. 2, 3, 6 and 12 of the Convention)**

#### **Non-discrimination (art. 2)**

On-going reforms (education, social protection/ deinstitutionalization) have had little positive impact on children's everyday life, as discrimination persists. More efforts are made and best results are achieved at policy level. The recently adopted laws and regulations are not widely known and far away from being part of practice.

There is a lack of understanding and acceptance on non-discrimination principle in society in general and especially among duty bearers<sup>29</sup>. Authorities and professionals have limited skills<sup>30</sup> to implement the non-discrimination principle, there is lack of rights based training, methodologies and other resources<sup>31</sup>; there is lack of common approach in one sector and among sectors<sup>32</sup>.

The focus of the programmes/ reforms in inclusive education is narrowed on children with disabilities. Other vulnerable children are neglected, including poor children<sup>33</sup>, Roma children<sup>34</sup>, children with other religions than Orthodox and atheists<sup>353637</sup>).

Although children are perceived in the general research on non-discrimination as a potentially excluded group, there are no comprehensive studies on the implementation of the principle of non-discrimination in education and other sectors.

### Best interests of the child (art. 3)

Although it is invoked more often that the other CRC principles in processes that affect children, the concept of *best interests* is vague – different professionals understand it differently and apply uncritically. It is included as a principle in all

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<sup>29</sup> Children's report for the UN Committee on the Rights of the Child. Chisinau, 2016: „Teachers have discriminative attitudes; they do not understand the phenomenon of discrimination; they themselves make different hierarchies... pupils are not prepared to accept the differences between them, as in schools there is not enough discussion on differences, tolerance, discrimination”

<sup>30</sup> Constatări în cadrul Studiului discriminării în sistemul școlar din Republica Moldova. CIDO, 2014 [Study report on discrimination against children in the school system of the Republic of Moldova]

<sup>31</sup> MICS, 2012

<sup>32</sup> A. Cara, 2014. Studiu de politici publice „Implementarea educației incluzive în Republica Moldova”, Institutul de Politici Publice, (Study of Public Policy "The implementation of inclusive education in the Republic of Moldova", Institute for Public Policies)

<sup>33</sup> C. Gavriiuc, 2016. Mapping of the EDC/HRE system in the Republic of Moldova

<sup>34</sup> Romii în Republica Moldova în comunitățile locuite preponderent de romi. – Chișinău: ONU, 2013. Study on the situation of Romani women and girls in the Republic of Moldova. – Chisinau: ONU, 2014 (<http://eca.unwomen.org/en/digital-library/publications/2014/11/study-on-the-situation-of-romani-women-and-girls-in-the-republic-of-moldova>)

<sup>35</sup> Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt. United Nations, General Assembly, Human Rights Council, nineteenth session. Distributed on 27 January 2012

<sup>36</sup> Findings within the research on discrimination in the Moldovan school system. Center for Human Rights Information, Chisinau, 2014

<sup>37</sup> Compatibility analysis of Moldovan legislation with the European standards on equality and non-discrimination. Legal Resources Centre from Moldova (LRCM), Chișinău, 2015

relevant legislation, but procedures and criteria of its application are either missing or not rights-based<sup>38</sup>.

The concept of *best interests* is very often reduced to one component, often it is family environment. Other rights of children are typically not taken into account when assessing and determining best interests of individual children e.g. children's opinions are not sought nor heard, their rights to protection from violence, education and development not considered etc.<sup>39</sup>

Predominantly this principle is applied only in reference to individual children (e.g. in the process of deinstitutionalization), and neglected in the processes that affect children in general, e.g. when laws and programmes are developed and implemented,<sup>40</sup> budget planned, implemented, reviewed etc. There is lack of awareness that this principle should be applied in these processes as well and such procedures are not set, resources are missing etc.

### Right to life, survival and development (art. 6)

Holistic development of the child is neglected in education, especially in reference to emotional and social development. Although competences other than academic are increasingly recognized at the policy level, the practice is still lacking<sup>41</sup>. School programs are not adapted (focus on academic often rote learning/ learning for exams), school staff is not trained and equipped with resources to support holistic development of children.<sup>42</sup> In addition, children's evolving capacities are often not recognized by their environment (school, family). They are for example expected to take care of some tasks related to the discipline in the school or take care of their household at a young age, but they are not involved in the decision making processes "due to lack of capacities." Many issues

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<sup>38</sup> <http://www.mmpsf.gov.md/ro/content/reactia-ministerului-muncii-protectiei-sociale-si-familiei-la-declaratiile-privind-adoptia>

(summary in English) <http://www.ipn.md/en/societate/73851> (The situation of children is still unclear after almost one year from the matching procedure. The two brothers are still in the residential institution. Child protection authorities were not able to find a solution and place children in alternative care, as the director of the residential institution manipulates children and preserves the status quo.)

<sup>39</sup> Evaluation of implementation of the National Strategy and Action Plan for the Reform of the residential childcare system in Moldova 2007-2012, Peter Evans, 2013

<sup>40</sup> <http://investigatii.md/en/investigations/childs-rights/children-work-hard-and-the-state-ignores-them>

<sup>41</sup> <http://www.timpul.md/articol/toalete-medievale-in-colile-din-ara-94711.html>

<http://diez.md/2016/09/13/foto-fara-cabine-de-separare-electricitate-si-lavoare-un-grup-de-initiativa-cere-toalete-decente-in-scoli/> (Toilets in the Moldovan schools do not respect dignity and do not provide a safe space (35% of the toilets are outside the school, there are no individual cabins, sources for abuse, bullying and health issues).

<sup>42</sup> See the critical situation analysis of the Education Strategy 2020 at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=355494>

related to conflicts and violence among children in the schools are also related to neglected support in development of personal and social skills.

Intersectoral approach has been increasingly introduced in the context of measures/ programs aiming at children. In addition to multisectoral approach to children at risk (mentioned in the state report) there are new strategies (social protection, parenting) that are also developed and should be implemented in collaboration of various sectors. This is very challenging in practice and the sectors are rather competing than collaborating.

Lack of programs for parents to support their children's holistic development is recognized, but such programs are still missing.<sup>43</sup> Other types of support for families have also been criticized for lack of effectiveness, e.g. the program *Ajutor Social* fails to reach the poorest families<sup>44</sup>, and the child monthly allowance is lower than the minimum subsistence level.<sup>45</sup>

The number of teenage pregnancies is very high in rural areas, compared to urban (1343 children born of teenage mothers in rural area, 264 in urban, in 2015)<sup>46</sup>.

### **Respect for the views of the child (art. 12)**

Recent assessments of the policy and practice of children's participation show that the progress that has been achieved at the legislative level has not been translated into practice.<sup>47</sup>

This principle is included in laws and regulations of various sectors, but little systematic effort has been taken to implement this principle. There is lack of procedures and resources (human, training, guides, tools, budget) both in terms of individual and collective participation of children.<sup>48</sup> Thus, in most sectors the principle remains either not applied or only ad-hoc and in a limited way. A

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<sup>43</sup> See the situation analysis of the intersectoral strategy to support parental abilities. *Strategia intersectorială privind dezvoltarea abilităților și competențelor parentale pe anii 2015-2021* <http://particip.gov.md/proiectview.php?l=ro&idd=2460>

<sup>44</sup> Impact of cash transfers on poverty and well-being of the most vulnerable families in the Republic of Moldova, within the context of transition from category-based to means-tested social assistance, UNICEF Moldova, 2011

<sup>45</sup> National Bureau of Statistics

<sup>46</sup> National Bureau of Statistics; see also *Sarcina in varsta adolescentei*. – Chisinau: ONU, 2015.

<sup>47</sup> Council of Europe, Child and youth participation in the Republic of Moldova. A Council of Europe policy review, 2013

<sup>48</sup> Ibid; see also Evans, Peter, Evaluation Report: Implementation of the national strategy and action plan for the reform of the residential childcare system in Moldova 2007–2012, 2013

tendency towards institutionalization of this principle in the sector of education has been challenging process and the practice is still weak.<sup>49</sup>

Civil society remains most active in the promotion this principle. Although the awareness of its importance seems to grow – there are more and more initiatives, there is lack of awareness of what this principle comprises and how it should be applied – the quality of the initiatives is limited and sometimes problematic in terms of the basic requirements for children’s participation as set out by the Committee. For example, participation initiatives are formal or manipulative; children are at best involved in minor matters; topic, methods and objectives of children’s participation are usually decided by adults; children might be put at further risks and exposed to harm in such initiatives; finally, some children are rarely part of such initiatives decision-making processes.<sup>50</sup>

Resistance towards children’s participation in decision making processes on the part of professionals and authorities persists. Negative experiences of their participation as described above add also to children’s disappointment and skepticism about principle.

### ***Recommendations***

- A baseline study on how the CRC principles are understood and applied in different sectors, and continuous systematic data collection and analysis of the practice in implementing principles;
- The concepts of all the CRC principles should be clarified and defined in the legislation and policies, according to the CRC and Committee’s general comments;
- Review of the policies and practices to ensure that education supports holistic development and is inclusive, taking into consideration all potentially excluded groups of children, including poor children, Roma children, children with other religions than Orthodox and atheists.
- Rights-based resources should be developed on how to apply the best interest principle (assessing and determining, balancing) in the processes that affect a) individual children and b) children as a group (e.g. child rights impact assessments);

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<sup>49</sup> Gavriiliuc, Cezar, Report: Mapping of the EDC/HRE system in the Republic of Moldova, 2016

<sup>50</sup> O’Kane, Claire, Child Participation Assessment: Oak Partners, Moldova: Summary Report, 2016

- Rights-based resources should be developed on how to apply the child participation principle in different settings, sectors and levels. These resources should include also practice standards (based on basic requirements) for ongoing planning, monitoring and mentoring of effective and ethical children's participation in different settings (education, social services, justice, health).
- Systematic capacity building for all sectors to increase professionals' skills to integrate CRC principles in their daily work. This should be a mandatory part of pre and in-service training of all professionals working with and for children.

### Civil rights and freedoms (art. 7, 8 13-17 and 39 of the Convention)

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### Violence against children (art. 19 and 39, 37 paragraph 1 and art. 28 paragraph 2 of the Convention)

In 2012, it was found that 76% of all children aged 2-14 experienced violent discipline at home, which includes both psychological abuse and physical punishment. The statistics of the General Police Inspectorate shows an increase of notifications of cases of violence against children in the family from 138 in 2013 to 230 in 2015. However, in only 76 cases in 2013 and in 118 cases in 2015, criminal case files were opened on the basis of the elements of the crime of domestic violence.

Children do not only experience, but also witness emotional abuse. A national survey undertaken in 2010 revealed that half of all children witness parental disputes and only every fifth child from rural areas was found not to be afraid of their parents.<sup>51</sup>

Children were found to be quite often (21%) or very often (6%) victims of bullying in educational institutions.<sup>52</sup> The General Police Inspectorate reported 214 cases of violence against children in educational institutions in 2015, as compared to 183 cases in 2014. Out of the 214 cases, 28 cases involved teachers' violence against pupils, and 182 cases involved violence amongst peers.<sup>53</sup>

<sup>51</sup> [Government of the Republic of Moldova and UNICEF, 2010. National Survey on Early Childhood Care and Development: Family Knowledge, Attitudes, and Practices](#)

<sup>52</sup> National Center for Child Abuse Prevention, OAK Foundation, and Center for Sociological Investigations and Marketing CBS-AXA, 2015. Sociological study within the research OMNIBUS, opinions and perceptions regarding the domestic violence and abuse against children

<sup>53</sup> General Police Inspectorate, 2015, 2016. Reports on the status of juvenile delinquency for 12 months of 2014 and 2015

Between 2013 and 2015, the General Police Inspectorate indicated a 50% increase of criminal case files where children were victims of sexual offenses (from 166 to 332). In 33 cases in 2013 and in 39 cases in 2015, these offenses were committed in the family by the father or by the mother's partner or other relatives.<sup>54</sup>

The increase in the numbers of reported cases of violence against children might be explained by the improved reporting by professionals as a result of the implementation of the Instructions on inter-agency cooperation mechanism for the identification, assessment, referral, assistance and monitoring of children victims and potential victims of violence, neglect, exploitation and trafficking, which started in April 2014. For example, a total of 13,230 cases of child abuse or violence were reported by teaching staff, parents and children in the academic year 2014-2015 (the first reporting year with the new instructions). This total number includes physical violence (6,383), psychological abuse (3,559), child neglect (3,202), labor exploitation (362), sexual abuse (47) and trafficking in persons (3 cases).<sup>55</sup>

The actual numbers of any type of violence, abuse and neglect are likely to be much higher as not all the cases are systematically reported to the police for registration and action by education, health, social services, parents and children themselves.

