

**THE IMPLEMENTATION OF THE UNITED NATIONS
CONVENTION ON THE RIGHTS OF THE CHILD
IN THE REPUBLIC OF MOLDOVA**

Complementary Report of
the Non-Governmental Organizations

Chisinau, 2002

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EXECUTIVE SUMMARY

The Republic of Moldova adopted its Declaration of Sovereignty in 1990, while in 1991 the country proclaimed its independence. The Republic of Moldova ratified the UN Convention on the Rights of the Child in 1990 and was admitted to the United Nations Organization in 1992.

A decade later, however, we find that the main victims of transition in Moldova are the children. The Republic of Moldova does not have a comprehensive, well-structured and realistic strategy for child protection. At a time when the situation of children has become a worldwide priority, Moldova fails to get in line, by means of practical action, with the main concerns of mankind at the beginning of the third millennium.

The Constitution and legislation of the Republic of Moldova generally conform to the principle of non-discrimination, but the fundamental rights of the child are still being violated, because there are no mechanism for the implementation of the relevant legislation, there is a dramatic decrease in the income of families and the low pace at which the reforms are implemented in the domain of social protection.

I. GENERAL IMPLEMENTATION MEASURES

The UN Convention on the Rights of the Child, that has been ratified by the Republic of Moldova, represents, along with about 20 more laws, the legal framework for granting social aid and protection to the family, mother and child, declared so by the Constitution of the country. Beginning with 1994, *the Law on the Rights of the Child* stipulates guarantees for the physical and spiritual health of all children.

Although in principle the legislation of Moldova conform to the major regulations of the Convention, what is missing are the mechanisms and the financial support for implementation, and the means for monitoring performance.

In 1998, the Government of Moldova established the National Council for the Protection of the Rights of the Child, while in 2002 the Government approved the *National Conception on the Protection of the Child and the Family*.

II. DEFINITION OF THE CHILD

According to the *Moldovan Law on the Rights of the Child*, adopted in 1994, a child means every human being between the moment of birth and the age of eighteen years.

The legal status of the child in the national legislation corresponds to the definition of the child in Article 1 in the UN Convention on the Rights of the Child. According to the *Marriage and Family Code*, the minimum marrying age for males is 18, while for females it is 16.

During these last years, particularly in the village of Moldova where the parents are away from home, having left the country in search for a job abroad, the practice of marrying at ages much before the coming of age is becoming increasingly frequent.

III. GENERAL PRINCIPLES

A. Non-discrimination

The national legislation does not contain norms that are directly discriminatory in nature, but the complicated situation in the economy generates disadvantages for the development of several categories of children. Children with disabilities, children of the street, children with HIV/AIDS are the categories that are most frequently exposed to discrimination, because they have no or only limited access to education, health care and social integration. Urgent measures are needed to correct those realities.

B. The Best Interests of the Child (Art. 3)

Although there are various laws that stipulate for certain cases that the actions concerning the child have to be performed in the best interests of the child, there is no explicit interpretation of the notion “*best interests of the child*” in the national legislation.

The national legislation is to be fully revised to accommodate the best interests of the child. This can be achieved by: institutional reform, but at an administrative level, and in law; including a separate chapter on child protection in the state budget; training personnel for social assistance and child protection services; and developing the legislative framework for social assistance services.

C. The Right of the Child to Life, Survival and Development

The infant and child mortality rate in Moldova is twice as high as the European average, although the rate has stabilized of late, and in 2001 it was of 24 deaths per 1,000 live births per year.

The mortality rate among children with disabilities is ten times as high as the overall mortality rate. There are very few facilities and possibilities available for the treatment, rehabilitation and integration in the family of children with disabilities. After 1996, the number of children with disabilities increased by 1,300 or 13% over the same period, and the total number has now reached 14,000.

In order to secure the respect of the right to survival and development for all children, the state needs to formulate standards for the care, recovery and education of children, standards for the educational personnel or for the caretakers in the orphanages or similar institutions, and make sure that regular specialized medical assistance is granted free of charge by the pediatricians in the town or village where the child resides.

D. Respect for the Child’s Opinion

The legislation of the Republic of Moldova accepts a child’s opinion to be used in court as beginning with the age of 10. National experts consider that, in order to adjust Moldova’s legislative framework to the provisions of the UN Convention on the Rights of the Child, that framework will have to be amended, so that “the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child”, as well as in order to have his opinion taken into account.

IV. CIVIL RIGHTS AND FREEDOMS

In principle, the national legislation contains provisions referring to the respect of the right of all persons to identity, including nationality, name and family relations.

The civil rights and freedoms of the child, such as the right to name and nationality, to preserving identity, to freedom of expression, freedom of thought, conscience and religion, freedom of association and peaceful assembly, protection of privacy, adequate access to information, and the right to be protected from torture and other cruel, inhuman or degrading treatment are all stipulated in the *Law on the Rights of the Child, the Family Code* and other legislative acts.

The initiatives of children and young people do not benefit from too much support from the state. On the contrary, youth NGOs are treated by tax authorities according to the same standards as commercial or production companies. The opinions expressed by children and young people do not always catch the attention of central and local authorities.

Children have the right to the protection of their privacy and other rights and freedoms guaranteed to all nationals by the Constitution. The *Law on the Rights of the Child*, however, has failed to take over all

these constitutional rights and materialize them. That attitude is the expression of certain mentalities and traditions in a society that finds it hard to accept that children can have such rights.

Although the authorities recognize the important role played by the media, it is most unfortunate that the state does not ensure the wide access of children to enough information that is also adequate to their age.

The fact that in the court of law in Moldova, the cases concerning juveniles are examined along with all criminal cases, and the proceedings last anywhere between a few months and 2 or 3 years, while juveniles are held in preliminary detention, often without being separated from the adults, does not ensure the right of the child to be protected from torture or other cruel treatment.

In case the parents of the child are unknown, paternity can be established in a court of law. There is no statute of limitation in this respect, and paternity can be established even after the child's coming of age or the presumed father's demise. There are problems, however, concerning maternity, since the national legislation contains no provisions concerning the establishment of maternity by judicial proceedings.

V. THE FAMILY ENVIRONMENT AND ALTERNATIVE CARE

The legislation of the Republic of Moldova contains a set of provisions dedicated to the protection of the children's interests and the parents' rights, but it fails to make explicit reference to respecting the right of the child to family reunification.

The economic conditions and the distortion of the social institution of the family are the primary causes for the increasing number of children who are left without parental care, neglected, abused, who are not enrolled into school, are affected by developmental deficiencies and health problems. At present, institutionalization continues to be the main means for providing protection to children in difficulty in the Republic of Moldova.

VI. HEALTH AND WELFARE

In Moldova, the poorest country in Europe, health services are in a state of near collapse given that, following a dramatic reduction of the financing in the sector, the access of the population to health care services and the quality of those services have decreased.

The protection of the mother and child in the Republic of Moldova is declared by law to be a priority in the activity of state bodies. Yet mothers and children do not appear to benefit from a very wide access to health services.

According to the data provided jointly by the Ministry of Health, the Ministry of Education, and the National Scientific and Practical Center for Preventive Medicine, the number of children considered to be at risk according to the health indicators has increased by 70.5% in the interval 2000-2002, while the number of children who have never been sick during the school year has decreased by 18.6%.

Lately, there has been a considerable increase in the number of disabled children, from 12,400 in 1995 to 14,000 in 1999, and the tendency continues to be on an upward slope. Calculated for every 1000 children, the disability rate today is of 12.9, as compared to 11.1 in 1996.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, Including Vocational Education

The conditions the entire education system in the Republic of Moldova is confronted with restrain the children's right to education and reduce the quality of the educational act.

Pre-school education is increasingly going into non-existence, while the number of children who are not enrolled in any kind of school is growing. The number of children who have not been enrolled into any

kind of school increased by 60 per cent during the year 2000, from 5,054 in 1998-1999 to 8,000 in 1999-2000. According to independent sources, the real figure may be 2.5 times higher.

Approximately 1,400 students in pre-university education abandoned school during the first semester of the current academic year (2001-2002): 305 of the students who abandoned school were in primary school, while over 1,000 were in lower secondary school.

B. The Goals of Education

The *Concept of Education* stipulates that the education of the child should be oriented towards developing his or her personality and talents, preparing the child for an active life as an adult, cultivating respect for fundamental human rights and for the child's and other people's own cultural and national values.

However, adequacy in education from the perspective of relevance is very low, since the education system fails to be in line with the current requirements related to the personal needs for development, information and training for life skills for children and young people. Consequently, the standards for evaluating the quality of education are based mainly on academic performance. School curricula fail to consider the need to develop personal life skills and to acquire knowledge necessary for survival.

C. Leisure, Recreational and Cultural Activities

The opportunities to benefit of extra-curricular educational components – such as arts, sports and technical education – have been considerably reduced during these last few years, and the phenomenon has affected mainly children in the villages and in needy families.

VIII. SPECIAL PROTECTION MEASURES

A. Children in Situations of Emergency

1. Refugee Children (Art. 22)

Recently, the Republic of Moldova approved a law whereby it acceded to the 1951 Convention on the Status of Refugees and its 1967 Protocol. By its accession to that Convention, Moldova became the 142nd state to assume the responsibility to grant protection to refugees according to international standards.

At January 1, 2002, 276 refugee persons were living in Moldova on the basis of the UNHCR protection mandate, and there were 51,000 internally displaced persons.

Exerting its function of providing protection to refugees and internally displaced persons on the territory of the Republic of Moldova in the region to the left of the Dniester, affected by the armed conflict in 1992, the Moldova office of UNHCR has provided support for the rehabilitation and equipping of several schools, dispensaries, hospitals and kindergartens.

