

STATE PARTY EXAMINATION OF SECOND PERIODIC REPORT OF MOLDOVA

50TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

12 - 30 JANUARY 2009

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Moldova ratified the Convention on the Rights of the Child (CRC) on 26 January 1993.

On 20 January 2009, the Committee on the Rights of the Child (the Committee) examined Moldova's consolidated second and third periodic report.

Opening Comments

Mrs. Galina Balmos, the head of the delegation and the Minister of Social Protection, Family and Child introduced the delegation consisted of the deputy Minister of Defence, Chief of the Human Rights Protection Division and Director for Women for Women and Child Health Division among others. Mrs. Balmos noted the progress made in the implementation of the CRC. Several improvements had been made to help the poorest section of the population, in terms of granting benefits and providing grants to students, orphans and others under guardianship. The Ministry of Social Protection, Family and Child, established in 2007, was mandated to protect the rights of families and children as well as prevent violence in the family and oversight adoption and trafficking of persons. In 2008, the Law on the Prevention and Control of Domestic Violence came into force, which prohibited all physical violence against children. During 2008, the Law on Social Grants was adopted which provided funds for schoolchildren in need.

One of the priorities had been set to restructure the boarding system and de-institutionalisation. The Government had developed a plan of action on the reform of the boarding system for the period 2007-2012, and established commissions on the protection of children in difficult situations within 36 administrative units in Moldova. Moreover, in 2008, a law on the repatriation of persons and children victims of trafficking was adopted and as of 2008. In order to raise the standard of education and

pedagogical materials, the new Code on Education had been given priority, and in total 3200 computers were donated to schools.

Ms. Vuckovic-Sahovic, the Country Rapporteur took a note of the extensive introduction provided by the delegation. She noted that previous recommendations from 2002 had been taken seriously. While commending on the progress made, the Committee noted that the report did not reflect Moldova's willingness and ability to deal with the root causes of some concerns. The Committee noted the lack of ability in the areas of data collection, assessment, evaluation and solutions provided to resolve child rights issues.

General Measures of Implementation

Legislation

The Committee noted that the annual State budget did not provide any measures for the implementation of the Law on the Rights of the Child from 1994. It asked how the implementation on new legislations such as, the Plan and Strategy for the Protection of Children against Violence would be financed. The delegation stated that they had adopted an umbrella law, which would cover all aspects of children's rights and was in full compliance with the CRC.

Data collection

The Committee noted that in terms of data collection, the State party report mentioned "more or less nothing". Also the process of data collection, carried out jointly with UNICEF, was not progressing quickly enough. The Committee asked whether there was a sustainable system for data collection on children. The delegation replied that the Ministry of Social Protection, Family and Child had drawn up a law on "atomising" the collection of data. Also in 2007, the Ministry had worked out a strategy for vulnerable children and finally, the World Bank had approved the setting up of a computerised system for all data on social protection issues.

Coordination and Dissemination of the CRC

The Committee asked about the processes of monitoring and coordinating programmes and policies regarding children's rights. Ms. Vuckovic-Sahovic asked the delegation to elaborate on the future of the National Council for Children, and more specifically how it would be coordinated given that it had not been functioning properly. In terms of coordination, there was a great deal of concern about the fact that the report had not exposed any information on children in Transnistria. Given that there was no reporting on the situation of children in Transnistria, the Committee asked the delegation to seek assistance from UNICEF. The delegation responded that there had been some attempts on the ground undertaken jointly with UNICEF, the IOM and the OSCE for establishing and maintaining contacts between Moldova and Transnistria, however Moldova could not control and administer Transnistria.

The Committee asked how the Children's Ombudsman received her budget. There were concerns regarding the accessibility of the Ombudsman's office by children and parents at the local level. The Committee also expected the Ombudsman to write her own report and participate in the future pre-sessions.

The delegation explained that the Children's Ombudsman had only been functioning since September 2008 and therefore, it was too early to discuss any major

accomplishments. The delegation was hoping that this institution would be effective and did not see any obstacles for the Ombudsman in providing information. On accessibility, the delegation noted that there were ways for children to appeal to the office of the Ombudsman; however there was no procedure in place.