Most parents have slapped their child at least once in their lifetime, and many consider there is a certain age period when physical punishment is "acceptable". When children do not obey, parents often feel anger and helplessness. Parents feel anger also because their authority is not respected and helpless because they do not always know how to respond to a child's behavior.<sup>56</sup> In 2012, it was found that only 22% of all children were disciplined through non-violent methods. In fact, a 2010 research revealed that 71% of adults agree that beating a child does not help to educate the child (compared to 83% in 2003).<sup>57</sup>

Nearly three quarters of mothers with primary education beat their children as compared to about one third of mothers with university degree. 100% of mothers

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<sup>54</sup> General Police Inspectorate, 2015, 2016. Reports on the status of juvenile delinquency for 12 months of 2014 and 2015

<sup>55</sup> Ministry of Education, 2014 and 2015. Biannual reports on suspected cases of neglect, violence and abuses in the education system

<sup>56</sup> UNICEF, 2015. Social norms that influence violence in the child disciplinary process. Qualitative study

<sup>57</sup> [Government of the Republic of Moldova and UNICEF, 2010. National Survey on Early Childhood Care and Development: Family Knowledge, Attitudes, and Practices](#)

with primary education yell at their children, compared to 82% of mothers with university degree. The socio-economic status influences the use of violence in child upbringing; mothers in the lowest quintile beat their children more often compared to the highest quintiles (57% versus 43%).<sup>58</sup>

Generally, parents who justify physical punishment are against punishments of their children by others. They consider that only mothers and fathers are allowed to apply violence when they think it is necessary.<sup>59</sup>

At least 69% of children in detention claiming to have been ill-treated stated that they have been beaten. Most of them (76%) have not filed any complaints including because of the fear to be repeatedly tortured or ill-treated. Others have filed complaints personally, through lawyers or relatives (mother, grandmother), who have noticed visible signs of ill-treatment on their bodies. Children stated that they had no actual support from prosecutors, being advised to drop the case or even intimidated. They have not been granted any legal or psychological assistance. Most of them declared that they had rarely had the assistance of the lawyers appointed for their defense, the latter omitting to explain their procedural guarantees and rights.<sup>60</sup>

Fear of the abuser (in 37% of cases) and the mistrust in the authorities' power to solve the case (36%) have been reported to be the most important reasons for non-reporting, followed by the embarrassment to report cases of abuse or violence (26%) and the lack of knowledge about the entities responsible for receiving complaints (20%). The population in Moldova generally considers that the nuclear or extended family is mainly responsible for protecting the child and for intervening in cases of child abuse. They are, therefore, considered to also be mainly responsible for reporting abuse (59% for parents of the nuclear family and 54% for relatives), followed by schools (36%), other persons in contact with the child (21%) and family doctors (18%).<sup>61</sup>

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<sup>58</sup> [Government of the Republic of Moldova and UNICEF, 2010. National Survey on Early Childhood Care and Development: Family Knowledge, Attitudes, and Practices](#)

<sup>59</sup> UNICEF, 2015. Social norms that influence violence in the child disciplinary process. Qualitative study

<sup>60</sup> L. Popovici et al, 2013. The torture and ill-treatment of children in the context of juvenile justice: prevalence, impact, prevention, detection assistance and accountability". Research study [https://www.unicef.org/moldova/Raport\\_Tortura\\_versiune\\_noua.pdf](https://www.unicef.org/moldova/Raport_Tortura_versiune_noua.pdf)

<sup>61</sup> National Center for Child Abuse Prevention, OAK Foundation, and Center for Sociological Investigations and Marketing CBS-AXA, 2015. Sociological study within the research OMNIBUS, opinions and perceptions regarding the domestic violence and abuse against children

Informing the general public about the violence against children continues to be a concern primarily for the civil society. The awareness raising campaigns are the only tool for primary prevention of violence against children given that this subject is addressed in an insufficient and fragmented manner in the school curriculum. Within 2009-2014, a number of national campaigns were conducted at the initiative or with support of NGOs, some in partnership with central public authorities and UNICEF: “Indecent Touch”, “One in Five” (in Moldova – “No touching is allowed here”), “Protect me, I am a child” “Protect my childhood” and other.

In addition, several programs for primary prevention of abuse addressed to children and parents were developed at the initiative of NGOs. However, the implementation of these programs depends on donors’ sources.

Although several legislative amendments targeting the identification, referral and assistance of children victims of violence, neglect, exploitation, trafficking and provisions that ensure the hearing in special conditions of children victims/witnesses of sexual offenses, domestic violence or trafficking were operated in 2014, the main actors of the system identified that the main challenge for the child protection system is the lack of specialized services for children victims of violence, neglect, exploitation and trafficking. There is no commitment of the state in this regard, although the national policies in the field include actions to protect and assist children victims, completely leaving aside the situation of children witnesses of crimes.

Most of the children from Moldova do not have access to qualitative rehabilitation services. The services that have no legal framework and financing include the specialized service for the protection of children victims and potential victims of violence, neglect, exploitation and trafficking. The universal services available in education, health and social protection do not have sufficient capacity to provide crisis intervention and post-traumatic rehabilitation.

The only specialized service for assisting children victims/witnesses of abuse, neglect and exploitation is managed by an NGO with sources from external donors, since this type of service is not regulated at the national level and no funds are planned for this purpose. The service is assisting about 600 cases annually.

## *Recommendations*

- Implement measures such as parental education and economic support to families to prevent abuse and neglect in the family at local level.
- Ensure that the duties of the guardianship authorities are clear and fully assumed by the qualified local actors as set forth in the law and in line with CRC principle of best interest of the child.
- Ensure that the degree of coverage with social services, including specialized services or high-need services, corresponds to people's needs, not just to the financial availability.
- Review the approaches of the system of professional development, in-service training and pre-service specialized qualification in the field of child protection and social assistance, and ensure the systemic development of these approaches.
- Establish specialized services and high-need services for children victims of abuse and violence, including the development of quality and financial standards, assistance procedures and personnel training programs.
- Make the upbringing and education of new generations of non-violent parents with non-violent skills an objective for the education and social systems.
- Raise the awareness and provide general information against methods of violent education, communication, etc., at institutional level (through quality standards for the personnel in contact with children, independent methods of reporting abuse and violence, etc.), and at personal level (through parental education courses).
- Mobilize communication for development and media communication to inform and build the capacities of parents to care for their children and protect them from violence, abuse, neglect, trafficking and exploitation
- Promote the use of social pressure as a positive tool to stimulate good behavior and reporting of child abuse and violence.
- Conduct the deep monitoring of all places of detention for children by the Ombudsman for Children's Rights and provide opportunities to all the children from this system to report any cases of violence and abuse.

## Family environment and alternative care (art. 5, 9-11, art. 18, art. 20-21, art. 25, art. 27 paragraph 4 of the Convention)

### Family environment

All districts provide primary services such as the Community Social Assistance Service, but not all have specialised services or high-need services available within the district.<sup>62</sup> In 2014, 78 Multifunctional Community Social Assistance Centres were operating at the community/municipal level providing assistance to 5,407 children at risk and children with disabilities. In the same year, the following specialized social services were offered: 21 day care centres for children at risk, (servicing 744 children), 24 day care centres for children with disabilities (1,634 children), 26 temporary placement centres (1,340 children at risk and 80 children with disabilities), 10 Mother & Baby Units (assisting 159 mother-child couples with 263 children), 322 foster parents (having in placement 549 children without parental care), 83 family type homes (with 340 children without parental care in placement), three Group Foster Care (30 children), and family support services in 17 raions that are helping 4,917 child beneficiaries through secondary family support. Highly specialised residential social services were provided to 181 children through two neuro-psychiatric institutions for children with severe mental disabilities.<sup>63</sup>

According to estimates done in 2008, the number of potential beneficiaries of social services would be about 442,000 persons in 2020.<sup>64</sup> This raises questions about forecasting the need for all three types of services and about planning efficient provision across all districts to ensure equity of access for all vulnerable groups, including children and families.

The Strategy for Child Protection 2014-2020 and its Action Plan includes a series of measures intended for families and children, in particular, to preventing and fighting against violence, preventing institutionalisation as well as reconciling professional activities with family life. The strategy does not provide measures for the prevention of child poverty.

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<sup>62</sup> UNICEF Moldova, 2015. UNICEF Moldova Human resources and training needs assessment in social work in the Republic of Moldova. Field study results, citing OPM/P4EC Moldova, 2014, TSAS assessment report

<sup>63</sup> Ministry of Labour, Social Protection and Family, 2015. Annual Social Report for 2014

<sup>64</sup> Oxford Policy Management, EveryChild Moldova and UNICEF, 2009. Evaluation of child care system in the Republic of Moldova

In general, the existing policies are mainly focused on certain categories of beneficiaries and do not use a child-focused approach. In addition, the applied measures respond to situations of poverty and the consequent separation of children from their parents, and are not always aimed at risk prevention or the prevention of child separation from the family.<sup>65</sup>

### **Recommendations**

- Ensure sufficient state funding for 2014-2020 Child Protection Strategy implementation, including service development, workforce recruitment, training and remuneration;
- Creating a critical package of services at the community level and its funding by state;
- Primarily focus on prevention services, such as family strengthening, parenting skills development, children' empowerment, workforce improved practices, societal attitudes etc.;

### **Families affected by migration**

In the Republic of Moldova, for both left without parental care (registered and unregistered children), migration is the main reason for not being with their parents; for children officially registered as left without parental care this is the case for more than 50%.<sup>66</sup>

In 2010, children were found to be in the care of the person holding the actual custody or guardianship over them in only one third of multi-generation households with migrants. Nearly two thirds of children were without any form of legal protection of their rights. Left-behind children were found not to receive the necessary support from an adult caregiver. The most neglected aspects of adult support are child's personal hygiene and preparing a child for going to sleep.<sup>67</sup>

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<sup>65</sup> Centrul Analitic Independent Expert-Grup, UNICEF and Embassy of Sweden, 2014. Supporting policies for families with children: policy visions in the European Union and suggestions for the Republic of Moldova

<sup>66</sup> Ministry of Labour, Social Protection and Family (various years). Annual statistical report CER 103 for 2010, 2011, 2012, 2013, 2014 and 2015

<sup>67</sup> HelpAge, 2010, Staying behind: the effects of migration on older people and children in Moldova

## Recommendations

- Monitoring children left behind and providing protection measures depending on their assessed needs;
- Information and awareness of parents about the risks can experience children left behind;

## Children deprived of family environment

Nearly 40% of children in Moldova live with one parent and 11% do not live with either biological parent.<sup>68</sup> More than 3,000 children are registered every year as being left without parental care.<sup>69</sup> Almost every third child without parental care is between 11 and 15 years of age and 70% are children from rural areas. The number of children under two without parental care is increasing at a slower pace (from 270 new cases in 2014 to 341 cases in 2015).<sup>70</sup> Although a smaller figure, the consequences of missed opportunities to form strong attachment at this age are devastating for children and families.

Officially registered cases of abandonment have been showing a steady decrease (from 146 new cases in 2010 to 35 cases in 2015). The same goes for separation from parents because of abuse and neglect, but at a slower pace (from 378 new cases in 2012 to 306 cases in 2015). On the other hand, the number of newly registered cases of children without parental care due to deprivation of parental rights of one or both parents has doubled in the past five years, reaching 689 new cases in 2015.