B. Children Included in the Juvenile Justice System

1. Delivering Justice to Juveniles (Art. 40)

There is no system of juvenile justice in the Republic of Moldova. Although there are some provisions and recommendations in the national legislation on the administration of justice in the case of juveniles, many of them, for instance alternatives to sentencing, are not operational, in the absence of mechanisms for implementation.

National experts deem necessary the establishment of specialized courts of law for juveniles or the assignment of the cases involving juveniles to prosecutors or judges specializing in that field. One of the objectives of these courts for juvenile delinquents would also be the replacement of punitive measures by alternative solutions.

2. Children Deprived of Liberty, as well as any Form of Arrest, Detention or Imprisonment (Art. 37 (b)-(d))

After a case is examined and an adolescent is found to be guilty, the unique form of re-education applied in Moldova is deprivation of liberty. There is no system of probation or social assistance for the supervision or education of young people exhibiting deviant behavior.

3. Recovery and Social Reintegration of the Child (Art. 39)

The State does not provide protection, orientation and supervision, guidance, probation, and family placement services, or general and vocational education programs in order to ensure adequate treatment for the children included in the system of juvenile justice.

In the Republic of Moldova it is necessary to develop a legal framework for the supervision of juvenile delinquents and for all the forms of social reintegration that can be applied to them. The activity of socialization of these categories of children will be performed by social workers and educators who belong to a specialized protection service dedicated to children or young people, and not exclusively become the task of the law enforcement authorities (the police).

It is also necessary to draft and implement social policies and to perform actions in the field of juvenile delinquency, which presuppose, in the first place, getting to know, assess, explain and combat the conditions that generate or favor anti-social manifestations among juveniles, and in the second place, performing activities meant to prevent and curb the phenomenon and ensure the social rehabilitation of the children exhibiting deviant behavior.

C. Children in Situations of Exploitation

1. Economic Exploitation of the Child, and of Child Labor (Art. 32)

According to the MICS survey, currently 37% of the children in Moldova perform some kind of work. Working children are less likely to attend school, and more likely to drop out of school. Because of that tendency, children may fall into a vicious circle of poverty and despondency.

2. Drug Abuse

Drug use and abuse is one of the main risks adolescents are exposed to. An increasing number of adolescents are using and are becoming addicted to drugs and alcohol. Young people account for 88% of the total number of drug users. The number of cases on the records of the relevant authorities increased four times in the interval 1995-1998, while the number of new cases increased 3.5 times. It was found, however, that the actual number of adolescents who are drug users and drug addicts is much higher.

3. Sexual Exploitation and Sexual Abuse

There are currently no credible studies or statistics concerning the sexual exploitation of children in Moldova, but there are various indirect data that confirm the existence of this phenomenon both inside the country, and in the traffic with human beings abroad.

In order to protect children from any form of sexual abuse, special legislative provisions need to be formulated to serve as a basis for punishing the use of minors for the distribution of pornographic images and materials, as well as for the commercial exploitation of children in the networks of sex tourism. The criminal procedures also need to be improved, by the addition of special norms that could protect children who have been the victims of sexual abuse.

The Republic of Moldova has already launched the procedure for signing the optional Protocol on the sale of children, child prostitution, and pornography involving children, an optional document added to the Convention on the Rights of the Child.

4. Sales, Trafficking and Abduction

During these last years, Moldova has been included in the international network of illegal trafficking with human beings, that has become a well organized and extensive phenomenon, most of the persons who are the victims of trafficking for prostitution being women.

The Report entitled “Victims of Trafficking in the Balkans” reveals that, in the year 2001, the offices located in the Balkans of the International Organization for Migration granted assistance to a number of 697 women who had been the victims of trafficking out of which 47% came from Moldova.¹ According to the IOM Office in Chisinau, 10 to 15% of these women are minors.

One of the emergencies for Moldova is the drafting of the *Law on Child Trafficking* and, subsequently, the establishment of the implementation mechanism for that law, based on prevention, the protection of victims and the punishment of the perpetrators. Non-governmental organizations have proposed a set of actions meant to reduce and eliminate the trafficking of women and children of Moldova.

D. Children of the Minorities and of Other Indigenous Populations

Article 30 in the Convention on the Rights of the Child is dedicated to the protection of a child belonging to an ethnic, religious or linguistic minority against a denial of his or her right, “in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language”. The content of this article is reflected in the fundamental law of the country, the Constitution of the Republic of Moldova, as well as in the *Law on Education*, which grants equal opportunities for education to all children, including to those belonging to ethnic minorities.

The Moldovan state ensures equal rights to acquire both their mother tongue and the official language to all children, irrespective of their nationality. Owing to various cultural programs and exchanges, they have the opportunity to spend time in the countries where their mother tongue is the national language, where they can study their history and language.

¹ IOM. “Victims of Trafficking in the Balkans”, January 2002.

Complementary Report of the Non-governmental Organizations in Moldova on the Implementation of the UN Convention on the Rights of the Child

After having adopted the Declaration of Sovereignty on 23 June 1990 and having proclaimed its independence as a state on 27 August 1991, the Republic of Moldova was accepted as a member of the United Nations Organization on 2 March 1992. By decision of the Parliament no. 408-XII, the Republic of Moldova ratified the UN Convention on the Rights of the Child on 12 December 1990.

Several officials, and mainly the international media, currently describe the status of the Republic of Moldova as the poorest European state. From the moment it acquired its independence, the Republic of Moldova has shifted from the image of a “model of correct reform” to that of the poorest country in Europe, affected by a range of severe social and economic problems.²

While some years ago (on 22 April 1999), a title in one of the supplements of “The Washington Times” ran something like “Moldova, a Model of Democracy”, “The Nando Times” (on 5 November 2001) was recently writing about Moldova as “a country of a great illusion”.

The sense of the recent evolution of the state of things in the Republic of Moldova was very well characterized in two separate comments made in the influential British review “The Economist”, at an interval of several years. In March 1995, the review was writing that “Moldova is a model for correct reforms, and its small size make it a perform laboratory for conducting reforms”. In December 2001, in the study “The World in 2002”, the same review was saying that the Republic of Moldova holds the world record of unhappiness, since a mere 32% of the population states that it is happy.

The level of the per capita Gross Domestic Product decreased by 25%, from USD 462 in 1996 to approximately USD 350 in 2000, the total reduction for the last decade being by two thirds, and the main victims of Moldovan transition were the children.

Beginning with 1990, the improvement of the children’s condition became an increasingly frequent electoral promise, and a privileged topic of social dialogue, but more often than not, it remained a promise. The excessive association of the children’s problems with the economic aspects had a negative impact. The budget deficit thus became a solution for the national and international apologies made for the difficulties that children and many-member families were confronted with, all failures being blamed on insufficient funding.³

The Republic of Moldova does not have a comprehensive, well structured and realistic strategy in the field of social protection, and more particularly, in the field of child protection. At a time when the situation of children is becoming a worldwide priority, Moldova fails to get in line with the main concerns of mankind at the beginning of this new millennium by means of practical action.

The Constitution and legislation of the Republic of Moldova are generally in accordance with the principles of the Convention, but the fundamental rights of the child continue to be violated

² United Nations Development Program. From Dream to Reality.

³ Center for Information and Documentation on the Rights of the Child. Psychological and sociological survey on “Respecting and Knowing the Rights of the Child in the Republic of Moldova”.

because there are no mechanisms for the implementation of the laws in the field, because of the decrease of family income and the low pace of implementation of the reforms in social protection.

I. GENERAL IMPLEMENTATION MEASURES (Art. 2, 3, 6, 12)

A number of approximately 20 national laws referring to specific situations related to the civil, political, social, economic and cultural rights of the child make up a legal framework stated in the Constitution of the country for granting social assistance and protection to the family, mother and child.

Beginning with 1994, the *Law on the Rights of the Child* provides guarantees for the children's physical and spiritual health, with a special attention given to the social protection measures that should benefit children who are temporarily or permanently deprived of a family environment or are confronted with difficult conditions.

The policy concerning the social, economic and organizational conditions for the development of young people, including the priorities set in the actions of the state, was formulated in the *Law on the Young People* drafted in 1999.

A study on the compatibility of the national legislation with the provisions of the Convention, conducted by the Association of Women in the Legal Profession, found that the provisions of the legislation are to be completed in accordance with the regulations of the Convention, in the spirit of an effective protection being granted to all children.

The legislation in the field is declarative in nature, since it fails to be accompanied by the appropriate mechanism for implementation, financial support and means for monitoring the results obtained.

Legislation concerning children was almost always adopted as an immediate response to a problem, therefore the financial support provided for the activities stipulated in the laws was fragmented and temporary.

During the first decade after the launching of the transition process of the country towards democracy and a market economy, there have been no considerable changes in the residential care institution system. In the absence of a unique executive structure responsible for this domain, each of the ministries involved has approached the problem in a unilateral manner. As a result, the whole range of institutional problems has not been fully approached or represented.⁴

In 1998, the Government decided to establish the National Council for the Protection of the Rights of the Child, an inter-ministerial coordination body headed by one of the Deputies of the Prime-Minister. The purpose for creating that Council was to monitor and ensure the respect of the provisions of the UN Convention on the Rights of the Child, as well as the implementation of the provisions of the *Law on the Rights of the Child* and the *State Program on the Rights of the Child*. However, the high turnover of the members in the Council, cause by political instability,⁵ has limited the efficiency of coordinated action.

On 30 July 2001, the National Council for the Protection of the Rights of the Child approved the project *National Conception for the Protection of Child and Family*, whose main objectives were

⁴ UN Moldova. Common Country Assessment. 2000.

⁵ UNICEF Moldova. Situation of Women and Children in the Republic of Moldova. 2000. Evaluation and Analysis.

the harmonization of the existing legislative framework, the establishment of a national monitoring system for the situation of the child and family, the restructuring of services and residential type institutions, the drafting of state programs for supporting some categories of children in difficulty.