The Committee welcomed the setting up of the National Council for Child Rights Protection in 2002, yet wanted to know what was the progress made since then and whether there was coordination at the national level.

The delegation replied that the National Council was a State body lead by the Vice-Prime Minister together with representatives from civil society and other ministers. The Council held hearings in 2008, on the implementation of the Strategy on Child and Family Protection. In 2007, the Ministry of Social Protection, Family and Child, in cooperation with UNICEF and other international organisations signed memorandums of agreement in areas such as trafficking and child protection. The Committee acknowledged the fact that there were several National Plans of Action (NPA) for the protection of family and children, on adolescents and health. It asked whether there were any strategies for setting up a comprehensive plan to cover all these areas, if there was coordination among municipalities, and whether there were any specific rules, regulations or programmes for protecting children against pornography and other harmful exposures.

The delegation replied that each municipality had a social worker who was the advocate of children and the link between the family and other institutions in the society. Due to the support of UNICEF, there were about 500 trained professionals, however, there was a need to train more professionals. The delegation explained that since 2007 the Ministry for Social Protection, Family and Child had been responsible for the coordination of all state structures.

The Committee noted that there was not enough information on budgetary allocations in the State party report. It asked the delegation to elaborate on sectors receiving budget allocations as well as explain the expenditures spent on the areas such as health and education for children. The delegation did not provide any information in that regard.

Definition of the Child

The Committee asked for clarifications on the legal age of marriage. The delegation responded that the law was changed in 2008 and the legal age for marriage was set at 18 for both boys and girls. Only in “exceptional cases” children were allowed to marry at younger age, given that they had their parents' consent.

General Principles

Right to life and non-discrimination

The Committee noted that there were no reliable data on the number of Roma population. Given that there was a clear-cut segregation and discrimination towards the Roma population, the Committee asked if there were any measures taken to prevent any kind of discrimination and prejudice, as well as implement necessary services.

The delegation responded that Moldova had adopted a law, which endorsed establishing partnership with the Roma people in all areas. The Ministry of Education focused on the level of attendance of Roma children in schools as well as supported the families with school aged children, providing them with food, textbooks and school uniforms. Children had access to books and teaching materials in their own language and could practice their own culture. The delegation assured that the number of drop-outs in the school had decreased to 14 in 2008 compared to 41 in 2007. The Roma people had their own communities, their own school and NGOs, who the governments cooperated with and developed programmes for. One of the challenges was the low level of education and the lack of interest amongst the Roma population to participate in these programmes. The delegation noted that despite the difficulties, the Roma were rather integrated in the Moldovan society and primarily, required having neither separate institutions nor education in their native language.

Best interest of the Child

According to article 3 of the Convention, the best interest of the child is a primary consideration; however the State report did not exemplify this clearly. The Committee asked whether the judiciary implemented the principle of the best interest of the child. The delegation referred to the law adopted in 1999 on defence of the best interest of the child. The delegation assured that children were allowed to speak in the courts and criminal trials and their opinions were taken into account in criminal proceeding.

Child participation

The delegation explained that there was a children's committee in each school thorough which Children could participate in the decision making process. At regional level, there was a Children Parliament which acknowledged the importance of holding dialogues with Children.

Civil Society

The Committee noted that the registration of NGOs was problematic. NGOs indicated that during consultations on drafting the State party report their voices were not heard. The Committee asked for further clarifications on NGO participation. Further information was requested from the co-Rapporteur, regarding the level of trust and the quality of interactions between the Government and the civil society. Moldova had received some substantive fund from donors; therefore the Committee asked how the funding was used in cooperation with NGOs. The delegation replied that a National Strategy on Child and Family Protection had been developed in cooperation with NGOs and local governments. It explained that there were more than 2,500 organisations in Moldova, two thirds of them working on social issues. According to the delegation, the government helped to finance those NGOs by paying their wages or providing them with offices and buildings.