At the end of 2015, 2,355 children (1,282 boys and 1,073 girls) lived in residential institutions.<sup>71</sup> Although there is significant decline in the past five years, nearly 1,000 children were still placed in institutions every year between 2010 and 2015<sup>72</sup>. The majority of children currently placed in residential care are between 10 and 15 years of age (1,083 children), 69% of children in institutions are with disabilities (2,069 children) and 8.5% are children under three (253 children). At

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<sup>68</sup> National Centre of Public Health of the Ministry of Health of the Republic of Moldova and UNICEF, 2014. The 2012 MICS: Final Report

<sup>69</sup> Ministry of Labour, Social Protection and Family (various years). Annual statistical report CER 103 for 2010, 2011, 2012, 2013, 2014 and 2015

<sup>70</sup> National Bureau of Statistics (various years). The situation of children in Moldova 2010, 2011, 2012, 2013, 2014 and 2015

<sup>71</sup> Ministry of Labour, Social Protection and Family, 2015. Annual statistical report CER 103A for 2015

<sup>72</sup> Ministry of Labour, Social Protection and Family. Annual statistical reports CER 103A for 2010, 2011, 2012, 2013, 2014 and 2015

the beginning of 2014, out of the total number, 58 institutionalized children were Roma children, 751 had physical/sensory disabilities and nearly half (1,904) were children with learning disabilities.<sup>73</sup>

An in-depth review of 10 out of 43 institutions undertaken in 2013<sup>74</sup> demonstrates that 6% of all children were placed in residential care because their parents were abroad. Poverty has been found to be the reason for the institutionalisation of nearly three quarters of all children. About half of the institutionalised children stay in institutions for more than five years, and children with disabilities stay in institutions longer than any other group of children (61% of all children who stayed in residential care for more than five years are with disabilities). Most children (76%) are admitted at the age of 4-12 and only 6% are placed in institutions below the age of one. A significant share of children maintains contact with their family (65% with their siblings and 50% with their mother) and return to their immediate (67%) or extended family (9%) when they are discharged from the institutions, usually at the age of 16-17 years when they finish Grade 9. This leads to the question about the reason why they were institutionalised in the first place. Two thirds of institutionalised children are from other districts than the one in which the institution is located, which impacts the continuity of link with extended family. In the districts where community services and family substitute services are not developed, community social assistants consider institutionalisation as the most appropriate form of protection and perpetuate institutionalization as a form of protection for children without parental care.

Most children placed in residential institutions under any Ministry lack individual care plans and their placement is usually not reviewed, hindering the review of the duration of that placement and the placement in an alternative set up more conducive to family environment. This then, minimizes the child's chances of reintegration within a family and community context. In addition, most of the children placed in institutions do not have any contacts with social services, such as community social assistants from their home community. This leads to lengthy placements and reduces the chances of reintegration into their family.<sup>75</sup>

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<sup>73</sup> Lumos, 2014. Strategic review of the child protection system in the Republic of Moldova

<sup>74</sup> Lumos, 2014. Strategic review of the child protection system in the Republic of Moldova

<sup>75</sup> Lumos, 2014. Strategic review of the child protection system in the Republic of Moldova

The decrease between 2007 and 2012 over 50% of the number of institutionalized children and development alternative care services is due to the implementation of the National Strategy and Action Plan 2007-2012 of the reformation of the childcare system and participation of NGOs (with resources, including financial). In fact, once donors' funds currently supporting civil society organisations to implement reforms are redirected elsewhere, it cannot be assumed that the activities of these organisations will continue at the same level.<sup>76</sup>

Network services to prevent the separation, as well as of alternative care of children without parental care is insufficient developed and does not meet local needs. Moreover, the very limited local authorities budgets (as result of full financial autonomy of the local authorities and their limited revenue-raising capacity) that finance social services and the dependency on external funding puts the availability, maintenance, quality and sustainability of already existing social services for children throughout national territory at risk.<sup>77</sup>

A very sensitive issue remains the transition to independent life of children leaving care. There is no system in place for those aging out of residential institutions and their situation remains the same: leaving the residential institution is difficult for most young people who came to Chisinau to work or study; some of them did not have any support and faced significant challenges because of differences between the life at the boarding-school and the life outside.<sup>78</sup>

Although, with the adoption of the new Code of Education the compulsory schooling were extended to 18 years of age and children can therefore stay longer in the institutions (previously until 16 years of age), it has not solved the problem of preparation for independent life of children from residential care, although some of them are going to the community/mainstream schools (outside institutions) and this can make their transition to independent life less abrupt.

Likewise, a challenge is that the graduates' legal status is not always established in time. Some are facing difficulties that prevented them from enjoying certain

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<sup>76</sup> Evans et al., 2013. Evaluation of Implementation of the National Strategy and Action Plan for the Reform of the Residential Childcare System in Moldova 2007-2012

<sup>77</sup> A. Lupusor and UNICEF, 2014. Challenges brought by the changes of the Law on local public finances to the financing of social services

<sup>78</sup> Evans et al., 2013. Evaluation of Implementation of the National Strategy and Action Plan for the Reform of the Residential Childcare System in Moldova 2007-2012

advantages: social scholarships, accommodation in students' dormitory, and exemption from the payment of the tuition fee.<sup>79</sup>

The system of professional development, in-service training and pre-service specialized qualification in the field of child protection and social assistance is not well developed even every Ministry and Public Authority is responsible for the assessment of training needs of their employees.

Nevertheless, a huge number of ad-hoc training events for social assistants and professionals in the field of child protection are provided, but mostly by NGOs or with their technical and financial support.

NGOs are taking an active role in childcare reform. However, the number of effective organisations is small and most of them are not of a grass-root nature. The majority of them depend on international financial support and the current process of decreasing fundraising opportunities to support the reforms forces them to compete for such funding, creating obstacles for meaningful collaboration in advocacy, capacity building and service delivery.<sup>80</sup>

### **Recommendations**

- Continue the reform of residential care, including through set up a concrete date when the institutionalisation of children 0-3 will be actually banned;
- Constantly review and update regulations and standards for existing and new services, implement recommendations from Accreditation processes and adjust to clients' needs;
- Ensure that all categories of children more likely to be excluded such as Roma, poor or disabled children have same access, are prevented and protected in the same way as all children;
- Implementing training programs for independent living of all type of children who are leaving care. Using the experiences of NGOs involved in these processes

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<sup>79</sup> Evans et al., 2013. Evaluation of Implementation of the National Strategy and Action Plan for the Reform of the Residential Childcare System in Moldova 2007-2012

<sup>80</sup> USAID, EveryChild and Partnerships for Every Child, 2013. Protecting children of Moldova from family separation, abuse, neglect, exploitation. Contribution to the progress achieved by Moldova

## Adoption

Adoption procedures in Moldova include a “best interests of the child” requirement and allocate responsibility for the process to specific, competent authorities.<sup>81</sup> Still, there are no quality standards for adoption services so that there can be consistency of process and outcome.

Moldova has yet to scale adoption practices nationwide that align with international best practices. Not all raions have enough capacity to manage the process of recruitment and screening of potential adoptive parents, to counsel and train adoptive parents, and, finally, to ensure that adoptive family and adopted child are adequately matched.<sup>82</sup>

In court proceedings where facts are established and judgments on adoption are made, judges must hear from children ages ten, this way limiting the right to participation, to all children, who should be heard in all adoption proceedings according to their age and level of development.

The delay in solving the adoption cases is being verified at all levels. Judges don't give priority to adoption cases, even they should have a “special procedure”. Presently, the average adoption case requires up to two years from start to finish.

There are no clear provisions regarding the necessary time for a court decision on an international adoption to enter in force. Some judges consider it necessary 30 days, others even 60.

As per Law 283 which modified the Law 99/2010 on juridical status of adoption, a series of legislative and normative documents should have been adjusted. Still, Law 99/2010 says that the request of international adoption should be presented in Appeal Court (art. 38) while the Civil Procedure Code at art. 286 is still saying that inter-country adoption request has to be presented in Ordinary Court where the adoptable child has its residence. The fact that the Moldovan Government hadn't changed the provisions of the Civil Procedure Code makes a lot of confusion and gives space for interpretation.

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<sup>81</sup>Law no.99/2010, on the legal status of adoption, articles 2, 3, 4, 5-9, 15-17, 24, 26, 28, 30, 31, 34-36; Law no.140/2013, on the Special protection of children at risk and those separated from their parents, art.15; Regulation on the Consultative Council for Adoption, para.4

<sup>82</sup> Child Protection Index: <http://www.childprotectionindex.org/country/moldova>

## Recommendations

- Revision the earliest possible of the adoption proceedings (including the revision of the register of adoptions, establishment of clear matching procedures, revision of training program for parents, etc.) and improving the legal and regulatory framework, including the parallel adjustment of all rules and procedures. Development and implementation of quality standards that should include a case management approach to all adoption proceedings as well as of efficient matching procedures. Allocation of sufficient resources to build and nationally apply the registry of adoptive children and potential parents: the registry should be updated regularly, accessible electronically, and hold all relevant information necessary for matching a child with adoptive parents.<sup>83</sup>

### Disability, basic health and welfare (art. 6 paragraph 2, art. 24, art. 26 and 18 paragraph 3, art. 27 paragraphs 1-3, art. 33 from the Convention)

#### Children with disabilities

At the end of 2014, statistics estimated 184.8 thousand persons with disabilities (5.2% of the country's population), including 13.4 thousand children aged 0-17 (1.8% of the total number of children in Moldova)<sup>84</sup>. The prevalence of children with disabilities under 18 decreased from 20.3 per 1000 children in 2010 to 18.7 per 1000 children in 2014.<sup>85</sup> Although, in the last 5 years there is an apparent reduction in the number of children with disabilities by 7.9%, most professionals do not agree with these statistics and consider them malefic for the development of policies addressed to children with disabilities.<sup>86</sup> Given that there is no unique system of data collection for children with disabilities who are beneficiaries of the health, education, social, etc. services, as well as data on children with disabilities who do not have ID documents, whose disability is not determined and, therefore, they are not beneficiaries of the social protection system<sup>87</sup>, and some children

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<sup>83</sup> Child Protection Index: <http://www.childprotectionindex.org/country/moldova>

<sup>84</sup> National Bureau of Statistics, Situation of persons with disabilities in the Republic of Moldova, November 30, 2015, <http://www.statistica.md/newsview.php?l=ro&idc=168&id=4976>

<sup>85</sup> National Bureau of Statistics, Situation of children in the Republic of Moldova in 2014, May 27, 2015 <http://www.statistica.md/newsview.php?l=ro&id=4779&idc=168>

<sup>86</sup> Extract from discussions with professionals in the field of assistance to children with disabilities

<sup>87</sup> P. Munteanu, Expert-Grup & UNICEF, System of protection of the rights of children with disabilities: Experience of Moldova and European best practices, March 2015, [http://www.expert-grup.org/en/activitate/evenimente/item/download/1512\\_0e23132efd8c3ca4f78064c82e5b8c67](http://www.expert-grup.org/en/activitate/evenimente/item/download/1512_0e23132efd8c3ca4f78064c82e5b8c67)

with light disabilities are not identified until the school age<sup>88</sup> this figure is much larger.

The main reasons of primary disability in children continue to be congenital malformations and chromosome anomalies (24%), mental and behavior disorders (19.9%) and diseases of the nervous system (14.6%). In rural areas, the share of children with a severe degree of disability is smaller (36.5%) as compared to that in urban areas (44.8%), and the share of children with pronounced degree of disability is – on the opposite – larger: 44.6% - in rural areas, as compared to 38.8% - in urban areas.<sup>89</sup>

Residential care is still the most frequent option for children with disabilities. The authorities do not provide sufficient information and adequate support to parents who give birth to children with disabilities about the specific methods of care and upbringing of such children in the family. Under these circumstances, parents opt for institutionalization, especially given the fact that they are supported by the professionals<sup>90</sup>. At the end of 2014, at least 64% of the children placed in the residential institutions run by the Ministry of Education had disabilities, and at least 1/3 of the beneficiaries of the two institutions run by the Ministry of Labor, Social Protection and Family were children<sup>91</sup>.

The right to assistance and support (financial, social, medical, recovery and rehabilitation services, etc.) for children with disabilities and for their families is acknowledged by the national legislation although it is often violated.