On 10 January 2002, the Government approved this *Conception* as well as an Action Plan for the year 2002, which will be followed by the drafting of a strategy and action plan for a five-year period. The *National Conception* stipulates the establishment, within the National Council for the Protection of the Rights of the Child, of a permanent secretariat that will ensure the coordination and implementation of the actions announced. The document offers the overall framework for the establishment of a national system for the monitoring and evaluation of the situation of the child and family, for promoting the participation of the civil society to their social protection, and to the creation of viable community social services.⁶ The action plan will be supported financially both by the Government, and by international financing institutions.

One of the most recent actions meant to bring Moldova into line with the international standards in the domain of child protection was the launching by Moldova, early in 2002, of the signing procedure for the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Ensuring that all adults involved in the exploitation of children and cross-border trafficking with children are made accountable for their act is an acute problem for the Republic of Moldova.

The Initial Report and the First Periodic Progress Report of the Republic of Moldova on the Implementation of the UN Convention on the Rights of the Child

The Initial Report and the First Periodic Progress Report of the Republic of Moldova on the Implementation of the UN Convention on the Rights of the Child both state that the revision of the legislative framework in the domain of child protection in the spirit of full respect of the principles and provisions of the UN Convention on the Rights of the Child represents a priority in the development and implementation of a social protection strategy for the family and child.

Initiated by the Government of the Republic of Moldova early in 1999, the reform of the child protection system has failed so far to meet one of its fundamental objectives, which is that of applying family type alternatives rather than residential care to children in difficulty.

In the description of several phenomena that are very discouraging for the Republic of Moldova, the first periodic progress report uses notions and formulations that fail to reveal the actual severity of the current situation concerning, for instance, the sale, trafficking and abduction of children.

The report is more a description of the current situation, and in the identification of the factors that have influenced the situation of the children, it is limited to the difficulties the Government has been confronted with lately, and only outlines the main tendencies characterizing the situation of the children. The report speaks about the current state of things from the perspective of the existing laws, but it does not say too much about whether those law are respected or not, or whether there are mechanisms for their implementation.

It is a report that fails to present the positive experience of the NGOs in providing social services, although the non-governmental sector was the only one to develop the few new services made available to families and children, despite the legislative, financial and other kinds of obstacles hindering their work.

⁶ Moldpres Press Agency, 10 January 2002.

The first periodic progress report drafted by the Government failed to mention that the judicial and legal reform in the country did not consider the problem of ensuring the children's access to immediate quality justice, that there are no courts of law specializing in juveniles or specialist judges, and children only have access to the judicial authorities by means of their legal representatives.

II. THE DEFINITION OF THE CHILD (Art. 1)

Article 1 par. 2 in the *Moldovan Law on the Rights of the Child* (no. 338-XIII), adopted on 15 December 1994, stipulates that a person is considered a child from the moment of his or her birth until his or her coming of age at 18 years.

According to the *Marriage and Family Code*, the minimum marrying age is 18 for males, and 16 for females.

Lately, in the villages where many of the parents have left their homes in search of work abroad, there has been a growing tendency for young people to marry at ages much below their coming of age. Some of the causes for that situation are the following: children abandon school because of poverty and deprivation, they have limited access to instruction, village households in Moldova are of the natural type (they consume what they produce).

III. GENERAL PRINCIPLES (Art. 2, 3, 6,12)

A. Non-discrimination (Art. 2)

The fact that the state is delaying the reform in the domain of family and child protection can be qualified as a somewhat discriminatory attitude towards the younger generation, since at the same time the situation many of the disadvantaged groups of children are need would required urgent and complete remedial action.

Children with disabilities, children of the street, children with HIV/AIDS, children in residential care institutions are the categories that are most frequently exposed to discrimination because of a lack of access to education, health care and social integration. The very few reintegration services currently provided to these children have been developed by non-governmental organizations, not the State.

The Association "Youth for the Right to Live" (YRL) reports the case of two adolescents in the town of Balti, who were thrown out of school when they were found to be suffering from HIV/AIDS. As a result of several intervention of YRL Balti and of one of the teachers, the two students were allowed to attend classes, all subjects being taught by a single teacher – the only one who accepted to communicate and work with them. Soon after, because of the situation in their family (the parents were alcoholic), they dropped out of school and now they have to steal in order to be able to buy bread and drink for their parents, because otherwise they would be beaten up and chased away from home.

There are documented cases of a large number of children, including those belonging to the Roma minority who, like their parents, do not possess identity documents. For instance, in Schinoasa, a Roma village in the county of Calarasi, the inhabitants were totally devoid of their right to own land – they only own the land that their houses stand on – because they did not possess official identity documents.⁷

⁷ "Vocea Civica", 2001.

While the births of 98% of the children in Moldova have been officially recorded,⁸ there are still a significant 2% of children who are not included in the official records.

One of the emergencies Moldova has to attend to is the drafting of the *Law on Child Trafficking* and, subsequently, the creation of the mechanism for its implementation, based on prevention, the protection of victims and the punishment of the offenders.

In a different context, in order to fully conform to the principle of non-discrimination, the Moldovan State needs to create, if not a Court of Law specializing in juveniles, at least specialized panels of judges to rule in cases involving children and families, also including the divorce of the parents, adoption or child abandonment.

Although the national legislation does not contain any directly discriminatory norms, because there are no mechanisms to implement the provisions of the law, we can talk about indirect discrimination.

A special approach is required by the situation of the Moldovan children on the left bank of the Dniester (the separatist region of Transnistria), whose discrimination is related to their ethnic origin, the political opinion of their parents, and the language they speak.

B. The Best Interests of the Child (Art.3)

Despite the fact that there are different normative acts that provide for particular circumstances in which the actions concerning the children have to be undertaken having the best interests of the child as a primary consideration, the national legislation does not contain an interpretation of the notion of “best interest of the child”.

Whatever their age, all children with a capacity to form their own views must be given access to a court of law. In that context, the Ombudsman’s institution, which does not exist in the Republic of Moldova as yet, becomes very important.

All children must benefit from legal assistance from a lawyer, whose services shall be paid for by the state. It is therefore necessary to train specialists in the judiciary who are capable of examining cases involving juveniles, and who could represent the position of the child in a court of law.

From the perspective of the UN Convention on the Rights of the Child, all legislative acts that contain provisions affecting the children need to be revised and targeted better towards the best interests of the child.

C. The Rights of the Child to Life, Survival and Development (Art. 6)

Despite the high immunization levels, the mortality rate among infants and children in Moldova is almost the double of the European average, although it has stabilized during these last years, amounting to 24 deaths in 1000 birth in 2001.

According to the official data made available by the Ministry of Health, acute respiratory diseases are the main cause for that, since they occur in one in every four children deceased before they reach the age of one, 92% suffering from acute pneumonia. Congenital malformations, a frequent cause of child mortality, account for 4.5% in 1000 infants. However,

⁸ UNICEF. Multiple Indicator Cluster Survey (MICS), Chisinau, 2000.

Moldova does not have at this moment the conditions for pre-natal detection of malformations. Other causes for child mortality are perinatal disorders, traumas, accidents and poisoning.⁹

The mortality rate among children with disabilities is ten times higher than the general mortality rate. There are very few facilities and possibilities for the treatment, rehabilitation and integration in the family of children with disabilities. After 1996, the number of children with disabilities has increased by 1,300 or 13% over the same period, amounting to a total number of 14,000.

The young people are often confronted by problems of reproductive health, often including insufficient information about family planning issues, sexual education not being included in the school curricula, and the absence of reproductive health clinic for young people.¹⁰

In order to make sure that all children have a right to survival and development, the State needs to formulate standards for the protection, recovery and education of children, standards for the teaching staff and for the caretakers in orphanages or similar institutions, measures for the protection of new-born babies, regular specialized medical care that should be provided for free by the pediatricians in the town or city where the child resides.

It would be advisable if the right of the child to education were developed by a curricular component referring to the cultivation of “life skills”.

D. Respect for the Child’s Views (Art. 12)

The legislation of the Republic of Moldova allow children to express their views in court beginning with the age of 10. National experts consider that, in order to adjust the legislative framework to the provisions of the Convention, it is necessary to modify the former in order to make sure that “the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child” and that his views are given consideration. The national legislation needs to take into consideration the child’s views irrespective of his or her physical condition.

The legislation of Moldova also needs to take into account the view of the child to be considered in relation to school life, juvenile justice, placement and life in residential institutions, as well as other forms of protection.

IV. CIVIL RIGHTS AND FREEDOMS (Art. 7, 8, 13, 14, 15, 16, 17, 19, 37 (a))

A. Name and Nationality (Art.7)

The right of the child to a name in the Republic of Moldova is formulated in Art. 5 of the *Law on the Rights of the Child*, according to which from the moment of birth, the child has the right to a name that is composed of a family name and a first name, which are recorded in the order stipulated by the *Family Code*.

Article 55 in the *Family Code* stipulates the rule according to which, in all cases, the child has the right to the family name of his or her parents, while in the cases when the child is adopted, according to Art. 122 in the Code, the name of the child can be modified by decision of a court of law, with the consent of the adopted child, expressed in a court sitting, following which the child assumes the family name of the adopter.

⁹ Directorate for the Health of Mother and Child within the Ministry of Health, 24 January 2002

¹⁰ Society for Family Planning in Moldova, 2002.

Art. 5 in the *Law on the Rights of the Child* stipulates that every child has the right to a nationality. The grounds and conditions for acquiring and changing nationality are laid down in the *Law on Nationality*. Consequently, according to Art. 10 in the *Law on Nationality*, a child born on the territory of Moldova from parents who are nationals of the Republic of Moldova will also be a national of the Republic of Moldova.