Freedom of expression

The guarantees for ensuring freedom of expression was reflected in the Constitution; however, the Committee enquired information on restrictions upon which this right might be subject to violations or unnecessary restrictions, such as for the interests of national security.

Birth Registration, Nationality and Identity

The Committee asked about the means and actions taken to promote birth registration in rural areas and mobile communities such as the Roma community, as well as among refugees and asylum seekers. The delegation explained that, according to a new programme, each and every maternity hospital held a registry office. Mothers were not allowed to leave the hospital until their children were registered. According to the delegation, 99 per cent of all children in Moldova were born in such hospitals. Same rule applied to children born at home where after check-ups they were registered. No further information was given on the Roma community. In terms of identity, the Committee asked whether there were some measures taken to prevent any kind of intervention into a child's identity. The delegation did not respond to this either.

The Committee asked if there were any numbers available on Roma children in residential facilities. The delegation did not provide any information in this respect.

The Committee raised several questions regarding the data available on orphans. It asked if there were any review mechanisms for children placed in such facilities and if there were any training for the staff within these services.

The Committee wanted to know why there were about 23 foster care families, where there was minimum five children placed, and the reason behind children being placed there.

The delegation responded that about 45 parents had received access to specialized education for learning more about fostering. Children under the age of seven could also be placed in temporary centres, which gave alternatives for institutional care. No further answers were given.

The Committee noted with appreciation the fact that Moldova had become a party to the Hague Convention and asked how it was implemented in the national legislation as well as the percentage of adoption both nationwide and internationally.

The delegation responded that in December national law on the status of adoption was being undertaken and that there will be further coordination on this matter.

Family Environment and Alternative Care

Children deprived of parental care

The committee asked about the situation of children of labour migrants. The delegation did not provide any answers on whether there were any guardianship programmes available for children. It explained that they were trying to avoid economic migration by improving the socio-economic situation of Moldovans. There were no massive returns by these parents even though there were over 100,000 vacant jobs. The problems with these vacant positions were due to the low wages, which the government tried to improve.

The Committee further asked if there were any attempts to ensure that parents who left their children behind, provided some kind of guardianship for them. Further, it was noted that 15.000 children who were found in the street while begging, were placed in residential institutions. On 1 January 2009, the Government signed a law according to which parents had to sign legal documents prior to their departure to

guarantee legal guardian for children. Despite the obligatory law on guardianship, there were social centres for such children.

Basic health and welfare

The Committee asked about the situation of immunization, vaccination and breastfeeding in the country. The delegation mentioned that all children and pregnant mothers were provided with free health insurance. Regarding breastfeeding, 75 per cent of all children were being breastfed for up to six months. Moreover, vaccinations were being developed against Hepatite B. There were also campaigns for raising awareness on child diseases and preventive measures, which had led to the eradication of polio and only a few isolated cases of measles.

Poverty

The Committee asked to elaborate on the measures taken to combat poverty, since it had declined but increased yet again. The delegation referred to the adoption of the Law on Social Allowance in 2008, which had been improved and changed.

Adolescent health

The main concerns raised were issues on adolescents health, such as teenage pregnancy and adolescent suicide. The Committee asked if there were relevant life skills programmes available. The delegation explained that there were confidential centres, which provided assistance for teenage mothers, and counseling for teens such as reproductive health counseling. These centres were available in every region as well as in Transnistria, yet they needed to be developed. Given that there was increase in sexual transmitted diseases (STD) amongst adolescents, the Committee asked whether there were measures taken to ensure that they had confidential support and that no stigma occurred.

Disabled children

The delegation noted that Moldova had inherited social protection system from the Soviet era, which was believed to be good, in terms of quantity. Given this information, the Committee wished to know how the current situation on integration of children with disabilities was proceeding. The delegation responded that the Ministry of Social Protection designed a strategy to address the situation of disabled children. In addition, there were two centres available to children with severe disabilities. These centres were taken care of and supported by the Government.

The Committee asked about the services available to disabled children and children with mental handicaps in the family and outside. The Committee asked whether they received special education at home or they would be institutionalised. The delegation explained that children, who had certain handicaps were provided with special programmes and did not require institutionalisation. However, children with severe disabilities were often difficult to keep within the families since many families were not able to provide them with social, medical and mental care; and therefore, they were often institutionalised.