The quantum (although indexed every year) of the social allowances addressed to children with disabilities and of benefits for families that look after children with disabilities is lower than the minimum existence level at national level and does not cover the real needs of the beneficiaries.

The network of social services, although diversified, is not evenly developed and depends on the local and central public budgets. The current mechanisms for funding social services at local level does not create the necessary motivation for providing the efficiency and sustainability of the social services and although the reform of local public finance offers autonomy to local public authorities to decide

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<sup>88</sup> A. Zabieta and UNICEF, 2009. Assessment and recommendation on Child Disability Prevention and Care System in Moldova

<sup>89</sup> National Bureau of Statistics, Situation of children in the Republic of Moldova in 2014, May 27, 2015

<http://www.statistica.md/newsview.php?l=ro&id=4779&idc=168>

<sup>90</sup> Anecdotal evidence of the NGOs working with children with disabilities and their families

<sup>91</sup> Keystone Human Services International Moldova Association and MMPSF 2012 and 2015. Report on the assessment of children with disabilities from the Boarding-school for children with mental disabilities from Hincesti (girls)

independently on the funding priorities at local level and the funding of social services from the resources collected directly by communities and districts, it is a risk. With the current austerity budgets, the social services may reduce/disappear in favor of other priorities identified at local level. According to the experts, this risk affects, most of all, the social services addressed to persons with disabilities<sup>92</sup>, including children.

The cost standards for the provided services, *including* children with disabilities are based on expenditure rates in cash. There is no connection between these financial rates and the sanitary-epidemiologic standards (for food products, hygiene items, clothing, shoes, etc.) that are required for quality assistance.

Families with children with disabilities are more vulnerable, because one/the only parent, usually, the mother, is forced to stop working to be able to look after the child with disabilities. The interruption of the labor activity of one/the only parent leads to the reduction of incomes in the family and to the reduction of the contribution history in the social insurance system.

A large share of children with disabilities remains out of school, especially the youngest and the older adolescents. In the school year 2015/16, more than 10,000 children with special educational needs were enrolled in pre-primary up to upper secondary education (about 2,400 in pre-primary, and just over 10,000 in primary and secondary schools, including around 4,000 children with disabilities). Only one-third of children with disabilities studying in special schools starting lower secondary actually finish it. And less than 10 students every year make it to Grade 11.<sup>93</sup>

The quality of social services delivered to children with disabilities cannot always be assessed, because some services operate without quality standards or regulations on operation.<sup>94</sup>

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<sup>92</sup> A. Lupusor, Challenges of the amendments to the Law on Local Public Finance on the funding of social services. Policy document. UNICEF, Expert-Group, Chisinau 2014 [http://expert-grup.org/ro/biblioteca/studii-de-politici-publice/item/download/1185\\_24c778b795d7f46c6f2942a576cb097d](http://expert-grup.org/ro/biblioteca/studii-de-politici-publice/item/download/1185_24c778b795d7f46c6f2942a576cb097d)

<sup>93</sup> National Bureau of Statistics, 2015

<sup>94</sup> P. Munteanu, Expert-Grup & UNICEF, System of protection of the rights of children with disabilities: Experience of Moldova and European best practices, March 2015, [http://www.expert-grup.org/en/activitate/evenimente/item/download/1512\\_0e23132efd8c3ca4f78064c82e5b8c67](http://www.expert-grup.org/en/activitate/evenimente/item/download/1512_0e23132efd8c3ca4f78064c82e5b8c67)

Because of the very small salaries, the turnover of the personnel involved in the organization and delivery of services to children with disabilities is very high. There is no national mechanism for the in-service training and re-training of professionals in the field of child and family protection.

The private service providers, especially, NGOs do not have equal chances of access to the available public funds. Therefore, because of the lack of healthy competition between public and private providers, the quality of services provided to children with disabilities is not very high.

Although early intervention both in the prevention of disability and in the assistance of children with disabilities is considered important, it still remains unregulated and without sufficient coordination between the stakeholders. At present, 200 - 300 children aged 0-3 receive early intervention services in the institutions run by the Ministry of Health. The NGOs include about 230 children of the same age in their system. The estimated number of children who require early intervention services is 15635<sup>95</sup>, which includes children who are at high risk of developing a disability.

The disability continues to be largely based on the medical approach and, in the case of children, there are no criteria for determining disability. The disability is determined on the basis of the list of maladies and pathologies “which does not imply objective and responsible (re)evaluation”<sup>96</sup>.

### **Recommendations**

- Establish moratorium for the placement of children with disabilities in residential institutions;
- Create an efficient mechanism for the funding of social services addressed to children with disabilities that will include both funds from the budgets of local public authorities and from the central budget. Provide guaranteed access funded by the state to the basic services in the community, as well as to special social services to children with disabilities;
- Diversify and multiply at district level the services for rehabilitation and recovery of children with physical disabilities;

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<sup>95</sup> [www.particip.gov.md/public/.../ro\\_1012\\_NOTA-INFORMATIVA-final.doc](http://www.particip.gov.md/public/.../ro_1012_NOTA-INFORMATIVA-final.doc)

<sup>96</sup> Report on the results of the work of the National Council for Determining Disability and Work Capacity for 2015 and the objectives for 2016 / MLSPF and National Council for Determining Disability and Work Capacity / Chisinau 2016, pag.21.

- Create services for disability prevention starting with the pre-natal period. Develop early intervention services in every district and ensure their funding from the budget of the National Health Insurance Company;
- Develop the human resources employed in the social services addressed to children with disabilities on the basis of initial and in-service training. Assess and promote the personnel of the system in line with their skills and performance.
- Conduct studies and researches to monitor the (non)observance of the rights of children with disabilities and their families that would contribute to the development of efficient actions aimed at enforcing the rights;
- Make the social infrastructure reasonably accessible and accommodated so that children with disabilities enjoy their rights to the same extent as children without disabilities;
- Inform parents who have children with disabilities about the specific methods of providing support depending on the disability and about the social, rehabilitation, recovery, etc. services that are addressed to them;
- Conduct awareness public campaigns on children with disabilities;
- Strengthen the mechanisms of informing and complaining for situations of discrimination and violation of children's rights. Inform children with disabilities, parents and people who support them (in a clear language) about the existence of these mechanisms and how to access them.

### **Education, leisure and cultural activities (art. 28-31 of the Convention)**

#### **Access to education**

Around 1,000 children under two are enrolled in early childhood learning and development activities at crèches. The total net enrolment rate for children at kindergarten age increased from 75.8% in 2010 to 85.1% in 2015<sup>97</sup>.

The enrolment of a Roma child in kindergarten is considered a disgrace to the family. Women who do so are commonly labeled “bad mothers”; Roma think that there is a risk of losing the Romani culture and language if young Roma children interact with children of other ethnicities. Roma consider education at the primary level, most notably the acquisition of basic reading and writing skills, as a contribution to starting and supporting a family. It is therefore not unusual that

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<sup>97</sup> National Bureau of Statistics, 2016. Situation of Children in the Republic of Moldova 2015  
<http://www.statistica.md/newsview.php?!=ro&id=5221&idc=168>

Roma children are not encouraged to continue school after completing the 4<sup>th</sup> Grade. This minimalistic view of education also affects schools attendance and absenteeism; if a child does not want to go to school, a parent may not insist that the child goes.<sup>98</sup>

In the school year 2015/16, more than 10,000 children with special educational needs were enrolled in pre-primary up to upper secondary education (about 2,400 in pre-primary, and just over 10,000 in primary and secondary schools, including around 4,000 children with disabilities).<sup>99</sup> At all levels, Roma children show enrolment rates that are much lower than those of non-Roma children.<sup>100</sup> A large share of children with disabilities remains out of school, especially the youngest and the older adolescents. Only one-third of children with disabilities studying in special schools starting with lower secondary actually finish it. And less than 10 students every year make it to Grade 11.<sup>101</sup>

The school readiness is increasing (from 93% in 2012<sup>102</sup> to 98% in 2014)<sup>103</sup>, however, Roma children are relatively poorly prepared for primary education, mostly due to fact that very few are enrolled in pre-primary education or preparatory classes (21% in 2011<sup>104</sup>).

Poverty has a significant impact on enrolment in pre-school and upper secondary education.

According to the Ministry of Education only a few hundred students drop out each year (in 2015, 368 for Grades 1-9); however, around half of all children miss classes sometimes, and about one in every four misses four days or more per month. Absenteeism is highest at the upper grades of lower secondary and peaks at 9<sup>th</sup> Grade, particularly amongst boys. Girls miss about 40% fewer hours without excuse than boys.<sup>105</sup> After sickness, helping at home, the farm or shop was the most important reason.<sup>106</sup>

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<sup>98</sup> UNICEF 2013. Roma in the Republic of Moldova in areas of their compact population

<sup>99</sup> National Bureau of Statistics, 2016. Situation of Children in the Republic of Moldova 2015  
<http://www.statistica.md/newsview.php?!=ro&id=5221&idc=168>

<sup>100</sup> UNICEF 2013. Roma in the Republic of Moldova in areas of their compact population

<sup>101</sup> National Bureau of Statistics, 2016. Situation of Children in the Republic of Moldova 2015

<sup>102</sup> National Centre of Public Health of the Ministry of Health of the Republic of Moldova and UNICEF, 2014. MICS

<sup>103</sup> National Bureau of Statistics, 2015. 2014/15 Education in the Republic of Moldova. Statistical publication

<sup>104</sup> UNICEF 2013. Roma in the Republic of Moldova in areas of their compact population

<sup>105</sup> Ministry of Education, 2015. Student performance and attendance in Moldova from a socio-economic perspective

<sup>106</sup> UNICEF 2013. Roma in the Republic of Moldova in areas of their compact population

In 2012, less than three-quarters of Roma children attended school daily. Seasonal migration is the main cause of long-term absences, although Roma children face multiple barriers to education, such as child marriage and the language of instruction, especially if this is Romanian. Roma parents are much less engaged with teachers, which has a direct correlation with higher absenteeism.<sup>107</sup> The lack of genuine attention of teachers given to Roma children may influence their likelihood to stay in class. Teachers tend to take a hands-off attitude towards Roma, which increases the risk of drop out.

Remittances are known to be used to keep children in schools, especially after the lower secondary education. In nearly 98% of the cases, migration of children has also been shown to be the main reason for leaving school and children left behind are more likely to drop out. In addition, when migrant parents finance their children's migration for them to study and acquire experience abroad, most of these children do not return to Moldova. And if children left behind do finish school in Moldova, after graduation, many of them do not even try to find a job in Moldova.<sup>108</sup>

### **Recommendations**

- Implementing specific actions to ensure the access to education and school retention for all children, including most vulnerable groups: young children, children with disabilities, Roma children, teenage mothers, children living in streets, children in conflict with the law, migrant children, children victims of abuse, neglect, exploitation, trafficking, etc.
- Ensuring the access to early childhood development programs through sufficient funding and allocation of trained human resources, diversification (child minding, collective kindergartens, private, licensed babysitters) of ECD services, especially in smaller and most deprived communities;

### **School infrastructure and resources**

With the acceleration of school inclusion of children with special educational needs (including with disabilities), regular schools are increasingly in need of psycho-pedagogical support. In response, the Government established a

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<sup>107</sup> UNICEF 2013. Roma in the Republic of Moldova in areas of their compact population

<sup>108</sup> International Organization for Migration, 2012. Extended migration profile of the Republic of Moldova

Republican Centre for Psycho-pedagogical Support (CRAP) as well as dedicated district services meant to support schools with the assessment of pupils, guidance as well as training to didactic staff and management. It has been a challenge to find competent people. As a result, CSOs continue to play an important role in ensuring access to and quality of inclusive education, not only through providing services, but also through development of training modules and conducting of training of didactical and psycho-pedagogical staff.