The following shall also be considered nationals of the Republic of Moldova:

- 1) children who were born on the territory of the Republic of Moldova, even if only one of the parents is a national of the Republic of Moldova;
- 2) children who were born outside the borders of the Republic of Moldova, and both parents or only one of the parents is a Moldovan national;
- 3) children who were born on the territory of the Republic of Moldova from stateless parents;
- 4) children who were born on the territory of the Republic of Moldova from parents holding the nationality of other states, in case those states refuse to grant them their nationality.

A child found on the territory of the Republic of Moldova shall be a national of Moldova if neither of the parents can be identified.

B. Preservation of Identity (Art. 8)

In principle, the national legislation guarantees the right of all persons to identity, including nationality, name and family relations, and establishes mechanisms whereby unlawful interference can be excluded.

However, the national legislation fails to identify mechanisms for the provision of appropriate assistance and protection with a view to re-establishing speedily the child's identity.

Supplementary measures are needed for the appointment of the child's legal representative, and for establishing the state institutions in charge of protecting the rights of the child in case the latter has no identity.

C. Freedom of Expression (Art. 13)

The study conducted concerning the compatibility of the national legislation with the provisions of the Convention has found that the national legislation fails to provide explicit guarantees for the child's right to freedom of expression.

The recent survey on the "Protection and Knowledge of Children's Rights in the Republic of Moldova" conducted by the Center of Information and Documentation on Child Rights provides a clear illustration of the current state of implementation of the right of the child to freedom of expression in Moldova.

To the question "Can you express your views and position freely at school/in your family?", only 17% of the respondents said they could express their views freely at school. For the family, the figure is almost twice as high – 30%. Considering that the respondents were pre-adolescents or adolescents, one may assume that the failure to observe the children's right to freedom of expression results in manifestations of serious anti-social behavior. In this context, let us also mention the share of respondents who stated they could only satisfy their right to freedom of expression at times, seldom or never: at school - 51%, in the family - 37%.

These results can be correlated to the answers provided to the question “Do they ask you for your opinion when making a decision that affects you?”, which received the following responses: at school: in 24% of the cases, the children’s views are always sought; in 14% of the cases, the children’s views are never considered. In the family: in 48% of the cases, the child’s opinion is always sought; in 4.5 % of the cases, the child’s opinion is never taken into account.

The difference between the results scored at school and in the family, respectively, demonstrate the sometimes obsolete and stiff attitude of the school towards the children’s personality.

D. Freedom of Thought, Conscience and Religion (Art. 14)

E. Freedom of Association and Freedom of Peaceful Assembly (Art. 15)

The child’s right to association may be exerted freely by any free child, and the limit of that freedom need to be stipulated in the by-laws of each organization, whose provisions, in their turn, need to concord with the content of the *Law on Civic Associations*. According to Art. 14 in that law, the founders of youth and children associations can only be nationals who have reached the age of 18. Therefore, children cannot become founders of a civic organization.

The initiatives of association, self-expression and participation of the children and young people do not benefit of too much support from the state. On the contrary, youth organizations are given the same treatment by tax authorities as, for instance, any company or production unit. The views of children and young people do not always become a subject of consideration for the central and local authorities.

Recently, non-governmental organizations have elaborated several participatory models, such as the Parliaments of Children and Youth, the Local Councils of Children and Youth, children’s media projects, but they can hardly cover the huge need for such activities, and they are only supported, in most cases, by international donors. These initiatives have not been taken over by the government authorities and the local public administration.

The Moldovan experience in the organization and operation of the Parliaments of Youth has been described in the UNICEF Report on “The State of the World’s Children. 2002”, launched in September 2001 in New York, as an example to follow: “Some of the young democracies in Eastern Europe and the Community of Independent States – particularly Albania, Azerbaijan, Georgia and the Republic of Moldova – are road openers” as promoters of the Parliaments of Youth, which should be looked at not only as “a mere educational exercise for the children and adolescents involved”, but also as “important democratic institutions for the promotion of their rights”.

F. Protection of Privacy (Art. 16)

The right of children to privacy is guaranteed, along with all Moldovan citizens, by articles 28, 29 and 30 in the Constitution. However, the *Law on the Rights of the Child* has failed to incorporate or materialize this constitutional right. This attitude is the expression of the same mentality that finds it difficult to accept that children also have the right to privacy.

In the Republic of Moldova, neither the right of the children to the protection of their privacy, family, home or correspondence, or the right to protection against unlawful attacks on their honor and reputation are guaranteed specifically for children. More than that, the law does not contain any provision concerning the creation of a mechanism whereby these rights could be guaranteed.

G. Access to Appropriate Information (Art.17)

Although the authorities recognize the importance of the important function performed by the mass media, the state does not ensure that the children have access to relevant information, adequate for their age. Several periodicals for children, some of them with a long-standing tradition – “Florile Dalbe”, “Noi”, “Alunelul” or “A’mic”, have a limited circulation, and although they are published on a regular basis, they fail to cover the children’s needs for information.

The lack of means experienced by the editors of these newspapers and magazines, on the one hand, as well as the money shortage that prevents parents and children from buying subscriptions or even single issues of these publications, limit the circulation of information and materials that can be useful for the children.

The State does not promote or support the production and distribution of books, periodicals, broadcasts and programs for children.

H. The Right to be Protected Against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (Art.37 (a))

The fact that in Moldova the cases involving juveniles are examined in the courts of law along with all the other criminal cases, and the proceedings may last between several months and 2 or 3 years, while juveniles are held in preliminary detention, often not separated from the adults, fails to ensure the right of the children to be protected against torture or other cruel treatment.

While the former crime prevention system, which was a joint effort of the families, educational institutions, bodies of workers, community organizations, state bodies, has fallen apart, no other, more efficient model conforming to international standards has come to replace it.

In the system for the supervision and control of juvenile delinquency, the intermediary institutions between the family and the judiciary are missing. The system of services for the prevention of juvenile delinquency is practically absent.

V. THE FAMILY ENVIRONMENT AND ALTERNATIVE CARE (Art. 5, 9, 10, 11, 18, 20, 21, 25, 27.4, 39)

A. Parent Guidance (Art. 5)

According to art. 5 in the Convention, the national legislation contains a set of provisions dedicated to the protection of the child’s interests and the parents’ rights. In that context, art. 48 in the Constitution stipulates that “*the family is founded on the freely consented marriage between a man and a woman, on their equality in rights, and on the parents’ rights and duties to ensure the rearing, education and instruction of children*”. Article 49 in the Constitution stipulates that the state facilitates, by means of economic and other measures, the formation of the family and the fulfillment of the obligations reverting to the state. The State also protects mothers, children and young people, stimulating the creation of the necessary institutions. The *Family Code (Art.2)* stipulates that “*The family and family relationships in the Republic of Moldova are protected by the State*”.

B. The Parents’ Responsibilities (Art.18, par. 1-2)

According to art. 18. in the *Law on the Rights of the Child*, both parents, to an equal extent, or the legal guardians have the primary responsibility for the physical, intellectual, spiritual and social development of the child, the best interests of the child being their basic concern.

According to the *Family Code* (Art. 60), parents have both the right and duty to educate their children, care for their health, physical, spiritual and moral development, their training and preparation for socially useful work.

The parents' duty to educate their children is not completely guaranteed by contraventional and penal provisions and sanctions for failure to perform those duties, and there is no mechanism for implementing sanctions for failure to attend to the children's education, although that failure is sanctioned by the legislation in force.

C. Separation from the Parents (Art.9)

The right of the child to know his or her parents is guaranteed by the *Law on the Rights of the Child* and the *Family Code*, that stipulate that every child has the right to live in a family, to know his or her parents, to benefit from their care, except the cases when separation from one or both parents is necessary in the best interest from the child.

In case the child's parents are unknown, paternity may be established in a court of law. There is no statute of limitation in this case, therefore paternity may also be established even after the child's coming of age or the presumed father's demise. There are problems, however, as far as maternity is concerned, because the national legislation does not contain any provision on the establishment of maternity using judicial means.

D. Family Reunification (Art.10)

The national legislation does not contain any explicit provisions referring to the respecting of this right of the child. The problem of the implementation of the respective article becomes important at this moment when the Republic of Moldova has become a state with open borders, and the migrant flows in and out of the country are very marked.

E. Protection of Children Without a Family (Art. 20)

After World War II, the countries in the ex-Soviet block, and among them the Republic of Moldova, developed a residential care system for children with disabilities and children from socially vulnerable families. The system used to be financed from the state budget, and included public units staffed by personnel that could provide the services stipulated in the regulations of these institutions.

Beginning with the '90s, the effort of the State directed towards child protection has been reduced. The continual economic crisis has led to a chronic under-financing of the system of residential care institutions. This led to a decrease in the quality of care, protection and education, which led to a failure in the respect given to the rights of institutionalized children.

In the current stage, institutionalization continues to be the main modality for granting care and protection to children in difficulty. The children in the residential care institutions are in a difficult situation that disadvantages them in their development.

Since there was an obvious need to identify the best ways for offering care and protection, rehabilitation and education to children in difficulty, UNICEF conducted a study on the “*Situation of Institutionalized Children*”.

The study included an assessment of 45 institutions, representing 67.16% of the 67 institutions that currently exist, being subordinated to three different ministries that are responsible for providing care and education to children in difficulty: the Ministry of Education (41 institutions), the Ministry of Labor, Social Protection and Family (2 institutions) and the Ministry of Health (2 institutions), those institutions being representative for all the institutional types offering care and protection for children in difficulty.

The study was conducted in the interval February 1999-June 2000, and included 9,105 children aged between 0 – 19 years residing in the institutions surveyed, among whom only 14 were temporary residents.