HIV/AIDS

The national rate of HIV/AIDS was relatively low, but it had risen among adolescents. The Committee asked about the measures taken in this regard. The delegation took note of this and informed that they would provide information at a later stage.

Education, Leisure and Cultural Activities Education

According to the delegation 200,000 children in Transnistria were provided with education, transportation, improved school facilities and training of teachers, all funded through presidential programs.

The Committee asked for information on the level of enrolment of children in schools and drop-outs. The delegation responded that in 2001-2002 roughly 3,980 children were not enrolled in school. By November 2008 this number had fallen at 42. Measures to prevent the drop-outs had been established with educational management authorities and human rights defenders. Parents' associations were also providing schools with materials and funding.

Special Protection Measures

Juvenile Justice

The Committee asked for clarifications on the statement in the State party report (para. 364) on juveniles in detention and on the provisions of their release. The delegation explained that the detention of juveniles was only used in severe cases. The time of keeping a juvenile in detention should not exceed 24 hours as compared to 72 hours for adults. Further, a juvenile could be held in detention for no more than four months. The delegation was also asked to clarify whether there was 12-year sentence for a single crime for minors. The delegation stated that in case of juveniles the sentences were often reduced, by one third of their original length. According to the delegation, the juvenile justice issues were being covered by separate sections in the Code of Criminal Procedure.

The Committee enquired whether a juvenile convicted during the adolescents period yet still a minor, would have that information in a criminal record. No replies were given in this regard.

Corporal Punishment

The Committee noted that despite the legal ban on corporal punishment, many children suffered from verbal and physical abuse. The Committee asked whether children and parents were aware of this legal constraint. The delegation did not provide any response on this matter.

Child Labour

Moldova had been working to eradicate the worst forms of child labour together with the ILO, however, a number of children under 14 had been working countryside. The Committee asked to provide more data in this regard.

The delegation noted that child labour was not widespread and, therefore, not a significant issue in Moldova. The situation in rural areas was tackled by informing parents on the legislation as well as on the harm related to child labour.

Trafficking, Sexual Exploitation and Sexual Abuse

The Committee was deeply concerned about the trafficking of girls. There was not much data provided from 2007 and the Committee could not clearly see how the Government was dealing with these issues. The delegation explained that the republic of Moldova had ratified the UN Convention on Transnational Organized Crime and its two protocols, the one on trafficking in persons, especially women and children; and on the smuggling of migrants. There was also a law for increasing the penalties for such crimes along with a law on trafficking, which included a special section on children. The delegation said that the cases of trafficking had been decreasing and child traffickers were more often prosecuted. The delegation stated that Moldova had ratified all the significant international instruments, including the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC). Approximately 140 cases of sexual exploitation had been registered in 2007. The Government was working on training police officers, personnel and prosecutors on the areas covered by the OPSC.

Drug abuse

The Committee was concerned about the widespread exploitation of children and insufficient protection available to them. The State party report acknowledged the existing problem of the abuse of drug and alcohol. The delegation did not provide any further information in this regard.

Concluding Remarks

The country Rapporteur noted that the delegation was to provide them with additional information and reminded them about ongoing examination of the situation under the CRC. Once again, the legislative amendments were acknowledged, however, the Committee hoped for more data and statistics on what was happenings on the ground. Furthermore, the Committee expected that their recommendations would encourage their work in, *inter alia*, providing better education for those who work on implementing the CRC; making improvements in the health sector and promoting de-institutionalization. . The Republic of Moldova was encouraged to continue work harder towards protecting children from all forms of violence. The head of the delegation thanked the Committee for a productive discussion and assured that they would take all tangible results home. She assured that the government had adopted a strategy of five priorities and one of them was on the protection of children's rights. The delegation noted that they were self-critical concerning their shortcomings and acknowledged the fact that mistakes had been made. There were problems in improving the quality of education and enhancing the level of teaching.