During the academic year 2015/16, the network of primary and general secondary education institutions comprised 1,323 institutions.<sup>109</sup> In 2010, it was found that up to half of Moldova's rural schools may need to be reorganized in the following five years in order to respond to the sharp population decline that has taken place over the last 20 years. However, since 2010, the number of primary and secondary schools for general education has decreased by 142. This reduction includes 16 of the total of 33 special schools, and excludes the reduction of vocational schools by about 15. This means that about 20% of the entire primary and secondary school network has undergone changes due to the school network optimization reform.<sup>110</sup> Nevertheless, these changes imply that no more than 2% of students in Grades 4, 9, and 12 were affected by school closure and a further 0.74 percent were affected by closure of their class.<sup>111</sup>

The majority of groups for pre-school education are larger than the maximum established by the Ministry of Education, i.e. 15 for children aged 0-2 and 20 for children aged 3-6. The national average of groups for children under three complies, to a large extent, with the established limits (17 urban, 14 rural). For children aged 3-6, three quarters of pre-schools have groups that exceed the standards, primarily in urban areas. The average group size in urban area is more than 25, where in some cases groups of 3-6 year-olds in kindergartens may hold even 45 children.

The pupil-teacher ratios for primary and secondary education remain at nearly 17 pupils per teacher. The ratio for lower and upper secondary, however, continues to fall: 10 and 11 respectively.

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<sup>109</sup> National Bureau of Statistics, 2015. 2014/15 Education in the Republic of Moldova. Statistical publication

<sup>110</sup> Ministry of Education, 2015. Student performance and attendance in Moldova from a socio-economic perspective

<sup>111</sup> UN Women and UNICEF, 2013. The Demand and Supply of Early and Pre-School Education Services from the perspective of women's employability (the case of the Republic of Moldova)

In 2014, there were 30,800 teachers in general education. Still, there are hidden shortages in certain subjects, in particular in the science disciplines such as Mathematics, Physics and Chemistry, and Romanian language (in 10% of schools). Hence, more than 10% of teachers teach 3-5 subjects, even if they are not fully qualified in all.<sup>112</sup> Also, 15% of all teachers are past the retirement age and are used by school directors as a coping mechanism for teacher shortage. On the other hand, the increase of educators in pre-school institutions has not kept pace with the increase in enrolment. Having reached 10,000 in 2012<sup>113</sup>, there still is a shortage of teaching staff. Institutions in Chisinau lack 216 educators and 180 assistants. For early childhood learning and development programs for children under three, the limited number of qualified and trained staff has impeded the setting up of crèche-groups in large number of kindergartens.

The minimum salary for a secondary education teacher with university degree is MDL 2,200 compared to about MDL 2,700 in the private sector for a similarly skilled and qualified individual.

Pre-school education has the lowest number of teaching staff with university degree (less than 50% in 2014; with urban rates twice the rural rates<sup>114</sup>).<sup>115</sup> Overall, nearly 90% of all teachers in general education have higher education; however, one-third does not have additional pedagogical qualifications obtained through national attestation tests, mandatory internship courses and workshops. Around 60% hold a second rank, 9% hold a first rank (16% urban, 5% rural), and only 2% hold a superior rank (5% urban, 1% rural); most are at retirement and pre-retirement age.<sup>116</sup>

The teaching profession is considered unattractive for young people and, in particular, for men.<sup>117</sup> As a consequence, close to 100% of educators in pre-

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<sup>112</sup> World Bank, 2014. SABER teachers country report: Moldova 2014

<sup>113</sup> UN Women and UNICEF, 2013. The Demand and Supply of Early and Pre-School Education Services from the perspective of women's employability (the case of the Republic of Moldova)

<sup>114</sup> UN Women and UNICEF, 2013. The Demand and Supply of Early and Pre-School Education Services from the perspective of women's employability (the case of the Republic of Moldova)

<sup>115</sup> National Bureau of Statistics, 2015. 2014/15 Education in the Republic of Moldova. Statistical publication

<sup>116</sup> Ministry of Education, 2013. Education 2020. Sector development strategy 2014-2020

<sup>117</sup> Ministry of Education, 2016. National programme for human resource development in education in the Republic of Moldova 2016-2020

primary and primary education institutions are female. In secondary education this is still close to 80%. These ratios have not changed over the past 10 years.<sup>118</sup>

The number of graduates from teacher training institutions exceeds by approximately four times the number of vacancies in educational institutions. One reason is that many students were turned down by other degree programs and because funding for pedagogical faculties was available. Also, young people of Moldova consider pedagogical faculties as an easy way to obtain a university degree. Only about 30% of the students in pedagogy are actually motivated to follow a career in teaching and the university-to-work transition rate is generally low, especially for graduates who are trained for work in secondary education.<sup>119</sup>

The methodological approaches applied in the initial training are often outdated, unattractive and too little exciting for students.<sup>120</sup> Furthermore, they have little regard to the pedagogical knowledge and teaching practice. Before being appointed, teachers are not required to have a minimum amount of practical experience, which has now been further reduced due to the recent closure of all teacher training colleges and the decision that teachers be trained at university level.<sup>121</sup>

The number of resource centers for inclusive education has experienced a very strong growth: from 35 in 2012 to 737 in 2015.

The enrolment for children with disabilities under three is hampered by the discouragement of parents and kindergarten principals to enroll them because educators lack the knowledge and skills to work with them. At the primary and secondary level, most teachers are comfortable working with children with physical impairments, but about half of them are not in the case of children with hearing or visual impairments, mental disabilities or challenging behavior. Indeed, parents believe that teachers do give adequate attention to their children, but that they are “powerless” with children with challenging behavior. Teachers and parents have indicated a lack of specific equipment and teaching materials as well

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<sup>118</sup> UNICEF, 2001. Teachers: A regional study on recruitment, development and salaries of teachers in the CEE-CIS region

<sup>119</sup> Open Society Foundation and Ministry of Education, 2014. Study on policy measures to improve attracting, training and retaining teachers in the education system in Moldova

<sup>120</sup> Ministry of Education, 2016. National programme for human resource development in education in the Republic of Moldova 2016-2020

<sup>121</sup> World Bank, 2014. SABER teachers country report: Moldova 2014

as training in adapting teaching materials and lesson activities and evaluating children with special educational needs.<sup>122</sup>

Many rural schools are characterized by bad conditions when it comes to conditions of toilets inside the building (45%), running water (69%), central or gas-based heating systems (63%)<sup>123</sup>, and lack of sports facility and specialized services. With regards to pre-schools, 15% of pre-schools outside Chisinau have no running water (2% in Chisinau) and 45% had toilets outside the school building (9% in Chisinau).

The Moldovan legislation stipulates that pre-primary, primary and secondary education is funded entirely by the State and the education in such institutions are free. Since March 2016, the Code of Ethics indicates that teachers cannot accept money from the parents. In practice, nearly all parents make formal and informal payments<sup>124</sup>, mostly through Parents' Associations, without going into details and insist on the compliance with formalities. While they are different in size and nature and made at different intervals, such payments have become a socially accepted norm and constitute a substantial total contribution to the total national expenditures on education. The total contribution of parents through formal (MDL 2,058 million, an increase of 44% since 2012) and informal (MDL 309 million, an increase of 8% since 2012) payments is about equal to the total public expenditure for primary and secondary education.<sup>125</sup> The total average annual amount per student was higher than the monthly salary of a teacher.<sup>126</sup> For formal additional payments, the biggest categories are school uniforms (70% of total formal payments) and school supplies (14%). The largest share of informal payments is used for salary increases for teachers through various forms of incentives, such as private lessons by teachers (54% of informal payments); gifts to teachers (12%) and additional group lessons (5%).<sup>127</sup>

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<sup>122</sup> Alliance of Non-Governmental Organizations active in the field of Social Protection of Children and their Family, 2015. Summary/Research. Evaluation of Moldova's inclusive education models

<sup>123</sup> Ministry of Education, 2016. Education Management Information System

<sup>124</sup> Institute for Public Policy and Centre for Sociological Investigations and Marketing CBS-AXA, 2013. Formal and informal payments paid by parents in institutions of secondary education

<sup>125</sup> Institute for Public Policy and Centre for Sociological Investigations and Marketing CBS-AXA, 2016. Ethics and academic integrity in general education

<sup>126</sup> Centre for Demographic Research, 2014.

<sup>127</sup> Institute for Public Policy and Centre for Sociological Investigations and Marketing CBS-AXA, 2016. Ethics and academic integrity in general education

Various studies over the years have found that if parents had the choice, about half of them would not pay.<sup>128</sup> It was calculated that, in 2006, 20% of pupils mentioned that the children whose parents did not pay the informal contributions were subject to pressure, either from peers or from the teaching staff.<sup>129</sup> Children are also reportedly unfairly treated.<sup>130</sup> Half of the parents also reported payments under pressure, either by teachers or by other parents.<sup>131</sup> Around 40% of parents indicate they cannot afford the payments or have to make special efforts.<sup>132</sup> This may generate absenteeism and indirectly contribute to the dropout of some. Voluntary contributions are also a reason for parents to not enroll their children in kindergarten. In most cases, parents face difficulties in providing schools supplies and the rent payment of books or purchase of school supplies are an obstacle to the child's schooling.<sup>133</sup> This leads to further social stratification and segregation of vulnerable and well-off students, with corresponding consequences for school performance as shown earlier.

The engagement in activities such as reading, playing, singing and dancing with young children happens significantly more in the richest households (95%) than in the poorest households (81%). Nearly 87% of children in the richest quintile have at least three children's books against one-third of children in the poorest quintile. Also the children of the second wealth quintile score below average (59% against the national average of 68%).<sup>134</sup>

### **Recommendations**

- Ensuring adequate infrastructure and conditions in schools and kindergartens, based on children's needs;
- Creating free opportunities for children's participation in leisure activities (sports, culture, music facilities, playgrounds, etc.);
- Eliminating informal fees in education through awareness raising among teachers and parents;

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<sup>128</sup> Institute for Public Policy and Centre for Sociological Investigations and Marketing CBS-AXA, 2013. Formal and informal payments paid by parents in institutions of secondary education and Institute for Public Policy and Institute for Public Policy and Centre for Sociological Investigations and Marketing CBS-AXA (2016). Ethics and academic integrity in general education

<sup>129</sup> Open Society Institute, 2010. Drawing the Line. Parental informal payments for education across Eurasia

<sup>130</sup> UN Women and UNICEF, 2013. The Demand and Supply of Early and Pre-School Education Services from the perspective of women's employability (the case of the Republic of Moldova)

<sup>131</sup> Open Society Institute, 2010. Drawing the Line. Parental informal payments for education across Eurasia

<sup>132</sup> Institute for Public Policy and Centre for Sociological Investigations and Marketing CBS-AXA, 2016. Ethics and academic integrity in general education

<sup>133</sup> UNICEF, 2015. Participatory assessment of barriers hampering the access of Roma children and their families to services

<sup>134</sup> National Centre of Public Health of the Ministry of Health of the Republic of Moldova and UNICEF, 2014. MICS

## Quality of education

Curricula are highly congested and irrelevant for the personal, social and professional development of children<sup>135</sup>. The main issues specified by teachers, parents, pupils as well as confirmed by NGOs studies include: high degree of theory on contents, low degree of relevance and practical use, focusing on tests and exams and content reproduction instead of competence evaluation; limited training for entrepreneurial and life skills, communication, problem-solving, cooperation and team work, planning and managing own learning process, ICT use etc.; lack of vocational counseling<sup>136</sup>.