Most of the children institutionalized in the interval 1999-2000 came from families – 80.19%, and the rest from other institutions – 12.41%, from tutor-families – 3.7%, and hospitals – 3.7%. Children aged 7-10 years represent the largest share among children who are institutionalized. The average length of a child’s stay in a residential care institution is of 7.8 years.

The conditions for the protection, care and education of institutionalized children are precarious: the classrooms are cold, lighting is insufficient, the furniture is old and broken, the dormitories are overcrowded (10–18 persons), so there is no possibility for ensuring proper hygiene and privacy for the children, etc.

The nutrition of institutionalized children fails to meet the physiological needs of children in their growth.

Chronic malnutrition represents a risk factor for the subsequent physical and psychological development of children.

The health status of institutionalized children is determined by several factors: nutrition, the conditions of hygiene in the institution, environmental factors, the child’s psychological condition, etc.

The results showed that 72.69% of the children suffer from various chronic somatic diseases.

Residential care and educational institutions are not adequately supplied with textbooks, educational materials, children’s literature, etc.

In conclusion, institutionalized children represent a marginalized and socially disadvantaged category, that do not benefit from protection, care and education.

The residential care and educational institutions for children in difficulty are ineffective, they are huge in size considering the number of children they host, they require a large number of staff, as well as enormous financial means for continuing operation. The existing residential care system is closed, rigid and ineffective.

The communities and comprehensive schools do not get involved in finding solutions for children in difficulty.

It is absolutely necessary to promote a reform of the existing institutional system. The complex character of the phenomenon requires the intervention of all the institutions responsible for the protection and education of children in difficulty, for re-evaluating the legislative and social

protection system, for re-evaluating the organization and operation of the institutional system and the creation of alternative services.

F. Adoptions (Art. 21)

In the Republic of Moldova both domestic and intercountry adoptions are legal.

In the year 2000, the number of children adopted in Moldova was of 147, while in 2001, it was 162. Adoptions are limited by the complicated procedures and the lack of transparency. More than that, most institutionalized children cannot be adopted, because their legal status cannot be confirmed on account of their incomplete files. Moldovan families also prefer to adopt healthy children, which reduces to almost null the likelihood of adoption for children with disabilities or affected by health problems.¹¹ The adoptions that have already been made have not always taken into account the children's best interests and not all guarantees have been secured.

Currently, the number of orphaned children, left without parental care, who are on record in the Republic of Moldova, amounts to 12,262. The process of adoption of Moldovan children abroad started back in 1992, and it continued on and off. In the interval 1994-2000, about 86 children were adopted every year, but the annual average number of children adopted was of about 220. Consequently, between 01.01.1994 and 01.01.2001, 608 children became the subject of intercountry adoption, as follows: US – 400, Italy – 98, Israel – 40, Germany – 11, Belgium – 18, Switzerland – 26, France – 9, Greece – 3, Romania, Russia, the Ukraine – 1 child each.¹²

The number of intercountry adoptions has been in a constant increase during these last years. In 2001, 140 children were adopted abroad, which represents a 100 per cent increase as compared to 1995. Foreign nationals can only adopt children with health problems, for whom no adoptive parents could be found in the Republic of Moldova.

After a temporary discontinuation of intercountry adoptions, motivated by the fact that the adoptions procedures were performed with severe violations of the law and were accompanied by acts of abuse, the Government of Moldova adopted a decision to resume that process in December 2002.

G. Periodic Review of Child Placement (Art. 25)

The national legislation does not contain any provisions concerning the periodic review of child placement, therefore the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment to a periodic review of the circumstances of his or her placement is not observed.

In Moldova, there is no mechanism in place for the reviewing of child placement. The placement of a child in a state-owned institution most of the time becomes final until the child's coming of age.

H. Protection from Abuse and Neglect (Art. 19), Including Physical and Psychological Recovery and Social Reintegration (Art. 39)

¹¹ UNICEF Moldova. Situation of Children and Women in the Republic of Moldova. 2000. Assessment and Analysis.

¹² Information provided by Ilie Vancea, Minister of Education and Chairman of the Adoption Committee, and Raisa Lozinschi, executive specialist with the Adoption Committee, and quoted in "Zece Plus", no. 6 (18), December 2001.

According to the legislation, the State is obliged to protect children against all forms of mistreatment committed by parents or other persons who are responsible for child protection, as well as to apply prevention and treatment programs. The respective stipulations are contained in the *Law on the Rights of the Child*, the *Law on Education*, and the *Law on Health Care*.

The *Criminal Code* and the *Code on Administrative Contraventions* include special norms that refer to the sanctioning of the criminal and administrative actions committed against children, but many of them fall into the category of common norms, which means that they apply equally to both adults and juveniles.

At present, a large number of families are exposed to a severe degradation of their living standard, which generates isolation and destabilization, and as a consequence, induces violence, including violence exerted against minors. In this context, there can be identified various ways in which abuses are committed against children and young people: intentional beating, severe physical punishment, sexual abuse, emotional abuse, forced prostitution, educational neglect, etc. The factors causing this state of things include the following: severe poverty, high unemployment rate, high divorce rate, alcoholism, domestic violence, parents leaving their families in search for work abroad, etc.

In Moldova, there is no network of social services dedicated to children victims of abuse and neglect, that should be part of a national strategy of child protection. Consequently, we find the following:

- an imperfect legislative framework for child abuse;
- the absence of judicial procedures for immediate intervention;
- the absence of a clear definition of the notion of abuse;
- the absence of services providing an integrated, multidisciplinary approach to abused children;
- the absence of collaboration among the structures involved.

The Republic of Moldova does not have official statistical data on the cases of child abuse and neglect.

A study for the evaluation of child abuse in Moldova, conducted by the National Center for the Prevention of Child Abuse (NCPCA) in 1999-2000, provides relevant data concerning the rate of abuse depending on a variety of factors. Therefore, out of the 298 children included in the survey, 201 (67.4%) have been exposed to at least one form of abuse. The figure appears to be high, but it is quite similar to rates recorded in countries such as the US or Chile.

The implementation of Article 19 in the Convention is performed by means of the activities of the National Center for the Prevention of Child Abuse (NCPCA), in the program for preventing violence in school, in the specialized training of the relevant professional groups, the program for psychological and social assistance for children victims of any form of abuse or neglect, the program for social information and dissemination.

For instance, the objectives of the psychological and social assistance program for the child and family include the promotion of a specialized psychological and social services, the dissemination of a multidisciplinary model in approaching the cases of child abuse and neglect, awareness raising among parents, professionals and the society at large concerning abuse in the family.

The implementation of the program of psychological and social assistance of the child allowed the creation of an operational mechanism for recording notifications about suspect cases of child abuse, filed either by private persons (children, parents, neighbors, relatives, etc.), or various institutions (the Directorate for Child Protection, the Police Inspectorate, the Department for Education, etc). Moreover, the program allowed the multidisciplinary examination of approximately 280 cases of child abuse and neglect.

Considering the current state of play, we need to emphasize the necessity of concrete action to be undertaken in the legislative, administrative, social and educational fields in order to eliminate child abuse in Moldova.

VI. HEALTH AND WELFARE (Art. 6, 18 par.3, 23, 24, 26, 27 par.1-3)

In Moldova, the poorest country in Europe, health care services are in a state of near collapse since, following a dramatic reduction of the financing in the sector, the access and quality of services provided to the population have been reduced, and the personnel receive their salaries with delays of several months, the salaries being anyway among the lowest in the national economy.¹³

A. Children with Disabilities (Art. 23)

During these last years there has been a considerable increase in the number of disabled children, from 12,400 in 1995 to 14,000 in 1999, and the trend is still on an upward slope. Calculated in percentage points, the invalidity rate currently amounts to 12.9 in 1000 children, as against 11.1 in 1996.

The system of residential care institutions for children with disabilities includes the following types: **special schools** for children with sensory and motor disabilities – **8 institutions**, providing protection for 1085 children; **auxiliary schools** for children affected by mental disabilities – **28 institutions**, providing protection and education for 3364 children, and two **children's homes**, one for boys and one for children, hosting 530 children with several mental disabilities.

B. Health and Health Care Services (Art. 24)

Like many other domains, the provision of health care for mother and child in the Republic of Moldova is declared to be a priority by law. However, in practice children and mothers do not have a very wide access to health care services. According to a Multiple Indicator Cluster Survey, 15.4% of the families have to forego medical assistance due to financial constraints. Another 40.3% of the families have been forced, at least once, to forego or to discontinue treatment for the same reason.

According to the data provided jointly by the Ministry of Health, the Ministry of Education, and the National Scientific and Practical Center for Preventive Medicine, the number of children considered to be at risk has increased by 70.5% over the last two years, while the number of children who have never been sick during the school year has decreased by 18.6%. The number of students suffering from diseases of the central nervous system and mental disorders increases with age, and this category ranks second on the morbidity list.

In high school, the morbidity rate for diseases involving the digestive and cardiovascular systems is 1.3-2.2 higher than the rate recorded among primary school students. Similarly, among high school students there are 2.2 times more cases of myopia than among younger students. A significant number of students smoke, and are consumers of alcohol and drugs. Another reason for concern is the extremely high rate of sexually transmitted diseases. The results of the routine checkups performed among students have become much worse.¹⁴

Adequate hygiene standards are not promoted among children which, in combination with poverty and a reduced accessibility of health care services, contribute to the appearance of cases

¹³ Study conducted by the International Labor Organization (ILO) and Public Service International (PSI), January 2002.

¹⁴ Press release of the Ministry of Health, 14 January 2002. National Center of Medical Information, www.mednet.md.

of dysentery and viral hepatitis. Every year, there is an unjustified reduction of the number of medical personnel working in schools, and the medical wards are not supplied with the necessary equipment and medication.

Adolescents are confronted with several psychological problems and various risks jeopardizing their reproductive health. In the absence of a comprehensive service providing medical, psychological and social assistance for adolescents, it has become necessary to organize Youth Health Centers, as a new form of complex multi-focal medical and psychological assistance for adolescents.¹⁵

C. Social Security Services and Other Facilities for Children (Art. 26 and 18, par. 3)

D. The Living Standard (Art. 27, par. 1-3)

Article 47 in the Constitution of the Republic of Moldova stipulates that the state has the obligation to take measures in order to secure a decent living standard to all citizens, that can ensure their own and their family's health and welfare, including food, clothing, housing, medical care, as well as the necessary social services. Moldovan nationals have to right to social insurance when they are unemployed, they are affected by a disease or disability, they are old or in other cases that deprive them of their means of subsistence, following circumstances that are independent of their will.

According to Art. 11 in the *Law on the Rights of the Child*, the state protects the child from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual or social development. In order to achieve the implementation of the constitutional right to social assistance of the child's parents or legal representatives, the national legislation contains several provisions referring to financial facilities and services.

According to the World Bank, more than 60% of all families live below the poverty line. Poverty disproportionately affects families with many children, single-parent families, children with physical and mental disabilities, and youth who have abandoned educational opportunities. These categories make up over half of the total population.

At the end of 1997, it was calculated that almost one-quarter of the population lived below the food poverty line.¹⁶ The average daily consumption in 1998 was 1980 calories per person, which is 5% less than the Food Assistance Organization minimum for basic functioning, and less than 80% of the required daily intake of 2500 calories for normal functioning.¹⁷

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES (Art. 28, 29, 31)

A. Education, Including Vocational Education (Art. 28)

In the Republic of Moldova the right of the child to education is regulated by the *Law on the Rights of the Child* and the *Law on Education*. This right is materialized in three forms: the right of every child to free education in comprehensive schools, and to continuing their studies in vocational schools, high schools, colleges and higher education institutions; the right of every child affected by a physical disability to be educated in special schools; the right of every orphan

¹⁵ National Information and Consultancy Center for Family Issues, Center for Medical and Social-Demographic Research on the Family within the Moldovan Academy of Sciences. "Particularities and Trends in the Demographic Processes in the Republic of Moldova", Chisinau, 2001

¹⁶ World Bank, *Poverty Assessment*, Moldova, 2000.

¹⁷ UN Moldova, *Common Country Assessment*, 2000.

child deprived of his or her family environment to education and to full coverage of all expenses during schooling.

99% of the primary school age children in the Republic of Moldova are enrolled in primary schools. More than 98% of the children enrolled in the first grade get to attend the fifth grade. The vast majority of the population over 15 (96%) is literate.¹⁸

However, the conditions the entire educational system is confronted with raises serious problems concerning the accessibility and quality of education. The number of children not enrolled in school is increasing. Official figures indicate that the number of children not enrolled increased by 60% over the year 2000, from 5,054 in 1998-1999 to 8,000 in 1999-2000. Independent sources estimate that the actual figure may be 2.5 times higher.¹⁹

Poor and rural children are significantly less likely to be enrolled in the educational system. Although the majority of the population lives in rural areas, the enrolment rate in compulsory education of country children is considerably lower than in urban areas. Children from low-income families are 5% less likely to enroll into the educational system. Children from rural families with two or more children are at highest risk.

This inequality in educational opportunities is marked in urban centers, with a 20% discrepancy in Chisinau, and about 12% difference in other towns. In 1997, over 15% of children from low-income families were not attending school in rural areas.²⁰ Poor access continues into higher education, with low-income youth less than half as likely to be admitted into university.

About 1400 students in pre-university educational institutions dropped out of school during the first term of the current academic year (2001-2002): 305 of the dropouts were primary school students, and over 1000 were lower secondary students.²¹ According to officials in the Ministry of Education, some children drop out of school because of school failures, others fail to attend because their parents do not have enough money to buy them clothes and shoes, and during these last years very many children are taken along by their parents when they go abroad looking for work.

Closures of educational institutions, inadequate transportation and poor conditions are preventing children from receiving an education. In most cases, kindergartens are being closed due to insufficient funding, and those that continue to operate do not provide year-round programs. Moreover, the facilities are also deteriorating with heating shortages and poor sanitation.

Many children from remote locations do not have adequate transport to the nearest school.

Lower rural access to education may amplify poverty rates in the future. Poverty is much greater in families where parents lack a certain education level. One quarter of the poorly educated people were low-income earners in 1997, up to three times the poverty rate of those with a university degree.

The number of 15-year old graduates decreased by 15% from 1989 to 1997.

The alarming situation in the compulsory and lyceum education is also determined by the closing down of comprehensive schools and the development of the lyceum network. If lyceum

¹⁸ UNICEF. Multiple Indicator Cluster Survey (MICS). Republic of Moldova, 2000.

¹⁹ UN Moldova. *Common Country Assessment*, 2000.

²⁰ World Bank, *Poverty Assessment*, Moldova, 2000.

²¹ Data presented by the Directorate for the Management of Compulsory Pre-university Education with the Ministry of Education, "Dialog", 8 February 2002.

education continues to be seen as a preparatory stage for university, rather than as a part in the general shaping of the personality, only 5-10% of all students will have access to this type of non-compulsory education. At the same time, if comprehensive schools close, this will lead to a sudden decline in the general education level of the rural population.

In order to go to a lyceum, students have to leave their villages and go to towns or larger villages where there are lyceums. It is important to mention that the share of urban vs. rural population in Moldova is of 42 % and 58 %, respectively.²²

The Multiple Indicator Cluster Survey (MICS) indicates that less than one third of the children between 36-59 months are included in early childhood development programs, such as kindergartens or community child care centers providing organized educational activities. Pre-school education for children between 3 and 6 (7) years is organized in institutions of various types and with various ownership, mainly state-owned.

During the last six years, the number of pre-school educational institutions has decreased by 36%: from 1,774 in 1994-1995 to 1,135 in 1999-2000. The enrolment rate in kindergartens has dropped by about 20%, while the number of teaching staff fell by about 48%.

The closure of kindergartens has especially affected preschool education in the rural areas. This led to an increase in social inequality, by limiting educational opportunities for rural children, which currently account for 65.35% of the total number of children in the 1-7 age group in Moldova. There is a difference of 24.08% between the children in rural and in urban areas enrolled in kindergartens by areas (between 21.06 and 45.14%) and of 6.38 % in the total number of children enrolled in kindergartens (46.81% in villages and 53.19% in towns).

There is a need for a clearly defined state policy concerning the early development of children between birth and the age of 7. The goal of such an educational policy will have to be ensuring access to (formal or informal) education to all children, as well as formulating measures to include children in disadvantaged families and in rural areas.

Moreover, it is necessary to improve the quality of education from the perspective of life-skills training.

Similarly, more has to be done to give mothers and families the knowledge and skills necessary in early childhood care and development. Finally, local communities need to be involved in providing support for educational development.

B. Goals of Education (Art. 29)

The *Concept of Education* stipulates that the education of the child shall be directed to the development of the child's personality and talents, preparing the child for an active life as an adult, to the development of respect for human rights and fundamental freedoms, for his or her own cultural values, and the national values of the child's own country and civilizations different from his or her own.

If we assess the educational system using the *Education for All* forum (Dakar, 2000) criteria for understanding the quality of education, we find that factors such as a child's stimulation and development, life-skills, a child's participation, self-awareness, promotion of tolerance, and a

²² Health for All Statistical Database, World Health Organization, January 2000.

healthy and friendly school environment are severely limited or non-existent in the educational system in Moldova.

Relevant and accessible information, including information on life-skills, a health lifestyle and social values, is not commonly available to all young people. Neither school curricula, nor families provide education in the key areas of health, nutrition, family planning and communication.

Adolescents leaving residential care institutions are particularly disadvantaged due to their social isolation and low educational background.

C. Leisure, Recreational and Cultural Activities (Art. 31)

Artistic education includes especially musical education and education in the fine arts, in art schools. During these last years, many of these schools have been closed, particularly in the rural areas; schools in the urban areas find it very hard to survive because of the austerity conditions imposed, and in many cases they have resorted to high tuition fees, which limit access to a large extent.

As for sports schools, the only ones surviving are those of a republican level, the local ones having been destroyed and closed.

During this last year, with support from UNICEF and the local authorities, new models of child- and youth-friendly recreational centers have been created in the city of Chisinau. However, these center are far from covering all needs.

VIII. SPECIAL PROTECTION MEASURES (Art. 22, 38, 39, 40, 37 (b)-(d), 32-36)

A. Children in Emergency Situations

1. Refugee Children (Art. 22)

Until 2001, the Republic of Moldova was the only European country that had not signed the 1951 Convention on the Status of Refugees and its 1967 Protocol, and did not have any legislation in the field. The year 2001 marked a change in that situation. On 23 November 2001, the Republic of Moldova approved a law whereby it adhered to the 1951 Convention and the 1967 Protocol.

On 1 January 2002, there were 276 refugees living in Moldova based on the UNHCR protection mandate, and there were 51,000 internally displaced persons on Moldova's territory.

The Programs of the Chisinau Office of the United National High Commissioner for Refugees also included internally displaced children, who took refuge from the territories that were outside the control of the Moldovan Government after the military conflict in Transnistria, and who need support in order to be able to return in safety and dignity to their homes, or to be fully integrated in their new environments.

B. Children Included in the Juvenile Justice System

The absence of a juvenile justice system in Moldova is projected on the background of a constant increase in juvenile delinquency rates, an increase in the severity of crimes, a larger number of vulnerable families and adolescents, the falling apart of the social crime prevention system, and a

departmental dispersion in the solving of problems relating to the social and legal protection of minors.