The monitoring and evaluation system is not coherent with the declared principles of the curricula of competence development. Management and teaching staff do not have the preparation and the resources to apply Child Friendly schools standards approved in 2013.<sup>137</sup>

Children/Human Rights are not integrated in the initial and in-service training of the teaching staff. Children's Rights as a subject are discussed sparsely, in a fragmented manner and in theory, without direct link to real life. Despite having the subject included in Civic Education curriculum in 2010, children rights are not integrated in those 4 modules and are, usually, occasionally and superficially addressed (in case of special celebrations).<sup>138</sup> According to a study conducted in 2010, only 25% of children knew about UNCRC and the information is often false, incomplete or selective. Even if children can come up with a long list of rights, the majority can't explain their content or where to go if their rights are infringed.<sup>139</sup> Moreover, without clear understanding of children's rights, school staff often don't protect children or infringe children's rights. The number of cases of child abuse is still high and, although procedures for abuse identification, prevention and reporting have been approved, the school management and staff are not yet prepared to fully apply them.<sup>140</sup>

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<sup>135</sup> IPP, 2014. Analysis of education policies in general education. Study of Public Policies

<sup>136</sup> Government Decision no. 944 of 14.11.2014 on Approving the Strategy for Education Development for 2014-2020 "Education 2020" <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=355494>

<sup>137</sup> Order no.970 of the Minister of Education of 11.10.2013 on Approving the quality standards for primary and secondary general education institutions from the perspective of a child-friendly institution

<sup>138</sup> C. Gavriluc, 2016. Mapping of the EDC/HRE system in the Republic of Moldova

<sup>139</sup> Truth voice by children. Children report on the respect of the Convention on the Rights of the Child in the Republic of Moldova. CRIC, 2010

<sup>140</sup> National Centre of Public Health of the Ministry of Health of the Republic of Moldova and UNICEF, 2014. MICS

While pupils' councils exist in many schools, a large share of pupils feels that these councils do rather little or nothing at all to help protect their right to be heard. Often, the election of pupil council members and class representatives is not transparent and performed without children's participation, decided by the teacher. In fact, in many schools, the activity of the school council is reportedly orchestrated and manipulated by teachers.<sup>141</sup>

A large majority of Moldovan students are very open to inclusive education and believe it is good that people are different. This improves for most children once they have children with disabilities in their schools. Progress is also made in the tolerance of parents towards inclusive education. Many teachers believe that inclusive education is a good practice and a vast majority of teachers in schools in which children with disabilities were included changed their attitude towards children with special educational needs to the better. Still, parents and teachers alike do not believe that regular schools are suitable for all children with disabilities, especially those with mental disabilities or those with atypical behavior. They believe it might affect the performance of their own children. In addition, only a very small share of caregivers would accept children with disabilities in pre-school institutions.<sup>142</sup>

The quality of education is still associated with a large amount of learned and acquired information and therefore children have very little free time which leads to stress, fatigue, health issues, psychological disorders. There are limited opportunities for children of all ages to play, engage in extracurricular activities, sports, enjoy a pleasant environment for activities. The playgrounds, public transportation, concert halls and other places are not adapted for the use of persons with disabilities.

### **Recommendations**

- Ensuring the relevant and child rights based pre-service and in-service training for all teaching staff;
- Revising the curricula and teaching materials, including manuals, workbooks, etc. to ensure the relevance and compliance with human rights education principles;

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<sup>141</sup> Council of Europe, 2013. Child and youth participation in the Republic of Moldova. A Council of Europe policy review

<sup>142</sup> Alliance of Non-Governmental Organizations active in the field of Social protection of Children and their Family, 2015. Summary/ Research. Evaluation of Moldova's inclusive education models

- The state should take specific actions to improve the image of the teacher's profession;
- Implementing an evaluation system of teachers' performance based on indicators consulted with civil society, children and other interested parties;
- Identifying opportunities to provide salaries based on teachers' performance;
- Ensuring the full implementation of Child Friendly School standards.

**Special protection measures (art. 22, 30, 32-36, art. 37 Paragraph 1, 2 and 4, art. 38-40 of the Convention)**

**Economic exploitation, including child labor**

Given that over 60% of the country's population lives in rural areas and that at least 1/4 of adults labor force is employed in agricultural works, including own auxiliary household, the risk of involving children in labor is high.

According to the research conducted in 2009<sup>143</sup>, every third child (177 thousand) aged 5-17 conducted an income-generating economic activity. All these children (95.3%) worked in agriculture, mainly (92%) helping their parents in own businesses (agricultural household, farming land or auxiliary household of the family).

This research indicated 109 thousand (18.3%) of the total number of children as children engaged in child labor. Boys (63%) and children from rural areas (91%) are mostly affected. Of the total number of children engaged in child labor, 62.1% worked in dangerous conditions and 24.4% were too young (5-11 years of age) to work even one hour per week. However, within the child labor monitoring activities conducted in 2014, the State Labor Inspectorate identified only 4 children engaged in works that are forbidden for children<sup>144</sup>.

Other researches (than the above mentioned Report) on child labor have not been conducted.

Although a National Action Plan on the Prevention and Elimination of the Most Serious Forms of Child Labor for 2011-2015 has been adopted by the

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<sup>143</sup> National Bureau of Statistics, Child Labor in the Republic of Moldova: Results of the 2009 statistic research on children's activities. Chisinau, 2010.

[http://www.statistica.md/public/files/publicatii\\_electronice/piata\\_fortei\\_de\\_munca/Munca\\_copiiilor\\_2009.pdf](http://www.statistica.md/public/files/publicatii_electronice/piata_fortei_de_munca/Munca_copiiilor_2009.pdf)

<sup>144</sup> Report no. 1042 of 19.06.2015 on the activity of the State Labor Inspectorate for 2014. State Labor Inspectorate, Monitor Oficial 150-159 of 19.06.2015 <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=359314>

Government<sup>145</sup>, the results of implementation have not been assessed. In general, according to the Child Protection Index, Moldova is highly advanced in its legislative framework to protect children from the worst forms of child labor, scoring 0.878 out of a possible score of 1.0. Its services are also advanced (0.667) compared to other dimensions of action. However, Moldova's capacity (0.333), coordination (0.500) and accountability (0.403) scores in this field are limited.<sup>146</sup>

### **Recommendations**

- Proactively identify children engaged in various forms of child labor, including by developing the capacities of the State Labor Inspectorate.
- Include child protection experts in the staffing structure of the State Labor Inspectorate.
- Implement awareness raising campaigns about the risks of child labor.

### **Street children**

The subject of street children returned on the public agenda in the summer of 2016. A number of TV reports<sup>147</sup> on street children who were sleeping in the ruins of the "National" Hotel from Chisinau were produced. At least 42 children were identified in these circumstances, of whom 50% originated from Chisinau.

Of the total number of 112 children identified by the police in the streets and placed in one of the placement centers of Chisinau in August 2015 – September 2016, 53% are from the country, 29% from Chisinau, and 18% although born in the Republic of Moldova, are considered by the authorities as having no place of residence and, therefore, their cases are passed on between the guardianship authorities from the communities of parents' birth, origin or residence and Chisinau. Only 67% of the 112 children were retained by the police for the first

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<sup>145</sup> Government Decision no. 766 of 11.10.2011 on Approving the National Action Plan on the Prevention and Elimination of the Most Serious Forms of Child Labor for 2011-2015  
[http://www.chisinau.md/public/files/strategice/strateg\\_vas/Plan\\_nat\\_priv\\_eliminarea\\_celor\\_mai\\_greve\\_forme\\_ale\\_muncii\\_cop.pdf](http://www.chisinau.md/public/files/strategice/strateg_vas/Plan_nat_priv_eliminarea_celor_mai_greve_forme_ale_muncii_cop.pdf)

<sup>146</sup> Child Protection Index. Moldova country profile. ChildPact and World Vision, 2015  
<https://www.dropbox.com/s/heruz50h8jmy41x/CPI-Moldova.pdf>

<sup>147</sup> <https://www.youtube.com/watch?v=byWcbVqc99Q&t=10s> <https://www.youtube.com/watch?v=LkzzzFATbLE>  
<https://www.youtube.com/watch?v=g54usS2LuOk> <https://www.youtube.com/watch?v=S7P5IXZ8XpE>  
[http://adevarul.ro/moldova/social/video-30-copii-strazii-locuiau-hotelul-national-chisinau-1\\_577cc1675ab6550cb89a7806/index.html](http://adevarul.ro/moldova/social/video-30-copii-strazii-locuiau-hotelul-national-chisinau-1_577cc1675ab6550cb89a7806/index.html)

time, 23% were retained and placed in the same placement center between 2 times (11 children) and 5-42 times (31 children).<sup>148</sup>

The solutions proposed by the local authorities are only about creating a specialized center for street children and establishing a street assistance service in Chisinau.

In actions taken to address children living and/or working on the street, the Child Protection Index scores Moldova with 0.387 out of a total of 1.0<sup>149</sup>.

### **Recommendations**

- Define the relevant services (e.g. day or night shelters, rehabilitation and reintegration services providing social, educational and psychological support to children and parents, and mobile teams); adopt quality and financial standards, and develop necessary coordination protocols between the police, social workers and services for the proactive outreach to street children.
- Define the new services based on location and prevalence of need: at present there are day shelters and rehabilitation centers that are general by nature and can host children living and working on the streets.

### **Trafficking in children**

Moldova scores 0.568 out of a possible score of 1.0 and ranks the sixth out of the nine Child Protection Index countries in its actions to prevent the abduction and sale or trafficking in children.<sup>150</sup> Even if Moldova's services and coordination scores are high, as well as the legal framework score, the country's capacity (0.250) and accountability (0.321) on preventing and fighting child trafficking are limited. Moldova receives a high law and policy score because the domestic legislation prohibits all forms of trafficking and sale of persons, including the sale of organs.

The National Referral System for the Assistance and Protection of Victims and Potential Victims of Trafficking brings governmental and non-governmental

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<sup>148</sup> Evidence of the Chisinau Municipal Directorate for Child Rights Protection and some NGOs involved in assisting this group of children

<sup>149</sup> Child Protection Index. Moldova country profile. ChildPact and World Vision, 2015  
<https://www.dropbox.com/s/heruz50h8jmy41x/CPI-Moldova.pdf>

<sup>150</sup> Child Protection Index. Moldova country profile. ChildPact and World Vision, 2015  
<https://www.dropbox.com/s/heruz50h8jmy41x/CPI-Moldova.pdf>

agencies together to combat trafficking in human beings. The System operates Multidisciplinary Teams that bring a wide range of specialists together: social workers, police officers, prosecutors, physicians and educators, representatives of public registration bodies, lawyers and psychologists. The team identifies and assists victims and potential victims through rehabilitation and reintegration services. Meanwhile, at local level (community) the specialists as are involved in various committees and groups face coordination problems and are critical of all existing multidisciplinary teams and groups.<sup>151</sup>

Moldova also operates the Center of Assistance and Protection for Victims of Trafficking that provides shelter and psycho-social support to victims and potential victims of trafficking.

### **Recommendations**

- Revise the existing National Referral System for the Assistance and Protection of Victims and Potential Victims of Trafficking for a better coordination at local level, as well as concretization of responsibilities and competencies of local specialists;

### **Administration of juvenile justice**

The share of offences committed by children in the total number of offences declined from 3.6% in 2011 to 2.5% in 2015.<sup>152</sup> Children from urban areas have committed more offences (862 cases) comparing with 576 committed by children from rural areas.<sup>153</sup> In 2015, every second child, who committed an offence, was under the age of 14 (1,381 of 2,706), a strong increase compared to the 361 offences committed by children under 14 recorded in 2014.<sup>154</sup> The most common offences committed by children are theft, robbery and violent robbery. There was a 24% decrease in sexual offences committed by children.<sup>155</sup>

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<sup>151</sup> Anecdotic evidences from NGOs

<sup>152</sup> National Bureau of Statistics, 2016. The situation of children in Moldova in 2015

<sup>153</sup> General Police Inspectorate, 2015 and 2016. Informative notes on the state of juvenile delinquency and child safety service activity during 12 months of 2015 and 2016

<sup>154</sup> National Bureau of Statistics, 2016. The situation of children in Moldova in 2015

<sup>155</sup> General Police Inspectorate, 2015. Informative note on the state of juvenile delinquency and child safety service activity during 12 months 2015

The number of cases sent to courts with children as defendants increased from 819 cases to 1001 in 2015.<sup>156</sup> In 2015, only about 40% of 1,166 offences were diverted.<sup>157</sup> These point the limited enforcement of alternative measures at the criminal investigation phase. According to the General Prosecution Authority, 41 children were detained in 2015, compared to 35 in 2013 and 18 in 2014. There has been an increase in the number of children arrested as a preventive measure, up from 24 in 2013 to 31 in 2015.<sup>158</sup>

In 2015, 374 children were convicted, compared to 320 children in 2013 and 329 children in 2011.<sup>159</sup> Every second child is convicted for theft, followed by hooliganism (11%) and robbery (9%).