During the last 6 or 7 years, the number of crimes committed by adolescents has been in a constant growth. In 2000, the number of juvenile offenders was of 1096, which represented about 50.7% more than the figure for the previous years, their share accounting for 17.7% of the total number of crimes committed. 934 minors out of all those involved in crimes, or 85,8%, did not have a job or go to school.

1. Delivering Justice to Juveniles (Art. 40)

In the Republic of Moldova there is no separate system for juvenile justice. Although the national legislation does provide some provisions and recommendations for the delivery of justice in the cases involving juveniles, many of them, for instance alternative sentencing, do not work, in lack of an implementation mechanism.

Previously there had been some practice to specialize judges in juvenile issues. In that context, before 1995, at the Supreme Court of Justice there used to be a panel of judges specializing in juvenile cases.

The current judicial system in the Republic of Moldova does not include specialized institutions for attending to cases involving juveniles – courts of law, panels of judges, specialist lawyers. For that reason, instead of being granted speedy access to judicial assistance and the right to a speedy decision in their cases, children have to go through the same procedure as any adult. Under the circumstances, procedures last between several months, up to 2 or 3 years. While their cases are being examined, juveniles are held in preliminary detention together with the adults, often repeat offenders.

According to national experts, the establishment of specialized courts of law for juveniles is a necessity, and cases involving juveniles need to be assigned only to prosecutors or judges specializing in the field. One of the objectives of the courts for juvenile delinquents could be the replacement of punitive measures by alternative solutions.

The implementation of a juvenile justice system in Moldova requires significant material and human resources, but a simple assessment of the benefits that could be achieved by the resocialization and social reintegration of the persons who committed their first crime in their adolescence will easily demonstrate the advantages lying in modeling behavior at the appropriate age.

Some of the alternatives to the criminal sanctions are not clear enough so that their effect on juvenile delinquents can be measured. For instance, there are insufficient data about the efficiency of returning juveniles under the strict supervision of their parents or legal representatives.

The provisions of the Convention have not been made widely known to specialists in the legal profession so far.

Special attention needs to be granted to the information and documentation of the law enforcement community about the international regulations concerning the rights of the child, as well as to the development of their practical skills in implementing the provisions of the Convention in the processing of delivering justice to juveniles.

2. Children Deprived of Their Liberty, Including Any Form of Detention or Placement in Custody (Art. 37 (b)-(d))

After their causes are examined, in case juveniles are found to be guilty, they are submitted to the almost unique form of re-education available in Moldova, which is depriving them of their liberty. No probation or social assistance systems are available for the supervisions and education of juvenile exhibiting deviant behavior.

According to reports, in the colony for woman offenders at Rusca there are large dormitories without any real separation between adult women and juveniles, as the law would provide. There is no school education in the colony, only some vocational training (making military clothes).

The juveniles who are retained or are under arrest are held within the police precincts for up to 72 hours in quite a few places. This generates various problems, since police precincts are not equipped for receiving minors.

3. Recovery and Social Reintegration of the Child (Art. 39)

The state does not offer a range of care, recovery, orientation supervision, guidance, probation, or family placement services, or general educational and vocational programs in order to ensure adequate treatment to children included in the system for delivering juvenile justice.

The Republic of Moldova needs to develop the legal framework for the supervision of juvenile delinquents, as well as the forms of integration to be applied to them, the education of these categories of children having to become the task of social workers and educators belonging to a social child protection service – a type of institution that is currently non-existent – and not the task of the police, as it is currently the case.

In order to improve the situation in the field, a set of actions is required, such as:

- improving the legal framework by means of a diversification of the types of punishment applied to juvenile delinquents, by increasing the share of sanctions that do not deprive juveniles of their liberty;
- specializing courts of law and prosecutorial bodies in cases involving juvenile delinquents;
- creating a juvenile justice system which observes the European standards in the field.

C. Children in Situations of Exploitation, Including Recovery and Social Reintegration

1. Economic Exploitation of the Child, Including Child Labor (Art. 32)

Working children are less likely to attend school and more likely to drop out of school. This tendency may include children in a vicious circle of poverty and disadvantages. Working conditions for children are not regulated by law, and there are few protection measures in place against potential abuse. Moreover, many types of work involve threats, and some of them present threats that are less obvious for children.

According to the Multiple Indicator Cluster Survey (MICS), in the Republic of Moldova only 2% of the children between the ages of 5 and 14 are employed in paid jobs. Almost 10% perform unpaid jobs, usually for one of the members in the household.

Children between the ages of 10 and 14 are more likely than children in the 5-9 group to perform paid, unpaid or odd jobs in the household for more than 4 hours a day. Regional variations are the highest when it comes to the share of children involved in unpaid jobs for somebody outside

the family. This indicator ranges between 9% in the Western region and as much as 17% in the eastern region of Moldova.

Children who have performed some unpaid job for a member of their household, or who have done some other work in the family are considered to be children “who are currently working”. In total, 37% of the children are classified as currently working.

The social and economic status is closely associated with the share of children who are currently working. The share of working children ranges significantly from 20% in the case of children in the better off centile to 50% in the case of poor children. Doing work in the household for more than 4 hours a day is four times as frequent in the case of children in the poorest centile, as compared to children in the better off centile. One in every 3 children in the poorest centile, and only one in every 20 children in the better of centile are involved in farming activities.²³

2. Drug Abuse (Art. 33)

The large amounts of drugs existing on the territory of the Republic of Moldova was the main reason why it was felt necessary to create an independent service to deal with illegal drug trafficking and the prevention of drug trafficking as part of the Ministry of the Interior, back in 1999.²⁴ Currently, the authority to attend to these matters reverts to the Anti-Drug Section within the Department for Fighting Organized Crime, Corruption and Drug Trafficking.

On 6 May 1999, the Parliament of the Republic of Moldova adopted the *Law on the Circulation of Narcotic Drugs, Psychotropic Substances and Precursors*. In order to prevent and control drug addiction, on 30 March 2000, the Government adopted the *Program for the Control of Drug Addiction and Drugs in the Period 2000-2001*.

Drug use and addiction are among the major threats facing adolescents. Increasing numbers of adolescents are consuming and becoming addicted to drugs and alcohol. Young people make up 88% of all drug users. The number of officially registered cases multiplied by four between 1995 and 1998, while new cases multiplied 3.5 times.²⁵ It is believed, however, that the actual number of adolescent drug users and addicts is much higher.

Intravenous Drug Users are at higher risks of contracting HIV/AIDS or hepatitis, not to mention facing the threat of an overdose. Annually, over 120 drug-users die as a result of overdoses, most of whom are aged between 15 and 25. In January 1999, 521 adolescents were officially identified as alcoholics.

During the first half of 2001, 211 minors were retained by the police for illicit use of drugs.²⁶

The authorities of the Republic of Moldova involved in the control of illegal drug trafficking are confronted with several obstacles, such as:

- Inconsistency between the national legislation and the international conventions to which Moldova is a party;
- Inadequate equipment and insufficient financing of customs border control points;
- Inadequate professional competence and knowledge of the employees whose task is to control illegal drug trafficking;

²³ UNICEF. Multiple Indicator Cluster Survey. Republic of Moldova, 2000.

²⁴ UN Moldova. Common Country Assessment, 2000.

²⁵ UNICEF Moldova, Reproductive Health Survey, 1998.

²⁶ Press Office of the Ministry of the Interior, 21 September 2001.

- Lack of control on the territory of Transnistria and over the 150 km borderline between Moldova and the Ukraine;
- Failure to focus the work performed by specialists in the judiciary and inefficient coordination of activities by the relevant institutions;
- Inadequate legislation for approaching the cases of contraindicated individual use of drugs;
- Lack of awareness-raising activities concerning drug abuse.²⁷

3. Sexual Exploitation and Sexual Abuse (Art. 34).

At present, there are no credible studies or statistics concerning the sexual exploitation of Moldovan children, but there are various indirect data available that confirm the existence of this phenomenon, both inside the country, and internationally.

Law enforcement authorities are identifying a growing number of cases of prostitution among minors. In its 2001 Report, the Chisinau Municipal Police Inspectorate stated that a number of 994 children had been brought in to the police precincts for their immoral conduct.

In order to protect children from any form of sexual abuse, it is necessary to draft special provisions concerning the use of minors for the distribution of pornographic materials and images, the use of their voice, or the commercial exploitation of children for sexual tourism. The criminal procedure also needs to be improved by the addition of special norms to provide protection for children who have been the victims of sexual abuse. It would also be advisable to create a special legal framework for the employment procedure for the personnel to be involved in working with children who have been the victims of abuse.

A recent addition to the national legislation is a new article concerning the trafficking of human beings, art.113/2. However, since this article fails to describe all the signs of the crime of trafficking, the provision has limited effectiveness.

4. Sale, Trafficking and Abduction (Art. 35)

The economic crisis and the recession in production, the high inflation rate, the increasing number of unemployed, the reduction of social expenses, the lack of opportunities for the younger generation, the absence of family support policies have all generated a disastrous migratory trend for Moldova. According to unofficial data, at present there are approximately 200,000 Moldovans wandering around Europe in search for work (there are sources who place that figure at 600,000 or even 800,000).

During these last years, Moldova has been included in the international network of illegal trafficking with human beings, that has become a well organized and extensive phenomenon, most of the persons who are the victims of trafficking for prostitution being women.

The persons who are exposed to the highest risk of becoming the victims of trafficking are young women and adolescent girls, who have been the victims of domestic violence and incest, have been orphaned, come from socially vulnerable families (girls whose parents are alcoholics or come from single-parent families). Most of them come from poor families, often with many children.

A year ago, Moldova launched the project called “Center for the Prevention of Trafficking in Women”, supported by the US Embassy in the Republic of Moldova, and implemented by the Association of Women in the Legal Profession. The main objective of the center is to prevent the

²⁷ UN in Moldova. Common Country Assessment, 2000.

trafficking of women by means of information and documentation, as well as to create an efficient anti-traffic network, with the involvement of various international partners, state structures, implicitly representative of the law enforcement bodies, as well as non-governmental organizations operating in the field.

According to the data made available by the Center, 618 persons have been the subject of police search so far, and further 180 young women and girls have been identified as victims of trafficking outside the borders of the country.

There are no studies or comprehensive analyses on the traffic of human beings performed as yet in the Republic of Moldova. The statistical information available is inaccurate and stray. There are no exact data about the number of women who have left the country in search of a way in which they could support themselves or their close ones. It was only found that women represent 70% of the total number of people who have emigrated from Moldova. In most cases they leave the country having a very vague idea about where they are going or what fate awaits them abroad.

The Report entitled “Victims of Trafficking in the Balkans” reveals that, in the year 2001, the offices located in the Balkans of the International Organization for Migration granted assistance to a number of 697 women who had been the victims of trafficking out of which 47% came from Moldova.²⁸ According to the IOM Office in Chisinau, 10 to 15% of these women are minors.

It is absolutely necessary to conduct a study in order to identify, at least with approximation, the dimensions of this phenomenon.

According to the information provided by representatives of the law enforcement authorities, a particularly acute problem is the trafficking of minors from Moldova to Russia. If we consider the number of minor prostitutes who have gone or have been taken to Russia, Moldova has managed to exceed the Ukraine, which used to rank first in this sorry statistics. Annual, about 5000 girls from Moldova are taken to Russia and forced to provide sexual services.

When women manage, however, to escape the trafficking network and to return home, the Moldovan society is very intolerant, therefore the possibility of their social reintegration and rehabilitation is practically null. Once returned home, the girls and young women who have been the victims of trafficking cannot hope to benefit from state support, while the support potential NGOs have available for them are quite limited.

According to some sources, Moldovan children are torn away from their parents with promises of a comfortable life in the West or they are abducted to be turned into organ donors in clandestine clinics somewhere in Europe. A highly circulated Italian daily told the hallucinating story of a Moldovan adolescent, Nicolae, who was meant to get into a Czech clinic to have his organs removed, but who managed to escape the people who were planning to kill him and managed to get to Padua in Italy, where he received support from the Community Social Services in the form of shelter, education and psychological therapy for recovery. “La Repubblica”, 22 November 2001

In order to curb the trafficking of persons, on 30 July 2001 the Parliament adopted a law for completing the *Criminal Code* and the *Criminal Procedure Code*, by introducing Article 113/2: “Illicit trafficking in human beings”. However, the law fails to provide for adequate mechanism for sanctioning the traffickers, for protecting and rehabilitating the victims, and the law

²⁸ IOM. “Victims of Trafficking in the Balkans”, January 2002.

enforcement authorities do not possess the necessary knowledge to implement the legislation on the trafficking of women.

There is currently no strategy available that could be applied to prevent and eliminate this social flaw, as there are no consistent efforts from the relevant authorities. It would be extremely important to achieve cooperation between the state institutions and the non-governmental organizations whose goal is to eliminate the trafficking in human beings.

In order to reduce the dimensions and eventually eliminate trafficking in women and children in Moldova, non-governmental organizations have proposed the following set of measures:

- Drafting policies and social programs for the prevention of trafficking in human beings, including economic and legislative measures;
- Improving national legislation, by clarifying in it the notion of traffic in all its forms, and devising mechanisms for curbing and punishing the trafficking in human beings;
- Creating an effective system for coordinating various branches of the executive and implementing a multidisciplinary mechanism in the field;
- Developing a network for psychological and medical care, shelters for the victims of trafficking and sexual exploitation;
- Creating national anti-traffic networks and already existing regional and national networks;
- Developing cooperation and collaboration mechanisms among states parties for the purpose of strengthening anti-traffic measures in the region;
- Providing media coverage for the phenomenon;
- Providing training for the law enforcement authorities;
- Adopting policies for the treatment of persons who have been the victims of trafficking.

5. Other Forms of Exploitation (Art.36)

The national legislation does not contain any other provisions referring to other forms of exploitation that may harm children other than those stipulated under articles 33, 34, 35 in the Convention on the Rights of the Child.

D. Children of the Minorities and Other Indigenous Populations (Art.30)

Article 30 in the Convention on the Rights of the Child is dedicated to the protection of a child belonging to an ethnic, religious or linguistic minority against a denial of his or her right, “in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language”. The content of this article is reflected in the fundamental law of the country, the Constitution of the Republic of Moldova, under article 10, as well as in the *Law on Education*, which provide equal opportunities for education to all children, including to children belonging to ethnic minorities.

According to the official data made available by the Ministry of Education for the academic year 2001-2002, out of a total number of 591,654 children enrolled in schools in the Republic Moldova, 36,601 are Ukrainian (6.19%), 31,270 (5.28%) are Russian, 4.83% are gagauz, 1.78% are Bulgarian, 0.27% are Gypsy, 0.16% are Jewish and the remaining 0.16% belong to other nationalities. Out of the approximately 600,000 students, 464,235 (78.5%) study in the Romanian language, while 124,899 have Russian as their school language. 374 Ukrainians and 171 Bulgarians study in their respective mother tongues.²⁹

²⁹ “Faclia”, 26 January 2002

Therefore, the state ensures equal rights to acquire both their mother tongue and the official language to all children, irrespective of their nationality. Owing to various cultural programs and exchanges, they have the opportunity to spend time in the countries where their mother tongue is the national language, where they can study their history and language.

RECOMMENDATIONS

Finding the situation of the children in Moldova to be critical, practical action needs to be conducted at a national level in health, education and protection;

Considering that the problems involved in combating HIV/AIDS infections, the creation of social services addressed to families and children at risk, the provision of alternative care for children and the establishment of a juvenile justice system that should meet the needs and realities of today are all of a primary importance;

Considering that the rights of the child can only be ensured by joint action, multidisciplinary efforts, as part of common programs and structures, including at the level of the civil society,

We recommend the elaboration of policies and strategies for child and family protection that include the legislative and institutional domains, human resources and social services.

In the legislative domain, there is a need to:

- Evaluate on a regular basis the legislation of the Republic of Moldova in the domain of the rights of the child from the perspective of its compatibility with the Convention, with the participation of international experts and specialists in various areas;
- Draft and adopt the necessary amendments to the legislation in force and, before everything else, to the *Law on the Rights of the Child*;
- Adopt the *Law on Social Assistance*;
- Create a legal framework for alternative child care services, volunteering, juvenile justice, a.o.;
- Add provisions in the *Civil Procedure Code* and the *Civil Code* in order to regulate the modalities of addressing and examining cases involving juveniles in a court of law, as well as provisions referring to measures of protection for children who have been the victims of abuse;
- Create viable mechanism for the implementation of the legislative acts in the field, while granting particular attention to the achievement of the rights of the disadvantaged groups of children;
- Improve the legal framework by providing for a diversification of the punishments applied to juvenile delinquents, by increasing the share of sanctions that do not deprive them of their freedom;
- Draft regulations for the organization and operation of the activities conducted by the institutions, as well as by the alternative organizations providing care and education to children in difficulty;
- Draft and review service standards in child care, education, medical care, social assistance and rehabilitation in state-owned institutions and for alternative services for children in difficulty;
- Define the competence of the public authorities in identifying, combating, examining and sanctioning cases of child abuse and neglect;
- Draft norms for the financing of the residential care and educational institutions for children in difficulty, and providing realistic allowances, that can cover the needs of the child;
- Define the criteria that need to be observed by the personnel appointed to work with children in different fields;
- Regulate in a law the participation of the non-governmental sector to the activity of social protection of the child and family, for the delegation of competence, control mechanisms and responsibilities reverting to the non-governmental sector in this field;

- Draft a plan for the community development of social assistance, the protection of children in difficulty and of their families;

In the institutional domain, it is necessary to:

- Perform an evaluation of the current institutional system, and draft a strategy for the restructuring of these bodies or the establishment of new specialized bodies within the executive, as well as in the public administration;
- Create and develop a network of social services for the families and children in difficulty;
- Establish services authorized to keep a record of and solve cases of child abuse and neglect, that should monitor the investigation and resolution of such cases;
- Create specialized judicial and prosecutorial bodies that should make sure that the legal interests of minors are ensured and their problems are solved;
- Specialize courts of law and prosecutorial bodies in cases involving juveniles.

In capacity building, there is a need to:

- Elaborate a policy for training in the rights of the child, including the curriculum for the training of civil servants, teaching and medical staff, professionals working in the judiciary and law enforcement bodies;
- Ensure the continuous training and development of managerial staff and professional specializing in child care, education and rehabilitation;
- Expand the training network of specialists in social assistance, by establishing relevant departments within pedagogical and medical colleges;
- Train human resources specializing in various domains of child protection;
- Organize public awareness, information and education campaigns concerning the rights of the child, with the involvement of the media, also by providing free air time for educational campaign of public interest;
- Organize family education campaigns, particularly for younger parents, to ensure improved child care.

LIST OF NON-GOVERNMENTAL ORGANIZATIONS THAT HAVE CONTRIBUTED TO THE REPORT

1. Association of Women with a Legal Career
2. Association for Health Management and Insurance
3. Association for the Promotion of Social Assistance
4. Association “Youth for the Right to Life”
5. Association “Viitorul” (The Future), Balti
6. Information and Documentation Center for Children’s Rights
7. National Center for Early Education and Family Information
8. National Center for the Prevention of Child Abuse
9. Center for the Prevention of Trafficking in Women
10. Society for Family Planning

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