In 2015, one in every six children who were sentenced was imprisoned, almost the same as the 18% in 2014. While conditional sentencing still prevails in the system of sanctions for children in conflict with the law, the rate is decreasing since 2013, from of 59% to 50% in 2015. Over the last three years, there has also been a decline in the number of children subjected to detention (39 in 2015 versus 75 in 2013); most of them for severe offences such as murder and rape, but also about half of children are detained for robbery.

Moldova does not have a system for recording statistical data on children witnesses to crimes. The lack of aggregate statistical data on children who participated as witnesses in criminal proceedings does not allow the proper assessment of their situation.

Moldova does not have juvenile courts, although researches have been conducted to this end.<sup>160</sup>

The training of professionals (prosecutors, criminal investigation officers and lawyers) is not systematic and generally depends on their own interests and selection of a certain topic in the field of law. Sporadic, short-term trainings are organized by NGO, although they are based on well-structured curricula and training materials. However, the Curriculum of the National Institute of Justice

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<sup>156</sup> General Prosecutor's Office of Moldova, 2016. Report of the General Prosecutor's Office of Moldova for 2015

<sup>157</sup> Ministry of Interior, 2016. Public data and analysis [www.mai.gov.md/ro/advanced-page-type/date-statistic](http://www.mai.gov.md/ro/advanced-page-type/date-statistic)

<sup>158</sup> General Prosecutor's Office of Moldova (2014). Report of the General Prosecutor's Office of Moldova for 2014

<sup>159</sup> National Bureau of Statistics, 2016. The situation of children in Moldova in 2015

<sup>160</sup> I.Dolea, V.Zaharia, 2011. Feasibility study on the courts that are specialized in cases involving children in the Republic of Moldova [http://irp.md/uploads/files/2014-03/1394403417\\_studiu-de-fezabilitate.pdf](http://irp.md/uploads/files/2014-03/1394403417_studiu-de-fezabilitate.pdf)

includes general modules on justice for children and is designed for initial and in-service training of judges.

The principle of random distribution of cases in courts jeopardizes the qualitative assistance provided to children because it can lead to a situation where the case pertaining to a child in conflict with the law is assigned to a judge who has not received any training in justice for children and has no experience of interaction with children in conflict with the law or child victims/witnesses of crimes.<sup>161</sup>

There are 17 penitentiaries of which five have the status of preventive detention centers. In the preventive detention centers, children are separated from adults. The Penitentiary no. 10 Goian is for boys and adolescents serving their sentence, while girls sentenced to imprisonment are placed in Penitentiary no. 7 Rusca.

Children in pre-trial detention are held in separate wings of adult detention facilities. Although they are in separate cells, they interact with adults during meals and other activities. According to official data, the average length of children in pre-trial detention was seven months in 2012.<sup>162</sup>

Legislative provisions and recent amendments show an improving trend in terms of convicts' access to education, healthcare and psychological counseling. Overall, detention conditions in Penitentiary no. 10 Goian (for boys) have been found to be satisfactory. However, it lacks space for physical exercises. In Rezina Penitentiary and Penitentiary No. 13 from Chisinau, children are allowed to do outdoor activities for only three hours on Saturdays and Sundays. It has also been noted that the quantity and quality of food does not provide the necessary nutrients for adolescents' development.<sup>163</sup> In general, there are still some difficulties in ensuring quality education, proper medical examination and adequate support from psychologists specialized in children.<sup>164</sup>

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<sup>161</sup> UNICEF, 2014. Assessment of regulatory framework and practice in criminal proceedings involving children in the Republic of Moldova

<sup>162</sup> UNICEF, 2014. Assessment of regulatory framework and practice in criminal proceedings involving children in the Republic of Moldova

<sup>163</sup> Council of Europe, 2015. Report to the Government of the Republic of Moldova on the visit to the Republic of Moldova carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

<sup>164</sup> UNICEF, 2014. Assessment of regulatory framework and practice in criminal proceedings involving children in the Republic of Moldova

Children who are most at risk lack access to prevention services. The use of secondary prevention measures to address offending is also limited. Alternative measures are primarily applied by courts, but not at the criminal investigation phase. Prosecutors are generally not aware of any active formal diversion programs available either pre-trial or post-conviction. Although a new law was passed in 2015, the mediation is rarely applied for child offenders. The same holds true for placing juveniles under the strict supervision of parents or persons who replace parents or of a community service.<sup>165</sup> When cases are diverted from the criminal justice system, this is frequently because an (informal) agreement is reached with the victim and a financial compensation is paid for the caused damages, because of conditional sentencing (with obligations not to leave the city or the country<sup>166</sup>) or because the case is closed down through reconciliation. Reconciliation, which is less formal than mediation, is the most common alternative measure used at the criminal investigation phase. Not all children get the same access to this diversion measure; some may be excluded from the reconciliation processes due to the financial vulnerability of their family (who cannot afford to pay compensation for the damages caused), lack of family or the resistance of the victim.<sup>167</sup> In fact, the lack of appropriate re-integration programs makes it unrealistic to divert children from the formal criminal justice system without the risk of their re-offence or victimization.<sup>168</sup>

In 2014, probation offices started implementing child assistance programs in order to strengthen non-custodial sentencing options as well as the reintegration and rehabilitation of children who have come into contact with the justice system. These programs include individual work with persons sentenced for acts of violence (including anger management) and vocational training. Only children with a conditional sentence or those who are under a custodial sentence but were released early are eligible. Children who were under preventive arrest and were released before a sentence was issued are not. Similarly, there are no support services for children whose case was acquitted by the court, whose case was closed down as a result of the parties' reconciliation, or when the child was

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<sup>165</sup> CORAM Children's Legal Centre, 2015. Consultancy for a needs assessment of primary, secondary and tertiary prevention services for children in conflict with the law in Moldova

<sup>166</sup> I. Dolea et al., 2014. Monitoring report on court hearings involving children (Causeni, Leova, Orhei, Balti, Ungheni Courts) [http://irp.md/uploads/files/2014-12/1417603200\\_raport-de-monitorizare\\_unicef-2014.pdf](http://irp.md/uploads/files/2014-12/1417603200_raport-de-monitorizare_unicef-2014.pdf)

<sup>167</sup> CORAM Children's Legal Center, 2015. Consultancy for a needs assessment of primary, secondary and tertiary prevention services for children in conflict with the law in Moldova

<sup>168</sup> UNICEF, 2014. Assessment of the regulatory framework and practice in criminal proceedings involving children in the Republic of Moldova

released from criminal responsibility. Moreover, tertiary services are not being coordinated effectively with other services providers (social workers and psycho-pedagogical assistants) to ensure the child is able to access services that address the causes of offending (i.e. ensure the child is in appropriate care, is enrolled in appropriate professional and educational opportunities, has access to counseling and psychological support, etc.). The referral process currently taking place between Penitentiary no. 10 Goian and local services appears to be insufficient.<sup>169</sup>

Two thirds of criminal investigation officers and judges and half of all prosecutors agree that there is a lack of specialized psychological support services.<sup>170</sup> Moreover, after leaving the police inspectorate/prosecution authority, children victims/witnesses who reported a crime, are left alone in the community where they bear the stigma as a result of having reported something. Psychological counseling for children victims of crimes is currently provided only by civil society organizations.

There are no rehabilitation services for children in conflict with the law.<sup>171</sup> Juvenile offenders are commonly placed in temporary placement centers along with other categories of children in difficult situations, such as children without parental care, victims, etc. This arrangement increases the likelihood of assimilating deviant behaviors, addictions, etc. In addition, the capacity of these placement centers designed for child victims is small in comparison with the geographical area they cover. Children victims are placed, if necessary, in placement centers that provide services to children at risk (e.g. abandoned children, children neglected by parents, etc.). Currently, there are few providers offering specialized services for children victims of crimes. Such services are mostly provided by NGOs. Assistance and support services for children are created for cities and are less accessible for children in villages. Most support and assistance services for children in conflict with the law are created in Chisinau, Balti or district centers.<sup>172</sup>

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<sup>169</sup> CORAM Children's Legal Centre, 2015. Consultancy for a needs assessment of primary, secondary and tertiary prevention services for children in conflict with the law in Moldova

<sup>170</sup> National Centre for Child Abuse Prevention, 2013. Child victims of crime and legal procedures: the case of Moldova

<sup>171</sup> CORAM Children's Legal Centre, 2015. Consultancy for a needs assessment of primary, secondary and tertiary prevention services for children in conflict with the law in Moldova

<sup>172</sup> Ministry of Justice and United Nations Children's Fund, 2011. Services for the Children in Contact with the System of Justice and their Annual Cost Determination

Most institutions assisting children in conflict with the law and children victims and witnesses of crimes do not have a clear concept of quality control and management and lack quality assessment tools. Only the National Legal Aid Council has developed and approved, in 2015, quality standards and assessment tools for lawyers providing state guaranteed legal assistance in criminal cases involving children in conflict with the law.<sup>173</sup>

As part of the Justice Sector Reform Strategy for 2011-2016, the authorities ruled the creation of specialized child-friendly facilities for interviewing children victims of crimes within police inspectorates, prosecution authorities' offices and courts. These newly created rooms do not provide real child protection in most districts. For example, there are no furnished waiting rooms near the interviewing rooms. In most cases, the interviewing rooms are not equipped with separate entrances, which make children wait in the lobby of the prosecution authority or court where they interact with the staff before the hearing. The courtrooms inside the tribunals serve as visualization rooms; therefore, in case there is a court meeting, the space cannot be use as a visualization room. In addition, not all rooms have equipment that allows for audio-video recordings of interviews with children or the transmission of questions from the court to the interviewer. Moreover, there is no person responsible for the equipment, and any technical failures have to be addressed by the prosecutor or court employees.<sup>174</sup> In addition, it happens that the rooms are also used for other purposes not related to juvenile justice. The video recording of the hearings is stored on the computer in the visualization room or on the institution's server. There is no legal provision or any justification of the need to store these records there, or any special data protection arrangements.

The procedures of interviewing children victims of crimes are still hindered by an inadequate mechanism for interviewers training and certification. Experiences show that the lack of proper training impacts the quality (adequacy) of questions and the interaction between children and specialists.<sup>175</sup>

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<sup>173</sup> National Council for State Guaranteed Legal Aid, 2015. Activity report of the state guaranteed legal assistance system for 2015

<sup>174</sup> National Centre for Child Abuse Prevention, 2016. Professionals' knowledge, attitudes and practices with respect to the enforcement of friendly procedures during the investigation of cases involving children victims/witnesses of crimes under 14 years

<sup>175</sup> National Center for Child Abuse Prevention (2013). Children victims of crime and legal procedures: the case of Moldova

The special procedural requirements for the examination of cases involving children in conflict with the law (such as introductory speech and presentation by judge, type of questions addressed to children, presence of the legal representative, psychologist or teacher, etc.) were met in over 90% of hearings, which is an improvement from 66% of hearings in 2012 and 78% in 2013.<sup>176</sup>

The examination of cases by courts is yet to meet all privacy requirements. Even though the Criminal Procedure Code states that hearings involving child defendants must be held separately from other hearings and must be closed and not public, this requirement is not complied with. As a result, the identity of children taking part in the proceedings can easily be determined and is even directly made public.<sup>177</sup>

### *Recommendations*

- Develop and implement a legislative framework on the prevention of child delinquency;
- Develop and implement a clear regulatory framework to regulate not only the process of interviewing, but also the source of remuneration for interviewers, the selection criteria, the procedure of certification and accreditation of interviewers, etc.
- Develop and implement a legislative framework that would regulate the profession of psychologist, including the licensing and accreditation system for psychologists with the right of practice psychology. Build the capacity of school psychologists and psychologists working in the Psycho-Pedagogical Support Service on working with children in conflict with the law.
- Review the regulatory framework and scale of Psycho-Pedagogical Support Service personnel so as to allow the involvement of accredited psychologists to participate in procedural actions and assist children who have been involved in legal proceedings.
- Design and implement a system of in-service training for professionals working with and for children in conflict with the law, as well as children victims and witnesses of crime.

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<sup>176</sup> I. Dolea et al., 2014. Monitoring report on court hearings involving children (Causeni, Leova, Orhei, Balti, Ungheni Courts) [http://irp.md/uploads/files/2014-12/1417603200\\_raport-de-monitorizare\\_unicef-2014.pdf](http://irp.md/uploads/files/2014-12/1417603200_raport-de-monitorizare_unicef-2014.pdf)

<sup>177</sup> I. Dolea et al., 2014. Monitoring report on court hearings involving children (Causeni, Leova, Orhei, Balti, Ungheni Courts) [http://irp.md/uploads/files/2014-12/1417603200\\_raport-de-monitorizare\\_unicef-2014.pdf](http://irp.md/uploads/files/2014-12/1417603200_raport-de-monitorizare_unicef-2014.pdf)

- Organize public awareness campaigns and train responsible professionals to stimulate the reporting of all offenses against children to the competent authorities.
- Reform the judicial system with a view to specialize the courts or identify and implement the best option that will meet children's needs during the examination of cases involving children irrespective of their status (delinquents, witnesses or victims).
- Conduct the deep monitoring of the justice system by the Ombudsman for Children's Rights from the perspective of preserving the best interest of the child.

## **Annex 1: List of recommendations**

### **General measures of implementation (art. 4, 42 and 44 (paragraph 6) of the Convention)**

- Continue harmonizing the legislation with the principles and provisions of the Convention and allocate adequate human and financial resources to support the implementation of the relevant legislation.
- Conduct feasibility studies on the signing and ratification of the Optional Protocol to the Convention on the Rights of the Child concerning the individual complaint procedure and further actions for ratifying the CRC's OP3.
- The Government should develop one comprehensive strategy that will be coherent and clearly define the state policy on children and their rights (this will provide a good basis for coherent actions).
- The capacities of the National Council for Child Rights Protection to coordinate the implementation of the CRC should be strengthened, both in terms of the authority to act and in terms of resources available to them.
- More resources should be planned for the Children's Ombudsoffice and the employees' capacities to understand and implement the CRC, including general principles should be built.
- Review and develop curricula for initial and in-service training for all professionals working with children to integrate the CRC.
- Collaborate with the Council of Europe and use the existing resources, including those developed by local NGOs to integrate Human Rights Education at all school levels, develop guides for teachers and manuals from the perspective of children's rights.
- Develop and implement transparent and clear cooperation frameworks with the civil society underpinned by the CRC principles and the understanding of human rights-based approaches.
- The participatory development, including through broad consultation with the civil society and beneficiaries, of policy documents must be considered by the authorities to a larger extent.
- Improve inter-sector cooperation and disaggregated data collection. Ensure the ongoing comprehensive analysis of the situation in children's rights. Use rights-based indicators and seek the views of children, especially, the marginalized ones, on how they enjoy their rights.

### **General principles (art. 2, 3, 6 and 12 of the Convention)**

- A baseline study on how the CRC principles are understood and applied in different sectors, and continuous systematic data collection and analysis of the practice in implementing principles;
- The concepts of all the CRC principles should be clarified and defined in the legislation and policies, according to the CRC and Committee's general comments;
- Review of the policies and practices to ensure that education supports holistic development and is inclusive, taking into consideration all potentially excluded groups of children, including poor children, Roma children, children with other religions than Orthodox and atheists.
- Rights-based resources should be developed on how to apply the best interest principle (assessing and determining, balancing) in the processes that affect a) individual children and b) children as a group (e.g. child rights impact assessments);
- Rights-based resources should be developed on how to apply the child participation principle in different settings, sectors and levels. These resources should include also practice standards (based on basic requirements) for ongoing planning, monitoring and mentoring of effective and ethical children's participation in different settings (education, social services, justice, health).
- Systematic capacity building for all sectors to increase professionals' skills to integrate CRC principles in their daily work. This should be a mandatory part of pre and in-service training of all professionals working with and for children.

### **Violence against children (art. 19 and 39, 37 paragraph 1 and art. 28 paragraph 2 of the Convention)**

- Implement measures such as parental education and economic support to families to prevent abuse and neglect in the family at local level.
- Ensure that the duties of the guardianship authorities are clear and fully assumed by the qualified local actors as set forth in the law and in line with CRC principle of best interest of the child.
- Ensure that the degree of coverage with social services, including specialized services or high-need services, corresponds to people's needs, not just to the financial availability.
- Review the approaches of the system of professional development, in-service training and pre-service specialized qualification in the field of child protection

and social assistance, and ensure the systemic development of these approaches.

- Establish specialized services and high-need services for children victims of abuse and violence, including the development of quality and financial standards, assistance procedures and personnel training programs.
- Make the upbringing and education of new generations of non-violent parents with non-violent skills an objective for the education and social systems.
- Raise the awareness and provide general information against methods of violent education, communication, etc., at institutional level (through quality standards for the personnel in contact with children, independent methods of reporting abuse and violence, etc.), and at personal level (through parental education courses).
- Mobilize communication for development and media communication to inform and build the capacities of parents to care for their children and protect them from violence, abuse, neglect, trafficking and exploitation
- Promote the use of social pressure as a positive tool to stimulate good behavior and reporting of child abuse and violence.
- Conduct the deep monitoring of all places of detention for children by the Ombudsman for Children's Rights and provide opportunities to all the children from this system to report any cases of violence and abuse.

**Family environment and alternative care (art. 5, 9-11, art. 18, art. 20-21, art. 25, art. 27 paragraph 4 of the Convention)**

**Family environment**

- Ensure sufficient state funding for 2014-2020 Child Protection Strategy implementation, including service development, workforce recruitment, training and remuneration;
- Creating a critical package of services at the community level and its funding by state;
- Primarily focus on prevention services, such as family strengthening, parenting skills development, children' empowerment, workforce improved practices, societal attitudes etc.;

**Families affected by migration**

- Monitoring children left behind and providing protection measures depending on their assessed needs;
- Information and awareness of parents about the risks can experience children left behind;

### **Children deprived of family environment**

- Continue the reform of residential care, including through set up a concrete date when the institutionalisation of children 0-3 will be actually banned;
- Constantly review and update regulations and standards for existing and new services, implement recommendations from Accreditation processes and adjust to clients' needs;
- Ensure that all categories of children more likely to be excluded such as Roma, poor or disabled children have same access, are prevented and protected in the same way as all children;
- Implementing training programs for independent living of all type of children who are leaving care. Using the experiences of NGOs involved in these processes

### **Adoption**

- Revision the earliest possible of the adoption proceedings (including the revision of the register of adoptions, establishment of clear matching procedures, revision of training program for parents, etc.) and improving the legal and regulatory framework, including the parallel adjustment of all rules and procedures. Development and implementation of quality standards that should include a case management approach to all adoption proceedings as well as of efficient matching procedures. Allocation of sufficient resources to build and nationally apply the registry of adoptive children and potential parents: the registry should be updated regularly, accessible electronically, and hold all relevant information necessary for matching a child with adoptive parents.<sup>178</sup>

### **Disability, basic health and welfare (art. 6 paragraph 2, art. 24, art. 26 and 18 paragraph 3, art. 27 paragraphs 1-3, art. 33 from the Convention)**

#### **Children with disabilities**

- Establish moratorium for the placement of children with disabilities in residential institutions;
- Create an efficient mechanism for the funding of social services addressed to children with disabilities that will include both funds from the budgets of local public authorities and from the central budget. Provide guaranteed access funded by the state to the basic services in the community, as well as to special social services to children with disabilities;

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<sup>178</sup> Child Protection Index: <http://www.childprotectionindex.org/country/moldova>

- Diversify and multiply at district level the services for rehabilitation and recovery of children with physical disabilities;
- Create services for disability prevention starting with the pre-natal period. Develop early intervention services in every district and ensure their funding from the budget of the National Health Insurance Company;
- Develop the human resources employed in the social services addressed to children with disabilities on the basis of initial and in-service training. Assess and promote the personnel of the system in line with their skills and performance.
- Conduct studies and researches to monitor the (non)observance of the rights of children with disabilities and their families that would contribute to the development of efficient actions aimed at enforcing the rights;
- Make the social infrastructure reasonably accessible and accommodated so that children with disabilities enjoy their rights to the same extent as children without disabilities;
- Inform parents who have children with disabilities about the specific methods of providing support depending on the disability and about the social, rehabilitation, recovery, etc. services that are addressed to them;
- Conduct awareness public campaigns on children with disabilities;
- Strengthen the mechanisms of informing and complaining for situations of discrimination and violation of children's rights. Inform children with disabilities, parents and people who support them (in a clear language) about the existence of these mechanisms and how to access them.

### **Education, leisure and cultural activities (art. 28-31 of the Convention)**

#### **Access to education**

- Implementing specific actions to ensure the access to education and school retention for all children, including most vulnerable groups: young children, children with disabilities, Roma children, teenage mothers, children living in streets, children in conflict with the law, migrant children, children victims of abuse, neglect, exploitation, trafficking, etc.
- Ensuring the access to early childhood development programs through sufficient funding and allocation of trained human resources, diversification (child minding, collective kindergartens, private, licensed babysitters) of ECD services, especially in smaller and most deprived communities;

### **School infrastructure and resources**

- Ensuring adequate infrastructure and conditions in schools and kindergartens, based on children's needs;
- Creating free opportunities for children's participation in leisure activities (sports, culture, music facilities, playgrounds, etc.);
- Eliminating informal fees in education through awareness raising among teachers and parents;

### **Quality of education**

- Ensuring the relevant and child rights based pre-service and in-service training for all teaching staff;
- Revising the curricula and teaching materials, including manuals, workbooks, etc. to ensure the relevance and compliance with human rights education principles;
- The state should take specific actions to improve the image of the teacher's profession;
- Implementing an evaluation system of teachers' performance based on indicators consulted with civil society, children and other interested parties;
- Identifying opportunities to provide salaries based on teachers' performance;
- Ensuring the full implementation of Child Friendly School standards.

### **Special protection measures (art. 22, 30, 32-36, art. 37 Paragraph 1, 2 and 4, art. 38-40 of the Convention)**

#### **Economic exploitation, including child labor**

- Proactively identify children engaged in various forms of child labor, including by developing the capacities of the State Labor Inspectorate.
- Include child protection experts in the staffing structure of the State Labor Inspectorate.
- Implement awareness raising campaigns about the risks of child labor.

#### **Street children**

- Define the relevant services (e.g. day or night shelters, rehabilitation and reintegration services providing social, educational and psychological support to children and parents, and mobile teams); adopt quality and financial standards, and develop necessary coordination protocols between the police, social workers and services for the proactive outreach to street children.

- Define the new services based on location and prevalence of need: at present there are day shelters and rehabilitation centers that are general by nature and can host children living and working on the streets.

### **Trafficking in children**

- Revise the existing National Referral System for the Assistance and Protection of Victims and Potential Victims of Trafficking for a better coordination at local level, as well as concretization of responsibilities and competencies of local specialists;

### **Administration of juvenile justice**

- Develop and implement a legislative framework on the prevention of child delinquency;
- Develop and implement a clear regulatory framework to regulate not only the process of interviewing, but also the source of remuneration for interviewers, the selection criteria, the procedure of certification and accreditation of interviewers, etc.
- Develop and implement a legislative framework that would regulate the profession of psychologist, including the licensing and accreditation system for psychologists with the right of practice psychology. Build the capacity of school psychologists and psychologists working in the Psycho-Pedagogical Support Service on working with children in conflict with the law.
- Review the regulatory framework and scale of Psycho-Pedagogical Support Service personnel so as to allow the involvement of accredited psychologists to participate in procedural actions and assist children who have been involved in legal proceedings.
- Design and implement a system of in-service training for professionals working with and for children in conflict with the law, as well as children victims and witnesses of crime.
- Organize public awareness campaigns and train responsible professionals to stimulate the reporting of all offenses against children to the competent authorities.
- Reform the judicial system with a view to specialize the courts or identify and implement the best option that will meet children's needs during the examination of cases involving children irrespective of their status (delinquents, witnesses or victims).
- Conduct the deep monitoring of the justice system by the Ombudsman for Children's Rights from the perspective of preserving the best interest of the child.